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In California Neighbors' Dispute, Officials Find It's Time to Speak for the Trees

By [FELICITY BARRINGER](#)

SAN FRANCISCO — Neither State Senator Joe Simitian of [California](#) nor the state's governor, [Arnold Schwarzenegger](#), bears much resemblance to [Dr. Seuss's](#) Lorax. But on Tuesday, like that fictional defender of the environment, they spoke for the trees.

More than six months after two Santa Clara residents were convicted under a state nuisance law for letting their redwoods cast shade on a neighbor's solar panels, the governor signed into law a bill that gives trees the right to grow as they please — as long as they predate any solar panels they might be shading.

"I think we've demonstrated that there is nothing mutually inconsistent about trees and solar," said Mr. Simitian, a Democrat who wrote the bill, shortly after the measure was signed on Tuesday. "I was frustrated by the tone of the debate at the outset — that it was somehow about trees versus solar. I thought it should be about trees and solar."

He added, "We need to get past talking about who's right and talk about what's right."

But back in his Santa Clara County district, the dispute between the neighbors, Mark Vargas (he of the solar panels) and Richard Treanor and Carolynn Bissett (of redwood-tree fame) still simmers.

Mr. Vargas had tried to get his neighbors to remove or drastically prune a group of redwoods they had planted beginning more than a decade ago. The trees now loom over Mr. Vargas's home and over solar panels he installed in 2001, six years after the first redwoods were planted.

After the conviction of Mr. Treanor and Ms. Bissett, one of the seven redwoods was extensively pruned.

The new law is not retroactive; the original conviction stands. But the neighborhood fight is not over. Mr. Vargas has gone back to civil court, suing his neighbors in part because of the solar-panel issue, but also because he claimed the trees' roots damage an underground storm drain and because they violate state laws prohibiting spite fences.

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