

vertical 2

80-118

1 Return Original To and
2 Recording Requested By:
3 State of California
4 California Coastal Commission
5 631 Howard Street, 4th Floor
6 San Francisco, CA 94105

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
21 MIN. PAST 4 P.M. DEC 23 1981

FREE L

6 IRREVOCABLE OFFER TO DEDICATE

7 I. WHEREAS, Dr. Roger S. Wolk, Kenneth R. Chiate, Jeanette Chiate, Marilyn
8 S. Wolk are the record owners, hereinafter referred to as "owners," of the
9 real property located at 27900 Pacific Coast Highway, Malibu, Los Angeles
10 County, California, legally described as particularly set forth in attached
11 Exhibit A hereby incorporated by reference and hereinafter referred to as the
12 "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 subdivision of
20 a 5.3-acre parcel into two parcels of 2.6 and 2.7 acres each on the subject
21 property; and

22 V. WHEREAS, a coastal development permit no. PE-80-2707 was granted on
23 April 9, 1980, and amended by 5-81-44(A1) on July 22, 1981, by the Commission
24 in accordance with the provisions of the Staff Recommendation and Findings
25 shown in attached Exhibit B and hereby incorporated by reference, subject to
26 the following condition:

27 //

3 5

5-17-82 ORIG. SENT TO CONS. W/ ACKNOWLEDGMENT FOR THEIR ACCEPTANCE

1 Prior to the issuance of 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 to an agency approved by the
4 Executive Director an easement for public pedestrian access from Pacific
5 Coast Highway to the shoreline. Such easement shall be recorded free of prior
6 liens and clear of encumbrances which the Executive Director determines may
7 affect the interest being conveyed or post bond to cover the encumbrances.

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

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

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

19 NOW, THEREFORE, in consideration of the granting of permit no. PE-80-2707
20 and 5-81-44(A1) to the owners by the Commission, the owners hereby offer to
21 dedicate to the People of California an easement in perpetuity for the pur-
22 poses of public pedestrian access to the shoreline located on the subject
23 property ten feet wide and as specifically set forth by attached Exhibit C
24 hereby incorporated by reference. The location of the easement as set forth
25 in Exhibit C has been modified from that shown in Document 8-1161952 as
26 recorded in the County of Los Angeles on November 18, 1980. This document
27 is a substitute for Document 8-1161952.

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

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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 11th day of December, 1981, in the
 9 City of Los Angeles, County of Los Angeles Calif
 10 Dated: 12/11/81

TO 1944 CA (9-74)

(Individual)

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES } SS.

81- 1259943



with my own fact

 above
Kenneth R. Chate
 fact

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

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

WITNESS my hand and official seal.

Signature Marlyn A. Garant
MARLYN A. GARANT



above

 red, a

(This area for official notarial seal)

TO 444 C (Attorney in Fact)

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STATE OF CALIFORNIA

COUNTY OF LOS ANGELES } SS.

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

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 Marilyn S. Walk and acknowledged to me that he subscribed the name 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)



dge that they

 County and

1 This is to certify that the offer of dedication set forth above dated
 2 December 11, 19 91, and signed by Kenneth R Chiate, Mrs Mrs. Roger
 3 Wolk, Jeannette Chiate, owner(s), is hereby acknowledged by the
 4 undersigned officer on behalf of the California Coastal Commission pursuant
 5 to authority conferred by the California Coastal Commission when it granted
 6 Coastal Development Permit No. 5-81-35 on April 7, 1990 and the
 7 California Coastal Commission consents to recordation thereof by its duly
 8 authorized officer.

9 Dated: December 21, 1981

10 Cynthia K Lodge
 11 CYNTHIA K LODGE LEGAL COUNSEL
 12 California Coastal Commission

13 STATE OF CALIFORNIA
 14 COUNTY OF SAN FRANCISCO

15 On December 21, 1981, before the undersigned, a Notary Public in
 16 and for said State, personally appeared Cynthia K Lodge,
 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
 23 Jay Thomas
 24 Notary Public in and for said County and
 25 State
 26 **JAY THOMAS**
 27 NOTARY PUBLIC-CALIFORNIA
 CITY AND COUNTY OF
 SAN FRANCISCO
 My Commission Expires Dec. 14, 1984

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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

Memorandum

CALIFORNIA COASTAL COMMISSION
SOUTH COAST-REGION V
P. O. Box 1450
Long Beach, CA 90801
(213) 590-5071 (714) 846-0648

81-1259943

TO: STATE COMMISSION

FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR

SUBJECT: REQUEST FOR AMENDMENT TO PERMIT NO. P/PE-80-2707 (KENNETH/JEANNETTE CHIATE & ROGER/MARILYN WOLK)

PROCEDURES

In the case of permits issued by the Commission under the Coastal Act of 1976, the Commission regulations (Section 13166) permit applicants to request approval by the Commission of amendments to the project or permit conditions. The Commission may approve an amendment if it finds that the revised development is consistent with the Coastal Act. The staff recommends that the Commission hold a public hearing on the amendment request, and at the close of the public hearing, vote on the request.

1. Project Description. The project approved in the original permit application P-80-2707, and permit extension PE-80-2707 was the subdivision of a 5.3 acre parcel into two parcels of 2.6 acres and 2.7 acres each. The extension request was submitted by the applicant in order to resolve the question of the location of the vertical easement condition which the South Coast Regional Commission had found, after public hearing, would offer mitigation measures (in addition to a lateral access easement condition and no further subdivision until in conformance with the LCP of Los Angeles County) and thus could be found to be in conformance with the provisions of Chapter 3 of the California Coastal Act of 1976.

The vertical access condition was the subject of a great deal of discussion with both the South Coast Regional Commission staff and the State Commission legal staff in an attempt to locate a vertical easement which would be acceptable to all parties concerned. On November 18, 1980 an Irrevocable Offer to Dedicate (#80-1161952) a vertical access was recorded in the official records of Los Angeles County. A portion of that offer reads, in part, that:

"...The easement may be resited 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."

At the time prior to the recordation, the applicant indicated in a letter to the Commission (File P-2707, August 20, 1979) that he owned only the parcel which was the subject of the above-referenced permit, and had no legal interest in an adjacent one-acre parcel. Since that time, the applicant purchased an interest in the adjoining one-acre parcel and recently applied for a permit to build a single-family dwelling on the one-acre parcel. The application for permit SF-80-7554 (Appeal #44-81) was approved and the permit has been issued.

EXHIBIT B

The applicant has also submitted a request to construct a single-family dwelling on the 2.6 acre parcel, application for permit SF-81-7867 which was scheduled for hearing before the South Coast Regional Commission on June 1, 1981. A condition of approval on the requested application was for the applicant to construct the vertical access easement specifically as set forth in the recorded document #80-1161952.

Prior to the June 1, 1981 hearing, the applicant requested that the condition be changed allowing him to construct the vertical access easement in another location (a portion of which would be located on the one-acre parcel adjoining the 2.6 acre parcel). He was advised by staff to request a continuation of permit SF-81-7867 (#5-81-35) until such time as an amendment request could be placed on a calendar before the Commission for the relocation of the vertical access easement (#5-81-44/A/).

2. Proposed Amendment. The applicant states that the relocation of a portion of the vertical access over the one-acre parcel is now feasible since the applicant has a legal interest in the property. The applicant also states that because of the shape of the 2.6 acre parcel, the installation of a drain, and the relocation of the existing roadway, a better pedestrian access location can be provided which essentially provides a 10 foot vertical pedestrian access easement in the same location as initially required by the South Coast Regional Commission insofar as the easement runs from Pacific Coast Highway to the commencement of the one-acre parcel, and then"to run through the one-acre property (approximately 10 to 15 feet to the east of where it is currently located on the recorded offer to dedicate to the ocean end of the one-acre parcel, and then to run through the subject parcel to the beach in essentially the same location as previously dedicated". (See Exhibit 1.)

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the condition below, an amendment to the subject permit on the grounds that, as conditioned, the development 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 in conformity with the provisions 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.

II. Conditions.

The amendment is subject to the following conditions:

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EXHIBIT B

1. Prior to issuance of the permit, the Executive Director shall certify in writing that the following condition has been satisfied. 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 (10) feet wide located along the easterly portion of Assessor's Parcel Map #4460-32-14 in a southerly direction, thus following the most westerly portion of Assessor's Parcel Map #4460-32-13) to its most southerly end, and again reentering Assessor's Parcel Map #4460-32-14 following the most easterly portion in a southerly direction and extend from the Pacific Coast Highway to the mean high tide line of the Pacific Ocean. 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.

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 landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

2. Prior to issuance of permit, the applicant shall submit documentation which shows all legal interest in the subject parcels (APM #4460-32-13 and APM #4460-32-14), and shall submit a letter signed by all parties having legal interest in subject parcels which approves the recordation ~~and~~ construction ^{of the vertical access easement} of the vertical access easement on said parcels.

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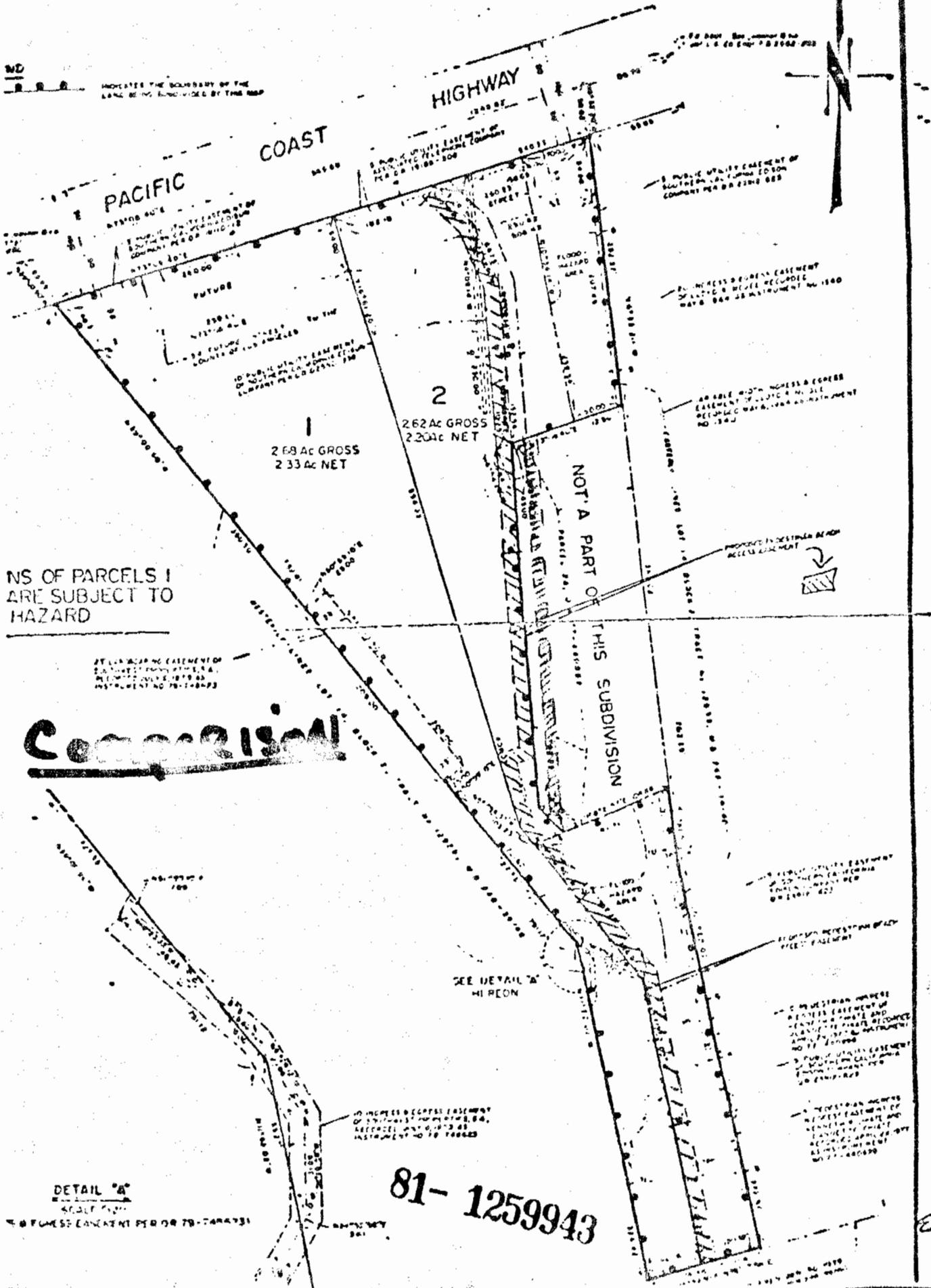
EXHIBIT
B

PARCELMAP NO. 754

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



INDICATES THE BOUNDARY OF THE
LAND BEING SUBDIVIDED BY THIS MAP



NS OF PARCELS 1
ARE SUBJECT TO
HAZARD

AT THE CORNER EASEMENT OF
SOUTHERN PACIFIC RAILROAD
RECORDED JULY 18, 1919 AS
INSTRUMENT NO 78-108493

Commercial

SEE DETAIL "A"
HEREON

DETAIL "A"
SCALE 1/4" = 1'

EASEMENT PER OR 78-108493

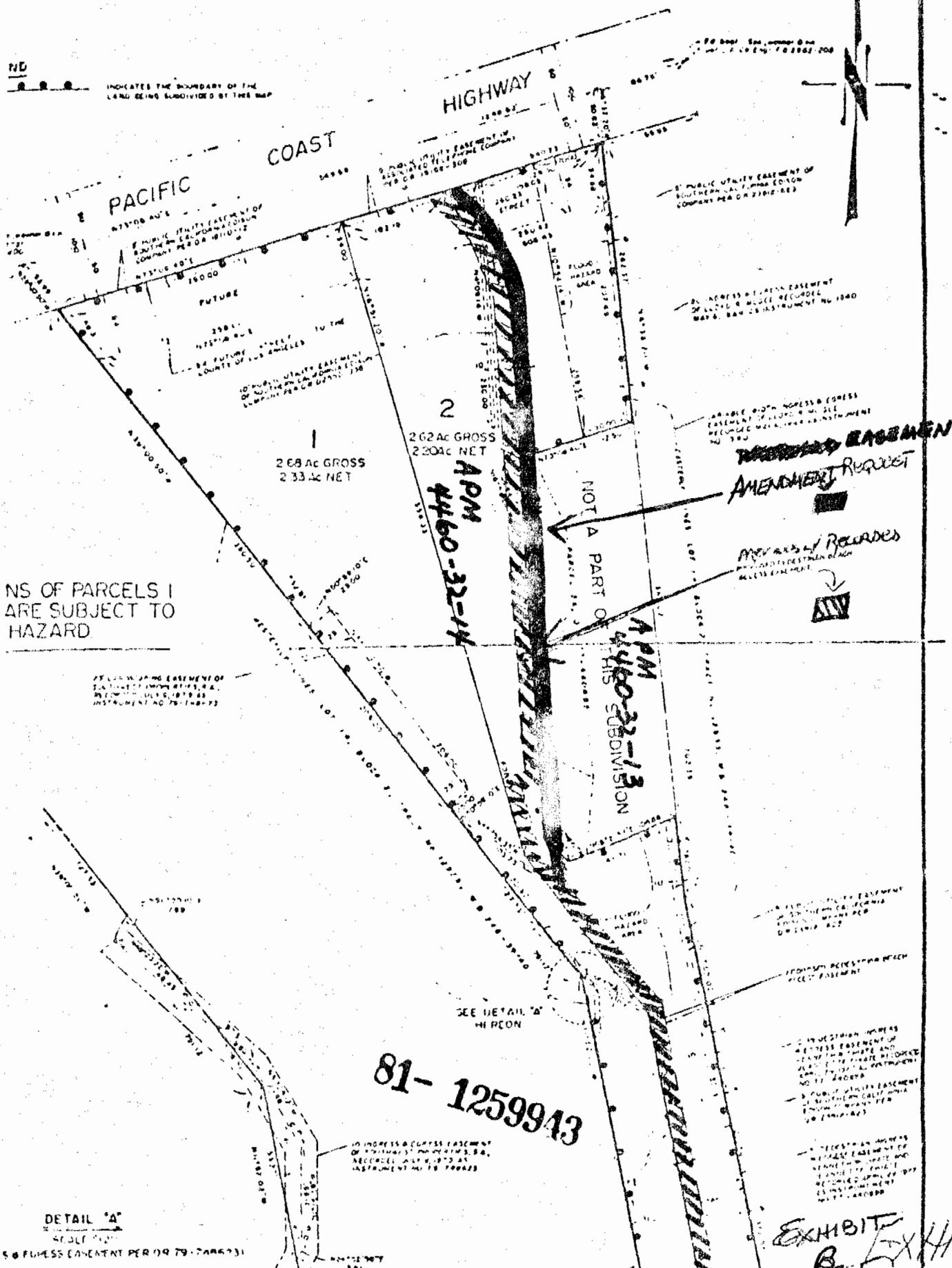
81-1259943

EXHIBIT
B

PARCEL MAP NO. 7543
 IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
 STATE OF CALIFORNIA

12

NE
 INDICATES THE BOUNDARY OF THE
 LAND BEING SUBDIVIDED BY THIS MAP



NS OF PARCELS 1
 ARE SUBJECT TO
 HAZARD

**RECORD EASEMENT
 AMENDMENT REQUEST**

REVISED RECORDS
 RECORDS SECTION
 COUNTY OF LOS ANGELES
 11/11/88

DETAIL 'A'
 SCALE 1" = 40'
 EGRESS EASEMENT PER 19 79-706631

EXHIBIT
 B EXHIBIT
 7

P/PE-2707 / AMENDMENT 5-81-44(A)

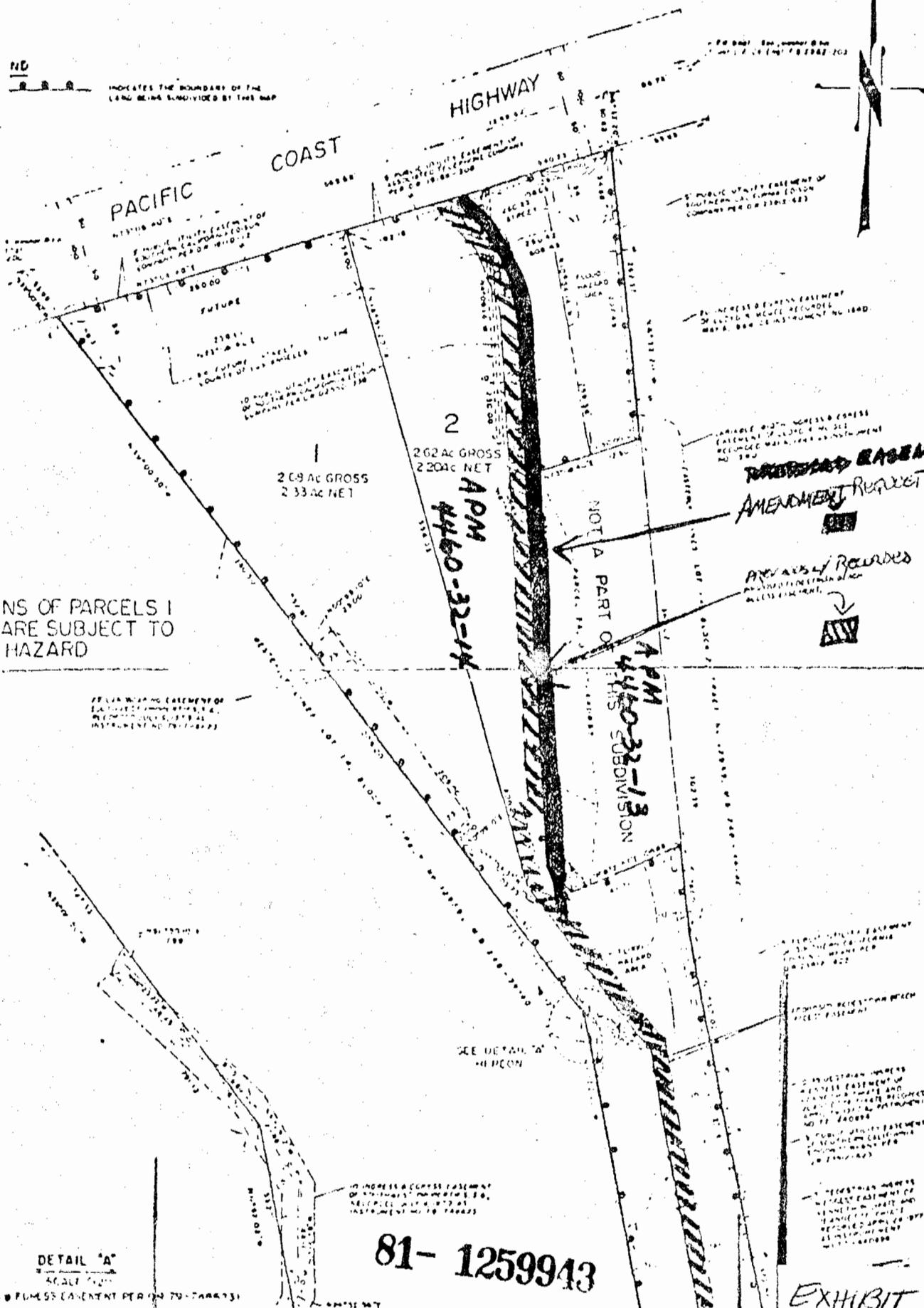
PARCEL MAP NO. 7540

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

ND

INDICATES THE BOUNDARY OF THE
LAND BEING SUBDIVIDED BY THIS MAP

PL 2007, Sec. 1, Chapter 8
APRIL 2, 2007 (S.B. 688)



2.69 AC GROSS
2.33 AC NET

2.62 AC GROSS
2.20 AC NET

APM
4460-32-14

APM
4460-32-13

**RAISED EASEMENT
AMENDMENT REQUEST**

APPROVAL REQUIRED
FOR THIS EASEMENT



NS OF PARCELS 1
ARE SUBJECT TO
HAZARD

IF LAND WITH AN EASEMENT OF
ACCESS IS ADJACENT TO A
HIGHWAY, THE EASEMENT
INSTRUMENT NO. 79-288231

SEE DETAIL "A"
HEREON

81-1259943

DETAIL "A"
SCALE 1/2" = 1'

IF PUBLIC EASEMENT PER IN 79-288231

IF PUBLIC UTILITY EASEMENT OF
SOUTHERN CALIFORNIA COMPANY
PER INSTRUMENT NO. 79-288231

IF PUBLIC UTILITY EASEMENT OF
SOUTHERN CALIFORNIA COMPANY
PER INSTRUMENT NO. 79-288231

IF PUBLIC UTILITY EASEMENT OF
SOUTHERN CALIFORNIA COMPANY
PER INSTRUMENT NO. 79-288231

IF PUBLIC UTILITY EASEMENT OF
SOUTHERN CALIFORNIA COMPANY
PER INSTRUMENT NO. 79-288231

EXHIBIT C

P/DE-2707 / AMENDMENT 5-81-44(A)