



## **STAFF REPORT**

**TO:** Board of Commissioners  
**FROM:** Kristen Stout, Business Manager  
**DATE:** November 17, 2020  
**SUBJECT:** **2021 Annual Licenses**

### **Recommendation / Proposed Motion**

- Recommendation: Review proposals submitted by Mark Kocina, dba Avila Beach Whale Watching and Bradley Steveson, dba Avila Sailing.
- Motion: Approve issuance of a 2021 Monthly Revocable License Agreement with Mark Kocina, dba Avila Beach Whale Watching, to provide powered vessel charter tours, and Bradley Steveson, dba Avila Sailing, with recommended conditions, to provide sailboat charter tours.
- Motion: Approve 2021 Monthly Revocable License Agreements for Sea Barn Inc; Avila Beach Junior Lifeguard Program; Van Curaza dba Van Curaza Surf School; Marcus LeBlanc dba Suns Out Beach Rentals; Avila Lighthouse Suites, Micheal Brink dba SLO.Tours, and Paso Robles RV Rentals LLC.

### **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.

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

### **Proposal Review**

The Property Committee, consisting of Commissioners Brandy and Matakovich, reviewed the above-listed proposals on November 5, 2020.

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. The Property Committee agreed with staff's recommendation.

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. The Property Committee agreed with staff's condition and recommendation.

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 Mark Kocina, dba Avila Beach Whale Watching and with recommended conditions to Bradley Steveson, dba Avila Sailing.

Staff further recommends approval of a one-year extension for 2021 of the Monthly Revocable License Agreements for existing licensees:

- Sea Barn Inc.
- Avila Beach Junior Lifeguard Program
- Van Curaza dba Van Curaza Surf School
- Marcus LeBlanc dba Suns Out Beach Rentals
- Avila Lighthouse Suites
- Micheal Brink dba SLO.Tours
- Paso Robles RV Rentals LLC

Attachment(s): 1. Avila Beach Whale Watching  
2. Avila Sailing