

CITY OF SAN DIEGO

KAYAK CONCESSION AGREEMENT

THIS CITY OF SAN DIEGO CONCESSION AGREEMENT ("Agreement") is entered into by and between THE CITY OF SAN DIEGO, a California municipal corporation ("CITY"), and SAN DIEGO BIKE AND KAYAK TOURS, INC. a California corporation ("CONCESSIONAIRE"), to be effective April 1, 2020 following the execution by the City Attorney ("Effective Date"), as follows:

1. **Incorporated Documents.** This Agreement is created pursuant to the City of San Diego REQUEST FOR PROPOSAL ("RFP") for Kayak Concessions issued by the CITY on November 19, 2019, and CONCESSIONAIRE's proposal in response to the RFP, dated January 10, 2020. Attached and incorporated herein are the following documents: **Site Map (Exhibit A); Primary Kayak Tour Schedule (Exhibit B-1); Secondary Kayak Tour Schedule (Exhibit B-2); Kayak Concession Requirements (Exhibit C); and CONCESSIONAIRE'S Operating Plan (Attachment A).** Additional terms and conditions listed in the RFP shall also apply throughout the term of the Agreement.
2. **Right to Enter.** Subject to the terms and conditions of this Agreement, CITY hereby grants permission to CONCESSIONAIRE, its employees, agents and contractors to operate Kayak Concessions ("Concessions") within the City beach known as La Jolla Shores, in the boat launch zone and on the beach which extends 125 feet north from the southern end of the westerly extension of Avenida De La Playa, as depicted on **Exhibit A, hereinafter referred to as the "Site."**

Concessions at the Site may be terminated or changed for any reason by CITY upon thirty (30) days written notice from CITY to CONCESSIONAIRE. However, the CITY may terminate or change any and all concessions at the Site without any notice to Concessionaire's if such termination or change is in the interest of public safety. If an alternate site is not available, a proportionate amount of the fixed concession Minimum Fee (as specified in Section 10.B.) may be adjusted by CITY for the deleted site.
3. **Allowed Uses.** This Agreement is granted to CONCESSIONAIRE for the sole purpose of allowing CONCESSIONAIRE to operate Kayak Concessions. The term Concessions means an operation involving the conducting of kayak tours and rentals, the sale of souvenir photos and videos of the tours, as well as delivering and removing rental and tour kayaks serving the general public under the terms and conditions of this Agreement. There shall be no commercial use of Laureate or Kellogg Parks by the CONCESSIONAIRE. No solicitation or marketing is permitted on any portion of any City beach. Renting or selling of beach equipment or any other merchandise is not allowed under this Agreement. Any use of the Site other than for Concessions as described herein shall constitute good cause for immediate termination of this Agreement.
4. **Maximum Days and Hours of Operation.** CONCESSIONAIRE shall not conduct any Concession prior to 8 a.m. daily throughout each Agreement Year (defined in Section 6). All

kayaks must be removed from the designated storage area before dark. All kayak tours are to be completed and out of the water fifteen (15) minutes before sunset daily.

CITY reserves the right to change the days and/or hours of operation at its discretion. All Concession operations are permitted seven days a week with the following exceptions:

- A. Under no circumstances are operations permitted on the 4th of July holiday each year.
 - B. Special Events. Unless otherwise authorized by the CITY, CONCESSIONAIRE shall not be allowed to operate Concessions within certain areas of the Site during days in which "Special Events," as defined in San Diego Municipal Code section 22.4003, are scheduled by CITY in this area. CITY shall give CONCESSIONAIRE fourteen (14) days advance written notice of any such "Special Events."
5. Competent Management. Throughout the term of this Agreement, CONCESSIONAIRE shall provide competent management of the Concession and the Site for the permitted uses to the satisfaction of the CITY. CONCESSIONAIRE covenants at all times to operate the Concession for the above-specified purposes and diligently conduct the Concession to maximize gross revenue.
 6. Term. The term of this Agreement ("Term") shall be thirty-six (36) months commencing on the Effective Date. Agreement Year ("Agreement Year") as used in this Agreement means any of the three (3) consecutive twelve (12) month periods beginning with the Effective Date. The City may extend this Agreement at the end of the initial 3-year term by up to two (2) additional twelve (12) month periods. This Agreement may be terminated at any time by either party upon thirty (30) days prior written notice to the other party. Any written notice to this effect shall be served in accordance with Section 47 of this Agreement.
 7. Holding Over. Any use of the Concession Site by CONCESSIONAIRE after the expiration of this Agreement is not permitted without the written consent of the CITY. Any such extensions will continue as month-to-month extensions of this Agreement. If CONCESSIONAIRE continues use of the Site after the expiration or earlier termination of this Agreement without obtaining CITY approval, such use shall neither constitute a renewal or extension of this Agreement, nor give CONCESSIONAIRE any rights in or to the Site. Any holdover of the Term of the Agreement beyond sixty (60) months -must be approved by CITY.
 8. Revocable License. This Agreement is not a lease. It is a license to use CITY-owned property, and may be revoked, terminated, or suspended by CITY, in its sole discretion. CITY shall not be obligated for any loss, financial or otherwise, which may be incurred by CONCESSIONAIRE as a result of the revocation, termination, or suspension of this Agreement. CONCESSIONAIRE expressly waives any claim for expense or loss which CONCESSIONAIRE might incur as a result of CITY's revocation, termination, or suspension of this Agreement or for the scheduling of any Special Events pursuant to Section 4.B that conflict with or prohibit CONCESSIONAIRE's use the Site.

9. Special Provisions

- A. Operating Plan. The Operating Plan for the proposed Agreement Year submitted with the CONCESSIONAIRE's response to the CITY'S RFP, shall be revised by CONCESSIONAIRE, if required by CITY to meet CITY's approval, and the final CITY approved Operating Plan shall be incorporated into this Agreement as **Attachment A: Operating Plan**, attached hereto. *Within sixty (60) days prior to the beginning of the second Agreement Year, and for every Agreement Year thereafter, the CONCESSIONAIRE will provide the CITY with an Operating Plan for the coming Agreement Year (twelve (12) calendar months) for the CITY's approval.* These Operating Plans must be submitted by February 1st of each calendar year for the upcoming season under this Agreement. All Operating Plans submitted to the CITY should be consistent with the format and content of the originally approved Operating Plan. CITY will have the right to approve or disapprove the proposed Operating Plan. Once approved, CONCESSIONAIRE will not make any changes to the Operating Plan without prior written approval of CITY. At all times, the CONCESSIONAIRE shall ensure that all operations permitted under this Agreement comply with the Kayak Concession Requirements incorporated herein as **Exhibit C: Kayak Concession Requirements**, attached hereto. Failure to provide an Operating Plan as described in this paragraph will constitute a material breach of this Agreement.

The CITY reserves the right to make changes at any time to the tour schedules and/or the number of individual kayak rentals permitted based on operational and safety considerations. **At all times, the CONCESSIONAIRE shall ensure that all permitted operations comply with the Kayak Concession Requirements incorporated herein as Exhibit C: Kayak Concession Requirements.**

- B. Exclusiveness of Agreement and Unauthorized Vending. In addition to Special Events described in Section 4.B., CITY may, during the term of this Agreement, enter into Agreements with other concessionaires to provide -related Concessions during times not scheduled for operations in the approved Operating Plan at the Site permitted in this Agreement. In addition, should any existing launch times become vacant throughout the term of this Agreement, CITY may distribute these open times among the existing concessionaires at its own discretion. However, CITY, by granting this Agreement to CONCESSIONAIRE, makes no warranty that the Site shall be free of unauthorized vending or that any specific level of police or lifeguard enforcement against such activities shall be maintained.
- C. Concession Site. CONCESSIONAIRE shall erect no improvements nor place any items on the Site without prior written approval by the CITY. The Site must be maintained to present a neat and attractive appearance to the satisfaction of the CITY. Any items or improvements brought on the Site by the CONCESSIONAIRE must be approved in writing by CITY and shall not remain on location after permitted hours of operation, unless prior written approval of CITY is obtained. If in the opinion of CITY, the number of scheduled tours within any Concession covered under this Agreement at any times falls short of or exceeds the number of scheduled tours needed to adequately

serve the public, CONCESSIONAIRE will, upon receipt of notice from CITY, adjust the number of scheduled tours to the number specified by CITY. CITY will not be liable to CONCESSIONAIRE in any way for such adjustments. CONCESSIONAIRE will operate no more and no fewer than the scheduled tours designated in this Agreement unless CITY decides to change the number of scheduled tours.

- D. No Improvements. No improvements, trade fixtures, structures, and installations or additions to the Site are allowed to be installed by CONCESSIONAIRE. All personal property remaining on the Site after expiration or termination of this Agreement will become the property of CITY.
- E. Storefront. CONCESSIONAIRE will maintain a storefront. All business transactions must be conducted within the listed storefront address. Kayak tour participants will meet inside t CONCESSIONAIRE's store and conduct all orientation/training inside of the store or in the training area designated by the CITY. Businesses must have adequate space to accommodate customer volume and kayak inventory.

The CITY reserves the right to perform inspections, reviews, and site visits with or without advance notice. These inspections, reviews, and site visits may be for any or all aspects related to the Agreement, including but not limited to ensuring that CONCESSIONAIRE: (a) obtains and maintains certificates and qualifications of tour guides; (b) adequately addresses all safety concerns; (c) adheres to the Tour Schedules; and (d) properly maintains all required records pertaining to clients. Violation of any aspect of this Agreement may result in suspension or termination of this Agreement. With regard to safety, the CITY or any other officer with authority to enforce local, state or federal law, has the right to immediately terminate any tour or individual kayak rental if there is a violation of safety requirements.

- F. Maintenance of Site. CONCESSIONAIRE agrees not to commit or allow to be committed any waste or injury or any public or private nuisance, to keep the Site clean and clear of refuse and obstructions, and to dispose of all garbage, trash, and rubbish in or about said Site to the satisfaction of CITY and at CONCESSIONAIRE's sole cost. The Site must be cleaned up nightly by CONCESSIONAIRE or more often, as required.
- G. Standard of Employees. CONCESSIONAIRE and its employees shall, at all times, conduct themselves and the operations of the Concession in a respectable and courteous manner. CONCESSIONAIRE shall thoroughly train its employees in their duties and will regularly monitor its employees to ensure that they behave in a courteous manner, do not disturb the quiet enjoyment of other beach users, and otherwise comply with all the Kayak Concession Requirements (Exhibit C) of this Agreement.

10. Fees.

CONCESSIONAIRE is required to pay to CITY, on a monthly basis, the greater of either the Percentage Fee ("Percentage Fee") or the Minimum Fee ("Minimum Fee"), as described

below. If the combined total amount of fees paid by CONCESSIONAIRE during any Agreement Year equals or exceeds the Annual Minimum Fee for that Agreement Year, then CONCESSIONAIRE shall only pay the Percentage Fee each subsequent month until either a new Agreement Year begins or this Agreement ends. If, in any Agreement Year, Monthly Minimum Fees paid plus Percentage Fees paid exceed the Annual Minimum Fee and also exceed the annual fee which would have been paid if the Percentage Fee had been paid on Gross Revenue, the excess over the total fee owed shall be credited against the next payable fee as it becomes due. It is the intent of this provision that CONCESSIONAIRE shall pay monthly installments of the annual Minimum Fee as a guarantee against the Percentage Fee requirement and that the greater of the two requirements, minimum or percentage, whichever occurs throughout the term, shall prevail on an annual basis.

- A. Percentage Fees. Percentage Fees will consist of twelve percent (12.00%) of the gross revenue resulting from the Kayak Concession operations permitted under this Agreement during each month of an Agreement Year. The CITY, in its sole discretion, may approve another percentage rate or minimum rate for each other incidental service or operation supplementary to the permitted uses stated in Section 3, Allowed Uses, as may be approved in writing by the CITY prior to the commencement of any additional service or operation. However, any activity conducted on the Site without the prior written approval of the CITY will be subject to the requirements of Section 10.F. Unauthorized Use Charge.

The City in its sole discretion, reserves the right to increase the Percentage Fee or Minimum Fee at any time during this Agreement by providing a thirty (30) day notice to Concessionaire. A review of the percentage fee will be conducted at the first "Option Date" in Year Four.

- B. Gross income is derived from kayak tour sales, individual kayak rentals, and, souvenir photography and video sales of the tours. Accessories sold in the store/shop will not be included in gross income.
- C. Minimum Fees. The Annual Minimum Fee established for the first Agreement Year following the effective date of this Agreement is twelve thousand eight hundred and eighty-four dollars and five cents (\$12,884.05), which is one thousand and seventy-three dollars and sixty-seven cents (\$1,073.67) on a monthly installment basis ("Monthly Minimum Fee").

The Monthly Minimum Fee is to be paid in monthly installments on or before the day of the calendar month when the Percentage Fee is due pursuant to Section 10.K. Time and Place of Payment.

- D. Minimum Fee Adjustment. Effective at the beginning of the first day of the third and fifth Agreement Years of this Agreement ("Adjustment Date"), the annual Minimum Fee will be set at eighty percent (80.00%) of the annual average of the Total Fees Paid under this Agreement for the two (2) Agreement Years immediately preceding the Adjustment date. The annual average of the Total Fees Paid will then be divided by twelve (12) to establish the new monthly Minimum Fee. It is recognized that the

adjustments will be calculated by the CITY upon completion of payments due for the preceding years to determine the amount of the Minimum Fee. Until such calculations are completed, CONCESSIONAIRE will continue paying the monthly Minimum Fee at the current rate. Any additional fees determined by the adjustment to be due for the months previously paid at the prior rate will be paid to the CITY within thirty (30) days following written notice provided pursuant to Section 47 of this Agreement. In no event will the Minimum Fee Adjustment result in a decrease in the Minimum Fee requirement in effect immediately prior to the Adjustment Date. In the event that the Total Fees Paid prior to the Adjustment Date do not exceed the current annual Minimum Fee, the annual Minimum Fee will be increased to one-hundred five percent (105%) of the annual Minimum Fee most recently in effect.

- E. Delinquent Concession Fee. If CONCESSIONAIRE fails to pay any fees when due, CONCESSIONAIRE will pay the delinquent fee plus a late fee equal to five percent (5%) of the delinquent fee. If fees remain unpaid more than fifteen (15) days past the due date, the late fee shall be increased to ten percent (10%) of the delinquent fee, which CONCESSIONAIRE shall pay in addition to delinquent fee. The parties agree that such late fees are appropriate to compensate the CITY for loss resulting from concession fee delinquency, including lost interest opportunities, legal costs, and the cost of servicing the delinquent account.
- F. Unauthorized Use Charge. CONCESSIONAIRE shall pay to CITY, as an additional fee, an unauthorized use charge equal to one hundred percent (100%) of the Gross Revenue (as defined in Section 10.G.) received from any service or use of the Site by CONCESSIONAIRE that is not allowed under this Agreement. Such payment is subject to the due date provided in the Agreement for fee payments and the provisions for delinquent or unpaid fees. Neither the existence of such an unauthorized use charge nor the payment of such charge, or any part of it, shall constitute an authorization of an unauthorized use, and shall not be waiver of any of the CITY's rights under the Agreement.
- G. Gross Revenue. "Gross Revenue," as used in this Agreement, will include all income resulting from Concession kayak tour sales, individual kayak rentals, and the sale of photography and video sales of the tours, whether received or to become due; provided, however, that Gross Revenue will not include federal, state, or municipal taxes collected from the CONCESSIONAIRE (regardless of whether the amount is stated to the consumer as a separate charge) and paid over periodically by CONCESSIONAIRE to a governmental agency accompanied by a tax return or statement as required by law. Gross Revenue includes all revenue received by CONCESSIONAIRE from internet sales (for example, if using a website such as Groupon, Gross Revenue would include all payment received by CONCESSIONAIRE from a Groupon sale). Possessory interest taxes or other property taxes will not be deducted by CONCESSIONAIRE in computing Gross Revenue. Gross Revenues will not include refund of deposits. The amount of taxes and refunds shall be clearly shown on the books and records of CONCESSIONAIRE. The Percentage Fee shall be calculated and paid by CONCESSIONAIRE on the basis of Gross Revenue whether the income is received by

CONCESSIONAIRE or by any of CONCESSIONAIRE's agents, employees, permittees, or representatives, and all Gross Revenue received by any of CONCESSIONAIRE's agents, employees, permittees, representatives, or other party as a result of occupancy or operation of the Site shall be regarded as Gross Revenue of CONCESSIONAIRE for the purpose of calculating the Percentage Fee required to be paid by CONCESSIONAIRE to CITY, except as may be otherwise specified by this Agreement.

H. Payment Procedure. CONCESSIONAIRE will provide CITY with a correct income statement for the Site operated by CONCESSIONAIRE together with a payment of fees on all applicable Gross Revenue in a form selected by CITY. This income statement shall be due to CITY by the end of the calendar month immediately following the month for which the income statement was generated. The income statement shall be signed by CONCESSIONAIRE and its authorized agent attesting to the accuracy of the income statement. Each income statement shall include:

- i. Total Gross Revenue for the subject month itemized as to business categories for which the separate Percentage Fee is established.
- ii. The amount of the Percentage Fee due to CITY and the manner in which such Percentage Fee was computed and totaled.
- iii. The accumulated total of all fees previously paid to CITY for the current Agreement Year.
- iv. Payments in the greater of the two following amounts: The Monthly Minimum Fee or the total Percentage Fee due CITY computed as described in Section 10.A and 10.C.

I. Inspection of Records.

- i. Records. CONCESSIONAIRE will at all times during the Term keep or cause to be kept true and complete books, records, and accounts of all financial transactions in the operation of all business activities conducted upon and financial transactions resulting from the use of the Site. The records will be supported by source documents such as sales slips, daily cash register tapes, purchase invoices, tour lists, or other documents as necessary to allow CITY to easily determine the Gross Revenue. Any retail sales or charges will be recorded by means of cash registers or other comparable devices which display to the customer the amount of the transaction and automatically issue a receipt. The registers will be equipped with devices that lock in sales totals and other transaction numbers and sales details that are not resettable. Totals registered will be read and recorded at the beginning and end of each business day. Regarding admission charges or concession fees, CONCESSIONAIRE will issue serially numbered tickets for such admission or concession fees and will keep an

adequate record of such tickets, as well as a record of unissued tickets. All retail sales and charges may be recorded by a system other than cash registers of other comparable devices provided such a system is approved by the CITY.

- ii. **Financial Statements.** Within sixty (60) days after the end of each Agreement Year, CONCESSIONAIRE shall at its sole cost and expense, submit to CITY a statement in which the total Gross Revenue and the corresponding amounts of Percentage Fees paid CITY for that Agreement Year are classified according to the categories of business established for any Percentage Fees and for any other business conducted on or from the Site. The statement shall be signed by CONCESSIONAIRE and a duly authorized financial representative of CONCESSIONAIRE attesting to the accuracy thereof, which will be legally binding upon CONCESSIONAIRE. Failure to provide financial statements as described in this paragraph will constitute a material breach of this Agreement.
- iii. **Right to Inspect.** All of CONCESSIONAIRE's books of account, records, and supporting documentation, as described under Section 10.I.i, will be kept for at least five (5) years and made available to CITY in one location within the City of San Diego. These books and records must be maintained separately from all other accounts not relating to the Site. The CITY, at its discretion, will have the right to inspect and audit the business of CONCESSIONAIRE, its agents, representatives and permittees operating on, and in connection with, the Site as necessary and appropriate for CITY to determine the amounts of concession fees due CITY in compliance with the requirements of this Agreement. At CITY's request, CONCESSIONAIRE shall promptly provide, at CONCESSIONAIRE's expense, any necessary data to enable CITY to fully comply with all requirements of the state and federal government for Agreement information or reports concerning the Concessions. Such data will include, if required, a detailed breakdown of CONCESSIONAIRE's receipts and expenses.
- iv. **Audit Cost.** The full cost of the CITY's audit(s) will be borne by CITY unless one or both of the following conditions exists, in which case CONCESSIONAIRE agrees to pay CITY's cost of audit(s):
 - A. The audit(s) reveal an underpayment by CONCESSIONAIRE to the CITY of more than five percent (5.00%) during the period of time being audited or more than \$5,000, whichever is less, between the Total Fees Paid as reported and paid by CONCESSIONAIRE pursuant to this Agreement and Concession fees owed as determined by the audit(s).
 - B. CONCESSIONAIRE has failed to properly maintain complete and true books, records, accounts, and supporting documents in strict accordance with this section.

Any fee deficiency determined by the audit will be considered a delinquent fee, subject to all penalties and remedies provided to CITY for delinquent Concession fees under this Agreement Section 10.E. CITY will credit any overpayment by CONCESSIONAIRE determined by the audit, without interest, against future fees due under this Agreement. If no future fees are due under this Agreement, CITY shall refund CONCESSIONAIRE any overpayment determined by the audit, without interest, within sixty (60) days after CITY's certification of the audit.

- J. Default. CONCESSIONAIRE's failure to keep complete and accurate records by means of double-entry bookkeeping and failure to make them available for CITY inspection is, like all other failures to comply with covenants of this Agreement, a material breach of this Agreement and good cause for termination.
- K. Time and Place of Payment. Payments are due on or before the last day of the calendar month following the calendar month in which the Gross Revenue subject to the Percentage Fee was earned. Checks shall be made payable to the City Treasurer and mailed to the Office of the City Treasurer, City of San Diego, P.O. Box 129030, San Diego, California 92112-9030, or delivered to the Office of the City Treasurer, Civic Center Plaza, 1200 Third Avenue, First Floor, San Diego, California. The place and time of payment may be changed by CITY upon thirty (30) days prior written notice to CONCESSIONAIRE. Mailed payments shall be deemed paid upon the date such payment is postmarked by the postal authorities. If any such postmark is illegible, the payment shall be deemed paid upon actual receipt by the City Treasurer. CONCESSIONAIRE assumes all risk of loss and responsibility for late payment charges if payments are made by mail.
- L. Security Deposit. The CONCESSIONAIRE will deliver to CITY with the executed copies of this Agreement, a good faith deposit in the amount of five thousand dollars (\$5,000.00) in the form of a cashier's or certified check. All or any portion of the principal sum of the security deposit will be available unconditionally to CITY for payment of delinquent concession fees, for correcting any default or breach of this Agreement by CONCESSIONAIRE, CONCESSIONAIRE's successors or assignees, or for payment of expenses incurred by CITY as a result of CONCESSIONAIRE's failure to faithfully perform all terms, covenants, and conditions of this Agreement. If at the end of the term of this Agreement, CONCESSIONAIRE has performed all of the provisions of the Agreement, the deposit or any remaining balance will be returned to the CONCESSIONAIRE without interest. The security deposit may be increased by CITY proportionate to any increase in the Minimum Fee. CONCESSIONAIRE shall maintain this security deposit throughout the Term of this Agreement. Notwithstanding any other provision of this Agreement, if CONCESSIONAIRE fails or refuses to deposit or maintain a security deposit as required by this Agreement, CITY may terminate this Agreement immediately. Upon such termination, CONCESSIONAIRE shall immediately cease its use of the Site and commence and diligently pursue the removal of its property from the Site.

- i. Utilization. If CITY utilizes all or any portion of the security deposit, upon ten (10) days prior written notice, CONCESSIONAIRE shall reimburse the security deposit to the full required amount.
 - ii. Increase. Upon thirty (30) days prior written notice by CITY, CONCESSIONAIRE shall deliver to CITY additional funds as CITY may, in its sole determination, require to adequately secure CONCESSIONAIRE'S obligations under this Agreement.
 - iii. Return. Provided CONCESSIONAIRE is not in breach or default of this Agreement, CITY shall return the security deposit, or any balance thereof, to CONCESSIONAIRE within sixty (60) days after the expiration or termination of this Agreement.
11. CITY's Consent, Discretion. Whenever required under this Agreement, CITY's consent or approval will mean the written consent or approval of the City Manager, or designee, unless otherwise expressly provided. CITY's discretionary acts hereunder will be made in the City Manager's, or designee's, sole and absolute discretion, unless otherwise expressly provided.
12. Acceptance of Site. CONCESSIONAIRE represents and warrants that it has independently inspected the Site and made all tests, investigations, and observations necessary to satisfy itself of the condition of the Site. CONCESSIONAIRE agrees it is relying solely on its independent inspection, tests, investigations, and observations in entering into this Agreement. CONCESSIONAIRE further acknowledges that the Site is in the condition called for by this Agreement, that CITY has performed all work, if any, related to the Site and required by this Agreement, and that CONCESSIONAIRE will hold CITY harmless for any defects, whether apparent or latent, in the Site, including without limitation the presence of any hazardous substances.
13. Maintenance of the Site. CONCESSIONAIRE will, at CONCESSIONAIRE's sole cost and expense and to CITY's satisfaction, maintain the Site in a decent, safe, healthy and sanitary condition at all times during the Term.
14. Standard of Conduct. CONCESSIONAIRE and its employees will at all times conduct themselves and the operations on the Site in a respectable and courteous manner.
15. Inspection. CITY may, at all times, enter and inspect the Site and Storefront shop with or without advance notice. These inspections, reviews, and site visits may be for any or all aspects related to the Agreement, including but not limited to ensuring that each CONCESSIONAIRE: (a) obtains and maintains certificates and qualifications of tour guides; (b) adequately addresses all safety concerns; (c) adheres to the Tour Schedules; and (d) properly maintains all required records pertaining to clients. Violation of any aspect of the Agreement may result in suspension or revocation of the Agreement. With regard to safety, the CITY or any other officer with authority to enforce local, state, or federal law, has the

right to immediately terminate any tour or individual kayak rental if there is a violation of safety requirements.

16. Insurance. CONCESSIONAIRE will obtain and maintain throughout the Term of this Agreement, at its sole cost and expense, all insurance required by this Agreement. CONCESSIONAIRE's liabilities under this Agreement, including without limitation CONCESSIONAIRE's indemnity obligations, will not be deemed limited in any way to the insurance coverage required herein. CONCESSIONAIRE's maintenance of the required insurance coverage is a material consideration for this Agreement. Notwithstanding any provision of this Agreement to the contrary, if CONCESSIONAIRE fails to maintain or renew the insurance coverage required herein, or fails to deliver evidence of same to CITY, CONCESSIONAIRE will be in default of this Agreement. CONCESSIONAIRE will not modify any policy or endorsement thereto which increases CITY's exposure to loss. CONCESSIONAIRE will obtain and deliver to CITY's Real Estate Assets Department a current certificate of insurance and relevant endorsements for the following insurance, which will be subject to CITY's written approval thereof:
- A. Commercial General Liability Insurance ("CGL") written on an *ISO Occurrence form CG 00 01 07 98* or an equivalent form providing coverage at least as broad which will cover liability arising from any and all personal injury, including death, and property damage with limits of at least Two Million Dollars (\$2,000,000) per occurrence, subject to an annual aggregate of at least Four Million Dollars (\$4,000,000). There will be no endorsement or modification of the CGL limiting the scope of coverage for either insured vs. insured claims or contractual liability. All defense costs will be outside the limits of the policy.
 - B. Commercial Automobile Liability Insurance, providing coverage for all bodily injury, including death, and property damage on an *ISO form CA 00 01 12 90* or a later version of such form or an equivalent form providing coverage at least as broad for a combined single limit of at least One Million Dollars (\$1,000,000) per occurrence. Such insurance will cover liability arising out of any vehicle (including owned, hired, and non-owned vehicles) operated in performing any and all work pursuant to this Agreement.
 - C. Workers' Compensation Insurance, as required by applicable laws, for all of CONCESSIONAIRE's employees who are subject to this Agreement, with employers' liability coverage with a limit of at least One Million Dollars (\$1,000,000), and an endorsement that the insurer waives the right of subrogation against The City of San Diego and its elected officials, officers, employees, representatives and agents.
 - D. Marine General Liability (MGL) With limits of no less than \$2 million per occurrence and \$4 million aggregate.
 - E. Causes of Loss-Special Form Property Insurance. CONCESSIONAIRE shall obtain and maintain, all its own cause and expense, Causes of Loss-Special Form Property

Insurance on all of CONCESSIONAIRE's insurable property related to the Site in an amount to recover one hundred percent (100%) of the replacement cost. CONCESSIONAIRE shall deliver to CITY a certificate of such insurance.

- F. Additional Insureds. To the fullest extent allowed by law, including without limitation California Insurance Code section 11580.04, each policy must be endorsed to include as insureds "The City of San Diego and its elected officials, officers, employees, representatives and agents" with respect to liability arising out of: (a) ongoing operations performed by CONCESSIONAIRE or on CONCESSIONAIRE's behalf; (b) CONCESSIONAIRE's products; (c) CONCESSIONAIRE's work, including without limitation CONCESSIONAIRE's completed operations performed by CONCESSIONAIRE or on CONCESSIONAIRE's behalf; or (d) the Site.
- G. Primary & Non-Contributory. Each policy must be endorsed to provide that the insurance afforded by CONCESSIONAIRE's policies is primary to any insurance or self-insurance of The City of San Diego and its elected officials, officers, employees, representatives, and agents as respects operations of the named insured. Any insurance maintained by The City of San Diego and its elected officials, officers, employees, representatives, and agents will be in excess of CONCESSIONAIRE's insurance and will not contribute to it.
- H. Severability of Interest. Each policy must be endorsed to provide that CONCESSIONAIRE's insurance will apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability and will provide cross-liability coverage.
- I. Qualified Insurer(s). Except for the State Compensation Insurance Fund, all insurance required by this Agreement will only be carried by insurance companies with a rating of at least "A-, VI" by A.M. Best Company that are authorized by the California Insurance Commissioner to do business in the State of California, and that have been approved by CITY. CITY may accept insurance provided by non-admitted, "surplus lines" carriers only if the carrier is authorized to do business in the State of California and is included on the List of Eligible Surplus Lines Insurers (i.e., the LESLI list). All policies of insurance carried by non-admitted carriers will be subject to all of the requirements for policies of insurance provided by admitted carriers described herein. Each insurer will be subject to CITY's approval in each instance.
- J. Deductibles/Retentions. All deductibles and self-insured retentions on any insurance policy are the sole responsibility of CONCESSIONAIRE and must be disclosed and acceptable to CITY at the time evidence of insurance is provided.
- K. Continuity of Coverage. All policies will be in effect on or before the first day of the Term, except "course of construction fire insurance" will be in force on commencement of all authorized construction, and full applicable fire insurance coverage will be effective upon completion of each insurable improvement. The policies will be kept in

force for the duration of the Term. At least thirty (30) days prior to the expiration of each insurance policy, CONCESSIONAIRE will furnish a certificate(s) showing that a new or extended policy has been obtained which meets the requirements of this Agreement. CONCESSIONAIRE will provide proof of continuing insurance at least annually during the Term and otherwise upon CITY's request. If insurance lapses or is discontinued for any reason, CONCESSIONAIRE will immediately notify CITY and will immediately obtain replacement insurance as soon as possible.

- L. Modification. To assure protection from and against the kind and extent of risk existing with the Allowed Uses, CITY, at its reasonable discretion, may require the revision of amounts and coverage at any time by giving CONCESSIONAIRE thirty (30) days prior written notice. CONCESSIONAIRE will also obtain any additional insurance required by CITY for new improvements, changed circumstances, or CITY's reasonable re-evaluation of risk levels related to the Allowed Uses.
 - M. Accident Reports. CONCESSIONAIRE will immediately report to CITY any accident causing property damage or injury to persons on the Site or otherwise related to the Allowed Uses. Such report will contain the names and addresses of the involved parties, a statement of the circumstances, the date and hour of the accident, the names and addresses of any witnesses, photographs or video, if any, and other pertinent information.
17. Indemnification. CONCESSIONAIRE will defend, indemnify, and hold CITY and its elected officials, officers, employees, representatives, and agents harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property, including injury to CONCESSIONAIRE's officers, employees, invitees, guests, agents, or contractors, which arise out of or are in any manner directly or indirectly connected with this Agreement or CONCESSIONAIRE's occupancy, use, development, maintenance, restoration, or improvement of the Sites, and all expenses of investigating and defending against same, including without limitation attorneys' fees and costs; provided, however, that CONCESSIONAIRE's duty to indemnify and hold CITY harmless will not include any established liability arising from the sole negligence or willful misconduct of CITY and its elected officials, officers, employees, representatives, and agents. CITY may, at its own discretion, conduct the defense, or participate in the defense, of any claim related in any way to this indemnification. If CITY elects to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, CONCESSIONAIRE will pay the CITY for all costs related thereto, including, without limitation, reasonable attorneys' fees and costs.
18. Nondiscrimination. This Agreement is made and accepted upon and subject to the covenant and condition, which will run with the land, that CONCESSIONAIRE or any person claiming under or through CONCESSIONAIRE will not establish or allow any discrimination against or segregation of any person or group of persons on account of race, color, religion, gender, gender identity, gender expression, disability, sexual orientation, marital status, national origin, ancestry, familial status or source of income in the

possession, use, or occupancy of the Sites or in the selection, location, number, use or occupancy of tenants, subtenants, or vendees in the Sites.

19. Local Business and Employment. CONCESSIONAIRE acknowledges that CITY seeks to promote employment and business opportunities for local residents and firms in all CITY contracts. CONCESSIONAIRE will, to the extent legally possible, solicit applications for employment, and bids and proposals for subcontracts, for work associated with this Agreement from local residents and firms as opportunities occur. CONCESSIONAIRE agrees to hire qualified local residents and firms whenever feasible.
20. Drug-free Workplace. CONCESSIONAIRE will be required to abide by the omnibus drug legislation passed by Congress on November 18, 1988, by adopting and enforcing a policy to maintain a drug-free workplace by doing all of the following:
 - A. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances are prohibited on the Site and specifying the actions that will be taken against employees for violations of the prohibition; and
 - B. Establish a drug-free awareness program to inform employees about all of the following:
 - i. The dangers of drug abuse in the workplace;
 - ii. CONCESSIONAIRE's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. Penalties that may be imposed upon employees for drug abuse violations.
21. Accessibility Compliance. CONCESSIONAIRE will, as applicable to the Sites and CONCESSIONAIRE's possession, use, and occupancy of the Sites, comply with all accessibility requirements under California Government Code sections 11135-11139.5; Title 24 of the California Code of Regulations; the Federal Rehabilitation Act of 1973, Section 504, Title V; the Americans with Disabilities Act of 1990 (ADA); and all other applicable state and federal laws, rules, and regulations of competent governmental authority protecting the rights of individuals with disabilities. When a conflict exists between any federal or state accessibility requirements, CONCESSIONAIRE will follow the most restrictive accessibility requirement (i.e., that which provides the most access). CONCESSIONAIRE's compliance will include without limitation the following:
 - A. CONCESSIONAIRE will not discriminate against qualified individuals with disabilities in any aspects of employment, including recruitment, hiring, promotions, conditions and privileges of employment, training, compensation, benefits, discipline,

layoffs, and termination of employment;

- B. No qualified individual with a disability may be excluded on the basis of disability from participation in, or be denied the benefits of, services, programs, or activities of CONCESSIONAIRE;
 - C. CONCESSIONAIRE will post a statement addressing the requirements of the ADA in a prominent place at the work site;
 - D. Where required by law, all improvements, fixtures, structures, or installations on the Sites will comply with municipal, state, and federal accessibility requirements by bringing up to code and making accessible any areas of the Sites which deny access to individuals with disabilities. All improvements and alterations will be at CONCESSIONAIRE's sole expense.
 - E. CONCESSIONAIRE's failure to comply with the accessibility requirements of this section or submitting false information in response to these accessibility requirements, or both, will be a default of this Agreement.
22. CONCESSIONAIRE's Risk. CONCESSIONAIRE will bear all risks and liability arising out of or in any manner directly or indirectly connected with CONCESSIONAIRE'S occupancy, use, development, and maintenance of the Site and any damages to the improvements on, under, or in the vicinity of the Site resulting directly or indirectly thereby.
23. Nuisance and Noise Disturbances. CONCESSIONAIRE will not use the Site in any manner which, in CITY's opinion, creates a nuisance or disturbs the quiet enjoyment of persons in and to the surrounding area or that violates the CITY's Noise Abatement and Control Ordinance (Chapter 5, Article 9.5 of the San Diego Municipal Code, as amended from time to time).
24. No Assignment. CONCESSIONAIRE will not assign any rights granted by this Agreement or any interest herein without CITY's prior written consent. Approval of any such proposed assignment may be withheld in CITY's sole and absolute discretion. Any assignment by operation of law shall automatically terminate this Agreement.
25. Signs. CONCESSIONAIRE will display the Concession sign displaying this is a CITY-approved Concession at all times while operating the Concessions. CITY will provide a sign during the first Agreement Year. If such sign is lost or stolen, CONCESSIONAIRE must obtain a duplicate sign and its sole expense. CONCESSIONAIRE will not erect or display any banners, pennants, flags, posters, signs, decorations, marquees, awnings or similar devices, or advertising without CITY's prior written consent. If any such unauthorized item is found on the Sites, CONCESSIONAIRE will remove the item at its expense within 24 hours from receiving notice by CITY, or CITY may thereafter remove the item at CONCESSIONAIRE's cost.

26. Charter Section 225. Pursuant to San Diego City Charter Section 225, CONCESSIONAIRE and assignees will make a full and complete disclosure of the name and identity of any and all persons directly or indirectly involved in this Agreement and the precise nature of all interests of all persons therein. CONCESSIONAIRE's failure to fully disclose all of the information required by Charter Section 225 or CONCESSIONAIRE's failure to require each of its assignees to fully disclose such information will be a default of this Agreement. Pursuant to City Charter Section 225, every person or entity that will have an interest in this Agreement as an assignee must be reviewed and approved by City.
27. Advertisement and Marketing. Any advertising or marketing which reference the City of San Diego may not be distributed by the CONCESSIONAIRE without the advanced written approval of the CITY. If CONCESSIONAIRE uses the City of San Diego in any context to promote its business operations without prior written approval by CITY, CONCESSIONAIRE shall be considered to be in default. No advertising or marketing materials of any kind may be posted or distributed on any City beach without the advanced written approval of the CITY.
28. Encumbrances. CONCESSIONAIRE will keep the Site free from all encumbrances and liens of any nature which arise out of or are in any manner directly or indirectly connected with this Agreement or CONCESSIONAIRE's occupancy, use, development, or maintenance of the Site. CONCESSIONAIRE will protect, defend, indemnify, and hold CITY harmless from and against any and all such encumbrances and/or liens, and from and against any claim, liability, cost or expense, including without limitation all attorney fees and costs, relating to or charged against the Site, including without limitation CONCESSIONAIRE's failure or the failure of any contractor or subcontractor hired by CONCESSIONAIRE to pay any person or persons referred to in Section 3181 of the California Civil Code or other applicable sections thereof.
29. Defaults and Remedies.
- A. Default by CONCESSIONAIRE. Except for Safety Violations (as defined under subsection B below) which are grounds for immediate termination, in the event that:
- i. CONCESSIONAIRE defaults in the performance or fulfillment of any covenant or condition required by this Agreement to be performed or fulfilled by CONCESSIONAIRE, including any covenant or condition in CONCESSIONAIRE's Operating Plan and fails to cure the default within thirty (30) days following written notice from CITY; or if any default is not curable within thirty (30) days, and CONCESSIONAIRE fails to commence to cure the default(s) within said thirty (30) day period and diligently pursue cure to completion;
 - ii. CONCESSIONAIRE voluntarily files or have involuntarily filed against it any petition under bankruptcy or insolvency act or law; or

iii. CONCESSIONAIRE makes a general assignment for the benefit of creditors;

then CITY may, at its option, without further notice or demand upon CONCESSIONAIRE or upon any person claiming rights through CONCESSIONAIRE, immediately terminate or suspend this Agreement and all rights of CONCESSIONAIRE and of all persons claiming rights through CONCESSIONAIRE to the Concession Site or to possession thereof, and CITY may then enter and take possession of the Site and expel CONCESSIONAIRE and all persons so claiming rights thereto. Provided; however, in the event that any default described in Part (A)(i.) of this section is not curable within thirty (30) days after written notice to CONCESSIONAIRE, CITY will not terminate this Agreement pursuant to the default if CONCESSIONAIRE immediately commences to cure the default and diligently pursues cure to completion. In any event, either party may terminate this Agreement without cause by giving ninety (90) days written notice of intent to terminate to the other party.

- B. Safety Violations by CONCESSIONAIRE. Notwithstanding subsection A above, in the event CONCESSIONAIRE defaults in the performance or fulfillment of any covenant or condition required by this Agreement to be performed or fulfilled by CONCESSIONAIRE, including any covenant or condition in CONCESSIONAIRE's Operating Plan, and said default by CONCESSIONAIRE consists of any violation of municipal, state, or federal law, or any covenants or conditions in CONCESSIONAIRE's Operating Plan or Exhibit C: Kayak Concession Requirements that, in the CITY's sole discretion, relate to public safety ["Safety Violations"], CITY may, at its option, require CONCESSIONAIRE to immediately cure said default, or, without further notice or demand upon CONCESSIONAIRE or upon any person claiming rights through CONCESSIONAIRE, suspend or terminate this Agreement.
- C. Abandonment by CONCESSIONAIRE. In the case that CONCESSIONAIRE breaches this Agreement and abandons the Site, this Agreement will continue in full force and effect for so long as CITY does not terminate this Agreement, and CITY may enforce all its rights and remedies under this Agreement, including, but not limited to, the right to recover the concession fee as it becomes due, plus damages. CITY may also redistribute CONCESSIONAIRE's vacant launch times among the remaining concessionaires. For purposes of this section, the following do not constitute a termination of CONCESSIONAIRE's right to possession or operation:
- i. Acts by CITY of maintenance, preservation, or efforts to negotiate a new Agreement.
 - ii. The appointment of a receiver upon initiative of CITY to protect CITY's interest under this Agreement.

30. Damages. CITY, in the event of CONCESSIONAIRE's default under this Agreement, may recover the outstanding annual Minimum Fees due for the remaining term of the Agreement, less any mitigation measures taken by CITY. The remedies provided by this section are not exclusive and shall be cumulative to all other rights and remedies possessed by CITY, and nothing contained herein shall be construed so as to defeat any other rights or remedies possessed by CITY, and nothing contained herein shall be construed so as to defeat any other rights or remedies to which CITY may be entitled.
31. Compliance with Laws. CONCESSIONAIRE will, at its sole cost and expense, comply with all the requirements of all rules, regulations, ordinances, laws and direction of governing authorities now in effect or which may hereafter be in effect, which pertain to CONCESSIONAIRE's occupancy, use, development, and maintenance of the Site.
32. Taxes. CONCESSIONAIRE will pay, before delinquency, all taxes, assessments, and fees assessed or levied upon CONCESSIONAIRE by reason of the business or other CONCESSIONAIRE activities related to the Site, including any licenses or permits. CONCESSIONAIRE acknowledges that this Agreement may create a possessory interest subject to property taxation, and that CONCESSIONAIRE may be subject to the payment of taxes levied on that interest. CONCESSIONAIRE will be fully and solely responsible for payment of all such possessory interest taxes. CONCESSIONAIRE's payment for taxes, fees, and assessments shall not reduce any payment due CITY under this Agreement.
33. Equal Opportunity. CONCESSIONAIRE will comply with Title VII of the Civil Rights Act of 1964, as amended; Executive Orders 11246, 11375 and 12086; the California Fair Employment Practices Act; and all other related and applicable federal and state laws and regulations. CONCESSIONAIRE will not discriminate against any employee or applicant for employment based on race, religion, color, ancestry, age, gender, sexual orientation, disability, medical condition or place of birth. CONCESSIONAIRE will cause the foregoing provisions to be inserted in all of CONCESSIONAIRE's contracts for work related to this Agreement so that such provisions will be binding upon each of CONCESSIONAIRE's contractors. CONCESSIONAIRE will fully cooperate with any investigation conducted by CITY pursuant to CITY's Nondiscrimination in Contracting Ordinance (i.e., San Diego Municipal Code sections 22.3501-22.3517, as amended from time to time), and upon CITY's request CONCESSIONAIRE will submit a current Workforce Report. CONCESSIONAIRE acknowledges that failure to comply with the requirements of this section and/or submitting false information in response to these requirements may result in termination of this Agreement and debarment from participating in CITY contracts for a period of not less than one (1) year.
34. Equal Benefits. CONCESSIONAIRE will comply with San Diego Municipal Code sections 22.4301-22.4308, as may be amended from time to time, which require concessionaires on CITY-owned property to offer the same employment benefits to employees with spouses and employees with registered domestic partners. By signing this Agreement, CONCESSIONAIRE certifies that it will maintain such equal benefits throughout the term of this Agreement. CONCESSIONAIRE's failure to maintain equal benefits will be a default

of this Agreement.

35. Equal Pay Ordinance. Unless an exception applies, CONCESSIONAIRE will comply with the Equal Pay Ordinance codified in San Diego Municipal Code sections 22.4801 through 22.4809. By signing this Agreement, CONCESSIONAIRE certifies that it will comply with the requirements of the Equal Pay Ordinance throughout the Term.

A. Notice Requirement. CONCESSIONAIRE must post a notice informing its employees of their rights under the Equal Pay Ordinance in their workplace or job site.

36. CITY Employee Participation Policy. CITY may unilaterally and immediately terminate this Agreement if CONCESSIONAIRE employs an individual who, within the twelve (12) months immediately preceding such employment did, in their capacity as a CITY officer or employee, participate in negotiations with or otherwise have an influence on a recommendation made to the San Diego City Council related to the selection of CONCESSIONAIRE for this Agreement. It is not the intent of this policy that these provisions apply to members of the City Council.

37. Water Quality Assurances. The CITY and CONCESSIONAIRE are committed to the implementation of control (best management practices, or BMPs) to manage activities on the Premises in a manner which aids in the protection of the City of San Diego's precious water resources. It is the CONCESSIONAIRE's responsibility to identify and implement an effective combination of BMPs so as not to cause pollutant discharges to the storm drain system in violation of Section 43.03, Stormwater Ordinance.

Therefore, CONCESSIONAIRE will, at a minimum, implement and comply as applicable with the BMPs for industrial and commercial facilities adopted under the San Diego Municipal Code Section 43.0307 (a).

It is ultimately CONCESSIONAIRE's responsibility to prevent pollutant discharges to the storm drain system. Therefore, CONCESSIONAIRE shall identify and implement any additional BMPs that may be required to avoid the discharge of pollutants to the storm drain system.

38. Hazardous Substances. CONCESSIONAIRE will not allow the illegal installation, storage, utilization, generation, sale or release of a Hazardous Substance or otherwise regulated substance in, on, under or from the Sites. CONCESSIONAIRE and CONCESSIONAIRE's agents and contractors will not install, store, utilize, generate or sell any Hazardous Substance on the Sites without CITY's prior written consent. CONCESSIONAIRE will, prior to initiating any operations, obtain all required permits from applicable regulatory agencies, including without limitation the San Diego County Department of Environmental Health, local fire agencies, the San Diego County Department of Weights and Measures, the San Diego County Air Pollution Control District, and the San Diego Regional Water Quality Control Board. Installing, utilizing, storing, or any other presence of a Hazardous Substance includes boxes, bags, bottles, drums, cylinders, above or below ground tanks, equipment with

tanks, or any other type of container, equipment, or device which holds or incorporates a Hazardous Substance or hazardous waste.

- A. Release. A “release” will include without limitation any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or otherwise disposing of a hazardous substance.
- B. Hazardous Substance. “Hazardous Substance” will mean any substance listed by the Environmental Protection Agency or the State of California as a hazardous substance, and all types of petroleum-related substances and their chemical constituents.
- C. Remediation. If CONCESSIONAIRE’s occupancy, use, development, maintenance or restoration of the Sites results in a release of a Hazardous Substance, CONCESSIONAIRE will pay all costs of remediation and removal to the CITY’s satisfaction for unrestricted reuse of the Sites, and in accordance with all applicable laws, rules and regulations of governmental authorities.
- D. Removal. If CONCESSIONAIRE or CONCESSIONAIRE’s contractor or agent has received approval and permits to store, utilize, generate, or install, or otherwise bring Hazardous Substances or hazardous wastes to the Sites, CONCESSIONAIRE and/or CONCESSIONAIRE’s contractor or agent will remove all Hazardous Substances and hazardous wastes in any type of container, equipment, or device from the Sites immediately upon or prior to the expiration or earlier termination of this Agreement. Upon CITY’s request, CONCESSIONAIRE will deliver to CITY true copies of documentation demonstrating the legal removal and/or disposal of the Hazardous Substances and/or hazardous wastes, containers, equipment, or devices from the Sites. CONCESSIONAIRE will be responsible for any and all costs incurred by CITY to remove any container, equipment, or device requiring disposal or removal as required by this provision.
- E. Indemnity. CONCESSIONAIRE will protect, defend, indemnify, and hold CITY harmless from any and all claims, costs, and expenses related to environmental liabilities resulting from CONCESSIONAIRE’s occupancy, use, development, maintenance, or restoration of the Sites, including without limitation: (i) costs of environmental assessments; (ii) costs of regulatory remediation oversight; (iii) costs of remediation and removal; (iv) any necessary CITY response costs; (v) all fines, penalties or fees assessed by any regulatory agency; (vi) damages for injury to natural resources, CONCESSIONAIRE’s officers, employees, invitees, guests, agents, or contractors, or the public; and (vii) all costs of any health assessments or health effect studies.
- F. Notice of Release. If CONCESSIONAIRE knows or has reasonable cause to believe that a Hazardous Substance or petroleum related substance or its chemical constituents has been released on, from or beneath the Sites, CONCESSIONAIRE will immediately notify CITY and any appropriate regulatory or reporting agency in compliance with

California Code of Regulations Title 19 and all other applicable laws or regulations. CONCESSIONAIRE will deliver a written report thereof to CITY within three (3) days after receipt of the knowledge or cause for belief and submit any required written reports to regulatory or reporting agencies as required by regulation or law. If CONCESSIONAIRE knows or has reasonable cause to believe that such substance is an imminent release or is an imminent substantial danger to public health and safety, CONCESSIONAIRE will take all actions necessary to alleviate the danger. CONCESSIONAIRE will immediately notify CITY in writing of any violation, notice to comply, or notice of violation received or the initiation of environmental actions or private suits related to the Sites.

- G. Environmental Assessment. Upon reasonable cause to believe that CONCESSIONAIRE's occupancy, use, development, maintenance, or restoration of the Sites ("CONCESSIONAIRE's Operations"), resulted in any Hazardous Substance being released on, from, or beneath the Sites, CITY may cause an environmental assessment under regulatory oversight of the suspect area to be performed by a professional environmental consultant registered with the State of California as a Professional Engineer, Certified Engineering Geologist, or Registered Civil Engineer. The environmental assessment will be obtained at CONCESSIONAIRE's sole cost and expense, and will establish what, if any, Hazardous Substances have more likely than not been caused by CONCESSIONAIRE's Operations on, in, from, or under the Sites, and in what quantities. If any such Hazardous Substances exist in quantities greater than allowed by city, county, state, or federal laws, statutes, ordinances, or regulations, or require future restricted re-use of the Sites, then the environmental assessment will include a discussion of such substances with recommendations for remediation and removal necessary to effect unrestricted re-use and in compliance with those laws or statutes, and estimates of the cost of such remediation or removal. CONCESSIONAIRE will cause, or if CONCESSIONAIRE fails to do so within a reasonable period of time, as determined by CITY in its sole discretion, CITY may cause the remediation and/or removal recommended in the environmental assessment such that unrestricted re-use of the Sites and compliance with environmental law and regulations are achieved, and CONCESSIONAIRE will pay all costs and expenses therefor.
39. Storm Water Pollution Prevention Program. CONCESSIONAIRE will comply with the CITY's Storm Water Management and Discharge Control provisions codified in Division 3 of Chapter 4 of the San Diego Municipal Code, as may be amended, and any and all applicable Minimum Best Management Practice requirements, as defined in the City's Jurisdictional Runoff Management Plan, in performing or delivering services at City owned, leased, or managed property, or in performance of services and activities on behalf of CITY regardless of location.
- A. CONCESSIONAIRE will comply with the CITY's Jurisdictional Runoff Management Plan encompassing Citywide programs and activities designed to prevent and reduce storm water pollution within CITY boundaries as adopted by the CITY's City Council

on July 1, 2015, via Resolution No. 309791, as may be amended.

- B. CONCESSIONAIRE will comply with each CITY facility or work site's Storm Water Pollution Prevention Plan, as applicable, and institute all controls needed while completing the services to minimize any negative impact to the storm water collection system and environment.
40. Waiver. The property constituting the Site is publicly owned and held in trust for the benefit of CITY's citizens. CITY's failure to insist upon the strict performance of any of CONCESSIONAIRE's obligations under this Agreement, in one or more instances, will not be construed as a waiver of any such obligation, and the same will remain in full force and effect. CITY's waiver of a default will not be a waiver of any other default. Any waiver of a default must be in a writing executed by CITY to constitute a valid and binding waiver. CITY's delay or failure to exercise a right or seek a remedy will not be deemed a waiver of that or any other right or remedy under this Agreement, at law, or in equity. The exercise of any particular right or the use of any particular remedy for any default will not waive the use of any other right or remedy for the same default or for another or later default. CITY's acceptance of any rents will not be a waiver of any default preceding the rent payment. CITY's failure to discover a default or take prompt action to require the cure of any default will not result in an equitable estoppel, but CITY may at any and all times require the cure of the default.
41. Survival. Any obligation which accrues under this Agreement prior to its expiration or termination shall survive such expiration or termination.
42. Joint and Several Liability and Responsibility. If CONCESSIONAIRE includes more than one person or legal entity, each such person and legal entity shall be jointly and severally liable and responsible for the performance of each and every obligation of CONCESSIONAIRE under this Agreement.
43. Partial Invalidity. If any term, covenant, condition, or provision of this Agreement is found invalid, void, or unenforceable by a court of competent jurisdiction, the remaining provisions will remain in full force and effect.
44. Number and Gender. Words of any gender used in this Agreement shall include any other gender, and words in the singular number shall include the plural, when the tense requires.
45. Captions. Section headings and captions shall not be held to define, limit, augment, or describe the scope, content, or intent of any or all parts of this Agreement. The numbers of the paragraphs and pages of this Agreement may not be consecutive. Such lack of consecutive numbers shall have no effect on the enforceability of this Agreement.
46. Entire Agreement. This Agreement, along with all attachments and incorporated documents, constitutes the entire Agreement between the parties and supersedes any and all prior understandings, representations, warranties, and agreements between them and pertaining to

this Agreement and CONCESSIONAIRE's occupancy, use, development, and maintenance of the Site. Any modification, alteration, or amendment of this Agreement shall be in writing and signed by all the parties hereto.

47. Notices. Any notice required or permitted to be given under this Agreement shall be in writing and may be served personally or delivered by United States mail, postage prepaid, and addressed to CITY or CONCESSIONAIRE, respectively, as follows:

The CITY OF SAN DIEGO
Real Estate Assets Department
Attention: Director, Real Estate Assets Department
1200 Third Avenue, Ste 1700 MS 51A
San Diego, CA 92101

CONCESSIONAIRE:
San Diego Bike and Kayak Tours, Inc.
Attention: Marcella DeMichieli
2158 Avenida de La Playa
La Jolla, CA 92037

48. Governmental Approvals. By entering into this Agreement, neither CITY nor CITY's City Council is obligating itself to any governmental agent, board, commission, or agency with regard to any other discretionary action relating to CONCESSIONAIRE's occupancy, use, development, or maintenance of the Site. Discretionary action includes but is not limited to re-zonings, variances, environmental clearances, or any other governmental approvals which may be required for CONCESSIONAIRE's occupancy, use, development, or maintenance of the Site.
49. City's Not-Liability. CITY will not be liable to CONCESSIONAIRE, its employees, agents, representatives, invitees, or guests for any loss of revenue, business, or otherwise as a result of any weather conditions, beach closures, surf alerts, floods, fire, or any other acts of God, strikes, lockouts, labor disputes, unusual governmental delays, epidemics, freight embargoes, causes beyond the reasonable control of CITY, or in the CITY's performance of any act related to protecting the public health and safety.
50. San Diego's Strong Mayor Form of Governance. All references to "CITY" in this Agreement will be deemed to refer to "the Mayor or his/her designee." This section will remain in effect for the duration CITY operates under the mayor-council (commonly referred to as "strong mayor") form of governance pursuant to Article XV of the San Diego City Charter.
51. Authority to Contract. Each individual executing this Agreement on behalf of another person or legal entity represents and warrants that he/she is authorized to execute and deliver this Agreement on behalf of such person or entity in accordance with duly adopted resolutions or other authorizing actions which are necessary and proper and under such legal entity's articles, charter, bylaws, or other written rules of conduct or governing

Agreement, and that this Agreement is binding upon such person or entity in accordance with its terms. Each person executing this Agreement on behalf of another person or legal entity shall provide CITY with evidence, satisfactory to CITY, that such authority is valid.

52. Accessibility Assessment. In accordance with California Civil Code section 1938, City hereby states that the Site has not been inspected by a Certified Access Specialist (CASp). Further, pursuant to California Civil Code section 1938(e), CITY is required to state: A Certified Access Specialist (CASp) can inspect the subject premises and determine whether the subject premises comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp inspection of the subject premises, the commercial property owner or lessor may not prohibit the lessee or tenant from obtaining a CASp inspection of the subject premises for the occupancy or potential occupancy of the lessee or tenant, if requested by the lessee or tenant. The parties shall mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the premises.
53. Single Use Plastic Reduction Ordinance. Unless an exception applies, CONCESSIONAIRE will comply with the Single Use Plastic Reduction Ordinance codified in San Diego Municipal Code sections 66.0901 through 66.0907. By signing this Agreement, CONCESSIONAIRE certifies that it will comply with the requirements of the Single Use Plastic Reduction Ordinance throughout the Term.
54. No Affiliation. Nothing contained in this Permit shall be deemed or construed to create a partnership, joint venture, or other affiliation between CITY and PERMITTEE or between CITY and any other entity or party, or cause CITY to be responsible in any way for the debts or obligations of PERMITTEE or any other party or entity.
55. Counterparts. This Permit may be executed in one or more counterparts, each of which shall be deemed to constitute an original, but all of which, when taken together, shall constitute one and the same instrument.
56. Exhibits. All exhibits referenced in this Agreement are incorporated into this Agreement by this reference. In the event of a conflict between this Agreement and any exhibit to this Agreement, the terms, conditions, and obligations of this Agreement shall control.
57. California Public Records Act. CITY shall determine, in its sole discretion, whether this Permit or information provided to CITY by PERMITTEE pursuant to this Permit is or is not a public record subject to disclosure under the California Public Records Act ("CPRA"). PERMITTEE shall hold CITY, its elected officials, officers, employees, agents, and representatives harmless for CITY's disclosure of any such information in response to a request for information under the CPRA.
 - A. CITY shall not be liable or obligated for any burden or loss (financial or otherwise) incurred by PERMITTEE as a result of CITY's disclosure or non-disclosure of this Permit or PERMITTEE information requested pursuant to the CPRA. PERMITTEE

EXPRESSLY WAIVES ANY CLAIM AGAINST CITY AND ITS ELECTED OFFICIALS, OFFICERS, EMPLOYEES, REPRESENTATIVES, AND AGENTS FOR ANY BURDEN, EXPENSE OR LOSS WHICH PERMITTEE INCURS AS A RESULT OF CITY'S DISCLOSURE OR NON-DISCLOSURE OF THIS PERMIT OR ANY PERMITTEE INFORMATION REQUESTED PURSUANT TO THE CPRA.

58. Payment Card Industry Data Security Standards (PCI DSS).

- A. PCI Compliance. CONCESSIONAIRE acknowledges and agrees that to the extent that credit card data is collected, processed, stored or transmitted, CONCESSIONAIRE must adhere to the Payment Card Industry Data Security Standards (PCI DSS) and must specifically comply with the CITY PCI requirements described herein.
- B. CONCESSIONAIRE Compliance with Payment Card Industry Security Standards Council Standards. CONCESSIONAIRE must maintain full compliance with all current and applicable Payment Card Industry Security Standards Council Standards (PCI SSC), for all Services performed under this Agreement or other contracts managed by CONCESSIONAIRE. CONCESSIONAIRE acknowledges and agrees that it will ensure that any subcontractors or other service providers that it uses to assist with performance of this Agreement will also maintain full compliance with all current and applicable PCI SSC standards.
- C. Attestation of PCI Compliance. CONCESSIONAIRE must, upon request of the CITY annually on the anniversary of the Effective Date, provide the CITY with a copy of the Level 1 Service Provider attestation of compliance which must be approved and signed by a qualified security assessor (QSA) company recognized by the PCI SSC. Any deficiencies noted in an annual assessment must be communicated to CITY, in writing, within thirty (30) days of the report, and include a remediation date in accordance with the PCI SSC's prioritized approach. Any deficiencies noted in an annual assessment must be remediated at CONCESSIONAIRE's sole cost and expense.
- D. CONCESSIONAIRE Remediation. CONCESSIONAIRE must remediate, in a timely manner and at CONCESSIONAIRE's sole cost and expense, any outstanding audit finding by CONCESSIONAIRE or CITY's QSA as it relates to CONCESSIONAIRE's provision of PCI related hardware or services in compliance with the most current PCI DSS and PCI SSC.
- E. Service Provider Responsibility Matrix. CONCESSIONAIRE must complete a Service Provider Responsibility Matrix (Matrix) in either the form provided by CITY, or in a format approved by CITY, and account for all management services that will be supplied to the CITY as they relate to cardholder data that is stored, processed, or transmitted on behalf of CITY. The Matrix shall be updated in regularly and in a timely manner to reflect any changes in the provision of such management services. Upon its completion, the Matrix is hereby incorporated into the Agreement and any updates or revisions to the Matrix will also be incorporated into this Agreement without need for

an amendment.

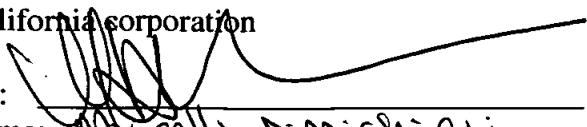
- F. CONCESSIONAIRE must reply immediately to the CITY, via email and phone call, any known device tampering or other breach, intrusion, or unauthorized access to cardholder data stored by or on behalf of CONCESSIONAIRE. For purposes of this subsection a, reporting to the CITY's Information Security Officer (CISO) and the Office of the City Treasurer will be deemed sufficient for notifying the CITY. CONCESSIONAIRE also agrees to assume responsibility for informing all affected individuals in accordance with applicable law.

Exhibit A: Site Map
Exhibit B1: Primary Kayak Tour Schedule
Exhibit B2: Secondary Kayak Tour Schedule
Exhibit C: Kayak Concession Requirements
Attachment A: Operating Plan

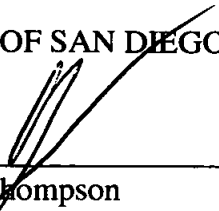
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IN WITNESS WHEREOF, this Agreement is executed to be effective as of the Effective Date.

SAN DIEGO BIKE AND KAYAK TOURS, INC., a
California corporation

By: 
Name: Marcello D. Michielli
Title: President/CEO

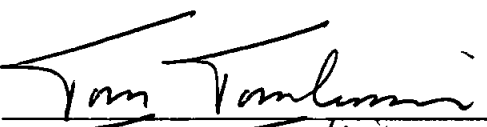
THE CITY OF SAN DIEGO, a California municipal
corporation

By: 
Cybele L. Thompson
Director, Real Estate Assets Department

Environmental Analysis Section Environmental Clearance:

This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities).

Date: 4/13/2020

BY: 
Name: Tom Tomlinson
Planning Department

Approved as to form this

24th Day of April, 2020

MARA W. ELLIOTT, City Attorney

BY: 
Name: Kathy J. Steinman
Title: Deputy City Attorney

EXHIBIT A
Site Map



EXHIBIT B-1
Primary Kayak Tour Schedule

	TIME SLOT	COMPANY		TIME SLOT	COMPANY
1	9:00		33	14:20	
2	9:00		34	14:20	
3	9:20		35	14:40	
4	9:20		36	14:40	
5	9:40		37	15:00	
6	9:40		38	15:00	
7	10:00		39	15:20	
8	10:00		40	15:20	
9	10:20		41	15:40	
10	10:20		42	15:40	
11	10:40		43	16:00	
12	10:40		44	16:00	
13	11:00		45	16:20	
14	11:00		46	16:20	
15	11:20		47	16:40	
16	11:20		48	16:40	
17	11:40		49	17:00	
18	11:40		50	17:00	
19	12:00		51	17:20	
20	12:00		52	17:20	
21	12:20		53	17:40	
22	12:20		54	17:40	
23	12:40				
24	12:40				
25	13:00				
26	13:00				
27	13:20				
28	13:20				
29	13:40				
30	13:40				
31	14:00				
32	14:00				

EXHIBIT B-2
Secondary Kayak Tour Schedule

	TIME SLOT	COMPANY
1	9:00	
2	9:20	
3	9:40	
4	10:00	
5	10:20	
6	10:40	
7	11:00	
8	11:20	
9	11:40	
10	12:00	
11	12:20	
12	12:40	
13	13:00	
14	13:20	
15	13:40	
16	14:00	
17	14:20	
18	14:40	
19	15:00	
20	15:20	
21	15:40	
22	16:00	
23	16:20	
24	16:40	
25	17:00	
26	17:20	
27	17:40	

EXHIBIT C
CITY OF SAN DIEGO
KAYAK CONCESSION REQUIREMENTS

The following requirements are subject to revision at any time by the CITY:

A commercial kayak operator issued a Concession by the CITY ("Concessionaire") must continually adhere to all terms and conditions included herein and all applicable laws, and must take all necessary safety precautions to ensure that the public and beach are protected at all times. All requirements are applicable year-round.

1. Ocean Conditions and Safety

Concessionaire must **check the surf report** maintained by the San Diego Fire-Rescue Lifeguards (619-221-8824) each day. Concessionaire must provide information to clients of daily conditions and/or hazards and the dangers inherent in kayaking in open exposed bodies of water and in close proximity to the La Jolla sea caves and its rocky shoreline. Possible hazards include small craft warnings, surf size, high winds, cold water, extreme heat, etc.

Concessionaire and its employees, agents, and/or affiliates must adhere to all directions provided by lifeguards, other representatives of the CITY, or any other officer with authority to enforce local, state, or federal law. In the case of disputes, supervisory personnel may be summoned, but the decision of lifeguards, City representatives, or other officers with proper authority regarding any particular matter on a given day is final and should be brought to the attention of the area lifeguard lieutenant as necessary at a later time.

Concessionaire will be aware of and adhere to the four stages of Hazard Alerts implemented by the CITY's Lifeguard Division which are as follows:

- Hazard Alert 0 – Conditions normal, permitted activity allowed.
- Hazard Alert 1 – Conditions warrant increased safety measures. Sea cave entry or boat launch restrictions may be applied independent of each other. Individual rentals may or may not be allowed. Determinations to be made by on-duty lifeguard supervisor.
- Hazard Alert 2 - Conditions warrant increased safety measures. Individual rentals are not allowed, guide to client ratios may be increased (one guide for every four kayak tour boats) and/or launching/retrieving staff may be increased independent of each other. Determinations to be made by on-duty lifeguard supervisor. Additionally, kayaks are not allowed into the La Jolla sea caves.
- Hazard Alert 3 – No commercial kayak operations allowed.

The on-duty lifeguard supervisor will determine if a Hazard Alert 1, 2 or 3 is needed, and Concessionaires shall be notified when a Hazard Alert is implemented. The decision by the lifeguard supervisor is non-negotiable and shall be adhered to immediately by the Concessionaire.

Lifeguards reserve the right to close the boat launch and/or terminate any kayak tours and/or rentals based on safety considerations.

2. Identifying Markers

Concessionaire, its employees, agents, and representatives must be readily identifiable as authorized employees and/or agents of the Concessionaire through the wearing of a company shirt or rash guard with a logo in plain view. Concessionaire's kayak tour guides must be clearly identifiable from clients through the use of such means.

All kayaks used in Concessionaire's commercial kayak operations shall be marked with the name or logo of the Concessionaire and an individual, non-duplicated number. The markings shall be plainly visible and legible from a distance of fifty (50) feet.

To ensure on-water accountability, Concessionaires shall comply with a flag identification system as defined by the CITY. The CITY reserves the right to amend the flag identification system at any time as it deems appropriate.

- Rental and guide kayaks on the water must have a flag attached to the stern of the vessel which designates its current use.
- The flag should be a minimum size of 8" x 11" and must be visible from shore.
- All individual rental kayaks shall have a blue flag.
- All tour guide kayaks shall have a red flag.

3. Concession Site/Location

All business transactions must be conducted fully within Concessionaire's storefront address. Concessionaire shall meet all kayak tour participants inside of the Concessionaire's store and conduct all orientation/training inside of its store or in the area designated by the CITY. Any violation of this provision by Concessionaire, its employees, and/or its agents will be considered a breach of Concessionaire's Concession Agreement and may constitute cause for its suspension or termination.

4. Boat Launch/Operator Vehicles

Concessionaire is fully responsible for ensuring that its vehicles and trailers used for the transport and delivery of kayaks and/or equipment, utilizing the boat launch comply with the following:

- Vehicles and trailers must possess current registration.
- Concessionaires must provide off-street overnight parking for vehicles and trailers.
- Vehicles must be "all-wheel drive," in that power is supplied to both axles and all wheels.

- Vehicles and trailers must be clearly marked with the Concessionaire's name by either permanent or magnetic signs, and plainly visible and legible from a distance of one hundred (100) feet.
- The boat launch area must be kept clear at all times. Kayaks must not be left in a position that obstructs free use of the launch area.
- Concessionaire, its agents, and/or employees must at all times obey all posted signs, curb markings and any direction given by the CITY.
- Except where exiting the beach, Concessionaires shall ensure sand from transport vehicles is not deposited on City streets or alleys.
- All concessionaire vehicles must come to a complete stop at the entrance to the boat launch and be directed onto the beach by an employee outside the vehicle who monitors the path for safety.

In addition to the foregoing, Concessionaire is responsible for ensuring that all vehicle operators possess a valid California Driver's License.

5. Concession Site - Regulations

All outfitting and rigging of kayaks as well as any training of clients will be conducted on dry land at a CITY designated site. The boat launch area must be kept clear at all times. Kayaks and equipment must not be left in a position that obstructs the free use of the boat launch area.

Space near the La Jolla Shores Boat Launch may be made available for Concessionaires. The number of kayaks allowed to be stored on the beach, owned or controlled by a Concessionaires, will be determined by the CITY. Kayak paddles must be stored in a neat and orderly manner by use of a rack or hammock, placed against the seawall within designated storage areas.

Concessionaire vehicles must adhere to a fifteen (15) minute drop off and pickup of kayaks and materials on the beach.

Concessionaire must adhere to all of the laws, rules, and guidelines for traffic at the boat launch and adjacent streets, including but not limited to speed, staging, parking, and traffic flow with extra care and concern given for the safety of the public.

6. Maximum number of tour participants/ Student to instructor ratios

Concessionaire is fully responsible for ensuring that kayak tours shall never exceed twelve (12) kayaks total consisting of ten (10) client kayaks and two (2) kayak guide kayaks, and must adhere to the following criteria:

- No more than one (1) tour allowed for each designated time slot.

- There shall be at least one (1) kayak guide for every five (5) client kayaks (5:1). In the event that a kayak tour exceeds five (5) client kayaks, an additional kayak guide will be required.
- The ratio of client individuals to kayak guides shall never exceed ten (10) client individuals to one (1) kayak guide (10:1), regardless of the number of kayaks.

7. Water Activity Zones and Areas of Special Interest

Concessionaire is fully responsible for ensuring that all kayak tours adhere to San Diego Municipal Code section 63.20.2 defining Water Activity Zones and buoy demarcated use areas at all times including, but not limited to, swim zones, no board surfing zones, boat launch zone and no boat zone.

All kayak rentals, whether for tours or for individuals, shall adhere to San Diego Municipal Code section 63.20.9 defining rules for boat beaching and launching.

Concessionaires will ensure extreme caution is taken when entering Sea Caves and that courtesy and professionalism is extended to others in the area. Access to the Sea Caves is a privilege that could be revoked by the City at its sole discretion.

Concessionaire shall advise individual kayak rentals to not venture near the rocks or the caves. Additionally, Concessionaire will advise individual kayak rentals to remain outside of the swim lane at La Jolla Cove.

Concessionaires will ensure that all kayak guides, kayak tours and individual kayak rentals are knowledgeable about and comply with restrictions set forth in the Marine Mammal Protection Act of 1972 ("MMPA"), which prohibits the harassment of many mammal species including seals, sea lions, dolphins, and whales. Violations of the MMPA include, but are not limited to, any act that torments, annoys, injures, disrupts, or disturbs marine mammals. This includes attempting to pursue, swim with, pet, touch, or elicit a reaction from the animals. Concessionaires will ensure responsible viewing of wildlife by employees and customers and follow the guidelines below set forth by the NOAA Fisheries Service.

- Observe wild dolphins, porpoises, and seals/sea lions from safe distances of at least 50 yards.
- Observe large whales from a safe distance of at least 100 yards.
- Limit overall viewing time to no more than 30 minutes.
- Avoid circling or entrapping marine mammals between watercraft or watercraft and shore.
- Avoid abrupt movements or loud noises around marine mammals.
- Avoid separating mother/calf pairs.

Any violation of San Diego Municipal Codes or any other laws, statutes, or codes applicable in the State of California by Concessionaires or individuals may result in the issuance of citations.

8. Equipment:

Concessionaire will ensure that at least one (1) kayak guide on each kayak tour must have a U.S. Coast Guard approved visual and auditory signaling device, a handheld VHF radio and/or cell phone, and that proper training is provided in their use.

Concessionaire will also ensure that all individuals, including clients and guides, participating in kayak tours of the La Jolla sea caves area shall possess and wear a properly fitting and secured helmet, appropriate for whitewater use.

Concessionaire will maintain all kayaks and operational equipment in proper working order and condition.

Concessionaire will not deposit any kayaks at the designated rental kayak storage area prior to 8:00 a.m. and all kayaks must be removed before dark.

Concessionaire must provide an employee to monitor the rental kayak storage area at all times when any kayaks or equipment are on the beach.

Concessionaire shall maintain the kayak storage area in a neat and orderly manner at all times and shall ensure that all rental kayaks and/or equipment shall be neatly stacked within the designated area so as not to impede any other activities within the boat launch area.

Storage areas will be assigned to Concessionaires by the CITY. The CITY has the right to adjust the location of the rental kayak storage sites, at any time, in its sole discretion based on safety or other considerations.

9. Waivers

Concessionaire must have on file a signed waiver from each individual renting a kayak and each individual participating in a kayak tour, or their legal guardian if under 18 years of age, which holds the CITY, its agents, officers, and employees harmless and indemnifies the same from any claims relating to the participants' activities on the CITY beach which arise from or are in any manner connected with the services provided to the participants under the Agreement.

10. Safety Precautions/Emergency Response Plan

Concessionaire must maintain a written record of each client's full name, local contact number, and kayak identification number to aid with locating the client in the event of an emergency.

Concessionaire shall provide each rental kayak client with a waterproof map of the adjacent water area, clearly depicting all Water Activity Zone Areas as set forth in San Diego Municipal Code section 63.20.2, known hazards, and off-limits areas.

Concessionaire is fully responsible for making each client aware of known hazards, off-limit areas, and Water Activity Zones, preferably by referencing the provided map, and that any violations may result in a citation and/or injury.

Concessionaire will provide a properly fitting U.S. Coast Guard approved Type III or Type V personal flotation device to each client.

If a client reports an injury to Concessionaire or Concessionaire is aware of an injury or accident that requires medical attention or services and the injury occurs during the performance of Concessionaire's services from launch to beaching, Concessionaire shall immediately inform the SD Fire-Rescue Lifeguards in writing of such injury.

Concessionaire will keep a file on record of all accident reports for three (3) years after each event.

11. Minimum Requirements for Guides

Concessionaire will ensure that all kayak guides are at least eighteen (18) years of age.

Concessionaire is fully responsible for ensuring that its kayak guides complete and maintain the minimum qualifications as outlined below:

- A valid Basic First-Aid certification from the American Red Cross or the equivalent.
- A valid CPR certification by either the American Red Cross as a Professional Rescuer or American Heart Association as a Healthcare Provider or the equivalent.
- Certificate of completion for the Lifeguard Division Kayak Guide Orientation Training Course.
- A certificate of completion of kayak guide training. Each Concessionaire will be required to provide annual training for its guides. An outline of training subjects and course content is required with the Concessionaire's Operating Plan and must at the minimum include the following:
 - Review of La Jolla coastal geography
 - Review of Kayak Concession Requirements (as set forth in Exhibit C)
 - Weather and surf conditions
 - Hazards: large surf, wind, location of local caves and cliffs
 - Emergency action plan
 - Flotation devices, emergency signaling devices
 - Instructing others on the topics of kayak paddling and maneuvering skills

- Local rules and laws pertaining to Water Activity Zones
 - Laws pertaining to the La Jolla Ecological Preserve
 - Signs and symptoms of hypothermia
 - Types of different local marine life
 - Review of general Lifeguard Operations
 - Proper use of marine band VHF radio and cell phone
 - Applicable federal and state laws and regulations for vessel operation
- Supervise and instruct clients and be fully capable of giving a suitable orientation talk to all clients while in kayaks on relevant subjects which may include, but are not limited to, overall safety, personal flotation devices, emergency signaling devices, and kayak paddling/maneuvering skills.
 - Possess a general knowledge of emergency access and evacuation routes, and how to summon and assist any emergency response personnel.

Concessionaire may request variations from the kayak guide qualifications set forth in this section. Any request for variation must be made in writing to the Fire-Rescue Department, Lifeguard Division and the request shall substantiate that the variation does not reduce the intent of the qualification set forth in this rule.

Documents relating to the requirements of this section shall be kept at the Concessionaire's storefront for inspection by the City representative.

Concessionaire understands and fully agrees that keeping patrons safe while engaged in kayak tours and kayak rentals shall be its highest priority. Should San Diego Fire-Rescue Lifeguards or other official City personnel find violations or a pattern of violations of any requirement of the Concession Agreement, then a "Violation of Concession Agreement/Safety Notice" will be issued by the Fire-Rescue Department Lifeguards Division.

12. Violations/Safety Notice

The CITY reserves the right to perform inspections and/or reviews with or without advance notice. These inspections and/or reviews may be for any or all aspects related to the Concession Agreement and its attachments, including, but not limited to, ensuring that Concessionaire: (a) possesses all of the requisite certificates and qualifications of its tour guides; (b) properly addresses all safety issues; (c) adheres to the Tour Schedule; and, (d) maintains necessary records pertaining to kayak renters and kayak tour participants. Violation of any aspect of the Concession Agreement may result in suspension or revocation of the Agreement. With regard to safety, the CITY or any other officer with authority to enforce local, state, or federal law, has the right to terminate any tour or individual kayak rental if there is a violation of any safety requirements.

If a Concessionaire, its employee, agent, or representative is issued a "Violation of Concession Agreement/Safety Notice" or convicted for any violation related to their kayak

operations, the CITY shall evaluate the conviction or notice of violation for an appropriate and reasonable sanction, up to and including a suspension or revocation of the Concession Agreement. Such punishment will be in addition to any penalty assessed by the courts.

13. Additional Concession Stipulations

- Concessionaire must at all times have all valid licenses and permits to do business within the City of San Diego and must have a storefront, not located on CITY beach or park property, where business shall be conducted.
- No business transactions or solicitation for business are permitted on CITY property (i.e. advertising, signing of waivers, collecting of money, etc.). All business transactions must be conducted within Concessionaire's storefront address stated in the Agreement.
- Concessionaire will ensure clients maintain awareness and consideration of the public and businesses while transiting to and from the boat launch so as to not create a negative impact on others.
- Kayak equipment should not be placed on sidewalks or public thoroughfares.
- Sidewalks in front of and to the side of Concessionaire's stores must be kept clean of sand and dirt at all times.

Operating Plan—Description of Proposed Operations

San Diego Bike & Kayak Tours, Inc. DBA Bike & Kayak Tours, Inc. respectfully submits the following proposal to operate a kayak concession at the La Jolla Shores public boat launch.

As the current top-ranked operator, SDBK is qualified to execute successful commercial kayak concessions. SDBK will also ensure water safety during kayak operations, preserve and maintain the natural marine environment and mitigate and relieve congestion at the boat launch, as well as the vehicular and pedestrian traffic on Avenida De La Playa as outlined throughout this proposal.

SDBK's organization and qualifications and historical performance demonstrate the necessary experience to operate commercial kayak concessions while also respecting sensitivity toward marine life and coastal preservation. SDBK is capable of operating commercial kayak concessions while also managing water safety and the sustainability for public usage and demonstrating a partnership with the community and has a proven record of doing so over the past 16 years.

SDBK has the necessary infrastructure and leaseholds to during peak season and non-peak season so as to ensure a safe and pleasant environment for both residents and tourists. As described in this proposal, SDBK is also providing off street daytime as well as overnight parking for all company vehicles.

MAXIMUM REQUEST FOR 15 KAYAK TOUR SLOTS & SELECTION OF KAYAK RENTAL "OPTION A"

As a qualified, historical operator founded in 2004, SDBK proposes to be selected as a commercial kayak operator in La Jolla Shores with **the maximum allocation of 15 primary tours**. Additionally, SDBK proposes Option A for 12 kayak rentals. SDBK is providing a suggested launch schedule in a subsequent section titled "Proposed Primary Launch Schedule" to efficiently execute these 15 tours. **SDBK is a year-round operator and has been awarded the maximum tours as the number one ranked operator in every RFP cycle.**

This proposal would only require 48 kayaks for tours and 12 kayaks for rentals, totaling a usage of 60 kayaks to be utilized in the proposed operation. These kayaks are recycled throughout the day to achieve maximum efficiency.

Under this proposal, SDBK proposes to operate 15 kayak tours during peak season, based on the provided historical use and financial data, which demonstrate SDBK's position as the best candidate for the maximum of 15 tours. During peak season, SDBK also proposes to be permitted to rent 12 kayaks to individuals (non-tour) at any one time.

With this proposed Operating Plan of 15 tours, SDBK is minimizing the total number of kayaks used, reducing vehicular traffic, minimizing congestion in the community as well as at the boat launch and

pedestrian congestion in the area and at the boat launch as described in detail in Chapter 2 (refer to Chapter 2—Minimizing Impacts, Parking Solutions & Managing Volume).

PROPOSED AGREEMENT TERM

SDBK proposes to operate for peak season and non-peak season operations all year round, and SDBK is requesting to be selected for the maximum 15 tours and 12 individual kayak rentals (Option A) at any one time during the peak season. The proposed agreement term is for the maximum available term of three years with two additional one-year options, for a total of five years. SDBK is the direct operator of the entire concession for the entire agreement term.

As required by terms of the RFP, this Operating Plan covers the period from April 1, 2020 through March 31, 2025, with peak season operations beginning annually on March 15th and extending through September 30th for each year of the agreement term with the designated tour launch schedule. SDBK continues to operate during the non-peak season. A description of proposed operations for non-peak season is also provided. The included descriptions of operations would to each and every year of the agreement term (all five years).

Should any additional launch times become vacant throughout this RFP process or during the term of the agreement, SDBK is requesting candidacy in advance for distribution of any those vacant launch times as outlined in the RFP on page 6. SDBK is the most appropriate candidate for additional tour times should they become vacant and available as described throughout the contents of this proposal.

TOTAL NUMBER OF KAYAKS UTILIZED IN PROPOSED OPERATIONS

SDBK would be utilizing 48 kayaks for guided tours and 12 kayaks for kayak rentals, totaling 60 kayaks necessary to execute operations as proposed. This is commensurate with SDBK's award from the previous RFP term and also consistent with the assigned launch schedule from the last term, with one suggested small change to further improve efficiency (refer to sections titled "Proposed Future Peak Season Operations" and "Proposed Tour Schedule.") SDBK's kayak fleet includes 72 kayaks in the fleet with a combination of double and single kayaks, and the extra boats allow for proper maintenance to ensure a high level of service and safety.

Based upon the proposed tour schedule for 15 tours and the additional 12 kayak rentals, the maximum number of total kayaks being utilized by clients and guides at any given time would be 60 kayaks amongst both rentals and tours.

With the utilization of the designated kayak storage on the beach, SDBK will be able to recycle all kayaks used in the operation and reduce vehicular traffic. All kayaks and a paddle rack containing all paddles are stored in a neat and orderly manner within the designated storage area.

NUMBER OF PARTICIPANTS PER TOUR & STUDENT TO INSTRUCTOR RATIOS

With the proposed Operating Plan, each of these 15 proposed tour times would be filled to capacity with ten customer kayaks and two tour guides, resulting in a total of 12 kayaks and no more than 20 participants and two tour guides on each tour, in accordance with guide to client ratios and maximum tour capacity.

However, under a Hazard Alert 1 & 2, client to guide boat ratios would be increased and additional beach staff would be added to assist with the safe launch and retrieval in accordance with Exhibit C.

DAYS & HOURS OF OPERATION

SDBK is open all year round and maintains its hours of operation from 8:00 a.m. until sunset daily. All kayaks and other equipment are returned to the store 30 minutes or more before sunset each day. Kayaks are delivered to the beach after 8:00 a.m. daily and are retrieved prior to sunset. These hours of operation are effective for the proposed operations and entire agreement term during peak season, as well as non-peak season (since SDBK is open all year long, with exception of being closed for kayak operations annually on July 4th and December 25th.) SDBK voluntarily closes in the event of inclement weather or inappropriate ocean conditions. SDBK discontinues kayak operations in the event that Lifeguard Services implement a Hazard Alert 3.

As the largest provider with lucrative third-party affiliates, SDBK has always operated on a full calendar year basis since inception, providing continuity in services as a fiscally responsible and reputable partner.

PRICE LISTS

SDBK proposes the price lists displayed to competitively price tours and rentals to maximize revenues and ensure affordability to the community with a variety of rates. This strategy in turn also reduces impact to the community. SDBK uses different pricing on weekends and weekdays all year long to

PEAK SEASON WEEKDAY PRICING			PEAK SEASON WEEKEND PRICING		
	SINGLE KAYAK	DOUBLE KAYAK		SINGLE KAYAK	DOUBLE KAYAK
KAYAK TOUR	\$79	\$99	KAYAK TOUR	\$89	\$109
KAYAK/SNORKEL TOUR	\$109	\$129	KAYAK/SNORKEL TOUR	\$119	\$139
2-HOUR KAYAK RENTAL	\$39	\$59	2-HOUR KAYAK RENTAL	\$49	\$69
OFF PEAK SEASON WEEKDAY PRICING			OFF PEAK SEASON WEEKEND PRICING		
	SINGLE KAYAK	DOUBLE KAYAK		SINGLE KAYAK	DOUBLE KAYAK
KAYAK TOUR	\$49	\$79	KAYAK TOUR	\$59	\$89
KAYAK/SNORKEL TOUR	\$69	\$109	KAYAK/SNORKEL TOUR	\$69	\$119
2-HOUR KAYAK RENTAL	\$29	\$49	2-HOUR KAYAK RENTAL	\$39	\$59

defer weekend demand to weekdays where possible. SDBK also offers discounts for locals and for advance reservations off these base pricing models to ensure affordability to the community.

PRICING STRATEGY TO REDUCE IMPACT

SDBK utilizes pricing tiers not only with different price structures on weekdays and weekends, but also with pricing for non-peak times. The proposed price lists encourage customers that have scheduling flexibility to participate on both dates and times that are less popular, easing congestion on weekends by incentivizing customers to participate on weekdays at off peak times. Peak times are sold at full retail prices and discounts are offered at off peak times to fill all time slots.

Pricing by timeslot helps combat turning overflow business away from customers that might otherwise desire to participate in the middle of the day, which is where the most demand exists.

SDBK's business model uses discounts as incentives to entice customers into less desirable time slots in order to maximize sales and ease congestion at peak times while also capturing a broad spectrum of customers and to ensure affordability. SDBK encourages advance reservations using discounts to reasonably forecast projections of daily tour slot availability.

SDBK proposes to maximize kayak tour revenues by pricing single kayaks for tours and rentals by a higher percentage in an effort to accommodate demand in a more operatively efficient manner, effectively reducing impact to the community and its limited resources. This pricing strategy encourages customers traveling in pairs to select double kayaks instead of singles.

Double kayaks are also encouraged using slight discounts with advance reservations. Double kayaks are more efficient based on their price to maximizing revenue while also minimizing the number of kayaks in the water.

Lowering prices for non-peak season tours will increase interest during the slower times of the year to minimize some of the lost revenues due to limitations imposed during peak season.

AFFORDABILITY TO THE COMMUNITY & GENERAL PUBLIC

SDBK offers a variety of promotional offers to ensure affordability to the community and general public. Discounts are available for off-peak times and dates and through web special tickets for booking online.

SDBK also participates in the "Kids Go Free" county-wide program for the month of October. This is of value to the local community as well as to visitors, and attracts customers during the non-peak season to promote kayak activities.

SDBK also partners with many local affiliates and third-party suppliers such as AirBNB, Groupon and GoldStar to offer tickets at a discounted rate to their respective member bases. These promotions are typically offered at off-peak times and dates.

School and youth groups are offered special pricing to ensure affordability for San Diego's local youth to be able to experience the La Jolla Ecological Reserve and Underwater Park.

SUMMARY OF TOUR MATERIAL COVERED & WATER SAFETY PLAN

SDBK's guided tours encompass a variety of topics including detailed information on La Jolla's seven sea caves, the Ecological Reserve and Underwater Park, the local marine life, coastal preservation and water safety procedures along with kayaking paddle strokes and techniques appropriate for beginner level kayakers. **SDBK's proprietary tour material, tour information and Water Safety Plan are detailed and thoroughly described in a subsequent chapter (Refer to Chapter 4: Operating Plan—Tour Guide Training & Water Safety for details).**

PROGRAMS, ACTIVITIES AND SERVICES TO BE OFFERED

Under this proposed Operating Plan, SDBK would offer Kayak Tours of the 7 Caves & Ecological Reserve, Kayak/Snorkel Tours and unguided kayak rentals with water map instructions for the general public and community. Each of these activities are described in further detail in subsequent sections and chapters. The guided tours have a two-hour duration and unguided rentals are offered in 90-minute durations. **Refer to Chapter 3: Operating Plan—Tour Safety, Logistics & Concession Operations** for details on Concession Operations & Logistics.

SDBK also offers seasonal camps for summer youth groups in which kayaking skills, ocean awareness, boater safety, marine education and coastal preservation are emphasized. SDBK has worked extensively with the Lawrence Family Jewish Community Center and the Scouts program to develop this summer kayak camp, as well as the local YMCAs and Camp Fiesta Island. Additionally, SDBK offers team-building activities with kayaking activities for corporate groups and destination managers.

SDBK proposes to offer these services from April 1st-March 31st annually for each year of the concession agreement beginning in 2020.

PROPOSED FUTURE PEAK SEASON OPERATIONS

SDBK is providing a suggested, preferred tour launch schedule for consideration, which recycles the kayaks from three to five times daily during peak season operations from March 15th-September 30th annually.

SDBK is providing a suggested tour schedule to accurately project and minimize the number of kayaks in use and minimize vehicular traffic. SDBK's suggested launch schedule demonstrates how SDBK can fit within the scope of the RFP and achieve maximum efficiency using only 48 kayaks to execute 15 tours based upon on the tour schedule that was assigned by Lifeguards during the last contract term.

PROPOSED PEAK SEASON TOUR LAUNCH SCHEDULE

The following suggested launch schedule recycles the kayaks every 120 minutes; using this launch schedule, only 48 kayaks are needed for 15 tours. **This suggested tour schedule is based solely upon the tour schedule Lifeguards' assigned to SDBK during the last contract term.** SDBK is suggesting to keep the same schedule with exception of replacing the previously assigned 16:40 time slot with a 10:20 time slot so that every time slot is recycled (the schedule assigned by Lifeguards' during the last term had the 16:40 time slot as a non-recycled outlier).

The kayaks are recycled on the 120-minute mark up to five times daily using the following launch times: 9:20, 10:20, 11:00, 11:20, 12:00, 12:20, 13:00, 13:20, 14:00, 14:20, 15:00, 15:20, 16:00, 17:00, 17:20. This proposed schedule is built for efficiency and is designed to reduce vehicular traffic and minimize congestion in the community and at the boat launch. The suggested launch schedule only requires 48 kayaks as well as four truck deliveries and four truck retrievals to execute 15 tours.

RECYCLING OF KAYAKS & MAXIMUM EFFICIENCY

The suggested launch schedule operates 15 tours efficiently by recycling the kayaks up to five times and utilizes four truck deliveries and four pickups for the day, keeping congestion and vehicular activity at the boat launch to a minimal level.

This proposed schedule is based upon the tour schedule assigned to SDBK by Lifeguards' during the last agreement term but proposes one minor change to further improve efficiency and maximize the recycling of kayaks.

This proposed schedule replaces SDBK's 14:40 launch time with a 10:20 launch time to further improve upon the efficiency and recycling during the last agreement term.

This proposed schedule reduces the boat launch activity by reducing the vehicular activity by one additional drop off and one additional pickup compared to this past agreement term.

Proposed 2020 Agreement Term Launch Schedule for 15 Tours

	Launch Time	Launch Time	Launch Time	Launch Time	Launch Time	
Truck 1 Drop	9:20	11:20	13:20	15:20	17:20	Truck 1 Pickup
Truck 2 Drop	10:20	12:20	14:20			Truck 2 Pickup
Truck 1 Drop	11:00	13:00	15:00	17:00		Truck 1 Pickup
Truck 2 Drop	12:00	14:00	16:00			Truck 2 Pickup

SDBK's 2015-2019 Agreement Term Launch Schedule Assigned by Lifeguards

	Launch Time	Launch Time	Launch Time	Launch Time	Launch Time	
Truck 1 Drop	9:20	11:20	13:20	15:20	17:20	Truck 1 Pickup
Truck 2 Drop		12:20	14:20			Truck 2 Pickup
Truck 1 Drop	11:00	13:00	15:00	17:00		Truck 1 Pickup
Truck 2 Drop	12:00	14:00	16:00			Truck 2 Pickup
Truck 3 Drop		14:40				Truck 3 Pickup

This schedule listed above was the tour launch schedule assigned by lifeguards during the most recent agreement term. SDBK is proposing to eliminate the 14:40 time and replace it with a 10:20 so there is a reduction in vehicular traffic and less idle time for kayaks on the beach, and overall improved

efficiency in the launch schedule as detailed in the first table titled “Proposed 2020 Agreement Term Launch Schedule.”

HISTORICAL SUMMER KAYAK TOUR USE

In every previous RFP cycle, San Diego Bike & Kayak Tours, Inc. was awarded the highest ranking during the RFP processes and was awarded the most tour slots of any operator. In the most recent 2015-2019 RFP, SDBK was awarded the maximum cap of 15 tours and 12 kayak rentals. SDBK was the only operator to receive the maximum of 15 tours during the last agreement term. In 2012-2014 agreement term, SDBK had the maximum allocation of any operator with 21 tours and 12 kayak rentals. In the first 2009-2011 RFP cycle, SDBK received the top ranking and the maximum tour allocation.

SDBK has a proven record as a highly experienced, safe and professional kayak operator specializing in guided kayak tours while executing in an operatively efficient manner, as recognized by the CITY with SDBK’s previous awards and top ranking in every RFP cycle. SDBK has operated historically with the maximum allocation of kayak tours in every past agreement and successfully performed on all of its maximum tour awards.

SDBK has performed as the industry leader during the past three RFP processes, producing approximately 32 percent of the total concession fees paid. SDBK received the maximum of 15 tours which represents 28 percent of the total available 54 launch times; however, SDBK’s revenues demonstrate an over-performance with percentage fees paid as 32 percent of the kayak industry fees paid to the City in the current RFP term. Since 32 percent of 54 time slots equates to 17 tours, a request for 15 tours is more than reasonable based on market share, performance on all past agreements, percentage fees paid and historical use.

SDBK was originally awarded the maximum cap of 15 tours in the first 2009 kayak RFP process. The CITY then increased SDBK’s award to 22 tours in 2010 and 2011 after an industry performance review. SDBK was then awarded 21 tours and 12 kayak rentals in the following 2012 kayak RFP process. SDBK was awarded the maximum cap of 15 tours in the most recent RFP process. SDBK has historically over-performed on all of its awards in spite of the tour slot maximum caps imposed. SDBK has been the number one top ranked operator by the City in every RFP cycle.

CONTINUITY IN OPERATIONS & FISCAL RESPONSIBILITY

SDBK has operated all year round since its inception and has no interruption in service during the year with the exception of no kayak operations on July 4th due to the City’s restriction, and a closure on Christmas Day. SDBK has maintained this continuity in operations to retain exclusive third-party contracts such as with Leisure Pass/GoCityCard, GoldStar, and other exclusive destination management companies and affiliates. These affiliates are lucrative and exclusive, and only offered through San Diego Bike & Kayak Tours, Inc. SDBK also maintains contractual offerings with Groupon, AirBnb and local concierge and hotels that also depend on SDBK’s continuity in operations for partnerships.

SDBK has historically been the highest earning kayak concessionaire every RFP term since 2009, and this record is due to continuity in operations, fiscal responsibility and sound management of the

concession and operating costs combined with experience and a high level of service and reputability within the community and long-time customers.

SDBK has exclusive contracts with destination management companies in addition to lucrative third parties that bring corporate groups, youth groups and other customers primarily during the non-peak season which contributes to SDBK's demand for services during times of the year when other seasonal operators may be closed for the season due to lack of demand.

SDBK operates all year round and non-peak season operations from October 1st annually through March 14, 2015. During non-peak season, SDBK reduces its output from peak season levels in conjunction with reduced demand and shorter daylight hours at these times. Non-peak season operations still recycle kayaks for maximum efficiency, and staff ratios and quality of service remain of utmost important. SDBK maintains all requirements of the concession during both peak and nonpeak season. SDBK's non-peak season tour schedule creates smaller tours with a systematic flow of kayaks consistent with regulated peak season operations. SDBK's non-peak season operations efficiently recycle kayaks resulting in less boat launch congestion, fewer pedestrians on the sidewalks and reduces the vehicular traffic and overall impact to the area during non-peak season as well.

INDUSTRY PERFORMANCE SUMMARY (Dec. 2014-Oct. 2019)

Company	Total of Fees Paid	Awarded Time Slots	Percentage Fees Paid
San Diego Bike and Kayak	\$982,514.00	15	32%
La Jolla Kayak	\$825,178.00	14	26%
EDCA	\$877,896.00	10+2	28%
Hike Bike Kayak	\$216,730.00	8	7%
La Jolla Sea Caves	\$250,224.00	7+2	8%
Total:	\$3,152,542.00	54 + 4 secondary	100%

■ SDBK

■ LJK

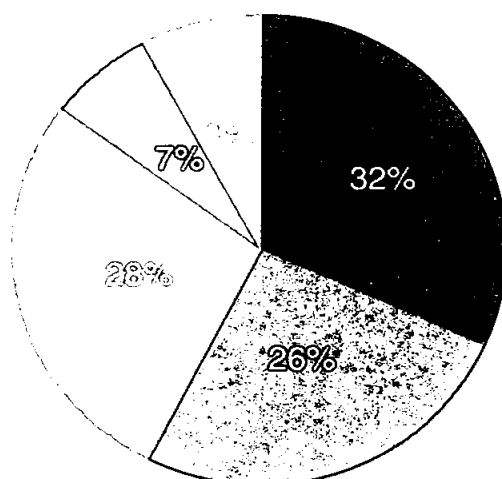
■ EDCA

■ HBK

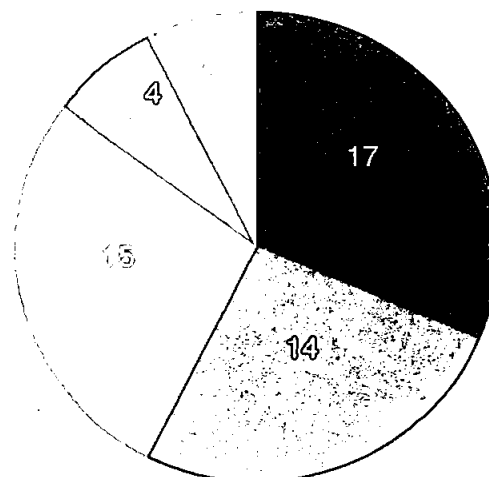
■ LJSC

SDBK is historically the highest performing kayak tour operator in La Jolla Shores and was awarded the highest ranking in the last three RFP processes with as many as 22 tour times in 2010-2011.

Percentage of Fees Paid



Reasonable Number of Time Slots



The fees paid and preceding performance chart clearly illustrate two main points:

1. SDBK is more than capable of performing on 15 tours (or more should additional times become vacant through the RFP process, and should Lifeguards permit more than 15 tours.)
2. SDBK's revenues and percentage fees paid ***support an allocation of 17 tour times***, and therefore SDBK is the only operator materially and negatively impacted by the 15 tour maximum cap. SDBK is the only operator absorbing a reduction in market share due to the limit of 15 maximum tours.

The preceding graphs illustrate that SDBK is the highest performing operator. Since percentage fees paid are a derivative of sales, these fees are an indication of demand for any one company.

SDBK contributed 32 percent of the percentage fees paid, representing 17 tours. This demonstrates that SDBK over-performed on its award, proving a capability to fulfill an award 17 tours. ***Therefore, a request for the maximum of 15 tours is reasonable.*** Likewise, a company that has only paid percentage fees equating to 7-8 percent of market share tours should reasonably request 3-4 tours.

SDBK has historically maximized all of its three previous RFP awards, and SDBK has been the only company to continue to overperform based on fees paid when the maximum cap of 15 tours was imposed. Other companies had an opportunity to grow based on redistribution since SDBK was the only company negatively impacted by the 15 tour maximum cap.

SDBK was awarded 21 tours in the 2012-2014 RFP cycle and actually over-performed on the award by 0.6 percent such that SDBK paid percentage fees commensurate with 21.6 tours and SDBK was awarded 21 tours. SDBK's award was therefore commensurate with its actual organic market share.

SDBK is able to implement competitive pricing because it is in high demand, even in the restricted marketplace. By contrast, under-performing companies have a lesser demand, and therefore must sell their services at a lower price.

The percentage earnings over time are an indication not only of the size of an operator but also of a company's quality of service and sustainability over time.

SDBK is an innovative force in the industry setting the bar for standards with pricing, service, safety, efficiency, community and operational execution. SDBK is the leading kayak operator and has proven its ability to adapt over the last 16 years in spite of the City imposing reductions on SDBK through the maximum tour cap of 15 tours.

Great companies high in demand are successful for a reason—through hard work and effort, great companies grow customer base through sophistication and the quality of operation.

SDBK has delivered a satisfying, safe customer experience and sound logistical operation for over the past 16 years and has an expansive book of business.

REASONABLENESS OF PROPOSAL

By proposing 15 tours and 12 kayak rentals during peak season, SDBK is demonstrating reasonableness with the same allocation as the 2015 RFP award, even though SDBK's financials and revenue support an allocation of 17 tour times. SDBK is requesting the maximum award of 15 tours and 12 rentals which represents a reduction of organic market share based on financial performance and fees paid (since the fees paid during the last concession agreement term would support 17 tour times).

In the most recent RFP process, SDBK was awarded the maximum award of 15 tours and selected as the highest ranking, number one operator. SDBK has been the top-ranking operator in every RFP cycle. Therefore, a request for 15 tours as the top performer and superior quality operator is a reasonable request.

In the RFP process in 2011, SDBK was awarded with the highest tour allocation of 21 tour times as well as 12 kayak rentals and was selected as the highest, top-ranked operator.

In the first ever kayak RFP process in 2009, SDBK was also selected as the CITY's top ranked operator with the maximum award of 15 tours, which was subsequently increased to 22 tours for the remainder of the term, after the City conducted a review of industry performance after the first agreement year.

The historical usage referenced earlier in this section titled "Historical Use" is evidence that SDBK can reasonably and safely execute 15 tours and 12 rentals, maintain profitable operations, maximize revenues for the CITY with percentage fees and outperform all of its competitors in all areas. SDBK's long standing partnership with the City of San Diego for kayak operations evidences SDBK as the leader in performance, safety and revenue all while maintaining a partnership with the community and Lifeguard Services.

SDBK maintains the largest storefront in La Jolla Shores, a second warehouse facility that accommodates equipment storage and off-street parking both during the day and overnight and facilitates the loading of kayaks in a confined private space out of the public view (this is described in detail in Chapter 2).

As such, SDBK provides over 4100 square feet of more than adequate space to accommodate the associated customer volume, customer flow and kayak storage for 15 tours and 12 rentals as detailed further in Chapter 2 (refer to Chapter 2: Operating Plan—Minimizing Impacts, Parking Solutions & Managing Volume).

SDBK has demonstrated successful past kayak tour operations for over 16 years. SDBK over-performed on its allocated RFP award of 15 tours and 12 rentals in the current agreement term, as well as all previous agreement terms as substantiated by the percentage fees paid relative to the tour allocation.

As a current, qualified operator, this proposal accomplishes the purpose of the RFP to reasonably ensure water safety, preserve and maintain the natural marine environment, mitigate and relieve congestion at the boat launch as well as vehicular and pedestrian congestion on the streets and sidewalks as well as at the boat launch, each of which are detailed in the subsequent sections and chapters of this proposal.

SDBK has proved its ability to do while operating in a fiscally responsible manner while also ensuring affordability to the community and while guaranteeing continuity in service and no interruption in service to the community.

PARTNERSHIP WITH LOCAL COMMUNITY

In addition to being a proven, capable partner with the City of San Diego, SDBK has demonstrated a committed partnership with the local community by:

- ✓ providing off-street daytime as well as overnight parking for all company vehicles
- ✓ maintaining the largest storefront square footage to accommodate customer volume
- ✓ offering alternative parking solutions and offering complimentary shuttle services
- ✓ occupying a storefront closest to the beach minimizing sand accumulation & pedestrian traffic
- ✓ loading and unloading kayaks in a private, enclosed facility to avoid public disturbance
- ✓ providing in-store customer showers and foot rinses minimizing sand on local sidewalk
- ✓ designating a sidewalk monitor outside of the storefront to keep the sidewalks clear
- ✓ designating a Water Safety Specialist in the water to protect the environment & ensure safety
- ✓ designating a beach monitor to keep the boardwalk clear and flowing
- ✓ designating a beach cleanup crew throughout the day and at closing to collect trash and debris
- ✓ designating additional beach staff to keep the emergency access lane clear
- ✓ utilizing a commercial grade sand sweeper to clean up adjacent streets and sidewalks
- ✓ offering alternative parking solutions for staff and customers
- ✓ renting a second warehouse for equipment storage & off-street parking to accommodate volume
- ✓ suggesting a tour schedule that recycles kayaks for maximum efficiency
- ✓ maintaining a continuity in operations all year long
- ✓ ensuring affordability to the community with varying price points
- ✓ continuity in operations

Each of the preceding is explained in detail the subsequent Chapter 2 of this proposal (please refer to Chapter 2: Operating Plan—Minimizing Impacts, Parking Solutions & Managing Volume).

By selecting SDBK as a commercial operator for 15 tours and 12 kayak rentals, the CITY is acting in the best interest of the public and the residents as SDBK's measures to partner with the community are proactive and deliberate. As such, SDBK is a reasonable and appropriate candidate for the maximum of 15 tours, or more should they become available during the RFP process.

MANAGEMENT AND STAFF TO EXECUTE OPERATING PLAN

With the proposed Operating Plan, SDBK would require specific staffing levels to manage the flow of customer traffic and ensure a safe and professional operation for the benefit of the community and customers. This Operating Plan requires a minimum level of staffing within close proximity to the boat launch identified as Exhibit A and neighboring ocean at any given time to safely and properly execute 15 tours.

SDBK necessitates two tour guides on each and every tour at a minimum (this ratio is increased as hazard alerts warrant), 4-10 beach staff at any time, a beach manager, a Water Safety Specialists, a boardwalk monitor, a sidewalk monitor as well as additional assistant guides, managers and sales staff.

Further details regarding specifics on daily staffing, positions, management, and organizational structure are outlined in detail in Chapter 8 (please refer to Chapter 8: Operating Plan—Organizational Structure, Leadership Team, Employees & Staffing and Summary of Employees' Qualifications for additional details).

KAYAK RENTALS, "OPTION A"

SDBK proposes to utilize Option A of 12 individual kayak rentals in this Operating Plan. SDBK is an appropriate candidate as the largest and safest kayak operator historically for both tours as well as kayak rentals.

SDBK is making a reasonable request for 12 kayak rentals in order to accommodate its established annual individual kayak rental customers including repeat customers, locals, experienced kayakers, and customers that are alienated due tour pricing, group settings or other restrictions. SDBK has historically maximized its previous award of 12 kayak rentals as demonstrated in percentage fees.

SDBK has the closest storefront to the beach as well as the largest storefront which can accommodate associated kayak rental customer volume while also minimizing impact to the community by limiting the distance necessary to be traveled on sidewalks. This minimizes pedestrian traffic on Avenida De La Playa and limits the sand being tracked from the beach further up the street.

SDBK also has in-store showers and foot rinses to minimize the sand around the area from kayak rental customers specifically, while also keeping the public showers for public beach goers. SDBK is the only company that offers instore showers; every other operators directs their customers to use public showers.

KAYAK RENTAL SAFETY & EFFICIENCY PROCEDURES TO MINIMIZE IMPACT

SDBK proposes to also use a self-imposed launch schedule depicted in the following chart to organize kayak rental launching in an efficient, systematic manner that alleviates congestion and minimizes impact at the boat launch and on Avenida De La Playa.

The 12 rental kayaks will be delivered to the beach making only one kayak delivery and retrieval at the start and end of each day. The 12 kayak rentals will be recycled throughout the day to eliminate

Kayak #1-3	9:15	11:15	13:15	15:15	17:15
Kayak #4-6	9:45	11:45	13:45	15:45	17:45
Kayak #7-9	10:15	12:15	14:15	16:15	
Kayak #10-12	10:45	12:45	14:45	16:45	

additional vehicular usage. The kayak rental schedule is designed so kayak rentals are staggered, will be launched between the scheduled tour launches and landing times so as not to interfere with the primary tour launch schedule.

This also maximizes efficiency and safety at the boat launch for individual kayak rentals while also minimizing impact and congestion at the launch. SDBK's internal rental launch times are scheduled on the :15 and :45 deliberately so as not conflict or disrupt the Primary Tour Schedule or the Secondary Tour Schedule. SDBK would designate these rental launch times by reservation using its custom reservations system as described in Chapter 2 of this proposal (refer to as described in Chapter 2 of this proposal, refer to Chapter 2: Operating Plan—Minimizing Impact, Parking Solutions & Managing Volume of this proposal).

This minimizes customer flow on Avenida De La Playa as no large rental groups will be impacting the streets and launch at any one time. This also minimizes the pedestrian congestion to the boat launch as well as the adjacent streets and sidewalks, as all as along the beach boardwalk.

SDBK takes reservations for kayak rentals to ensure an organized rental operation and ensure the recycling of kayak rentals as well to maximize efficiency and reduce impact to the boat launch. SDBK is the only operator in the industry that uses kayak rental reservation times to reserve time specific kayak rentals and SDBK's custom reservations system is built out to specifically accommodate kayak rentals in this manner (as described in Chapter 2 of this proposal, refer to Chapter 2: Operating Plan—Minimizing Impact, Parking Solutions & Managing Volume).

SDBK operates a responsible and safe kayak rental operation with customized a water safety map which is reviewed in detail with customers (as described in Chapter 4, Part V—Water Safety Plan, refer to Chapter 4, Part V), a Water Safety Specialist stationed in the water to direct and supervise unguided kayak rentals and an appropriately sized beach staff to assist kayak rental customers safely in and out of the water to ensure safety.

A Water Safety Specialist is designated to supervise kayak rentals and provide assistance as needed to guided tours; SDBK is the only operator that stations tour guides in the water for this purpose on a daily basis.

The Water Safety Specialists are equipped with a waterproof cell phone, VHF radio and a Coast Guard approved flare and auditory signaling whistle. The Water Safety Specialists are available to activate SDBK's Emergency Response Plan as outlined in Chapter 6 of this proposal (refer to Chapter 6: Operating Plan—Emergency Response Plan for details).

The Water Safety Specialists ensure kayakers stay out of the swim lane extending from La Jolla Cove and ensures strict adherence to the Marine Mammal Protection Act and NOAA guidelines for responsibly viewing marine life for kayak rental customers.

All unguided kayaks are provided with the same service components as the guided tours including transportation of kayaks to and from the boat launch, beach staff assistance with kayak launching and return, water map explanations including areas of interest and specific boundaries and no kayak zones, as well as other instructions that limit the direction and control of kayaks to adhere to all Lifeguard regulations, hazard alerts and other conditions based restrictions.

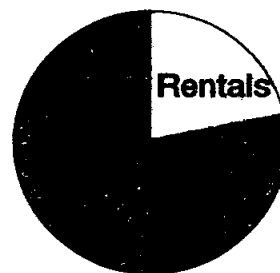
EQUIPMENT TO PROVIDE REQUIRED LEVEL OF SERVICE

SDBK owns and maintains all the necessary equipment to provide a high level of service and execute the operations as described throughout this proposal. The equipment to be furnished includes:

- ✓ kayak fleet containing 72 boats with a combination of single and double kayaks which allows for 48 tour kayaks and 12 rental kayaks to be in use, while also having an appropriate amount of backup kayaks for ongoing and systematic repairs and maintenance to ensure safety and to ensure properly serviced equipment
- ✓ vehicles including two 4-wheel drive, long-bed trucks for kayak transporting to/from the boat launch and a shuttle vehicle to ease customer traffic
- ✓ kayak paddles and a paddle rack for tidy, confined paddle storage at the beach
- ✓ PFDs/life jackets to accommodate a variety of sizes with emergency whistles attached
- ✓ adjustable whitewater approved kayak helmets to ensure proper, secure fittings
- ✓ snorkeling equipment and anchors
- ✓ guide pack equipment including tow ropes, VHF radios, dry boxes, USCG approved emergency flares
- ✓ Professional responder first aid kits for the beach, shop and vehicles and waterproof first aid kits for use on tour guide kayaks
- ✓ wetsuits for cooler weather and lower water temperatures
- ✓ GoPro camera rentals for customers
- ✓ staff equipment to comply with the SDBK's internal Heat Illness Prevention Plan including beach umbrellas, water jug, and filtered water refill station located in store for customer and staff use
- ✓ retail storefront for customer check-in and second warehouse facility for equipment storage, daytime and overnight company vehicle parking and for loading and unloading within the confines of the enclosed facility; the warehouse also has a dedicated space for kayak and other equipment repairs.

Tour vs Rental Revenue

□ Rentals
■ Tours



KAYAK TOUR SPECIALIZATION

SDBK is the industry leader in kayak tours, specializing in a quality tour product at a competitive price (as described in Chapter 2). SDBK has put emphasis on developing the kayak tour product and providing quality guide training that has organically positioned SDBK as the largest provider of kayak tours in the competitive industry.

As such, SDBK is requesting that the CITY maintain this kayak tour specialization and leading status within the industry restrictions and appropriately allot SDBK the maximum of 15 tour slots and 12 kayak rentals commensurate with market realities and in effort to regulate fairly and support fair competition.

The CITY recognized this concept in 2010 when tour time slots were misallocated to underperforming operators. The organic market share of the industry was disrupted when the top two operators were capped, thus redistributing market share to smaller companies that were unable to capitalize on this redistribution. This graph approximates a recent market survey demonstrating SDBK's specialization in kayak tours relative to total kayak operations.

CANDIDATE FOR LARGER VOLUME

SDBK is an appropriate candidate for operating a kayak concession with the maximum volume of 15 tours and 12 kayak rentals since SDBK historically performed safely, logistically and financially with 15 tours and 12 rentals in the previous RFP cycle, and 21 tours and 12 rentals in the prior RFP term.

In 2010, the CITY increased SDBK's tour allocation based on earnings and a performance review to 22 tours, determining that SDBK had earned additional market share and could safely and logistically operate with larger volume. SDBK has maintained the highest overall earnings in the restricted marketplace (since the City began capping tour slots in 2009) during the collective period of 2009-2019 year to date.

Other smaller operators had an opportunity in 2009 to capitalize on the 15-tour maximum cap placed on SDBK (historically the largest operators). Yet even under these circumstances, other operators were unable to sell the overflow supply of tours and rentals as proven in the performance review and concession fees paid in 2010. Given that this 15 tour maximum cap is reinstituted, SDBK is the only qualified candidate for the maximum award of 15 tours and 12 kayak rentals.

Unlike smaller operators, SDBK is capable of capturing tour and rental sales not only at peak times of the day, but also at off-peak times that smaller operators do not currently use or maintain a business upon. Kayak rentals and tours at off-peak times should be treated as such in terms of pricing, and these rates may not be possible or effective for smaller volume operators.

By contrast, SDBK has the proven ability to sell tours and rentals not only at the peak times of the day but also at the less desirable times of the day. Sales lost due to inefficiency by other operators can be recaptured and maximized by SDBK, reallocating some peak customers to off-peak times, retrieving customers lost due to price increases and accommodating daily overflow. With availability at non-peak times, SDBK would also be reducing customer traffic at peak times creating a steady customer flow. Both of the two suggested primary tour schedules contained in this proposal include peak and off-peak time slots.

With this proposal, concerns regarding water safety, the surrounding community and the consumer are properly addressed. Peak customers in need of a more intimate setting (participants with disabilities, small children, physical ailments, language comprehension, community groups or other special needs) can be redirected to a more appropriate atmosphere at non-peak times with an increased availability with a broader tour schedule as suggested in the proposed tour schedule as described earlier in this proposal.

Using discounts and incentives, some peak customers can be reallocated to off-peak tour times, helping manage customer volume by decreasing congestion, adding organization and minimizing impact on the surrounding residents, streets and businesses. Additionally, customers looking to economize tour

costs, participants seeking discounted rates, or consumers with scheduling flexibility can to be accommodated at less desirable times.

SDBK is an appropriate candidate for larger tour volume as described in this proposal because of a sizeable and accommodating staff, the largest storefront that is also closest to the beach, a second warehouse facility for equipment and off street day and night parking, a historical market share of 32 percent and historical usage of the previously awarded 15 tours due to the maximum cap even though fees paid would substantiate 17 tours.

SDBK ensures that logistical and safety protocol is not compromised regardless of tour volume, which could be an overwhelming endeavor for smaller, less experienced operators. As described in detail in Chapter 3 of this proposal (refer to Chapter 3—Tour Safety, Logistics & Concession Operations), SDBK has the proven means and dedication to provide such services and requests the ability to continue in this manner going forward in 2021 with 15 tours. SDBK imposes internal safety standards, emergency response procedures, extensive guide training and a Water Safety Plan that sufficiently address increased tour volume, kayak rental concerns and any potential safety concerns or emergencies that may arise as a result of proposed operations.

SDBK has historically operated 15 tours and was selected by the CITY as its top ranked operator in every RFP. SDBK's fees paid substantiate 17 tours and as such, SDBK is the only company absorbing a market share reduction due to the maximum cap of 15 tours and 12 kayak rentals but is requesting consideration should any additional tour time slots over the suggested maximum of 15 become vacant or available through the RFP process.

Attachment A: Operating Plan

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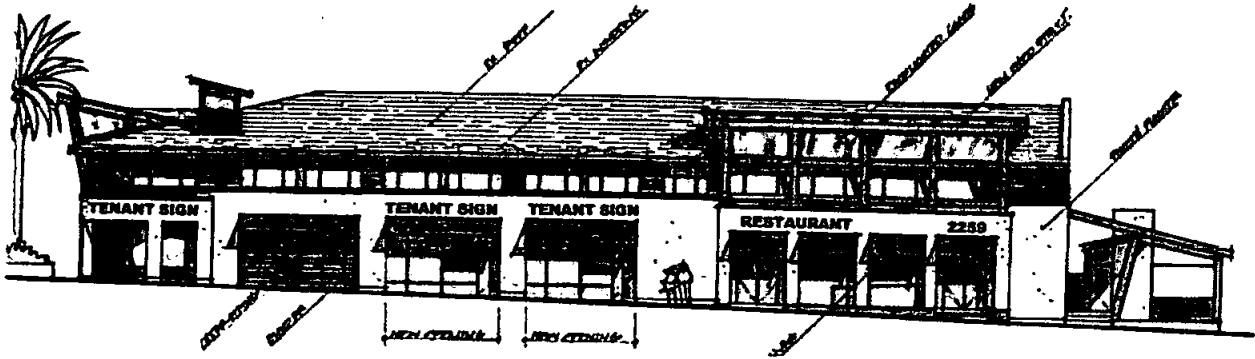
Attachment A: Operating Plan

Chapter 2

Operating Plan—Minimizing Community Impact, Parking Solutions & Managing Customer Traffic & Kayak Inventory

San Diego Bike & Kayak Tours, Inc. DBA Bike & Kayak Tours, Inc. has implemented measures to manage customer volume, customer traffic and kayak inventory, minimizing impacts on residents and other businesses in the area to further create a partnership with the local community.

SDBK maintains a primary storefront that is the closest to kayak shop to the beach as well as a second warehouse facility which provides off street parking, both during the day as well as at night.



OFF-STREET PARKING DAYTIME AND OVERNIGHT

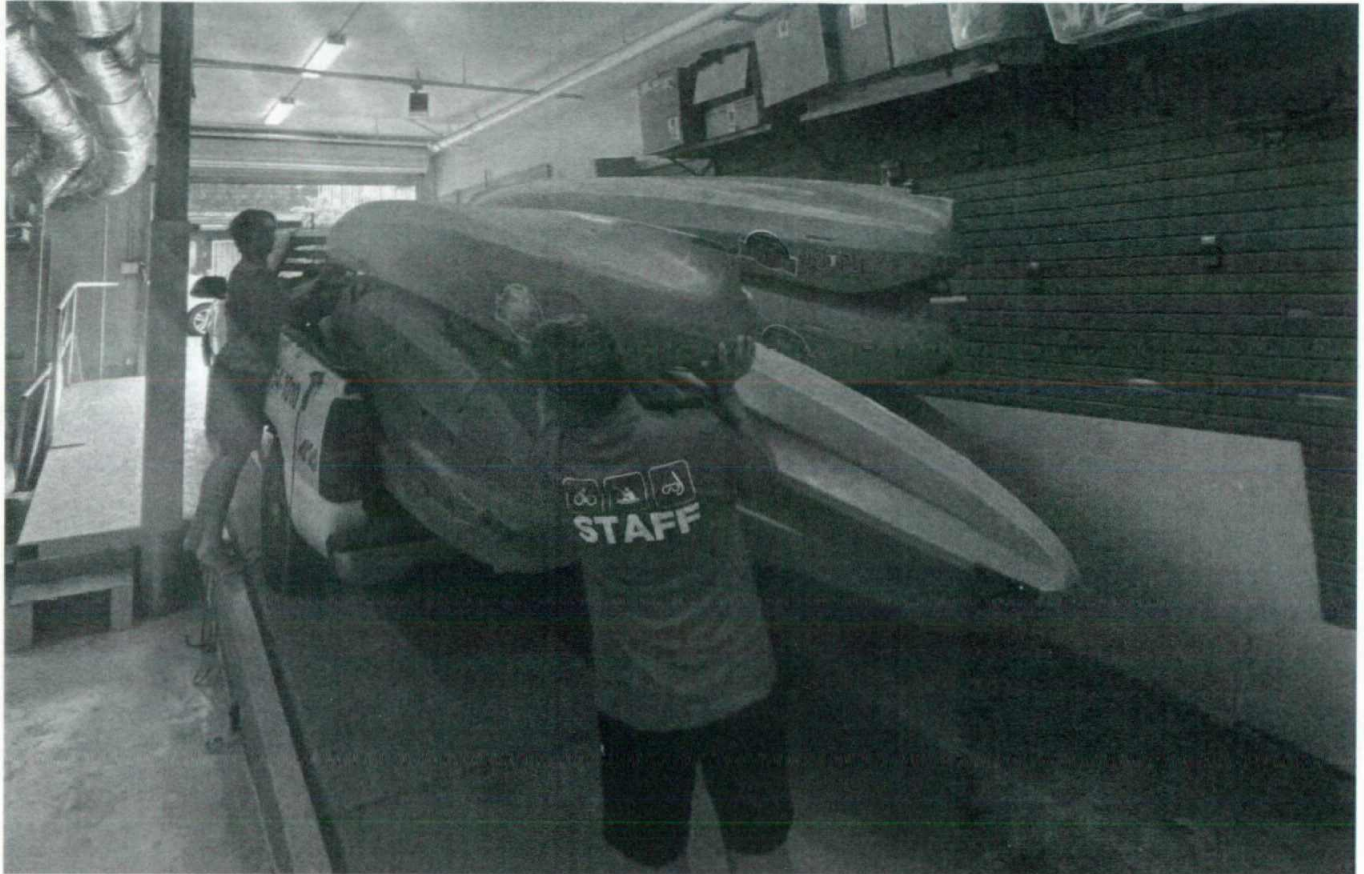
SDBK has a second warehouse location for parking and equipment storage at 2259 Avenida De La Playa on the most eastern block of the commercial zone. This approximate 1900 square foot warehouse is equipped with an oversized commercial garage door to accommodate SDBK's company vehicles. This commercial garage enables SDBK to drive directly inside with trucks that are fully loaded with kayaks.

In addition to providing daytime and overnight parking for SDBK's vehicles, this facility allows for the loading and unloading of kayaks in a private, enclosed premises not visible or audible to the public. The facility has been secured with a long term lease by SDBK and SDBK has been operating with this warehouse facility since 2015.

SECOND WAREHOUSE LOCATION TO ACCOMMODATE KAYAK STORAGE, PARKING, AND TO MINIMIZE IMPACT TO THE AREA

SDBK's second warehouse facility accommodates all equipment including bikes, kayaks, miscellaneous equipment storage as well as off street vehicle parking during the day and overnight, as well as employee space and office space.

All loading and unloading of equipment is done from *inside* the facility in a private and closed off area from the public. Doing so benefits the community both visually as well as audibly. This location was secured with a long term lease that includes off-street parking for both of SDBK's trucks.



Other operators are required to take kayaks out their front doors or into public alleyways and streets in order to load and unload kayak fleets into respective company trucks, which impedes the public sidewalk and public right of way and also requires the use of curbside parking, thus increasing impact and reducing the availability of parking spaces available to the public.

Because SDBK has this second warehouse facility, SDBK does not access the sidewalks, streets or alleyways to conduct loading and unloading of kayaks; SDBK does not use the street or public parking spaces as every other operator requires. A schematic of the second warehouse facility for equipment and parking is provided at the end of this section.

Acquiring this additional space demonstrates SDBK's proactive measures to partner with the local community to minimize impacts on residents and businesses.

Although this additional facility adds a tremendous rental expense to overall operating costs, it minimizes the impact on neighboring residents and businesses, while also accommodating kayak inventory and customer volume, and facilitates parking during the day and at night for company vehicles.

This second location was added for five purposes:

1. PARKING:

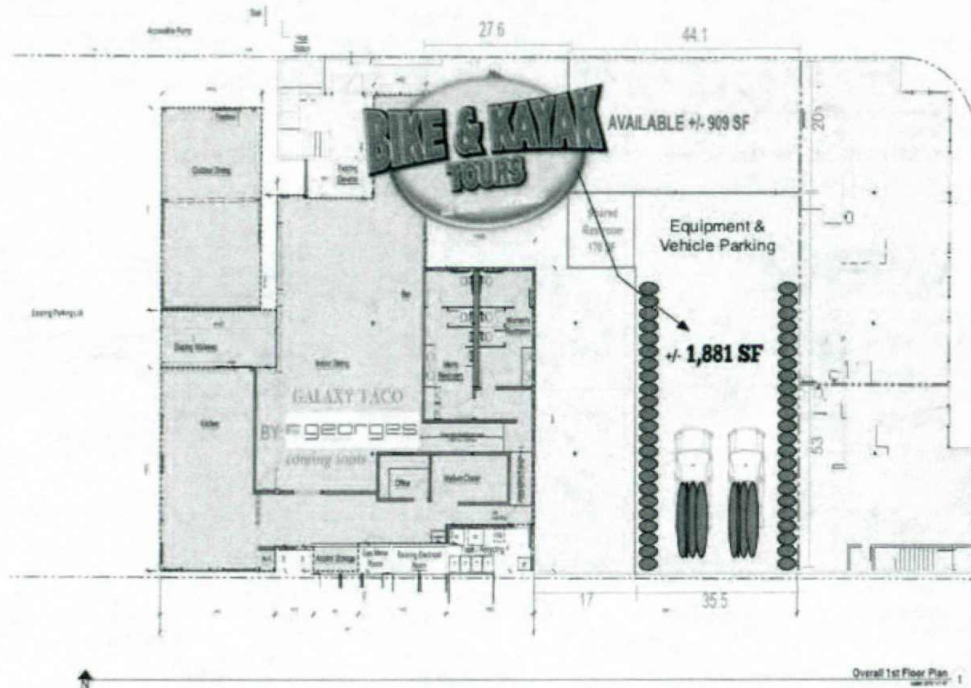
SDBK's warehouse facility provides off-street parking for both of SDBK's trucks for use both during the day and at night, accommodating all of SDBK's commercial vehicles. SDBK also rents a parking space in downtown La Jolla for parking its shuttle van. Trucks for transporting kayaks are able to be stored inside the warehouse facility at all hours of the day when not in use for kayak delivery. In addition, employees are encouraged to use our bike-to-work program to limit staff parking. SDBK provides private storage for those bikes and alternative commuter devices inside the facility. This is detailed further in Part 3 of this Chapter (refer to Chapter 3, Part III).



2.COMMUNITY:

The facility provides enclosed private property not visible nor audible to the public for kayak loading and unloading as well as for parking of both company trucks. This feature is about as unique as it is

valuable. The facility will benefit the community in other ways like providing more parking for the residents, other local businesses and their patrons and general visitors to the La Jolla Shores area.



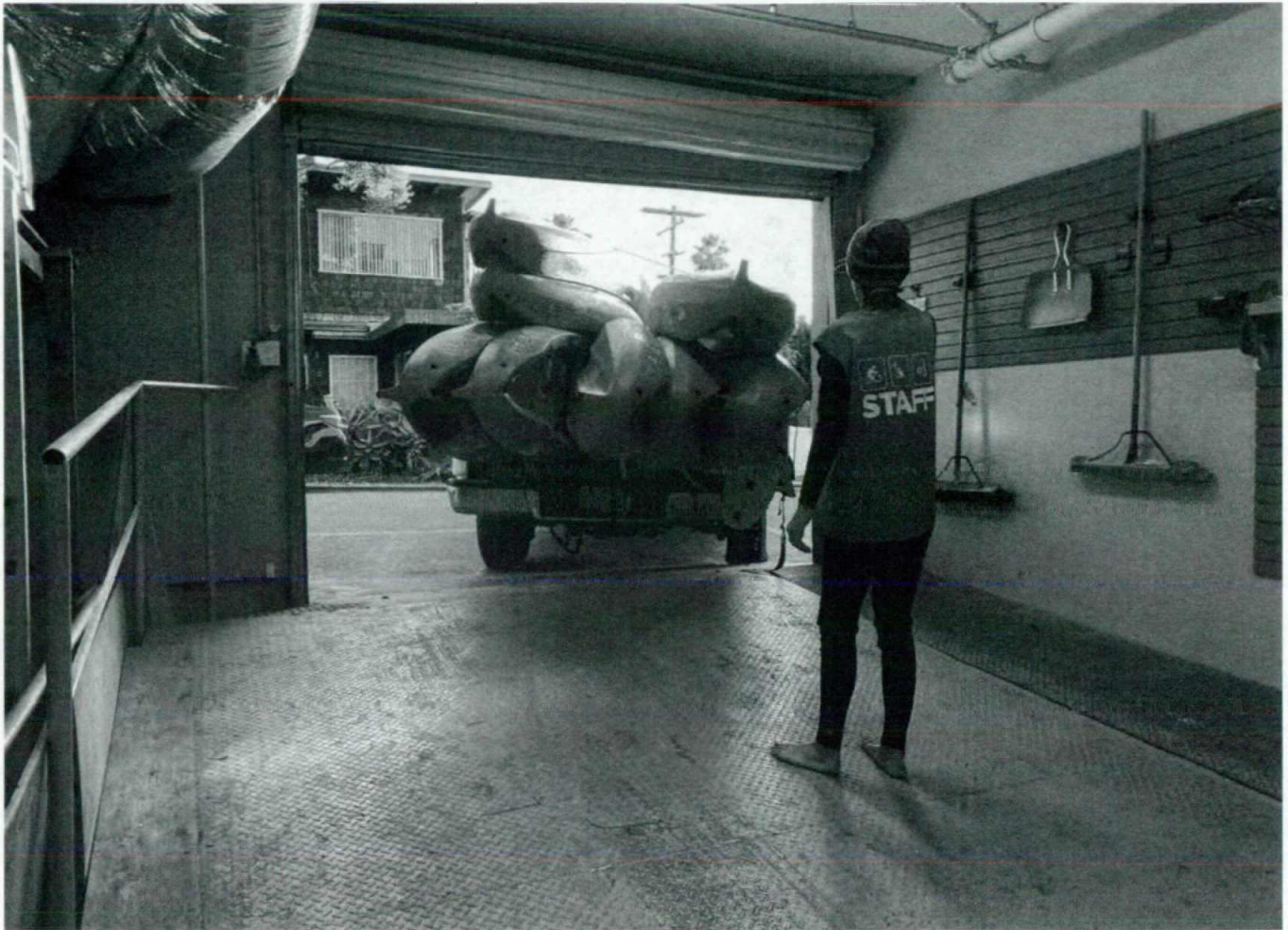
3. CUSTOMER FLOW:

This warehouse facility stores SDBK's kayak fleet as well as other equipment. By storing kayaks in this location, maximum space is available to manage the flow of customer traffic within the primary storefront. The maximum possible space is dedicated to accommodate customers within the primary storefront since all equipment (except for outfitting gear) is stored at the second warehouse facility, freeing up square footage to allow groups to congregate inside the confines of SDBK's primary store, thereby keeping the sidewalks free and clear of congestion, and by outfitting customers only within the confines of the primary storefront.

4. STREETS/SIDEWALKS:

By providing off street parking during the day for the loading and unloading of equipment, SDBK is uniquely situated to minimize sand and debris that often accumulates at the site where another operator may require the use of public parking or a public street in order to access their storefront or equipment loading. This process is both a visual and audible annoyance to the community.

SDBK's warehouse facility directly resolves this concern with respect to SDBK's operations that is currently negatively impacting the community by other operators. This facility also accommodates overnight off street parking in addition to daytime off street parking. This warehouse facility provides parking for all SDBK company trucks and stores equipment within the confines of the facility.



5. ADEQUATE SPACE:

This warehouse facility provides additional office space and serves as an employee break room in addition to providing proper kayak storage space and parking; this allows nearly the entire space within the primary storefront to be dedicated to customers, customer flow and customer volume for the maximum of 15 tours.



ADEQUATE SPACE TO ACCOMMODATE KAYAK FLEET & CUSTOMER VOLUME

SDBK's primary storefront at 2158 Avenida De La Playa is approximately 2200 square feet and SDBK's additional parking and warehouse storage facility at 2259 Avenida De La Playa is approximately 1900 square feet, totaling 4100 square feet of space dedicated to accommodate kayak inventory and customer volume—the most space available of all kayak operators.

All business transactions, customer processing and check-in, kayak outfitting and associated equipment fitting take place within the primary storefront. SDBK's primary storefront is approximately 25 feet wide by 80 feet long. A schematic of the primary storefront layout is provided at the end of this section.

SDBK's storefront is the closest kayak company to the beach, and has the most storefront square footage space of all kayak operators. SDBK's primary storefront has generous changing and locker room space to accommodate customer volume. SDBK's storefront schematic featured at the back of this section illustrates that nearly 2000 square feet or 95 percent of SDBK's total storefront square footage is dedicated to customer space with lockers, changing rooms, restrooms, life vests, helmets, and general free space to accommodate customer flow and SDBK's customer volume. This is necessary for the execution of 15 tours and 12 rentals in an operatively responsible manner that minimizes impacts.

SDBK's second warehouse facility has adequate space to store all of SDBK's kayak fleet in the proposed operations and still allows for extra square footage to be used for parking, additional equipment storage as well as office and employee space; this allows for nearly all 2200 square feet in the primary storefront to be dedicated to customer volume and customer flow.

SDBK's warehouse facility provides parking for the company trucks and space to stage, load and unload equipment onto company vehicles in a closed and private environment. ***This results in SDBK having zero visual or audible impact on the surrounding neighbors, community, businesses and tourists. SDBK does not need to access the sidewalks or conduct loading/unloading of kayaks using the street or public parking spots as other operators are forced to do.***

Amongst its two facilities in La Jolla Shores, SDBK has more than adequate space to accommodate both its large customer volume and kayak inventory.



MEASURES TO REDUCE VEHICULAR TRAFFIC

SDBK's proposed Operating Plan and suggested tour schedule recycles kayaks in an efficient possible manner to accommodate 15 tours using 48 kayaks for tours and 12 kayaks for rentals. The suggested tour launch schedule proposed by SDBK utilizes only four deliveries and four retrievals to transport

the kayaks needed to conduct 15 tours, and only one delivery and one retrieval to execute the 12 kayak rentals.

SDBK also self-imposes a kayak rental schedule for individual (non-tour) kayak rentals that reduces vehicular traffic by recycling the same 12 kayak rentals throughout the day. This rental schedule is executed at times that do not conflict with the launching and landing of the primary tour schedule or the secondary tour schedule. This rental schedule minimizes vehicular congestion, maximizes boat launch safety and limits congestion on Avenida De La Playa.

SDBK has off street parking spaces for both company trucks during the day as well as overnight; this prevents the circling of trucks in search of parking during the day minimizing vehicular traffic. Other companies that do not have daytime parking are forced to circle around with the vehicles due to lack of parking or are forced to constantly move their vehicles from various time limited public parking spaces to operate.



MINIMIZING CONGESTION IN THE COMMUNITY

SDBK has proposed a suggested launch schedule that improves efficiency over the assigned tour launch schedule from the 2015-2019 RFP cycle. The proposed launch also creates a systematic, steady flow

of customers throughout the day preventing large crowds at peak times. SDBK's second warehouse facility accommodates parking and eliminates any loading or unloading of kayak trucks in alleys or out front doors, which may prevent public access to alleys, streets and sidewalks. This also minimizes congestion in public areas by freeing up public parking spaces and loading zones for usage by other neighboring businesses, patrons of other businesses and the general public.

The acquisition of this second warehouse facility to accommodate storage and a parking in addition to SDBK's primary storefront demonstrates its deliberate and proactive measures to partner with the local community and the CITY to minimize impacts on residents and businesses. Although this additional warehouse facility adds a tremendous rent expense to overall operating costs, it eases customer traffic and minimizes the impact on neighboring residents and businesses, while also accommodating kayak inventory and customer volume as well as parking during the day and overnight for commercial trucks.

SDBK also subleases a portion of its warehouse to La Jolla Kayak and Hike Bike Kayak to ensure congestion is kept to a minimum for kayak operations industrywide; this is significant in that there is collaboration to work together with competitors to minimize the impact to the community.

KEEPING SIDEWALKS & STREETS FREE OF CONGESTION

SDBK is the closest operator to the beach which results in SDBK customers traveling the shortest distance on public sidewalks to access the boat launch and minimizes impact to neighboring businesses.

SDBK incurs a sizeable rental expense for this premium location demonstrating a proactive effort to minimize the congestion on the nearby streets and sidewalks. Every other operator is forced to have customers congregate on the sidewalks for longer distances and durations in order to access the boat launch.

SDBK staffs a sidewalk monitor and also stations a beach monitor to keep the nearby sidewalks and boardwalk along the boat launch clear. SDBK's sizeable beach staff and beach stations also ensure the emergency access lane is kept clear and the boat launch is as systemically operable as possible.

SDBK has in-store showers and an in-store foot rinse within the interior of its storefront so customers do not have to use public showers also minimizing congestion on the sidewalks and adjacent public property, and reducing the sand accumulated in public areas.

The primary storefront underwent an extensive remodel in 2009 to properly accommodate customer volume and space for outfitting; this included upgrading to commercial grade drains, sand traps, two ADA restrooms, office space and allocating appropriate space for cleaning and washing equipment within the confines of the storefront.

Other operators with inadequate customer space are forced to stage customers and equipment on the sidewalks and other public spaces and use public restrooms and showers. SDBK utilizes nearly 95 percent of its primary storefront to accommodate customer space and utilizes its second warehouse facility for parking and storage for equipment so that the maximum possible space is dedicated to accommodating customers within the primary storefront.

SDBK has the largest storefront square footage of all current operators so SDBK is uniquely positioned to accommodate the largest customer base with minimum impact to nearby streets and sidewalks as well as other public areas. SDBK's second warehouse facility accommodates equipment storage and parking while also providing space to stage, load and unload vehicles in a closed, private environment out from public view.

The state of the art warehouse facility also provides ample space to clean, maintain and store all equipment within the confines of the parking/storage facility. SDBK does not need to access the sidewalks or conduct loading/unloading of kayaks using the street or public parking spots as the rest of the operators do.

MITIGATING CONGESTION AT THE BOAT LAUNCH

SDBK's proposed launch schedule utilizes the fewest number of trips to the beach as possible to execute 15 tours and 12 rentals under the parameters set forth in Exhibit B, and while following the assigned schedule from the current RFP term with one minor change to improve upon recycling and efficiency.

SDBK stations beach personnel and a boardwalk monitor to keep customers in the designated instructional area and to keep emergency access lane clear as well as to keep the kayak storage area clean and organized.

SDBK also utilizes its beach personnel in specific stations in the water, at the water line, in the kayak instructional area, at the paddle rack, at the sea wall and at the boardwalk to ensure the flow of customers and to minimize congestion at the boat launch while also ensuring safety. SDBK maintains an appropriately sized beach staff to operate in this manner.

SDBK also self-imposes a kayak rental schedule that only allows kayak rentals to launch in between the primary and secondary launch schedules to minimize the impact to the boat launch while simultaneously promoting safety.

MITIGATING COMMUNITY CONCERNS WITH KAYAK RENTALS

SDBK's second warehouse facility accommodates parking and ensures a zero visual and audible impact on the surrounding neighbors, community, businesses and tourists with respect to loading and unloading kayaks in a private space that is not out in the open public.

SDBK operates a responsible and safe kayak rental operation with customized water safety maps, a safety video, a Water Safety Specialist stationed in the water to direct and supervise unguided kayak rentals and a large beach staff to assist kayak rental customers safely in and out of the water promoting safety at the boat launch.

The Water Safety Specialist is equipped with a waterproof cell phone, VHF radio and a Coast Guard approved flare and auditory whistle as a signaling device. The Water Safety Specialist also ensures kayakers stay out of the swim lane extending from La Jolla Cove and ensure adherence to the Marine Mammal Protection Act and NOAA guidelines for responsibly viewing marine life.

SDBK uses a self-imposed kayak rental launch schedule to organize kayak rental launching in an efficient, systematic manner that alleviates congestion and minimizes impact at the boat. The 12 rental kayaks will be delivered to the beach making only one kayak delivery and retrieval at the start and end of each day; the 12 kayak rentals will be recycled throughout the day to eliminate additional vehicular usage.

The kayak rental schedule is designed so that kayak rentals will be launching between the scheduled tour launches and retrieval times to maximize efficiency and safety at the boat launch. This minimizes customer flow on Avenida De La Playa.

SDBK takes reservations for kayak rentals to ensure an organized rental operation and ensure the recycling of kayak rentals as well to maximize efficiency and reduce impact to the boat launch. SDBK is the only operator in the industry that uses individual kayak rental reservation times to systematically conduct unguided rentals. SDBK's custom reservations system is built out to specifically to accommodate kayak rentals in this manner as described later in this section.

MINIMIZING THE TOTAL NUMBER OF KAYAKS

SDBK proposes to use 48 kayaks to execute 15 tours, and additional 12 kayak for unguided rentals. The kayaks used for tours and rentals are recycled daily up to five times under the suggested primary tour launch schedule, maximizing the number of times the kayaks are recycled in a given day. The proposed launch schedule further improves upon efficiency based upon the schedule assigned during the most recent RFP.

CUSTOMER PROCESSING & OUTFITTING

All kayak tour and rental participants meet inside of the SDBK storefront at 2158 Avenida De La Playa in La Jolla Shores to be processed in advance of their tour or rental.

SDBK's two facilities are both on one ground level, adhering to ADA requirements for wheelchair access and provide plenty of space to accommodate customer volume and kayak inventory.

Upon checking in, kayak tour and rental customers complete the liability waiver on an iPad at the designated customer stations and submit payment for services; a lowered return counter is also available for disabled customers using wheelchairs at the ADA permitted height of thirty-four inches.

All business transactions are conducted upon customer check-in inside of the storefront prior to services being rendered. SDBK uses mobile devices including iPads and iPhones for timely check-in within the store and has roaming sales representatives to efficiently and expeditiously process customers, maintaining a steady customer flow.

SDBK also has an automatic early check-in process emailed to every reserved customer in which customers can check in the day before and complete waivers in advance of arrival. This early check-in process expedites check-in and prevents customers from loitering.

Any group customers are provided with the waivers in advance to be completed ahead of time; these customers are also required to remit payment in advance. This policy results in a quick, easy check-in

for groups keeping customer traffic as minimal as possible while also freeing up counter and store space for other customers.

All kayak tour and rental participants meet inside of the SDBK storefront and all business transactions take place within the confines of the storefront. SDBK has a sidewalk monitor to ensure that customers remain on SDBK's private property inside the store or on the interior seating area.

These systematic and efficient check-in procedures demonstrate SDBK's commitment to managing the flow of customer traffic and to conducting business transactions within the storefront to ultimately minimize the impact of customer traffic for other local residents and businesses.

SDBK employees outfit customers with life vests and helmets inside the storefront prior to being escorted to the beach in smaller, organized groups. The storefront is equipped with lockers and two ADA restrooms to accommodate customer check-in and changing. Customers watch a brief safety video before being escorted by staff to the beach. Customers are instructed to remain inside the storefront to browse the retail store until ten minutes prior to paddle instruction beginning in order to avoid any unnecessary congestion at the beach.

CUSTOMER TRAINING & TRANSPORTING

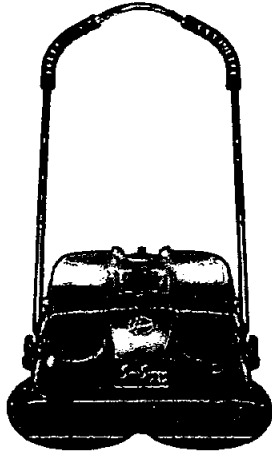
All kayak tour and rental participants meet inside of SDBK's storefront at 2158 Avenida De La Playa. Tour and rental customers watch a brief safety video before being escorted to the beach by staff.

Each tour group is assembled in the store and subsequently briefed on courteous neighborhood conduct prior to being escorted by staff in an orderly, expeditious fashion to the boat launch area. These groups are encouraged to browse the retail lines up until ten minutes prior to the commencement of paddle instruction to avoid prolonged lingering or crowds at the boat launch.

Kayak rental customers are also escorted to the beach by staff after a thorough review of the water and safety map; topics covered during the rental map review detailed in the Water Safety Plan in Chapter 4, Part V (refer to Chapter 4— Tour Guide Training, Water Safety Plan & Tour Topics for additional details).

Upon arrival at the beach, SDBK customers are immediately directed into the designated instructional area coned off by Lifeguard Ambassadors for the purposes of paddle instruction. This measure avoids any prolonged loitering around the adjacent City property nearby the boat launch. The topics covered during the paddle instruction, safety orientation and training are detailed in Chapter in a section title "Delivering Paddle Instruction & Required Orientation Topics." (refer to this Chapter for additional details).

CLEANING OF SAND & OTHER DEBRIS



SDBK has a private, enclosed parking facility to eliminate the accumulation of sand and debris on the public streets and sidewalks. Other operators are required to take kayaks out front doors or into public alleyways in order to load and unload kayak fleets into respective company trucks, which causes the accumulation of sand and debris on public sidewalks and in public right of ways. Additionally, sand and debris is accumulated on or beside the adjacent curbside and street where another company's vehicles were parked.

SDBK invested in a commercial sweeper machine in 2009 to effectively and efficiently remove sand from the streets, sidewalks and property in front of and adjacent to its storefront. The use of this sweeper is exercised throughout the operational day as well as at opening and closing by staff to ensure thorough cleaning of sand and other debris nearby SDBK's storefront due to its proximity to the public beach.

SDBK staffs a sidewalk monitor at the entrance of its storefront to keep the adjacent area in front of the storefront clear of debris and trash while also maintaining pedestrian flow. SDBK stations a beach staffer at the boardwalk to maintain customer flow and periodically remove trash and debris from the public areas adjacent to the boat launch. SDBK's beach staff also completes a thorough sweep of the boat launch area at the end of the business day for any remaining trash left by beach goers or other operators once the kayaks have been; SDBK is consistently the only operator equipped with the appropriate staff scheduling to conduct a sweep of the boat launch at the end of the day to ensure cleanliness in and around the boat launch, sidewalks and adjacent CITY property.

SDBK employs a large staff to ensure proper and complete closing procedures are adhered to. At the end of each day, the closing manager takes inventory of the boats and ensures that the boat launch area is clear of equipment and garbage with inspections. Kayaks and equipment from the trucks are properly put away and any miscellaneous trash is removed from the back of the trucks before the vehicles are parked in the private parking facility for the night. Employees also take company vehicles to the nearby carwash to have vehicles washed when necessary to maintain a professional appearance.

MANAGING KAYAK VOLUME AND INVENTORY

SDBK's Operating Plan proposes to utilize only 48 kayaks to execute kayak tour operations, which is minimal to execute 15 tours. SDBK's Operating Plan proposes the use of an additional 12 kayaks for unguided rentals. SDBK's kayak fleet is stored in an enclosed parking and storage facility and kayak loading takes place within this location. This facility is a private and enclosed area not visible or audible to the community.

The suggested primary tour schedule proposed in Chapter 1 of the Operating Plan "Description of Proposed Operations," promotes a steady flow of kayaks with maximum efficiency, recycling the kayaks up to the maximum of five times and also by scheduling kayak rentals with reservations using a self-imposed system consistent with the tour schedule for rentals internally as well.

SDBK's reservation system facilitates and assures the execution of this controlled inventory. This steady pace of controlled kayak inventory ultimately imposes a more evenly dispersed customer pace and this carries over into parking as well as overall vehicular and pedestrian traffic to the area. SDBK's proposed primary tour schedule suggests both peak and off-peak tour times, easing congestion during peak operating hours while also maximizing efficiency and safety.

SDBK's rental reservation system is designed to alleviate congestion and maximize safety at the boat launch by implementing an internal kayak rental time schedule in between the primary and secondary tour launch schedules, Exhibits B-1 and B-2 (as described in Chapter—Operating Plan—Description of Proposed Operations). This system is consistent with recycling of kayaks applying to rentals as well, maximizing efficiency as well as limiting the number of kayaks launched in between tour launch and retrieval times to relieve congestion and compliment flow of customer traffic.

MANAGING THE FLOW OF CUSTOMER FOOT TRAFFIC

SDBK takes reservations to schedule kayak rentals and offers discounts for advance reservations for both tours and rentals. This advance reservations strategy promotes structure, organization and an ability to manage the flow of customer traffic with differing check-in times. This strategy of promoting advance reservations and scheduled check-in times encourages customers to reserve kayak rentals and tours ahead of time, therefore enabling SDBK to accurately control customer traffic and maximize efficiency by recycling kayaks.



SDBK's check-in process uses a digital waiver and iPads to process customers promoting an expeditious customer flow. SDBK also stations its Sales Representatives in strategic stations throughout the store to manage customer flow and expeditiously process customers.



SDBK also manages its customer flow by assembling the tour groups within the storefront and having each tour group watch a safety video prior to being escorted to the beach by staff. The tour groups are kept in the store and encouraged to utilize the store amenities and browse the retail selection until ten minutes prior to the start of the tour safety briefing and paddle instruction. The groups then immediately begin paddle instruction in the designated area on the beach

upon arrival to the boat launch. This ensures that groups do not congregate on the beach and effectively manages customer flow.

CUSTOM RESERVATIONS SYSTEM TO MANAGE CUSTOMER FLOW

SDBK designed, developed and programmed a custom comprehensive online/in-store reservations system that is built to specifically manage customer flow and control kayak inventory. This system assures proper controls to recycle kayaks with identical boat counts and achieve maximum efficiency using the fewest number of kayaks possible to minimize impacts.

NEW RESERVATION | **CHANGE RESERVATION** | **CHECK-IN** | **PRINT MANIFEST** | **LOGOUT**

Make a New Reservation » **Step 1: Ticker** | Step 2: Billing | Step 3: Confirmation | Step 4: Readout

Choose Location

Coronado

Choose Date

Select Date:

July 2008

M	Tu	W	Th	F	Sa	Su
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

First Name:

Last Name:

Cell Phone Number:

Choose Time & Your Rental

Rentals Tours **Both**

Kayak Tour of the 7 Caves of La Jolla

☒ Bikes
☐ Kayaks
☐ Snorkels

2:00 PM

This reservations system enables SDBK to manipulate the allotted kayak inventory for particular tour times or for a particular day, enabling SDBK to discount unfilled or less popular kayak tour times on a specific day or time to maximum capacity.

This custom computer reservations system encourages customers using discounts as incentive to book tours at less desirable, unpopular times resulting in fewer crowds and less congestion at peak times. Using incentive discounts for less desirable tour time slots enables SDBK to fill these slots to maximum capacity resulting in increased revenues with decreased output at more popular times, easing overall congestion during peak operating hours and therefore reducing impact. Both of SDBK's suggested primary tour schedules include peak and off-peak tour time slots accordingly.

SDBK is also able to control kayak rental reservations and impose an internal kayak rental launch schedule that does not disrupt the primary and secondary tour schedules. This self-imposed rental schedule manages customer flow by establishing a limit of kayak rentals on the 0:15 mark to be launched throughout the day to properly manage the 12 kayak rentals requested.

With this programming, the reservations system promotes a steady, constant flow of customer traffic to manage tour volume and frequency. With this custom reservations system, SDBK can manage customer traffic and its kayak fleet, deliberately controlling the quantity and pace of customers and kayaks, resulting in a more efficient operation that uses fewer kayaks than other operators of similar size or sales volume.

The system also displays a bar graph for SDBK customer service staff to determine how full or available certain tour times are when assisting customers with phone reservations. The system updates information including online sales instantly, enabling customer service staff to accurately and readily inform customers of availability, which prevents overbooking a specific tour time or rental slot, a feature that is of particular significance with the reduced tour volume and the necessity to recycle kayaks as well as to facilitate structured launching of kayak rentals.

This system also integrates the newly designed digital waiver and digital equipment deposit slip into the system keeping SDBK as efficient operationally as possible as well as “green” as possible. This digital waiver application was also designed by SDBK’s CBO and is a proprietary product that helps reduce costs for SDBK ultimately resulting in greater profit margins and maximum efficiency.

This custom computer reservations system also sends a reserved customer an automatic confirmation email that includes a map, parking directions, cancellation policies, attire suggestions and available shuttle instructions for efficiency in operations.

KAYAK TRAINING, ORIENTATION LOCATIONS, FLOW OF CUSTOMER TRAFFIC

After customers have signed in and been fitted with proper gear inside of the SDBK storefront, all customers watch a brief kayak safety and instructional video. Watching this safety video inside of the store limits the time in the designated beach training area while also reinforcing safety and procedures. Kayak rental customers then receive a thorough explanation and review of SDBK’s custom, kayak specific water map before being directed to the beach to check in with beach staff, retrieve paddles and assigned kayaks and provide last names for the documentation of kayak identification numbers. Kayak rental customers are also given information on adhering to the Marine Mammal Protection Act and the NOAA guidelines for responsibly viewing marine life.

Guides escort tour customers to the beach to keep clients off of private property, maintain appropriate volume levels and ensure general neighborhood courtesy as well as to keep the sidewalks and streets free of congestion. Customers are kept in the retail store to browse until ten minutes before the paddle instruction is set to begin in order to keep the boat launch and beach area as clear as possible. SDBK ensures that kayaks are ready for usage by the time the group arrives at the beach to eliminate waiting time and therefore ease pedestrian traffic at the boat launch. Additionally, the tour schedule proposed creates a fluid, steady flow of customer check-in easing the congestion in the area.

Tour guides stop on the sidewalk at the foot of the launch to explain the flow of traffic in the boat launch before walking on and stress the importance of keeping the emergency access lane clear. The beach duty staff and accompanying guides work to direct customers close to the seawall on the perimeter of the boat launch, so that customers are not disrupting beach goers, private boat launch users and vehicular traffic. Customers retrieve paddles at the beach from the paddle rack stored in the designated beach area.

The tour guides then conduct all paddle instruction, safety training and orientation in the designated beach area. Guides minimize congestion and impact on the beach by keeping paddle instruction as brief as possible without compromising safety instructions or other pertinent information. Beach duty personnel keep the area clear by monitoring pedestrian traffic and controlling kayak inventory at the beach.

ADEQUATE STAFFING FOR PROPOSED OPERATIONS

SDBK has a history of being able to recruit, assemble, certify and train a large team to adequately and appropriately staff daily operations. SDBK maintains a year-round, veteran management team and year round tour guide staff, and SDBK additionally hires seasonal employees for the sales department, the beach crew and the tour guide staff. These seasonal staffers are hired in a timely fashion to allow for thorough training and timely certifications. SDBK has a record of being able to recruit, train and maintain a large, quality staff for seasonal and year-round operations, as proven over the last 16 years in operation.

SDBK has historically demonstrated an effective ability to efficiently and adequately staff and train employees for its operation. SDBK's staffed employees are exceptionally qualified and knowledgeable and undergo training in a timely manner for peak season operations.

SDBK has a history of building and training its staff early in the season to allow for a sufficient amount of time to properly and thoroughly train each and every staff member. SDBK has historically conducted hiring in waves so that managers can devote enough time to properly and sufficiently train each new tour guide, monitor his/her progress and capabilities, and conduct evaluations. This hiring process is described in detail in Chapter 4—Operating Plan: Tour Guide Training, Water Safety & Tour Topics, as well as in Chapter 8, Part III: Operating Plan—Organizational Structure, Leadership Team, Employees & Staffing & Summary of Employees' Qualifications. (Refer to these chapters for details).

SDBK had the largest enrollments in the British Canoe Union Canoe Safety Test in past years and even hired international assessor, Phil Hadley/BCU L5 Coach & Assessor, to exclusively conduct CST training and assessments for its staff. SDBK has also historically had the earliest and largest enrollment in the Lifeguards' Kayak Guide Orientation course, demonstrating SDBK's ability to adequately staff operations with properly trained personnel in a timely manner.

ADEQUATE STAFFING TO MANAGE CUSTOMER TRAFFIC & VOLUME

SDBK includes neighborhood awareness and an Employee Code of Conduct in its internal company-training program included in Chapter 8, Part III (refer to this Chapter for details). SDBK has an

appropriate staff size to ensure professional, safe operations and to complete daily tasks that minimize the impact on the community and nearby businesses and residents.

SDBK staffs beach duty personnel with 5-9 employees at the beach daily during peak season to manage tour and rental customers and kayaks to minimize congestion at the boat launch. The beach staff is also responsible for picking up trash at the beach when it is observed.

SDBK staffs each summer day in a staggered fashion with the opening staff arriving at 7:00 a.m. The next several staff members arrive at 7:30 a.m. and four or more staff members arrive by 8:00 a.m. This staggered arrival of staff continues through 2:00 p.m. with the arrival of the day's Closing Manager and closing staff. The closing staff typically works until 8:30 p.m. each day during summer.

SDBK has historically maintained the largest staff in the industry. Additionally, SDBK is departmentalized into Sales, Operations & Beach, and Service & Guides, which provides specialization by department to offer a superior level of service that SDBK has built its reputation on.

SDBK has a proven ability and will continue to staff daily operations to accommodate customer traffic and volume. In addition to maintaining adequate staffing to conduct daily tour operations with required ratios, SDBK also maintains a dedicated sales staff and stations for guides throughout the store to provide customer assistance in and around the shop, in order to keep the flow of customers moving expeditiously.

These additional employees also perform daily cleaning and maintenance activities including sweeping the streets and sidewalks, picking up trash and inspecting equipment. Additionally, SDBK has historically proportionally devoted more payroll dollars to the beach crew than any other provider.

Historically, SDBK has staffed approximately 45 employees on summer weekend days, and approximately 35 employees on summer weekdays to ensure adequate staffing for tours and daily operations.

CLOSEST KAYAK OPERATOR TO THE BEACH

SDBK underwent an extensive remodel to its primary storefront in 2009 to specifically accommodate its kayak operations in the interest of managing customer flow and volume. This newly remodeled storefront not only has the largest store space of all current permitted operators, it also is the closest kayak operation to the beach.

This premium store location minimizes the pedestrian and vehicular traffic along Avenida De La Playa as well as in and around adjacent CITY property. Participants only need to be transported less than one block, unlike other operators that have locations further away from the beach.

This prime location results in walk-in customers from the beach inquiring about kayak services, ultimately benefiting the CITY in the form of concession fees. Additionally, this superior location

benefits the CITY and the community because SDBK's proximity to the launch minimizes the vehicular and pedestrian traffic on Avenida De La Playa, in the immediate area, and on adjacent CITY property since SDBK's storefront is on the last commercial block before the boat launch.

This remodeled storefront demonstrates SDBK's commitment to the community by its proactive measures to upgrade the business district, while also minimizing impact to the area by reducing the pedestrian and vehicular traffic on Avenida De La Playa since customers and business vehicles have less distance to travel to the launch than other operators. Additionally, SDBK was able to specifically design the layout of the storefront to accommodate volume, customer traffic and customer flow along with kayak inventory. This prime location also results in an operational advantage with timely tour departures and boat launch regulations as the lead-time to tour departures is reduced. SDBK's officers are owners in the building so this location also represents security, a major operating hurdle for other companies in the face of increasing restrictions. This also allows SDBK to make storefront modifications as needed to continuously accommodate changing demands, customer traffic and new operational changes that may be imposed by the CITY in the future as the kayak concession evolves.



REMODELED STOREFRONT AND UPGRADED FACILITY

SDBK remodeled its primary storefront located at 2158 Avenida De La Playa. This extensive upgrade and remodel added additional store space along with many upgraded amenities including indoor showers, an indoor foot rinse, two ADA restrooms to accommodate customers and/or staff with disabilities, 200 lockers, and four additional changing rooms.

In addition, SDBK nearly doubled its store space to manage the flow of customer traffic and to accommodate customer volume and kayak storage.

SDBK also added an upgraded warehouse facility as described throughout this proposal to accommodate all equipment storage, conduct all kayak loading and unloading in a private confined space not visible or audible to the public, and to allow for parking during the day and at night for company trucks, while also providing additional employee breakroom space.



STORE AMENITIES TO ACCOMMODATE CUSTOMER VOLUME

After checking in and remitting payments, customers are then directed to the locker room area at the rear of the storefront.

The locker room and changing area is equipped with customer space that incorporates customer amenities including four changing rooms, two ADA compliant customer restrooms, two foot rinses and showers, 150 lockers with locks and keys for customers to securely store their personal belongings and LCD monitors to display the safety instructional video and an online surf report.

The locker space provided inside the primary storefront allows customers to use alternative means of transportation such as SDBK's shuttle services so they are not forced to leave belongings in a nearby vehicle. The locker rentals also generate significant revenue for the CITY as a kayak incidental.

Customers are advised in advertising materials and during the reservations process to come dressed in bathing suits to keep the changing area as fluid and available as possible. Five total changing rooms are available, including the two large customer restrooms to accommodate customer volume. This large changing area, locker space, and two restrooms help minimize the impact on local residents since customers make fewer trips to parked vehicles with these amenities readily available.

The locker room is equipped with wall-mounted racks where customers retrieve life vests. These life vest racks vary in mounted height to accommodate any shorter or disabled patrons in compliance with ADA regulations. Staff members are designated to the locker room area to assist customers with the proper life vest sizing and fit each kayak tour participant with the properly sized kayak helmet. These staff members also review the kayak rental water map with individual rental customers and answer any questions they may have about the water map or kayak rental rules and customers watch the safety video on the LCD screens. Staff members also direct and escort clients to the beach, minimizing the impact on nearby sidewalks.

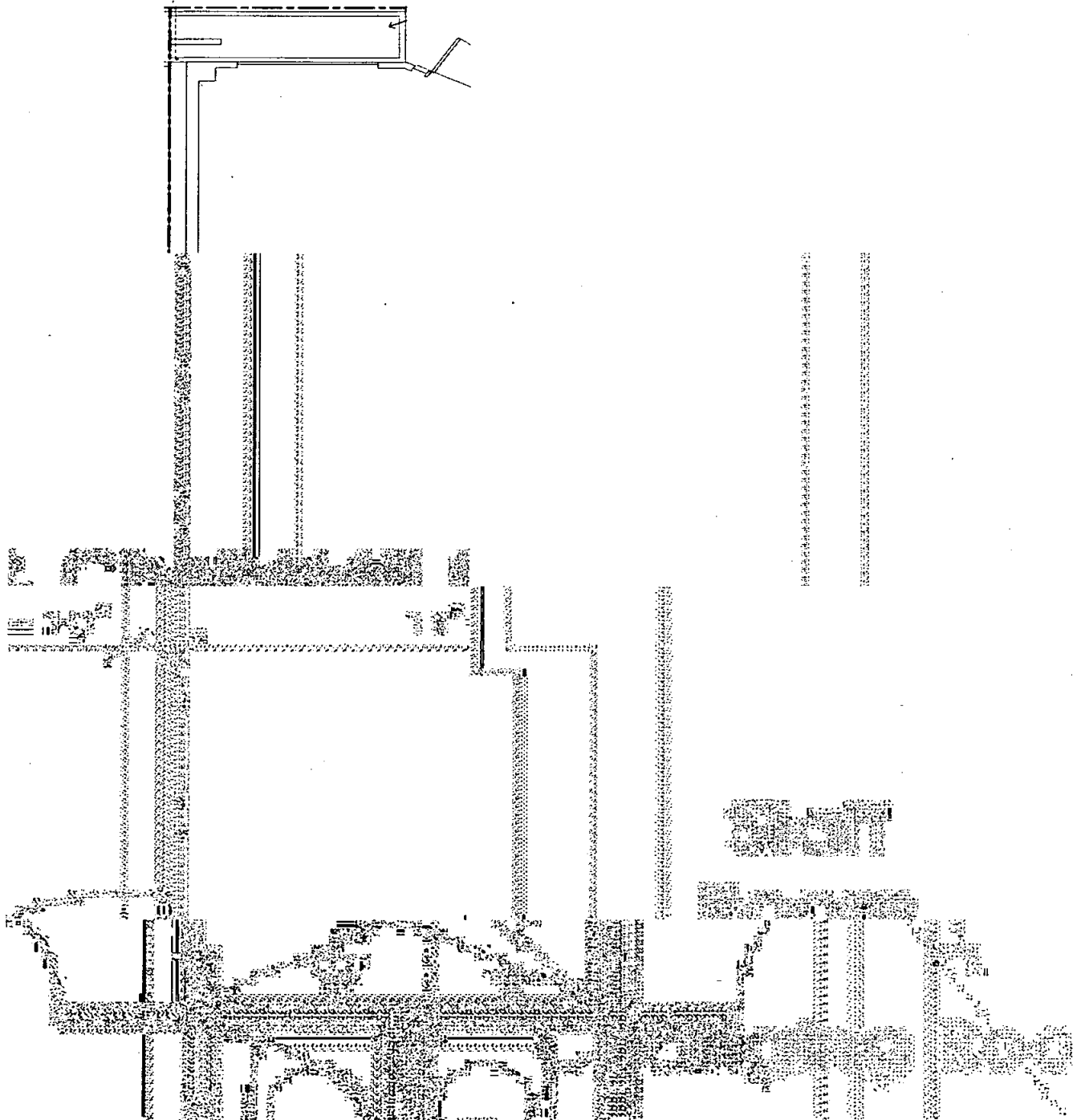
OPERATIONS DEMONSTRATING HIGH LEVEL OF SERVICE TO THE PUBLIC

These dual locations, in-store amenities, sidewalk monitor and trained staff demonstrate SDBK's awareness and willingness to partner with the local community to minimize impacts on local residents and businesses, while offering a high level of service to the public and simultaneously operating the kayak concession in a fiscally responsible manner that preserves and improves the area and the boat launch as a public resource for the benefit of the community.

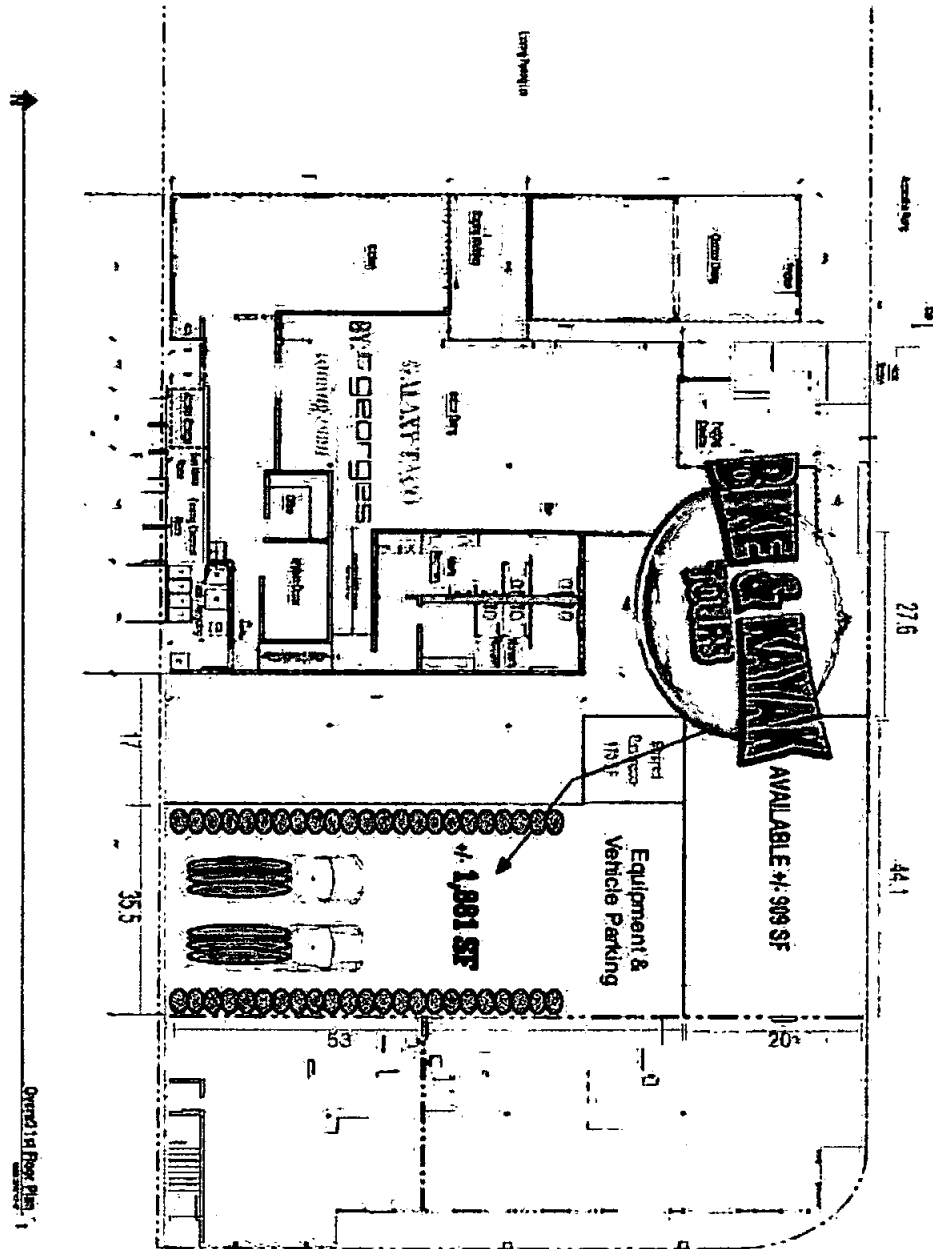
Having suitable customer space and amenities demonstrates SDBK's commitment to managing the flow of customer traffic in an effort to minimize the impact on other local businesses and residents. All of the contents described in detail in Chapter 1: Operating Plan—Description of Proposed Operations and throughout this chapter (Chapter 2: Operating Plan—Minimizing Impact) demonstrate SDBK's ability to continue to be the industry leader in offering the highest level of service.

[STORE SCHEMATICS NEXT PAGE]

PRIMARY STOREFRONT SCHEMATIC



SCHEMATIC FOR SECOND STORAGE & PARKING FACILITY







CUSTOMER PARKING & SHUTTLE SERVICES

SDBK is committed to partnering with the local community to minimize street congestion and the parking impact on other local businesses and residents with creative parking solutions to mitigate parking issues in La Jolla Shores.

SDBK offers a complimentary shuttle service to and from local hotels so that customers that are visiting from out of town are not required to drive a vehicle into La Jolla Shores and take up parking. Because there are so many weekend summer beach goers, the shuttle service is a selling point for out of town visitors. It is efficient and reasonable for SDBK to provide these shuttle services since employees drive the commercially insured passenger van to these locations anyway for bike rental deliveries.

The shuttle route includes stops at the Cave Store accommodating downtown La Jolla visitors as well as La Jolla Cove Suites, La Valencia Hotel, Hilton Torrey Pines, The Lodge at Torrey Pines and Estancia Hotel Spa.

Shuttle service is also offered to and from SDBK's Coronado location at the Coronado Ferry Landing, accommodating customers staying in Coronado and nearby downtown San Diego.



EMPLOYEE PARKING, CARPOOLING & BIKE-TO-WORK PROGRAM

SDBK also offers a Bike-to-Work program for all employees. Employees that bike to work receive incentives for biking to work instead of driving and SDBK has historically had considerable participation due to the athletic nature of staff. SDBK provides storage space in its second storage/parking facility for these personal bikes used in the Bike-to-Work Program. SDBK allows employees that do not own a bike to check one out from the rental fleet to participate.

SDBK also has an online scheduling system to coordinate carpool scheduling for participating employees. Employee carpooling has been successful in the past since much of the staff lives in the nearby beach areas.

SDBK has a company policy stating that employees are requested to park outside of the immediate radius of the La Jolla Shores area. Employees are instructed to park on larger main roads and away from the nearby residential area. This policy is outlined in the Employee Handbook and reiterated in the Employee Code of Conduct provided in Chapter 8, Part III.

TAXICAB, BUS FARE AND UBER FEE RECOVERY DISCOUNTS

SDBK offers a taxi, UBER and bus fare fee recovery discount for customers. Customers that present bus vouchers receive a discount in service fees for bus fare (some restrictions apply). Customers that present taxicab receipts can receive a partial reimbursement for taxi fare off in the form of a discount off of service fees. These programs help minimize customer parking in the La Jolla Shores area freeing

up more public parking for other visitors, businesses and residents.

This has been popular historically as many visitors prefer to be dropped off by bus, taxi, or UBER, avoiding potential parking challenges in the beach area.

HOTEL PARTNERSHIPS

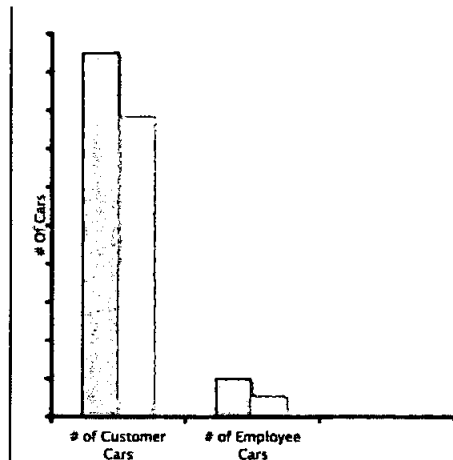
SDBK partners with local hotels and concierge that offer hotel shuttle service directly. SDBK is the vendor of choice for many local San Diego concierge and has a Concierge Program as such.

Certain hotels such as the Fairmont Grand Del Mar Resort use SDBK exclusively for kayaking, snorkeling and biking services and their guests are dropped off by transportation provided directly from the hotel. SDBK has spent years cultivating these lucrative relationship with local hotels that provide such service. This reduces the demand on parking in the local La Jolla Shores area.

GRAPH ILLUSTRATING POSITIVE IMPACT OF ALTERNATIVE PARKING SOLUTIONS

SDBK estimates that one out of every five customers will utilize these alternative parking solutions with the addition of more shuttling sites based on previous usage. SDBK also estimates that nearly half of its employees will participate in these creative parking alternatives.

This graph illustrates the positive impact of these creative parking solutions to minimize vehicular congestion and reduce impact to the area.



Attachment A: Operating Plan

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**Operating Plan—Tour Safety Procedures, Logistics &
Concession Operations**

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Attachment A: Operating Plan

Chapter 3

Operating Plan—Tour Safety Procedures, Logistics & Execution, and Concession Operations

This section outlines a brief summary of tour safety procedures, tour logistics and how SDBK safely and responsibly executes guided tours with specific protocols and procedures. This section also outlines how SDBK maintains adherence to water activity zones and areas of special interest throughout guided tours, as well as how SDBK operates to carefully observe and discuss the delicacy of the Marine Mammal Protection Act, coastal preservation and water safety procedures throughout the execution of its guided tours.

Guide training on tour operational logistics that demonstrate a partnership with both the City of San Diego and the local community are explained in this Chapter and are further detailed in the subsequent chapters (refer to Chapter: 4, Operating Plan—Tour Guide Training and Water Safety and Chapter 5: Operating Plan—Fulfilling Exhibit C) which detail proper execution that fulfills concession requirements and operations, including flags and hazard alerts.

SDBK shall ensure that all kayak guides, kayak tours and individual kayak rentals are knowledgeable and comply with restrictions set forth in the Marine Mammal Protection Act as explained in this chapter as well as further detailed in Chapter 4: Operating Plan—Tour Guide Training & Water Safety and Chapter 5: Fulfilling Exhibit C (refer to these chapters for additional detailed information).

Safe and quality kayak operations are of the utmost importance at SDBK. Proper operational logistics are necessary to create a professional operation that abides by boat launch rules, enforces the safety of the public, and minimizes the impact on the community to ensure a pleasurable environment for residents and tourists.

PRE-TOUR PROCEDURES

Each kayak tour is limited to a maximum of ten client kayaks and two guides, except in the event of a Hazard Alert 1 in which client to guide ratios are increased to 4:1. At the time of check-in, participants complete the appropriate forms and waivers, and are briefed as to what to bring or leave behind on the tour. SDBK storefronts house lockers, changing rooms, and two ADA restrooms to minimize public facility usage. When participants are ready, they are fitted for appropriately sized helmets and personal floatation devices (PFDs) with the assistance of SDBK staff.

Next, the tour participants watch a brief safety & instructional video inside of the storefront and are assigned to tour guides. The tour guides escort the tour group to the beach where the beach duty personnel, the kayaks, and paddles await. The accompanying guides keep participants out of the way at the boat launch, as to maintain full accessibility for other boat launch users.

Prior to start of all tours, each tour guide gives an introduction, paddle instruction, kayak-maneuvering lesson, and safety briefing for all tour participants. This takes place within an area coned off on the beach that the San Diego Lifeguard Ambassadors designated in 2008.

During the paddle instruction, guides are expected to learn and memorize the names of tour participants. This aids not only in customer service, but also is extremely advantageous in the water, allowing the guide to directly and specifically address any customer in the water in case of emergency or as a warning to perilous conditions or areas.



BEACH OPERATIONS & EQUIPMENT TRANSPORTATION

At the start of each morning, staff members drop off kayaks for the day's operations and kayaks are deposited to the designated beach storage area at 8:00 a.m. consistent with concession requirements.

SDBK has offsite parking for its commercial vehicles during the day and at night in its second warehouse facility located at 2259 Avenida De La Playa and all loading and unloading of kayaks takes place within this facility before and after transportation to the beach.



SDBK company trucks are readily identifiable, marked with the company logo and phone number consistent with kayak concession requirements. The trucks used to transport kayaks to the beach are equipped with safety grates to protect employees and pedestrians. Both trucks have safety tie downs that are used any time the loaded kayaks exceeds one level. The tie downs prevent kayaks from falling out of the truck, damaging cars or injuring pedestrians. Both trucks have four-wheel drive to prevent getting stuck in the sand at the boat launch. The trucks are registered, commercially insured, regularly maintained, smogged, and also are clean, well kept and free of trash and broken parts.

All employee drivers are licensed and registered as well as individually insured under the company's commercial auto insurance policy. Drivers are knowledgeable of all permit and boat launch rules and adhere to both the rules of the road as well as the traffic pattern at the boat launch. Drivers also are required to strictly adhere to the 5MPH speed limit at the boat launch and drivers must maintain low speeds, driving cautiously and below the posted speed limit when trucks are loaded with kayaks on the streets.

At the boat launch, employees drop off permitted number of kayaks along with a paddle rack into the designated beach storage area. This timely drop eases congestion from unloading kayaks at the boat launch during peak times of the day more frequently used by private kayakers accessing the launch and is consistent with recycling kayaks as proposed in the suggested launch schedules.

Company vehicles are parked on the beach for loading and/or unloading at the boat launch for no more than fifteen minutes in the designated area established by Lifeguard Ambassadors.

Company vehicles make a complete stop at the stop sign at the foot of the boat launch, and then engage four-wheel drive before pulling onto the sand. Trucks are always staffed with two employees, so that when the trucks are driving on the beach, one employee can exit the truck at the stop sign at the foot of the boat launch, to aid the safe navigation of the vehicle onto the launch.



At no time is more than one company truck permitted on the beach at a time; the truck drivers designated to each truck communicate via two-way radios to ensure adherence to this company policy. Before exiting the boat launch, the truck drivers circle around the entire truck to look for equipment, pedestrians, holes in the sand or other obstructions before returning into the truck to drive away. The staffer guides the truck off of the beach while the driver follows suit.

If the established area at the boat launch is full or inaccessible due to high tide, company vehicles shall wait to pull onto the boat launch, in the loading zone at west end of Avenida De La Playa on the north side of the street.

The recycling and efficiency plan proposed with the suggested tour launch schedule in Chapter 1 limits the number of vehicular trips to the beach and reduces traffic along Avenida de la Playa. The tour schedule outlined also maximizes efficiency by recycling kayaks to have as few vehicular trips as possible. Fewer vehicular trips up and down the street also minimize the amount of sand tracked onto the streets. The exact number of kayaks are dropped off or dragged to the water line prior to the start of each tour so the kayaks are ready for immediate usage as soon as the paddle instruction is complete; this measure avoids congestion at the boat launch and keeps the designated paddle instruction area freely moving. Once the initial kayaks are dropped off, the recycling of the kayaks continues throughout the corresponding launch times throughout the day.

It is the policy of SDBK to politely reject any volunteered help from customers with regard to loading or unloading kayaks on or off the trucks. This is to prevent customers from incurring any injuries from inexperience with handling kayaks in this fashion.

SDBK exercises due diligence when retrieving kayaks by adhering to the fifteen minute limit for kayaks to be placed at the water line or retrieved from the water line. SDBK staffs beach duty personnel daily to manage kayaks departing and returning and adhere to the necessary timeliness of kayak retrieval and kayak launch times. SDBK also has a record of adhering strictly to the rules permitting a limited number of kayaks stored in designated storage area. SDBK beach duty personnel manage these rules with two-way radio contact to staff driving trucks and tour guides in the water. The beach duty

personnel give clearance for tours to return to shore only when the water's edge is clear of other kayaks and trucks pulling onto the beach are free of kayaks to ensure adherence to this rule.

KAYAK FLAGS

The beach staff ensures that kayaks have the necessary secured flags on each boat distinguishing the boat as either a kayak tour guide or kayak rental customer with red or blue flags respectively.

TOUR LAUNCHING

Once the paddle instruction is completed within the designated area at the beach, the tour guides walk with the tour group to water's edge, along the exterior boundary of the boat launch for tour departure.

Guides ensure that customers are not walking through the boat launch to inhibit traffic or disrupt operations, and the guides and beach crew work together to keep the customers in the designated instructional area and also to keep the emergency access lane clear at all times.

The leading tour guide always paddles out toward the boat launch and sets up the initial meeting point well beyond the surf zone deliberately within the center of the boat launch to ensure avoidance of drifting into the swimming areas. One of the guide's kayaks is always the first into the water to ensure constant supervision of the tour and to eliminate any moment where the tour members would be without aid in the case of an emergency.



At the boat launch, the additional guide and beach duty staff assist the kayakers through the surf safely, keeping them out of the adjacent swimming areas and avoiding dangerous collisions with other kayakers or ocean goers, the major cause of accidents in the La Jolla kayaking area.

TOUR DEPARTURE

Once the tour group has met safely outside the surf zone, the guides reiterate previous paddling instructions along with safety policies, paddle signals and tour rules. The guides also explain the safety and hierarchy of water participants, informing the tour that swimmers, snorkelers, scuba divers and waders have the right of way. Proper placement in relation to the guide kayak(s) is also covered, as the guide should always be the closest person and kayak to the shore, cliffs, waves, or rocks, creating a buffer zone between the tour and any perilous areas.

Additionally, guides explain that it is imperative for kayaks to be facing the proper direction during any stops along the tour, and the guides enforce the rule of keeping the group facing in a defensive position to oncoming swells and/or towards the open ocean to view any incoming weather or waves for safety purposes. The guides also make safe and responsible decisions as to where to set up the

group along the cliffs during narrative pauses, according to the tide, surf, and weather, always keeping them well out of harm's way.

TOUR WATER SAFETY PROCEDURES

The paddling route for the tour is adjusted constantly, as the weather and ocean conditions dictate the actions of the guides. The guides are the decision makers in the water, and they are always observing and reevaluating their surroundings. SDBK emphasizes action instead of reaction during guide training and each guide is fully qualified and knowledgeable to accurately read the water and weather conditions.



Guides assess, appropriately adjust to, and avoid approaching conditions, instead of just responding to imminent danger or perilous areas/conditions. Tour guides take wider routes from shore at lower tides, and change their directions depending on the angle that the swell is approaching the shoreline. If the wind is blowing in one direction, the guide must adjust the pace of paddling to ration the strength and stamina of the tour participants. Although these are small details, they have rather large ramifications if ignored or neglected. Safety is paramount because there are many factors at play and SDBK guides actively engage in preventing water emergencies.

Beyond the boat launch, the most precarious area when kayaking is along the caves and the north facing sea cliffs on the southern border of the Ecological Reserve. This area is generally affected by northern swells (waves that come from the north or northwest) but due to the curvature and formations on the bottom of the ocean, certain southern or western directional swells can curve or turn, wrapping around the western point of La Jolla Cove, sending waves into the sea cave area. The rocks, barnacles, caves, and breaking waves can combine to cause variety of hazards, if one is not conscious of the dangers. This unique feature about La Jolla can make the sea caves a potentially dangerous area at any time to an uninformed visitor.

As the guides lead the tour toward the caves, they are constantly surveying the water for signs of incoming or breaking waves. Steering clear of Devil's Slide (a rocky reef section infamous for shallow breaking waves), the guide sets aim towards the safest area along the cave cliff line. Keeping the tour at a safe distance away from the barnacle covered rocks, the guide stops the group toward the western end of the caves, away from the eastern corner of the cliff, which often catches the brunt of the larger surf.

Safe viewing and exploring of the cave area is the primary concern, so tour guides spend hours in the water along the cliff to familiarize themselves with potentially dangerous rocks, sharp barnacle beds, hazardous formations below the water, wildlife behaviors, emergency response accessibility, and much more.

All of this information equips the guides with the knowledge and purpose behind their actions. Tour guides know not just what they are doing, but why they are doing it.

All of the tour guides are trained in the proper procedures for safely taking clients into the Clam's Cave. If the conditions permit, the tour guide will accompany one kayak into the cave at a time to ensure safety. Because there are typically two guides on every tour, one tour guide paddles with each kayak into the cave to maintain full and deliberate control of the client's kayak. Each participant will paddle while the bow of the guide's kayak is steering the participant's boat safely in and out of the caves. This BCU tactic enables quick and controlled turning of the client's kayak in the event that kayak needs to be repositioned or moved out of the cave. Not only does this skill allow the guide to safely maneuver the kayak in the cave, it also protects the Ecological Reserve, as many unaccompanied, inexperienced kayakers will hit their kayaks against the walls of the caves, damaging these brittle sandstone formations. Meanwhile, the additional guide is outside the cave with the rest of the group, monitoring the water conditions and helping the other tour guide get customers in and out of the cave quickly, safely, and efficiently. Additionally, this guide ensures a safe and appropriate distance from any marine life in observance of the Marine Mammal Protection Act.

ADHERENCE TO SWIM LANES & NO KAYAK ZONES

When leaving the cave area, the guides direct the tour as to keep kayaks out of the designated swimming lane outstretching from La Jolla Cove as marked by the swim buoys. This prevents kayak to swimmer injuries and ensures fair usage for all the areas of the Ecological Reserve. SDBK touring kayaks stay outside the designated swim lane extending out from La Jolla Cove and do not cross the boundaries of the Swimming Lane, and never head south of Point La Jolla, as the beaches to the south are "No Floatation Device" zones. Other water activity zones are also adhered to as described in the Tour Guide Training, Part II.

Throughout the kayak tour, the guides' constant directional movement when paddling helps the tour participants further familiarize themselves with their paddling and kayak control. This not only makes the visitors more accomplished paddlers, it is preparation for returning to the shallow sandy shoreline where waves often break. The ability to maneuver the kayaks in crowded, moving water and the comprehension of when it is necessary drastically cuts down the potential for collisions.

The waters directly in front of the La Jolla Beach & Tennis Club and north of the Boat Launch at La Jolla Shores are off limits to all kayaks, so SDBK tour guides lead their participants throughout the Reserve avoiding these areas to ensure safety and abide by control zones.

MARINE MAMMAL PROTECTION ACT & NOAA GUIDELINES FOR VIEWING

MARINE LIFE

During the tour, tour guides explain the importance of observing the local marine life from a distance as though not to disturb their natural environment and actively participate in marine conservation.

Tour guides deliver a summary of the Marine Mammal Protection and NOAA guidelines for responsibly viewing marine life in order to educate customers about safely and appropriately viewing marine mammals and other local marine life.

The details of the Marine Mammal Protection Act are discussed including the prohibition of "taking" any marine life; prohibition of harassment of marine mammals including seals and sea lions;

prohibition of any act that pursues, torments or annoys marine mammal species; prohibition of any other annoyance that may potentially injure, disturb or disrupt normal behavioral patterns; and prohibition of the sale of any marine life including any attempt to pursue, swim with, pet, touch or elicit a reaction from a marine mammal.

Additionally, customers are educated on and instructed to follow the guidelines set forth by the NOAA Fisheries Service for responsibly viewing marine life which includes: observing dolphins, porpoises, seals and sea lions from a safe distance of at least 50 yards; observing large whales from a safe distance of at least 100 yards; limiting overall viewing time to no more than 30 minutes; avoiding circling or entrapping marine mammals between watercraft and/or watercraft and shore; avoid abrupt movements or loud noises around marine mammals; void separating mother/calf pairs.

PROCEDURES FOR VIEWING THE LEOPARD SHARKS & OTHER MARINE LIFE

In the warm water months typically from May through October, leopard sharks inhabit the shallow sandy flats of the southern part of the Ecological Reserve. Always a crowd favorite, these sharks attract swimmers, waders, snorkelers, scuba divers, and kayakers into a small, wavy area. While the different groups of water users have their own designated areas, many find themselves collecting in this area to view the breeding leopard sharks. SDBK tours are not permitted to cross the surf line under any circumstances. The constant movement of these leopard sharks may make viewing impossible if the sharks are in shallower waters closer to shore than the surf line. Swimmers and snorkelers always have the right of way even when they are not in a designated swimming area, so the tour guides dictate a safe path, avoiding the swimming only area in front of the La Jolla Beach and Tennis Club. Occasionally, skipping the viewing of these leopard sharks is the only safe procedure depending on the surf.

In order to view the leopard sharks, kayakers must paddle parallel to the shoreline. Paddling in such a manner allows for greater visibility and range for finding these creatures but can leave a kayaker in a vulnerable position if unprepared for waves. To combat this, the guides stop the group west of the surf line on the southern end of La Jolla Shores Beach before venturing into the shallow waters. The tour guides explain the behavioral patterns of the leopard sharks in conjunction with how to properly and safely observe these majestic creatures.

The guides lead the group in a long, spread out, single file line, with one guide up front, and one sweeping along the eastern edge of the group, watching for waves, aiding in turning kayaks that have trouble adjusting to waves, and creating a buffer between the kayaks and any other water users. The formation of a single file line is advantageous because it decreases the potential for kayak-to-kayak collisions.

Since the kayaks are not side-by-side, if one kayak gets turned towards the shore, there will be no domino effect, allowing the one kayak to glide towards the shore followed by a guide kayak. If the kayaks paddled together in a congested pod, one kayak could end up knocking several kayaks to shore, creating confusion and possible collisions. This type of incident is completely preventable, and tour guides understand that any kayak-to-kayak, or kayak-to-swimmer collision is simply unacceptable. Therefore, erring on the side of caution, the guide leads the line, and will curve it out and away from any grouping of swimmers, and turn the group out towards the open ocean in the event of breaking waves.

RE-ENTRY TO THE BOAT LAUNCH

As the tour group returns to the white buoys marking the boundary of the boat launch, the guides radio to the beach duty personnel for clearance to land the kayaks. The potential for collisions increases as the numbers of kayaks in the boat launch increases, and the combination of launching and beaching simultaneously can be quite hazardous.

The beach duty personnel will notify the group of when and where to return to shore in a safe manner, keeping the number of kayaks on the boat launch sand under its maximum limit at all times. Beach duty personnel also stake out and communicate a clear area for the incoming kayaks to land before granting permission to tour guides. Sometimes, a tour may wait in the water outside the boat launch buoys for ten minutes if necessary to ensure a clear, safe path for re-entry.

While waiting for clearance to re-enter the boat launch, the tour guides explain how to safely return to shore through the waves and what to do in the event that the kayak capsizes. Tour guides also point out the boundaries of the boat launch and the potential hazards including outbound kayakers, swimmers, the no kayak zones directly to the north and south, and tour guides clearly explain the precise, exact location of re-entry that is safe and clear.

Once a clear area free from outbound kayakers is available, the beach duty personnel will grant clearance and move to the precise point of re-entry to provide a visual entry point for the incoming tour participants.

One tour guide returns to shore first to demonstrate how to safely return through the surf, while the other tour guide remains in the water with the tour group. Upon landing ashore, the beach duty personnel and the additional guide will assist customers coming into shore by standing knee to chest deep in water to collect returning kayaks to prevent them from colliding with other kayaks or from capsizing. The other tour guide in the water sends one participant kayak to shore at a time, while reiterating how to safely maneuver and turn their kayaks while through the waves. Additionally, beach staff use hand signals to re-direct any client kayaks that need adjustments upon return to ensure safe landing within the designated boat launch area.

PROCEDURES TO AVOID COLLISIONS

A kayak riding on a wave will pick up significant speed and often lose control. The majority of the time, a guide situated in the shallows is better suited than the tour participant themselves for stopping or slowing the kayak. This helps avoid collisions or landings in no kayak zones.

Tour guides and beach duty staff always expect and prepare for the worst in order to actively prevent any potential collisions or unnecessary capsizing. The beach duty personnel and beached tour guide seek to assure the safety and enjoyment of all the customers, beach users, private kayakers, boat launch users, and customers and staff of other commercial operations.

The beached tour guide and beach duty personnel act as a team, keeping the tour participants and other boat launch users out of harms' way by wading into the water to redirect and catch incoming kayaks before they return all the way on shore, and stacking those kayaks neatly on the beach.

PROTOCOL UPON TOUR RETURN

As the tour group returns to the beach one kayak at a time, the kayakers are neatly stacked out of the way at the water's edge. Paddles are also returned to the paddle rack located in the designated beach storage area.

The beach duty personnel then ensure that kayakers are either stacked neatly out of the way for the next group to use in fifteen minutes or less, or returned to the designated kayak storage area along the seawall while also ensuring that the emergency access lane is clear. If kayakers need to be returned to the kayak storage area, the beach duty personnel do so in an expeditious manner to avoid disruption of boat launch activity and ensure the timeliness of tour departure. SDBK's staff perpetually exercises this courteous drag pattern to minimize congestion at the boat launch and avoid vehicular disruption.

The tour guides then accompany the tour participants back to the storefront, leaving the boat launch by hugging the seawall and following the pedestrian ramp to stay out of the way of the boat launch. The group is instructed as to the location of the nearby public showers to reduce the tracking of sand on the nearby sidewalks, and the group then proceeds to walk along the northern, paved sidewalk, out of the



way of vehicles driving down the street. The group's return to the store is escorted by the guides in order to ensure that customers return expeditiously, quietly and in a manner that does not disrupt the neighboring businesses and residents. Showers and a foot rinse are also available in-store exclusively for SDBK customers upon return to the store.

Upon returning to the storefront, returning customers are greeted by staff in the shop ready to provide customer service. These staff members assist with quick return of life vests and helmets and provide any needed assistance with lockers, restroom location, in-store foot rinse and showers and/or plastic bags for wet clothing. These employees also assist with keeping customers as quiet as possible and within the confines of the facility, as though not to disturb neighboring businesses or residents.

The facilities and amenities in the store allow customers to dry off, change, and use the restroom within the storefront, avoiding the unnecessary usage of public facilities or the disruption of the community. SDBK's in-store foot rinse also enables customers to rinse the sand of their feet to prevent this sand from being tracked along the sidewalk or streets. With the beach and the storefront clear, the tour process is completed, and the guides and employees prepare for the next tour to check in.

Although these operational details for the kayak tour execution may seem trivial, it is ultimately these details and logistics that make SDBK a truly professional operation. SDBK's policies and strategies continually abide by boat launch rules, working to ease congestion at the boat launch and minimize the impact to the neighborhood.

Attachment A: Operating Plan

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Attachment A: Operating Plan

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Attachment A: Operating Plan

Chapter 4

Operating Plan—Tour Guide Training, Water Safety Plan, and Tour Information, Topics & Narrative

An outline of tour guide training, training subjects and course content is included in this chapter with topics ranging from guide dialogue and tour narratives, NOAA guidelines for responsibly viewing marine life, paddling techniques, public safety, right of way, zones and boundaries. Additionally, this chapter outlines the extensive Tour Guide Training process all guide staff at SDBK must complete.

In order to receive a “certificate of qualification,” tour guides undergoing SDBK’s proprietary tour guide must demonstrate a comprehension of kayak tour operational logistics during company training such as equipment, safety, protocol, monitoring, evaluating clients, ocean conditions, rules, ratios, and identifying markers. SDBK has developed specific operational logistics that are included in annual guide training to execute commercial kayak operations in a manner that reduces impacts on the streets, at the boat launch, and in the water.

OUTLINE OF TOUR GUIDE TRAINING & COURSE CONTENT

The following outline is a brief summary of SDBK’s annual tour guide training program and its eight components, along with the training subjects and course content. This outline is included in this Chapter 1, Section 1: Operating Plan—Proposed Operations in specific response to the RFP.

Chapter 1, Section 2: Operating Plan—Tour Guide Training (following this chapter) provides extensive detail on each of these components as delivered to guides during training. Chapter 1B is comprised of proprietary information developed by SDBK that details the quality and thoroughness of guide training.

SDBK TOUR GUIDE ANNUAL TRAINING PROGRAM

1. Prerequisite Certifications

- a. CPR for the Professional Rescuer
- b. First Aid

2. Orientation

- a. Company Policies & Procedures
- b. Human Resources; scheduling; forms; clocking in/out/breaks
- c. Employee Handbook (includes written policies such as drug free workplace policy, privacy policies, Emergency Response Plan and Water Safety Plan)
- d. Safety in the workplace, OSHA policies
 - i. Review OSHA Handbook
 - ii. Loading/unloading kayaks
 - iii. Tying kayaks down
- e. Employee Code of Conduct

- f. Neighborhood Awareness Training
- g. Marine Mammal Protection Act and preservation of the Ecological Reserve
- h. NOAA guidelines for responsibly viewing marine life
- i. Sidewalk Monitor & policy
- j. Uniform Policy
- k. Driving company vehicles, speed limits, 4WD, boat launch etiquette
- l. Boat Launch permit rules; employees read concession requirements in Exhibit C as an introduction
- m. Employees read concession agreement terms

3. Preliminary Training: Operational Rules & Procedures

- a. Review of La Jolla Coastal Geography
 - i. Hazardous areas: Devils' Slide, Boomer's Beach, Razor Reef, Emerald Cove etc.
 - ii. Cliffside and shallow rocky reefs
 - iii. Sea caves
 - iv. La Jolla Cove and swim lane
- b. Review of Kayak Concession Requirements/Exhibit C and how SDBK fulfills these requirements
 - i. Ocean conditions and safety
 - ii. Identifying Markers
 - iii. Concession Site/Location
 - iv. Boat Launch/Operator Vehicles
 - v. Concession Site Regulations
 - vi. Water Activity Zones & Areas of Special Interest
 - vii. Equipment
 - viii. Waivers
 - ix. Safety Precautions/Emergency Response Plan
 - x. Minimum Requirements for Guides
 - xi. Violations/Safety Notices
 - xii. Additional Concession Stipulation
- c. Weather and surf conditions
 - i. Daily surf report
 - ii. Conditions changing at low/high tides
 - iii. Surf Alerts
 - iv. Operations and logistics under various conditions
- d. Hazards: large surf, wind, location of local cliffs and caves
 - i. Explanation of swell activity and vulnerable areas
 - ii. NW/SW swells
 - iii. Overview of hazards in sandy flats
 - iv. Overview of hazards in rocky reefs
 - v. Comprehensive paddle over shallow reef to identify hazards and demonstrate how tide/swell impact tour route and set up points
 - vi. Procedures for entering Clam's Cave
- e. Emergency Action/Response Plan
 - i. Performing Water Rescues
 - ii. Responding to Land Emergencies
 - iii. Responding to Water Emergencies
 - iv. Identifying potential emergencies including hypothermia, insulin shock, heart attack, etc.
- f. Floatation devices, emergency signaling devices
 - i. Whistles & whistle blasts
 - ii. Handheld flares

Attachment A: Operating Plan—Tour Guide Training, Water Safety Plan & Tour Topics
Chapter 4, Part I

- g. Instructing others on the topics of kayak paddling and maneuvering skills
- h. Local rules and laws pertaining to Water Activity Zones
 - i. Control zones
 - ii. Board surfing zones
 - iii. No board surfing zones
 - iv. Boat launch zone
 - v. Swimming zones
 - vi. Closed Zone
 - vii. No boating zones applicable to kayaking
- i. Local rules and laws pertaining to the La Jolla Ecological Reserve
 - i. Definition according to SDMC
 - ii. Boundaries
 - iii. “Look but don’t touch”
 - iv. 5 m.p.h.
 - v. No commercialization without a permit
 - vi. Marine Mammal Protection Act
 - vii. Guidelines for responsibly viewing wildlife as set forth by NOAA Fisheries Services
- j. Signs and symptoms of hypothermia
 - i. Shivering, stumbling, lack of coordination, confusion, low energy, shallow breathing, etc.
- k. Types of local marine life
 - i. Sea lions
 - ii. Harbor Seals
 - iii. Garibaldi
 - iv. Leopard Sharks
 - v. Exercising caution when viewing marine life in compliance with Marine Mammal Protection Act & NOAA guidelines for responsibly viewing marine life
- l. Review of general Lifeguard Operations
 - i. Law enforcement authority & peace officers; citations/arrest/impound of vessels
 - ii. SDMC requirement to comply with lawful order/direction of Lifeguards
 - iii. Lifeguard Ambassadors
 - iv. 24-hour staffing at Lifeguard Communications Center
 - v. Lifeguard Supervisor implements Surf Alerts
- m. Proper use of VHF radios and cell phones
 - i. Two-way radio functions
 - ii. Proper dialogue on VHF radios & cell phones
 - iii. Marine Channel 16 monitored by Coast Guard
- n. Applicable federal and state laws and regulations for vessel operation
 - i. PFD requirements
 - ii. Navigation lights during restricted visibility
 - iii. Sound Signals (SDBK uses whistles)
 - iv. Visual distress signal (SDBK uses flares)
 - v. SDMC prohibits operation of a vessel over 5 m.p.h. in any area marked by buoys
 - vi. Definition of a “vessel”
- o. Delivering paddle instruction/required paddle instruction topics
 - i. Introductions
 - ii. Safety procedures
 - iii. Required equipment: PFDs, whistles, helmets
 - iv. Paddling Skills: Forward, reverse, draw, sweeps, turning
 - v. Kayak Maneuvers: pivot turns, edging, bracing, kayak surfing
 - vi. Launching through the surf
 - vii. Tandem kayak paddling techniques

- viii. Kayak seating & positioning
 - ix. Capsize Recovery
 - p. Emergency access and evacuation routes, summoning and assisting EMS
 - i. Emergency access route for Lifeguard vehicles on the beach/boat launch
 - ii. Storefront evacuation routes & lighted signs
 - iii. 911 Emergency
 - iv. Providing assistance to EMS within scope of training/certifications
- 4. Tour Dialogue Training & Stops**
- a. Proper Introduction & Safety Procedures
 - b. Paddle Instruction & Orientation delivery
 - c. Ecological Reserve
 - d. Three habitats: rocky reefs, sandy flats, kelp beds
 - e. Coastal Preservation
 - f. Rose Canyon Fault Line
 - g. Underwater Canyons
 - h. Marine Mammal Protection Act & NOAA guidelines for viewing marine life
 - i. Local Marine Life
 - i. California sea lions
 - ii. Harbor seals
 - iii. Garibaldi
 - iv. Leopard Sharks
 - j. Local Birds: Brandt's Cormorants & Brown Pelicans
 - k. Seven Caves (names/individual characteristics of each)
 - l. Kelp Beds
- 5. Field Work: Assistant Guide Training & Evaluation**
- a. Training to become an assistant guide
 - b. Shadowing Senior Guides and logging water hours
 - i. 2-3 tours per shift for approx. 2-3 weeks
 - c. Tour Procedures
 - i. Second guide paddle out first and sets up meeting point outside surf line
 - ii. Pushing every customer boat out
 - iii. Hand signals in the boat launch
 - iv. Stingray shuffle
 - v. Proper positioning to launch/return kayaks with incoming/outgoing tours
 - vi. Boat launch boundaries
 - d. Completion of **SAN DIEGO LIFEGUARDS' KAYAK GUIDE ORIENTATION**
 - e. Assistant Guide Evaluation & Clearance
- 6. Water Safety Plan Training**
- a. Preparedness for Water Emergencies
 - i. Participant Requirements
 - ii. Emergency Equipment
 - iii. Safety Equipment
 - iv. Safety Video
 - v. Emergency Whistles & Whistle Codes
 - vi. AWA/ACA Paddle Signals
 - vii. Maintaining Shore Contact
 - viii. Suitable Attire
 - ix. Kayak Identification
 - x. Mental Preparedness

- xi. Application of Paddling Techniques and Kayak Maneuvers
 - xii. Equipment Maintenance & Checklist
 - b. Preventing Water Emergencies
 - i. Identifying Hazards
 - ii. Observation and Risk Assessment
 - iii. Defensive Boat Positioning
 - iv. Positioning for Maximum Usefulness
 - v. Tour Guide Positioning, Tour Participant Positioning
 - vi. Maintaining the Line of Sight
 - vii. Carefully Selecting the Tour Route
 - viii. Exercising Good Judgment
 - ix. Balancing Speed & Safety
 - x. Cave Store Partnership & Cave Entry guarantee policy
 - xi. Floating Assistance
 - xii. Positive Dialogue
 - xiii. Preparing the Tour Group
 - xiv. Equipping Participants with Kayaking Skills
 - xv. Proper Equipment Sizing & Proper Kayak Seating
 - c. Specific Water Safety Procedures
 - i. Kayak Tour Safety Protocol & Safety Procedures
 - ii. Procedures for Entering Caves
 - iii. Kayak Rental Procedures
 - iv. Kayak Rental Water Map Instructions
 - v. Marine Mammal Protection act & NOAA guidelines for viewing marine life
- 7. ***British Canoe Union (BCU) One Star Assessment & Award***
 - a. Review of One Star Syllabus and BCU Handbook
 - b. Water Assessment
 - c. Written Test
 - d. One Star Award for successful assessment & test
- 8. ***Certificate of Completion of Annual Kayak Guide Training***
 - a. Comprehension test of annual guide training, Water Safety Plan, Emergency Response Plan, Exhibit C concession requirements, Marine Mammal Protection Act, NOAA guidelines for responsibly viewing marine life, etc.
 - b. Certificate of Completion for successful guide training completion & test
- 9. ***Lead Guide Training & Evaluation***
 - a. Risk Assessment Analysis
 - b. Application of Water Safety Plan
 - c. Application of Emergency Response Plan
 - d. Field training with Senior Guides/logging water hours with specific tour assignments (select dialogue stops, sweeping, cave observation, etc.)
 - e. Observance of local laws pertaining to water activity zones & Marine Mammal Protection Act/NOAA guidelines for responsibly viewing marine life
 - f. Lead Guide Evaluation & Clearance Test

KAYAK TOUR TOPICS, NARRATIVE & ITINERARY

SDBK has developed a unique, complete tour narrative and calculated itinerary for tour offerings. These topics and specific substantiating details are valuable proprietary information that SDBK has worked hard to refine, and this information along with SDBK's efforts are the foundation of its reputation as a superior quality tour operator.

Full details on tour dialogue and specific route stops are provided later in this Part III; however, as required by the stipulations in the RFP, a brief summary of topics covered during tour outings is provided below in this chapter.

The Kayak Tour of the 7 Caves begins with a proper introduction. Tour guides introduce themselves to their participants and give a quick explanation of what to expect on the tour. A thorough paddle instruction is performed at the beach to prepare the group for the day's conditions. The guides learn the participants' names to aid in safety prevention, and explain the proper meeting point in the water during kayak launching.

Once the group has gathered at the appropriate meeting place, the guides introduce the tour to their surroundings, the La Jolla Ecological Reserve, and its three unique habitats: the reef, kelp forest, and sandy flats. They explain the need for coastal preservation and sensitivity in this area, and urge proper safety procedures for participant and ecological protection.

Paddling south towards the sea caves, the guides narrate about the visible ocean and land features, such as the rocky reef below, the La Jolla Underwater Canyon outside the reserve, and the Rose Canyon Fault line visible through the cliffs above.

At the sea caves, the tour gathers at a safe area for viewing, and learns about the formation, history, and characteristics of each of the sea caves. Guides describe various factors that affect ocean activity along the cliffs and inform the participants of possible hazards. When conditions allow, the tour also enters inside accessible the Clam's Cave (as described in subsequent chapters).

Local wildlife along the cliffs is located and introduced, with participants keeping safe distances away as to avoid disturbance in compliance with the *Marine Mammal Protection Act* and in following the guidelines established by NOAA Fisheries Services for responsible viewing of marine life.

Indigenous fish, mammals, and birds include: Garibaldi, Zebra Perch, Sheepshead, California sea lions, harbor seals, Brandt's Cormorants, and Pacific Brown Pelicans. Special emphasis is also placed on the importance of maintaining the natural marine environment within the Ecological Reserve as well as the education and enforcement of the Marine Mammal Protection Act & NOAA guidelines for responsibly viewing marine life.

Avoiding swimming and no kayak zones, the tour re-groups and the guides point out to the location of the Giant Kelp Forest and common marine life that frequents this habitat including larger, migratory creatures such as whales, dolphins, and pinnipeds. The tour refrains from paddling to the kelp forest to adhere to the no boat zone extending out of from La Jolla Cove.

Before returning to the boat launch, the guides lead the tour nearby the sandy flats to view leopard sharks in the summer months. Guides teach necessary paddling techniques before maneuvering through these areas as to avoid collisions. Guides do not cross the surf line in order to adhere to the no swimming zone off of the southern portion of La Jolla Shores.

Back at the boat launch, guides demonstrate proper kayak landing through surf, and send participants to shore one at a time to waiting beach duty staff that will direct, catch, and collect the kayaks. Once all participants land, the tour guide will accompany the group back to the store in an orderly fashion to be mindful of other pedestrians on adjacent CITY property.

Details on the tour material and specific information are provided later in this chapter in the tour guide training outline (Chapter 4, Part III).

KAYAK & SNORKEL TOUR TOPICS, NARRATIVE, & ITINERARY

SDBK innovated the La Jolla kayaking industry by introducing the Kayak & Snorkel Tour. This tour is an adaptation the signature Kayak Tour of the 7 Caves, with an emphasis on marine life and the incorporation of snorkeling. Instead of entering the caves, this tour will anchor the kayaks and snorkel along the rocky reef and sandy flats, weather and ocean conditions permitting. If anchoring is not feasible due to conditions, the tour group will return to the boat launch and snorkel by the sandy flats without kayaks.

The topics and tour stops are identical to the Kayak Tour of the 7 Caves as described in the preceding section. However, this tour incorporates stops for snorkeling depending upon visibility and ocean conditions. Extreme caution and adherence to the Marine Mammal Protection Act & NOAA guidelines for responsibly viewing marine life is exercised as well as water safety while participants are engaged in snorkeling. Details on the tour material and specific information are provided later in this chapter in the tour guide training outline (Chapter 4, Part III).

Tour Guide Training, Part I

Tour Guide Training Overview & Preliminary Training

SUMMARY OF TOUR GUIDE TRAINING PROGRAM

SDBK's annual tour guide training program consists of eight components for completion:

- Part 1: Preliminary Training—Prerequisite Certifications & Orientation
- Part 2: Basic Training—Operational Rules, Laws & Procedures
- Part 3: Tour Dialogue Training & Tour Stops
- Part 4: Field Work—Assistant Guide Training & Evaluation; Kayak Guide Orientation
- Part 5: SDBK's proprietary "Water Safety Plan" training
- Part 6: British Canoe Union One Star Assessment & Award
- Part 7: Certificate of Completion of SDBK Guide Training
- Part 8: Lead Guide Training & Evaluation

SDBK provides annual training for guides, along with ongoing water safety training and evaluations. SDBK's guide training consists of eight components and includes certifications, tour dialogue training, water training, operations and concession requirement training, water safety training & procedures, emergency response, assessment for guide clearance and periodic evaluations.

Guides are trained and tested on boat launch regulations, operational policies, SDBK's Water Safety Plan, SDBK's Emergency Response Plan, water activity zones, Marine Mammal Protection Act of 1972, NOAA guidelines for responsibly viewing marine life, laws pertaining to vessels, mandatory paddle instruction topics, guide safety equipment including how to use flares, whistle signals and waterproof cell phones. Throughout their tour guide career, tour guides are constantly being evaluated for quality control and advancement within the company.

All SDBK kayak guides undergo this extensive training process before acting and performing as tour guides and annual training is conducted to ensure compliance with regulations, knowledge retention and safety. The employees are trained not just as guides, but also as whole and complete employees, creating an efficient and succinct operation that focuses on public safety, tour quality, cooperation with San Diego Lifeguard Ambassadors and compliance with boat launch regulations.

Each tour guide must complete annual kayak guide training and be evaluated, validated, and cleared by the General Manager and/or Training & Development Managers before guides are permitted and deemed qualified and able to take kayak tours.

All newly hired tour guides are trained specifically on the surrounding area and waters, familiarized with the equipment and instructed on how to properly use safety, rescue, and emergency equipment.

The guide training program is broken down into eight sequential components to ensure progression, water safety and proper experience.

The first component of SDBK guide training consists of preliminary training and certifications.

PRELIMINARY GUIDE TRAINING

PREREQUISITE CERTIFICATIONS

As prerequisites for hire, all of SDBK's employees are required to have current certifications for CPR for the Professional Rescuer and First Aid before their first scheduled date of work. Original certification cards are required along with pre-hire paperwork on the first day of work.

ORIENTATION

All tour guides complete two days of basic orientation as part of annual training. This includes basic human resources information on time cards, the online scheduler, background company information, and other basic preliminary information.

During orientation, guides are given a copy of the current CITY issued kayak permit to read so they fully comprehend the operational regulations, the necessity to abide by the rules, and the significance of expeditiousness. This assignment updates seasonal returning guide staff on any changes to operational and boat launch rules and also helps to avoid any confusion on why certain procedures and policies have been established companywide.

“

”

WE LOOK FOR CANDIDATES THAT ARE QUALIFIED AND TRAINABLE.

—EMILY MICKLE, TRAINING MANAGER

The General Manager and Training & Development Managers go over basic company procedures and daily operations with the guides and review the Employee Code of Conduct and the company handbook. Written copies of the Emergency Response Plan, the Emergency Evacuation Plan, the Water Safety Plan and fire evacuation routes are initially provided to employees during orientation.

During the first day of orientation, new guides are also outfitted with the company's signature red uniform shirt clearly labeled with a large company logo and black shorts. The uniform policy is addressed at this time.

During orientation, guides are also given a packet of material containing important information on the local area to begin the acquisition of detailed knowledge and information as it pertains to giving kayak tours in the La Jolla Ecological Reserve and along the sea caves with an emphasis on maintaining the natural marine environment. This information also includes paddle instruction criteria, boat launch and operational regulations imposed by the CITY as well as company policies pertaining to compliance with the Marine Mammal Protection Act and the NOAA guidelines for responsibly viewing marine life.

Guides also are instructed on the Neighborhood Awareness Training, Sidewalk Monitor policy, and safety in the workplace/OSHA policies as detailed in the subsequent chapters of this proposal. In addition, guides are educated on driving company vehicles, engaging four wheel drive and boat launch etiquette. During orientation, guides are also provide with human resources information including scheduling, online scheduling passwords & login information, time cards and the like.

Tour Guide Training, Part II

Basic Training: Operational Rules & Procedures

The second component of annual tour guide training consists of Basic Training and is conducted by management. This includes a review of numerous topics and provides staff with operational rules and procedures along with paddle skills and familiarity with the geography and hazards in the water.

Basic Training is conducted in both lecture format as well as physically in the water and at the boat launch for knowledge retention and application. The following paragraphs outline the training topics and course content reviewed during Basic Training, the second component of SDBK's guide training program.

REVIEW OUTLINE OF LA JOLLA COASTAL GEOGRAPHY, HAZARDS & LAWS

- ✓ Seven miles of La Jolla coastline
- ✓ *Marine Mammal Protection Act of 1972* prohibits the harassment of marine mammals or any torments, disruptions or other acts that would disturb marine species.
- ✓ NOAA Fisheries Service guidelines for responsibly viewing wildlife
- ✓ La Jolla is surrounded on three sides by ocean bluffs and beach, alternating rugged and sandy coast
- ✓ Rocky reefs are the most hazardous habitat due to breaking waves, sharp rocks, and shallow areas not visible from surface
- ✓ San Diego-La Jolla Underwater Park spans 6,000 acres of ocean bottom and was designated in 1970. The Underwater Park contains two separate entities including the La Jolla Ecological Reserve and the Marine Life Refuge.
- ✓ The La Jolla Ecological Reserve has three unique habitats including the rocky reefs, the kelp beds and the sandy flats. The La Jolla Ecological Reserve was designated in 1971 and consists of over 550 acres. No fishing is permitted within the Reserve.
- ✓ Boomer's, Razor Reef, Emerald Cove, Devil's Slide and the eastern portion of the cliffside containing the caves are among potentially hazardous areas within the Ecological Reserve because of the presence of sharp rocks, surrounding rugged terrain, breaking waves and/or geographic isolation.
- ✓ Swim Lane extending out from La Jolla Cove is a no-boating zone and no kayaks are permitted in this area
- ✓ Areas in front of the La Jolla Beach and Tennis Club and Marine Room are no boating zones
- ✓ Swimmers in the Ecological Reserve always have the right of way, even if they are not in a defined Water Activity Zone
- ✓ No kayaks are permitted directly north of the boat launch as this area has water activity zones designated for swimming and/or surfing.
- ✓ Rose Canyon Fault line
- ✓ Underwater Canyons (La Jolla Canyon & Scripps Canyon)
- ✓ Tour stop set up based on hazards and geography according to SDBK's Water Safety Plan

REVIEW OF KAYAK CONCESSION REQUIREMENTS, EXHIBIT C

Comprehension of all kayak concession requirements outlined in Exhibit C must demonstrated for successful completion of annual kayak guide training and issuance of Certificate of Completion for kayak guide training.

All details pertaining to Exhibit C including ocean conditions and safety, identifying markers, concession site/location, boat launch/operator vehicles, concession site regulations, maximum number of tour participant/instructor ratios, water activity zones and areas of special interest, equipment, waivers, safety precautions and SDBK's Emergency Response Plan, guide requirements and certifications, and violations/safety notices are reviewed.

Chapter 1, Section 3: "Operating Plan—Fulfilling Concession Requirements, Exhibit C" of this proposal outlines SDBK's policies and procedures to fulfill concession requirements as outlined in Exhibit C. This is introduced and continually reviewed throughout guide training to ensure compliance with concession requirements.

WEATHER & SURF CONDITIONS

- San Diego Lifeguards' updated daily surf report is posted on board next to time clock and the surf projections are on the same computer as the time clock. Guides must review the surf report and surf forecast immediately upon clocking in.
- The manager running daily operations checks the surf visually at 8:00 a.m. each morning and again at noon. This manager will indicate verbally any unusual observations when passing out individual tour slips for roll call.
- Guides adhere to the steps in SDBK's Water Safety Plan for evaluating conditions, selecting the tour route, positioning tour stops, maintaining the line of sight, etc. (refer to Water Safety Plan)
- Any changes in ocean conditions, visibility, weather or wind should be communicated immediately to Managers via waterproof cellphone/two-radio in guide pack and the tour should immediately return to the boat launch in the event that these changes compromise the safety of the tour group and guides.

HAZARD ALERT POLICIES & PROCEDURES

- All SDBK employees are required to adhere to and will be notified immediately if San Diego Lifeguards implement surf alerts:
 - Hazard Alert 0:* Conditions normal, permitted activity allowed
 - Hazard Alert 1:* Conditions warrant increased safety measures; sea cave entry or boat launch restrictions may be applied independent of each other. Individual rentals may or may not be allowed. Determinations to be made by on-duty lifeguard supervisor.
 - Hazard Alert 2:* Conditions warrant increased safety measures; individual rentals are not allowed and guide to client ratios are increased to one guide for every

four kayak tour boats and launching/retrieving staff is increased. Determinations are made by the on-duty lifeguard supervisor. Additionally, kayaks are not allowed into the La Jolla sea caves.

Hazard Alert 3: No commercial kayak operations allowed

- In the event that a Hazard Alert 1 or 2 is implemented after the start of normal business under/Surf Alert 0, the Water Safety Specialist will be deployed immediately to patrol the waters for any rental customers that launched prior to the implementation of Hazard Alert 1 or 2; the Water Safety Specialist will escort rental customers back to the boat launch and any pre-existing rentals will be terminated immediately. Additionally, increased staffing will be provided at the boat launch to assist with safe launch and retrieval.
- In the event that a Hazard Alert 2 is implemented after the start of normal business under/Hazard Alert 0, all tour guides already in the water will radio their location to Managers. Additional guides will immediately be deployed and assigned to join existing tours to meet the 4:1 client to guide ratio under a Hazard Alert 2.
- The issuance of a Hazard Alert 1 and/or Hazard Alert 2 by Lifeguards will automatically deploy the Water Safety Specialist and/or a Senior Guide to patrol the area and provide assistance as needed to any tours in the water.
- Tour routes will be adjusted according to conditions under a Hazard Alert 1 and 2; guides will maintain safe distances away from exposed rocks and reefs and guides will not position tours nearby the Caves.
- Tour route adjustments will be made consistent with SDBK's Water Safety Plan (refer to Water Safety Plan).
- Kayak & Snorkel tours will be cancelled under a Hazard Alert 1 & 2, if not already done so by management.
- Additional beach duty personnel will be deployed to the boat launch to assist with tour landings and retrievals under Hazard Alerts 1 & 2.
- The issuance of a Hazard Alert 3 by Lifeguards will cause all kayaking activities to cease immediately.
- In the event that a Hazard Alert 3 is issued after a Hazard Alert 2 has already permitted tours in the water under increased safety measures, managers will radio all guides with the call language "Hazard Alert 3: return to shore immediately." Any tour guides in the water will radio back to acknowledge receipt of Hazard Alert 3 by giving the call "Hazard Alert 3: (Guide Name, tour time) returning to shore." Any tours in the water will immediately and cautiously return to the boat launch. Upon landing at the boat launch, guides will radio managers with the language: "(Guide Name), (tour time), landed."

HAZARDS: LARGE SURF, WIND, LOCATION OF CLIFFS & CAVES

- Any small craft advisories and generally windier than normal conditions will result in tour/rental cancellations to ensure public safety and the safety of employees voluntarily by SDBK, even if a Hazard Alert 3 has not yet been issued.
- Tour route adjusted based on any prevailing hazards such as large surf and wind (refer to Water Safety Plan, sections “Adjusting the Tour Route, Positioning” for specifics).
- Tour guides will make more frequent, shorter when slightly windier than normal.
- Any inappropriate winds would cause tours and rentals to be cancelled.
- The most precarious area when kayaking is along the caves and the north facing sea cliffs as this area northern swells but also southwest swells due to curvature of the coastline and formations on the bottom of the ocean
- Rocks, barnacles, caves, and breaking waves can combine to cause variety of hazards
Guides lead the tour toward the caves after selecting an appropriate tour route based on participant abilities, swell/surf and tide levels
- Guides constantly surveying the water for signs of incoming or breaking waves and adjust the tour route according to Water Safety Plan.
- Guides steer well clear of Devil’s Slide (a rocky reef section infamous for shallow breaking waves)
- Aim toward the safest area along the caves & cliff line taking a wide route toward western portion of cliffside.
- Follow procedures for entering the Clam’s Cave according to Water Safety Plan and BCU guidelines

EMERGENCY ACTION PLAN TRAINING FOR GUIDES

Guide training on SDBK’s Emergency Response Plan is a component for annual guide training and is required for guide Certificate of Completion for annual guide training. Thorough instruction and training of all elements of SDBK’s Emergency Response Plan are incorporated into training including water rescues, land based emergency response and water based emergency response. The details pertaining to execution are outlined in SDBK’s Emergency Response Plan in Chapter 6.

Guides are given the Emergency Response Plan for review and guides must demonstrate comprehension of the Emergency Response Plan during training in order to receive the certificate of completion. (Refer to Chapter 6: Operating Plan—Emergency Response).

FLOATATION DEVICES, EMERGENCY SIGNALING DEVICES

All participants and guides are required to wear Type II USCG approved personal floatation devices for the duration of the tour and rental activities. PFDs are inspected daily for wear and tear and replaced regular.

Each PFD is equipped with a SOLAS approved auditory whistle to be used as a signaling device in the event of an emergency. Whistle blast codes are outlined in SDBK's Water safety Plan and whistle codes are a required topic during paddle instruction with the tour group.

Guides carry non-expired USCG approved flares as emergency signaling devices in each guide pack. Flare instructions for use:

1. Open launcher barrel and insert flare
2. Close launcher
3. Holding launcher above eyelevel, point straight up and release launcher trigger.

INSTRUCTING OTHERS: KAYAK PADDLING & MANUVERING SKILLS

Since the safest paddlers are often the most skillful paddlers, tour guides train to become skillful paddlers and utilize these more advance techniques to provide assistance to the tour group and assist capsized or endangered kayakers. The following skills are reviewed during BCU certifications and company training. Guides are equipped with a variety of paddling techniques and kayak maneuvers that are of great assistance with emergency prevention and water rescue tactics. These advanced paddling skills can prepare tour guides for an emergency water situation.

PADDLING TECHNIQUES

FORWARD POWER STROKE

A forward power stroke is a basic forward paddling technique that guides teach all tour participants. An efficient forward paddle stroke includes trunk rotation, long vertical strokes where the top hand drives the blade into the water and transfers power through the bottom hand; each paddle blade is fully immersed in the water respectively.

REVERSE PADDLING

Reverse paddling or back paddling is useful to maneuver kayaks away from hazards. Reverse paddling moves the kayak backward and can be used to stop forward motion. The blade enters the water perpendicular to the keel line; the lower arm is bent, with the elbow over the paddle shaft and the top arm is extended forward. Paddling is essentially reversed with the concave part of the blade facing the kayaker. Power is applied with the top arm and shoulder pulling up and back as the lower arm pushes down and forward. Reverse paddling is also particularly helpful when re-entering the surf zone at the boat launch since incoming waves tend to cause the kayaks to drift into shore more rapidly.

FORWARD SWEEP

A forward sweep can be used to turn the bow away from the paddling side while the kayak continues to move forward. The paddle blade enters the water next to the bow well in front of the kayaker, and the lower arm is extended forward as the kayaker leans forward simultaneously. The top arm is cocked and power is applied to the blade in the water with the lower arm and shoulder pulling as the top arm and shoulder push. This stroke pattern resembles the letter "C" in the water and the bow of the kayak swings quickly away from the paddling

side as the kayak moves forward. Repeating this stroke results in a very tight turn and can turn the kayak 360 degrees with few strokes. The forward sweep stroke is useful to approach and intercept a participant's kayak that is slightly out of immediate reach and that may be heading for collision with another kayak, rocks or cliffs.

REVERSE SWEEP

A reverse sweep stroke sharply turns the bow of the kayak toward the paddling side while headway is reduced. The reverse sweep stroke uses similar technique to reverse paddling, except that the blade is pushed out from the stern in a wide, sweeping motion.

The reverse sweep stroke closely resembles the forward sweep stroke in reserve. Reverse sweep strokes are useful when tour guides are backing up to a precise location to point out passing marine life or to attend to a tour participant.

DRAW STROKE

A draw stroke, also called a vertical paddle turn or "J" stroke, can be used to parallel another kayak. This draw stroke is a technique where the paddle blade in the water is held in a position where the paddler reaches out to the side, level with the hip, and the paddle blade rotates in the shape of a the letter "J." The lower arm is extended with the top arm cocked over the head and power is applied with the top arm punching out from over the head as the lower arm pulls the blade toward the paddler's side perpendicular to the keel line, and then out of the water. The stroke is recovered and repeated if necessary by rotating the blade 90 degrees and slicing through the water to begin another subsequent draw. Good technique involves rotating the trunk rather than just using the arms.

This draw stroke technique is very useful when assisting a kayaker in need that may be paddling adjacent to rocks, in the caves, or in an otherwise tight space. This technique is particularly helpful when assisting a kayaker in or around the caves, because it does not require turning the kayak in order to provide assistance. With the draw stroke, the kayak will move directly sideways to the paddling side, without turning or moving forward or backward.

LOW BRACE

The low brace is a paddling technique that returns the kayak and paddler to a stable position. The paddle enters the water to the side of the paddler and the lower arm is bent with the elbow directly over the shaft while the top arm is bent and directly in front of the body. Power is applied to directly downward on the back face, with the lower arm pushing as the hips and knees sharply pull the kayak into a level, stable position as the top arm pulls slightly upward.

This technique can also be modified to assist a capsized kayaker back into the kayak, using their kayak as the brace, instead of the paddle. The tour guide leans nearly all the way into the water, with kayak is sideways to the water. This tactic is particularly helpful when assisting participants that are heavier or that lack upper body strength back into a capsized kayak, because it eliminates the need for the swimmer to reach across the kayak and pull the upper body onto the boat.

KAYAK MANEUVERS

In addition to these skillful paddling techniques, guides can use specific kayak maneuvers can be utilized to assist a kayaker in need.

EDGING

Edging is a kayak maneuver that is used to create balance within a turn. Edging can also be modified similarly to the low brace to assist participants back into a capsized kayak. Edging is simply lifting one side of the kayak up, using the hips, torso, and legs, while the upper body remains upright.

BOAT BASED PUSH

The boat based push is a BCU maneuver used when navigating through the sea caves. The boat based push is achieved by using the bow of one kayak to push another kayak. The bow's strike point on the kayak being pushed determines the precise directional movement.

PIVOT TURN

The pivot turn enables the kayak to turn in place by using either a forward sweep stroke or forward power stroke on the one side and a reverse sweep stroke or reverse paddling on the other side to pivot the kayak. Pivot turns can be utilized to rapidly and efficiently turn a kayak in place. Pivot turns are useful to quickly come to the assistance of a kayaker in need in a precise location. Pivot turns are also useful when paddling to view the leopard sharks parallel to the shore; pivot turns enable paddlers to quickly turn kayaks straight into the waves to prevent capsizing.

KAYAK SURFING

Kayak surfing is a maneuver taught at the conclusion of kayak tours as a way to re-enter the boat launch without capsizing. Most participants see this kayak technique as fun, but it is also potentially dangerous. Tour guides explain the concept of kayak surfing and how to use proper technique, but tour participants are not permitted to surf the kayak on the tour, except when taking one wave in back to the boat launch. Tour guides only permit one kayak at a time to re-enter the boat launch and this is only after the beach duty personnel has radioed the tour guide for clearance.

Kayakers rapidly paddle in front of an incoming wave, and then to lean back and remove the paddle from the water to "surf" the kayak in. Participants are also instructed to lean into the wave to prevent capsizing while kayak surfing. If a kayak capsizes in the surf, tour participants are instructed to hold their breath for 3-5 seconds in this shallow water to prevent getting hit as the kayak tumbles through the waves; this allows enough time for the kayak to pass overhead and for the beach duty personnel to retrieve the kayak before it lands ashore.

LOCAL RULES AND LAWS PERTAINING TO WATER ACTIVITY ZONES

Water Activity Zones designated by the San Diego Municipal Code include swimming zones, board surfing zones, boat launch zone, no board surfing zone, control zone and closed zone. Surfing is prohibited in swimming zones and swimming is prohibited in surfing zones and such. Checkered flags may identify boundaries between zones.

Control zones are open to both users during the off-summer months and they become temporarily variable zones during summer. Specifically, in the summer, these control zones are for swimming from 11:00-6:00 and for surfing at other all times.

Per San Diego municipal code §63.20.2, lifeguards have the authority to occasionally adjust designated activity zone boundaries as needed based on weather, water conditions, crowd condition or other factors.

Surf Zones include the north restrooms at La Jolla Shores to the Scripps swimming zone.

Control zone includes the main lifeguard station to the north restroom building.

Swimming zones include the area the area directly in front of the La Jolla Beach and Tennis Club from the Marine Room to the boat launch, the main swimming zone from the northern boundary of the boat launch to the main lifeguard station, the Scripps swimming zone and the swim lane extending out from La Jolla Cove.

No Boat Zones include the area directly in front of the La Jolla Beach and Tennis Club from the southern boundary of the boat launch down to Roseland Drive and the Marine Room; the no boat zone extending out from La Jolla Cove; and the no boat zone north of the boat launch.

LAWS PERTAINING TO THE LA JOLLA ECOLOGICAL RESERVE

The San Diego Municipal code §63.100 and §63.40 define laws pertaining to the La Jolla Ecological Reserve. The area is defined as the northerly point at Alligator Head Point (adjacent to La Jolla Cove) up to Scripps.

The Ecological Reserve was established in 1971 as a “look but don’t touch” area to protect and conserve the marine environment, local marine life, marine vegetation, geological formations and resources. The Ecological Reserve is part of the greater San Diego-La Jolla Underwater Park nearing 6,000 acres.

The Ecological Reserve stipulates that no person shall disturb or take any plant, bird, mammal, fish, mollusk, crustacean, or any other form of plant life, marine life, geological formation or archeological artifacts except by permit from the Fish and Game Commission. Additionally, commercial or sport fishing is prohibited except by permit from the Fish and Game Commission. Boats may be launched and retrieved only in designated boat launch area and all boats must adhere to the posted 5 mph speed limits. Boats may be anchored within the Ecological Reserve only during daylight hours.

The San Diego Municipal Code also specifies that vessels may not travel at a speed in excess of 5 mph within any area marked by buoys, which are moored along the perimeter, or adjacent to that portion of the San Diego Underwater Park—La Jolla Ecological Reserve.

Commercial use is prohibited without a proper permit in the La Jolla Ecological and any SDBK employees that witness unauthorized commercial activity shall report it to managers so that Lifeguard Services can be properly notified.

MARINE MAMMAL PROTECTION ACT & NOAA GUIDELINES FOR WILDLIFE VIEWING

The Marine Mammal Protection Act enacted in 1972, also prohibits taking any marine mammals in U.S. Waters, which also pertains to the La Jolla Ecological Reserve.

The marine Mammal Protection Act also prohibits the harassment of marine mammal species including seals and seal lions. Any acts that torment, annoy, injure, disrupt or disturb marine mammals are prohibited under the Marine Mammal Protection Act.

Additionally, the guidelines outlined by NOAA Fisheries Service are also applicable to the La Jolla Ecological Reserve which include observing dolphins, porpoises and seals/sea lions from at least 50 yards; observe whales from a safe distance of 100 yards or more; limit overall viewing time to no more than 30 minutes; avoid circling or entrapping marine mammals between watercraft and/or between watercraft and shore.

LOCAL MARINE LIFE

- Restrictions outlined in the Marine Mammal Protection Act and guidelines set forth by NOAA Fisheries Services to be strictly adhered to when viewing local marine life.
- California State Marine Fish is the Garibaldi, a bright orange fish approximately 14 inches in length. Juvenile Garibaldi often have blue spots and the Garibaldi are prevalent along La Jolla's rocky reefs and thick surf grass
- Other prominent fish are: opaleye (grey with white spots), sheepshead (black head, pink body, black tail), topsmelt (small fish with silver line), sargo (yellow)
- Black birds can be seen in large numbers nesting on the sea cliff above the caves, which are called Brandt's Cormorants. They are diving and fishing birds, and can dive down to the bottom of the rocky reef searching for fish as their primary food source. Their bone structure is heavier to deal with the water pressure to enable effective fishing, so when they fly, they are unable to glide, but instead flap their wings feverishly to remain airborne. Brandt's Cormorants nest only along the north-facing cliff above the caves, as it provides appropriate sandstone ledges for birds to secure nests. This north-facing cliff is subject to much less erosion than compared to the other cliffs nearby facing south or west.
- California sea lions: one of 2 different types of pinnipeds in the Ecological Reserve, the other is the harbor seal. Sea lions have large pectoral fins that allow them to climb up on the rocks, while harbor seals have small flippers not suitable for mounting steeper cliffs and rocks. Sea lions have a longer, dog like snout, and ears on the sides of their heads. They communicate on land as well as water, so the earflaps direct sound above the water. Sea lions can often be seen "finning" a means of regulating their body temperature, by using their pectoral fin essentially as a solar panel to absorb heat from the outside to regulate body temperature while in the water.

- California sea lions are very intelligent and can easily adapt to man-made environments. The male sea lions get up to 850 lbs. and have a sagittal crest bone on the top of their heads as they reach maturity. Sea lions can stay underwater for up to 15 minutes by sealing their noses.
- Harbor seals, the other pinniped in the Ecological Reserve, only communicate in the water, and do not have a visible ear flap like the sea lion. Harbor seals have a small hole as an ear. The weight of harbor seals ranges (females: 300-500 lbs, males 500-700 lbs.) Adults can hold their breath for up to 15 minutes and can dive to 700 feet.

SIGNS AND SYMPTOMS OF HYPOTHERMIA

Hypothermia is one of the most potentially threatening conditions for kayak tour participants. Upon check-in, SDBK staff informs customers of appropriate attire suitable for kayak activities. Guides shall conduct a visual check before departure as a double check for appropriate attire and/or wetsuits when conditions warrant; any customers not appropriately outfitted shall return to the storefront to change as such.

The signs and symptoms of hypothermia are outlined in SDBK's Emergency Response Plan along with other potential illnesses and conditions that require immediate attention while out on the water. Specific signs and symptoms of hypothermia to be aware of include constant shivering, lack of coordination, stumbling, confusion, poor decision making, drowsiness, low energy, weak pulse, slow and shallow breathing progressive loss of consciousness and lack of concern about the state of one's condition. Additionally, persons suffering from hypothermia often try to remove warm clothes, which is generally considered an indication of severe hypothermia.

Hypothermia is a serious condition and life-threatening condition and guides must immediately summon emergency medical services in this event. Refer to SDBK's Emergency Response Plan (Chapter 6) for appropriate steps to follow in the event a tour participant exhibits signs or symptoms of hypothermia. A review of all other signs and symptoms of potentially harmful conditions that may occur while guiding on the water are outlined in detail in SDBK's Emergency Response Plan and are reviewed during Emergency Response training.

REVIEW OF GENERAL LIFEGUARD OPERATIONS

San Diego Lifeguards have many responsibilities including water rescue of swimmers, divers and surfers; coastal cliff rescue, boater rescue up to three miles off shore; and medical aid.

Lifeguards also have law enforcement authority through citation, arrest and impound of vessels. Most full time lifeguards are also classified as peace officers. All San Diego lifeguards are classified as public officers with arrest power. The San Diego Municipal Code Section 63.20.4 resolves that it is unlawful for any person to refuse to follow or comply with any lawful order, signal or other direction of al lifeguard, or to knowingly provide false information to a lifeguard.

Pursuant to Section 836.5 of the California state penal code, Lifeguards are authorized to make arrests whenever there is reasonable cause to believe that a misdemeanor was committed when violations occur in the City of San Diego beach areas.

Harbor patrol functions as boating enforcement in the ocean and Lifeguard Ambassadors are delegated to enforcing boat launch rules and regulations as well as kayak concession operations.

The Lifeguard Communications Center maintains 24-hour staffing; however, tower lifeguards generally go off duty around sunset with the exception of two lifeguards on duty at all hours to respond to swimmer rescues, boat rescues, cliff rescues and other emergencies.

The on duty Lifeguard Supervisor also implements any Surf Alerts pertaining to kayak operations, and this decision is final and non-negotiable.

PROPER USE OF MARINE VHF RADIOS AND CELL PHONES

Each guide is equipped with a watertight box that contains safety, signaling devices and cell phones. Guides take a waterproof cell phones that also double as two-way radios. These cell phones are waterproof and also have two-way radio capability.

Cell phones are pre-programmed with 911/Emergency, main Lifeguard tower phone number and SDBK shop number. These cell phones are also pre-programmed with radio numbers so managers and guides can communicate with each other via two-way radio. The first day of guide orientation provides instruction on how to utilize these communication devices on the water. Two-radio functions are easily usable by simply holding down the red button on the side of the phone and speaking; the phone does not need to be open to utilize two-way radio capability. To use the phone function, guides simply flip open the phone, dial or select a pre-programmed number and hit send.

Training and general guidelines on using marine VHF radios is also provided as SDBK has VHF radios in the store as backup communication; however, charged and readily usable waterproof cell phones are used on tours. Guides are encouraged to utilize the same communication tactics to relay information on cell phones as on VHF's. The side button is pressed when talking into the VHF and/or cell phone two-way radio and released while awaiting reply.

The US Coast Guard monitors radio traffic on marine Channel 16 and Channel 16 is considered the distress frequency. Channel 9 is used for non-emergency purposes. Both Channels 16 and 9 are used for calling other vessels. Each channel on the VHF is assigned for a different purpose; however, most are used for governmental or commercial use. Once contacting a vessel, communication generally should be moved to a non-commercial channel. VHF communication is not private and is not intended for casual conversation.

Communicating numbers over VHF are used regularly except for nine, which is referred to as "niner" to unmistakably distinguish from five.

Generally, alphabetical code is used for VHF communication (A=Alpha, B=Bravo, C=Charlie, D=Delta, E=Echo, F=Foxtro, G=Golf, H=Hotel, I=India, J=Juliet, K=kilo, L=lima, M=Mike, N=November, O=Oscar, P=Papa, Q=Quebec, R=Romeo, S=Sierra, T=Tango, U=Uniform, V=Victor, W=Whisky, X=X-ray, Y=Yankee, Z=Zulu).

VHF communication also follows the following format:

- OVER indicating that the speaker is done talking and awaiting reply
- OUT indicating that the speaker is done talking and not awaiting reply

- ROGER is synonymous with yes or understood
- MAYDAY means there is danger and loss of life or property
- PAN PAN indicates a difficult situation with possible injury or possible loss of property

APPLICABLE FEDERAL AND STATE LAWS FOR VESSEL OPERATION

California state law and federal law for vessel operation requires that all kayaks and canoes must carry a Type I, II, III or V life jacket for each person on board and be readily accessible for the intended wearer, and be in good, serviceable condition. SDBK uses Type III life jackets in kayak operations.

California state law and Federal law also require that navigation lights are required during times of restricted visibility, such as dense fog. State law and federal law also require navigation lights between sunrise and sunset. However, SDBK does not permit its fleet in the water between sunrise and sunset nor during times of restricted visibility, such as dense fog. All kayak tours and rentals are scheduled such that all kayaks are returned to the boat launch no less than 30 minutes before sunset.

California State law also requires a vessel to provide a means of making an efficient sound signal. SDBK utilizes SOLAS approved whistles, which are attached to every PFD with a lanyard (both guide PFDs and customer PFDs) as auditory signaling device.

California State law and federal law also require visual distress signals in coastal waters between sunset and sunrise. These visual distress signals are required to be in serviceable condition, readily accessible and marked with the date showing service life, which must not have expired. SDBK's guides have visual distress signals (flares) in guide packs during daylight hours at all times, in compliance with Exhibit C.

The San Diego Municipal Code §63.40 prohibits the operation of a vessel at a speed in excess of 5 mph within any area marked by buoys or markers. This section of the San Diego Municipal Code also defines a "vessel" to include motorized and non-motorized craft, including wind surfers, but excluding surf boards and paddle boards.

DELIVERING PADDLE INSTRUCTION—REQUIRED ORIENTATION TOPICS

- Guide Introductions & Customer Name Introductions
- General Tour Safety
- PFDs
- Emergency Signaling Devices, Paddle Signals, Whistle Codes
- Paddle & Kayak Orientation
- Hand Placement
- Forward Paddling Strokes, & Mechanics
- Directional Paddling
- Reverse Paddling Strokes & Mechanics
- Paddling in Tandem Kayaks
- Body Placement, Body Positioning, & Proper Kayak Seating
- Shallow Water Kayak Entry

- Remounting Kayaks Deep Water
- Deep Water Kayak Entrance / Exit
- Paddling through Surf
- Specific Paddling Skills: forward/reverse power stroke, forward/reverse sweep, turning,
- Kayak Maneuvers: edging, bracing, pivot turns, kayak surfing
- Efficient Paddling Techniques
- Preventative Paddling
- Safety Policies & Water Safety Rules
- Items of Concern, Daily Conditions, Hazards or Client Limitations
- Questions

EMERGENCY ACCESS AND EVACUATION ROUTES; SUMMONING EMS

Emergency access and evacuation routes are identified in SDBK's Emergency Response Plan (refer to Chapter 6: Operating Plan—Emergency Response Plan). SDBK's storefront has exit signs that light up for patrons and employees to locate emergency evacuation routes while in the storefront.

An emergency access route for Lifeguard vehicles is to be maintained at all times on the beach. The area coned off directly below the designated beach storage area as well as the water line serve as vehicle emergency access routes and shall be kept clear at all times. Guides and beach duty personnel will keep these areas clear of kayaks and customers and will diligently drag kayaks in a manner that does not impede these areas. Tsunami evacuation routes are posted adjacent to the boat launch as well.

Whenever there is an emergency, SDBK staff should always call 911 immediately and request lifeguard services. Guides, truck drivers and beach duty personnel are all equipped with cell phones as such. Lifeguards can also be summoned at the main lifeguard tower for non-emergency.

Guides shall provide emergency assistance as needed to professional medical/emergency personnel. Guides are trained in CPR for the Professional Rescuer and First Aid and will provide appropriate assistance, never exceeding the scope of individual training.

Emergency access and evacuation routes pertaining to SDBK's storefront and summoning EMS are also included in SDK's Emergency Response Plan. A review of the Emergency Response Plan is also included during this training component.

Tour Guide Training, Part III

Tour Dialogue Training & Route Stops

The third component of SDBK's annual tour guide training is a summary and review of appropriate stops along the tour route as well as the dialogue associated with those points of interest. The following outlines the information provided during tours as well as the tour itinerary.

SUMMARY OF TOUR GUIDE DIALOGUE & ROUTE STOPS

Stop 1:

Tour Introduction immediately outside of the boat launch

- La Jolla Ecological Reserve
 - 500 acres, little corner of larger 6,000 acre San Diego-La Jolla Underwater Park
 - Boundaries are Scripps Pier to the north, the caves to the south, and the buoys about a mile offshore
 - Area is protected, “a look but don’t touch area;” no motor boats, jets skis (unless under 5 mph), no fishing, hunting, or taking organisms or objects
- Coastal preservation & maintenance of the natural marine environment
 - San Diego Underwater Park & Ecological Reserve were established in the 1970s to dedicate a specific area toward coastal preservation
 - Marine Mammal Protection acts protects local marine life and prohibits the harassment, disturbance or disruption of marine mammals
 - NOAA Fisheries Service guidelines for responsibly viewing local marine life
 - Tours will adhere to sensitive areas within the Reserve to promote coastal preservation; proper procedures to be followed for entering Clam’s Cave to protect geological formations
- 3 Habitats
 - Sandy Flats
 - Rocky Reef (along the cliffs where the caves are)
 - Kelp Beds
- Variety of marine life to possibly see, take appropriate route for viewing
 - Strict adherence to the **Marine Mammal Protection Act & NOAA guidelines** for responsibly viewing marine life and explain to customers the laws and rules
 - leopard sharks and rays along sandy flats
 - sea lions, harbor seals, and possibly even dolphins
 - fish below, birds above
 - Everyone should be vocal if they see something, as sometimes you only get a quick glimpse
- Safety: all customers are instructed to remain on the right, or ocean side of the guides, at all times and inform the tour group that there will be periodic stops

- Select the tour route according to SDBK's Water Safety Plan and provide tour group with a landmark to aim for
- Indicate a potential timeframe until the next stop
- Point out and ensure tour group is aware of any possible hazards between this stop and the next (namely staying outside of surf line, transition over toward rocky reefs)

2nd Stop:

Transition from sandy flats to rocky reefs

- Explanation of the sandy flats
 - Flat, sandy bottom, desert like qualities, sustains bottom-feeding marine life
 - Lacking variety of wildlife because most marine plants have nothing to grow on or anchor onto
 - Most wildlife is just passing through the area, unless they are bottom-dwellers
- Explanation of rocky reef
 - Darker coloration in the water, caused by the rocky reef and surf grass
 - Greater chance of wave action as the ocean floor and depth is greatly varied (waves are forced off the ocean floor because of dramatic decrease in depth as the water pushes over the shallow reef)
 - Wave action is magnified toward Devil's Slide because of the La Jolla Canyon, a deep underwater canyon that is situated nearby

3rd Stop:

Outside the Caves:—Rose Canyon Fault line

The two underwater canyons (La Jolla Canyon and Scripps Canyon) were results of the nearby Rose Canyon Fault line, which is visible along the cliffs by Devil's Slide by diagonal striations. The fault line runs through Soledad and down towards San Diego, and then out through the canyon, up along the CA coastline

- All the cliffs are compacted sandstone, a material that is susceptible to erosion
- The cliffs where the caves are situated face to the north, so erosion from breaking waves only occurs for a few months out of the year during the winter storm swells (swell direction is NW)
- Caves exist because of the rare north facing position of the cliff, protecting the cliff from more frequent SW swells
- Majority of the year the erosion along the caves is primarily from the ebb and flood of the tide along the cliff line
- Caves start out as cracks in the sandstone, then widening out the caves we see today

4th Stop: Caves

- 7 Sea Caves primarily named when La Jolla was a flourishing artist colony
- Kumeyaay Native Americans referred to La Jolla as the "Land of Holes;" topographic feature the description "holes" refers to is likely the sea caves on the north-facing cliffs in La Jolla. Spanish occupier then referred to this name as "La Jolla" giving rise to its modern day name.

- La Jolla Sea Caves
 - White Lady: historically the most photographed cave, named for the silhouette of the sun at dawn if you are inside looking out, reminiscent of a Lady in a white Victorian wedding dress
 - Little Sister: connected to the White Lady, so aptly named the Little Sister and openings the appearance of holding the White Lady's hand, giving substantiation to the name Little Sister (of the White Lady)
 - Shopping Cart: spiny lobster traps during the winter season get swept into this cave because of the contoured rocks outside the cave. Looks like a shopping cart when they are all stacked in, and are often filled with "food" items like lobsters, crabs, and fish
 - Sea Surprise: a large tabletop-like rock sits at the mouth of this cave, and as the tide ebbs and floods, floating objects get stuck behind the rock, lending the name Sea Surprise for the variety of lost items likely to be wedged inside.
 - The Arch: Arch-like shape, arch connecting back of cave to large pillar in center; the Arch cave is ever-changing and had a collapse of sandstone as recent as 2009/
 - Sunny Jim's: There is a platform at the bottom, and people can access that cave by land at the Cave Store, a historical landmark. Tunnel was dug out from 1902-1904 as a tourist attraction. Called Sunny Jim's because the silhouette resembles a cartoon character that was on the front of a British cereal box in the 1920's, named Sunny Jim. Sunny Jim's defining characteristic was a cowlick at the tip of his head, and Sunny Jim's Cave has a distinctly similar point toward the upper right corner of the cave. The name stuck because Frank Baum, a local author (Wizard of Oz) and celebrity at the time, named it for the striking similarities.
 - The Clam: The Clam is the only double-sided cave amongst all of La Jolla's sea caves. The name the "Clam" was rendered appropriate because it has two sides like a clam. It faces more toward the NW than the other caves, and is subjected to more ocean activity as such, and this is generally considered why there is a front and a backside to the Clam. The coloration on the inside of the caves is reddish from iron oxide, and pink and purplish from the iodine in the kelp.
 - Point out and discuss marine life and local birds including the Garibaldi, Brandt's Cormorants, Brown Pelicans, California sea lions and harbor seals. See Guide Training section on marine life. Include differentiating features between sea lions and harbor seals, as most participants will assume they are one in the same. See tour guide training topic titled marine life.

5th Stop:

Point out the Kelp Forest & La Jolla Cove from the Clam's Cave—locate a loose piece of kelp if possible but NEVER paddle across the swim lane

- Giant Kelp
 - A type of algae that can grow up to 2 feet a day
 - Collects its nutrients directly from the water; is connected at the bottom of the sea floor with a holdfast, which acts as an anchor that wraps around a rock to keep it in place
 - Leaves are called blades and are visibly corrugated to increase surface area for photosynthesis

- Bulbs are called pneumatocysts and are filled with various gases
- Grows in a manner that maximizes surface area, and needs nutrient rich water, cold water, and lots of sunlight to grow well
- It is harvested and used for a thickening agent called carrageenan, used in toothpaste, bubblegum, ice cream, cosmetics, and even lunch meats
- La Jolla Cove
 - Popular swimming and snorkeling area, faces to the north so it is calm most of the year
 - Close to the kelp beds for scuba diving
 - Starting point of the swimming lane line
 - No floatation devices permitted in La Jolla Cove
 - One of two north facing coves in Southern California (the second being Malaga Cove in Palos Verdes)
- Discuss Children's Pool-do not paddle south of Pt. La Jolla or cross the swim lane
 - Mention this and differentiate the harbor seals from the sea lions just viewed
 - Harbor seals congregate on the low lying rocks and soft sandy beaches there
 - Harbor seals often seen in the kelp beds and/or on the beach at the Children's Pool

6th Stop: Sandy Flats

***** This stop stays well outside the surf line to adhere to the no boating zone in front of the La Jolla Beach and Tennis Club/Marine room. *****

- Possibility of viewing harmless leopard sharks, bat rays, stingrays, and shovel-nosed guitarfish. All are bottom feeders, eating small crustaceans or worms
- Paddle a safe distance outside the surf line not getting too close to shore to prevent capsizing in this no boating area
- Paddle across the sandy flats in a single file line to keep group streamlined and safely outside of the surf zone/no boating zone
- Leopard Sharks have pores all along their bodies, so they can feel even the smallest vibrations. Paddle with gentle strokes to improve likelihood of viewing skittish leopard sharks.

7th Stop: Outside of Boat Launch

- Gather group together outside boat launch and provide instruction for safe return to the boat launch
- One of the two guides will go in first to demonstrate landing, and to catch boats with Beach Duty personnel to keep them from flipping, and to drag them into a proper stack at the water's edge
- Send one boat in at a time and make sure each kayak has safely landed and exited the water before sending the next kayak
- Participants should paddle toward the launch, leaning back and into any waves that propel them towards shore. Lean slightly into the turn or into the way the wave takes the boat to keep from flipping, like leaning into a turn on a bike.

Tour Guide Training, Part IV

Field Work: Assistant Tour Guide Training & Evaluation

After completing Orientation, Basic Training and Dialogue/Tour Route training, new tour guides are then designated to work with Senior Tour Guides on a one-on-one basis on kayak tours and/or kayak & snorkel tours in order to gain experience in the water with the intent of successfully passing the Assistant Tour Guide evaluation. During this phase of training, guides complete the San Diego Lifeguards' Kayak Guide Orientation.

This provides first hand training and application of tour dialogue, paddle instruction content, kayak maneuvering skills, tour safety procedures, ocean conditions, wave activity in and around the La Jolla Sea Caves, procedures for taking customers in the caves, customer interaction, how to evaluate the water conditions and select an appropriate tour route and set up points, how to read customer apprehension, how to respond to common problems in the water, how to properly execute the Emergency Response Plans in the field, and how to effectively and safely complete a kayak tour.

Returning kayak guides review all of the same material outlined above, however, this is conducted in a group setting with fellow returning Lead Guides and at the direction of Assistant General Manager or Training Managers.

ASSISTANT GUIDE TRAINING

New guides are trained and evaluated as Assistant Guides (see Assistant Guide Evaluation form) after 20 water hours, or approximately 10 tours, before achieving Assistant Guide status and accompanying Lead Guides on tours with specific guiding duties assigned. Assistant Guides have already completed prerequisites for hire, including CPR for the Professional Rescuer and First Aid. Assistant Guides also have completed Orientation, reviewing company policies and Basic Training as described previously in this Chapter.

New guides are not considered in the guide ratio until achieving a minimum of Assistant Guide status after successful evaluation and Assistant Guides are only permitted to assist guiding with Senior Guides at this stage of training.

After a successful evaluation, Assistant Guides accompany Senior Tour Guides and/or Managers on three tours per day for two or more weeks, totaling approximately thirty tours or 60 water hours. Meanwhile, management evaluates their progress and documents their newly acquired skills, as well as their inadequacies and areas of needed improvement in order to proceed to Lead Guide.

Assistant Guides demonstrate proficiency in tour procedures, boat launch hand signals, boat launch boundaries, setting up the initial tour meeting point outside the boat launch among other skills.

After a successful evaluation, Assistant Guides now complete the remaining training coursework as described subsequently in this Chapter and are working toward achieving Lead Guide.

SAN DIEGO LIFEGUARDS' KAYAK GUIDE ORIENTATION

Prior to completing Assistant Guide Training and being evaluated, guides are enrolled in the San Diego Lifeguards' Kayak Guide Orientation at this phase of SDBK's annual company training program. This mandatory guide requirement must be completed prior to continuing on to subsequent training phases.

EVALUATION FORM FOR ASSISTANT GUIDE ASSESSMENT

The assessment form on the following page is used to evaluate guides that have completed Assistant Guide Training and are capable of performing duties as Assistant Guides.

This form is completed by the Training Managers and/or General Manager during the assessment of the assistant guide candidate. The two page form also includes an area to devise a plan for progress on becoming a lead guide, giving the employee goals to work toward to achieve Lead Guide status during the training process.



San Diego Bike & Kayak Tours, Inc.
Assistant Guide Clearance Assessment

Aim

This award confirms a candidate's ability and performance to supplement an Assistant Guide on a kayak tour. Their emphasis is risk assessment, specifically avoidance before action and providing meaningful assistance to the Lead Guide.

Craft

Candidates should be comfortable using any of our sit-on-top fleet: Ocean Kayak Scrambler, Scrambler 11, Malibu Two, Malibu Two XL or Tribe 13.5 and Tribe 11.5.

Prerequisites

Candidates must have 16 hours of in-house training, along with awarded or in-progress CPR Professional Rescuer, First Aid, Kayak Guide Orientation, and be in preparation for BCU L2 assessment.

Part A – Personal Paddling Skills

- Lifting and carrying the kayak
- Proficient forward paddling
- Steering the kayak
- Maneuvering in a confined space
- Launching through surf
- Re-entry through surf

Part B – Safety & Rescue

- Personal capsize, swim, and self rescue
- Comprehension of tide, swell, and wind conditions
- Proper fitting and usage of gear and equipment
- Effective and thorough paddle instruction
- Participant shoreline capsize and recovery
- Participant deepwater capsize and recovery
- Proficient towing
- Paddle signals
- Whistle signals
- Marine Mammal Protection Act & NOAA guidelines for viewing marine life

Part C – Leadership & Group Skills

- Risk Assessment
- Route evaluation
- Group skill level evaluation
- Positioning within group and Lead Guide
- Positioning within elements and obstacles
- Emergency Response Plan

Attachment A: Operating Plan—Tour Guide Training, Water Safety Plan & Tour Topics
Chapter 4, Part IV

Candidate _____
Assessor _____
Date/Time _____
Conditions _____

NOTES

Part A – Personal Paddling Skills

Part B – Safety & Rescue

Part C – Leadership & Group Skills

Clearance **CONFIRMED** or **DENIED**

Plan for Progress

Tour Guide Training Part V

Water Safety Plan & Training

San Diego Bike & Kayak Tours, Inc. DBA Bike & Kayak Tours, Inc. has a comprehensive Water Safety Plan for its commercial kayaking operations, which also serves as a preface to SDBK's Emergency Response Plan.

Training on SDBK's Water Safety Plan is provided to all guides during annual guide training.

This Water Safety Plan ensures the highest level of safety standards, including preparing for water emergencies, taking measures to prevent water emergencies, and equipping guides with basic water rescue skills. During tour guide training, guides are instructed on each of the elements of SDBK's Water Safety Plan.

This comprehensive safety plan is aimed at reducing the occurrence of potential emergencies and is one component of kayak guide training; however, this safety plan cannot prevent every incident or emergency, and activating the Emergency Response Plan is the subsequent, appropriate step in the event that an emergency exists (see Chapter 6: Operating Plan—Emergency Response Plan).

PREPAREDNESS FOR WATER EMERGENCIES

The following measures comprise SDBK's proprietary "Water Safety Plan" to prepare for and prevent water emergencies. Guides are trained extensively on this Water Safety Plan and the ongoing training on each component is provided during employment.

SDBK's "Water Safety Plan" details the established company precautions to prepare for water emergencies as well as measures to prevent water emergencies, all of which are detailed below.

PARTICIPANT REQUIREMENTS

Participating in ocean related activities requires a certain level of competency in order to meet basic safety requirements. Although no previous kayaking experience is necessary for tour participants, all persons participating in kayaking activities must know how to swim. Individual kayak renters should have previous kayak experience.

Paddling in the ocean invites a variety of precarious positions, such as falling out of the kayak in the surf, along the reef or cliffside, inside the caves, or in the shallows where stingrays, bat rays, and jellyfish thrive. Not knowing how to swim puts the customer, surrounding participants, and other beach users at risk, and SDBK avoids these compromising situations by requiring basic swimming skills.

All participants are required to sign a liability waiver and provide contact information in the event of an emergency or in the event that a kayaker renter goes missing. An adult must accompany all minors and the minimum age to paddle a single kayak is 16 years old; this rule is for the safety of the minor and for the safety and enjoyment of the rest of the tour group.

At no time are tour participants permitted to consume alcohol and or controlled substances during kayaking activities or prior to kayaking activities.

Customers must sign the waiver and disclose any usage of prescription drugs that might detract from their ability to safely participate in kayaking activities.

EMERGENCY EQUIPMENT

Everyone on the tour is required to wear the provided life vests. SDBK provides various sizes of boating PFDs that are US Coast Guard approved Type III life vests. Each PFD is also equipped with a SOLAS/USCG approved emergency water whistle. These life vests not only provide buoyancy, they also provide insulation in the event of immersion and for comfort when remounting capsized kayaks.

These life vests are not used as substitutes for swimming abilities but are provided in the event of an emergency or in the event a person is unconscious. All participants must know how to swim to participate in kayaking activities, and participants are screened upon check-in. One of the American Red Cross water safety rules state that all kayakers should be prepared to swim in any water that is paddled; this general rule implies that all participants must be able to swim without exception.

All kayak tours participants and tour guides are required to wear the provided kayak helmet for the entire duration of the tour. All fitted kayak helmets are half cut whitewater helmets that are approved for usage in surf and whitewater kayaking. These helmets feature a hard abrasion resistant shell, a lock retention system, and compression molded liner riveted into the helmet, which ensures durability in the event of an emergency, collision, or other impact. Although kayak renters are not required to kayak helmets, helmets are offered to individual kayak renters when the surf is larger than normal or for younger participants.

SAFETY EQUIPMENT

The tour guides' kayaks are equipped with safety equipment consisting of USCG-approved distress flares that have not expired, a waterproof cellular phone and two way radio, a first aid kit, a repair kit, a towel, all enclosed within a waterproof dry boxes. Tour guides also bring a towline, a rescue throw bag, fins, bottled water, and a spare paddle on each tour outing. Tour guides are trained in the proper usage of this safety equipment and all guides have necessary certifications.

Tour guides bring a rescue throw bag and towline on each tour in case they need to tow an incapacitated kayaker or to pull a kayaker to safety. The towlines and rope throw bags are rescue devices that can be thrown to a swimmer to conduct water rescues.

Flares, whistles, and cellular phones are required safety equipment that is necessary to alert Lifeguards, EMS, and/or management at the shop in the event of an emergency.

The first aid kit, towel, and bottled water enable tour guides to respond to basic first aid emergencies to stabilize a situation before towing a kayaker to safety or to shore for more advanced care. The first aid kit contains basic supplies for minor injuries and the towel is included in case the guide needs to dry his/her hands or the wound site before providing care. The towel can also be used as a splint or means of applying pressure, and as a source of dry warmth in the event of hypothermia. Bottled water can be used to rinse off a wound or assist with care for hypothermia, hyperthermia, and/or dehydration.

The spare paddle and repair kit enable tour guides to make minor repairs to the equipment to prevent a

water emergency; these repairs can typically be made while on the water to last the duration of the tour, until the equipment returns to shore for more permanent repair. The spare paddle is available in the event that a paddle blade breaks or a paddle is abandoned.

Fins are brought on each tour in the rare event that the tour guide must get into the water to provide assistance or in the event that the tour guide is immersed; fins enable fast swimming and protection of the feet from barnacles & rocks in the event of an emergency.

SAFETY VIDEO

All kayak participants are required to watch an instructional safety video in the store that reiterates hazards, no kayak zones, paddling skills, boat positioning, and kayak rules before walking to the beach. (This video is included in the DVD sleeve on the inside front cover of this proposal).

EMERGENCY WHISTLES & WHISTLE CODES

SDBK equips each and every customer with a life vest that has an emergency whistle attached by a lanyard. These whistles have a very high frequency and are USCG/SOLAS approved, water safe, and unaffected by immersion in water.

Whistle signals can quickly communicate information to every person on the kayak tour, and the tour guides explain the whistle codes during the paddle instruction. Each life vest is equipped with a whistle for both tour guides and tour participants to use in the event of an emergency or to communicate pertinent information.

One blast means that kayakers need to slow down, usually because they are getting ahead of the leading tour guide, which raises the possibility of the tour participant(s) heading into a dangerous area or straying away from the group and getting into danger. Two short whistle blasts mean that the tour participants should head toward shore. Three short whistle blasts indicate an immediate emergency; three whistle blasts indicate during a kayak tour usually mean that a kayak has capsized and the proper rescue action needs to be taken. Four whistle blasts indicate that there is an approaching powerboat. Short whistle “chirps” can also be used to get the tour group’s attention; these chirps however do not indicate specific actions.

AWA/ACA PADDLE SIGNALS

SDBK utilizes paddle signals established jointly by the American Whitewater Affiliation and the American Canoe Association; these paddle signals can be used to visually indicate an emergency, distress, or other information.

These paddle signals are discussed and reviewed during safety training and paddle instruction prior to the start of the tour, and again in the water at the start of the tour upon meeting at the buoys. These paddle signals are used in conjunction with whistle code signals in the event of an emergency or for guides to relay information to participants or other staff that may be out of audible distance. Anyone in the tour group that observes any of these signals are instructed to immediately pass the signals on to the tour guide and/or others in the group.

Five primary paddle signals are utilized including “help,” “stop,” “all clear,” “attention,” and “direction” (right or left). The “help” paddle signal is activated by putting the paddle vertically in to the air and waving the paddle left to right. This paddle signal indicates distress and should be used in conjunction with the three whistle blasts to communicate an emergency both visually and audibly.

The “stop” paddle signal is activated by holding the paddle shaft normally and raising it straight above the kayaker’s head.

The “all clear” and “attention” paddle signals are activated by holding the paddle vertically and still straight up and down from atop the kayak. This signal means that all is clear to other nearby guides; this signal also indicates that tour participants should paddle toward the tour guide and come together, with the tour guide in the center. The “attention” paddle signal can also be accompanied by short whistle “chirps” to quickly get the tour group’s attention and response.

Pointing the paddle in the air at a 45-degree angle activates the “direction” paddle signal; the direction to which the paddle is pointing indicates the direction the group should turn and adjust toward.

MAINTAINING SHORE CONTACT

Within SDBK’s water safety plan, there is always a shore contact at all times. The Beach Manager functions as the shore contact and can communicate with all tour guides in the water, management at the shop including the Shift Supervisor as well as the Manager on Duty, and Lifeguards at the nearby tower, if necessary. The shore contact can also dial 911 in the event of an emergency.

The Beach Manager, Shift Supervisor and General Manager effectively communicate to discern when tours are departing, when tours are expected to return, how many people are on each tour, and how many kayaks are on each tour. This information is essential to the company Water Safety Plan as it allows the shore contact to proactively decipher if an emergency exists.

The General Manager controls the number of kayaks on each tour with a maximum capacity of ten client kayaks and two tour guide kayaks; the Shift Supervisor also accounts for how many double and single kayaks are on each tour, and ensures the adherence of participant to tour guide ratios as well as capacity limits, and communicates this information to Beach Manager so the beach is properly prepared in advance of the tour group’s arrival.

Because the Beach Manager and Shift Supervisor are aware of a given tour’s whereabouts and estimated time of departure and arrival, any delays result in the beach duty personnel’s direct communication with the corresponding tour guides. The Beach Manager, functioning as the shore contact, immediately question any un-communicated delays. No response after a reasonable period of time to such communication results in investigation and activation of the Emergency Response Plan when necessary.

Likewise, the tour guides communicate any encountered tour delays immediately to the beach duty personnel. Additionally, any observations of individual kayak renters in trouble or need of assistance are also communicated to the shore contact so the appropriate response can be taken; often times, this means a nearby tour guide assists a kayak rental in need.

This constant and updated communication between the tour guides in the water, management in the

shop, and beach duty personnel on the shore promotes an elevated, proactive level of safety. In addition, this communication enables the Shift Supervisor and Manager on Duty to calculate kayak inventory control and thus adjust tour times slightly to minimize congestion at the boat launch and minimize the impact on the beach.

The beach duty shore contact can visually watch a tour's progress and any un-communicated delays result in the beach duty personnel's immediate contact of the tour; then, any unresponsiveness or indication by tour guides that an emergency exists automatically activates the Emergency Response Plan.

SUITABLE ATTIRE

Tour guides and participants are equipped with appropriate clothing to suit prevailing weather and ocean conditions. Tour guides and participants wear wetsuits during the cooler months and SDBK insists that participants avoid wearing heavy, absorbent clothing.

Tour guides bring fins on each tour in the event that they are unexpectedly in the water, near exposed rocks and sharp reef. Guides apply sunscreen before each tour and participants are encouraged to do the same. All tour guides and participants are encouraged to secure eyeglasses and/or sunglasses. SDBK monitors outdoor temperatures and ocean temperatures daily to be aware of cold water and weather extremes. SDBK insists that tour guides and tour participants dress appropriately and according to daily conditions.

KAYAK IDENTIFICATION

All kayaks that are part of the SDBK fleet are red, displaying SDBK's signature color, which correspond with employee uniforms, life vests, and the store awning.

All kayaks are labeled clearly with the company name, phone number, and an individual, non-duplicated boat identification number that unmistakably identifies each and every kayak numerically. All of these markings are plainly visible and legible from fifty feet. The company phone number labeled on each of the kayaks and is used as an emergency contact number if an abandoned, lost, or beached kayak was to be located.

The kayak identification numbering system aids with locating a kayak renter in the event that they go missing; this kayak identification number is recorded on each individual kayak renter's waiver, along with their personal information and contact phone number.

In 2014 SDBK suggested and was a proponent the flag system and was able work with all operators and reach an agreement to the flag system, which was ultimately adopted by Lifeguards. All kayaks in use for individual rentals will display a blue flag on the port side near the stern, visible from 25 feet away, and accounting for no more than 12 kayaks as part of the rental fleet. All kayak guides will have a red flag on his/her kayak and the kayak tour participant kayaks have a green flag.

MENTAL PREPAREDNESS

Tour guides are trained to be aware and confident in their individual abilities, but to also know their

limitations and never to exceed their own capabilities. Tour guides are also instructed to underestimate, not overestimate, the capabilities of the tour participants and to avoid taking risks that would jeopardize the safety of the tour group or other water users.

Although tour guides heavily factor in daily conditions including the weather forecast, swell forecast, swell pattern, tide levels, water temperature, and wind speed & direction, tour guides also base part of their decision-making on the abilities and limitations of the tour participants.

Tour guides are also trained in understanding their responsibility within the water safety plan; this includes understanding how to effectively help a customer in need, as well as how to effectively assist another tour guide and the tour participants. Because SDBK has a staff hierarchy built into company operations, this also creates a hierarchy in the water. The most senior tour guide dictates the water safety plan and the rescue steps in the event of an emergency, while other guides use their skills to execute the plan and instructions.

EQUIPMENT MAINTENANCE

All equipment is inspected after each use to ensure safe usage and good condition. All kayaks, life vests, helmets, and paddles are inspected daily for possible damage including holes, cracks, missing rivets and other damage that may result in the ineffectiveness or failure of the equipment. Life vests are inspected for tears and paddles are inspected daily for loose blades or a damaged shaft. Flares are inspected daily for water damage and expiration.

Kayaks are equipped with bow and stern bungee cords to secure safety gear. Additional towlines are taken aboard each tour guide's kayak. These towlines are fastened securely and checked routinely for knots; these towlines are not used to tie in gear so they are easily accessible in the event of an emergency. Rescue throw bags are inspected for weathering, knots or other damage and are checked for proper reloading. SDBK also devotes an employment position just to equipment and facility maintenance to ensure safe usage.

EQUIPMENT MAINTENANCE CHECKLIST

It is not only essential to bring the proper safety equipment on all tours, the equipment must be inspected daily for damage that might compromise the safe usage of this equipment.

The following list outlines SDBK's equipment repair and maintenance routine:

KAYAK REPAIR & MAINTENANCE

- Kayaks are stored properly and legally on the premises in the storefronts. Keeping kayaks out of sunlight and properly stacked ensures the kayaks aren't distorted while not in use.
- Each kayak is checked daily before usage for holes, cracks, broken rivets and safety.
- Toggles are checked; any weathered ropes attaching toggles are replaced.
- Any boats with water are drained and checked for holes and dings, and cleaned as needed.
- All holes are fixed by welding red plastic over the damaged area per manufacturer's repair instructions.

- Any broken rivets or eyeholes are fixed by using a rivet gun and new eyelets to secure them properly to the boat.
- Backrests are checked and repaired if needed before each kayak is used.
- Every kayak is labeled and numbered with a permanent marker to ensure they are readily identifiable to Lifeguards. Kayaks are checked regularly for legible company name, phone number, and kayak identification number.
- Kayaks used solely for kayak rentals, not guided tours, will be equipped with the necessary sticker, visible from twenty-five feet, on the port side near the stern, per the new concession agreement.

LIFE VEST MAINTENANCE & REPAIR

- Life jackets are checked for holes, tears or broken clips.
- Jackets that do not meet safety requirements are disposed.
- Each jacket is checked for a whistle and to make sure the whistle is secured and functioning.
- All jackets are labeled and readily identifiable.
- Jackets are rinsed daily with antibacterial wash and dried at the end of each day.
- Life jackets are cleaned with color safe bleach weekly for added cleanliness.

PADDLE MAINTENANCE & REPAIR

- Before usage each day all paddles are checked for inspected blades.
- Paddles are repaired on premises using the correct tools and parts.

HELMET MAINTENANCE & REPAIR

- Helmets are checked everyday before use for proper pads, clips, & damage.
- The helmets are cleaned with antibacterial solution after each day of use and then placed on racks in front of fans to dry completely.
- Clips and pads are replaced in the helmets when necessary.

SAFETY EQUIPMENT MAINTENANCE & REPAIR

- Waterproof cellular phones are dried, turned off, and placed on their chargers daily during closing procedures; VHF's are dried, turned off, and placed on chargers.
- Flares are removed from dry boxes, hand dried, and inspected for damage and expiration.
- Dry boxes are cleaned, dried, and inspected for cracks and damage.
- Repair kits and first aid kits are dried and inspected; any necessary replenishment are made before closing to be in order for the next day.
- Towlines & rescue throw bags are rinsed and inspected for knots, wear, or other damage.

MASK, SNORKEL, FINS, & WETSUIT MAINTENANCE & REPAIR

- Before given to customers, all masks are checked for safety and usability.
- All snorkels are checked for cracks or damage.

- All mask and snorkels are soaked in rubbing alcohol and warm water.
- After soaking for at least 30 minutes, mask & snorkels are cleaned thoroughly with anti-bacterial soap and finally rinsed and flushed in hot water.
- All wetsuits are soaked for at least 30 minutes in warm water and color safe bleach; wetsuits are subsequently rinsed thoroughly with water

PREVENTING WATER EMERGENCIES

SDBK's Water Safety Plan involves the prevention of water emergencies with responsible, proactive practices in addition to all of the preceding measures that prevent emergencies.

Preventing water emergencies is based upon ocean etiquette that centers around three concepts:

1. Ensuring the absolute safety, comfort and enjoyment of the tour group and others using the water, boat launch, and/or beach.
2. Protecting the welfare of fish, marine life, vegetation, and other plant and animal life in the Ecological Reserve and strictly adhering to the Marine Mammal Protection Act & NOAA guidelines for responsibly viewing marine life.
3. Respecting daily ocean and weather conditions and protecting and preserving the environment and non-living elements in the reserve, including the sandstone cliffs and cave formations.

IDENTIFYING HAZARDS

Tour guides are prepared and equipped with the knowledge of potential local hazards including rocks, reef, cliff sides, breaking waves, and potentially dangerous areas including Devil's Slide, as well as no kayak zones, surf zones, and swim lanes. Tour guides plan the route to the caves accordingly, considering tide levels, swell movements, wind, and tour participants' abilities.

Tour guides are trained to understand and respect the water and elements within the La Jolla Ecological Reserve. Each day, tour guides and management call the San Diego lifeguard's surf report and post daily ocean conditions on a dry erase board. Throughout the day, these conditions are monitored by an online surf forecast and are available for viewing on store computer screens for both staff and patrons.

Beach duty staff also visually monitors daily conditions and this information is directed to shop management and tour guides. Local weather is checked daily for any incoming inclement weather and weekly swell outlooks, so guides are aware if the surf is building or fading. Managers update tour guide staff on daily ocean conditions and potential hazards and note any offshore winds. Management cancels tours and rentals when conditions are inappropriate or unsafe.

SDBK also considers recent rains, predicted temperatures, winds, and likely daily conditions. SDBK cancels tours after recent rains to avoid exposing customers to contamination or water pollution from the nearby storm drain. SDBK cancels tours due to rough seas, high winds, large swells, or unsuitable ocean conditions.

OBSERVATION

Tour guides are also taught how to read swells and subsequently plan an appropriate route to the caves based on the abilities of the tour participants and the water conditions. Tour guides evaluate three specific questions within the first ten minutes of the tour, while initially paddling to the caves. These three questions are:

1. Who is on the tour?
2. What does the water movement look like?
3. Where is the tide level?

When evaluating the abilities of the tour participants, guides hone in on the abilities and more importantly, the lack of abilities of the tour participants. Guides pay special attention to paddling technique, participants' abilities to follow directions, and participants' progress and pace. Tour guides also observe if there are younger or elderly participants that may not be able to react or respond as effectively. Guides evaluate who is the least competent paddler in the tour group to keep extra watch and attention on that person. Guides also evaluate who is the best paddler in the group; this person might get anxious and feel the need to paddle ahead of the group or wander off, so tour guides also pay extra attention to better paddlers also.

Guides observe if a participant is constantly readjusting the backrest, as this indicates the person's back trouble and improper seat positioning, which can ultimately lead to the participant's frustration, decreased reactions, and dissatisfaction with the tour. If a guides notice this, they will paddle over to the participant and ask if they are experiencing discomfort and adjust the seat on their behalf.

When evaluating the water movement, tour guides closely examine several areas immediately. Tour guides pay attention to the movement of the water at the caves; if they notice swells along the cliff side from a distance, the guide immediately knows that the swell will only be more exaggerated closer up. The guide can then make the decision to take a wider, westerly route and/or not get as close to the caves. By contrast, if the water is still and there is little movement along the cliff side, the guide can take a narrower route and position the tour closer to the caves.

Guides also examine the water movement in La Jolla Cove, at Boomer Beach, and around Point La Jolla. If any of these three areas have large, breaking waves, tour guides immediately know that they need to take a wide route and not get too close to the caves. Typically if any of these areas have large, breaking waves, the Clam's Cave and the other caves will likely be breaking.

Water movement is important to the safety of the tour group, but also to the overall comfort and enjoyment of the tour group. For example, if the water is a bit choppy due to wind or swell, the tour guides take a wider route to paddle in slightly calmer water to maintain a comfortable, pleasurable experience. For example, if there is south swell moving at Devil's Slide, guides also take a wider route so that the tour group is not constantly being bounced around on the peaks and valleys of the swells to prevent seasickness and apprehension.

Tour guides also observe the tide level because the La Jolla Ecological Reserve possesses rocky reefs. At low tides, these rocky reefs are particularly dangerous. Exposed, dry rocky reefs can cause kayaks to get stuck or capsize with the presence of tidal surges. The caves are also inaccessible and unsafe at low tides. During northwest swells, low tides cause these swells to be exaggerated and can these swells can break prematurely, making the area by the caves particularly dangerous.

Observation of these three key points are essential on each and every tour, and can help tour guides make safe, appropriate decisions in the water. Tour guides are also educated on seasonal ocean changes in La Jolla. Tour guides learn that northwest swells are more prominent and frequent in the winter and spring, and the Caves and nearby area are potentially more dangerous during these northwest swells. Whereas, summer swells from the southwest wrap around Pt. La Jolla and can still break at the Caves. Tour guides determine an appropriate tour route based on all of these observations.

DEFENSIVE BOAT POSITIONING

Once tour guides have observed the tour group, the water movement, and the tide level, the guides can then make safe decisions on appropriate boat positioning throughout the tour. Tour guides utilize observation to read the water and the participants, and then tour guides utilize defensive boat positioning to choose an appropriate path to the caves, while also maintaining spatial awareness and avoidance to hazards.

When deliberately allowing drifting during tour pauses, guides purposely pause or begin further west and north of where the intended stop point is to allow for some drifting. Tour guides insist that all participants keep paddles in the water to be ready to move or correct.

During all tour pauses, tour guides keep the tour group's kayaks facing west toward the horizon. This defensive positioning enables each participant to see and easily paddle over incoming swells; this positioning also prevents the tour group from bumping into each other.

Additionally, this defensive boat positioning also prevents the tour guide from having to turn to address the group since all participants are facing the same direction. The guides can easily talk to the group without having to turn their backs to anyone, making it easier to keep watch on everyone and simultaneously making it easier to talk to the group.

By recognizing the location of hazards, tour guides can dictate a path that deliberately avoids these hazards and position kayaks accordingly. Tour guides also take into account spatial awareness to breaking waves, rocks, or other hazards when exercising defensive boat positioning. Tour guides also maintain spatial awareness to swim lanes, surf zones, and no kayak zones.

Kayaks are kept a safe distance apart to avoid collision or the unnecessary capsizing multiple kayaks as a result of collision. Tour guides stress the importance of allowing each individual kayak to have adequate paddling space.

The senior tour guide also determines the pace of the tour and the pace of each kayak entering the caves, only allowing one kayak in at a time, so that this kayak can safely maneuver within the limited space and clear a potentially hazardous area before the next kayak enters.

These defensive boat positioning techniques can be exercised to paddle in a safe, thoughtful, and calculated manner to prevent the potential for emergencies.

POSITIONING FOR MAXIMUM USEFULNESS

The leading tour guide and rear tour guide work together to position themselves to provide maximum benefit and best judgment. Guides maintain positioning to keep a constant line of sight to on the entire tour.

The leading tour guide chooses the route to the caves and makes the necessary adjustments along the way. The rear tour guide prevents tour participants from straying away and encourages slower paddlers in the rear, sweeping the group for problems and adjustments.

TOUR GUIDE POSITIONING

Kayak tour guides always position themselves so that their kayaks are always on the inside of tour participants; this ensures that tour guides' kayaks are always the closest to any rocks, reefs, or cliffs.

The guide can thus act as a buffer between customers and any potential hazards. Guides can also survey the water as well as the tour participants with this effective positioning. When guides pause to talk about various elements in and around the water and cliff sides, the guides are able to easily and safely address the group as a whole with this positioning. Tour guides are not distracted by having to turn in various directions and they don't have to attend to a kayaker drifting toward rocks or other hazards, since the guides' kayaks are in between potential hazards and the customers' kayaks.

TOUR PARTICIPANT POSITIONING

Guides encourage, enforce and maintain the safe positioning of all participants throughout the duration of the tour. Participants are always on the outside of the tour guides, furthest away from any exposed rocks, reefs, or cliffs. Guides encourage customer kayaks to be facing west while touring along the cliff sides and caves to prevent any customer from turning his/her back to incoming water movements, surges, swells, or waves. Guides also ensure that tour participants maintain a reasonable, safe distance away from any marine life in the Ecological Reserve.

Guides also position their kayaks strategically in relationship to the tour group. One tour guide is usually leading the way, while the other guide sweeps the rear of the tour. Both guides are always on the inside of the tour group, closest to any rocks, reefs, cliffs, surf zones, or other hazards.

If any struggling participants are observed, the lead guide slows down his/her paddling to slow the entire group down, while the rear guide inches his/her kayak further west to take a wider route. This gets the struggling paddler in deeper, calmer water to ease any struggling or frustration.

MAINTAINING THE LINE OF SIGHT

Tour guides also always keep all tour participants within the line of sight. At no time are participants allowed to stray away from the group. If a participant begins to aimlessly paddle off in a different direction or ahead of the group, the tour guides immediately respond by whistling and/or paddling over to them to get them back toward the group.

This simple awareness of each kayak's position can prevent water emergencies, injuries and/or rescues. If an unaware participant aimlessly paddles off, this not only endangers that participant, but potentially the rest of the tour group. Once a tour guide has to divert his/her attention away from the tour group to assist another kayaker, the rest of the group has less supervision. It is for this reason that it is essential that tour guides keep the entire tour group within the line of sight.

CAREFULLY SELECTING THE TOUR ROUTE

Tour guides evaluate the tour participants' abilities and plan the route the caves accordingly. The route selection is based on daily conditions, tide levels, swell forecast, wind conditions, and the abilities, or lack thereof, of the tour participants.

Guides take wider, more westerly routes to the caves when larger swells are moving through and/or the tide is low, and guides take narrower routes that aim for the middle of the cliff side when there is little or no swell, the tide is high, and all tour participants are paddling efficiently and are following directions.

Some tour groups may not be capable of observing the leopard sharks without capsizing even if only mild surf is present nearby the Marine Room, so tour guides can elect not to take the tour to this area if it poses a risk to other snorkelers, swimmers, or other water users.

The same risk versus reward concept applies to the proximity of the caves; some tour groups may be able to paddle into the Clam's Cave while a different tour group should be kept at a safe distance away from the cliff entirely.

EXERCISING GOOD JUDGMENT

Tour guides are trained to recognize their limits and to avoid situations that are beyond their individual abilities and the abilities of individual tour groups. Tour guides cautiously and deliberately calculate the risks and limits of a group's ability.

After carefully identifying hazards, performing the initial observation, and selecting the safest tour route, tour guides exercise good judgment and decision making throughout the duration of the tour. Tour guides evaluate the individual abilities and inadequacies of each tour participant when executing defensive boat positioning, determining the positions of maximum usefulness to exercise good judgment.

BALANCING SPEED & SAFETY

The last daily kayak tours are scheduled so that they exit the water at least 20 minutes before sunset, and the last daily tour departs at least 2.5 hours prior to that day's sunset. No kayaks are put in the water before 8:30 a.m.

Tour guides strike a balance between speed and safety on all guided kayak tours. Guides consider many factors when determining the necessary balance of these two elements. Guides must conduct the tour within the allotted time, but also cover a large area and a wide range of topics during tour narrative. Daily ocean conditions and an individual tour's abilities can greatly affect the pace of the tour. Because guides attempt to keep tours on time, they must constantly adjust the pace and speed of the tour. Safety is the number one consideration on all tours and tour guides focus on striking a balance between speed and safety.

Tour dialogue that runs too long may induce seasickness, so tour guides observe the ocean conditions and adjust the tour dialogue accordingly. On a calm day, tour guides can provide more information in just a few pauses, without customers getting anxious or seasick. By contrast, on days when there is more swell and movement on the water, guides stop less frequently and keep the dialogue short to prevent seasickness, excessive drifting, and discomfort.

Striking a balance between speed and safety on the tour also keeps the tour alert, concentrated, and focused. Guides avoid stopping or talking for too long based upon the attention spans and interest of the individual tour.

MAINTAINING RATIOS & SAFETY IN NUMBERS

All kayak tours have a minimum of one kayak guide for every five customer kayaks, with a maximum of ten kayaks and two certified guides on each tour. These ratios help ensure individual attention to each participant to proactively monitor the tour group and prevent emergencies.

Most paddling experts agree that kayakers should paddle in groups of three people at a minimum and that kayaking alone is never recommended. Guided tours inherently exercise safety in numbers. SDBK specializes in guided tours and these guided tours promote paddling as a group.

Whenever necessary, additional guides will be added to the tour group beyond the required ratios. If a tour group includes primarily first time paddlers, young children, less athletic participants and/or participants that have disabilities, SDBK will assign additional guides beyond the required number to supervise and lead the kayak tour as SDBK deems necessary to ensure the safety of all tour participants. Individual kayak rentals are offered the tour for the price of the rental in the event that SDBK believes that a renter is unsuited to paddle alone. Individual kayak renters that are checking in alone are delayed to launch simultaneously with other customers to encourage paddling in groups.

PARTNERSHIP WITH CAVE STORE

SDBK does not guarantee entry into the sea caves on kayak tours and entering the caves is solely determined by the prevailing ocean conditions and the individual tour participants' abilities. The individual tour guides ultimately make the decision whether or not the caves are suitable and safe for entry.

Safety is the overwhelming priority on each and every kayak tour and keeping patrons safe while engaged in kayak tours and kayak rentals is the highest company priority. Tour guides are trained to give a thorough, excellent kayak tour without entering the caves, and tours enter only when conditions safely allow for it.

To maintain a high level of customer satisfaction, SDBK partners with the Cave Store, a local historical landmark that has exclusive land access into Sunny Jim's Cave. Customers that were unable to enter the sea caves on the guided kayak tour are given a complimentary admission to the Cave Store. This policy and partnership with the Cave Store ensure customer satisfaction and promote safety and prevention.

FLOATING ASSISTANCE

SDBK stages a Water Safety Specialist in the water to monitor trouble spots within the Ecological Reserve and to monitor kayak rentals, adherence to no kayak zones, swim lanes, and other potentially hazardous areas. These staff members also ensure that unguided kayak rentals do not enter the caves and are available in the water to provide assistance as needed.

Typically, these staged staff members are positioned to monitor the swim lane extending out from La Jolla Cove, Devil's Slide and Sanctuaries, the Caves, and the shallow waters of the Marine Room, and near the boat launch to regulate re-entry.

POSITIVE DIALOGUE

The deliberate use of positive words and phrases keeps the tour participants comfortable, calm, and in control their kayaks. Avoiding the use of negative words and phrases keeps a positive tone on the kayak tour and assures the participants that the tour guide is informed and aware of the day's conditions, and that their safety and enjoyment is the top priority.

During company tour guide training, tour guides are taught to keep the tour positive, avoiding the use of negative words including "no," "can't," "not," and "never." Tour guides explain the water conditions and conditions inside the caves using only positive words and phrases, and tour guides are encouraged to use these positive words and phrases when water conditions make the caves unsuitable and unsafe for entry.

PREPARING THE TOUR GROUP

Tour guides prepare the tour group with additional information regarding hazards and paddling status to prevent water emergencies. Tour guides verbalize to the tour group the hazardous locations and how to properly avoid and appropriately react to these hazards, prior to approaching them.

Tour guides also prepare the tour group by informing them of the status of the tour. Guides attempt to transition smoothly between various parts of the tour and guides aim to keep the tour participants aware of these shifts, so the tour group can respond accordingly.

Guides verbalize when the tour is idling, paddling at a steady rate, or paddling all out. It is essential for the tour group to know when the paddle is in which mode, so that participants are able to change gear instantly. For example, tour participants know that when paddling in the Clam's Cave, they must continue consistent, strong paddling and they are prepared to paddle all out. By contrast, the tour guides indicate that a pause in the tour to observe marine life means that the tour is in idle, but that paddles should be in the water, ready to adjust and move on cue.

Guides prepare the participants to control anxiety and encourage customers to paddle efficiently and with good technique. SDBK guides typically reiterate this with the simply coined phrase "smooth and steady." With this phrase, participants usually understand the necessity to maintain good, efficient technique, but also to paddle in a smooth, steady, and controlled manner, not in a panicked, erratic, hasty manner that lacks good technique.

Tour guides also attempt to sufficiently stimulate the tour group with interesting tour dialogue and physical paddling throughout the tour. The right amount of stimulation heightens awareness, speeds up reactions and ensures that the brain and body are on full alert. Throughout the tour, guides also encourage the tour group to employ efficient paddling to maintain stamina and create an encouraging, positive paddling experience.

EQUIPPING PARTICIPANTS WITH KAYAKING SKILLS

Tour guides teach kayak tour participants to become skillful kayakers since the safest kayakers are typically skilled kayakers. During the paddle instruction, tour guides thoroughly teach paddling techniques and kayaking skills to safely equip the tour group with some of these skills.

The tour group is prepared with kayaking skills and information including basic paddling strokes, kayak maneuvers, safety briefings, emergency signals, proper seating, body positioning, and tour rules (as outlined in the paddle instruction criteria below).

PROPER EQUIPMENT SIZING & PROPER KAYAK SEATING

SDBK strictly adheres to the weight capacities of the kayaks and all equipment is thoroughly inspected before each usage, and repaired when necessary. Tour guides also verbalize and demonstrate proper kayak seating to equip participants with proper kayak positioning. Deliberate and active seat positioning can prevent capsizing and thus prevent water emergencies.

KAYAK TOUR SAFETY PROTOCOL & SPECIFIC WATER SAFETY

PROCEDURES

The La Jolla sea caves area is a very volatile area due to the rocky reefs, exposed cliffs, and surging, shallow water. The surf, wind, and tide conditions are ever changing and not always predictable. The daily conditions dictate actions regarding touring the caves. Each tour guide enters the water fully knowledgeable about the day's conditions and has specific guidelines about decision-making within the vicinity of the caves.

If the surf is small, there is little to no swell, and the tide is reasonably high, the tour guide will first paddle their kayak alone into the caves to check the depth of the surrounding rocks, using the paddle as a measuring stick. By observing the direction of the swell, surf height, and strength of the water's surge, the guide can make an informed decision on whether the caves are a suitable for entering.

PROCEDURES FOR ENTERING CAVES

Sometimes guides will be able to definitively determine that the caves are unsafe for entering, solely based on the movement and visible swell in the water and around La Jolla Cove.

After determining that the caves are available for touring, the guide will re-check their safety equipment and brief participants on how to maneuver their kayaks safely in this area.

The guides then leads each kayak, one at a time, in and out of the calmer areas of the Clam's Cave, and occasionally the Arch Cave, ocean conditions permitting. The guide steers the participants' kayaks by using boat based pushing techniques, where the bow of his/her kayak directs positions and turns, while participants continue to paddle for momentum (per BCU instruction).

This enables the guide to maintain full control and steering ability over the participant's kayak, which is necessary in the confined caves. The accompaniment of a kayak guide inside the cave ensures that:

1. The customer kayak will not run into the rocks and cliff sides, damaging the Ecological Reserve and putting the customer's safety in jeopardy.
2. The guide maintains control over the kayak and can get the kayak out of the caves quickly if there is an unexpected wave or tidal surge.
3. The customer feels secure and safe when a tour guide is controlling their access.

The guide can use their discretion as to which kayaking customers should or should not be brought into the caves. The guide will continually monitor the water conditions, re-checking each time before a kayak is brought into the caves area. The additional guide remains on the outside of the cave entrance to keep the rest of the tour participants out of harms way, as well as alert the guide inside of the cave of any unexpected surges, waves, or changing conditions. The guide that is maneuvering the kayaks in the cave only takes one participant kayak in at time to have plenty of room to turn the kayak around and get in and out easily.

While bringing a kayak within the confines of one of the sea caves, tour guides are always the furthest object within the depths of the cave, so that in the event of a surging tide or wave, they have the ability to stop the customer kayak from being pushed into the shallower areas where the rocks, reef, and barnacles may become hazards. By being furthest back in the cave, the guide can intercept and redirect a participant that struggles with adjusting to changing ocean conditions. SDBK's guides are aware of specific rocks, sand spots, tunnels, holes, and cliff shapes to provide the most comprehensive knowledge to the customer, and ensure the safety of those that enter in the caves on guided tours. Tour guides only enter the caves when the water and conditions allow for safe entry.

Kayak renters are not permitted to enter inside the caves; participants must be on a guided tour accompanied by a certified a tour guide and wearing a kayak helmets.

KAYAK RENTAL PROCEDURES

All customers must complete the liability waiver, including providing contact information for emergencies. On the backside of the waiver, a listing of the kayak rental rules must be read, acknowledged, and signed. The rental waivers are labeled by customer service upon check-in with the last name of the renter, the number of kayaks rented, and the time of estimated departure. When beach duty staff radios corresponding kayak identification numbers to the shop, these identification numbers are recorded directly on the waiver.

This documentation method ensures accuracy and can help locate a kayak renter in the event that they go missing. Kayak renters must check in with the beach duty staff and provide their last name before being assisted into the water; renters may not help themselves to kayaks for this reason. All minors must be signed for and accompanied by an adult, and the minimum age for a single kayak rental is 16 years of age. All persons renting kayaks must verify competent swimming skills and previous kayak experience.

SDBK has developed and produced its own safety video and kayak water map highlighting unsafe areas, swim lanes, no kayak zones, lifeguard policies, and rental rules. Kayak renters are required to

watch the video and then all customers receive a detailed water map. A staff member goes over the details of the map (as described subsequently in Water Map Instructions).

The beach duty staff assists each kayak rental customer and ensures their safe departure through the surf. Beach duty staff also ensures that each kayak rental customer is wearing the provided life vest and has the water map attached.

WATER MAP INSTRUCTIONS

SDBK produces its own custom water map to provide to each and every kayak renter as SDBK and its employees understand that keeping patrons safe is the highest priority, particularly when customers are unsupervised on kayak rentals.

This custom map highlights specific company safety policies for kayak rentals and identifies no kayak zones, swim lanes, and hazardous areas. A staff member goes over the map with each and every kayak rental and ensures that each renter fully comprehends the elements of the map to ensure their safety.

The primary points discussed during the water map explanation are:

1. Check in with beach duty personnel at the beach; the paddle may be picked up at the beach from the red paddle rack adjacent to the red kayaks along the seawall. Be sure to bring/wear the life vest and water map to the beach. The beach duty staff will assign the kayak—do not help yourself to the kayak rentals.
2. At no time during the kayak rental period may the kayak be beached or abandoned for any reason. Beaching of kayaks on any rocks, cliffs, nearby beaches or other land areas is not permitted at any time, with the exception of return at the boat launch. Do not beach the kayaks in front of the La Jolla Beach & Tennis Club, Marine Room, or any other portion of the beach directly north or south of the boat launch. No beaching is permitted at Devil's Slide nor along any other rocky beaches, cliffs or anywhere else within the Ecological Reserve. Kayak renters must stay in the kayaks at all times. No cliff jumping is permitted and no diving off the kayaks is permitted.
3. Only paddle south within the Ecological Reserve; no kayaks are permitted in the waters north of the boat launch, as this is strictly swimming and surfing area only. The areas north of the boat launch are no kayak zones.
4. Stay a minimum of fifty feet (or more depending upon daily conditions) away from any exposed rocks, reef, or cliffs at all times. Unguided kayak rentals are not permitted to kayak inside of any of the caves per lifeguard rules. When paddling alongside the caves, the kayak should be kept facing west as often as possible and the renter should never turn his/her back to the horizon. This is for the safety of the kayak renter and encouraged so the renter may maintain a visual on incoming waves, tidal surges, or swells, and respond to changing ocean conditions with plenty of reaction time.
5. Do not disturb, remove, or otherwise damage any elements, marine life, or vegetation within the Ecological Reserve. Fishing is not permitted. Do not stand up in the kayak. The consumption

of alcoholic beverages and controlled substances is not permitted during the kayak rental period or prior to the rental period.

6. Remain a minimum of 250 yards clear of Devil's Slide (labeled on the map) to avoid rocky reefs and breaking waves. Kayak renters are advised to "aim" for the flag pole and USA flag that is perched in downtown La Jolla above Sunny Jim's Cave. This point of reference ensures that the kayak renter will take a wide path toward the cliffside and not get caught along the reef or in the waves at Devil's Slide. Kayak rentals are reminded to stay on the inside the swim buoys.
7. Stay out of La Jolla Cove and the swim lane, as these are no kayak zones. Kayak renters may not cut through the swim lane to get into the deeper water. Paddling south around Point La Jolla is not permitted.
8. Stay clear of any observed rocks, reef, or breaking waves. Kayak renters are instructed to use common sense and good judgment, and to refrain from taking the kayak anywhere these hazards are visible.
9. Strict adherence to the Marine Mammal Protection Act and the guidelines outlined by the NOAA Fisheries Service are required.
10. The Marine Mammal Protection Act prohibits the harassment of marine mammal species including seals and sea lions; any act that torments, annoys, injures, disrupts or disturbs marine mammals is prohibited; this includes any attempt to pursue, swim with, pet, touch or elicit a reaction.

Additionally, kayak rental customers must follow the guidelines set forth by the NOAA Fisheries Service for responsibly viewing marine life which includes: observing dolphins, porpoises, seals and sea loins from a safe distance of at least 50 yards; observing large whales from a safe distance of at least 100 yards; limiting overall viewing time to no more than 30 minutes; avoiding circling or entrapping marine mammals between watercraft and/or watercraft and shore; avoid abrupt movements or loud noises around marine mammals; void separating mother/calf pairs.

11. Public showers near Kellogg Park are available to rinse off prior to walking back to the store to check out and showers and a foot rinse are also available in the store. This helps prevent additional tracking of sand along the sidewalks of Avenida De La Playa. The kayak renter is also reminded to check out upon returning the life vest and map at the store; this also assures the accurate checkout of each kayak renter. SDBK also has a foot rinse and showers in its storefront for customer convenience and to prevent further tracking of sand on nearby sidewalks.

The violation of any of the above rules will result in the immediate termination of the kayak rental period.

Tour Guide Training, Part VI

British Canoe Union (BCU) One Star Assessment & Award

The BCU One Star Award is the sixth component of SDBK's required annual guide training and is necessary prior to being awarded SDBK's Certificate of Completion of Kayak Guide Training

BCU ONE STAR AWARD

Assessment for the BCU One Star Award takes place for each new tour guide after Assistant Guides have completed Water Safety Training and as they are working toward Lead Guide Status.

Successful completion of this required certification is a prerequisite for the Certificate of Completion of Kayak Guide Training and is necessary before the guide's preliminary evaluation and clearance as a Lead Guide. All returning Lead Guides have already completed the BCU One Star award, valid for three years, so any re-certifications take place at this phase of training.

The One Star syllabus and the BCU handbook are reviewed and an assessment using international guidelines and standards of the British Canoe Union's One Star Award is conducted. Successful assessment in the BCU One Star Award is a required component for all SDBK guides.

SDBK's Chief Executive Officer (Marcella DiMichieli) is a British Canoe Union (BCU) Level 2 Coach, a prestigious paddle-sport credential that took over two years to acquire of training throughout the United States.

As such, SDBK is in the unique position of self-regulating internal company training by adhering to international kayaking standards. In addition, SDBK is readily able to offer a meaningful award (the BCU One Star Award) that is recognized in the sport of kayaking, in addition to a Certificate of Completion of Kayak Guide Training.

The One Star award is based upon meaningful criteria that must be demonstrated in order for the candidate to earn this award certificate. Furthermore, BCU coaches are highly skilled paddlers that are monitored and assessed by the British Canoe Union.

Tour Guide Training, Part VII

Certificate of Completion of Annual Kayak Guide Training

COMPLETION OF ANNUAL KAYAK GUIDE TRAINING

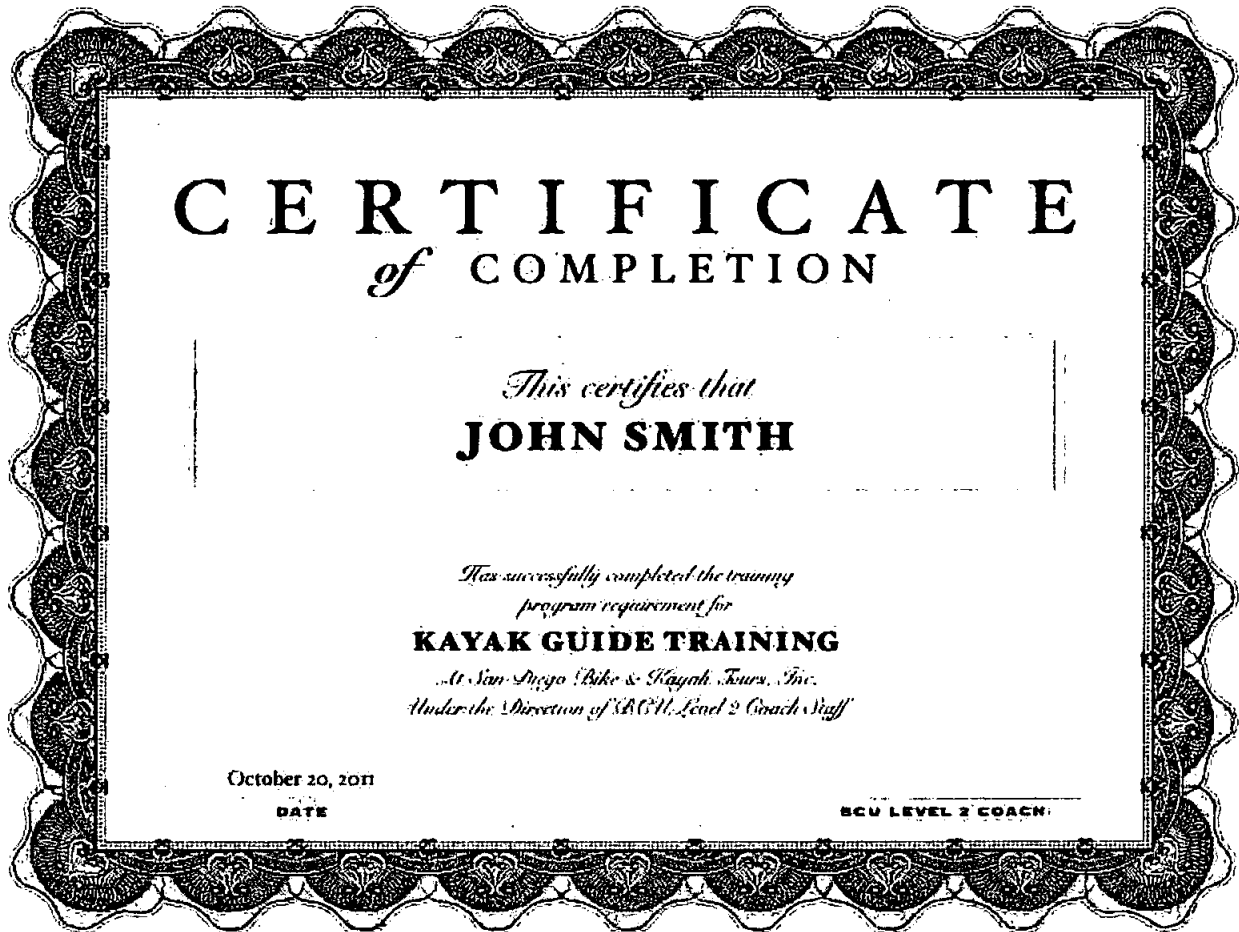
Upon successfully achieving Assistant Guide status after preliminary and basic training as well as after San Diego Lifeguards' Kayak Guide Orientation, BCU One Star Award and Water Safety Training, guides then earn a Kayak Guide Certificate of Completion.

At this point, Assistant Guides are eligible to be evaluated as Lead Guides. The Certificate of Completion is contingent upon completing the full training program, successfully passing a test, and demonstration of understanding of concepts and material.

SAMPLE TEST QUESTIONS

1. If waves are breaking (3-4 feet) in La Jolla Cove, you can reasonably conclude which of the following?
 - a. The waves will not be breaking near the Caves, and it is safe to take your tour in there.
 - b. The swell by the Caves will be minimal; you will probably be able to go in the caves.
 - c. The north swell is hitting the Cove, and is likely hitting the Caves and wrapping around Point La Jolla. You should stay on the west side of the cliff and keep good distance off the Caves, and offer the tour group complimentary passes to the Cave Store as our "Cave Entry Guarantee." Safety is first, and keeping the tour away from the incoming swell is the best course of action.
2. You are leading your tour back to the boat launch to return and there are other companies launching even though you are ready to send in your kayaks. The Beach Manager is giving you the hand signal to wait. What should you do?
 - a. You decide to go in anyway and ignore the beach staff, and send your entire group in.
 - b. Knowing that safety is first, you wait until the Beach Manager give you the handle signal for "all clear" and in the meantime you reposition your tour further out west and within the boat launch boundaries with ample drifting room past the surf line until the boat launch is clear.
 - c. You decide to send one person in at a time, hoping that no one collides with an outgoing tour.

AWARDED CERTIFICATE OF COMPLETION OF ANNUAL KAYAK GUIDE
TRAINING



Tour Guide Training, Part VIII

Lead Guide Training & Evaluation

Once guide have successfully completed the previous seven components of annual guide training including the BCU One Star Award and the Certificate of Completion of Guide Training, tour guides then are eligible to undergo a Lead Guide evaluation.

LEAD TOUR GUIDE EVALUATION PROCESS

Guides undergo the Lead Guide Evaluation conducted by either the General Manager or Training Managers after annual guide training completion which includes the Basic and Preliminary issuance of Certificate of Completion of kayak guide training, successful Assistant Guide evaluation, BCU One Star Award, San Diego Lifeguards' Kayak Guide Orientation.

This evaluation is pass or fail and is required for assessment of guiding abilities for all Lead Guides.

If this evaluation is passed, the guide is cleared to take a tour on his/her own and receives a pay increase as well as Lead Guide status. At this time, a thirty-day follow up evaluation is scheduled with specific goal setting for the new Lead Guide to continue to improve.

The guide then has several weeks to refine their tour, ask management questions that may arise, acquire additional knowledge and tour dialogue material, improve confidence, learn more about changing ocean conditions in the area, improve speaking abilities, and gain experience.

“

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EVALUATIONS ARE A WAY TO MEASURE PROGRESS.

—EMILY MICKLE, TRAINING & DEVELOPMENT MANAGER

The new tour guide subsequently receives an additional sixty-day evaluation to review the guide's progress. Evaluations then continue through each phase of the tour guide hierarchy and are documented accordingly.

This policy of ongoing evaluations ensures quality control and is a way to measure progress continually throughout tour guide employment. This ensures top quality, safe tours and adherence to any change in policy or any operational changes implemented by Lifeguards.

EVALUATION FORM FOR LEAD GUIDE ASSESSMENT



San Diego Bike & Kayak Tours, Inc.

Lead Guide Clearance Assessment _____

Aim

This is an improvement award from the Assistant Guide Clearance Assessment. This award will certify that the applicant can effectively perform the necessary tasks and functions of a Lead Tour Guide, capable of working alone, instructing and leading a group of participants for San Diego Bike & Kayak Tours, Inc. Their direct focus is managing the external and internal influences of the tour: participant skill levels, tour route and pace, weather conditions, and environmental influences.

Craft and Equipment

Candidates should be comfortable using any of our sit-on-top fleet: Ocean Kayak Scrambler, Scrambler 11, Malibu Two, Malibu Two XL, or Tribe 13.5 and Tribe 11.5. A Canon Asymmetric Spoon Paddle, Coast Guard approved PFD, and whitewater appropriate helmet will be fitted for all kayakers.

Prerequisites

40 logged touring hours in addition to a confirmed Assistant Guide Clearance Assessment. That prerequisite required 16 hours of in-house training, along with awarded CPR Professional Rescuer, First Aid, Kayak Guide Orientation, BCU L2 assessment and Certificate of Completion for company training program.

Part A – Instruction

- Proper fitting and usage of gear and equipment
- Effective and thorough paddle instruction
- Effective and thorough safety/rescue instruction
- Potential health hazard mitigation
- Developing participant skills throughout journey

Part B – Group Management

- Route and pace appropriate with skill level and weather conditions
- Line of sight
- Audible distances
- Boat positioning
- Adapting to weather
- Adapting to ecological influences

Part C – Educational Value & Marine Life

- Skill acquisition for participants
- Understanding of oceanic action
- Natural history, elements of Ecological Reserve
- Ecology, marine life and unique habitats
- Environmental impact, coastal preservation
- Marine Mammal Protection Act
- NOAA Fisheries Service Guidelines for Responsible viewing of Marine Life

Candidate _____
Assessor _____
Date/Time _____
Conditions _____

NOTES

Part A – Personal Paddling Skills

Part B – Safety & Rescue

Part C – Leadership & Group Skills

Clearance **CONFIRMED** **or** **DENIED**

Plan for Progress

Attachment A: Operating Plan

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Attachment A: Operating Plan

RFP Exhibit C

Fulfilling Kayak Concession Requirements

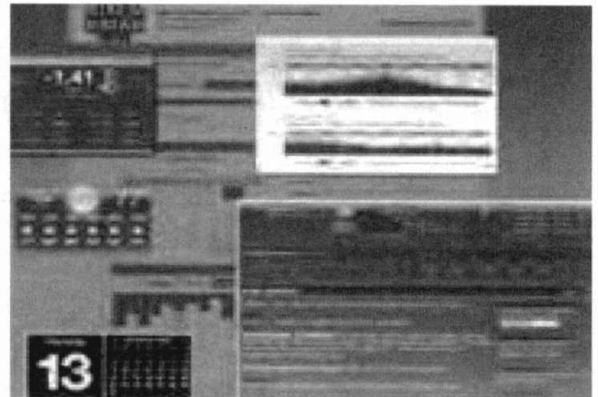
San Diego Bike & Kayak Tours, Inc. DBA Bike & Kayak Tours, Inc. has a proven record of abiding by all terms and conditions of past issued kayak permits and taking the necessary safety precautions to ensure that the public and beach are safe.

The following details SDBK's operational and logistical adherence to all of the concession requirements outlined in RFP Exhibit C.

1. OCEAN CONDITIONS, SAFETY, & SURF REPORT

The opener typically arrives at 7:00 a.m. daily during peak season. During the non-peak season, the opener arrives between 7:30 -8:30 a.m. One of the opener's duties is to call the surf report each morning upon arrival to obtain updated information on tides, swells, wave heights, wind conditions, water temperatures, air temperatures, water visibility, and closure information (if any). The surf report phone number (619-221-8824) is programmed into speed dial on company in-store and cellular phones.

All the information from the surf report issued by the San Diego Lifeguards is then posted on a large dry erase board behind the check-in counter for all tour guides and customers to see. Each one of the 10 computers in the main storefront has widgets of online surf reports that contain up-to-date tidal information, wind speeds, swell forecasts, and wave heights that are posted upon on LCD computer screens for all staff and customers to see in plain view. SDBK also provides this information regarding daily conditions to customers. Rental customers also are given a water rental map and direction on avoiding hazardous areas including the rocky shoreline and La Jolla Sea Caves.



The dry erase board and visible computer screens enable SDBK to easily and effectively relay accurate information to clients regarding the daily conditions and any weather or water conditions that may impose hazards while kayaking. SDBK responsibly informs tour participants and individual kayak renters about the dangers inherent to kayaking in open exposed bodies of water and close proximity to the La Jolla Sea Cave's and its rocky shoreline.

SDBK cancels kayak rental availability and/or kayak tours when conditions are unsuitable or unsafe or in the event that a Hazard Alert has not been issued. If conditions are determined to be unsuitable for kayak renters that are unfamiliar with the area, SDBK will offer customers a guided tour with consideration to ensure safety, customer accommodation and satisfaction.

SDBK staff members adhere to all directions and decisions made by lifeguards with respect to safety, boat launch management and closures, aware that they may terminate any kayak tours and/or rentals based on safety considerations. Additionally, SDBK increases staff on the beach for launch & retrieval

for Hazard Alerts 1 & 2.

SDBK will also adhere to the four Hazard Alerts implemented by the CITY's Lifeguards. In the event of a Hazard Alert 1, staffing at the launch will be increased and any additional measures directed by Lifeguards will be adhered to including no entry into the sea caves by tours as directed. Rentals will be cancelled in the event of a Hazard Alert 2 and the guide to client ratio will be increased to one guide for every four kayak tour boats and additional staffing will be added to the boat launch. In the event of a Hazard Alert 3, all kayaking operations will be discontinued.

2. IDENTIFYING MARKERS

All personnel employed by SDBK are issued uniforms that are to be worn during the entire work shift. Company uniforms consist of a red company water shirt with a large company logo and black shorts. Employees are also issued red company T-shirts, sweatshirts and hats to be worn during working hours when additional attire is necessary that is consistent with the uniform water shirt.

Employees are instructed to wear the uniforms at all times, including while in the water, guiding kayak tours, swimming in the water, transporting boats, conducting beach duty, or working in the shop. Uniforms are required to be worn during working hours so that all employees of SDBK are readily identifiable as authorized employees of the company for lifeguards, patrons, and the general public to easily recognize and locate.

All kayaks in the SDBK fleet are labeled legibly on both sides with the company name and shop phone number, visible from fifty feet. Additionally, each kayak is individually labeled with a non-duplicated identification number that distinctly and unmistakably identifies each kayak. These markings are on both the bow and stern of the kayak, and SDBK records each individual kayak rental identification number.

All kayaks designated solely for kayak rental usage within the twelve allowed kayak rentals will display a blue rental flag, visible from 25 feet, on the port side of the kayak near the stern designating it as one of the twelve permitted kayaks. All tour guide kayaks shall have a red flag.

SDBK was the company that suggested the flagging system initially to City staff, and was able to get all operators to agree to this system. The flagging system was ultimately adopted by Lifeguards for kayak identification.

3. CONCESSION SITE LOCATIONS

All kayak customers meet within SDBK's storefront at 2158 Avenida De La Playa in La Jolla Shores. All business transactions are conducted within the storefront address. Customers meet inside of the store where they are checked in using a custom computer reservations system and digital waivers. Customers sign the liability waiver and a legal guardian or parent must accompany any minors.

Customers are then directed to the locker room area where changing rooms, a restroom, and complimentary lockers are available. Customers are properly fitted with a Type III USCG-approved life vest and a whitewater-approved, fitted kayak helmet in the locker room within the confines of our store at 2158 Avenida De La Playa in La Jolla. All customer outfitting and rigging of the kayaks takes place within San Diego Bike & Kayak's storefront in La Jolla Shores. All clients are required to view

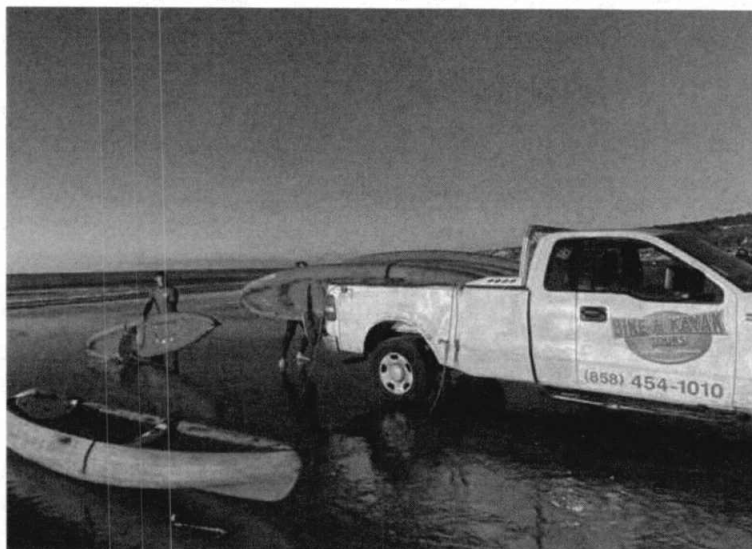
a safety and instructional video before heading to the beach for kayak departure.

Clients are subsequently directed to the beach 10 minutes before the paddle instruction is set to begin, accompanied by their guides, where they check in with beach duty personnel. Each client is then equipped with a kayak paddle from the paddle rack, located in the designated kayak storage area. Prior to start of all tours, each tour guide gives an introduction, paddle instruction, kayak-maneuvering lesson, and safety briefing for all tour participants. This training and orientation takes place within a designated area coned off on the beach that the Lifeguard Ambassadors designated in 2008.

The goal during this paddle instruction and training session is to provide customers with the necessary paddling skills, emergency signals, and safety measures to keep all patrons safe and prepared. All of the paddle instruction, orientation, and training are conducted within the area on the beach designated and approved by the lifeguards.

4. BOAT LAUNCH / OPERATOR VEHICLES

All company vehicles have current valid registration and proof of commercial auto insurance. Additionally, copies of all employees driver's licenses are in the glove box in company vehicles and



each tour guide carries their valid CA driver's license in a watertight pouch attached to their uniform.

All company trucks that are used to transport kayaks to and from the boat are equipped with four-wheel drive. All company vehicles are clearly and permanently marked with the company name and logo, which is visible from more than one hundred feet. SDBK's trucks used to transport kayaks to and from the beach are both four wheel drive and in good working order.

SDBK uses two company trucks to transport kayaks and a passenger van to use for shuttling services, bike tours, and bike deliveries. Bike & Kayak Tours, Inc. does not use any trailers or box trucks in operations, as they create congestion on the street and at the boat launch, and are the source of complaints in the neighborhood.

SDBK has daytime and overnight off-street parking as described in Chapter 2 for all company vehicles located at 2259 Avenida De La Playa. This commercial style garage allows company vehicles to be loaded and unloaded inside the facility eliminating the need for public parking to load/unload kayaks; this ensures that sand from transport vehicles is not deposited on CITY streets or alleys. SDBK also has a crew that cleans up sand periodically throughout the day in and around both storefront facilities, at the beach and on nearby sidewalks and streets to clean up after any passers-by. SDBK also obeys all local laws pertaining to vehicles, speed limits, parking, etc.

All kayaks are neatly stacked along the water's edge if in usage, or in the designated boat storage area

along the seawall at the eastern edge of the beach. These locations are separate from traffic and access zones to ensure free use of the launch area.

5. KAYAK CONCESSION SITE REGULATIONS

All outfitting and rigging of kayaks is done before the kayaks are transported to the beach and any necessary repairs or adjustments are made prior to loading the kayaks for the day. Kayaks are rigged at the storefront when necessary before being loaded onto the trucks. Beach duty personnel ensure that the boat launch area is kept clear at all times to avoid congestion at the boat launch and to maintain a clear path for emergency vehicles. Training of clients is conducted on dry land within the designated, permitted site on the beach. The designated boardwalk monitor and additionally stationed beach staff ensure safe and expeditious beach operations.

The boat launch area is kept clear at all times and the beach duty staff and tour guides actively and diligently drag kayaks so they are not left in a position that obstructs free use of the boat launch area. Paddles are stored in a paddle rack within the permitted kayak storage area and all participants retrieve and return paddles to this location; all paddles are transported to the beach in company trucks prior to the start of daily operations; paddles are not taken to the beach on foot. The boat launch is kept clear and free from obstructions. Additionally, SDBK staffs beach crew at the sea wall to ensure the



emergency access lane is kept clear at all times.

Beach duty personnel ensure that the beach storage area is neat and orderly, and kayaks are stacked so as not to impede other activities in the boat launch and surrounding site. Any kayaks being dragged to the designated beach storage area are done so along the water's edge and around the boat launch cones, in the appropriate path designated by Lifeguard Ambassadors.

Any kayaks that are not dragged and re-deposited to the permitted kayak storage area are stacked neatly and out of the way, as though not impede other activities at the boat launch; these kayaks are stacked sideways close together at the water's edge, so as to take up as little space as possible on the beach. These kayaks are on the beach for no more than fifteen minutes for the next tour to utilize.

SDBK strictly and consistently adheres to the 15-minute limit to drop off and pickup kayaks and materials on the beach and always exercises due diligence when picking up kayaks. SDBK also strictly adheres to limits regarding kayaks being delivered to the beach or in use in the immediate boat launch area at any time. Any additional boats must be placed in the permitted kayak storage area, where equipment totals do not exceed the designated maximum.

SDBK also adheres to all laws, rules and guidelines for traffic at the boat launch and adjacent streets, including the 5MPH speed limits at the boat launch. SDBK also follows all directions by lifeguard

ambassadors with regard to staging, parking and traffic flow.

SDBK has also established internal company rules to take extra care and concern for traffic flow and public safety, such as no more than one company vehicle is permitted on the boat launch at one time;; parking at the boat launch is only permitted for five minutes; two staff members are required in each truck to ensure stopping at the launch where one staffer exits the vehicle to guide the truck safely onto the launch. SDBK staff uses extreme caution, good judgment and special consideration to stage kayaks, park vehicles, abide by limits and permit rules and maintain traffic flow.

SDBK employees give extra care and concern given for the safety of the public and all employees give courtesy and priority to private users of the boat launch.

6. MAXIMUM NUMBER OF TOUR PARTICIPANTS / CLIENT TO GUIDE RATIOS

Kayak tours never exceed 12 total kayaks with 10 being utilized by clients and two kayaks being utilized by certified tour guides, and no more than one tour is launched for each designated time slot. SDBK strictly adheres to the required ratios of one kayak guide for every five client kayaks; in the event that a kayak tour exceeds five kayaks, an additional kayak guide is added. The ratio of clients to kayak guides never exceeds 10 clients to one guide, regardless of the number of kayaks. In the event of a Hazard Alert 2, the client to guide ratio will be increased to 4:1. SDBK only launches one tour per time slot.

SDBK maintains an appropriately sized staff of certified and trained tour guides to meet these ratios, as well as an on-call shift to readily add staff during Hazard Alerts that require staffing increases on tours and/or at the boat launch.

Any tour guides utilized to abide by these ratios have completed all necessary and required certifications and have undergone company training and an evaluation process as described in Chapter 1B: Tour Guide Training. All tour guides have been assessed and cleared by management to ensure safety, quality, and permission to conduct kayak tours.

7. WATER ACTIVITY ZONES AND AREAS OF SPECIAL INTEREST

Kayak tours and guides will adhere to San Diego Municipal Code (63.20.2) defining Water Activity Zones and buoy demarcated use areas at all times including. This includes swim zones, no board surfing zones, boat launch zone and no boat zone.

All individual kayak rentals are provided with a water map and personal explanation of all of these water activity zones.

All tour and rental customers also view a safety video before launching. Tour guides and roaming water safety specialists ensure that kayak tour and rental participants adhere to all of these zones. Beach duty personnel regulate the waters directly off of the boat launch, and all customers launching and returning to the boat launch to ensure compliance with water activity zones.

All kayak rentals, whether for tours or for individuals, adhere to San Diego Municipal Code (63.20.9) defining rules for boat beaching and launching. Beaching of kayaks within the Ecological Reserve is

not permitted at any time, no matter if participants are on a tour or individual rental. The launching and return of kayaks is permitted only within the designated boat launch area.

SDBK advises all kayak rental customers to not venture near the rocks or the caves and these areas are defined as hazardous on SDBK's custom rental map (included). Additionally, individual kayak rentals are instructed to remain outside of the swim lane at La Jolla Cove.

All kayak tour and rental customers as well as SDBK staff are informed about the Marine Mammal Protection Act and the guidelines set forth by NOAA Fisheries Services for responsible viewing of marine mammals. Employees undergo training relative to these guidelines and this is required information to be delivered to kayak tour and rental customers.

The Marine Mammal Protection Act prohibits the harassment of marine mammals including seals and sea lions. Attempts to pursue, swim with, pet, touch or elicit a reaction from marine mammals or acts that torment, annoy, injure, disrupt or disturb marine mammals is prohibited.

Additionally, the guidelines set forth by the NOAA Fisheries Services are enforced with staff as well as kayak tour and rental customers including: observing dolphins, porpoises, seals and seal lions from a safe distance of at least 50 yards; observing whales from a safe distance of at least 100 yards; limiting overall viewing time to no more than 30 minutes; avoiding circling or entrapping marine mammals between watercraft or watercraft and shore; avoiding abrupt movements or loud noises around marine mammals; avoiding separating mother/calf pairs.

8. EQUIPMENT

Tour guides are equipped with required safety equipment and additional safety equipment in the event of an emergency. All safety and emergency equipment is inspected for damage and proper condition before usage.

At least one kayak guide on each tour is equipped with flares that are not expired and that are a U.S. Coast Guard approved visual signaling device. Both guides are equipped with U.S. Coast Guard approved auditory emergency whistles.

In addition, at least one kayak guide is equipped with a fully charged waterproof cellular phone that also doubles as a two-way radio and/or a handheld VHF radio. Guides are trained in the usage of these phones, VHF's and radio capabilities, and the main lifeguard tower phone number is preprogrammed into the cellular phones along with 911. SDBK also stocks backup VHF radios in case of malfunctioning cell phones and all staff is trained in the contacting the Coast Guard on Channel 16 using these VHF's.

Tour guides are also equipped with a towline, rescue throw bag, a repair kit, a first aid kit, bottled water, a towel, and fins. All guides and participants are provided with to Type III USCG approved life vests.

All kayak tour participants and tour guides conducting tours of the La Jolla Sea Caves area are provided with and required to wear a properly fitting and secured kayak helmet, approved for whitewater use. Tour guides and patrons wear properly fitting and secured helmets for the duration of the tour period from launching all the way to landing.

SDBK conducts daily maintenance inspections of all equipment during closing procedures to ensure that all kayaks, paddles, life vests, safety equipment, emergency equipment and other operational equipment in sound working order, good condition, and safe for usage.

Kayaks are deposited in designated kayak storage area no earlier than 8:00 a.m. and are removed before sunset. Beach duty personnel are staffed as soon as kayaks are deposited in the storage area and a Beach Manager is staffed daily during all operational hours to supervise and direct tour departures, tour returns and general beach operations.

Beach duty personnel are staffed daily to monitor the kayak storage area at all times during operations. The beach duty personnel maintain the kayak storage area in a neat and orderly manner at all times, and kayaks are all stacked in the designated area so as not to impede any other activities within the boat launch. Paddles are stacked and stored within a moveable paddle rack in this designated area to maintain a neat, orderly retrieval and return of paddles. If ambassadors or other lifeguards request the equipment to be moved at any time, beach duty personnel are available to respond appropriately and immediately.

9. WAIVERS

SDBK keeps on file a signed waiver from each participant, or their legal guardian if under 18 years of age, which holds the CITY, its agents, officers and employees harmless and indemnifies the same from any claims relating to the participates' activities on the beach, which arise from or are in any manner connected with the services provided to the participants under commercial kayak operations. SDBK implemented a proprietary digital waiver in 2014 streamlining the process, improving efficiency and reducing costs.

10. SAFETY PRECAUTIONS / EMERGENCY RESPONSE PLAN

SDBK requires contact information to be recorded on each and every participant's waiver before services are rendered. Records of the client's name, local contact number, and corresponding kayak identification number are documented for each and every participant in the event of an emergency or if the participant is missing.

All customers are required to watch a safety and instructional video in the storefront prior to participating in any kayaking activities. In addition, all individual kayak rental clients are provided with a custom, waterproof map of the adjacent water area, clearly depicting all water zones defined by San Diego Municipal Code (63.20.2). Swim lanes, no kayak zones, surf zones, and other water activity zones and prohibited areas, known hazards and off limits areas are depicted on this map.

An employee reviews this map with all kayak rental clients to ensure their clear understanding of the map and answer any questions about the map before departure. Employees reviewing the map with customers also inform kayak rental clients of the daily conditions and necessary boat positioning in various areas; renters are also informed about rules and laws pertaining to water activity zones, off-limit zones, the Marine Mammal Protection Act and the NOAA guidelines for responsibly viewing marine life. Renters are also informed at this time that any violations may result in a citation and/or injury. The details explained during the water map review are provided in Chapter 4, Part II titled "Operating Plan—Tour Guide Training & Water Safety Plan."

Each and every customer is provided with a properly fitting U.S. Coast Guard approved Type III personal flotation device; each PFD is equipped with a SOLAS approved, water safe emergency whistle.

If at any time a client or employee reports an injury, incident, or accident to SDBK, an incident report is taken immediately. If a client reports or any staff member is aware of an injury, incident, or accident that requires medical services and the injury occurs during commercial kayak operations, a SDBK manager files an accident report and alerts the San Diego Fire-Rescue and Real Estate Assets. These records are kept on file for a minimum of three years. SDBK also has an Emergency Response Plan in place that staff are thoroughly trained on, which is described in detail in Section 4 of this Chapter.

11. MINIMUM REQUIREMENTS FOR GUIDES

SDBK has a strict, competitive hiring and training process. All employees must be a minimum of 18 years old; however, SDBK's average staff age is twenty-four years old.

All employees are required to obtain certifications in First Aid and CPR for the Professional Rescuer by the American Red Cross as a hiring prerequisite. These certifications are required to be maintained as current throughout the duration of employment.

All tour guides complete the Lifeguards' Kayak Guide Orientation course during the course of annual guide training as described in Chapter 4: Operating Plan—Tour Guide Training & Water Safety Plan.

Employees also undergo annual kayak guide training and upon successful completion, they receive a Certificate of Completion. The identified subjects and course content outlined on page 6 of Exhibit C is one of eight components of SDBK's annual guide training; each of these subjects listed on page 6 of Exhibit C is covered during Basic Training (refer to Chapter 4: Operating Plan—Tour Guide Training, Part 2) for details on each of these topics. In addition, SDBK has a comprehensive guide training program that also includes additional components such as training on SDBK's Water Safety Plan, specific lead guide and assistant guide training criteria, tour dialogue and route stops, proper Emergency Response Procedures as described in Chapter 6 and evaluation schedules. SDBK guides are also required to obtain the BCU One Star Award as another component of SDBK's training. Complete details on SDBK's guide training program are included in the preceding chapter; refer to Chapter 4: Operating Plan—Tour Guide Training for details.

All documents confirming the certifications and certificates of completion for tour guides are kept digitally at SDBK's storefront and maintained by management. These documents are available for inspection and review by any City staff.

Although all tour guides must complete these minimum certification requirements for employment, this alone does not warrant an employee's ability to safely and competently guide tours. All tour guides employed by SDBK must complete the rigorous company-training program and pass successful evaluations before being permitted to conduct kayak tours.

During this internal company training, guides must demonstrate the keen ability to supervise and instruct clients and be capable of giving an adequate, thorough verbal orientation to all clients. This

paddle instruction and safety training include orientation and usage of overall safety, personal floatation devices, emergency signaling devices, paddle signals, whistle codes, kayak paddling techniques, and kayak maneuvering skills; all guides are also required to ask and learn all participants' names during this pre-tour briefing.

Tour guides are trained in all aspects of conducting kayak tours from tour dialogue, transitions, observation, boat positioning, cave procedures, responding to customer needs, compliance with the Marine Mammal Protection Act & NOAA guidelines for responsibly viewing marine life, and safety and emergency procedures. All tour guides undergo an evaluation process to initially be cleared to take kayak tours. SDBK constantly evaluates and reevaluates tour guides and staff throughout employment for quality control and to ensure the highest standards of customer service and the kayak tour product.

Before being permitted to conduct kayak tours, tour guides must possess a general knowledge of emergency access and evacuation routes, and summon and assist, when requested, any emergency response personnel. Management routinely reviews safety procedures and emergency response to ensure understanding and prepare employees in the event of an emergency. Knowledge and understanding of the Emergency Response Plan is also assessed during tour guide evaluations.

SDBK's mission is to provide professional, safe, quality kayak tours and rentals at competitive prices for visitors and locals to enjoy. During internal company training, tour guides are instilled with this mission and the notion that keeping patrons safe while engaged in kayak tours and kayak rentals is the highest priority. Tour priorities are always safety, fun, and then learning on each and every tour, in that specific order.

12. VIOLATIONS/SAFETY NOTICES

SDBK maintains records for each customer and can comply with any reviews or inspections that relate to commercial kayak operations with or without advanced notice.

SDBK maintains updated, accurate records for all operations including tour guide certifications, accounting and bookkeeping records, records pertaining to individual kayak renters and incident reports.

SDBK has adhered to the Tour Schedule during the last two agreement terms over the last six years, and has appropriate staffing to ensure the timeliness of tour departures and returns. SDBK adequately staffs operations and has the necessary communication systems to specifically adhere to boat launch rules, including the 15 minute limit of 12 kayaks to be in use in the area at any time and the kayak storage limit.

SDBK has historically adhered to other rules including client to guide ratios, uniform policies, safety equipment, helmet rules, and other regulations pertaining to commercial kayak operations. In this proposal, SDBK plans to utilize 12 kayak rentals and to has the appropriate internal systems to comply. SDBK equips these rental kayaks with flags for rental identification visible from at least 25 feet. SDBK uses blue flags attached to the stern of the kayaks in past years and each flag is numbered to track up to the maximum twelve permitted kayak rentals at any one time. SDBK has received no violations of the concession agreement to date.

13. ADDITIONAL CONCESSION STIPULATIONS

SDBK has a valid business license to conduct business in the City of San Diego.

SDBK maintains two facilities in La Jolla Shores with its primary storefront is at 2158 Avenida De La Playa and an additional warehouse facility accommodating kayak storage and parking for company vehicles located at 2259 Avenida De La Playa. SDBK conducts all business transactions within the confines of its storefront. The space within these two locations adequately accommodates kayak storage and customer space to handle SDBK's volume. SDBK customers are escorted by staff to transit to and from the boat launch in order to ensure that there is no negative on other residents and businesses in the area.

All kayak equipment is stored, loaded and unloaded within the two facilities SDBK operates from so that there is no impact on public thoroughfares.

SDBK ensures the sidewalks in front and adjacent to the storefront areas are kept clean of sand, dirt and other debris. SDBK's sidewalk monitors and closing procedures also facilitate and ensure the area in and around the storefronts are well maintained and clean. SDBK also has employee training and protocol for customers as described throughout the chapters in this proposal (specifically refer to Chapters 2, 3 and 8) that ensure clients maintain awareness and consideration of the public and businesses while transiting to and from the boat launch so as to not create a negative on others. Kayak equipment is not placed on sidewalks and public thoroughfares and SDBK loads and unloads equipment within its warehouse facility (as described throughout Chapter 2; refer to Chapter 2). Sidewalks in front of and to the side of SDBK's store is kept clean of sand and dirt at all times (also as described throughout Chapter 2; refer to Chapter 2 for additional details)

Attachment A: Operating Plan

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Attachment A: Operating Plan

Chapter 6: Operating Plan: Emergency Response Plan, Part I Conducting Water Rescues

SDBK has an extensive Water Safety Plan that serves as the Preface to SDBK's Emergency Response as outlined in this Chapter 1B. The Water Safety Plan as described in Chapter 1B is aimed at preparing for emergencies, preventing emergencies and employing specific safety procedures to promote water safety for all patrons and employees. SDBK's Water Safety Plan is outlined in detail in Chapter 1B, Part 5, as it is one of the major components of annual tour guide training. The Emergency Response Plan is employed when emergencies may arise even after appropriate safety measures have been taken as outlined in the Water Safety Plan.

The first component to San Diego Bike & Kayak's Emergency Response Plan is conducting basic water rescues, if and when capsizing occurs. Appropriately and safely utilizing basic water rescue techniques acquired during BCU training can prevent the capsizing of a kayaker to evolving into a major emergency situation.

However in some cases, one or more capsized kayakers is immediately an emergency and a basic water rescue is not a safe, adequate response; in this case, tour guides activate and execute the Emergency Response Plan.

WATER RESCUE TRAINING

All SDBK personnel are equipped and trained with basic water rescue techniques conducted from atop the guides kayaks to extract a capsized kayaker and any equipment during British Canoe Union training and certification. Tour guides are instructed to only perform water rescues that they are adequately trained in and that do not exceed individual capabilities. Tour guides use these BCU water rescue techniques for extraction to mitigate the potential for further emergency. Tour guides are also aware that some situations may require more advanced rescue capabilities and emergency care and in these circumstances, tour guides immediately activate and execute the Emergency Response Plan.

COMMUNICATING WITH SHORE CONTACT

Within SDBK's Water Safety Plan, there is always a shore contact at all times and the tour guides are constantly communicating with beach duty staff on the status of the tour. If a kayaker capsizes and a water rescue must be conducted, tour guides can rapidly and effectively communicate with the shore contact, lifeguards, and/or the shop if they need assistance or more advanced emergency services; the tour guides can also respond and communicate when a situation is all clear. This holds true in the event that a kayaker capsizes and/or an emergency exists.

CAPSIZED KAYAKS

In the event of any water emergency or capsized kayaks, tour participants are instructed to stay calm and follow rescuers'/tour guides' instructions. If a kayak capsizes, tour guides and rescuers encourage the tour participant to hold onto the kayak, if the conditions are permissible. If however a tour participant capsizes in the caves or close to cliff sides, or if the presence of continuous breaking waves

exits, tour participants are instructed by tour guides to let go of the kayak. Tour guides at this time will determine the safest, most effective way to extract the tour participant from the water.

A capsized tour participant that is unable to remount the kayak after several unsuccessful attempts can evolve quickly into a water emergency. Tour guides use several tactics to extract participants. During this situation, the tour guides' main goals are to get the person back into the kayak as quickly as possible to avoid drifting into a potentially dangerous area and to avoid immersion in the water for prolonged periods of time.

During guided tours, kayaks do occasionally capsize and the location of capsizing can lead to an emergency situation. Capsizing in open water unexpectedly is usually embarrassing for a tour participant, but as long as they are away from hazards, remounting the kayak is usually fairly easy and quickly rectifiable. However, sometimes capsizing near exposed rocks, reefs, cliffs, or in the caves and in the presence of breaking waves is immediately an emergency situation, and the Emergency Response Plan should be activated.

Various water rescue techniques to extract capsized kayakers are described below; when successfully and safely utilized, a full-blown emergency situation and/or serious injury can be deflected. However, if these rescues are unsuccessful and an emergency situation has ensued, Lifeguards, and EMS should be notified immediately and the Emergency Response Plan should be activated and executed.

WATER RESCUES UTILIZING TOWING

If a kayak has capsized, the tour guides calm down the swimmer and reassure them to avoid panic. Tour guides can use their paddle, rescue throw bag, towline, or even the kayak to rescue the swimmer.

Tour guides can use their kayak as means of towing a capsized paddler; the swimmer literally grabs onto the toggle handle near the stern of the tour guide's kayak, and the guide tows the swimmer to safety. This back deck carry is useful in shallow water and the tour guide encourages the swimmer to kick with the feet while being towed. The tour guide talks to the swimmer throughout the rescue.

Water rescues can be conducted with a towline or rescue bag throw rope, while the guides remain in their kayaks. The towline is best for use in open water and for towing equipment. The rescue throw bag is preferable for towing capsized kayakers swimming in the water.

Water rescues can also be made from atop the kayak using a rescue throw bag. The rescue throw bag is useful in tight spaces because it is easy to throw accurately. Rescue throw bags have internal floatation to keep the bag and the rope on top of the water, and they have grab loops for easy grasping. These rescue throw bags can be reloaded but should be free of knots. Tour participants are instructed to swim defensively and to be looking for the rescue throw bag if it is thrown.

CAPSIZING IN OPEN WATER

A capsized kayaker can be extracted in open water, free from tidal surges and rocks or reefs, by towing. Tour guides can use their kayaks towing mechanisms when appropriate; tour guides are also equipped with towlines and rescue throw bags on each tour.

To use the guide's kayak as a towing mechanism, the tour guide paddles toward the swimmer, presenting the stern so the swimmer can grab onto the toggle handle. The guide can then tow the swimmer toward the drifting kayak and assist with remounting.

REMOUNTING A CAPSIZED KAYAK IN OPEN WATER

There are a variety of ways to get back on a sit-on-top kayak and the surrounding ocean conditions usually dictate the preferable method to safely and efficiently get back in.

The easiest way to get back onto a capsized kayak is to approach the kayak perpendicularly at its midpoint. If the kayak is upside down, the kayak is first turned over by reaching across the bottom and grabbing the kayak by its scupper holes and flipping it right side up.

Then, the kayaker reaches across to the far edge of the kayak with both arms so the upper body is lying across the kayak perpendicularly and so the bellybutton is across the centerline of the kayak. Then, the kayaker rolls over into the kayak counter clockwise. Finally, the feet are swung into the kayak last to prevent the kayak from capsizing again.

In calm open water, the kayak can also be mounted from the stern. This is particularly helpful for assisting customers that are heavier or that lack upper body strength. To remount the kayak from the stern side, swimmers crawl up the stern of the kayak using all four limbs, laying flat on the kayak. As the bow comes up, the swimmer uses this upward momentum to crawl up to the center of the kayak. Once the person's body weight is centered equally on the kayak, the kayaker then centers into the seat, swinging the legs around and into the kayak last. Finally, the kayaker readjusts the backrest.

In the event that the swimmer struggles with either of the above methods, the tour guide can utilize the low brace without the paddle in hand, using the swimmer's kayak as the brace, to assist the swimmer back into the kayak. This method is particularly helpful when assisting those that lack upper body strength or those that may be slightly overweight.

An X rescue can also be used as an alternative; an X rescue is a basic water rescue technique that involves pulling on kayak over the deck of another. This method is usually only appropriate for open water rescues and can be used to assist a kayaker that lacks upper body strength; this rescue is particularly helpful when assisting younger participants. It stabilizes the kayak during remounting to make it easier to get back onto the kayak.

CAPSIZING NEAR EXPOSED ROCKS, REEFS, CLIFFS, OR CAVES

If a kayak capsizes in or around the caves or near exposed rocks or reef, it is preferable for the capsized kayaker to get to a place of safety before remounting the kayak. On occasion, this means the capsized kayakers must swim a short distance to an area in the water away from the rocks, reefs, cliffs, caves, tidal surges, or waves. Tour guides can also tow the swimmer with using the guide's kayak, by presenting the stern and having the swimmer grab hold of the toggles. The tour guide can tow the swimmer away from tidal surges and cliffs or rocks and then subsequently retrieve the kayak using a towline. The capsized kayak and the swimmer are both towed away from rocks and cliffs to a nearby area of open water, free from hazards. This rescue would be completed once the swimmer subsequently remounts the kayak.

Tour guides can also utilize safety equipment to safely retrieve a capsized swimmer, if towing with the guide's kayak is unsuitable. Tour guides can quickly toss the rescue throw bag or the towline to rescue the capsized swimmer. The use of this safety equipment is particularly helpful when retrieving a capsized swimmer from an area near exposed rocks, reefs, or cliffs or from an area that is tightly enclosed, such as in or next to the La Jolla sea caves.

The first priority in the event that a kayaker capsizes near exposed rocks and reef is to safely and quickly extract the swimmer to avoid possible injury by impacting nearby rocks and reefs. When safe and possible, the equipment and the swimmer are extracted simultaneously. If however, the effort to extract the swimmer quickly and safely will be impeded by the kayak, the tour guide utilizes the rescue throw bag or towline to do so, rescuing the swimmer first and foremost, and the equipment subsequently.

The guide first tows the swimmer away from nearby hazards and then attaches the towline to the capsized kayak to retrieve the kayak. The guide can use the bow of his/her kayak to push the capsized kayak into a position where it can easily be towed before attaching the towline to the toggles on the guide's kayak. All kayaks are maintained to have toggles and handles in good order in the event that the kayak needs to be towed or dragged.

CAPSIZING IN SURF ZONES OR SHORE BREAK

Tour participants are always instructed when paddling in or out of the surf at the boat launch to stay low and hold their breath for 5 seconds in this shallow water if the kayak capsizes; this ensures that the kayak tumbling through the waves does not strike them. In the shallow waters of the shore break, the swimmer can then emerge from under the waves after the kayak has passed overhead and wade into shore; meanwhile the beach duty staff intercepts and retrieves the capsized kayak before it lands ashore to prevent it from hitting another kayaker or swimmer.

Tour participants are also only permitted to launch or return to the boat launch one kayak at a time to prevent collisions in the boat launch. This policy also prevents a capsized kayak from hitting another kayaker or a capsized swimmer from getting hit with an incoming kayak.

ASSISTED SELF-RESCUE

In the event that capsized kayaker can self-rescue with minor assistance, the guide will approach the capsized kayak and swimmer and use draw strokes to parallel the capsized kayak. The guide then can utilize edging or a modified low brace (using the capsized kayak instead of the paddle as the brace) to assist the kayakers self-rescue.

If a participant capsizes near breaking waves, shallow waters, or in a confined space, the swimmer can also self-rescue with the assistance of a tour guide by keeping the kayak behind the swimmer's body, in the event of incoming breaking waves so that the swimmer does not get hit or pinned by the kayak. During the paddle instruction, this point is reiterated. The swimmer simply grabs onto the toggle handle assisted by the tour guide and swims defensively away from the area toward a section of open water, with the kayak in one hand, before remounting the kayak. This method is BCU approved, but rarely appropriate for SDBK's guided tours due to the lack of experience of most participants. Assisted self-

rescues are usually only appropriate when in very shallow water without the presence of waves or in open, calmer waters.

Chapter 6: Operating Plan—Emergency Response Plan, Part II

Executing the Emergency Response Plan

San Diego Bike & Kayak Tours, Inc. has established the following as an Emergency Response Plan for commercial activities and each employee is required to read and review this plan, during the new hire phase and throughout his/her employment, to respond readily to any kayak-related emergency situation. Management covers all aspects of this plan with each employee and routinely reviews the Emergency Response Plan to ensure employees' understanding of all aspects of the plan.

EMERGENCY RESPONSE PLAN STEPS

1. ACTIVATE EMERGENCY RESPONSE:

The goal of activating the Emergency Response Plan is to recognize an emergency and initiate a timely, effective response to an emergency, which includes calling emergency responders, Lifeguards, and/or 911. The underlying goal of executing the Emergency Response Plan is to safely, effectively, and quickly respond to an emergency and come to the aid of an injured or distressed kayaker, or other person in need of care, as rapidly and calmly as possible. This includes not endangering others nearby and minimizing injuries to any victims.

2. IDENTIFY IF AN EMERGENCY EXISTS:

Employees must readily identify an emergency when it exists. An injured kayaker, a kayak collision, a distressed kayaker, a kayaker suffering from hypothermia, or a capsized kayaker unable to remount the kayak after unsuccessful attempts are all emergencies that require activation of this Emergency Response Plan. SDBK has a company Water Safety Plan to take measures to prepare and prevent water emergencies and employ safety policies and procedures to mitigate the occurrence of an emergency (Refer to Chapter 4: Operating Plan— Tour Guide Training & Water Safety Plan). However, in the event that all of the preceding measures are have been executed and exhausted, employees should activate and the Emergency Response Plan and follow emergency steps.

3. NOTIFY EMERGENCY MEDICAL SERVICES, LIFEGUARDS, OR OTHER RESPONDERS:

Once an emergency has been identified, employees should immediately call 911, Lifeguards, and/or other EMS to provide necessary advance medical care. The main goal of the Emergency Response Plan is to initiate the timely and urgent activation of EMS in order to properly respond to the emergency. Employees should provide EMS with the 3W's, (Who, What, Where) in order to provide the necessary information to EMS about the emergency including how many victims there are, the location and cause of the emergency, the state of the emergency, and any obvious injuries.

4. INITIATE GENERAL RESCUE PROCEDURES OF EMERGENCY RESPONSE PLAN:

This step in the Emergency Response Plan varies depending on whether the emergency occurs in the water or on land. General rescue procedures for water and land are outlined in subsequent sections. The subsequent two sections in the Emergency Response Plan outline appropriate procedures to execute this step for emergency water rescue and for emergency land rescue.

5. NOTIFY OTHER COMPANY CONTACTS & ACTIVATE CHAIN OF COMMAND:

Once advanced emergency medical personnel have responded, employees should notify company management, if this has not already been done, and initiate the emergency responsibilities within the company chain of command. This includes the General Manager and/or Officers deploying to the scene, taking incident reports and gathering information from witnesses, notifying the emergency contact for any injured customers.

Manager responsibilities include clearing the roads/boat launch and immediate area for emergency vehicle access, directing emergency medical services to the emergency location, and impeding pedestrians or onlookers to allow EMS to respond. Managers should also provide any other necessary equipment that can be used to lessen or treat the impact of the injury to the emergency location. Tour guides or staff waiting to resume activities should redirect awaiting groups to an alternate, appropriate location to stay clear of the emergency. The General Manager and/or Operations Manager and other in-store personnel suspend the departures of any pending or future tours or rentals. Other in-store staff occupies, informs, and maintains other customers in the store as needed.

6. ENSURE THE SAFETY OF OTHER STAFF, PATRONS & BYSTANDERS:

Employees not delegated specific emergency responsibilities within the Emergency Response Plan should act to ensure the safety of themselves, other uniformed personnel, and other customers, bystanders, and the general public. Staff emergency responsibilities should be continued until the emergency scene is clear.

7. EQUIPMENT INSPECTIONS AND PROPERTY PROTECTION:

Once the emergency scene is clear, management will retrieve any equipment involved in the emergency and perform an inspection. This inspection will be documented with the incident report to accurately provide supplemental information regarding the emergency. Employees shall take the necessary steps to protect any additional property involved in the emergency.

8. EMERGENCY DOCUMENTATION & PROPER REPORTING

The General Manager and/or Officers will take in an incident/accident report documenting the injured parties, witnesses, and staff involved in the emergency. This report also documents any injuries, care provided and the believed cause of the emergency. Any other non-injured parties involved are interviewed and their accounts are documented. The General Manager and/or Officers will alert the San Diego Fire-Rescue Lifeguards for reporting if this has not already been done. These reports are kept for three years. The General Manager and/or Officers will notify the emergency contacts of any injured customers transported to the hospital or elsewhere for emergency care.

TRAINING DRILLS

The Emergency Response Plan will be reviewed and practiced through routine training scenarios and emergency exercise drills to inform and prepare employees of what to expect and how to properly and efficiently execute the Emergency Response Plan and respond appropriately to any emergency that may arise.

GENERAL RESCUE PROCEDURES FOR WATER EMERGENCIES

STEP 4 OF THE EMERGENCY RESPONSE PLAN

1. QUICKLY SURVEY THE SCENE:

Survey the scene in ten seconds or less. Tour guides take into account and assess the safety of the other tour participants and themselves before beginning a rescue. Call the appropriate EMS (either 911 or the Lifeguard main tower; when dialing 911, tour guides should request San Diego Lifeguard assistance). Provide EMS with detailed information on the emergency, location, victims, injuries, and status of the emergency. When possible, one guide will be designated to assist the distressed or injured victim, while the other guide maintains the safety of the rest of the tour group. When necessary, guides should get help from other nearby guides; or, if responding to the emergency requires two guides, one guide will instruct and direct the remainder of the tour group to paddle far enough away from the immediate area to a nearby area of safety so that both guides may effectively respond to the emergency, while also ensuring the safety of the rest of the tour group.

2. CONSIDER LEVEL OF TRAINING & RESCUE SKILLS:

The tour guide should consider his/her level of rescue skill prior to responding to a water rescue and exercise good judgment. Guides are taught how to respond appropriately to various water rescues during the required lifeguarding certifications through the British Canoe Union. Guides are also equipped with other emergency skills through American Red Cross certifications in CPR for the Professional Rescuer and First Aid. Guides should use knowledge from all of these certifications to determine the best course of action to respond to the water emergency. Guides are required to respond to any water emergency, but to never exceed their own capacities or levels of training. Guides should never attempt to use skills out of their scope of training.

3. ENSURE PROPER USE OF RESCUE EQUIPMENT:

Guides take steps to ensure proper use of rescue equipment including towlines, rescue throw bags, flares and other equipment. Guides should use any protective equipment in the first aid kit to ensure their personal safety and to reduce the risk of blood borne pathogens. Guides should only use safety and rescue equipment for their intended purposes. The guides should state their names and levels of training, and obtain consent to help, if the victim is conscious.

4. SAFELY APPROACH THE VICTIM:

Safely approach the distressed victim and determine the extent of the emergency; if there is more than victim, guides should determine which victim is in the most immediate need of assistance and respond accordingly. Guides should assess additional hazards and conditions that may cause further injury and determine the appropriate response accordingly.

5. PERFORM ANY NECESSARY RESCUE TO PROVIDE EMERGENCY CARE:

Perform and rescue based on British Canoe Union and American Red Cross training. Continue talking to the victim and provide reassurance; provide the victim with any necessary rescue instructions. (See Emergency Response Plan, Part I: Conducting Water Rescues).

6. MOVE THE VICTIM TO SAFETY:

Move the victim to safety, away from rocks, reef, and/or cliffs, to an area free and clear of potential

hazards. Perform an initial assessment and then provide the immediate necessary care to stabilize the victim so that he/she can be transported to the closest, safest land area to receive additional care or treatment that cannot otherwise be performed in the water.

7. REMOVE THE VICTIM FROM THE WATER:

Remove the victim from the water to provide further necessary care. Guides should return to the boat launch immediately with the victim; guides should update EMS on location and direction of land re-entry. SDBK personnel should also radio for assistance to the beach duty personnel or other SDBK personnel to confirm their location or point of entry back to land. SDBK personnel on land will update EMS on the location of entry from the water, and relay any other information they have or if any changes occur. In extreme emergencies, (if a participant is suffering a heart attack, anaphylactic shock, severe bleeding, or any other life-threatening condition), guides should get the victim to the closest, safest land area where the victim can receive immediate additional EMS care. For example, if a participant is suffering a heart attack near the Clam's Cave, the tour guides should tow the victim to La Jolla Cove and notify the Lifeguards that they need to bring in a victim for an emergency situation.

8. PERFORM PRIMARY SURVEY UPON RETURN TO LAND:

Upon returning to land, perform a primary survey of the injuries or state of the victim and reassess the victim's condition. If EMS has not arrived or is not on the scene at point of re-entry, designate someone to call EMS again and update them on the victim's location.

9. PERFORM EMERGENCY CARE:

Provide first aid, CPR, or other additional until emergency medical services (EMS) arrive. Continue monitoring the victim's condition and providing the appropriate care until more advance medical personnel arrives.

9. CLEAR THE AREA:

If other guides and participants are in the water, they should be directed to stay clear of the area until the emergency is clear. Other guides should provide assistance as needed, including directing ambulances and Lifeguards to the precise location of the victim, getting blankets or towels to minimize shock, and keeping others clear of the emergency.

GENERAL EMERGENCY RESPONSE PROCEDURES FOR LAND EMERGENCIES

STEP 4 OF THE EMERGENCY RESPONSE PLAN

Although commercial kayak operations expose greater potential for water emergencies to arise, all staff should be ready to also respond to a land emergency. Most land emergencies occur as a result of injury or collision in the La Jolla Shores Boat Launch. All of staff are certified by the American Red Cross in CPR for the Professional Rescuer and First Aid and are ready and qualified to respond to a land emergency. These general emergency response procedures are Step 4 of the Emergency Response Plan.

1. SURVEY THE SCENE:

Survey the scene. Employees should size up the scene and consider if the scene is safe, the mechanism of injury or nature of the illness or emergency, how many victims are involved, and the necessary resources.

2. APPROACH THE VICTIM WHEN SAFE AND PERFORM INITIAL ASSESSMENT:

Approach victim when it is safe for the rescuer and perform an initial assessment, which includes checking for conditions that are an immediate threat to the victim's life. This is primary survey assesses the victim's level of consciousness or mental status, the victim's airway, breathing, and circulation, (ABC's) and includes a check for any severe bleeding.

3. LOOK FOR SIGNS OF INJURY:

Formulate a general impression of the victim's condition to determine what the victim's chief complaint or problem is, if the victim is injured or ill, and what the victim's approximate age is. Look for signs of an evidentiary injury or illness and symptoms that the victim may speak of. This information is useful to alert employees to a serious injury that requires additional advanced care.

4. CALL EMS SERVICES:

If a victim is unconscious, severely bleeding, suffering a breathing emergency, heart attack, or any other emergency condition, call EMS. Activate the 911 systems and ensure that paramedics and San Diego Lifeguards are responding.

5. PROVIDE CARE:

Determine and provide the necessary emergency care until EMS arrives. Don't move the victim unless it is absolutely necessary to provide care. Continue providing care until advanced emergency medical services arrive and continue performing an ongoing assessment of the condition of the victim.

6. PROVIDE EMS WITH INFORMATION:

When EMS arrives to take over, provide any information determined during the assessments and any other known information about the victim or the injury.

FIRST RESPONDERS

During the summer season, one or more staff is designated as beach duty personnel to supervise and manage beach operations. These uniformed employees are the first to respond in the event of an accident, injury, or any other emergency that might occur on the beach, at the boat launch, or otherwise on land. Tour guides are the first responders if an emergency arises in the water. Tour guides and beach duty staff communicate and provide the appropriate care within their level of training until advanced medical services takes over. Acting as an extension of Lifeguard Services, these staff can contact or summon lifeguard personnel and provide care until EMS arrives.

EMERGENCY ACCESS & EVACUATION ROUTES

All SDBK employees possess a general knowledge of emergency access and evacuation routes, and summon and assist, when requested, any emergency response personnel. Any emergencies that occur within the SDBK storefront should follow posted evacuation routes for emergency access. All emergency exits are identified. There are three emergency access doors within the building and two evacuation routes; the appropriate route should be selected based on the immediate location of the emergency.

An alarm system is in place and the alarm has distinctive signals for fire and for intrusion. Two fire extinguishers are in plain site and ready for usage in the event of a fire emergency. Fire prevention and potential fire hazards are listed in a fire prevention manual. In the event of a fire or other emergency, management calls 911 and coordinates the evacuation of personnel and customers. The General Manager shall conduct a sweep to ensure all persons are evacuated.

In the event of evacuation, the relocation point for all persons in the building is Laureate Park. If Laureate Park is unsafe, all persons shall relocate to Kellogg Park next to the restrooms. These evacuation procedures and routes are routinely reviewed with employees on a regular basis.

EMERGENCY COMMUNICATIONS

All communication as outlined in the Emergency Response Plan will be conducted using cellular phones. All SDBK kayak tour guides are equipped with a fully charged and functioning military grade cellular phone in the water while on tours. Tour guides are also equipped with flares as a visual signaling device and can deploy flares when necessary.

Additionally, the beach duty staff and the truck drivers are equipped with a fully charged and functioning waterproof cellular phone that also works as a two-way radio for immediate communication with the shop. The beach duty staff stores the cellular phone in a dry bag that is attached to where it can be immediately accessed in case of emergency. These provided cell phones shall be used for communication in the event of an emergency.

EMERGENCY SIGNALS

Pre-designated signals will be used to communicate with kayak tour guides and other SDBK personnel in the event emergency assistance is needed. There are hand signals and paddle signals that are used to identify emergencies and the degree of the emergency. Water safe kayak whistles are also secured to each life vest for tour participants as well as tour guides.

SDBK utilizes paddle signals established jointly by the American Whitewater Affiliation and the American Canoe Association, as described in the Water Safety Plan, Part I. These paddle signals can be used to visually indicate an emergency, distress, or other information

One hand or any piece of equipment being waved overhead from side to side and/or three short whistle blasts indicate that an emergency exists and immediate assistance is needed. One hand placed on the top of the head or a paddle placed vertically into the air indicates that everything is all clear. All staff will be diligent to look for any signs and signals of distress when they are in the water and/or on the beach. Any emergency signal observed by personnel will cause the immediate activation of the Emergency Response Plan.

ACCIDENTS, INJURIES, & INCIDENT REPORTS

All employees are required to notify the General Manager of any incident, accident or injury involving any and all customers and/or staff members. SDBK shall alert an on-duty lifeguard with San Diego Lifeguard Services if any accident or injury occurs during kayak operations, regardless of severity. All rescues and medical aid involving kayaking participants, guides, or personnel will be documented on company incident reports.

Chapter 6: Operating Plan—Emergency Response Plan, Part III

Potential Emergencies

All kayak tour guides are trained and prepared to assess and respond to potential emergencies that may arise in conjunction with commercial kayak tours and rentals. SDBK maintains a comprehensive Water Safety Plan to mitigate the potential emergencies, and an Emergency Response Plan to appropriately deal with unexpected emergencies on land or in the water. Because of the nature of ocean kayaking activities, some potential emergencies may not be avoidable, but being able to properly identify the symptoms and signs of potential emergencies that might occur during commercial kayak operations is crucial to providing the appropriate response.

POTENTIAL EMERGENCIES

SDBK educates tour guides on potential emergencies that may arise during kayaking activities and all staff is trained on how to sufficiently address these emergencies. Some of these potential emergencies include, but are not limited to, capsizing near sharp rocks, reefs, or in the caves; blunt trauma to the body from a kayak collision; and collision with rocks or cliffs. The appropriate responses for emergencies of this nature are outlined in detail in Parts I & II of this Emergency Response Plan.

However, these unexpected emergencies are not the only potential emergencies that can arise during commercial kayak operations. Other potential emergencies may arise in connection with kayaking activities that are inherent to the nature of ocean kayak activities including hypothermia, hyperthermia, paralyzing seasickness, anaphylactic shock from marine life stings, dehydration, heart attack, and diabetic shock. This section of the Emergency Response Plan will further outline how to appropriately recognize and respond to these types of potential emergencies.

By being able to recognize signs and symptoms these types of potential emergencies, tour guides can recognize these potential emergencies and to respond accordingly. Tour guides take the necessary and appropriate actions to protect the tour group and the victims of these emergencies. Tour guides are trained and educated on both symptoms of these potential emergencies, as well as the proper treatment of these potential emergencies that could arise in conjunction with kayaking activities.

MARINE LIFE STINGS & ANAPHYLACTIC SHOCK

Both tour participants and guides can potentially be stung by marine life during kayaking activities. The most common stings are from jellyfish and stingrays since they are ever present in the Ecological Reserve. Because many people allergically react to the toxins from stingray and jellyfish stings, they are at risk for anaphylactic shock. Symptoms of anaphylactic shock include swelling, quickly spreading rashes, light-headedness, and breathing difficulties.

If a tour participant is stung by marine life in the water, the person should be moved to land as quickly as possible. The person should be taken to the nearest Lifeguard Station or EMS should be summoned, especially if the person has a history of allergic reactions, or the person is stung on the face, neck, or chest, and/or if the person has difficulty breathing.

When stung by a jellyfish, the victim may complain of burning sensations at the sting site. Soaking the affected area in white vinegar to offset and neutralize the toxin can treat jellyfish stings. If an allergic reaction ensues, the victim is at risk for anaphylactic shock and advanced medical care should be summoned and provided immediately.

If a stingray stings a participant, the victim should be immediately transported to Lifeguards for assistance with treatment. Stingray stings are characterized by punctured skin and throbbing up the calf and leg. The venom from stingrays causes extreme, debilitating pain for hours after the initial wound. Typically, victims cannot walk for a while following the wound. Treatment for stingray stings typically includes inspecting the puncture site for remnants of the barb, in which case the remaining barb must be removed by EMS. The wound is then bandaged and the victim's entire leg is immersed in very hot, non-scalding water for one or more hours following the puncture. The hot water breaks down the proteins in the venom, making the pain less excruciating. Signs of infection should be monitored and a tetanus shot may be needed.

COLLISIONS & TRAUMA TO THE BODY

Tour guides take safety precautions and steps to protect participants and other water users from collisions other kayaks, kayakers, swimmers, cliffs and/or other objects. Tour participants are all equipped with helmets to prevent trauma to the head in the event of a collision in the surf or with other elements. Participants are only permitted to launch and re-enter the boat launch one kayak at a time within the designated boat launch area.

In the event that a collision does occur, the first order of action is to assess the injuries and perform an initial assessment. EMS should be summoned immediately and the appropriate care should be provided until EMS arrives. SDBK staff should follow the steps of the Emergency Response Plan, as outlined in Part II of this chapter.

SEASICKNESS

Many first time kayakers can be prone to seasickness. Seasickness can result in other emergency conditions including dehydration and one seasick tour participant can spark the seasickness in other participants, so tour guides keep a close watch on the symptoms of seasickness while observing the tour.

Guides look for a sudden drop in energy or talkativeness, discoloration or paleness in skin, excessive swallowing, and gagging. It is the policy of SDBK for one of the tour guides to escort the seasick tour participant back to the boat launch, while the other tour guide continues with the tour. If necessary, EMS is summoned. Once the escorting guide safely returns the seasick participant back to shore to be treated by the beach duty personnel, this guide will immediately paddle back to the tour to resume assistance to the other guide.

HYPOTHERMIA

Hypothermia is a dangerously low body temperature typically caused by prolonged exposure to cold. SDBK takes preventive measures to limit the potential of hypothermia for any customer utilizing

kayaking services. All kayak tour participants are required to wear foam lined kayak helmets, which are especially beneficial during the winter months when the water is colder. All individual kayak renters are also offered helmets; SDBK highly encourages individual kayak renters to wear helmets when the water and/or air temperatures are cooler than normal and when surf is larger than normal. The provided foam lined helmets can help retain body heat, and thus reduce the risks of hypothermia, in the event of prolonged immersion in cold water or exposure to cold air and wind.

During the winter months, SDBK will not allow participants to kayak without suitable protective clothing. SDBK provides full wetsuits during the cooler months; spring suits are available for mild days, and spring or full wetsuits are provided on all Kayak & Snorkel tours. To prevent the potential for hypothermia, SDBK does not permit customers to intentionally take swims or exit the kayaks during the colder months. Because San Diego weather can vary on a daily basis, tour guides and SDBK management closely monitor both the water temperature as well as the air temperature to adequately inform customers of the suitable attire for the conditions and the day.

Hypothermia can more rapidly affect those who are less physically fit, so all customers must confirm a suitable level of personal fitness on the waiver when signing in for a kayak tour or rental. At this time, customers also have an opportunity to express any reservations or concerns about their abilities, physical limitations, and the posted daily conditions; SDBK can make reasonable accommodations and arrangements at this time. This confirmation of physical fitness also ensures the enjoyment of the rest of the tour group.

If a customer is at risk for hypothermia, tour guides first notify Lifeguards and/or other EMS, and the shore contact as well as the shop. Tour guides try to conserve the victim's energy as further exertion draws warm blood away from the core where it is needed. Further exercise also uses up energy reserves, which the body needs to generate heat for the core and vital organ function. Tour guides take measures to prevent further heat loss by providing additional clothing or insulation that may be available; shelter or added insulation, namely, the guide's emergency dry towel or dry PFDs and excess wet clothing is removed.

Tour guides take these measures to stabilize and reheat the victim as much as possible. If the victim is immersed in the water, the top priority is to remove the victim from the water and to get as much of the victim's body out of the water as quickly as possible. If a water rescue is necessary to extract the victim, tour guides are instructed not to overestimate the ability to swim to safety since swimming is exhausting and it increases the body's heat loss.

If a victim has capsized in the caves or near rocks, tour guides should use a tow line or bag throw rope, if appropriate, to rescue the victim, since requiring the victim to swim burns additional energy that the victim needs to reheat the body. Once the victim is back in the kayak, tour guides then aim to get the victim back to shore as quickly as possible, or to intercept assisting Lifeguards or other EMS so that the victim receives the fastest, most immediate attention and care.

Tour guides are trained in the treatment of hypothermia victims upon return to shore, which includes removing wet clothing and getting the victim indoors; reheating the victim slowly with blankets and dry clothing; encouraging the victim to eat in order to regenerate energy to heat the body; encouraging the victim to drink water to combat dehydration.

HYPERVENTILATION

Hypothermia can result in over-breathing or hyperventilation when in cold water. The shock of cold water can cause erratic, shallow breathing and cause the inhalation of water, which dramatically limits the ability to swim or to quickly get back in the kayak. Panicked swimmers can also self induce hyperventilation, even when in warm water. Signs and symptoms of hyperventilation include weakness, dizziness, short, shallow breathing, and pressure in the abdomen.

Tour guides are trained to calmly instruct the victim how to get in back into the kayak. Tour guides may need to perform the appropriate water rescue to get the victim back into the kayak before treating hyperventilation. Hyperventilation victims should be encouraged to take deep, slow breaths and the victim should be returned to shore for more advanced care.

HYPERTHERMIA

Hyperthermia is caused by the body overheating and is characterized in stages including heat cramps, heat exhaustion, and heat stroke. Heat stroke is severe and potentially life threatening. Tour guides are educated during American Red Cross training on these three stages of hyperthermia, which can potentially arise during kayaking activities, since customers are exerting energy usually in the sun on warm summer days. Tour guides are educated on the causes, signs and treatment of heat cramps, heat exhaustion and heat stroke.

Heat cramps are usually a result of excess sweating. Profuse sweating depletes the body of moisture and salt, which can lead to painful muscle cramps. Heat cramps usually affect the abdomen, arms, or legs, and can also be a symptom of heat exhaustion. Tour guides closely watch for these signs and symptoms, and heat cramps can be effectively treated by ceasing activity, cooling down in the shade or in cool water, and drinking liquids.

Heat exhaustion is caused when the body overheats and loses too much water and salt through sweating and the body struggles to maintain a normal body temperature. Symptoms of heat exhaustion include nausea, vomiting, fatigue, weakness, dizziness, and muscle cramping.

Heat stroke results if heat exhaustion is untreated. Heat stroke occurs when body's temperature rises to an abnormally high level because the body is no longer able to dissipate heat. Heat stroke is life threatening if untreated. Symptoms of heat stroke include the absence of sweating, red or flushed skin tones, rapid pulse, breathing difficulties, hallucinations, confusion, disorientation, and even seizure.

SDBK takes measures to prevent all stages of hyperthermia by encouraging customers and tour guides to drink plenty of water and bring water bottles on the kayaks. If customers elect to wear a wetsuit on warmer days, San Diego Bike & Kayak instructs customers to put the wetsuit only half way on, until just before getting in the water.

SDBK also structures the tour itinerary so that the tour stops frequently and takes short breaks along the route to rest, to minimize the potential for hyperthermia and make the tour as enjoyable as possible. Tour guides also show participants how to splash each other in a safe, fun fashion. On warm days, this

friendly splashing keeps paddlers cool. However, tour guides are aware that drenching a hyperthermia victim with cold water could result in heart failure.

DEHYDRATION

Symptoms of dehydration include lightheadedness, dry mouth, and muscle cramping. When tour guides recognize these symptoms of dehydration, they can treat dehydration by having the victim remove clothing layers and encouraging the victim to drink water. Dehydration can result from prolonged exposure to the sun and dehydration increases the risks of both hypothermia and hyperthermia so tour guides attempt to identify dehydration early and take the necessary steps to treat it appropriately.

EXTREME SUN EXPOSURE

SDBK encourages all tour guides and customers to wear secured sunglasses, sunscreen, and lip balm with SPF, even on overcast or cooler days. Sun exposure while out on the water can have damaging effects on your body even if it is not particularly hot.

Measures to prevent extreme sun exposure are particularly important for tour groups consisting of young children, camp and/or school groups, and fair skinned people. SDBK informs all customers and parents of camp/school groups to apply water-resistant sunscreen with an SPF of at least 30 a minimum of thirty minutes before beginning kayaking activities.

SDBK instructs all kayak participants and tour guides to wear hats and waterproof sunscreen to prevent sunburn within advertising materials and upon check-in. Additionally, SDBK encourages all tour participants and guides to take measures to prevent eye damage since the sun reflects forcefully off of the water, resulting in eye damage.

WATER CONTAMINATION EXPOSURE

SDBK takes measures to ensure that customers and personnel are not exposed to contaminated or polluted ocean waters. SDBK adheres to all Lifeguard alerts to stay out of the water for 48-72 hours following rain. SDBK adheres to any issued water contamination warnings from Environmental Services.

SDBK also takes measures to prevent ear damage and aural osteomata, otherwise known as surfer's ear. Customers and tour guides that have existing ear infections or that are constantly subjected to frequent incursion of cold water are encouraged to wear earplugs. SDBK stocks inexpensive earplugs for customers that may need them.

SDBK also follows good housekeeping guidelines including removing trash, not allowing anything to be placed in the storm drains, using public amenities only for the intended use, and notifying City staff in the case of any problems associated with the area.

HEART ATTACK

Heart attack is life threatening and can lead to cardiac arrest. Symptoms of heart attack include a shortness of breath, profuse sweating, nausea, persisting chest pain, or radiating pain down the arms, shoulder, neck or back. Tour guides should call 911 and activate the Emergency Response Plan in the

event of a heart attack. If aspirin or a nitroglycerin is available, tour guides should have the victim take either of these available medications after getting their explicit consent.

Stabilize the victim and get them to rest on the kayak. Tour guides should use the towline to rapidly tow the victim to shore as quickly as possible. Tour guides can also start towing the victim toward shore until intercepted by Lifeguard services or other EMS. Heart attacks are life threatening and the victim needs care as soon as possible as time is a critical factor with heart attack victims.

INSULIN SHOCK, INSULIN REACTION, & DIABETIC COMA

Upon checking into the store for a kayak tour, customers affected by diabetes can store insulin shots or snacks to stabilize blood sugar levels in the dry box or dry bag taken aboard by tour guides to prevent insulin shock or diabetic coma. All diabetic customers are urged to carry testing supplies in a dry bag, or give supplies to the tour guide to put in the onboard dry box.

Diabetes is an extreme form of hypoglycemia, or low blood sugar. If blood sugar levels drops far enough for those with diabetes, a person can become unconscious, or have seizures, or, if the episode lasts too long, can even die. Low blood sugar can be a result of diabetic getting more exercise than usual and not increasing food intake accordingly. Diabetics prone to seasickness are also at increased risk for insulin shock or diabetic coma, in the event that they vomit.

Symptoms of insulin shock include hunger, shakiness, dizziness, light-headedness, confusion and feeling anxious or weak, abnormal pulse and abnormal skin characteristics. If insulin shock is suspected, the victim should be towed to shore immediately for treatment. Insulin shock can be treated with by providing sugar to the victim with diet sodas, candy, juice, or table sugar dissolved in water. If the person's condition does not improve within a few minutes, EMS should called.

Attachment A: Operating Plan

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Attachment A: Operating Plan

Chapter 7: Summary & Resume of Proposer's Experience, Part I Company Background, Experience & Qualifications

San Diego Bike & Kayak Tours, Inc. DBA Bike & Kayak Tours, Inc. was founded in 2004 and has a historical record and **experience in successfully managing commercial kayak operations for over sixteen years.**

SDBK has been the CITY's top-ranked operator in every kayak RFP process and was awarded 22 tours and 15 rentals in 2010/2011 RFP cycle after its 2009 award was increased from 15 tours. Additionally, SDBK was also the top ranked operator in the 2011 RFP cycle and was awarded 21 tours and 12 kayak rentals in 2012-2014. In the most recent 2015 RFP cycle, SDBK was the top ranked operator and awarded the maximum of 15 tours and 12 rentals.

SDBK's company background, experience and qualifications as outlined in this section evidence its capability to continue to effectively manage the proposed operations as described throughout the Chapter 1 and do so professionally, responsibly, safely and profitably.

CORPORATION HISTORY

SDBK was founded in 2004 and has completed 16 successful seasons of operating kayak concessions in La Jolla Shores and is currently the highest performing operator and top ranked operator by the CITY for every consecutive RFP term.

SDBK also opened a second store in Coronado in 2013 duplicating the business model and business plan successfully executed in La Jolla Shores. The Coronado location has been operable and profitable for every season since opening and has grown ever year.

As an innovative and promising female entrepreneur, Marcella DiMichieli founded the company initially in 2004 because of her love of the ocean, the outdoors, watersports and specifically the sport of kayaking. DiMichieli is CEO and founder of the company, as well as a majority shareholder and has been actively operating the business for every year since the company's inception.

SDBK began operations in 2004 and was incorporated in 2006 gaining shareholders. Prior to incorporation, SDBK was a sole proprietorship and it was during these early years that DiMichieli focused on the quality and safety of the kayak tour product and built the business with this principle at the forefront. DiMichieli's vision of a superior tour product permeates throughout the operation today, as she implements many of the processes and procedures relative to tour guide training and evaluations to ensure the highest standard in tour execution. DiMichieli is also a Level 2 BCU Coach assessing the BCU One Star Award during guide training and a Red Cross Instructor, providing the basis for fundamental training related to SDBK's Emergency Response Plan and Water Safety Plan.

Nick Bauman joined the corporation in early 2006 as a ten-year industry veteran at that time. Since, Bauman has logged 14 consecutive seasons operating the company alongside DiMichieli, and together

they have grown SDBK to its current position as the largest and top-ranked kayak tour operator in La Jolla Shores as well as a second location in Coronado modeled after the flagship La Jolla location. Bauman currently serves as the company's Chief Business Officer and Chief Financial Officer focusing on business development, technology and operating systems, marketing and advertising and business growth.

Mike Prickett joined the company as an employee in 2006 and has since signed on as an officer of the company. Prickett has logged 14 consecutive seasons in the kayak industry in La Jolla Shores and has been involved in the corporation's growth and evolution since the early days of the company's establishment. Prickett currently serves as the company's Chief Operating Officer and manages all of the operating logistics including affiliates and third parties, payroll and other operational costs, efficiency procedures and other logistical operations.

Together, this trio has a combined nearly 60 years of experience specifically in the La Jolla Shores kayak industry (see officers' resumes, Part III of this chapter).

HISTORICAL RFP AWARDS DEMONSTRATING SUCCESSFUL OPERATIONS

SDBK has been in partnership with the CITY since 2004 and SDBK has continuously held a commercial kayak concession permit since 2004. In 2009 during the first inaugural RFP process for kayak concessions, SDBK was selected as the highest ranked operator and was awarded 15 time slots (the maximum permitted in the initial RFP trial year 2009) and 15 kayak rentals.

However, in 2010 the CITY actually increased SDBK's award from 15 time slots to 22 time slots based on earnings and overall performance. SDBK operated in 2010 and 2011 under permitted commercial kayak concessions with the most tour times of any permitted company at 22 tours along with 15 kayak rentals.

In the second RFP cycle, SDBK also received the top rank and was awarded the most tour slots with 21 tours and 12 kayak rentals. SDBK has operated the 2012-2014 seasons with this award of 21 tours and 12 kayak rentals.

In the third and most recent RFP cycle, SDBK again received the top rank and was awarded the City's maximum award of 15 tours and 12 rentals.

CITY OF SAN DIEGO PARTNERSHIP & FISCAL RESPONSIBILITY

During each and every RFP agreement term from 2009-2019, SDBK has paid the most concession fees of any operator during every concession term, an indication that SDBK is the largest, most successful kayak operation in La Jolla Shores since percentage fees are a derivative of kayak revenue.

This fiscal responsibility and execution of every award regardless of allocation based on the maximum tour limits demonstrates SDBK's ability to perform on its award and exceed market share based on fees paid while every other current kayak operator continues to underperform on tour allocations, or perform at a level that does not exceed the allocation of tour slots.

More importantly, SDBK has exceeded its awarded market share relative to the concession fees on a percentage basis, which demonstrates that SDBK is the best candidate for the largest tour allocation of all operators.

In the most recent 2015-2019 term, SDBK was awarded 28 percent of the tour time slots, but actually paid a total 32 percent of the total concession fees, which would equate to 17 tour times, demonstrating an overperformance on its maximum 15 tour award.

Likewise, SDBK was awarded 39 percent of the tour allocations with 21 tours from 2012-2014, but SDBK's concession fees actually represented 40 percent of the total fees paid indicating SDBK's overperformance on its award.

Likewise, SDBK proved to be the most well positioned kayak concessionaire to adapt its business model and operations to fit within the restriction of a maximum award of 15 tours and still produce the most concession fees, as demonstrated in both the inaugural RFP cycle and the most recent RFP when restrictions were imposed and tours were capped at 15 maximum tours.

As the CITY's top-ranked kayak concessionaire, SDBK has provided a tremendous amount of input to improve commercial kayak concession operations for both the CITY as well as for all operators in the kayak industry. The CITY has historically adopted and implemented much of SDBK's input, which is indicative of a strong, collaborative partnership and the value of SDBK's insightful feedback.

SDBK developed and proposed the concept of the "Wild Card" option which was implemented in 2010 generating more revenue for the CITY and improving public safety by encouraging supervised, guided tours rather than unguided rentals.

SDBK also proposed the colored flagging system to systematically differentiate rental, tour and guide kayaks and was able to get all the operators in agreement on the system before presenting to Lifeguards.

SDBK was also the company that developed the an improved tour schedule that the CITY replaced the 2009 schedule with for 2010-2011 operations; this schedule had fewer kayaks in the launch at any given time improving public safety and this schedule also made more desirable, valuable times available to all operators, since it eliminated the early morning tours before 9:00 a.m. and the late tours after 5:45 p.m. This tour schedule also eliminated the 150-minute time slots, making every time slot 90-minutes which all operators were in agreement with.

SDBK was the company that proposed that the Kayak Guide Orientation (formerly Rocks, Rips, Reefs) be mandated as a guide requirement, which the CITY adopted in 2007 at SDBK's suggestion.

SDBK has also suggested that all kayak participants (rental as well as tour participants) be required to wear helmets. SDBK also recommended the recycling of kayaks and eliminating overlapping tour times to reduce the impact to the area that was adopted in this current RFP.

SDBK has a long history of providing meaningful input and working with City Staff and Lifeguards to improve the safety of commercial kayak operations while also reducing the impact to the community

as evidenced by the adoption of many of SDBK's recommendations, including most recently during the 2019 summer when SDBK provided Lifeguards with a digital map for usage on signage to improve operations for beach goers, private boat launch users and commercial operations industry wide.

PAST EXPERIENCE IN SUCCESSFULLY MANAGING OPERATIONS

SDBK innovated the industry in 2007 with the implementation of a flexible, available tour schedule with tours running daily at each half hour. SDBK has a proven its ability to fill and sell a frequent tour schedule as demonstrated by financial information provided in subsequent chapters, Chapter 9 and Chapter 10 (Chapter 9: Financial Statements, Chapter 10: Supplemental Financial Information). SDBK is well vested in the industry with its proven record of executing the maximum tour allocation with organization, structure and efficiency to operate in a safe, responsible manner that is also fiscally responsible and generates maximum revenue for the CITY.

This business plan of offering a frequent tour schedule with pricing varying by tour time slot has resulted in maximized sales because any interested customers can be accommodated at a time that is convenient for them to participate an important concept in the tourism industry. SDBK uses a variety of discounts to entice customers to participate at off-peak times and charges a premium retail price for peak times of the day. SDBK's tour schedule has historically offered tours each half hour during operating hours with multiple groups departing at peak times.

SDBK is a sophisticated operation that uses technology to streamline operations, maximize revenues, maintain employee and customer records and coordinate employee training and scheduling. SDBK is one of only two companies in the industry that have a BCU credentialed coach on staff, an indication of SDBK's commitment to safety while operating with larger volume.

SDBK is a professional kayak operation with a record of adhering strictly to permit rules and providing input to the CITY for improvements to the kayak concession program. SDBK staff members have a reputation of exercising integrity, due diligence, permit rule compliance and executing organized operations in a professional manner. Aided by their readily identifiable red uniforms, SDBK is often recognized by the public for its attentiveness when assisting customers on the beach and into the water.

SDBK has conducted a successful business for over 16 years and capitalized on its previous three RFP kayak concession awards. SDBK was awarded the highest ranking in the 2009 RFP process and had the most tour slots of all operators with 22 tour times in 2010 and 2011. The CITY actually increased SDBK's original 2009 RFP award of 15 tours to 22 tours for the 2010 and 2011 season after a performance review in 2009. Additionally, SDBK was the top ranked operator with the highest award of tour times again in 2011 with 21 tours and 12 rentals for the 2012-2014 seasons. SDBK was once again selected as the highest-ranking operator with the maximum limit of 15 tour times during the 2015-2019. ***The CITY's recognition of SDBK as its selection for the top rank for the last eleven consecutive years demonstrates SDBK's position as an industry leader and a consistent and reliable operator.***

SDBK also has a second commercial kayak operation located in Coronado under the Port of San Diego and the Coronado Ferry Landing. SDBK is experienced in executing a similar contract with percentage fees and commercial kayak operations in this Coronado location where commercial kayak tours and

rentals are conducted in San Diego Bay. SDBK has successfully applied its successful business model and operating systems to both locations and both locations are operated with safety and fiscal responsibility.

QUALIFICATIONS WHICH EVIDENCE THE CAPABILITY TO SUCCESSFULLY MANAGE KAYAK OPERATIONS

SDBK has implemented necessary and innovative operating components including procedures, technological systems, equipment, company programs, proprietary technology, exclusive partnerships and affiliations to effectively and successfully manage commercial kayak operations.

SDBK has operates out of the largest storefront of all operators and is the closest operator to the beach, which contributes significantly to successfully managing the largest operation while minimizing the impact to the area. Additionally, SDBK maintains a second warehouse facility that is larger than some operators' sole storefronts and which also accommodates day and night off-street parking as well as kayak storage. This warehouse stores all of SDBK's kayaks and all loading and unloading of kayaks for operations occurs within this closed facility not visible or audible to the public.

These components are a result of SDBK's experience and success and are necessary to successfully adapt to an ever-changing marketplace. These established, functioning components are of particular significance to continue to execute successful commercial kayak operations.

EMPLOYEES & STAFF DEPARTMENTS

SDBK assembles, certifies and trains a sizeable seasonal staff each year in addition to conducting quality control measures of existing staff members and ongoing evaluations. SDBK utilizes three departments to properly, safely and efficiently execute operations.

The staff departments include Operations, Sales and Service and all three departments are led and managed by the General Manager. Each department manager has a specific set of responsibilities and oversees sectors of employees. Every manager rotates weekly and fulfills the in-store Shift Supervisor and/or Closing Manager shifts weekly.

In 2019, SDBK had approximately 100 employees. A staff of this size was necessary and appropriate because SDBK is the largest provider with approximately 28 percent of the current market in the industry and had the most tour times requiring larger staff levels. Special attention is placed on hiring and maintaining an exceptional, qualified and properly trained staff, contributing significantly to SDBK's ability to implement and execute frequent kayak tours and other operational components. SDBK also utilizes an online scheduler to ensure proper staffing and to accommodate any increased staffing levels with Hazard Alerts using an on-call shift.

SDBK has developed specific hiring procedures, an employee hierarchy and chain of command along with an extensive employee training and ongoing evaluation process to ensure employment of the highest quality staff (refer to Chapter 4: Operating Plan—Tour Guide Training and Chapter 8: Operating Plan: Organizational Structure, Leadership Team, Employees & Staffing, and Summary of Employees' Qualifications).

Employees are assessed by regular evaluations and are mandated by an employee handbook, Code of Conduct, and a corporate safety manual that complies with OSHA standards. Competitive salaries, health benefits and a pension plan are company programs used to retain a veteran management team and experienced staff to carry out operations. (Refer to Chapter 13: Company Integrity for details).

Additionally, SDBK maintains a management team that is assigned to daily operational positions including Shift Supervisors, Managers on Duty, Beach Managers and Water Safety Specialists in addition to the permanent management posts to ensure daily operations are managed successfully.

OPERATIONS DEPARTMENT

The Operations department is led by the Operations Manager and consists of the beach duty personnel, two Beach Managers and an Assistant Beach Manager and the Maintenance Manager; this department staffs the boardwalk monitor daily. This department maintains equipment and cleanliness in both stores as well as at the beach and around the proximity of the storefront; The Operations department also executes the boat deliveries to the beach, complies with Exhibit C and other permit rules. The Operations department ensures timely tour departures, rental customer assistance and kayak fleet management on the beach and in the storage area.

SALES DEPARTMENT

The Sales department is led by the Sales Managers and also consists of the Assistant Sales Manager, Associate Sales Manager and the sales representative staff; this department staffs the sidewalk monitor. The Sales department provides customer service and assists customers in the retail store, processes kayak tour and rental customers in store, ensures completion of customer paperwork and payment, fields all the customer phone calls and is responsible for executing the company sales tactics for closing phone calls and walk-in customers. The sales department is broken up into stations throughout the store including phones, registers, retail floater, camera station, locker station and sidewalk monitor.

SERVICE DEPARTMENT

The Service department is led by the Service & Training Manager and consists of the tour guide staff and Water Safety Specialists. The Service department executes the guided tours with an emphasis on tour quality, safe execution, customer service, water safety and ongoing tour guide development to ensure superior service. The Service department is broken up into Senior Tour Guides, Lead Tour Guides and Assistant Tour Guides. This explained in further detail in the following chapter titled Chapter 8: Operating Plan—Organizational Structure, Leadership Team, Employees & Staffing and Summary of Employees' Qualifications (refer to Chapter 8 for details).

EQUIPMENT

SDBK's growth and success in managing operations has resulted in the acquisition of two facilities in La Jolla Shores (a primary storefront and warehouse facility for equipment storage and vehicle parking) as well as an additional office space, two trucks for transporting kayaks and a passenger van for shuttling services as well off street parking for the company trucks during the daytime as well as overnight.

Additionally, SDBK will utilize 48 tour kayaks and 12 rental kayaks in the proposed operation and SDBK maintains an appropriately sized kayak fleet to accommodate repairs and various sized kayak models, ensuring accommodation for various customer weights and sizes, as well as systematic maintenance and repairs for safety.

Many substantially smaller operations showing a fraction of SDBK's gross kayak sales use a similarly sized fleet. This fact alone demonstrates SDBK's efficiency, professional experience and record of operating in an organized, strategic and efficient manner that maximizes sales, while utilizing an appropriately sized kayak fleet that reduces overall impact.

SDBK has developed a custom kayak rental water map, a safety and instructional video, and an extensive Water Safety Plan and Emergency Response Plan and a proprietary guide training program to properly address safety concerns and implement systematic processes to ensure safety. SDBK also utilizes safety gear during tours, rentals, and transport to reduce danger and risk.

SYSTEMS FOR EFFICIENT AND EFFECTIVE OPERATIONS

In over sixteen years in operation, SDBK has invested resources, time, strategy and effort to improving operations each year, demonstrating its dedication to constantly raising the industry standard and operating as efficiently as possible with the minimum possible impact to the area.

In early 2008, SDBK launched a custom comprehensive computer reservations system to link phone and online reservations, manage kayak inventory, sell off-peak times, maintain a secure customer database and simultaneously increase sales. This system also allows management to manipulate tour capacity at particular times and offer discounts to sell less desirable, off-peak tour times, an essential element under the new proposed reductions. This system also manages tour and rental inventory, prevents overbooking and helps accurately determine tour availability. This system also helps determine sufficient staffing for a particular day and tour time based on reservations.

SDBK's Chief Business/Financial Officer built a custom computer application that incorporates a digital waiver that captures a wet signature as well as a digital deposit slip that all integrate into this proprietary reservations system. This digital waivers and deposit slips cut operating costs, improve efficiency and expedite customer check-in, all of which are necessary for efficiently and effectively operating at a larger volume with the maximum tour allocation of the proposed 15 tours, as SDBK has done in past years.

SDBK also has an in-store electronic phone system to manage its volume of incoming phone calls, complete with automated data and department extensions for customers to obtain information and receive the best possible customer service.

The comprehensive custom reservations system, proprietary digital waiver and deposit slip applications, phone system and websites are all components that aid in SDBK's operational execution and efficiency with technology.

SDBK also utilizes an online scheduler and messaging system for employee relations, messaging and scheduling and record keeping of staff certifications and evaluations to effectively manage its large staff.

This online scheduling system also incorporates paperless training materials for company handbooks and materials to be posted online and to efficiently communicate with all staff instantly.

This is of particular importance with the Hazard Alerts outlined in Exhibit C, as instant communication with all staff is necessary to impose regulations due to changing conditions and this system also provides daily on-call shifts for guides and beach staff in the event staffing levels need immediate increases due to imposed Hazard Alerts. SDBK's online scheduler allows the messages, information, scheduling changes and/or operational changes to be communicated instantly.

EFFICIENCY PROCEDURES

SDBK has proposed a primary tour schedule that is very similar to the schedule that was assigned by Lifeguard staff during the most recent RFP term, and made one minor tour time suggestion for change as a suggestion to improve further upon the recycling of kayaks to better accomplish the goals of managing customer flow. This also creates a steady flow of kayaks that recycle, maximizing efficiency and mitigating congestion at the launch.

SDBK also has adopted other efficiency procedures and measures to partner with the local community and ensure efficient operations. This operating strategy has historically eased traffic on Avenida De La Playa while also easing congestion in the water, particularly in and around the La Jolla sea caves. SDBK plans to use this efficiency procedure during non-peak season operations as well. These efficiency procedures are described in great detail in Chapter 2 (refer to Chapter 2: Operating Plan—Minimizing Impacts, Parking Solutions and Managing Customer Volume and Kayak Storage).

During peak season, SDBK employs a sidewalk monitor to keep the immediate area nearby SDBK's storefront clear as well as a boardwalk monitor at the boat launch to keep the emergency access lane clear, assist with the flow of customers, clean up debris and ensure expeditious operations at the launch.

SDBK utilizes digital waivers and digital manifest lists to assign customers to tour guides. This allows tour guides to send customers escorted by staff to the beach in advance of the tour departure without creating confusion for customers. This reduces the impact to the area nearby SDBK's storefront and it also prevents crowds walking down the sidewalks and on adjacent CITY property.

EXCLUSIVE AFFILIATIONS & PARTNERSHIPS

In addition to its large volume of visiting patrons, SDBK has established an extensive network with many destination management companies, local concierge, affiliate programs and event planners which supply an additional customer base beyond the general tourist and local markets.

SDBK has been an exclusive vendor with the Go San Diego Card/Smart Destinations since 2005 and this collaborative partnership further promotes San Diego tourism and SDBK's kayaking services, while simultaneously creating an exclusive customer list. The Go San Diego Card is marketed by Smart Destinations and card redemption can only be accessed utilizing featured vendors. SDBK is the

exclusive kayak provider and one of the main attractions in the Go San Diego Card along with the San Diego Zoo and SeaWorld.

Exclusive vending agreements are also active and in place for Xperience Days, Great American Days, GoldStar and Excitations; these partnerships expand SDBK's services to wider target markets and assist with filling in non-peak season operations. SDBK has also teamed up with Kijubi, AirBNB, Get Your Guide and New World Travel to create a large, distinguishing internet presence to promote and sell its tours and rentals on a national and international level with these third parties.

SDBK has also developed approved vendor contracts with Destination Concepts, Inc., Affinity Group Meetings, Inc., Accent on Arrangements, Inc., Allied PRA, Access DMC, the Event Team, YMCA of San Diego County, the San Diego County Park & Recreation Department, Boy Scouts of San Diego and Girl-Scouts of San Diego-Imperial Counties, the Scouts Program and Camp Fiesta Island. These vendor agreements require extensive documentation and the fulfillment of increased liability policies and additional insured certificates, lifeguard-trained tour guide staffing, client to guide ratios in excess of CITY requirements, tax clearance and W-9s.

SDBK has also developed and maintained a comprehensive concierge program and is the preferred vendor for many area hotels and resorts including the Hilton La Jolla Torrey Pines, The Grand Del Mar, the Pacific Terrace Hotel, La Valencia, Hilton Del Mar, Marriott Coronado, Loews Coronado Bay Resort, the Lodge at Torrey Pines and the San Diego Westin among many others. SDBK is an active affiliate member of the San Diego Concierge Association and the San Diego Convention & Visitors Bureau.

Many established local, effective advertising partners of SDBK include San Diego Magazine, San Diego Tourism Authority, San Diego Metro Publishing, Platinum Maps, Obu Interactive and Certified Rack Card Distribution. These advertising partners further promote services and capture tourist sales.

EMPHASIS ON KAYAK TOUR PRODUCT QUALITY

SDBK operates a safe, professional and fiscally responsible operation that emphasizes the quality of the kayak tour product, and these guiding principles are what both the company's business plan and proposed operations are based upon.

SDBK has put thoughtful, calculated effort into refining the kayak tour product. SDBK implemented a Cave Entry guarantee for customers, in which customers receive a prepaid pass to the Cave Store to enter Sunny Jim's Cave on foot; this promotes public safety and tour quality because customers enter a cave on foot without having to incur additional admission fees in the event that the caves are unsafe due to water conditions. This Cave Entry guarantee also provides additional value to the customer.

SDBK was also the first operator in the La Jolla kayaking industry to offer the Kayak & Snorkel Tour, which occurred in 2005. SDBK also offers a photo package that only further values of the kayak tour product and generates revenue. These measures expand the value of kayaking services to the consumer while also benefiting the CITY in the form of additional concession fees on these products.

SDBK has developed a comprehensive and unique tour narrative and tour itinerary. These topics and specific substantiating details are what set SDBK's kayak tours apart from other operations (see chapters 3 & 4: Chapter 3: Operating Plan—Tour Safety, Logistics & Concession Operations and Chapter 4: Operating Plan—Tour Guide Training, Water Safety Plan, and Tour Topics).

Guide training protocol and water safety standards that are commensurate with this standard of quality have been established to ensure superior tour execution. SDBK's development of a specific Water Safety Plan that encompasses these training and execution standards are a reflection of its efforts to maintain superior tour quality and safety, the foundation of its reputation. (Refer specifically to Chapter 4, Part V: Operating Plan—Tour Guide Training & Water Safety Plan and Chapter 8: Operating Plan—Organizational Structure, Leadership Team, Employees & Staffing and Summary of Employees' Qualifications).

The emphases on the kayak tour product and professional, safe operations have resulted in the acquisition of a large portion of the kayak industry market. This past experience in managing this large market share qualifies SDBK to continue successfully manage future proposed operations with a tour allocation that is proportionate to SDBK's standing market share under the 54 time slot system. The request for the 15 tour maximum allocation represents only 28 percent of the market share when in reality SDBK has organically acquired over 40 percent of the market share. SDBK is an appropriate candidate as such for any additional tour times that may become available at the CITY's discretion due to vacancy during the RFP process.

KAYAK TOUR SPECIALIZATION & COMPANY RELIABILITY

SDBK is historically a safe, professional and reliable kayak tour operator that specializes in kayak tours. Although SDBK also offers retail sales, bike tours and snorkeling rentals and tours in La Jolla as well as running a commercial kayak operation in Coronado, 75 percent of its annual business is attributable to kayak tours and rentals in La Jolla Shores.

Historic kayak tour revenues (refer to Chapter 9—Operating Plan—Financial Statements, and Chapter 10: Operating Plan—Supplemental Financial Information) substantiate this specialization and indicate that SDBK can realistically fill and sell the proposed tour time slots with the highest ticket prices of any other operator, as described in the Operating Plan, while also conducting kayak tours in a safe, professional and organized method that manages industry demand and market share while also balancing community concerns and minimizing impact to the area (refer to Chapter 2: Chapter 2—Minimizing Impacts, Parking Solutions & Managing Volume).

HISTORICAL KAYAK REVENUES & ESTABLISHED MARKET SHARE

SDBK is the industry's largest operator and has been the top-ranked kayak operator since 2009. SDBK was awarded the maximum of 15 tours and 12 rentals in the last RFP. SDBK was awarded 22 tour time slots in 2010 and 2011 in the second year of the inaugural RFP process and was awarded 21 tour time slots in 2012-2014. This established position is evident by kayak revenues included in financial information in Chapter 9 and Chapter 10, as well as SDBK's historical tour schedule, market share and past RFP awards.

SDBK has an established market share in the kayak tour industry in La Jolla Shores and this is a direct result of invested time, effort, money, strategy, technological development and other resources, even in spite of the restrictions imposed by the CITY. SDBK historically has proven its ability to operate the proposed number of tours in the Operating Plan and did just that during all previous concession agreement term performing on 21.6 tours with an award of 21 tours in the 2012 RFP cycle and performing on 17 tours with an award of 15 tours in the most recent 2015 RFP.

SDBK has been vetted in operating with a larger market share and managing industry demand. The CITY increased SDBK's award to 22 tours in 2010 and 2011 along with 15 kayak rentals and awarded SDBK 21 tours and 12 rentals in 2012-2014, and SDBK was the only operator awarded the maximum of 15 tours in the most recent 2015 RFP. This record indicates safe, organized and quality commercial kayak tour operations, and it is precisely this experience and established record that illustrate SDBK's professional experience and qualifications for these proposed operations.

SDBK can operate safely with 15 tours and 12 kayak rentals because of this experience with managing its historical market share in excess of proposed operations.

Chapter 7: Summary & Resume of Proposer's Experience, Part II **Officers' Resumes & Experience**

San Diego Bike & Kayak Tours, Inc. DBA Bike & Kayak Tours, Inc. has three corporate officers: Marcella DiMichieli, Chief Executive Officer, founder and majority shareholder; Nicholas Bauman, Chief Business Officer and shareholder; and Michael Prickett, Chief Operating Officer and shareholder. Each shareholder makes significant contributions to the company's success in each of their respective areas of expertise. Each of the officers has a commitment to quality and professionalism that permeate throughout every aspect of SDBK's operation and public image. The following summarizes the resumes of each officer.

CHIEF EXECUTIVE OFFICER

Marcella DiMichieli, the company's founder, is a graduate of the University of California, San Diego (UCSD) with a bachelor's degree in Communications where she also competed in NCAA collegiate softball. DiMichieli is also a certified Red Cross Instructor and volunteer, specializing in CPR for the Professional Rescuer and First Aid. DiMichieli is also certified as a Level 2 Coach through the prestigious British Canoe Union and holds Level 3 personal certifications in kayaking and canoeing. DiMichieli was the first candidate in the United States to earn the Level 2 Coach certification under the new, rigorous BCU standards.

DiMichieli is a former competitive local triathlete, competing nationwide, and much of DiMichieli's knowledge of the La Jolla Ecological Reserve, the La Jolla Sea Caves, and the underwater habitats comes from ocean swimming regularly in La Jolla Cove as part of regimented triathlon training.

Because of her awareness of hazards within the local area, DiMichieli was the individual who urged City staff and Lifeguards to require completion of Kayak Guide Orientation (formerly RRRs) for all kayak tour guides in 2007.

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DO SOMETHING YOU LOVE AND YOU'LL NEVER WORK A DAY IN YOUR LIFE.

—MARCELLA DI MICHELI, CHIEF EXECUTIVE OFFICER

DiMichieli began ocean kayaking at the age of eleven in Port Hueneme, California under the direction of her uncle, an avid sea kayaker. DiMichieli also gained valuable experience after assisting with the early stages of a competing business by developing the content and structure of the kayak tour that many companies follow today.

DiMichieli helped Amy Kangleon (former owner of Hike Bike Kayak) to further develop kayak tour content and execution by working as an independent contractor for her for over two years. DiMichieli trained employees of other companies in conducting kayak tours in La Jolla Shores.

DiMichieli also gained extensive sales experience at the Gallo Wine Company prior to being in the kayak industry which has proved to be crucial to extending SDBK's customer base to corporate groups, destination managers, local concierge and hotels.

Today, DiMichieli specializes in employee training, water safety, company growth and development at SDBK. DiMichieli works closely with the managers at SDBK and oversees the employee evaluations to ensure exceptional standards and quality control with the assistance of the General

Manager. DiMichieli also works with the Sales Managers to ensure proper training of the sales representative staff. DiMichieli oversees payroll budgeting and other human resources components that make SDBK an exceptional employer. In addition, DiMichieli manages accounts payable, company benefits, the concierge program, payroll, legal, contracts & leases and company growth including additional location acquisition.

CHIEF BUSINESS & FINANCIAL OFFICER

Nicholas Bauman, a La Jolla native, has worked in the La Jolla Shores kayaking industry for over 25 years. He gained much of his kayak industry expertise by managing La Jolla Kayak for ten years. As General Manager, Bauman increased sales by 180 percent. Bauman became a shareholder of SDBK in 2006 to further his career in the industry. Since Bauman joined SDBK, sales have increased nearly every year and Bauman's expertise and marketing skills have grown the company to its current position as the industry leader in kayak tours with annual gross revenues in excess of \$2.7 million.

Bauman developed the company's impressive reservations system and website marketing strategies to grow the business and increase annual revenues. Bauman independently created, designed, and developed the manifests for custom computer reservations system and oversaw programming. Bauman also designed and created a custom application for the digital waiver and digital deposit slip that SDBK currently utilizes. Bauman is also SDBK's webmaster, developing and maintaining all internet web campaigns, website functions and content, and other technology systems to operate at a superior level.

Bauman manages marketing strategies and specializes in the company's advertising and creative division, website development and maintenance, technical operations, including the corporate phone system, the online reservations system and in-store reservations and other technology.

Bauman also designed SDBK's newly remodeled location alongside the project architect and is pivotal in long term strategizing and corporate planning. Bauman supervises technological systems and implements new operational procedures using technology, such as early check-in and the use of mobile iPhones and iPads for retail purchases and customer self check-in.

Bauman also manages company budgeting, technology and innovative strategies for operational purposes and is crucial to SDBK's daily operations.

CHIEF OPERATING OFFICER

Mike Prickett, a 14-year SDBK veteran and native San Diegan, is SDBK's Chief Operating Officer and oversees operational logistics and efficiency. Prickett also focuses on the payroll management on a macro level relative to each micro season in the kayak industry.

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THIS COMPANY RUNS LIKE AN EFFICIENT, WELL-OILED MACHINE.

—MICHAEL PRICKETT, CHIEF OPERATING OFFICER

Prickett also manages the back end of the reservations system to control the inventory and limits on any given day making efficiency cuts during the slower season and making operational adjustments to maximize capacity at busier times of the year. Prickett also analyzes the financial data relative to monthly sales goals and payroll figures as well as statistical data to forecast pricing models, staffing levels and the tour offerings.

Prickett also works directly with the General Manager on operational logistics and coordinating the execution of daily management. Prickett additionally manages affiliate programs, hotel packages and third party contracts including AirBNB, Excitations, Xperience Days, the Go San Diego Card, Get Your Guide, the Scouts program, Camp Fiesta Island JCC camp and many others.

Prickett joined SDBK in 2006 as a tour guide, and prior to his current appointment, has logged significant time as a tour guide, beach manager and General Manager prior to becoming an

A San Diego native to boot, Prickett spent much of his youth in the water. Prickett graduated from Whittier College with a Bachelor's degree in Business, where he also played collegiate lacrosse.

Prickett's steady, stoic approach enables him to efficiently balance customer service, tour operations, staffing, kayak inventory control and pricing simultaneously. His enthusiasm and attention to detail permeates throughout the SDBK staff and the company's daily operations. Prickett also volunteers as a youth lacrosse coach in Poway and enjoys surfing and kayaking surfing.

OFFICERS AS LA JOLLA SHORES COMMERCIAL PROPERTY OWNERS

Bauman (CBO) and DiMichieli (CEO) are true shopkeepers on Avenida De La Playa in La Jolla, as they are property owners in La Jolla. DiMichieli and Bauman are proprietors and commercial property owners in La Jolla Shores and this unique position gives them the insight and experience to manage community concerns and daily operations from a first-hand vantage point.

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THIS IS OUR COMMUNITY AND WE STRIVE TO TAKE CARE OF IT.

—NICK BAUMAN, CHIEF FINANCIAL/BUSINESS OFFICER

As commercial property owners and business owners in the business district of La Jolla Shores, Bauman and DiMichieli straddle both sides of community concerns and this unique position enables them to truly evaluate and work to balance their roles as both La Jolla Shores business owners and La Jolla Shores property owners with regard to this delicate issue. This position also provides security to SDBK in terms of its prime location as the closet kayak operator to the beach and it also allows SDBK to easily make location modifications as needed to accommodate changing customer demands, operational logistics and any new storefront requirements imposed by the CITY.

Attachment A: Operating Plan

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Attachment A: Operating Plan

Chapter 8: Organizational Structure, Leadership Team & Staffing, Part I Company Management

San Diego Bike & Kayak Tours, Inc. DBA Bike & Kayak Tours, Inc. employed approximately 100 staff members on the roster for the 2019 season in the La Jolla Shores location. SDBK employs a management team, tour guide staff that remains in place all year in addition to seasonal guides, sales representatives, beach crew and a maintenance staff.

SDBK offers company benefits to eligible employees including pension benefits and CA sick leave to attract and maintain highly educated, qualified employees and a veteran guide staff and management team.

SDBK begins hiring new tour guides in February each year to supplement the year round staff and management team and consistently hires additional guides, sales staff and beach assistants through the end of June in scheduled hiring waves. SDBK has historically had the largest enrollment in both the BCU Canoe Safety Test and Kayak Guide Kayak Orientation courses. SDBK seeks out employees that are qualified based on ocean expertise, academic accomplishments, previous recreational experience and previous employment.

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WE ARE A FAMILY. WE WORK AS A TEAM AND HAVE FUN AS A TEAM.

—KELLEN GALLAGHER, OPERATIONS MANAGER

All employees, managers and officers are certified through the American Red Cross in CPR for the Professional Rescuer and First Aid. Additionally, the management staff and veteran tour guide staff have obtained Certificates of Completion of Guide Training, British Canoe Union One Star Awards and have also completed the San Diego Lifeguards' Kayak Guide Orientation course. Annual Tour Guide Training is described in Chapter 4 in detail.

In addition to these permit requirements, employees must undergo and complete the SDBK internal training process and successfully complete multiple evaluations in order to guide kayak tours. The company management team has surpassed these requirements and has responsibilities above and beyond other tour guide staff. (Refer to Chapter 4: Operating Plan—Tour Guide Training, Water Safety Plan & Tour Topics).

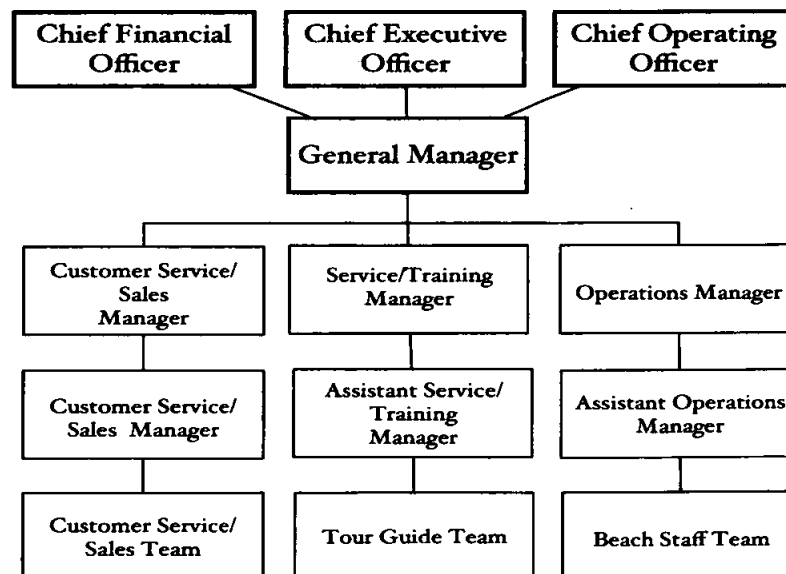
SDBK's CEO holds a British Canoe Union Level 2 Coaching Certification, a coveted industry credential and oversees SDBK's guide training program. As such, SDBK has internal monitoring processes and guidelines based on BCU kayak accredited standards. This provides a means for SDBK to further tour guide development, paddling skills, rescue techniques, kayak maneuvers and safety training. Since SDBK's CEO is a BCU Level 2 Coach (a rare and valuable credential) SDBK's staff receives internal company-training that other operators do not have access to, which only further enhances the quality and standards of internal company-training, while also incorporating training that meets recognized international kayak industry standards.

ORGANIZATIONAL STRUCTURE

SDBK employs several levels of upper management to professionally execute daily operations and ensure compliance with permit rules. Employing a year-round, veteran management team that is highly experienced contributes greatly to the professionalism of operations and the safety and satisfaction of customers.

Additionally, SDBK has three departments including Sales, Service and Operations to execute operations in a safe, organized and profitable manner. Each department has a supervising manager(s), an assistant manager, and an associate manager or department specialist. These departments are explained in Chapter 7: Summary of Proposer's Experience in detail. This departmentalization amongst employees creates structure and accountability for staff and results in streamlined, systematic operations with employees that specialize in a specific component of the operation.

This structure gives each manager and employee specific responsibilities and thus creates a chain of command, an oversight process and accountability to maintain a high standard of service and ensure professional, efficient operations. All managers and officers are also certified tour guides with necessary certifications and also hold management responsibilities.



OFFICERS' MANAGEMENT

The officers created and constantly adjust the infrastructure in which the daily operations are executed. The CEO and COO oversee the entire operation and play a critical role in every aspect of human resources including assistance with recruiting, hiring, compensation, and most significantly, the physical and mental training and development of tour guides. SDBK's CEO developed the internal company training program and collaborates on guide development with the General Manager. As a certified American Red Cross Instructor and British Canoe Union Level 2 Coach, DiMichieli has developed and provides instruction on the company's kayak Water Safety Plan and Emergency Response Plan.

The CEO and COO oversee training programs instated by the General Manager. The company officers also preside over company programs, such as the "Paddle for the Grade" program and the Bike-to-Work program. The company officers also manage non-profit collaborations with the YMCA and other groups; company benefit programs including the pension plan and health benefits; the concierge program; and control the financial management of corporate funds.

The CBO/CFO manages all company marketing and advertising, while also serving as the company's Creative Director and Financial Officer. Bauman developed and manages the company's custom computer reservations system, manages advertising campaigns, oversees programming, and maintains technological systems. The company CBO/CFO manages the corporate website and technical operations, phone systems, computer and networking systems, media systems and in-store technology.

The officers also research additional revenue streams, manage leaseholds and work to improve operations as well as the service product development.

GENERAL MANAGER

SDBK's General Manager oversees daily tour outfitting operations and ensures timely tour departures, shift management and compliance with kayak concession requirements in Exhibit C.

The General Manager is also responsible for payroll budgets, maintaining employee files, overseeing tour guide hiring and is responsible for some purchasing of supplies. The GM reports to the officers of the company.

The General Manager is also the primary supervisor of other managers and staff and is responsible for coordinating staff meetings and company policy enforcement.

In connection with company officers, the General Manager also maintains direct contact with Lifeguard Ambassadors and routinely implements quality control checks across all departments ensuring compliance with Exhibit C along with staff productivity, tour guide performance, safety checks, sales call follow up, upsell programs and cleanliness of the storefronts and neighboring area. The General Manager is also responsible for the launch schedule, timeliness of tours, breaks and specific tour assignments to guides, and staffing beach operations. The General Manager also oversees the management of customer service, tour operations, and kayak inventory control.

Chapter 8, Part I

SDBK's General Managers over the years have routinely collaborated with Lifeguard Ambassadors on conditions, beach operations and performance creating a partnership between Lifeguards and SDBK as a commercial kayak operator to minimize the impact to the area and promote a seamless presence to the public.

OPERATIONS MANAGER

The Operations Manager aids in the organization and execution of daily operations and assists the General Manager with supervising tour outfitting, permit rule compliance, company safety procedures, beach operations, facility maintenance and recruiting and hiring of the beach staff and beach managers. The Operations Manager reports directly to the General Manager.

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THERE IS NO SUBSTITUTE FOR EXPERIENCE IN THE KAYAK INDUSTRY.

—KELLEN GALLAGHER, OPERATIONS MANAGER

The Operations Manager is responsible for company vehicle maintenance, kayak inventory and fleet management, closing procedures, supervising and training the beach managers, recruiting and hiring of beach staff, supervising daily cleanup and closing activities and assisting upper management. In addition, the Operations Manager is responsible for ordering supplies necessary for facility maintenance, equipment maintenance, kayak repair and vehicle maintenance.

Kellen Gallagher is a five-year SDBK veteran first joining the team as a beach staffer in 2015. Gallagher was promoted over the years to Operations Manager has bachelor's degree in Engineering from Oregon State University. Gallagher assists the General Manager with supervising, tour outfitting, permit rule compliance, company safety procedures, beach operations, equipment inspections and training beach crew. The Operations Manager reports directly to the General Manager.

SERVICE & TRAINING MANAGER

The Service & Training Manager assists with tour guide development, ocean training and water safety. As a part of the year-round staff seasoned in daily operations, the Training Manager also functions as field trainer for guides, executing guide clearance evaluations and manage guide files and certifications while also actively conducting guide training programs and informational content training. Emily Mickle has been involved with SDBK since 2011 originally beginning as a tour guide.

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EVERYTHING WE DO IS DELIBERATE AND PURPOSEFUL.

—EMILY MICKLE, SERVICE & TRAINING MANAGER

Mickle is a former paddler on the National USA kayak team and has trained extensively in a multitude of water environments. Mickle is a recreational triathlete and ocean enthusiast with a bachelor's degree in Biochemistry from the University of San Diego collegiate education and a master degree in Applied Clinical Nutrition and doctorate in Chiropractic.

SALES MANAGER

The Sales Manager manages group sales, process retail orders and merchandising as well as upsell programs for camera rentals, lockers and other retail items and supervised the customer service staff.

Chapter 8, Part I

The Sales managers also manage SDBK's sales representative staff and ensure that phone calls are closed and turned into service reservations. The Sales Managers ensure that sales staff are utilizing the trained sales tactics, discount parameters and informational details to capture every customer on the phone and in person.

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EVERY CALL IS A POTENTIAL SALE AND WE AIM TO CLOSE EVERY CALL.

—KIRA MILLER, SALES MANAGER

SDBK has a highly detailed sales training program that each sales representative must complete successfully. The Sales Managers maintain these high standards of sales and customer service and they routinely shadow sales staff on the sales floor and on phone reservations to ensure a superior quality of service.

The Assistant Sales Manager assists with group sales, sales call follow up, sales representative shadowing, retail order receiving and other in store sales department processes.

Kira Miller is going on her third year at SDBK and was also acting Assistant General Manager in addition to Sales Manager. Miller has a bachelor's degree in biology with an emphasis in Zoology from San Diego State University.

Prior to joining SDBK, Miller held positions as a supervisor at SeaWorld San Diego, as a Guest Services representative at San Diego Safari Park, and as an animal trainer at Avian Behavior International. Miller's unique background and diverse job history contribute greatly to her achievements in a high level manager role at SDBK.

MAINTENANCE MANAGER

SDBK also staffs a Maintenance Manager that is assists with the upkeep of the facility and equipment maintenance. The Maintenance Manager inspects all of the equipment daily, including the kayaks, paddles and other equipment to ensure their safe condition and good working order.

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TAKING PRIDE IN MY WORK MEANS KEEPING EVERYTHING WORKING.

—MAINTENANCE MANAGER

The Maintenance Manager is also responsible for onsite facility maintenance and ensures that in-store components are working safely and properly, and that they comply with OSHA standards.

The Maintenance Manager also employs the daily cleaning schedule for staff to ensure the cleanup of sand nearby the storefronts, cleanliness of the beach area and overall shop and equipment cleanliness. This position is filled seasonally as a promotion to grow at SDBK.

BEACH MANAGERS

SDBK's Beach Managers supervise and direct activity at the boat launch. Responsible for managing operations at the boat launch, the Beach Manager deploys the beach crew to assist kayak tour and kayak rental customers with kayak launching and landing through the surf.

Chapter 8, Part I

The Beach Manager provides leadership and direction to beach assistants, deploys the beach duty staff to load/unload trucks and assist customers in the boat launch. The Beach Manager also directs beach duty staff to drag kayaks to/from the designated beach storage area and manages tour/rental boat counts and works to ensure compliance with boat launch protocol and restrictions on the beach.

The Beach Manager also provides customer service to patrons on the beach while also acting as SDBK's liaison to Lifeguard Ambassadors.

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WE HUSTLE ON THE BEACH TO KEEP EVERYTHING SAFE AND TIMELY.

—TREVOR KING, BEACH MANAGER

The Beach Manager also rotates the kayaks through inventory to limit the number of kayaks on the beach and is responsible for obtaining and documenting unique kayak identification numbers and kayak rental flag numbers for all rental customers.

Trevor King has been with SDBK since 2015 and is a San Diego native. King attended the University of Hawaii and played collegiate water polo. King is an avid waterman with extensive ocean experience.

COMMUNICATIONS MANAGER

SDBK's Communications Manager primary role is to maintain a high level of customer satisfaction. The Communications Manager is a pivotal part of the upper management team and communicates with each manager and the staff within each department to ensure a seamless, fluid operation.

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EVERYONE IS A POTENTIAL CUSTOMER AND A POTENTIAL REPEAT CUSTOMER.

—CARLEY WALSH, COMMUNICATIONS MANAGER

The Communications Manager also organizes team-building activities for the SDBK staff as well as company awards, and also ensures that each staff member is informed of any policy or procedure changes as well as the retention of any changing information.

Carley Walsh serves as SDBK's Communications Manager and Walsh has been involved with SDBK since 2011. As an eight-year seasoned veteran, Walsh brings a vast knowledge of professional experience to the upper level management team. Walsh previously worked in a corporate environment and is also an elementary education teacher.

Chapter 8: Organizational Structure, Leadership Team & Staffing, Part II

Tour Guides & Employee Hierarchy

In addition to a management structure, SDBK has also developed a tour guide hierarchy and designated daily positions within its staff. This structure distinguishes and quantifies the varying abilities and skills of tour guides. It also promotes safety, leadership, and accountability within the tour guide staff, and has several levels varying from training tour guides upward to the most experienced guides to monitor safety and quality control.

SDBK maintains a year round and seasonal tour guide staff, in addition to the management team. Year round, seasonal, and new staff all follow and work under this established structure. All tour guide staff must have certifications in CPR/Professional Rescuer and First Aid, must complete the Lifeguard's Kayak Guide Orientation course, and must complete the annual guide training program which includes components of BCU training and the One Star Award as well as SDBK's Water Safety Plan Tour. As described in detail in Chapter 4 (Chapter 4: Operating Plan—Tour Guide Training, Water Safety & Tour Topics), guides must also complete the rigorous annual company training program and evaluation process, and are awarded a certificate following a successful assessment and completion. Many of SDBK's guides also have a lifeguard rating from the British Canoe Union. (Refer to Chapter 4 for guide training details). This Chapter describes human resources policies, positions within the company and employee qualifications.

SENIOR TOUR GUIDE QUALIFICATIONS

Senior Tour Guides have safety skills and guiding abilities that are superior to other guides on staff. These Senior Tour Guides are knowledgeable in all operating procedures and safety and emergency skills. Senior Tour Guides have demonstrated compliance and understanding of permit rules and company procedures.

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TOUR PRIORITIES ARE SAFETY, FUN, THEN LEARNING...IN THAT ORDER.

—SPENCER BRUNETTO, SENIOR TOUR GUIDE

Senior Tour Guides have training beyond that of other guides in specific areas including local knowledge, water skills, operational strategies, customer service, safety procedures, and exposure and experience with various water conditions and seasonal ocean changes.

Senior Tour Guides must have all current, required certifications and must display a superior level of guiding abilities and must have experience criteria to qualify for this status. Senior Tour Guides have also successfully passed the British Canoe Union CST with a lifeguard rating. Additionally, only Senior Tour Guides are considered eligible for management positions.

Senior Tour Guides are the most accomplished and proficient guides at SDBK and they must meet the minimum criteria of Lead Tour Guide, while additionally demonstrating more advanced skills. Senior Tour Guides must gain certain experience in order to achieve this status, including guiding more challenging, larger tour groups and demonstrating critical judgment under various ocean conditions.

Chapter 8, Part II

The following section provides information regarding personnel who will participate in carrying out the terms and conditions of the Agreement; this section details much of the current and returning staff. For a complete listing of all staff, see the 2011 roster at the end of this section (Chapter 6, Part II).

SENIOR TOUR GUIDES

The following employees are all Senior Tour Guides at SDBK and meet the qualifying criteria outlined previously to achieve this status:

Alexis Comes has a bachelor's degree in Recreation, Parks & Tourism Administration and is also Wilderness First Aid certified. Comes has been working on SDBK's guide staff since 2017 and has exceptional guiding skills and a diligent work ethic. Comes is a seasoned ocean goer as an avid surfer, free diver and spearfisherman.

Courtney Braun is educated in Oceanography and Biology and is also a certified personal trainer, and avid recreational swimmer. Braun has years of experience kayaking all along the West coast. Braun was selected as Tour Guide of the month on SDBK's staff for five consecutive months in a row and is a key member of SDBK's year round Senior Tour Guide staff.

Abby Van Artsdalen has a bachelor of science degree in Environmental Management & Protection and worked as a naturalist for the San Mateo Outdoor Education program prior to joining SDBK. Van Artsdalen works as a guide for SDBK and also maintains simultaneous employment as an Environmental Education Specialist at Camp Cuyamaca. She has extensive guiding experience and ocean experience.

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SAFETY IS THE MOST IMPORTANT COMPONENT OF OUR TOURS .

—ALEXIS COMES, SENIOR TOUR GUIDE

Jacob Day is a San Diego native and is an experienced water enthusiast and was an intern for the Del Mar Junior Lifeguards' prior to joining SDBK. Day is a certified scuba diver and avid spearfisherman and sailor, and is on SDBK's year round senior guide staff.

Spencer Brunetto is a five-year SDBK veteran, San Diego native and EMT certified tour guide. Brunetto assists management and is an experienced surfer, free diver and spearfisherman. Brunetto is a Marine Biology major and certified scuba diver.

LEAD TOUR GUIDE QUALIFICATIONS

Lead Tour Guides must meet specific requirements to achieve this status, including a minimum employment period to gain experience and exposure to various situations and ocean conditions. Lead Guides are required to have certifications in CPR for the Professional Rescuer and First Aid. Additionally, Lead Guides must complete the San Diego Lifeguards' Kayak Guide Orientation and the internal company training program and associated Certificate of Completion, as well as the associated BCU One Star award. The complete tour guide training process and its components are described in detail in Chapter 4: Operating Plan—Tour Guide Training. (Refer to Chapter 4).

Chapter 8, Part II

Lead guides must demonstrate exceptional proficiency in tour dialogue and demonstrate an ability to adapt appropriately and responsibly to a variety of ocean conditions. Lead guides must demonstrate observation skills, safety and rescue skills, responsiveness to customer needs, and anticipate ocean conditions, and have a proficient understanding of the local environment and permit rules.

LEAD TOUR GUIDES

Connor Bass graduated from San Diego State with a degree in environmental science and is also an alumni of the National Outdoor Leadership School. Bass has experience in mountaineering with a focus on glacier travel. Bass was the Outings Program Lead for Aztec Adventures prior to joining SDBK's guide staff. Bass is also a certified Wilderness First Responder and Leave No Trace Trainer. Bass has flawless kayaking skills and has a wide range of extensive ocean experience.

Austin Wilson is a San Diego native, and Zoological Educator. Wilson is an experienced surfer and diver and also is an associate aviculturist at SeaWorld training and caring for a variety of species including penguins, waterfowl and carnivorous birds. Wilson is also a behavior and training volunteer for the San Diego Humane Society.

Christina Hulbert is a San Diego native and has been a volunteer at Rady Children's Hospital in addition to working as guide at SDBK. Hulbert is working toward a bachelor's of science in nursing and is an avid surfer, paddle boarder, hiking enthusiast and former competitive soccer player.

Daniel McManus graduated from the University of San Diego with a degree in finance and was a collegiate football player. McManus also had coursework overseas in cultural integration for success in global environments in New Zealand specifically. McManus also volunteers for the Autism Tree Foundation and has also had paddling experience prior to joining SDBK and spends free time rock climbing..

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BEING A SAFE GUIDE MEANS ANTICIPATING, NOT SIMPLY REACTING.

—CHRISTINA HULBERT, LEAD TOUR GUIDE

Spencer Harvey has experience working as a counselor in UCSD recreation and beach camps as well as at the San Diego Zoo. Harvey also has extensive ocean experience bodyboarding, surfing, snorkeling and leading large groups.

Sofia Gonzalez is a student working toward her degree, and has been on the guide staff for over two years. Gonzalez has extensive ocean and paddling experience as well as other outdoor guiding experience with biking and snorkeling.

Erin Brown has experience working at the Marin Diving Center and has over twelve years of experience as a diver including equipment maintenance, inspections and water safety. Brown also has experience working at the Marine Biology Laboratory and cared for endangered marine species while there. Brown has a degree in Environmental Studies from Sonoma State University and is one of SDBK's top rated guides.

Chapter 8, Part II

Jeffrey Day is a two-year SDBK veteran and has experience working as an Emergency Medical Responder and has an Emergency Medical Responder certification. Day has extensive ocean experience as a kayaker, paddle boarder, surfer, kayaker and snorkeler.

Tyler Salvato is three year SDBK veteran and is frequently in the ocean during free time surfing, paddling, swimming or snorkeling. Salvato brings enthusiasm and guiding expertise to SDBK's staff.

ASSISTANT GUIDE QUALIFICATIONS

Assistant tour guides have completed the necessary certifications in CPR for the Professional Rescuer, First Aid, San Diego Lifeguards' Kayak Guide Orientation and are in the process of completing additional components of annual guide training and associated Certificate of Completion and BCU One Star award.

Assistant Guides are evaluated for secondary guide duties after completing components the first three components of annual guide training as described in detail in Chapter 4. These assistant tour guides have been evaluated and approved to function as Assistant Guides to Lead Guides.

Assistant Guides have also successfully completed the first three components of company training process to pass Assistant Guide evaluations, while demonstrating proficiency in delivering select tour dialogue, judging ocean conditions, evaluating tour participants, complying with concession requirements, understanding the Emergency Response Plan, and effectively and safely guiding tours with a seasoned Lead Guide.

These assistant guides are in the process of acquiring the necessary skills to successfully pass the evaluation to become a Lead Tour Guide. Assistant tour guides are challenged and molded to become competent, proactive, and safe tour guides with skills and knowledge regarding safety policies, operational procedures, company policies, and boat launch rules and protocol. Assistant guides must demonstrate adherence to the Employee Code of Conduct to progress to Lead Guide. SDBK typically staffs approximately 20 seasonal Assistant Guides each season to support the Lead Guide staff.

EMT CERTIFIED GUIDES

SDBK staffs a minimum of one tour guide each year that is an EMT/Paramedic. Spencer Brunetto and Ethan Dow served as EMT certified guides at SDBK in 2019 season; these guides meet the Lead Guide requirements and have additional EMT training as well.

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SAFETY IS THE NUMBER ONE PRIORITY AND THERE IS NO ROOM FOR ERROR.

—SPENCER BRUNETTO, EMT CERTIFIED GUIDE

Maintaining EMT certified guides on staff allows for trained tour guides to also be readily available as certified EMTs to provide assistance if an emergency arises while on tour or on the water.

LIFEGUARD CERTIFIED GUIDES

SDBK maintains a minimum of one lifeguard certified guide on staff each year. Kyle Barnett was on staff at SDBK as a lifeguard certified tour guide in 2019, and is a retired member of US Navy, as well

as CPR instructor in addition to being lifeguard certified guide. Marissa Turner was also on staff as a lifeguard certified tour guide. Turner is a San Diego native that also holds a Divemaster certification.

This measure of maintaining Lifeguard Certified Tour Guides promotes safety on the water as these lifeguard certified guide(s) are equipped with additional water safety and living saving skills.

WATER SAFETY SPECIALIST

SDBK positions guides in the water to be designated as a daily Water Safety Specialist every day to monitor unguided rentals and provide assistance if needed to guided tours as an additional safety measure. The Water Safety Specialists set up nearby the Clam's Cave to be positioned to constantly evaluate changing conditions and keep kayak rental customers safe and out of the swim zone.

The Water Safety Specialists are deployed to monitor the water everyday during peak season. This helps keep kayak rentals that are unguided safe, out of swim lanes and in adherence to water activity zones.

NON-GUIDE STAFF

The non-guide staff is broken up into departments to ensure efficiency and specialization within staff departments.

**Attachment A: Operating Plan—Organizational Structure, Leadership Team,
Staffing & Employees, and Summary of Employees' Qualifications
Chapter 8, Part II**

2019 Non-Guide Staff

Operations/Beach Staff	Management	Sales/Customer Service Staff
Conner Adelman	Carley Applegate	Angel Bucci
Christian Jones	Megan Brown	Kelley Dunn
Riley Kifer	Erik Eduvala	Cassie Froning
Jack Magpusao	Torrey Grant	Hailey Morris
Noah Richardson	Elana Lesse	Kim Macdonald
Zac Shepherd	Emily Micke	Angelica Ramos
Jacob Austgen	Kira Miller	Karleen Troska
Chase Crawford	Bri Parkes	Tessa Virgilio
Camden Gallagher	Elana Lesse	Cat Wintersteen
Kellen Gallagher	Spencer Brunetto	Jaimie An
Harrison Greaves		Nicole Camara
Trevor King		Amelia Campbell
Cody Laut		Amy Carlyle
Miles Matalon		Alex Files
Aaron Papa		Elise Furgurson
Justin Papa		Erica Gomez
Andrew Ritter		Isabella Gray
Blake Warden		Sam Herrick
Brent Parkes		Hannah Keltner
Ethan Valiese		Jessica McCoy
		Maddy Samilo
		Brennan Sieber
		Lauren Smith

BEACH DUTY PERSONNEL

SDBK designates personnel on the beach daily to monitor and manage beach operations. Beach duty personnel consist of 5-10 employees daily during peak season to control kayak inventory on the beach, assist customers in and out of the water, relay kayak rental identification numbers for recording, maintain beach cleanliness and communicate directly with the Beach Manager and General Manager on tour departures and returns. Beach duty personnel are also required to complete training on concession requirements as outlined in Exhibit C and beach duty personnel are supervised by the Beach Manager.

The number of employees designated to beach duty on a given day varies on the time of year and time of day. Typically, during the summer season, there are 5-10 employees on beach duty each day. They, along with all staff, are required to wear complete company uniforms on the beach at all times.

Beach duty personnel communicate directly with tour guides in the water, managers in the shop, and truck drivers loading and transporting kayaks with waterproof cell phones that double as two-way. Beach duty staff ensure that the precise number of kayaks are ready for the next tour before tour departure to minimize crowds at the boat launch and ensure expeditious tour departures.

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WE HUSTLE TO ENSURE GREAT SERVICE AND SAFETY ON THE BEACH.

—TREVOR KING, BEACH DUTY PERSONNEL

Kayak rentals are monitored by the beach duty personnel and they relay rental flag numbers and individual kayak identification numbers to the Beach Manager. The Beach Manager then documents the individual kayak rental numbers and rental flag numbers. As kayak renters check in with the beach duty personnel, they will assign kayaks to renters and attach the required kayak rental flag to track the number of rental kayaks in the water, never exceeding 12 during peak season. Beach duty personnel communicate any delays or emergencies that occur and periodically check in with lifeguard ambassadors.

Beach duty personnel are responsible for complying with the kayak quantity limits in the beach storage area and in use in the immediate area. Beach duty personnel ensure that kayaks are not stacked at the water's edge for more than 15 minutes, and that no more than 12 kayaks are stacked temporarily on the beach, or are in use in the immediate area, including on the bed of a truck, at any time.

Beach duty personnel adhere to the proper kayak-dragging pattern, as outlined by Lifeguard Ambassadors. Beach duty personnel also help customers retrieve or return paddles to the paddle rack as well as assist with keeping the emergency access lane clear.

Beach duty personnel also assist with ensuring the safe and expeditious departure and return of kayaks launching or re-entering the boat launch. Beach duty personnel assist all customers, whether on a kayak tour or kayak rental, regardless of surf size, by pushing their kayaks out past the surf, or guiding them in through the waves.

Acting as an extension of Lifeguard Ambassadors, beach duty personnel ensure that there is a clear route for emergency vehicles at all times, and they adjust the location of kayaks and customers to heed emergency access vehicles and the emergency access lane.

Beach duty personnel also control pedestrian traffic at the boat launch, ensuring that customers do not walk through the coned driving area and that customers stay in the designated paddle instruction area.

Beach duty personnel are always uniformed and readily identifiable agents of the business for customers walking onto the boat launch or for questions customers, lifeguards, or other beach-goers may have. The Beach Manager supervises the beach duty staff and positions the beach duty staff in the designated stations.

TRUCK DRIVERS—EXPEDITERS

SDBK assigns two employees to each truck to function as the truck drivers for daily operations and expedite kayaks to and from the beach. These driving positions are crucial to kayak inventory control, timeliness of tour departures, adherence to the limits of kayaks on the beach, proper loading and unloading of kayaks, public safety and company image.

Two drivers are always in one truck to ensure public safety. As one employee drives, driving slowly and cautiously on the street, the other employee observes the kayak stack in the truck bed, pedestrians, and other vehicles on the road. Truck drivers are particularly aware of the company's image and behave courteously and responsibly while driving company vehicles. Any time the truck drives on or off the beach or in reverse, the second person in the truck exits the truck and walks around the entire vehicle before continuing movement. This person then guides the driver onto the beach to ensure safety and observation at the boat launch.

SALES REPRESENTATIVES

SDBK also maintains a sales representative staff that is exclusively trained in reservations, check-in, product line, retail sales and participant requirements. Daily job duties include greeting customers, operating the POS system for customer sales, providing telephone customer service, selling tours and rentals to both walk-in and phone customers, up-selling retail items and camera rentals, checking in reservations in a timely, efficient manner, reviewing waivers and collecting equipment deposit slips, utilizing the in-store reservations system, redeeming third party tickets and providing substantiating details on tours and rentals.

Sales representatives are required to successfully complete a seven-day training program that covers every aspect of their job duties and performance as well as company operations.

SDBK's sales representative staff is beneficial because it allows tour guides to simply focus on guiding duties and safety, without having to be distracted with training in sales or counter operations, ultimately benefiting the safety aspect of kayak operations.

In addition, maintaining employees specifically trained and dedicated toward selling tours and rentals results in increased sales overall, benefiting the CITY with increased overall percentage fees. Lastly,

SDBK's sales staff contributes to the overall professionalism of SDBK's operations, thereby improving the overall industry image in general.

PHOTOGRAPHERS

SDBK offers a photo package for all kayak customers. SDBK's photography staff is beneficial to the CITY because it improves the value of the product and can attract a larger customer base. Customers receive a free digital download and higher resolution photos are available for purchase which generates additional revenue. The CITY earns concession fees on photo packages included in kayak tour services.

Attachment A: Operating Plan—Organizational Structure, Leadership Team, Staffing & Employees, and Summary of Employees' Qualifications

Chapter 8, Part II

2019 San Diego Bike and Kayak Tours Guide Roster

Guide	Hire Date	Level	RGO	Experience
Abby Van Arsdale	02/05/2019	Lead Guide	2019 (June)	work experience as an environmental education specialist, naturalist, and park interpreter; avid outdoorsman; passion for teaching and educating others
Alan Lagdake	06/04/2019	Lead Guide	2019 (June)	San Diego native; former junior lifeguard; avid spear fisher; experienced white water kayaker; snorkel enthusiast
Alexis Gomez	03/17/2017	Lead Guide	2019 (June)	bachelors degree in recreation, parks, and tourism administration; kayak/paddle board instructor; experienced kayaking and snorkeling in Hawaii, Costa Rica, and California; Wilderness First Aid certified
Austin Wilson	03/28/2019	Lead Guide	2019 (June)	San Diego native; zoological educator for SeaWorld; camp counselor
Avery Assato	03/03/2019	Lead Guide	2019 (June)	History of working near/around water working with boat rentals, cleaning boats, providing instructions on how to drive boats; experienced dock hand and deckhand on whale watching tours
Christine Hubert	05/18/2019	Lead Guide	2019 (June)	experienced snorkeler, ocean swimmer, kayaker, surfer, and paddle boarder; former junior lifeguard in mission beach
Courtney Braun	03/12/2019	Lead Guide	2019 (June)	educated in oceanography and biology; certified personal trainer; avid swimmer; experience kayaking along the west coast
Daniel Molinas	03/04/2018	Lead Guide	2019 (June)	San Diego native; grew up exploring, kayaking, and snorkeling La Jolla Cove; regular cyclist averaging 20-40 miles each weekend
Danica Derrin	03/26/2019	Lead Guide	2019 (June)	experienced windsurfer, ocean swimmer, surfer, and sailor; certified scuba diver; instructor for windsurfing, sailing, kayaking (both white water and open water); water sports camp counselor for 4 years
Dillon Janocha	06/18/2019	Guide	2019 (June)	Lived near the beach whole life; experienced SUP paddler, kayaker, and body boarder; competitive water polo player; competitive swimmer
Dylan Ramsey	02/08/2019	Guide	2019 (June)	licensed scuba diver; experienced kayak in caves, open water, and rivers; experience in client relationship building and management
Elizabeth Jones	05/18/2019	Lead Guide	2019 (June)	grew up scuba diving; kayaking experience in the Caribbean and on white water; experience leading students on outdoor sports and recreation trips
Elliot Austin	02/08/2018	Guide	2019 (June)	student athlete; avid surfer; experienced beach staff prior to turning to tour guide
Emily Mickle	06/15/2012	Lead Guide	2019 (June)	triathlete; former US National Kayak Team athlete from 2006-2011
Emily Olson	06/04/2019	Guide	2019 (June)	grew up kayaking in the ocean with her family; competitive swimmer;
Enrique Rayon	06/18/2019	Guide	2019 (June)	San Diego native; former San Diego Junior Lifeguard; water polo player; swim team member; avid surfer; grew up snorkeling La Jolla Cove
Eris Brown	03/12/2019	Lead Guide	2019 (June)	experienced scuba diver/snorkeler; rescue diver certified; avid swimmer, surfer, diver, kayaker, and paddle boarder; geography and environmental studies major; marine researcher
Ethan Dow	06/03/2019	Lead Guide	2019 (June)	experienced kayaker, canoe, and swimmer; kayaking experience on rivers and lakes; certified fire fighter; fire instructor; part of National Ski Patrol; outdoor emergency care technician
Orilton Hooper	03/10/2017	Lead Guide	2019 (June)	San Diego native; love of surfing, kayaking, snorkeling; body surfing; experience as a camp counselor for kids, often participating in water activities
Jack Hirsch	05/25/2019	Guide	2019 (June)	Ocean enthusiast; experienced swimmer; life long surfer; certified SCUBA diver; traveled snorkeler in La Jolla, Hawaii, and Cambodia;
Jacob Day	02/09/2019	Lead Guide	2019 (June)	San Diego native; Del Mar Junior Lifeguard intern; avid surfer; previous scuba certification; experienced sailor and kayaker
Jane Kania	05/18/2019	Guide	2019 (June)	experienced surfer; kayaking experience in California and Hawaii; SCUBA dive certified; volunteer experience with Birch Aquarium; Junior Life Guard for 3 years
Jeffrey Day	02/08/2018	Lead Guide	2019 (June)	certified in emergency medical response; high school basketball player; experienced physical therapy aid
Jeremie Johnson	03/09/2017	Lead Guide	2019 (June)	San Diego native; avid water polo player and swimmer; snorkeled all over the world; traffic officer and security officer for BYU police;
Johnathan O'Hara	05/18/2019	Guide	2019 (June)	San Diego native; passionate about surfing, biking, football, basketball; experience with kayaking, snorkeling, and SUPing; football team captain
Kyle Barnett	06/03/2018	Lead Guide	2019 (June)	retired member of the US Navy; former teacher of CPR (BLS w/ the American Heart Association); former life guard; athlete with an interest in marathon running, yoga, hiking, and water sports
Lara Anderson	06/07/2018	Lead Guide	2019 (June)	competitive swimmer; experienced kayaker (12+ years); scuba student; surfer (2+ years); experience working in sports equipment rentals
Marian Turner	03/04/2018	Lead Guide	2019 (June)	San Diego native; Red Cross Lifeguard; competitive swimmer; SUCSA Dive Master; grew up snorkeling, kayaking
Marianna Harvey	05/18/2019	Guide	2019 (June)	former scuba instructor; experience living on boats; nature enthusiast; multiple jobs leading and guiding kayaking; nationally registered EMT
Matthew Anderson	05/04/2019	Guide	2019 (June)	State junior life guard for 8 years; assistant life guard for 3 years; experienced kayaker in bays, lakes, and rivers; life time surfer;
Megan Priest	05/11/2019	Guide	2019 (May)	California kayaking experience in Hawaii and Croatia; snorkeling experience in Hawaii, Cancun, and Haiti; biology student/major
Mikay Rose	05/04/2019	Guide	2019 (May)	Mikay is an experienced water enthusiast from San Diego. Mikay is currently completing his degree in mechanical engineering from UCSB
Nicole Moore	06/18/2019	(June)	2019 (June)	former Encinitas life guard; water polo player; experienced kayaker and canoe; studied tour guide training in school
Quinn Rawlin	06/04/2019	Lead Guide	2019 (June)	Former junior life guard (for 3 years); avid surfer, snorkeler, kayaker, and swimmer; active boating license holder; wake boarder
Seth Bonin	05/04/2019	Guide	2019 (June)	experienced life guard, former competitive swimmer, experienced working in first aid and emergency protocols.
Shelley Heller	04/16/2019	Guide	2019 (June)	advanced open water 2 scuba diver; avid ocean kayaker and swimmer; kayaking experience in California, Alaska, and Hawaii
Sofie Gonzalez	02/06/2018	Lead Guide	2019 (June)	experienced fresh water kayaker; experience in service industry (3+ years)
Spencer Brunetto	02/03/2018	Lead Guide	2019 (June)	San Diego native; marine biology major; scuba certified; love for the ocean; former lifeguard
Spencer Harvey	04/16/2019	Guide	2019 (May)	San Diego native; experienced camp counselor with emphasis on kayaking and ocean swimming; beach camp coordinator; experienced snorkeler and free diver
Tyler Salvato	06/15/2016	Lead Guide	2019 (June)	San Diego native; sailing instructor; experienced ocean swimmer; love of the ocean; avid surfer and body boarder
Zach Holland	05/18/2019	Guide	2019 (June)	Marine biology student; experiences snorkeler along the California coast, Maui, and off the island of Catalina; experienced body surfer and wake boarder

Chapter 8: Organizational Structure, Leadership Team & Staffing, Part III

Employee Selection Criteria & Training Process

As outlined in previous sections, SDBK maintains a management team, year round tour guide, sales representative and beach staffs, as well as seasonal staff. In order to sufficiently staff operations, additional seasonal tour guides are hired each year to complement the veteran staff and carry out summer operations.

SDBK begins hiring waves in February and continues hiring through late June, with about 6-10 employees hired in each wave every two weeks. SDBK is very selective and particular when hiring guides, due to the nature of commercial kayaking operations. SDBK's hiring philosophy is simple: Hire early, and stagger the process. This ensures adequate staffing for the summer, allowing enough time to train each employee and devote individual attention to each employee's progress.

This section outlines the qualities of candidates for employment, interviewing and hiring processes, as well as human resources related policies and procedures. (Tour guide training is detailed in Chapter 4: Operating Plan—Tour Guide Training, Water Safety Plan & Tour Topics).

QUALITIES OF CANDIDATES FOR EMPLOYMENT

A very thorough and detailed interview process is conducted for hiring. While many incoming guides do seek out SDBK on their own for a variety of reasons, the human resources team is very specific and particular about who is hired for employment.

SDBK looks for certain inherent personality traits, ocean experience, previous relevant work experience and academic achievements in candidates for employment. Additionally, all candidates must hold valid certifications from the American Red Cross in CPR for the Professional Rescuer and First Aid as hiring prerequisites.

Character and personality traits SDBK looks for and takes note of include: awareness, attention to detail, responsiveness, intelligence, ability to adapt, being friendly, outgoing, self-motivated, witty, athletic, intelligent, curious, honest, patient, and discerning. However, these traits alone do not make a safe and effective guide, but are certainly beneficial qualities. Experience with a variety of conditions and situations can only be acquired over time. Preparing guides for what may occur while guiding kayak tours is something that cannot be entirely taught, but augmented, so SDBK searches for candidates that inherently have these character traits to step in, understand, and accurately assess what the natural environment may pose, and respond appropriately.

SDBK looks specifically for seasoned and savvy ocean goers and outdoorsmen/women that have ocean and kayak experience. Candidates that are certified scuba divers, marine biology/oceanography students or experts, competitive surfers, whitewater kayakers, or candidates with experience in outdoor exploration, lifeguarding, and surf/kayak instruction, or other previous relevant work experience are recruited and selected for employment.

In addition to these character traits and experience, SDBK values employees that are highly educated and intelligent individuals, and thus academic achievements are an important component in the hiring process. Ninety percent of SDBK's staff has college level degrees or are enrolled students at four-year institutions. Candidates for employment that speak a second language are also preferred, as SDBK contracts with many Destination Managers that bring in clients from overseas.

SDBK offers competitive wages and employee benefits to attract and sustain highly educated employees that have the necessary character traits, relevant experience, and work history.

HIRING & INTERVIEW PROCESS

All of the potential employees undergoing the hiring process are screened through a multi-faceted interview process conducted by General Manager and the department Managers. Candidates are typically solicited through online classified ads or more often by referrals from existing employees that are aware of the job's demands. All candidates must complete an online application and submit a resume highlighting ocean experience, leadership, academics and previous job experience to be considered. Each year, SDBK receives over 500 applicants that submit resumes for consideration.

Once resumes have been reviewed, select candidates are then invited into the store for interviews; at this time, the job responsibilities and requirements are discussed further in person. This process gives management the opportunity to preliminarily determine whether the candidate is suitable, qualified, available, and likely capable of working as a tour guide and successfully completing the rigorous training and certification process at SDBK.

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HIRE EARLY AND OFTEN... THAT IS KEY TO ASSEMBLING A GREAT STAFF.

—MARCELLA DI MICHIELI, CHIEF EXECUTIVE OFFICER

Once applications are reviewed, the General Manager and Service & Training Managers determine which candidates may be invited back for a ride along interview. This ride along interview is conducted by a Senior Tour Guide and consists of the candidate participating in a scheduled kayak tour. This ride along interview allows our managers to evaluate the competency of the candidate's kayaking abilities, the degree of their ocean experience, as well as their ability to interact with customers and their current knowledge of the local environment and La Jolla Ecological Reserve.

If a manager concludes that the ride along interview was successful and that the candidate is sufficient and capable in the water, the candidate then goes through a hiring interview with either the General Manager or company officers. The candidate is informed about job expectations and specific responsibilities, required certifications, scheduling, company policies and procedures, pay schedule, and uniform policy.

Upon an employment offer, the candidate has several days to decide if he/she would like to proceed with the hiring process based on this hiring interview. Upon accepting, the candidate is then equipped with new hire paperwork on boarding and materials including company policies and procedures, Employee Code of Conduct, confidentiality and non-disclosure agreements, W-4s, I-9, company handbook, release to pull motor vehicle report, and drug testing information. SDBK mandates this waiting period to ensure the candidate's commitment to the requirements of the position and dedication to completing training.

The Sales Department and Operations department follow a similar format with hiring procedures for sales representatives and beach personnel respectively. SDBK has streamlined hiring procedures for each department and each training program with its Service Department and tour guide staff, Sales Department and sales representatives and Operations Department and beach personnel.

EMPLOYEE PENSION PLAN

SDBK has a 401K Pension Plan for eligible employees. Each employee may defer earnings into this pension plan. Since most of SDBK's staff are college educated, these pension plan benefits help attract and retain a diverse staff that is highly educated and qualified.

NEIGHBORHOOD AWARENESS TRAINING

Each tour guide taught to be aware and respectful of the local community to make efforts to avoid disturbing other local businesses and residents. During the training process, tour guides are made aware of the necessity to fit all equipment within the confines of the store. Guides are taught neighborhood awareness and given daily assignments to minimize the impact on the area, including sweeping the sidewalks and streets, removing all debris from the boat launch, parking company vehicles outside of the La Jolla Shores residential community, making sure no trash is left in front of the store or in the trucks, functioning as daily sidewalk monitor and keeping customer volume levels and activities appropriate.

Guides learn awareness of their surroundings and how to take steps to reduce the impact on the area and the boat launch, including how to properly accompany clients to the beach, how to maneuver the boat launch, how to properly follow boat launch rules among other rules to promote courtesy to the neighborhood.

All newly hired tour guides must demonstrate compliance with these procedures, boat launch rules, and neighborhood awareness measures to successfully complete the training process. Guides that do drive to work are instructed to park outside of the immediate La Jolla Shores area; guides are also provided with alternative parking options such as the Bike-To-Work program and carpooling options.

SAFETY EQUIPMENT TRAINING

During training, tour guides also learn how to properly use all safety equipment that is required on each tour, including cellular phones/two-way radio, towlines, rescue throw bags, flares, first aid kits, and repair/patch kits. All water sensitive safety equipment is taken aboard in a durable, waterproof case in the event of an emergency. SDBK stocks VHF radios as backups and guides are also trained on how to contact the Coast Guard using Marine Channel 16 on these VHF radios. This training is described in detail in Chapter4: Operating Plan—Tour Guide Training, Part 2/Basic Training.

SAFETY PROTOCOL TRAINING

During training, tour guides abide by client to guide ratios and learn how to effectively partner with another guide on a kayak tour, as each tour has a maximum of ten kayaks and two tour guides (except when ratios are increased to 3:1 under a Surf Alert 1). Upon tour departure, a tour guide's kayak is the first kayak into the water. Tour guides are trained to ensure constant supervision of the tour and to eliminate any moment where the tour members would be without aid in the case of an emergency.

At the boat launch, the additional guide and the beach duty personnel properly assist other participants through the surf safely, keeping them out of the adjacent swimming areas and avoiding dangerous collisions with other kayakers or ocean goers. Tour guides also train with beach duty personnel to ensure understanding of boat launch protocol, signals, and communication. This safety protocol training is conducted during annual guide training, as described in Chapter 4.

EMPLOYEE CODE OF CONDUCT

The staff at SDBK are also trained and educated in our company's code of conduct. All staff is required to behave and carry out work functions in a polite, respectful and professional manner. All employees receive training and education on employee conduct while representing SDBK.

The following code of conduct is reviewed with each employee. Each employee signs the code of conduct with other pre-employment paperwork. Employees are also given an employee handbook that outlines company policies as well as a company procedures packet.

Within the context of the Employee Code of Conduct, employees are trained, educated, and expected to:

1. Be courteous to the public at large while they are using the beach, the boat launch, the public streets and sidewalks. Private kayakers and swimmers are always to be given the right of way at the boat launch and/or in the water.
2. Be as transparent as possible when conducting kayak safety briefings and instruction in the designated beach area and to keep the volume level at an appropriate level as though not to disturb other beach goers.
3. Be helpful to other kayakers, swimmers, or others when in need. Employees are encouraged to have confidence in their First Aid and CPR skills as well as their water safety knowledge, and to help others when safe and appropriate.
4. Always represent the company with the highest standards of pride and professionalism.
5. Follow all safety procedures and activate the company Emergency Response Plan in the event of an emergency. Any and all incidents, no matter how minor, must be reported to the General Manager, or company officers so an incident report can be taken.
6. Wear SDBK uniforms at all times. This includes during working hours, except when on a lunch break. Employees are required to wear the provided red board shorts or red swimsuit and the black water top or the black rash guard with company logo at all times, including when on kayak tours, when in the water, when driving company vehicles, when working as the beach duty representative, and when working in or around the store.
7. Wear the whitewater approved, fitted kayak helmet at all times when conducting Kayak Tours of the 7 Caves. The kayak helmet must be worn properly at all times by all tour guides from the moment the tour begins until the conclusion of the tour, when kayaks have returned onto the beach. Bike helmets must also be worn on all bikes tours for the entire duration of the tour.
8. Follow the posted company standard of maintaining a Drug Free Workplace, as outlined in the Company Handbook. Employees are educated in the company drug-free awareness program to inform all employees about the dangers of drug abuse, as well as drug rehabilitation centers and drug counseling hotlines; employees may request additional information. Employees are required to take a pre-employment drug test as a prerequisite to become a SDBK tour guide.
9. Comply with all state and federal OSHA regulations, as outlined in the Company Handbook and Safety Manual.
10. Comply with the company's no tolerance policy on maintaining a workplace free of sexual

harassment.

11. Park personal vehicles out of the immediate La Jolla Shores neighborhood. Employees may voluntarily participate in the company “Bike-to-Work” program, in which employees receive a bonus for riding bikes to work; bonuses are accumulated daily.

12. Throw away all trash and refrain from littering. Employees shall also throw away all trash that is left by a customer or the public. Any trash that is observed in the water, at the beach, on the sidewalks, or around the storefront area or street shall be picked up and thrown away, even if SDBK employees or customers didn’t leave it. Employees shall keep the beach, the water, the nearby streets and sidewalks, and the area in and around the storefront clean and clear of trash and obstructions. These areas also must be cleaned up nightly or more often, as required.

13. Monitor the movements and audible levels of customers. Employees shall politely ask customers to reduce volume levels or relocate to another area if a customer is disturbing the public or the neighborhood whether at the beach, on the sidewalks and streets, and in or around the storefront.

14. Conduct all training and safety briefings within the SDBK storefront or in the designated area at the beach.

15. Consistent with the requirements of the Americans With Disabilities Act (ADA), it is the policy of SDBK to make reasonable accommodations for persons with disabilities to permit such persons to participate in activities offered by us provided that such participation will not pose a threat to the safety of employees and/or other persons. Every employee shall use his or her efforts to implement this policy to accommodate persons with disabilities.

16. Shall not allow to the best of his/her ability any injury or any public or private nuisance.

17. Make every effort to recycle appropriate materials and to encourage customer recycling. SDBK has three trashcans and one recycle bin designated to store property. Cardboard and other recyclables will be broken down before being placed in the recycle bin. Employees will not overstuff trashcans; the lid on the trashcan must close at all times. Trash pickup is on Mondays; Sunday closing staff must wheel out trashcans & recycle bin for pickup on Monday mornings.

18. Employees are required to follow all laws and rules pertaining to the La Jolla Ecological Reserve and make every effort toward coastal preservation. Additionally, tour guides are required to adhere to the Marine Mammal Protection Act of 1972 as well as the NOAA Fisheries Services guidelines for responsibly viewing marine life.

19. Employees are required to follow the rule that no equipment is to be placed on sidewalks or public thoroughfares.

DRUG-FREE WORKPLACE

SDBK maintains a Drug Free Work Place and this policy applies to all staff & shareholders. Employees can submit to a drug test before being hired. Staff employed by SDBK shall not engage in drug-related criminal activity including the usage or abuse of illegal drugs or controlled substances.

Absolutely, no usage of controlled substances while being employed at SDBK is permitted. Additionally, the use of controlled substances at SDBK’s place of business or during working hours not permitted. If any employee is found to be in violation of this policy, it will result in termination due to the nature of commercial kayak operations and to ensure the absolute safety of patrons.

DRUG POLICY STATEMENT

SDBK has a responsibility to maintain and enforce a drug-free, safe, and efficient work environment, free of illegal drugs, controlled substances, and alcohol abuse. It is understood that employees of

SDBK, by virtue of their duties associated with their positions, will be held to a standard consistent with the character of their roles.

Each SDBK employee has a responsibility to perform their duties upholding the highest standard of conduct, through a high level of productivity, reliability, safety and judgment. The use of illegal drugs or controlled substances and the abuse of alcohol are incompatible with this responsibility.

Therefore, SDBK prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or controlled substances while at work locations. The violation of this drug policy statement will be deemed a violation of SDBK's Drug Free Workplace and that this violation shall be good cause for termination.

Further, an employee may not sell drugs, controlled substances, or alcohol to any other employee or any person. This policy is applicable to all current employees and individuals selected for employment by SDBK as well as to any contractors and vendors that may operate in the workplace.

DRUG AWARENESS PROGRAM

SDBK is committed to developing and maintaining a balanced, responsible, and humane Drug Free Workplace Program as it recognizes drug and/or alcohol dependency as an illness and major health problem.

Substance abuse jeopardizes the safety and health of workers and participants alike, and is a direct violation of the City of San Diego's concessionaire agreement.

SDBK's Employee Assistance Program is an ongoing educational effort to raise awareness and resistance against abuse of controlled substances, providing support through audio and visual information and media, with counseling and rehabilitation assistance through employee selected healthcare providers when necessary.

The severity of violation of SDBK's Drug-Free Policy will provide the basis of disciplinary action, up to and including termination. Discipline will be enforced in accordance with guidelines and procedures developed by the company officers regarding employee conduct. Additionally, any criminal violation will be treated as such, and violations will be reported to the proper authorities along with management.

EQUAL OPPORTUNITY EMPLOYMENT

SDBK is committed to equal employment opportunity. SDBK does not discriminate against employees or applicants for employment on any legally recognized basis, including, but not limited to veteran status and uniform service member status. In addition, race; religious creed; color; national origin; ancestry; physical disability; medical condition; including genetic characteristics; marital status; sex; pregnancy; childbirth or related medical conditions; actual or perceived gender; gender identity; sexual orientation and age [40 or over] are protected classes in California.

SDBK is aware of and complies with City Council Ordinance 18173, Equal Employment Opportunity Outreach Program as such.

CALIFORNIA FAIR EMPLOYMENT PRACTICES ACT

SDBK complies with Title 7 of the Civil Rights Act of 1964 and all amendments, as well as federal and state applicable laws. SDBK does not discriminate against any employee or applicant for employment on any basis prohibited by law.

GUIDE TRAINING

SDBK's Annual Tour Guide Training program is described in detail in Chapter 4: Operating Plan—Tour Guide Training; refer to Chapter 4 for details outlining the specifics of annual guide training and the required certifications. Chapter 4 also details each of the eight components SDBK's annual kayak guide training. (refer to Chapter 4).

TECHNOLOGY SYSTEMS FOR EMPLOYEE MAINTENANCE

SDBK uses an online scheduler and paperless on-boarding for the hiring and training processes. This online scheduler ensures that SDBK is adequately staffed on each day and allows employee's to swap shifts. This system also has a process for on-call shifts for each department to ensure adequate staffing every day as well as to respond to any hazard alerts that require increased staffing on the beach at the boat launch or in the water with additional guides.

Additionally, this system functions as a communication tool with its messaging component enabling easy and effective communication with the entire staff, or individual departments. The paperless on-boarding also allows management to track employee certifications and training progress in addition to electronically maintaining all employee files. This system also contains a training component where each department has its respective training materials, course content and associated information.

Chapter 8: Organizational Structure, Leadership Team & Staffing, Part IV

Uniform Policy

San Diego Bike & Kayak Tours, Inc. DBA Bike & Kayak Tours, Inc. recognizes that commercial kayak operations expose the performance of business operations in a public setting, so it is imperative that all employees look professional and are readily identifiable as agents of the business.

Visible identification is pertinent for a variety of reasons, including safety, organization, and accountability. All employees are required to wear their appropriate uniform during the entire work shift.

UNIFORMITY

The signature SDBK uniform consists of a red uniform shirt featuring the company logo and black shorts.

Guides wear these signature red uniform shirts that feature the company logo in two spots to be identifiable from both the frontal view and the side or rear view.

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SHARP UNIFORMS REFLECT OUR DEDICATION TO PROFESSIONALISM.

—JACK MAGPUSO, BEACH DUTY PERSONNEL

According to current kayak permit stipulations, all kayak outfitters are only required to company shirts as identification, but SDBK implements a required full uniform to achieve the most professional, recognizable uniform possible.

The contrast of the bright red uniforms featuring a company logo and STAFF label stand out much more along the natural color palette of the surrounding area, and the company uniforms serve as an extension and designation of the lifeguard service. Any customers that need assistance can easily identify and locate staff with this full uniform; likewise, staff members can aid customers, beachgoers, and Lifeguards in the event of confusion, emergency, or need for information. SDBK also provides identical miscellaneous apparel to staff to be used when necessary such as T-shirts and sweatshirts that are identical in red with the company logo so there is no gap in identification when alternate layers are needed.

SAFETY & CREDIBILITY

Company agents clad in appropriate and visible uniforms reinforce an atmosphere of safety for customers. With the guides readily identifiable and always in plain sight, kayakers can rest easy knowing the guide is nearby and available for safety instruction and concern. In times of peril, the colors and logos are easy visual stimuli to spot, whereas an unlabeled employee would be just another face in the crowd.

Additionally, the uniformed staff at SDBK is available as a complementary source of aid and information for beach users, and having recognizable uniforms makes it easy to provide assistance.

ORGANIZATION & PROFESSIONALISM

Operative organization is an additional faction of the business that is improved by the use of company uniforms and colors. Because the commercial district of Avenida de la Playa and the La Jolla Shores Boat Launch are often critically observed for organization and flow, SDBK minimizes the physical and visual impact of commercial kayak operations in the La Jolla area by creating an organized method of action for our customers, vehicles, employees, and guides.

Company uniforms allow SDBK staff to be seen, drawing attention and authority to the involved participants, keeping them from wandering aimlessly looking for the right employees to check in to and place to meet. Tour guides walk all tour participants to and from the beach, and their visibility keeps participants on the right path.

Additionally, SDBK contributes to the organization of the boat launch with our easily identifiable logos and colors. Instead of the chaos that can ensue from renters and tour participants looking for which guide they are with or what kayaks to use, all SDBK kayaks are red. All kayaks, life vests, uniforms and awnings feature the trademark red color and recognizable white company logo, creating a monochromatic and unmistakable professional appearance; this continuity also makes it easy for customers to identify beach duty staff when checking in at the beach.

ACCOUNTABILITY

Lastly, the presence of bright and easy to read logos and uniforms provide a high level of accountability. The Lifeguards in La Jolla ultimately decide what is and what is not appropriate for water usage on a given day, and the visibility of SDBK employees allows Lifeguards to locate and communicate with guides, employees, and management.

If an accident occurs, company related or not, the lifeguards or emergency responders can quickly identify our guides for reference. They can easily identify SDBK staff and they know whom to approach when conditions are unforgiving, area closures are needed, or important information needs to be quickly relayed