

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



ITEM: 3.22
(ID # 13014)

MEETING DATE:
Tuesday, August 25, 2020

FROM: FACILITIES MANAGEMENT:

SUBJECT: FACILITIES MANAGEMENT- REAL ESTATE (FM-RE): Ratification and Approval of Amendment to Lease between the County of Riverside and the State of California, California Unemployment Insurance Appeals Board acting through the Department of General Services, District 4, CEQA Exempt [\$0] (Clerk to File 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, Class 1 Existing Facilities Exemption and 15061 (b)(3) Common Sense Exemption;
2. Ratify and approve the attached Amendment to Lease between the County of Riverside and the State of California, California Unemployment Insurance Appeals Board, acting through the Department of General Services and authorize the Chairman of the Board to execute the same on behalf of the County;
3. Authorize the Director of Facilities Management, or his/her designee, to execute any other documents and administer all actions necessary to complete this transaction.
4. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk within five (5) days of approval of the project.

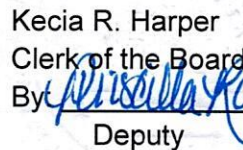
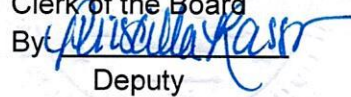
ACTION:


Rose Salgado, Director of Facilities Management 7/30/2020

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: Jeffries
Date: August 25, 2020
xc: FM-RE


Kecia R. Harper
Clerk of the Board
By 
Deputy

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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: 2019/20 – 2021/22	

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

There is an existing Lease dated February 15, 2010 (Lease) between the County of Riverside (County) and the California Unemployment Insurance Appeals Board (CUIAB) for use of approximately 1,050 square feet of office space at the County owned facility located at 44-199 Monroe Street, Indio, California 92201 (Monroe Park). The term of the Lease was for a period of eight (8) years, which commenced on April 1, 2010 and expired on March 31, 2019.

The Lease remained on a month-to-month tenancy during the negotiations of an amendment by the CUIAB and the County. The lease rate at expiration became the month-to-month lease rate. During the month-to-month lease period, the parties worked together to resolve ADA compliance concerns in the building.

CUIAB is an administrative court system for workers and employers seeking to challenge decisions made by the State Employment Development Department (EDD). Since October 1, 2001, EDD and Riverside County Workforce Development have partnered in shared use and operations at Monroe Park. The presence of CUIAB makes Monroe Park a one-stop shop for unemployment and disability assurances for both employees and employers in District 4.

Facilities Management- Real Estate (FM-RE) negotiated the terms of the attached Amendment to Lease (Amendment). The Amendment will extend the term of the Lease and adjust the monthly rent. The effective date of the Amendment shall be retroactive to November 1, 2019 (Effective Date). The ending term of the Lease shall be amended to be March 31, 2021. Retroactive to the Effective Date, the rent shall be adjusted from \$3,564.17 per month to \$3,121.39 per month.

The purpose of this Amendment is to provide an interim term or period for the negotiations of a new and extended lease with CUIAB. In addition, the Amendment will reset the lease rate, which had increased over time, back to a fair market rent. The lease rate is deemed to be at market for this type of facility and space in this area.

The Amendment has been reviewed and determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b) (3)

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and Section 15301 Class 1, Existing Facility, as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The County's approval of the activity does not create any reasonably foreseeable physical change to the environment for this transaction.

The attached Amendment has been approved as to form by County Counsel.

Impact on Citizens and Businesses


CUIAB's presence at Monroe Park provides a forum for employers and the unemployed or disabled workers to dispute decisions made by EDD. Citizens and Businesses in District 4 benefit from CUIAB's objective of protecting the rights of California's employers and unemployed or disabled workers.

**SUPPLEMENTAL:
Additional Fiscal Information**

There are no net County costs for this transaction.

Attachments:
Amendment to Lease
CEQA Notice of Exemption
Aerial Image

JR:ar/060120/IN054Q/30.213



Steven Atkeson 8/19/2020



Gregory H. Priamos, Director County Counsel 8/13/2020

County of Riverside
Facilities Management
3133 Mission Inn Avenue, Riverside, CA

FOR COUNTY CLERK USE ONLY

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

8/25/20 YRP
Date Initial

NOTICE OF EXEMPTION

July 8, 2020

Project Name: Amendment to Lease for California Unemployment Insurance Appeals Board, Indio

Project Number: FM047341005417

Project Location: 44199 Monroe Street, south of Fred Waring Drive, Indio, California; APN 608-080-017

Description of Project: There is an existing Lease dated February 15, 2010 (Lease) between the County of Riverside (County) and the State of California, California Unemployment Insurance Appeals Board (CUIAB) for use of approximately 1,050 square feet of office space at the County owned facility located at 44-199 Monroe Street, Indio, California 92201 (Monroe Park). The term of the lease was for a period of eight (8) years, which commenced on April 1, 2010 and set to expire on March 31, 2019. The Lease remained on a month-to-month during the negotiations of an amendment.

CUIAB is an independent administrative court system for workers and employers seeking to challenge decisions made by the Employment Development Department (EDD). Since October 1, 2001, EDD and Riverside County Workforce Development have partnered in joint tenancy and operations at Monroe Park. The presence of CUIAB makes Monroe Park a one stop shop for unemployment and disability assurances for both employees and employers in District 4.

The County Facilities Management- Real Estate (FM-RE) negotiated the terms of the attached Amendment to Lease (Amendment). The Amendment will extend the term of the Lease and adjust the monthly rent. The effective date of the Amendment shall be retroactive to November 1, 2019 (Effective Date). The ending term stated of March 31, 2015 in Paragraph 2 of the Lease, shall be amended to read March 31, 2021. Retroactive to the Effective Date, the rent shall be adjusted from \$3,564.17 per month to \$3,121.39 per month. The proposed Amendment to Lease is defined as the proposed project under the California Environmental Quality Act (CEQA). The project is the letting of property involving existing facilities; no expansion of the existing facility will occur. The operation of the facility will continue to provide court services. No additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: Riverside County

Name of Person or Agency Carrying Out Project: Riverside County Facilities Management

Exempt Status: State CEQA Guidelines Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

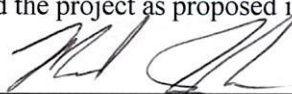
AUG 25 2020 322

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 that could potentially 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 Amendment to Lease.

- **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 regarding an existing facility. The Amendment to Lease will not require physical modifications to the existing site which would significantly increase or expand the use of the site, and is limited to the continued use of the site in a similar capacity; 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 Amendment to Lease 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 impacts beyond the ongoing, existing use of the site 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.

Therefore, the County of Riverside Facilities Management 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: _____

7/8/20

Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

**Project Name: Lease Amendment for California Unemployment Insurance Appeals
Board, Indio**

Accounting String: 524830-47220-7200400000 - FM047341005417

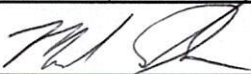
DATE: July 8, 2020

AGENCY: Riverside County Facilities Management

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, Facilities Management**

Signature: 

PRESENTED BY: **Jose Ruiz, Real Property Agent, Facilities Management**

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -

County of Riverside
Facilities Management
3133 Mission Inn Avenue, Riverside, CA 92507

Date: July 8, 2020
To: Kiyomi Moore/Josefina Castillo, Office of the County Clerk
From: Mike Sullivan, Senior Environmental Planner, Facilities Management
Subject: **County of Riverside Facilities Management Project # FM047341005417**
Lease Amendment for California Unemployment Insurance Appeals Board, Indio

The Riverside County's Facilities Management'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 #2600

Attention: Mike Sullivan, Senior Environmental Planner,
Facilities Management,
3133 Mission Inn Avenue, Riverside, CA 92507

If you have any questions, please contact Mike Sullivan at 955-8009 or email at msullivan@rivco.org.

Attachment

cc: file



REAL ESTATE SERVICES DIVISION



AMENDMENT TO LEASE

LEASE NO. 5091-002
PROJECT NO. 1506
AMENDMENT NO. One (1)

THIS AMENDMENT TO LEASE, made and entered into this 1st day of October 2019, by and between County Of Riverside, A Political Subdivision of the State of California, hereinafter called Lessor, and the State of California acting by and through the Director of the Department of General Services, hereinafter called the State.

WITNESSETH:

WHEREAS, under lease dated February 15, 2010, the State hires from Lessor certain premises located at 44-199 Monroe Street, Indio, CA 92201 as more particularly described in said lease; and

WHEREAS, the parties hereto desire to amend said lease to (1) extend the soft term of the lease; (2) adjust the monthly rent.

NOW THEREFORE, it is mutually agreed between the parties hereto as follows:

1. Effective November 1, 2019, the ending term of March 31, 2018 as shown in Paragraph 2 of said lease is amended to read March 31, 2021.
2. Effective November 1, 2019, Paragraph 4 of said lease is modified as follows:

THREE THOUSAND ONE HUNDRED TWENTY ONE AND 39/100 DOLLARS (\$3,121.39) from November 1, 2019, through March 31, 2021; and thereafter.

Rental payments shall be paid by the State, from legally available funds and subject to the California Constitution, in arrears on the last day of each month during said term.

Except as amended herein, all the terms of said lease hereinabove referred to shall remain unchanged and in full force and effect.

WHEN DOCUMENT IS FULLY EXECUTED RETURN
CLERK'S COPY
to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

AUG 25 2020 3.22

AMENDMENT TO LEASE

LEASE NO. 5091-002
PROJECT NO. 1506
AMENDMENT NO. One (1)

IN WITNESS WHEREOF, this Amendment to Lease has been executed by the parties hereto on the date first above written.

STATE OF CALIFORNIA

Approval Recommended:

DEPARTMENT OF GENERAL SERVICES
REAL ESTATE SERVICES DIVISION
ASSET MANAGEMENT BRANCH

County of Riverside,
A Political Subdivision of the State of California

By *Clyde Stormont*
CLYDE STORMONT, Real Estate Officer
Real Estate Leasing and Planning Section

By *V. Manuel Perez*
V. MANUEL PEREZ, Chairman, Board of
Supervisors

Date *September 10, 2020*

Date *AUG 25 2020*

Approved:

ATTEST:
KECIA HARPER-IHEM

DIRECTOR OF THE DEPARTMENT
OF GENERAL SERVICES

Clerk of the Board

By *Brian Hensley*
BRIAN HENSLEY, Leasing Manager
Real Estate Leasing and Planning Section

By *Yrisella Gasso*
Deputy

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

Date *Sep 15, 2020*

By *Thomas OH*
THOMAS OH, Deputy County Counsel
Wesley W. Stanfield, Deputy, County Counsel