

**CALENDAR ITEM  
C38**

A 35  
S 19

09/01/11  
WP 8688.1  
M. Andersen

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

City of Santa Barbara  
Waterfront Department  
P.O. Box 1990  
Santa Barbara, California 93102-1990

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

Sovereign land in the Santa Barbara Channel, near the city of Santa Barbara, Santa Barbara County.

**AUTHORIZED USE:**

Continued use and operation of a regulated mooring and anchoring program known as the East Beach Mooring/Anchoring Program, consisting of 13 mooring spaces.

**LEASE TERM:**

Ten years, beginning June 26, 2011.

**CONSIDERATION:**

Areas A and C: 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 interest

Area B: \$3,575 per year for moorings in Area B, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

The lease contains provisions that the Lessee must implement the Commission's "Best Management Practices for Berth Holders and Boaters" (BMPs) Lessee shall post the BMPs in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the lease and tri-annually thereafter, a report on compliance with all BMPs.

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**OTHER PERTINENT INFORMATION:**

1. The Applicant is the Trustee of the adjacent legislatively granted tide and submerged land pursuant to Chapter 78, Statutes of 1925 and as amended, with minerals reserved to the State.
2. On June 26, 2006, the Commission authorized a General Lease – Public Agency Use to the City of Santa Barbara Waterfront Department (City) for the implementation of a regulated mooring and anchoring program known as the East Beach Mooring/Anchoring Program. That lease expired June 25, 2011. The City has now applied for a new General Lease – Public Agency Use.
3. The City operates the East Beach Mooring/Anchoring Program (Program), a regulated anchoring area that encompasses approximately 350 acres of both legislatively granted and ungranted sovereign land, adjacent to East Beach in the Santa Barbara Channel. The Program area can accommodate up to 48 mooring spaces for individually permitted vessels, plus seasonal anchoring and year-round anchoring opportunities for non-permitted vessels. Of the Program's 48 mooring spaces, 13 mooring spaces (Area B) are in ungranted sovereign lands under the leasing jurisdiction of the Commission and subject to annual rental. In addition, approximately 52.50 acres of the seasonal anchoring area (Area C) and 54.51 acres of the year-round anchoring area (Area A) are located within the Commission's leasing jurisdiction; however these areas are not subject to rent because they are open and available to the general public. Through the continued use and operation of the Program, the City hopes to decrease pollution, vessel groundings on nearby East Beach, seafloor debris, and financial impacts.
4. Mooring permittees are responsible for the purchase and installation of moorings and ground-tackle, which must be installed by a City-certified contractor. Prior to the initial installation of the ground-tackle at the mooring site, a diver will survey the area to ensure there are no sensitive resources within a 25-foot radius of the installation site. Also, as part of the annual maintenance process, the permittee will be required to have the ground-tackle inspected by a City-certified contractor.
5. On June 14, 2011, the California Coastal Commission (CCC) granted Permit #4-10-109 for this project under its certified regulatory program (Title 14, California Code of Regulations, section 15251 (c)). Staff has reviewed the document and determined that the conditions, as specified in Title 14, California Code of Regulations, section 15253 (b), have been met

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for the Commission to use the environmental analysis document certified by the CCC as a Negative Declaration equivalent in order to comply with the requirements of CEQA.

6. 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. Site and Location Map
- B. Legal Description

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that an environmental analysis document, California Coastal Commission (CCC) permit #4-10-109, was adopted for this Project by the CCC under its certified program (Title 14, California Code of Regulations, section 15251 (c)), and that the California State Lands Commission has reviewed and considered the information therein and concurs in the CCC's determination.

**SIGNIFICANT LANDS INVENTORY FINDING:**

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

**AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the City of Santa Barbara Waterfront Department beginning June 26, 2011, for a term of 10 years, for the continued use and operation of a regulated mooring and anchoring program as shown on Exhibit A and described in Exhibit B attached and by this reference made a part hereof; annual rent in the amount of \$3,575 for moorings in Area B, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; consideration for moorings in Area A (year round) and Area C (seasonal): the public use and benefit; with the State reserving the right to set a monetary rental if the Commission finds such action to be in the State's best interest.