



STAFF REPORT

TO: Board of Commissioners
FROM: Kristen Stout, Business Manager
DATE: November 16, 2021
SUBJECT: **2022 Annual Licenses**

Recommendation / Proposed Motion

- Recommendation: Review proposals submitted by Avila Lighthouse Suites, Van Curaza Surf School, and SLO.Tours.
- Motion: Approve issuance of a 2022 Monthly Revocable License Agreement with Avila Lighthouse Suites, Van Curaza Surf School, and SLO.Tours.
- Motion: Approve 2022 Monthly Revocable License Agreements for Avila Beach Junior Lifeguard Program and Avila Beach Whale Watching.

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 24, 2021, the Harbor Commission approved the release of a Request for Proposals (RFP) for 2022 Revocable License to do business on District property. On or around September 1, 2021, 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 for “beach area(s)” or “other areas”.

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. Avila Lighthouse Suites – to provide wedding ceremony event services located on Avila Beach, west of the Avila Pier.
2. Van Curaza Surf School – to provide surf instruction and surf camps.
3. SLO. Tours – to provided chartered powered vessel tours.

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

Proposal Review

The Property Committee, consisting of Commissioner Barrow, reviewed the above-listed proposals on November 4, 2021.

Following is a summary of the recommendations regarding the proposal:

1. Avila Lighthouse Suites (Category: Business as Proposed)

The Avila Lighthouse Suites submitted a proposal to provide organized, set-up and take down, of Beach Wedding Ceremonies located on Avila Beach, west of the Avila Pier.

- Wedding Ceremonies of 25 people or greater (no more than 100 attendees), wedding permit fee of \$250.00.
- Wedding Ceremonies of 25 people or less with chair and arch set-up, wedding permit fee of \$250.00
- Wedding Ceremonies of 25 people or less, with no chair and/or arch set-up, wedding permit fee of \$175.00.

The wedding event permit fees proposed are consistent with the existing license agreement. The proposal is a request to continue this service. Avila Lighthouse Suites is a current licensee that has held a license with the District for many years; provides quality services and has a great working relationship with the District.

Staff recommends the issuance of a license. The Property Committee agreed with the staff recommendation.

2. Van Curaza Surf School (Category: Surf Instruction & Summer Camp)

Owner Van Curaza submitted a proposal to provide surf instruction and summer camps on Avila Beach. (The proposal includes an *Overnight Surf Camp*, for purposes of clarification, no overnight camping or surfing will take place on Avila Beach. The camp will use Avila Beach for surf instruction during daylight hours, with overnight stays taking place at another location). The proposal is a request to continue this service. Mr. Curaza is a current licensee that has held a license with the District for many years; provides quality services and has a great working relationship with the District.

Staff recommends issuance of a license. The Property Committee agreed with the staff recommendation.

3. SLO.Tours (Category: Powered Vessel Tours)

Owner Micheal Brink submitted a proposal to provide powered vessel tours. This proposal is a request to continue this service. Mr. Brink is a current licensee that has held a license with the District for many years; provides quality services and has a great working relationship with the District.

Staff recommends issuance of a license. The Property Committee agreed with the staff 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 licenses. 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

The Property Committee and staff recommends the issuance of licenses to Avila Lighthouse Suites, Van Curaza Surf School, and SLO.Tours.

Staff further recommends approval of a one-year extension for 2022 of the Monthly Revocable License Agreements for existing licensees:

- Avila Beach Junior Lifeguard Program
- Avila Beach Whale Watching

Attachment(s): 1. Avila Lighthouse Suites
2. Van Curaza Surf School
3. SLO.Tours