

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

549



FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:
February 13, 2013

SUBJECT: Fifth Amendment to Lease – Law Offices of the Public Defender, Riverside

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Fifth Amendment to Lease for 4275 Lemon Street, Suites 100 and 101, Riverside and authorize the Chairman of the Board to execute the same on behalf of the County; and
2. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.

BACKGROUND: (Commences on Page 2)

FISCAL PROCEDURES APPROVED
PAUL ANGULO, CPA, AUDITOR-CONTROLLER

Robert Field

BY: *Lisette Rose* 2/13/13
Lisette Rose

Robert Field
Assistant County Executive Officer/EDA

| | | | | |
|-----------------------|-------------------------------|-------------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ (10,462) | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ (10,462) | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ 122,441 | For Fiscal Year: | 2012/13 |

COMPANION ITEM ON BOARD AGENDA: No

SOURCE OF FUNDS: 100% County General Fund

Positions To Be Deleted Per A-30
Requires 4/5 Vote

C.E.O. RECOMMENDATION: APPROVE

BY: *Jennifer L. Sargent*
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: March 19, 2013
xc: EDA, Auditor, Public Defender

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref.: 3.20 of 8/10/10; 3.36 of 2/28/12 | District: 2/2 | Agenda

3-17

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
BY: *Patricia M. Borealis* 12/19/12
Patricia M. Borealis, Concurrent DATE

By: *Brian Boles*
Brian Boles, Interim Public Defender
Public Defender, Executive Management

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

Economic Development Agency / Facilities Management
Fifth Amendment to Lease – Law Offices of the Public Defender, Riverside

February 13, 2013
Page 2

BACKGROUND:

This Fifth Amendment to Lease represents a request from the Law Offices of the Public Defender to renew their lease agreement at 4275 Lemon Street, for Suites 100 and 101, Riverside. This facility continues to meet the requirements of the department. The Real Estate Division has negotiated a two year lease renewal with a rental rate reduction, and a 425 square footage reduction resulting in an additional cost savings for the department.

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

The Lease terms are summarized below:

Lessor: Eleanor Freitas
5315 Cascades Street
Chowchilla, CA 93610

Premises Location: 4275 Lemon Street
Suite 100, 101
Riverside, California 92501

Size: Old square footage: 7,033
New square footage: 6,608

Term: Two years, January 1, 2013 through December 31, 2014

| Rent: | Current | New |
|-------|------------------------|-----------------------|
| | \$ 1.50 per sq. ft | \$ 1.35 per sq. ft. |
| | \$ 10,549.50 per month | \$ 8,920.80 per month |
| | \$126,594.00 per year | \$107,049.60 per year |

Rental Adjustments: Three percent

Utilities: County pays telephone. Lessor shall provides all other utility services

Custodial Services: Lessor provides custodial services

Maintenance: Lessor provides maintenance services

Improvements: None

RCIT Costs: None

Parking: Sufficient to meet County requirements

(Continued)

BACKGROUND: (Continued)

The attached Lease has been reviewed and approved by County Counsel as to form

FINANCIAL DATA:

All associated cost for this Fifth Amendment to Lease will be fully funded through the Law Offices of the Public Defender's budget. Law Offices of Public Defender has budgeted these costs in FY 2012/13. While the Economic Development Agency will front the costs for the Fifth Amendment to Lease with the property owners, Law Offices of the Public Defender will reimburse EDA for all associated costs.

Attachment:
Fifth Amendment to Lease

Exhibit A

Public Defender's Lease Cost Analysis FY 2012/13 4275 Lemon Street, Suites 100, 101, Riverside, CA 92501

Total Square Footage to be Leased:

EXPECTED AMOUNTS

Current office: 7,033 SQFT
Total Expected Lease Cost for FY 2012/13 \$ 126,594.00

ACTUAL AMOUNTS

Current Office: 7,033 SQFT
Proposed Office: 6,608 SQFT

Approximate Cost per SQFT (July - Dec) \$ 1.50
Approximate Cost per SQFT (Jan - June) \$ 1.35

Lease Cost per Month (July - Dec) \$ 10,549.50
Lease Cost per Month (Jan - June) \$ 8,920.80

Total Lease Cost (July - Dec) \$ 63,297.00
Total Lease Cost (Jan - June) \$ 53,524.80

Total Actual Lease Cost for FY 2012/13 \$ 116,821.80
Total Lease Cost Variance for FY 2012/13 \$ (9,772.20)

Estimated Additional Costs:

EXPECTED AMOUNTS

Utility Cost per Square Foot \$ 0.12
Estimated Utility Costs per Month (July - June) \$ 843.96

Total Estimated Utility Cost for FY 2012/13 \$ 10,127.52

EDA Lease Management Fee (Based @ 3.93%) \$ 4,975.14
Total Estimated Expected Cost for FY 2012/13 \$ 15,102.66

ACTUAL AMOUNTS

Utility Cost per Square Foot \$ 0.12
Costs per Month (July - Dec) \$ 843.96
Costs per Month (Jan - June) \$ 792.96

Total Estimated Actual Utility Cost for FY 2012/13 \$ 9,821.52

EDA Lease Management Fee (Based @ 3.93%) \$ 4,591.10
Total Estimated Actual Cost for FY 2012/13 \$ 14,412.62

Total Estimated Cost Variance for FY 2012/13 \$ (690.04)

TOTAL ESTIMATED COST FOR FY 2012/13 \$ (10,462.24)

TOTAL COUNTY COST: 100% \$ (10,462.24)

Exhibit B

Public Defender's Lease Cost Analysis FY 2013/14 4275 Lemon Street, Suites 100, 101, Riverside, CA

Current Square Feet Occupied:

| | | | |
|---|-------|------|----------------------|
| Current Office: | 6,608 | SQFT | |
| Approximate Cost per SQFT (July - Dec) | \$ | 1.35 | |
| Approximate Cost per SQFT (Jan - June) | \$ | 1.39 | |
| Lease Cost per Month (July - Dec) | | \$ | 8,920.80 |
| Lease Cost per Month (Jan - June) | | \$ | 9,188.43 |
| Total Lease Cost (July - Dec) | | | \$ 53,524.80 |
| Total Lease Cost (Jan - June) | | | \$ 55,130.60 |
| Total Expected Lease Cost for FY 2013/14 | | | \$ 108,655.40 |

Estimated Additional Costs:

| | | | |
|---|----|------|-----------------------------|
| Utility Cost per Square Foot | \$ | 0.12 | |
| Estimated Utility Costs per Month (July - June) | | \$ | <u>792.96</u> |
| Total Estimated Utility Cost for FY 2013/14 | | | \$ 9,515.52 |
| EDA Lease Management Fee (Based @ 3.93%) | | | \$ <u>4,270.16</u> |
| TOTAL ESTIMATED COST FOR FY 2013/14 | | | \$ <u>122,441.08</u> |
| TOTAL COUNTY COST: 100% | | | \$ 122,441.08 |

3-20, 3-21

Harper-Ihem, Kecia

From: Hellweg, Opal
Sent: Thursday, March 07, 2013 1:22 PM
To: Harper-Ihem, Kecia
Cc: Lauritzen, Verne
Subject: Re: Item -2.10 , 3.20 and 3.21 Public Defender lease renewal

*Continued
to
3/19/2013*

Hello Kecia,

I am so sorry to give this to you so late in the week, but because agenda item 3.20 and 3.21 go together with the audit of county space agenda item, 2.10 the Supervisor would like to have them all on the same agenda on March 19th?

Again, I am sorry this is coming to you so late, thank you.

Warm regards,

Opal Hellweg
Legislative Assistant to
Supervisor Jeff Stone, County of Riverside
opal@rcbos.org

37600 Sky Canyon Dr. #505
Murrieta, CA 92563
Ph. 951-698-7326, Fax 951-677-0669
Toll Free No. (866) 383-2203
www.supjeffstone.org

Act Justly, Love Tenderly, Walk Humbly
Micah 6:8

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3-28

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the recommendation from Economic Development Agency/Facilities Management regarding Approval of the Fifth Amendment to the Lease - Law Offices of the Public Defender, (4275 Lemon Street, Suites 100 and 101), Riverside, 2nd/2nd District is continued to Tuesday, March 12, 2013 at 9:00 a.m.

Roll Call:

Ayes: Jeffries, Tavaglione, Stone and Benoit
Nays: None
Absent: Ashley

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on February 26, 2013 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: February 26, 2013
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.
3-28

xc: EDA, Public Defender, CØB

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3-21

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Economic Development Agency/Facilities Management regarding Approval of the Fifth Amendment to the Lease – Law Offices of the Public Defender (4275 Lemon Street, Suite 100 and 101), Riverside, 2nd/2nd District is continued to Tuesday, March 19, 2013 at 9:00 a.m.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on March 12, 2013 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: March 12, 2013
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.
3-21

xc: EDA, ~~COB~~

1 **FIFTH AMENDMENT TO LEASE**

2 **Law Office of Public Defender**

3 **4275 Lemon Street, Suites 100, 101 Riverside, California 92501**

4
5 **This FIFTH AMENDMENT TO LEASE**, "Fifth Amendment" is made as of
6 March 19, 2013, by and between **ELEANOR M. FREITAS**, Lessor and the **COUNTY**
7 **OF RIVERSIDE**, a political subdivision of the State of California, as "County."

8 **1. Recitals.**

9 a. Lessor and County have entered into that certain Lease, dated as of December
10 19, 2006, "Original Lease", pursuant to which Lessor have agreed to lease to County and
11 County has agreed to lease from Lessor's that certain building, more commonly known as 4275
12 Lemon Street, Suites 100, 101 and 251A, Riverside, California, as shown on Exhibit "A,"
13 attached thereto.

14 b. The Original Lease has been amended by that certain First Amendment to Lease
15 dated July 31, 2007, by and between County of Riverside and Frank C. Freitas and Eleanor
16 Freitas, the "First Amendment."

17 c. That certain Second Amendment to Lease dated March 11, 2008, by and between
18 County of Riverside and Frank C. Freitas and Eleanor Freitas, the "Second Amendment."

19 d. That certain Third Amendment to Lease dated August 10, 2010, by and between
20 County of Riverside and Frank C. Freitas and Eleanor Freitas, the "Third Amendment."

21 e. That certain Fourth Amendment to Lease dated February 28, 2012, by and between
22 County of Riverside and Eleanor Freitas, the "Fourth Amendment."

23 f. County and Lessor further desire to amend the Lease by extending the term of
24 the Lease, and reduce the rate among other things, as heretofore amended by this "Fifth
25 Amendment."

26 g. The Original Lease, as heretofore, amended, or hereafter amended, shall
27 collectively be referred to as the "Lease." **NOW THEREFORE**, for good and valuable
28

1 consideration the receipt and Adequacy of which is hereby acknowledged, the parties agree as
2 follows:

3 **2. Fifth Amendment to Prevail.** The provision of this Fifth Amendment shall
4 prevail over any inconsistency or conflicting provision of the Lease, as heretofore amended and
5 shall supplement the remaining provision thereof. Unless defined herein or the context
6 requires otherwise, any capitalized terms herein shall have the meaning defined in the Lease.
7 The Lease remains in full force and effect except to the extent amended by the Fifth
8 Amendment.

9 **3. Term:** Section 3 (a) of the Lease shall be amended as follows:

10 The term of this Lease is hereby extended for two (2) years. The extended term
11 will commence on January 1, 2013, and will expire on December 31, 2014 "Extended Term."
12 December 31, 2014, shall hereafter be the "Expiration Date."

13 **4. Square Footage Reduction:** County wishes to eliminate Suite 251A consisting
14 of approximately 425 square feet, as shown on Exhibit "A", of the Lease. Therefore the total
15 square footage occupied by Public Defender's Office shall consist of approximately 6,608
16 square feet.

17 **5. Rent During Extended Term:** Section 5 of the Lease shall be amended as
18 follows:

19 County shall pay to Lessor the reduced monthly sums as rent for the Leased premises
20 consisting of approximately 6,608 square feet during the term of this Lease as indicated below:

| <u>Amount</u> | <u>Year</u> |
|---------------|-------------------------------------|
| \$8,920.80 | January 1, 2013 – December 31, 2013 |
| \$9,188.43 | January 1, 2014 – December 31, 2014 |

24
25 **6.** Except as modified or supplemented by this Fifth Amendment to Lease all terms
26 and conditions of the Lease shall remain in full force and effect.

1 7. This Fifth Amendment to Lease shall not be binding or consummated until its
2 approval by the County's Board of Supervisors.

3 Dated: _____

4 **ELEANOR M. FREITAS**

5 By: Eleanor M. Freitas
6 Eleanor M. Freitas

7 **COUNTY OF RIVERSIDE**

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

12 **ATTEST:**

13 Kecia Harper-Ihem
14 Clerk to the Board

15 By: Kecia Harper-Ihem
16 Deputy

17 **APPROVED AS TO FORM:**

18 Pamela J. Walls
19 County Counsel

20 By: Patricia Munroe
21 Patricia Munroe
22 Deputy County Counsel

23
24
25
26 CC:ra/120512/RV359/15.434 S:\Real Property\TYPING\Docs-15.000 to 15.499\15.434.doc