



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 6, 2024  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**TO:** Board of Supervisors (Board)  
**FROM:** Department  
Director: Jesús Armas, Community Services Director (805) 568-2467  
Contact Info: Jeff Lindgren, Assistant Director, (805) 568-2475  
**SUBJECT:** Replacement Lease with the California State Lands Commission for the Placement of Swim Buoys and a New Swim Platform in the Pacific Ocean in Santa Barbara County and New License with Miramar Acquisition Co., LLC, for the Placement of a New Swim Platform at Miramar Beach.

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Risk Management**

As to form: Yes

**Recommended Actions:**

That the Board:

- a) Approve and authorize the Director of the Community Services Department to execute the attached Lease No. PRC 7082 (Attachment A) between the County of Santa Barbara and the State of California, acting by and through the California State Lands Commission, for seasonal placement and maintenance of swim and channel marker buoys in the Pacific Ocean at Arroyo Burro Beach, Goleta Beach, Lookout Beach, Miramar Beach and Butterfly Beach, and a swim platform at Miramar Beach, in Santa Barbara County.
- b) Approve and authorize the Chair of the Board to execute the attached Master Agreement and License Agreement with MIRAMAR ACQUISITION CO., LLC for the seasonal placement and maintenance of a swim platform at Miramar Beach (Attachment B and Attachment C).
- c) Determine that the above recommended actions are exempt from review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15265 and Section 15311, subdivision (c), since the activities consist of the placement of seasonal or temporary use items in generally the same locations from time to time in publicly owned areas designed for public use, and direct staff to file a Notice of Exemption (Attachment D).

**Summary**

This item is before the Board to approve agreements with the State of California and Miramar Acquisition Co., LLC to seasonally place buoys at various beaches in South County, and a swim platform at Miramar Beach. The County has been placing buoys at these South County beach locations since 1983 through an existing lease with the State of California. The swim platform at Miramar Beach is a new undertaking by that will be fully funded by Miramar Acquisition Co., LLC. Despite being funded by the owner of the Rosewood Miramar Beach Resort at Miramar Beach, the swim platform will be open for public use. The agreements provide that the buoys and platform may be sited between May 1<sup>st</sup> and October 15<sup>th</sup> every year. The new State lease agreement will extend the existing expiring lease with a proposed term through 2044, and the Miramar agreement has a term through 2034 with an option to thereafter extend for 10 years.

**Background:**

The County of Santa Barbara has been authorized to place buoys in the Pacific Ocean creating “Special Use Areas” since May 16, 1983, when the Board adopted Ordinance No. 3371. The Santa Barbara County Code (Chapter 26, Article V - Special Use Area and Beach Regulations - Sec. 26-66 et seq.) establishes the authority to designate “Special Use Areas” along the Santa Barbara County coastline to protect persons from injury or death from the operation of motor-powered boats or other water devices in such limited areas, which include, but are not limited to, swimming, surfing, snorkeling and scuba diving, fishing, sailing, rowing, and other non-motor-powered small boat use. The buoys act as a barrier between powered vessels and swimmers to demarcate a safe public swimming area.

On December 5, 2023, the State Lands Commission approved and authorized execution of the new lease between the State of California and the County (Attachment A). The new lease with the State of California will allow the County’s continued placement of swim and marker buoys at Goleta Beach, Arroyo Burro Beach, Lookout Beach, Butterfly Beach and Miramar Beach between May 1<sup>st</sup> and October 15<sup>th</sup> annually. The County Parks Division typically places the buoys at the aforementioned locations after May 1, but prior to Memorial Day weekend through mid-September following Labor Day weekend.

In addition, pursuant to the Board’s direction on February 28, 2023: (1) the new lease with the State of California includes a new seasonal swim platform that would be located at Miramar Beach; and (2) staff negotiated a new agreement between the County of Santa Barbara and MIRAMAR ACQUISITION CO., LLC, the owner of the Rosewood Miramar Beach Resort, to install and maintain the seasonal swim platform at Miramar Beach for public use (Attachment C).

**Lease Agreements Facilities**

Location	Swim Buoys	Red Floats	Green Floats	Orange Floats	Swim Platform	Anchors	25' Cables	40' Cables	Shackles
Arroyo Burro	5								
Butterfly	12								
Goleta Beach	12	2*	2*	2*					
Lookout	6								
Miramar	13				1				
<b>TOTAL</b>	<b>48</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>57</b>	<b>55</b>	<b>4</b>	<b>118</b>

\* The red, green and orange floats distinguish a boat launch corridor through the swim area at Goleta Beach.

On December 15, 2023, the California Coastal Commission confirmed the new swim platform does not require a Coastal Development Permit, thereby authorizing the Executive Director's approval of a Coastal Development Permit Waiver to allow the new swim platform. Finally, the United States Army Corps of Engineers confirmed that the new swim platform may be authorized pursuant to Nationwide Permit 11 (Temporary Recreational Structures) in compliance with Section 10 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C., § 403).

The new lease with the State of California will terminate in 2044. The new license with Miramar Acquisition Co., LLC will expire in 2034, with the opportunity for renewal until 2044 to coincide with the termination of the new lease with the State of California.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

The California State Lands Commission collects \$198 in annual rent (with an annual Consumer Price Index adjustment) for the Lease which allows the County's continued placement of swim and marker buoys for special use areas at several beaches. In addition, the Community Services Department Parks Division incurs annual costs for contracting the placement and removal of buoys. Staff maintains and makes the necessary repairs to buoys that are deployed. The total annual cost for the special use area buoy placement and maintenance program is approximately \$25,000.

Pursuant to the proposed License Agreement between the County and MIRAMAR ACQUISITION CO., LLC, (Attachment C), MIRAMAR ACQUISITION CO., LLC, is responsible for all costs associated with the installation, repair, and maintenance of the swim platform at Miramar Beach. There are no additional direct costs to the County for installation, maintenance or management of the swim platform.

**Special Instructions:**

- 1) Please have the Board Chair to execute two original copies (each) of Attachments B and C and provide them to Jeff Lindgren, CSD, Parks Assistant Director.
- 2) Please send an electronic copy of the Minute Order to Jeff Lindgren at [jlindgren@countyofsb.org](mailto:jlindgren@countyofsb.org).

**Attachments:**

- Attachment A – Replacement Lease PRC 7082 between the State of California and the County of Santa Barbara
- Attachment B – Master Agreement between the County of Santa Barbara and MIRAMAR ACQUISITION CO., LLC
- Attachment C – License Agreement between the County of Santa Barbara and MIRAMAR ACQUISITION CO., LLC
- Attachment D – CEQA Notice of Exemption