

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



**ITEM: 3.11
(ID # 15426)**

MEETING DATE:
Tuesday, August 17, 2021


FROM : FACILITIES MANAGEMENT AND RIVERSIDE COUNTY PROBATION
DEPARTMENT :


SUBJECT: FACILITIES MANAGEMENT-REAL ESTATE (FM-RE) AND RIVERSIDE COUNTY PROBATION DEPARTMENT: Ratification and Approval of the First Amendment to License Agreement between County of Riverside as Licensee and Banning Sportsman Club, Inc., as Licensor, 250 Mias Canyon Road, Probation Department, 2-Year License Extension, CEQA Exempt, District 5. [\$12,584, 100% General Fund] (Clerk to File Notice of Exemption)

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, Existing Facilities exemption and Section 15061(b)(3) "Common Sense" exemption;
2. Ratify and Approve the attached First Amendment to License Agreement between the County of Riverside, a political subdivision of the State of California, as Licensee, and Banning Sportsman Club, Inc., a California Corporation, as Licensor, and authorize the Chair of the Board to execute the same on behalf of the County; and
3. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk within five (5) days of approval by the Board.

ACTION:Policy


Rose Salgado, Director of Facilities Management 7/2/2021


Ronald L. Miller, Chief Probation Officer 7/8/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Jeffries duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: August 17, 2021
xc: FM, Probation, Recorder

Kecia R. Harper
Clerk of the Board

By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$6,292	\$6,292	\$12,584	\$ 0
NET COUNTY COST	\$6,292	\$6,292	\$ 12,584	\$ 0
SOURCE OF FUNDS: 100% General Fund			Budget Adjustment:	No
			For Fiscal Year:	2021/22- 2022/23

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On October 22, 2019, the County of Riverside (County) approved a License Agreement (License) on behalf of the Probation Department and with Banning Sportsman Club (Minute Order 3-9). The License is for the use of a shooting range located at 250 Mias Canyon Road, Banning, California. The shooting range is necessary for training operations of the Probation Department and continues to meet their needs. This First Amendment (Amendment) will extend the term for two years effective July 1, 2021.

Pursuant to the California Environmental Quality Act (CEQA), the Amendment was reviewed and determined to be categorically exempt from CEQA under State CEQA Guidelines Section 15301, Class 1 – Existing Facilities exemption and Section 15061(b)(3), Common Sense exemption. The proposed project, the Amendment, is the continuation of the letting of property involving existing facilities with no significant physical changes and no expansion of an existing use occurring.

The Amendment is summarized below as follows:

Licensors: Banning Sportsman Club, Inc.
 P.O. Box 841
 Banning, California 92220

Premises: 250 Mias Canyon Road, Banning California

Term: Two years, commencing July 1, 2021

Annual Rent Payment: Current New
 \$2,400.00 per year \$6,000.00 per year

Maintenance: Provided by Licensor

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STATE OF CALIFORNIA**

Impact on Residents and Businesses

The shooting range is an important component for the training operations of the Probation Department.

Additional Fiscal Information

See attached Exhibits A and B. All associated costs for this Amendment will be budgeted in FY21/22-FY22/23 by the Probation Department. Probation will reimburse FM-RE for all associated License costs on an annual basis.

Contract History and Price Reasonableness

This is a two-year License extension and the rate is deemed competitive based upon the current market.

<u>License</u>	<u>Date and M.O.</u>
License	October 22, 2019 (M.O. 3-9)

Attachments:

- First Amendment
- Exhibits A & B
- Notice of Exemption
- Aerial Image

CD:dr/06172021/BA015/30.531



Meghan Hahn, Administrative Analyst

8/8/2021



Gregory V. Priamos, Director County Counsel

8/2/2021

1 **FIRST AMENDMENT TO LICENSE AGREEMENT**

2 250 MIAS CANYON, BANNING, CALIFORNIA 92220

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5 This **FIRST AMENDMENT TO LICENSE AGREEMENT** ("First Amendment"),
6 dated as of AUG 17 2021, is entered by and between the **COUNTY OF**
7 **RIVERSIDE**, a political subdivision of the State of California, ("County" or "Licensee"),
8 and **BANNING SPORTSMAN CLUB, INC.**, a California Corporation, ("Licensor"),
9 sometimes collectively referred to as the "Parties".

10 **RECITALS**

11 A. Banning Sportsman Club, Inc., as Licensor, and County, have entered
12 into that certain License Agreement dated October 22, 2019, (the "Original License")
13 pursuant to which the Licensor has authorized the County to use the facility located at
14 250 Mias Canyon, Banning, California, as more particularly described in the Original
15 License.

16 B. The Original License together with the Amendment are collectively
17 referred to hereinafter as the "License."

18 C. The Parties now desire to extend the term and modify the rent.

19 **NOW THEREFORE**, for good and valuable consideration the receipt and
20 adequacy of which is hereby acknowledged, the parties agree as follows:

21 1. **Term.** Section 2 of the License is hereby amended as follows:

22 The term of this Lease shall be extended for a period of two (2) years effective July 1,
23 2021 and expiring on June 30, 2023.

24 2. **Consideration.** Section 3 of the License is hereby amended as follows:

25 County shall make yearly payments payable to The Banning Sportsman Club, Inc., in
26 the amount of Six Thousand Dollars (\$6,000.00), as rent for use of the Premises.
27 County will pay any and all charges on a yearly basis, payable on July 1st of each year
28 during the term of this License to:

1 Banning Sportsman Club
2 P.O. Box 841
3 Banning, California 92220
4

5 3. **First Amendment to Prevail.** The provisions of this First Amendment
6 shall prevail over any inconsistency of conflicting provisions of the License, as
7 heretofore amended, and shall supplement the remaining provisions thereof.

8 4. **Miscellaneous.** Except as amended or modified herein, all the terms of
9 the Original License shall remain in full force and effect and shall apply with the same
10 force and effect. Time is of the essence in this Amendment and the License and each
11 and all their respective provisions. Subject to the provisions of the License as to
12 assignment, the agreements, conditions, and provisions herein contained shall apply to
13 and bind the heirs, executors, administrators, successors and assigns of the parties
14 hereto. If any provisions of this Amendment or the License shall be determined to be
15 illegal or unenforceable, such determination shall not affect any other provision of the
16 License and all such other provisions shall remain in full force and effect. The
17 language in all parts of the License shall be construed according to its normal and usual
18 meaning and not strictly for or against either Licensor or County. Neither this
19 Amendment, nor the Original License, nor any notice nor memorandum regarding the
20 terms hereof, shall be recorded by Licensee.

21 5. **Effective Date.** This First Amendment to License shall not be binding or
22 consummated until its approval by the Riverside County Board of Supervisors and fully
23 executed by the Parties.

24 (Signatures on the following page)
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IN WITNESS WHEREOF, the parties have executed this First Amendment as of the date first written above.

COUNTY:
COUNTY OF RIVERSIDE, a political subdivision of the State of California

LICENSOR:
BANNING SPORTSMAN CLUB, INC, a California Corporation

By: Karen S. Spiegel
Karen Spiegel, Chair
Board of Supervisors
AUG 17 2021

By: Guy Thomas
Guy Thomas, Chief Financial Officer

ATTEST:
Kecia Harper
Clerk of the Board

By: [Signature]
Deputy

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

By: [Signature]
Wesley Stanfield
Deputy County Counsel

CD:dr/05262021/BA015/30.531

County of Riverside
Facilities Management
3133 Mission Inn Avenue, Riverside, CA

FOR COUNTY CLERK USE ONLY

COPY

sent to records

NOTICE OF EXEMPTION

July 12, 2021

Project Name: Probation Department First Amendment to License Agreement with Banning Sportsman Club

Project Number: FM042130001500

Project Location: 250 Mias Canyon Road; north of Bluff Street; Banning, CA 92220, California; Assessor's Parcel Number (APN) 531-110-005

Description of Project: The County of Riverside (County) entered into a License Agreement on behalf of the Probation Department and with Banning Sportsman Club, Inc., on October 22, 2019, approved by the Board of Supervisors as Minute Order 3-9. The License Agreement is for the use of a shooting range located at 250 Mias Canyon Road, Banning, California. The shooting range is necessary for training operations of the Probation Department and continues to meet their needs. This First Amendment will extend the term for two years effective July 1, 2021. The First Amendment to the License Agreement with Banning Sportsman Club, Inc. is identified as the proposed project under the California Environmental Quality Act (CEQA). The proposed project would involve the letting of space and would involve ongoing use of an existing facility for the Probation Department. No expansion of the existing facility will occur. The operation of the facility will continue to serve Probation Department needs and no additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: Riverside County

Name of Person or Agency Carrying Out Project: Riverside County Facilities Management

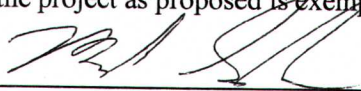
Exempt Status: State CEQA Guidelines Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

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 involve unusual circumstances that could potentially have a significant effect on the environment. 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 First Amendment to the License Agreement.

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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 an extension of an existing License for the use of an existing facility to satisfy the Department of Probation training needs. The First Amendment will extend the Lease for an additional two-year term; will not require physical modifications to the existing facility which would increase or expand the use of the site; and is limited to the continued use of the site in a similar capacity. 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 extension of the 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 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.

Therefore, the County of Riverside Facilities Management 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: 7/12/21
 Mike Sullivan, Senior Environmental Planner
 County of Riverside, Facilities Management

250 Mias Canyon Road, Banning

Probation License



Legend

- Parcels
- Blueline Streams
- ▨ City Areas



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.

Notes

Exhibit A/Aerial Image

0 752 1,505 Feet

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Exhibit A

FY 2021/22

Probation Shooting Range
250 Mias Canyon, Banning

ESTIMATED AMOUNTS

Lease Cost per Year (July-June)	\$	6,000.00
Total Lease Cost (July-June)	\$	6,000.00
Total Estimated Lease Cost for FY 2021/22	\$	6,000.00
<u>Estimated Additional Costs:</u>		
FM Lease Management Fee as of 7/01/2021- 4.86%	\$	291.60
TOTAL ESTIMATED COST FOR FY 2021/22	\$	6,291.60
TOTAL COUNTY COST FOR FY 2021/22 100%	\$	6,291.60

Exhibit B

FY 2022/23
Probation Shooting Range
250 Mias Canyon, Banning

ESTIMATED AMOUNTS

Lease Cost per Year (July-June)	\$	6,000.00
Total Lease Cost (July-June)	\$	6,000.00
Total Estimated Lease Cost for FY 2022/23	\$	6,000.00
<u>Estimated Additional Costs:</u>		
FM Lease Management Fee as of 7/01/2021- 4.86%	\$	291.60
TOTAL ESTIMATED COST FOR FY 2022/23	\$	6,291.60
TOTAL COUNTY COST FOR FY 2022/23 100%	\$	6,291.60

F11: Cost - Total Cost \$ 12,583.20
F11: Net County Cost - Total Cost \$ 12,583.20