

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRAMOS
 DATE: 3/29/16

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

912



FROM: Economic Development Agency

SUBMITTAL DATE:
 March 24, 2016

SUBJECT: Second Amendment to Revenue Lease – Southern California Association of Governments – Lease Extension, 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 Revenue 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)

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: 2016/17

C.E.O. RECOMMENDATION:

APPROVE

BY:
 Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Washington, Benoit and Ashley
 Nays: None
 Absent: Tavaglione
 Date: April 5, 2016
 xc: EDA, Recorder

Kecia Harper-Ihem
 Clerk of the Board
 By:
 Deputy

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

3-7

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

Economic Development Agency

FORM 11: Second Amendment to Revenue Lease – Southern California Association of Governments – Lease Extension, District 2, CEQA Exempt [\$0]

DATE: March 24, 2016

PAGE: 2 of 2

BACKGROUND:

Summary

On August 18, 2009 the County entered into a Lease Agreement with the Southern California Association of Governments (SCAG) for office space at Riverside Centre, 3403 10th Street, Suite 805, Riverside. This facility continues to meet the needs and requirements of SCAG and this Second Amendment to Lease represents a thirty six month lease extension commencing on October 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 115301, 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:	County of Riverside/EDA 3403 10 th Street, Suite 400 Riverside, California 92501	
Premises:	3403 10 th Street, Suite 805 Riverside, California 92501	
Term:	Thirty six months commencing October 1, 2016 expiring on September 30, 2019	
Size:	2,483 square feet	
Rent:	Current	New
	\$2.39 per sq. ft.	\$2.46 per sq. ft.
	\$5,929.66 per month	\$6,107.55 per month
	\$71,155.92 per year	\$73,290.60 per year
Rental Adjustment:	Three percent annually	
Utilities:	Provided by County, tenant pays for telephone	
Custodial:	Provided by County	
Maintenance:	Provided by County	

Impact on Citizens and Businesses

There will not be any foreseeable negative impact on residents and local businesses. SCAG is a regional metropolitan planning organization with long term regional transportation projects and potential to create jobs.

Contract History and Price Reasonableness

The original lease was executed on August 18, 2009. Rental rate is a competitive market rate.

Attachment:

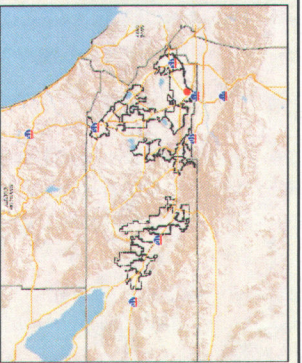
Aerial Image

Second Amendment

Notice of Exemption

Southern California Association of Governments

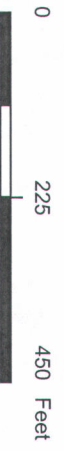
Second Amendment to Lease



Legend

Notes

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... 3/23/2016 4:29:57 PM

© Riverside County TLMA GIS

1 **SECOND AMENDMENT TO LEASE**

2 **3403 10TH Street, Suite 805**

3 **Riverside, California**

4
5 **THIS SECOND AMENDMENT TO LEASE** ("Second Amendment"), dated as of
6 April 5, 2016, is entered into by and between the **COUNTY OF**
7 **RIVERSIDE**, a political subdivision of the State of California, as Lessor, and
8 **SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS**, a joint powers
9 authority, as Lessee, collectively referred to as the "Parties".

10
11 **RECITALS**

12 a. Lessor and Lessee have entered into that certain original Lease dated
13 August 18, 2009 pursuant to which Lessor has agreed to lease to Lessee and Lessee
14 has agreed to lease from Lessor approximately 2,483 square feet of office space in
15 that certain building located at 3403 10th Street, Suite 805, Riverside, as more
16 particularly described in the Lease.

17 b. The amendments of the lease are summarized below:

18 1. The First Amendment to Lease dated February 25, 2014 by and
19 between the County of Riverside and Southern California Association of Governments
20 in which the term was extended, rent was increased and Paragraph 31 of the Lease,
21 Permits, Licenses and Taxes, addressed possessory interest.

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

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

26 1. **Term.** Section 4.1 of the Lease is amended by adding the
27 following: The term of this Lease shall be extended an additional three (3) years
28 commencing on October 1, 2016 and terminating on September 30, 2019.

1 2. **Rent.** Section 6 of the Lease is amended by adding the following:
2 Effective October 1, 2016 monthly rent shall be \$6,107.55 per month.

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

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

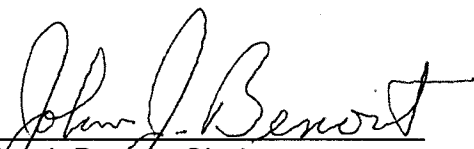
12 ///
13 ///
14 ///
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///


1 5. EFFECTIVE DATE. This Second Amendment to Lease shall not
2 be 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 Second Amendment to
5 Lease as of the date first written above.

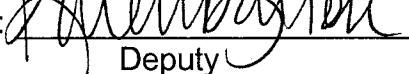
6 LESSOR:
7 COUNTY OF RIVERSIDE

LESSEE:
SOUTHERN CALIFORNIA
ASSOCIATION OF GOVERNMENTS

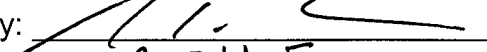
8
9
10 By: 
11 John J. Benoit, Chairman
Board of Supervisors

By: 
Basil Paras, CFO

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

15 By: 
16 Deputy

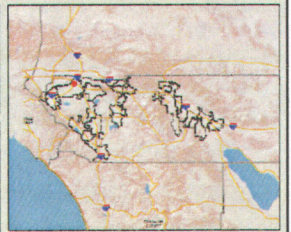
17
18 APPROVED AS TO FORM:
19 Gregory P. Priamos, County Counsel

20 By: 
21 R. Todd Frasin
22 Deputy County Counsel

23
24
25
26
27 TW:ra/021116/RV443/18.058 S:\Real Property\TYPING\Docs-18.000 to 18.499\18.058.doc

Riverside Centre

2nd Amendment to Lease Southern California Association of Governments



Legend

- roadsanno
- highways
 - HWY
 - INTERCHANGE
 - INTERSTATE
 - OFFRAMP
 - ONRAMP
 - USHWY
- counties
- cities
- hydrographylines
- waterbodies
 - Lakes
 - Rivers



0 205 410 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... 12/31/2015 7:45:43 AM

© Riverside County TLMA GIS

Notes



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

4/7/16
Date

MB
Initial

NOTICE OF EXEMPTION

February 10, 2016

Project Name: County of Riverside, Economic Development Agency (EDA) SCAG Second Amendment to Lease, Riverside Centre

Project Number: FM047611044300

Project Location: 3403 10th Street, west of Lime Street, Riverside, California 92501; APN 215-120-005;
(See Attached Exhibit)

Description of Project: On August 18, 2009, the County of Riverside (County) entered into a Lease Agreement with the Southern California Association of Governments (SCAG) for office space at the Riverside Centre, 3403 10th Street, Suite 805, Riverside, California. The facility continues to meet the needs and requirements of SCAG and this Second Amendment to Lease represents a three-year lease extension commencing on October 1, 2016. The Second 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 SCAG 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 professional 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, and Southern California Association of Governments

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 does the Project have unusual circumstances that could possibility have a 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.

APR 05 2016 3-7

- **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 an extension of term and rent. The continued use of the site by the SCAG would be consistent with the office-related 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 an extension of term and revisions to and cost and would involve no physical effects. The Second 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: _____

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

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: SCAG Second Amendment to Lease, Riverside Centre

Accounting String: 524830-47220-7200400000- FM047611044300

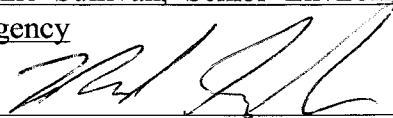
DATE: February 10, 2016

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: February 10, 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 # FM047611044300**
SCAG Second Amendment to Lease, Riverside Centre

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