

FORM APPROVED COUNTY COUNSEL
 BY: Gregory P. Priamos 9/19/15
 DATE

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

127



FROM: Economic Development Agency

SUBMITTAL DATE:
 September 2, 2015

SUBJECT: Third Amendment to Lease, Sheriff's Department, Perris Storage Facility, 2 Year Lease Renewal, District 5, CEQA Exempt, [\$509,224] 100% General Funds Sheriff's Budget

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), the common sense exemption;
2. Ratify the 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 Notice of Exemption with the County Clerk within five (5) days of approval by the Board.

BACKGROUND:

Summary
 (Commences on Page 2)

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA
 COUNTY AUDITOR-CONTROLLER

BY Misley Wang

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 | \$ 251,165 | \$ 258,059 | \$ 509,224 | \$ 0 | Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/> |
| NET COUNTY COST | \$ 251,165 | \$ 258,059 | \$ 509,224 | \$ 0 | |

SOURCE OF FUNDS: 100% General Funds, Sheriff's Budget
 Budget Adjustment: No
 For Fiscal Year: 2015/16-2017

C.E.O. RECOMMENDATION:

APPROVE
 BY: Rohini Dasika
 Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
 Nays: None
 Absent: None
 Date: September 15, 2015
 xc: EDA, Recorder

Kecia Harper-Ihem
 Clerk of the Board
 BY: [Signature]
 Deputy

3-8

By: [Signature]
 Stanley L. Sniff, Jr.
 Sheriff-Coroner - PA

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

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

Economic Development Agency

FORM 11: Third Amendment to Lease, Sheriff's Department, Perris Storage Facility, 2 Year Lease Renewal, District 5, CEQA Exempt, [\$509,224] 100% General Funds Sheriff's Budget

DATE: September 2, 2015

PAGE: 2 of 3

BACKGROUND:

Summary

This Third Amendment to Lease represents a request from the Sheriff's Department to extend the Lease term for an additional two years at the existing premises located at 24312 Daytona Cove. The 55,625 square feet of secured warehouse space which includes reinforced concrete flooring to support heavy equipment and vehicles, continues to provide adequate storage space for Sheriff's patrol units, SWAT vehicles, trailers and equipment, as well as storage space for emergency supplies and weapons.

The Economic Development Agency (EDA), Real Estate Division, has negotiated a two year extension at a rate of .36 per square feet with a three percent annual increase. Other warehouse rates comparable to the Daytona Warehouse are leasing from .40 to .55 per square feet.

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

The Third Amendment to Lease is summarized as follows:

Location: Daytona Business Park, 24312 Daytona Cove, Perris

Lessor: Perris Citrus Avenue Storage, LP

Size: Current square feet: 55,625 square feet

Term: Two years, commencing June 12, 2015 and terminating June 11, 2017

| | | |
|-------|-------------------------------|-------------------------------|
| Rent: | Current | New |
| | \$.35 PSF | \$.36 PSF |
| | <u>\$ 19,468.75</u> Per Month | <u>\$ 20,052.00</u> Per Month |
| | \$233,625.00 Per Year | \$240,624.00 Per Year |

Annual Escalator: Three percent

Maintenance: Lessor

Utilities: None, warehouse space has a plethora of natural lighting via skylights

Custodial: No custodial required for warehouse space

Impact on Citizens and Businesses

Sherriff's presence in warehouse space continues to create dispatch efficiencies and improve public safety in this region of the County.

(Continued)

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

Economic Development Agency

FORM 11: Third Amendment to Lease, Sheriff's Department, Perris Storage Facility, 2 Year Lease Renewal, District 5, CEQA Exempt, [\$509,224] 100% General Funds Sheriff's Budget

DATE: September 2, 2015

PAGE: 3 of 3

SUPPLEMENTAL:

Additional Fiscal Information

See attached Exhibits A, and B. Sheriff's budgeted these costs in FY 2014/15 and will reimburse EDA for all lease costs on a monthly basis

Contract History and Price Reasonableness

The lease rate is deemed competitive based upon the current market. This contract has been in place since June 12, 2012.

Attachments:

Exhibits A & B

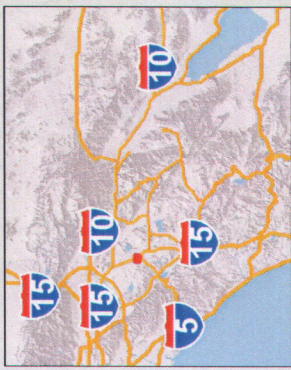
Aerial Image

Third Amendment to Lease

Notice of Exemption

Third Amendment to Lease, Sherriff's Department

24312 Daytona Cove. Perris, CA



Legend

RCLIS Parcels



0 1,227

2,453 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... 7/9/2015 4:06:33 PM

© Riverside County TLMA GIS

Notes

APN: 305-170-032, District 5

1 **THIRD AMENDMENT TO LEASE**

2 **24312 Daytona Cove, Perris, California**

3
4 **THIS THIRD AMENDMENT TO LEASE** ("Third Amendment"), dated as of
5 September 15, 2015, is entered into by and between the COUNTY OF
6 RIVERSIDE, a political subdivision of the State of California, ("County"), and PERRIS
7 CITRUS AVENUE STORAGE LP, a California limited partnership ("Lessor"), same
8 party however previously referenced as Perris Citrus Storage LP, sometimes
9 collectively referred to as the "Parties."

10 **RECITALS**

11 a. Lessor and County have entered into that certain Lease dated June 12,
12 2012, pursuant to which Lessor has agreed to lease to County and County has agreed
13 to lease from Lessor that certain building located at 24312 Daytona Cove, Perris, as
14 more particularly described in the Lease.

15 b. The Lease has been amended by:

16 i. The First Amendment to Lease dated September 10, 2013 by and
17 between County of Riverside and Perris Citrus Avenue Storage LP, a California Limited
18 Partnership (the 1st Amendment), whereby the Parties amended the Lease to among
19 other things extend the term, reduce the square footage.

20 ii. The Second Amendment to Lease dated September 9, 2014
21 between County of Riverside and Perris Citrus Avenue Storage LP, a California Limited
22 Partnership (the 2nd Amendment), whereby the Parties amended the Lease to among
23 other things extend the term and rent.

24 c. The Original Lease together with this amendment are collectively referred
25 to as the "Lease."

26 d. The Parties now desire to amend the Lease to extend the term period.

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

1 1. **Term.** Section 4 (4.1) of the Original Lease is hereby amended by the
2 following:

3 The term of this lease shall be extended for Two (2) years commencing on June
4 12, 2015 and terminating on June 11, 2017.

5 2. **Rent.** Section 5.1 of the Original Lease is hereby amended by the
6 following:

| <u>Lease Period</u> | <u>Monthly Rent</u> |
|----------------------------------|---------------------|
| June 12, 2015 thru June 11, 2016 | \$20,052.00 |
| June 12, 2016 thru June 11, 2017 | \$20,654.00 |

10
11 3. **CAPITALIZED TERMS.** Third Amendment to Prevail. Unless defined
12 herein or the context required otherwise, all capitalized terms herein shall have the
13 meaning defined in the Lease, as heretofore amended. The provisions of this Third
14 Amendment shall prevail over any inconsistency or conflicting provisions of the Lease,
15 as heretofore amended, and shall supplement the remaining provisions thereof.

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

21
22 (Remainder of Page Intentionally Left Blank)

23
24
25
26
27
28

1 **EFFECTIVE DATE.** This Third 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 of the
5 date first written above.

6
7
8 **LESSEE:**
9 **COUNTY OF RIVERSIDE**

LESSOR:
PERRIS CITRUS AVENUE STORAGE LP

10 By: Marlon Ashley By: Pam Christiansen
11 Marlon Ashley, Chairman Pam Christiansen, District Manager
 Board of Supervisors as Agent for Lessor

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

16 By: Kecia Harper-Ihem
17 Deputy

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

21 By: Synthia M. Gunzel
22 **SYNTHIA M. GUNZEL**
23 Deputy County Counsel



Original Negative Declaration/Notice of Determination was routed to County Clerks for posting on.

9/16/15
Date

kb
Initial

NOTICE OF EXEMPTION

August 3, 2015

Project Name: County of Riverside, Third Amendment to Lease, Sheriff's Department, Perris

Project Number: FM04255200500

Project Location: Daytona Business Park, 24312 Daytona Cove, Perris, California; Assessor Parcel Number: 305-170-032 (See attached exhibits)

Description of Project: County of Riverside (County) on behalf of Riverside County Sheriff (Sheriff's), proposes to amend and extend the term of the lease with Perris Citrus Avenue Storage, LP (Lessor), commencing June 12, 2015 and terminating June 11, 2017. The premise consists of an existing building located at 24312 Daytona Cove, Perris, California, providing a public benefit to the community. The original lease, dated June 12, 2012, wherein County has leased a building from Lessor, has been amended by the First Amendment to Lease dated September 10, 2013, whereby the parties agreed to extend the term and reduce the square footage; and by the Second Amendment to Lease dated September 9, 2014, whereby the parties agreed to extend the term of the Lease. The lease dated June 12, 2012, together with its amendments, shall collectively be referred to as the "Lease." This Third Amendment to Lease represents a request from the Sheriff's Department to extend the Lease term for an additional two years. The 55,625 square feet of secured warehouse space with reinforced concrete slab continues to provide adequate storage space for Sheriff's patrol units, heavy duty SWAT vehicles and trailers, as well as storage space for emergency equipment, weapons and artillery. The proposed project, the Lease, is the letting of property involving existing facilities; no more expansion of an existing use will occur. The leased premises provide public safety for the residents of the County and shall not be used for any other purpose.

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; Perris Citrus Avenue Storage, LP

Exempt Status: State California Environmental Quality Act (CEQA) Guidelines, Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b)(3), General Rule or "Common Sense" Exemption.

Reasons Why Project is Exempt: The Project is 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 any impacts to scenic resources, historic resources, or unique sensitive biological environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact. The option to extend the lease is not anticipated to result in any direct or reasonably foreseeable indirect physical environmental impacts.

SEP 15 2015 38

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

- Administration, Aviation, Business Intelligence, Cultural Services, Community Services, Custodial, Housing, Housing Authority, Information Technology, Maintenance, Marketing, Economic Development, Edward-Dean Museum, Environmental Planning, Fair & National Date Festival, Foreign Trade, Graffiti Abatement, Parking, Project Management, Purchasing Group, Real Property, Redevelopment Agency, Workforce Development

- Section 15301 – Class 1 Existing Facilities Exemption. This 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 the extension to the term of an existing lease. The option to extend the lease will not increase or expand the use of the site, and merely allows for the continued use of the site in a similar capacity. Therefore, the Project meets the scope and intent of the Class 1 Exemption.
- 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 *Muzzy Ranch Co. v Solano County Airport Land Use Comm’n* (2007) 41 Cal.4th 372.

With certainty, there is no possibility that the Project may have a significant effect on the environment. The proposed extension to the term of the lease will not have an effect on the environment. The use and operation of the facility will be substantially similar to the existing uses and will not create any new environmental impacts to the surrounding area. 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: 7/14/15

John Alfred, Acting Senior Environmental Planner
County of Riverside, Economic Development Agency



Daytona Business Park - 24312 Daytona Cove, Perris, California
Assessor Parcel Number: 305-170-032

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Third Amendment to Lease, Sheriff's Department, Perris

Accounting String: 524830-47220-7200400000- FM04255200500

DATE: July 14, 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: John Alfred, Acting Senior Environmental Planner, Economic Development Agency

Signature: _____

PRESENTED BY: Cindy Campos, Real Property Agent, Economic Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: _____

DATE: _____

RECEIPT # (S) _____



Date: July 14, 2015

To: Mary Ann Meyer, Office of the County Clerk

From: John Alfred, Acting Senior Environmental Planner, Project Management Office

Subject: **County of Riverside Economic Development Agency Project # FM04255200500**
County of Riverside, Third Amendment to Lease, Sheriff's Department, Perris

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: John Alfred, Acting Senior Environmental Planner, Economic Development Agency, 3403 10th Street, Suite 400. Riverside, CA 92501. If you have any questions, please contact John Alfred at 955-4844.

Attachment

cc: file