

**STAFF REPORT
C67**

A 71
S 38

12/03/18
PRC 4451.2
J. Porter

GENERAL LEASE – RIGHT-OF-WAY USE

APPLICANT:

San Diego Gas and Electric Company, a California corporation

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

1.16 acres, more or less, of State-owned school land located within a portion of Section 36, Township 15 South, Range 3 East, SBM, north of Granite Vista Way, San Diego County.

AUTHORIZED USE:

Use and maintenance of one 69-kilovolt (kV) transmission line and an unpaved access road.

LEASE TERM:

20 years, beginning January 1, 2019.

CONSIDERATION:

\$450 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

1. Insurance: Liability insurance in an amount no less than \$5,000,000 per occurrence or equivalent staff-approved self-insurance program.
2. Lessee will take all reasonable and necessary actions to prevent, suppress, and control fires on the Lease Premises.
3. No herbicidal chemical may be used for vegetation control without the prior written consent of the Lessor's staff.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6217.5, 6501.1, 6503, and 8701; California Code of Regulations, title 2, sections 2000 and 2003.

State's Best Interests Analysis:

On May 28, 1970, the Commission authorized a 49-year Right-of-Way lease to San Diego Gas and Electric Company for a 69-kV power line

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[\(Item C8, May 28, 1970\)](#). The lease will expire on December 31, 2018. The Applicant has submitted an application requesting a new General Lease – Right-of-Way Use for the continued use and maintenance of the existing facilities. The proposed lease involves an existing transmission line that has been under lease in the past. The new lease also authorizes use of an existing unpaved road, not previously authorized by the Commission, which provides access to the site. The lease requires the Applicant to pay all expenses to maintain the road. The lease is limited to a 20-year term, does not alienate the State's fee simple interest, and does not grant the lessee exclusive rights to the lease premises. The lease requires the lessee to obtain a lease amendment before any further improvements are placed on the State's land and to insure and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent, which generates revenue for the California State Teachers' Retirement System, consistent with Public Resources Code section 6217.5. For the reasons stated above, Commission staff believes issuance of this lease is in the best interests of the State.

Climate Change:

The combination of more frequent and longer duration weather patterns contributing to high and unpredictable winds, low humidity, extreme heat, and thunderstorm and lightning events for California has contributed to an increasingly aggressive wildland fire season as a related product of climate change. This threat can be further elevated through prolonged drought conditions and a lack of forest fuels reduction management for wildland and rural areas. In addition, as stated in the *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms. The rural setting of the subject State parcel and surrounding land is vulnerable to these weather events and the threat of wildland fires. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change. Conversely, the Applicant is responsible for ensuring that the lease premises, transmission line, and access road are maintained in a manner that does not contribute to fire hazards. Regular maintenance of vegetation within the lease premises, the existing facilities under lease, and the access road to the lease premises will help minimize the threat of fire hazards.

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Conclusion:

For the reasons stated above, staff believes issuance of this lease is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, reservation and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 2.1 to optimize returns for the responsible development and use of State lands and resources, both onshore and offshore.
2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

EXHIBITS:

- A-1. Land Description
- A-2. Land Description
- B-1. Site and Location Map
- B-2. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

STATE'S BEST INTERESTS FINDING:

Find that the proposed lease is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning January 1, 2019, for a term of 20 years, for use and

STAFF REPORT NO. **C67** (CONT'D)

maintenance of one 69-kV transmission line previously authorized by the Commission and an unpaved access road on State-owned school land not previously authorized by the Commission, as described in Exhibits A-1 and A-2 and shown on Exhibits B-1 and B-2 (for reference purposes only), attached and by this reference made a part hereof; rent in the amount of \$450 per year, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$5,000,000 per occurrence, or equivalent staff-approved self-insurance program.

EXHIBIT A-1 (TRANSMISSION LINE)

PRC 4451.2

LAND DESCRIPTION

That certain 30.00 foot wide strip of land lying within that portion of the Northwest Quarter of Section 36, Township 15 South, Range 3 East, San Bernardino Meridian, per the Official Plat thereof Approved by the Surveyor General's Office at San Francisco California on September 21, 1875, in the County of San Diego, State of California, said 30.00 foot wide strip of land being 15.00 feet, measured at right angles, on each side of the following described centerline:

Commencing at a 2 inch Iron Pipe with Disc marked "BLM N 1/16, 35/36, 1979" marking the Northwest Corner of County of San Diego Tract No. 4711-1, Map No. 14976, Filed in the Office of said County Recorder on March 8, 2005, from which a 2 inch Iron Pipe with a Disc marked RCE 18592, marking an angle point in the Northerly Boundary of said Map No. 14976, bears North 88°36' 45" East, 1335.44 feet, (Record Per Map No. 14976 = North 88°37'04" East, 1335.59 feet); thence leaving said Northwest Corner along said North Boundary North 88°36' 45" East, 1210.28 feet, to the True Point of Beginning; thence leaving said North Boundary, along the herein described centerline North 09°08'59" West, 45.57 feet; thence North 03°58'07" West, 647.17 feet to an intersection with the Southwesterly Sideline of Interstate Highway 8 as shown on Miscellaneous Survey No. 702, filed in the Office of the County Engineer of said County, said intersection bears South 23°49'40" East, 299.21 feet from a 1 inch Iron Pipe with a Disc marked "Div. Hwys." and North 23°49'40" West, 746.02 feet from a 1 inch Iron Pipe with a Disc marked "Div. Hwys", said intersection is the Terminus of the herein described Centerline.

The sidelines of said 30.00 foot wide strip of Land are to begin in the North Boundary of said Map No. 14976 and terminate in the Southwest Sideline of said Interstate Highway 8.

The above described 30.00 foot strip of land contains 0.48 acres more or less

Bearings shown hereon are based on the California Coordinate System NAD-83, Zone 6, Datum 2007, Epoch 2007. Bearings quoted from Record Documents may or may not be based on the same System.

This legal description entitled Exhibit "C" and Plat were prepared by me or under my direct supervision.

Francis W. Fitzpatrick

Francis W. Fitzpatrick PLS No. 4539 License Expires 9/30/2020

Oct. 25, 2018
Date

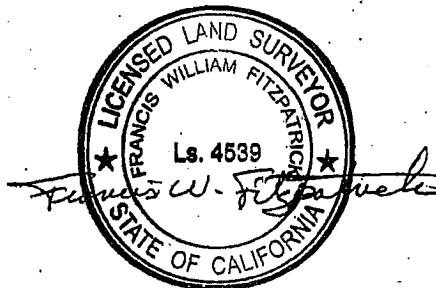


EXHIBIT A-2 (ROAD)

PRC 4451.2

LAND DESCRIPTION

That certain 20.00 foot wide strip of land lying within that portion of the Northwest Quarter of Section 36, Township 15 South, Range 3 East, San Bernardino Meridian, per the Official Plat thereof Approved by the Surveyor General's Office at San Francisco California on September 21, 1875, in the County of San Diego, State of California, said 20.00 foot wide strip of land being 10.00 feet, measured at right angles, on each side of the following described centerline:

AREA 1

Commencing at a 2 inch Iron Pipe with a 3 inch Brass Disc marked "BLM N 1/16, 35/36, 1979" marking the Northwest corner of County of San Diego Tract No. 4711-1, Map No. 14976, filed in the Office of the County Recorder of said County on March 8, 2005, from which a 2 inch Iron Pipe with a Disc marked RCE 18592, marking an angle point in the Northerly Boundary of said Map No. 14976, bears North $88^{\circ}36'45''$ East, 1335.44 feet, (Record Per Map No. 14976 = North $88^{\circ}37'04''$ East, 1335.59 feet); thence leaving said Northwest Corner along said North Boundary North $88^{\circ}36'45''$ East, 1207.80 feet, to the True Point of Beginning; thence leaving said North Boundary, along the herein described centerline North $10^{\circ}54'48''$ East, 12.58 feet to the beginning of a tangent 112.00 foot radius curve concave Westerly; thence Northeasterly and Northerly along the arc of said curve through a central angle of $17^{\circ}17'05''$ a distance of 33.79 to a point on the arc of said curve herein designated and hereafter referred to as Point "A", a radial line to said Point bears North $83^{\circ}37'43''$ East; thence continuing Northerly and Northwesterly along the arc of said curve through a central angle of $26^{\circ}13'41''$ a distance of 51.27 feet; thence tangent to said curve North $32^{\circ}35'58''$ West, 121.26 feet to the beginning of a tangent 67.00 foot radius curve concave Southwesterly; thence continuing Northwesterly along the arc of said curve through a central angle of $7^{\circ}01'31''$ a distance of 8.22 feet to a point on the arc of said curve herein designated and hereafter referred to as Point "B", a radial line to said Point bears North $50^{\circ}22'31''$ East; thence continuing Northwesterly along the arc of said curve through a central angle of $23^{\circ}55'14''$ a distance of 27.97 feet; thence tangent to said curve North $63^{\circ}32'43''$ West, 70.06 feet to the beginning of a tangent 62.00 foot radius curve concave Northeasterly; thence Northwesterly, Northerly and Northeasterly along the arc of said curve through a central angle of $86^{\circ}07'21''$ a distance of 93.19 feet; thence tangent to said curve North $22^{\circ}34'38''$ East, 42.97 feet to an angle point; thence North $40^{\circ}38'19''$ East, 28.00 feet to an angle point; thence North $52^{\circ}23'41''$ East, 69.85 feet to the beginning of a tangent 42.00 foot radius curve concave Northwesterly; thence Northeasterly along the arc of said curve through a central angle of $38^{\circ}49'04''$ a distance of 28.45 feet; thence tangent to said curve North $13^{\circ}34'37''$ East, 77.22 feet to a point herein designated and hereafter referred to as Point "C"; thence continuing North $13^{\circ}34'37''$ East, 77.82 feet to an angle point in the herein described centerline; thence North $25^{\circ}26'09''$ East, 51.58 feet to an intersection with the Southwesterly Sideline of Interstate Highway 8 as shown on Miscellaneous Survey No. 702, on file in the Office of the County Engineer of said County, said intersection bears South $23^{\circ}49'40''$ East, 338.51 feet from a 1 inch Iron Pipe with a Disc marked "Div. Hwys." and North $23^{\circ}49'40''$ West, 706.72 feet from a 1 inch Iron Pipe with a Disc marked "Div. Hwys.", said intersection is the Terminus of the herein described Centerline of Area 1.

EXHIBIT "B"

The sidelines of said 20.00 foot wide strip of Land are to begin in the North Boundary of said Map No. 14976 and terminate in the Southwest Sideline of said Interstate Highway 8 as shown on the aforementioned Miscellaneous Survey No. 702.

AREA 2

A 40.00 foot radius area of land lying within said Northwest Quarter of Section 36, excepting therefrom any portion thereof lying within that portion of land described in Area 1 above.

Commencing at Point "A" described in Area 1 above; thence South $83^{\circ}37'43''$ West, 8.55 feet to the center of the herein described 40.00 foot circle of land.

AREA 3

A 20.00 foot wide strip of land lying within said Northwest Quarter of Section 36, said 20.00 foot wide strip of land being 10.00 feet, measured radially, each side of and concentric with the following described centerline:

Beginning at Point "B" described in Area 1 above, a radial line to said point from said 67.00 foot radius curve bears North $50^{\circ}22'31''$ East; thence Northeasterly along the herein described centerline which is a 53.00 foot radius curve concave Southeasterly, a radial line to said 53.00 foot radius curve bears North $77^{\circ}43'14''$ West, through a central angle of $61^{\circ}49'02''$ a distance of 57.18 feet to a point herein designated and hereafter referred to as Point "D" and the terminus of the herein described centerline, a radial line to said terminus bears North $15^{\circ}54'12''$ West.

AREA 4

A 40.00 foot radius area of land lying within said Northwest Quarter of Section 36, excepting therefrom any portion thereof lying within that portion of land described in Area 3 above.

Commencing at Point "D" described in Area 3 above; thence North $48^{\circ}46'16''$ East, 34.69 feet to the center of the herein described 40.00 foot circle of land.

AREA 5

A 40.00 foot radius area of land lying within said Northwest Quarter of Section 36, excepting therefrom any portion thereof lying within that portion of land described in Area 1 above.

Commencing at Point "C" described in Area 1 above; thence South $87^{\circ}14'14''$ East, 35.68 feet to the center of the herein described 40.00 foot circle of land.

EXHIBIT "B"

Bearings shown hereon are based on the California Coordinate System NAD-83, Zone 6, Datum 2007, Epoch 2007. Bearings quoted from Record Documents may or may not be based on the same System.

The above described Areas of Land contain a total of 0.68 acres more or less.

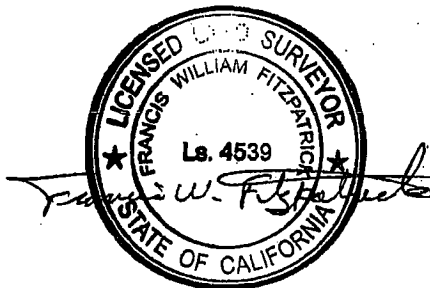
This legal description entitled Exhibit "B" was prepared by me or under my direct supervision.

Francis W. Fitzpatrick

Francis W. Fitzpatrick PLS No. 4539 License Expires 9/30/2020

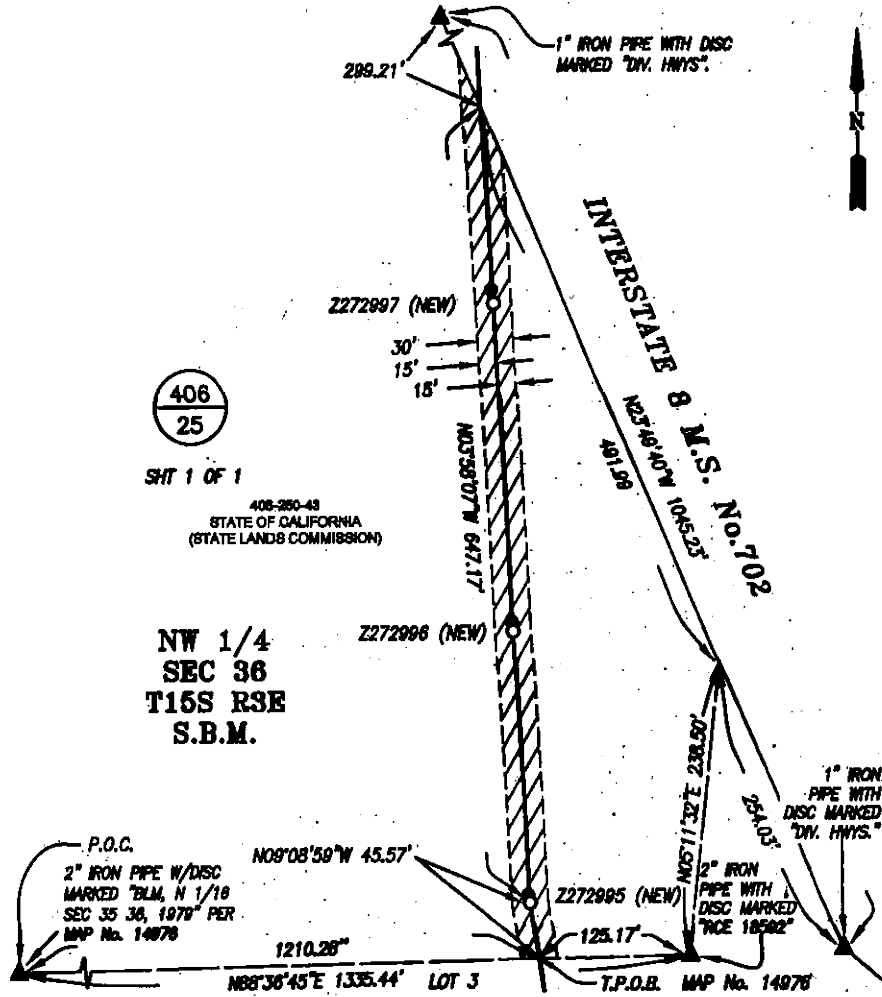
Oct 25, 2018

Date



NO SCALE

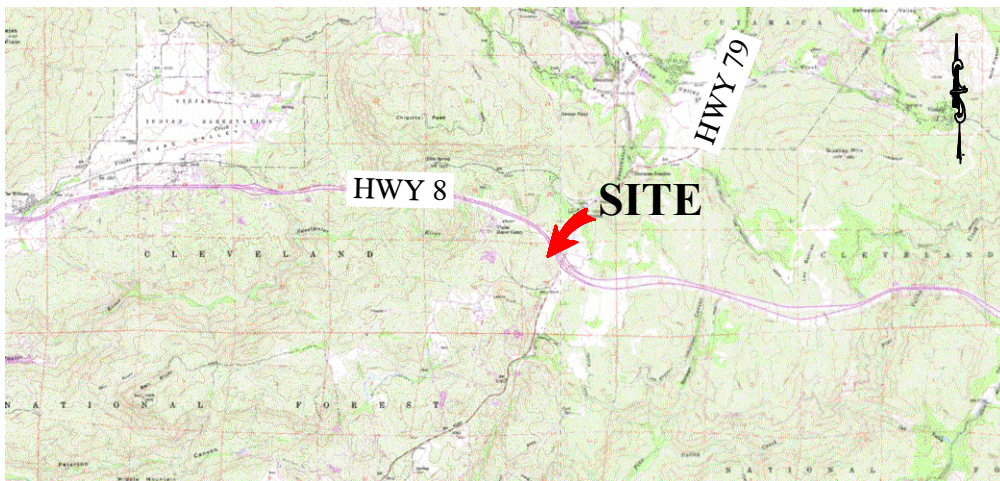
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TRANSMISSION LINE, NW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SECTION 36, T.15S., R.3E., SBM

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B-1

PRC 4451.2
 SAN DIEGO GAS & ELECTRIC
 COMPANY
 APN 406-250-43
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SAN DIEGO COUNTY



RGB 10/31/18

NO SCALE

SITE

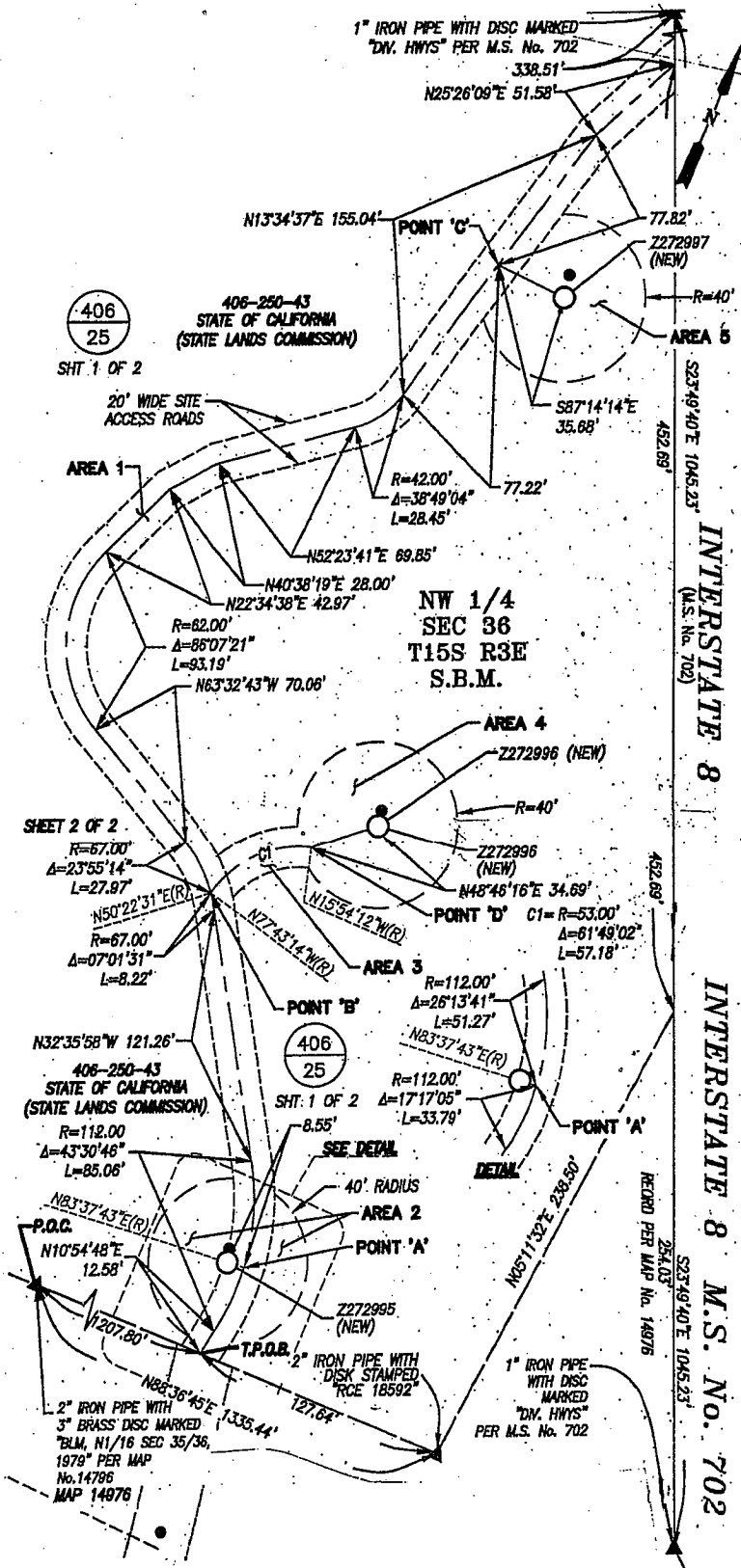


Exhibit B-2
 PRC 4451.2
 SAN DIEGO GAS & ELECTRIC
 COMPANY
 APN 406-250-43
 GENERAL LEASE -
 RIGHT-OF-WAY USE
 SAN DIEGO COUNTY



ROAD, NW¹/₄ OF NW¹/₄ OF SECTION 36, T.15S., R.3E., SBM
 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.