

**FIRST AMENDMENT
TO
USE AND OCCUPANCY PERMIT**
[SDG&E]

THIS FIRST AMENDMENT TO USE AND OCCUPANCY PERMIT ("First Amendment") is entered into by and between THE CITY OF SAN DIEGO, a California municipal corporation ("CITY") and **SAN DIEGO GAS & ELECTRIC COMPANY**, a California corporation ("PERMITTEE"), to be effective as of 2/1/16 (the "Effective Date") when signed by the parties and approved by the San Diego City Attorney, as follows:

Recitals

- A. CITY and PERMITTEE are parties to that certain CITY OF SAN DIEGO USE AND OCCUPANCY PERMIT (the "Permit") effective August 13, 2014.
- B. Under the Permit, PERMITTEE currently occupies a "Permit Area" of an approximate 1.6 acre portion of property commonly known as 3000 Block of Camino Del Rio North, San Diego, CA, as more particularly described in the Permit.
- C. PERMITTEE has requested an extension of the Permit, which currently expires January 31, 2016.

FOR VALUABLE CONSIDERATION, the sufficiency of which is acknowledged, the parties agree as follows:

- 1. Term. As of the Effective Date of this First Amendment, the definition of "Term" set forth in the Permit (although unnumbered in the Permit, it is the last definition within Section 1) shall be deleted in its entirety and replaced with the following:

"1.10 "Term" shall mean the time period during which this Permit shall be effective; said time period shall commence as of the Effective Date of this Permit and shall expire on December 31, 2016."

- 2. Monthly Rent. As of the Effective Date of this First Amendment, the definition of "Monthly Rent" set forth in Section 1.1 of the Permit shall be deleted in its entirety and replaced with the following:

"August 13, 2014 to August 31, 2014: Three Thousand Nine Hundred Twenty Dollars (\$3,920);

September 1, 2014 to July 31, 2015: Ten Thousand Three Hundred Ninety Five Dollars (\$10,395) per month; and

August 1, 2015 to July 31, 2016: Ten Thousand Eight Hundred Eleven Dollars (\$10,811) per month; and

August 1, 2016 to December 31, 2016: Eleven Thousand Two Hundred Forty Three Dollars (\$11,243) per month."

3. No Other Changes. Except as may render the terms of this First Amendment inoperable, all other terms and conditions of the Permit shall remain in full force and effect. Any conflict between the terms and conditions of the Permit and those of this First Amendment shall be resolved in favor of this First Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed by the parties' legally authorized representatives.

SAN DIEGO GAS & ELECTRIC COMPANY, a
California corporation

BY: Andrew I. Thompson
Andrew I. Thompson
Land Services Manager

THE CITY OF SAN DIEGO, a California
municipal corporation

BY: Cybele Thompson
Cybele Thompson
Real Estate Assets Director

Environmental Analysis Section Environmental Clearance:

This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines, section 15301 – Existing facilities and 15304(e) – Minor Alterations to Land.

Date: 12/17/15

By: Megha Herrmann
Name: Megha Herrmann
Title: Senior Planner

Approved as to Form:

JAN C. GOLDSMITH, City Attorney

BY: Debra J. Bevier
Name: Debra J. Bevier
Title: Deputy City Attorney
Date: 1/8/16



THE CITY OF SAN DIEGO

Date of Notice: December 10, 2015

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

PLANNING DEPARTMENT
Internal Order or WBS No. 21000022

PROJECT NAME/NUMBER: SAN DIEGO GAS & ELECTRIC – STAGING AREA – AMENDMENT TO AN EXISTING USE AND OCCUPANCY PERMIT

COMMUNITY PLAN AREA: Mission Valley

COUNCIL DISTRICT: 7

LOCATION: A 1.6 acre (69,300 SF) portion of CITY-owned real property commonly known as 3000 Block of Camino Del Rio North (APN 433-230-36) and comprised of fenced, unimproved land.

PROJECT DESCRIPTION: AMENDMENT TO AN EXISTING Use and Occupancy Permit to extend the permit expiration date to July 31, 2016. All other conditions of the existing U&O Permit will not change with this amendment and are for the exclusive use of the Permit Area solely for staging two approximate 40' office trailers, construction vehicles and equipment, employee vehicles, portable restrooms, trash dumpster, storage container for miscellaneous tools and materials, and fabrication of pipe fittings onto lengths of pipe, all in connection with PERMITTEE's "large pipe storage for various pipeline safety jobs." The Use and Occupancy Permit also requires that the PERMITTEE maintain a 20-foot radius around three (3) monitoring wells located within the Permit Area identified as DB-2a, DB-2 and DB-2b and shall remain free and clear of all materials and debris. A twelve (12) foot access route shall also be maintained around each monitoring well for City access.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego MAYOR-APPOINTED DESIGNEE

ENVIRONMENTAL DETERMINATION: This activity is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Sections §15301 - Existing facilities and 15304(e) - Minor Alterations to Land.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego Mayor-Appointed Designee

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:

This activity has been determined to be exempt from CEQA pursuant to CEQA Section 15301 (Existing Facilities) which allows for the operation, repair, maintenance, permitting, leasing, licensing or minor alterations of existing public or private structures or facilities involving negligible or no expansion of use; Section 15304(e) (Minor Alterations to Land) which consists of minor temporary use of land having negligible or no permanent effects on the environment; and where the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environment were identified; the project is not adjacent to a scenic highway; no historical resources would be affected by the action, and the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code. This permit will allow use of a limited area where no environmental impacts would result.

SUPERVISING PROPERTY AGENT:
MAILING ADDRESS:
PHONE NUMBER:

Mary Carlson
1200 Third Ave, #1700, San Diego, CA 92101
619-236-6079

On December 10, 2015 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (**December 24, 2015**). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

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Posted	<u>DEC 09 2015</u> <i>ml</i>
Removed	<u>DEC 30 2015</u>
Posted by	<u><i>Myra Lee</i></u>