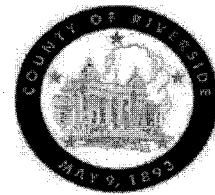


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
3.14
(ID # 2813)

MEETING DATE:
Tuesday, January 17, 2017

FROM : Probation and ECONOMIC DEVELOPMENT AGENCY (EDA):

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA) AND PROBATION: Fourth Amendment to Lease, Probation Department, Perris, Term Extension, CEQA Exempt, District 5, [\$108,842], State 49%; Federal 17%; General Funds 30%; and Other 4%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Existing Facility and Section 15061 (b)(3);
2. Approve the attached Fourth Amendment to Lease and authorize the Chairman of the Board to execute 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 within five days of approval by the Board.

ACTION: Policy


Robert K. Field, Assistant County Director of Economic Development
12/13/2016

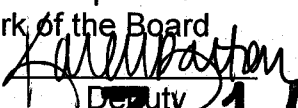
FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 108,842	\$ 0	\$ 108,842	\$ 0
NET COUNTY COST	\$ 32,653	\$ 0	\$ 32,653	\$ 0
SOURCE OF FUNDS: State 49%; Federal 17%; General Funds 30%; Other 4%			Budget Adjustment: No	
			For Fiscal Year:	2016/17

C.E.O. RECOMMENDATION: [CEO use]

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 and Ashley
Nays: None
Absent: None
Date: January 17, 2017
xc: EDA, Probation, Recorder

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

3.14

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

BACKGROUND:

Summary

On August 27, 2002, the County of Riverside entered into a lease agreement (as amended May 6, 2008, November 24, 2009, and November 24, 2014) for the Probation Department in the City of Perris. The facility is located at 2560 North Perris Blvd., Building N-1, and this location continues to meet the current needs of the Probation Department. However, to accommodate continued growth and provide a larger number of clients with community-based services, the Probation Department finds it necessary to find a future alternate location. While we search for additional space, this Fourth Amendment to Lease will extend the Perris facility lease through April 15, 2017, with a provision for month-to-month tenancy.

Pursuant to the California Environmental Quality Act (CEQA), the Third Amendment to Lease 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: Perris Investment Trust
26371 Avery Parkway, Unit B
Mission Viejo, California 92692

Premises Location: 2560 North Perris Boulevard, Building N-1
Perris, California 92570

Size: Approximately 11,200 square feet

Term: Term extended through April 15, 2017

Rent:	<u>Current</u>	<u>New</u>
	\$ 1.64 per square foot	\$ 1.72 per square foot
	\$ 18,368.00 per month	\$ 19,286.40 per month
	\$ 220,416.00 per year	\$ 231,436.80 per year

Utilities: County pays electric.

Impact on Residents and Businesses

The Probation Department's continued occupancy at this location continues to provide an important public benefit to the community by serving clients where they live and effectively improving public safety. The department anticipates remaining in this location on a temporary basis as the current space is inadequate to meet the future needs of the department. The continued occupancy at this location will allow the department to find an alternate location that

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

will meet the needs of a larger number of our clients by providing better access to services within their communities, thus reducing their opportunities for reoffending and enhancing their chances of leading productive lives.

SUPPLEMENTAL

Additional Fiscal Information

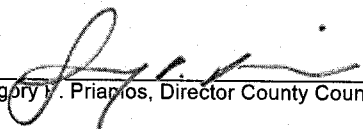
See attached Exhibit A. All Associated costs for this Lease Agreement will be budgeted in FY16/17 through the Probation Department. The Probation Department will reimburse EDA for all associated lease costs on a monthly basis.

Contract History and Price Reasonableness

This is a lease extension. The lease rate is deemed competitive based upon the current market.

ATTACHMENTS: Exhibit A, Notice of Exemption, Fourth Amendment to Lease, and Aerial Image

RF:JVW:VC:VY:CE:tg 18.503 13409
Minute Traq ID 2813



Gregory Priamos, Director County Counsel 12/20/2016

1 **1. Term.** Section 4.1 of the Lease shall be amended as follows:

2 The term of this Lease is hereby extended through April 15, 2017 ("Extended Term").
3 During the Extended Term Lessor shall be able to advertise and by appointment show
4 the Premises. Lessor must provide 72 hours' notice to County to show Premises. The
5 72 hour notice must be given within business hours to County personnel.

6 **2. Rent.** Section 5.1 of the Lease shall be amended as follows:

7 County shall pay the sum of \$19,286.40 per month to Lessor as rent for the Leased
8 Premises during the Extended Term.

9 **3. Right to Termination.** Section 6.4 of the Lease is amended by

10 deleting the following sentence:

11 Notwithstanding the forgoing, Lessor hereby grants to the County the right to terminate
12 the Lease after December 1, 2015 with one hundred twenty (120) days' written notice.

13 **4. Fourth Amendment to Prevail.** The provisions of this Fourth

14 Amendment shall prevail over any inconsistency or conflicting provisions of the Lease,
15 and shall supplement the remaining provisions thereof. Unless defined herein or the
16 context requires otherwise, all capitalized terms shall have the meaning defined in the
17 Lease.

18 **5. Miscellaneous.** Except as amended or modified herein, all the terms

19 of the Lease shall remain in full force and effect and shall apply with the same force
20 and effect. If any provisions of this Amendment or the Lease shall be determined to be
21 illegal or unenforceable, such determination shall not affect any other provision of the
22 Lease and all such other provisions shall remain in full force and effect. The language
23 in all parts of the Lease shall be construed according to its normal and usual meaning
24 and not strictly for or against either Lessor or Lessee. Neither this Amendment, nor the
25 Lease, nor any notice nor memorandum regarding the terms hereof, shall be recorded
26 by Lessee.

1 **6. Effective Date.** This Fourth Amendment 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 Fourth Amendment to
5 Lease as of the date first written above.

6 **LESSEE:**

7 County of Riverside

8
9 By: 

10 ~~John J. Benoit, Chairman~~

11 Board of Supervisors

JOHN TAVAGLIONE

6 **LESSOR:**

7 Perris Investment Trust

8
9 By: 

10 Natasha Radwan, Trustee

13 **ATTEST:**

14 Kecia Harper-Ihem

15 Clerk of the Board

16
17 By: 

Deputy

21 **APPROVED AS TO FORM:**

22 Gregory P. Priamos, County Counsel

23
24 By: 

Todd Frahm

25 Deputy County Counsel

27 CE:ra/100316/PR023/18.348 S:\Real Property\TYPING\Docs-18.000 to 18.499\18.348.doc



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

1/23/17
Date

LCB
Initial

NOTICE OF EXEMPTION

October 26, 2016

Project Name: County of Riverside, Economic Development Agency (EDA) Riverside County Probation, Fourth Amendment to Lease – Perris Boulevard, Perris

Project Number: FM042552002300

Project Location: 2560 North Perris Boulevard, north of Orange Avenue Perris, California 92571; APN 305-080-064; (See Attached Exhibit)

Description of Project: On August 27, 2002, the County of Riverside (County) entered a lease agreement with Perris Investment Trust (Lessor) on behalf of the Probation Department to occupy Building N-1 at 2560 North Perris Boulevard, Perris, California. The facility being used continues to meet the needs of the Probation Department and the County is seeking to extend the term of the existing lease through April 15, 2017, with a right by the County to terminate the lease with 120 days written notice. As part of the extension to the lease, a modification to the Option to Terminate Section of the lease is being proposed which requires the County to provide the Lessor with 120 days written notice and grants Lessor ability to advertise and show the premises by appointment during the extension term with 72 hours prior notice. The Fourth Amendment to the Lease Agreement is identified as the proposed Project under the California Environmental Quality Act (CEQA). The operation of the facility will continue to provide probation 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 Perris Investment Trust

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

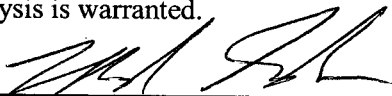
Reasons Why Project is Exempt: The proposed Project is categorically exempt from the provisions of CEQA, specifically by the State CEQA Guidelines as identified below. The Project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA 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 Fourth Amendment to the Lease Agreement.

JAN 17 2017 3.14

- **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 a Lease Agreement to an existing facility, and does not include any physical alterations. The use of the facility by the Probation Department 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 Fourth Amendment to the Lease Agreement is limited an extension of an existing contract and indirect effects would be limited to the existing use of a commercial building. The extension of 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. 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: _____

10/26/16

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

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Riverside County Probation, Fourth Amendment to Lease – Perris
Boulevard, Perris

Accounting String: 524830-47220-7200400000- FM042552002300

DATE: October 26, 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: October 26, 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 # FM042552002300**
Riverside County Probation, Fourth Amendment to Lease – Perris Boulevard, 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: 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