

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



**ITEM:** 3.18  
(ID # 20461)

**MEETING DATE:**  
Tuesday, February 28, 2023

**FROM :** FACILITIES MANAGEMENT AND Department of Waste Resources :

**SUBJECT:** FACILITIES MANAGEMENT-REAL ESTATE (FM-RE) AND DEPARTMENT OF WASTE RESOURCES: Approval of the Second Amendment to Lease with Kenneth M. Fago, doing business as Cherry Mobile Park, Portion of Land on the Corner of Euclid Ave and First Street, Beaumont, Department of Waste Resources, 2-Year Lease, District 5, CEQA Exempt pursuant to State CEQA Guidelines Sections 15301 and 15061(b)(3). [Total Cost \$18,875-100% Waste Resource Enterprise Funds] (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, Class 1 - Existing Facilities Exemption and Section 15061(b)(3), "Common Sense" Exemption;
2. Approve the attached Second Amendment to Lease between the County of Riverside and Cherry Mobile Park, 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**

Hans Keinkamp, General Manager - Chief Engineer

2/7/2023

Rose Salgado, Director of Facilities Management

2/10/2023

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Spiegel, Washington, and Gutierrez  
Nays: None  
Absent: Perez  
Date: February 28, 2023  
xc: FM, Waste, Recorder

Kimberly Rector  
Clerk of the Board

By:   
Deputy

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STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$0	\$8,179	\$18,875	\$0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$0	\$ 0
<b>SOURCE OF FUNDS:</b> 100% Waste Resource Enterprise Funds			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	22/23 - 24/25

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

On August 27, 2019, the Board of Supervisors approved Minute Order 3-12, to authorize the County of Riverside to enter into a lease agreement (Lease) on behalf of the Department of Waste Resources. The land is located near the northwest corner of Euclid Avenue and First Street in Beaumont, California, also known as a portion of APN: 418-280-031. The leased portion of land is for the exclusive use of a water tower. The water tower is necessary for the operations of the nearby Lamb Canyon Landfill.

This Second Amendment to Lease extends the term for a period of two (2) years effective July 1, 2023, through June 30, 2025. The landfill continues to benefit the residents and businesses in Riverside County.

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. The proposed project, the Second Amendment, is the continuation of the leasing of property involving existing facilities with no significant physical changes, and no expansion of an existing use occurring. The Amendment is summarized below:

Lessor: Cherry Mobile Park  
10420 Beaumont Avenue, Suite A  
Cherry Valley, California 92223

Premises: Northwest corner of Euclid Avenue and First Street in Beaumont, California

Term: Two years, commencing July 1, 2023 and expiring June 30, 2025

Size: 30ft x 40ft of unimproved land

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
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Rent:	<u>Current</u>	<u>New</u>
	\$ 400 per month	July 1, 2023 – June 30, 2024
	\$4,800 per year	\$650 per month, \$7,800 per year
		July 1, 2024 – June 30, 2025
		\$850 per month, \$10,200 per year
Maintenance:	Provided by Lessor	

This Lease has been reviewed and approved by County Counsel as to legal form.

**Impact on Residents and Businesses**

The water tower is a key component for the operations at the Lamb Canyon Landfill. The landfill benefits the residents and businesses in Riverside County.

**Additional Fiscal Information**

See attached Exhibits A and B. All associated costs for this Second Amendment will be budgeted in FY22/23 - FY24/25 by the Department of Waste Resources. The Department of Waste Resources will reimburse FM-RE for all associated Lease costs on a monthly basis.

**Contract History and Price Reasonableness**

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

<u>Agreement:</u>	<u>Date and M.O.:</u>
Lease	August 27, 2019 (M.O. 3-12)
First Amendment to Lease	June 15, 2021 (M.O. 3.16)


**Attachments**

- Second Amendment to Lease
- Exhibits A and B
- Notice of Exemption
- Aerial Map

  
Veronica Santillan, Principal Management Analyst 2/16/2023

  
Aaron Gettis, Deputy County Counsel 2/15/2023

County of Riverside  
Facilities Management  
3450 14<sup>th</sup> St, 2<sup>nd</sup> Floor, Riverside, CA

FOR COUNTY CLERK USE ONLY		
FILED / POSTED		
County of Riverside		
Peter Aldana		
Assessor-County Clerk-Recorder		
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02/28/2023 02:21 PM Fee: \$ 50.00		
Page 1 of 2		
Removed:	By:	Deputy
		

### NOTICE OF EXEMPTION

December 8, 2022

**Project Name:** Approval of Second Amendment to Lease with Kenneth M. Fago, doing business as Cherry Mobile Park for the Department of Waste Resources use of a water tower near the northwest corner of Euclid Avenue and First Street, Beaumont

**Project Number:** FM042131000300

**Project Location:** Northwest corner of Euclid Avenue and First Street intersection; west of Highway 79; Beaumont, CA 92223 California Assessor's Parcel Number (APN) 418-280-031

**Description of Project:** On August 27, 2019, the Board of Supervisors approved Minute Order 3-12, to provide for the County of Riverside to enter into a lease agreement (Lease) on behalf of the Department of Waste Resources for land located near the northwest corner of Euclid Avenue and First Street in Beaumont, California, also known as a portion of APN: 418-280-031. The leased portion of land is for the exclusive use of a water tower. The water tower is necessary for the operations of the nearby Lamb Canyon Landfill.

The Second Amendment to Lease will extend the term for a period of two years effective July 1, 2023, through June 30, 2025. The landfill continues to benefit the residents and businesses in Riverside County.

The Second Amendment to the Lease Agreement is defined as the proposed project under the California Environmental Quality Act (CEQA). The project is the letting of property involving existing facilities and is limited to the continued use of a water tower; no expansion of the existing facility will occur. The operation of the facility will continue to provide public services. 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.


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**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 Second Amendment to the Lease Agreement, which allows for the continued use of a water tower to support the Lamb Canyon Landfill operations.

- **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 a Lease Agreement for the use of a water tower on undeveloped land to support continued waste services at the Lamb Canyon Landfill. The use of the site would continue in the same manner as under the current lease and would not necessitate additional infrastructure or public services to serve the site; 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 Second Amendment is limited to continuing use of the existing facility. 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. The continued use of the water tower on undeveloped land will support the provision of waste services being provided at the Lamb Canyon Landfill. 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: 12-8-2022  
Mike Sullivan, Senior Environmental Planner  
County of Riverside, Facilities Management

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**SECOND AMENDMENT TO LEASE**

Lamb Canyon Landfill Water Tower  
Beaumont, California

This **SECOND AMENDMENT TO LEASE** ("Second Amendment"), dated as of February 28, 23 is entered by and between the **COUNTY OF RIVERSIDE**, a political subdivision of the State of California, ("County"), and **Kenneth M. Fago, doing business as, CHERRY MOBILE PARK**, ("Lessor"), sometimes collectively referred to as the "Parties".

**RECITALS**

A. Kenneth M. Fago, doing business as, Cherry Mobile Park as Lessor, and County, have entered into that certain Lease dated August 27, 2019, (the "Original Lease") pursuant to which County has agreed to lease from Lessor a portion of land consisting of approximately thirty (30) by forty (40) feet of unimproved real property, located near the northwest corner of Euclid Avenue and First Street in Riverside County, California, as more particularly described as "Lease area for Water Tower", as more particularly described in the Original Lease.

B. The Original Lease has been amended by:  
That certain First Amendment to Lease dated June 15, 2021, by and between Lessor and County (the "First Amendment"), whereby the Parties amended the Lease to extend the term and modify the rental amounts.

C. The Original Lease, together with the Amendments, are collectively referred to hereinafter as the "Lease."

D. The Parties now desire to amend the Lease to extend the term and modify the rental amounts.

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

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1           1.    **Term.** Section 3 (a) of the Lease is hereby amended as follows:  
2 The term of this Lease shall be extended for a period of two (2) years effective July 1,  
3 2023 and expiring June 30, 2025 (“Extended Term”).

4           2.    **Rent.** Section 4 of the Lease is hereby amended by the following:  
5 County shall pay to Lessor as monthly rent for the Premises (the “Rent”) the amounts  
6 set forth below, payable monthly, in advance, on the first day of the month or as soon  
7 thereafter as a warrant can be issued in the normal course of County’s business:

8           Current:	9           New:
10       \$400 per month/\$4,800 per year.	11       July 1, 2023 through June 30,2024
	12       \$650 per month/\$7,800 per year
	13       July 1, 2024 through June 30,2025
	14       \$850 per month/\$10,200 per year

15           3.    **Second Amendment to Prevail.** The provisions of this Second  
16 Amendment shall prevail over any inconsistency of conflicting provisions of the Lease,  
17 as heretofore amended, and shall supplement the remaining provisions thereof.

18           4.    **Miscellaneous.** Except as amended or modified herein, all the terms of  
19 the Original Lease shall remain in full force and effect and shall apply with the same  
20 force and effect. Time is of the essence in this Amendment and the Lease and each  
21 and all their respective provisions. Subject to the provisions of the Lease as to  
22 assignment, the agreements, conditions, and provisions herein contained shall apply to  
23 and bind the heirs, executors, administrators, successors and assigns of the parties  
24 hereto. If any provisions of this Amendment or the Lease shall be determined to be  
25 illegal or unenforceable, such determination shall not affect any other provision of the  
26 Lease and all such other provisions shall remain in full force and effect. The language  
27 in all parts of the Lease shall be construed according to its normal and usual meaning  
28 and not strictly for or against either Lessor or County. Neither this Amendment, nor the

1 Original Lease, nor any notice nor memorandum regarding the terms hereof, shall be  
2 recorded by Lessee.

3 5. **Effective Date.** This Second Amendment to Lease shall not be binding  
4 or consummated until its approval by the Riverside County Board of Supervisors and  
5 fully executed by the Parties.

6 (Signatures on the following page)

7 REVERSE SIDE

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1 IN WITNESS WHEREOF, the parties have executed this Second Amendment as of the  
2 date first written above.

3  
4 LESSEE:  
5 COUNTY OF RIVERSIDE, a political  
6 subdivision of the State of California

7   
8 By: KEVIN JEFFRIES, Chairman  
9 Board of Supervisors

LESSOR:  
Kenneth M. Fago, doing business as,  
CHERRY MOBILE PARK

By:   
Kenneth M. Fago

10  
11 ATTEST:  
12 **KIMBERLY A. RECTOR**  
13 Clerk of the Board

14 By:   
Deputy

15 APPROVED AS TO FORM:  
16 County Counsel

17 By:   
18 Westey Stanfield  
19 Deputy County Counsel

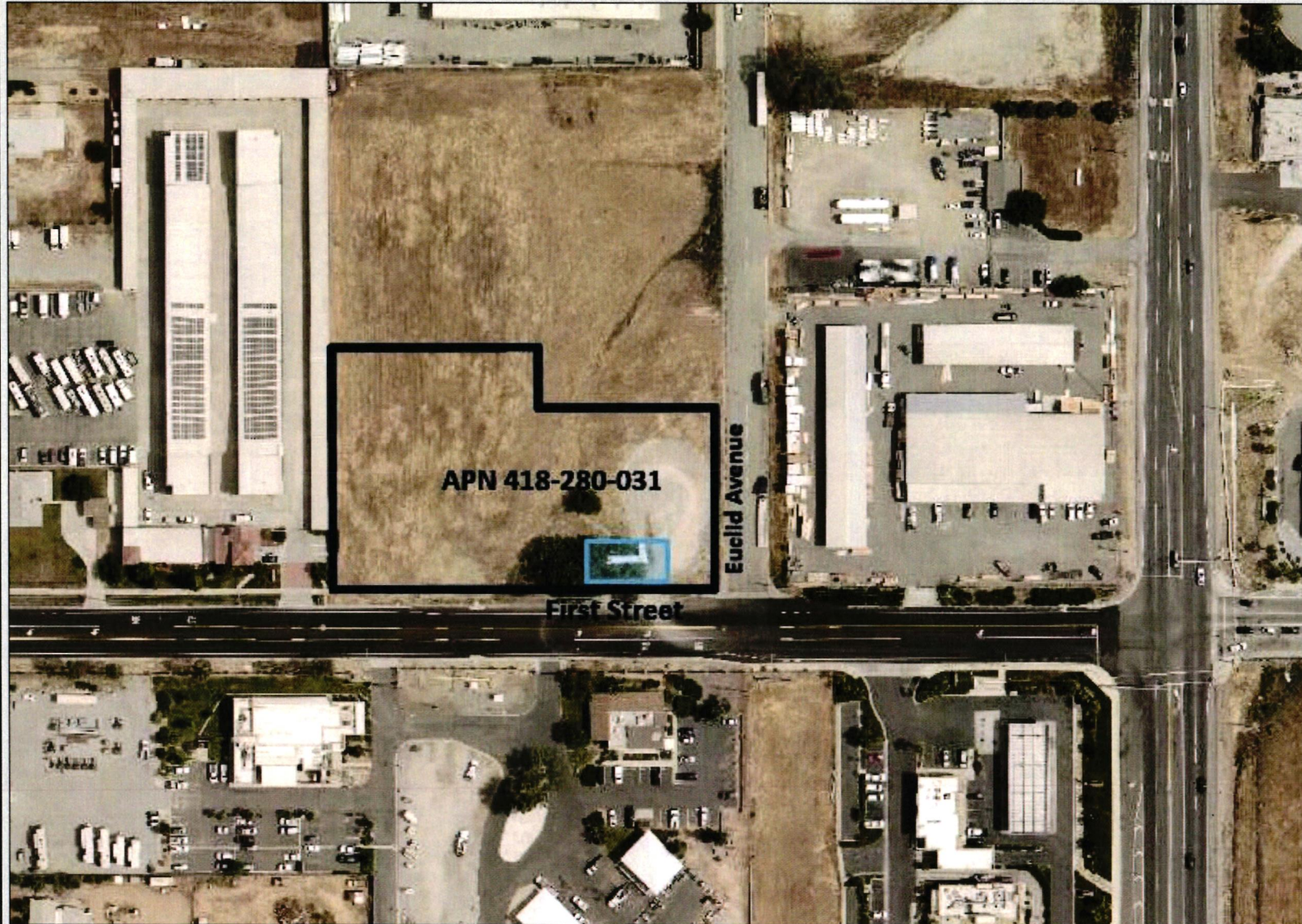
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# Lamb Canyon Water Tower

Second Amendment to Lease



Legend



**\*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.

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## Notes

APN 418-280-031  
District 5  
Premises = Blue outlined area