MINUTE ITEM
This Calendar Item No. C05
was approved as Minute Item
No. C05 by the State Lands
Commission by a vote of 3
to ___ at its 3/27/90
meeting.

CALENDAR ITEM

A 74

S 38

C 05

03/27/90
WP 1409
N. Smith
Townsend

GENERAL LEASE - INDUSTRIAL USE

APPLICANT: San Diego Gas and Electric Company
Attn: Mr. R. H. Baumgarten
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, City of Carlsbad, San Diego County.

LAND USE: Continued use and maintenance of a cooling water discharge channel used in conjunction with the upland Encina Power Plant.

TERMS OF ORIGINAL LEASE:
Initial period: Ten (10) years beginning July 8, 1979.

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

Consideration: $6,369 per annum; five-year rent review.

TERMS OF PROPOSED LEASE:
Initial period: Ten (10) years beginning July 8, 1989.

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

CONSIDERATION: $12,690 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

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

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. The State Lands Commission initially entered into a lease agreement with San Diego Gas and Electric (SDG&E) in 1954 for the cooling water discharge channel, for a term of 15 years, with two renewal options of ten years each. The second ten-year renewal period of the lease expired July 7, 1989. SDG&E has submitted an application for a new ten-year lease which provides for the continued use and maintenance of the channel into the Pacific Ocean.

   The subject property is a cooling water discharge channel for the release of hot water passing through the upland Encino Power Plant. The discharge channel is delineated by rock riprap that juts from the beach into the ocean. The channel has a fence around its perimeter with signs which state that no trespassing is allowed. Along the south fence, there is a permanent opening used by surfers and fisherman. The plant is used in conjunction with the California State

University at San Diego for an environmental research facility for the University's Marine Science Program.

2. 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.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Code Regs 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

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. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(a)(2).

2. AUTHORIZE ISSUANCE TO SAN DIEGO GAS AND ELECTRIC COMPANY OF A TEN-YEAR GENERAL LEASE - INDUSTRIAL USE, BEGINNING JULY 8, 1989; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $12,690, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $1,000,000; FOR THE CONTINUED USE AND MAINTENANCE OF A COOLING WATER DISCHARGE CHANNEL ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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 the 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 of the Pacific Ocean.

This description based on the California Coordinate System (1927), Zone 6.

END OF DESCRIPTION

REVIEWED JUNE 20, 1989 BY BIU 1.

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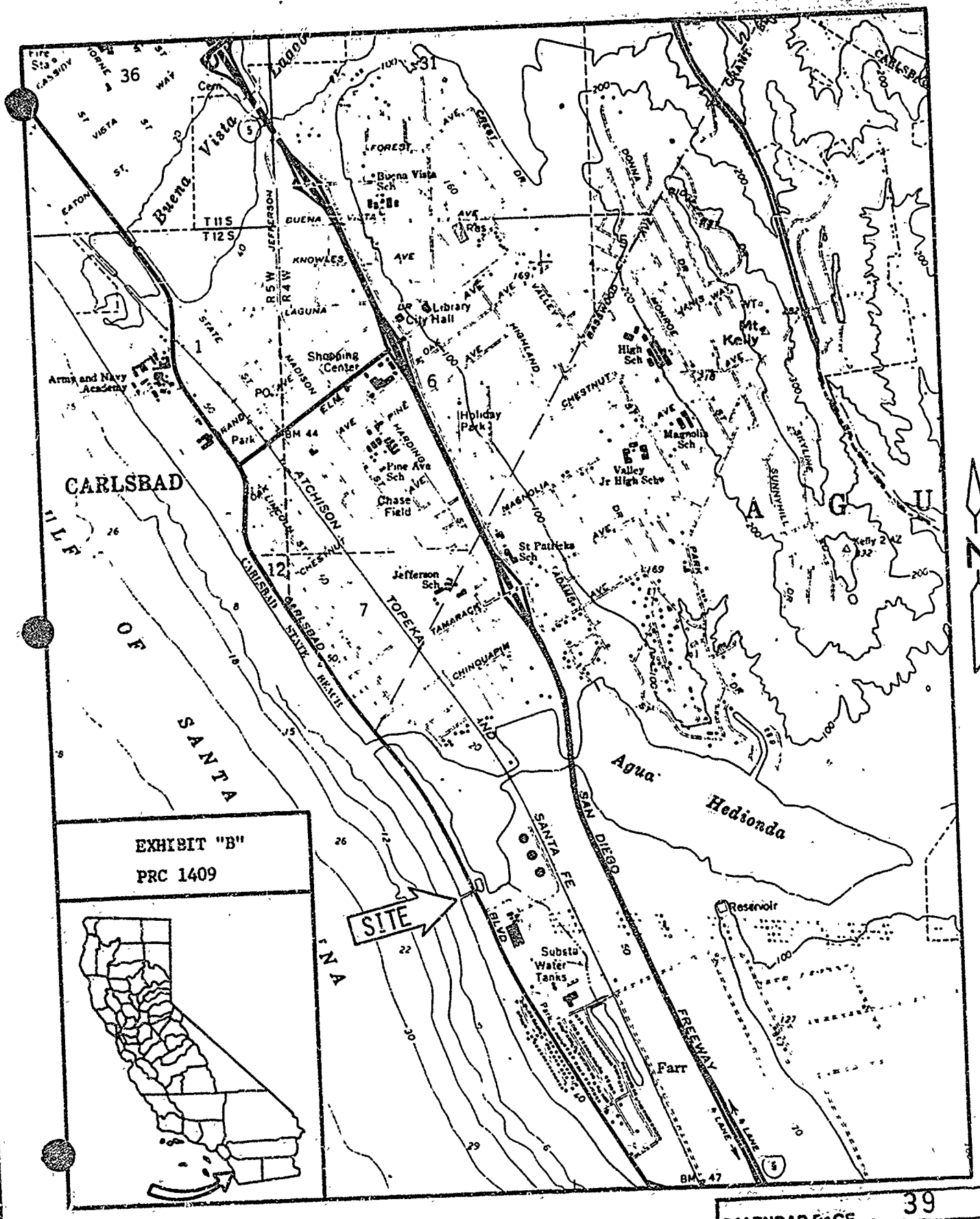

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