

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS
 DATE: 9/8/15

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

347



FROM: Economic Development Agency

SUBMITTAL DATE:
 September 24, 2015

SUBJECT: Fourth Amendment to Lease – Sheriff’s Department – Three Year Term Extension, Rent Reduction, District 3, CEQA Exempt, [\$71,912], 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 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 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 9724115

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	\$ 19,614	\$ 23,896	\$ 71,912	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 19,614	\$ 23,896	\$ 71,912	\$ 0	

SOURCE OF FUNDS: 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

On motion of Supervisor Benoit, seconded by Supervisor Tavaglione 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: October 6, 2015
 xc: EDA, Recorder

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

Prev. Agn. Ref.: 3.6 of 12/11/12 | District: 3 | Agenda Number:

3-15

By: *Stanley Sniff*
 Stanley Sniff
 Sheriff-Coroner-Public Administrator

- 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: Fourth Amendment to Lease – Sheriff’s Department – Three Year Term Extension, Rent Reduction, District 3, CEQA Exempt, [\$71,912], 100% General Fund

DATE: September 24, 2015

PAGE: 2 of 3

BACKGROUND:

Summary

On August 11, 2003 the County entered into a Lease Agreement on behalf of the Sheriff’s Department for the facility located at 56550 Highway 74, Mountain Center. This facility continues to meet the needs and requirements of the department. This Fourth Amendment to Lease represents a three year renewal which was negotiated by the Real Estate Division of the Economic Development Agency commencing on September 1, 2015.

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:	Lake Hemet Municipal Water District P.O. Box 5039 Hemet, California 92544	
Premises:	56550 Highway 74 Mountain Center, California	
Term:	Three years commencing September 1, 2015	
Size:	1,360 square feet	
Rent:	Current	New
	\$1.33 per sq. ft.	\$1.27 per sq. ft.
	\$1,810.30 per month	\$1,727.00 per month
	\$21,723.60 per year	\$20,724.00 per year
Annual Adjustment:	Two percent	
Utilities:	County pays electricity, telephone and gas, Lessor to pay all other utilities.	
Custodial:	Provided by Lessor	
Maintenance:	Provided by Lessor	

Impact on Citizens and Businesses

The benefit to the public by the renewal of this lease agreement is a continuing presence by the Sheriff in the community.

Supplemental:
Additional Fiscal Information

See attached Exhibits A, B & C. The Sheriff’s Department will budget these costs in FY 15/16 thru FY 18/19 and will reimburse the Economic Development Agency for all lease costs on a monthly basis.

(Continued)

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

Economic Development Agency

FORM 11: Fourth Amendment to Lease – Sheriff's Department – Three Year Term Extension, Rent Reduction, District 3, CEQA Exempt, [\$71,912], 100% General Fund

DATE: September 24, 2015

PAGE: 3 of 3

Contract History and Price Reasonableness

This is a three year lease extension. The lease rate is competitive based on the current market.

Attachments:

Exhibits A, B & C

Fourth Amendment to Lease

Notice of Exemption

Aerial Image

Exhibit A

FY 2015/16

Sheriff's Department Lease Cost Analysis

56550 Highway 74, Mountain Center

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:	1,360	SQFT		
Approximate Cost per SQFT (July - Aug)	\$	1.33		
Approximate Cost per SQFT (Sep - June) 4th Amendment	\$	1.27		
Lease Cost per Month (July - Aug)			\$	1,810.30
Lease Cost per Month (Sep - June) 4th Amendment			\$	1,727.00
Total Lease Cost (July - Aug)			\$	3,620.60
Total Lease Cost (Sep - June) 4th Amendment			\$	17,270.00
Total Estimated Lease Cost for FY 2015/16			\$	20,890.60

Estimated Additional Costs:

Utility Cost per Square Foot	\$	0.12		
Estimated Utility Costs per Month (July - Aug)			\$	326.40
Estimated Utility Costs per Month (Sep - June)			\$	1,632.00
Total Estimated Utility Cost			\$	1,958.40
RCIT			\$	-
Tenant Improvement			\$	-
EDA Lease Management Fee (Jul - Aug) - 3.93%			\$	142.29
EDA Lease Management Fee (Sep - June) - 4.12%			\$	711.52
Total EDA Lease Management Fee			\$	853.81
TOTAL ESTIMATED COST FOR FY 2015/16			\$	23,702.81
Less Previously Approved on 3rd Amendment			\$	(4,089.29)
TOTAL COST FOR FY 2015/16			\$	19,613.52
TOTAL COUNTY COST 100.00%			\$	19,613.52

Exhibit B

FY 2016/17

Sheriff's Department Lease Cost Analysis 56550 Highway 74, Mountain Center

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:	1,360	SQFT		
Approximate Cost per SQFT (July - Aug)	\$	1.27		
Approximate Cost per SQFT (Sept - June)	\$	1.30		
Lease Cost per Month (July - Aug)			\$	1,727.00
Lease Cost per Month (Sept - June)			\$	1,761.54
Total Lease Cost (July - Aug)			\$	3,454.00
Total Lease Cost (Sept - June)			\$	17,615.40
Total Estimated Lease Cost for FY 2016/17			\$	21,069.40

Estimated Additional Costs:

Utility Cost per Square Foot	\$	0.12		
Estimated Utility Costs per Month (Sep - June)			\$	163.20
	0		\$	1,958.40
RCIT			\$	-
Tenant Improvement			\$	-
EDA Lease Management Fee - 4.12%			\$	868.06
TOTAL ESTIMATED COST FOR FY 2016/17			\$	23,895.86
TOTAL COUNTY COST 100.00%			\$	23,895.86

Exhibit C

FY 2017/18 to FY 2018/19 Sheriff's Department Lease Cost Analysis 56550 Highway 74, Mountain Center

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office: 1,360

	FY 2017/18	FY 2018/19
Approximate Cost per SQFT (July - Aug)	\$ 1.30	\$ 1.32
Approximate Cost per SQFT (Sept - June)	\$ 1.32	\$ -
Lease Cost per Month (July - Aug)	\$ 1,761.54	\$ 1,796.77
Lease Cost per Month (Sept - June)	\$ 1,796.77	
Total Lease Cost (July - Aug)	\$ 3,523.08	\$ 3,593.54
Total Lease Cost (Sept - June)	\$ 17,967.71	\$ -
Total Estimated Lease Cost for FY 2017/18 to FY 2018/19	\$ 21,490.79	\$ 3,593.54

Estimated Additional Costs:

Utility Cost per Square Foot	\$ 0.12	\$ 0.12
Estimated Utility Costs per Month (Sep - June)	\$ 163.20	\$ 163.20
	0 \$ 1,958.40	\$ 326.40
RCIT	\$ -	\$ -
Tenant Improvement	\$ -	\$ -
EDA Lease Management Fee - 4.12%	\$ 885.42	\$ 148.05
TOTAL ESTIMATED COST FOR FY 2017/18 to FY 2018/19	\$ 24,334.61	\$ 4,068.00
TOTAL COUNTY COST 100.00%	\$ 24,334.61	\$ 4,068.00

F11: Cost - Total Cost \$ 71,911.99
F11: Net County Cost - Total Cost \$ 71,911.99

FOURTH AMENDMENT TO LEASE
56550 Highway 74, Mountain Center

1
2
3
4 **THIS FOURTH AMENDMENT TO LEASE** ("Fourth Amendment"), dated as of
5 October 6, 2015, is entered into by and between the **COUNTY OF**
6 **RIVERSIDE**, a political subdivision of the State of California, County, and **LAKE**
7 **HEMET MUNICIPAL WATER DISTRICT**, ("Lessor"), sometimes collectively referred to
8 as the "Parties".

9 **RECITALS**

10 a. Lake Hemet Municipal Water District, as Lessor and County have entered
11 into that certain original Lease dated August 11, 2003, pursuant to which Lessor has
12 agreed to lease to County and County has agreed to lease from Lessor approximately
13 1,360 square feet of office space in those certain buildings located at 56550 Highway
14 74, Mountain Center, as more particularly described in the Lease.

15 b. The Original Lease has been amended as follows:

16 1. The First Amendment to Lease dated September 12, 2006 by and
17 between County of Riverside and Lake Hemet Water District, where the parties
18 amended the term, rent, option to terminate, assignment and County's obligation to
19 premises provisions.

20 2. The Second Amendment to Lease dated February 23, 2010 by
21 and between County of Riverside and Lake Hemet Water District, where the parties
22 amended the term, rent, parking, utilities, maintenance, improvements by County,
23 signage, assignment and notices provisions.

24 3. The Third Amendment to Lease dated December 11, 2012 by and
25 between County of Riverside and Lake Hemet Water District, where the parties
26 amended the term, rent and custodial provisions.

27 c. The original Lease together with amendments are collectively referred to
28 herein this Fourth Amendment as the "Lease".

1 d. The Parties now desire to amend the Lease, among other things, amend
2 the rent and annual increase amount and extend the term of the lease.

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

5 1. TERM. Section 3 (a) of the Lease is amended by adding the
6 following:

7 The Term of this Lease shall be extended three (3) years commencing on
8 September 1, 2015 and terminating on August 31, 2018.

9 2. RENT. Section 4 (a) of the Lease shall be amended as follows:

10 (a) Effective September 1, 2015 the rental rate shall be
11 reduced by \$83.30 per month from \$1,810.30 to \$1,727.00 per month.

12 3. FOURTH AMENDMENT TO PREVAIL. The provisions of this
13 Fourth Amendment shall prevail over any inconsistency or conflicting provisions of the
14 Lease. Any capitalized terms shall have the meaning defined in the Lease, unless
15 defined herein or context requires otherwise.

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

21 ///

22 ///

23 ///

24 ///

25 ///

26
27
28

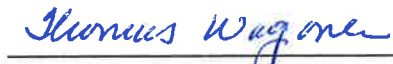
1 5. EFFECTIVE DATE. This Fourth Amendment to Lease shall not be
2 binding or consummated until its approval by the Riverside County Board of Supervisors
3 and fully executed by the Parties.

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

6 LESSEE:
7 COUNTY OF RIVERSIDE

LESSOR:
LAKE HEMET MUNICIPAL WATER
DISTRICT

8
9 By: 
10 Marion Ashley, Chairman
 Board of Supervisors

By: 
Thomas W. Wagoner
General Manager

11
12 ATTEST:
13 Kecia Harper-Ihem
14 Clerk of the Board

15 By: 
 Deputy

16
17 APPROVED AS TO FORM:
18 Gregory P. Priamos, County Counsel

19 By: 
20 SYNTHIA M. GUNZEL
 Deputy County Counsel

Fourth Amendment, Sheriff Station, 56550 Hwy 74, Mountain Center



Legend



0 144 287 Feet



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Notes



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

10/16/15
Date

KD
Initial

NOTICE OF EXEMPTION

July 23, 2015

Project Name: Fourth Amendment to Lease, Sheriff's Department, Mountain Center

Project Number: FM042463000100

Project Location: 56550 Highway 74, Mountain Center, California 92561; Assessor Parcel Number: 568-060-012
Latitude: 33.6696 N; Longitude: -116.6754 W (See attached exhibit)

Description of Project: County of Riverside (County), on behalf of the Sheriff's Department, proposes to amend and extend the term of the lease three (3) years with Lake Hemet Municipal Water District (Lessor) commencing on September 1, 2015. The facility currently consists of an existing building located at 56550 Highway 74, Mountain Center, California, and continues to meet the needs and requirements of the department. This three-year lease extension will insure the continued operation of services. The original lease, dated August 11, 2003, has been amended by that certain First Amendment to Lease dated September 12, 2006, whereby the parties amended the term, rent, option to terminate, assignment and County's obligation to premises provisions; by the Second Amendment to Lease dated February 23, 2010, whereby the parties amended the term, rent, parking, utilities, maintenance, improvements by County, signage, assignment and notices provisions; and by the Third Amendment to Lease dated December 11, 2012, whereby the parties amended the term, rent and custodial provisions. The lease dated August 11, 2003, together with its amendments, are collectively referred to as the "Lease." The parties now desire to amend the Lease to amend the rent, extend the term of the lease and provide for tenant improvements to be completed at Lessor's sole cost and expense. The proposed project is the letting of property involving existing facilities; no expansion of an existing use will occur. The leased premises consist of approximately 1,360 square feet for the purpose of providing a continuing presence by the Sheriff in the community.

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 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 extension of the term of the lease is not anticipated to result in any significant physical environmental impacts.

P.O. Box 1180 • Riverside, California • 92502 • T: 951.955.8916 • F: 951.955.6484

www.rivcoeda.org

Administration
Aviation
Business Intelligence
Cultural Services
Community Services
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Housing
Housing Authority
Information Technology
Maintenance
Marketing

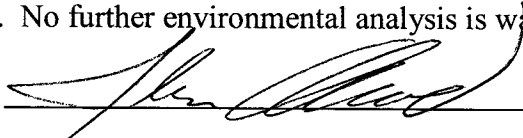
Economic Development
Edward-Dean Museum
Environmental Planning
Fair & National Date Festival
Foreign Trade
Graffiti Abatement

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:

7/23/15

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



56550 Highway 74, Mountain Center, CA 92561

Assessor Parcel Number: 568-060-012

Latitude: 33.6696 N; Longitude: -116.6754 W

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Fourth Amendment to Lease, Sheriff's Department, Mountain Center

Accounting String: Fund: 524830-47220-7200400000- FM042463000100

DATE: July 23, 2015

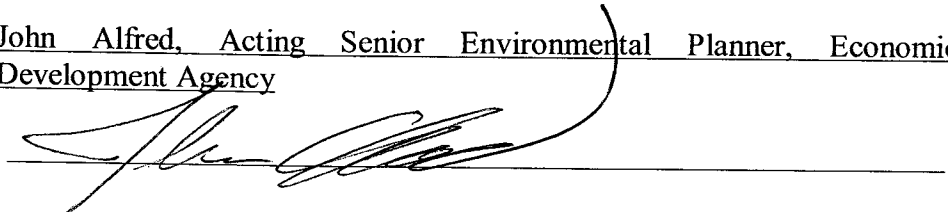
AGENCY: Riverside County Economic Development Agency

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: Trea Womack, Senior Real Property Agent, Economic Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -



Date: July 23, 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 # FM042463000100**
Fourth Amendment to Lease, Sheriff's Department, Mountain Center

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

Fourth Amendment, Sheriff Station, 56550 Hwy 74, Mountain Center



Legend



0 144 287 Feet



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