

Exhibit B

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CALIFORNIA COASTAL COMMISSION

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October 21, 2016

Craig Spencer
Associate Planner
Monterey County Resource Management Agency, Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: LCP-3-MCO-14-0841-1-Part B (Proof of Access)

Dear Mr. Spencer:

This letter is in follow-up to our discussion today with County staff regarding the LCP amendment application for the Proof of Access ordinance (Coastal Commission file number LCP-3-MCO-14-0841-1-Part B, dated received on November 24, 2014). The proposed ordinance includes a new section (20.64.320) of Title 20 (Monterey County Coastal Implementation Plan, Part 1) that would establish regulations for the issuance of permits and entitlements for development on properties using private streets and roads. The ordinance provides for the resolution of disputes regarding the use of such roads during the development review process.

As we discussed, Commission staff supports the County in its desire to ensure that civil matters regarding private roads are addressed outside the County's and the public's forum(s) for land use applications. We understand that the intent of the proposed ordinance is to provide a framework to address these issues without the need for County or public involvement, and thus we support the ordinance's overarching goal.

However, the County's proposal to include the ordinance *in the LCP* presents a range of potential issues, unintended consequences, and opportunities for misuse. More broadly, we are concerned that putting the ordinance in the LCP, to be used as a standard of review for coastal development permits (CDPs), explicitly requires the County (and the Commission on appeal) to be directly involved in addressing private disputes through the public regulatory process, thereby frustrating the intent and purpose of the ordinance. We are concerned that the ordinance as written would give power to one or a few individuals when the LCP is designed to maximize the public's ability to participate equally. Finally, and perhaps most importantly, LCP Implementation Plan amendments such as this are required to carry out and be consistent with the Land Use Plan, and it is unclear in this case how the proposed amendment would meet those LUP tests (including how the Commission can find the proposed IP amendment consistent with and adequate to carry out the Land Use Plan's coastal resource protection policies).

Commission staff believes that the proposed regulations are better suited to a different, non-LCP section of the County code that deals with procedural matters, and/or as a filing requirement at

the application stage. **We therefore strongly recommend that the County withdraw this LCP amendment**, and instead insert the Proof of Access regulations elsewhere in the County code. That way, the Proof of Access provisions will be in effect, but will not be used as standards of review for CDPs, including being used for appeal purposes.

If you have any questions, please feel free to contact me at katie.butler@coastal.ca.gov or (831) 427-4863.

Sincerely,



Katie Butler
Coastal Planner
Central Coast District Office

