

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS DATE: 5/31/16

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

928



FROM: Economic Development Agency

SUBMITTAL DATE:
 June 9, 2016

SUBJECT: Assignment of License – Santa Rosa Mountain – PSTV Communication Site, District 4, CEQA Exempt [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Class 1 Existing Facilities Exemption and 15061 (b)(3) "Common Sense" Exemption, and direct the Clerk of the Board to file the Notice of Exemption;
2. Consent to the Assignment of License and authorize the Chairman of the Board to sign the letter of consent on behalf of the County; and
3. Authorize the Assistant County Executive Officer of the Economic Development Agency, or his designee, to execute any other documents and administer all actions necessary to complete this transaction.

BACKGROUND:

Summary
 (Commences on Page 2)

[Signature]

Robert Field
 Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: N/A
 Budget Adjustment: No
 For Fiscal Year: 2015/16

C.E.O. RECOMMENDATION:

APPROVE
 BY: *[Signature]*
 Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

By: *[Signature]*
 Steve Renecker, Chief Information Officer
 Riverside County Information Technology

- A-30
- 4/5 Vote
- Positions Added
- Change Order

3-30

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Economic Development Agency

FORM 11: Assignment of License – Santa Rosa Mountain – PSTV Communication Site, District 4, CEQA

Exempt [\$0]

DATE: June 9, 2016

PAGE: 2 of 2

BACKGROUND:

Summary

There is an existing license agreement between the County of Riverside (County), and PSTV Partners, LLC (Licensee), for the purpose of maintaining and operating electronic communication equipment on certain County owned land situated on the crest of Santa Rosa Mountain within Section 21, Township 7, Range 5, East, San Bernardino Base and Meridian. Pursuant to the terms of that certain License agreement dated November 7, 2006, and as amended by the First Amendment to License Agreement dated January 20, 2016, Licensor under that certain agreement, is required to secure written consent of the County for any assignment of the License.

The Licensee desires to donate its right, title and interest in and to the License to KCETLink, a California corporation. Furthermore, the attached Assignment of License is a three party agreement between the County, Licensee, and KCETLink, which will allow for KCETLink to assume the rights and obligations set forth in the License Agreement, and amended on the First Amendment to License Agreement.

The Assignment of License has been reviewed and determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b) (3) and Section 15301 Class 1, Existing Facility, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The County's approval of the activity does not create any reasonably foreseeable physical change to the environment for this transaction.

Impact on Citizens and Businesses

There will be no change to the current communications facility other than the change of ownership from the transfer of interest. The negotiated revenue from this facility will continue to help fund and pay for public safety communications which will benefit both businesses and residents alike.

SUPPLEMENTAL:

Additional Fiscal Information

There are no costs associated with this Form 11.

Attachments:

Assignment of License

CEQA Notice of Exemption

Aerial Image

ASSIGNMENT OF LICENSE

THIS ASSIGNMENT OF LICENSE (“**Assignment**”) is made and entered into as of this _____ day of April, 2016, by and between PSTV PARTNERS, LLC, located at 1053 S. Palm Canyon Dr., Palm Springs, CA 92264 (“**Assignor**”) and KCETLink, a California corporation, located at 2900 West Alameda Avenue, Burbank, CA 91505 (“**Assignee**”) and is made with reference to the following facts:

RECITALS

- A. Whereas, the County of Riverside owns certain land situated on the crest of Santa Rosa Mountain within Section 21, Township 7, Range 5, East, San Bernardino Base and Meridian for the purpose of installing maintaining and operating facilities for electronic communication (“**Property**”); and
- B. Whereas, pursuant to the terms of that certain License dated Nov. 7, 2006, between the County of Riverside (“**Licensor**”) and Assignor as amended by the First Amendment to License Agreement dated January 26, 2016, Assignor as Licensee under the License is required to secure the written consent of the Licensor for any assignment of the License; and
- C. Whereas, Assignor desires by this Assignment to assign and convey to Assignee all of Assignor’s right, title and interest in and to the License with the permission and consent of Licensor.

The parties therefore agree as follows:

1. Assignment. Assignor hereby assigns to Assignee all of its right, title and interest in and to the License to the Property.
2. Assumption. Assignee hereby assumes the rights and obligations of Assignor as the Licensee under the License. All payments and performances by Licensee in favor of Licensor will hereafter be directed to Licensor as follows:

County of Riverside
Economic Development Agency
Accounting & Finance Department
3133 Mission Inn Avenue
Riverside, CA 92557
License ID: CO010

3. Counterparts. This Assignment may be executed in counterparts and when so executed by both parties, each such counterpart will constitute an original document.

[Signatures Set Forth on Following Page]

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date and year first above written.

Assignor

Assignee

MAR 30 2016

SEE ATTACHED
NOTARY CERTIFICATE

PSTV Partners, LLC

KCETLink

Jonathan D. Kramer, Notary Public

BY: 

BY:  Acknowledgment

Mitchell Sussman, Managing Member

June M. Baldwin, Senior Vice President


CONSENT OF LICENSOR

The County of Riverside hereby consents to the Assignment of the herein above described License.

County of Riverside, a political subdivision of the State of California

APPROVED AS TO FORM:
Gregory P. Priamos, County Counsel

By: _____
John J. Benoit,
Chairman, Board of Supervisors

By:  _____
Todd Frahm
Deputy County Counsel

ATTEST:

CLERK OF THE BOARD
Kecia Harper-Ihem

By: _____

Deputy

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF Los Angeles

On MAR 30 2016 before me, Jonathan D. Kramer, Notary Public (here insert name and title of the officer), personally appeared JUNE M BALOWIN, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Jonathan D. Kramer, Notary Public

(Seal)



DUPLICATE EMBOSSEMENT
ON ORIGINAL DOCUMENT
Acknowledgment
Jonathan D. Kramer, Notary Public
MAR 30 2016

JONATHAN D. KRAMER
Commission # 2068560
Notary Public - California
Los Angeles County
My Comm. Expires Jun 13, 2018

NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

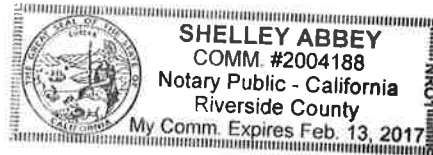
COUNTY OF Riverside)

On 4/7/2016 before me, Shelley Abbey, Notary Public (here insert name and title of the officer), personally appeared Mitchell Sussman, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Shelley Abbey





NOTICE OF EXEMPTION

March 29, 2016

Project Name: County of Riverside, Economic Development Agency (EDA) Assignment of License, Santa Rosa Mountain

Project Number: FM047165001000

Project Location: north of Forest Route 7S02; approximately 2.2 miles south of Palms to Pines Highway 74; Unincorporated Riverside County, California; Assessor's Parcel Number (APN) 636-210-010 (See Attached Exhibit)

Description of Project: The County of Riverside (County) has an existing ground lease with PSTV Partners (Licensee) doing business as Desert Cities Public Television that entitles PSTV Partners to maintain and operate a communication facility on County-owned property. The property is situated on the crest of the Santa Rosa Mountain within District 4, north of Forest Route 7S02 on APN 636-210-010. Pursuant to the terms of License Agreement dated November 7, 2006, and as amended by the First Amendment to License Agreement dated January 20, 2016, the Licensee is required to secure written consent from the County for any assignment of the License. The Licensee desires to donate its right, title and interest in and to the License to KCETLink, a California corporation. Furthermore, an Assignment of License has been created, which is a three party agreement between the County, Licensee, and KCETLink, which will allow for KCETLink to assume the rights and obligations set forth in the License Agreement, and amended on the First Amendment to License Agreement. The Assignment of the License to KCETLink is identified as the Project under the California Environmental Quality Act (CEQA). The use of the site under KCETLink would occur in the same manner as with the existing use. The operation of the facility will continue to provide public safety communications services and will not result in a change or an expansion of existing use. No additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: County of Riverside, Economic Development Agency

Name of Person or Agency Carrying Out Project: County of Riverside, Economic Development Agency, PSTV Partners, and KCETLink

Exempt Status: State CEQA Guidelines, Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption, Codified under Title 14, Articles 5 and 19, Sections 15061 and 15300 to 15301.

Reasons Why Project is Exempt: The proposed Project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The Project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The Project will not cause an impact to an environmental resource of hazardous or critical concern nor would the Project include a reasonable possibility of having a significant effect on the environment due to unusual circumstances. The Project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with the Assignment of License which is limited to a transfer of the existing lease to a new entity.

P.O. Box 1180 • Riverside, California • 92502 • T: 951.955.8914 • F: 951.955.6686

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- **Section 15301 – Class 1 Existing Facilities Exemption:** This categorical exemption includes the operation, repair, maintenance, leasing, or minor alteration of existing public or private structures or facilities, provided the exemption only involves negligible or no expansion of the previous site’s use. The Project, as proposed, is limited to the Assignment of License which is limited to a transfer of the existing lease to a new entity. The use of the site would continue in the same manner as under the current lease and would not require any expansion of service or facilities; therefore, the Project is exempt as the Project meets the scope and intent of the Class 1 Exemption identified in Section 15301, Article 19, Categorical Exemptions of the CEQA Guidelines.
- **Section 15061 (b) (3) – “Common Sense” Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid.* This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the Project may have a significant effect on the environment. The proposed Assignment of License will not result in any direct or indirect physical environmental impacts. The use and operation of the facility will be substantially similar to the existing use and will not create any new environmental impacts to the surrounding area. No alterations and no impacts beyond the ongoing, existing use of the site would occur. Therefore, in no way, would the Project as proposed have the potential to cause a significant environmental impact and the Project is exempt from further CEQA analysis.

Based upon the identified exemptions above, the County of Riverside, Economic Development Agency hereby concludes that no physical environmental impacts are anticipated to occur and the Project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed:  Date: 3/29/16

Mike Sullivan, Senior Environmental Planner
County of Riverside, Economic Development Agency

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Santa Rosa Mountain Assignment of License

Accounting String: 524830-47220-7200400000- FM047165001000

DATE: March 29, 2016

AGENCY: Riverside County Economic Development Agency

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO BILL FOR FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: Mike Sullivan, Senior Environmental Planner, Economic Development Agency

Signature: _____



PRESENTED BY: Jose Ruiz, Real Property Agent I, Economic Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -



Date: March 29, 2016

To: Mary Ann Meyer, Office of the County Clerk

From: Mike Sullivan, Senior Environmental Planner, Project Management Office

Subject: **County of Riverside Economic Development Agency Project # FM047165001000**
Santa Rosa Mountain Assignment of License

The Riverside County's Economic Development Agency's Project Management Office is requesting that you post the attached Notice of Exemption. Attached you will find an authorization to bill by journal voucher for your posting fee.

After posting, please return the document to:

Mail Stop #1330

Attention: Mike Sullivan, Senior Environmental Planner,

Economic Development Agency,

3403 10th Street, Suite 400, Riverside, CA 92501

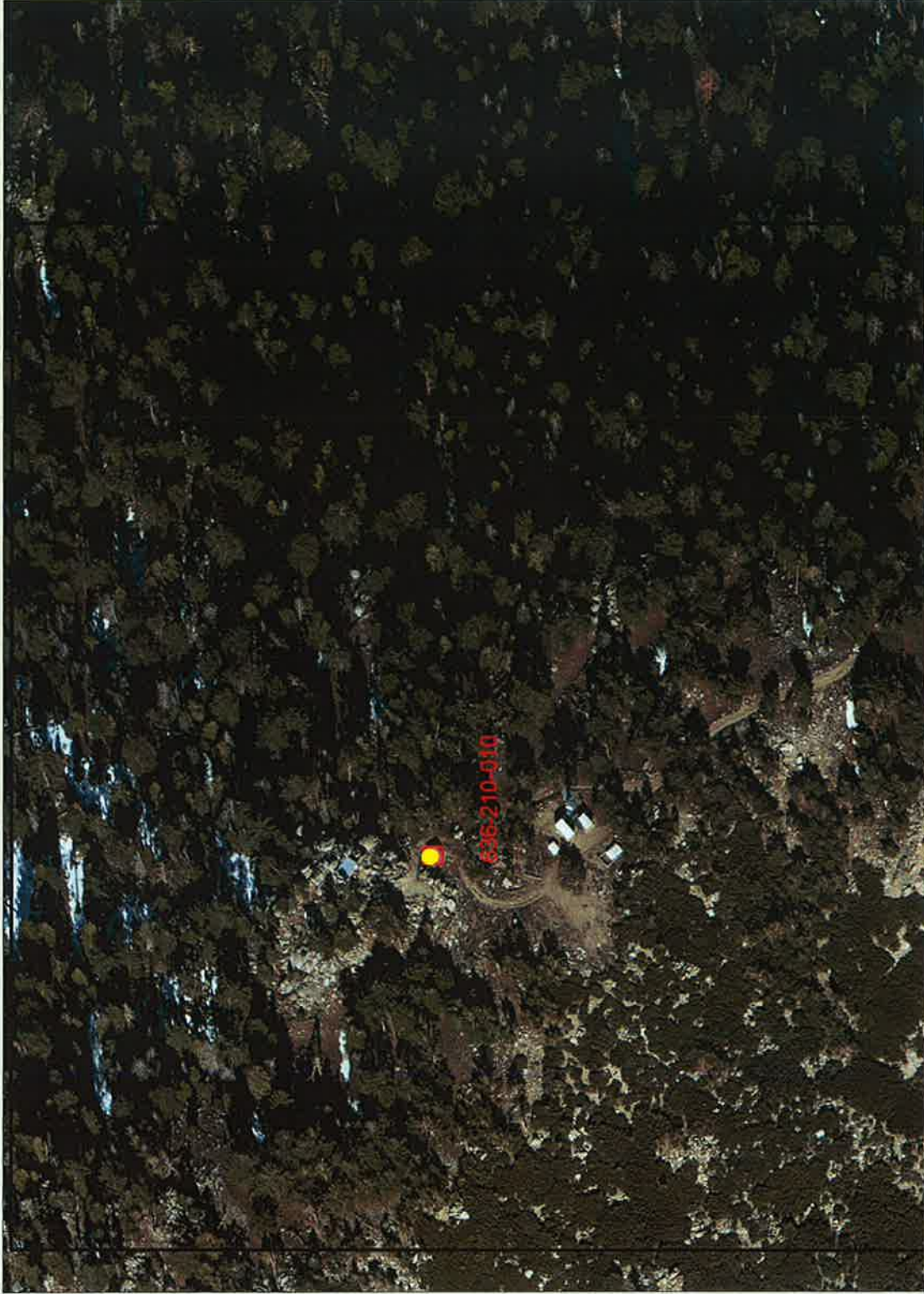
If you have any questions, please contact Mike Sullivan at 955-8009.

Attachment

cc: file

Assignment of License – PSTV Communication Site

Santa Rosa Mountain Road, Coachella CA, 92236



Legend

- City Boundaries
- Cities



0 236 472 Feet

472 Feet



Notes
APN#: 636-210-010

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 3/29/2016 2:11:13 PM

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