

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



**ITEM: 3.23
(ID # 17572)**

MEETING DATE:

Tuesday, January 25, 2022


FROM : FACILITIES MANAGEMENT AND AGRICULTURAL COMMISSIONER :


SUBJECT: FACILITIES MANAGEMENT- REAL ESTATE (FM-RE): Approval of the Fourth Amendment to Lease with Allegretti & Company, a California corporation, located at 81-077 Indio Blvd. Suite K & L, Indio, CEQA Exempt, District 4. [\$0] (Clerk of the Board 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 Sections 15301, Class 1 Existing Facilities Exemption and Section 15061(b)(3), Common Sense Exemption;
2. Approve the attached Fourth Amendment to Lease with Allegretti & Company, a California corporation, 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 attached Notice of Exemption with the County Clerk for filing within five (5) working days of approval by the Board.

ACTION:Policy


Rose Salgado, Director of Facilities Management 12/30/2021


Delia Cioc, Assistant Agricultural Commissioner. 1/4/2022

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
Absent: None
Date: January 25, 2022
xc: FM-RE, Recorder

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: 2021/22	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On April 8, 2008 (M.O. 3.9), the County of Riverside (County) entered into a lease agreement on behalf of the Agricultural Commissioner for office space located at 81-077 Indio Blvd., Suites K & L, in Indio, California. This facility continues to meet the needs and requirements of the Agricultural Commissioner, and this Fourth Amendment to Lease defines secured parking for the County. County is provided with ten secured parking spaces within the secured parking lot at no additional cost to the County.

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

Lease summarized below:

Lessor: Allegretti & Company
9300 Oso Avenue, Suite A
Chatsworth, CA 91311

Premises: 81-077 Indio Blvd., Suites K & L
Indio, California

Term: Expires November 30, 2023

Size: 4,417 square feet

Rent: Current
\$ 1.99 per sq. ft.
\$ 8,804.38 per month
\$105,652.56 per year

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Rental Adjustment: Three percent

Secured Parking: Ten secured parking spaces

Utilities: County pays electricity and telephone, Lessor provides all others

Maintenance: Provided by Lessor

Custodial: Provided by Lessor

This Fourth Amendment to Lease has been reviewed and approved by County Counsel as to legal form.

Impact on Residents and Businesses

The Agricultural Commissioner provides various programs, information, and assistance to growers in the area, including Annual Crop Report, Master Gardner Programs, Crop Disaster Assistance, and Pest Control Information.

Contract History and Price Reasonableness

The Lease has been amended three times previously for rent adjustments, extensions to the term, and tenant improvements.

<u>Lease & Amendments</u>	<u>Date and M.O.</u>
Lease	April 8, 2008 (M.O. 3.9)
First Amendment	July 13, 2010 (M.O. 3.28)
Second Amendment	March 18, 2014 (M.O. 3.11)
Third Amendment	January 8, 2019 (M.O. 3.8)

ATTACHMENTS:

- Fourth Amendment to Lease
- Notice of Exemption
- Aerial Map

CD:sc/11022021/IN074/30.627

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

Meghan Hahn
Meghan Hahn, Senior Management Analyst

1/13/2022

Gregory V. Priaplos

Gregory V. Priaplos, Director County Counsel

1/11/2022



1 **FOURTH AMENDMENT TO LEASE**

2 **81077 Indio Blvd., Suites K & L, Indio California**

3 **THIS FOURTH AMENDMENT TO LEASE** ("Fourth Amendment"), dated as of
4 January 25, 2022, is entered into by and between the **COUNTY OF**
5 **RIVERSIDE** ("County"), a political subdivision of the State of California, and
6 **ALLEGRETTI & COMPANY** ("Lessor"), a California corporation, collectively referred to
7 as "Parties."

8 **RECITALS**

9 Madison Commerce Center, LLC ("Original Lessor") and County entered into
10 that certain Lease ("Original Lease") dated April 8, 2008, pursuant to which Lessor has
11 agreed to lease to County and County has agreed to lease from Lessor a portion
12 (Suites K & L) of that certain building located at 81-077 Indio Blvd., Indio, California, as
13 more particularly described in the Original Lease.

14 **a.** The amendments to the Original Lease are summarized as follows:

15 **1.** The First Amendment to Lease, dated July 13, 2010, by and
16 between the County and Spectra Novae, LTD., ("Spectra"), successor-in-interest to
17 Madison Commerce Center, LLC, whereby the County and Spectra agreed to reduce
18 the rent and update the notice section of the Lease.

19 **2.** The Second Amendment to Lease, dated March 18, 2014, by and
20 between the County and Spectra, whereby County and Spectra agreed to extend the
21 term, modify the rent, and install secured parking.

22 **3.** The Third Amendment to Lease dated January 8, 2019, by and
23 between the County and Allegretti & Company, a California corporation, successor-in-
24 interest to Spectra Novae, LTD, whereby the County and Allegretti & Company agreed
25 to modify the rent, extend the term, and replace the carpet.

26 **b.** The Original Lease together with the Amendments are collectively
27 referred to herein as the "Lease."
28

1 c. The Parties now desire to amend the Lease to define the secured parking
2 spaces.

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

5 **1. PREMISES.** Section 2.2 of the Lease is amended by adding the
6 following:

7 The County is provided with 10 (ten) secured parking spaces, better described as
8 spaces 17-26, shown on Exhibit "A-1," attached hereto and incorporated herein by this
9 reference, in addition to the County's right to 8 unreserved parking spaces referenced
10 in the Original Lease.

11 **2. MISCELLANEOUS.** Except as amended or modified herein, all
12 the terms of the Original Lease shall remain in full force and effect and shall apply with
13 the same force and effect. Time is of the essence in this Fourth Amendment and the
14 Lease and each and all their respective provisions. Subject to the provisions of the
15 Lease as to assignment, the agreements, conditions, and provisions herein contained
16 shall apply to and bind the heirs, executors, administrators, successors and assigns of
17 the Parties hereto. If any provisions of this Fourth Amendment or the Lease shall be
18 determined to be illegal or unenforceable, such determination shall not affect any other
19 provision of the Lease and all such other provisions shall remain in full force and effect.
20 The language in all parts of the Lease shall be construed according to its normal and
21 usual meaning and not strictly for or against either Lessor or County. Neither this
22 Fourth Amendment, nor the Original Lease, nor any notice nor memorandum regarding
23 the terms hereof, shall be recorded by County.


24 **3. CAPITALIZED TERMS.** Fourth Amendment to prevail. Unless
25 defined herein or the context requires otherwise, all capitalized terms herein shall have
26 the meaning defined in the Lease, as heretofore amended. The provisions of this
27 Fourth Amendment shall prevail over any inconsistency or conflicting provisions of the
28 Lease, as heretofore amended, and shall supplement the remaining provisions thereof.

1 **IN WITNESS WHEREOF**, the Parties have executed this Fourth
2 Amendment to Lease as of the date first written above.

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


LESSOR:
ALLEGRETTI & COMPANY,
a California Corporation

8 By: 
9 Chair
10 Board of Supervisors
11 **JEFF HEWITT**

By: 
Joseph A. Allegretti
President

11 **ATTEST:**
12 Kecia Harper
13 Clerk of the Board

By: 
Kelly Allegretti
Chief Financial Officer

14 By: 
15
16 Deputy

17
18
19 **APPROVED AS TO FORM:**
20 Gregory P. Priamos
21 County Counsel

By: 
Wesley Stanfield
Deputy County Counsel

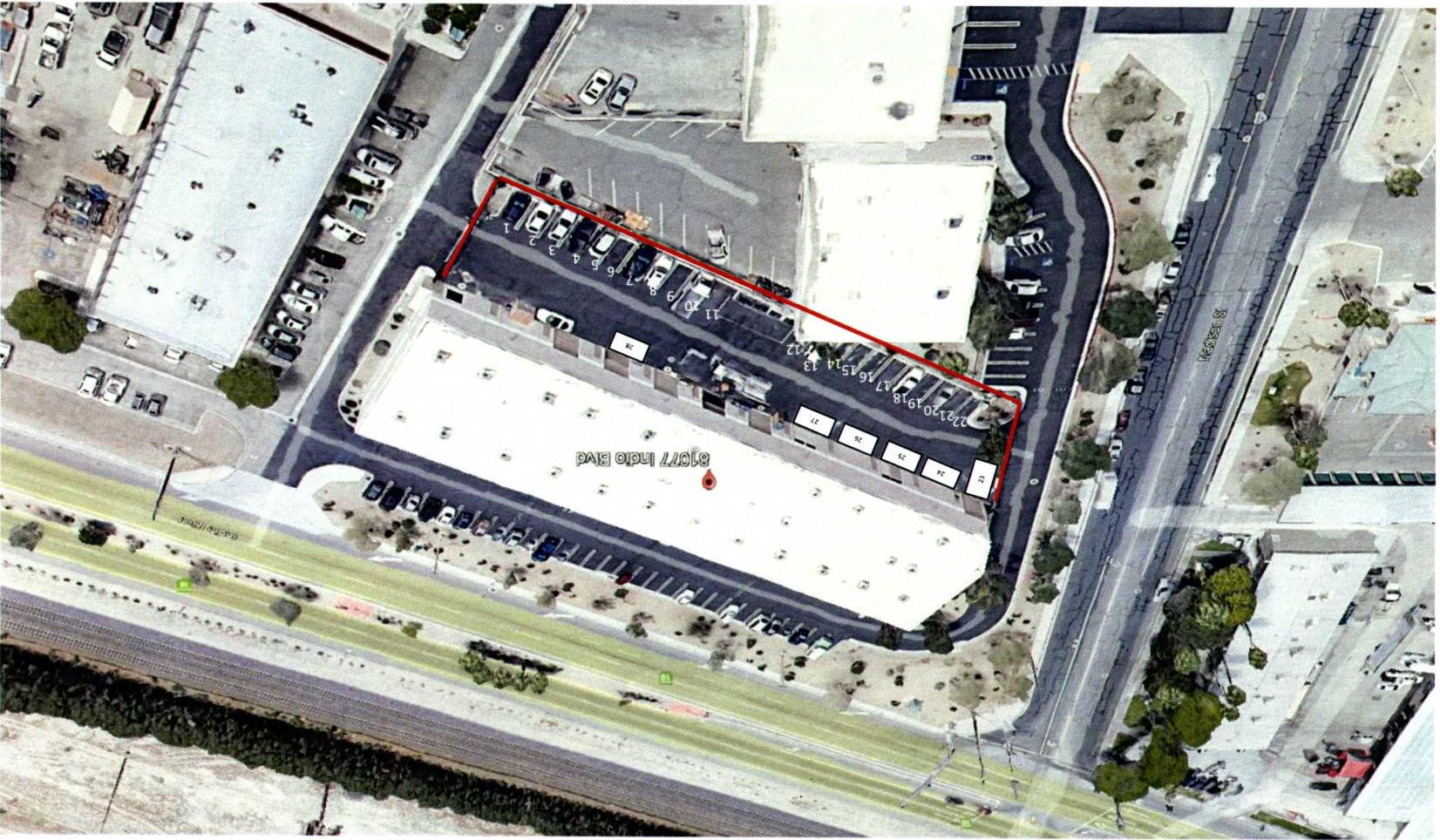
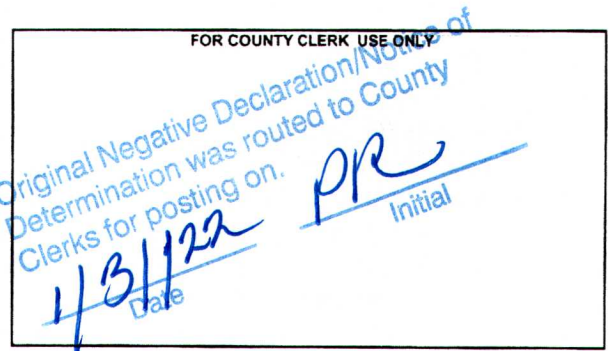


Exhibit A-1

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



NOTICE OF EXEMPTION

November 1, 2021

Project Name: Agricultural Commissioner Approval of the Fourth Amendment to Lease with Allegretti & Company, 81-077 Indio Boulevard, Suites K & L, Indio

Project Number: FM042341007400

Project Location: 81-077 Indio Boulevard, Suites K and L, east of Madison Street, Indio, California 92201; Assessor's Parcel Number (APN) 610-020-027

Description of Project: On April 8, 2008, the County of Riverside (County) entered a lease agreement on behalf of the Agricultural Commissioner's Office with Allegretti & Company to occupy approximately 4,417 square feet of office space in a facility located at 81-077 Indio Boulevard, Suites K and L, Indio, California. The agreement has been amended three times previously for rent adjustments, extension of term, and minor tenant improvements. The current space continues to meet departmental needs and the Agricultural Commissioner seeks to incorporate secured parking for the County. The Fourth Amendment to the Lease Agreement, which provides for 10 secure parking spaces, within a secured parking lot, is identified as the proposed project under the California Environmental Quality Act (CEQA). The use of the facility by the Agricultural Commissioner would continue, consistent with the existing land use. The operation of the facility will continue to provide public 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.

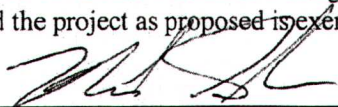
Reasons Why Project is Exempt: The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA 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 provision of 10 secure parking spaces for the County.

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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 the provision of 10 secure parking spaces in a secured parking lot for County use. The 10 secure parking spaces in the secured lot already exists on site and the change is the designation of the spaces to be solely for County use. The Fourth Amendment 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 10 secure parking spaces for County use 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: _____

11/1/21

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

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

**Project Name: Agricultural Commissioner Approval of the Fourth Amendment to Lease
with Allegretti & Company, 81-077 Indio Boulevard, Suites K & L, Indio**

Accounting String: 524830-47220-7200400000 - FM042341007400

DATE: November 1, 2021

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 III, Facilities Management

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -

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

Date: November 1, 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 # FM042341007400
Agricultural Commissioner Approval of the Fourth Amendment to Lease with Allegretti &
Company, 81-077 Indio Boulevard, Suites K & L, 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 Ave, Riverside, CA 92507

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

Attachment

cc: file