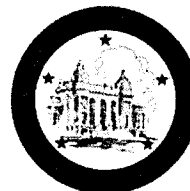


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.10  
(ID # 11806)

**MEETING DATE:**

Tuesday, February 25, 2020



**FROM:** ECONOMIC DEVELOPMENT AGENCY (EDA) AND RIVERSIDE UNIVERSITY HEALTH SYSTEM:

**SUBJECT:** ECONOMIC DEVELOPMENT AGENCY (EDA) AND RIVERSIDE UNIVERSITY HEALTH SYSTEM: Riverside University Health System Medical Center Courtyard Bird Deterrent Project - California Environmental Quality Act Exempt, Approval of In-Principle and Preliminary Project Budget, District 5. [\$199,986 - RUHS Enterprise Fund 40050 - 100%]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve the Riverside University Health System Medical Center Courtyard Bird Deterrent (RUHS-MC Courtyard Bird Deterrent) Project for inclusion in the Capital Improvement Program (CIP);
2. 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;
3. Approve in-principle, the RUHS-MC Courtyard Bird Deterrent Project located in Moreno Valley; to install bird deterrent netting in the courtyard break area of the hospital;

**ACTION:** Policy, CIP


  
Heidi Marshall, Managing Director of EDA 2/11/2020   
Jennifer Cruikshank, Chief Executive Officer - Health System 2/11/2020

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: February 25, 2020  
xc: EDA

Kecia R. Harper  
Clerk of the Board  
By:   
Deputy

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

**RECOMMENDED MOTION:** That the Board of Supervisors:

4. Approve the preliminary project budget in the amount not to exceed of \$199,986 for the Project;
5. Authorize the use of RUHS Enterprise Fund 40050 not to exceed \$199,986, including reimbursement to the Economic Development Agency (EDA) for incurred project related expenses;
6. Delegate project management authority for the Project to the Managing Director in accordance with applicable Board policies, including the authority to utilize consultants on the approved pre-qualified list for services in connection with the Project, and are within the approved project budget; and
7. Authorize the Purchasing Agent to execute pre-qualified consultant service agreements not to exceed \$100,000, per pre-qualified consultant, per fiscal year, in accordance with applicable Board policies for this project, and the sum of all project contracts shall not exceed \$199,986.

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 199,986	\$ 0	\$ 199,986	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> RUHS Enterprise Fund 40050 - 100%			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 2019/20	

**C.E.O. RECOMMENDATION:** Approve.

**BACKGROUND:**

**Summary**

RUHS has experienced reoccurring health and environmental issues due to mud swallow nests and waste within the hospital courtyard. Installation of nets over the windows and other elevation openings will help to discourage the birds from swarming and nesting within the hospital courtyard. The scope of work for the Project includes, but is not limited to: removal and containment of nests from the previous nesting season, cleaning and disinfecting all areas affected by the bird nests and waste, and installation of netting to deter the birds from building new nests in window openings and other elevation openings within the courtyard.

EDA recommends the Board of Supervisors (Board) approve the RUHS-MC Courtyard Bird Deterrent Project and preliminary project budget in the amount not to exceed of \$199,986. EDA

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

will pursue the most cost effective project delivery method and award in accordance with applicable Board policies.

With certainty, there is no possibility that the RUHS-MC Courtyard Bird Deterrent Project may have a significant effect on the environment. The Project, as proposed, is limited to maintenance activity which would result in the removal of nests, cleaning of surfaces, and installation of netting at the main hospital. The removal of nests will occur outside the nesting season and the use of the facility would continue to provide public services. Therefore, the Project is exempt as the project meets the scope and intent of the Common Sense Exemption identified in Section 15061 (b)(3) and Class 1 Categorical Exemption identified in Section 15301. A Notice of Exemption will be filed by staff with the County Clerk within five days of Board approval.

**Impact on Residents and Businesses**

Discouraging mud swallows from nesting in the window openings and other elevated openings in the courtyard will positively impact the exterior environment of the hospital. It will reinforce the hospital's commitment to provide a clean and inviting environmental for visitors and staf. The Project will have no impact to nearby residents or businesses.

**Additional Fiscal Information**


The approximate allocation of the preliminary project budget is as follows:

<b>PROJECT BUDGET LINE ITEMS</b>	<b>CATEGORY</b>	<b>PROJECT BUDGET AMOUNT</b>
Architectural Design	1	12,000
Construction Management	2	0
Construction Contract	3	164,986
Offsite Construction	4	0
Project Management	5	4,000
Fixtures, Furnishings, Equipment	6	0
OSHPD Inspector/IOR	7	0
Project Contingency	8	19,000
Minor Construction	9	0
<b>Preliminary Project Budget</b>		<b>\$ 199,986</b>

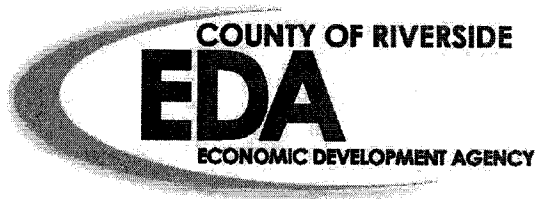
All costs associated with this Board action will be expended in FY 2019/20 and are 100% funded through RUHS Enterprise Fund 40050.

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

RF:HM:VC:SP:RM:NS:mg                      FM05430010031                      11806-14048  
S:\Project Management Office\FORM 11'S\In Process\11806 - 14048\_D2 - 010031 - RUHS MC Crtyrd Bird Deterrent  
Proj - Approval In-Princ and Prelim ProjBdgt\_021120.doc

  
Teresa Summers, Director of Purchasing                      1/29/2020

  
Gregory V. Priamos, Director County Counsel                      2/11/2020



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

Date

Initial

VIA EDA

## NOTICE OF EXEMPTION

January 23, 2020

**Project Name:** County of Riverside, Riverside University Health System Medical Center Courtyard Bird Deterrent Project, Moreno Valley, California

**Project Number:** FM05430010031

**Project Location:** 26520 Cactus Avenue, west of Nason Street, Moreno Valley, County of Riverside, California; Assessor's Parcel Number (APN): 486-280-037

**Description of Project:** RUHS has experienced reoccurring health and environmental issues due to mud swallow nests and waste within the hospital courtyard. Installation of nets over the windows and other elevation openings will help to discourage the birds from swarming and nesting within the hospital courtyard. The scope of work to address this safety issue includes, but is not limited to: removal and containment of nests from the previous nesting season, cleaning and disinfecting all areas affected by the bird nests and waste, and installation of netting to deter the birds from building new nests in window openings and other elevation openings within the courtyard. The bird deterrent improvements are identified as the proposed project under the California Environmental Quality Act (CEQA). The operation of the facility will continue to provide public services and will not result in a change or 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

**Exempt Status:** State California Environmental Quality Act (CEQA) Guidelines, Section 15301 Existing Facilities Exemption; Section 15302 Replacement or Reconstruction; Section 15061(b) (3), General Rule or "Common Sense" Exemption, Codified under Title 14, Articles 5 and 19, Sections 15061, 15301 and 15302.

**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 include unusual circumstances which could have the possibility of having 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 bird deterrent improvements at the RUHS Medical Center.

- **Section 15301 (b)–Existing Facilities:** This Class 1 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 maintenance activity which would result in the removal of nests, cleaning of surfaces, and installation of netting within the main hospital. The removal of nests will occur outside the nesting season and the use of the facility would continue to provide public services. The bird deterrent improvements are minor exterior improvements would not alter the facility’s purpose or capacity, would be within the existing Medical Center property, and would be consistent with the existing land use. Therefore, the project is exempt as it meets the scope and intent of the Categorical 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 bird deterrent improvements will not result in any direct or indirect physical environmental impacts. The removal of nests will occur outside the nesting season and would avoid any potential effects to nesting birds and the use of the facility would remain unchanged. 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: 1/23/20

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