

County of Riverside
Facilities Management
3450 14th St, 2nd Floor, Riverside, CA

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NOTICE OF EXEMPTION

March 28, 2024

Project Name: Approval of Telecommunications License Agreement Between County of Riverside and Level 3 Telecom of California, LP at the Riverside Centre

Project Number: FM047611044000

Project Location: 3403 Tenth Street, west of Lime Street, Riverside, California, 92501, Assessor's Parcel Number (APN) 215-120-005

Description of Project: On August 31, 2006, Riverside Centre Associates, L.P., a California limited partnership, entered into an agreement with Time Warner Telecom of California, L.P., California limited partnership, for the purposes of providing telecommunications services to the occupants of 3403 Tenth Street, Riverside, CA, 92501 (original license). The County of Riverside, a political subdivision of the State of California, (the County) acquired the property at 3403 Tenth Street (Riverside Centre) in October of 2012 and assumed Time Warner Telecom as a tenant under the terms formerly agreed upon with the prior owner, Riverside Centre Associates, L.P. Time Warner was acquired by Level 3 Telecom of California, LP, a Delaware corporation, on June 16, 2014 and assumed and operated all of Time Warner's agreements in place.

The original license agreement has since expired and the tenant has been operating on a month-to-month tenancy in the interim. The County now desires to enter into a new license agreement with Level 3 Telecom of California, LP to continue the relationship and to provide the County's tenants with the same telecommunications services they have utilized since the original license was consummated. The License Agreement with Level 3 Telecom of California, LP for continued telecommunications services at the Riverside Centre is defined as the proposed project under the California Environmental Quality Act (CEQA). The project is limited to continued use of telecommunications equipment and no expansion of the existing facility will occur. The operation of the drainage facilities will continue to provide flood control 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), "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 Licensing Agreement, permitting continued use of existing communications equipment.

- **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 continued use of communications equipment at the Riverside Centre. The communications services would not increase or expand the use of the sites; and the use is limited to the continued use of the sites 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 License Agreement would allow the tenant to continue operating telecommunications equipment at the Riverside Centre. No change will occur to the ongoing use of the facilities and no new environmental impacts to the surrounding area 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:** 3-28-2024
Mike Sullivan
County of Riverside, Facilities Management