

Staff Report 48

APPLICANT:

Stephanie G. Sperling, Trustee of the 1461 Edgecliff Lane Trust dated February 23, 2005

PROPOSED ACTION:

Issuance of a General Lease – Protective Structure Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, adjacent to 1461 Edgecliff Lane, Santa Barbara, Santa Barbara County (as shown in Figure 1).

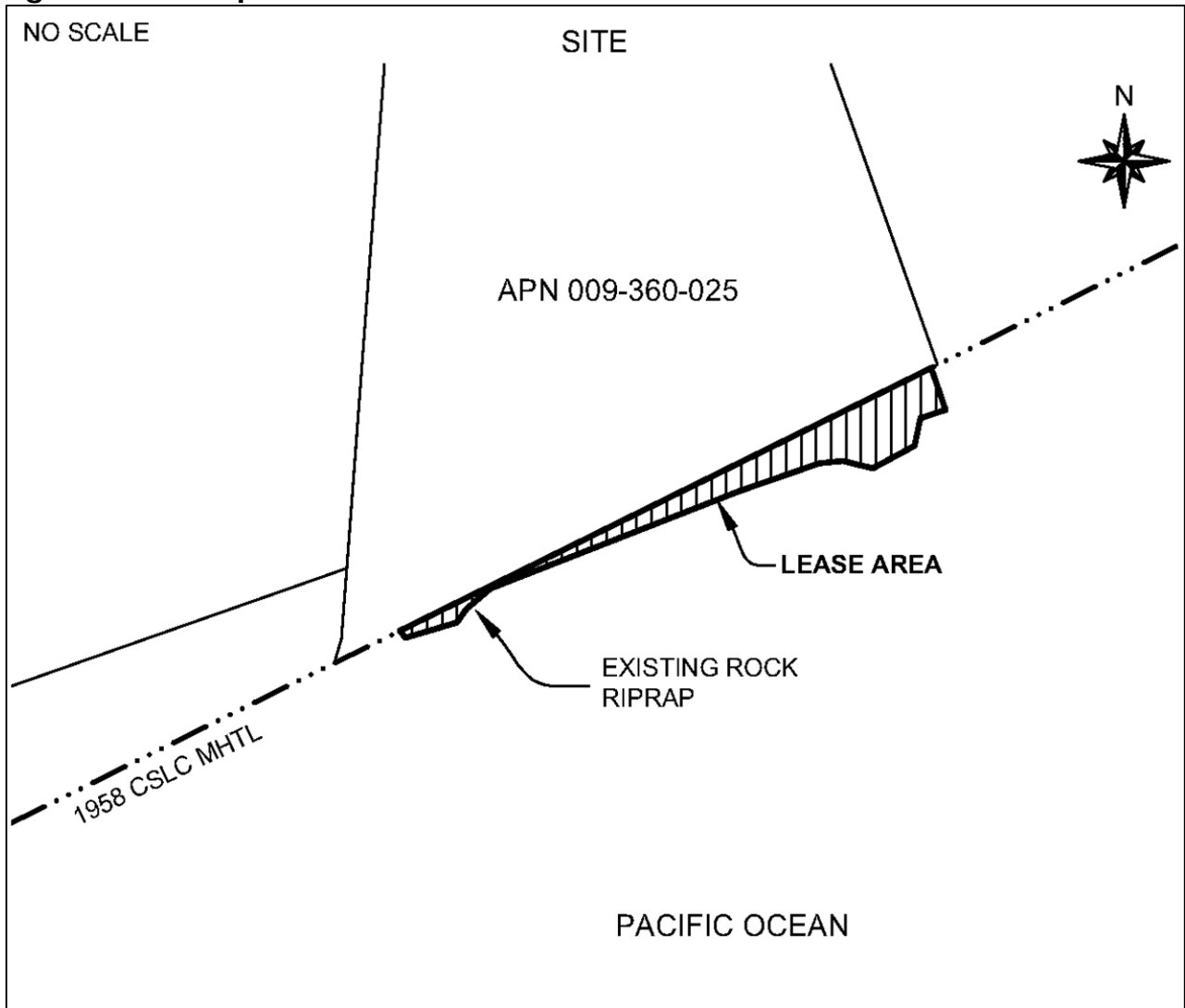
Figure 1. Location



AUTHORIZED USE:

Use of an existing rock riprap revetment (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

10 years, beginning October 14, 2024.

CONSIDERATION:

\$6,082 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$1,000,000 per occurrence.
- Section 3, Paragraph 9.1 is deleted and replaced with:

9.1 Lessee Required to Perform Repairs. Lessee is solely responsible for maintaining the Lease Premises, including all Improvements, in good order and repair and in a clean, safe, sanitary, and orderly condition. Lessee is required to get Lessor’s staff’s advanced approval for routine Repairs.
- Lessee agrees that it will assess the feasibility of the replacement or repair using alternative adaption strategies such as nature-based or hybrid solutions utilizing materials that mimic rocky, intertidal habitats prior to any replacement or repair of the rock riprap. Any such adaption strategies will be consistent with Lessor’s report [Shoreline Adaptation and the Public Trust](#).
- Lessee agrees that the rock riprap will not extend more than 10 feet waterward from the adjacent seawall.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, 6503, 6503.5, and 6505.5; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

On October 14, 2014, the Commission authorized a General Lease – Protective Structure Use to Peter V. Sperling and Stephanie G. Sperling, Trustees of the 1461 Edgecliff Lane Trust, u/d/t 2/23/2005, for the use of an existing rock riprap revetment, adjacent to 1461 Edgecliff Lane, Santa Barbara, Santa Barbara County ([Item 72, October 14, 2014](#)).

The Applicant is now applying for a General Lease – Protective Structure Use for the use of an existing rock riprap revetment in the Pacific Ocean, adjacent to 1461 Edgecliff Lane, Santa Barbara, Santa Barbara County, effective October 14, 2024.

The Applicant owns the uplands adjoining the lease premises, and the subject facilities are located directly waterward of the upland property. The existing rock riprap serves to stabilize the adjacent small bluffs and seawall where the upland facilities are located. Loss or degradation of the rock riprap could result in failure of

the small bluffs and seawall which could result in significant property damage. Therefore, the presence of the rock riprap primarily provides a benefit to the upland owner. At this time, the improvements do not inhibit public access to the beach in this area, however, there are potential long-term impacts that may result from the hard armoring at this location which could lead to beach erosion and scouring.

On March 30, 1984, the California Coastal Commission issued Coastal Development Permit #4-84-136 (CDP) allowing the Applicants to construct a rock riprap revetment seaward of an existing concrete seawall to protect the residence from damage due to wave run-up hazards and storm waves during high tides. The CDP included special provisions that included but not limited to, the rock riprap revetment would not extend no more than approximately 10 feet seaward from the concrete seawall and that it would need to remain consistent with the public trust. While hard armoring protective structures are not generally consistent with the public trust, staff believes that issuing this lease will not substantially interfere with Public Trust needs at this location, at this time, nor for the term of the lease. Thus, staff recommends the issuance of a General Lease – Protective Structure Use for the use of the existing rock riprap revetment.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The Lease is limited to a 10-year term, does not grant the lessee exclusive rights to the Lease premises, and reserves an easement to the public for Public Trust-consistent uses. Upon termination, the lessee may be required to remove all improvements from State land and restore the Lease premises to their original condition.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also required the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

CLIMATE CHANGE:

Climate change impacts, including sea level rise, increased wave activity, storm events, and flooding may impact an existing riprap protective structure subject to the proposed lease, located along the coast of Santa Barbara County between Montecito Creek and Miramar Beach.

The California Ocean Protection Council updated the *State of California Sea-Level Rise Guidance* in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the "high emissions,"

“medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Santa Barbara tide gauge was used for the projected sea level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea Level Rise for Santa Barbara

Year	Projection (feet)
2030	0.7
2040	1.1
2050	1.8
2100	6.6

Source: Table 22, [State of California Sea-Level Rise Guidance: 2018 Update](#)

Note: Projections are with respect to a 1991 to 2009 baseline.

As stated in the [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), 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. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. Beaches, coastal landscapes, and near-coastal riverine areas will be exposed to increased wave force and run up, potentially resulting in greater beach or bank erosion than previously experienced.

This increase in sea level combined with more frequent and stronger storm events will likely expose the lease area to higher flood risks, comprised of greater total water levels for longer periods of time. The lease area contains a rock riprap revetment that was designed to fortify the base of a seawall. The seawall is located upland of the lease premise. The [Our Coast Our Future Sea Level Rise Viewer](#) projects that the lease area will become increasingly vulnerable as sea levels rise. Additionally, the adjacent Montecito Creek is susceptible to flooding during storm events, which may compound flood risks for the area. The riprap revetment is a fixed structure that may need additional reinforcement and/or maintenance to withstand higher levels of flood exposure and more frequent storm events.

Consistent with the Commission’s 2023 report, [Shoreline Adaptation and the Public Trust](#), in locations where nature-based strategies or managed retreat are feasible in the mid or long-term, hard armoring should be avoided or only be used for

temporary purposes while the mid- and long-term strategies are implemented. In addition to regular maintenance of the rock revetment, the lessee should assess the feasibility of eventually removing and replacing the rock revetment with alternative adaptation strategies, such as nature-based solutions, sand retention structures, and/or managed retreat. Any future construction or activities on state land would require a separate authorization from the Commission.

The Commission encourages the Applicant to select plans for adapting the subject improvements prior to submission of a future lease application. Commission staff will consider the recommendations from the [Shoreline Adaptation and the Public Trust report when analyzing any future application](#).

CONCLUSION:

For all the reasons above, staff believe approval of this lease will not substantially interfere with Public Trust needs at this location, at this time, nor for the term of the lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of an application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may be required to remove the rock riprap and restore the lease premises to their original condition. The lessee has no right to a new lease or renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. 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 15061.

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:

1. Find that the existing and, for a limited period, continuing use of the rock riprap will not substantially interfere with the Public Trust needs and values at this location and is therefore consistent with the Public Trust Doctrine.
2. Find that issuing the proposed lease is in the best interest of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Protective Structure Use to the Applicant beginning October 14, 2024, for a term of 10 years, for the use of an existing rock riprap revetment; annual rent in the amount of \$6,082, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.