

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



**ITEM: 3.5  
(ID # 17875)**

**MEETING DATE:**

Tuesday, February 01, 2022

**FROM :** FACILITIES MANAGEMENT:

**SUBJECT:** FACILITIES MANAGEMENT- REAL ESTATE (FM-RE) and ENVIRONMENTAL HEALTH: Ratification and Approval of the Fourth Amendment to Lease with De Anza Land and Leisure Corp., a Utah Corporation, Located at 3880 Lemon Street, Riverside, One-Year Lease Extension, CEQA Exempt, District 2. [\$259,105, 100% Department of Environmental Health Permit Fees] (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 Section 15301, Class 1 Existing Facilities Exemption and Section 15061(b)(3), Common Sense Exemption;
2. Ratify and approve the attached Fourth Amendment to Lease with De Anza Land and Leisure Corp, a Utah 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

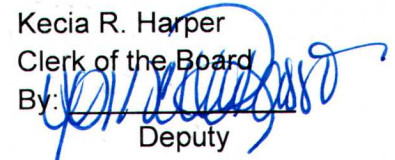
  
Jeff Johnson, Director Environmental Health 1/11/2022

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Spiegel seconded by Supervisor Washington and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, and Hewitt  
Nays: None  
Absent: Perez  
Date: February 1, 2022  
xc: FM, Recorder

Kecia R. Harper  
Clerk of the Board  
By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$107,960	\$151,145	\$259,105	\$0
<b>NET COUNTY COST</b>	\$0	\$0	\$0	\$0
<b>SOURCE OF FUNDS:</b> 100% Department of Environmental Health Permit Fees			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> FY21/22 - FY22/23	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

On September 13, 2011, the County entered into a Lease Agreement (Lease) on behalf of the Department of Environmental Health (Environmental Health) for the facility located at 3880 Lemon Street, Suite 200 Riverside. The Lease has been amended three times previously for expansion, rent adjustments, extensions to the term, revisions to insurance requirements, modifications to square footage, and tenant improvements.

This facility continues to meet the needs and requirements of the Environmental Health and this Fourth Amendment to Lease represents an extension of the term commencing on February 1, 2022 and terminating January 31, 2023. This short-term lease extension will provide for the tenant improvements currently underway at the County Administration Center, located at 4080 Lemon Street in downtown Riverside, to be completed. Environmental Health will relocate into the County-owned building once the improvements are completed.

Pursuant to the California Environmental Quality Act (CEQA), the Amendment was reviewed and determined to be categorically exempt from CEQA under State Guidelines Section 15301 Class 1-Existing Facilities Exemption and Section 15061(b)(3) Common Sense Exemption. The proposed project is the letting of property involving previously occupied space.

Lessor: De Anza Land and Leisure Corp.  
19762 MacArthur Blvd., Suite 300  
Irvine, California 92616

Premises: 3880 Lemon Street, Suite 200  
Riverside, California 92501

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

Size: 8,465 SQFT

Rent: 

<u>Current</u>	<u>New</u>
\$2.37 per sq. ft.	\$2.43 per sq. ft.
\$20,089.12 per month	\$20,591.35 per month
\$241,069.44 per year	\$247,096.20 per year

Term: One year, commencing February 1, 2022 and terminating on January 31, 2023.

Utilities: Provided by Lessor. Utility costs included in the rental rate.

Custodial: Provided by Lessor. Custodial costs included in the rental rate.

Maintenance: Provided by Lessor. Maintenance costs included in the rental rate.

**Impact on Citizens and Businesses**

This facility will continue to provide beneficial services to the residents and businesses of the community.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

See attached Exhibits A and B. All associated costs for this Lease will be budgeted in FY21/22-FY22/23 by Environmental Health. Environmental Health will reimburse FM-RE for all associated Lease costs on a monthly basis.

**Contract History and Price Reasonableness**

<u>Lease &amp; Amendments</u>	<u>Date and M.O.</u>
Lease	September 13, 2011 (M.O. 3.48)
First Amendment	August 28, 2012 (M.O. 3.45)
Second Amendment	September 13, 2016 (M.O. 3.8)
Third Amendment	April 18, 2017 (M.O. 3.6)

**ATTACHMENTS:**

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

- Fourth Amendment to Lease
- Exhibits A and B
- Notice of Exemption
- Aerial Map

CD:sc/12012021/RV490/30.646

  
\_\_\_\_\_  
Meghan Hahn, Senior Management Analyst

1/20/2022

  
\_\_\_\_\_  
Gregory V. Priaplos, Director County Counsel

1/19/2022

**FOURTH AMENDMENT TO LEASE**  
**3880 Lemon Street, Suite 200, Riverside**

**THIS FOURTH AMENDMENT TO LEASE** ("Fourth Amendment"), dated as of February 1, 2022, is entered into by and between the County of Riverside, a political subdivision of the State of California, ("County"), and **DE ANZA LAND AND LEISURE CORP.**, a Utah corporation, ("Lessor") sometimes collectively referred to as the "Parties".

RECITALS

a. Nomel Ventures, LP, a California limited partnership, predecessor in interest to De Anza Land and Leisure Corp, a Utah corporation, as Lessor and County entered into that certain Original Lease dated September 13, 2011, pursuant to which Lessor has agreed to lease to County and County has agreed to lease from Lessor that certain buildings located at 3880 Lemon Street, Suite 200, Riverside, as more particularly described in the Original Lease.

b. The Original Lease has been amended by:

1. The First Amendment to Lease dated August 28, 2012 by and between the County of Riverside and Nomel Ventures, L.P., ("First Amendment") whereby the Parties expanded into additional space, adjusted the rent and completed tenant improvements.

2. The Second Amendment to Lease dated September 13, 2016 by and between the County of Riverside and Center Tower Riverside, LLC as successor in interest to Nomel Ventures, L.P., ("Second Amendment") whereby the number of allocated parking spaces was reduced.

3. The Third Amendment to Lease dated April 18, 2017 by and between the County of Riverside and Center Tower Riverside, LLC, ("Third Amendment") whereby the Parties redefined the square footage, extended the term, adjusted the rent, and completed tenant improvements.

c. The Original Lease together with the Amendments are collectively referred to herein as the "Lease."

d. The Parties now desire to amend the Lease to extend the term and modify the rent.

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

1. TERM: Section 4.1 Term, shall be amended as follows:

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The term of this Lease shall be extended for one (1) year, commencing on February 1, 2022 and terminating on January 31, 2023.

2. RENT: Section 5.1 Rent, shall be amended as follows:  
Commencing February 1, 2022, rent shall be \$20,591.35 per month.

3. FOURTH AMENDMENT TO PREVAIL. The provisions of this Fourth Amendment shall prevail over any inconsistency of conflicting provisions of the Lease, as heretofore amended, and shall supplement the remaining provisions thereof.

4. MISCELLANEOUS. Except as amended or modified herein, all the terms of the Lease shall remain in full force and effect and shall apply with the same force and effect. Time is of the essence in this Amendment and the Lease and each and all 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 Amendment or the Lease shall be determined to be illegal or unenforceable, such determination shall not affect any other provision of the Lease and all such other provisions shall remain in full force and effect. 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 Amendment, nor the Original Lease, nor any notice nor memorandum regarding the terms hereof, shall be recorded by County.

5. EFFECTIVE DATE. This Fourth 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)

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

**COUNTY:**  
**COUNTY OF RIVERSIDE**

**LESSOR:**  
**DE ANZA LAND AND LEISURE CORP.,**  
a Utah corporation

By:   
Chair  
Board of Supervisors  
**JEFF HEWITT**

By:   
Wendy Oshiro,  
Vice President

ATTEST:  
Kecia Harper  
Clerk of the Board

By:   
Deputy

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

By:   
Ryan Yabko  
Deputy County Counsel

# Exhibit A

**FY 2021/22**  
**Environmental Health**  
**3880 Lemon Street, Suite 200, Riverside**

***ESTIMATED AMOUNTS***

**Total Square Footage to be Leased:**

Current Office:	8,465 SQFT	
Approximate Cost per SQFT(Feb-June)	\$ 2.43	
Lease Cost per Month(Feb-June)	\$ 20,591.35	
Total Lease Cost(Feb-June)		<u>\$ 102,956.75</u>
<b>Total Estimated Lease Cost for FY 2021/22</b>		<b><u>\$ 102,956.75</u></b>
FM Lease Management Fee as of 7/1/2021	4.86%	<u>\$ 5,003.70</u>
<b>TOTAL ESTIMATED COST FOR FY 2021/22</b>		<b><u>\$ 107,960.45</u></b>
<b>TOTAL COUNTY COST</b>	<b>0%</b>	<b>\$ -</b>



# Exhibit B

**FY 2022/23**

**Environmental Health**

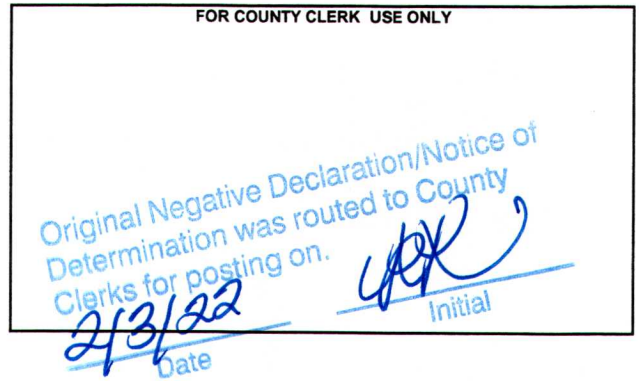
**3880 Lemon Street, Suite 200, Riverside**

## ***ESTIMATED AMOUNTS***

### **Total Square Footage to be Leased:**

Current Office:	8,465 SQFT	
Approximate Cost per SQFT(July-Jan)	\$ 2.43	
Lease Cost per Month(July-Jan)	\$ 20,591.35	
Total Lease Cost(July-Jan)		\$ 144,139.45
<b>Total Estimated Lease Cost for FY 2022/23</b>		<b>\$ 144,139.45</b>
FM Lease Management Fee as of 7/1/2021	4.86%	\$ 7,005.18
<b>TOTAL ESTIMATED COST FOR FY 2022/23</b>		<b>\$ 151,144.63</b>
<b>TOTAL COUNTY COST</b>	<b>0%</b>	<b>\$ -</b>
<b>F11 Total Cost</b>	<b>\$ 259,105.08</b>	
<b>F11 Total County Cost</b>		

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



## NOTICE OF EXEMPTION

December 3, 2021

**Project Name:** Riverside County Department of Environmental Health (DEH) Fourth Amendment to Lease, Riverside

**Project Number:** FM042611049000

**Project Location:** 3880 Lemon Street, Suite 200, north of 9<sup>th</sup> Street, Riverside, California; Assessor's Parcel Number (APN) 213-311-012

**Description of Project:** On September 13, 2011, the County of Riverside entered into a lease agreement on behalf of DEH for 8,456 square feet of space at the facility located at 3880 Lemon Street, Suite 200, Riverside. The lease has been amended three times previously for tenant improvements, lease extensions, rental and square footage adjustments, and parking reduction. This facility continues to meet the needs and requirements of DEH. A Fourth Amendment to the lease is being sought that will extend the term for a period of one year, effective February 1, 2022 and terminating on January 31, 2023. The Fourth 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 County environmental health 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

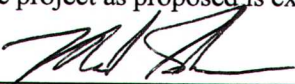
**Exempt Status:** State CEQA Guidelines Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b) (3), General Rule or "Common Sense" Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

**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 one-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 DEH. The Fourth Amendment will extend the Lease for an additional one year; 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: 12/3/21  
 Mike Sullivan, Senior Environmental Planner  
 County of Riverside, Facilities Management

**RIVERSIDE COUNTY CLERK & RECORDER**

**AUTHORIZATION  
TO BILL  
BY JOURNAL VOUCHER**

**Project Name: DEH Fourth Amendment, Riverside**

**Accounting String: 526700-47220-7200400000 - FM042611049000**

DATE: December 3, 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 Avenue, Riverside, CA 92507

Date: December 3, 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 # FM042611049000**  
DEH 4th Amendment, Riverside

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**

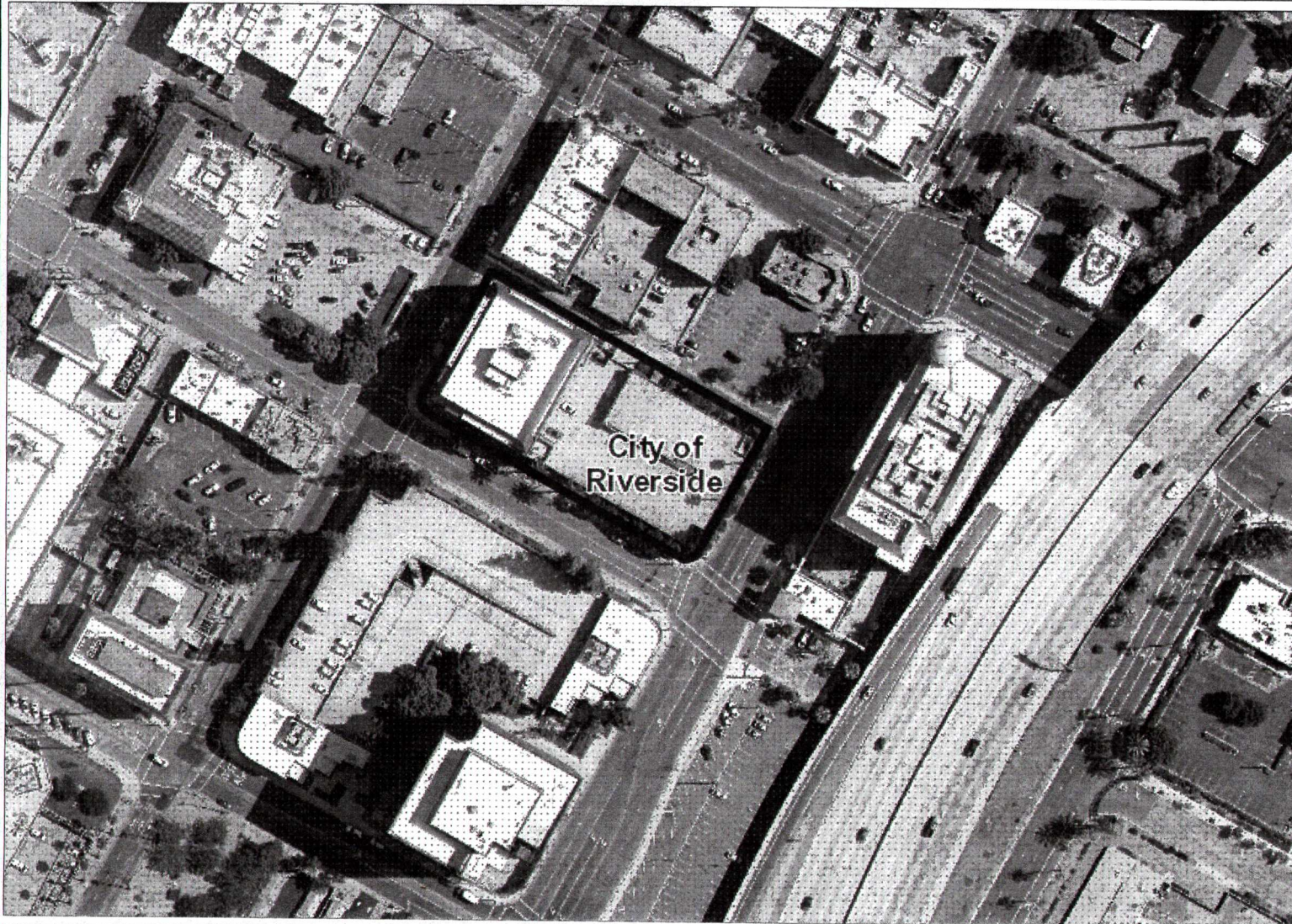
**If you have any questions, please contact Mike Sullivan at 955-8009 or email at [msullivan@rivco.org](mailto:msullivan@rivco.org).**

Attachment

cc: file

# Environmental Health

3880 Lemon Street, Suite 200



## 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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## Notes

District 2