

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

718



FORM APPROVED COUNTY COUNSEL
DATE 1/25/16
BY: GREGORY P. PRIAMOS

FROM: Economic Development Agency

SUBMITTAL DATE:

February 18, 2016

SUBJECT: Third Amendment to Lease – District Attorney – Three Year Term Extension, District 3, CEQA Exempt, [\$855,897] District Attorney Budget-100% General Fund

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15301, Existing Facilities and 15061(b)(3);
2. Ratify the attached Third 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 attached Notice of Exemption with the County Clerk for posting within five days of approval by the Board.

BACKGROUND:

Summary

(Commences on Page 2)

FISCAL PROCEDURES APPROVED
PAUL ANGULO, CPA, AUDITOR-CONTROLLER
BY: Susana Garcia-Bocanegra 2/17/16
Susana Garcia-Bocanegra

Robert Field
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	\$ 140,040	\$ 282,672	\$ 855,897	\$ 433,184	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 140,040	\$ 282,672	\$ 855,897	\$ 433,184	
SOURCE OF FUNDS: District Attorney Budget-100% General Fund				Budget Adjustment: No	
				For Fiscal Year: 2015/16-18/19	

C.E.O. RECOMMENDATION:

APPROVE

BY: Rohini Dasika
Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

REVIEWED BY CIP
Ivan M. Chand 2/24/2016

By: Michael Hestrin
District Attorney

Positions Added
 Change Order

A-30
 4/5 Vote

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

Economic Development Agency

FORM 11: Third Amendment to Lease – District Attorney – Three Year Term Extension, District 3, CEQA Exempt, [\$855,897] District Attorney Budget-100% General Fund

DATE: February 18, 2016

PAGE: 2 of 3

BACKGROUND:

Summary

On June 28, 2005 the County entered into a Lease Agreement on behalf of the District Attorney (DA) for the facility located at 30045 Technology Drive, Murrieta. This facility continues to meet the needs and requirements of the department. This Third Amendment to Lease represents a three year renewal which was negotiated by the Real Estate Division of the Economic Development Agency commencing on January 1, 2016.

Pursuant to the California Environmental Quality Act (CEQA), the lease agreement was reviewed and determined to be categorically exempt from CEQA under State CEQA Guidelines 15301, Class 1 – Existing facilities and 15061 (b)(3). The proposed project, the lease amendment, is the letting of property where no or negligible expansion of an existing use will occur.

Lessor:	Valley View Commerce Center, LLC 41623 Margarita Road, Suite 10 Temecula, California	
Premises:	30045 Technology Drive Murrieta, California	
Term:	Three years commencing January 1, 2016 expiring December 31, 2018	
Size:	14,482 square feet	
Rent:	Current	New
	\$1.40 per sq. ft.	\$1.43 per sq. ft.
	\$20,340.54 per month	\$20,747.35 per month
	\$244,086.48 per year	\$248,968.20 per year
Annual Adjustment:	Two percent	
Utilities:	County pays for electricity and telephone, Lessor pays for all others.	
Custodial:	Provided by Lessor	
Maintenance:	Provided by Lessor	
Improvements:	Paint entire suite at Lessor's sole cost and expense if County's requests within eighteen months of execution by both parties.	

Impact on Citizens and Businesses

This facility will continue to provide support for the Victim Witness Program in the Southwest region.

SUPPLEMENTAL:

Additional Fiscal Information

The DA has budgeted for these costs in FY 2015/16 through 2018/19 and will reimburse EDA for all lease costs on a monthly basis.

(Continued)

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Economic Development Agency

FORM 11: Third Amendment to Lease – District Attorney – Three Year Term Extension, District 3, CEQA Exempt, [\$855,897] District Attorney Budget-100% General Fund

DATE: February 18, 2016

PAGE: 3 of 3

Contract History and Price Reasonableness

The lease rate is deemed to be a competitive lease rate for the Murrieta market.

Attachments:

Exhibits A, B & C

Aerial Image

Third Amendment to Lease

Notice of Exemption

Exhibit A

FY 2015/16

Office of the District Attorney

30045 Technology Drive, Murrieta

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:	14,482	SQFT		
Approximate Cost per SQFT (July - Dec)	\$	1.40		
Approximate Cost per SQFT (Jan - June) 3rd Amendment	\$	1.43		
Lease Cost per Month (July - Dec)		\$	20,340.54	
Lease Cost per Month (Jan - June) 3rd Amendment			\$	20,747.35
Total Lease Cost (July - Dec)		\$	122,043.28	
Total Lease Cost (Jan - June) 3rd Amendment			\$	124,484.10
Total Estimated Lease Cost for FY 2015/16			\$	246,527.38

Estimated Additional Costs:

Utility Cost per Square Foot	\$	0.12		
Estimated Utility Costs per Month		\$	1,737.84	
Estimated Utility Cost July- Dec		\$	10,427.04	
Estimated Utility Cost Jan - July 3rd Amendment			\$	10,427.04
Total Estimated Utility Cost July- June			\$	20,854.08
Tenant Improvement		\$	13,804.14	\$ 13,804.14
EDA Lease Management Fee - 3.89%		\$	5,284.46	\$ 5,284.46
EDA Lease Management Fee - 4.12%			\$	5,128.74
Total Lease Management Fee			\$	10,413.21
TOTAL ESTIMATED COST FOR FY 2015/16			\$	291,598.81
Previously approved for FY1516			\$	151,558.93
Total for FY1516 3rd Amendment			\$	140,039.87

Exhibit B

FY 2016/17

Office of the District Attorney

30045 Technology Drive, Murrieta

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office: 14,482 SQFT

Approximate Cost per SQFT (July - Dec) \$ 1.43

Approximate Cost per SQFT (Jan - June) \$ 1.46

Lease Cost per Month (July - Dec) \$ 20,747.35

Lease Cost per Month (Jan - June) \$ 21,162.30

Total Lease Cost (July - Dec) \$ 124,484.10

Total Lease Cost (Jan - June) \$ 126,973.78

Total Estimated Lease Cost for FY 2016/17 \$ 251,457.88

Estimated Additional Costs:

Utility Cost per Square Foot \$ 0.12

Estimated Utility Costs per Month \$ 1,737.84

Total Estimated Utility Cost July- June \$ 20,854.08

EDA Lease Management Fee - 4.12% \$ 10,360.06

TOTAL ESTIMATED COST FOR FY 2016/17 \$ 282,672.03

Exhibit C

FY 2017/18 to FY 2018/19
Office of the District Attorney
30045 Technology Drive, Murrieta

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:

14,482 SQFT

	FY 2017/18	FY 2018/19
Approximate Cost per SQFT (July - Dec)	\$ 1.46	\$ 1.49
Approximate Cost per SQFT (Jan - June)	\$ 1.49	\$ -
Lease Cost per Month (July - Dec)	\$ 21,162.30	\$ 21,585.54
Lease Cost per Month (Jan - June)	\$ 21,585.54	
Total Lease Cost (July - Dec)	\$ 126,973.78	\$ 129,513.26
Total Lease Cost (Jan - June)	\$ 129,513.26	
Total Estimated Lease Cost for FY 2017/18 to FY 2018/19	\$ 256,487.04	\$ 129,513.26

Estimated Additional Costs:

Utility Cost per Square Foot	\$ 0.12	\$ 0.12
Estimated Utility Costs per Month	\$ 1,737.84	\$ 1,737.84
Total Estimated Utility Cost July- June	\$ 20,854.08	\$ 10,427.04
EDA Lease Management Fee - 4.12%	\$ 10,567.27	\$ 5,335.95
TOTAL ESTIMATED COST FOR FY 2017/18 to FY 2018/19	\$ 287,908.39	\$ 145,276.24

F11: Cost - Total Cost \$ 855,896.53

1 **THIRD AMENDMENT TO LEASE**

2 **30045 Technology Drive**

3 **Murrieta, California**

4
5 **THIS THIRD AMENDMENT TO LEASE** ("Third Amendment"), dated as of
6 _____, 2016, is entered into by and between the **COUNTY OF**
7 **RIVERSIDE**, a political subdivision of the State of California, County, and **VALLEY**
8 **VIEW COMMERCE CENTER, LLC**, a California limited liability company, collectively
9 referred to as the "Parties".

10 **RECITALS**

11 A. Valley View Commerce Center, LLC as Lessor and County have entered into
12 that certain original Lease dated June 28, 2005 (the "Lease") pursuant to which Lessor
13 has agreed to lease to County and County has agreed to lease from Lessor
14 approximately 14,482 square feet of office space in those certain buildings located at
15 30045 Technology Drive, Murrieta, as more particularly described in the Lease.

16 B. On October 27, 2009, the Lease was amended by the First Amendment
17 to Lease whereby Valley View Partners, LLC transferred its interest as Lessor to Valley
18 Commerce Center, LLC; the address of the Premises was changed; and the term of
19 the Lease was extended.

20 C. On December 17, 2013, the Lease was amended by the Second
21 Amendment to Lease whereby the term of the Lease was extended; the rent was
22 amended; and the rights and responsibilities of the Parties in relation to the Tenant
23 Improvements was defined.

24 The Parties now desire to amend the Lease to, among other things, extend the
25 term and adjust the rent.

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

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1. **Term.** Section 4.1 of the Lease is amended by adding the following: The term of this Lease shall be extended an additional three (3) years commencing on January 1, 2016 and terminating on December 31, 2018.

2. **Rent.** Section 5.1 of the Lease is amended by adding the following: Effective January 1, 2016 monthly rent shall be \$20,747.35 per month.

3. **THIRD AMENDMENT TO PREVAIL.** The provisions of this Third Amendment shall prevail over any inconsistency or conflicting provisions of the Lease. Any capitalized terms shall have the meaning defined in the Lease, unless defined herein or context requires otherwise.

4. **MISCELLANEOUS.** Except as amended or modified herein, all terms of the Lease shall remain in full force and effect. If any provisions of this Amendment shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of the Lease. Neither this Amendment nor the Lease shall be recorded by the County.

Signatures on the following page

1 5. EFFECTIVE DATE. This Third 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 Third Amendment to
5 Lease as of the date first written above.

6 LESSEE:
7 COUNTY OF RIVERSIDE

LESSOR:
VALLEY VIEW COMMERCE
CENTER, LLC

8
9
10 By: _____
11 John J. Benoit, Chairman
12 Board of Supervisors

By:  _____
Fred D. Grimes,
Managing Member

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

16 By: _____
17 Deputy

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

20 By:  _____
21 Todd Frahm
22 Deputy County Counsel

Third Amendment to Lease
District Attorney 30045 Technology Dr., Murriet, CA



Legend



0 354 708 Feet

A horizontal scale bar is positioned below the text, with tick marks at 0, 354, and 708 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



NOTICE OF EXEMPTION

December 1, 2015

Project Name: County of Riverside, Economic Development Agency (EDA) District Attorney Third Amendment to Lease, Murrieta

Project Number: FM042464000700

Project Location: 30045 Technology Drive, east of Sky Canyon Drive, Murrieta, California 92563; APN 957-331-034; (See Attached Exhibit)

Description of Project: On June 28, 2005, the County of Riverside (County) entered into a Lease Agreement on behalf of the District Attorney for the facility located at 30045 Technology, Murrieta. This facility continues to meet the needs and requirements of the department. This Third Amendment to Lease represents a three-year renewal of the Lease Agreement commencing on January 1, 2016. The Third Amendment to the Lease Agreement is identified as the proposed Project under the California Environmental Quality Act (CEQA). No changes to the Lease Agreement other than the duration and rent are being proposed. The ongoing use of the facility by the District Attorney would continue, consistent with the existing use and no expansion of the existing use will occur. The operation of the facility will continue to provide legal services and will not result in an expansion of existing use. 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 Third Amendment to the Lease Agreement.

- **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 the existing Lease Agreement, in which changes are limited to term and rent. The continued use of the site by the District Attorney would be consistent with the land use, and would not require any expansion of public services and facilities; 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 amendment contains changes to the lease limited to duration and cost and would involve no physical effects. The Third Amendment to the Lease Agreement 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: 12/1/15

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

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: District Attorney Third Amendment to Lease, Murrieta

Accounting String: 524830-47220-7200400000- FM042464000700

DATE: December 1, 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: Trea Womack, Senior Real Property Agent, Economic Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -



Date: December 1, 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 # FM042464000700**
District Attorney Third Amendment to Lease, Murrieta

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

Third Amendment to Lease
District Attorney 30045 Technology Dr., Murriet, CA



Legend

Notes



0 354 708 Feet



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