CALENDAR ITEM

C42

A 76 06/28/10

WP 8602.1

S 39 G. Kato

GENERAL LEASE - COMMERICAL USE

APPLICANT:

Southern California Marine Association
1006 W. Chapman Avenue
Orange, CA 92866-2111

AREA, LAND TYPE, AND LOCATION:

2.04 acres, more or less, of sovereign lands in San Diego Bay, city of San Diego, San Diego County.

AUTHORIZED USE:

Installation, use, and maintenance of a temporary marina facility for the 2010-2014 San Diego Summer Boat Shows.

LEASE TERM:

5 years, beginning June 28, 2010.

CONSIDERATION:

$2,026 per event

SPECIFIC LEASE PROVISIONS:

General Liability insurance in an amount of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.

2. On June 1, 2009, the Commission approved the issuance of a General Lease – Commercial Use to the Southern California Marine Association (SCMA) for a 26-day period for the placement of a temporary marina facility within and waterward of the existing Sheraton Marina in San Diego Bay to accommodate the 2009 San Diego Summer Boat Show. The SCMA is now applying for a new lease for the placement of the temporary marina facility at this same location to accommodate the 2010-2014 San Diego Summer Boat Shows. The SCMA is owned by approximately 400

member companies including boat dealers, manufacturers, and distributors. The 2010 show will be held at the Harbor Island Sheraton Hotel on July 22-25, 2010 and is open to the public for a charge. The show will showcase approximately 140 new and pre-owned boats, as well as landside displays of marine accessory products and services. The SCMA has indicated that setup would begin on July 12, 2010, and the temporary facilities would be removed no later than July 30, 2010. Subsequent boat shows in 2011-2014 would be held in the same location and would also be temporary in nature.

3. The temporary marina facility would be an extension of the existing marina and consists of a floating steel barge that will be held in place with anchors that will be screwed into the seafloor. A driver will install and remove the anchors manually.

4. In order to accommodate the boat show, the SCMA will need to temporarily relocate approximately 10 vessels now located on lands legislatively granted to the Port of San Diego. These 10 vessels, owned by existing Sheraton Marina tenants, will be moved to the temporary marina and then returned to their existing docks at the end of the boat show.

5. The SCMA is required to conduct a survey for the presence of eelgrass and Caulerpa taxifolia (an invasive exotic alga) at the proposed location of the temporary marina. Prior to the installation of the temporary facilities each year, the SCMA will be required to provide the results of the survey conducted that year to Commission staff. If eelgrass is found, the SCMA's protocol will be to avoid locating the facilities' anchors within the bed of the eelgrass. National Marine Fisheries Service has approved Caulerpa Control Protocol, Version 2.1 adopted March 6, 2006, which will require the SCMA to follow specific protocol if Caulerpa is detected, including not starting disturbing activities until such time as the infestation has been isolated, treated, or the risk of spread from the proposed disturbing activity is eliminated. The Department of Fish and Game (DFG) is also requiring that a survey for the presence of eelgrass and Caulerpa be provided by the SCMA to DFG prior to project implementation.

6. SCMA will be required to provide date-specific information to Commission staff 90 days prior to the commencement of each show including, but not limited to: set up and removal dates, the number of displaced vessels and how the displacement will be managed, and a survey for the presence of eelgrass and Caulerpa taxifolia. Rental payment will be paid on an annual basis. If there are substantial changes to the planned use or there is an

increase in the footprint to be utilized by SCMA a lease amendment would be required.

7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land Title 14, California Code of Regulations, section 15304(e).

   Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
California Department of Fish and Game
Regional Water Quality Control Board
San Diego Unified Port District

EXHIBITS:

A. Site and Location Map
B. Legal Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 As a Categorically exempt project, Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304(e).

SIGNIFICANT LANDS INVENTORY FINDING:

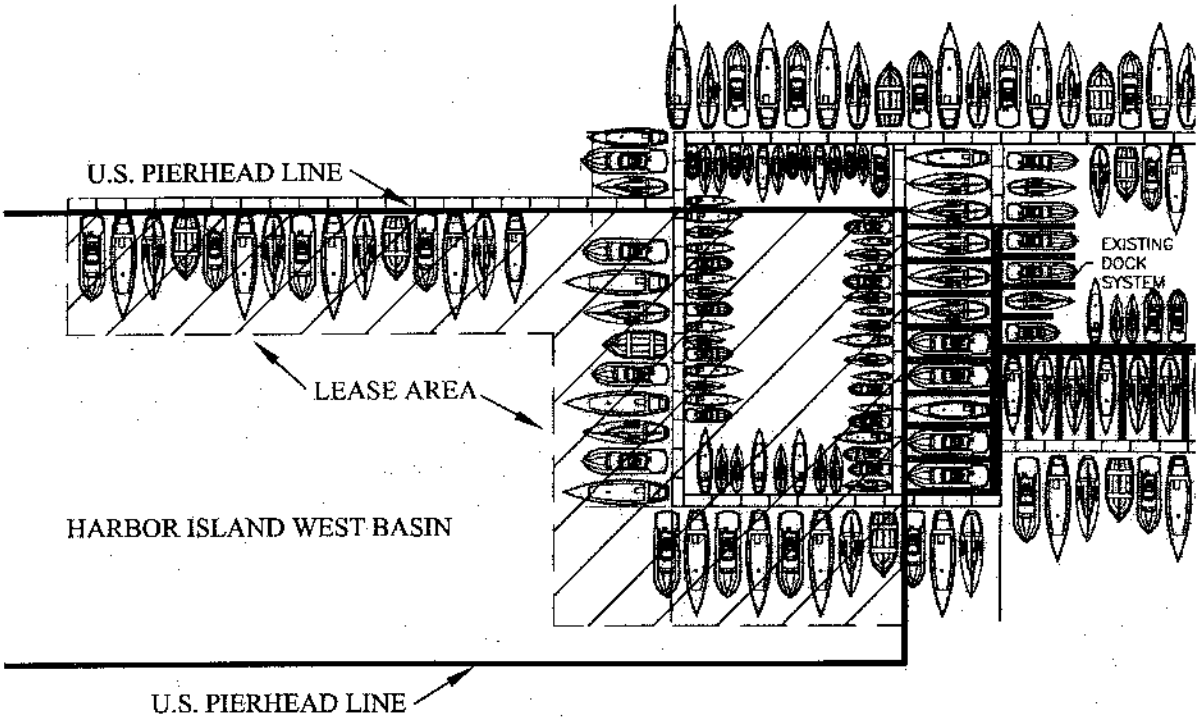
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:

Authorize Issuance of a General Lease – Commercial Use, to Southern California Marine Association, beginning June 28, 2010, for a term of five years, for the installation, use, and maintenance of a temporary marina facility as shown on Exhibit A (for reference purposes only) and as described on Exhibit B attached and by this reference made a part hereof; rent in the amount of $2,026 annually; and liability insurance in an amount of no less than $1,000,000.

NO SCALE

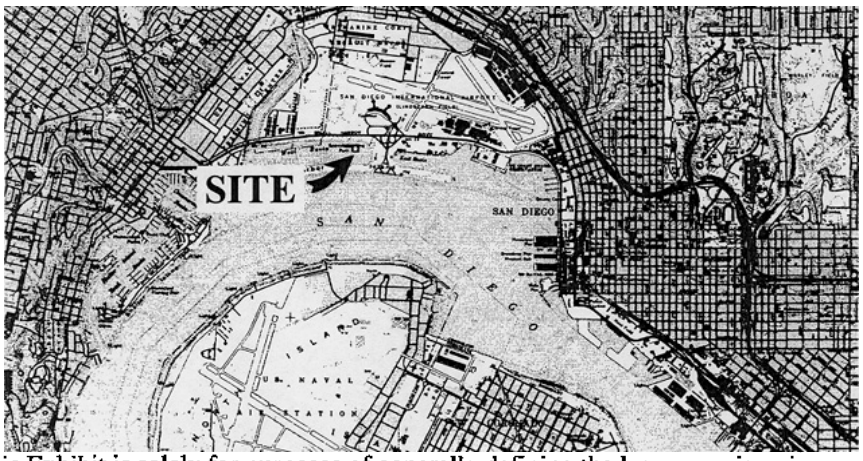
SITE



TEMPORARY MARINA FACILITY, HARBOR ISLAND
SHERATON MOTEL, SAN DIEGO BAY

NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

MAP SOURCE: USGS QUAD

Exhibit A

PRC 8602.1
SOUTHERN CALIFORNIA MARINE ASSOCIATION COMMERCIAL LEASE
SAN DIEGO COUNTY

RAB 04/05

EXHIBIT B

LAND DESCRIPTION

All of those submerged lands in the bed of the San Diego Bay on the easterly side of Harbor Island West Basin, City of San Diego, San Diego County , State of California, and being more particularly described as follows:

BEGINNING at a point on the pierhead line of San Diego Harbor, said point designated as Station 459-D-1 having CCS27, Zone 6, coordinates North = 205,639.37, East = 1,708,014.87 as shown on California State Lands Commission map entitled "Map of the Lands Transferred to the San Diego Unified Port District pursuant to Chapter 67 Statutes of 1962 1st E.S" and filed as CB map number 1574, thence along said pierhead line South 00°30'38" West, 280 feet; thence leaving said pierhead line North 89°29'22" West , 230 feet; thence North 00°30'38" East, 205 feet; thence North 89°29'22" West , 325 feet; thence North 00°30'38" East, 75 feet to said pierhead line; thence along said pierhead line South 89°29'22" East, 555 feet to the Point of Beginning.

EXCEPTING THEREFROM any lands lying within the lands granted to the San Diego Unified Port District pursuant to Chapter 67 Statutes of 1962 1st E.S

END OF DESCRIPTION