

# Thomas F. Casey, III, County Counsel



## COUNTY OF SAN MATEO

HALL OF JUSTICE AND RECORDS, THIRD FLOOR  
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May 25, 1995

Joe Fitting  
P.O. Box 370796  
Montara, CA 94037

Re: Proposed View and Solar Access Ordinance

Dear Mr. Fitting:

Thank you for providing me with your latest draft of the proposed view and solar access ordinance. Your accompanying letter clarified several of the issues raised in our review of the first draft.

As I indicated in my letter of March 15th, there are some issues with regard to how the process proposed by the ordinance dovetails with state law, particularly with regard to the role of the courts and apportionment of costs, that will need some research by this office. Because this will take some time, and due to other constraints, we would propose to address these issues when and if the matter is passed from the Midcoast Community Council to the Planning Commission. These issues mainly involve procedural aspects of the ordinance, and should not affect the substance of the ordinance. My suggestion is that the ordinance be presented to the Council for a determination of whether it should be passed on to the Planning Commission. If the matter is referred to the Planning Commission, we will address the remaining legal issues in a timely manner to avoid any delay of the County's consideration of the ordinance.

I again remind you that our involvement in the process to date should not be taken as an indication of the

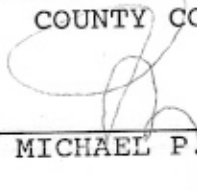
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position of this office, or of the County, on the merits of the ordinance.

Please contact me if you have any questions.

Very truly yours,

THOMAS F. CASEY, III  
COUNTY COUNSEL

BY:   
MICHAEL P. MURPHY, Deputy

cc: Bill Rozar, Planning Division  
Dave Holbrook, Planning Division