

**STAFF REPORT**  
**C73**

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S 27

10/19/17  
PRC 6470.1  
L. Pino

**GENERAL LEASE – PROTECTIVE STRUCTURE USE**

**APPLICANT:**

6525 Point Lechuza Drive, LLC

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign tide and submerged land in the Pacific Ocean, adjacent to 6525 Point Lechuza Drive, in Malibu, Los Angeles County.

*AUTHORIZED USE:*

Use and maintenance of an existing rock revetment.

*LEASE TERM:*

10 years, beginning December 8, 2017.

*CONSIDERATION:*

Rent in the amount of \$4,379 per year, with an annual Consumer Price Index adjustment.

*SPECIFIC LEASE PROVISIONS:*

Liability insurance coverage in amount no less than \$1,000,000 per occurrence.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503;  
California  
Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State's Best Interests Analysis:**

On December 8, 2005, the Commission authorized the issuance of Lease No. PRC 6470.1, a 10-year General Lease – Protective Structure Use, to Michael W. LaFetra, as Trustee of the Michael W. LaFetra Revocable Trust, dated August 12, 2000, as amended, for the use and maintenance of an existing rock revetment adjacent to 6525 Point Lechuza Drive, beginning December, 8 2005 (Item C63, [December 8, 2005](#)).

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On October 9, 2008, title to the upland property was transferred from the Michael W. LaFetra Revocable Trust, dated August 12, 2000, as amended, to 6525 Point Lechuza Drive, LLC (Applicant). On November 2, 2011, staff received an application for the assignment of the lease from the Trust to the LLC.

The Trancas Property Owners Association (TPOA) and the Broad Beach Geologic Hazard Abatement District (BBGHAD) submitted an application in early 2011 for the Broad Beach Restoration Project (Project), which encompasses the subject parcel and lease area. The Project was authorized by the Commission in 2016 ([Item 56, August 9, 2016](#)). When the Project application was originally submitted, it included fill to be placed on the subject parcel and lease area, and if constructed as proposed would have caused the BBGHAD to assume responsibility for the existing revetment adjacent to 6525 Point Lechuza Drive.

As a result, staff placed this application on hold while the Project application was being processed. Ultimately, the Project was redesigned and, as authorized, does not include fill or other improvements at the subject parcel and lease area. Following Project authorization, staff reinitiated processing for this application. However, since the previous lease expired on December 7, 2015, prior to the approval of the Broad Beach Project, and has been in holdover status since that time, the original application requesting the lease assignment was revised, and the Applicant is now applying for a new General Lease – Protective Structure Use.

Based on available evidence, a 278-square-foot portion of the existing rock revetment encroaches onto State land, and is subject to the Commission's leasing jurisdiction. The rock revetment serves to protect the toe of a vertical bluff composed of hard bedrock, which also protects the upland property against erosion. The adjacent upland residence is located between the first public road and the sea, at the end of Point Lechuza Drive, which is a gated private street that does not provide public access to the ocean. However, an unlocked pedestrian gate allows public access to the ocean via Sea Level Drive; with additional vertical accesses located east of the lease premises along Broad Beach Road. Furthermore, due to the location of the revetment at the end of Lechuza Point, and the relatively small portion of it that encroaches onto State land, any impact to the public's ability to access and utilize the beach at this location appears to be minimal.

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Adverse effects related to coastal armoring can include increased beach erosion, interference with natural sand supply, loss of public beach, and potential impacts on flora and fauna as a result of encroachment by protective structures on the beach environment.

In light of the aforementioned potential impacts from coastal armoring, the lease is limited to a 10-year term, allowing the Commission flexibility if the previously-described impacts occur or if the Commission determines that the Public Trust needs and values of the area have changed over time.

The proposed lease requires the lessee to keep and maintain the revetment in good order and repair, insure the lease premises, and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the use and occupation of State land.

### **Climate Change Analysis:**

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect open coastal areas in California. By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (National Research Council 2012). Rising sea levels can lead to increased flooding and larger tidal events, and can affect erosion and sedimentation rates. As stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run up, storm surge, and flooding in coastal and near coastal areas. Climate change and sea-level rise will further influence coastal areas by changing erosion and sedimentation rates. Beaches and coastal landscapes will be exposed to increased wave force and run up, potentially resulting in greater beach erosion than previously experienced.

The lease area contains a sloping rock revetment located at the toe of a vertical bluff composed of hard bedrock. The revetment is likely to degrade at a faster pace over the lease term than in the past, due to increased time of exposure to wave action, storm surge, and higher total water levels. Bluff erosion as a result of precipitation, groundwater drainage, wind force, and slumping may also exert pressure on the revetment from the landward side. Therefore, the revetment may require more frequent maintenance to ensure continued function during and after storm seasons, and to reduce the risk it potentially poses to public safety,

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should it become a source of marine debris or a coastal hazard as a result of dislodgement or structural failure.

Due to seasonal variations in sand accretion and erosion at Broad Beach adjacent to Lechuza Point, there is generally a limited layer of shallow beach sand year-round; the shoreline up to the mean high tide line is primarily rocky hard bottom with almost no sand present. At the upper end of the beach is a vertical bluff composed of erosion-resistant hard bedrock, which inhibits landward migration of the shoreline. Therefore, the relatively small rock revetment is expected to have negligible impact on beach erosion. Year-round, this area is only accessible during low tide.

The revetment prevents the bluff from naturally eroding and effectively prevents beach replenishment via natural passive erosion. However, the beach nourishment activities of the downcoast Broad Beach Project (when implemented) may provide occasional, limited sand supply to the Lechuza Point area, which might assist with additional soft shoreline protection for the beach.

The 10-year lease term provides both the Commission and the lessee an opportunity to check in at a relatively short-term interval, to evaluate the effects of sea-level rise and the design and functionality of the revetment, to make incremental adaptation steps as necessary and appropriate.

### **Conclusion:**

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with the Public Trust needs and values at this location, at this time, or for the foreseeable term of the proposed lease; and is in the best interests of the State.

### **OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300.

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3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the issuance of this lease will not substantially interfere with the Public Trust needs and values at this location at this time or for the foreseeable term of the proposed lease and is in the best interests of the State.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Protective Structure Use to 6525 Point Lechuza Drive, LLC, beginning December 8, 2017, for a term of 10 years, for the use and maintenance of an existing rock revetment as described on Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; rent in the amount of \$4,379 per year, with an annual Consumer Price Index adjustment; liability coverage in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 6470.1**

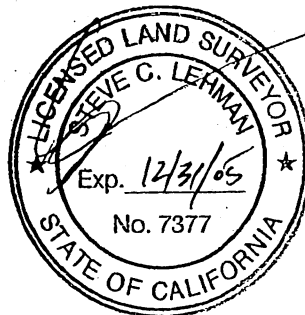
**LAND DESCRIPTION**

All those tide and submerged lands of the Pacific Ocean lying beneath the existing rock revetment adjacent to Lot 6 of Tract 25166 per map recorded in Book 695 of Maps, pages 29 through 31, Los Angeles County Records.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the Pacific Ocean.

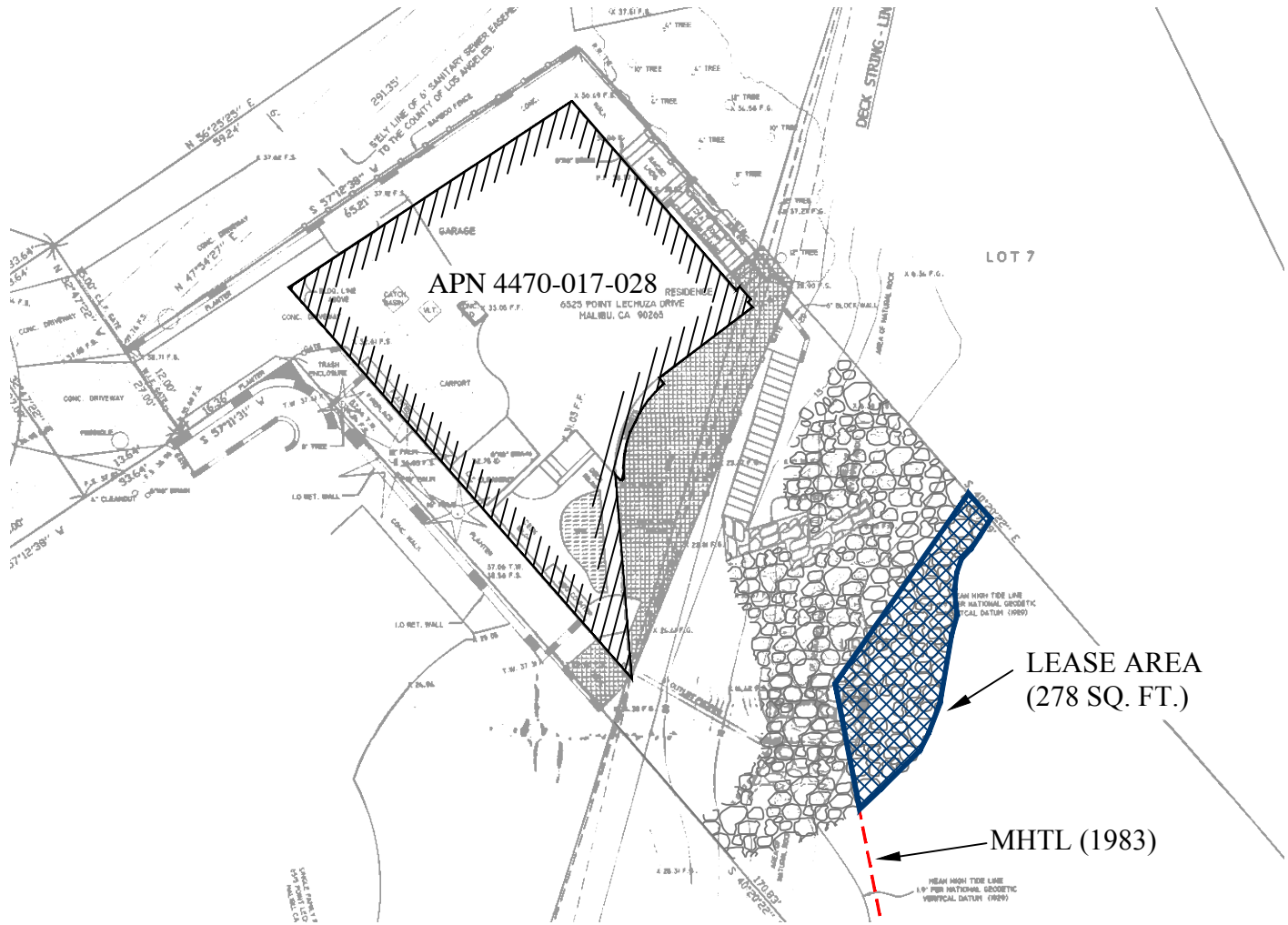
**END OF DESCRIPTION**

Prepared 10-18-2005 by the Boundary Unit of the California State Lands Commission.



NO SCALE

## SITE



6525 POINT LECHUZA DRIVE, MALIBU

NO SCALE

## LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

MAP SOURCE: USGS QUAD

## Exhibit B

PRC 6470.1  
6525 POINT LECHUZA  
DRIVE, LLC  
GENERAL LEASE -  
PROTECTIVE STRUCTURE USE  
APN 4470-017-028  
LOS ANGELES COUNTY



JAK 09/17