

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

BERLIN ANDREW TR (PLN110257-AMD1)

RESOLUTION NO. 26-020

Resolution by the County of Monterey Planning
Commission:

- 1) Find the project Categorically Exempt pursuant to CEQA Guidelines section 15302 and no exceptions to section 15300.2 apply; and
- 2) Approve a Combined Development Permit consisting of:
 - a) Coastal Development Permit to allow development within the Big Sur Critical Viewshed;
 - b) Coastal Development Permit for development within 750 feet of an archaeological resource; and
 - c) Design Approval to allow replacement of 53.5 feet of the existing wood fence and the main entrance gate with a stone wall and dark bronze entrance gate.

[BERLIN ANDREW T TR, 36000 HWY 1, Big Sur
Coast Land Use Plan, APN: 243-231-027-000].

The BERLIN ANDREW T TR application came for a public hearing before the County of Monterey Planning Commission on June 24, 2026. Having considered all the written and documentary evidence, the administrative record, the staff report, written and oral testimony, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROCESS REQUIREMENTS** – The County received and processed a Minor and Trivial Amendment to previously approved Combined Development Permit (HCD Planning File No. PLN110257; Planning Commission Resolution No. 11-048). It was determined that this Minor and Trivial Amendment was processed with procedural errors and should have been processed as a Combined Development Permit. The application before the Planning Commission today corrects this error.
EVIDENCE:
 - a) On August 18, 2025, an application for a Minor and Trivial Amendment (PLN110257-AMD1) was submitted to HCD-Planning staff. This application was submitted in accordance with Title 20 section 20.76.115.
 - b) Background. On December 14, 2011, the County of Monterey Planning Commission approved PLN110257 for a Combined Development

Permit consisting of: 1) Coastal Administrative Permit to allow the demolition of an existing 1,960 square foot one-story single family dwelling and 66 square foot guest unit and the construction of a 9,255 square foot two-story single family dwelling, new retaining walls, perimeter fencing, and associated grading (2,573 cubic yards cut, 2,573 cubic yards fill); 2) Coastal Development Permit for development within 750 feet of an archaeological resource; 3) Coastal Development Permit for development within 50 feet of a coastal bluff; 4) Coastal Development Permit for a Lot Line Adjustment to merge two parcels into one parcel; and 5) Design Approval. Approval of this permit included 31 conditions of approval.

On April 9, 2012, the previously approved Coastal Development Permit for a Lot Line Adjustment (HCD-Planning File No. PLN110257) was granted an Unconditional Certificate of Compliance (Document No. 2012021134) to reflect the Lot Line Adjustment to merge two parcels into one parcel.

On November 3, 2014, the associated Construction Permits (Building Permit No. 12CP00985) were granted for the project, and the project had undergone a final inspection.

On December 3, 2025, the project was scheduled to be heard for consideration by the Chief of Planning, pursuant to Title 20 section 20.76.115, as a Minor and Trivial Amendment to a Coastal Development Permit. However, on November 20, 2025 a member of the public raised concerns with the proposed design, potential impacts on nearby public vistas, and requested that the project be referred to a public hearing. The project was referred to the Zoning Administrator, pursuant to Title 20 section 20.76.060. The Chief of Planning took no action on the item as it was referred to the Zoning Administrator.

On March 26, 2026, the County of Monterey Zoning Administrator considered a revised scope of work, which included allowing the replacement of 53.5 feet of the existing wood fence and the main entrance gate with a stone wall and dark bronze entrance gate. On March 26, 2026, at a duly-noticed public hearing at which all persons had the opportunity to be heard, the Zoning Administrator determined that the proposed Minor and Trivial Amendment had procedural errors and should have been considered by the Planning Commission in accordance with Title 20 section 20.44.040.E. Therefore, the Zoning Administrator continued the item to a date certain (April 6, 2026) and directed staff to prepare a resolution with an intent to deny due to procedural inconsistencies.

On April 9, 2026, the County of Monterey Zoning Administrator considered a resolution denying the proposed project, which included allowing the replacement of 53.5 feet of the existing wood fence and the main entrance gate with a stone wall and dark bronze entrance gate. On April 9, 2026, at a duly-noticed public hearing at which all persons had

the opportunity to be heard, the Zoning Administrator denied the Minor and Trivial Amendment to a previously approved Combined Development Permit (PLN110257).

On April 15, 2026, Andrew T. Berlin, Trustee of the Andrew T. Berlin Revocable Trust (The Law Office of Aengus L. Jeffers representing Appellant), timely appealed the April 9, 2026 decision of the Zoning Administrator, pursuant to Title 20 section 20.86.030.A. Appellant's contentions related to the Zoning Administrator's determination that the Planning Commission was the Appropriate Authority to consider the project due to the project's location within a scenic highway (Highway 1).

Pursuant to Title 20 sections 20.86.030.C and E, an appeal shall be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority (i.e., Zoning Administrator Resolution No. 26-024) has been mailed to the Applicant. The County emailed the written notice of the decision on April 9, 2026, and said appeal was filed with the Clerk of the Board of Supervisors on April 15, 2026, within the 10-day timeframe prescribed by Title 20 section 20.86.030.C. The appeal hearing is de novo. A complete copy of the appeal is on file with the Clerk of the Board, and is attached to the June 9, 2026 staff report to the Board of Supervisors as **Attachment B**.

On April 28, 2026 the project applicant submitted revised plans that were responsive to some of the concerns raised by a community member during the Zoning Administrator hearing. The revised plans include rough cut rocks, rather than neatly arranged straight cut rocks. These rough-cut rocks, consisting of locally sourced natural stones, are more reflective of the rural setting of Big Sur and use natural materials consistent with materials found in the area, see discussion in Finding No. 4.

On June 9, 2026, the County of Monterey Board of Supervisors considered a resolution granting the appeal and approving a combined development permit, which included allowing the replacement of 53.5 feet of the existing wood fence and the main entrance gate with a stone wall and dark bronze entrance gate. On June 9, 2026, at a duly notice public hearing at which all persons had the opportunity to be heard, the Board of Supervisors remanded the Combined Development Permit to the Planning Commission for their consideration and analysis, pursuant to Title 20 section 20.86.070.A.

- c) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed Combined Development Permit are found in project file PLN110257-AMD1.

2. FINDING: CONSISTENCY – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- 1982 County of Monterey General Plan;
 - Big Sur Coast Land Use Plan (BSC LUP);
 - County of Monterey Coastal Implementation Plan – Part 3; and
 - County of Monterey Zoning Ordinance - Coastal (Title 20).

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents. The Zoning Administrator's interpretation of the Code as applies to this project found that project was not processed in accordance with the requirements of Title 20 Chapter 20.44. A more thorough analysis of the zoning code as it applies to this project is provided in the findings and evidence that follows.

- b) Project. The Project includes demolishing 53.5 linear feet of the existing front property line fencing and gate and constructing a replacement stone wall (32 linear feet) and entrance gate (21.5 linear feet). The proposed stone wall would replace a portion of an existing louvered wood fence. The proposed dark bronze entrance gate would replace the existing wood entrance gate. A wood and metal side gate would be installed perpendicular to the entrance gate, but behind the proposed stone wall. The remainder of the property line would continue to be improved with the existing louvered wood fence, which would be repaired as needed.
- c) Allowed Use. The property is located at 36000 HWY 1, Big Sur Coast Land Use Plan, APN: 243-231-027-000. The parcel is zoned Rural Density Residential, 40 acres per unit, Design Control overlay, with a 14-foot height limit, in the Coastal Zone or "RDR/40-D(14')(CZ)", which allows for construction of accessory structures to any permitted use. The proposed project includes replacing 53.5 feet of an existing front property line fence and entrance gate.
- d) Lot Legality. The subject property (APN: 243-231-027-000) is recognized by the County of Monterey as a legal lot of record per recordation of a Certificate of Compliance (Document #2012021134).
- e) Critical Viewshed/Design. The project is consistent with the Big Sur Coast Land Use Plan (BSC LUP) policies protecting scenic resources and their implementing regulations in the related CIP, as detailed in Finding No. 4.
- f) Development Standards. The development standards for the RDR zoning district are identified in Title 20 section 20.16.060. As proposed, the project is designed below the allowable height for accessory structures (15 feet). The proposed fence and entry gate are located along the front property line. However, because the proposed development does not exceed 6 feet in height, it is not considered a structure and thus is not subject to setback requirements for accessory structures. Therefore, as proposed, the project conforms with the applicable development standards of the zoning district.
- g) Cultural Resources. According to County resources maps, the subject

property is located within 750 feet of a known archaeological resource. Therefore, the subject property is required to have archaeological report, pursuant to section 20.145.120.A.1 of the Coastal Implementation Plan (CIP), Part 3. However, pursuant to CIP section 20.145.120.B.1, an archaeological survey was previously prepared for the site. The report identified small quantities of shellfish and abalone found near the bluff, and a positive archaeological site located on an adjacent property. However, no evidence of cultural resources was found around the proposed construction site of the main residence and associated structures. The proposed development is located within the previously disturbed portions of the property. Minimal ground disturbance is required for the fence posts. As the project is within the development site, involves no land clearance or minimal land disturbance, and has an archaeological survey that was previously prepared, the proposed project is eligible for an archaeological survey waiver pursuant to CIP section 20.145.120.B.5.

The potential for inadvertent impacts on cultural resources is limited and will be further controlled by application of the County's standard project condition (Condition No. 3), which requires the contractor to stop work if previously unidentified resources are discovered during construction. Thus, as proposed, designed, and conditioned, the proposed project minimizes and avoids potential impacts to archaeological resources.

- h) Public Comment. A member of the public submitted concerns regarding the proposed design and materials of the replacement fence, citing it being better suited for a subdivision or "upscale neighborhood", conflicting with the BSCLUP's rustic character requirement, and impacting the character of the scenic corridor (Highway 1). As proposed, the fence utilizes natural materials and colors, does not significantly alter the scenic corridor, and complies with the applicable Critical Viewshed policies of the BSCLUP. See Finding 4.
- i) Land Use Advisory Committee (LUAC) Review. The project was not referred to the Big Sur LUAC. As a Minor and Trivial Amendment, it was determined that the project did not require LUAC review pursuant to the Board adopted LUAC Guidelines. However, as the project is no longer a Minor and Trivial Amendment, the project was referred to the Big Sur LUAC on June 23, 2026, to ensure additional input on the proposed project could be received. Staff provided a verbal update of the LUAC's recommendation at the Planning Commission hearing on June 24, 2026.
- j) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning are found in Project File PLN110257-AMD1.

3. FINDING: **SITE SUITABILITY** – The site is physically suitable for the proposed development and/or use.

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, CalFire (Big Sur), and the Environmental Health Bureau. County staff reviewed the application

materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.

- b) The following technical reports were previously prepared for this property and are applicable to the proposed development:
- Archaeological Analysis and Testing (LIB110286) prepared by Gary Breschini of Archaeological Consulting, Salinas, CA, June 16, 2011
 - Archaeological Analysis and Testing (LIB110287) prepared by Gary Breschini of Archaeological Consulting, Salinas, CA, June 21, 2010

Upon independent review, staff concurs with the conclusions of the report. There are no physical or environmental constraints that render the site unsuitable for the proposed project.

- c) Staff conducted a site inspection on November 12, 2025 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning are found in Project File PLN110257-AMD1.

4. FINDING: CRITICAL VIEWSHED AND DESIGN – The project preserves Big Sur’s scenic resources and minimizes impacts to the Critical Viewshed in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan (BSC LUP) and Coastal Implementation Plan (CIP). The project assures protection of the public viewshed and neighborhood character in accordance with the Design Control “D” Overlay Zoning District.

EVIDENCE: a) Relevant Policies. The property is subject to the Scenic Resources Policies of the BSC LUP for visual resources, as well as the implementing regulations in the CIP. The property is located along Highway 1, and pursuant to BSC LUP Policy 3.2.2, everything within sight of Highway 1 is considered within the Critical Viewshed.

The property is located near the Abalone Cove turnout, a popular public viewing area in Big Sur. Pursuant to BSC LUP Policy 3.2.5.F, development within the Rocky Point area is exempt from the BSC LUP’s strict Critical Viewshed (BSC LUP Policy 3.2.1 and 3.2.3), and is instead subject to BSC LUP Policy 3.2.4, “*Land Not in the Critical Viewshed*”. Further, BSC LUP Policy 3.2.5.C.2 exempts all “*Highway 1 Facilities – Private Highway Improvements*”, which include gates and roadside fences, from BSC LUP’s strict Critical Viewshed (BSC LUP Policy 3.2.1 and 3.2.3).

Policy 3.2.1 prohibits all public and private development in the Big Sur Critical Viewshed, which includes everything within sight of Highway 1. However, development at this location is exempt from BSC LUP Policy 3.2.1. New development in this area is required to comply with BSC LUP Policy 3.2.4, which requires it to be subordinate, blend in with the environment, and use materials and colors that facilitate

integration with the natural environment. To achieve this, BSC LUP Policy 3.2.4 encourages the design and siting of structures to ensure visual continuity and that structures do not detract from the natural environment by using materials and colors to achieve these outcomes. BSC LUP Policy 3.2.4 is implemented by the CIP sections 20.145.030.B.3.b, 20.145.030.B.6, and 20.145.030.C.2.

While the replacement fence and gate are, by virtue of their location and type of development, included in the exceptions to the Critical Viewshed policies, staff also analyzed the project pursuant to the requirements for replacement of existing structures in the Critical Viewshed. BSC LUP Policy 3.2.3.A.7 details the requirements for replacement of structures within the Critical Viewshed. While replacement structures in the Critical Viewshed are encouraged to comply with the LUP's strict Critical Viewshed policy, it is not required. In fact, replacement of structures in the Critical Viewshed is allowed, provided the development is at the original location and the redevelopment does not increase the structure's visibility. BSC LUP Policy 3.2.3.A.7 is implemented by CIP section 20.145.030.A.2.f.

- b) Setting. The project site is located between Highway 1 and the Pacific Ocean in the Rocky Point subdivision. Highway 1 in Big Sur was the first designated scenic highway in California, in recognition of its unique and picturesque setting. Along the subject portion of Highway 1, the visual character is views of Monterey Cypress trees, with limited views of the Pacific Ocean to the west and the Santa Lucia Mountains to the east. The viewshed is partially degraded by the presence of telephone poles and electricity lines east of Highway 1 and various types of development west of Highway 1, as well as a few single-family dwellings and associated site improvements, such as fences, driveway entrances, and mailboxes, which are visible when traveling along this portion of the highway. The existing fence and gate serve to protect the viewshed by screening the development from Highway 1. These existing, minimally visible structures are required to comply with BSC LUP Policy 3.2.3 and the underlying Design Control zoning district.
- c) Critical Viewshed Determination. The proposed replacement gate and fence are exempt from the Critical Viewshed policies in the BSC LUP as the parcel is between the BSC LUP Policy 3.2.5.F exempts "*Existing vacant residential parcels in the critical viewshed between Highway 1 and the sea, from (and including) the southernmost existing residential parcel on Rocky Point, to the northernmost developed residential parcel on Kasler Point and from the southernmost developed parcel north of Abalone Cove to the northernmost developed parcel south of Garrapata Creek*" from the Key Critical Viewshed Policy. The term "vacant" in Policy 3.2.5.F is not a qualifier of whether parcels are subject to this Policy, but a descriptor of the geographic area which is subject to this exemption. The phrase "*(and including) the southernmost existing residential parcel on Rocky Point, to the northernmost developed residential parcel on Kasler Point and from the southernmost developed parcel north of Abalone Cove to the northernmost developed parcel south of Garrapata Creek*" (emphasis added) confirms this

interpretation as those existing developed parcels in this geographic area are also subject to the exemption from the Key Critical Viewshed Policy. The subject property is within this area and therefore qualifies for an exception pursuant to BSC LUP Policy 3.2.5.F. While the parcel is not vacant, Policy 3.2.5.F still applies as the text of this policy further clarifies that these parcels shall be “...*permitted to be used for residential purposes subject to policies of Section 3.2.4 of this plan and the following standards...*”, and past County of Monterey decisions by the Zoning Administrator, Planning Commission, and Board of Supervisors have applied Policy 3.2.5.F to all proposed and replacement development, regardless of whether the property is vacant or not.

Private highway improvements along Highway 1 are included in the exceptions to the BSC LUP Policy 3.2.1 (Key Policy). Policy 3.2.5.C.2 explicitly exempts “*private driveway entrances, gates, roadside fences...*”. The proposed project is a replacement of the private driveway gate and portion of the roadside fence, which provide access to Highway 1 and therefore qualify for the exception pursuant to BSC LUP Policy 3.2.5.C.2.

- d) BSC LUP Policy Criteria. BSC LUP Policy 3.2.5.F allows development to be permitted for residential purposes subject to the policies in BSC LUP Policy 3.2.4. BSC LUP Policy 3.2.5.C.2 exempts private highway improvements such as fences and gates from BSC LUP Key Policy 3.2.1, which prohibits development within the Critical Viewshed, provided they are designed to be complementary to the rural setting and character of Big Sur, with a preference for natural materials.

The proposed fence is consistent with the rural setting and character of Big Sur through its use of natural stone and dark bronze materials that reflect the subdued colors and textures of the surrounding landscape. The natural stone (with varying beige and earthy tones) complements the geologic characteristics of the Big Sur coastline and the Santa Lucia Range by using rough-cut, locally sourced stones that mirror the natural Salinian Block Granitic and Metamorphic rocks. The gate is designed with dark earth-toned materials (dark bronze and natural stone) and continues the visual continuity of the fence by mirroring the pre-existing utility access gate on the property. The rustic character in the Big Sur area is maintained by minimizing the bulk and mass of structures allowed in the Critical Viewshed, maintaining visual access to the ocean (where applicable), and using natural materials, earth-toned finishes, and visual compatibility with the surrounding landscape. The fence’s height is nearly identical to the existing fence, and the perceived change in massing is limited, given that only 53.5 feet of the front property line fence is being modified. By utilizing natural materials and earth-toned finishes, the proposed fence is designed to visually recede into the landscape and remain subordinate to the surrounding scenery, making it complementary to the rural setting and character of Big Sur and consistent with the preference for natural materials identified in LUP Policy 3.2.5.C.2. The remainder of the front property line will continue to be developed with a louvered wood fence, which will be repaired as

needed. The proposed fence will transition into the existing fenceline. As proposed, the entire front property fenceline will consist of natural materials and be of a bulk and mass that does not detract from the scenic beauty of Highway 1 and will not block ocean views.

Finally, while the replacement fence and gate are exempt from BSC LUP Policy 3.2.1 and subject to BSC LUP Policy 3.2.4, staff has also reviewed the project in light of the criteria for replacement of structures in the Critical Viewshed pursuant to BSC LUP Policy 3.2.3.A.7, which require that the replacement structure be in the original location on the site, provided no other less visible portion of the site is acceptable to the property owner and the replacement does not increase the visibility of the structure. These requirements are ultimately to ensure that replacement structures conform to the BSC LUP Policy 3.2.1. The replacement fence and gate conform to those requirements by preserving the scenic resources of Big Sur and ensuring that the “*outstanding beauty*” of the Big Sur coast is preserved. The replacement gate and fence are sited slightly farther back from the property line and are designed with natural, muted materials that evoke and mirror the “*semi-wilderness character*”. As proposed, the project materials and design are natural and in keeping with the rural setting and character of Big Sur.

- e) CIP Criteria - Exceptions for Development in the Critical Viewshed. The CIP section 20.145.030 provides specific development criteria to ensure compliance with the BSC LUP Visual Resources Policies. The criteria for the gate and fence replacement require that gates and fences be designed to be “*complementary to the rural setting and character of Big Sur*”, and such structures shall be composed of natural materials, pursuant to CIP section 20.145.030.B.3.b. As previously described in Evidence “d,” the replacement fence and gate are composed of natural materials and dark earth-toned materials to complement the rural setting and character of Big Sur.

Pursuant to CIP section 20.145.030.B.6, the replacement fence and gate have been designed to reduce the visual impact of the development by using natural and dark earth-toned materials to reduce the visual impact of the gate and fence. Further, the replacement gate and fence will be set back further from Highway 1 than the existing gate and fence to further minimize visual impacts. The proposed replacement fence and gate will be of a bulk and mass that do not detract from the scenic beauty of Highway 1, block ocean views, or further degrade the existing scenic corridor. The proposed replacement fence and gate will not impact nearby vista points, such as Ablone Cove, and will not substantially change the Highway 1 scenic corridor. Finally, the proposed fence and gate will continue to screen the existing development from the public viewshed.

Finally, development in the Rocky Point Area is required to comply with the development standards in CIP section 20.145.030.C.2. The replacement fence and gate have incorporated appropriate materials and

colors to blend with and be subordinate to the surrounding environment. The proposed project is subordinate to the surrounding environment by using natural stone and dark colors, which ensures that the replacement gate and fence provide visual consistency along the Highway 1 frontage of the property. Therefore, the project satisfies the CIP requirements for Exceptions for Development in the Critical Viewshed.

f) CIP Criteria – Replacement Structures in the Critical Viewshed.

Replacement structures within the Critical Viewshed that are not subject to exceptions to the Critical Viewshed policies are governed by BSC CIP section 20.145.030, which sets out the specific development criteria to ensure compliance with the BSC LUP Visual Resources Policies. BSC CIP section 20.145.030.A.2.f includes criteria for allowing replacement structures within the Critical Viewshed.

“Replacement...of existing structures... shall be permitted in the original location on the site...”. The proposed fence and gate are in a similar location to the existing fence and gate on the property and connect to the existing sections of fence. The fence and gate are shifted slightly deeper into the parcel and further away from the scenic highway (Highway 1). Shifting the fence and gate deeper into the property further minimizes their impact on the Critical Viewshed.

“Replacement...of existing structures... shall be permitted provided no other less visible portion of the site is acceptable to the property owner...”. The existing fence and gate are situated slightly deeper within the parcel, a location that is proposed to further minimize visual impacts. The property owner reviewed and accepted this deeper placement to reduce visibility of the replacement fence and gate.

“Replacement...of existing structures...shall be permitted provided the replacement does not increase the visibility of the structure.” The replacement fence and gate have been designed to reduce the visual impact of the development by using natural, dark earth-toned materials. The replacement gate and fence are of similar bulk and mass to the existing gate and fence, further minimizing visual impacts. The replacement fence and gate have been designed with appropriate materials and colors to blend with and be subordinate to the surrounding environment. The proposed gate and fence are subordinate to the surrounding environment through the use of natural stone and dark colors, ensuring that the replacement gate and fence provide visual consistency along the Highway 1 frontage of the property. See Evidence “d” for additional design discussion.

Therefore, as proposed, the replacement fence and gate satisfy the requirements for replacing structures within the Critical Viewshed.

g) Design Control. Pursuant to MCC Title 20 Chapter 20.44, the proposed project and surrounding area are designated as a Design Control Zoning District (“D” zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character.

The proposed replacement fence and gate will incorporate natural materials (stone) and natural, dark earth-tone materials (dark bronze and natural stone), which are in keeping with the rural setting and character of Big Sur. Additionally, the proposed fence replacement project only modifies a limited portion of the front property fence line. The remainder of the front property line will continue to be developed with a louvered wood fence. As proposed, the entire front property fenceline will consist of natural materials and have a bulk and mass that do not detract from the scenic beauty and public viewsheds of Highway 1. The project protects the public viewshed, is consistent with the surrounding rural character, and ensures public access and visual integrity. Therefore, the design of the proposed project ensures the protection of the public viewshed, neighborhood character, and the visual integrity of the property and the surrounding environment.

- h) Staff conducted a site inspection on November 12, 2025 to verify that the site is suitable for this use.
- i) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning are found in Project File PLN110257-AMD1.

5. FINDING: **HEALTH AND SAFETY** – The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD-Developmental Services, HCD-Environmental Services, CalFire (Big Sur), and the Environmental Health Bureau. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary facilities are provided. This Combined Development Permit would not alter these facilities. The Environmental Health Bureau has reviewed the project and made no comments.
 - c) Staff conducted a site inspection on November 12, 2025 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning are found in Project File PLN110257-AMD1.

6. FINDING: **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County’s zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed County of Monterey HCD-Planning and HCD-Building Services records and is not aware of any violations existing on the subject property.

- b) The application, project plans, and related support materials submitted by the project applicant to County of Monterey HCD-Planning are found in Project File PLN110257-AMD1.

7. FINDING: PUBLIC ACCESS – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) Figure 2 – Shoreline Access Plan, Northern Section, of the BSC LUP indicates that the subject property is in an area where public access is required (Priority 2 area). As detailed in the preceding Finding No. 2 and supporting evidence, BSC LUP Chapter 3.2 and CIP section 20.145.030.B.3.b allow for private highway improvements like fences. Big Sur Coast LUP Policy 6.1.5.F.1 states, *“Future land use planning shall be compatible to provide visual access. To this end, all new structures and ancillary facilities should be located outside of the public viewshed as defined in Chapter 3.”* Public Access policies (Chapter 6.1 of the Big Sur Coast LUP), specifically visual access policies, need to be taken into consideration when reviewing the proposed fence design. Visual Access is access for scenic viewing of the shoreline and/or ocean from either a vista point or public road, or trail. Section 20.145.150 of the Big Sur Coast CIP (Public Access Development Standards) states *“[T]he protection of visual access should be emphasized ...[and] Visual access shall be maintained by directing all future development out of the viewshed.”* The proposed replacement fence was designed to ensure existing ocean views (heavily filtered and screened by mature trees) will remain. See subsequent evidence “c”.
 - b) Figure 3 – Trails Plan, North Section, of the Big Sur Coast LUP indicates that the subject property neither contains an inland trail corridor, a through coastal access corridor, public trail, private trail, access to Ventana Wilderness, nor is identified as an area for future public acquisition or a proposed trail.
 - c) Although the subject property is shown in an area where the applicable Local Coastal Program requires public access (Figure 2), no evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property. The proposed development will continue to screen the project from public view, in the same manner as the original fence and gate, which will serve to hide the dwelling from the public viewshed and Highway 1. The proposed development will not impact the Abalone Cove turn-off, and proposes to enhance views from Abalone Cove. Consequently, no access is required as part of the project, as no substantial adverse impact on access, either individually or cumulatively, as described in section 20.146.130 of the County of Monterey Coastal Implementation Plan, can be demonstrated.
 - d) Staff conducted a site inspection November 12, 2025. No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

- e) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN110257-AMD1.

- 8. FINDING: CEQA (Exempt)** – The project is categorically exempt from environmental review, and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines section 15302 categorically exempts replacement structures where the new structures will be located on the same site and have substantially the same purpose and capacity as the structure replaced.
 - b) The project includes construction of a replacement fence and gate. The replacement fence and gate will be located in the same area as the existing fence and gate and serve the same purpose. Therefore, the project is consistent with the categorical exemption requirements of CEQA guidelines section 15302.
 - c) No adverse environmental effects were identified during staff review of the development application or during a site visit on November 12, 2025.
 - d) None of the exceptions under CEQA Guidelines section 15300.2 apply to this project. The project does not involve alterations to a designated historical resource, a hazardous waste site, nor development that would result in a cumulatively significant impact. Although the project is visible from Highway 1 and constitutes development within the Critical Viewshed, as demonstrated in Finding Nos. 4 supporting evidence, the development is rural in design, compatible with the surrounding environment, and will not have an adverse impact on public or visual access. There are no unusual circumstances associated with undertaking the project that would create a reasonable possibility that the project would have a significant effect on the environment.
 - e) The application, plans, and supporting materials submitted by the project applicant to County of Monterey HCD-Planning for the proposed development found in project file PLN110257-AMD1.
- 9. FINDING: APPEALABILITY** – The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Board of Supervisors. Pursuant to Title 20, Section 20.86.030, an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission. Pursuant to section 20.86.080.A of the County of Monterey Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development between the first public road and the sea.

DECISION

NOW, THEREFORE, based on the above findings and evidence, and the administrative record as a whole, the Planning Commission does hereby:

- 1) Find the project Categorically Exempt pursuant to CEQA Guidelines section 15302 and no exceptions to section 15300.2 apply; and
- 2) Approve a Combined Development Permit consisting of:
 - a) A Coastal Development Permit to allow development within the Big Sur Critical Viewshed;
 - b) A Coastal Development Permit for development within 750 feet of an archaeological resource; and
 - c) A Design Approval to allow replacement of 53.5 feet of the existing wood fence and the main entrance gate with a stone wall and dark bronze entrance gate.

All in general conformance with the attached plans and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 24th day of June 2026 upon motion of Commissioner Diehl, seconded by Commissioner Roberts, by the following vote:

AYES: Getzelman, Mendoza, Work, Diehl, Roberts, Monsalve, Gomez, Shaw, Hartzell

NOES: None

ABSENT: Gonzalez

ABSTAIN: None

DocuSigned by:
Melanie Beretti
F6C3AC03D78644E...

Melanie Beretti, AICP
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **JULY 2, 2026**.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **JULY 13, 2026**.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. This permit does not authorize any development, land disturbance, or construction. Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County HCD-Planning and HCD-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless use is started within this period.

County of Monterey HCD Planning

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN110257-AMD1

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This is a Combined Development Permit allows replacement of 53.5 feet of existing wood fence and the main entrance gate with a stone wall and dark bronze entrance gate within the Big Sur Critical Viewshed and within 750 feet of an archaeological resource. The project is located at 36000 Highway 1, Monterey (Assessor's Parcel Number 243-231-027-000), Big Sur Coast Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 26-020) was approved by the County of Monterey Planning Commission for Assessor's Parcel Number 243-231-027-000 on June 24, 2026. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of HCD - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to HCD - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to HCD-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

5. CC01 INDEMNIFICATION

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: Owner/Applicant agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code section 66474.9, defend, indemnify, and hold harmless the County of Monterey and/or its agents, officers, and/or employees from any claim, action, or proceeding against the County and/or its agents, officers, and/or employees to attack, set aside, void, or annul this approval and/or related subsequent approvals, including, but not limited to, design approvals, which action is brought within the time provided for under law. Owner/Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action.

The County shall notify Owner/Applicant of any such claim, action, and/or proceeding as expeditiously as possible. The County may, at its sole discretion, participate in the defense of such action. However, such participation shall not relieve Owner/Applicant of his/her/its obligations under this condition. Regardless, the County shall cooperate fully in defense of the claim, action, and/or proceeding.

(County Counsel-Risk Management)

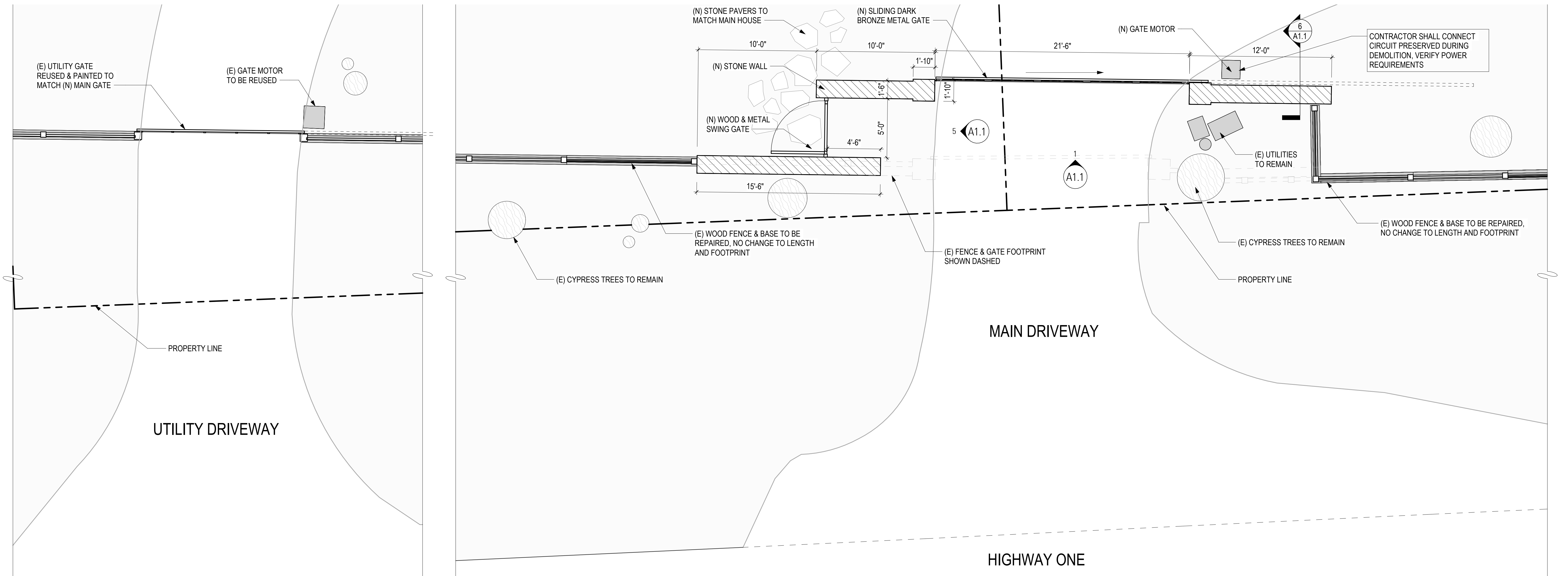
Compliance or Monitoring Action to be Performed: This Indemnification Obligation binds Owner/Applicant from the date of approval of this discretionary development permit forward. Regardless, on written demand of the County Counsel's Office, Owner/Applicant shall also execute and cause to be notarized an agreement to this effect. The County Counsel's Office shall send Owner/Applicant an indemnification agreement. Owner/Applicant shall submit such signed and notarized Indemnification Agreement to the Office of the County Counsel for County's review and signature. Owner/Applicant shall then record such indemnification agreement with the County of Monterey Recorder's Office. Owner/Applicant shall be responsible for all costs required to comply with this paragraph including, but not limited to, notary costs and Recorder fees.

6. PDSP001 – SUBMITTAL OF FINAL PLAN SET

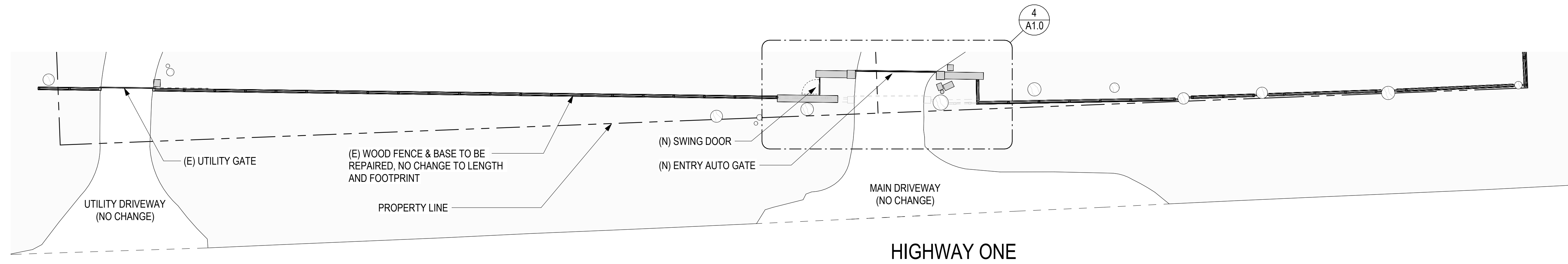
Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The Owner/Application/Contractor shall submit a site-specific Plan Set to HCD-Planning for review and approval, reflecting the final project as approved by the County of Monterey Planning Commission. The Owner/Application/Contractor shall be required to adhere to the final approved Plan Set.

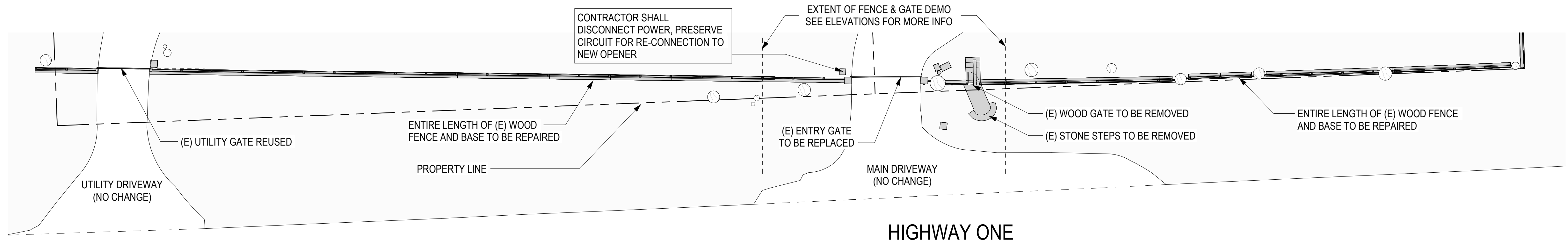
Compliance or Monitoring Action to be Performed: Prior to issuance of a construction/building permit, the Owner/Application/Contractor shall prepare and submit a final Plan Set to HCD-Planning for review and approval.



4 ENTRY GATE & FENCE PLAN - PROPOSED
A1.0 1/4" = 1'-0"



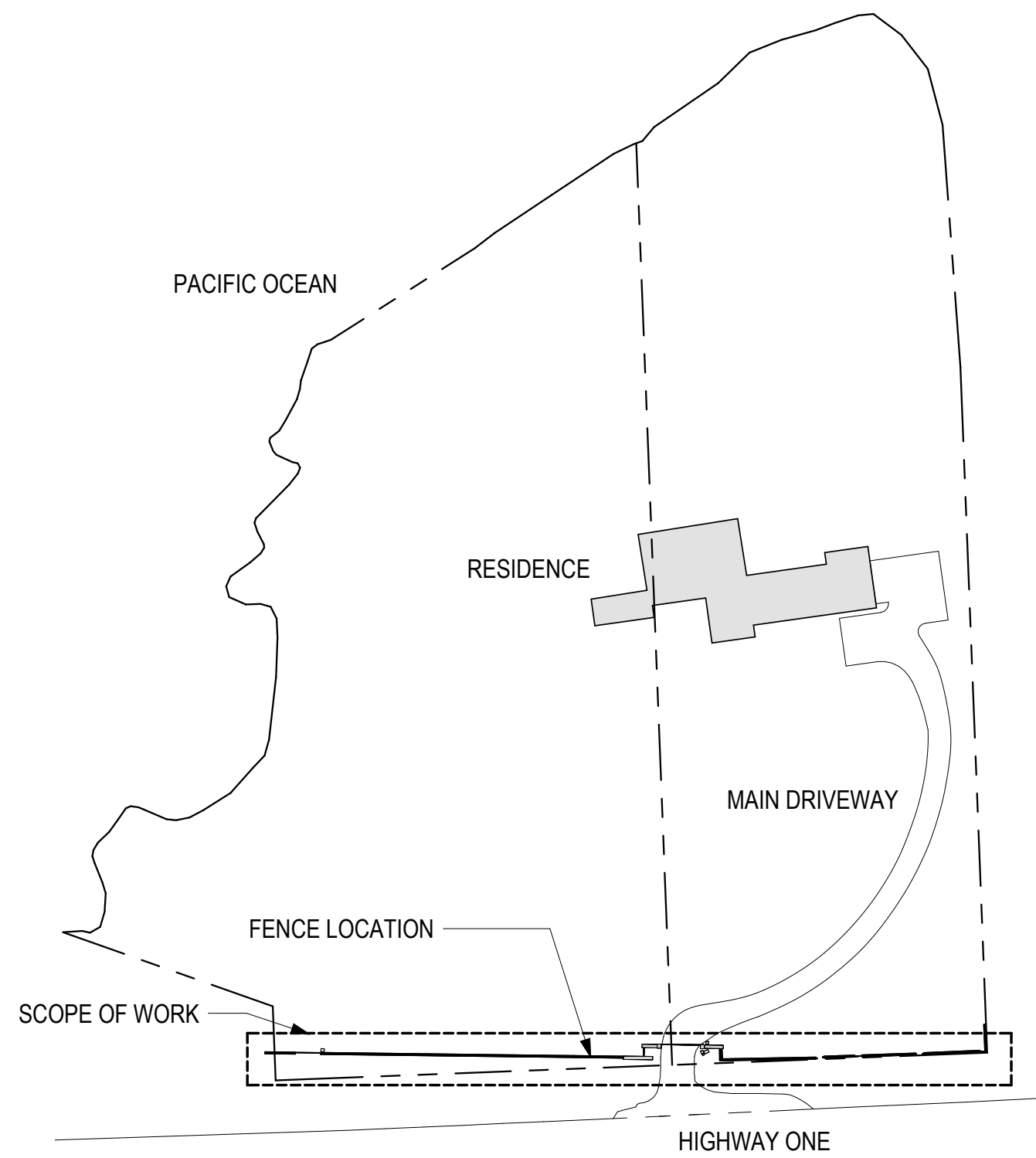
1 ENTRY GATE & FENCE PLAN - OVERALL PROPOSED
A1.0 1/16" = 1'-0"



3 ENTRY GATE & FENCE PLAN - OVERALL EXISTING/DEMO
A1.0 1/16" = 1'-0"

NOTES

- SCOPE OF WORK TO INCLUDE:
 - REPAIR AND REPLACEMENT OF (E) WOOD FENCE
 - REPLACEMENT OF (E) SLIDING METAL GATE AT MAIN ENTRY
 - ADDITION OF ASHLAR STONE WALLS TO EITHER SIDE OF (N) GATE
- NO TREE REMOVAL PROPOSED



2 CONTEXT PLAN
A1.0 1" = 80'-0"

EXISTING FENCE IMAGES



SECONDARY GATE



OVERALL FENCE



MAIN ENTRY GATE



ACCESS DOOR AT MAIN ENTRY GATE

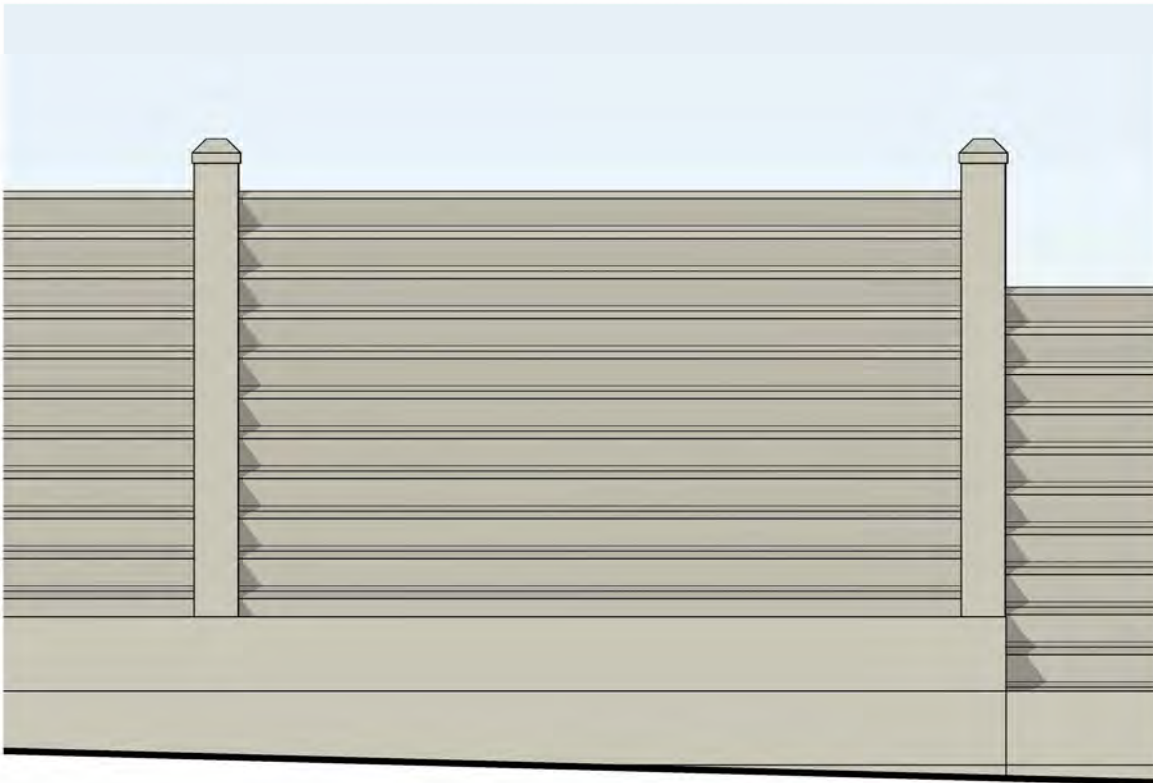
PROPOSED MATERIAL IMAGES



LOCALLY SOURCED, UNCOURSED RANDOM ASHLAR STONE WALLS



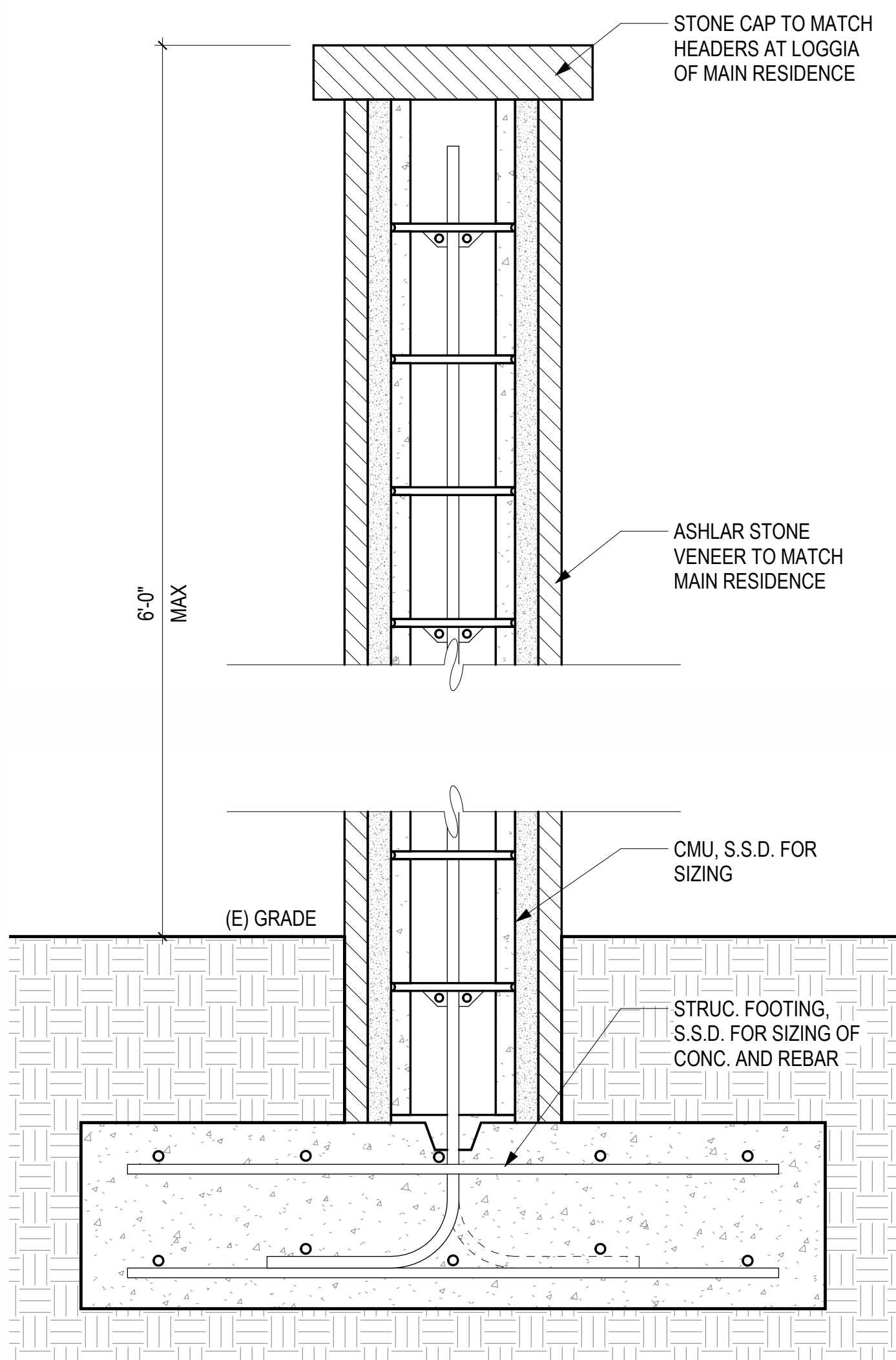
AGED BRONZE METAL TO MATCH DOORS & WINDOWS OF MAIN RESIDENCE



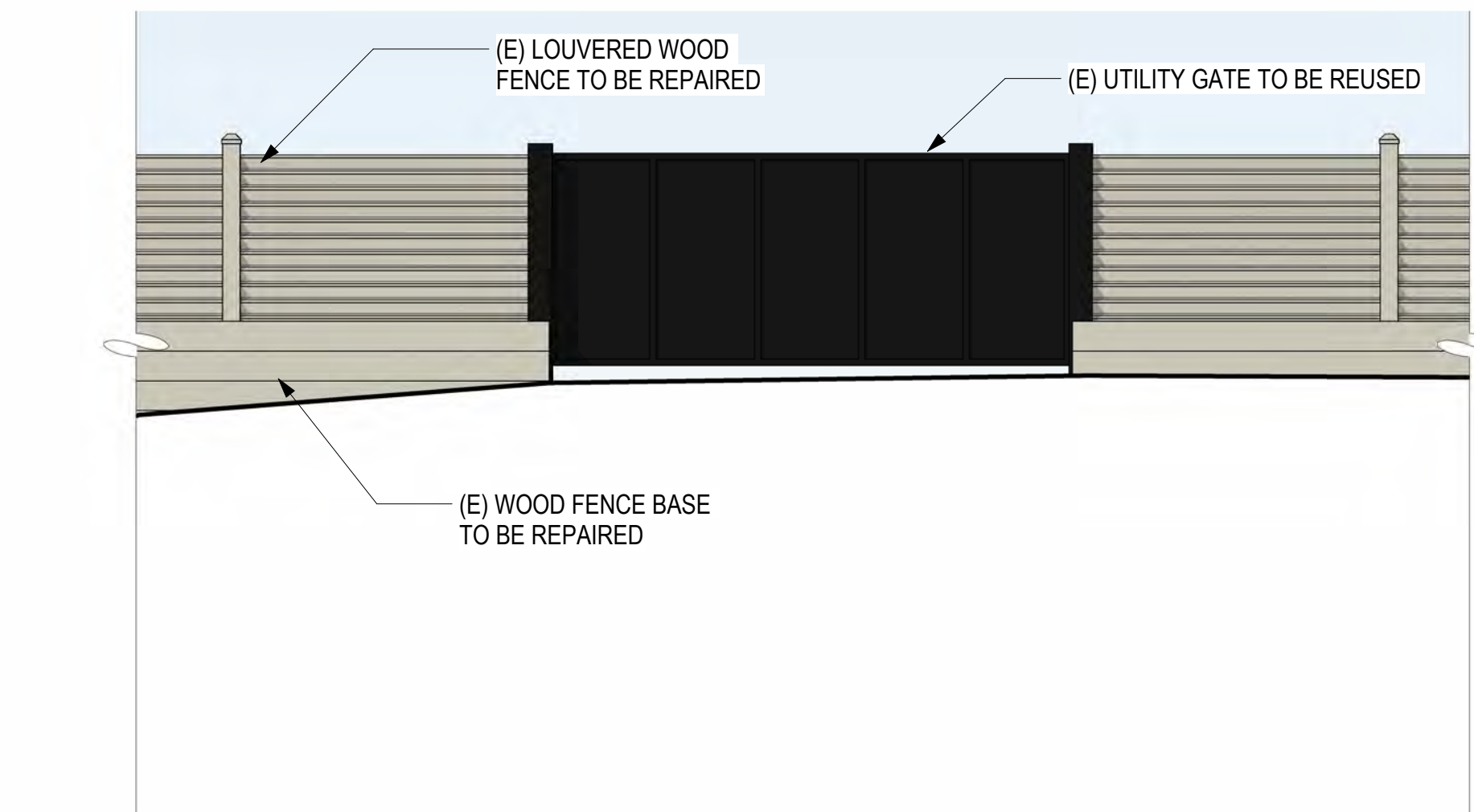
ALL WOOD STAINED AND ACID WASHED TO MATCH (E) FENCE



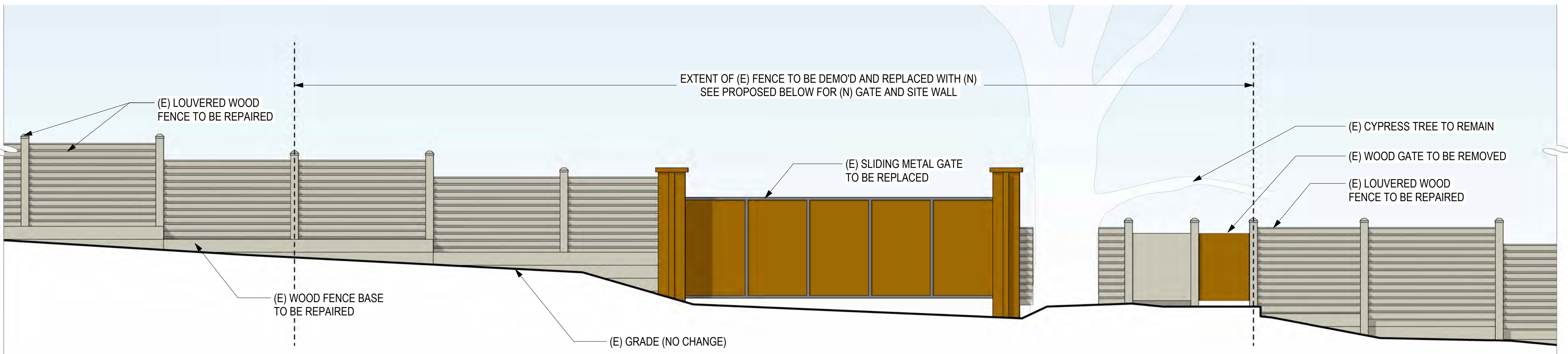
(E) WOOD FENCE



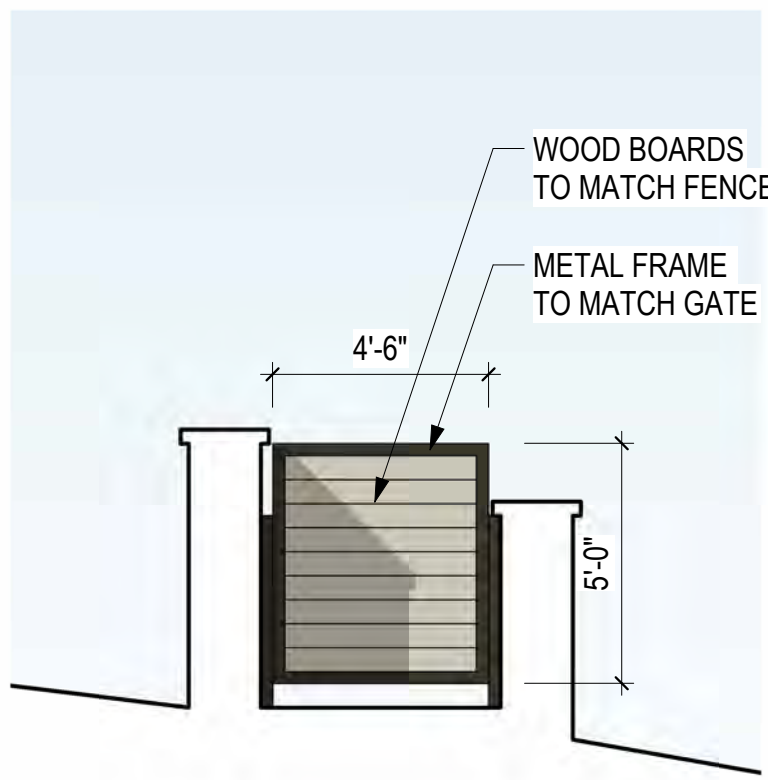
6 FENCE SECTION - PROPOSED
A1.1 1 1/2" = 1'-0"



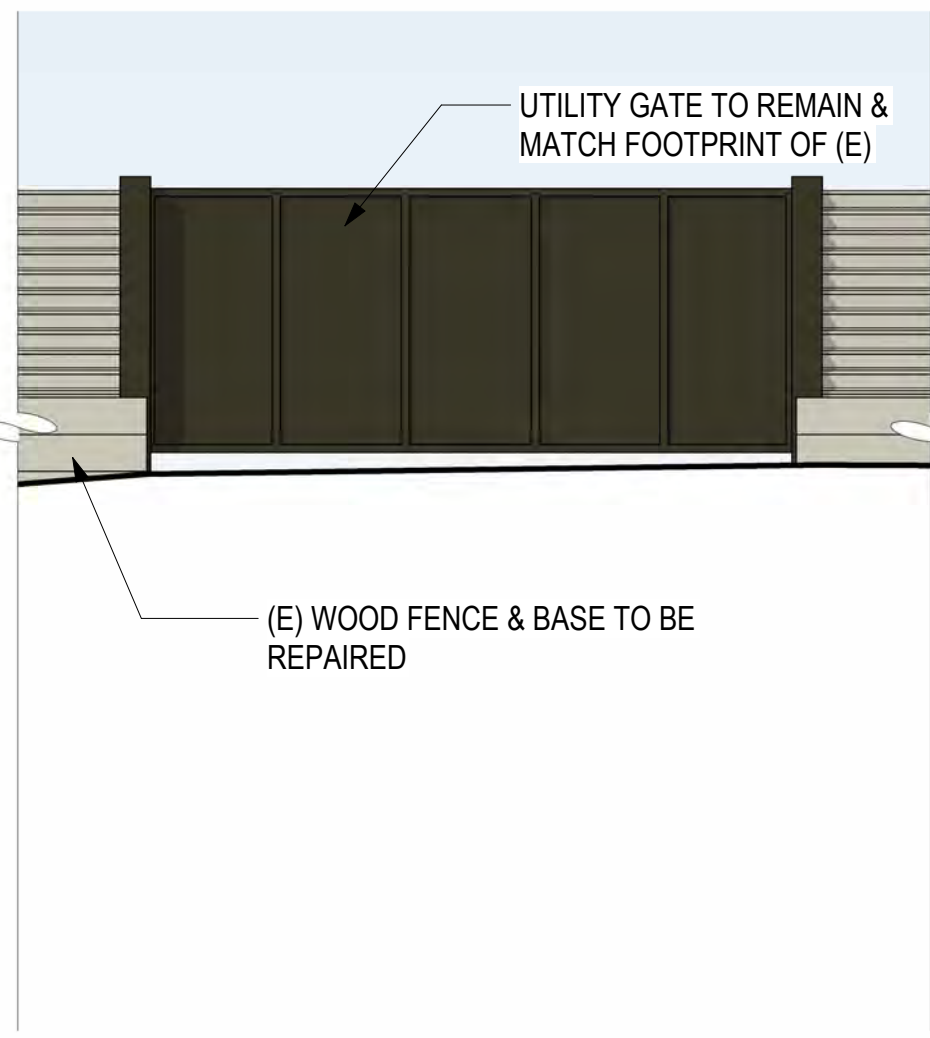
1 ENTRY GATE & FENCE ELEVATION - EXISTING / DEMO
A1.1 1/4" = 1'-0"



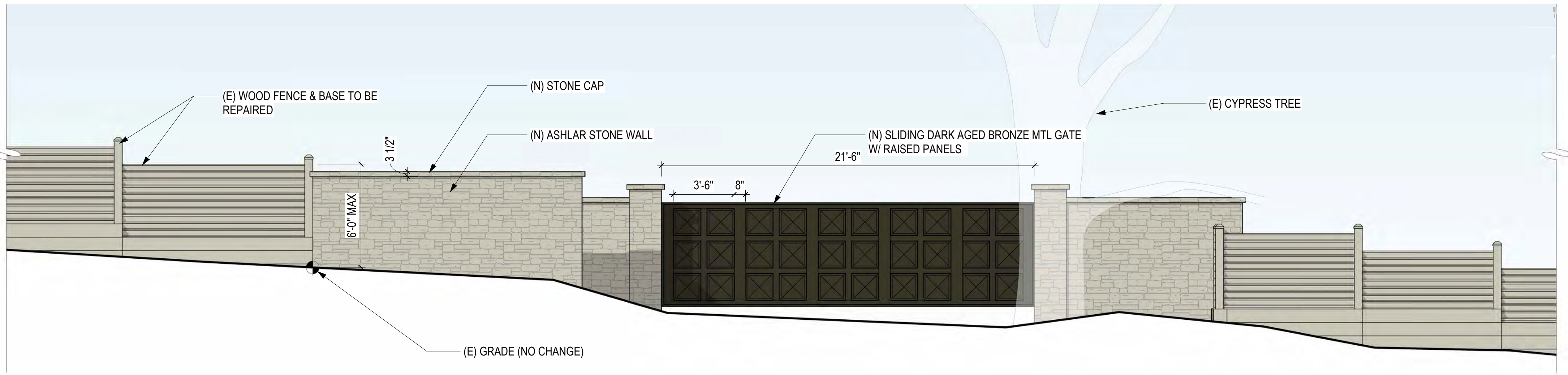
SCALE: 1/4" = 1'-0"



5 SIDE DOOR - PROPOSED
A1.1 1/4" = 1'-0"



2 ENTRY GATE & FENCE ELEVATION - PROPOSED
A1.1 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"