

**CALENDAR ITEM
C53**

A 76
S 39

06/01/09
WP 8602.1
S.Young

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Southern California Marine Association
1006 E. 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 2009 San Diego Summer Boat Show.

LEASE TERM:

26 days, beginning July 6, 2009, and ending July 31, 2009.

CONSIDERATION:

\$2,026

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 May 5, 2008, 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 2008 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 2009 San Diego Summer Boat Show. The SCMA is owned by approximately 400 member

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companies including boat dealers, manufacturers, and distributors. The show will be held at the Harbor Island Sheraton Hotel on July 23-26, and is open to the public for a nominal charge. The event will showcase approximately 275 new and pre-owned boats, as well as landside displays of marine accessory products and services. The SCMA has indicated that set up would begin on July 6, 2009. and the temporary facilities would be removed no later than July 31, 2009.

The temporary marina facility consists of a floating steel barge that will be held in place with anchors that will be screwed into the seafloor. A diver will install the anchors manually. Approximately 55 dock sections will be located on sovereign lands, occupying an area of 8,800 square feet. In order to accommodate the boat show, the SCMA will need to temporarily relocate approximately 30 vessels now located on lands legislatively granted to the Port of San Diego. These 30 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. The temporary marina in the lease area will therefore include the boat show and a portion of the berthing for the relocated vessels.

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, the SCMA will be required to provide the results of the survey 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.

3. 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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

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Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

4. 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.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers
California Department of Fish and Game
Port of San Diego

EXHIBITS:

- A. Location and Site Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b) (3).

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 THE SOUTHERN CALIFORNIA MARINE ASSOCIATION, BEGINNING JULY 6, 2009, FOR A TERM OF 26 DAYS, FOR THE INSTALLATION 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

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\$2,026; AND LIABILITY INSURANCE IN AN AMOUNT OF NO LESS THAN \$1,000,000.