Return Original To and
Recording Requested By:
State of California
California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, California 94105

80-1161952

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CA
27 MIN. PAST 11 A.M. NOV 18 1980
Recorder's Office

FREE L

IRREVOCABLE OFFER TO DEDICATE

I. WHEREAS, (1) Dr. Roger S. Wolk, Kenneth R. Chiate, Jeannette Chiate, Marilyn S. Wolk xxx/are the record owner(s), hereinafter referred to as "owner(s)", of the real property located at (2) 27900 Pacific Coast Highway, Malibu, California, legally described as particularly set forth in attached (3) exhibit A hereby incorporated by reference, and hereinafter referred to as the "subject property"; and

II. WHEREAS, the California Coastal Commission, (3a) South Coast Regional Commission, hereinafter referred to as "the Commission", is acting on behalf of the People of the State of California; and

III. WHEREAS, the People of the State of California have a legal interest in the lands seaward of the mean high tide line; and

IV. WHEREAS, pursuant to the California Coastal Act of 1976, the owner(s) applied to the Commission for a coastal development permit for (4) subdivision of a 5.3 acre parcel into two parcels of 2.6 acres and 2.7 acres each on the subject property; and

V. WHEREAS, a coastal development permit no. (5) P-80-2701 was granted on (6) April 9, 1980, by the Commission in accordance with the provisions of the Staff Recommendation and Findings (7) Exhibit B

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COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

attached hereto and hereby incorporated by reference, subject to the following conditions: (8) Said conditions are set forth in Exhibit B attached hereto and hereby incorporated by reference.

Prior to the issuance of permit, the applicant shall execute and record a document, in a form and content approved by the Executive Director of the Commission irrevocably offering to dedicate to an agency approved by the Executive Director an easement for public pedestrian access from Pacific Coast Highway to the shoreline.

Such easement shall be recorded free of prior liens except tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed or post bond to cover the encumbrances.

VI. WHEREAS, the subject property is a parcel located between the first public road and the shoreline; and

VII. WHEREAS, under the policies of Sections 30210 through 30212 of the California Coastal Act of 1976, public access to the shoreline and along the coast is to be maximized, and in all new development projects located between the first public road and the shoreline shall be provided; and

VIII. WHEREAS, the Commission found that but for the imposition of the above condition, the proposed development could not be found consistent with the public access policies of Section 30210 through 30212 of the California Coastal Act of 1976 and that therefore in the absence of such a condition, a permit could not be have been granted;

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STATE OF CALIFORNIA
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NOW, THEREFORE, in consideration of the granting of permit no. PE-80-2707 to the owner(s) by the Commission, the owner(s) hereby offer(s) to dedicate to the Peopleof California an easement in perpetuity for the purposes of public pedestrian access to the shoreline located on the subject property ten feet wide and as specifically set forth by attached Exhibit C hereby incorporated by reference. The easement may be restted subject to issuance of a permit by the Regional Commission or the Commission where there is no Regional Commission. Improvements to the access easement may be required as a condition of the issuance of the permit.

This offer of dedication shall be irrevocable for a period of twenty-one (21) years, measured foward from the date of recordation, and shall be binding upon the owner(s), their heirs, assigns, or successors in interest to the subject property described above. The People of the State of California shall accept this offer through the County of Los Angeles or the local government in whose jurisdiction the subject property lies, or through a public Agency or a private association acceptable to the Executive Director of the Commission or its successor in interest.

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COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

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Acceptance of the offer is subject to a covenant which runs with the land, providing that the first offeree to accept the easement may not abandon it but must instead offer the easement to other public agencies or private associations acceptable to the Executive Director of the Commission for the duration of the term of the original offer to dedicate. The grant of easement once made shall run with the land and shall be binding on the owners, their heirs, and assigns.

Executed on this 25 day of SEPTEMBER, 19 80, in the City of MALIBU, County of LOS ANGELES.

Dated: September 25, 1980

Signed [signature] (OWNER) [illegible]

[signature] (OWNER) MARILYN WOLK

[signature] (OWNER) JEANNETTE CHIATE

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On September 25, 1980, before the undersigned, a Notary Public in and for said State, personally appeared Roger Wolk and Marilyn Wolk and Jeannette Chiate whose name(s) are subscribed to the within instrument, and acknowledge that they executed the same.

[signature]

Notary Public in and for said County and State

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OFFICIAL SEAL
OLIVIA A. THORNTON
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires December 29, 1981

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Acceptance of the offer is subject to a covenant which runs with the land, providing that the first offeree to accept the easement may not abandon it but must instead offer the easement to other public agencies or private associations acceptable to the Executive Director of the Commission for the duration of the term of the original offer to dedicate. The grant of easement once made shall run with the land and shall be binding on the owners, their heirs, and assigns.

Executed on this 26 day of September, 19 80, in the City of Los Angeles, County of Los Angeles.

Dated: September 26, 1980

Signed Kenneth R. Chiate
(OWNER)
KENNETH R. CHIATE

(OWNER)

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On September 26, 1980, before the undersigned, a Notary Public in and for said State, personally appeared KENNETH R. CHIATE, whose name(s) are subscribed to the within instrument, and acknowledge that they executed the same.

OFFICIAL SEAL
PAT SILVA
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My comm. expires DEC 2, 1983

Pat Silva
Notary Public in and for said County and State

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OFFICIAL SEAL
PAT SILVA
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My comm. expires DEC 2, 1983

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

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This is to certify that the offer of dedication set forth above dated SEPTEMBER 25, 1980, and signed by ROGER WOLF, MARILYN WOLF, WAYNE CHIAT, KENNETH R. CHIAT, owner(s), is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. P-80-2707 on APRIL 9, 1980 and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: November 13, 1980

Cynthia K. Long

CYNTHIA K. LONG, LEGAL COUNSEL
California Coastal Commission

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On 13 Nov. 1980, before the undersigned, a Notary Public in and for said State, personally appeared Cynthia K. Long (Name), Legal Counsel (Title) known to me to be the authorized representative of the California Coastal Commission and known to me to be the person who executed the within instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal.

GARY LAWRENCE HOLLOWAY
NOTARY PUBLIC-CALIFORNIA
CITY & COUNTY OF
SAN FRANCISCO
My Commission Expires October 21, 1981

Gary Lawrence Holloway
Notary Public in and for said County and State

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

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EXHIBIT "A"

Lot 14 in Block 2 of Tract 12935, in the County of Los Angeles, State of California, as per map recorded in Book 248 Pages 39 and 40 of Maps, in the office of the county recorder of said county.

EXCEPT that portion of said Lot, described as follows:

Beginning at a point in the Easterly line of said Lot 14, distant South 6° 33' 20" East 262.37 feet from the Northeast corner of said Lot; thence South 73° 08' 40" West 112.50 feet to a point hereafter referred to as Point "A"; thence South 3° 48' 35" East 342.28 feet; thence South 44° 9' 42" East 35.85 feet; thence North 68° 21' 57" East 108.88 feet to the Easterly line of said Lot 14; thence North 6° 33' 20" West 362.02 feet to the point of beginning.

ALSO EXCEPT all minerals, oil, petroleum, asphaltum, gas, coal and other hydrocarbon substances in, on, within and under said land, but without right of entry, as in deed from Marblehead Land Company, filed for record June 4, 1943, in Book 20011 Page 350, Official Records.

ALSO EXCEPT from said land any portion thereof which at any time was tide land which was not formed by the deposit of alluvion from natural causes and by imperceptible degrees.

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STATE OF CALIFORNIA
CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
[illegible] E. OCEAN BOULEVARD, SUITE 2107
P.O. BOX 1450
LONG BEACH, CALIFORNIA 90801
(213) 590-5071 (714) 846-0648

EDMUND G. BROWN, Jr., Governor

3/27/78 per applic w/ cond. 2-2-78 approved

cp

March 15, 1978 P-1

2

To: Commissioners

From: Executive Director

Subject: Staff Summary and Recommendations

Application No.: P-78-2707

Attachments:
1. Previous Staff Report; P-377; Appeal Summary
2. ¼ Mile Map
3. Plot Plan
4. Vicinity Map
5.
6.

1. Administrative Action:

The application has been reviewed and is complete. The 42-day hearing period expires _____. Public Hearing is scheduled for 3/27/78. Continuations, (if any) were granted as follows:

a. 3/13/78 applicant b. _____ c. _____

2. Applicant:

Kenneth R. Chiate (213) 620-9000
Applicant's full name Telephone number

707 Wilshire Blvd
Address

Los Angeles, CA 90017

Or Lillick, McHose and Charles same
Representative's name Telephone number

same
Address

3. Project Location:

(a) City or District Malibu

(b) County Los Angeles

(c) Street Address 27900 Pacific Coast Highway

(d) Area is Zoned R-1-20,000

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EXHIBIT B

PROJECT DESCRIPTION:

Division of one 5.3 acre parcel into 2 parcels of 2.6 and 2.7 acres each.

LOCATION DESCRIPTION & STREET ADDRESS: 27900 Pacific Coast Highway, between the nearest public roadway and the shoreline; near Paradise Cove in Malibu

DISTANCE FROM MEAN HIGH TIDE LINE: adjacent

PRESENT USE OF PROPERTY: vacant

SITE SIZE: irregualr shape; 5.3 acres

DENSITY: GROSS: NET:

UNIT MIX:

ON-SITE PARKING: Primary = Size =

Tandem = Size = Total =

PROJECT HEIGHT: Above CFR = Above AFG =

PROJECT COST: Permit cost only - no construction involved

EIR: Negative Declaration

AGENCY APPROVAL: Approval in Concept - Los Angeles County

Homeowners Assoc. - Health Dept. -

Building Dept. - HMDCB -

APCD

80- 1161952 -2-

10

Project Description:

The proposed land divison involves an irregularly shaped 5.3 acre ocean front parcel. Two lots would be created at 2.6 and 2.7 acres each. Both lots would have Pacific Coast Highway and sandy beach frontage.

The shape of the parcel takes an irregular jog at the center of the eastern boundary. At that location exists a one acre parcel, subdivided from the subject 5.3 acres some years ago. An access easement extends from Pacific Coast Highway across the to-be-created 2.7 acre lot to the one acre lot. A house exists on that one acre parcel. Please note the attached site plan.

A trail exists through the subject parcel and descends down a canyon to the sandy beach. The trail way follows the proposed land division boundary. During the recent storms, the trail way has received some debris, making access very difficult. However, the damage is not so extensive as to preclude repair.

History:

The applicant has previously brought before this Comission the proposal for land division on the subject site. The proposal was for a division into 4 parcels of 1.06, 1.2, 1.3, and 1.8 acres each. P-377 was heard on May 5, 1977, and denied. He then appealed the decision to the State Commission. The appeal was given a NSI determination.

Issues:

1. Compliance with Section 30250(a) of the Coastal Act and the Los Angeles County Guidelines - Land Division Criteria

2. Section 30212 - Public Access

Compliance with Section 30250(a) of the Coastal Act and the Los Angeles County Guidelines - Land Divison Criteria

Section 30250(a) of the Coastal Act states:

> 30250 (a) New development, except [illegible] provided in this division, shall be located within [illegible] proximity to, existing developed areas able to accommodate [illegible] where such areas are not able to accommodate it, or [illegible] adequate public services and where it will not have [illegible] adverse effects, either individually or cumulatively [illegible] resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

RECORDER'S MEMO:
POOR RECORD IS DUE TO
QUALITY OF ORIGINAL DOCUMENT

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Four criteria for land division exist. The first is that the resulting development be located within or contiguous to developed areas able to accommodate it.

The site will front on Pacific Coast Highway. Utilities will be taken from existing sources within that street. Sewage disposal, as in all of Malibu will be by individual septic systems. Access from the 2.7 acre site will be from the existing utilized access easement. A new vehicle access way would be designed for the 2.6 acre parcel. The site is approximately 1.25 miles from Kanan Dume Road, a major inland thoroughfare.

The second criterion for land division approval is that 50 percent of the useable parcels in the area be developed. The existing Los Angeles County guidelines utilize Malibu as a whole as a market area. According to the 1976 assessors map books, Malibu is 34% developed. Therefore, the project is not in conformance with Section 30250(a) of the Act.

If the proposed Los Angeles County guidelines were to be utilized, the market area would consist of Assessors Map Book #4460. The 1977 books show that map book 4460 is 50.8% developed, or 215 out of 423 lots are developed.

The third criterion for development is that the size of the to-be-created parcels would be no smaller than the average size of the surrounding parcels. The State guidelines have determined that the "surrounding parcels" would include those parcels within ¼ mile of the perimeter of the project. The average size of the surrounding parcels of this proposed project is 2.5 acres as can be seen on the attachment. As the to-be-created lots consist of 2.6 and 2.7 acres each, the project would be consistent with this criterion.

The fourth criterion is that the proposed project must be consistent with the adopted guidelines for such development.

As the guidelines utilizing Assessors Map Books as indicators of market area have not yet been adopted, the project is not consistent with Land Division guidelines as set forth in the existing Los Angeles County Interpretive guidelines.

Section 30212 - Public Access:

Section 30212 of the Act states:

> 30212 Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
>
> Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution.

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IV

No public vertical assessways are located near the proposed project. The nearest vertical assess to the west is at Paradise Cove, 1800 feet away. The nearest vertical access to the east is at Holiday House, 1800 feet or approximately 1/3 miles away.

At some time in the future, provision of a public vertical access way in the area proposed for land division would be a significant and much needed public service. The existing vertical access way of the subject site would be an adequate and easily accessible location.

Findings:

1. Applicant proposes to subdivide a 5.3 acre parcel into two parcels of 2.6 and 2.7 acres each.

2. The site is located at Escondido Beach on a bluff top descending to the sandy beach.

3. A canyon exists at the center of the site which descends to the sandy beach. A trail way exists at this canyon. Damage to the trailway was sustained during the recent storms.

4. The application for the proposed land division meets the land division criteria as stated in the Act, except for the following:

> The market area, as determined by utilizing Malibu as a whole is 34% developed, thereby not meeting the 50% developed market area criterion.

5. The proposed development is not in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will prejudice the ability of the local government to prepare a local coastal program that is in conformity with said chapter.

6. There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this Commission under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally proposed may have on the environment.

STAFF RECOMMENDATION: Denial

Staff Planner

Perisho
ss

that: vertical access 10' down existing Trail
lateral access
no further subdiv until LCP is approved. (concept must be in conform with LCP)

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4-3-78

P-2707 Subdivide 5.3 acre parcel into 2 parcels of 2.6 and 2.7 acres at 27900 Pacific Coast Highway, Malibu by Kenneth R. Chiate

4/3/78 approved

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REVISED FINDINGS:

The Commission finds, after public hearing, that:

1. The site has an existing canyon with a trailway existing from Pacific Coast Highway to the beach.

2. The project conforms to all the interpretative guidelines on lot splits except the 50% developed rule. However, if the recommended revised guidelines are utilized for the 50% developed area, the project will comply.

3. The applicant has offered mitigation measures in the form of a vertical access and lateral access easement on the property.

4. The project, as conditioned, conforms to the public access requirements of the Coastal Act of 1976 and will not impair the ability of local government to prepare its local coastal plan.

5. There are feasible mitigation measures, as provided under CEQA, available for imposition by the Commission under the power granted to it that lessens the impact and provides public access. These measures have been considered in imposing the conditions.

Note: Conditions

1. Vertical access of 10' on the trail.

2. Lateral access condition.

3. No further subdivision until the local LCP has been approved and certified.

4. If any further land division is considered upon condition #3 being completed, such division must be in conformance with the LCP.

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STATE OF CALIFORNIA
CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION
[illegible] OCEAN BOULEVARD, SUITE [illegible]
[illegible]
LONG BEACH, CALIFORNIA 90802
[illegible]

EDMUND G. BROWN JR., Governor

April 21, 1980

9:00 a.m.

Torrance
City Council Chambers
3031 Torrance Boulevard
Torrance, California

IV

ADDENDUM

Page 1 - please add the following to Agenda Item IV (Chair Report).

B. Election of Chairperson

Page 6 - Please add the following to your Agenda Item VIII.

(8) P[illegible]-2707 cp — Request to extend a permit for subdivision of a 5.3 acre parcel into 2 parcels. Permit was approved with conditions Disapprovement as to the location of the vertical accessway has delayed issuance of the permit. The finally agreed upon location of the easement calls for the easement to traverse a second parcel which was not part of the original permit; but which is owned by the applicant. Therefore, the vertical access conditions must be recorded with both properties. Previous Conditions: Prior to issuance of permit, applicant shall submit the following:

1. a deed restriction for recording granting vertical access to give the public the privilege and right to pass and repass over a strip of Dedicator's said real property 10 feet in width measured from the north property line and extending from the edge of the public right-of-way, Pacific Coast Highway, to the mean high tide line of the Pacific Ocean.
2. a deed restriction for recording granting lateral public access up to 25 feet inland from the mean high tide line, however, in no case will said dedication be nearer than five feet to the proposed development.
3. No further subdivision until the local LCP has been approved and certified.
4. If any further land division is considered upon Condition 23 being completed, such division must be in conformance with the LCP; at 27900 Pacific Coast Highway, in Malibu, by Kenneth R. Chiate. Permit was approved on March 27, 1978 and expired on March 26, 1980. The permit was approved by a 7 to 1 vote of the Commission.

Check wording

Condition: Prior to issuance of permit, the applicant shall execute and record a document, in a form and content, approved by the Executive Director of the Commission irrevocably offering to dedicate to an agency approved by the Executive Director, an easement for public pedestrian access to the shoreline. Such easement shall be ten feet wide, located on the subject parcel and adjacent property (AP 4460-03, 013) as shown on the attached map. Basically the easement

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(continued)

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Addendum - continued

PERMIT NUMBER	DESCRIPTION
(8) PE-80-2707 (Cont.) cp	shall begin at Pacific Coast Highway, extend adjacent to and on the east side of an existing driveway within proposed parcel 02, to the adjacent parcel (AP#4460-032-013), extend through that adjacent parcel, entering again proposed parcel 02, then descending down the most western drainage course terminating at the mean high tide line. Such easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed, or posted bond to cover the encumbrances. The offer shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowners. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording. The applicant may construct a vehicular gate across the driveway entrance. However, a pedestrian gate must also be provided by the applicant concurrently. Said pedestrian access gate would be opened for daylight hours only. The pedestrian gate lock shall be controlled by the Los Angeles County Dept. of Beaches or other agency approved by the Executive Director. This document shall be recorded with the parcel on the subject permit and the adjacent parcel (AP#4460-032-013).
Recommendation:	Extension will be granted for one year. Permit will expire on March 26, 1981.

Page 8 - please delete LCA-15,537-79(c) from your agenda, same has been withdrawn by the applicant.

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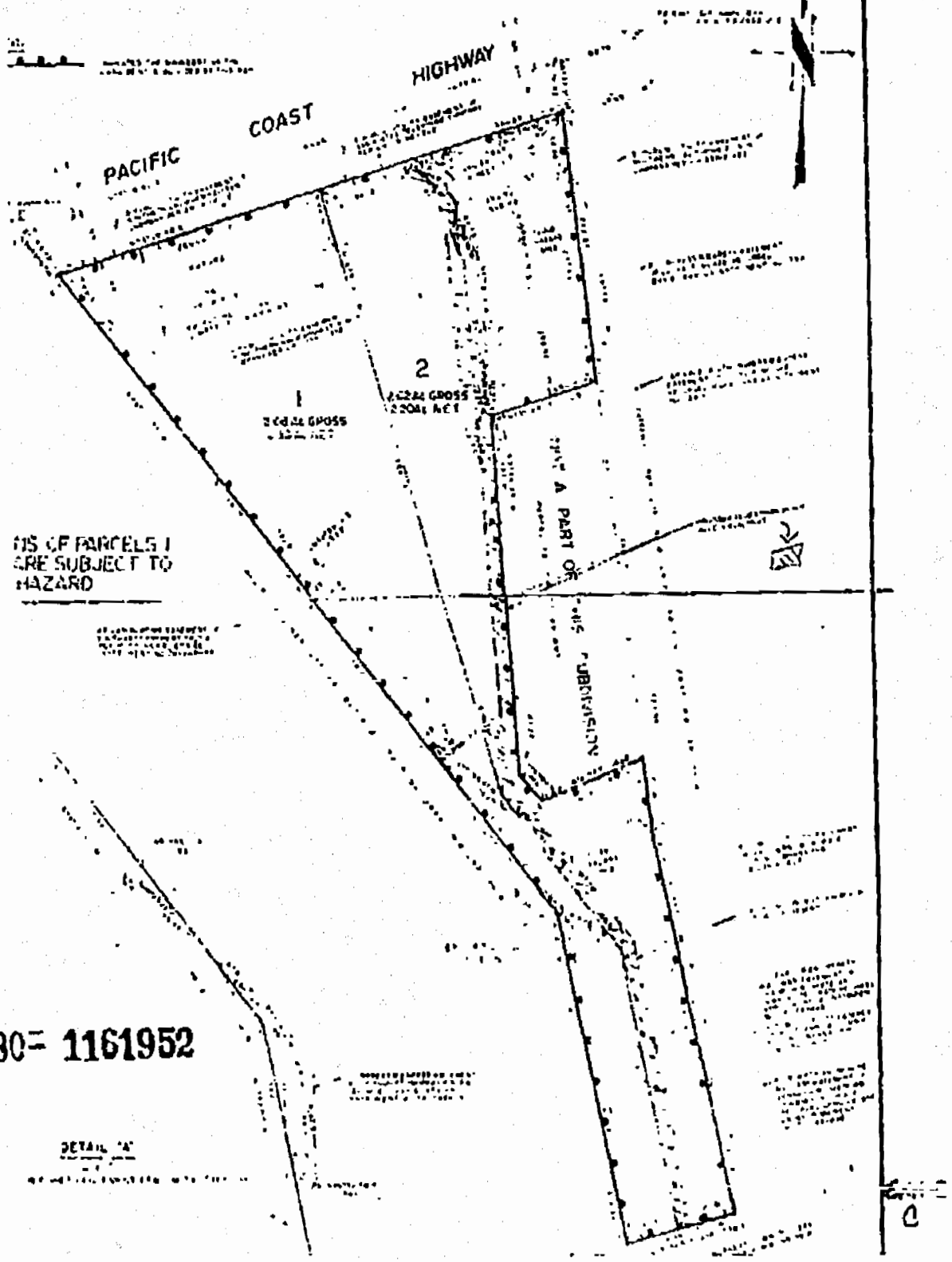
PARCEL MAP NO. 7543

IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA



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