

ITEM: 3.22 (ID # 17515)

**MEETING DATE:** 

Tuesday, January 25, 2022

FROM: FACILITIES MANAGEMENT:

**SUBJECT:** FACILITIES MANAGEMENT-REAL ESTATE (FM-RE): Approval of First Amendment to Lease Between the County of Riverside and City of Perris, 163 E. San Jacinto Avenue, Perris, Three-Year Extension, CEQA Exempt, District 5, [\$0, 100% Riverside County Library System Operating Budget] (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;
- Approve the First Amendment to Lease between the County of Riverside and City of Perris, and authorize the Chair 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.

Suzanne Holland

**ACTION:Policy** 

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel seconded by Supervisor Washington 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

Rose Salgado, Director of Facilities Management

Absent: Date: None January 25, 2022

XC:

FM-RE, Recorder

WH WUND

Kecia R. Harper

Clerk of the Board

Deputy

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: Riverside County Library System Operating Budget 100%			Budget Adju	istment No
			For Fiscal Y 2024/25	ear: FY2021/22-

C.E.O. RECOMMENDATION: Approve

#### BACKGROUND:

#### **Summary**

On February 5, 2019 (M.O. 3.8), the County of Riverside (County), on behalf of Riverside County Library System (RCLS) entered into a Lease Agreement with the City of Perris. RCLS currently operates a full-service library to serve the residents of the community of Perris. The library is located at 163 East San Jacinto Avenue, Perris and this facility continues to meet the needs and requirements of RCLS. This First Amendment to the Lease (Amendment) will reflect the County's extension of the lease for a period of three (3) years.

Pursuant to the California Environmental Quality Act (CEQA), the Amendment was reviewed and determined to be categorically exempt from CEQA under CEQA Guidelines Section 15301-Class 1, Existing Facilities and 15061(b)(3) common sense exemption. The proposed project, the Amendment, is the letting of property involving existing facilities with minor tenant improvement alterations and no expansion of an existing use will occur.

The Amendment is summarized below:

Lessor's Address:

City of Perris

101 North D. Street Perris, California 92570

Location:

163 East San Jacinto Avenue

Perris, California

Option Term:

Three (3) years, commencing February 5, 2022 and expiring on

February 4, 2025

Size:

20,000 Square Feet

Rent: In exchange for occupancy of the premises, RCLS will operate the

library for community benefit.

Custodial Services: Paid for by RCLS

Utilities: Paid for by RCLS

Maintenance: Landscaping services paid by RCLS. Lessor pays for all other

maintenance services.

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

#### Impact on Residents and Businesses

There will be a positive impact on residents and local businesses. This facility provides, among other programs, adult literacy services to the communities through one-on-one literacy tutoring, English-as-a-Second-Language classes, and family literacy events. In general, this facility provides exciting and innovative programs and services to the community.

#### **Contract History and Price Reasonableness**

This is a three-year extension, and the lease rate is deemed favorable. The Lease has not been amended previously.

<u>Lease</u> <u>Date and M.O.</u>

Lease February 5, 2019 (M.O. 3.8)

#### **ATTACHMENTS:**

- First Amendment
- Notice of Exemption
- Aerial

CD:sc/102221/PR010/30.629

Meghan Harn, Senior Management Analyst 1/13/2022 Gregory J. Priapios, Director County Counsel 1/12/2022

### **Perris Library**

163 E. San Jacinto Avenue, Perris



#### 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.

94 <u>1</u>88 Feet

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#### **Notes**

District 5

#### FIRST AMENDMENT TO LEASE

#### **Perris Community Library**

163 E. San Jacinto Avenue, Perris, California

This **FIRST AMENDMENT TO LEASE** ("First Amendment") is made as of **YOUNDAY 25**, 2022 by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("County"), as Lessee, and the CITY OF PERRIS, a municipal corporation ("Lessor"), sometimes collectively referred to as the "Parties".

#### **RECITALS**

- a. City of Perris and County entered into that certain Lease dated February 5, 2019, pursuant to which Lessor agreed to lease to County and County agreed to lease from Lessor that certain building located at 163 E. San Jacinto Avenue, Perris, California, as more particularly described in the Lease and also referred to as the Premises.
- b. The Original Lease together with the First Amendment are collectively referred to herein as the "Lease."
- c. County now desires, pursuant to Section 5 of the Lease, to exercise its option to extend the term of the Lease for an additional period of three (3) years on the same terms and conditions.

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

#### 1. **TERM**.

- a. Section 4 of the Lease shall be amended as follows:
- The term of this Lease is hereby extended for three (3) years, commencing February 5, 2022 and expiring February 4, 2025.
- 2. **FIRST AMENDMENT TO PREVAIL.** The provisions of this First Amendment shall prevail over any inconsistent or conflicting provisions of the Lease.

Any capitalized terms shall have the meaning defined in the Lease, unless defined herein or the context requires otherwise.

- 3. MISCELLANEOUS. Except as amended or modified herein, all terms of the Lease shall remain in full force and effect. Time is of the essence in this First Amendment and the Lease and each and all of their respective provisions. Subject to the provisions of the Lease as to assignment, the agreements, conditions and provisions herein contained shall apply to and bind the heirs, executors, administrators, successors and assigns of the parties hereto. If any provisions of this First Amendment shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of the Lease. The language in all parts of the Lease shall be construed according to its normal and usual meaning and not strictly for or against either Lessor or County. Neither this First Amendment nor the Lease shall be recorded by the County.
- 4. **EFFECTIVE DATE**. This First Amendment to Lease shall not be binding or consummated until its approval by the Riverside County Board of Supervisors and fully executed by the Parties.

(Signatures on the following Page)

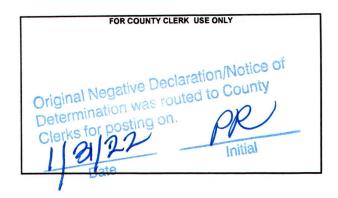
1	IN WITNESS WHEREOF, the Parties have executed this First Amendment to		
2	Lease as of the date first written above.		
3			
4 5 6 7	LESSEE: COUNTY OF RIVERSIDE, a political subdivision of the State of California  LESSOR: CITY OF PERRIS a municipal corporation		
8	Die Oeld Service Die Miller		
9 10	By: By: Clara Miramontes City Manager		
11			
12	ATTEST: Kecia Harper Clark of the Board		
13 14	Clerk of the Board		
15	Deputy		
16	Deputy		
17	APPROVED AS TO FORM:		
18	Gregory P. Priamos County Counsel		
19	Ву:		
20   21	Wesley/Stanfield Deputy Counsel		
22			
23			
24			
25			
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CD:sc/10202021/PR010/30.629

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



#### NOTICE OF EXEMPTION

October 27, 2021

Project Name: Approval of the First Amendment to Lease with City of Perris, 163 E San Jacinto Avenue, Perris

Project Number: FM042552001000

Project Location: 163 East San Jacinto Avenue, wet of North Perris Boulevard, Perris, California; Assessor's Parcel

Number (APN) 313-091-006

**Description of Project:** The County of Riverside entered into a lease agreement on behalf Riverside County Library System (RCLS) for the 20,000 square-foot facility located at 163 East San Jacinto Avenue, Perris on February 5, 2019, Minute Order 3.8. RCLS uses this facility for a full-service library to serve the residents of the community of Perris. This facility continues to meet the needs and requirements of RCLS and a First Amendment to the Lease Agreement is being sought. This First Amendment to the Lease will reflect the County's exercised option to extend the Lease Agreement for three years, effective as of February 5, 2022. The First 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 library 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 three-year extension of the 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 an extension of an existing lease for child protective services provided by DPSS. The First 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 CEOA 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.

\_\_\_\_ Date: 10/27/21

Signed:

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 First Amendment to Lease with City of Perris, 163 E San Jacinto Avenue, Perris				
Accounting String: 524830-47220-7200400000 - FM042552001000				
DATE:	October 27, 2021			
AGENCY:	Riverside County Facilities Management			
	S THE COUNTY CLERK & RECORDER TO BILL FOR FILING AND FOR THE ACCOMPANYING DOCUMENT(S).			
NUMBER OF DOC	UMENTS INCLUDED: One (1)			
AUTHORIZED BY:	Mike Sullivan, Senior Environmental Planner, Facilities Management			
Signature:	Mal Il			
PRESENTED BY:	Candice Diaz, Real Property Agent III, Facilities Management			
	-TO BE FILLED IN BY COUNTY CLERK-			
ACCEPTED BY:	<del>-</del>			
DATE:				
RECEIPT # (S)	<u>-</u>			

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

Date:

October 27, 2021

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 # FM042552001000

Approval of the First Amendment to Lease with City of Perris, 163 E San Jacinto Avenue, Perris

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