

**MidCoast Community Council**  
P. O. Box 64 Moss Beach, CA 94038

June 13, 1994

The Honorable Tom Huening, President  
San Mateo County Board of Supervisors  
Redwood City, CA 94063

Dear Supervisor Huening:

RE: View and Sunlight Preservation Ordinance

In response to the MidCoast Community's demand, the Council requests the County's assistance in drafting and implementing an ordinance which would create a procedure to resolve property owners' disputes arising between landscaping and privacy concerns and protection of views and sunlight access.

The demand for such an ordinance was established by a four-weekend survey of 544 MidCoast residents, conducted by an independent group of community volunteers who wrote and used the enclosed questionnaire. The results showed an 85% majority of the surveyed residents in favor of an ordinance.

A local attorney drafted the enclosed ordinance, which was presented to the Council for its endorsement. The Council voted not to endorse the drafted ordinance, but suggested modifications which could make it subject to reconsideration. These included the following:

1. Limit application to properties adjacent or directly across from blocking trees
2. Clarify that ordinance will not apply retroactively
3. Balance view preservation against privacy needs
4. Better define "active use area"
5. No application to undeveloped properties
6. Modify/eliminate "undesirable trees" language
7. Limit application to urban Midcoast area

The drafted ordinance was also reviewed by County Counsel and Planning staff, who found it to be in need of modification to balance a number of issues and to bring it into compliance with existing regulations. Please see the enclosed comments from William Rozar.

Subsequently, the subcommittee of the Council has continued its attempts to draft an ordinance, or modify the existing draft, to conform it to existing LCP requirements, as well as to take into consideration the privacy, safety, and aesthetic concerns of residents. The members of the subcommittee have reviewed similar working ordinances on this issue from the cities of Oakland, Hillsborough, San Francisco, and Tiburon. A series of facilitated discussions produced the following areas of agreement:

1. The ordinance should not be applied retroactively.
2. Privacy needs are to be balanced against view and sunlight considerations.
3. The application of the ordinance should be limited to the Urban Midcoast.

In spite of the issues in which agreement has been reached, the subcommittee remains at a loss to adapt the existing drafted ordinance, or draft a new one, lacking the needed resources. Since the demand for such an ordinance has been demonstrated, and because of its potential effects on private property rights if adopted, we are requesting the County's assistance in this matter, in the form of planning staff support and access to legal review.

Supervisor Lempert has been made aware of this project, and it is our understanding that his office has already initiated discussions with planning staff on this matter.

Sincerely,

  
Angela Meyer  
Council Chair

Copies:

Supervisor Lempert  
Supervisor Barrales  
Supervisor Griffin  
Supervisor Nevin  
MCC members  
Subcommittee members