

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



**ITEM: 3.41
(ID # 19130)**

MEETING DATE:
Tuesday, October 18, 2022

FROM : TLMA - AVIATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/AVIATION:
Ratification and Approval of the Second Amendment to Lease between the County of Riverside and Joseph L. Chiriaco Inc. (Second Amendment), Chiriaco Summit Airport, CEQA Exempt, District 4. [\$1,000 Total Cost - Aviation Fund 100%] (Clerk to file Notice of Exemption)

RECOMMENDED MOTION: That the Board of Supervisors:

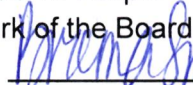
1. Find that the project is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 and Section 15061(b)(3);
2. Ratify and approve the attached Second Amendment to Lease, Chiriaco Summit Airport, between County of Riverside as landlord (County) and Joseph L. Chiriaco, Inc., as lessee (Joseph L. Chiriaco);
3. Authorize the Chairman of the Board of Supervisors to execute the attached Second Amendment;
4. Authorize the Assistant County Executive Officer/TLMA, or designee, to execute any other related documents and administer all actions necessary to complete this transaction; and
5. 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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Resolution 440-9295 is adopted as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: October 18, 2022
xc: Aviation, 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	\$ 1,000	\$	\$ 1,000	\$
NET COUNTY COST	\$	\$	\$	\$
SOURCE OF FUNDS: Aviation Fund 100%			Budget Adjustment:	No
			For Fiscal Year:	2022/23 – 2032/33

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The County of Riverside, Aviation Division (“Aviation Division”) as landlord, and Joseph L. Chiriaco, Inc., as Lessee, entered into that Lease, Chiriaco Summit Airport, dated July 1, 2012, as amended by that certain First Amendment to Lease (First Amendment) dated August 14, 2017 (collectively “Lease”). The Lease relates to the use of approximately 10 acres of vacant land at the Chiriaco Summit Airport (“Leased Premises”), and is utilized by Joseph L. Chiriaco, Inc. for the purpose of outside storage, semi-tractor trailer parking, and the placement of modular homes. The term of the Lease expired on June 30, 2022. Joseph L. Chiriaco, Inc., has been a holdover tenant since that time. Joseph L. Chiriaco Inc has expressed interests in extending the Lease by an additional ten (10) years.

Pursuant to Title 49 of the United States Code, Section 47101(a), it is the general policy of the United States “that airports should be as self-sustainable as possible under the circumstances existing at each particular airport” One way that airports can achieve self-sustainability is through nonaeronautical leases on airport land. The Aviation Division intends to extend the term of the Lease by ten (10) years and through an amendment for the purpose of promoting self-sustainability at the Chiriaco Summit Airport. The attached Second Amendment will only serve to extend the term of the Lease by providing Joseph L. Chiriaco with an additional 10-year option.

Aviation Division Staff contacted the California Department of Housing and Community Development (HCD) to determine whether the Second Amendment was subject to the Surplus Land Act. HCD reviewed the terms of the Lease, the First Amendment, and the Second Amendment and determined that the Second Amendment is not subject to the Surplus Land Act. A copy of HCD’s determination letter is attached hereto for reference.

Pursuant to the California Environmental Quality Act (CEQA), the Second 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.

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STATE OF CALIFORNIA**

The Second Amendment to Lease has been reviewed and approved by County Counsel.

Impact on Residents and Businesses

Joseph L. Chiriaco, Inc., will continue to conduct the existing business on the leased premises, which will provide non-aeronautical related services to the public and generate revenue for the Chiriaco Summit Airport.

**SUPPLEMENTAL:
Additional Fiscal Information**

No net County cost will be incurred, and no budget adjustment is necessary, however, the Transportation and Land Management Agency, Aviation Division has incurred costs associated with this transaction. County Counsel costs to date in the approximate amount of \$1,000 will be reimbursed from the TLMA Aviation Revenue Fund.

County Counsel Review	\$ 1,000
Total	\$ 1,000

ATTACHMENTS:

- Second Amendment to Lease Chiriaco Summit Airport
- HCD Surplus Land Act Determination Letter
- Aerial image of the leasehold area
- CEQA Notice of Exemption



Jason Farin, Principal Management Analyst 10/12/2022



Aaron Gettis, Deputy County Counsel 10/5/2022




Peter Aldana
Riverside County
Assessor-County Clerk-Recorder
2724 Gateway Drive
Riverside, CA 92507
(951) 486-7000
www.rivcoacr.org

Receipt: 22-381029

Product	Name	Extended
FISH	CLERK FISH AND GAME FILINGS	\$50.00
	# Pages	2
	Document #	E-202201035
	Filing Type	7
	State Fee Prev Charged	false
	No Charge Clerk Fee	false
	F&G Notice of Exemption Fee	\$50.00
Total		\$50.00
Tender (On Account)		\$50.00
Account#	ECDEV	
Account Name	ECDEV - ECONOMIC DEVELOPMENT-FACILITIES MGMT	
Balance	\$22,166.50	

County of Riverside

FOR COUNTY CLERK USE ONLY		
F I L E D / P O S T E D		
County of Riverside Peter Aldana Assessor-County Clerk-Recorder		
E-202201035 10/24/2022 03:05 PM Fee: \$ 50.00 Page 1 of 2		
Removed:	By:	Deputy
		

NOTICE OF EXEMPTION

October 4, 2022

Project Name: Second Amendment to Lease with Joseph L. Chiriaco, Inc., at Chiriaco Summit Airport

Project Number: FM05191011913

Project Location: Ten acres on west end of runway, north of Chiriaco Road, east of Patton Museum property line, Assessor's Parcel Number (APN) 709-210-004, Chiriaco Summit, Riverside County, California, 92201

Description of Project: The County of Riverside, Transportation and Land Management Agency, Aviation Division as landlord, and Joseph L. Chiriaco, Inc., as Lessee, entered into that Lease (Chiriaco Summit Airport) dated July 1, 2012, as amended by that certain First Amendment to Lease (Chiriaco Summit Airport) dated August 14, 2017 (collectively Lease). The Lease relates to the use of approximately 10 acres of vacant land at the Chiriaco Summit Airport (Leased Premises), and is utilized by Joseph L. Chiriaco, Inc. for the purpose of outside storage, semi-tractor trailer parking, and the placement of modular homes. The term of the Lease is set to expire on June 30, 2022, and Joseph L. Chiriaco Inc., has expressed interests in extending the Lease by an additional ten years.

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The California Department of Housing and Community Development (HCD) was contacted to determine whether the Second Amendment was subject to the Surplus Land Act, and it was determined that the Second Amendment is not a disposal under the Surplus Land Act. The Aviation Division intends to extend the term of the Lease by ten years through an amendment for the purpose of promoting self-sustainability at the Chiriaco Summit Airport. The Second Amendment will only serve to extend the term of the lease by providing Joseph L. Chiriaco with an additional 10-year option. The Second Amendment to the Lease is identified as the proposed project under the California Environmental Quality Act (CEQA). The Lease extension is limited to continued use of the property and will not result in any direct effects on the environment.

Name of Public Agency Approving Project: Riverside County

Name of Person or Agency Carrying Out Project: Riverside County TLMA Aviation

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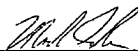
Exempt Status: State CEQA Guidelines Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b) (3), General Rule or “Common Sense” Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

Reasons Why Project is Exempt: The proposed project 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 does the project involve any 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. The Second Amendment to the Lease would have no direct effects on the environment and the indirect effects would result in continuing use of the site in a similar capacity. No significant environmental impacts would occur with the extension of term for an additional ten years.

- **Section 15301 –Existing Facilities:** This Class 1 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 extension of a Lease regarding the continued use of property within the Chiriaco Airport. The Second Amendment will result in the same purpose and substantially similar capacity on the existing facilities at the airport and would be consistent with the existing land use and contractual requirements for the use of the site. Therefore, the project is exempt as it meets the scope and intent of the Categorical 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 Second Amendment to the Lease and is an administrative function to extend the term of the Lease and allow for the continued use of the property in a similar capacity. No significant direct or indirect environmental impacts 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, 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: 10-4-2022

Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

County of Riverside

FOR COUNTY CLERK USE ONLY

Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

10/21/22 BS
Date Initial

NOTICE OF EXEMPTION

October 4, 2022

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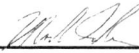
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Based upon the identified exemptions above, the County of Riverside, Facilities Management hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis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

Signed:  _____ **Date:** 10-4-2022

Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Second Amendment to Lease Agreement at Chiriaco Summit Airport

Accounting String: 525440-40710-1910700000 – FM05191011913

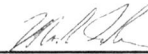
DATE: October 4, 2022

AGENCY: Riverside County

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**

Signature: 

PRESENTED BY: **Jazmine C. Casillas, Real Property Agent, TLMA-Aviation**

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -

County of Riverside
Facilities Management
3450 14th Street, Riverside, CA 92501

Date: October 4, 2022
To: Office of the County Clerk
From: Mike Sullivan, Senior Environmental Planner, Facilities Management
Subject: **County of Riverside Facilities Management Project # FM05191011913**
Second Amendment to Chiriaco Summit Airport Lease Agreement

The Riverside County's Facilities Management'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 #2600
Attention: Mike Sullivan, Senior Environmental Planner,
Facilities Management,
3450 14th Street, Suite 214, Riverside, CA 92501

If you have any questions, please contact Mike Sullivan at 955-8009 or email at msullivan@rivco.org.

Attachment

cc: file

**SECOND AMENDMENT TO LEASE
CHIRIACO SUMMIT AIRPORT**

THIS **SECOND AMENDMENT TO LEASE CHIRIACO SUMMIT AIRPORT** ("**Second Amendment**"), dated as of October 18, 22, is entered by and between the County of Riverside, a political subdivision of the State of California ("County"), and **JOSEPH L. CHIRIACO, INC.**, a California corporation ("Lessee"). The County and Lessee are sometimes collectively referred to herein as the "Parties" and individually as a "Party."

RECITALS

A. County owns that certain real property comprised of approximately 570 acres known as the Chiriaco Summit Airport, in the Unincorporated Area of Chiriaco Summit, California known as depicted on the Site Map attached hereto as Attachment No. 1 and incorporated herein by this reference ("County Airport Property").

B. County and Lessee entered into that certain Lease dated on or about July 18, 2012 ("Original Lease"), as amended by that First Amendment to Lease dated August 14, 2017 ("First Amendment") relating to, among other things, the lease of that certain real property consisting of approximately 10 acres of land located on a portion of the County Airport Property as depicted on the Site Map attached hereto as Attachment No. 1 ("Leased Premises"), and the construction thereon of an outside storage area, and modular structure ("Project"). Any capitalized term not otherwise defined herein shall have the meaning ascribed to such term in the Lease. The Original Lease and First Amendment shall collectively be referred to herein as Lease ("Lease").

C. The term of the Lease is scheduled to expire on June 30, 2022, and County and Lessee desire to extend the term by an additional 10 years to allow for this non-aviation revenue producing Lease which will be of benefit to the County Airport Property.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, the Parties do hereby agree as follows:

1. Section 3 of the Lease is hereby amended by the following:
 - i. The Lease shall be extended upon expiration of the extension of lease term agreed to by the Parties in the First Amendment commencing on July 1, 2022, and expiring on June 30, 2032, unless earlier terminated as permitted herein.
 - a. Any holding over by the Lessee after the expiration of this Lease shall be on a day-to-day basis strictly, and continuing tenancy rights shall not accrue to the Lessee.

2. CAPITALIZED TERMS. Second Amendment to Prevail. Unless defined herein or the context requires otherwise, all capitalized terms herein shall have the meaning defined in the Lease, as heretofore amended. The provisions of this Second Amendment shall prevail over any inconsistency or conflicting provisions of the Lease, as heretofore amended, and shall supplement the remaining provisions thereof.

3. MISCELLANEOUS. Except as amended or modified herein, all the terms of the Lease shall remain in full force and effect and shall apply with the same force and effect. Time is of the essence in this Second Amendment and the Lease and each and all of their respective provisions. Subject to the provisions of the Lease as to assignment, the agreements, conditions and provisions herein contained shall apply to and bind the heirs, executors, administrators, successors and assigns of the Parties hereto. If any provisions of this Second Amendment or the Lease shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of the Lease and all such other provisions shall remain in full force and effect. The language in all parts of the Lease shall be construed according to its normal and usual meaning and not strictly for or against either the County or Lessee. Neither this Second Amendment, nor the Lease, nor any notice nor memorandum regarding the terms hereof, shall be recorded by Lessor.

4. COUNTERPARTS. This Second Amendment may be executed in several counterparts each of which shall be an original, but all of such counterparts shall constitute one such Second Amendment. An executed counterpart of this Second Amendment transmitted by email or other electronic transmission shall be deemed an original counterpart and shall be as effective as an original counterpart of this Second Amendment and shall be legally binding upon the parties hereto to the same extent as delivery of an original counterpart.

5. EFFECTIVE DATE. This Second Amendment to Joseph L. Chiriaco, Inc. Agreement shall not be binding or consummated until its approval by the Riverside County Board of Supervisors and fully executed by the Parties.

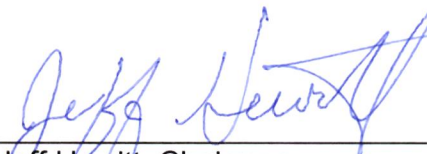
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IN WITNESS WHEREOF, the parties have executed this **Second Amendment** as of the date first written below.

Dated: 10/18/2022

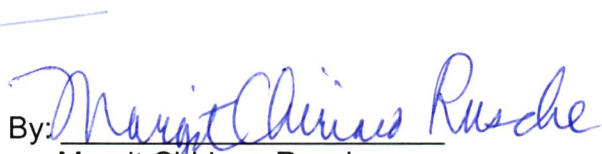
LESSEE:

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

By: 
Jeff Hewitt, Chairman
Board of Supervisors

LESSOR:

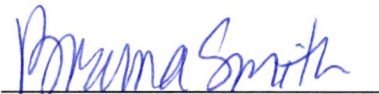
JOSEPH L. CHIRIACO, INC.,
a California corporation

By: 
Margit Chiriaco-Rusche

Its: _____


ATTEST:

Kecia R. Harper
Clerk of the Board

By: 
Deputy

APPROVED AS TO FORM:

County Counsel

By: 
Wesley W. Stanfield
Deputy County Counsel