

## Lido Isle Community Association Statement (LICA)

Originally when Lido Isle was developed the thought was the Stradas would be the front doors for the houses built and the street side would be the garage side of the house. As it developed over the years it was found property owners preferred to put their Front doors on the street side and most of these properties used the stradas as the rear yard of the properties.

The home owners found they needed some privacy in what they perceived as their back yards. The CC&R requirement of 30" on hedges was insufficient. In 2002 ~~and~~ the LICA board after much discussion with home owners decided to increase the hedge heights to 60" which was agreed upon because it allowed general privacy, but still allowed a clear space under the 84" height trees were trimmed to off the ground. This provided a 2ft clear view through the strada from one end to the other.

A vote was taken among all the property owners on the island to amend the CC&Rs and it passed by a wide majority to raise the hedge heights to 60" and trim trees to 84" off the ground. The LICA board instructed its attorney to file this amendment with the County of Orange and this was accomplished April 15, 2002.

LICA at this point took it upon itself to police this amendment to the present time. It was not Known until a few years ago the city of Newport Beach had its own strada ordinance of 42". The city had not been enforcing it and it only came to light because of a law suit between the Moores and the Fessler's. The Moores put in hedge plants of about 60" high and the Fessler's objected stating it block their view of the beach and the water. The Fessler's filed suit and during this suit this different ordinance came to light. The city refused to enforce its ordinance because the Moores had only planted individual plants and thus was not a hedge yet. The Fessler's dropped the suit, but now that

the plants have grown together, they have asked the city to enforce its ordinance.

In the mean time the city has taken a stance it would only enforce the ordinance if a complaint was made. As it turns out there are over 100 hedges on stradas of Lido 60" high. Most of these have been there for the last 17 years. Obviously problematic for the city.

LICA has been working with the Mayor Diane Dixon to change the city ordinance. We have presented all the documents of the 2002 amendment and the county filing. She feels we will be able to accomplish this possibly in the September Council meeting.

LICA does have compassion for the Moores disabled son and supports the Moore's attempt to raise the hedge height but only to our CC&R amendment of 60". This provides adequate privacy and was not arrived at flippantly.

I am 6'2" when standing in the concrete walkway of the strada and considering the width of the hedge cannot see anyone sitting down in that 10' wide residential area.

LICA disagrees with the Page 7 of the staff report "the existing public view that is afforded south down Strada Triest and across Via Lido Soud towards the beach on the bay will not be impacted" If the hedge is raised to 78" and the trees are trimmed to 84", this only leaves 6" of what should be 2 ft. Since the Moores are on the end of the Strada at Soud all homes north of them on their side of the Strada would be impacted. No longer having that clear view.

Additionally there many elderly people living on the various stradas of Lido, many with disabilities LICA is afraid if this 78" accommodation is made there will be a litany of other requests for the same.

Eric Henn

Lido Isle Community Association - President