

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



ITEM: 3.39
(ID # 21449)

MEETING DATE:

Tuesday, June 27, 2023

FROM : FACILITIES MANAGEMENT:

SUBJECT: FACILITIES MANAGEMENT - REAL ESTATE (FM-RE) AND LAW OFFICE OF THE PUBLIC DEFENDER: Approval of the First Amendment to Lease with Jose L. Perez and Rafaela C. Perez for the real property located at 235 North Murray Street, Banning, Five-Year Lease Extension, CEQA Exempt, pursuant to State CEQA Guidelines Sections 15301 and 15061(b)(3). District 5. [Total Cost: \$260,186 - 100% Department Budget - General Fund 10000] (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 the State CEQA Guidelines Section 15301, Class 1 - Existing Facilities Exemption, and Section 15061(b)(3), the Common Sense exemption;
2. Approve the attached First Amendment to Lease between the County of Riverside and Jose L. Perez and Rafaela C. Perez, 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.

ACTION:Policy


Judith W Gweon

6/7/2023

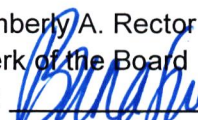

Rose Salgado, Director of Facilities Management

6/8/2023

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, 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 Gutierrez
Nays: None
Absent: None
Date: June 27, 2023
xc: FM, LOPD, Recorder

Kimberly A. Rector
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	\$45,056	\$50,435	\$260,186	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: 100% Department Budget - General Fund 10000			Budget Adjustment: No	
			For Fiscal Year: 23/24-28/29	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On January 8, 2019, the Board of Supervisors approved the Lease for the Law Office of the Public Defender located at 235 North Murray Street, Banning, California, also known as APN 541-101-018. This space continues to meet the requirements of the Law Office of the Public Defender and through this First Amendment (Amendment) the Department seeks to extend the lease for an additional five years commencing August 1, 2023 and terminating July 31, 2028. This Amendment also provides for tenant improvements to be provided by Lessor.

The tenant improvements will include new cabinetry, flooring, sinks, hot water heaters, garbage disposals, new faucets in the kitchenettes and restrooms, new thermostat covers, and replacement of ceiling tiles, paint, and carpet throughout the building. All tenant improvements will be provided at the sole cost and expense of the Lessor.

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

The Amendment is summarized below:

Lessor: Jose L. Perez and Rafaela C. Perez
6158 Balboa Court
Rancho Cucamonga, CA 91701

Location: 235 North Murray Street
Banning, CA 92220

Size: Approximately 1,725 Square Feet

Term: August 1, 2023, through July 31, 2028

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

Rent:	Existing:	New:
	\$ 1.99 Per SF	\$ 2.15 Per SF
	\$ 3,427.36 Per Month	\$ 3,708.75 Per Month
	\$ 41,128.32 Per Year	\$ 44,505.00 Per Year
Rental Adjustments:	Commencing August 1, 2024, rent shall be increased 3% annually.	
Utilities:	County pays telephone, gas, and electric services. Lessor provides and pays for all other utilities	
Maintenance:	Lessor provides maintenance services including pest control services	
Custodial:	Lessor provides custodial services	
RCIT:	None	

The attached First Amendment to Lease has been reviewed and approved by County Counsel as to legal form.

Impact on Citizens and Businesses

This First Amendment will allow the Law Office of Public Defender to continue to provide an appropriately located facility that serves the social needs of the residents of the Banning community.

SUPPLEMENTAL:

Additional Fiscal Information

See attached Exhibits A, B & C. The Law Office of Public Defender will budget these costs in FY 23/24 thru FY 28/29 and will reimburse Facilities Management for all lease costs on a monthly basis.

Contract History and Price Reasonableness

The Lease rate is deemed competitive based upon the current market.

Lease & Amendments:

Lease

Date and M.O.

1/8/2019 M.O. 3.7

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

ATTACHMENTS:


- Aerial
- Notice of Exemption
- Exhibits A, B & C
- First Amendment to Lease

MH:ii/04102023/BA029/30.920

Veronica Santillan
Veronica Santillan, Principal Management Analyst 6/20/2023

Aaron Gettis
Aaron Gettis, Deputy County Counsel 6/14/2023

County of Riverside
Facilities Management
3450 14th St, 2nd Floor, Riverside, CA

FILED / POSTED		
County of Riverside		
Peter Aldana		
Assessor-County Clerk-Recorder		
E-202300692		
06/29/2023 08:28 AM Fee: \$ 50.00		
Page 1 of 2		
Removed:	By:	Deputy
		

NOTICE OF EXEMPTION

April 13, 2023

Project Name: Approval of First Amendment to Lease with Jose L. Perez and Rafaelea C. Perez for Law Office of Public Defender at 235 North Murray Street, Banning

Project Number: FM042130002900

Project Location: 235 North Murray Street, north of East Williams Street, Banning, California 92220, Assessor's Parcel Number (APN) 541-101-018

Description of Project: On January 8, 2019, the Board of Supervisors approved the Lease Agreement for the Law Office of the Public Defender located at 235 North Murray Street, Banning, California, also known as APN 541-101-018. This office continues to meet the space requirements of the Law Office of the Public Defender and the department is seeking a First Amendment to extend the lease for an additional five years commencing August 1, 2023 and terminating July 31, 2028, and also includes tenant improvements to be provided by Lessor.

The tenant improvements will include new cabinetry, flooring, sinks, hot water heaters, garbage disposals, new faucets in the kitchenettes and restrooms, new thermostat covers, and replacement of ceiling tiles, paint, and carpet throughout the building. All tenant improvements will be made at the sole cost and expense of the Lessor. The First Amendment to the Lease Agreement is defined as the proposed project under the California Environmental Quality Act (CEQA). The project is for the use of an existing building and no expansion of the existing facility will occur. The operation of the facility will continue to provide public 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), "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 First Amendment to the Lease Agreement, permitting use of an existing facility.

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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 completion of minor interior improvements to allow for the continued use of the existing Law Office of the Public Defender facility. The project would not substantially increase or expand the use of the site; use 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 First Amendment to the Lease Agreement is limited to interior improvements to an existing facility which will not expand the footprint of the building or increase the capacity or intensity of use of the site. 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: 4-13-2023
Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

1 **FIRST AMENDMENT TO LEASE**

2 **235 North Murray Street, Banning, CA 92220**

3
4 This **FIRST AMENDMENT TO LEASE** ("First Amendment") dated as of
5 June 27, 2023 is entered by and between **JOSE L. PEREZ AND RAFAELA**
6 **C. PEREZ**, ("Lessor"), and the **COUNTY OF RIVERSIDE**, a political subdivision of the
7 State of California ("County"), as Lessee, sometimes collectively referred to as the
8 "Parties".

9 **RECITALS**

10 a. Lessor and County have entered into that certain Lease, dated
11 January 8, 2019, ("Original Lease") pursuant to which Lessor has agreed to lease to
12 County and County has agreed to lease from Lessor that certain building located at
13 235 North Murray Street, Banning, State of California, also identified as Assessor
14 Parcel Number 541-101-018 ("Building"), as more particularly shown in the original
15 Lease (the "Premises").

16 b. The Original Lease, as heretofore, currently, or hereafter
17 amended, shall hereafter be referred to as the "Lease."

18 c. County and Lessor desire to amend the Lease to extend the lease
19 term, and to modify sections relating to the rental amounts, annual rent increases,
20 utilities, and to complete tenant improvements to the space and update the address for
21 both parties under Notices.

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

24 **1. Term.** Section 3(a) of the Lease is hereby amended to read as follows:

25 The term of this Lease shall be extended for a period of five (5) years effective
26 August 1, 2023, and terminating July 31, 2028.

27 **2. Rent.** Section 4 of the Lease is hereby amended to read as follows:

1 County shall pay to Lessor the monthly sum of \$3,708.75 as rent for the
2 Premises, beginning effective August 1, 2023 ("Effective Date"). Thereafter, the
3 monthly rent shall be increased annually on each anniversary of the Effective Date by
4 an amount equal to three percent (3%) of the monthly rent paid during the preceding
5 year.

6 **3. Utilities.** Section 6 of the Lease is hereby amended as follows:

7 County shall pay for telephone, gas, and electric metered electricity. Lessor
8 shall pay for all other utility services.

9 **4. Improvements by Lessor.** Section 8 of the Lease is hereby amended to
10 add the following subsection (c):

11 (c). **Improvements by Lessor.** Upon Board approval, Lessor shall
12 provide, at Lessor's sole cost and expense, the following improvements:

- 13 • Kitchenettes and restrooms:
 - 14 ○ New cabinetry and flooring
 - 15 ○ New sinks and faucets
- 16 • Install new hot water and garbage disposal
- 17 • Replace ceiling tiles throughout
- 18 • Paint interior throughout (samples to be provided)
- 19 • New carpet (carpet squares, 245 N. Murray carpet color ok to install. If
20 not available, provide samples of something similar.)
- 21 • Install thermostat covers, need to be programmed 7:00am-5:00pm,
22 Monday – Friday.
- 23 • Install entrance mat (same as 245 N. Murray).
- 24 • Roof work: tile roof reset & flat roof coating
- 25 • Check all exterior lighting to make sure they all work properly.

26 **5. Notice.** Section 13 of the Lease is hereby amended by the following:

27 County's Notification Address:

28 County of Riverside

1 Facilities Management – Real Estate Division

2 3450 14th Street, Suite 200

3 Riverside, CA 92501

4 ATTN: Deputy Director of Real Estate

5 (951) 955-4820

6 Additional Notification/Inquiries: FM-leasing@rivco.org

7 Lessor's Notification Address:

8 Jose L. Perez, Rafaela C. Perez

9 6158 Balboa Court

10 Rancho Cucamonga, CA

11 **6. First Amendment to Prevail.** The provisions of this First Amendment
12 shall prevail over any inconsistency of conflicting provisions of the Lease, and shall
13 supplement the remaining provisions thereof.

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

27 **8. Capitalized Terms.** First Amendment to prevail. Unless defined herein or
28 the context requires otherwise, all capitalized terms herein shall have the meaning


1 **In Witness Whereof**, the Parties have executed this First Amendment as of the
2 dated first written above.

3 Dated: 6/27/23
4

5 COUNTY:
6 COUNTY OF RIVERSIDE, a political
7 Subdivision of the State of California

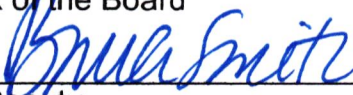
LESSOR:
JOSE L. AND RAFAELA C. PEREZ

8 By: 
9 Kevin Jeffries, Chair
10 Board of Supervisors

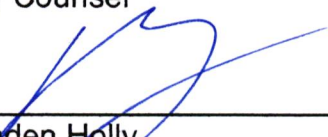
By: 
Jose L. Perez

By: 
Rafaela C. Perez

11
12 ATTEST:
13 Kimberly Rector
14 Clerk of the Board

15 By: 
16 Deputy

17 APPROVED AS TO FORM:
18 Minh C. Tran
19 County Counsel

20 By: 
21 Braden Holly
22 Deputy County Counsel

23
24
25
26 MH:il/04102023/BA029/30.920

27
28
JUN 27 2023 3.39

Exhibit A

FY 2023/24

Law Office of the Public Defender
235 N. Murray Street, Banning, CA

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:	1,725 SQFT	
Approximate Cost per SQFT (Jul)	\$ -	
Approximate Cost per SQFT (Aug-Jun)	\$ 2.15	
Lease Cost per Month (Jul)	\$ -	
Lease Cost per Month (Aug-Jun)	\$ 3,708.75	
Total Lease Cost (Jul)		\$ -
Total Lease Cost (Aug-Jun)		\$ 40,796.25
Total Estimated Lease Cost for FY 2023/24		\$ 40,796.25

Estimated Additional Costs:

Utility Cost per SQFT	\$ 0.12	
Estimated Utility Costs per Month		\$ 207.00
Total Estimated Utility Cost (Jul)		\$ -
Total Estimated Utility Cost (Aug-Jun)		\$ 2,277.00
		\$ 2,277.00
FM Lease Management Fee as of 07/01/2023	4.86%	\$ 1,982.70
TOTAL ESTIMATED COST FOR FY 2023/24		\$ 45,055.95
TOTAL COUNTY COST	0%	\$ -

Exhibit B

FY 2024/25

Law Office of the Public Defender
235 N. Murray Street, Banning, CA

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office:	1,725 SQFT	
Approximate Cost per SQFT (Jul)	\$ 2.15	
Approximate Cost per SQFT (Aug-Jun)	\$ 2.21	
Lease Cost per Month (Jul)	\$ 3,708.75	
Lease Cost per Month (Aug-Jun)	\$ 3,820.01	
Total Lease Cost (Jul)		\$ 3,708.75
Total Lease Cost (Aug-Jun)		\$ 42,020.14
Total Estimated Lease Cost for FY 2024/25		\$ 45,728.89

Estimated Additional Costs:

Utility Cost per SQFT	\$ 0.12	
Estimated Utility Costs per Month	\$ 207.00	
Total Estimated Utility Cost (Jul)		\$ 207.00
Total Estimated Utility Cost (Aug-Jun)		\$ 2,277.00
		\$ 2,484.00
FM Lease Management Fee as of 07/01/2023	4.86%	\$ 2,222.42
TOTAL ESTIMATED COST FOR FY 2024/25		\$ 50,435.31
TOTAL COUNTY COST	0%	\$ -

Exhibit C

FY 2025/26 - 2028/29
Law Office of the Public Defender
235 N. Murray Street, Banning, CA

ESTIMATED AMOUNTS

Total Square Footage to be Leased:

Current Office: 1,725 SQFT

	FY 2025/26	FY 2026/27	FY 2027/28	FY 2028/29
Approximate Cost per SQFT (Jul)	\$ 2.21	\$ 2.28	\$ 2.35	\$ 2.42
Approximate Cost per SQFT (Aug-Jun)	\$ 2.28	\$ 2.35	\$ 2.42	\$ -
Lease Cost per Month (Jul)	\$ 3,820.01	\$ 3,934.61	\$ 4,052.65	\$ 4,174.23
Lease Cost per Month (Aug-Jun)	\$ 3,934.61	\$ 4,052.65	\$ 4,174.23	\$ -
Total Lease Cost (Jul)	\$ 3,820.01	\$ 3,934.61	\$ 4,052.65	\$ 4,174.23
Total Lease Cost (Aug-Jun)	\$ 43,280.74	\$ 44,579.16	\$ 45,916.54	\$ -
Total Estimated Lease Cost for FY 2025/26 - 2028/29	\$ 47,100.75	\$ 48,513.78	\$ 49,969.19	\$ 4,174.23

Estimated Additional Costs:

Utility Cost per SQFT	\$ 0.12	\$ 0.12	\$ 0.12	\$ 0.12
Estimated Utility Costs per Month	\$ 207.00	\$ 207.00	\$ 207.00	\$ 207.00
Total Estimated Utility Cost	\$ 2,484.00	\$ 2,484.00	\$ 2,484.00	\$ 207.00
Lease Management Fee as of 7/1/2023 4.86%	\$ 2,289.10	\$ 2,357.77	\$ 2,428.50	\$ 202.87
TOTAL ESTIMATED COST FOR FY 2025/26 - 2028/29	\$ 51,873.85	\$ 53,355.55	\$ 54,881.69	\$ 4,584.10

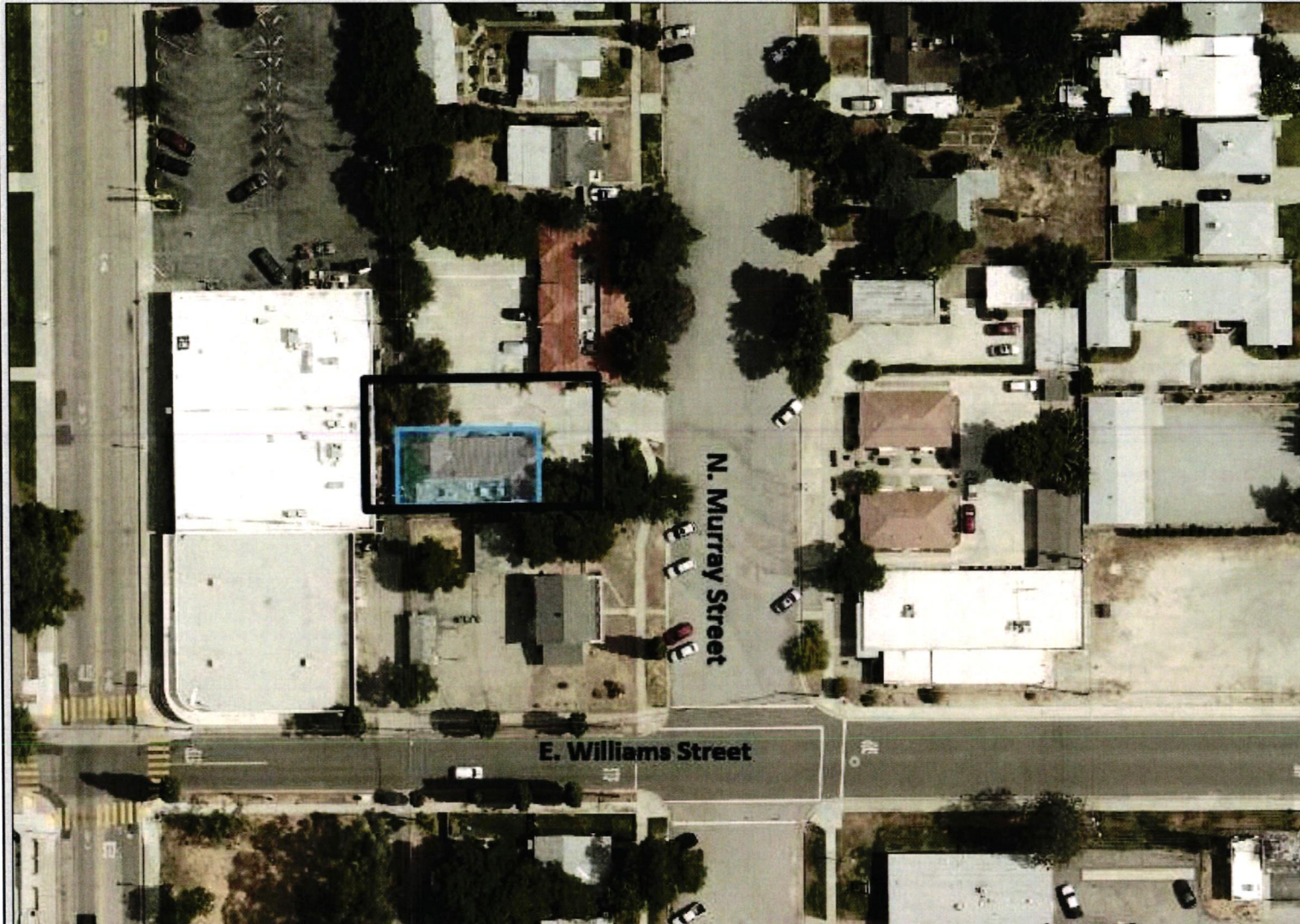
F11 Total Cost	\$ 260,186.45
F11 Total County Cost 0%	\$ -

Law Office of the Public Defender

235 N. Murray Street, Banning, CA 92220



Legend



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.

Notes

Leased area outlined in blue
APN 541-101-018
District 5

0 94 188 Feet

REPORT PRINTED ON... 3/22/2023 10:06:48 AM

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