



STAFF REPORT

TO: Property Committee

FROM: Kristen Stout, Business Manager

DATE: November 5, 2020

SUBJECT: **2021 License Proposal Review: Avila Beach Whale Watching and Avila Sailing**

Recommendation / Proposed Motion

- Recommendation: Review proposals submitted by Avila Beach Whale Watching and Avila Sailing.

Policy Implications

District Ordinance Chapter 4, paragraph 4.030 authorizes the District to establish agreements with licensees for payment for the non-exclusive use of District property.

District Ordinance Chapter 8, paragraph 8.120 defines 'movable vendor' for which licenses are applicable.

Contracts Management Policy 3037 established policy for the development of contract agreements for private operations of District facilities.

District Major Objective/Goal

Objective #1 – Sustain and enhance the Harbor's finances – provide for needed infrastructure; expand revenue sources; and pay down long-term liabilities.

Fiscal Implications / Budget Status

None at this time.

Alternatives Considered

None at this time.

Discussion

On August 25, 2020, the Harbor Commission approved the release of a Request for Proposals (RFP) for 2021 Revocable License to do business on District property. On or around September 1, 2020, the District published the approved RFP in the Tribune newspaper and on the District website.

Over the years, the District has set a precedent in the determination of capacity for licensed commercial endeavors on District owned properties. In summary, the licenses available are as follows:

- a) Harford Pier: Two Sailing Charter licenses and one Powered Vessel Tours license.

- b) Olde Port Beach: One available license for kayak and stand-up paddleboard rentals operating at Olde Port Beach based on the two “like” vendors’ practice.
- c) Business As Proposed: See District Master Plan for available uses at <http://www.portsanluis.com/2149/Master-Plan>.
- d) Food Vendors: Two Food Vendor licenses.

At the close of the RFP process, the District received a total of three (3) proposals. After completing the initial submission review and the Phase I review, the following proposals were invited to participate in Phase II of the RFP process:

- 1. Mark Kocina, dba Avila Beach Whale Watching – to provide Powered Vessel Tours.
- 2. Bradley Steveson, dba Avila Sailing – to provide Sailboat Charter Tours.

Proposal Review

A Review Team consisting of the Harbor Manager, Business Manager, Facilities Manager, and Chief Harbor Patrol Officer, reviewed the above listed proposals and conducted individual interviews with the proposers.

Following is a summary of the recommendations regarding the proposal:

- 1. Mark Kocina, dba Avila Beach Whale Watching (Category: Powered Vessel Tours)
Owner Mark Kocina submitted a proposal to provide Powered Vessel Tours, with customer pick-ups at the public landing of Harford Pier. Mr. Kocina has been in operation for many years, originally under the name of Central Coast Charters. Mr. Kocina has proposed the continued operations of a six passenger, 28 ft. power catamaran.
Staff recommends the issuance of a license.
- 2. Bradley Steveson, dba Avila Sailing (Category: Sailboat Charter Tours)
Owner Bradley Steveson submitted a proposal to provide Sailboat Charter Tours, with customer pick-ups at the public landing of Harford Pier. Mr. Steveson has not operated a Sailboat Charter Tour operation prior to the business proposal received by the District. The sailing vessel has a maximum capacity of six passengers, with a minimum passenger load of four passengers.
Mr. Steveson is awaiting the documents showing proof of a Coast Guard license and applicable endorsements, as required per the License Agreement and the United States Coast Guard. These documents must be provided to the District prior to Mr. Steveson beginning operations in 2021.
Staff recommends issuance of a license, with the condition provided above.

Local public agency “projects” require compliance with the California Environmental Quality Act (CEQA). The issuance of a license for the proposed uses does not meet the definition of a “project”, as stated in the California Public Resources Code Section 21065 and as follows.

“Project” means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

- (a) An activity directly undertaken by any public agency.
- (b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other indirect physical change in the environment.

CEQA compliance is not applicable to the above license. The District has historically allowed use of District property for the above activities. This continued practice is not expected to cause a direct or indirect physical change in the environment.

Recommendation

Staff recommends the issuance of a license to Avila Beach Whale Watching and Avila Sailing.