

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

706



SUBMITTAL DATE:
March 7, 2013

FROM: Economic Development Agency / Facilities Management

SUBJECT: First Amendment to Lease – Department of Public Social Services, Perris

RECOMMENDED MOTION: That the Board of Supervisors approve the attached First Amendment to Lease and authorize the Chairman of the Board to execute same on behalf of the County.

BACKGROUND:

On April 10, 2012, (M.O. #3.17), the Board of Supervisors approved a lease agreement between the County of Riverside and Capital Partners Development Company for a build to suit, full-service office. When completed in fiscal year 2013/14, the office will provide all temporary assistance programs, including CalWORKs, Food Stamps, and Medi-Cal, as well as Welfare-to-Work (GAIN) services to facilitate individuals and families to become self-sufficient.

(Continued)

Robert Field

Robert Field
Assistant County Executive Officer/EDA

REVIEWED BY CIP

Christopher Hays

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/13

COMPANION ITEM ON BOARD AGENDA: No

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: *Jennifer L. Sargent*
County Executive Office Signature Jennifer L. Sargent

FORM APPROVED COUNTY COUNSEL
DATE 2/5/13
MUNROE
Departmental Concurrence

By: *Susan Loew*
Susan Loew, Director
Department of Public Social Services

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 3.42 of 12/22/09; 3.17 of 4/10/12 | District: 5/5 | Agenda Number: **3-14**

BACKGROUND: (Continued)

This First Amendment to Lease is being requested by the Lessor to update lease language related to certain terms and provisions modified since approval of the project. The changes include extending the term one year, a revised site plan and legal description, revised building delivery dates and modified use clause requested under the terms of the Conditional Use Permit approved by the City of Perris on November 7, 2012. No financial changes are necessitated.

Location: 201 Redlands Avenue
Perris, California

Lessor: CP Perris DPSS, LLC
2890 Kilgore Road, Suite 115
Rancho Cordova, CA 95670-6152

Size: 50,000 square feet.

Term: Extended one year to eleven years.

Rent: Rent free during months one - four of the term. \$95,891.00 monthly rent commences month five.

Rental Adjustment: 15% commencing year seven.

Options to Extend: Two, five-year options.

Utilities: Provided by County.

Custodial: Provided by Lessor.

Interior/Exterior Maintenance: Provided by Lessor.

Parking: 280 spaces

The attached First Amendment to Lease has been reviewed and approved by County Counsel as to legal form.

Attachment:
First Amendment to Lease

1 **FIRST AMENDMENT TO LEASE**

2 **201 Redlands Avenue**

3 **Perris, California**

4
5 This **FIRST AMENDMENT TO LEASE** ("First Amendment") is made as of
6 _____, 2013 by and between the **COUNTY OF RIVERSIDE**, a
7 political subdivision of the State of California ("County"), as Lessee, and **CP PERRIS**
8 **DPSS, LLC, a California limited liability company** ("Lessor") and, sometimes
9 collectively referred to as the Parties.

10 **RECITALS.**

11 **A.** Capital Partners Development Company, LLC, predecessor-in-interest
12 to CP Perris DPSS, LLC, as Lessor, and County entered into that certain Lease dated
13 April 10, 2012, ("Original Lease") whereby Lessor has agreed to lease to County and
14 County has agreed to lease from Lessor that certain building located at 201 Redlands
15 Avenue, Perris, California ("the Building"), as more particularly described in the Lease
16 ("the Original Premises").

17 **B.** The Original Lease, together with the First Amendment, is collectively
18 referred to hereinafter as the "Lease."

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

21 **1. Table of Contents.** Table of Contents of the Lease shall be amended
22 as follows: Under the Exhibits, "Site Plan" shall be deleted and replaced with "Legal
23 Description." Exhibit A shall become the legal description and amended site plan.

24 **2. Premises.** Section 2.2 of the Lease shall be amended as follows: The
25 Assessor's Parcel Number is deleted and changed to 311-210-020. The parking
26 spaces referenced therein is deleted and changed to 280 parking spaces with 192
27 unreserved and 68 secured parking spaces.

28

1 **3. Use.** Section 3.1 shall be deleted in its entirety and replaced with the
2 following:

3 County shall use and occupy the Premises for the purpose of providing
4 office space for use by the Department of Public Social Services and per the terms of
5 the Conditional Use Permit 12-04-0015 approved by the City of Perris on November 7,
6 2012, attached as Exhibit "I."

7 **4. Term.**

8 Section 4.1 of the Lease shall be amended as follows: The term of the
9 lease shall be amended to eleven (11) years. The Original Term shall expire at
10 midnight on the last day of the one hundred thirty-second month.

11 Section 4.3 of the Lease shall be amended as follows: The Delay in
12 Delivery shall be amended from 455 days to 607 days and from 15 months to 20
13 months. The Delay in Delivery shall be amended from 515 days to 667 days and 17
14 months to 22 months.

15 **5. Capitalized Terms.** First Amendment to Prevail. Unless defined herein
16 or the context requires otherwise, all capitalized terms herein shall have the meaning
17 defined in the Lease, as heretofore amended. The provisions of this First Amendment
18 shall prevail over any inconsistency or conflicting provisions of the Lease, as heretofore
19 amended, and shall supplement the remaining provisions thereof.

20 **6. Miscellaneous.** Except as amended or modified herein, all the terms of
21 the Original Lease shall remain in full force and effect and shall apply with the same
22 force and effect. If any provisions of this Amendment or the Lease shall be determined
23 to be illegal or unenforceable, such determination shall not affect any other provision of
24 the Lease and all such other provisions shall remain in full force and effect. The
25 language in all parts of the Lease shall be construed according to its normal and usual
26 meaning and not strictly for or against either Lessor or Lessee. Neither this
27 Amendment, nor the Original Lease, nor any notice nor memorandum regarding the
28 terms hereof, shall be recorded by Lessee.

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

4 **IN WITNESS WHEREOF**, the Parties have executed this Amendment as
5 of the date first written above.

6 Dated: 12/13/12

LESSOR:

CP PERRIS DPSS, LLC, a California limited liability
company

9
10 By: 
11 John A. Buckel, Manager

LESSEE:

COUNTY OF RIVERSIDE

14
15 **ATTEST:**
16 Kecia Harper-Ihem
Clerk of the Board

By: _____
John J. Benoit, Chairman
Board of Supervisors

17 By: _____
18 Deputy

19 **APPROVED AS TO FORM:**
20 Pamela J. Walls
County Counsel

21 By: 
22 Patricia Munroe
23 Deputy County Counsel

LEGAL DESCRIPTION

PARCEL 1:

PARCEL 1 OF PARCEL MAP NO. 22470, IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED IN BOOK 151, PAGES 67 AND 68 OF PARCEL MAPS, RECORDS OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THAT PORTION OF PARCEL 3 OR PARCEL MAP NO. 9233, IN THE CITY OF PERRIS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED IN BOOK 36, PAGE 82 OF PARCEL MAPS, RECORDS OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 3; THENCE SOUTH $89^{\circ}33'00''$ WEST, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 3, A DISTANCE OF 92.00 FEET; THENCE NORTH $00^{\circ}29'49''$ WEST, PARALLEL WITH THE EASTERLY BOUNDARY LINE OF SAID PARCEL 3, A DISTANCE OF 104.00 FEET; THENCE NORTH $89^{\circ}33'00''$ EAST, PARALLEL WITH THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 3, A DISTANCE OF 92.00 FEET, TO A POINT IN THE EASTERLY BOUNDARY LINE OF SAID PARCEL 3; THENCE SOUTH $00^{\circ}29'49''$ EAST, ALONG SAID EASTERLY BOUNDARY LINE OF PARCEL 3, A DISTANCE OF 104.00 FEET, TO THE CORNER OF SAID PARCEL 3.

EXHIBIT A (as amended)

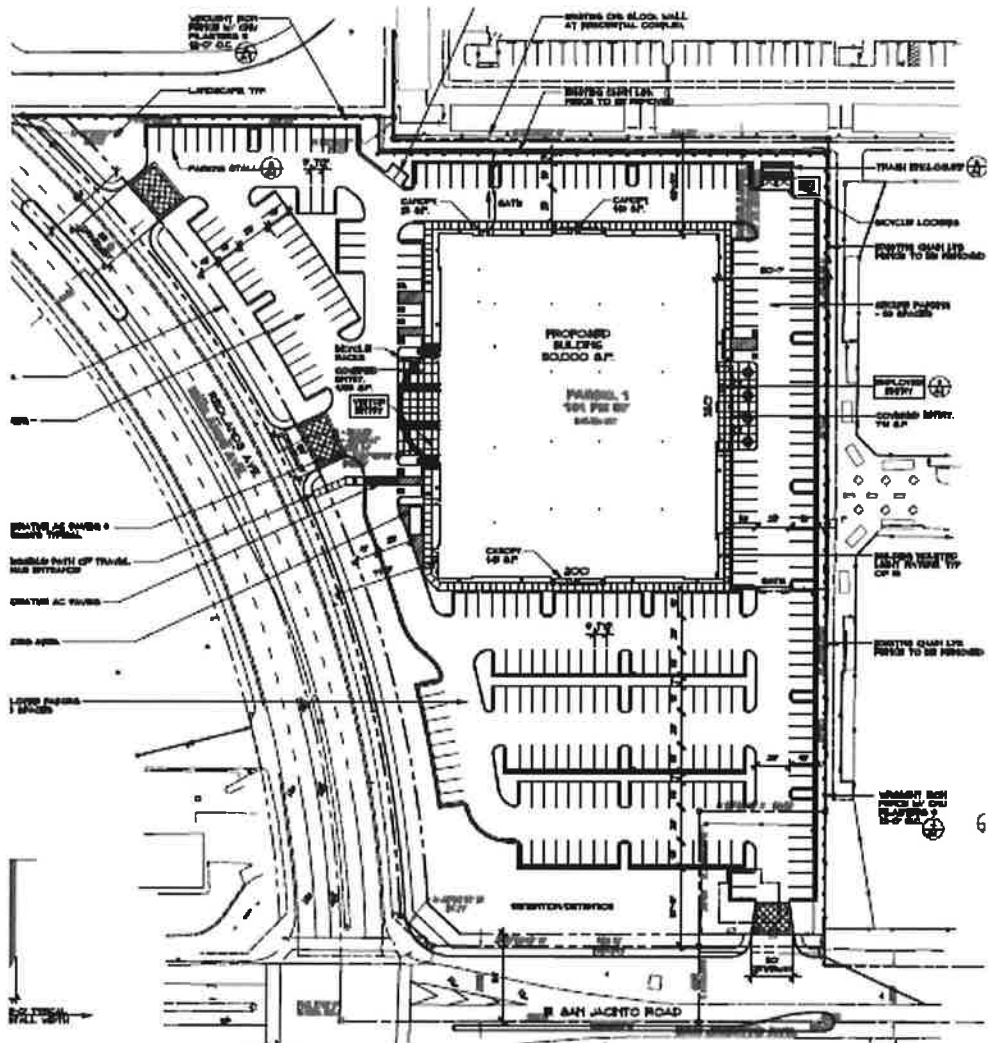


EXHIBIT A (as amended)

PLANNING COMMISSION
AGENDA SUBMITTAL

Meeting Date: November 7, 2012

SUBJECT: **Conditional Use Permit 12-04-0015** to allow the County of Riverside Department of Social Services facility to occupy a new 50,000 sq. ft. one story office building to provide health, nutrition and medical administrative services, including job training classes and evaluations for adults and children on 5.36 acres of vacant land, located at the northeasterly corner of Redlands Avenue and San Jacinto Road. **Applicant:** John Buckel, Capital Partners Development Co.

REQUESTED ACTION: **Adopt Resolution No. 12-11** adopting Mitigated Negative Declaration No. 2294 and approving Conditional Use Permit 12-04-0015 based upon the information and findings contained in the staff report and exhibits, and subject to the project Conditions of Approval.

CONTACT: Clara Miramontes, Planning Manager

BACKGROUND/DISCUSSION:

The proposed Conditional Use Permit is to permit the County of Riverside's Department of Public and Social Services (DPSS) facility to occupy of a new 50,000 square feet office building to be constructed at the northeasterly corner of Redlands Avenue and San Jacinto Avenue to provide the CalWorks GAIN (*Greater Avenue for Independence*) program and the Nutrition & Health Services program. These programs will provide health, nutrition and medical administrative services, including job training classes and evaluations for adults and children. These program services are currently provided in the City of Perris by the County of Riverside DPSS at two existing locations at 2055 N. Perris Boulevard Suite B and 351 Wilkerson Avenue Suite D. Construction of the proposed office building will allow the operation to consolidate to one location to better serve the applicants and recipients. Approximately 100 employees will be on-site at any given time to provide services to applicants and recipients. The County of Riverside DPSS will not own the facility but will start off with an initial 10-year lease.

An Initial Study was prepared for the project in accordance with the City's guidelines implementing the California Environmental Quality Act. Staff has concluded that all potential significant effects on the environment can be reduced to a less than significant level through mitigation measures, the design of the development, the zoning code and standard requirements of the City, therefore a Mitigated Negative Declaration has been prepared. Detailed project information is provided in the attached staff report, initial study, and conditions of approval.

A notice was sent to property owners within 300-feet of the subject project and no comments or letters in opposition were received by staff as of the writing of the staff report.

BUDGET (or FISCAL) IMPACT: Cost for staff preparation of this item, cost of construction and payment of impact fees are covered by the applicant.

Prepared by: Nathan Perez, Associate Planner

City Attorney: N/A

Finance Director: N/A

Public Hearing: **November 7, 2012**

**CITY OF PERRIS
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

CONDITIONS OF APPROVAL

Conditional Use Permit No. 12-04-0015

November 7, 2012

PROJECT: Conditional Use Permit 12-04-0015 to allow the County of Riverside Department of Social Services facility to occupy a new 50,000 sq. ft. one story office building to provide health, nutrition and medical administrative services, including job training classes and evaluations for adults and children on 5.36 vacant acres located at the northeasterly corner of Redlands Avenue and San Jacinto Avenue. **Applicant:** John Buckel, Capital Partners Development Co.

General Requirements:

1. **Development Standards.** The project shall conform to all requirements of the City of Perris Municipal Code Title 19.
2. **Approved Use.** The approved use shall permit the County of Riverside Department of Social Services facility to occupy a new 50,000 square feet office building on 5.36 acres of vacant land to provide health, nutrition and medical administrative services, including job training classes and evaluations for adults and children. No services related to mentally challenge or WIC (Woman in Crisis) are permitted as noted in the application submittal.
3. **Expansion of Use.** Any future expansions of use by the County of Riverside Department of Social Services shall require Planning review and approval. Depending upon the proposal, either a Minor Modification, Major Modification to this approval or a new Conditional Use Permit shall be required.
4. **Business License.** All tenants shall maintain compliance with all local and City Ordinances, including but not limited to an annual fire inspection and maintenance of a City business license.
5. **Conformance to Approved Plans.** Development of the premises, building elevations, colors and materials shall conform substantially to the approved set of plans dated October 2, 2012, or as amended by these conditions. Any deviation shall require the appropriate Planning Division review and approval.
6. **Term of Approval.** This approval shall be used within three (3) years of approval date; otherwise it shall become null and void. By use is meant the beginning of substantial construction contemplated by this approval within the three (3) year period which is thereafter diligently pursued to completion, or the beginning of substantial utilization contemplated by this approval. A maximum of three (3) one-year time extensions shall be permitted.
7. **Engineering Conditions.** The project shall comply with all requirements of the City Engineer as indicated in the Conditions of Approval dated October 17, 2012.

PRIOR TO ISSUANCE OF BUILDING PERMITS

8. **Building Official/Fire Marshal.** The proposed project shall adhere to all requirements of the Building Official/Fire Marshal. Fire hydrants shall be located on the project site pursuant to the Building Official. The applicant shall submit a fire access and fire underground plan prior to construction drawings. Water, gas, sewer, electrical transformers, power vaults and separate fire/water supply lines (if applicable) must be shown on the final set of construction plans pursuant to the requirements of the Building Official. All Conditions of Approval shall be included on building plans. See City of Perris website, Office of the Fire Marshal, for examples and relevant information for access and underground plan available at: <http://www.cityofperris.org>.

9. **Landscaping Plans.** Prior to issuance of building permits, three (3) copies of Construction Landscaping and Irrigation Plans shall be submitted to the Planning Department for approval and shall be accompanied by the appropriate filing fee. The landscape and irrigation plan shall be prepared by a licensed landscape architect and conform to the requirements of Chapter 19.70 of the Municipal Code. The location, number, genus, species, and container size of the plants shall be shown. The landscaping shall be substantially consistent with the conceptual landscape plan. In addition, the following shall apply:
 - a. **Parking Area.** All trees shall be a minimum of 15 gallon or larger. A minimum of 30% of trees shall be 36-inch box and at least 25% of the required parking lot trees shall be 24-inch box in size. One tree shall be provided for every six stalls in the public parking area.
 - b. **Street Trees.** Street trees shall be 24" box and placed 30-feet on center.
 - c. **BMPs for Water Quality.** All BMPs (vegetated swales, detention basins, etc.) shall be indicated on the landscape plans with appropriate planting and irrigation (except of detention basins).
 - d. **Water Conservation.** Landscaping must comply with AB 325 for water conservation. See Chapter 19.70 (cityofperris.org) for water conservation calculations (MAWA).
 - e. **Maintenance.** All required landscaping shall be maintained in a viable growth condition.
 - f. **Irrigation Rain Sensors.** Rain sensing override devices shall be required on all irrigation systems (PMC 19.70.040.D.16.b) for water conservation. Soil moisture sensors are required.

Landscape Inspections. The project applicant shall inform the on-site project manager and the landscape contractor of their responsibility to call for final landscape inspection after all the landscaping and irrigation have been installed and is completely operational. Before calling for final inspections a "Certificate of Compliance" form shall be completed and signed by the designer/auditor responsible for the project, and this form must be submitted to the project planner. The project planner will need to sign off on the "Certificate of Compliance" to signify code compliance.

10. **Fees.** The applicant shall pay the following fees according to the timeline noted herein:

- a. At issuance of building permits, the applicant shall pay Stephen's Kangaroo Rat Mitigation Fees of \$500.00 per acre;
 - b. At issuance of building permits, the applicant shall pay Multi-Species Habitat Conservation Plan fees in effect at that time;
 - c. At issuance of building permits, the applicant will pay the statutory school fees in effect at issuance of building permits to all appropriate school districts;
 - d. At issuance of building permits, the applicant shall pay any outstanding City liens and development processing fees.
 - e. At issuance of building permits, the applicant shall pay City Development Impact Fees in effect at the time of development.
11. **Final Water Quality Management Plan (WQMP).** Prior to the issuance of grading permits the owner shall submit for review and approval, along with the appropriate filing fee; a Final Water Quality Management Plan to the Department of Public Works Engineering Administration Division, which substantially complies with the site design, source control and treatment control Best Management Plans proposed in the approved Preliminary Water Quality Management Plan.
12. **ADA Compliance.** The project shall conform to all disabled access requirements in accordance with the State of California, Title 24, and Federal Americans with Disabilities Act (ADA).
13. **Renovation/Building Plans.** All Conditions of Approval shall be copied onto the approved building plans. Such conditions shall be annotated, directing the receiver to the sheet (*or sheets*) and detail(s) indicating satisfaction of the conditions.
14. **Southern California Edison.** Prior to issuance of building permits, the applicant shall contact the area service planner (951 928-8323) for Southern California Edison (SCE) to complete the required forms prior to commencement of construction
15. **Mechanical Equipment Screening.** Plans shall show screening of all mechanical equipment, including air conditioning units, transformers, etc., from the public right-of-way by a view obscuring roof-screen, fence, wall, or landscaping to the satisfaction of the Planning Division.
16. **Downspouts for Proposed Facility.** Exterior downspouts are not permitted on the west and south elevations. Downspouts on these elevations shall be located inside the building.
17. **Construction Practices.** To reduce potential noise and air quality nuisances, the following items shall be listed as "General Notes" on the construction drawings:
- a. Construction activity and equipment maintenance is limited to the hours between 7:00 a.m. and 7:00 p.m. Per Zoning Ordinance, Noise Control, Section 7.34.060, it is unlawful for any persons between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on a legal holiday, or on Sundays to erect, construct, demolish, excavate, alter or repair any building or structure in a manner as to create disturbing excessive or offensive noise. If any deviations from the

- construction hours are deemed necessary, it first must be requested with the building inspector identifying why this must occur and the time frame it is needed along with necessary provision to mitigate noise impact. The approval of this request is subject to the review and approval of the Building Official.
- b. Building Department Construction activity shall not exceed 80 dBA in residential zones in the City.
 - c. Construction routes are limited to City of Perris designated truck routes or otherwise approved by the Building Official.
 - d. Water trucks or sprinkler systems shall be used during clearing, grading, earth moving, excavation, transportation of cut or fill materials and construction phases to prevent dust from leaving the site and to create a crust after each day's activities cease. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - e. A person or persons shall be designated to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. The name and telephone number of such persons shall be provided to the City.
 - f. Project applicant shall require contractor to provide construction site electrical hook ups for electric hand tools such as saws, drills, and compressors as practical to eliminate the need for diesel powered electric generators or provide evidence that electrical hook ups at construction sites are not practical or prohibitively expensive.

Operational Requirements:

18. **Hours of Operation.** Hours of operation shall be limited from Monday through Friday from 7 am to 5:30 pm.
19. **Dust Control.** Unpaved ground surfaces shall be compacted base material or another material approved by the Building Official, for which water trucks shall be utilized as needed to control fugitive dust.
20. **Signage.** The proposed project does not include signage. All signs shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
21. **Graffiti** located on site shall be removed within 48 hours. The site shall be maintained in a graffiti-free state at all times.
22. **Waste Hauling.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal.
23. **Indemnification.** The developer/applicant shall indemnify, protect, defend, and hold harmless, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees and agents, to attack, set aside, void, annul, or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning

Conditional Use Permit 12-04-0015. The City shall promptly notify the developer/applicant of any claim, action, or proceeding for which indemnification is sought and shall further cooperate fully in the defense of the action.

24. **Property Maintenance.** The project shall comply with provisions of Perris Municipal Code 7.06 regarding Landscape Maintenance, and Chapter 7.42 regarding Property Maintenance.
25. **City Ordinances.** The applicant shall maintain compliance with all local and City ordinances, including but not limited to an annual fire inspection and maintenance of a City business license.

Prior to Issuance of Occupancy Permits:

26. **Planning Clearance.** The applicant shall first obtain clearance from the Planning Division verifying that all pertinent conditions of approval have been met.
27. **Dam Inundation Disclosure.** The owner shall disclose to all future tenants indicating the project is in a dam inundation area making the site subject to flooding in the event of a dam failure.
28. **Avigation Easement.** An avigation easement shall be recorded in favor of the Perris Valley Airport.
29. **Parcel Merger.** A parcel merger shall be approved by the City Engineer's office and recorded with the County Recorder's Office.
30. **Bicycle Racks.** Bicycle racks shall be provided at the building entrance on Redlands Avenue.
31. **Trash Enclosures.** Trash enclosures shall be screened on three sides with landscaping and include a trellis cover.
32. **Utilities.** All utility facilities attached to buildings, including meters and utility boxes, shall be painted to match the wall of the building to which they are affixed. These facilities shall be screened from the public right-of-way by landscaping. Notwithstanding the foregoing, these provisions shall not apply where a governmental authority requires otherwise.
33. **Removal of Existing Chain Link Fence and New Fencing.** The existing chain link fence along the interior property lines shall be removed and replaced with wrought-iron fencing with pilasters columns spaced 12-feet on center as depicted in the site plan dated October 2, 2012. A fencing plan shall be submitted for review and approval to the Planning Division prior to installation of any fencing. The fencing plan shall include a site plan, elevations, and construction details for all proposed fencing and walls.
34. **Site Lighting Plan.** The applicant shall submit a lighting plan that demonstrates compliance with County of Riverside Ordinance No. 655, Outdoor Lighting Regulations.

The lighting plan shall include, but not be limited to, photometrics, fixture details, and light standard (pole) elevations. Low-pressure sodium fixtures with full-cutoff shields shall be used to prevent light and glare above the horizontal plane of the bottom of the lighting fixture. A minimum of one (1) foot-candle of light shall be provided in parking and pedestrian areas.

- 35. Final Inspection.** The applicant shall obtain occupancy clearance from the Planning Division by scheduling a final Planning inspection after final sign-offs from the Building Division and Engineering Department. Planning Staff shall verify that all pertinent conditions of approval have been met.

APPROVAL DATE

PROJECT PLANNER

cc: Building Official/Fire Marshal
City Engineer