

FORM APPROVED COUNTY COUNSEL 6/7/16
 BY: GREGORY P. PRIAMOS
 Department of Administration

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

549



FROM: Economic Development Agency

SUBMITTAL DATE:
 September 13, 2016

SUBJECT: Second Amendment to Lease, Environmental Health – Parking, District 2, CEQA Exempt [\$0]

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 and Section 15061(b)(3);
2. Approve the attached Second 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 work days.

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	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: N/A
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
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: 3.45 of 8/28/12 | District: 2 | Agenda Number:

3-8

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

Economic Development Agency

FORM 11: Second Amendment to Lease, Environmental Health – Parking, District 2, CEQA Exempt [\$0]

DATE: September 13, 2016

PAGE: 2 of 2

BACKGROUND:

Summary

On September 13, 2011 the County of Riverside entered into a Lease Agreement on behalf of Environmental Health for the facility located at 3880 Lemon Street, Suite 200, Riverside. The lease stipulates the County is allocated twenty three unreserved parking spaces. This Second Amendment solely represents a reduction of seven parking spaces leaving a total of sixteen, which will meet the current needs and requirements of the department.

Lessor: Center Tower Riverside LLC
19762 MacArthur Blvd., Suite 300
Irvine, California 92616

Premises: 3880 Lemon Street, Suite 200
Riverside, California 92501

Size: 7,765 square feet

Rent: \$2.01 per sq. ft.
\$15,607.65 per month
\$187,291.80 per year

Utilities: Provided by Landlord

Custodial: Provided by Landlord

Maintenance: Provided by Landlord

Impact on Citizens and Businesses

This Second Amendment to Lease will have no impact on the Community.

Attachments:

Second Amendment

Notice of Exemption

Aerial Image

1 **SECOND AMENDMENT TO LEASE**

2 **3880 Lemon Street, Riverside**

3
4 **THIS SECOND AMENDMENT TO LEASE** ("Second Amendment"), dated as of
5 June 1, 2016, 2016, is entered into by and between the **COUNTY OF**
6 **RIVERSIDE**, a political subdivision of the State of California, County, and **CENTER**
7 **TOWER RIVERSIDE LLC**, a Delaware limited liability company, ("Lessor") as
8 successor in interest to Nomel Ventures, LP, a California limited partnership,
9 sometimes collectively referred to as the "Parties".

10 **RECITALS**

11 a. Nomel Ventures, LP, a California limited partnership, as Lessor and
12 County entered into that certain original Lease dated September 13, 2011, pursuant to
13 which Lessor has agreed to lease to County and County has agreed to lease from
14 Lessor approximately 7,765 square feet of office space in those certain buildings
15 located at 3880 Lemon Street, Riverside, as more particularly described in the Lease.

16 The Parties now desire to amend the Lease, among other things to, complete
17 tenant improvements.

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

20 1. Section 2.2 Defined, shall be amended as follows. County shall
21 return seven (7) unreserved parking spaces of the twenty three (23) allocated and
22 retain sixteen (16) unreserved parking spaces, effective March 1, 2016.

23 2. **SECOND AMENDMENT TO PREVAIL.** The provisions of this
24 Second Amendment shall prevail over any inconsistency or conflicting provisions of the
25 Lease. Any capitalized terms shall have the meaning defined in the Lease, unless
26 defined herein or context requires otherwise.

27 3. **MISCELLANEOUS.** Except as amended or modified herein, all
28 terms of the Lease shall remain in full force and effect. If any provisions of this

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

6 4. EFFECTIVE DATE. This Second Amendment to Lease shall not
7 be binding or consummated until its approval by the Riverside County Board of
8 Supervisors and fully executed by the Parties.


9 IN WITNESS WHEREOF, the parties have executed this Second Amendment to
10 Lease as of the date first written above.

11 LESSEE:
12 COUNTY OF RIVERSIDE

LESSOR:
CENTER TOWER RIVERSIDE LLC
a Delaware limited liability company,

By: CIP Investment Manager LLC,
a Delaware limited liability company,
its Manager

13
14
15
16 By: _____
17 John J. Benoit, Chairman
Board of Supervisors

By:  _____
Katie McKenna
~~Vice President~~
Authorized Signatory

18 ATTEST:
19 Kecia Harper-Ihem
20 Clerk of the Board

21 By: _____
22 Deputy

23 APPROVED AS TO FORM:
24 Gregory P. Priamos, County Counsel

25 By:  _____
26 Deputy County Counsel



NOTICE OF EXEMPTION

May 9, 2016

Project Name: County of Riverside, Economic Development Agency (EDA) Environmental Health – Parking, Second Amendment to Lease, Riverside

Project Number: FM042341003900

Project Location: 3880 Lemon Street, Suite 200, north of Ninth Street, Riverside, California 92501; Assessor's Parcel Number (APN) 213-311-012; (See Attached Exhibit)

Description of Project: The County of Riverside (County) entered into a Lease Agreement on behalf of Environmental Health with Center Tower Riverside LLC on September 13, 2011 for Suite 200 at the building located at 3880 Lemon Street in Riverside, California. The County is seeking to amend the Lease Agreement to reduce the number of allocated parking spaces by seven from 23 to 16. Based on the level of staffing needs, the Department of Environmental Health County does not require the original 23 spaces identified in the lease. The reduction in seven spaces will reduce costs associated with the Lease and provide additional parking availability for other tenants. The Second Amendment to the Lease Agreement is identified as the proposed Project under the California Environmental Quality Act (CEQA). The proposed Project would involve the continuation of the letting of property involving existing facilities with no physical changes and no expansion would occur. The operation of the leased area will continue to provide environmental health services and no additional direct or indirect physical environmental impacts are anticipated.

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

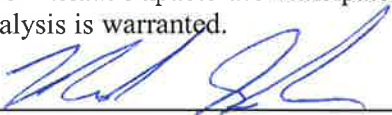
Name of Person or Agency Carrying Out Project: County of Riverside, Economic Development Agency and Center Tower Riverside LLC

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 involve unusual circumstances which could have a potentially 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 Second 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 a Lease and includes a reduction in the amount of parking spaces allocated. The Project will not increase or expand the use of the site, as no alterations to the existing building are being considered. The site is currently developed and does not contain environmentally sensitive areas. The existing building and parking was designed, planned, and environmentally analyzed for full occupancy and the indirect effects of the shift in parking allocation from one tenant to any other would not result in any net increases in total trips associated with the building as the trip generation rates would continue to be office related and would not increase in density or capacity. The shift in parking allocation would not require any additional infrastructure and would fall within the previously analyzed effects; 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 Second Amendment to the Lease and reduction in parking allocation 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 and existing building 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: 5/9/16

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

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Environmental Health-Parking Second Amendment to Lease, Riverside

Accounting String: 524830-47220-7200400000- FM042611049000

DATE: May 9, 2016

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: May 9, 2016

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 # FM042611049000**
Environmental Health-Parking Second Amendment to Lease, Riverside

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

My Map

Second Amendment to Lease



Legend



0 113 225 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.

REPORT PRINTED ON... 5/5/2016 2:42:59 PM

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Notes

3880 Lemon Street, Suite 200
Riverside