

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



ITEM
3.6
(ID # 2544)

MEETING DATE:

Tuesday, April 18, 2017

FROM : ECONOMIC DEVELOPMENT AGENCY (EDA):

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA): Third Amendment to Lease, Department of Environmental Health, Five Year Extension CEQA Exempt, District 2, [\$1,204,446] 100% Department of Environmental Health Permit Fees (Clerk to Post)

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 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 attached Notice of Exemption with the County Clerk for posting within five days of approval by the Board.

ACTION: Clerk to Advertise, Policy

Robert Field, Assistant County Executive Officer/EDA

3/27/2017

Steve Van Stockum, Director Environmental Health

3/27/2017

Ivan Chand

4/11/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, 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 and Ashley
Nays: None
Absent: None
Date: April 18, 2017
xc: EDA, Recorder

Kecia Harper-Ihem
Clerk of the Board

By: Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	95,476	\$ 231,529	\$ 1,204,446	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 100% Department of Environmental Health Permit Fees			Budget Adjustment: No	
			For Fiscal Year: 16/17-21/22	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On September 13, 2011 the County entered into a Lease Agreement on behalf of the Department of Environmental Health for the facility located at 3880 Lemon Street, Suite 200 Riverside. This facility continues to meet the needs and requirements of the department and this Third Amendment to Lease represents an extension of the term commencing on February 1, 2017 and terminating January 31, 2022. Rent will be \$18,199.75 per month with an annual increase of 2.5%. At Landlord's sole cost and expense, paint will be touched up throughout Suite, chair rails installed in the lobby, break room and testing room, window tint to be installed in the break room and four offices, garbage disposal installed in break room. Carpet will be replaced and the entire Suite painted on the third anniversary of the term. Finishes to be selected by County.

Pursuant to the California Environmental Quality Act (CEQA), the Lease Amendment was reviewed and determined to be categorically exempt from State CEQA Guidelines 15301, Class 1 – Existing facilities and no expansion of an existing use will occur and Section 15061(b)(3).

Lessor: Center Tower Riverside, LLC
19762 MacArthur Blvd., Suite 300
Irvine, California 92616

Premises: 3880 Lemon Street, Suite 200
Riverside, California 92501

Size: Formerly 7,765 sq. ft., re-measure by new owner confirmed square footage at at 8,465 sq. ft. per BOMA standards.

Rent: \$2.15 per sq. ft.
\$18,199.75 per month
\$218,397.00 per year

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

Term: Five years

Utilities: Provided by Lessor

Custodial: Provided by Lessor

Maintenance: Provided by Lessor

Tenant Improvements: Lessor to provide at its sole cost and expense.

RCIT: None

Impact on Citizens and Businesses

This facility will continue to provide beneficial services to the residents and businesses of the community.

SUPPLEMENTAL:
Additional Fiscal Information

See attached Exhibits A, B & C.

All associated costs for this Third Amendment will be budgeted in FY 2016/17 through 2021/22 through the Department of environmental Health budget. The Department of Environmental Health will reimburse EDA for all associated lease costs on a monthly basis.

Attachments:
Exhibit A, B & C
Third Amendment
CEQA Notice of Exemption
Aerial Image

RF:JWW:VC:VY:TW:ra RV490 13466
MinuteTrak 2544

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


Kshini Dasika, Principal Management Analyst

4/10/2017

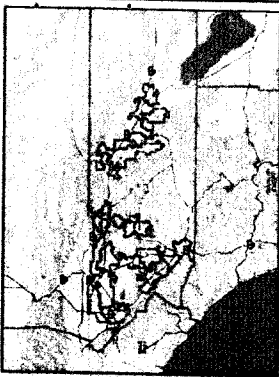


Gregory F. Priapos, Director County Counsel

3/31/2017

Department of Environmental Health

Third Amendment to Lease



Legend



0

244 489 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... 11/18/2016 2:01:23 PM

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Notes

3880 Lemon Street, Suite 200



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

4/21/17
Date

vb
Initial

NOTICE OF EXEMPTION

January 12, 2017

Project Name: County of Riverside, Economic Development Agency (EDA) Department of Environmental Health Third Amendment to Lease, Riverside

Project Number: FM042341003900

Project Location: 3880 Lemon Street, Suite 200, north of Ninth Street, Riverside, California 92501; Assessor's Parcel Number (APN) 213-311-012; (See Attached Exhibit)

Description of Project: The County of Riverside (County) entered into a Lease Agreement on behalf of Environmental Health with Center Tower Riverside LLC on September 13, 2011 for Suite 200 at the building located at 3880 Lemon Street in Riverside, California. The County has twice amended the Lease Agreement on August 28, 2012 for additional space and most recently, on September 13, 2016 for a reduction in parking. The County now desires to amend the Lease Agreement to revise the square footage, extend the term modify the rent, and conduct tenant improvements. The Lease Agreement is being amended to adjust the leased square footage to 8,465 square feet and extend the term five years, commencing February 1, 2017 and terminating January 31, 2022. The adjustment on square footage is made to reflect a different measuring system using the Building Owners and Managers Association (BOMA) standards. Tenant improvements to be completed at the expense of the Landlord, include painting touch up, chair rails installed in the lobby, a break room and testing room, window tint installed in the break room and four offices, a garbage disposal installed in the break room, and new carpeting on the third anniversary of the term. The Third Amendment to the Lease Agreement is identified as the proposed Project under the California Environmental Quality Act (CEQA). The proposed Project would involve the continuation of the letting of property involving existing facilities, minor interior improvements that would not result in physical changes or an expansion of capacity. The operation of the leased area will continue to provide environmental health services and 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 Center Tower Riverside, LLC

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 would the Project involve unusual circumstances which could have a potentially significant effect on the environment. The Project would not result in impacts to scenic highways, hazardous

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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

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 Third Amendment to the Lease Agreement.

- **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 a Lease and includes minor interior tenant improvements. The Project will not increase or expand the use of the site, as no alterations to the existing building are being considered. The site is currently developed and does not contain environmentally sensitive areas. 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 Third Amendment to the Lease and minor interior tenant improvements 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 and existing building 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: _____

11/12/17

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

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Department of Environmental Health Third Amendment to Lease,
Riverside

Accounting String: 524830-47220-7200400000- FM042611049000

DATE: January 12, 2017

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: January 12, 2017

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 # FM042611049000**
Department of Environmental Health Third Amendment to Lease, Riverside

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

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

**THIRD AMENDMENT TO LEASE
3880 Lemon Street, Riverside**

THIS THIRD AMENDMENT TO LEASE ("Third Amendment"), dated as of April 18, 2017, is entered into by and between the County of Riverside, a political subdivision of the State of California, County, and **CENTER TOWER RIVERSIDE, LLC**, a Delaware limited liability company, ("Lessor") sometimes collectively referred to as the "Parties".

RECITALS

a. Nomel Ventures, LP, a California limited partnership, as Lessor and County entered into that certain original Lease dated September 13, 2011, pursuant to which Lessor has agreed to lease to County and County has agreed to lease from Lessor approximately 7,765 square feet of office space in those certain buildings located at 3880 Lemon Street, Suite 200, Riverside, as more particularly described in the Original Lease.

b. The Original Lease has been amended by:

1. The First Amendment to Lease dated August 28, 2012 by and between the County of Riverside and Nomel Ventures, L.P., (First Amendment) whereby the Parties expanded into additional space, adjusted the rent and completed tenant improvements.

2. The Second Amendment to Lease dated September 13, 2016 by and between the County of Riverside and Center Tower Riverside, LLC as successor in interest to Nomel Ventures, L.P., ("Second Amendment") whereby the number of allocated parking spaces was reduced.

The Parties now desire to amend the Lease among other things to revise the square footage, extend the term, modify the rent and annual adjustment, complete tenant improvements.

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

1. Section 2.2 Defined, shall be amended as follows: The Premises shall consist of approximately 8,465 square feet pursuant to a re-measure of the Premises per BOMA standards.

2. Section 4.1 Term, shall be amended as follows: The term of this Lease shall be extended Five (5) years commencing on February 1, 2017 and terminating on January 31, 2022.

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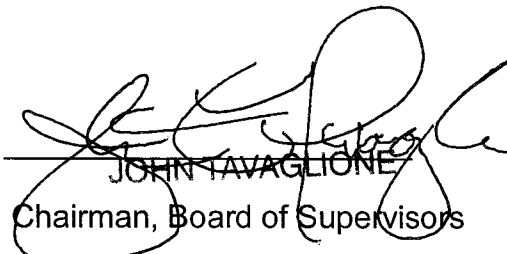
6. EFFECTIVE DATE. This Third Amendment to Lease shall not be binding or consummated until its approval by the Riverside County Board of Supervisors and fully executed by the Parties.

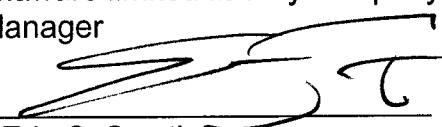
IN WITNESS WHEREOF, the Parties have executed this Third Amendment to Lease as of the date first written above.

COUNTY OF RIVERSIDE

CENTER TOWER RIVERSIDE, LLC,
a Delaware limited liability company

By: CIP Investment Manager, LLC,
A Delaware limited liability company
Its Manager

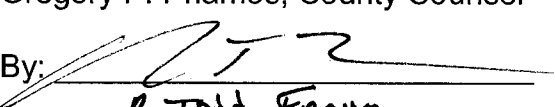
By: 
JOHN TAVAGLIONE
Chairman, Board of Supervisors

By: 
Eric C. Smyth
Its: Authorized Signatory

ATTEST:
Kecia Harper-Ihem
Clerk of the Board

By: 
Deputy

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

By: 
R. Todd Fromm
Deputy County Counsel