

PARKING OTHER

82-11159

83-108580

1 Return Original To and
Recording Requested By:
STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, 94612
CA

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

5
6 IRREVOCABLE OFFER TO DEDICATE

FREE C
12

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

13 II. WHEREAS, the California Coastal Commission, hereinafter referred to
14 as "the Commission," is acting on behalf of the People of the State of
15 California; and

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

18 IV. WHEREAS, pursuant to the California Coastal Act of 1976, the owners
19 applied to the Commission for a coastal development permit for construction
20 of a two-story, 6,800 -sq. ft. single-family residence with three-car garage,
21 two-car carport, swimming pool, and tennis court on the subject property; and

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

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RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. 9 A.M. JAN 26 1983
PAST.

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FEB 3 1982
CALIFORNIA
COASTAL COMMISSION

omitted acknowledgement by notary public.

1 Prior to issuance of the permit, the applicant shall execute and record
 2 a document in a form and content approved by the Executive Director of the
 3 Commission irrevocably offering to dedicate an easement to be used for public
 4 parking to a public agency or private association acceptable to the Executive
 5 Director. The easement shall be 25 ft. wide and located adjacent to and
 6 parallel to the existing right-of-way within the area designated as "FUTURE
 7 STREET" on recorded parcel map "7543. The offer or the accepted easement
 8 shall be extinguished when construction of the street commences. The offer
 9 shall run for a period of 21 years from the date of recordation and shall
 10 be prior to all liens except tax liens and all encumbrances the Executive
 11 Director determines may affect the interest being conveyed.

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

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

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

21 IX. WHEREAS, the Commission found that but for the imposition of the
 22 above condition, the proposed development could not be found consistent with
 23 the public access policies of Section 30210 through 30212 and Section 30233
 24 of the California Coastal Act of 1976 and that therefore in the absence of such
 25 a condition, a permit could not have been granted;

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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 further conditions regarding
 14 parking, access, or improvements thereon shall 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.

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

8 Executed on this 11 day of December, 1981, in the
9 City of Los Angeles, County of Los Angeles, Cal

10 Signed: Kenneth R. Chiate
11 Kenneth R. Chiate
12 Type or Print Name of Above

Dated: 12/11/81
Signed: Roger S. Wolk by
Kenneth R. Chiate, attorney in fact

13 Signed: Maulen S. Wolk
14 by Kenneth R. Chiate, attorney in fact
15 Type or Print Name of Above

Type or Print Name of Above
Signed: Jeanette Chiate by
Kenneth R. Wolk, attorney in fact
Type or Print Name of Above

17 STATE OF CALIFORNIA
18 COUNTY OF

19 On _____, before the undersigned, a
20 Notary Public in and for said State, personally appeared _____
21 _____,

22 whose names are subscribed to the within instrument, and acknowledge that they
23 executed the same.

25 Notary Public in and for said County and
26 State

TO 444 C
(Attorney in Fact)

TI

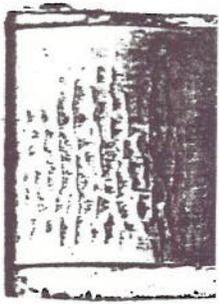
STATE OF CALIFORNIA } SS. **83- 108580**
COUNTY OF Los Angeles

On December 11, 1981 before me, the undersigned, a Notary Public in and for said State,
personally appeared Kenneth R. Chiato
known to me to be the person — whose name is subscribed to the within instrument, as the
Attorney — in fact of Jennette Chiato
and acknowledged to me that he subscribed the name —
of Kenneth R. Chiato 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)

STAPLE HERE



TO 444 C
(Attorney in Fact)

TI

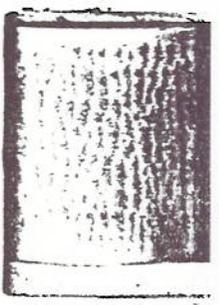
STATE OF CALIFORNIA } SS. ~~82- 11159~~
COUNTY OF LOS ANGELES

On December 11, 1981 before me, the undersigned, a Notary Public in and for said State,
personally appeared Kenneth R. Chiato
known to me to be the person — whose name is subscribed to the within instrument, as the
Attorney — in fact of Roger S. Walk and Marlyn S. Walk
and acknowledged to me that he subscribed the name s of Roger S. Walk and
Marlyn S. Walk thereto as principals
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)

STAPLE HERE



TO 1944 CA (8-74)
(Individual)

STATE OF CALIFORNIA } SS. ~~82- 11159~~
COUNTY OF LOS ANGELES



On December 11, 1981 before me, the undersigned, a Notary Public in and for said
State, personally appeared Kenneth R. Chiato

_____, known to me
to be the person — whose name is subscribed
to the within instrument and acknowledged that he
executed the same.

WITNESS my hand and official seal.
Signature Marlyn A. Garant



83- 108580

(This area for official notarial seal)

1 This is to certify that the offer of dedication set forth above dated
 2 Dec 11, 19 81, and signed by Kenneth R. Chiate for
 3 himself, Dr. Rogers, Wolk,
Marilyn S. Wolk &, owner(s), is hereby acknowledged by the
 4 Jeanette Chiate
 5 undersigned officer on behalf of the California Coastal Commission pursuant
 6 to authority conferred by the California Coastal Commission when it granted
 7 Coastal Development Permit No. 5-81-35 on July 22, 1981 and the
 8 California Coastal Commission consents to recordation thereof by its duly
 9 authorized officer.

9 Dated: December 18, 1981

10 Cynthia K Long
 11 CYNTHIA K LONG, LEGAL COUNSEL
 12 California Coastal Commission

13 STATE OF CALIFORNIA
 14 COUNTY OF SAN FRANCISCO

15 On December 18, 1981, before the undersigned, a Notary Public in
 16 and for said State, personally appeared Cynthia K. Long,
 17 Legal Counsel known to me to be the authorized representative
 18 of the California Coastal Commission and known to me to be the person who
 19 executed the within instrument on behalf of said Commission, and acknowledged
 20 to me that such Commission executed the same.

21 Witness my hand and official seal.

22 Fay Thomas
 23 Notary Public in and for said County and
 24 State

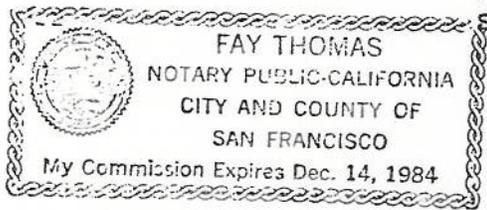


EXHIBIT A

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.

~~82- 11159~~

83- 108580

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

Filing Date 5-5-81
Arch Day 6-23-81
Staff Report 8-6-81
Hearing Date 8/19/81
Staff Analyst Dixie Nowell

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	<u>2.7 acres</u>	ZONING	<u>R-1 20,000</u>
BLDG. COVERAGE	<u>6800 sq. ft.</u>	PLAN DESIGNATION	<u>G.P.</u>
PAVEMENT COVERAGE	<u>5500 sq. ft.</u>	G.P., LUP draft, LUP adopt, LUP cert., LCP	<u>n/a</u>
LANDSCAPE COVERAGE	<u>n/a</u>	PROJECT DENSITY	<u>n/a</u>
		HEIGHT ABV. FIN. GRADE	<u>30'</u>

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

SUBSTANTIVE FILE DOCUMENTS

I. STAFF RECOMMENDATION

83- 108580

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.

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STANDARD CONDITIONS

5-81-35

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.

II. 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.

III. FINDINGS

83- 108580

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 vertical 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.

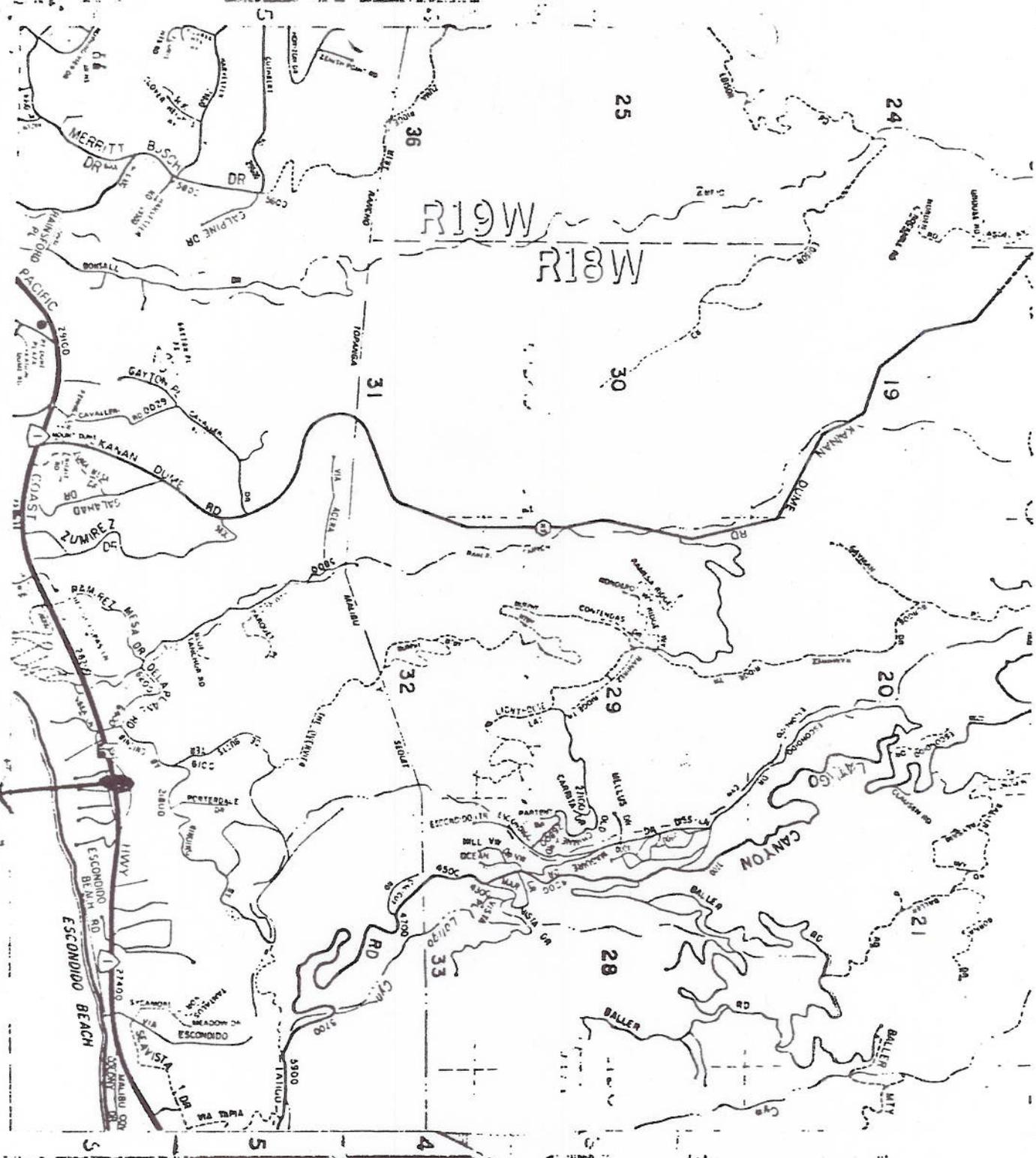
The area in which the applicant's parcel is located immediately abuts Pacific Coast Hwy. Due to the rural nature of this area, the traffic (both automobile and trucks) moves at a maximum rate of speed. Any public use of the recorded vertical access easement could be precluded by lack of off street parking 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.

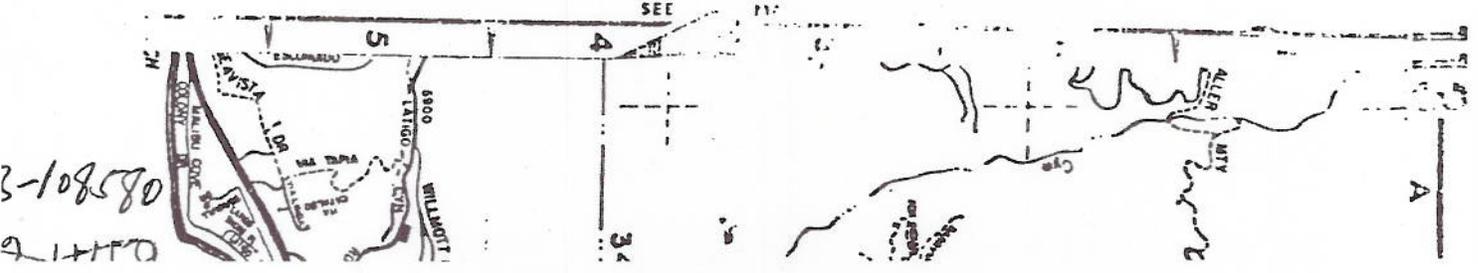
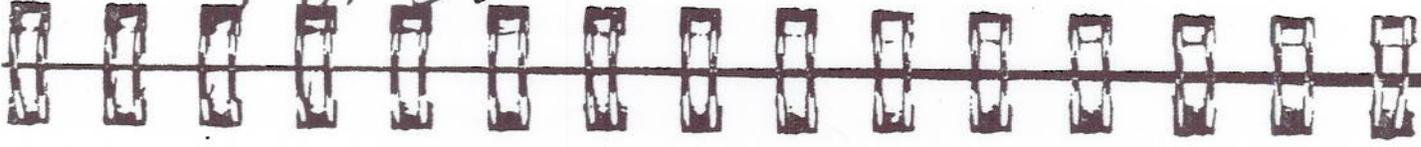
The Commission finds that the project, as conditioned, can be found consistent with Section 30223 of the Coastal Act of 1976.

rm

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5-81-35



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STATE CONSULTATION
CANTON, OHIO