

MEDIATE THIS !

A NEW DECK, THE NEIGHBOR AND THE (ALMOST) PERFECT VIEW

BY STEVEN P. DINKIN

Dear Mediator,

I recently built a new deck in my backyard to entertain guests and enjoy the amazing view.

Unfortunately, my neighbor has a tree that completely blocks my view on one side.

The trunk of the tree is fully on his property, so I don't know if I have a legal right to tell him to trim it or have it removed.

I have several times discussed this issue with him and his son, and while the son is sympathetic, his father has not been receptive. What can I do?

Annoyed in Del Mar

Dear Annoyed,

With the June gloom finally dissipating, it's only natural that you'll want to fire up the grill and catch some sunset views on your newly constructed deck. I can imagine that your ideas of festive summer parties and warm family gatherings did not include a tree blocking your otherwise magnificent view.

Here at the National

Conflict Resolution Center, there is never a shortage of disputes involving neighbors and their trees; the only more prevalent issue might be dogs barking incessantly.

Thomson Reuters produces an annual report that addresses issues of zoning and city planning, and it discusses disputes such as yours, saying: "Generally, a land owner does not have a right of access to air, light, and view over adjoining property, and the law is reluctant to imply such a right.

"Thus, under the common law, the owner of land has no legal right, in the absence of an easement, to the light and air unobstructed from the adjoining land."

While that is the general view in the legal realm, you, of course, can always rely on municipal code to remove any tree limbs that are hanging over your property. Though that might address the debris and perhaps even clear some of your view, it will likely not solve the issue completely.

Mediation has earned its



GETTY IMAGES

While the deck above is not the one mentioned in today's question, the situation deals with a neighbor's tree that is blocking the view from the deck next door.

place in the conflict resolution toolbox because of its ability to bring about dialogue that could not otherwise take place.

In your case, it would seem that a mediator has already surfaced. Your

neighbor's son is the clear choice as the bridge between you and your neighbor, and he could easily be the catalyst for you resolving this issue.

You mentioned previous conversations with your

neighbor's son and stated that he is sympathetic to your viewpoint.

This creates the perfect chance to invite the son over for an evening out on your deck.

Keep the conversation

light and let him see firsthand how his father's tree blocks what would otherwise be a great sunset view. Once he — literally — sees things from your perspective, take it a step further and ask the son to bring his father over for a conversation, and perhaps the father will finally see why his tree is causing an issue.

When mediating, it can take countless hours to get one side to view things from the other's perspective. Your opportunity to get your perspective across is right in your own backyard. Use this to your advantage, and I suspect it will be a short time before you are sitting on your deck enjoying a gathering devoid of an unsightly obstruction.

Steven P. Dinkin is a professional mediator who has served as president of the San Diego-based National Conflict Resolution Center since 2003. Do you have a conflict that needs a resolution? Share your story with The Mediator via email at mediatethis@ncrconline.com or as an online submission by visiting www.ncrconline.com/MediateThis. All submissions will be kept anonymous.

NOTEBOOKS

From Union-Tribune reporting staff

TRANSPORTATION: JOSHUA EMERSON SMITH

San Diego slams brakes on Wheels

San Diego officials have booted Wheels-brand vehicles from city streets, telling the dockless mobility company that its devices are not allowed under the new rules that govern dockless scooter companies such as Lime and Bird.

Authorities said the electric, bike-style vehicles would be confiscated if found on city property as of Wednesday.

Specifically, the city determined that the vehicles are "motorized bicycles" and don't meet requirements for such devices, such as displaying a license plate or complying with federal motor vehicle safety standards for lighting, brakes, mirrors and horns.

"The new regulations and permitting process allow the city to hold these companies accountable for their actions and weed out any bad actors," said city spokeswoman Christina Chadwick.

The Los Angeles-based company showed up in San Diego in January to compete with the dockless scooters that proliferated across the city last year. The company touted the construction of their devices as lasting many times longer than competitors.

The San Diego Union-Tribune reached out to Wheels through its website but received no response.

San Diego's rules on dockless mobility devices recently went into effect, after being approved by the City Council in April.

The city is now reviewing applications from companies requesting to operate in the city, with determinations expected within weeks.

Permits are for six months and come with a \$5,141 fee. Companies must fix the number of vehicles they have in any six-month period, with some exceptions for special events.

The rules also limit vehicle speeds in designated areas to 8 mph, such as on walkways in Balboa Park, Liberty Station NTC Park and Spanish Landing Park and Trail.

Companies are also required to force riders to scroll through and manually acknowledge local and state vehicle laws before each ride. All motorized scooters will include a label that reads: "Riding on sidewalks is prohibited."

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THE READERS' REPRESENTATIVE: ADRIAN VORE

Money doesn't affect news decisions

A couple of weeks ago the readers' rep took a phone call from a woman whose sister was in a car accident. She said a CHP officer had given incorrect information on who wore seat belts. Her sister, she said, had been wearing a seat belt when the crash occurred.

The woman also had called Dana Littlefield, the public safety editor. Littlefield asked a reporter to follow up with the CHP. The agency said that after further investigation it was determined the woman had indeed worn a seat belt. The reporter updated the story online.

During the phone calls to me and Littlefield, the woman said something that took both of us back.

The woman said she would be willing to pay for the information on the seat belt to be corrected. Littlefield and I thought, could some people really believe that news is paid for?

I found it so jarring that I wanted to be clear with readers. News is not paid for. Money plays no role in reporters' and editors' decisions.

What's news?

I asked readers several weeks back their thoughts on the question "What is news?" which is a subject of debate daily within news organizations. Should a story be written? Where should it be published? How long does it deserve to be?

Here are some responses:

"Any information that I can't wait to share with my friends and fellow residents here at Fairwinds Ivy Ranch in Oceanside," Shelly Rose said.

"Accurately without political bias what is happening locally, statewide, nationally and internationally," Lou Cumming of La Jolla said.

"There's a rule, maybe older than Gutenberg, that's had various formulations, to say what's news and what's not news," Jim Varnadore of City Heights said. "The formulation I like best is, 'Man bites dog' is news. 'Dog bites man' is not news."

The U-T is still having trouble with some general email addresses. In the meantime for corrections or other issues with stories, use adrian.vore@sduniontribune.com instead of readers.rep@sduniontribune.com

BIOTECH: BRADLEY J. FIKES

UCSD chief noted for stem cell work

An international association of stem cell researchers has honored UC San Diego's Larry Goldstein for his longtime advocacy in the field.

Goldstein, who heads UCSD's regenerative medicine program, received the award June 26 at the International Society for Stem Cell Research meeting in Los Angeles.

The International Society for Stem Cell Research, or ISSCR, established the Lawrence Goldstein Science Policy Fellowship program to train more stem cell scientists to be active in public policy discussions.

Goldstein has been frequently quoted in news stories about issues surrounding the use of stem cells, including human embryonic stem cells, "adult" stem cells, and fetal tissue.

In particular, Goldstein cautions the public about the risks of using unauthorized stem cell therapies. These are provided by a proliferation of stem cell clinics, which

may make scientifically unverified or exaggerated claims.

"As stem cell scientists, we are uniquely placed to explain what this science is, to the public and to the government," Goldstein said in his acceptance speech before an audience of several hundred.

Stem cell scientists should work with government policy makers for goals such as setting funding levels, establishing ethical standards, and protecting people, Goldstein said.

"And I guarantee you if stem cell scientists don't step up to the plate and do this, nonscientists will take our place. And we will be unhappy with the outcome."

"Finally, I really want to stress how important it is... to communicate with our governments, to talk to the press, to speak to our neighbors about science and why it's so valuable."

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MUSEUMS: JOHN WILKENS

Two museums receive national honor

The Barona Cultural Center and Museum in Lakeside and the New Children's Museum in San Diego have been named winners of the 2019 National Medal for Museum and Library Service.

They were among 10 institutions nationwide honored at a ceremony in Washington, D.C., last month by the Institute of Museum and Library Services, a federal agency that provides grants, research and policy development.

This was the 25th year the medal has been handed out. It recognizes "outstanding and significant contributions" to local communities.

"Their achievements challenge all of us to identify new ways to address the question of community inclusion, equity, and involvement in each of our own communities all across the nation," said Kathryn Mathew, director of the institute.

The Barona center bills itself as the county's "first museum on an Indian reser-

vation dedicated to the perpetuation and presentation of the local Kumeyaay-Diegueño Native culture." Its collection includes items that are 10,000 years old.

The children's museum dates to 1983, when it opened in La Jolla. It moved into a downtown warehouse in 1993 and reopened in 2008 as the New Children's Museum.

Also honored were the Jamestown S'Klallam Tribal Library (Sequim, Wash.); Inter-university Consortium for Political and Social Research (Ann Arbor, Mich.); New Haven Free Public Library (New Haven, Conn.); Gulfport Public Library (Gulfport, Fla.); Meridian Library District (Meridian, Idaho); Orange County Regional History Center (Orlando, Fla.); National Civil Rights Museum at the Lorraine Motel (Memphis); and South Carolina Aquarium (Charleston, S.C.).

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FROM THE ARCHIVES

OVER-THE-LINE
A SINGULAR SPORT

The first Over-the-Line tournament was held in 1953, according to Mike Curren. It has been held continuously ever since.

Then, the eight-team, round-robin event attracted little attention north of Belmont Park.

It was not until June of 1968 that The San Diego Union sent staff writer Dick Barnes and photographer Jerry Rife to report on the 15th annual "World Championship Over-The-Line" tournament at Mission Beach.

The Evening-Tribune had published a story by sports writer Rick Smith the previous year, and a series of Letters to the Editor published in The Union had both protested and defended the unruly behavior of tournament participants.

The 66th annual World Championship Over-the-Line Tournament will take place July 13-14 and July 20-21 at Fiesta Island on Mission Bay.

From The San Diego Union, Sunday, July 7, 1968:

WORLD CHAMPIONSHIP ON THE LINE
IN 'OVER-THE-LINE' TOURNAMENT

By Dick Barnes

About 1,500 persons who firmly believe that happiness is "Over-the-Line" braved gray skies and rain yesterday to attend what is billed as the singular sport's world championship tournament at Mission Beach.

Over-the-Line is a lazy man's softball game. It eliminates all the exhausting aspects of softball such as running, and in-

cludes benefits such as an occasional beer, sideline-lounging and girl-watching.

The tournament began about 14 years ago at Mission Beach. The three-man teams would pass the warm summer days battling each other on an A-shaped field.

Eight teams competed that first season in a tournament which was organized by Mike Curren.



This year's event attracted 152 teams, most of them from cities along the California coast.

San Diego dominates the entries, but 24 Los Angeles teams came down and one Over-the-Line enthusiast traveled from Columbus, Ohio.

The emphasis in Over-the-Line is on the off-beat as the team names indicate. Among teams playing this year are The Plums, last year's winner; The Established Firm, Multiple Vitamins, Roadside Business and Surehands and the Assassins.

The tourney, which ends today, is being



played on the sandy expanses of Mariner's Point near Belmont Park. A dozen or so fields are marked by yellow rope and there is action on every "diamond" in the preliminaries.

But this afternoon, when the top two teams face each other for the title, the crowd around the narrow field will look like the crowd at the 18th green at Augusta or Yankee Stadium during the '27 Series.

Even in yesterday's gloom, the games went on uninterrupted and only a few of the spectators—the men in shorts and the girls in bikinis—retreated to their cars. Prominently displayed on the announcers stand is the crowd's credo: "Happiness Is Over-the-Line."

The mechanics of the game are simple. The batter stands at the small end of the A-shaped field and hits a ball thrown by a pitcher on his own team. A swing and a miss is an out. A caught fly ball is out. No three strike count. No walks.

A hit over a walking line is a base hit and runs are scored by consecutive one-base hits. A home run is any ball hit over the opposing team's head.

HISTORICAL PHOTOS AND ARTICLES FROM THE SAN DIEGO UNION-TRIBUNE ARCHIVES ARE COMPILED BY MERRIE MONTEAGUDO. SEARCH THE U-T HISTORIC ARCHIVES AT NEWSLIBRARY.COM/SITES/SDUB.