

MINUTE ITEM  
C15  
15  
11/21/85  
meeting.

CALENDAR ITEM

A 74

C 15

11/21/85  
PRC 1409  
Townsend

S 38

AMENDMENT OF GENERAL LEASE -- INDUSTRIAL USE

LESSEE: San Diego Gas and Electric Co.  
Attn: Alan S. Berrier  
P. O. Box 1831  
San Diego, California 92112

AREA, TYPE LAND AND LOCATION:  
A 1.011-acre parcel of tide and submerged land  
located in the Pacific Ocean, near Carlsbad,  
San Diego County.

LAND USE: Cooling water discharge channel.

TERMS OF ORIGINAL LEASE:  
Initial period: Ten years beginning July 8,  
1979.

Public liability insurance: Combined single  
limit coverage of \$1,000,000.

Consideration: \$2,160 per annum; five-year  
rent review.

TERMS OF PROPOSED AMENDED LEASE:

LAND AREA: A 1.011-acre parcel of land.

CONSIDERATION: \$6,369 per annum; with the State reserving the  
right to fix a different rental on each fifth  
anniversary of this lease.

All other terms and conditions of the lease  
shall remain unchanged.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Adm. Code 2003.

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APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

1. This amendment involves an increase in the lease rental, together with a reduction in the lease premises. The land description has been changed to more accurately reflect the use area of the existing improvements.
2. Commission staff recommends that all the filing fees and processing costs be waived.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the provisions of the lease, should Lessor fail to effect a change in the annual rental effective on any fifth anniversary of the beginning date of the lease, it may do so effective on any one (1) of the next four (4) anniversaries following such fifth anniversary.
2. By letter dated March 29, 1985, staff provided notice to Lessee of its recommendation to adjust the annual rental to \$28,350, effective July 8, 1985, the sixth anniversary of the lease. Lessee responded to staff that based on the substantial increase in rental, it opposed the adjustment pending completion of their own appraisal.
3. Lessee chose not to pursue another appraisal, but requested that the excessive use area surrounding the facility be reduced to offset the increased rental. After reduction, the lease premises continues to provide an adequate use area

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for the improvements. Lessee has agreed to pay penalty and interest on the difference between the old rental which has been paid, and the new rental, such difference being \$4,209, for the time period beginning July 8, 1985 and the date payment is received.

4. Staff recommends that Lease PRC 1409 be amended as follows:
  - a. The land description contained in Lease PRC 1409 shall be superseded by the land description shown on Exhibit "A" attached and by reference made a part hereof.
  - b. Adjust the annual rental to \$6,369, effective July 8, 1985, the sixth anniversary of the Lease.
5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.
6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBITS:

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

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2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.
3. WAIVE ALL FILING FEES AND PROCESSING COSTS FOR THE AMENDMENT OF LEASE PRC 1409.
4. AUTHORIZE THE AMENDMENT OF LEASE PRC 1409 TO ADJUST THE ANNUAL LEASE RENTAL TO \$6,369, EFFECTIVE JULY 8, 1985, AND TO PROVIDE FOR A NEW LAND DESCRIPTION AS SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
5. ALL OTHER TERMS AND CONDITIONS OF LEASE PRC 1409 SHALL REMAIN IN FULL FORCE AND EFFECT.

EXHIBIT "A"

LAND DESCRIPTION

PRC 1409

That certain parcel of tide and submerged lands lying within the Pacific Ocean described as follows:

COMMENCING at Corner No. 1 of Rancho Agua Hedionda, in the City of Carlsbad, County of San Diego, State of California; according to Map thereof No. 823, filed in the Office of the County Recorder of said County of San Diego; said Corner No. 1 bears N 77° 27' 25" W, 1149.59 feet from an angle point in the Northerly line of Lot "H" of said Rancho Agua Hedionda; thence S 30° 17' 50" E, 3060.36 feet; thence S 65° 52' 36" W, 187.10 feet to a point on the Ordinary High Water Mark as surveyed by the California State Lands Commission in October, 1953; said point being the TRUE POINT OF BEGINNING; thence along said Ordinary High Water Mark, N 21° 09' 41" W, 95.13 feet; thence S 65° 52' 36" W, 226.46 feet; thence S 24° 07' 24" E, 110.00 feet; thence S 65° 52' 36" W, 60.00 feet; thence S 24° 07' 24" E, 70.00 feet; thence N 65° 52' 36" E, 275.00 feet to a point in said Ordinary High Water Mark; thence along said Ordinary High Water Mark, N 19° 18' 03" W 66.09 feet and N 21° 09' 41" W, 19.17 feet to said point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

This description is based on the California Coordinate System, Zone 6.

END OF DESCRIPTION

REVIEWED OCTOBER 17, 1985 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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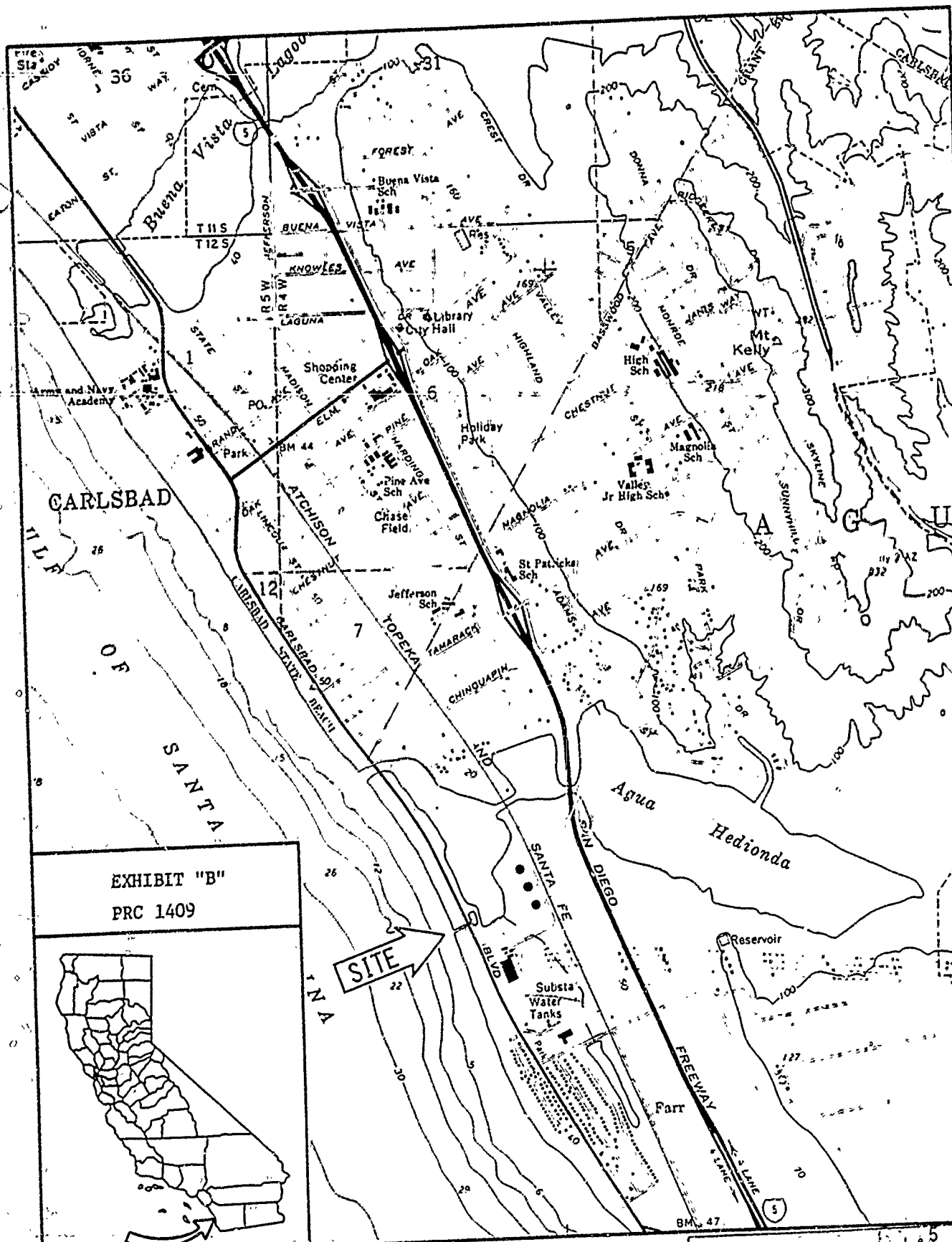


EXHIBIT "B"  
PRC 1409



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