



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521

AGENDA
Trees and Views Committee
Meeting

**TREES AND VIEWS
COMMITTEE**
Tuesday, March 15, 2022

CITY OF ROLLING HILLS
7:30 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 Committee members on Trees and Views will participate by teleconference. Public Participation: City Hall will be closed to the public until further notice.

A live audio of the Trees & Views 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 via <https://us02web.zoom.us/j/99343882035?pwd=MWZXaG9lSWdud3NpajYwY3dFblIFZz09>

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 NON-AGENDA ITEMS**
4. **APPROVAL OF MINUTES**
5. **OLD BUSINESS**
6. **NEW BUSINESS**
 - 6.A. [VIEW PRESERVATION COMPLAINT - 16 GEORGEFF ROAD \(BEILKE - COMPLAINANT\) AND 2 EL CONCHO \(GREENBERG - VEGETATION OWNER\)](#)
RECOMMENDATION: Open the public hearing, take public testimony, discuss the item, refer the parties to mediation, and continue the item for 60 days.

[Attachment - Beilke's CTV Application.pdf](#)
[Rebuttal Greenberg-c1.pdf](#)
[Beilke Emails.pdf](#)
[Email_Beilke_031022.pdf](#)

7. ITEMS FROM STAFF

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.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

Agenda Item No.: 6.A
Mtg. Date: 03/15/2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JOHN SIGNO, DIRECTOR OF PLANNING & COMMUNITY SERVICES

THRU: ELAINE JENG P.E., CITY MANAGER

**SUBJECT: VIEW PRESERVATION COMPLAINT - 16 GEORGEFF ROAD (BEILKE -
COMPLAINANT) AND 2 EL CONCHO (GREENBERG - VEGETATION
OWNER)**

DATE: March 15, 2022

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. The complainant must first follow the steps for initial reconciliation and mediation before seeking an advisory opinion from the Committee on Trees and Views (CTV). If the complainant is not satisfied by the recommendation of the mediator, the complainant may request a public hearing before the CTV (See Beilke's Application). 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.

Complainant's records show that they purchased the property in 2005. In September 2020, Complainant visited Vegetation Owner in introduce themselves and discuss concerns with newly planted vegetation. In April 2021, the Vegetation Owner planted a large tree that the Complainant alleges directly blocks the majority of views of city lights, and vegetation was continued to be planted into May 2021. On May 4, 2021, Complainant sent a letter to the Vegetation Owner to begin initial reconciliation. On July 14, 2021, Complainant sent a follow up letter to initiate mediation after no response was received from the May 4, 2021 letter. The letter gave until September 13, 2021 to receive a response. On October 26, 2021, Complainant sent a third letter confirming that a letter was received from the Vegetation Owner's attorney on September 10, 2021 agreeing to mediation. Complainant attempted to contact Vegetation Owner's attorney via emails and phone messages on September 14, 2021, September 20, 2021, September 29, 2021, and October 25, 2021 to select a mediator and mediation date to no avail. On November 15, 2021, Complainant filed a View Impairment Complaint Form with the City.

Subsequent to noticing the item for a public hearing, staff received additional correspondences between the parties that occurred on November 9, 2021 and December 2-3, 2021. On March 8, 2022, a letter was received from the Greenbergs' attorney, Ms. Jennifer Duffy, indicating they would like to go through the mediation process. Additional emails were provided by the Beilkes on March 9-10, 2022. The correspondences are included as attachments. Below is a summary of events.

Timeline

May 4, 2021: Bielkes sent their Initial Reconciliation request letter (pursuant to RHMC 17.26.040(A)(1)) to the Greenbergs.

July 14, 2021: Bielkes sent Mediation request letter (pursuant to RHMC 17.26.040(B)(1)) to the Greenbergs having not received a response by the 60-day deadline (July 5, 2021).

Sept. 10, 2021: Greenbergs agreed to mediation within 60-day deadline. At that point, the parties had 60 days (until November 9) to select a mediator (pursuant to RHMC 17.26.040(B)(2)).

Oct. 26, 2021: Bielkes wrote to the Greenbergs stating among other things their attempts to arrange mediation with the Greenbergs via email and phone on September 14, September 20, September 29, and October 25 – to no avail.

Nov. 9, 2021: Greenbergs reached out with a mediator suggestion on the last day of the 60-day period.

Nov. 15, 2021: Bielkes filed the view complaint with the City.

Dec. 2, 2021: Greenbergs followed up with the Bielkes on mediation, unaware that the view complaint had been filed.

Dec. 3, 2021: Bielkes followed up indicating Nov. 9, 2021 email was not received and prior emails and voicemails were not responded to, and indicated view complaint had been filed with City.

DISCUSSION:

The Committee on Trees and Views must make specific findings in support of its 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 Committee 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 consideration when making a determination on the view complaint. Per the Committee's directions, staff will prepare a resolution reflecting the Committee's decision after the public hearing. The proposed resolution will be presented at an Adjourned Committee meeting determined by the Committee during the March 15, 2022 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:

Open the public hearing, take public testimony, discuss the item, refer the parties to mediation, and continue the item for 60 days.

ATTACHMENTS:

[Attachment - Beilke's CTV Application.pdf](#)

[Rebuttal Greenberg-c1.pdf](#)

[Beilke Emails.pdf](#)

[Email_Beilke_031022.pdf](#)

RECEIVED

REQUEST FOR MEDIATION

NOV 15 2021

ABATEMENT OF VIEW IMPAIRMENT

City of Rolling Hills

COMPLAINANT'S NAME: Tareel and Michele Beitke
 ADDRESS: 16 Georgett Road, Rolling Hills, CA 90279
 PHONE NO. & EMAIL: (562) 243-0748 Jared@jmlaw.com
 MAILING ADDRESS IF DIFFERENT FROM ABOVE:

LEGAL DESCRIPTION: LOT NO. 7567-014-002
 ASSESSORS BOOK NO. 7567 PAGE 014 PARCEL 002

TREE OWNER'S NAME: Mr. and Mrs. Bruce and Linda Greenberg
 ADDRESS: 2 El Concho, Rolling Hills, CA 90274
 PHONE NO.: ?

NATURE OF PROPOSED PROJECT

Describe in detail the nature of the proposed view restoration. Include documentation showing a good faith effort to effect a solution to the view impairment with tree-owner and evidence that the owner of the vegetation has refused to comply.

As detailed in this application and attached documents, our neighbors - the Greenbergs have planted several trees (and a shed - not approved for that location) which blocks our pre-existing city lights views. We have made attempts in person and in writing in all attempts to resolve the view impairment to no avail (i.e. no response to our requests).

NOV 15 2021

Describe how the view is impaired and describe the area of your house or yard from which the view is impaired.

Sometime between April 23-28, 2020, ^{City of Rolling Hills} the Greenbag's planted a large tree that directly blocks our city lights view. Then between April 29-May 1, 2021, the greenbags continued to plant vegetation (trees) that blocks more of our existing city lights view from the point of the tree that they planted (between April 23-28, 2021) to the roof line of your house. On October 8, 2021, the Greenbag's built a shed to further block our city lights

Describe what views will be restored by elimination or trimming of the vegetation. Views which was not approved to be built in that location.

The views that will be restored by elimination or trimming of the vegetation are city lights view.

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

We request removal of vegetation ~~to~~ and shed to restore our views.

APPLICATION FEE

An application fee of \$1,000.00 for mediation must accompany the application. Make check payable to the **CITY OF ROLLING HILLS**. Additional fees will occur if review by Committee on Trees and Views will be needed (please see page 8 of the application for details).

OWNER'S DECLARATION **RECEIVED**
REQUEST FOR MEDIATION NOV 15 2021

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

Executed at Rolling Hills, California,
this 14th day of July, 20 21

By: Jared Beilke
By: Michele Beilke
16 Georgeff Road
Address
Rolling Hills, CA 90274

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: Michele & Jared Beilke DATE FILED: 11/15/2021
REPRESENTATIVE: _____ FEE: \$2,000
COMPANY NAME: _____ RECEIPT NO: 01320
COMPANY ADDRESS: _____ BY: Stephanie Grant

COMPANY PHONE NO. _____
PROPERTY ADDRESS: _____

CHECKLIST FOR SUBMITTAL

**REQUEST FOR HEARING
BEFORE THE COMMITTEE ON TREES AND VIEWS**

In addition to the required information already provided with the application for mediation process, the following information must be submitted in order for the request for hearing to be deemed complete:

- Letter requesting a hearing before the Committee on Trees and Views.
- An official record of when the current property owner acquired the property (such as a current title report) and "clear and convincing evidence" of the view that existed when the current property owner (as identified on a current title report) acquired the property.
- Evidence that the impairing vegetation was "maturing" at the time the property was acquired.
- Owner's Declaration (attached).
- 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).
- Application Fee (per Resolution No. 1149). Please make check payable to the City of Rolling Hills.

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 & Game, if applicable, as adjusted annually)

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NOV 15 2021

OWNER'S DECLARATION

City of Rolling Hills

By _____

**REQUEST FOR HEARING
BEFORE THE COMMITTEE ON TREES AND VIEWS**

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

Executed at Rolling Hills, California,

this 12th day of November, 20 21

By: Jared Beilke

By: Michele Beilke

16 Georgeff Road
Address

Rolling Hills, CA 90274

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: _____

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NOV 15 2021

City of Rolling Hills

CERTIFIED PROPERTY OWNER'S LIST

AFFIDAVIT

**REQUEST FOR HEARING
BEFORE THE COMMITTEE ON TREES AND VIEWS**

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

I, Jared W. Beilke, 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:

Executed at Rolling Hills, California, this 12th day of November, 20 21.

Jared W. Beilke
SIGNATURE

Mr. and Mrs. Jared and Michele Beilke
16 Georgeff Road
Rolling Hills, CA 90274

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NOV 15 2021

City of Rolling Hills

By _____

May 4, 2021

VIA CERTIFIED MAIL

Mr. and Mrs. Bruce and Linda Greenberg
2 El Concho
Rolling Hills, CA 90274

RE: Beilke v Greenberg
City of Rolling Hills View Preservation Ordinance (Chapter 17.26)
Step One – Initial Reconciliation

Dear Mr. and Mrs. Greenberg:

On or around the month of September, 2020, my wife and I visited your property to introduce ourselves and discuss our concerns with the vegetation you were starting to plant. We wanted to explain our concerns of planting vegetation that would block our existing view and make sure you understood that there was a View Preservation Ordinance (Chapter 17.26) in Rolling Hills, CA. At that time, you indicated that although you planted vegetation you were not going to plant vegetation that would block our existing view and would maintain the newly planted vegetation to preserve our existing view. We notified the city of our concerns as well and were told that the issue was not ripe at the time as the view had not been blocked yet.

Sometime during April 23-28, 2021, you decided to plant a large tree that directly blocks the majority of our city lights view and completely contradicts what you said to us during our conversation in September 2020, as well as violates the View Preservation Ordinance (Chapter 17.26). Since then, between April 29-May 1, 2021, you continued to plant vegetation (trees) that blocks more of our existing city lights view from the point of the tree that you planted (between April 23-28, 2021) to the roof line of your house.

We bought our house in the summer of 2005. From 2005 until April 23-28, 2021, we have been able to maintain and preserve the view we had from the date we purchased. We are writing this Initial Reconciliation letter to commence our view preservation process. Pursuant to Section 17.26.010 (Principles and intent) of the View Preservation Ordinance, Chapter 17.26 – “. . . 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. . . .”

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NOV 15 2021

City of Rolling Hills

By _____

In order to preserve our view, this letter is written to comply with 17.26.040, A. 1. of the View Preservation Ordinance, Chapter 17.26, which states:

“View impairment dispute resolution process.

The complainant shall follow the process established by this chapter in seeking preservation or restoration of a pre-existing view.

A. Initial Reconciliation.

1. A complainant whose preexisting view is impaired shall first seek to informally resolve the impairment with the vegetation owner. The initial notification to the vegetation owner must be in writing, include a link to this chapter and contain the following language: **“Failure of the vegetation owner to respond to the written request for initial reconciliation within sixty days from the date on the notification shall be deemed formal refusal by the vegetation owner to participate in the initial reconciliation.”** Additionally, any written notification to the vegetation owner must include any supporting evidence of the view obstruction, (as described by Section 17.26.050) and any requested remediation action. Remediation action may include an offer on behalf of the view seeker to perform continued maintenance, or to assist with replanting.
2. During the initial reconciliation, parties may request assistance from a certified arborist. The City may provide a link to the International Society of Arboriculture to allow residents to search for a certified arborist. If the parties reach an agreement, the signed agreement may be submitted to the City; however, there is no need to file anything with the City once an agreement between the parties is reached. If initial reconciliation is refused, or if the parties do not agree as to the existence and nature of the complainant’s obstruction and the appropriate restorative action, the complainant may proceed with mediation.”

We have included photographic evidence that establishes our view prior to your recent vegetation planting that blocks our pre-existing view (See Exhibit 1) and photographic evidence

Page 3
May 4, 2021
Beilke v Greenberg
City of Rolling Hills View Preservation Ordinance (Chapter 17.26)
Step One – Initial Reconciliation

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NOV 15 2021

City of Rolling Hills

By _____

that shows what the view looks like now that it has been blocked (See Exhibit 2), as required above. The photographs speak for themselves. Our requested remediation action is that you take out the tree that you planted between April -23-28, 2021 and the other trees that you planted between April 29-May 1, 2021 to restore the pre-existing view we have had since 2005. We also request that you maintain other greenery at a height that does not obstruct our view. We have circled these trees that were recently planted on the photograph, included herein that was dated May 4, 2021. If we do not receive a response from you by July 5, 2021, we will assume that you have refused the initial reconciliation process and will move forward with the next step.

Thank you for your attention to this matter and we look forward to hearing from you. We can be reached at 562.243.0748.

Sincerely,



Jared W. Beilke



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NOV 15 2021

City of Rolling Hills

By _____



RECEIVED

NOV 15 2021

City of Rolling Hills

By _____



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NOV 15 2021

City of Rolling Hills

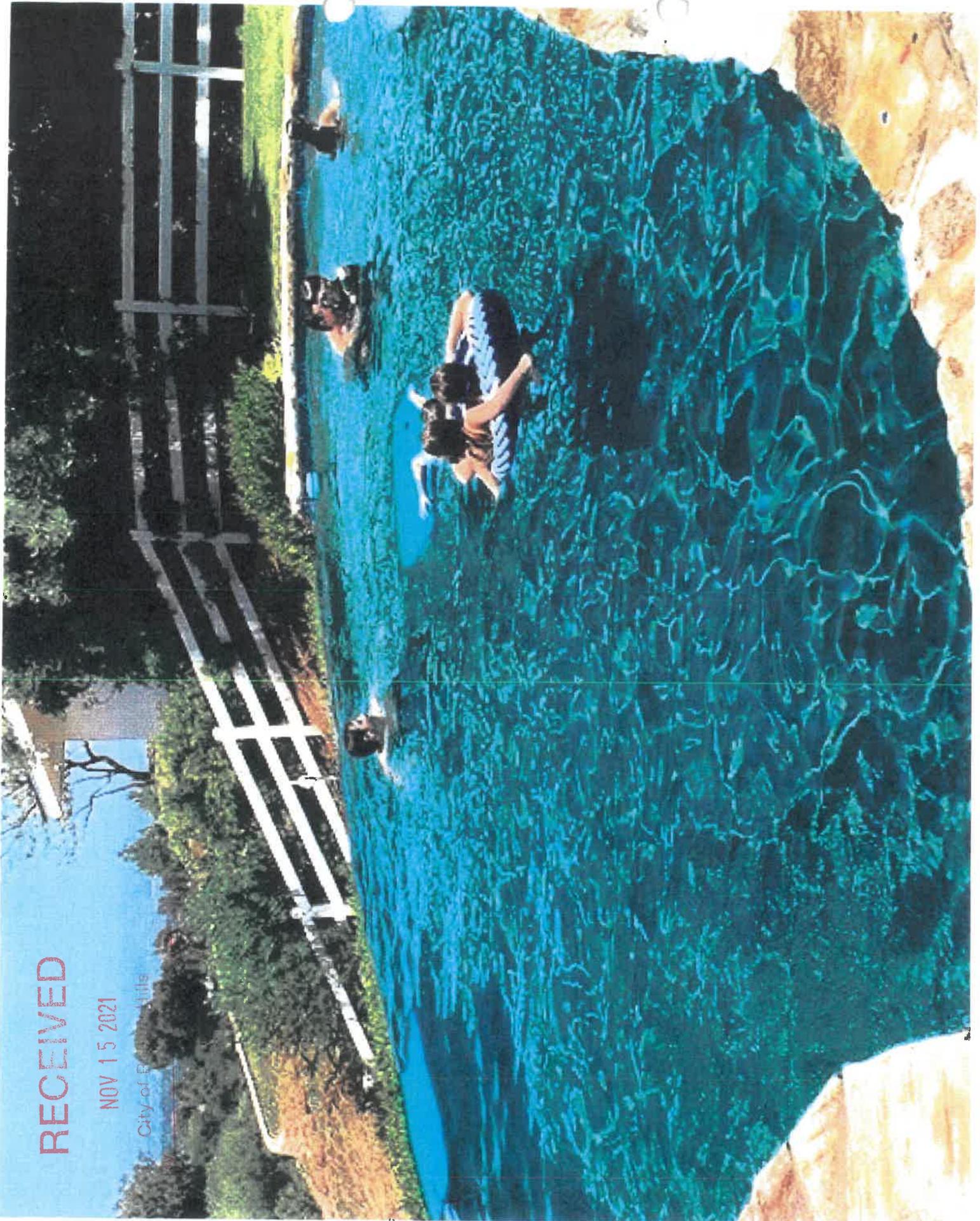
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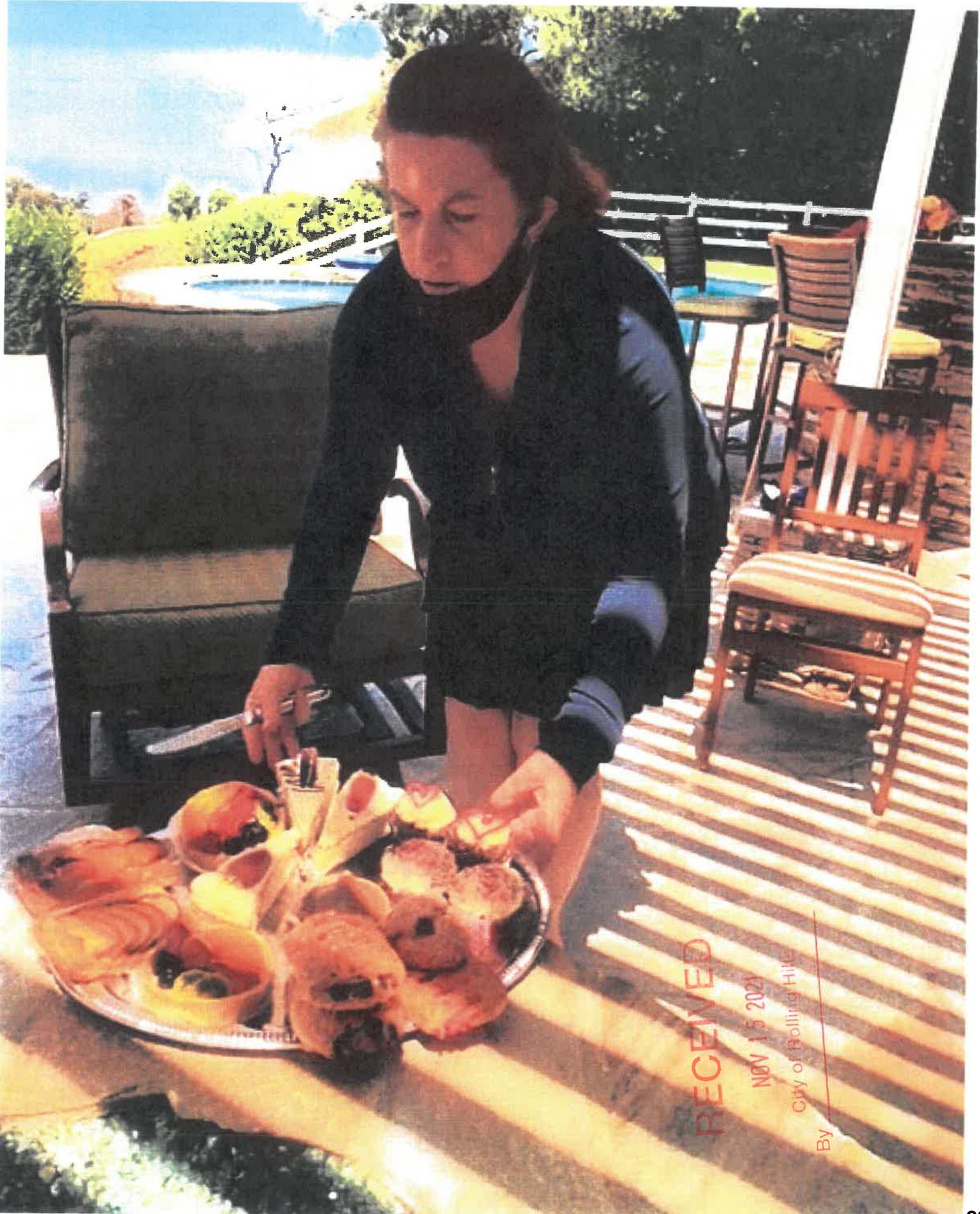


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NOV 15 2021

City of Brent Hills





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NOV 15 2021

City of Rolling Hills

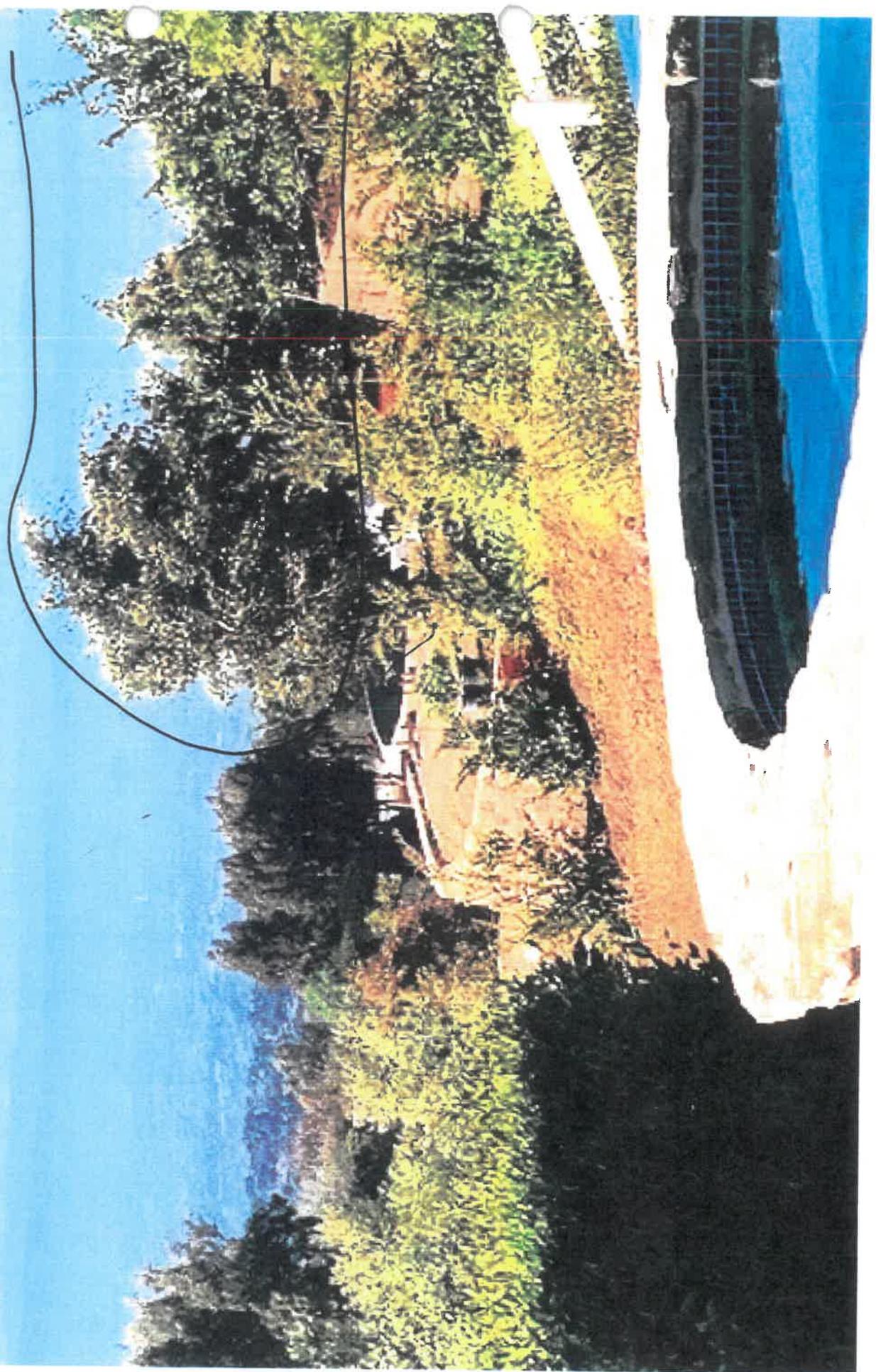
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NOV 15 2021

City of Rolling Hills

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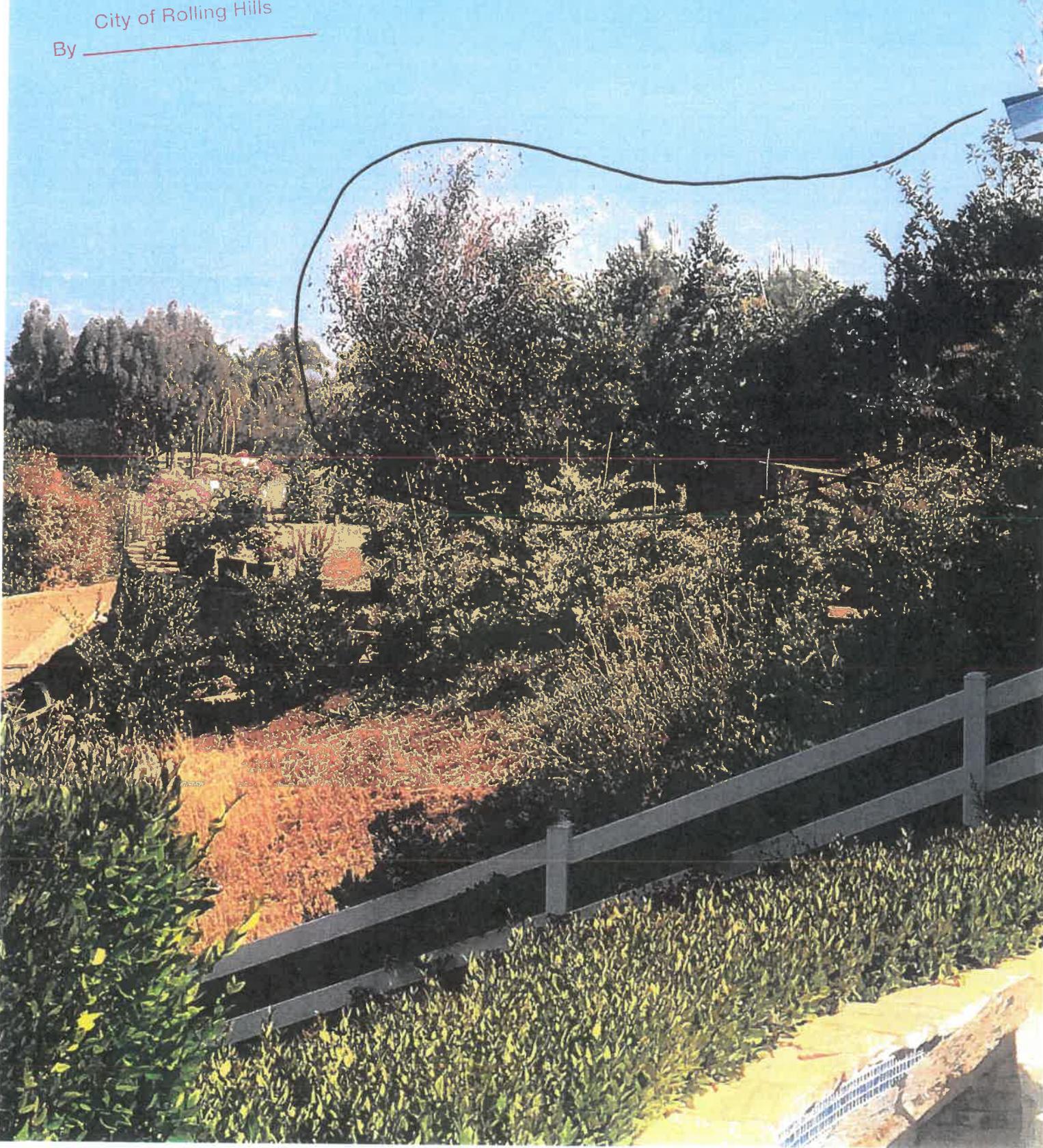


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City of Rolling Hills

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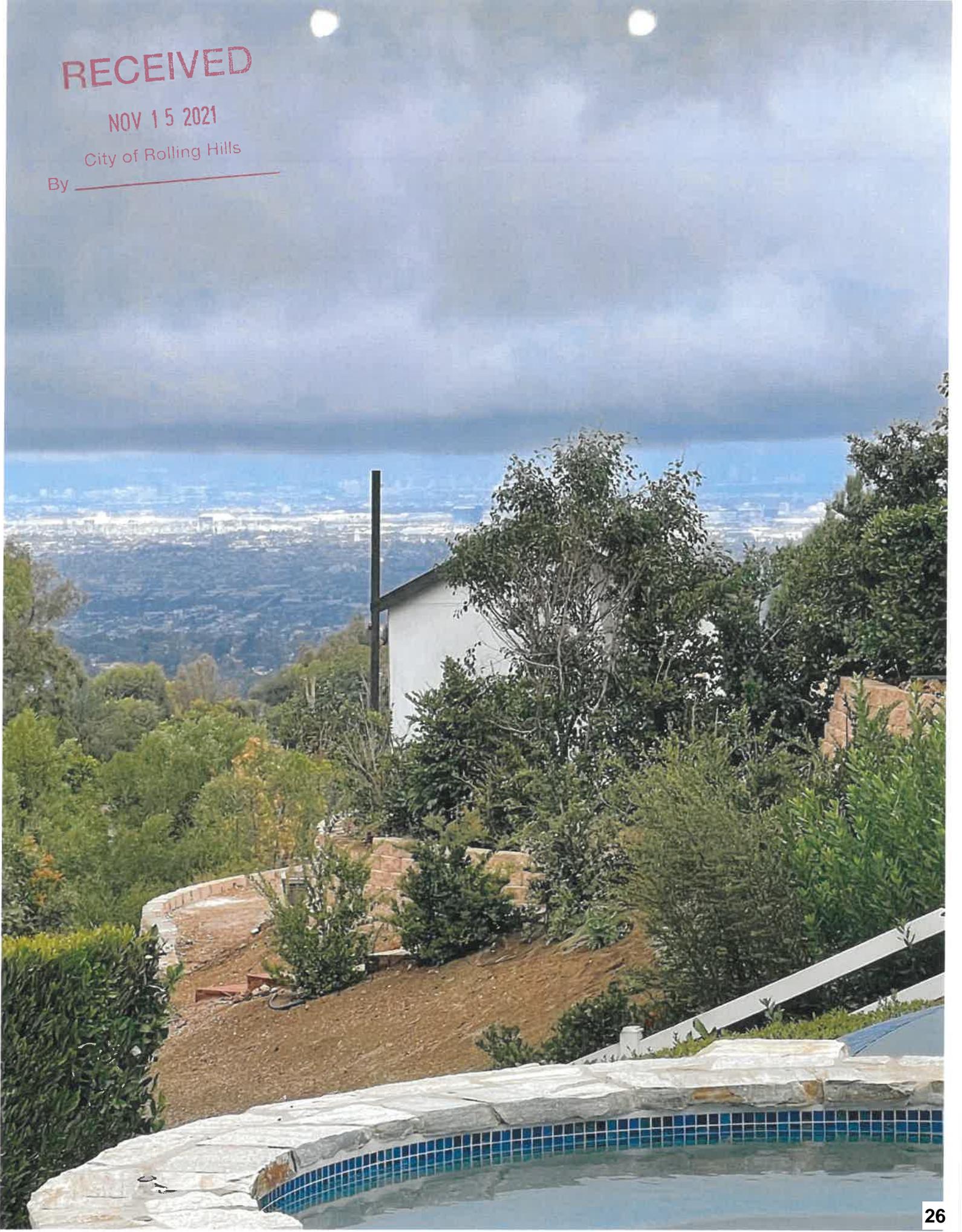


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City of Rolling Hills

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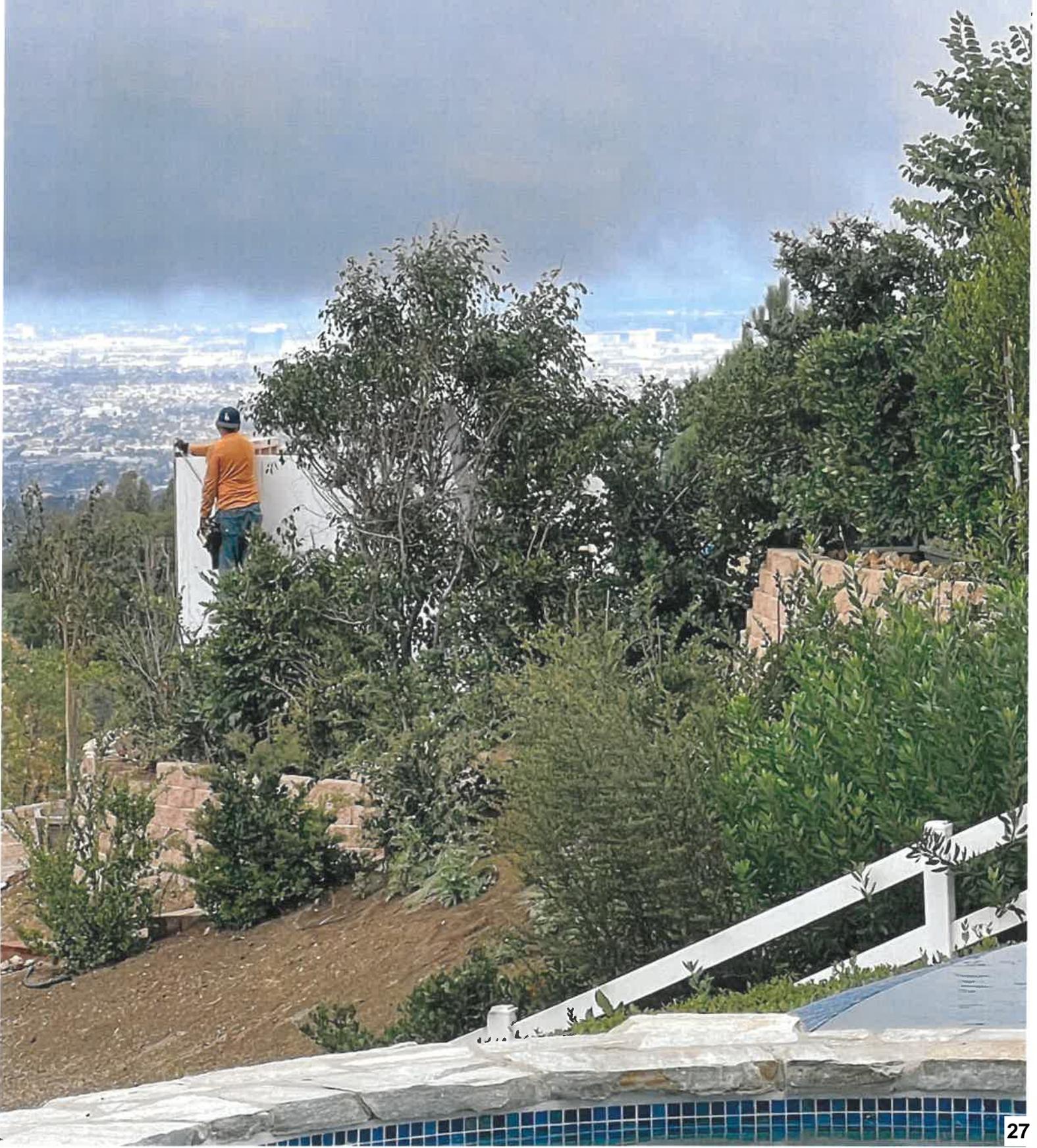


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NOV 15 2021

City of Rolling Hills

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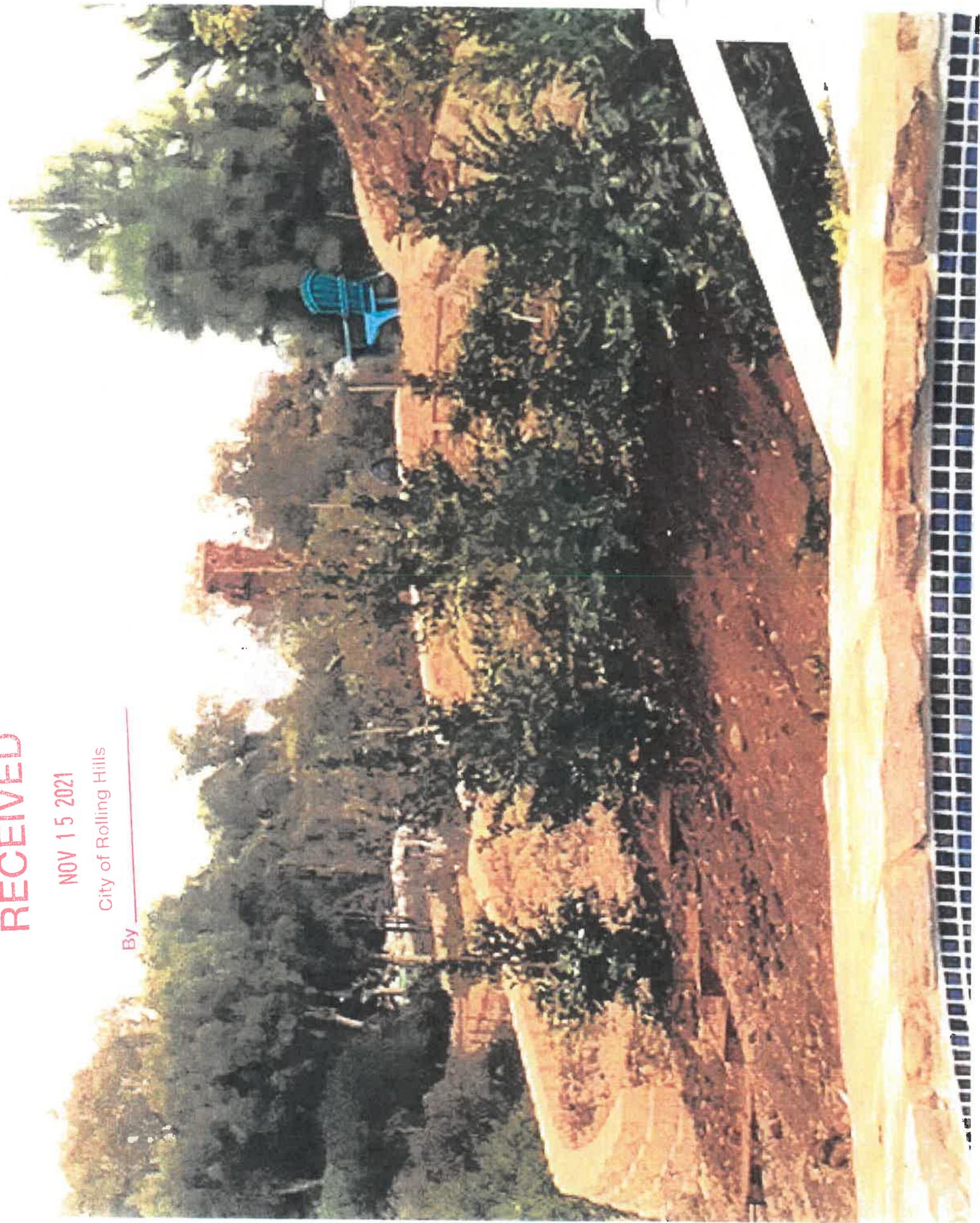


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NOV 15 2021

City of Rolling Hills

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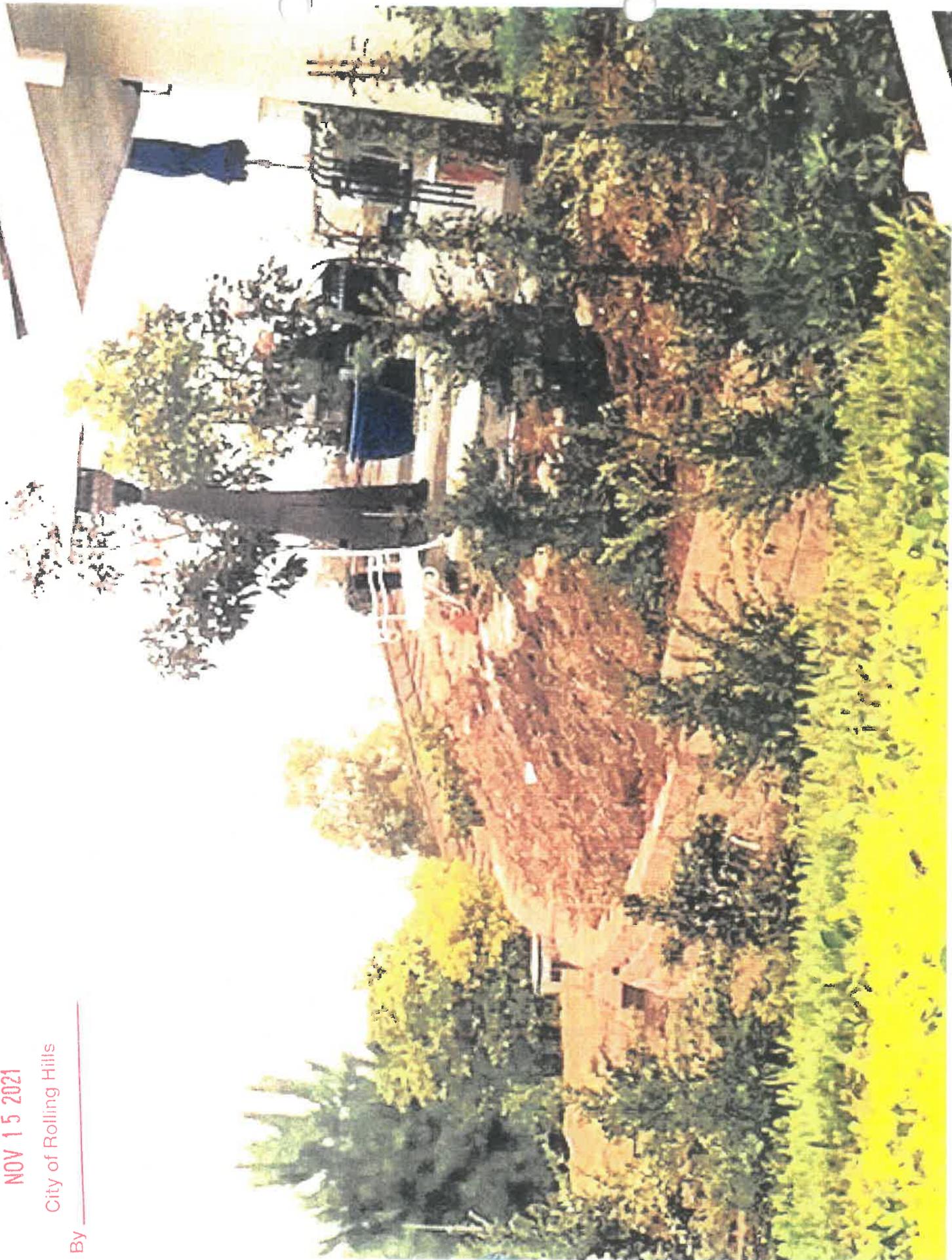


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NOV 15 2021

City of Rolling Hills

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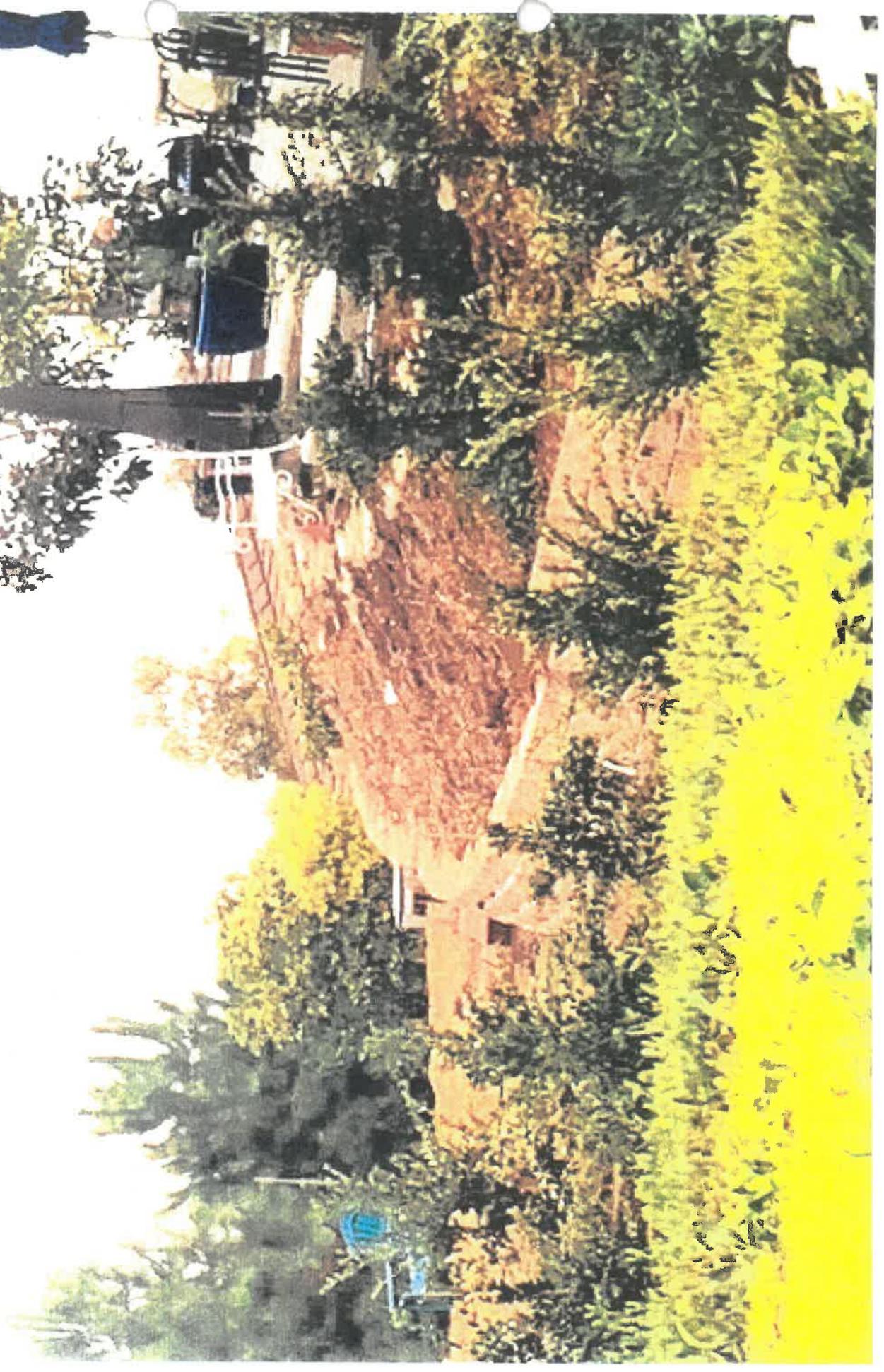


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NOV 15 2021

City of Rolling Hills

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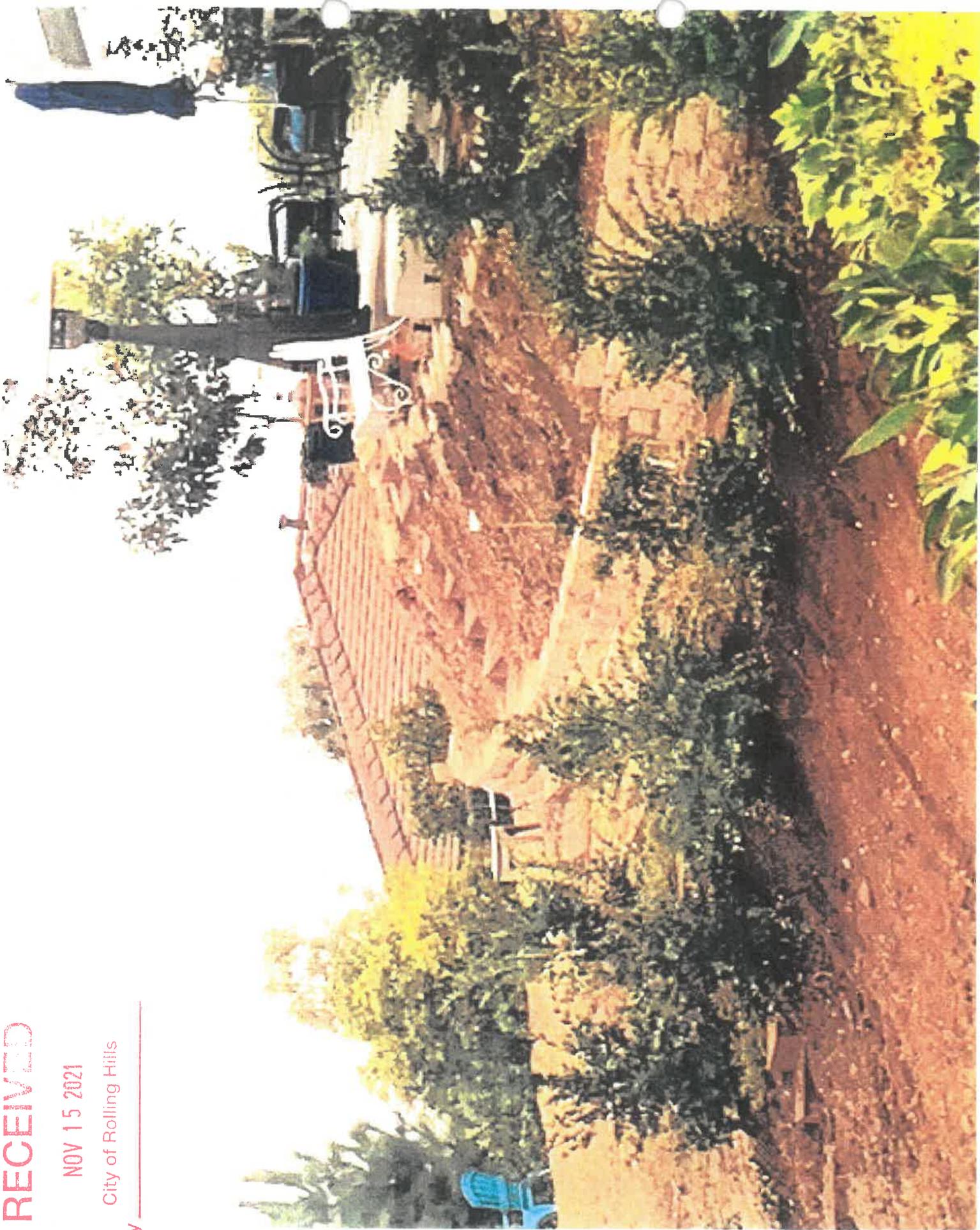


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NOV 15 2021

City of Rolling Hills

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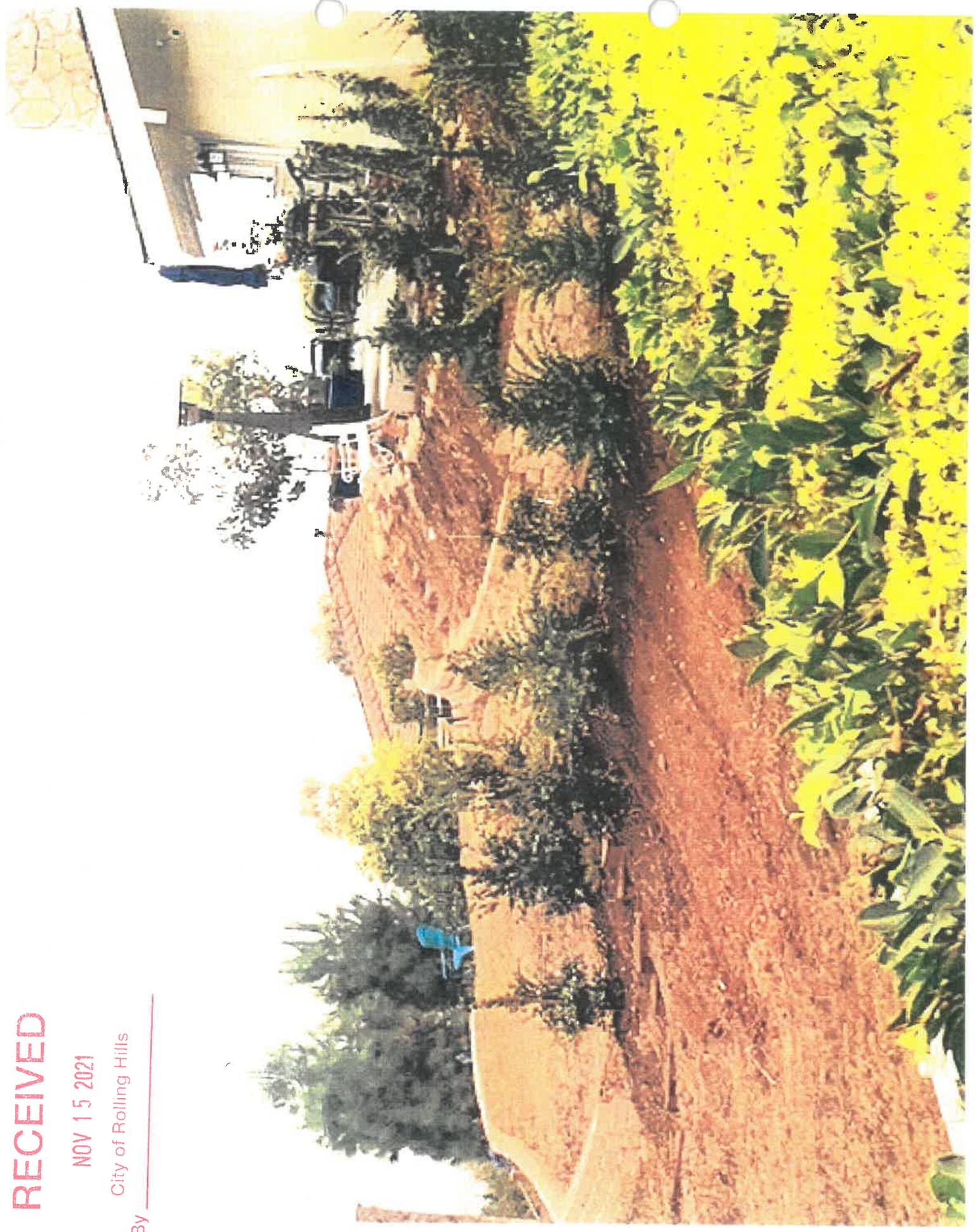


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NOV 15 2021

City of Rolling Hills

By _____



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City of Rolling Hills

By _____

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000468594 MAY 04 2021
MAILED FROM ZIP CODE 92868
PITNEY BOWERS
\$ 008.050

City of Rolling Hills
City of Rolling Hills
City of Rolling Hills

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NOV 15 2021

City of Rolling Hills

By _____

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1. Article Addressed to:

Mr & Mrs. Bruce & Linda Gray
 2 El Conchid
 Rolling Hills CA 90274



9590 9402 4126 8092 6724 05

2. Article Number (Transfer from service label)

7018 1130 0001 7199 1713

PS Form 3811, July 2015 PSN 7530-02-000-9053

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A. Signature Agent
 Addressee

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City of Rolling Hills

By _____

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Adult Signature Restricted Delivery \$ _____

Postmark Hill

Postage \$ 1.40

Total Postage and Fees \$ 8.05

Sent to Mr. & Mrs. Bruce and Linda Greenberg

Street and Apt. No. or PO Box No. 2 El Comino

City, State, ZIP+4® Rolling Hills CA 90274

PS Form 3800, April 2013 with PSN 7530-02-000-9047 See Reverse for Instructions

7018 1130 1219 171E

Mr. and Mrs. Jared and Michele Beilke
16 Georgett Road
Rolling Hills, CA 90274

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NOV 15 2021

City of Rolling Hills
By _____

July 14, 2021

VIA CERTIFIED MAIL

Mr. and Mrs. Bruce and Linda Greenberg
2 El Concho
Rolling Hills, CA 90274

RE: Beilke v Greenberg
City of Rolling Hills View Preservation Ordinance (Chapter 17.26)
Step Two – Mediation (Step three - Hearing Before Committee on Trees and Views; Step Four
- litigation)

Dear Mr. and Mrs. Greenberg:

We did not receive a response from you with respect to our May 4, 2021 letter sent and received by you via certified mail. Accordingly, it is our understanding that you have refused the initial reconciliation process. If this is inaccurate please contact us immediately to let us know. Although, due to the fact that Mrs. Greenberg called the police for a second time on our family regarding some misinformed nonsensical allegations of trespassing, I'm pretty confident she does not want to attempt to resolve this issue like neighbors. By the way, both my family and our neighbors are allowed to walk on the easement between your house and ours – it appears you are not aware of that. Also, in the future if you have some issue where Mrs. Greenberg's first inclination is to call the police on us, in an effort to not waste law enforcement resources, feel free to contact us to see if we can have a civil conversation first. So on to step two:

After complying with View Preservation Ordinance, Chapter 17.26.040, A. 1., we are moving to step two, View Preservation Ordinance, Chapter 17.26.040, B. in an effort to preserve our view. This letter is written to comply with 17.26.040, B. of the View Preservation Ordinance, Chapter 17.26, which states:

“View impairment dispute resolution process.

B. Mediation.

1. 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

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City of Rolling Hills

By _____

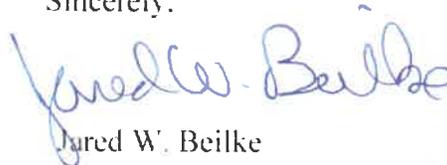
date of the request for mediation to accept or reject the request in writing. The vegetation owner's failure to respond within sixty days will be deemed a formal refusal of mediation and the complainant may proceed to an advisory hearing before the Committee on Trees and Views.

2. 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.
3. The mediator shall be guided by the provisions of this chapter, 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. The mediator shall also consider the recommendations of any arborists or experts regarding landscape techniques and/or maintenance procedures.
4. The mediator's recommendation shall be advisory. Any agreement reached by the parties as a result of the mediation process described herein shall be reduced to writing and shall include steps for maintenance measures and any associated costs. The agreement shall be signed by all of the parties and may be submitted to the City."

If we do not receive a response from you by September 13, 2021, we will assume that you have refused the mediation process and will move forward with the next step.

Thank you for your attention to this matter and we look forward to hearing from you. We can be reached at 562.243.0748.

Sincerely,



Jared W. Beilke

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City of Rolling Hills

By _____

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Mr & Mrs. Jared and Michele Bilke
16 Georgetown Road
Rolling Hills CA 90274



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1. Article Addressed to:

Mr & Mrs. Bruce and Linda Greenberg
2 El Concho
Rolling Hills CA 90274



9590 9402 3631 7305 6709 48

2. Article Number (Transfer from service label)

7018 1130 0001 7199 1737

COMPLETE THIS SECTION ON DELIVERY

A. Signature

BEL Greenberg

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

7/17/21

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

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- Insured Mail
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PS Form 3811, July 2015 PSN 7530-02-000-9053

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NOV 15 2021

City of Rolling Hills

By _____

Mr. and Mrs. Jared and Michele Beilke
16 Georgeff Road
Rolling Hills, CA 90274

October 26, 2021

VIA CERTIFIED MAIL

Mr. and Mrs. Bruce and Linda Greenberg
2 El Concho
Rolling Hills, CA 90274

RE: Beilke v Greenberg
City of Rolling Hills View Preservation Ordinance (Chapter 17.26)
Follow-up to Step Two – Mediation (Step three - Hearing Before Committee on Trees and Views: Step Four - litigation)

Dear Mr. and Mrs. Greenberg:

This letter will confirm that we sent you a letter via certified mail on May 4, 2021, to initiate the reconciliation process provided by the City of Rolling Hills View Preservation Ordinance (Chapter 17.26). We received no response to said letter. This will further confirm that we sent you a second letter via certified mail on July 14, 2021, in an effort to move to Step Two in the City of Rolling Hills View Preservation Ordinance (Chapter 17.26) – Mediation. This will further confirm that on September 10, 2021, a letter was placed by our front door from an attorney named Jennifer Duffy (Law Offices of Jennifer Duffy), claiming that she represents you and that you would agree to and hereby request a mediation. This will further confirm that I have reached out to your attorney, Ms. Duffy, both via email and voicemail messages on September 14, 2021, September 20, 2021, September 29, 2021 and October 25, 2021, in an effort to select a mediator and mediation date. This will further confirm that I have received no response from Ms. Duffy in any of my communications.

We can be reached at 562.243.0748 if you have any questions or concerns.

Sincerely,

Jared W. Beilke

U.S. Postal Service™
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OFFICIAL USE

Certified Mail Fee	\$	
Extra Services & Fees (check box, add fee as appropriate)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	7.33
Total Postage and Fees	\$	7.33
Sent to	Mr & Mrs. Bruce & Linda Greenberg	
Street and Apt. No., or PO Box No.	2 EL CONCHO	
City, State, ZIP+4®	Rolling Hills CA 90274	

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

CERTIFIED MAIL

Mr. & Mrs. Jared and Michele Beilke
16 Georgeff Rd.
Rolling Hills, CA 90274



7018 1130 0001 7199 1805



Mr. and Mrs. Bruce and Linda Greenberg
2 EL CONCHO
ROLLING HILLS, CA 90274

By _____

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NOV 15 2021

City of Rolling Hills

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Mr. and Mrs. Jared and Michele Belke
16 Georgeff Rd.
Rolling Hills CA 90274



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1. Article Addressed to:

MR & MRS. Bruce and Linda Greenberg
2 EL CONCHO
ROLLING HILLS, CA 90274



9590 9402 3631 7305 6708 94

2. Article Number (Transfer from service label)

7018 1130 0001 7199 1805

PS Form 3811, July 2015 PSN 7530-02-000-9053

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A. Signature

X

- Agent
- Addressee

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- Signature Confirmation Restricted Delivery

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1. Article Addressed to:

MR & MRS. Bruce and Linda Greenberg
2 EL CONCHO
ROLLING HILLS, CA 90274



9590 9402 3631 7305 6708 94

2. Article Number (Transfer from service label)

7018 1130 0001 7199 1805

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

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C. Date of Delivery

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- No

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- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

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City of Rolling Hills

By _____

LAW OFFICES OF JENNIFER DUFFY
A LAW CORPORATION
ATTORNEY & COUNSELOR AT LAW

WWW.USCLASSACTIONS.COM

JENNIFER DUFFY ♦

♦ MEMBER CA BAR

SENDER'S E-MAIL:
jennifer@usclassactions.com

28649 S. WESTERN AVE.
SUITE 6571
LOS ANGELES, CA 90734

TELEPHONE (310) 714-9779
E-MAIL JENNIFER@USCLASSACTIONS.COM

WWW.USCLASSACTIONS.COM

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COMPLEX LITIGATION
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City of Rolling Hills

By _____

September 10, 2021

Michele Beilke
Jared Beilke
16 Georgeff Rd
Rolling Hills, CA 90274

Re: View Complaint

Dear Beilkes,

Please be advised my clients, Linda and Bruce Greenberg, will agree to and hereby request mediation.
A neutral should be chosen in the appropriate time period.

Sincerely,



Jennifer Duffy

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NOV 15 2021

City of Rolling Hills

By _____



MATERIALS TO SUBMIT TO THE CITY

2 El Concho Ln, Rolling Hills

APN 7567-014-022

1000' NUMBERED BREED OWNER LIST

1000' NUMBERED RADIUS MAP

(3) SETS OF GUMMED LABELS

CERTIFIED PROPERTY OWNERS LIST AFFIDAVIT

PREPARED 11/12/2021

FILE #1970

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7567-007-020 (1)

Renato & Carole J Curto
10500 Ne 8th St #1888
Bellevue WA 98004

NOV 15 2021
City of Rolling Hills
By _____

7567-014-002 (2)

Lawrence B & Linda D Greenberg
2 El Concho Ln
Rolling Hills CA 90274

7567-014-003 (3)

Jinly Zee
4 El Concho Ln
Rolling Hills CA 90274

7567-014-004 (4)

Timothy F Lekavich
6 El Concho Ln
Rolling Hills CA 90274

7567-014-005 (5)

Shawn & Carol De Miranda
5 El Concho Ln
Rolling Hills CA 90274

7567-014-006 (6)

Shawn & Carol De Miranda
5 El Concho Ln
Rolling Hills CA 90274

7567-014-007 (7)

David Mckinnie
3 El Concho Ln
Rolling Hills CA 90274

7567-014-008 (8)

Thomas & Kathleen Roberts
1 El Concho Ln
Rolling Hills CA 90274

7567-014-009 (9)

Jack A Allocco
Po Box 881
Palos Verdes Esta CA 90274

7567-014-010 (10)

Richard J Boos
22 Georgeff Rd
Rolling Hills CA 90274

7567-014-011 (11)

Maccabe Partners Lp
882 Cordova St
San Diego CA 92107

7567-014-012 (12)

Constantin D & Florentina Marcu
26 Georgeff Rd
Rolling Hills CA 90274

7567-014-018 (13)

Maccabe Partners
882 Cordova St
San Diego CA 92107

7567-014-019 (14)

Benny C & Vicky M Hsu
2100 Paseo Del Mar
Palos Verdes Esta CA 90274

7567-014-021 (15)

Robert N Constant
28871 Blythewood Dr
Rancho Palos Verd CA 90275

7567-014-022 (16)

Nasser Savar
Po Box 2504
Palos Verdes Pnsl CA 90274

7567-014-023 (17)

Edward G & Patricia Goren
2 Reata Ln
Rolling Hills CA 90274

7567-014-024 (18)

Blair C Filler
6 Reata Ln
Rolling Hills CA 90274

7567-014-025 (19)

Dan K & Pauline S Sakamoto
Po Box 4688
Palos Verdes Pnsl CA 90274

7567-014-027 (20)

Stephen L & Lisa Greiner
7 Reata Ln
Rolling Hills CA 90274

7567-014-028 (21)

Derek E Schofield
5 Reata Ln
Rolling Hills CA 90274

7567-014-031 (22)

Donald H Mosebar
1713 Walnut Ave
Manhattan Beach CA 90266

7567-015-001 (23)

Gloria M Fuld
6 Georgeff Rd
Rolling Hills CA 90274

7567-015-002 (24)

John J & Stacy Markulis
8 Georgeff Rd
Rolling Hills CA 90274

7567-015-003 (25)

Amir & Dharina Desai
10 Georgeff Rd
Rolling Hills CA 90274

7567-015-004 (26)

Naval & Aarti Bansal
12 Georgeff Rd
Rolling Hills CA 90274

7567-015-005 (27)

David R Lillington
14 Georgeff Rd
Rolling Hills CA 90274

7567-015-006 (28)

Jared & Michele Beilke
16 Georgeff Rd
Rolling Hills CA 90274

7567-015-007 (29)

David J Munio
3 Reata Ln
Rolling Hills CA 90274

7567-015-008 (30)

Raghuveer K & Rashida C Mendu
1 Reata Ln
Rolling Hills CA 90274

NOV 15 2021

City of Rolling Hills

7567-015-011 (31)
George F Hatch
15 Georgeff Rd
Rolling Hills CA 90274

7567-015-012 (32)
Leonard J & Claudia S Feld
13 Georgeff Rd
Rolling Hills CA 90274

7567-015-013 (33)
Gretchen W Sherwood
11 Georgeff Rd
Rolling Hills CA 90274

7567-015-014 (34)
Scott J & Elizabeth J Calfas
9 Georgeff Rd
Rolling Hills CA 90274

7567-015-015 (35)
Mark T & Brenda K Okuma
2 Buckboard Ln
Rolling Hills CA 90274

7567-015-016 (36)
Nader Pazirandeh
4 Buckboard Ln
Rolling Hills CA 90274

7567-015-017 (37)
Mark Jasper
1100 Camino Del Oeste
Bakersfield CA 93309

7567-015-018 (38)
Karen R Louder
1 Buckboard Trl
Rolling Hills CA 90274

7567-015-019 (39)
Anita L Chau
7 Buckboard Ln
Rolling Hills CA 90274

7567-015-020 (40)
Valerie Kats
14 Upper Blackwater Canyon Rd
Palos Verdes Pnsl CA 90274

7567-015-026 (41)
Laurence & Patricia Brody
2 Georgeff Rd
Rolling Hills CA 90274

7567-015-027 (42)
Paul J & Kay B Lupo
700 Torrance Blvd
Redondo Beach CA 90277

7567-015-035 (43)
Elaine P Lee
1 Buckboard Ln
Rolling Hills CA 90274

7567-015-039 (44)
W W & Donna S Castor
19 Georgeff Rd
Rolling Hills CA 90274

7567-015-040 (45)
W W & Donna S Castor
19 Georgeff Rd
Rolling Hills CA 90274

7567-018-001 (46)
Michael & Natalie Ziegler
26 Caballeros Rd
Rolling Hills CA 90274

7567-018-002 (47)
Kenneth E Johnson
28 Caballeros Rd
Rolling Hills CA 90274

7567-018-003 (48)
John & Deborah Mcdonald
30 Caballeros Rd
Rolling Hills CA 90274

7567-018-004 (49)
Inez L Foye
32 Caballeros Rd
Rolling Hills CA 90274

7569-007-008 (50)
Far West Strongholdings Llc
46 Peninsula Center Ste E #PMB345
Rolling Hills Est CA 90274

7569-007-009 (51)
Judith R Walker
8 Wagon Ln
Rolling Hills CA 90274

7569-007-013 (52)
John Tu
Po Box 8505
Fountain Valley CA 92728

7569-007-014 (53)
Robert L Trujillo
7 Wagon Ln
Rolling Hills CA 90274

7569-007-015 (54)
Stephen F Milam
9 Wagon Ln
Rolling Hills CA 90274

7569-007-016 (55)
Alida Calvillo
11 Wagon Ln.
Rolling Hills CA 90274

7569-008-002 (56)
Steven P & J Lori Wheeler
38 Portuguese Bend Rd
Rolling Hills CA 90274

7569-008-003 (57)
Austin C & Czarina S Su
40 Portuguese Bend Rd
Rolling Hills CA 90274

7569-008-004 (58)
Kevin Hsu
42 Portuguese Bend Rd
Rolling Hills CA 90274

7569-008-005 (59)
Marc C Mills
44 Portuguese Bend Rd
Rolling Hills CA 90274

7569-008-006 (60)
Cynthia C Makin
Po Box 2247
Palos Verdes Pnsl CA 90274

7569-008-008 (61)
John Husnak
34 Portuguese Bend Rd
Rolling Hills CA 90274

7569-008-009 (62)
Rumel M & Lideia N Itchon
36 Portuguese Bend Rd
Rolling Hills CA 90274

7569-009-001 (63)
8 Golden Goose Llc
8 Possum Ridge Rd
Rolling Hills CA 90274

7569-009-005 (64)
Shirley Langer
9200 W Sunset Blvd #600
West Hollywood A 90069

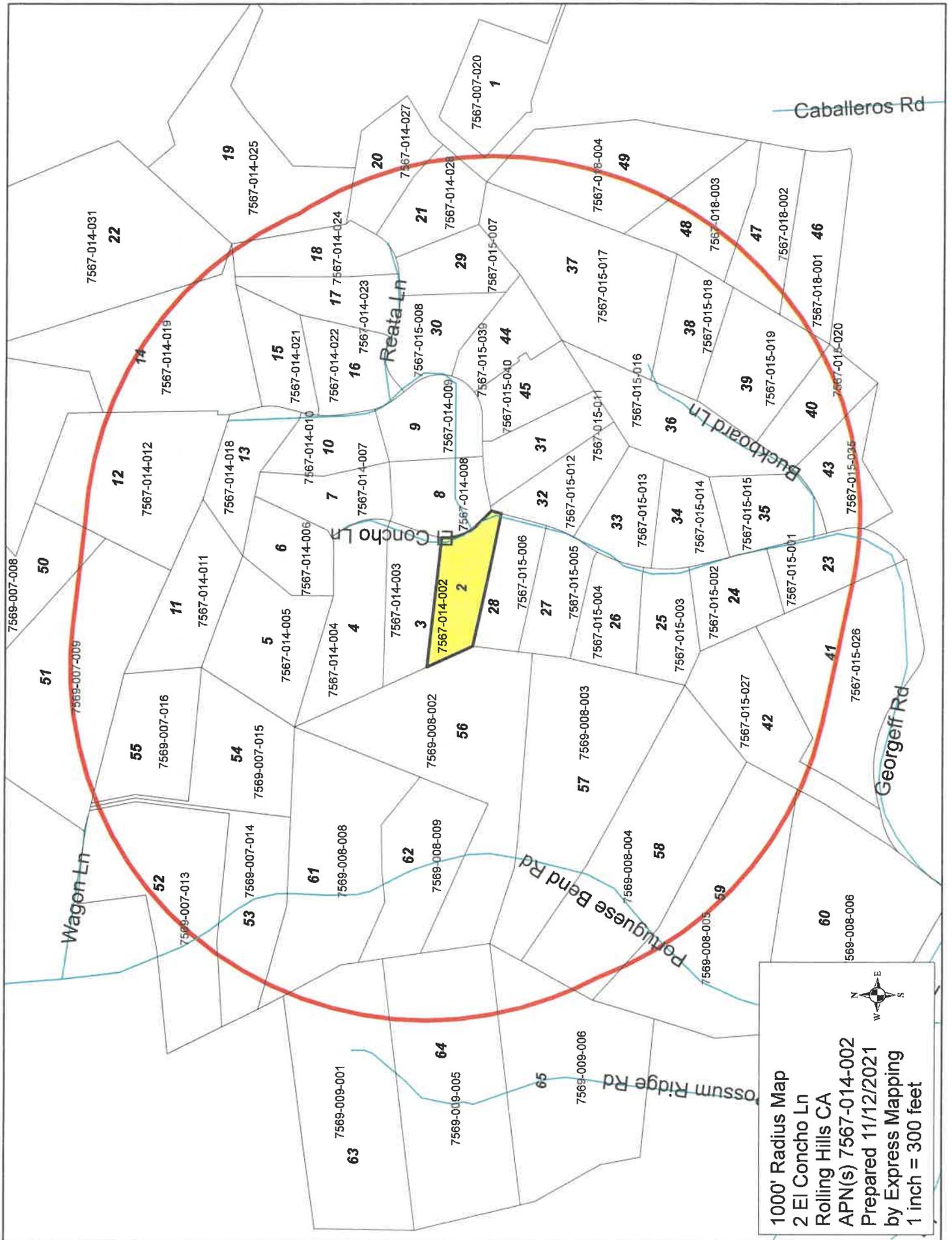
7569-009-006 (65)
Katharyn Howroyd
327 W Broadway
Glendale CA 91204

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City of Rolling Hills

By _____





City of Rolling Hills

INCORPORATED JANUARY 24, 1957

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City of Rolling Hills

By _____

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

CERTIFIED PROPERTY OWNER'S LIST

AFFIDAVIT

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

I, Charles Emerson, declare under penalty of perjury

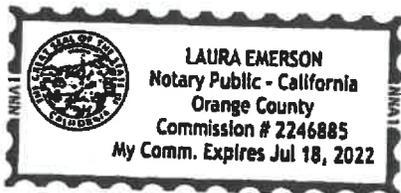
that the attached list contains the names and addresses of all persons to whom all property is assessed as they appear on the latest available assessment roll of the County within the area described and for a distance of one thousand (1,000) feet from the exterior boundaries of property legally described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

Property Address: 2 EL CONCHO LN ROLLING HILLS CA 90274-5236

Parcel # (APN): 7567-014-002

Legal Description: TRACT #19040 LOT 7

Executed at Irvine, California,
this 15th day of November, 20 21.



Laura Emerson
Signature

Public/Planning Masters/Property Owner Certification Rev. 2009



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

CERTIFIED PROPERTY OWNER'S LIST

AFFIDAVIT

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

I, Laura Emerson, 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:

Property Address: 2 EL CONCHO LN ROLLING HILLS CA 90274-5236

Parcel # (APN): 7567-014-002

Legal Description: TRACT # 19040 LOT 7

Executed at Irvine, California,
this 12th day of November, 20 21.


Signature

LAW OFFICES OF JENNIFER DUFFY
A LAW CORPORATION
ATTORNEY & COUNSELOR AT LAW

WWW.USCLASSACTIONS.COM

JENNIFER DUFFY ♦

♦ MEMBER CA BAR

SENDER'S E-MAIL:
jennifer@usclassactions.com

28649 S. WESTERN AVE.
SUITE 6571
LOS ANGELES, CA 90734

TELEPHONE (310) 714-9779
E-MAIL JENNIFER@USCLASSACTIONS.COM

WWW.USCLASSACTIONS.COM

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CLASS ACTION LITIGATION
MASS TORTS
COMPLEX LITIGATION
EMPLOYMENT

March 8, 2022

Via email Brian.Byun@bbklaw.com

Brian Byun
Attorney at Law
Best Best & Krieger

Dear Brian,

As you requested, I spoke to my clients about whether they received the notice of the hearing in the mail. They have not. If you can please provide the certificate of service that would be helpful. We are now in the position that 1.) Greenbergs have no notice of the hearing for a view complaint that was filed four months ago and it was also not noticed to me; and 2.) the mediation must be held prior to the hearing pursuant to the ordinance as the mediation was requested by my clients. I would like to request the City Manager appoint a mediator if the selected mediator from the November 9, 2021 email is not acceptable.

In any event, even if I can attend the hearing which you told me about yesterday, I cannot prepare for a hearing in any meaningful way before that date. On that basis as well, I would ask for suspension of the hearing.

After I notified Mr Bielke of my clients' desire for mediation on September 10, 2021 (Attached as Exhibit A), I also sent him my request for mediation including the name of a chosen mediator, on November 9, 2021 (Attached as Exhibit B). Mr. Bielke replied to the November 9, 2021 request on December 3, 2021 (Attached as Exhibit C) and refused mediation. He did not notify the City, although he had an obligation to, that the Greenbergs requested mediation. Further, he has committed perjury which is tantamount to a Bar complaint and other legal actions.

It is not lawful and therefore would be the subject of an appeal if the hearing goes forward for either the field trip or the hearing on March 15, 2022. My clients object to either event taking place for all of the reasons listed in this letter. If either event takes place, we will request a stay

and seek intervention which will no doubt incur unnecessary legal fees for both sides. All this can be avoided by a concerted effort to schedule a mediation by all parties, as required by the statute. Moreover, it does not make sense to take substantive evidence or go on a site inspection/field visit with the committee if there is going to be a mediation that can hopefully resolve the issue entirely.

The hearing should be suspended until a determination is made in the mediation.

Additionally, both my clients and I saw the view complaint for the very first time on March 7, 2022, when you emailed it to me. It is very distressing that Mr. Bielke filed a false statement on November 15, 2021 under penalty of perjury, stating that the Greenbergs made “no response to our requests.) (sic)”. In fact, I had issued a letter on September 10, 2021 which Mr Bielke acknowledged as well as emailed Mr. Bielke on November 9, 2021. In that communication, I requested mediation on behalf of the Greenbergs and proposed a name, Judge Andler, for the mediation. So let’s address the perjury aspect of the complaint as part of the procedural process that has ended in setting a hearing unlawfully.

A complainant should not be allowed to lie under penalty of perjury to sidestep the statutory procedural process. Even if Bielke claims he didn’t see the email, he should have notified the City on December 3, 2021 when he confirmed to me that he received my email (see Exhibit C) to let the City know the Greenbergs requested mediation November 9, 2021 and the hearing should not go forward. He is an attorney and well aware of the legal requirements to proceed with the hearing. Please do not allow the hearing to move forward which will embolden future complainants to flagrantly disregard the legal process, both from a substantive truth process and a procedural process. Bielke makes a mockery of the City’s process. It has cost the Greenberg’s attorney fees to correct his intentional misrepresentations.

It is unlawful that the required statutory process has not been followed and a full site inspection is scheduled by the View Committee despite our attempts to mediate. No one even confirmed with the Greenbergs if they had refused to mediate as Mr Bielke asserted or whether Bielke’s sworn affidavit was true. Had that been done, this never would have been scheduled for a site inspection since my clients were attempting to have a mediation as requested and required under the statute. Mr. Bielke is the one that changed his mind on mediation and chose to withdraw from the mediation process, not the Greenbergs. However, as you agreed in our call, Mr. Bielke cannot unilaterally override the mandatory mediation requirement and go straight to the View and Tree Committee hearing. The statute states “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.”

What is glaringly excluded from the Bielke’s November 15 View Impairment Complaint application is the November 9 correspondence from me, to Mr. Bielke, which notified Mr. Bielke that my clients had chosen mediation and a mediator, Hon. Gail A. Andler (Ret.), for the view mediation. Additionally, in that writing, I asked Mr. Bielke, "If either you or your wife have had prior business or personal experience with Hon. Andler, please let me know so we can evaluate

any potential conflict.”. My correspondence closed requesting Mr. Bielke “Please let me know if you agree to this mediator.”

As my clients knew nothing of the Bielke’s View Complaint application last November, they assumed the holidays were slowing down the process as we waited for Bielke’s written response to the proposed mediator. When I got no reply after approximately 3 weeks, on December 2, 2021, I sent a follow-up email to Mr. Bielke, asking for a response to the Greenbergs’ choice of mediator. However, Bielke stated that he had filed a View Complaint and the Greenbergs would be hearing from the City shortly. Mr. Bielke never mentioned mediation in his letter (or ever again) and instead stated at the end of his December 3, 2021 email to me, “Due to the past conduct outlined in my original letter to your clients, as well as their continued intentional conduct of not complying with our cities laws, we have moved forward with our he (sic) complaint process.”

Additionally, with relation to the shed, my clients object to any evidence or hearing re: any issues related to the shed as it is not within the jurisdiction of the Committee of Trees and Views and it is an approved permitted accessory structure by both the City Planning Dept. and the Rolling Hills Community Association.

With relation to choosing a mediator, the City of Rolling Hills ordinance section 17.26.040 (B)(2) states, “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.” Pursuant to this section, the Greenbergs request that the City select a mediator and suspend or withdraw as incomplete, the View Impairment Complaint filed erroneously by the Bielkes.

I would request the hearing, including the field trip, be suspended until the mediation is held and the results of the mediation are known.

Sincerely,

/s/ Jennifer Duffy

Jennifer Duffy
Attorney at Law

938409.09822

EXHIBIT A

LAW OFFICES OF JENNIFER DUFFY
A LAW CORPORATION
ATTORNEY & COUNSELOR AT LAW

WWW.USCLASSACTIONS.COM

JENNIFER DUFFY ♦

♦ MEMBER CA BAR

SENDER'S E-MAIL:
jennifer@usclassactions.com

28649 S. WESTERN AVE.
SUITE 6571
LOS ANGELES, CA 90734

TELEPHONE (310) 714-9779
E-MAIL JENNIFER@USCLASSACTIONS.COM

WWW.USCLASSACTIONS.COM

PROPERTY RIGHTS
CONSUMER LITIGATION
CLASS ACTION LITIGATION
MASS TORTS
COMPLEX LITIGATION
EMPLOYMENT

RECEIVED

NOV 15 2021

City of Rolling Hills

By _____

September 10, 2021

Michele Beilke
Jared Beilke
16 Georgeff Rd
Rolling Hills, CA 90274

Re: View Complaint

Dear Beilkes,

Please be advised my clients, Linda and Bruce Greenberg, will agree to and hereby request mediation.
A neutral should be chosen in the appropriate time period.

Sincerely,



Jennifer Duffy

EXHIBIT B

From: [Attorney Jennifer Duffy](#)
To: [Jared Beilke](#)
Bcc: lindapv@cox.net
Subject: RE: Beilke v Greenberg
Date: Tuesday, November 9, 2021 10:18:40 PM

Mr Beilke,

My clients have indicated that Hon. Gail A. Andler (Ret.) is their mediator choice. If either you or your wife have had prior business or personal experience with Hon. Andler, please let me know so we can evaluate any potential conflict.

Please let me know if you agree to this mediator.

Best Regards,

Jennifer Duffy

Jennifer Duffy

Attorney at Law

LAW OFFICES OF JENNIFER DUFFY

28649 S. Western Avenue

Suite 6571

Los Angeles, CA 90734

310-714-9779

jennifer@usclassactions.com

From: Jared Beilke <Jared@JMLLAW.com>
Sent: Monday, October 25, 2021 3:27 PM
To: Attorney Jennifer Duffy <jennifer@usclassactions.com>
Subject: RE: Beilke v Greenberg

Dear Mr. Duffy,

Assuming you still represent the Greenberg's, you have failed to respond to my three prior emails, attached below and my 2 voicemail messages to you. Our 60 day deadline to select a mediator is approaching in the next 2 weeks. Please respond to me asap.

Jared W. Beilke

Partner | Personal Injury & Employment Law

JML Law, APLC

Los Angeles | Orange County | San Francisco

2400 E. Katella Avenue, Anaheim, CA 92806

Main: 714-456-9176 | Fax: 714-456-9179

From: Jared Beilke
Sent: Wednesday, September 29, 2021 2:36 PM
To: jennifer@usclassactions.com
Subject: RE: Beilke v Greenberg

Dar Ms. Duffy,

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Thanks.

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Main: 714-456-9176 | Fax: 714-456-9179
jared@jmlaw.com | www.jmlaw.com

From: Jared Beilke
Sent: Monday, September 20, 2021 11:09 AM
To: 'jennifer@usclassactions.com' <jennifer@usclassactions.com>
Subject: RE: Beilke v Greenberg

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jared@jmlaw.com | www.jmlaw.com

EXHIBIT C

From: [Jared Beilke](#)
To: [Attorney Jennifer Duffy](#)
Subject: Re: Beilke v Greenberg
Date: Friday, December 3, 2021 11:38:56 AM

Dear Ms. Duffy,

I never received the email you forwarded below from three weeks ago. I have also never received a response to any of the prior emails I sent you, as well as voicemails. Being that I did not get any responses from you and have continued to witness your clients violate the view ordinance as well as move dirt, build retaining walls, BUILD A SHED (directly blocking our view) and continuing to work in general in direct violation of both what has been approved by the city and the community association - we have filed a view complaint with the city of Rolling Hills. Your clients should be hearing from the city shortly if they haven't already about our complaint. Your clients continue to do whatever they want on their property without seeking the required approval. For example, the association has told your clients they could not build a shed where it currently is. They did so anyway and have since been told that it needs to come down and they have not taken it down. Due to the past conduct outlined in my original letter to your clients, as well as their continued intentional conduct of not complying with our cities laws, we have moved forward with our he complaint process.

Sincerely,

Jared W. Beilke

Sent from my iPhone

On Dec 2, 2021, at 4:18 PM, Attorney Jennifer Duffy
<jennifer@usclassactions.com> wrote:

Mr Beilke

Following up on my email sent 3 weeks ago. Do you have a response?

From: Attorney Jennifer Duffy
Sent: Tuesday, November 9, 2021 10:19 PM
To: Jared Beilke <Jared@JMLLAW.com>
Subject: RE: Beilke v Greenberg

Mr Beilke,

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Andler, please let me know so we can evaluate any potential conflict.

Please let me know if you agree to this mediator.

Best Regards,

Jennifer Duffy

Jennifer Duffy

Attorney at Law

LAW OFFICES OF JENNIFER DUFFY
28649 S. Western Avenue
Suite 6571
Los Angeles, CA 90734
310-714-9779
jennifer@usclassactions.com

From: Jared Beilke <Jared@JMLLAW.com>
Sent: Monday, October 25, 2021 3:27 PM
To: Attorney Jennifer Duffy <jennifer@usclassactions.com>
Subject: RE: Beilke v Greenberg

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jared@jmllaw.com | www.jmllaw.com

From: Jared Beilke
Sent: Wednesday, September 29, 2021 2:36 PM
To: jennifer@usclassactions.com
Subject: RE: Beilke v Greenberg

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From: Jared Beilke
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To: 'jennifer@usclassactions.com' <jennifer@usclassactions.com>
Subject: RE: Beilke v Greenberg

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jared@jmlaw.com | www.jmlaw.com

John Signo

From: Jared Beilke <Jared@JMLLAW.com>
Sent: Tuesday, March 8, 2022 5:50 PM
To: John Signo
Subject: FW: Beilke v Greenberg

From: Jared Beilke
Sent: Friday, December 3, 2021 11:39 AM
To: Attorney Jennifer Duffy <jennifer@usclassactions.com>
Subject: Re: Beilke v Greenberg

Dear Ms. Duffy,

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Subject: RE: Beilke v Greenberg

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310-714-9779
jennifer@usclassactions.com

From: Jared Beilke <Jared@JMLLAW.com>
Sent: Monday, October 25, 2021 3:27 PM
To: Attorney Jennifer Duffy <jennifer@usclassactions.com>
Subject: RE: Beilke v Greenberg

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jared@jmlaw.com | www.jmlaw.com

From: Jared Beilke
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Subject: RE: Beilke v Greenberg

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John Signo

From: Jared Beilke <Jared@JMLLAW.com>
Sent: Tuesday, March 8, 2022 5:48 PM
To: John Signo
Subject: FW: Beilke v Greenberg

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jared@jmlaw.com | www.jmlaw.com

John Signo

From: Beilke, Michele J. <MBeilke@hunton.com>
Sent: Thursday, March 10, 2022 10:30 AM
To: Brian Byun
Cc: Jared@jmlaw.com
Subject: Beilke View Complaint

CAUTION - EXTERNAL SENDER.

Mr. Byun:

The purpose of this email is to provide our preliminary response to a letter from Jennifer Duffy dated March 8, 2022 and to request a call/meeting with you this week. As we anticipate litigation, please consider this email as our request that the City of Rolling Hills preserve all documents and written/text/email communications regarding our view dispute with the Greenberg family located at 2 El Concho, Rolling Hills.

In anticipation of our call/meeting, we want to make the following points. We have complied with every step of the process set forth in 17.26.040.

First, pursuant to 17.26.040 (A)(1), we sent an initial notification to the Greenberg's requesting the initial reconciliation. They ignored our request.

Second, pursuant to 17.26.040 (B)(1), we sent a written request to the Greenberg's requesting mediation. We received a response on the 60th day.

Third and notwithstanding, pursuant to 17.26.040 (B)(2), we obtained mediator names from the City of Rolling Hills and recommended potential mediators to the Greenberg family. We sent numerous emails, calls and certified letters and received no response. We understand that there is a communication recommending Judge Adler (which my husband did not receive at the time) but notwithstanding all of this the parties did **not** agree to a mediator within 60 days. It is undisputed that we did not agree to a mediator within the 60 days which is what is required.

Fourth, pursuant to 17.26.040 (B)2), it states that "if they cannot agree on a mediator within sixty days (our situation), **they may jointly** [emphasis added] request that the City select a mediator. There has been no **joint** request and Ms. Duffy's letter plagued with false statements does not satisfy the clear and plain language of 17.26.040 (B)(2). We are not willing to attend mediation with the Greenberg's as we believe it will be a waste of time and money.

Fifth, pursuant to 17.26.040 (C), we communicated with the City of Rolling Hills our intent to file a Complaint. We received **all** communications with the City and we were told that we can file a Complaint at this time. There was full disclosure and we provided all emails and communications with the Greenberg's and Ms. Duffy. In fact, the City told us to send a certified letter to the Greenberg's since they failed to respond to our communications regarding mediation. We did that. We filed our Complaint with the City of Rolling Hills and provided all of the information required. We spoke with City to confirm availability for hearing (and we understand from the City that they also confirmed dates with the Greenberg family). The City confirmed with us the dates for the site visit and hearing and that worked for all parties involved. The notice went out accordingly.

Sixth, pursuant to 17.26.040 (C)(4), Notice of the Hearing was provided within 15 days. We paid for the Notice and it was distributed to our neighbors. We received the proof that notice was sent via certified mail to the Greenberg family.

Seventh, we were provided a date for the site visit and understand the City of Rolling Hills also requested a site visit at the Greenberg's property.

Eighth, we understand Ms. Duffy is now claiming they did not receive notice of the complaint. We were provided with the certified notice and find this troubling at best. That being said, we request at most that the City of Rolling Hills continue the hearing to comply with the Notice requirement.

In closing and to be very clear, we are **not** agreeing to withdraw our Complaint pursuant to 17.26.040 (C)(3) and hereby demand that the hearing proceed.

We are relatively flexible today and tomorrow to have a meeting or call. Please provide us with your earliest availability. Also, please forward all communication between the City of Rolling Hills and the Greenberg family (and your office) to the undersigned.

My cell is 562.243.0737.

Regards, Michele and Jared Beilke