

MIDCOAST COMMUNITY COUNCIL  
P.O. BOX 64  
MOSS BEACH, CA. 94038

August 22, 1995

Honorable Ted Lempert, President  
Board of Supervisors  
County of San Mateo  
County Government Center  
Redwood City, CA. 94063

Re: View and Solar Access Ordinance

Dear President Lempert,

On August 9, the MidCoast Community Council (MCCC) voted 4:2, approving the attached View and Solar Access Ordinance to be passed on to the San Mateo County Board of Supervisors for review and approval. The two dissenting votes have requested that the reasons for their dissent be communicated to the county. We have attached Chris McComb's letter stating such reasons and Sally Campbell, the other dissenting vote will forward her letter under separate cover.

We have attached for your convenience the most recent draft of the View and Solar Access Ordinance as proposed by the Views Subcommittee and approved by the MCCC. In addition, we have attached a summary outlining salient points in the proposed ordinance.

The subcommittee was formed in June 1993 and has deliberated on a regular basis for approximately 26 months. In addition to the bi-weekly subcommittee report televised in the local community, the proposed ordinance has been agendized at nine MCCC meetings for review and comments by the council and the public.

Angela Meyers originally chaired the subcommittee and Joe Fitting took over as chairperson upon his appointment to the council. Approximately 10 to 15 mid-coast property owners made up the subcommittee at any point in time, however, the makeup of the subcommittee has changed since June 1993 due to varying reasons. On December 8, the MCCC requested that the original subcommittee be expanded to include members that opposed the proposed ordinance. Over time, a number of the original members dropped out due to general burn-out or disagreements over the direction the revised ordinance was taking.

When compared to the original draft, the ordinance has changed significantly in an effort to streamline text and to address the specific issues that were assigned to the subcommittee by the MCCC or recommended by the County Planning Department and Legal Counsel or other professionals (see below).

The subcommittee spent a great deal of time reviewing and drawing upon the provisions from the following ordinances:

- Oakland

- Tiburon
- Berkeley
- San Francisco
- Hillsborough
- Belvedere (proposed)

In addition, various members contacted a number of communities who do have *tree related ordinances*, but do not address view and solar access issues.

In addition, professional assistance and expert testimony were acquired during the review process. Local real estate salespersons, lawyers, contractors and other professionals attended our meetings periodically. Per the request of the MCCC chairperson, San Mateo County trained mediators volunteered to facilitate subcommittee meetings beginning in February 1994. In addition, the subcommittee specifically consulted with the following experts to help address areas of the proposed ordinance which the subcommittee could not agree upon resulting in successful resolution:

- R. Fimmel     Attorney, specializing in real estate law, practicing for 20 years  
                   Trained real estate mediator and arbitrator  
                   Member of Alternative Dispute Resolution Committee (ADRC)
- D. Yniguez     Certified Arborist  
                   Attorney, specializing in issues relevant in Urban Forestry  
                   Co-author of Berkeley Solar Access and View Ordinance (1987)  
                   Member of ADRC

During 1993, the original subcommittee surveyed over 100 mid-coast residents. The results of the survey indicated support for a view and sunlight dispute resolution vehicle. A broad number of residents over a two year period have voiced both positive and negative opinions over this issue. These issues have been sent back to the subcommittee for review and have been incorporated or balanced in the attached proposed ordinance.

In summary, we ask that this ordinance be reviewed and approved by the San Mateo County Board of Supervisors.

If you should have any questions, please do not hesitate to contact us.

Very Truly Yours,

Joe Fitting  
 View and Solar Access  
 Subcommittee

Jim Marsh  
 Chair, MidCoast Community  
 Council

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 View and Solar Access  
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