

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



**ITEM: 3.5
(ID # 12626)**

MEETING DATE:

Tuesday, September 01, 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 Employment Development Department acting through and by the Department of General Services, District 4, CEQA Exempt [\$0] (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, 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, Employment Development Department acting by and 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-Real Estate (FM-RE), or his/her designee, to execute any other documents and administer all actions necessary to complete this transaction; and
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: Policy


Rose Salgado, Director of Facilities Management 6/10/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Spiegel 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: September 1, 2020
xc: FM-RE

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	\$ 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 June 28, 2011 (Lease) between the County of Riverside (County) and the State of California, Employment Development Department (EDD) for use of approximately 7,491 square feet of office space at the County owned facility located at 44-199 Monroe Street, Suite B, Indio, California 92201 (Monroe Service Center). The term of the Lease was for a period of seven (7) years, which commenced on October 1, 2011 and has since expired but remained on a month-to-month tenancy during the negotiations of an amendment. The County and State worked together during the month-to-month tenancy; to retrofit Monroe Service Center to fully satisfy the State's ADA compliance requirements.

Since October 1, 2001, EDD and Riverside County Workforce Development have partnered in shared use and operations at Monroe Service Center. In preservation of the partnership, 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 expiration of the Amendment shall be September 30, 2021. As part of the negotiations for this Amendment, FM-RE conducted an analysis of market rate for comparable office space in the area and determined the rate to be \$2.40 per square foot, which is lower than the approximate \$2.8 per square foot rate that EDD is paying. Retroactive to the Effective Date, the rent shall be adjusted from \$21,443.95 per month to \$20,755.15 per month. As result, EDD will be issued a rent credit for the month of November 2020. The rent credit is reflected in Attachment A. The purpose of this Amendment is to provide an interim term during the negotiations of a new lease.

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) 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.

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

Impact on Citizens and Businesses

EDD provides valuable and innovative services that meet the needs of employers, workers, and job seekers in District 4. Those services include job training, disability assurances, and the provision of labor market information in a given area and unemployment benefits. Citizens and businesses benefit from economic stability borne through the services provided by EDD.

SUPPLEMENTAL:

Additional Fiscal Information

There are no net County costs for this transaction.

Attachments:


Attachment A

Amendment to Lease

CEQA Notice of Exemption

Aerial Image

JR:dr/06152020/IN092/3.204


Steven Atkeson 8/26/2020


Gregory V. Priarios, Director County Counsel 8/14/2020

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.

NOTICE OF EXEMPTION

9/4/20
Date

PPR
Initial

June 3, 2020

Project Name: Amendment to Lease for California Employment Development Department, Indio

Project Number: FM0473341004900

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 June 28, 2011 (Lease) between the County of Riverside (County) and the State of California Employment Development Department (EDD) for use of approximately 7,491 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 seven (7) years, which commenced retroactively on October 1, 2011 and set to expire on September 30, 2015. The Lease remained on a month-to-month during the negotiations of an amendment.

Since October 1, 2001, EDD and Riverside County Workforce Development have partnered in joint tenancy and operations at Monroe Park. The Lease has been on a month-to-month holdover since September 30, 2015. In preservation of the partnership, Facilities Management- Real Estate Division (FM-RED) negotiated the terms of the attached Amendment to Lease. The Amendment to Lease 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 September 30, 2015 in Paragraph 2 of the Lease, shall be amended to read September 30, 2021. 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.

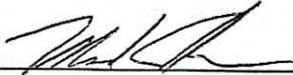
SEP 01 2020 35

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: _____

C/3/20

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 Employment Development Department,
Indio**

Accounting String: **524830-47220-7200400000 - FM0473341004900**

DATE: June 3, 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: June 3, 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 # FM0473341004900**
Lease Amendment for California Employment Development Department, 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

Attachment A

Retroactive Rent Variation

Payment Month	Year	Current Rent	Revised Rent	Variation
November	2019	\$21,443.95	\$20,755.15	(\$688.80)
December	2019	\$21,443.95	\$20,755.15	(\$688.80)
January	2020	\$21,443.95	\$20,755.15	(\$688.80)
February	2020	\$21,443.95	\$20,755.15	(\$688.80)
March	2020	\$21,443.95	\$20,755.15	(\$688.80)
April	2020	\$21,443.95	\$20,755.15	(\$688.80)
May	2020	\$21,443.95	\$20,755.15	(\$688.80)
June	2020	\$21,443.95	\$20,755.15	(\$688.80)
July	2020	\$21,443.95	\$20,755.15	(\$688.80)
August	2020	\$21,443.95	\$20,755.15	(\$688.80)
September	2020	\$21,443.95	\$20,755.15	(\$688.80)
October	2020	\$21,443.95	\$20,755.15	(\$688.80)
Total Variation				(\$8,265.60)

AMENDMENT TO LEASE

LEASE NO. 5091-001
PROJECT NO. 141044
AMENDMENT NO. One (1)

THIS AMENDMENT TO LEASE, made and entered into this 22nd 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 March 25, 2011 the State hires from Lessor certain premises located at 44-199 Monroe Street, Suite B, Indio, California as more particularly described in said lease; and

WHEREAS, the parties hereto desire to amend said lease to (1) extend the 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 September 30, 2015 as shown in Paragraph 2 of said lease is amended to read September 30, 2021.
2. Effective November 1, 2019, the rental amount stated in Paragraph 4 of said lease is modified as follows:

TWENTY THOUSAND SEVEN HUNDRED FIFTY-FIVE AND 15/100 DOLLARS
(\$20,755.15) from November 1, 2019, through September 30, 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.

AMENDMENT TO LEASE

LEASE NO. 5091-001
PROJECT NO. 141044
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. M. Perez*
V. MANUEL PEREZ, Chairman, Board of
Supervisors

Date *October 21, 2020*

Date *10/20/2020*

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 *Ricarda Kasso*
Deputy

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

Date *Oct 22, 2020*

By *Thomas Oh*
THOMAS OH, Deputy County Counsel

Wesley W. Starfield, Deputy County Counsel