

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



ITEM: 3.24
(ID # 12573)

MEETING DATE:
Tuesday, August 25, 2020

FROM: FACILITIES MANAGEMENT:

SUBJECT: FACILITIES MANAGEMENT- REAL ESTATE (FM-RE): Approval of Seventh Amendment to Lease between the County of Riverside and Riverside County Farm Bureau, Cooperative Extension, Moreno Valley, 2-Year Lease Extension, District 5, CEQA Exempt, [\$173,671], General Fund 100% (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 Seventh Amendment to Lease between the County of Riverside and Riverside County Farm Bureau, 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: Policy


Rose Salgado, Director of Facilities Management 8/29/2020

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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STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 43,418	\$ 86,836	\$ 173,671	\$ 0
NET COUNTY COST	\$ 43,418	\$ 86,836	\$ 173,671	\$ 0
SOURCE OF FUNDS: 100% General Fund			Budget Adjustment:	No
			For Fiscal Year: 2020/21-	
			2021/22	

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

On February 24, 2004 (M.O. 3-12), the County of Riverside entered into a Lease Agreement with the Riverside County Farm Bureau and on behalf of the Cooperative Extension Program for the facility located at 21150 Box Springs Road, Suite 202, in Moreno Valley. This Seventh Amendment to Lease represents a twenty-four-month extension effective January 1, 2021. The rent, which is below market, will be reduced further and remain a flat rate for the twenty-four-month term. This facility continues to meet the Cooperative Extension's space needs and requirements.

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

Lessor: Riverside County Farm Bureau
21160 Box Springs Road
Moreno Valley, California

Location: 21150 Box Springs Road, Suite 202
Moreno Valley, California

Size: 6,000 square feet

Rent:	Current rate	New Rate
	\$ 1.05 per sq. ft.	\$ 1.03 per sq. ft.
	\$ 6,313.29 per month	\$ 6,189.50 per month
	\$ 75,759.48 per year	\$ 74,274.00 per year

Increases: No annual increase. The rent is a flat rate for twenty-four months

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Term: Twenty-four months commencing January 1, 2021 and expiring
December 31, 2022

Utilities: County pays for phone and electric, Lessor pays for all other utilities

Maintenance: Lessor

Custodial: County

Impact on Residents and Businesses

Cooperative Extension provides research and education services for local residents and the agricultural community. Cooperative Extension helps local farmers develop more-efficient

growing methods, solve pest management problems and develop crops and irrigation methods that use less water. The benefits from local agricultural research are passed on for the residents and businesses by providing and encouraging a healthier and more sustainable environment for the entire community through programs such as Nutrition and Consumer Sciences, 4-H Youth Leadership, good citizenship and Skill Development, and Master Gardener outreach.

Additional Fiscal Information

See attached Exhibits A and B. All associated costs for this lease will be budgeted in FY20/21-FY21/22 by Cooperative Extension. Cooperative Extension will reimburse the Department of Facilities Management- Real Estate (FM-RE) for all associated lease costs on an annual basis.

Contract History and Price Reasonableness

This is a twenty-four-month Lease extension. The Lease rate is deemed below the current market.

<u>Amendment</u>	<u>Date and M.O.</u>
Lease	February 24, 2004 (M.O. 3-12)
First Amendment	January 25, 2005 (M.O. 3-18)
Second Amendment	April 15, 2008 (M.O. 3-9)
Third Amendment	December 9, 2008 (M.O. 3-31)
Fourth Amendment	April 23, 2013 (M.O. 3-13)
Fifth Amendment	May 17, 2016 (M.O. 3-16)
Sixth Amendment	January 9, 2018 (M.O. 3-9)


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STATE OF CALIFORNIA**

MV002

Attachments:

- Aerial Image
- Seventh Amendment to Lease
- Notice of Exemption
- Exhibits A B & C

CD:dr/07062020/MV002/30.183


Steven Atkeson 8/16/2020


Gregory L. Priamos, Director County Counsel 8/10/2020

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 UPP
Date Initial

NOTICE OF EXEMPTION

May 13, 2020

Project Name: Approval of the Seventh Amendment to Lease for Cooperative Extension, Moreno Valley

Project Number: FM042462000200

Project Location: 21150 Box Springs Road, Suite 202, east of Morton Road, Moreno Valley, California 92557;
APN 256-200-002; (See Attached Exhibit)

Description of Project: On February 24, 2004, the County of Riverside (County) entered a lease agreement with the Riverside County Farm Bureau, for the County Cooperative Extension Program to occupy 6,000 square feet of space at the facility located at 21150 Box Springs Road, Suite 202, Moreno Valley, California. The current space continues to meet the needs of the Cooperative Extension Program and the County seeks to extend the lease for an additional two years, effective January 1, 2021. The Seventh Amendment to the Lease Agreement is identified as the proposed project under the California Environmental Quality Act (CEQA). The Seventh Amendment to the Lease Agreement consists of a two-year extension term and the use of the facility by the Cooperative Extension Program would continue, consistent with the existing land use. The operation of the facility will continue to provide 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: Riverside County

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

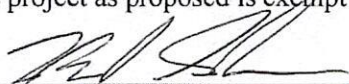
Exempt Status: State CEQA Guidelines Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

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.

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- **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 cooperative extension agricultural services. The Seventh Amendment to extend the Lease 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: 5/13/20
Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

RIVERSIDE COUNTY CLERK & RECORDER

AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER

Project Name: Approval of the Seventh Amendment to Lease for Cooperative Extension,
Moreno Valley

Accounting String: 524830-47220-7200400000 - FM042462000200

DATE: May 13, 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: Candice Diaz, 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: May 13, 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 # FM042462000200**
Approval of the Seventh Amendment to Lease for Cooperative Extension, Moreno Valley

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 #1330

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

1 **SEVENTH AMENDMENT TO LEASE**

2 21150 Box Springs Road, Suite 202, Moreno Valley

3
4 **THIS SEVENTH AMENDMENT TO LEASE** ("Seventh Amendment"), dated as
5 of August 25, 2020, is entered into by and between the **COUNTY OF**
6 **RIVERSIDE**, a political subdivision of the State of California, as Lessee, and
7 **RIVERSIDE COUNTY FARM BUREAU**, a 501(c) (5) non-profit California corporation,
8 as Lessor. Lessee and Lessor are hereinafter collectively referred to as the "Parties"
9 and individually as "Party".

10 **RECITALS**

11 a. Lessor and Lessee have entered into that certain Lease dated February
12 24, 2004 ("Lease"), pursuant to which Lessor has agreed to lease to Lessee and
13 Lessee has agreed to lease from Lessor that certain building located at 21150 Box
14 Springs Road, Suite 202, Moreno Valley (the "Building"), as more particularly described
15 in the Lease (the "Original Premises").

16 b. The amendments of the Lease are summarized as follows:

17 1. The First Amendment to Lease dated January 25, 2005 by and
18 between County of Riverside and Riverside County Farm Bureau. The Parties agreed
19 to extend the term and increase the rent.

20 2. The Second Amendment to Lease dated April 15, 2008 by and
21 between County of Riverside and Riverside County Farm Bureau. The Parties agreed
22 to extend the term, add an option to extend the Lease, and increase the rent.

23 3. The Third Amendment to Lease dated December 9, 2008 by and
24 between County of Riverside and Riverside County Farm Bureau. The Parties agreed
25 to extend the term and increase the rent, and Lessor added the right to terminate if the
26 property was sold.

27 4. The Fourth Amendment to Lease dated April 23, 2013 by and
28 between County of Riverside and Riverside County Farm Bureau. The Parties agreed

1 to extend the term, increase the rent, add an option to extend the Lease, and make
2 minor tenant improvements to add blinds.

3 5. The Fifth Amendment to Lease dated May 17, 2016 by and
4 between County of Riverside and Riverside County Farm Bureau. The Parties agreed
5 to extend the term and increase the rent.

6 6. The Sixth Amendment to Lease dated January 9, 2018 by and
7 between County of Riverside and Riverside County Farm Bureau. The Parties agreed
8 to extend the term, add an option to extend the Lease, and increase the rent.

9 c. The Parties now desire to amend the Lease to extend the term and
10 reduce the rent.

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

13 1. TERM. Section 3 (a) of the Lease is hereby amended by the
14 following:

15 The term of the Lease shall be extended twenty-four (24) months
16 commencing on January 1, 2021 and shall expire on December 31, 2022.

17 2. RENT. Section 5 of the Lease is hereby amended by the
18 following:

19 Commencing January 1, 2021 rent shall be six thousand one hundred
20 eighty-nine dollars and fifty cents (\$6,189.50) per month for the duration of the term.

21 3. SEVENTH AMENDMENT TO PREVAIL. The provisions of this
22 Seventh Amendment shall prevail over any inconsistency or conflicting provisions of
23 the Lease. Any capitalized terms shall have the meaning defined in the Lease, unless
24 defined herein or context requires otherwise.

25 4. MISCELLANEOUS. Except as amended or modified herein, all
26 terms of the Original Lease shall remain in full force and effect and shall apply with the
27 same force and effect. Time is of the essence in this Seventh Amendment and the
28 Lease and each and all of their respective provisions. Subject to the provisions of the

1 Lease as to assignment, the agreements, conditions and provisions herein contained
2 shall apply to and bind the heirs, executors, administrators, successors and assigns of
3 the parties hereto. If any provisions of this Amendment of the Lease shall be
4 determined to be illegal or unenforceable, such determination shall not affect any other
5 provision of the Lease and all such other provisions shall remain in full force and effect.
6 The language in all parts of the Lease shall be construed according to its normal and
7 usual meaning and not strictly for or against either Lessor or Lessee. Neither this
8 Seventh Amendment, nor the Lease, nor any notice nor memorandum regarding the
9 terms hereof, shall be recorded by the Lessee.


10 5. EFFECTIVE DATE. This Seventh Amendment to Lease shall not
11 be binding or consummated until its approval by the Riverside County Board of
12 Supervisors and fully executed by the Parties.

13 (Signatures on the following page)

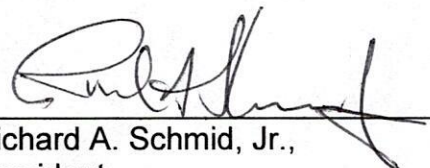
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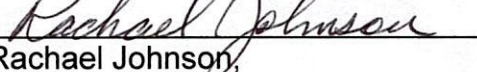
1 WITNESS WHEREOF, the parties have executed this Seventh Amendment as
2 of the date first written above.

3 LESSEE:
4 COUNTY OF RIVERSIDE,
5 a political subdivision of the State
6 of California

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

LESSOR:
RIVERSIDE COUNTY FARM BUREAU,
a 501(c) (5) non-profit California corporation

By: 
Richard A. Schmid, Jr.,
President

By: 
Rachael Johnson,
Executive Director/Corporate Secretary

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11
12 ATTEST:
13 Kecia R. Harper
14 Clerk of the Board

15 By: 
16 Deputy

17
18 APPROVED AS TO FORM:
19 Gregory P. Priamos, County Counsel

20 By: 
21 Wesley Stanfield
22 Deputy County Counsel

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27 CD:ar/06122020/MV002/30.183