

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



ITEM: 3.23
(ID # 12972)

MEETING DATE:
Tuesday, August 25, 2020

FROM: FACILITIES MANAGEMENT AND DEPARTMENT OF CHILD SUPPORT SERVICES (DCSS):

SUBJECT: FACILITIES MANAGEMENT - REAL ESTATE (FM-RE) AND DEPARTMENT OF CHILD SUPPORT SERVICES (DCSS): Approval of the Third Amendment to Lease with ELS Investments and Smith, 3760 12th Street, Riverside, Two-Year Lease Extension, CEQA Exempt, District 2, [\$244,759], 66% Federal 34% State, (Clerk to file 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. Approve the attached Third Amendment to Lease between the County of Riverside and ELS Investments and Smith, 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 Notice of Exemption with the County Clerk within five (5) days of approval by the Board.

ACTION: Policy

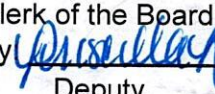

Rose Salgado, Director of Facilities Management 8/10/2020


Kimberly Britt, Director of Child Support Services 8/10/2020

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, DCSS

Kecia R. Harper
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	\$93,119	\$113,951	\$226,136	\$
NET COUNTY COST	\$	\$	\$	\$
SOURCE OF FUNDS: 66% Federal 34% State			Budget Adjustment:	No
			For Fiscal Year:	2020/21- 2022/23

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

On May 6, 2008, the County entered into a lease agreement on behalf of the Department of Child Support Services (DCSS) for the facility located at 3760 12th Street, Riverside. This facility continues to meet the needs and requirements of DCSS, and this Third Amendment to Lease represents a two-year extension of the current lease agreement commencing on September 1, 2020. This Lease has been negotiated with no annual increase for the first year.

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 Section 15301 Class 1- Existing Facilities exemption, and Section 15061 (b)(3), Common Sense exemption. The proposed project is the extension of letting of property involving existing facilities, and no expansion of an existing use will occur.

Location: 3760 12th Street
Riverside, California

Lessor: ELS Investments & Smith
5281 Avondale Way
Riverside, California 92506

Size: 4,000 sq. ft.

Term: Two years commencing September 1, 2020, expiring August 31, 2022

Rent:	Current	New
	\$2.10 per sq. ft.	\$2.10 per sq. ft.
	\$8,388.98 per month	\$8,388.98 per month
	\$100,667.76 per year	\$100,667.76 per year

Annual Increase: Two and half percent (2.5%)

Utilities: Provided by Lessor, County pays electricity, gas and telephones

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
Date

YRP
Initial

NOTICE OF EXEMPTION

June 30, 2020

Project Name: DCSS Third Amendment to Lease with ELS Investments and Smith, Riverside

Project Number: FM042611037100

Project Location: 3760 12th Street, east of Market Street, Riverside, California; APN 215-262-004

Description of Project: On May, 6, 2008, The County of Riverside entered into a lease agreement on behalf of Department of Child Support Services (DCSS) for 4,000 square feet of space at the facility located at 3760 12th Street, Riverside. The lease has been amended twice previously for tenant improvements, lease extensions, rental amounts, and termination language provisions. This facility continues to meet the needs and requirements of DCSS. A Third Amendment to the lease is being sought that will extend the term for a period of two years effective September 1, 2020. The Third Amendment to the 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 family resource 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

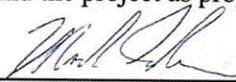
Exempt Status: State CEQA Guidelines Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

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 two-year extension of the Lease.

AUG 25 2020 3.23

- **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 extension of an existing lease for DCSS. The Third Amendment will extend the Lease for an additional two years; will not require physical modifications to the existing building which would 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 extension of the 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:** 6-30-20
Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

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

3 1. **Term.** Section 3(a) of the Lease shall be amended as follows:

4 The Term of the Lease shall be extended two (2) years, commencing on September 1,
5 2020 and terminating on August 31, 2022.

6 2. **Rent.** Section 5(a) of the Lease shall be amended as follows:

7 County shall pay to Lessor the monthly sums as rent for the leased premises during
8 the term of the Lease as indicated below:

<u>Year</u>		<u>Monthly Rent</u>
9 9/1/2020 to 8/31/2021	=	\$8,388.98
10 9/1/2021 to 8/31/2022	=	\$8,598.70

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12 3. **Capitalized Terms/Third Amendment to Prevail.** Unless defined
13 herein or the context requires otherwise, all capitalized terms herein shall have the
14 meaning defined in the Lease, as heretofore amended. The provisions of this Third
15 Amendment shall prevail over any inconsistency of conflicting provisions of the Lease,
16 as heretofore amended, and shall supplement the remaining provisions thereof.

17 4. **Miscellaneous.** Except as amended or modified herein, all the terms of
18 the Lease shall remain in full force and effect and shall apply with the same force and
19 effect. Time is of the essence in this Third Amendment and the Lease and each and
20 all their respective provisions. Subject to the provisions of the Lease as to assignment,
21 the agreements, conditions and provisions herein contained shall apply to and bind the
22 heirs, executors, administrators, successors and assigns of the parties hereto. If any
23 provisions of this Third Amendment or the Lease shall be determined to be illegal or
24 unenforceable, such determination shall not affect any other provision of the Lease and
25 all such other provisions shall remain in full force and effect. The language in all parts
26 of the Lease shall be construed according to its normal and usual meaning and not
27 strictly for or against either Lessor or Lessee. Neither this Third Amendment, nor the
28

1 Lease, nor any notice nor memorandum regarding the terms hereof, shall be recorded
2 by Lessee.


3 5. **Effective Date.** This Third Amendment to Lease shall not be binding or
4 consummated until its approval by the Riverside County Board of Supervisors and fully
5 executed by the Parties.

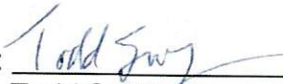
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7 (Signatures on the following page)
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1 IN WITNESS WHEREOF, the parties have executed this Third Amendment to Lease
2 as of the date first written above.

3 COUNTY:
4 COUNTY OF RIVERSIDE

LESSOR:
ELS INVESTMENTS AND SMITH,
a California general partnership

5
6 By: 
7 V. Manuel Perez, Chairman
8 Board of Supervisors

By: 
Todd Smith, General Partner

9 ATTEST:
10 Kecia R. Harper
11 Clerk of the Board

12 By: 
13 Deputy

14 APPROVED AS TO FORM:
15 Gregory P. Priamos
16 County Counsel

17 By: 
18 Thomas Oh
19 Deputy County Counsel


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27 CD:dr/07212020/RV371/30.324
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By:  _____
Todd Smith, General Partner

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15 Gregory P. Priamos
16 County Counsel

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18 Thomas Oh
19 Deputy County Counsel

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CD:dr/07212020/RV371/30.324

Exhibit A

FY2020/21

DCSS

3760 12th Street, Riverside

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:	4,000 SQFT	
Approximate Cost per SQFT(Sept-June)	\$ 2.10	
Lease Cost per Month(Sept-June)	\$ 8,388.98	
Total Lease Cost(Sept-June)		\$ 83,889.80
Total Estimated Lease Cost for FY2020/21		\$ 83,889.80

Estimated Additional Costs:

Utility Cost per SQFT	\$ 0.12	
Estimated Utility Costs per Month	\$ 480.00	
Total Estimated Utility Cost(Sept-June)		\$ 4,800.00
Total Estimated Utility Cost for FY2020/21		\$ 4,800.00

EDA Lease Management Fee as of 09/01/2020	5.28%	\$ 4,429.38
TOTAL ESTIMATED COST FOR FY2020/21		\$ 93,119.18
TOTAL COUNTY COST	0%	\$ -

Exhibit B

FY2021/22

DCSS

3760 12th Street, Riverside

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:	4,000	SQFT	
Approximate Cost per SQFT(July-Aug)	\$	2.10	
Approximate Cost per SQFT(Sept-June)	\$	2.15	
Lease Cost per Month(July-Aug)		\$	8,388.98
Lease Cost per Month(Sept-June)		\$	8,598.70
Total Lease Cost(July-Aug)		\$	16,777.96
Total Lease Cost(Sept-June)		\$	85,987.00
Total Estimated Lease Cost for FY2021/22		\$	102,764.96

Estimated Additional Costs:

Utility Cost per SQFT	\$	0.12	
Estimated Utility Costs per Month		\$	480.00
Total Estimated Utility Cost (July-Aug)		\$	960.00
Total Estimated Utility Cost (Sept-June)		\$	4,800.00
Total Estimated Utility Cost for FY2021/22		\$	5,760.00
EDA Lease Management Fee as of 09/01/2020	5.28%	\$	5,425.99
TOTAL ESTIMATED COST FOR FY2021/22		\$	113,950.95
TOTAL COUNTY COST	0%	\$	-

Exhibit C

FY2022/23

DCSS

3760 12th Street, Riverside

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:	4,000	SQFT	
Approximate Cost per SQFT(July-Aug)	\$	2.15	
Lease Cost per Month(July-Aug)			\$ 8,598.70
Total Lease Cost(July-Aug)			\$ 17,197.41
Total Estimated Lease Cost for FY2022/23			\$ 17,197.41

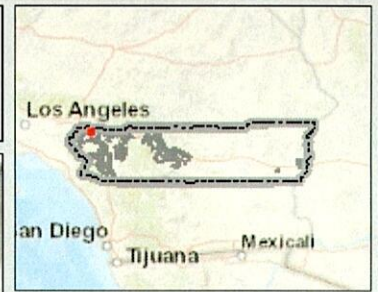
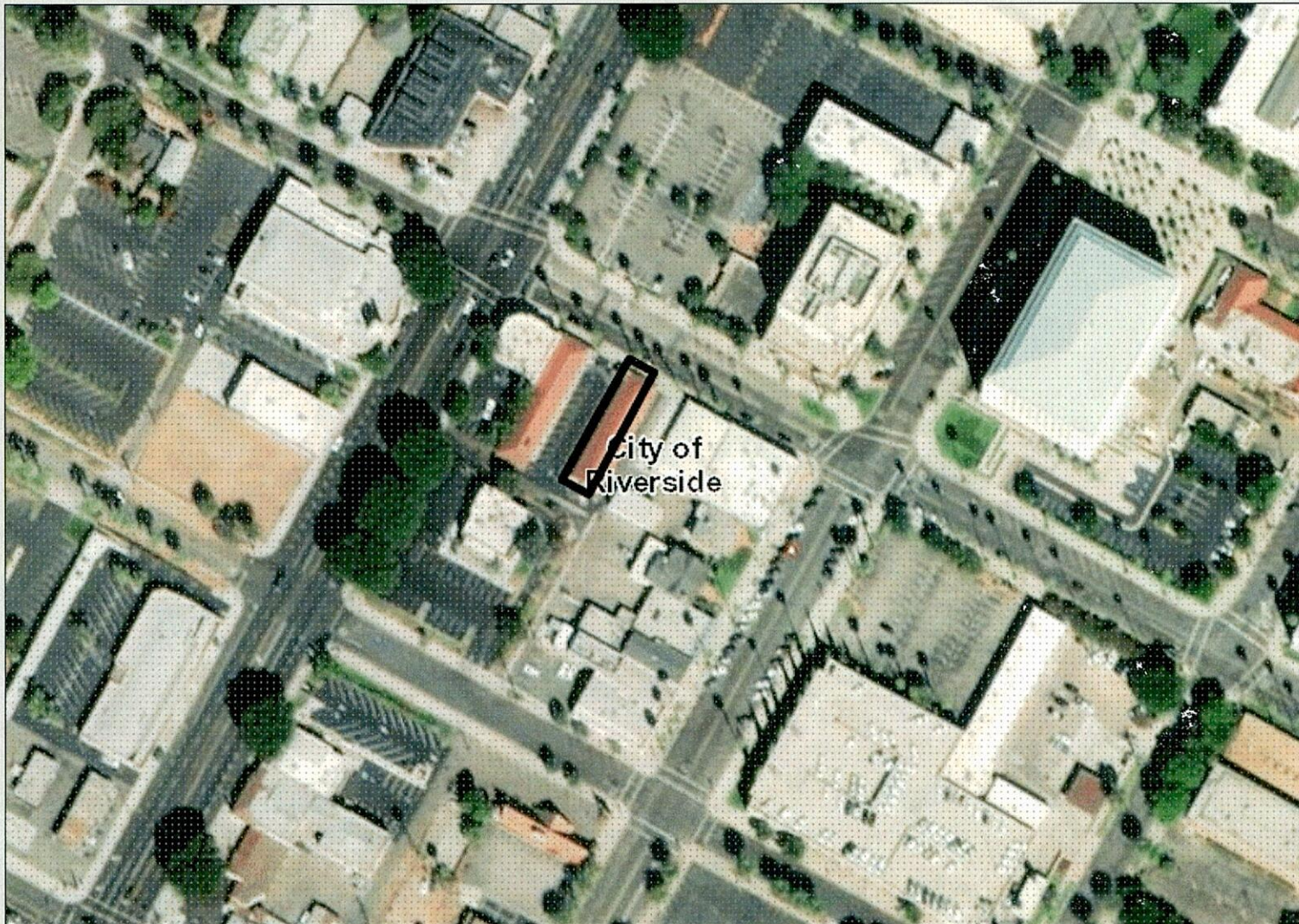
Estimated Additional Costs:

Utility Cost per SQFT	\$	0.12	
Estimated Utility Costs per Month			\$ 480.00
Total Estimated Utility Cost (July-Aug)			\$ 960.00
Total Estimated Utility Cost for FY2022/23			\$ 960.00
EDA Lease Management Fee as of 09/01/2020		5.28%	\$ 908.02
TOTAL ESTIMATED COST FOR FY2022/23			\$ 19,065.43
TOTAL COUNTY COST		0%	\$ -

F11 Total Cost \$ 226,135.56
F11 Total County Cost \$ -

DCSS-Third Amendment to Lease

3760 12th Street



Legend

- Blueline Streams
- City Areas



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.

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REPORT PRINTED ON... 6/25/2020 10:15:45 AM

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Notes

District 2