



County of Riverside  
TLMA Aviation  
4080 Lemon Street, 14<sup>th</sup> Floor, Riverside, CA 92501

FOR COUNTY CLERK USE ONLY

### NOTICE OF EXEMPTION

November 7, 2024

**Project Name:** Approval and Consent to Assignment and Bill of Sale between MCTC, LLC (Assignor), and Ark Leasing, Inc. and Bright Premier Air Team, LLC at French Valley Airport

**Project Location:** Unit No. 9, Hangar 1E, 37170 Sky Canyon Drive, Murrieta, California.

**Description of Project:** The County of Riverside, Aviation Division has received a request to consent to an Assignment of Sublease that will enable MCTC, LLC (“Assignor”) to assign its rights, title and interest in the sublease to Ark Leasing, Inc. and Bright Premier Air Team, LLC (“Assignee”) dated June 28, 2024.

The Sublease pertains to that certain Unit No. 9 (identified as Hangar 1E) located at French Valley Airport in Murrieta, California. The Sublease was entered into between Murrieta Executive Air Park MEA, LLC, a California limited liability company (“MEA”), and Amicorp Enterprises, Inc., a California Corporation, on July 7, 2004 (“Sublease”). On October 1, 2018, Amicorp Enterprises, Inc. assigned its rights, title, interest, and obligations to Greg Pilette and Rebecca Pilette (“Piletter”). On May 10, 2022, Pilette assigned their rights, title, interest, and obligations to MCTC, LLC (“MCTC, LLC”).

The Sublease is subject to that certain Lease (French Valley Airport) between the County of Riverside (“County”), as lessor, and Murrieta Executive Airpark MEA, LLC (“MEA”), as lessee, dated September 11, 2001, as amended by that certain First Amendment to Lease dated March 24, 2004, that certain Second Amendment to Lease dated June 27, 2006, and that certain Third Amendment to Lease dated February 7, 2017 (collectively the “Lease”), relating to the lease of approximately 152,460 square feet of vacant land, located at the French Valley Airport. (“Leased Premises”) attached hereto as Attachment C. Pursuant to Section 24 of the Lease, MEA cannot sublease any rights, duties, or obligations under the Lease without the written consent of the County.

MCTC, LLC desires to sublease a portion of the Leased Premises upon which an aircraft storage hangar has been constructed and is identified as Unit No. 9 Hangar 1E (“Subleased Premises”) to Ark Leasing, Inc., and Bright Premier Air Team, LLC, (“Ark Leasing and Bright Premier”), as

more specifically set forth in the Sublease attached hereto as Attachment B (“Sublease”). If approved by the Board, the Sublease will be subject to the Lease.

In connection with the Sublease, Ark Leasing and Bright Premier (as Buyer) and MCTC, LLC, (as Seller) entered into that certain Bill of Sale dated May 30, 2024, relating to the sale of Unit No. nine (9), Hangar 1E (“Bill of Sale”), the effectiveness of which is subject to the consent and approval by the County. Ark Leasing and Bright Premier will not change the existing use of the Subleased Premises. The Bill of Sale and the Sublease will not impact the terms of the Lease.

The consent to Bill of Sale and consent to Assignment of Sublease have been identified as a proposed project under the California Environmental Quality Act (CEQA) because a discretionary action by the Riverside County Board of Supervisors is required for approval. The approval of the consent to Bill of Sale and consent to Assignment of Sublease will not change the existing use of the Subleased premises, which will not result in any significant environmental impacts or include any mitigation measures.

**Name of Person or Agency Carrying Out Project:** Riverside County Transportation and Land Management Agency (TLMA) Aviation Division

**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 is limited to assignment of an existing aircraft storage hangar and does not include a new development or improvements to the Leased Premises. Furthermore, this project would not result in any physical direct or reasonably foreseeable indirect impacts to the environment.

- **Section 15301-Class 1 Existing Facilities Exemption:** 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 consent to a and the Assignment of the Sublease regarding Unit No. nine (9), Hangar 1E within the French Valley Airport. The changes are limited to the change in ownership and responsibility for the terms of the Lease. The consent to Assignment and Bill of Sale 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 consent to Assignment and Bill of Sale and is an administrative function, that is required as part of the terms of the Lease at the existing airport and would result in the continued operation of the airport on the leased premises under modified contractual responsibilities. 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.

Signature: *Kimberly Loomis*

Date: 11.7.24

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County of Riverside TLMA-Aviation Division