



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Community Services
Department No.: 057
For Agenda Of: February 28, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department George Chapjian, Community Services Director (805) 568-2467
Director(s)
Contact Info: Jeff Lindgren, Parks Assistant Director (805) 568-2475

SUBJECT: Miramar Beach Public Swim Platform

DS
GL

County Counsel Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Direct staff to seek a replacement of State Lands Agreement 7082.1 for the purpose of adding a public swim platform to the Special Use Area at Miramar Beach as identified in that agreement (Attachment A); and
- b) Direct to staff to file an application for a Coastal Development Permit for placement of the public swim platform off the coast of Miramar Beach; and
- c) Direct staff to negotiate an agreement with Rosewood Hotel Group to address the purchase, installation, and operation of the public swim platform, including, but not limited to, indemnification, insurance, maintenance, operation, and responsibility for any notices of violation; and
- d) Determine that the above recommended actions are statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15378(b)(4) finding that the project is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

Summary Text:

This item is on the agenda for the Board of Supervisors to consider providing the Community Services Department, Parks Division, with direction to pursue all necessary permits and agreements for the purpose of placing a seasonal swim platform in the ocean off Miramar Beach in Montecito. The platform would

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be anchored to the ocean floor within the area licensed to the County as a special use area for seasonal placement of swim and channel marker buoys in State Lands Commission Agreement 7082.1. Community Services, Parks Division, and Rosewood Hotel Group have mutual interest in a public swim platform at Miramar Beach. This is a unique opportunity where there is a private entity willing to purchase, install, and operate a facility where there will be benefit to both local residents and visitors.

Background:

In pursuit of this unique public-private opportunity to place a public swim platform at Miramar Beach, the Community Services Department, Parks Division, seeks Board of Supervisors direction on whether to pursue an amendment to or replacement of the existing State Lands Commission agreement and apply for a Coastal Development Permit to place the public swim platform. Community Services will also be seeking direction to negotiate an agreement with the Rosewood Hotel Group to address the purchase, installation, and operation of the public swim platform, including, but not limited to, indemnification, insurance, maintenance, operations, and responsibility for any notices of violation. The Rosewood Hotel Group has indicated its intent to fund the construction, operations, and maintenance of the swim platform, including lifeguards and insurance and indemnification for the County and would reimburse the County for the costs of all permits and agreements necessary for placement of the swim platform.

The existing State Lands Commission agreement allows the County to designate a special use area with seasonal placement of swim buoys between May 1 and October 15 each summer. Swim buoys are anchored in the ocean floor at Miramar Beach and other beaches per the agreement. This agreement would need to be amended or replaced to include the location of the public swim platform and is a necessary element for the application for a Coastal Development Permit. More detailed CEQA analysis of the project will occur as part of the Coastal Development Permit application.

Fiscal and Facilities Impacts:

County costs for permits and agreements would be reimbursed through an agreement with Rosewood Hotel Group. Costs for filing fees, permits, agreements, and professional services in this matter will be identified in the agreement between the County and Rosewood Hotel Group when Community Services returns to the Board of Supervisors for consideration of that agreement. Staff time is estimated at 80 to 150 hours for this project.

Special Instructions:

After Board action, please distribute one copy of the Minute Order to Jeff Lindgren, Community Services Department.