

**STAFF REPORT  
C63**

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08/17/17  
PRC 7082.1  
L. Pino

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

Santa Barbara County Parks Division

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in the Pacific Ocean, near Goleta, Montecito, and Summerland, Santa Barbara County.

*AUTHORIZED USE:*

Seasonal placement of swim and channel marker buoys, floats, and signs to create “Special Use Areas” at Miramar Beach, Arroyo Burro Beach, Butterfly Beach, Goleta Beach, and Lookout Beach, and a boat launch corridor at Goleta Beach.

*LEASE TERM:*

15 years, beginning May 1, 2017.

*CONSIDERATION:*

Annual rent in the amount of \$125, with an annual Consumer Price Index adjustment; with additional consideration being the Public Health and Safety.

*SPECIFIC LEASE PROVISIONS:*

1. Lessee shall install authorized swim and channel marker buoys on or after May 1 and shall remove such buoys on or before October 15 of each lease year, and shall notify Lessor in writing on or before December 31 of each lease year of the exact dates when such buoys are installed and removed from the lease premises.
2. Kelp beds will not be disturbed during installation or removal operations.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

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

STAFF REPORT NO. **C63** (CONT'D)

**Public Trust and State's Best Interests Analysis:**

On April 13, 1998, the Commission authorized a 15-year General Lease – Public Agency Use, to the Santa Barbara County Division of Parks (County), beginning April 1, 1997, for the seasonal placement of swim and channel marker buoys, floats, and signs in the near shore waters at five beaches in Santa Barbara County ([Item C14, April 13, 1999](#)). The lease expired on March 31, 2012, and has been in holdover. The County is now applying for a new lease.

The County desires to continue its ongoing seasonal placement of approximately 50 swim and channel markers buoys in the near shore waters along certain stretches of five beaches in Santa Barbara County. The previously authorized beaches were: Arroyo Burro, Butterfly, Goleta, Miramar, and Lookout; there are 5 buoys at Arroyo Burro Beach, 12 buoys at Butterfly Beach, 12 buoys at Goleta Beach, 6 buoys at Lookout Beach, and 13 buoys at Miramar Beach.

The County installs the buoys and channel markers during the busy summer months. The buoys are deployed after May 1 and retrieved before October 15 each year. The buoys, along the buoy line, are spaced approximately 75 feet from each other at each location. The Goleta Beach site includes a boat launch corridor for trailered vessels and personal watercraft launching through the designated swim area. The launch corridor is marked by four buoys (two red and two green). The buoys are necessary to implement the enforcement of "Special Use Area" regulations established under the powers granted to the County by section 660 of the California Harbors and Navigation Code. The buoy line effectively provides a safe separation between ocean swimmers, surfers, bathers, and motorized watercraft by identifying those areas which are off limits to motorized boats and personal watercraft. The buoy line restricts boating traffic to no closer than 500 feet offshore.

The lease includes the authorization to restrict motorized watercraft use within the special use area; however, it provides for a safe area for non-motorized recreational use of State waters adjacent to the public beaches. Staff believes that the public safety benefits outweigh the minor restrictions on some Public Trust uses.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 15-year term and does not grant the lessee exclusive rights to the lease premises. In addition, the proposed lease requires the lessee to indemnify

STAFF REPORT NO. C63 (CONT'D)

the State for any liability incurred as a result of the lessee's activities thereon.

**Climate Change Analysis:**

The lease area consists of marker buoys and floats on sovereign land located in the Pacific Ocean, offshore of several beach and park locations in Santa Barbara County. Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect open coastal areas in California. By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (National Research Council 2012). Rising sea levels can lead to increased flooding and larger tidal events, and can affect erosion and sedimentation rates.

Improvements to the lease area include marker buoys and floats. While the buoys and floats are designed to float on the water's surface and move with the ebb and flow of current tides, a longer chain connecting the buoys and floats to the anchor on the ocean bottom may be necessary in the future to accommodate rising sea levels. Regular maintenance will reduce the likelihood of severe structural degradation or dislodgement. The lease includes an acknowledgement that the lease premises may be subject to the effects of sea-level rise and may require additional maintenance or protection as a result, for which the lessee agrees to be solely responsible.

**Conclusion:**

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with the public's right to navigation, fishing, or public access, at these locations, at this time, and for the foreseeable term of the proposed lease, and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. Staff believes that the authorized use provides a primarily local benefit as opposed to a regional or statewide benefit and therefore recommends that minimum annual rent be applied, with additional consideration being the Public Health and Safety to acknowledge the Applicant providing enhanced public safety for swimmers.

STAFF REPORT NO. **C63** (CONT'D)

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 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

4. 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 staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVALS OBTAINED:**

California Coastal Commission: Coastal Development Permit Numbers: 4-84-1576; 4-85-192; 4-86-193; and 4-97-163.

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**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 2, section 2905, subdivision (a)(2).

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

Find that the proposed lease will not substantially interfere with the public's right to navigation, fishing, and public access, at these locations, at this time, and for the foreseeable term of the proposed lease, is consistent with the common law Public Trust Doctrine, and in the best interests of the State.

STAFF REPORT NO. **C63** (CONT'D)

**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 issuance of a General Lease – Public Agency Use to Santa Barbara County Parks Division beginning May 1, 2017, for a term of 15 years, for the seasonal placement of swim and channel marker buoys, floats, and signs at Miramar Beach, Arroyo Burro Beach, Butterfly Beach, Goleta Beach, and Lookout Beach, and a boat launch corridor at Goleta Beach, 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 \$125, with an annual Consumer Price Index adjustment, with additional consideration being the Public Health and Safety.

**EXHIBIT A**

**PRC 7082.1**

**LAND DESCRIPTION**

FIVE (5) parcels of submerged land situate in the bed of the Santa Barbara Channel, in the Pacific Ocean, County of Santa Barbara, State of California, more particularly described as follows:

**PARCEL 1 – GOLETA BEACH**

COMMENCING at a NGS monument "PELICAN 2, PID EW8087" (Epoch 1991.35) having CCS83 Zone 5 coordinates of Northing (y) = 1974888.40 feet, Easting (x) = 6005404.49 feet which bears South 83° 27' 50" East, 10578.59 feet from a NGS monument "CAMPBELL PROPERTY MANAGEMENT, PID EW6640" (Epoch 1991.35) having CCS83 Zone 5 coordinates of Northing (y) = 1976092.54 feet, Easting (x) = 5994894.66 feet; thence North 37° 39' 19" East, 4103.78 feet to the POINT OF BEGINNING; thence North 00° 47' 31" West, 282.31 feet; thence North 85° 50' 45" East, 2040.55 feet; thence South 04° 57' 02" East, 255.80 feet; thence South 85° 07' 17" West, 2060.83 feet to the POINT OF BEGINNING.

**PARCEL 2 – ARROYO BURRO BEACH**

COMMENCING at a NGS monument "WHEELER, PID EW7983" (Epoch 1991.35) having CCS83 Zone 5 coordinates of Northing (y) = 1971833.75 feet, Easting (x) = 6038902.49 feet which bears South 65° 19' 20" East, 6296.09 feet from a NGS monument "REX, PID EW8106" (Epoch 1991.35) having CCS83 Zone 5 coordinates of Northing (y) = 1974462.47 feet, Easting (x) = 6033181.43 feet; thence North 71° 01' 13" West, 3038.23 feet to the POINT OF BEGINNING; thence South 04° 24' 01" West, 334.96 feet; thence North 70° 54' 11" West, 1290.03 feet; thence North 19° 09' 02" East, 420.63 feet; thence South 66° 19' 02" East, 1208.52 feet to the POINT OF BEGINNING.

PARCEL 3 – BUTTERFLY BEACH

COMMENCING at a NGS monument “WET USE ECC, PID EW8032” (Epoch 1991.35) having CCS83 Zone 5 coordinates of Northing (y) = 1973983.05 feet, Easting (x) = 6052600.02 feet which bears South 85° 42’ 27” East, 2222.99 feet from a NGS monument “DIBBLEE 3, PID EW7985” (Epoch 1991.35) having CCS83 Zone 5 coordinates of Northing (y) = 1974149.44 feet, Easting (x) = 6050383.27 feet; thence North 72° 15’ 49” East, 12412.80 feet to the POINT OF BEGINNING; thence North 13° 37’ 30” East, 323.77 feet; thence South 75° 59’ 21” East, 3073.47 feet; thence South 15° 53’ 29” West, 365.41 feet; thence North 75° 12’ 46” West, 3059.58 feet to the POINT OF BEGINNING.

PARCEL 4 – LOOKOUT BEACH

COMMENCING at a NGS monument “HPGN CA 05 01, PID EW9544” (Epoch 2010.00) having CCS83 Zone 5 coordinates of Northing (y) = 1979265.39 feet, Easting (x) = 6077331.62 feet which bears South 56° 05’ 12” East, 1232.98 feet from a NGS monument “JOSTENS, PID EW7955” (Epoch 2010.00) having CCS83 Zone 5 coordinates of Northing (y) = 1979953.32 feet, Easting (x) = 6076308.39 feet; thence South 27° 43’ 27” East, 965.72 feet to the POINT OF BEGINNING; thence North 89° 08’ 20” East, 493.97; thence South 66° 36’ 33” East, 1383.77 feet; thence South 15° 04’ 31” West, 299.85 feet; thence North 76° 21’ 27” West, 1731.11 feet; thence North 00° 30’ 10” West, 423.17 feet to the POINT OF BEGINNING.

PARCEL 5 – MIRAMAR BEACH

COMMENCING at a NGS monument “WET USE ECC, PID EW8032” (Epoch 1991.35) having CCS83 Zone 5 coordinates of Northing (y) = 1973983.05 feet, Easting (x) = 6052600.02 feet which bears South 85° 42’ 27” East, 2222.99 feet from a NGS monument “DIBBLEE 3, PID EW7985” (Epoch 1991.35) having CCS83 Zone 5 coordinates of Northing (y) = 1974149.44 feet, Easting (x) = 6050383.27 feet; thence North 76° 07’ 53” East, 17799.38 feet to the POINT OF BEGINNING; thence North 07° 55’ 59” East, 389.31 feet; thence South 78° 30’ 26” East, 3322.78 feet; thence South 03° 53’ 47” West, 1310.43 feet; thence North 63° 48’ 51” West, 3589.21 feet to the POINT OF BEGINNING.

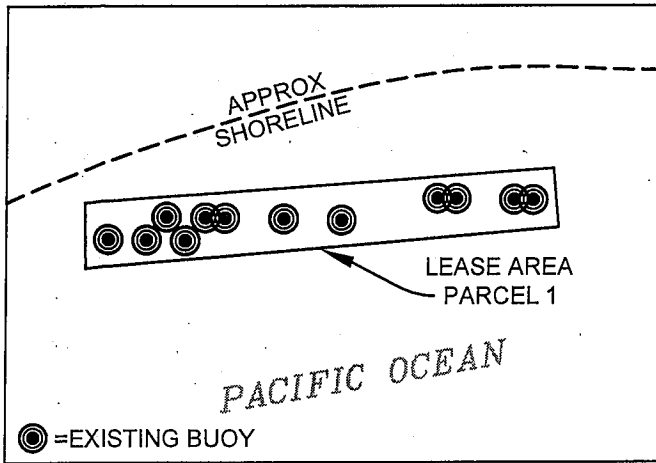
**END OF DESCRIPTION**

Prepared 06/29/2017 by the California State  
Lands Commission Boundary Unit.

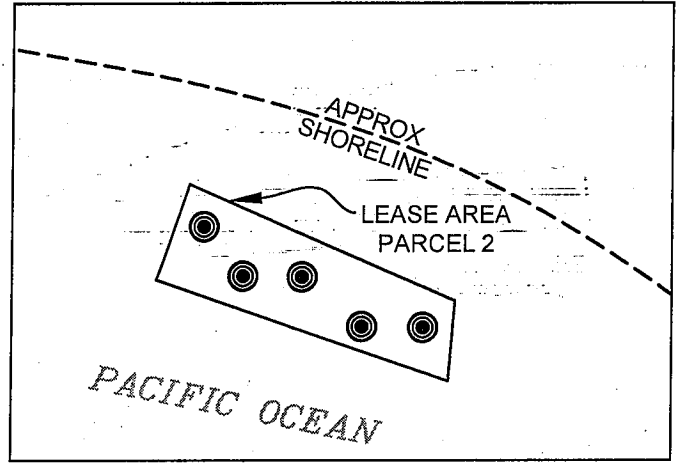


NO SCALE

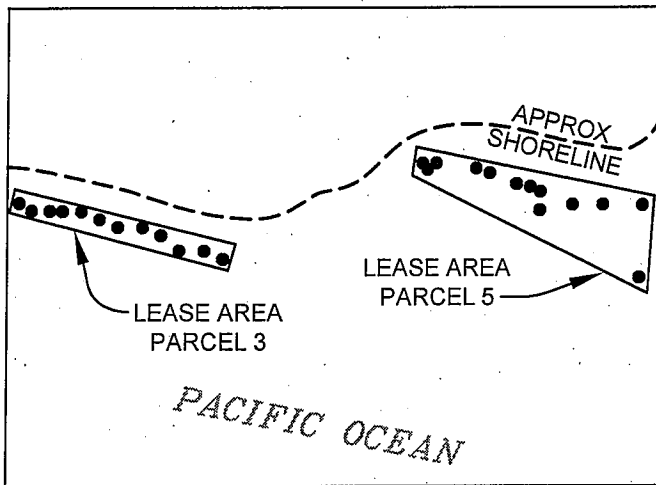
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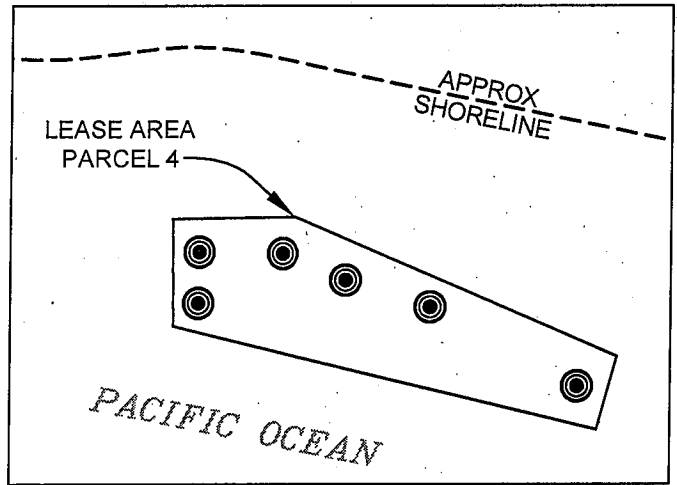
GOLETA BEACH



ARROYO BURRO BEACH



BUTTERFLY AND MIRAMAR BEACH

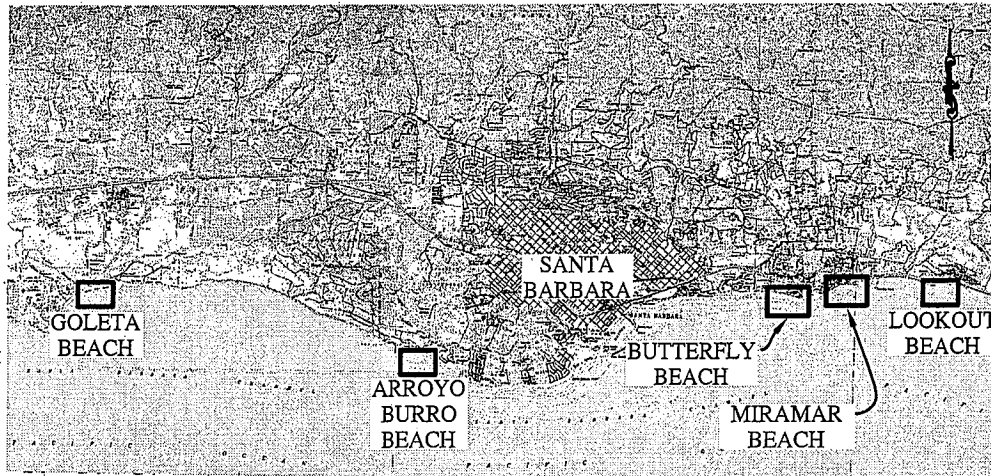


LOOKOUT BEACH

## ARROYO BURRO, BUTTERFLY, MIRAMAR, GOLETA BEACHES AND LOOKOUT PARK NEAR SANTA BARBARA

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

PRC 7082.1  
SANTA BARBARA COUNTY PARKS  
GENERAL LEASE -  
PUBLIC AGENCY USE  
SANTA BARBARA COUNTY



RGB 06/29/17