



STAFF REPORT

TO: Property Committee

FROM: Suzy Watkins, Harbor Director

DATE: November 7, 2023

SUBJECT: **2024 License Proposal Review: Best Day Ever Boat Adventures**

Recommendation / Proposed Motion

- Recommendation: Review proposal submitted by Best Day Ever Boat Adventures and provide recommendations for Board action

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 22, 2023, the Harbor Commission approved the release of a Request for Proposals (RFP) for 2024 Revocable License to do Business on District Property. On or around September 1, 2023, 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 August 2023, your Board revised the vessel tour licenses to accommodate a mix of Powered and Sailing vessel tours, based on demand. In summary, the licenses available are as follows:

- a) Harford Pier: One Sailing Charter license and two Powered Vessel or Sailing 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 two (2) proposals – one of which is a continuation of an existing business. After completing the initial submission review and the Phase I review, the existing business, Avila Beach Whale Watching, is being forwarded to the Board and recommended for continuance. The other proposer was invited to participate in Phase II of the RFP process with the Property Committee.

1. End of the Road Adventures – request for additional motorized vessel charter. Staff recommends the committee discuss the RFP and make a recommendation to the Board.

Proposal Review

The Harbor Director reviewed the one new proposal and recommends the committee interview the proposer.

Following is a summary of the proposal:

1. Best Day Ever Boat Adventures

Owner Vincent Shay submitted a proposal to provide motorized boat tours specializing in wildlife and scenic photographic adventures.

Mr. Shay envisions a boat adventure tour with a focus on wildlife photography, including photography guidance and tips, leveraging Mr. Shay’s experience as a wildlife photographer. Trips will be offered up to three times per day, based on demand and seasonal conditions.

The proposal includes use of the Mermaid Market as a meeting location for tours to allow display and sale of photographs and merchandise. The proposal requests tours be permitted to depart from the sport launch dock when conditions permit. The proposal does acknowledge that this is a variance from the District requirements and the tours could be run using the Harford Pier public dock.

Staff recommends approval of the license, with a condition to use the Harford Pier public dock for passenger loading.

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 reviewing the proposal from Best Day Ever Boat Adventures and approving the license.

Attachment(s): 1. Best Day Ever Boat Adventures Proposal