

**CALENDAR ITEM
C75**

A 41
S 23

06/21/13
W 26549
D. Simpkin

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Ocean Surf LLC

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean adjacent to 24132 Malibu Road, city of Malibu, Los Angeles County

AUTHORIZED USE:

Repair and relocation of an existing rock revetment and removal of existing stairs.

LEASE TERM:

10 years, beginning June 21, 2013.

CONSIDERATION:

\$1,027 per year with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises per occurrence.
2. The existing rock revetment has existed for many years but has not been previously authorized by the Commission. The Applicant is now applying for a General Lease – Protective Structure Use.
3. The existing rock revetment will be repaired and relocated seven feet landward to provide protection for a new alternative onsite wastewater treatment system to be installed in conjunction with the construction of a

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new single-family residence on the upland. In addition, the existing stairs located within the rock revetment will be removed.

4. On November 2, 2010, the California Coastal Commission (CCC) granted Permit 09-055 for this project under its certified regulatory program (Cal. Code Regs., tit. 14, § 15251, subd. (c)).

Staff has reviewed the document and determined that the conditions, as specified in the California Code of Regulations, Title 14, section 15253, subdivision (b), have been met for the Commission to use the environmental analysis document certified by CCC as a Negative Declaration equivalent in order to comply with the requirements of the California Environmental Quality Act (CEQA).

5. 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 the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the 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 an environmental analysis document, CCC permit 09-055, was adopted for this Project by the CCC under its certified program (Cal. Code Regs., tit. 14, § 15251, subd. (c)), and that the California State Lands Commission has reviewed and considered the information therein and concurs in CCC's determination.

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 the issuance of a General Lease – Protective Structure Use to Ocean Surf LLC, beginning June 21, 2013, for a term of 10 years, for the

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repair and relocation of an existing rock revetment and the removal of existing stairs as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$1,027 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease; liability insurance with coverage of no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26549

LAND DESCRIPTION

A parcel of tide and submerged land in the Pacific Ocean, situate adjacent to that land as described in that certain Grant Deed recorded December 10, 2008 as Instrument No. 20082166269, Los Angeles County Official Records, located in Los Angeles County, State of California, and being more particularly described as follows:

COMMENCING at the most northeasterly corner of said parcel, said corner being a point on the southerly line of an 80 foot wide right of way as described in the Final Order of Condemnation in Superior Court Case No. 135650, a Certified Copy of said Final Order being recorded in Book 9434 Page 338 Official Records of said county, thence from said point of commencement along the easterly line of said parcel, South 16°31'00" East 110.73 feet to the POINT OF BEGINNING; thence from said point of beginning, continuing along said easterly line and prolongation thereof, South 16°31'00" East 23.39 feet; thence leaving said easterly line and prolongation thereof, North 61°47'54" West 12.75 feet; thence South 73°09'44" West 26.79 feet; thence South 28°59'39" West 12.83 feet to a point on the southerly prolongation of the westerly line of said parcel; thence along said westerly line and prolongation thereof, North 16°31'00" West 14.20 feet; thence leaving said westerly line North 61°44'18" East 45.96 feet to the point of beginning.

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

END OF DESCRIPTION

Prepared 10/30/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE

APN
4458-010-009

EXISTING STAIRS
TO BE DEMOLISHED

APPROXIMATE SHORELINE

PROPOSED REVETMENT;
EXISTING REVETMENT TO
BE RECONFIGURED

LEASE
AREA

PACIFIC OCEAN

24132 MALIBU ROAD, MALIBU

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

W 26549
OCEAN SURF LLC
APN 4458-010-009
GENERAL LEASE -
PROTECTIVE
STRUCTURE USE
LOS ANGELES COUNTY



JWP 10/30/12