

Staff Report 35

APPLICANT:

1060 Faraday, LLC, a California limited liability company

PROPOSED ACTION:

Issuance of a General Lease – Protective Structure Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, adjacent to 5297 Austin Road, Santa Barbara, Santa Barbara County (as shown in Figure 1).

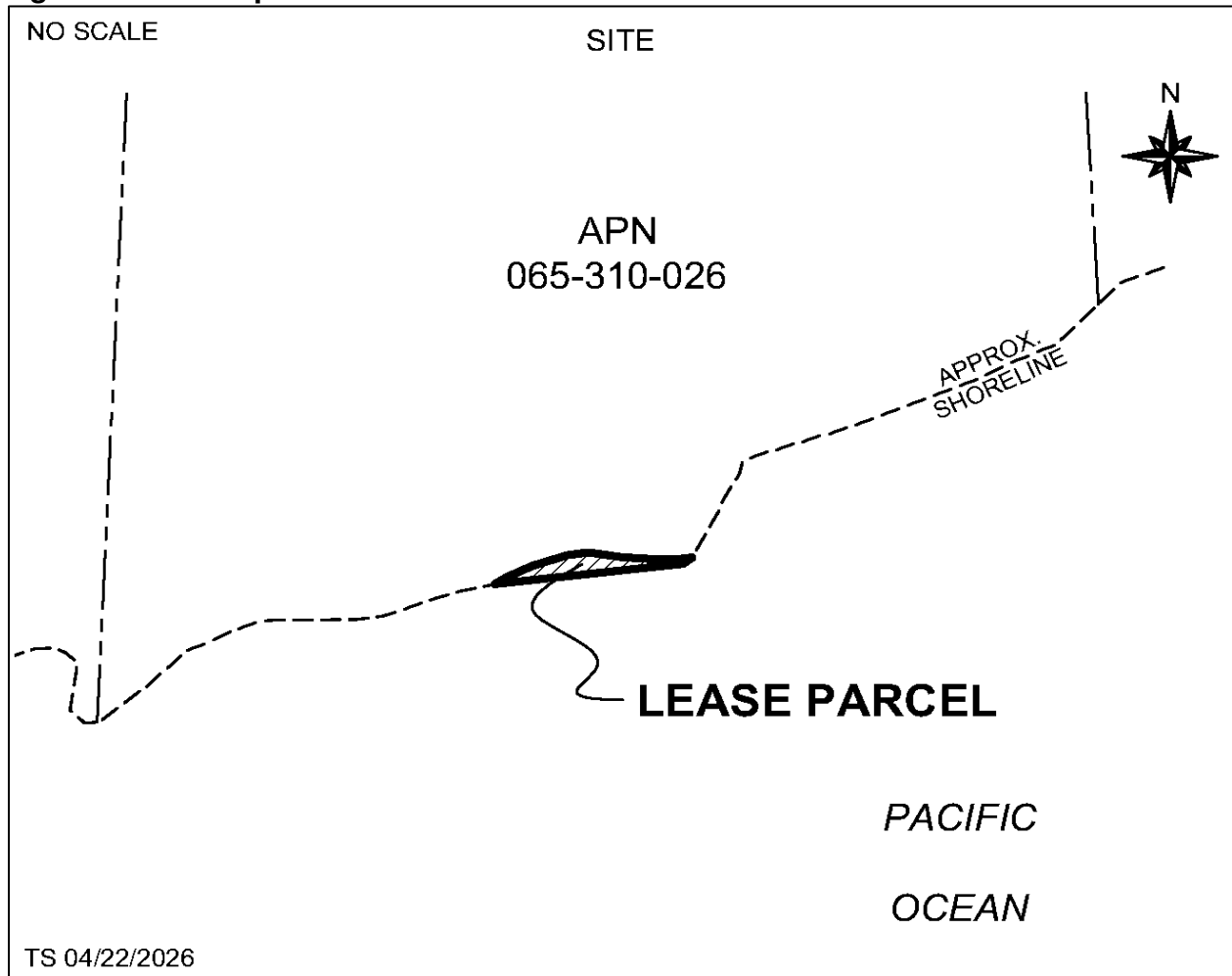
Figure 1. Location



AUTHORIZED USE:

Use of an existing seawall with a return wall surfaced with concrete veneer (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 August 25, 2026.

CONSIDERATION:

\$167 per year; and compensation in the amount of \$231 for the unauthorized occupation of State land for the period prior to August 25, 2026.

SPECIFIC LEASE PROVISIONS:

- When requesting approval for any necessary major repairs or alterations of the authorized improvements, Lessee must assess the feasibility of implementing alternative adaptation strategies such as nature-based solutions or hybrid protective structure designs and provide written documentation of that analysis to Lessor's staff.
- Lessee shall provide Lessor a condition/integrity assessment by a California Registered Civil/Structural or Geotechnical Engineer of the seawall within 180-days of the beginning date of the lease.

STAFF ANALYSIS AND RECOMMENDATION:

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 August 9, 2016, the Commission authorized a General Lease – Protective Structure Use to Thomas R. Burman and Bari Dreiband Burman, Trustees of the Burman Trust dated November 19, 1992, for the use and maintenance of an existing 120-foot long by 12-foot high seawall with 9-foot long by 12-foot high return wall surfaced with 3- to 6-inch concrete veneer ([Item 30](#)). This lease expired on April 6, 2026.

On October 18, 2024, the ownership of the upland property was deeded to 1060 Faraday, LLC, a California limited liability company. Staff was not notified of the transfer. The Applicant is now applying for a General Lease – Protective Structure Use, for the use an existing seawall with a return wall surfaced with concrete veneer.

There is a connected seawall system creating a stable base for the entirety of the large bluff. Based on the geography of the existing bluff adjacent to the upland property, there is little allowance for additional erosion without putting the upland property at risk. The seawall protects the adjacent upland property from the effects of coastal erosion and against possible bluff failure. Only a small portion of the seawall extends waterward of the last natural mean high tide line (and is subject to the leasing jurisdiction of the Commission) at this location. There is a sandy beach

waterward of the seawall for public recreation. At this time, the improvements do not inhibit public access to the beach in this area.

Loss or degradation of the seawall would allow natural erosion of the shoreline to resume and could result in failure of the bluffs, which could lead to significant property damage and increased rockfall danger to beachgoers. Therefore, while the seawall primarily provides a benefit to the upland owner, there is also benefit to the public.

Although the existing seawall provides benefits to both the upland owner and the public, this benefit is not attained without some compromise. As with all hard armoring, the existing seawall has the potential to impact the coast in this area in multiple ways, including increased erosion of the adjacent beach area. As the coastal bluff in this area has been armored for many years, the impacts from increased coastal erosion have existed at this location for quite some time. Nevertheless, to help ensure that the potential impacts from the seawall do not persist indefinitely, the proposed lease includes a provision requiring the lessee assesses the feasibility of implementing alternative adaption strategies such as nature-based solutions or hybrid protective structures should the seawall require major repairs or alterations during the term of the lease.

On June 13, 2003, the California Coastal Commission approved Coastal Development Permit (CDP) No. 4-01-032 for the repair and maintenance of the existing seawall. No inspections have been conducted since the new owner took ownership of the upland property. Thus, the lease requires a condition/integrity assessment by a California Registered Civil/Structural or Geotechnical Engineer of the seawall to confirm its fitness for continued use.

Staff recommends that the Commission accept compensation in the amount of \$231 for the unauthorized use of State Land for the period prior to August 25, 2026. Additionally, the proposed lease will require the Applicant to indemnify the State for the entire period of unauthorized occupation from October 18, 2024, to August 25, 2026, ensuring the State is protected.

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 of the lease, 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 requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

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. Shorelines will move inland due to rising seas, exposing more of the natural and human-built environment to coastal hazards. The resulting damage will occur repeatedly and incrementally over years and, in extreme cases, over the span of a few large winter storms. These impacts may affect the existing seawall, with a return wall surfaced with concrete veneer, subject to the proposed lease and located along the Pacific Ocean, near Santa Barbara.

DATA & PROJECTIONS:

Sea levels along most of the California coast rose four to eight inches during the last century, and this trend will accelerate throughout this century. The current rate of sea level rise is triple the rate during the last century. 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. To apply a precautionary approach, Commission staff evaluated the “intermediate-high” and “high” scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. 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	Intermediate-High (feet)	High (feet)
2040	0.5	0.6
2060	1.4	1.8
2080	2.8	3.8
2100	4.5	6.3

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

Note: Projections are with respect to a 2000 baseline.

ANALYSIS:

Commission staff used the online sea level rise mapping tool, [Our Coast Our Future](#), to evaluate risks to the lease premises and structures from sea level rise. At present sea levels, the lease premises are already regularly flooded and subjected to wave impacts and erosion, which could potentially damage any structures or improvements on the lease premises. Episodic or short-term events, such as extreme storms, very high or King tides, and El Niño events, alone or in combination, will increase the vulnerability of the lease premises and expose it to higher water levels and stronger wave runup, overtopping, and erosion.

As a result, the seawall and return wall may sustain substantial damage and degradation over the lease term, requiring more frequent repairs and maintenance to retain their function. The reflected wave energy from high energy waves that regularly collide with the seawall and return wall can erode the sediment below and surrounding the revetment, leading to structural instabilities. Reliance on seawalls is typically not a long-term or sustainable protection strategy because the seawall will provide diminishing protection as it becomes destabilized and rising sea levels exceed the conditions for which the seawall was originally designed.

While the seawall and return wall may protect the upland property, that protection comes at the expense of the beach in front of the seawall and return wall by covering and eliminating the intertidal area where it is placed and altering the natural coastal processes. As sea levels rise, the seawall and return wall will further accelerate the erosion and narrowing of the beach by preventing it from migrating inland. The loss of intertidal areas harms critical habitats and ecosystem services, degrades the scenic quality of California's iconic coast, and impairs public coastal access and recreational uses. The seawall can block public access to the shoreline in front of and adjacent to the seawall, exacerbating the existing inequities in coastal access that affect many disadvantaged and tribal communities ([Reineman et al., 2017](#)).

RECOMMENDATIONS:

Alternative strategies should be explored to protect the upland property and preserve the beach, including nature-based strategies (also referred to as 'natural shoreline infrastructure'), accommodation strategies, and relocating vulnerable structures further inland. These approaches can be more effective long-term because they interfere less with dynamic coastal processes, which will help to maintain the width of the beach, preserve public access and natural resources, and protect the upland property by buffering coastal hazards. Coordinating with adjacent properties and local governments to develop a regional approach could further enhance the effectiveness of these strategies.

Refer to Section Four of the Commission's [2023 Shoreline Adaptation and the Public Trust](#) report for more information about various shoreline adaptation strategies and their advantages and disadvantages for mitigating coastal hazards and protecting Public Trust resources. Any future construction or activities on State land would require a separate authorization from the Commission.

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 and adjacent upland (not within the lease area) 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 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 the 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. The lessee has no right to a new lease or to 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:

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

AUTHORIZATION:

1. Authorize issuance of a General Lease – Protective Structure Use to the Applicant beginning August 25, 2026, for a term of 10 years, for the use of an existing seawall with a return wall surfaced with concrete veneer; annual rent in the amount of \$167; and liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Authorize acceptance of compensation from the Applicant in the amount of \$231 for the unauthorized occupation of State lands for the period prior to August 25, 2026.