

G 01365

REEL 1527 PAGE 325

G 44028

REEL 1521 PAGE 68

REGIONAL

Return Original To and
Recording Requested By:

RECORDED AT REQUEST OF

1 State of California
2 California Coastal Commission
3 631 Howard Street, 4th Floor
4 San Francisco, California 941

STATE OF CALIFORNIA
STATE OF CALIFORNIA

JAN 14 10 40 AM '82
DEC 9 10 30 AM '81

ATTN: Paula Land

OFFICE OF RECORDER
COUNTY OF MONTEREY
SALINAS, CALIFORNIA
OFFICE OF RECORDER
COUNTY OF MONTEREY
SALINAS, CALIFORNIA

Recorder's Note:
Re-recording requested to include
Exhibit A previously omitted.

NO FEE

NO FEE

IRREVOCABLE OFFER TO DEDICATE

I. WHEREAS, (1) Ben and Mary Riggio, husband and wife is/are

the record owner(s), hereinafter referred to as "owner(s)", of the real
property located at (2) the northwest corner of Scenic Road and Valley View

Avenue, Carmel Point, Monterey County

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) Central

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) construction
of a two-story single family dwelling

on the subject property; and

V. WHEREAS, a coastal development permit no. (5) P-79-392 was granted on
(6) August 20, 1979, by the Commission in accordance with
the provisions of the Staff Recommendation and Findings (7) Exhibit B

//

1 attached hereto and hereby incorporated by reference, subject to the following
2 condition: (8)

3 3. Prior to commencement of construction, permittee shall offer to
4 dedicate the following areas to the County of Monterey (or successor
jurisdiction) for purposes of future road improvements:

5 1. All existing paved areas now utilized as part of Scenic Road;

6 2. Any other area within 5 (five) feet of the seaward boundary
7 of the subject parcel along Scenic Road.

8 Prior to recording the offer, permittee shall submit the document for
9 review and approval by the Executive Director, Attorney General, and
Monterey County Public Works Director. (See Exhibit A to Executive
Director's Preliminary Recommendation)

10

11

12

13

14

15

16

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

18

19

20

21

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

22

23

24

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

25

26

27

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 the recreational

1 policy of Section 30223 of the California Coastal Act of 1976 and that
2 therefore in the absence of such a condition, a permit could not be have
3 been granted;

4 NOW THEREFORE, in consideration of the granting of permit no.
5 (9) P-79-392 to the owner(s) by the Commission, the owner(s) hereby
6 offer(s) to dedicate to the People of California a fee interest for future
7 road or path improvements in that portion of the subject property as legally
8 described by attached Exhibit C hereby incorporated by reference.

9 This offer of dedication shall be irrevocable for a period of twenty-
10 one (21) years, measured forward from the date of recordation, and shall be
11 binding upon the owner(s), their heirs, assigns, or successors in interest to
12 the subject property described above. The People of the State of California
13 shall accept this offer through the (13) County of Monterey,
14 the local government in whose jurisdiction the subject property lies, or
15 through a public agency or a private association acceptable to the Executive
16 Director of the Commission or its successor in interest.

17 //
18 //
19 //
20 //
21 //
22 //
23 //
24 //
25 //
26 //
27 //

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

8 Executed on this 3rd day of April, 1981, in the
9 City of Ormond, County of Monterey

10 Dated: April 3, 1981

11 Signed: [Signature]
12 (OWNER) Ben Riggio

13
14 [Signature]
15 (OWNER) Mary Riggio

16 STATE OF CALIFORNIA

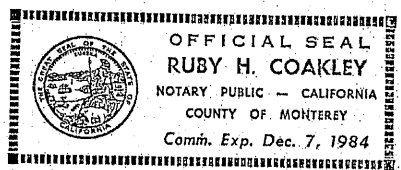
17 COUNTY OF

18 On 4/1/81, before the undersigned, a Notary Public in
19 and for said State, personally appeared BEN RIGGIO &

20 MARY RIGGIO, whose name(s) are subscribed to the within
21 instrument, and acknowledge that they executed the same.

22
23 [Signature]
24 Notary Public in and for said County and State

25 //
26 //
27 //



1 This is to certify that the offer of dedication set forth above dated
 2 April 3, 19 81, and signed by Ben and Mary
 3 Riggio, 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. P-79-392 on August 20, 1979 and the
 7 California Coastal Commission consents to recordation thereof by its duly
 8 authorized officer.

9 Dated: 12/3/1981

10 Steven D. Brown
 11 Legal Counsel
 12 California Coastal Commission

13 STATE OF CALIFORNIA
 14 COUNTY OF SAN FRANCISCO

15 On December 3, 1981, before the undersigned, a Notary Public in
 16 and for said State, personally appeared Steven D. Brown
 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 Fay Thomas
 24 Notary Public in and for said County and
 25 State

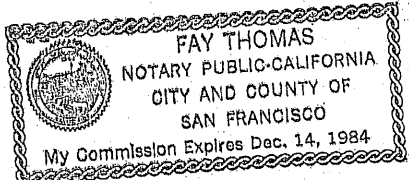


EXHIBIT A

DESCRIPTION:

Real property situate in the County of Monterey,
State of California, described as follows:

Lot D, as said Lot is shown and so designated on that certain
Parcel Map filed August 10, 1978 in Volume 12 of Parcel Maps,
at Page 146, Monterey County Records.

P-79-392 BEN & MARY RIGGIO: Two-story single family dwelling; northwest corner of Scenic Road & Valley View Ave., Carmel Point, Monterey County.

RECOMMENDATION:

We recommend adoption of the following findings and approval of the permit as conditioned.

FINDINGS

1. This staff recommendation incorporates all the information and statements concerning the Coastal Act policies and provisions discussed in the attached staff report.
2. The site is located in a special coastal community, additionally it is adjacent to a scenic shoreline drive and a state beach. The design of the building and the screening affect of the existing trees along the street frontage will result in a project without adverse scenic impacts on the special community and area.
- Therefore as conditioned, the proposed development is consistent with Section 30253 (5) and Section 30251 of the Coastal Act of 1976.
3. Though within a water-short area (California American Monterey Peninsula District) the development conforms to Commission guidelines, i.e., as an existing buildable residential parcel. Additional protection of water supply is promoted by Condition 1.
- Therefore, the proposed development, as conditioned, is consistent with Section 30250 of the Coastal Act.
4. The site is in an R-1 zone and is part of a continuous section of residential development. Visitor use is almost exclusively passive, visual experience along Scenic Drive and at the Carmel River State Beach across Scenic from the site. Commercial-recreational facilities would not appear appropriate. However, preservation of access along the shoreline under both recreation policies and access policies is necessary. The road improvement easement along applicant's frontage, as provided by Condition 3 below, accomplishes this.
- Therefore, only as conditioned is the proposed development consistent with Sections 30001.5, 30222, 30223 of the Coastal Act of 1976.
5. The Carmel Point area is known to be rich in archaeologic resources. The district clearinghouse of the State Historic Preservation Office has recommended archaeologic review of the site per Section 30244 of the Coastal Act of 1976.
- As conditioned, the proposed development is consistent with this section of the Coastal Act.
6. Therefore, as conditioned below, the permitted development:
- a. Appears to have no presently feasible alternatives, and no additional feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the development as finally proposed may have on the environment;

SCENIC
RESOURCES
SECTION
30253 (5) &
30251

PUBLIC
SERVICE
AVAILABILITY

RECREATIONAL
OPPORTUNITIES/
UPLAND
SUPPORT
AREAS
30001.5,
30222, 30223

ARCHAEOLOGIC
RESOURCES
SECTION
30244

LCP &
CEQA

EXHIBIT B page 1 of 3

REEL 1521 PAGE 74
REEL 1527 PAGE 332

b. In accordance with application on file with the Regional Commission, will conform with Chapter 3 of the California Coastal Act of 1976 (commencing with Public Resources Code Section 30200); and

c. Will not prejudice the ability of the County of Monterey to prepare a Local Coastal Program that conforms to Chapter 3 of the California Coastal Act of 1976.

RECOMMENDED CONDITIONS

1. Water conservation features shall be incorporated in all plumbing fixtures including flow restrictors or aerators on all interior faucets.

2. Unless permittee presents verification by a recognized professional archaeologist or the State Historic Preservation Officer that the site has no apparent prehistoric scientific values warranting further mitigation, permittee shall provide an evaluation of the significance of the archaeological values of the site, prior to any disturbance of the surface area of subject property. Such evaluation shall be prepared by a qualified professional archaeologist or by other person(s) qualified in accordance with the standards of the State Historic Preservation Office, and shall be submitted for approval by the Executive Director.

If the archaeological resources are found to be significant, permittee shall then submit a plan of mitigation, prepared by a qualified professional archaeologist and using accepted scientific techniques, prior to any disturbance of the surface area of the property. Such plan shall be submitted for review by the State Historic Preservation Office and the approval of the Executive Director. The plan shall provide for reasonable mitigation of archaeological impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted upon completion of excavation, for review and approval by the Executive Director.

3. Prior to commencement of construction, permittee shall offer to dedicate the following areas to the County of Monterey (or successor jurisdiction) for purposes of future road improvements:

1. All existing paved areas now utilized as part of Scenic Road;
2. Any other area within 5 (five) feet of the seaward boundary of subject parcel along Scenic Road.

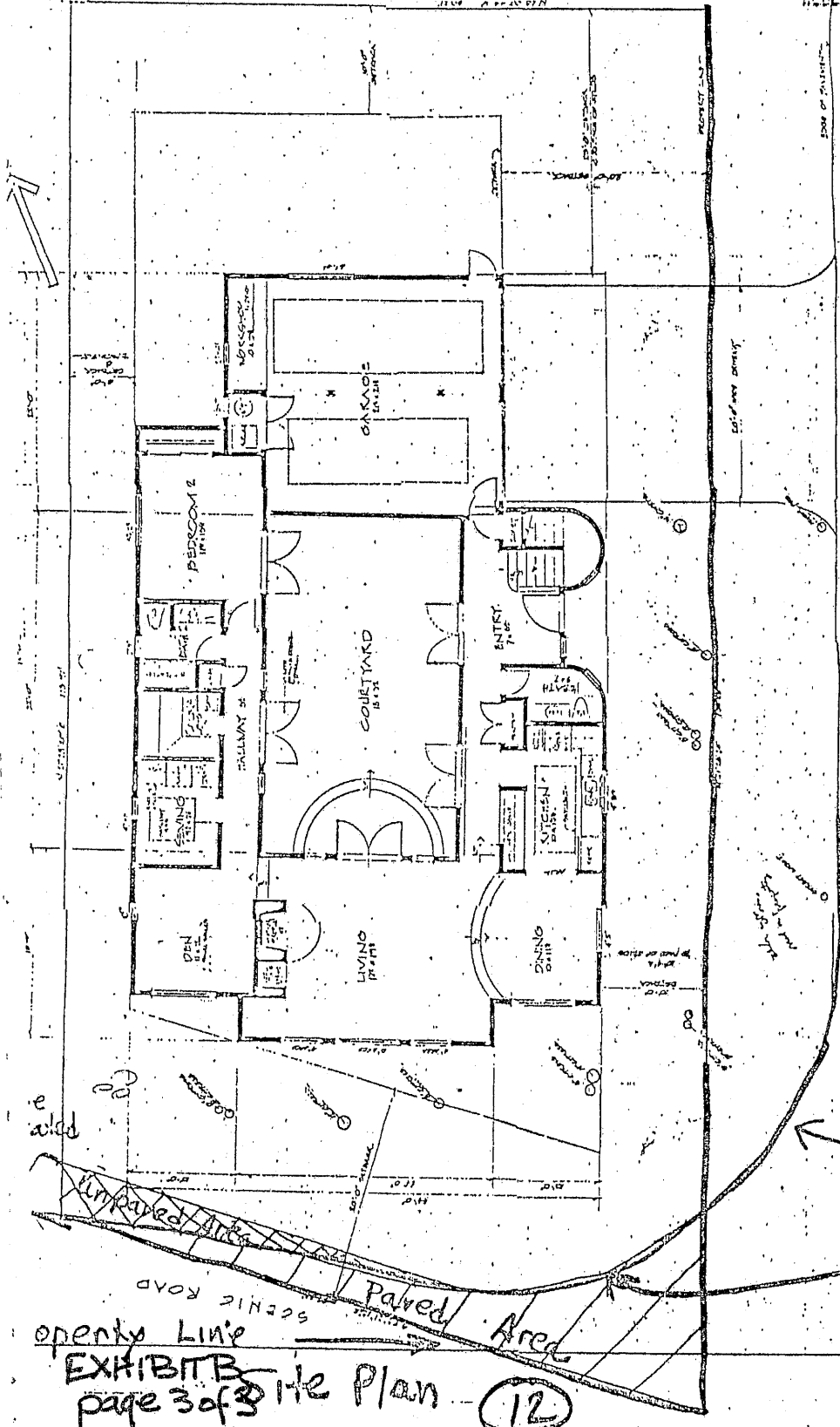
Prior to recording the offer, permittee shall submit the document for review and approval by the Executive Director, Attorney General, and Monterey County Public Works director. (See Exhibit A)

4. Prior to commencement of construction the applicant shall submit to the Executive Director for review and approval final site plan showing the house relocated northward to comply with Monterey County setback requirements (as measured from edge of area to be offered for dedication in compliance with Condition No. 3 above).

5. All existing on-site trees shall be retained and maintained in good condition. A separate Coastal Development Permit shall be required for the removal of any of these trees. Retained trees, close by the construction site, shall be protected from inadvertent damage by construction equipment through wrapping of trunks with protective material, bridging of major roots and other appropriate measures.

EXHIBIT B page 2 of 3

REEL 1527 PAGE 333



10'-0"
 9'-0"
 8'-0"
 7'-0"
 6'-0"
 5'-0"
 4'-0"
 3'-0"
 2'-0"
 1'-0"
 0'-0"

VALLEY VIEW AVENUE
 FIRST FLOOR PLAN & SITE PLAN SCALE: 1/4" = 1'-0"

Line of Pavement

Exhibit A
Right

P-79-392

Unpaved Area
 Paved Area
 EXHIBIT B
 page 3 of 3

Site Plan
 (12)

LOT C
1201 / 52

113.91

100.73

N 21° 28' 20" E

LOT D

6930 SQ. FT.

(NOT INCLUDING DEEDED STRIP)

110.20

S 21° 28' 20" W

112.54

Area to be dedicated includes existing paved area and that portion of the subject property within 5 (five) feet of the seaward boundary.

EXHIBIT C
Road
SCENIC
(BASIS OF BEARINGS)

END OF DOCUMENT

Set 3/4" pipe
L.S. 2673

5.18

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

Set 3/4" pipe
L.S. 2672

5.12

4.00

4.00

4.00

4.00

4.00

4.00

4.00

4.00

Valley View Ave.