

FORM APPROVED COUNTY COUNSEL
BY: GREGORY P. PRIAMOS DATE 12/3/15

FISCAL PROCEDURES APPROVED
PAUL LANGULO, CPA, AUDITOR-CONTROLLER
BY: Susana Garcia-Bocanegra 11/19/15

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

563



FROM: Economic Development Agency

SUBMITTAL DATE:
January 21, 2016

SUBJECT: Fourth Amendment to Lease, Riverside County and City of Canyon Lake, Canyon Lake, Two Year Lease, CEQA Exempt, District 1 [\$86,140] County Library Fund 100%

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, Existing Facilities and Section 15061(b)(3);
2. Approve the attached Fourth Amendment to Lease and authorize the Chairman 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 upon approval by the Board.

BACKGROUND:

Summary

(Commences on Page 2)

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 14,769	\$ 44,750	\$ 86,140	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: County Library Fund 100%

Budget Adjustment: No

For Fiscal Year: 2015/16-17/18

C.E.O. RECOMMENDATION:

APPROVE

BY:
Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

☐ A-30 ☐ Positions Added ☐ Change Order
☐ 4/5 Vote

Prev. Agn. Ref.: 3.7 of 2/15/00; 3.39 of 8/16/11

District: 1

Agenda Number:

3-6

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

Economic Development Agency

FORM 11: Fourth Amendment to Lease, Riverside County and City of Canyon Lake, Canyon Lake, Two Year Lease, CEQA Exempt, District 3, [\$86,140] County Library Fund 100%

DATE: January 21, 2016

PAGE: 2 of 3

BACKGROUND:

Summary

On February 15, 2000, the County of Riverside entered into a lease with the City of Canyon Lake. The county operates a full service library to serve the residents of the County of Riverside. The leased facility located at 31516 Railroad Canyon Road, Canyon Lake, California, continues to meet the needs and requirements of the library and the county desires to extend the term an additional two years commencing March 1, 2016, and terminating on January 31, 2018. The utilities will be paid by the Landlord in the Fourth Amendment to Lease.

Pursuant to the California Environmental Quality Act (CEQA), the Lease amendment was reviewed and determined to be categorically exempt from CEQA under State CEQA Guidelines 15301, Class 1-Existing Facilities and Section 15061(b)(3). The proposed project, the Lease amendment, is the continuation of the letting of property involving existing facilities with no tenant improvement alterations and no expansion of an existing use will occur.

The attached Fourth Amendment to Lease is summarized below:

Lessor:	City of Canyon Lake 31516 Railroad Canyon Road, Suite 101 Canyon Lake, California 92587	
Location:	31516 Railroad Canyon Road Canyon Lake, California 92587	
Size:	Approximately 2,711 square feet	
Term:	Effective as of March 1, 2016 through January 31, 2018	
Rent:	Current	New
	\$ 1.21	\$ 1.31 per sq. ft.
	\$ 3,273.63	\$ 3,546.13 per month
	\$ 39,283.56	\$42,553.56 per year
Rental Adjustments:	Year 2: \$3,652.51	
Utilities:	Landlord	
Custodial Services:	Landlord	
Maintenance:	Landlord	

The attached Fourth Amendment to Lease has been approved as to form by County Counsel.

Impact on Residents and Businesses

There will be a positive impact on residents and local businesses since this facility provides, among other programs, adult literacy services to the communities through one-on-one literacy tutoring, English-as-a-Second-Language classes and family literacy events. In general, this facility provides exciting and innovating programs and services to the community.

(Continued)

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

Economic Development Agency

FORM 11: Fourth Amendment to Lease, Riverside County and City of Canyon Lake, Canyon Lake, Two Year Lease, CEQA Exempt, District 3, [\$86,140] County Library Fund 100%

DATE: January 21, 2016

PAGE: 3 of 3

SUPPLEMENTAL:

Additional Fiscal Information

See attached Exhibits A, B & C. County Library has budgeted these costs in FY 2015/16 through 2017/18. The utilities on Exhibit A are from July – Feb of 2015 (Third Amendment).

Contract History and Price Reasonableness

This is a two year renewal. This contract has been in place since 2000.

Attachment:

Exhibits A, B & C

Fourth Amendment to Joint Use Agreement

Notice of Exemption

Aerial Image

Exhibit A

FY 2015/16

County Libraries Lease Cost Analysis

31516 Railroad Canyon Road, Canyon Lake, California

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office: 2,711 SQFT

Approximate Cost per SQFT (March - June) 4th Amendment \$ 1.31

Lease Cost per Month (July - Feb) 3rd Amendment \$ 3,273.63

Lease Cost per Month (March - June) 4th Amendment \$ 3,546.13

Total Lease Cost (July - Feb) 3rd Amendment \$ 26,189.04

Total Lease Cost (March - June) 4th Amendment \$ 14,184.52

Total Estimated Lease Cost for FY 2015/16 **\$ 40,373.56**

Estimated Additional Costs:

Utility Cost per Square Foot \$ 0.12

Estimated Utility Costs per Month (July - Feb) \$ 325.32

Total Estimated Utility Cost \$ 2,602.56

EDA Lease Management Fee (Based @ 3.79%) - 3rd Amendment \$ 992.56

EDA Lease Management Fee (Based @ 4.12%) - 4th Amendment \$ 584.40

Total EDA Lease Management Fee \$ 1,576.97

TOTAL ESTIMATED COST FOR FY 2015/16 **\$ 44,553.09**

Amount Previously approved in 3rd Amendment (July -Feb) \$ 29,784.16

Amount of FY15/16 for 4th Amendment **\$ 14,768.92**

Exhibit B

FY 2016/17

County Libraries Lease Cost Analysis

31516 Railroad Canyon Road, Canyon Lake, California

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office: 2,711 SQFT

Approximate Cost per SQFT (July - Feb) \$ 1.31

Approximate Cost per SQFT (March - June) \$ 1.35

Lease Cost per Month (July - Feb) \$ 3,546.13

Lease Cost per Month (March - June) \$ 3,652.51

Total Lease Cost (July - Feb) \$ 28,369.04

Total Lease Cost (March - June) \$ 14,610.04

Total Estimated Lease Cost for FY 2016/17 **\$ 42,979.08**

Estimated Additional Costs:

EDA Lease Management Fee (Based @ 4.12%) \$ 1,770.74

Total EDA Lease Management Fee \$ 1,770.74

TOTAL ESTIMATED COST FOR FY 2016/17 **\$ 44,749.82**

Exhibit C

FY 2017/18

County Libraries Lease Cost Analysis

31516 Railroad Canyon Road, Canyon Lake, California

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office: 2,711 SQFT

Approximate Cost per SQFT (July - Jan) \$ 1.35

Lease Cost per Month (July - Jan) \$ 3,652.51

Total Lease Cost (July - Jan) \$ 25,567.57

Total Estimated Lease Cost for FY 2017/18 \$ **25,567.57**

Estimated Additional Costs:

EDA Lease Management Fee (Based @ 4.12%) \$ 1,053.38

TOTAL ESTIMATED COST FOR FY 2017/18 \$ **26,620.95**

TOTAL COST \$ **86,139.69**

1 **FOURTH AMENDMENT TO LEASE**

2 **31516 Railroad Canyon Road, Canyon Lake, California**

3
4 **THIS FOURTH AMENDMENT TO LEASE** ("4th Amendment"), dated as of
5 _____, is entered into by and between the COUNTY OF RIVERSIDE, a
6 political subdivision of the State of California, as County, and CITY OF CANYON
7 LAKE, as Lessor, sometimes collectively referred to as the "Parties."

8 **RECITALS**

9 a. Lessor and County have entered that certain Lease, dated February 15,
10 2000, (the "Original Lease") pursuant to which Lessor has agreed to lease to County
11 and County has agreed to lease from Lessor that certain building located at 31516
12 Railroad Canyon Road, Canyon Lake (the "Building"), as more particularly described in
13 the Lease (the "Original Premise").

14 b. The Original Lease has been amended by:

15 i. That certain First Amendment to Lease dated March 22, 2005, by
16 and between County of Riverside and City of Canyon Lake (the 1st Amendment),
17 whereby the Parties amended the Lease to extend the term; and

18 ii. That certain Second Amendment to Lease dated May 13, 2008, by
19 and between County of Riverside and City of Canyon Lake (the 2nd Amendment),
20 whereby the Parties amended the Lease to, among other things, to amend the
21 description of the premises to increase the square footage from 1,886 to 2,711 square
22 feet and amend the tenant improvements to the new space; and

23 iii. That certain Third Amendment to Lease dated August 16, 2011, by
24 and between County of Riverside and City of Canyon Lake (the 3rd Amendment),
25 whereby the Parties amended the Lease to, among other things, to extend the term,
26 the monthly rent, amend the County's representative to administer the Lease and the
27 address for both parties under Notices; and
28

1 c. The Original Lease together with this amendment are collectively referred
2 to herein as the "Lease."

3 d. The Parties now desire to amend the Lease to extend the term period
4 and rental amounts.

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

7 1. **Term.** Section 3 (a) of the Original Lease is hereby amended by the
8 following:

9 The term of this Lease shall be extended from March 1, 2016, and terminating
10 on January 31, 2018.

11 2. **Consideration.** Section 5 of the Original Lease is hereby amended by
12 the following:

13 County shall pay to Lessor the monthly sum as rent for the leased
14 premises during the term of this Lease as indicated below.

<u>Monthly Amount</u>	<u>Year</u>
\$3,546.13	March 1, 2016 to February 28, 2017
\$3,652.51	March 1, 2017 to January 31, 2018

18 3. **CAPITALIZED TERMS.** Fourth Amendment to Prevail. Unless defined
19 herein or the context requires otherwise, all capitalized terms herein shall have the
20 meaning defined in the Lease, as heretofore amended. The provisions of this Fourth
21 Amendment shall prevail over any inconsistency or conflicting provisions of the Lease,
22 as heretofore amended, and shall supplement the remaining provisions thereof.

23 4. **MISCELLANEOUS.** Except as amended or modified herein, all terms of
24 the Original Lease shall remain in full force and effect and shall apply with the same
25 force and effect. This is of the essence in this Amendment and the Lease and each
26 and all of their respective provisions. Subject to the provisions of the Lease as to
27 assignment, the agreements, conditions and provisions herein contained shall apply to
28 and bind the heirs, executors, administrators, successors and assigns of the parties

1 hereto. If any provision of this Amendment or the Lease shall be determined to be
2 illegal or unenforceable, such determination shall not affect any other provision of the
3 Lease and all such other provisions shall remain in full force and effect. The language
4 in all parts of the Lease shall be construed according to its normal and usual meaning
5 and not strictly for or against either Lessor or Lessee. Neither this Amendment, nor the
6 Original Lease, nor any notice nor memorandum regarding the terms hereof, shall be
7 recorded by Lessee.

8 (Remainder of Page Intentionally Left Blank)
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1 5. EFFECTIVE DATE. This Fourth Amendment to Lease shall not be
2 binding or consummated until its approval by the Riverside County Board of
3 Supervisors and fully executed by the Parties.

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

6
7 LESSEE:
8 COUNTY OF RIVERSIDE

LESSOR:
CITY OF CANYON LAKE

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

By: 
12 Tim Brown
13 Mayor

12 ATTEST:
13 Kecia Harper-Ihem
14 Clerk of the Board

15 By: _____
16 Deputy

17
18 APPROVED AS TO FORM:
19 Gregory P. Priamos
20 County Counsel

21 By: 
22 R. Todd Frazier
23 Deputy County Counsel

24
25
26 MH:ra/102215/CL002/17.795 S:\Real Property\TYPING\Docs-17.500 to 17.999\17.795.doc
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28



NOTICE OF EXEMPTION

November 5, 2015

Project Name: County of Riverside, Canyon Lake Library Fourth Amendment to Lease, Canyon Lake

Project Number: FM042116200200

Project Location: 31516 Railroad Canyon Road, east of Canyon Lake Drive South, Canyon Lake, California 92587; APN 355-330-034; (See Attached Exhibit)

Description of Project: The County of Riverside (County) proposes to amend and extend the term of the lease with the City of Canyon Lake (Lessor), commencing on March 1, 2016 and ending January 31, 2018. The original Lease occurred in February 2000, where the County entered into a lease with the City of Canyon Lake. The original lease was amended by the First Amendment to Lease dated March 22, 2005, the Second Amendment to Lease dated May 13, 2008, and the Third Amendment to Lease dated August 16, 2011 entered into between County and the City of Canyon Lake. The original Lease (2000), together with amendments, are collectively referred to as the Lease. The parties now desire to amend the Lease to extend the term two years to insure that the provision of library services by the County continue and the extension of the lease is identified as the proposed Project under California Environmental Quality Act (CEQA). The leased premise consists of approximately 2,711 square feet and the proposed Project is the letting of property involving existing facilities; no expansion of an existing use will occur. The operation of the facility will continue to provide library services and will not result in an increase in the intensity of the use of the site. No additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: County of Riverside, Economic Development Agency

Name of Person or Agency Carrying Out Project: County of Riverside, Economic Development Agency

Exempt Status: State CEQA Guidelines, Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption, Codified under Title 14, Articles 5 and 19, Sections 15061 and 15300 to 15301.

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 include a reasonable possibility of having a significant effect on the environment due to unusual circumstances. 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 fourth amendment to the Lease.

P.O. Box 1180 • Riverside, California • 92502 • T: 951.955.8916 • F: 951.955.6686

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- **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 an amendment to a lease and does not include additional modifications. The amendment to the lease will not increase or expand the use of the site, and is limited to the continued use of the site 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 proposed Lease amendment 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 alterations and 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.

Based upon the identified exemptions above, the County of Riverside, Economic Development Agency 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: _____

Mike Sullivan, Senior Environmental Planner
County of Riverside, Economic Development Agency

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Canyon Lake Library, Fourth Amendment to Lease, Canyon Lake

Accounting String: 524830-47220-7200400000 - FM042116200200

DATE: November 5, 2015

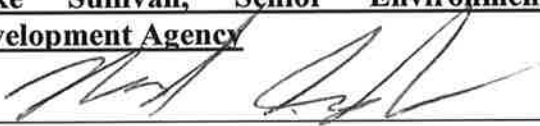
AGENCY: Riverside County Economic Development Agency

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO BILL FOR FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: Mike Sullivan, Senior Environmental Planner, Economic Development Agency

Signature: _____



PRESENTED BY: Maribel Hyer, Real Property Agent III, Economic Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: _____

DATE: _____

RECEIPT # (S) _____



Date: November 5, 2015

To: Mary Ann Meyer, Office of the County Clerk

From: Mike Sullivan, Senior Environmental Planner, Project Management Office

Subject: **County of Riverside Economic Development Agency Project # FM042116200200**
Canyon Lake Library, Fourth Amendment to Lease, Canyon Lake

The Riverside County's Economic Development Agency's Project Management Office is requesting that you post the attached Notice of Exemption. Attached you will find an authorization to bill by journal voucher for your posting fee.

After posting, please return the document to:

Mail Stop #1330

Attention: Mike Sullivan, Senior Environmental Planner,

Economic Development Agency,

3403 10th Street, Suite 400, Riverside, CA 92501

If you have any questions, please contact Mike Sullivan at 955-8009.

Attachment

cc: file

Canyon Lake Library
31516 Railroad Canyon



Legend



0 548 1,095 Feet



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.

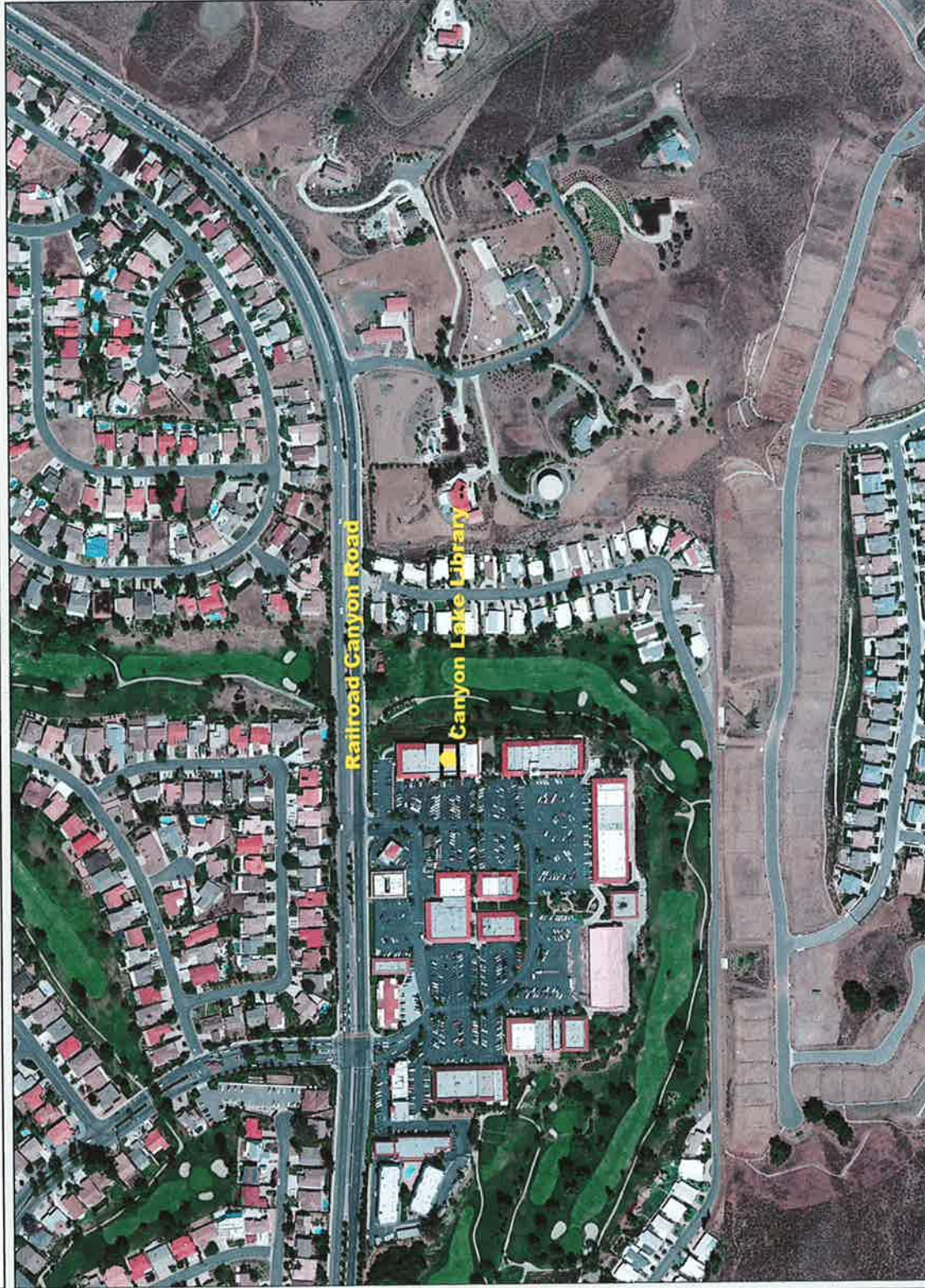
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Notes
Site Map

Canyon Lake Library

31516 Railroad Canyon



Railroad Canyon Road

Canyon Lake Library



Legend



0

548

1,095 Feet



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Notes
Site Map

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