

# Staff Report 43

**LESSEE/APPLICANT:**

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City of Santa Barbara

**PROPOSED ACTION:**

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Amendment of a General Lease – Public Agency Use.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Pacific Ocean adjacent to 138 East Cabrillo Boulevard, near Santa Barbara, Santa Barbara County (as shown in Figure 1).

**Figure 1. Location**



**AUTHORIZED USE:**

Operation, use, and maintenance of a portion of the regulated mooring and anchoring program known as the East Beach Mooring/Anchoring Program, consisting of 13 mooring spaces and two open anchor areas outside the City's legislative grant (as shown in Figure 2).

**TERM:**

10 years, beginning June 26, 2021.

**CONSIDERATION:**

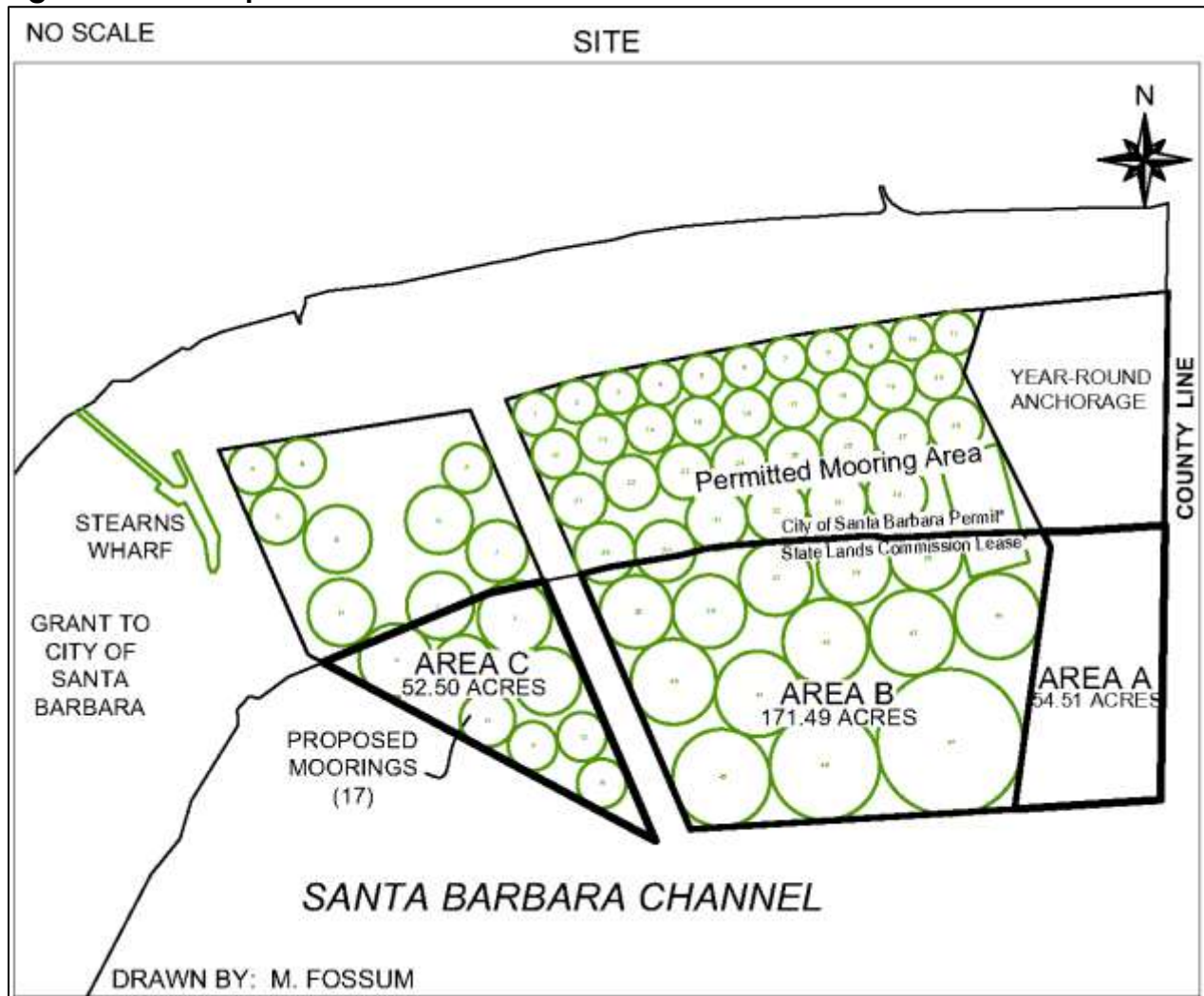
**Areas A and C (as shown on Exhibit B):** The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

**Area B:** Rent in the amount of \$3,250 per year for moorings, with an annual Consumer Price Index adjustment; and the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**PROPOSED AMENDMENT:**

- Amend Section 1, Authorized Land Use or Purpose to read: "Operation, use, and maintenance of a portion of the regulated mooring and anchoring program known as the East Beach Mooring/Anchoring Program, consisting of an area of 13 mooring spaces, an area of 8 mooring spaces, and one open anchor area outside the City of Santa Barbara legislative grant" (as shown in Figure 2).
- Within 60 days of completing the installation of the eight additional mooring buoys, Lessee will provide Lessor with photographs and a set of "as-built" plans that will show where the improvements have been placed. Lessor shall then replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, to the lease as necessary to accurately reflect the final location of the authorized improvements. Once approved by the Lessor's Executive Officer or designee, the revised Exhibits shall replace the Exhibits incorporated in the lease at the time of lease execution. The replaced Exhibits shall be incorporated in the lease as though fully set forth therein.

**Figure 2. Site Map**



- Amend Section 1, Consideration, to require rent in the amount of \$7,350 per year for moorings in Areas B and C, with an annual Consumer Price Index adjustment, effective June 26, 2026.

Replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with a new Exhibit A, Land Description, and Exhibit B, Site and Location Map. All other terms and conditions of the Lease shall remain in effect without amendment.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

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

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

On December 8, 2021, the Commission authorized the issuance of a General Lease – Public Agency Use to the City of Santa Barbara (City) for the use and maintenance of a portion of the regulated mooring and anchoring program known as the East Beach Mooring/Anchoring Program, consisting of 13 mooring buoys and two open anchor areas outside the City's legislative grant ([Item 58](#)). The lease will expire June 25, 2031.

Now, the City is applying to amend the General Lease – Public Agency Use for the installation and use of eight additional mooring buoys on State land under the Commission's leasing jurisdiction. The Lease currently divides the buoy field into three areas, all of which extend beyond the City's legislative grant into ungranted sovereign land under the Commission's leasing jurisdiction. Of these sections, only Area B provides monetary rent to the Commission, though the Commission reserved the right to set monetary rent for Areas A and C. The City plans to install a total of 17 buoys in Area C, with eight buoys on ungranted sovereign land and nine buoys on the City's legislative grant land. As a result, staff recommends the Commission charge monetary rent for those buoys located on ungranted sovereign land in Area C as well.

The amendment does not alienate the State's fee simple interest, does not permanently impair public rights, and does not grant the Lessee exclusive rights to the lease premises. The mooring buoys are publicly owned and maintained and facilitate recreational boating. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified recreational boating facilities as an authorized use of Public Trust Land. (Pub. Resources Code, § 6503.5.) The lease requires the Lessee to conduct all work safely and indemnify the Commission in the event of any liability resulting from the proposed action or use. Staff believe this use of public land will not substantially impair the public rights to navigation and fishing or substantially impact Public Trust-consistent uses or resources in the area.

**CLIMATE CHANGE:**

**INTRODUCTION:**

The climate crisis and rising sea levels are impacting coastal California now. As underscored in the [State of California Sea Level Rise Guidance](#) (Ocean Protection Council, 2024), the combination of extreme weather events and the persistent and accelerating rise in sea levels will lead to increased coastal hazards, such as wave runup, storm surges, flooding, and erosion. These impacts may affect the proposed mooring buoys in the East Beach Mooring Field east of Stearns Wharf, in the Pacific Ocean, Santa Barbara County.

**DATA & PROJECTIONS:**

Sea levels along most of the California coast rose four to eight inches during the 20th century, and this trend will accelerate throughout the 21st century. The current rate of sea level rise is triple the 20th century rate. There is growing confidence that by 2050 sea levels will be approximately ten inches higher than they were in 2000. The severity of sea level rise beyond 2050 is contingent on future levels of greenhouse gas emissions. The California Ocean Protection Council updated the State of California Sea Level Rise Guidance in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. Commission staff evaluated the “intermediate” scenario due to the lower vulnerability and exposure of the lease location and the adaptability of the mooring buoy. 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**

<b>Year</b>	<b>Intermediate (feet)</b>
2040	0.4
2060	0.9
2080	1.6
2100	2.8

Source: Table 10, State of California Sea Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

**ANALYSIS:**

Improvements to the lease premises include seventeen new mooring buoys. The effects of more frequent and intense storms and wave action, very high or King

tides, and El Niño events, alone or in combination with sea level rise, increase the vulnerability of the mooring buoys. As a result, the buoys may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance of all components (i.e., block, chain, float, etc.) to retain their function. While the buoys are designed to float on the water's surface and move with the ebb and flow of currents and tides, a longer or stronger chain connecting the buoys to the anchors and stronger anchors on the seabed may be necessary in the future. These modifications will allow the buoys to accommodate rising sea levels, more intense storm events, and destructive waves and currents. Any future construction or activities on State land would require a separate authorization from the Commission.

**RECOMMENDATION:**

Regular maintenance, as referenced in the terms of the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Lessee acknowledges that the lease premises are located in an area that may be subject to the effects of climate change, including sea level rise.

**CONCLUSION:**

For all the reasons above, staff believes amending the lease will not substantially impair the public rights to navigation, fishing, and commerce, or substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the lease amendment 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. The lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism", "Meeting Evolving Public Trust Needs", and "Committing to Collaborative Leadership" 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 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

## **RECOMMENDED ACTION:**

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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 3, New Construction or Conversion of Small Structures; California Code of Regulations, title 14, section 15303.

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

Find that the proposed amendment will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

### **AUTHORIZATION:**

1. Authorize the amendment of Lease Number 8688, a General Lease – Public Agency Use, effective June 26, 2026, for the installation and use of eight mooring buoys; authorize the revision of annual rent from \$3,250 per year, with an annual Consumer Price Index adjustment, to \$7,350 per year, with an annual Consumer Price Index adjustment, effective June 26, 2026; revise Section 1, Land Use or Purpose of the Lease to reflect the additional mooring buoys; revise Section 2, Special Provisions, to add provisions related to installation of the mooring buoys; and replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, of the Lease. All other terms and conditions of the Lease shall remain in full force and effect.
2. Authorize the Executive Officer or designee to replace Exhibits in the lease upon submission, review, and approval of as-built plans detailing the final location of

the improvements following construction. All terms and conditions of the lease shall remain in effect without amendment.