

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS DATE 4/27/16
 Departmental Conference

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

617



FROM: Economic Development Agency

SUBMITTAL DATE:
 May 5, 2016

SUBJECT: Fifth Amendment to Lease, Cooperative Extension, Moreno Valley, 2 year Lease Extension, District 5, CEQA Exempt, [\$165,336], General Fund 100%

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 and Section 15061(b)(3);
2. Ratify the attached Fifth 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: Esteban Hernandez 5/4/16

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	\$ 40,757	\$ 82,808	\$ 165,336	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 40,757	\$ 82,808	\$ 165,336	\$ 0	

SOURCE OF FUNDS General Fund 100%

Budget Adjustment: No

For Fiscal Year: 2015/16-17/18

C.E.O. RECOMMENDATION:

APPROVE

BY: Rohini Dasika
 Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Washington 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: May 17, 2016
 xc: EDA, Recorder

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

Prev. Agn. Ref.: 3.12 of 2/24/04; 3.13 of 4/23/13 District: 5 Agenda Number:

3-16

By: Etaterahu Takele
 Etaterahu Takele, Director
 Cooperative Extension

- 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: Fifth Amendment to Lease, Cooperative Extension, Moreno Valley, 2 year Lease Extension, District 5, CEQA Exempt, [\$165,336], General Fund 100%

DATE: May 5, 2016

PAGE: 2 of 2

BACKGROUND:

Summary

The County of Riverside entered into a Lease Agreement on February 24, 2004, on behalf of the Cooperative Extension Program for the facility located at 21150 Box Springs Road, Suite 202, in Moreno Valley. This Fifth Amendment to Lease represents a two year extension effective January 1, 2016. This facility continues to meet the Cooperative Extension's space requirements.

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: Riverside County Farm Bureau
21160 Box Springs Road
Moreno Valley, California

Location: 21150 Box Springs Road, Suite 202
Moreno Valley, California

Size: 6,000 square feet

Rent:	Current rate	New Rate
	\$.95 per sq. ft.	\$.97 per sq. ft.
	\$ 5,718.15 per month	\$ 5,832.51 per month
	\$68,617.80 per year	\$ 69,990.12 per year

Increases: 2% percent annually

Term: Two years commencing January 1, 2016 and expiring December 31, 2017

Utilities: County pays for phone and electric, Lessor pays for all other utility services

Impact on Citizens and Businesses

Riverside Cooperative Extension center is the local University of California office that provides research for the local agricultural community. As part of the agricultural community, they help local farmers develop more-efficient growing methods, solve pest management problems and develop crops and irrigation methods that use less water. The benefits from local agricultural research are passed on to the residents and businesses by providing and encouraging a healthier and more sustainable environment for the community.

SUPPLEMENTAL:

Additional Fiscal Information:

See attached Exhibits A, B & C. Cooperative Extension will reimburse EDA for all lease costs on a monthly basis for FY 2015/16 through FY 2017/18.

Contract History and Price Reasonableness

This is a two year lease extension. The lease rate is deemed below the current market.

Attachments: Aerial Image, Fifth Amendment, Notice of Exemption

Exhibit A

FY 2015/16

Cooperative Extension

21150 Box Springs Road, Suite 202, Moreno Valley

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:	6,000	SQFT	
Approximate Cost per SQFT (July - Dec)	\$	-	
Approximate Cost per SQFT (Jan - June)	\$	0.97	
Lease Cost per Month (July - Dec)	\$	-	
Lease Cost per Month (Jan - June)	\$	5,832.51	
Total Lease Cost (July - Dec)	\$	-	
Total Lease Cost (Jan - June)	\$	34,995.06	
Total Estimated Lease Cost for FY 2015/16	\$	34,995.06	

Estimated Additional Costs:

Utility Cost per Square Foot	\$	0.12	
Estimated Utility Costs per Month		<u>\$ 720.00</u>	
Total Estimated Utility Cost	\$		4,320.00
EDA Lease Management Fee - 4.12%		<u>\$ 1,441.80</u>	
Total EDA Lease Management Fee	\$		1,441.80
TOTAL ESTIMATED COST FOR FY 2015/16	\$	40,756.86	
TOTAL COUNTY COST 100%	\$	40,756.86	

Exhibit B

FY 2016/17

Cooperative Extension

21150 Box Springs Road, Suite 202, Moreno Valley

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:		6,000	SQFT	
Approximate Cost per SQFT (July - Dec)	\$	0.97		
Approximate Cost per SQFT (Jan - June)	\$	0.99		
Lease Cost per Month (July - Dec)		\$	5,832.51	
Lease Cost per Month (Jan - June)		\$	5,949.16	
Total Lease Cost (July - Dec)		\$	34,995.06	
Total Lease Cost (Jan - June)		\$	35,694.96	
Total Estimated Lease Cost for FY 2016/17		\$	70,690.02	

Estimated Additional Costs:

Utility Cost per Square Foot	\$	0.12		
Estimated Utility Costs per Month		\$	720.00	
Total Estimated Utility Cost			\$	8,640.00
EDA Lease Management Fee - 4.92%		\$	3,477.95	
Total EDA Lease Management Fee			\$	3,477.95
TOTAL ESTIMATED COST FOR FY 2016/17		\$	82,807.97	
TOTAL COUNTY COST 100%		\$	82,807.97	

Exhibit C

FY 2017/18

Cooperative Extension

21150 Box Springs Road, Suite 202, Moreno Valley

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

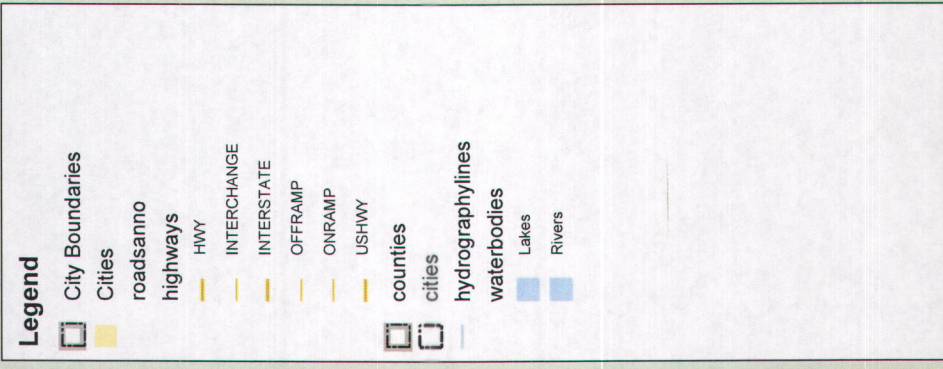
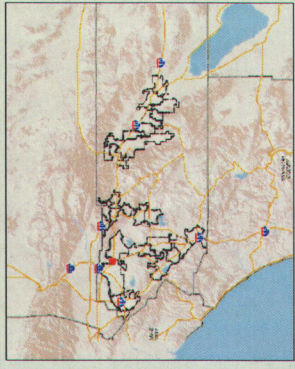
Current Office:		6,000	SQFT		
Approximate Cost per SQFT (July - Dec)	\$	0.99			
Approximate Cost per SQFT (Jan - June)	\$	-			
Lease Cost per Month (July - Dec)		\$	5,949.16		
Lease Cost per Month (Jan - June)		\$	-		
Total Lease Cost (July - Dec)				\$	35,694.96
Total Lease Cost (Jan - June)				\$	-
Total Estimated Lease Cost for FY 2017/18				\$	35,694.96

Estimated Additional Costs:

Utility Cost per Square Foot	\$	0.12			
Estimated Utility Costs per Month			\$	720.00	
Total Estimated Utility Cost				\$	4,320.00
EDA Lease Management Fee - 4.92%			\$	1,756.19	
Total EDA Lease Management Fee				\$	1,756.19
TOTAL ESTIMATED COST FOR FY 2017/18				\$	41,771.15
TOTAL COUNTY COST 100%				\$	41,771.15
F11: Cost - Total Cost				\$	165,335.98
F11: Net County Cost - Total Cost				\$	165,335.98

Cooperative Extension

21150 Box Springs Road, Moreno Valley



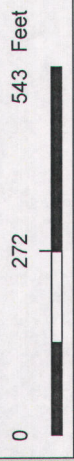
Notes

Fifth Amendment, District 5

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... 3/31/2016 1:13:04 PM

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1 **FIFTH AMENDMENT TO LEASE**

2
3 **THIS FIFTH AMENDMENT TO LEASE** ("Fifth Amendment"), dated as of
4 May 17, 2016, is entered into by and between the **COUNTY OF**
5 **RIVERSIDE**, a political subdivision of the State of California, as Lessee, and
6 **RIVERSIDE COUNTY FARM BUREAU**, a (501(c) (3) non-profit California corporation,
7 as Lessor. Lessee and Lessor are hereinafter collectively referred to as the "Parties."

8 **RECITALS**

9 a. Lessor and Lessee have entered into that certain Lease dated February
10 24, 2004, the ("Lease") pursuant to which Lessor has agreed to lease to Lessee and
11 Lessee has agreed to lease from Lessor that certain building located at 21150 Box
12 Springs Road, Suite 202, Moreno Valley (the "Building"), as more particularly described
13 in the Lease (the "Original Premises").

14 b. The amendments of the Lease are summarized as follows:

15 1. The First Amendment to Lease dated January 25, 2005 by and
16 between County of Riverside and Riverside County Farm Bureau. The Parties agreed
17 to extend the term, and increase the rent.

18 2. The Second Amendment to Lease dated April 15, 2008 by and
19 between County of Riverside and Riverside County Farm Bureau. The Parties agreed
20 to extend the term, added an option to extend the Lease, and increase the rent.

21 3. The Third Amendment to Lease dated December 9, 2008 by and
22 between County of Riverside and Riverside County Farm Bureau. The Parties agreed
23 to extend the term, increase the rent, and Lessor added the right to terminate if the
24 property was sold.

25 4. The Fourth Amendment to Lease dated April 23, 2013 by and
26 between County of Riverside and Riverside County Farm Bureau. The Parties agreed
27 to extend the term, add an option to extend the Lease, and minor tenant improvements
28 to add blinds.

1 c. The Parties now desire to amend the Lease to extend the term.

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

4 2. TERM. Section 3 (a) of the Lease is hereby amended by adding
5 the following:

6 The term of this lease shall be extended twenty four (24) months
7 commencing on January 1, 2016 and shall expire on December 31, 2017.

8 3. RENT. Section 5 of the Lease is hereby amended by adding the
9 following:

10 Commencing January 1, 2016 rent shall be \$5,832.51 per month.

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

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

20 6. EFFECTIVE DATE. This Fifth Amendment to Lease shall not be
21 binding or consummated until its approval by the Riverside County Board of
22 Supervisors and fully executed by the Parties.

23 ///

24 ///

25 ///

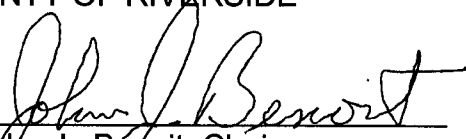
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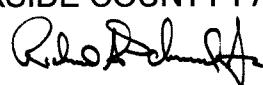
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1 WITNESS WHEREOF, the parties have executed this Fifth Amendment as of
2 the date first written above.

3 LESSEE:
4 COUNTY OF RIVERSIDE

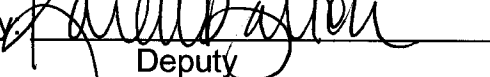
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6 By: 
7 John J. Benoit, Chairman
Board of Supervisors

LESSOR:
RIVERSIDE COUNTY FARM BUREAU

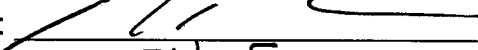
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9 By: 
Richard A. Schmid, Jr.,
President

10
11 By: 
Steven A. Pastor, Executive Director/
Corporate Secretary

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

15
16 By: 
Deputy

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

19 By: 
20 Todd Frann
Deputy County Counsel



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

5/18/16
Date

W
Initial

NOTICE OF EXEMPTION

March 17, 2016

Project Name: County of Riverside, Economic Development Agency (EDA) Cooperative Extension Program, Fifth Amendment to Lease – Box Springs Road, Riverside

Project Number: FM042462000200

Project Location: 21150 Box Springs Road, Suite 202, east of Morton Road, Moreno Valley, California 92557; APN 256-200-002; (See Attached Exhibit)

Description of Project: On February 24, 2004, the County of Riverside (County) entered a lease agreement with the Riverside County Farm Bureau, for the County Cooperative Extension Program to occupy 6,000 square feet of space at the facility located at 21150 Box Springs Road, Suite 202, Moreno Valley, California. The current space continues to meet the needs of the Cooperative Extension Program and the County seeks to extend the lease for an additional two years, effective January 1, 2016. The Fifth Amendment to the Lease Agreement is identified as the proposed Project under the California Environmental Quality Act (CEQA). The Fifth Amendment to the Lease Agreement consists of a two-year extension term, starting at a monthly rate of \$5,832.51, with a 2 percent annual increase. The use of the facility by the Cooperative Extension Program would continue, consistent with the existing land use. The operation of the facility will continue to provide 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 Riverside County Farm Bureau

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 have the possibility of 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 Fifth Amendment to the Lease Agreement.

MAY 17 2016

3-16

P.O. Box 1180 • Riverside, California • 92502 • T: 951.955.8914 • F: 951.955.1484

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- **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 Project only involves negligible or no expansion of the previous site's use. The Project, as proposed, is limited to a Lease Amendment to an existing facility. The use of the facility by the Cooperative Extension Program would be consistent with the current 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 Fifth Amendment to the Lease Agreement is limited to a contractual transaction and indirect effects would be limited to the existing use of an office building. The Lease Agreement will not result in any direct or indirect physical environmental impacts. The use and operation of the facility will not differ from the existing use and will not create any new environmental impacts to the surrounding area. No impacts would occur from the continued use of the facility. 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: Cooperative Extension Program, Fifth Amendment to Lease – Box Springs Road, Moreno Valley

Accounting String: 524830-47220-7200400000- FM042462000200

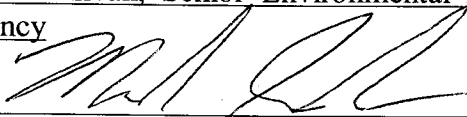
DATE: March 17, 2016

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: Candice Etter, Real Property Agent, Economic Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: _____

DATE: _____

RECEIPT # (S) _____



Date: March 17, 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 # FM042462000200**
Cooperative Extension Program, Fifth Amendment to Lease – Box Springs Road, Moreno Valley

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