

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
TDD (415) 597-5885



F8.1 – 8.4

CCC-24-CD-02, CCC-24-RO-02, CCC-24-AP-02, & CCC-24-AP3-02 (Rocky Point Restaurant)

EXHIBITS

- Exhibit 1: Region Map
- Exhibit 2: Properties Overview
- Exhibit 3: Photos of Views from the Properties
- Exhibit 4: Photos of Unpermitted Development
- Exhibit 5: Map of Proposed Conservation Easement
- Exhibit 6: Map of Proposed Mitigation Area of Restoration
- Exhibit 7: Map of Proposed Mitigation Invasive Eucalyptus Removal
- Exhibit 8: Map of Proposed Public Access Easements
- Exhibit 9: Map of Proposed Public Access Trail Improvement
- Exhibit 10: Photos of Proposed Public Viewing Area
- Exhibit 11: Amended Notice of Intent to Commence Cease and Desist Order, Restoration Order, and Administrative Penalty Proceedings, dated November 8, 2022
- Exhibit 12: Notice of Violation recorded June 9, 2021

Region Map

Monterey

Carmel

Rocky Point Restaurant ☆

Bixby Bridge

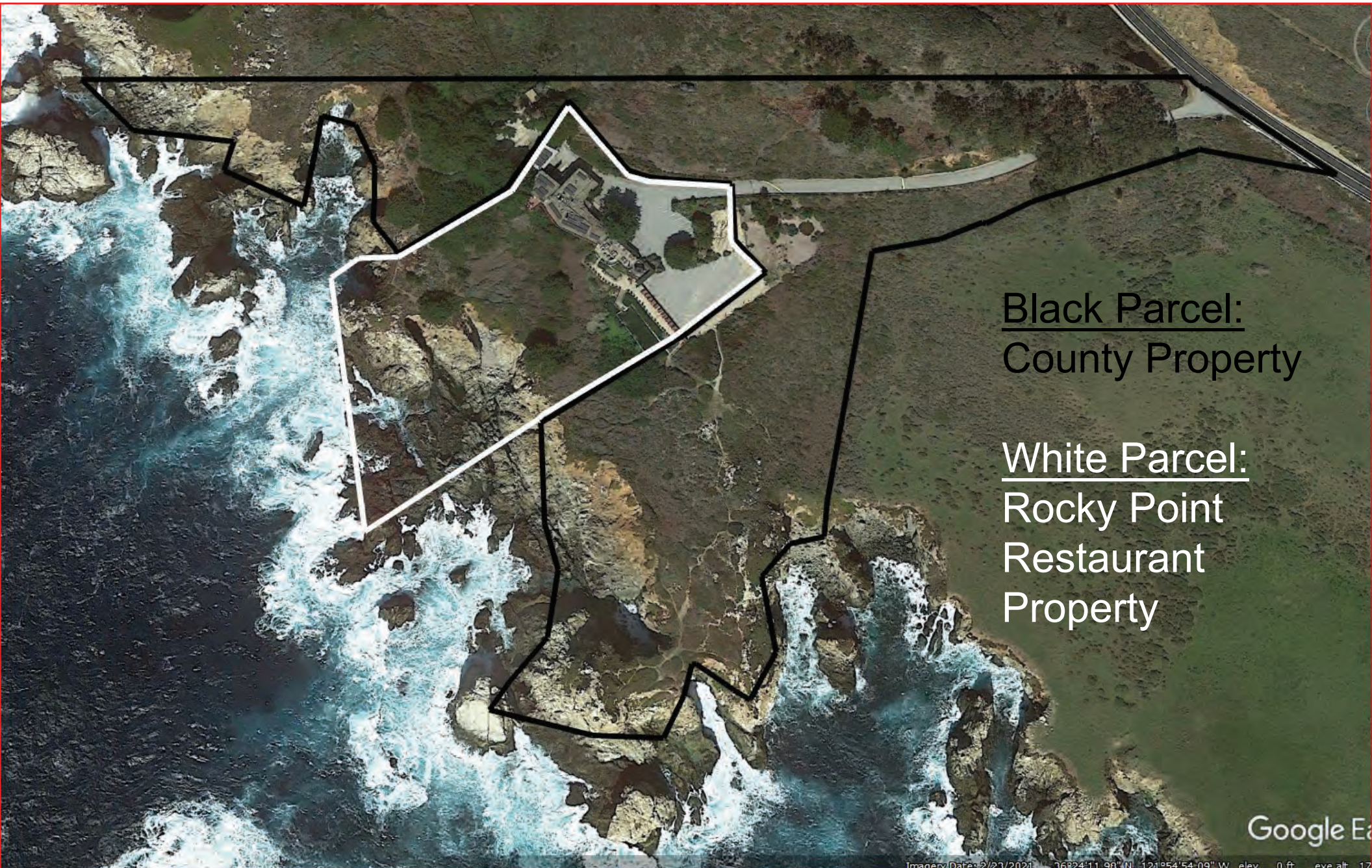
Big Sur Village

Image Landsat / Copernicus

Exhibit 1

36°40'08"

Properties Overview



Properties Overview



Exhibit 2

Views from the Properties



Exhibit 3

Views from the Properties



Exhibit 3

Views from the Properties

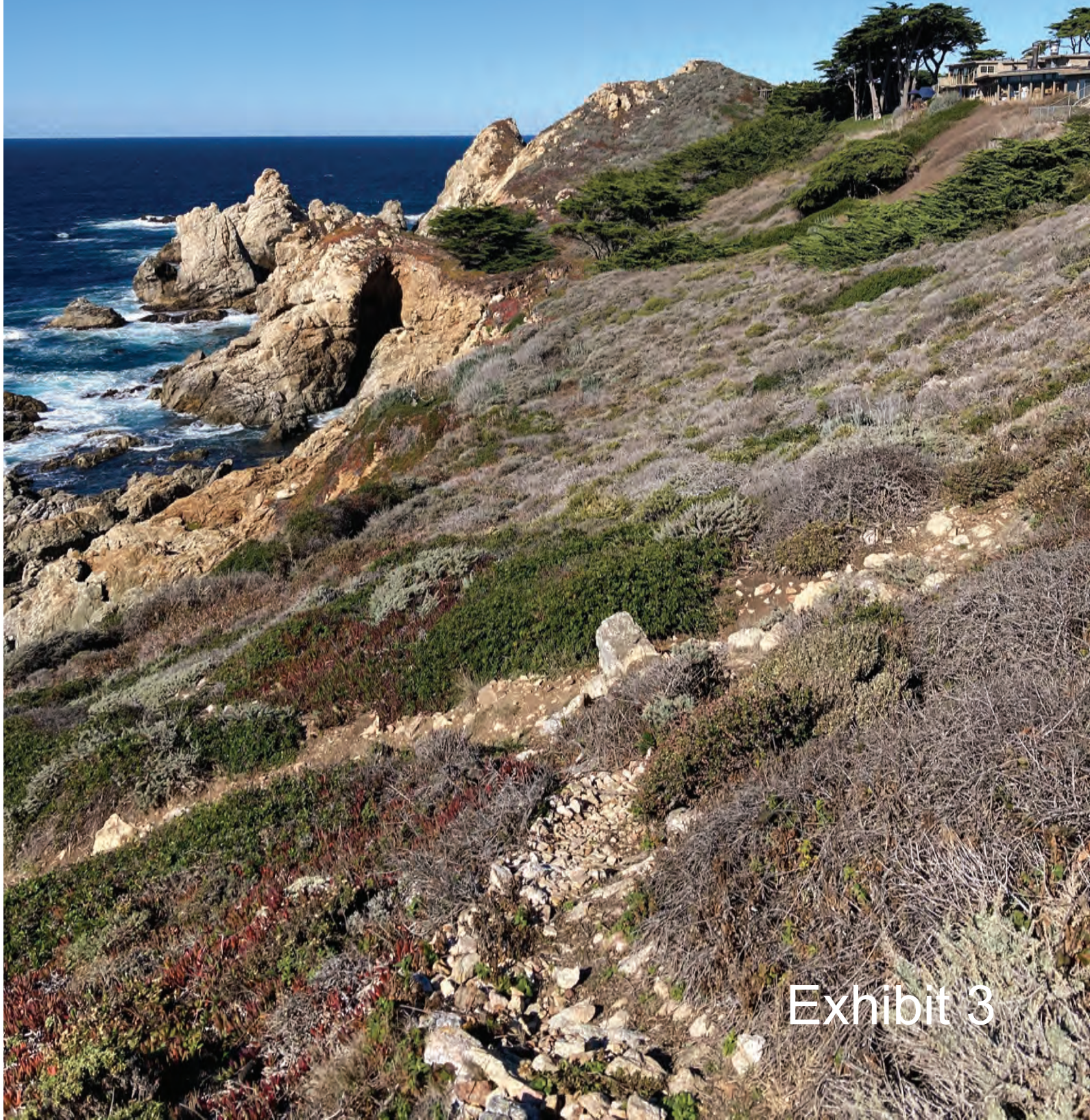


Exhibit 3

Views from the Properties



Exhibit 3

Views from the Properties

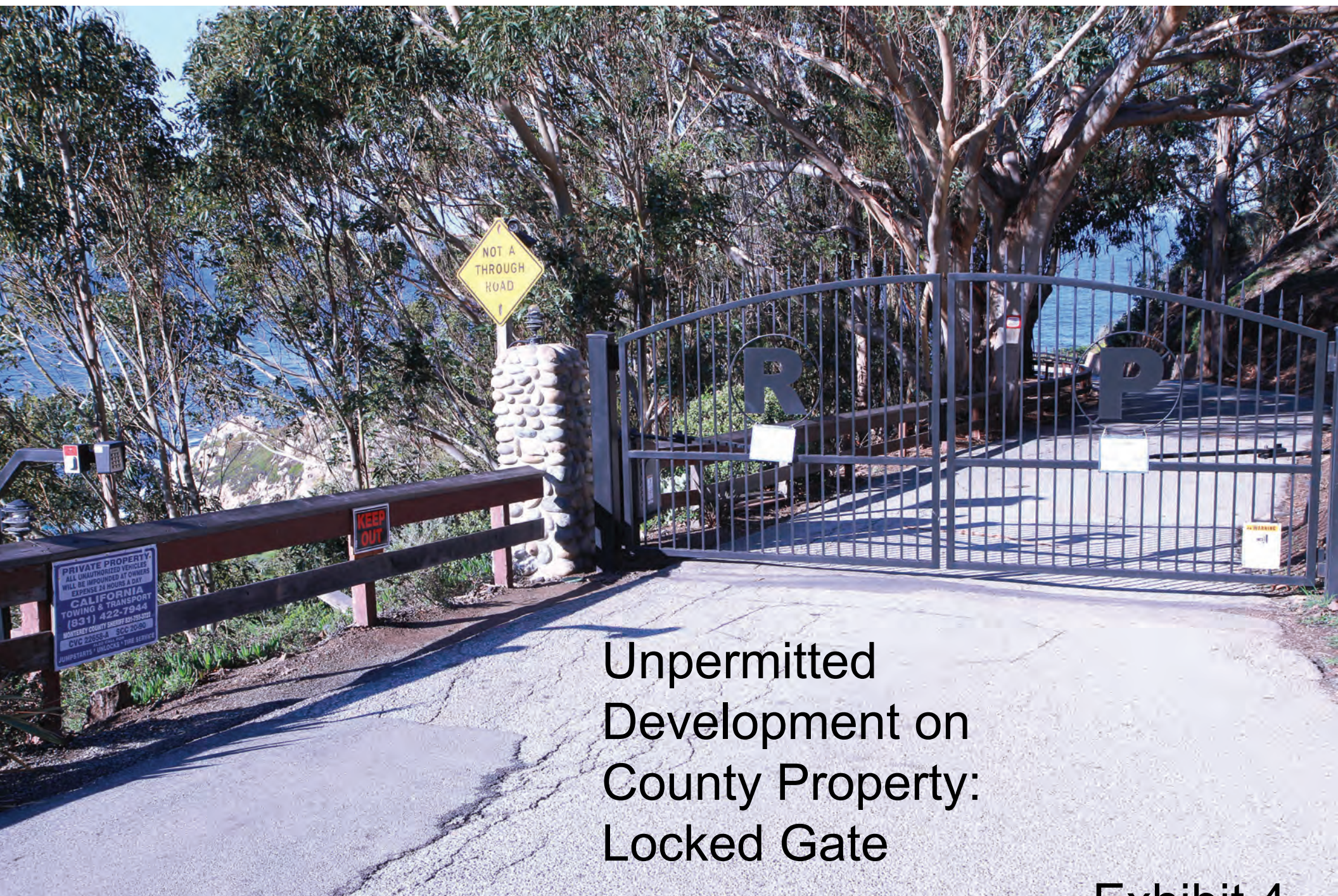


Exhibit 3

Views from the Properties



Exhibit 3



Unpermitted
Development on
County Property:
Locked Gate

Exhibit 4

A black metal gate with vertical bars and a horizontal crossbar. A white sign with a blue border is hanging from the gate. The sign has the text "Gate" and "Open at 11:30" printed on it. The gate is set against a background of a paved area and some greenery.

Gate
Open at 11:30

Unpermitted Development
on County Property:
Locked Gate

Exhibit 4

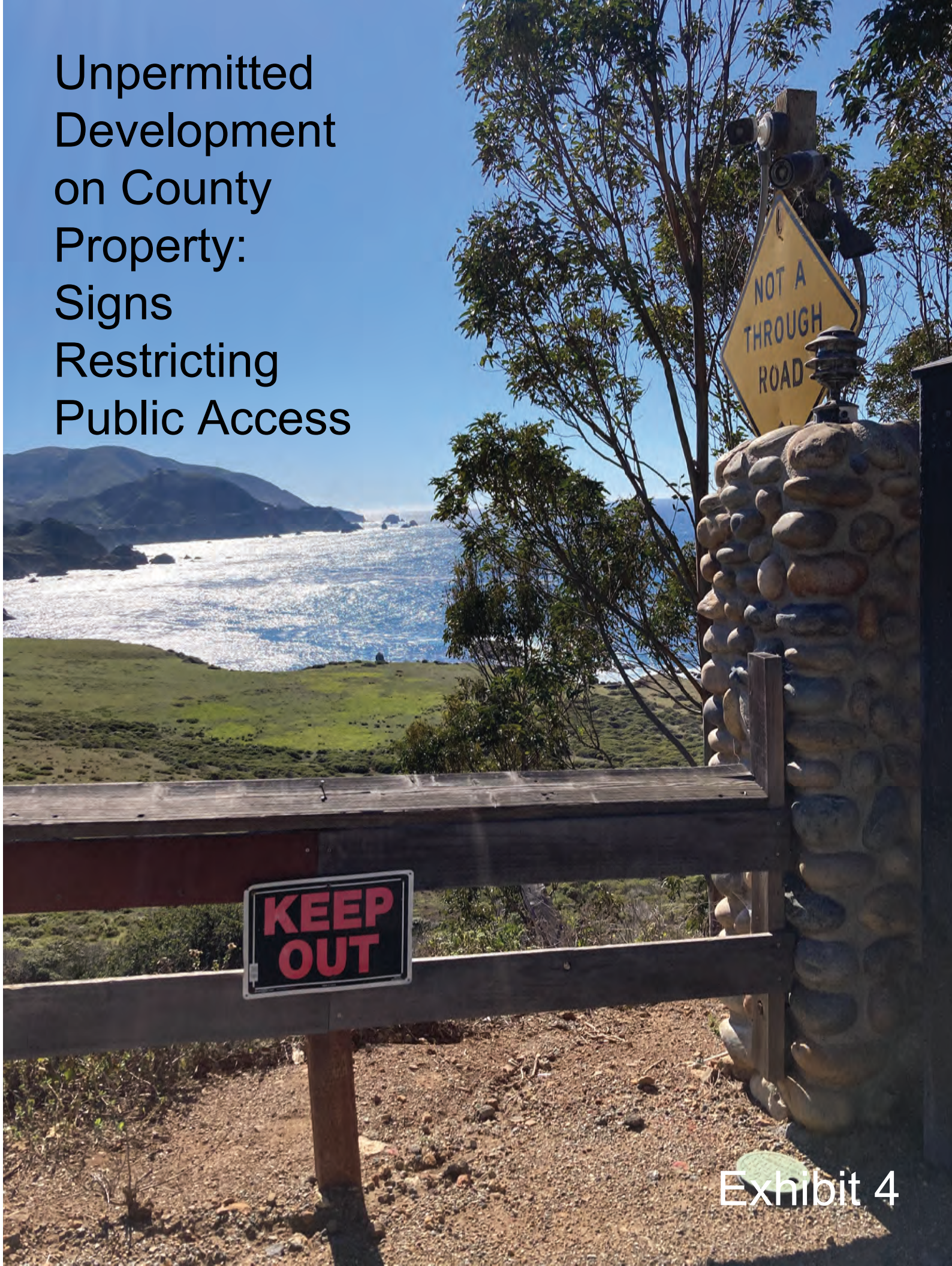
A black metal gate with vertical bars and a large, stylized 'P' sign in the center. A small blue sign is hanging from the gate. The background shows a dirt path and some trees.

Unpermitted Development
on County Property:
Locked Gate

Closed
Monday & Tuesday

Exhibit 4

Unpermitted
Development
on County
Property:
Signs
Restricting
Public Access



Unpermitted Development: Signs Restricting Public Access



Exhibit 4



END OF TRAIL
PRIVATE RESIDENCE
BEYOND THIS POINT
NO TRESPASSING!


Unpermitted Development:
Signs Restricting Public
Access

Exhibit 4



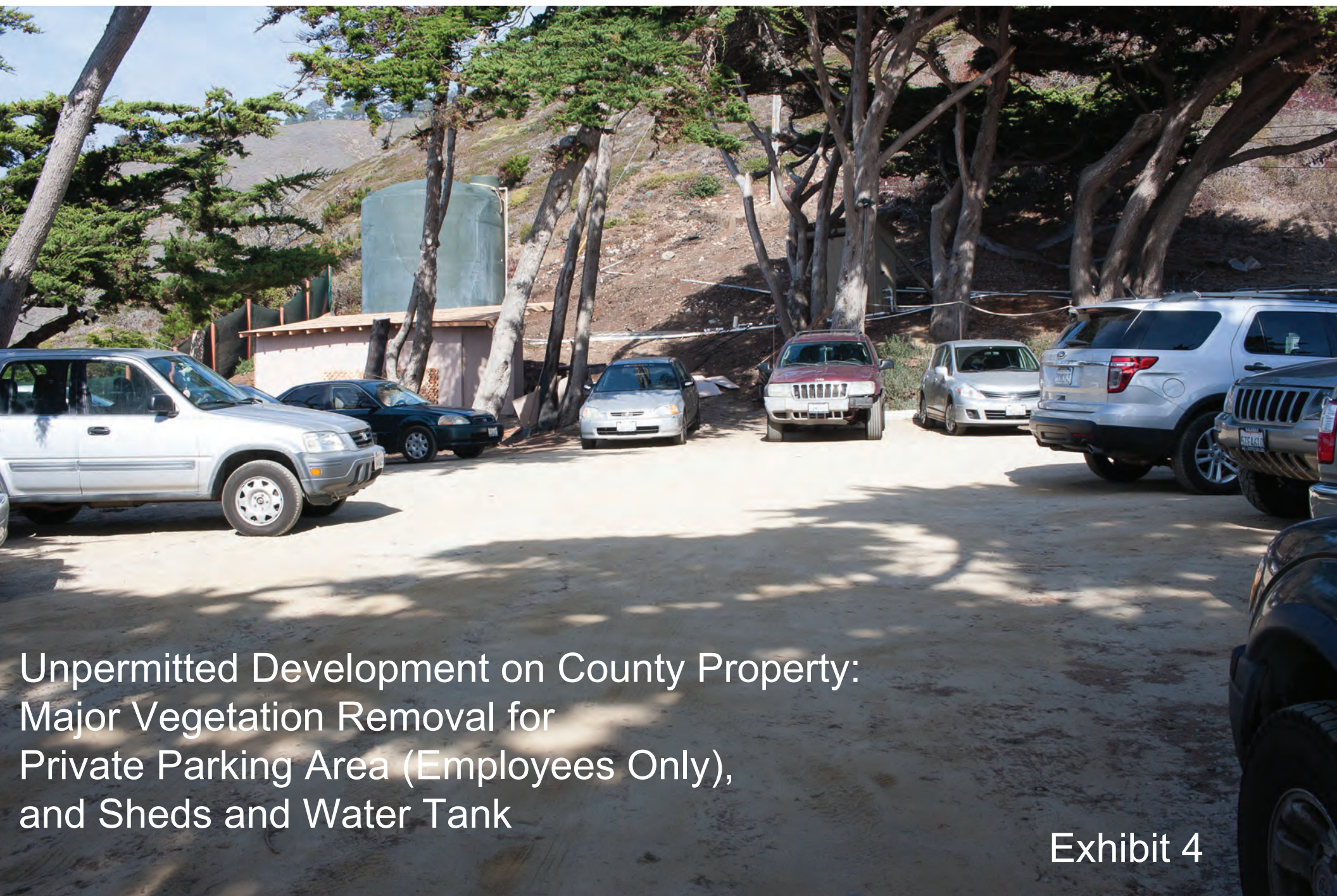
Unpermitted Development on County Property:
Major Vegetation Removal for
Private Parking Area (Customers Only)

Exhibit 4



Unpermitted Development on County Property:
Major Vegetation Removal for
Private Parking Area (Customers Only)

Exhibit 4



Unpermitted Development on County Property:
Major Vegetation Removal for
Private Parking Area (Employees Only),
and Sheds and Water Tank

Exhibit 4

Unpermitted Development: Cleared Area for Septic System Leach Field



Exhibit 4

An aerial photograph of a coastal property. The property is outlined by a white line. A portion of the property, primarily the rocky coastline and adjacent land, is highlighted with a green line, indicating a proposed conservation easement. The property includes a large building complex, a parking lot, and a swimming pool. The coastline is rugged with waves crashing against the rocks.

Proposed
Conservation
Easement

Exhibit 5

Proposed Mitigation Area of Restoration

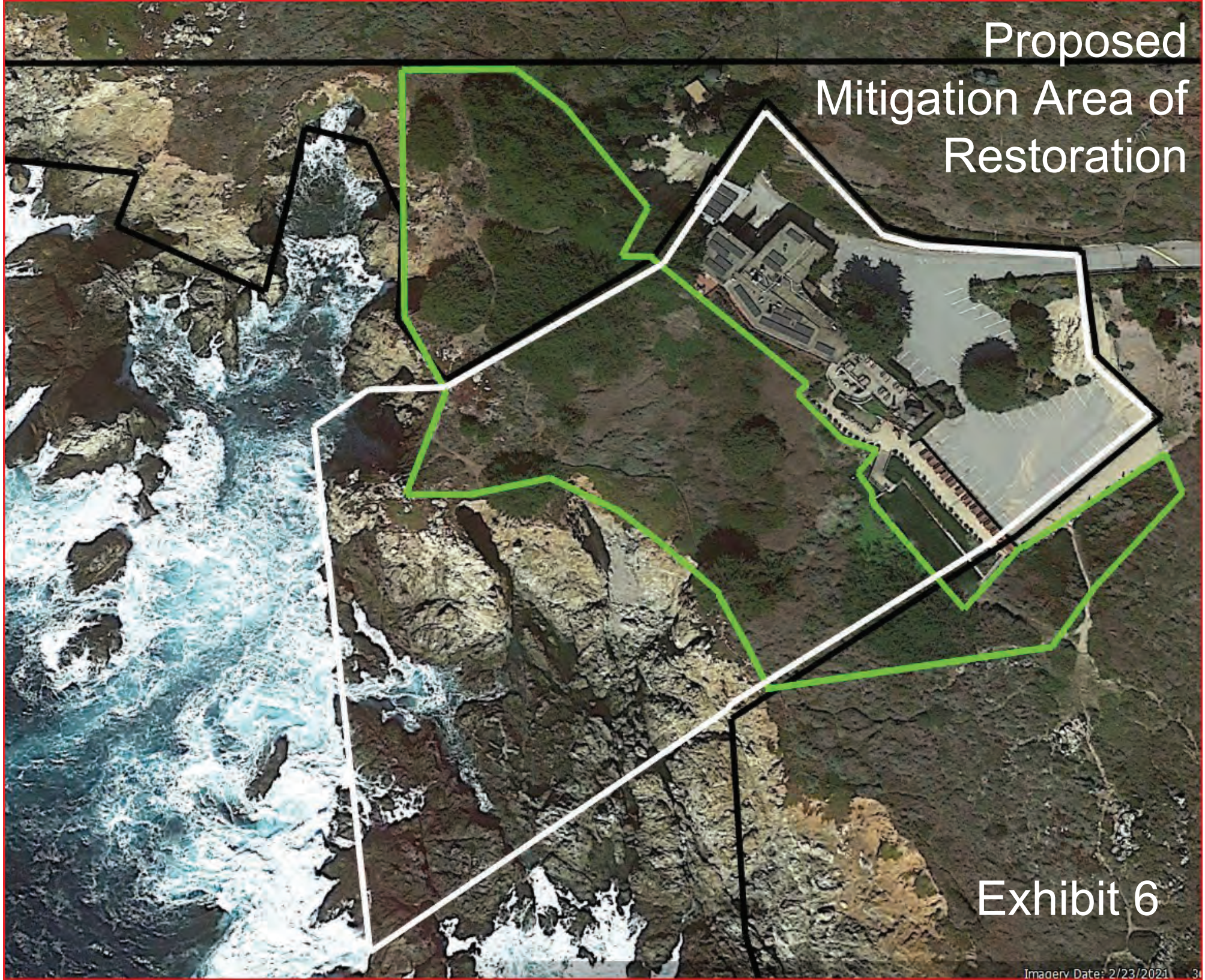
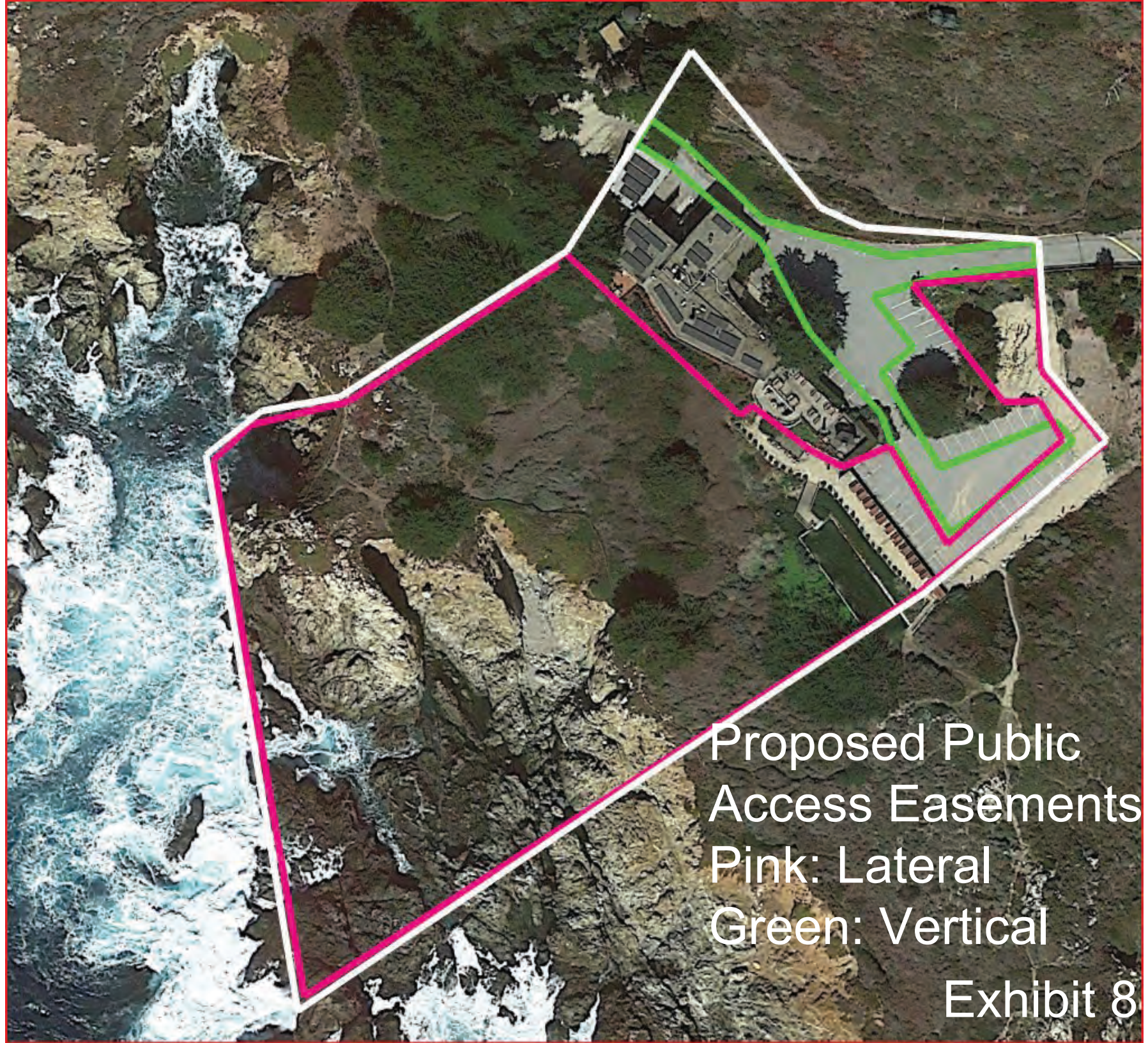


Exhibit 6

Proposed Mitigation Invasive Eucalyptus Removal



Exhibit 7



Proposed Public
Access Easements
Pink: Lateral
Green: Vertical

Exhibit 8

Proposed Public Access Trail Improvement



Exhibit 9

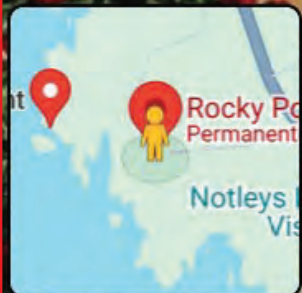
Rocky Point Restaurant



Anna Alcala

Photo - Apr 2021

Proposed Public Viewing Area



Google

Image capture: Apr 2021

Images may be subject to copyright.

United States

Terms

Privacy

Report a problem

Exhibit 10

Proposed Public Viewing Area



Exhibit 10

CALIFORNIA COASTAL COMMISSION

455 MARKET ST, SUITE 300
SAN FRANCISCO, CA 94105
FAX (415) 904-5400
TDD (415) 597-5885

**VIA ELECTRONIC, REGULAR, AND CERTIFIED MAIL**

November 8, 2022

Jared Ficker
Axiom Advisers
39 E. De La Guerra Street
Santa Barbara, CA 93101

Patrice Pastor
Esperanza Carmel, LLC
7th Avenue 2NW of Lincoln St
Carmel-By-The-Sea, CA 93921

Jonathan M Feldman
Esperanza Carmel Commercial, LLC
300 Corporate Pointe STE 410
Culver City, CA 90230

Subject: **Amended Notice of Intent to Commence Cease and Desist Order, Restoration Order, and Administrative Penalty Proceedings**

Violation No.: V-3-18-0038

Location: 36700 Highway 1, Monterey County, with associated Monterey County Assessor's Parcel Number ("APN") 243-262-004 ("the Rocky Point Property"); an adjacent Monterey County-owned property with associated APN 243-262-003 ("the County Property"); and a nearby privately-owned property located at 36658 Highway 1, Monterey County, with associated APN 243-251-025 ("the Hamilton-Rabinovitz Property").

Violation Description: Unpermitted Development on the County Property installed and maintained by the owner of the Rocky Point Property, including: 1) a locked gate; 2) a storage building, apartment, and trash enclosure, and 3) lighting along the driveway; Unpermitted Development on both the County Property and the Rocky Point Property undertaken and maintained by the owner of the Rocky Point Property, including 4) removal of Monterey Cypress trees and native vegetation in two areas

for use as private parking lots, one to the north that is approximately 4,500 square feet, and one to the southeast that is approximately 10,000 square feet, along with grading and placement of decomposed granite; 5) posting of a guard and restrictive parking and 'No Trespassing' signs; 6) installation of garden or accessory items and clearing of vegetation near water tanks; and 7) installation of non-native landscaping and an irrigation system; Unpermitted Development on the Hamilton Rabinovitz Property, County Property, and Rocky Point Property undertaken and maintained by the owner of the Rocky Point Property, including 8) grading of a trail and installation of metal T-poles and rope; and Unpermitted Development that is limited to the Rocky Point Property, undertaken and maintained by the owner of that property, including 9) installation an approximately 2,000 square foot lawn and outdoor patio with tables, a fence/wall, and stairs; 10) installation of a new septic system; 11) remodeling of existing buildings, and 12) an expansion of restaurant capacity from 120 to 200 diners.

Dear Messrs. Ficker, Pastor and Feldman:

The California Coastal Commission ("Commission") appreciates your recent discussions with my staff regarding potential amicable resolutions of the unresolved Coastal Act violations on the Rocky Point Property, as well as those undertaken and maintained by the owner of the Rocky Point Property that are located on the neighboring County Property and Hamilton-Rabinovitz Property. As you know, my staff remain ready and willing to work with you to resolve all of the unpermitted development consensually through a Consent Cease and Desist Order, Consent Restoration Order, and a Consent Administrative Penalty (collectively, a "Consent Order"). However, please note that Commission staff has worked on this matter for many years and these violations need to be resolved now. We would strongly prefer to reach an agreement, but if that proves impossible, we would be forced to bring this to a unilateral, contested hearing, as is explained below, regardless of the status of any Coastal Development Permit application your clients may or may not be planning to submit. In the meantime, as is also explained below, liability for the assessment of penalties for the Coastal Act violations, including for new Administrative Penalties in accordance with the recently adopted Public Resources Code Section 30821.3, run with the land and continue to accrue. We believe that moving quickly to resolve this situation is in the interest of all parties.

As stated in the original Notice of Intent letter ("the Original NOI") dated November 7, 2019, which my staff provided to you prior to your purchase of the property and which we, for your convenience, restate in part below and attach in full to this Amended Notice of Intent, the Commission's regulations provide for notification of the initiation of formal

proceedings. We also note that, since the letter referred to above was sent, on January 1, 2022, California Senate Bill 433 took effect, which added Section 30821.3 to the Public Resources Code.

Section 30821.3(a) of the Coastal Act states:

In addition to any other penalties imposed pursuant to this division, a person, including a landowner, who is in violation of any provision of this division other than public access, including, but not limited to, damage to archaeological and wetlands resources and damage to environmentally sensitive habitat areas, is subject to an administrative civil penalty that may be imposed by the commission in an amount not to exceed 75 percent of the amount of the maximum penalty authorized pursuant to subdivision (b) of Section 30820 for each violation. The administrative civil penalty may be assessed for each day the violation persists, but for no more than five years.

As you know, the Coastal Act violations undertaken by the owners of the Rocky Point Restaurant remain unresolved, and these violations include damage to environmentally sensitive habitat areas and scenic and visual resources, among other coastal resources. Thus, in accordance with the Commission's regulations, this letter, along with and incorporating by reference the Original NOI, notifies you of my intent, as the Executive Director of the Commission, to commence formal enforcement proceedings to address the Coastal Act violations noted above, including by bringing a proposal to the Commission for the issuance of measures to restore and mitigate for damage to those areas and restore and enhance public access, as well as issue an Administrative Penalty that includes penalties for impacts to coastal resources such as environmentally sensitive habitat areas and scenic and visual resources. As you know, the intent of this letter is not to discourage settlement discussions; rather it is a regulatory step to provide formal notice of our intent to resolve these penalties through the order process, which in no way precludes a consensual resolution. My staff remains ready and willing to work with you towards a mutually acceptable outcome if you are willing to discuss removal of the unpermitted development and full resolution of civil liabilities. However, please note that should you and my staff be unable to reach an amicable resolution in a timely manner, this letter also lays the foundation for Commission staff to initiate a hearing before the Commission unilaterally, during which proposed Orders, including an assessment of an Administrative Penalty against Esperanza Carmel Commercial, LLC ("Esperanza Carmel"), would be presented for the Commission's consideration and possible adoption.

The purpose of these enforcement proceedings is to address development on the Rocky Point Property, the County Property, and the Hamilton-Rabinovitz Property that is not authorized pursuant to the Coastal Act. The proceedings will propose to address these matters through the issuance of Cease and Desist and Restoration Orders, as well as an Administrative Penalty, that will direct the owner of the Rocky Point Property to, among other things: 1) cease from performing any additional unpermitted development activity (development not authorized pursuant to, or exempt from, the

Coastal Act) or maintaining existing unpermitted development, 2) remove physical items of unpermitted development according to an approved removal plan, 3) restore the impacted area pursuant to an approved restoration plan, 4) mitigate for the temporal losses of habitat and views caused by the unpermitted development, and 5) pay an administrative penalty for the loss of and damage to coastal resources, including not only public access, but also environmentally sensitive habitat areas and scenic and visual resources, among other losses of other coastal resources.

Enforcement History

As you know, after the Original NOI was sent on November 7, 2019, Commission staff worked with the prior owners, the Wang Family, towards a resolution of these violations. Prior to Esperanza Carmel's purchase of the Rocky Point Property in 2021, Commission staff recorded a Notice of Violation on the Rocky Point Property to notify any potential purchasers of the violations. Also prior to the sale, Commission staff spoke with representatives of Esperanza Carmel on October 22, October 27, and November 9, 2021, to discuss the violations and the needed resolution of this matter. During those conversations, my staff informed those representatives of Esperanza Carmel that should they decide to purchase the Rocky Point Property, the violations would run with the land and Esperanza Carmel would be responsible for resolving the violations, including all accrued liabilities prior to the purchase. My staff then shared a draft Consent Agreement and provided you with the Original NOI so you would be on notice of the issues and have an idea of what would be required to resolve this matter. In addition, on November 2, 2021, Commission staff wrote a letter reminding Esperanza Carmel that Coastal Act violations run with the land and that, as a result, Esperanza Carmel would take on liability for those violations as the new owner. The grant deed for Esperanza Carmel's purchase was subsequently recorded on November 16, 2021.

I do appreciate your conversations with Commission staff regarding resolution of this matter, including on September 26, 2022. However, as you know, liability for Coastal Act violations, including for Administrative Penalties, attaches to the current owner of the Rocky Point Property, regardless of whether the current owner carried out those violations or not. Moreover, the Commission will not be requiring Monterey County to provide any services, including bathrooms, as part of a Consent Order to resolve violations undertaken solely by the owners of the Rocky Point Property.

As Commission staff informed you, for any public amenities provided through a potential Consent Order to be credited to you such that they could be in lieu of paying a portion of an Administrative Penalty in this matter, they must be provided by the owner of the Rocky Point Property, on the Rocky Point Property. Since you were informed of this, you let Commission staff know, on March 2, 2022, that you hired consultants to look into providing these amenities. I understand that you are continuing to plan for a potential redevelopment of the Rocky Point Property. Please note there is no need to postpone resolution of this matter through a Consent Order until redevelopment plans are prepared, and therefore this matter is able to be resolved soon. These violations will be resolved through a Cease and Desist Order, a Restoration Order, and Administrative

Penalties, and any CDP required by those Orders will be required to be applied for *after* those Orders are issued. We are happy to further walk you through this sequencing if you would like.

Resource Impacts

Environmentally Sensitive Habitat Area Violations

As you know, the Rocky Point Property, the County Property, and the Hamilton-Rabinovitz Property (collectively, “the Properties”) are located on the Big Sur coast. The vegetated portions of the Properties are predominately composed of coastal sage scrub. The plant communities along the bluffs include many very rare dwarf plants that were influenced by the unique salt air and wind in this location. Yet, much of the native vegetation on the Rocky Point Property has been disturbed by development, most of which is unpermitted. The unpermitted development has extended onto the County Property and Hamilton-Rabinovitz Property, displacing additional areas of native vegetation.

Scenic and Visual Resources

The Rocky Point Property and County Property are popular visitor destinations due to their dramatic ocean and coastal views and the pristine open space and cliffs that surround them. The Rocky Point Property is located within an area designated in the Monterey County Local Coastal Program (“LCP”) as a critical viewshed and a shoreline access priority. Yet, unpermitted development on the Rocky Point Property has not only obstructed scenic views of the ocean and coast; the unpermitted removal of many trees has meant that several artificial structures are now more visible than before, further marring what otherwise would be a natural coastal view. In addition, the unpermitted development degraded scenic and visual resources on the County Property as well.

Cease and Desist Order Authority

The Commission’s authority to issue Cease and Desist Orders is set forth in Section 30810(a) of the Coastal Act, which states, in part:

If the commission, after public hearing, determines that any person ... has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person ... to cease and desist. The order may also be issued to enforce any requirements of a certified local coastal program...under any of the following circumstances.

- (1) The local government ... requests the Commission to assist with, or assume primary responsibility for, issuing a cease and desist order.***

(2) The commission requests and the local government ... declines to act, or does not take action in a timely manner, regarding an alleged violation which could cause significant damage to coastal resources.

On May 25, 2018, Commission staff formally requested that Monterey County enforce its LCP by pursuing enforcement action to resolve the violations discussed above, and we offered to assist in any enforcement activities. On January 31, 2019, Monterey County requested that Commission staff assume primary enforcement responsibility in this case.

Section 30600(a) of the Coastal Act states that, in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the coastal zone must obtain a CDP. For the areas within the county's original permitting jurisdiction, the LCP states the same. The various instances of unpermitted development at issue here clearly constitute "development" within the meaning of the above-quoted definition and therefore are subject to the permit requirement of Section 30600(a) and the LCP. A CDP was not issued to authorize the unpermitted development. Therefore, the criteria for issuance of a cease and desist order under Section 30810(a) of the Coastal Act are satisfied.

Restoration Order Authority

The Commission's authority to issue Restoration Orders is set forth in Section 30811 of the Coastal Act, which states, in part:

In addition to any other authority to order restoration, the commission...may, after a public hearing, order restoration of a site if it finds that the development has occurred without a coastal development permit from the commission..., the development is inconsistent with this division, and the development is causing continuing resource damage.

Pursuant to Section 13191 of the Commission's regulations, I have determined that the activities specified in this letter meet the criteria of Section 30811 of the Coastal Act, based on the following:

- 1) "Development," as that term is defined by section 30106 of the Coastal Act, has occurred on the Properties without a CDP from the Commission or Monterey County.
- 2) This unpermitted development is inconsistent with the resource protection policies of the Coastal Act, as well as those of the Monterey County LCP, including, but not necessarily limited to the following:
 - a. Section 30240 (environmentally sensitive habitat areas or ESHA),
 - b. Section 30251 (scenic and visual qualities), and
 - c. Sections 30210 and 30212 (provision of public access)

- 3) The unpermitted development remains in place and therefore continues to cause resource damage, which is defined by Section 13190 of the Commission's regulations as: "any degradation or other reduction in quality, abundance, or other quantitative or qualitative characteristic of the resource as compared to the condition the resource was in before it was disturbed by unpermitted development." The unpermitted development continues to exist, and therefore, it continues to cause damage to resources and prevent the Coastal Act resources that were displaced from re-establishing, and it also continues to cause degradation and reduction in quality of surrounding resources as compared to their condition before the unpermitted development occurred.

The procedures for the issuance of Restoration Orders are described in Sections 13190 through 13197 of the Commission's regulations, which are codified in Title 14 of the California Code of Regulations.

Administrative Civil Penalties, Civil Liability, and Exemplary Damages

Under Section 30821 and 30821.3 of the Coastal Act, in cases involving violations of the Coastal Act, the Commission is authorized to impose administrative civil penalties by a majority vote of the Commissioners present at a public hearing. In this case, as described in our November 7, 2019 Notice of Intent, the violations also affect public access and therefore meet the criteria of Section 30821. In addition, there are multiple alleged violations of the environmentally sensitive habitat area and scenic and visual resource protection provisions of the Coastal Act; and therefore, the criteria of Section 30821.3 have also been satisfied. The penalties imposed for violations of Sections 30821 and 30821.3 may be in an amount up to \$11,250 for each day that each violation has persisted or is persisting, for up to five (5) years. Further, the 30 or 60 day timeframe that might apply in some cases to correct some violations does not apply if development requiring a permit is required to correct the violations, as is the case here. If a person fails to pay an administrative penalty imposed by the Commission, Sections 30821(e) and 30821.3(e) authorize the Commission to record a lien on that person's property in the amount of the assessed penalty. This lien shall be equal in force, effect, and priority to a judgment lien.

The Coastal Act also includes a number of other penalty provisions that may still be applicable as well. Section 30820(a)(1) provides for civil liability to be imposed on any person who performs or undertakes development without a CDP and/or that is inconsistent with any CDP previously issued by the Commission in an amount that shall not exceed \$30,000 and shall not be less than \$500 for each instance of development that is in violation of the Coastal Act. Section 30820(b) provides that additional civil liability may be imposed on any person who performs or undertakes development without a CDP and/or that is inconsistent with any CDP previously issued by the Commission when the person intentionally and knowingly performs or undertakes such development. Civil liability under Section 30820(b) shall be imposed in an amount not less than \$1,000 per day and not more than \$15,000 per day, for each violation and for

each day in which each violation persists. Section 30821.6 also provides that a violation of a Cease and Desist Order of the Commission can result in civil liabilities of up to \$6,000 for each day in which each violation persists. Lastly, Section 30822 provides for additional exemplary damages for intentional and knowing violations of the Coastal Act or a Commission Cease and Desist Order.

Response Procedure

In accordance with Section 30821.3(b) and Sections 13181(a) and 13191 of the Commission's regulations, you have the opportunity to respond to the Commission staff's allegations as set forth in this notice of intent to commence Cease and Desist and Restoration Order and Administrative Penalty proceedings by completing the enclosed statement of defense ("SOD") form. The SOD form would be directed to the attention of Rob Modellmog, at the address listed on the letterhead with a copy transmitted by email to his email noted below, not later than **November 29, 2022**. However, as Commission staff also indicated in the Original NOI, should this matter be resolved via a Consent Order, an SOD form would not be necessary. In any case and in the interim, Commission staff would be happy to accept any information you wish to share regarding this matter and staff can extend deadlines for submittal of the SOD form to specifically allow additional time to discuss terms of a Consent Order and to resolve this matter amicably. Commission staff currently intends to schedule the hearings for the Cease and Desist Order, Restoration Order, and Administrative Penalty action for the Commission's February hearing.

Resolution

As my staff has discussed with you, they would like to continue to work with you to resolve these issues amicably through the Consent Order process. Such a process provides an opportunity to resolve these issues through mutual agreement. While requiring compliance with the Coastal Act, a Consent Order would give you additional input into the process and could potentially allow you to negotiate a penalty amount with Commission staff to resolve your civil liabilities. A Consent Order would provide for a permanent resolution of this matter and thereby resolve the complete violation without any further formal legal action. I am hopeful that we can find a mutually agreeable resolution to resolve this matter.

Another benefit of a Consent Order that you should consider is that in a Consent Order proceeding, Commission staff will be presenting and recommending approval of an agreement between you and staff rather than addressing the violations through a contested hearing. Alternatively, if we are not able to reach a consensual resolution, Commission staff will need to proceed with a unilateral order at the next available hearing. Again, should we settle this matter, you do not need to expend the time and resources to fill out and return the SOD form mentioned above in this letter. If you have any questions regarding this letter or the enforcement case, please email Rob Modellmog at Robert.Modellmog@coastal.ca.gov.

Sincerely,



John Ainsworth
Executive Director

cc:

Lisa Haage, Chief of Enforcement
Aaron McLendon, Deputy Director of Enforcement
Alex Helperin, Assistant General Counsel
Justin Buhr, Headquarters Enforcement Supervisor

Enclosures:

Statement of Defense Form for Cease and Desist Order, Restoration Order, and
Administrative Penalty

Notice of Intent to Commence Cease and Desist Order, Restoration Order, and
Administrative Penalty Proceedings and Notification of Intent to Record a Notice
of Violation of the Coastal Act dated November 7, 2019 (Original NOI)

2021040523

Stephen L. Vagnini
Monterey County Clerk-Recorder

06/09/2021 09:00 AM

Recorded at the request of:
CALIFORNIA COASTAL COMMISSIO

Titles: 1 Pages: 8

Fees: \$0.00
Taxes: \$0.00
AMT PAID: \$0.00



RECORDING REQUESTED BY:
California Coastal Commission

WHEN RECORDED MAIL TO:

CALIFORNIA COASTAL COMMISSION
455 Market St, Suite 228
San Francisco, CA 94105
Attention: Rob Modellmog

[Exempt from recording fee pursuant to Gov. Code § 27383]

DOCUMENT TITLE:

NOTICE OF VIOLATION OF THE COASTAL ACT

Re: Assessor's Parcel No. 243-262-004,
Monterey County

Property Owner:
Peter & Grace Wang Rocky Point LLC

RECORDING REQUESTED BY
And When Recorded Mail To:

CALIFORNIA COASTAL COMMISSION
455 Market St, Suite 200, Room 228
San Francisco, CA 94105
Attention: Rob Modellmog

STATE OF CALIFORNIA OFFICIAL BUSINESS
Document entitled to free recordation pursuant to:
California Government Code Section 27383

NOTICE OF VIOLATION OF THE COASTAL ACT
(California Public Resources Code Section 30812)

On behalf of John Ainsworth, I, Lisa Haage, declare:

1. John Ainsworth is the Executive Director of the California Coastal Commission (hereinafter referred to as the "Commission"). The Commission was created by the California Coastal Act of 1976 (hereinafter, "Coastal Act"), which is codified in the California Public Resources Code (hereinafter, "PRC") at sections 30000 to 30900. PRC Section 30812 provides for the Executive Director of the Commission (hereinafter, "Executive Director") to record Notices of Violations of the Coastal Act in the County Recorder's office for the county in which all or part of a property on which a Coastal Act violation has occurred is located. John Ainsworth, as Executive Director of the Commission, has specifically delegated this authority to me to act on his behalf.
2. Violations of the Coastal Act have occurred on a real property in unincorporated Monterey County, California, described as follows:

Parcel One:

Certain real property Situate, Lying and being in Rancho San Jose Y Sur Chiquito, County of Monterey, State of California, Particularly described as follows:

Beginning at 4" X 4" Redwood Post Standing at the Northeast corner of section 1, T. 18 S., R. 1W., M.D.B. & M.; and running thence S. 21° 20' 15" E., 91.78 feet to A ½ Inch Iron Pipe to the true point of beginning; running thence from said true point of beginning

- (1) N. 38° 45' 15" E., 49.96 feet to a ½ inch iron pipe; thence
- (2) S. 39° 10' 15" E., 81.14 feet to a ½ inch iron pipe; thence
- (3) S. 42° 14' 45" E., 46.94 feet to a ½ Inch Iron pipe; thence
- (4) S. 82° 31' E., 103.87 feet to a ½ inch iron pipe; thence
- (5) S. 22° 54' E., 79.66 feet to a ½ inch iron pipe; thence
- (6) S. 42° 51' 30" E., 72.19 feet to a ½ inch iron pipe; thence
- (7) S. 50° 17' 15" W., 147.05 feet to a ½ inch iron pipe; thence
- (8) S. 59° 53' 15" W., 200 feet, more or less, to the mean high tide line of the Pacific Ocean (at 180.80 feet A ½ inch iron pipe); thence
- (9) In a Northwesterly direction 550 feet, more or less, along the mean high tide line of the Pacific Ocean to the intersection with a line Bearing S. 56° 29' W., from a ½ inch iron pipe, which pipe bears S. 38° 45' 15" W., 94.06 feet from the herein above described true point of beginning, thence leaving said mean high tide line of the Pacific Ocean
- (10) N. 56° 29' E., 168 feet, more or less, to a ½ inch iron pipe (At 25 feet, more or less, a ½ inch iron pipe stands on the shore of the Pacific Ocean); thence
- (11) N. 38° 45' 15" E., 94.06 feet to a ½ inch iron pipe, the true point of beginning and being a portion of that certain tract of land conveyed from J.W. Bowersox, et ux, to Barbara E. Hall, by Deed dated February 13, 1959, recorded February 26, 1959, in Volume 1936 of Official Records at Page 122, Monterey County Records.

Parcel Two:

A non-exclusive right of way for road purposes 20 feet in width lying 10 feet on each side of the following described centerline:

Beginning at a point distant S. 22° 54' E., 14.00 feet from a ½ pipe at the end of the above described course numbered Four (4) of Parcel One; and running thence

(1) N. 85° 30' E., 351.20 feet; thence

(2) N. 67° 30' E., 195.00 feet; thence

(3) N. 80° 00' E., 147.00 feet to a point on the Southwesterly line of the State Highway No. 1, said point being 40.0 feet Radially Southerly from Centerline Station 310-52 (Per June 29, 1931 Maps MON-56-G-6 of 23, California Division of Highways).

Parcel III:

A Sign Easement described as follows:

Beginning at a 4" X 4" Redwood Post Standing at the Northeast corner of section 1, T. 18 S., R. 1 W. M.D.B & M; and running thence N. 89° 57'E, 952 feet and South 60 feet to the true point beginning; thence

(1) West 20 feet; thence

(2) South 5 feet; thence

(3) East 20 feet; thence

(4) North 5 feet to the true point of beginning

Parcel Three:

Rights Granted in that certain Agreement and Grant of Easement recorded June 11, 2009, Series No. 2009036330, as follows:

A. Tank Lot Easement

An Easement for water storage tank purposes over and across a portion of Parcel B as shown on "Parcel Map showing Property of Barbara and Oakley Hall in Rancho San Jose Y Sur Chiquito", filed for record February 1973 in the Office of the County Recorder of Monterey, State of California, in Volume 4 of "Parcel Maps" at Page 25, and being more particularly described as follows:

Beginning at a point on the Northerly line of Parcel B, from which a post marked CSL, being also the Northwest corner of Section 6, Township 18 South, Range 1 East, bears South 89° 57' 00" West, 210.61; thence along said Northerly line of Parcel B,

1) North 89° 57' 00" East, 40.00 feet; thence departing said Northerly line of Parcel B,

- 2) South 00° 03' 00" East, 30.00 feet; thence
- 3) South 89° 57' 00" West, at 11.00 feet, Point "A", hereinafter referred to; thence,
- 4) North 00 03'00" West, 30.00 feet to the Point of Beginning, at 20.55 feet a Point "B", hereinafter referred to.

B. Water Line Easement 1

A 10-foot wide Easement for water line purposes over and across a portion of Parcel B as shown on "Parcel Map showing Property of Barbara and Oakley Hall In Rancho San Jose Y Sur Chiquito", filed for record February 1973 in the Office of the County Recorder of Monterey, State of California, in Volume 4 of "Parcel Maps" at Page 25, the centerline of which are more particularly described as follows:

Beginning at point "A", hereinabove defined; thence,

- 1) South 6° 19' 39" West, 122.00 feet; thence,
- 2) North 77° 35' 34" West, 55.00 feet; thence,
- 3) North 69° 41' 06" West, 47.38 feet to a point on the property line of Parcel B,

EXCEPTING THEREFROM any portion lying within the Parcel described in Document #199911639, Records of Monterey County. Sidelines of said Easement are elongated or foreshortened to intersect with boundary line of said Parcel described in Document #199911639.

C. Water Line Easement 2

An Easement for water line purposes over and across a portion of Parcel B as shown on "Parcel Map showing Property of Barbara and Oakley Hall in Rancho San Jose Y Sur Chiquito", filed for record February 1973 in the Office of the County Recorder of Monterey, State of California, in Volume 4 of "Parcel Maps" at Page 25, and being more particularly described as follows:

Beginning at a point on the Northerly line of Parcel B, from which a post marked CSL, being also the Northwest corner of Section 6, Township 18 South, Range 1 East, bears South 89° 57' 00" West, 54.63; thence along said Northerly line of Parcel B,

- 1) North 89° 57' 00" East, 105.10 feet; thence departing said Northerly line of Parcel B,
- 2) South 79° 32' 00" East, 51.75 feet to the abovementioned point "B", thence along the Westerly line of the abovementioned Tank Lot Easement,
- 3) South 00° 03' 00" East, 10.17 feet; thence departing said line of the Tank Lot Easement,
- 4) North 79° 32' 00" West, 52.68 feet; thence,
- 5) South 89° 57' 00" West, 94.18 feet; thence,

6) South 00° 03' 00" East, 36.58 feet to the Northerlymost corner of that 2.5 +/- Acre Parcel labeled "Rocky Point Lodge" as shown on Volume 4, "Parcel Maps" at Page 25; thence along the boundary line of said Parcel B,

7) South 38° 45'15" West, 20.00 feet; thence departing said boundary line,

8) North 15° 20' 22" West, 28.00 feet; thence,

9) North 38° 45'15" East, 15.82 feet; thence,

10) North 00° 03' 00" West, 22.83 feet to the Point of Beginning.

APN: 243-262-004

This property is alternatively known as:

36700 Highway 1
Monterey County, CA 93940
Monterey County Assessor's Parcel No. 243-262-004.

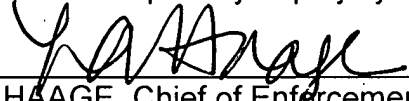
The record owner of said real property is Peter & Grace Wang Rocky Point LLC. The violation consists of undertaking of development activity without the permit authorization required by the Coastal Act.

3. This real property is located within the Coastal Zone as that phrase is defined in the Coastal Act (PRC Section 30103).
4. The violations of the Coastal Act referenced in this Notice of Violation include the following unpermitted development, including, but not limited to: use of security guards to restrict public access; placement of restrictive parking and no trespassing signs; placement of a lawn area, an outdoor patio with tables, including fence/wall, and stairs; installation of a new septic system and a remodel of existing buildings; removal of mature trees (Monterey cypress and pines) and chaparral; and placement of non-native landscaping. The record owner of the above-referenced property also conducted additional unpermitted development on adjacent public property at APN 243-262-003, including: grading and construction of two parking lots; installation of a locked gate across a public road; grading of a road or trail; construction of a stairway; placement of water tanks; and construction of a storage building and trash enclosure. In addition, the record owner also conducted additional unpermitted development on the nearby privately owned property at APN 243-251-025, including construction of a stairway; grading; and placement of water tanks and other structures.
5. The Commission retains a file on this matter under Violation File No. V-3-18-0038.

6. Commission staff notified the owner of record, Peter & Grace Wang Rocky Point LLC, of the potential for recordation of a Notice of Violation in a letter dated May 20, 2019. On November 7, 2019, the Executive Director notified the owner of record of his intent to record a Notice of Violation in this matter via certified mail. No objection was received by November 27, 2019, the legal deadline for such an objection to be submitted. Therefore, the substantive and procedural requirements set forth in PRC Section 30812 as prerequisites for recordation of this Notice of Violation have been satisfied and the recording of this notice is authorized.
7. Therefore, the Executive Director of the Commission is recording the Notice of Violation as provided for in the Coastal Act, under PRC Section 30812.

Executed in San Francisco, California, on
2 June 2021.

I declare under penalty of perjury that the foregoing is true and correct.



LISA HAAGE, Chief of Enforcement,
California Coastal Commission

Notary acknowledgement on next page.

Notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

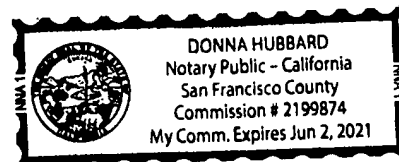
State of California
County of San Francisco

On JUNE 2, 2021 before me, DONNA HUBBARD, a Notary Public, personally appeared LISA HAAGE, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Donna Hubbard



(Seal)