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



ITEM: 3.11 (ID # 17731)

MEETING DATE:

Tuesday, November 29, 2022

FROM: **FACILITIES MANAGEMENT:**

SUBJECT: FACILITIES MANAGEMENT - REAL ESTATE (FM-RE): Approval of the First Amendment to Ground Between the County of Riverside and Riverside Community College District, Ben Clark Public Safety Training Center, CEQA Exempt pursuant to State CEQA Guidelines sections 15301 and 15061(b)(3), District 1. [\$0] (Clerk of the Board to file Notice of Exemption)

RECOMMENDED MOTION: That the Board of Supervisors:

- 1. Find that the First Amendment to Ground Lease is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301 Existing Facilities Exemption; Section 15061(b)(3), General Rule or "Common Sense" Exemption;
- 2. Approve the attached First Amendment to Ground Lease between the County of Riverside and Riverside Community College District, a political subdivision of the State of California, and authorize the Chair of the Board to execute same on behalf of the County: and
- 3. Direct the clerk of the Board to file the attached Notice of Exemption with the County Clerk for filing within five (5) working days of approval by the Board.

ACTION:

Chad Bianco

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes:

Jeffries, Spiegel, Washington, Hewitt, and Perez

Nays:

None

Kecia R. Harper

Absent: Date:

None

Clerk of the Board

November 29, 2022

XC:

FM-RE, Recorder

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ID# 17731

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$0	\$0	\$ 0	\$ 0
NET COUNTY COST	\$0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS	6: N/A	Budget Adju	ustment: No	
			For Fiscal Y	ear: 22/23

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Since 1999, the County of Riverside (County) has owned and operated the property known as the Ben Clark Public Safety Training Center (BCTC) located at 16791 Davis Avenue, Riverside and consisting of approximately 375 acres. On February 26, 2019, the County and Riverside Community College District (RCCD) entered into a Ground Lease that allowed RCCD to lease approximately 3.41 acres of land and construct public safety educational facilities to be operated in conjunction with the County's Public Safety Departments (Ground Lease).

Pursuant to Sections 1 and 2 of the Ground Lease, RCCD has provided the final survey and legal description of the property to be included as Exhibit A-1 and a final site plan for the Phase One Project to be incorporated as a revised Exhibit A-1 as a First Amendment to Ground Lease (First Amendment).

CEQA

Pursuant to the California Environmental Quality Act (CEQA), the First Amendment was reviewed and determined to be categorically exempt from CEQA under State CEQA Guidelines Section 15301, Existing Facilities Exemption, and Section 15061(b)(3), Common Sense exemption. The proposed project, the First Amendment, is the letting of property involving existing facilities and no expansion of an existing use will occur.

Impact on Residents and Businesses

The development and operation of these new facilities to educate and train students and candidates for public safety purposes will have a direct and positive impact to the community and the public at large.

Additional Fiscal Information

The Ground Lease and First Amendment provided land for use by RCCD, which entitled, planned, and constructed the facilities at its sole cost and expense. There are no additional costs to the County.

Contract History and Price Reasonableness

Ground Lease executed on February 26, 2019

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

Attachments

- First Amendment
- Aerial Exhibit
- Notice of Exemption

JD:sc/10222021/MV132/xxxxx

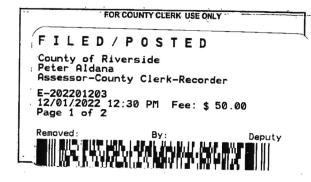
Meghan Hahy, Principal Management Analyst 11/16/2022

Haron Settis

Aaron Gettis, Deputy County Sounsel 11/15/2022

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



NOTICE OF EXEMPTION

October 27, 2021

Project Name: Ben Clark Public Safety Training Center (BCTC), First Amendment to Ground Lease with Riverside Community College District (RCCD), Riverside County

Project Number: FM0473462013200

Project Location: 16791 Davis Avenue, south of Van Buren Boulevard, Riverside, California 92518; Assessor's Parcel Number (APN) 294-110-005

Description of Project: The County of Riverside (County) owns and operates the property known as BCTC, located at 16791 Davis Avenue, Riverside, and consisting of approximately 375 acres since 1999. The County and RCCD entered into a Ground Lease Agreement on February 26, 2019 that allowed RCCD to lease approximately 3.41 acres of land and construct public safety educational facilities to be operated in conjunction with the County's Public Safety departments.

Pursuant to Section 1 of the Ground Lease, RCCD has provided the final survey and legal description of the property to be included as Exhibit A-1. The inclusion of the final survey and legal description of the property will be included as a First Amendment to Ground Lease. The First Amendment to the Ground Lease Agreement with RCCD is identified as the proposed project under the California Environmental Quality Act (CEQA). The proposed project would involve a ground lease at an existing facility. No substantial increase in capacity or physical expansion beyond what was previously planned for the existing building would occur. No significant physical changes would occur as a result of the First Amendment.

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 Ground Lease Agreement.

- 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 is limited an administrative action to include the final survey and legal description of the leased space into the Ground Lease Agreement. The effects of the action are changes to contractual features of the Ground Lease Agreement and no physical changes or increase in capacity would occur as a result. 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 proposed First Amendment to the Ground Lease Agreement 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: 10/27/2/
Mike Sullivan, Senior Environmental Planner

County of Riverside, Facilities Management

FIRST AMENDMENT TO LEASE

THIS FIRST AMENDMENT TO LEASE ("First Amendment") dated as of Member 27, 202 is entered by and between COUNTY OF RIVERSIDE, a political subdivision of the State of California ("County"), and RIVERSIDE COMMUNITY COLLEGE DISTRICT, a political subdivision of the State of California, (""Lessee"). County and Lessee are hereinafter collectively referred to as the "Parties."

RECITALS

- A. County and Lessee have entered into a ground lease, dated February 26, 2019, ("Lease") pursuant to which Lessee has agreed to lease from the County that certain portion of land located at the Ben Clark Public Safety Training Center, east of Davis Avenue and north of Larry Parrish Parkway in the unincorporated area of the County of Riverside, California, ("Property"), as preliminarily depicted in Exhibit "A" attached to the Lease.
- B. Pursuant to Section 1 of the Lease, Lessee is to provide a final legal description and parcel map for the Property, setting forth the precise acreage and boundaries of the Property which shall be incorporated into the Lease as Exhibit "A-1", by written Amendment signed by the Parties.
- C. Pursuant to Section 2 of the Lease, Lessee agrees to provide a final site plan for the Phase One Project, which shall be incorporated into this Lease as a revised Exhibit "A-2" by written amendment signed by the Parties.

The Lease, together with this First Amendment, are collectively referred to herein as the "Lease."

- "NOW, THEREFORE, for good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:
- 1. Incorporation of Exhibits A-1 and A-2. The attached Exhibit A-1 and revised Exhibit A-2 are hereby incorporated in their entirety into the Lease.

- 2. First Amendment to Prevail. The provisions of this First Amendment shall prevail over any inconsistency or conflicting provisions of the Lease. Any capitalized terms shall have the meaning defined in the Lease, unless defined herein or context requires otherwise.
- 3. **Miscellaneous.** Except as amended or modified herein, all terms of the Lease shall remain in full force and effect. If any provisions of the First Amendment shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of the Lease. Neither this First Amendment nor the Lease shall be recorded by the Lessee.
- 4. EFFECTIVE DATE. This First Amendment to Lease shall not be binding or consummated until its approval by the Riverside County Board of Supervisors and fully executed by the Parties.

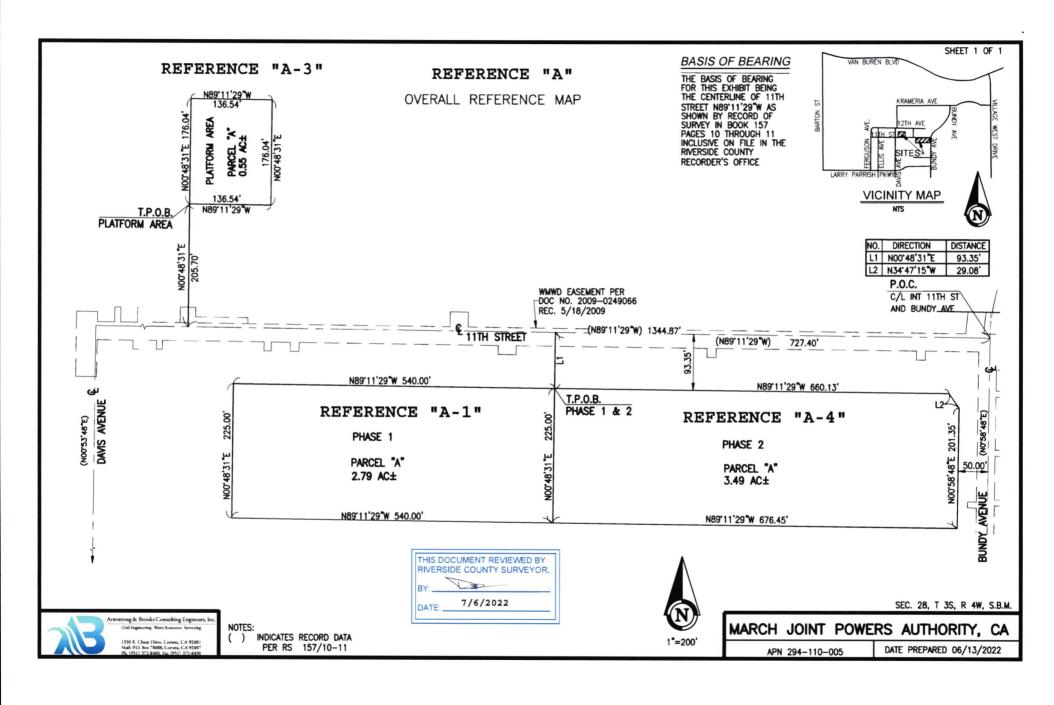
(Signatures on following Page)

1		
2		
3	IN WITNESS WHEREOF, the part	ties have executed this First Amendment as of
4	the date first written above.	
5		
6 7	LESSOR: COUNTY OF RIVERSIDE, a political Subdivision of the State of California	LESSEE: RIVERSIDE COMMUNITY COLLEGE DISTRICT, a political subdivision of the
	t 2 -	State of California
8	1111-11	053
9	By: Jeks Jewy	By: 11/02/2022
10	Jeff Hewitt, Chàir Board of Supervisors	Aaron Brown, Vice chancellor Business & Financial Services
11		
12		
13	ATTEST:	
14	Kecia R. Harper Clerk of the Board	
15	myse mas S at	
16	By:	
17		
18	APPROVED AS TO FORM: County Counsel	
19	Man	
20	By: Ryan Yabko	
21	Deputy County Counsel	
22		
23		
24		
25		
26		
27		

EXHIBIT "A-1"

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Updated 08/2010



REFERENCE "A-1"

LEGAL DESCRIPTION

PARCEL "A"

THAT PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASELINE AND MERIDIAN, LOCATED IN THE PLANNING JURISDICTION OF THE MARCH POWERS AUTHORITY, COUNTY OF RIVERSIDE, CALIFORNIA, SAID PORTION BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE CENTERLINE INTERSECTION OF 11TH STREET AND BUNDY AVENUE. AS SHOWN BY MAP ON FILE IN BOOK 157 ON PAGE 10-11 OF RECORDS OF SURVEY WITHIN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE NORTHWESTERLY ALONG THE CENTERLINE OF SAID 11TH STREET NORTH 89°11'29" WEST, 727.40 FEET;

THENCE LEAVING SAID CENTERLINE SOUTH 00°48'31" WEST 93.35 FEET TO A POINT ON LINE, PARALELL AND DISTANT 93.35 FEET FROM THE SAID CENTERLINE SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°48'31" WEST 225.00 FEET TO A POINT ON LINE PARALLEL AND DISTANT 318.35 FEET SOUTHERLY AT RIGHT ANGLES TO SAID CENTERLINE;

THENCE NORTHWESTERLY ALONG LAST SAID PARALLEL LINE NORTH 89°11'29" WEST 540.00 FEET;

THENCE NORTHEASTERLY NORTH 00°48'31" EAST 225.00 FEET; TO A POINT ON SAID PARALLEL LINE OF 11TH STREET;

THENCE SOUTHEASTERLY ALONG LAST SAID PARALLEL LINE SOUTH 89°11'29" EAST 540.00 FEET TO THE TRUE POINT OF BEGINNING;

CONTAINING 2.79 ACRES MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.

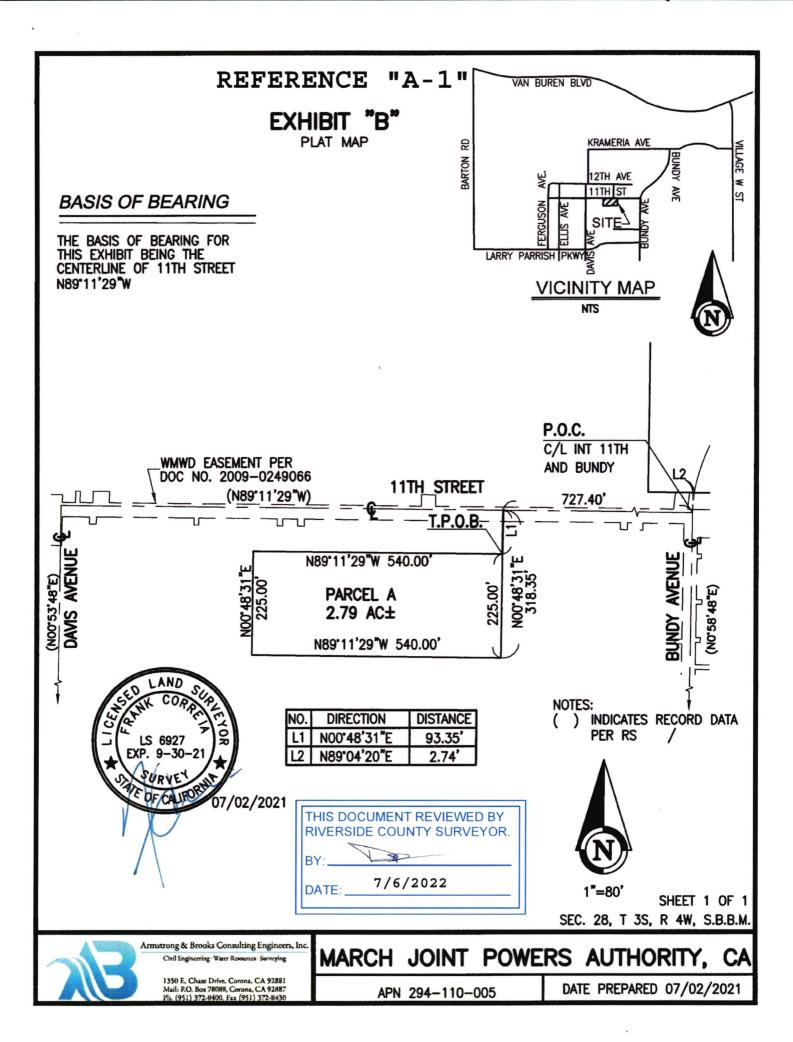
SEE EXHIBIT "B" ATTACHED HERETO, AND BY THIS REFERENCE MADE A PART THEREOF.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

DATE 7/2/2021 FRANK CORREIA
No. 6927

Exp. 9-30-21

The of California



REFERENCE "A-4"

LEGAL DESCRIPTION

PARCEL "A"

THAT PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, LOCATED IN THE PLANNING JURISDICTION OF THE MARCH JOINT POWERS AUTHORITY, COUNTY OF RIVERSIDE, CALIFORNIA, SAID PORTION BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF 11TH STREET AND BUNDY AVENUE. AS SHOWN BY RECORD OF SURVEY ON FILE IN BOOK 157 PAGES 10 THROUGH 11 OF RECORDS OF SURVEY WITHIN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY:

THENCE NORTHWESTERLY ALONG THE CENTERLINE OF SAID 11TH STREET NORTH 89°11'29" WEST, 727.40 FEET;

THENCE LEAVING SAID CENTERLINE SOUTH 00°48'31" WEST 93.35 FEET TO A POINT ON A LINE PARALLEL AND DISTANT 93.35 FEET SOUTHERLY AS MEASURED AT RIGHT ANGLES TO SAID CENTERLINE SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°48'31" WEST 225.00 FEET TO A POINT ON A LINE PARALLEL AND DISTANT 318.35 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES TO SAID CENTERLINE;

THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE SOUTH 89°11'29" EAST 676.45 FEET, TO A POINT ON A LINE PARALLEL AND DISTANT 50.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES TO SAID CENTERLINE OF BUNDY AVENUE:

THENCE LEAVING SAID PARALLEL LINE OF 11TH STREET NORTHEASTERLY ALONG A PARALLEL LINE TO SAID CENTERLINE OF BUNDY AVENUE, NORTH 00°58'48" EAST 201.35 FEET;

THENCE NORTHWESTERLY, NORTH 34°47′15" WEST, 29.08 FEET, TO A POINT ON A LINE PARALLEL AND DISTANT 93.35 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES TO SAID CENTERLINE OF 11TH STREET:

THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE, NORTH 89°11'29" WEST 660.13 FEET TO THE **TRUE POINT OF BEGINNING**:

CONTAINING 3.49 ACRES MORE OR LESS.

REFERENCE "A-4"

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.

SEE EXHIBIT "B" ATTACHED HERETO, AND BY THIS REFERENCE MADE A PART THEREOF.

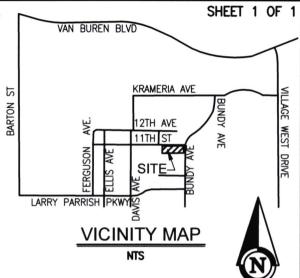
THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.



REFERENCE "A-4"

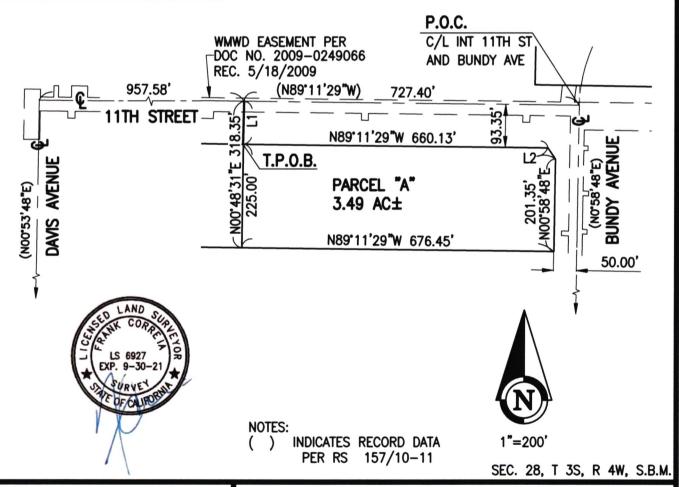
BASIS OF BEARING

THE BASIS OF BEARING FOR THIS EXHIBIT BEING THE CENTERLINE OF 11TH STREET N89'11'29"W AS SHOWN BY RECORD OF SURVEY IN BOOK 157 PAGES 10 THROUGH 11 INCLUSIVE ON FILE IN THE RIVERSIDE COUNTY RECORDER'S OFFICE EXHIBIT "B"



THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.				
BY:				
DATE:7/6/2022				

NO.	DIRECTION	DISTANCE
L1	N00°48'31"E	93.35'
L2	N34°47'15"W	29.08'



Armstrong & Brooks Consulting Engineers, Inc.

Civil Engineering - Water Resources - Surveying

1350 E. Chase Drive. Corona, CA 92881

Mail: P.O. Box 78088, Corona, CA 92887

Ph. (951) 372-8400, Fax (951) 372-8430

MARCH JOINT POWERS AUTHORITY, CA

APN 294-110-005

DATE PREPARED 01/31/2021

REFERENCE "A-3"

LEGAL DESCRIPTION

PARCEL "A"

THAT PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, LOCATED IN THE PLANNING JURISDICTION OF THE MARCH JOINT POWERS AUTHORITY, COUNTY OF RIVERSIDE, CALIFORNIA, SAID PORTION BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF 11TH STREET AND BUNDY AVENUE, AS SHOWN BY RECORD OF SURVEY ON FILE IN BOOK 157, PAGES 10 THROUGH 11 OF RECORDS OF SURVEY WITHIN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY:

THENCE NORTHWESTERLY ALONG THE CENTERLINE OF SAID 11TH STREET NORTH 89°11'29" WEST, 1344.87 FEET;

THENCE LEAVING SAID CENTERLINE NORTH 00°48'31" EAST 205.70 FEET, TO A POINT ON A LINE PARALLEL AND DISTANT 205.70 FEET NORTHERLY, AS MESUARED AT RIGHT ANGLES TO SAID CENTERLINE OF 11TH STREET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING:

THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE, SOUTH 89°11'29" EAST 136.54 FEET TO A POINT DISTANT 205.70 FEET;

THENCE LEAVING SAID PARALLEL LINE, NORTHEASTERLY NORTH 0°48'31" EAST, 176.04 FEET, TO A POINT ON A LINE PARALLEL AND DISTANT 381.74 FEET NORTHERLY, AS MESAURED AT RIGHT ANGLES TO SAID CENTERLINE OF 11TH STREET:

THENCE NORTHWESTERLY ALONG LAST SAID PARALLEL LINE, NORTH 89°11'29" WEST 136.54 FEET;

THENCE LEAVING LAST SAID POINT SOUTHWESTERLY, SOUTH 0°48'31" WEST 176.04 FEET, TO THE **TRUE POINT OF BEGINNING**;

CONTAINING 0.55 ACRES MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.

SEE EXHIBIT "B" ATTACHED HERETO, AND BY THIS REFERENCE MADE A PART THEREOF.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.



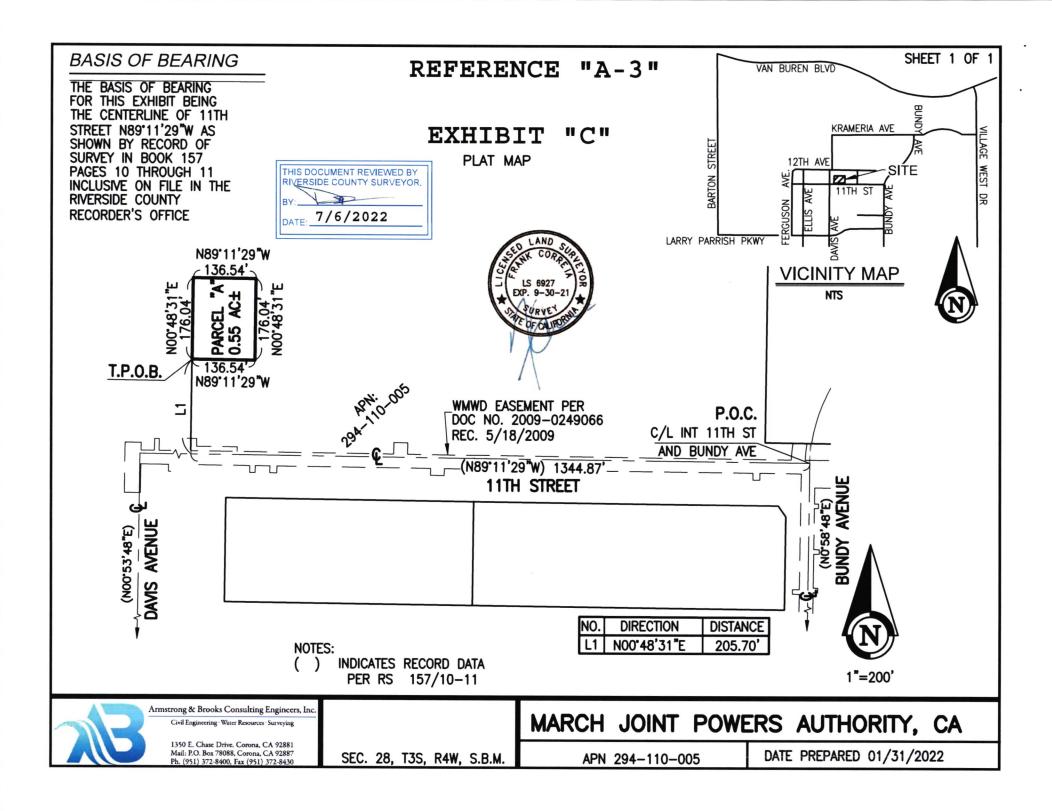
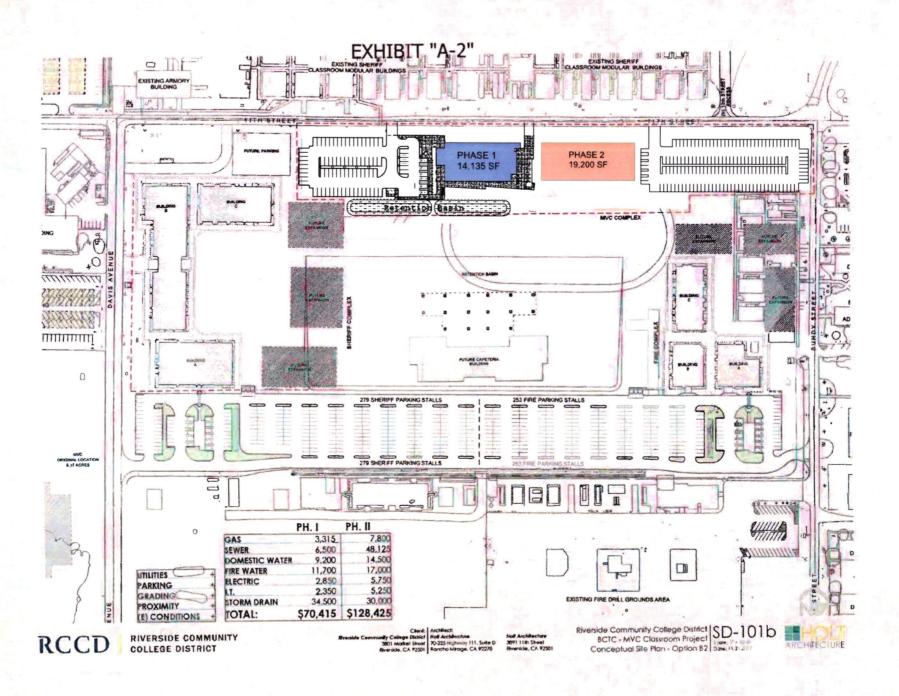


EXHIBIT "A-2"



BCTC - RCCD Ground Lease

Aerial View





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.

376

752 Feet

REPORT PRINTED ON... 11/16/2021 4:28:39 PM

Notes

District 1

"Parcel A" highlighted in blue