

Mid-Coast Community Council

An elected Municipal Advisory Council to the
San Mateo County Board of Supervisors
Serving 12,000 coastal residents

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24 February 1999

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Public Works

Joe Gore, Chair

Doug Abdalla
San Mateo County Planning Commission
455 County Center, 2nd Floor, Mail Drop PLN 122
Redwood City, CA 94063

Dear Commissioner Abdalla,

Several members of the Mid-Coast community attended a seminar on 12 February 1999 on "Takings and Land Use for Local Government Officials," presented by the Community Land Use Project of California – a part of the Institute for Local Self Government, the non-profit research arm of the League of California Cities. Our registration fees allow us to copy the printed materials for internal use within our agency. Because we are an advisory body in San Mateo County, it seems appropriate for us to share these materials with you.

We found these two half-day presentations very enlightening and well presented. "Takings for Local Agency Officials" was presented by Richard M. Frank, Senior Assistant Attorney General in the Land Law Section for the State of California, and by Andrew Schwartz, City Attorney for the City and County of San Francisco. The session on "Findings and Exactions" was presented by Fran Layton of Shute, Mihaly, and Weinberger, and by Tom Curry, City Attorney, City of Livermore. The printed materials were prepared by an impressive group of experts in this area.

Our interest was to become better informed citizens so that we might offer recommendations on projects proposed for the Mid-Coast with due concern for the potential financial exposure of the County to takings claims. Some attorneys, aggressively pursuing the financial interests of their clients, have appeared before you and in other locations suggesting, or even threatening, to file suit under various takings theories if their approvals are not granted. We believe that it is not in the best interest of the general public to take these assertions at face value without researching the law that supports the alleged claim. We were extremely pleased to hear at this seminar that many of the grounds we have heard advanced as bases for litigation are not supported by statutory or case law; they are, therefore, empty threats offered in an attempt to intimidate your Commission.

Your County Counsel generally offers a conservative opinion on the risk of financial exposure to litigation if the County were to deny an application. However, as representatives of the people of San Mateo County, you have a responsibility to protect all of our public assets, not just those that can be measured in dollars. That includes preserving the beauty of our public spaces against unjustifiable over-development, when the appropriate land use decision is to "Just Say No." We hope that these materials will help you better understand the legal basis for your duty to make a determination in the public interest without threat of lawsuit on specious takings grounds.

Sincerely yours,
