



County of Monterey Planning Commission

Item No.3

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Agenda Item No.3

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June 24, 2026

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PLN110257-AMD1 - BERLIN ANDREW T TR

Public hearing to consider replacing of 53.5 feet of the existing wood fence and the main entrance gate with a stone wall and dark bronze entrance gate. The project is within the Critical Viewshed and within 750 feet of a known archaeological resource.

Project Location: 35986 Highway 1, Big Sur

Proposed California Environmental Quality Act (CEQA) action: Find the project Categorically Exempt pursuant to CEQA Guidelines section 15302 and no exceptions to section 15300.2 apply.

RECOMMENDATIONS

It is recommended that the Planning Commission adopt a resolution to:

- a. Find the project Categorically Exempt pursuant to CEQA Guidelines section 15302 and no exceptions to section 15300.2 apply; and
- b. Approve a Combined Development Permit consisting of:
 1. Coastal Development Permit to allow development within the Big Sur Critical Viewshed;
 2. Coastal Development Permit for development within 750 feet of an archaeological resource; and
 3. 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.

The attached draft resolution includes findings and evidence for consideration (**Attachment A**). Staff recommends approval, subject to 4 conditions of approval.

PROJECT INFORMATION

Agent: Laura Lawrence, Law Office of Aengus L. Jeffers

Property Owner: Andrew Berlin Trust

APN: 243-231-027-000

Zoning: Rural Density Residential, 40 acres per unit, Design Control, 14-foot height limit, Coastal Zone, or "RDR/40-D (14')(CZ)"

Plan Area: Big Sur Coast Land Use Plan

Flagged and Staked: No

Project Planner: Taylor Price, Senior Planner

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SUMMARY:

The proposed project includes the replacement of a portion of an existing fence along Highway 1 in Big Sur and the replacement of a gate at the driveway to a private property. The project before the Planning Commission (Commission) today is a consideration of a Combined Development Permit to allow the replacement fence and gate, development within the Critical Viewshed, and development within 750 feet of an archeological resource.

The action before the Commission today does not include consideration of the appeal of the County of Monterey Zoning Administrator's (ZA) decision, as the County of Monterey Board of Supervisors (Board) on June 9, 2026, remanded the Combined Development Permit to the Commission for its consideration. The Commission's decision today is appealable to the Board. The project's timeline is briefly summarized below:

- December 14, 2011 - The Commission approved the project's original Combined Development Permit, which included construction of a single-family dwelling and associated site improvements.
- August 18, 2025 - County of Monterey Housing and Community Development (HCD) received an application to replace a section of the applicant's existing fence and gate.
- November 20, 2025 - HCD received a public comment and request for a public hearing on the Minor and Trivial Amendment.
- December 3, 2025 - HCD Chief of Planning took no action on the Minor and Trivial amendment and referred the project to a public hearing.
- March 26, 2026 - The ZA heard the project and determined that it had been processed with procedural errors; the project should have been heard by the Commission instead of the ZA pursuant to the Design Control Overlay guidelines (Title 20 Chapter 20.44).
- April 9, 2026 - The ZA denied the project due to procedural errors.
- April 15, 2026 - The applicant filed a timely appeal for the project. The Board is the Appeal Authority for decisions in the Coastal Zone (Title 20 Chapter 20.86).
- April 28, 2026 - The applicant submitted revised plans in response to public comment.
- June 9, 2026 - The Board remanded the project to the Commission for its consideration and analysis.

As explained herein, staff recommends approval of the Combined Development Permit.

DISCUSSION:

Design/Critical Viewshed

The Critical Viewshed is defined as everything visible from Highway 1. Big Sur Coast Land Use Plan (BSC LUP) Policy 3.2.1 prohibits development visible from Highway 1 and major public viewing areas. The subject property is located along Highway 1 and, according to Policy 3.2.2 of the BSC LUP, is located within a Critical Viewshed. Pursuant to Title 20 section 20.16.030.B, development in the Big Sur Coast within the Critical Viewshed is required to obtain a Coastal Development Permit.

The property is located near the Abalone Cove turnoff, which is a popular public-viewing area within

Big Sur. 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.

Therefore, the proposed replacement gate and fence are exempt from the Critical Viewshed policies in the BSC LUP as the parcel is within the above-described area of Policy 3.2.5.F. Accordingly, although the project site is located along Highway 1 and thus within the Critical Viewshed, it is subject only to the standards of Policy 3.2.4 (Land Not in the Critical Viewshed). Furthermore, pursuant to BSC LUP Policy 3.2.5.C.2, private highway improvements such as fences and gates are exempt from BSC LUP 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.

Additionally, while the project is included in the exceptions to the Critical Viewshed policies, as detailed above, staff also analyzed it for consistency with standards for replacement structures within the Critical Viewshed, given its location and project type. While development within the Critical Viewshed shall be prohibited, BSC LUP Policy 3.2.3.A.7 and section 20.145.030.A.2.f of the Coastal Implementation Plan allow replacement of existing structures on the original site, provided no other less visible portion of the site is acceptable to the property owner, and as long as the replacement does not increase the visibility of the structure.

The proposed gate and fence would be consistent with the rural setting and character of Big Sur through their use of natural, locally sourced stone and dark bronze materials that reflect the subdued colors and textures of the surrounding landscape. The natural, rough-cut, irregular, locally sourced stone (with varying beige and earthy tones) complements the geologic characteristics of the Big Sur coastline and Santa Lucia Mountains, while the dark bronze gate provides a muted, non-reflective earth tone that minimizes visual contrast with nearby vegetation. The proposed stone fence would mirror other stone fences along the Big Sur Coast, including those at nearby properties and at Sea Meadow at Rocky Point, providing visual consistency along Highway 1. The rustic character in the Big Sur area is maintained through minimizing the bulk and mass of the replacement gate and fence by maintaining visual access to the ocean (where applicable) and through the use of natural materials, earth-toned finishes, and visual compatibility with the surrounding landscape. The fence’s height would be nearly identical to the existing fence, and the perceived change in massing would be limited, given that only 53.5 feet of the front property line fence is being modified.

Based on the specific site, Highway 1 facilitates private highway improvements (BSC LUP Policy 3.2.5.C.2) and allowances of the BSC LUP for this geographic area (Policy 3.2.5.F), and the proposed design finds that the project assures the protection of the public viewshed, is consistent with the surrounding rural character, and assures public access and visual integrity. While the project satisfies two exceptions to the Critical Viewshed Key Policy, it also meets the requirements for replacement structures in the Critical Viewshed.

Cultural Resources

The project is within 750 feet of known archaeological resources. Section 20.145.120.A.1 of the Coastal Implementation Plan, Part 3, requires development within 750 feet of known archaeological resources to obtain a Coastal Development Permit. An Archaeological Assessment was prepared as part of the previous project (PLN110257), which found no evidence of cultural resources in the project area. As the current project is within the existing developed site and does not involve land clearing and minimal land disturbance, the project is eligible for an archaeological survey waiver pursuant to section 20.145.120.B.5 of the Coastal Implementation Plan, Part 3.

LAND USE ADVISORY COMMITTEE REVIEW (LUAC):

The project was not originally 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, after the project was remanded to the Planning Commission, the staff referred the project to the LUAC. The project was referred to the June 23, 2026 Big Sur LUAC, and staff will provide a verbal report during the Planning Commission hearing on June 24, 2026.

CEQA:

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. 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. 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, or development that would result in a cumulatively significant impact. Although the project is visible from Highway 1, 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.

Prepared by: Taylor Price, Senior Planner, (831) 784-2179

Reviewed by: Fionna Jensen, Principal Planner

Approved by: Melanie Beretti, AICP, Chief of Planning

The following attachments are on file with HCD:

Exhibit A - Draft Resolution including:

- Recommended Conditions of Approval
- Project Plans, Colors, Materials

Exhibit B - Notice of Appeal

Exhibit C - Zoning Administrator Resolution No. 26-024

Exhibit D - Vicinity Map

cc: Front Counter Copy; California Coastal Commission; CalFire; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Taylor Price, Senior Planner; Fiona Jensen, Principal Planner; Berline Andrew T Tr, Property Owners; Laura Lawrence, Agent; Trey Kropp, Interested Party; The Open Monterey Project; LandWatch (Executive Director); Lozeau Drury LLP; Christina McGinnis, Keep Big Sur Wild; Trey Kropp, Interested Party; Planning File PLN110257-AMD1.