82- 11159

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

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
17 MIN. PAST. 4 P.M. JAN 6 1982

FREE C

IRREVOCABLE OFFER TO DEDICATE

I. WHEREAS, Dr. Roger S. Wolk, Kenneth R. Chiate, Jeanette Chiate, Marilyn S. Wolk are the record owners, hereinafter referred to as "owners," of the real property located at 27900 Pacific Coast Highway, Malibu, Los Angeles County, California, legally described as particularly set forth in attached Exhibit A hereby incorporated by reference and hereinafter referred to as the "subject property"; and

II. WHEREAS, the California Coastal 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 owners applied to the Commission for a coastal development permit for construction of a two-story, 6,800 sq. ft. single-family residence with three-car garage, two-car carport, swimming pool, and tennis court on the subject property; and

V. WHEREAS, a coastal development permit no. 5-81-35 was granted on July 22, 1981, by the Commission in accordance with the provisions of the Staff Recommendation and Findings shown in Exhibit B attached hereto and hereby incorporated by reference, subject to the following condition:

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Prior to issuance of the 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 an easement to be used for public parking to a public agency or private association acceptable to the Executive Director. The easement shall be 25 ft. wide and located adjacent to and parallel to the existing right-of-way within the area designated as "FUTURE STREET" on recorded parcel map "7543. The offer or the accepted easement shall be extinguished when construction of the street commences. The offer shall run for a period of 21 years from the date of recordation and shall be prior to all liens except tax liens and all encumbrances the Executive Director determines may affect the interest being conveyed.

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, under the policy of Section 30223 of the California Coastal Act of 1976 upland areas necessary to support recreational uses shall be reserved for such uses where feasible.

IX. 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 and Section 30233 of the California Coastal Act of 1976 and that therefore in the absence of such a condition, a permit could not have been granted;

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OURT PAPER

1 NOW, THEREFORE, in consideration of the granting of permit no. 5-81-35
2 to the owners by the Commission, the owners hereby offer to dedicate to the
3 People of California an easement for the purposes of public parking located
4 on the subject property adjacent to and parallel to the existing highway
5 and within the same area previously offered for dedication for future
6 highway use and as specifically set forth by attached Exhibit C hereby
7 incorporated by reference. The parking space is offered subject to the owners'
8 right to subsequently locate reasonable access and egress to the subject
9 property.
10 With the offering of this easement and the easements for vertical and
11 lateral access as offered in Documents 80-1161953 and 80-1161952 recorded
12 on November 18, 1980, in the County of Los Angeles, reasonable beach access
13 shall be deemed to have been provided so that no fees or conditions regarding
14 parking, access, or improvements thereon may be imposed in connection with
15 further improvements to the subject property as set forth in Exhibit A.
16 This offer of dedication shall be irrevocable for a period of twenty-one
17 (21) years, measured forward from the date of recordation, and shall be
18 binding upon the owners, their heirs, assigns, or successors in interest
19 to the subject property described above. The People of the State of California
20 shall accept this offer through the County of Los Angeles, the local government
21 in whose jurisdiction the subject property lies, or through a public agency or
22 a private association acceptable to the Executive Director of the Commission
23 or its successor in interest. The easement shall not be improved, opened
24 for public use, or posted until such time as it is accepted by the public
25 agency or private association. The offer or accepted easement shall be
26 extinguished when construction of the "FUTURE STREET" commences.
27 //

82- 11159

[illegible]

[illegible] 11 [illegible] of December, 1981, [illegible]

[illegible] Los Angeles [illegible] of Los Angeles Cal

Dated 12/11/81

Kenneth R. Chick

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible], before me, the undersigned, a

Notary Public in and for said [illegible], personally appeared ______

______

[illegible] subscribed to the within instrument, and acknowledged that they [illegible] the same.

______

Notary Public in and for said County and State

(TI) 5

82- 11159

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On December 11, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth R. Chiate known to me to be the person whose name subscribed to the within instrument as the Attorney in fact of Roger S. Walk and Marilyn S. Walk and acknowledged to me that he subscribed the name of Roger S Walk and of Marilyn S Walk thereto as principal and his own name as Attorney in fact

WITNESS my hand and official seal

Signature Marlyn A Garant

MARLYN A GARANT

Name (Typed or Printed)

OFFICIAL SEAL
MARLYN A GARANT
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires Apr 26, 1983

(Individual)

82- 11159

TITLE INSURANCE AND TRUST

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On December 11, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth R. Chiate known to me to be the person whose name subscribed to the within instrument and acknowledged that he executed the same

WITNESS my hand and official seal

Signature Marlyn A Garant

OFFICIAL SEAL
MARLYN A GARANT
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My Commission Expires Apr 26, 1983

(This area for official notarial seal)

This is to certify that the offer of dedication set forth above dated Dec 11, 19 81, and signed by Kenneth P. Chiale for Limsek, Dr. Rogers Wolk, Marilyn S. Wolk & Jeanette Chiale, 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. 5-81-35 on July 22, 1981 and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: December 18, 1981

Cynthia K. Long
Cynthia K. Long Legal Counsel
California Coastal Commission

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

On December 18, 1981, 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.

Fay Thomas
Notary Public in and for said County and State

FAY THOMAS
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO
My Commission Expires Dec. 14, 1984

EXHIBIT A

County of Los Angeles, State of California,

Parcel 2 of Parcel Map No. 7543 as per map thereof filed in Book 135 Pages 58 and 59 of Parcel Maps, in the Office of the County Recorder of Said County.

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EXHIBIT A

California Coastal Commission
SOUTH COAST DISTRICT
245 E. Ocean Blvd., Suite 3107
P.O. Box 1450
Long Beach, CA 90801
(213)590-5071

Filing Date 5-5-81
45th Day 6-23-81
Staff Report 8-6-81
Hearing Date 8/19/81
Staff Analyst Dixie Howell

STAFF REPORT: CONSENT CALENDAR

PROJECT DESCRIPTION

APPLICANT Kenneth Chiate and Roger Wolk AGENT Cahill-Leese Architects

PERMIT NO 5-81-35

PROJECT LOCATION 27900 Pacific Coast Hwy., Malibu, CA

PROJECT DESCRIPTION Construction of a 2-story, 5-bedroom 6800 sq ft SFD with attached 3-car garage, 2-car carport, swimming pool and tennis court

LOT AREA 2.7 acres ZONING R-1 20,000

BLDG COVERAGE 6800 sq ft. PLAN DESIGNATION G.P.
G.P., LUP draft, LUP adopt, LUP cert., LCP

PAVEMENT COVERAGE 5500 sq. ft. PROJECT DENSITY n/a

LANDSCAPE COVERAGE n/a HEIGHT ABV FIN. GRADE 30'

LOCAL APPROVALS RECEIVED Approval in Concept/ L.A. County

SUBSTANTIVE FILE DOCUMENTS

I. STAFF RECOMMENDATION

Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

EXHIBIT B (continued)

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgement The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office

2 Expiration. If construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3 Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval

4 Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission

5. Inspections The Commission staff shall be allowed to inspect the site and the development during construction subject to 24 hour advance notice.

6 Assignment The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS Prior to issuance of the 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 an easement to be used for public parking to a public agency or private association acceptable to the Executive Director. The easement shall be 25 feet wide and located adjacent to and parallel to the existing right-of-way within the area designated as "FUTURE STREET" on recorded parcel map "7543. The offer or the accepted easement shall be extinguished when construction of the street commences. The offer shall run for a period of 21 years from the date of recordation and shall be prior to all liens except tax liens and all encumbrances the Executive Director determines may effect the interest being conveyed.

FINDINGS

A. Project Description and History

The application is a request to construct a 2-story, 6800 sq. ft. SFD with attached garage swimming pool and tennis court on a 2.7 acre parcel. The subdivision of a 5.3 acre parcel into two

parcels of 2.6 acres and 2 7 (subject parcel) acres was approved under permit application P-2707 and PE-80-2707, with vertica and lateral access conditions which have been recorded.

B Issues

1. Access

Section 30223 of the Coastal Act states:

> Upland areas necessary to support recreational uses shall be reserved for such uses, where feasible.

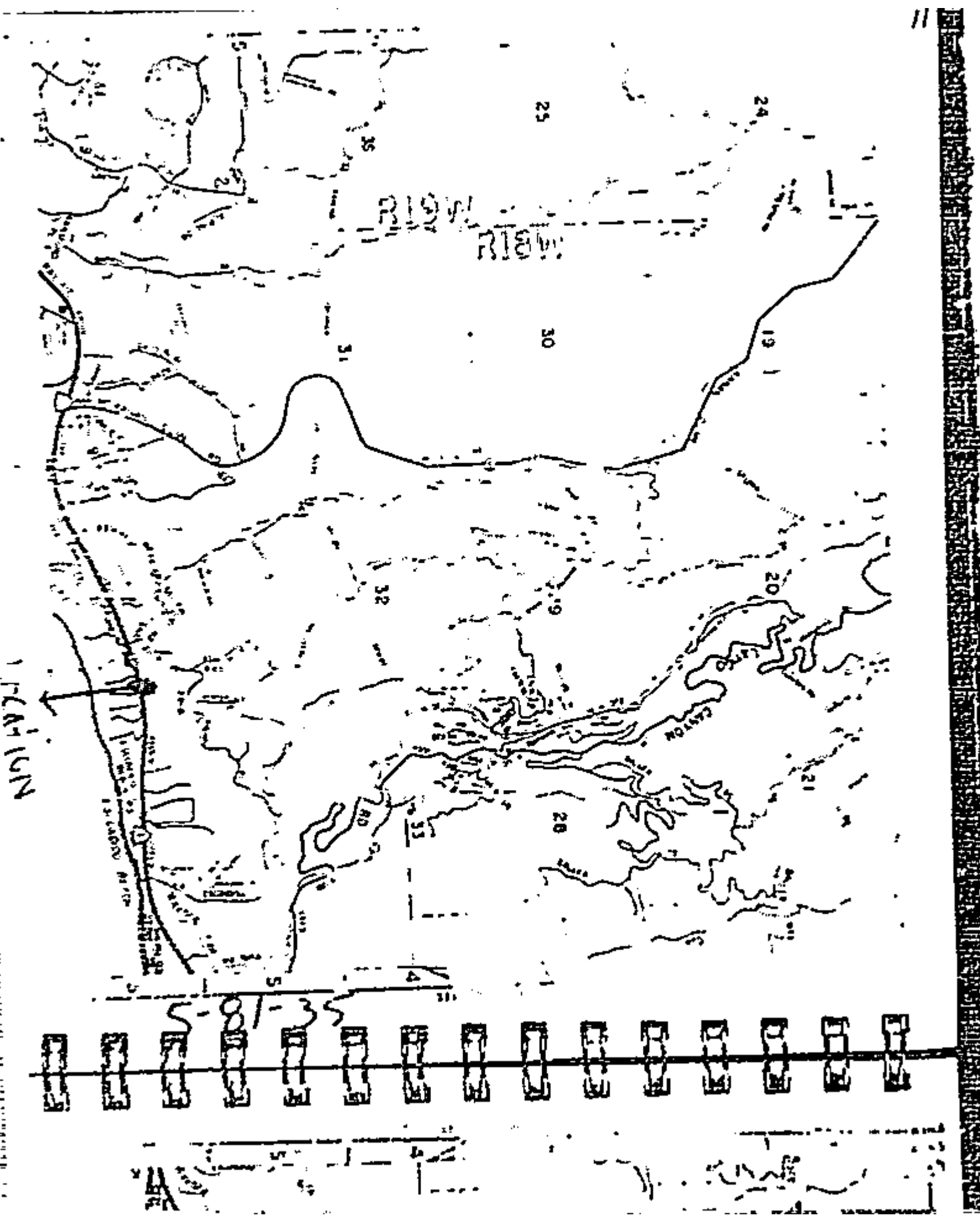
The area in which the applicant's parcel is located immediately abuts Pacific Coast Hwy. Due to the rural nature of this area, the traffic (both and automobile and trucks) moves at a maximum rate of speed. Any public use of the recorded vertical access easement could be precluded by lack of off street parking facilities on the ocean side of Pacific Coast Hwy. Parking on the dirt shoulders on either the north or south side of Pacific Coast Hwy could result in accidents to vehicles and possible pedestrian fatalities.

At a County requirement of the original subdivision, the applicant was required to dedicate a portion of his property for a "Future Street" to the County of Los Angeles.

The Commission finds that the project, as conditioned, can be found consistent with Section 30223 of the Coastal Act of 1976.

rm

(continued)


R19W
R18W
5-81-35
CANYON
LAYCO

PARCEL MAP NO. 7543

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

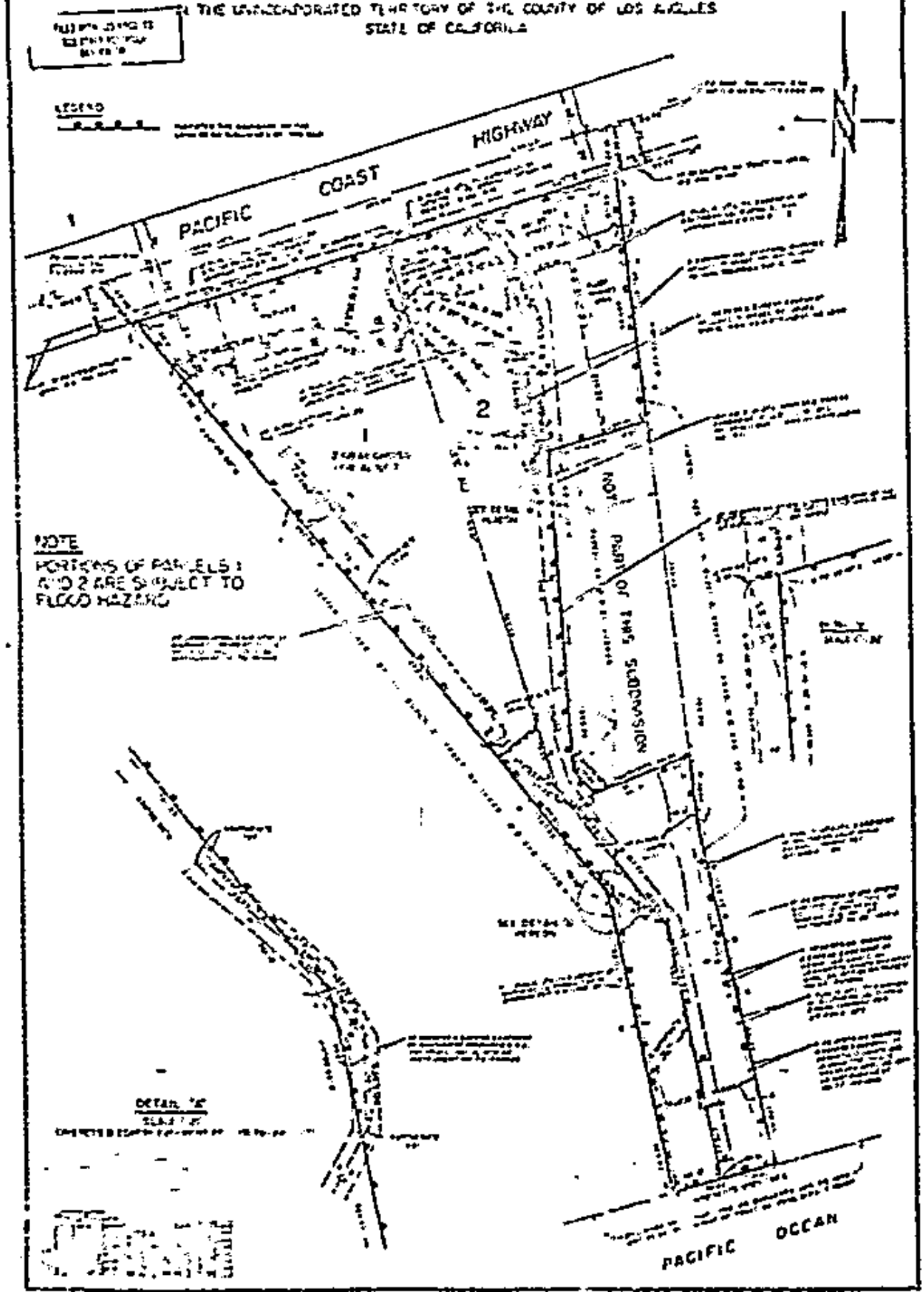


EXHIBIT "C"

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END OF RECORDED DOCUMENT