

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

350



FROM: Economic Development Agency

SUBMITTAL DATE:

September 13, 2016

SUBJECT: Consent to Sublease of Ground Lease for a Communications Site – Verizon Nandina, District 1, 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 a Sublease of Ground Lease for a Communications Site 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)

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: 2016/17	

C.E.O. RECOMMENDATION:

APPROVE

BY:
Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL 9/22/16
DATE
BY: GREGORY P. PRAMOS

Departmental Concurrence

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

3-9

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

Economic Development Agency

FORM 11: Consent to Sublease of Ground Lease for a Communications Site – Verizon Nandina, District 1,
CEQA Exempt [\$0]

DATE: September 13, 2016

PAGE: 2 of 2

BACKGROUND:

Summary

There is an existing sublease agreement for a communications site that is dated February 27, 2012, between the County of Riverside (County), and Los Angeles SMSA Limited Partnership, a California limited partnership, doing business as Verizon Wireless (Verizon). The sublease agreement gave Verizon the authorization to build, operate, and maintain a communication facility (including a tower structure) in a small area adjacent to the shooting range at the Ben Clark Training Center, located at 17425 Ferguson Avenue, Riverside, California 92508 (Verizon Nandina). The existing sublease term expires March 31, 2017 and Verizon has the option to extend the term with four consecutive options, each representing five years. On February 5, 2015 Verizon entered into an agreement with American Tower Corporation (American Tower), regarding a portion of Verizon's tower portfolio, including the right for American Tower to manage and operate Verizon's portfolio. This letter of consent provides Verizon the ability to sublease to American Tower.

The consent of sublease has been reviewed and determined to be categorically 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 property manager from the transfer of sublease. 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

Any costs associated with this transaction shall be paid for by the applicant.

Attachments:

Consent Letter

CEQA Notice of Exemption

Aerial Image



NOTICE OF EXEMPTION

July 20, 2016

Project Name: County of Riverside, Economic Development Agency (EDA) Verizon Nandina Consent to a Sublease of Ground Lease, Riverside

Project Number: FM0473462012000

Project Location: 17425 Ferguson Avenue; adjacent to Ben Clark Training Center shooting range, south of Van Buren Boulevard; Riverside, California; Assessor's Parcel Number (APN) 295-020-005 (See Attached Exhibit)

Description of Project: The County of Riverside (County) has an existing sublease agreement for a communications site, dated February 27, 2012, with Los Angeles SMSA Limited Partnership, a California limited partnership, doing business as Verizon Wireless (Verizon), that entitles Verizon to maintain and operate a communication facility on County-owned property. The property (including a tower structure) is located in a small area adjacent to the shooting range at the Ben Clark Training Center, located at 17425 Ferguson Avenue, Riverside, California 92508 on APN 295-020-005. The existing sublease term expires March 31, 2017, and Verizon has the option to extend the term with four consecutive options, each representing five years. On February 5, 2015 Verizon entered into an agreement with American Tower Corporation (American Tower), regarding a portion of Verizon's tower portfolio, including the right for American Tower to manage and operate the portfolio. The portfolio includes the Verizon Nandina site, for which Verizon is identified as the sole tenant in the Agreement(s). The Consent to a Sublease of Ground Lease provides authorization to the transfer of sublease from Verizon, to American Tower. The Transfer of the Sublease of Ground Lease identified as the Project under the California Environmental Quality Act (CEQA). The use of the site under ownership of 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, Verizon Nandina, and American Tower

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 consent to a sublease of ground lease, which is limited to a transfer of the existing sublease to a new managing entity.

- **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 a transfer of the existing sublease to a new managing 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 consent to a sublease of ground lease 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: 7/20/16

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

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Verizon Nandina Consent to a Sublease of Ground Lease, District 1, Riverside

Accounting String: 524830-47220-7200400000- FM0473462012000

DATE: July 20, 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, Economic Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: _____

DATE: _____

RECEIPT # (S) _____



Date: July 20, 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 # FM0473462012000**
Verizon Nandina Consent to a Sublease of Ground Lease, District 1 Riverside

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

Consent to Sublease of Ground Lease- American Tower

17425 Ferguson Avenue, Riverside, CA 92508



Legend

-  City Boundaries
-  Cities



0 274 549 Feet



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...7/19/2016 10:04:32 AM

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Notes

APN: 295-020-005



June 8, 2016

County of Riverside
Economic Development Agency
Real Estate Division
3133 Mission Inn Avenue
Riverside, CA 92507

Re: Notice of and consent to sublease of Ground Lease 110219 (“Ground Lease”) and subsequent leaseback of a portion of Site 211006], located at 17425 Ferguson Avenue, Riverside, CA 92508 (the “Site”)

On February 5, 2015, Verizon Communications Inc. (“Verizon”) entered into an agreement (“Agreement”) with American Tower Corporation (“American Tower”) regarding a portion of Verizon’s tower portfolio (the “Portfolio”), including the right for American Tower to manage and operate the Portfolio. Your Ground Lease and the Site associated with the Ground Lease are part of the Portfolio.

American Tower and Verizon closed the initial transactions contemplated under the Agreement (“Transaction”) effective on March 27, 2015. As part of the Transaction, Verizon’s affiliate party to the Ground Lease desires to:

- (i) sublease the Ground Lease to American Tower’s affiliate entity ATC Sequoia LLC, a Delaware limited liability company and
- (ii) leaseback a portion of the Site from American Tower or one of its affiliates and retain certain rights to continue using such portion of the Site (such sublease and leaseback hereinafter referred to as the “Ground Lease Sublease and Leaseback”).

The Ground Lease Sublease and Leaseback has not yet occurred with respect to your Ground Lease, however, American Tower is operating as the manager of your Ground Lease and Site on behalf of Verizon.

The consent given by signing this letter will be effective upon your receipt of a signing bonus (“Signing Bonus”) in the amount of \$5,000.00, which shall be paid to you within thirty (30) days of American Tower’s receipt of this properly executed letter. This condition will be deemed waived if we do not receive the properly executed letter by September 1, 2016.

The undersigned consents to the Ground Lease Sublease and Leaseback as set forth above.


*** Remainder of Page Intentionally Blank – Signature Page Follows***

ATC Site Number: 418656
ATC Lease Number: VZL110219
VZ Site Number: 211006
VZ Lease Number: 110219

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

**ATC Sequoia LLC, a Delaware
limited liability company**

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

By: _____

Shawn Lanier
Vice President - Legal


Dated: _____

Dated: 7-13-16

Attest:
Kecia Ithem-Harper
Clerk of the Board

By: _____

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

By: _____

Todd Frahm,
Deputy County Counsel