

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

THIS SECOND AMENDMENT TO USE AND OCCUPANCY PERMIT ("Second 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 January 1, 2017 (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 December 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 Second 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 August 12, 2017."

- 2. Monthly Rent. As of the Effective Date of this Second 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.

January 1, 2017 to August 12, 2017: Twelve Thousand, Four Hundred Seventy-Four Dollars (\$12,474) per month."

3. No Other Changes. Except as may render the terms of this Second 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 Second Amendment shall be resolved in favor of this Second Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this Second 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: _____

By: See next page
Name: _____
Title: _____

Approved as to form this 3rd day
of January, 2016
MARA W. ELLIOTT
JANET GOLDSMITH, City Attorney

BY: Debra T. Bevier
Name: Debra T. Bevier
Title: Deputy City Attorney

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

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SAN DIEGO GAS & ELECTRIC COMPANY, a
California corporation

BY: _____
Andrew I. Thompson
Land Services Manager

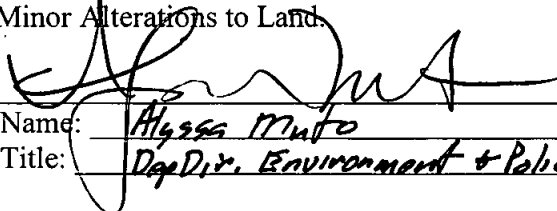
THE CITY OF SAN DIEGO, a California
municipal corporation

BY: _____
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: _____

By: 
Name: Agnes Muto
Title: Dep Dir. Environment & Policy Analysis

Approved as to form this _____ day
of _____, 2016.

JAN I. GOLDSMITH, City Attorney

BY: _____
Name: _____
Title: _____



Date of Notice: December 13, 2016

NOTICE OF RIGHT TO APPEAL

ENVIRONMENTAL DETERMINATION

PLANNING DEPARTMENT

PROJECT NAME/NUMBER: Second Amendment to Use and Occupancy Permit with San Diego Gas and Electric (SDG&E)

COMMUNITY PLAN AREA: Mission Valley

COUNCIL DISTRICT: 7

LOCATION: 3000 Block of Camino Del Rio North, San Diego, CA

PROJECT DESCRIPTION: Amendment to the Use and Occupancy Permit between the City of San Diego and SDG&E which includes changes to the Term and the Monthly Rent.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines Section 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:

The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment 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 such as work for existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, including grading rights of way for the purpose of public safety and Section 15304 (Minor Alterations to Land) which consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes; 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.

PROJECT MANAGER:

CITY CONTACT:

Dena T. Boylan,
Real Estate Assets

MAILING ADDRESS:

1200 Third Avenue, Suite 1700
San Diego, CA 92101

PHONE NUMBER:

(619) 236-6081

On December 13, 2016, 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 Project Manager listed above.

Applications to appeal CEQA determination 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 28, 2016**). 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.

POSTED IN THE OFFICE OF DSD

POSTED: 12/13/16 *rmw*

REMOVED: JAN 06 2017

POSTED: R. White