

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



ITEM
3.8
(ID # 8105)

MEETING DATE:

Tuesday, October 30, 2018

FROM : ECONOMIC DEVELOPMENT AGENCY (EDA):

SUBJECT: ECONOMIC DEVELOPMENT AGENCY (EDA): Ratify and Approve Third Amendment to Revenue Lease with Western Riverside County Regional Conservation Authority, District 2, CEQA Exempt [\$0] (Clerk of the Board to File the Notice of Exemption)

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, Existing Facilities exemption, and Section 15061(b)(3), "Common Sense" exemption;
2. Ratify and approve the attached Third Amendment to Lease with Western Riverside County Regional Conservation Authority, 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 for posting within five days of approval by the Board.

ACTION: Policy

Robert Field, Assistant County Executive Officer/ECD 10/16/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: October 30, 2018
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	0	0	0	0
NET COUNTY COST	0	0	0	0
SOURCE OF FUNDS: N/A			Budget Adjustment No	
			For Fiscal Year: 2018/19	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Western Riverside County Regional Conservation Authority (RCA) entered into a Revenue Lease with the County on July 15, 2008, for office space located at 3403 Tenth Street, Suites 320 and 315 and comprised of 6,662 square feet. This facility continues to meet the needs and requirements of RCA and this Third Amendment to Revenue Lease represents an increase in the term of the option period to extend from five (5) years to ten (10) years, a reduction in the annual rental adjustment during the option period from three (3%) to two (2%) percent, and a reduction in the monthly rent commencing as of the Lease extension date of August 7, 2018.

Pursuant to California Environmental Quality Act (CEQA), the Third Amendment to Revenue Lease was reviewed and determined to be categorically exempt from CEQA under State CEQA Guidelines Section 15301, Class 1 – Existing Facilities exemption and Section 15061(b)(3), “Common Sense” exemption. The proposed project, the Third Amendment to Revenue Lease, is the letting of property where no or negligible expansion of an existing use will occur.

Lessor: County of Riverside/EDA
3403 Tenth Street, Suite 400
Riverside, California 92501

Premises Location: Riverside Centre
3403 Tenth Street, Suites 315 & 320
Riverside, California 92501

Size 6,662 square feet

Term: Ten years commencing August 7, 2018, expiring August 6, 2028

Rent:	Current	New
	\$ 2.58 per square foot	\$ 2.40 per square foot
	\$ 17,218.16 per month	\$ 15,988.80 per month
	\$206,617.92 per year	\$191,865.60 per year

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Rental Adjustment: Two percent annually

This Third Amendment to Revenue Lease has been approved as to legal form by County Counsel.

IMPACT TO RESIDENTS AND BUSINESSES:

This Third Amendment to Revenue Lease facilitates the continued presence and operation of RCA. Their mission and continued efforts in habitat conservation saves lands and protects species. The impact and benefit to residents and businesses is realized through economic enrichment from development projects while sustaining a healthy environment.

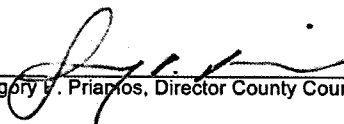
FINANCIAL DATA:

There are not costs associated with this Third Amendment to Revenue Lease.

ATTACHMENTS:

- Third Amendment to Revenue Lease
- Notice of Exemption
- Aerial Image Map

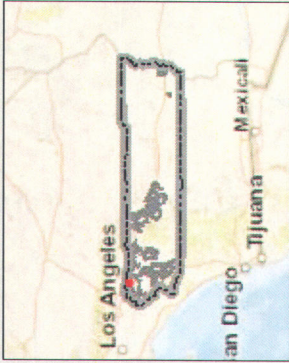
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MinuteTrak #8105



Gregory V. Priaplos, Director County Counsel 10/18/2018

Third Amendment to Revenue Lease

Western Riverside County Regional Conservation Authority



Legend

— County Centerlines



0 94 188 Feet

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© Riverside County GIS

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.



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

10/31/18
Date

KD
Initial

NOTICE OF EXEMPTION

September 25, 2018

Project Name: County of Riverside, Economic Development Agency (EDA) Western Riverside County Regional Conservation Authority Third Amendment to Lease Agreement, Riverside Centre

Project Number: FM0471000

Project Location: 3403 10th Street, Suite 320, west of Lime Street, Riverside, California 92501; Assessor's Parcel Number (APN) 215-120-005; (See Attached Exhibit)

Description of Project: The County of Riverside (County) Economic Development Agency Real Estate Division has negotiated a revenue lease agreement with the Western Riverside County Regional Conservation Authority (RCA) to occupy 6,662 square feet of office space in Suite 320 of the Riverside Centre, located at 3403 10th Street, Riverside, California. The Riverside Centre is a County-owned 157,000 square-foot, Class A Office Building. The Third Amendment to the Lease Agreement is identified as the proposed Project under the California Environmental Quality Act (CEQA). The Third Amendment to the Lease Agreement consists of a ten-year term, with one ten-year option to extend. The Lease Agreement will commence on August 7, 2018. The use of the facility by RCA would continue, consistent with the existing land use. 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 Western Riverside County Regional Conservation Authority

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 possibly 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 Third Amendment to the Lease Agreement.

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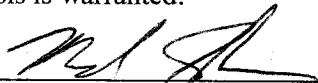
P.O. Box 1180 • Riverside, California • 92502 • T: 951.955.8916 • F: 951.955.6686 org

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|-----------------------|------------------------|-------------------------------|-----------------------|
| Administration | Housing | Economic Development | Parking |
| Aviation | Housing Authority | Edward-Dean Museum | Project Management |
| Business Intelligence | Information Technology | Environmental Planning | Purchasing Group |
| Cultural Services | Maintenance | Fair & National Date Festival | Real Property |
| Community Services | Marketing | Foreign Trade | Redevelopment Agency |
| Custodial | | Graffiti Abatement | Workforce Development |

- **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 an existing Lease Agreement of existing office space within an existing building, with minor interior tenant improvements. The use of the office space by RCA would be consistent with the office-related land use for the building, 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 Third 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 planned use and associated entitlements which were completed prior to the construction of the existing building, which took into the account all of the potential effects that could result from a fully-occupied facility. The use of the facility by the RCA, would be consistent with the planned use, and; 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: _____

9/25/18

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

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Riverside Centre Western Riverside County Regional Conservation
Authority Third Amendment to Lease, Riverside

Accounting String: 524830-47220-7200400000- FM0471000

DATE: September 25, 2018

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: 

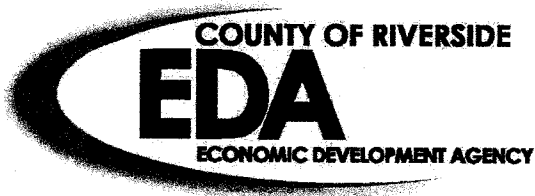
PRESENTED BY: Tonja Acosta, Senior Real Property Agent, Economic Development
Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -



Date: September 25, 2018

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 # FM0471000**
Western Riverside Regional Conservation Authority Third Amendment to the Lease Agreement,
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 or email at msullivan@rivco.org.

Attachment

cc: file

1 **THIRD AMENDMENT TO REVENUE LEASE**

2 County of Riverside - Western Riverside County Regional Conservation Authority
3 3403 Tenth Street, Suites 315 and 320, Riverside, California

4 This **THIRD AMENDMENT TO LEASE** ("Third Amendment") is made as of
5 October 30, 2018, by and between the **COUNTY OF RIVERSIDE**, a political
6 subdivision of the State of California, herein called ("County"), and **WESTERN RIVERSIDE**
7 **COUNTY REGIONAL CONSERVATION AUTHORITY (RCA)**, a Joint Powers Authority, herein
8 called "Lessee."

9 **Recitals**

10 a. The County of Riverside ("County"), as Lessor, and Western Riverside
11 County Regional Conservation Authority, a Joint Powers Authority, as Lessee, entered into that
12 certain Lease dated July 15, 2008 (the "Original Lease"), for the premises located at 3403
13 Tenth Street ("Building"), Suite 320, Riverside, California, as more particularly shown on
14 Exhibit "A" attached to the Original Lease.

15 b. The Original Lease has been amended by:

16 i. That certain First Amendment to Lease dated September 29,
17 2009, by and between County of Riverside and Western Riverside County Regional
18 Conservation Authority, a Joint Powers Authority (the "First Amendment"); whereby County and
19 Lessee revised the description of the leased premises, annual rent increase provision and
20 allocation of parking spaces; and

21 ii. That certain Second Amendment to Lease dated March 1, 2011,
22 by and between County of Riverside and Western Riverside County Regional Conservation
23 Authority, a Joint Powers Authority (the "Second Amendment"), whereby County and Lessee
24 revised the description of the leased premises by adding Suite 315 of the Building and
25 amended the rent and notices provisions.

26 c. County and Lessee now desire to amend the Original Lease to increase
27 the duration of the extension options and revise provisions related to rent and County
28 improvements.

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

3 **1. Capitalized Terms. Third Amendment to Prevail.** Unless defined herein or
4 the context requires otherwise, all capitalized terms herein shall have the meaning defined in
5 the Lease, as heretofore amended. The provisions of this Third Amendment shall prevail over
6 any inconsistency or conflicting provisions of Original Lease, as heretofore amended, and shall
7 supplement the remaining provisions thereof. The Original Lease remains in full force and
8 effect except to the extent amended by this Third Amendment.

9 **2. Options to Extend.**

10 a. Section 5(a) of the Original Lease is hereby deleted in its entirety and
11 replaced with the following: "County grants to Lessee two (2) options to extend the Revenue
12 Lease term upon mutual consent of both the Lessee and County. Each extension option shall
13 be for a period of ten (10) years, subject to the conditions described in this Paragraph 5."

14 b. Section 5(c) of the Original Lease is hereby deleted in its entirety and
15 replaced with the following: "The monthly rent payable by Lessee during any extended term
16 under the Option(s) shall be increased each year on the annual anniversary of the Revenue
17 Lease by an amount equal to two (2%) percent of monthly rental."

18 **3. Rent.**

19 a. Section 2 of the First Amendment and Section 4 of the Second
20 Amendment are hereby deleted in their entirety.

21 b. Section 6(a) of the Original Lease is hereby amended as follows:
22 Lessee shall pay to Lessor \$15,988.80 per month commencing on August 7, 2018.

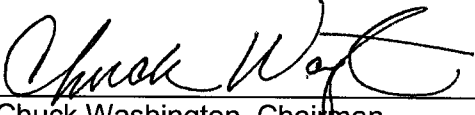
23 c. Section 6(b) of the Original Lease is hereby deleted in its entirety and
24 replaced with the following: "Notwithstanding the provisions of Paragraph 6(a) herein, the
25 monthly rent shall be increased each year on each annual anniversary of the Revenue Lease
26 (August 7) by an amount equal to two (2) percent of the monthly rent in effect for the previous
27 year."

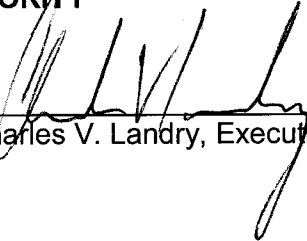
1 IN WITNESS WHEREOF, the parties have executed this Third Amendment as of the date first
2 written above.

3 Dated: OCT 30 2018

4
5 **COUNTY OF RIVERSIDE**

**WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION
AUTHORITY**


6
7
8 By: 
9 Chuck Washington, Chairman
Board of Supervisors

By: 
Charles V. Landry, Executive Director

10
11 **ATTEST:**
12 Kecia Harper-Ihem
13 Clerk of the Board

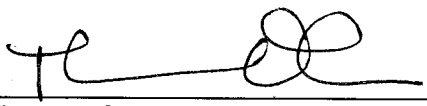
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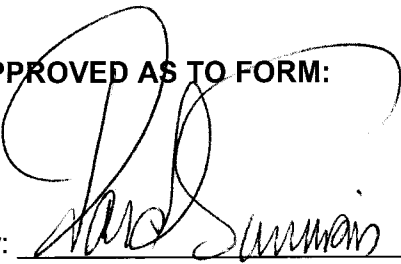
14 By: 
15 Deputy

By: 
Honey Bernas, Clerk of the Board

16
17 **APPROVED AS TO FORM:**
18 Pamela J. Walls
County Counsel

APPROVED AS TO FORM:

19 By: 
20 Thomas Oh
21 Deputy County Counsel

By: 
Best Best & Krieger, LLP
RCA General Counsel

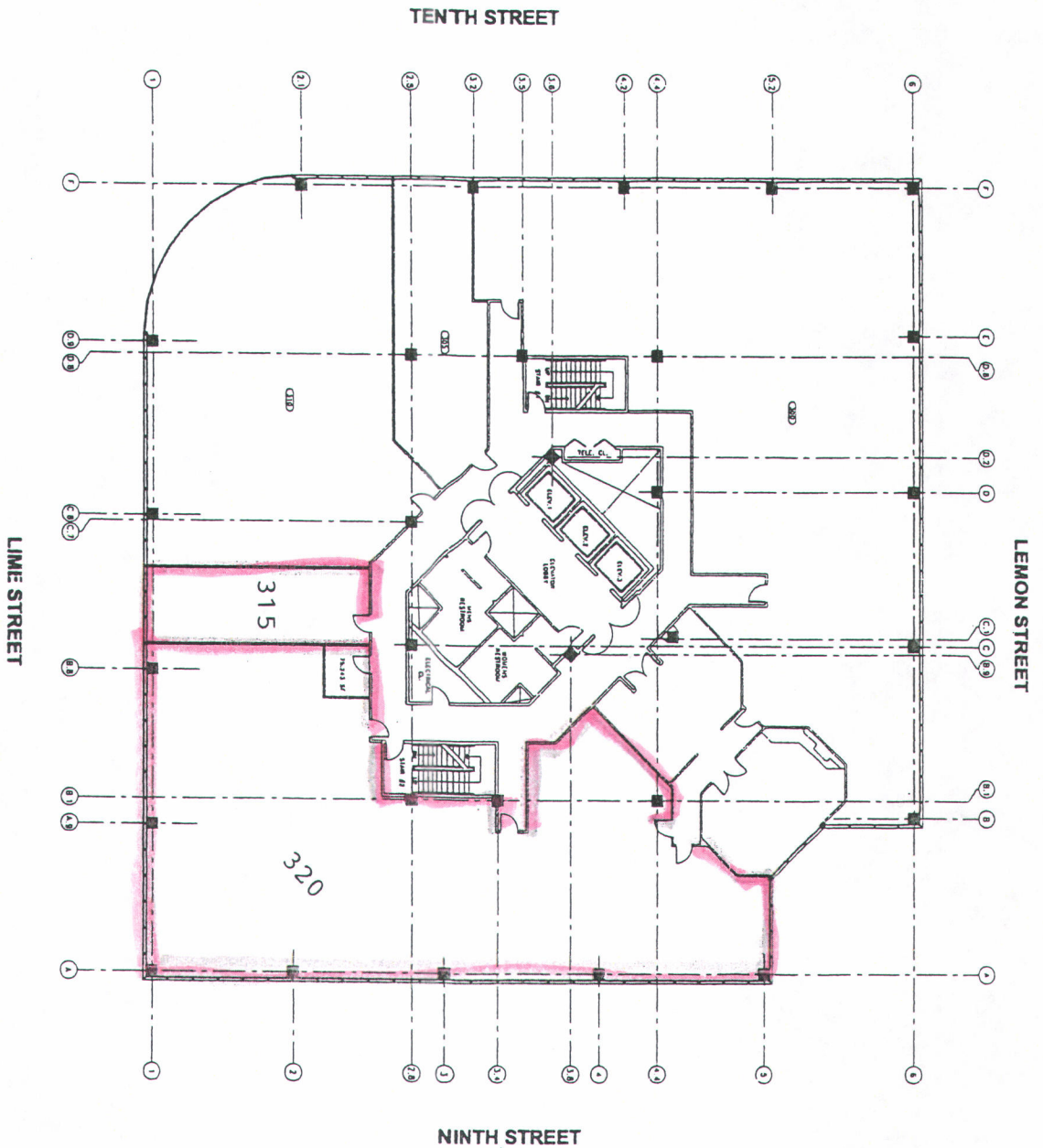
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THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"

THIRD FLOOR	
COMMON FLOOR AREA	7323.708
TENANT SUITE	861.418
GROSS FLOOR AREA	18,570.824



**3403 10th Street, Suites 315/329
Riverside, California**

EXHIBIT A

RIVERSIDE CENTRE

B.O.M.A. CALCULATION
3403 TENTH STREET
RIVERSIDE, CA

Volcott
ARCHITECTURE INTERIORS
385 South Main, Orange, CA 92668
Tel: 714/961-7700 Fax: 714/961-1100
www.volcott.com



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	07-9-01
2	ISSUED FOR PERMITS	07-9-01
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