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



ITEM: 3.25 (ID # 24766) MEETING DATE: Tuesday, July 30, 2024

Kimberly A. Rector

Clerk of the Board

FROM: FACILITIES MANAGEMENT

SUBJECT: FACILITIES MANAGEMENT - REAL ESTATE (FM-RE): Ratify and Approve Notice to Terminate Lease with the City of Calimesa for the Calimesa Library located at 974 Calimesa Blvd., Calimesa, CEQA Exempt per State CEQA Guidelines sections 15301 and 15061(b)(3); District 5. [\$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 Section 15061(b)(3), "Common Sense" Exemption;
- 2. Ratify and approve the Notice to Terminate Lease with the City of Calimesa, and authorize the Chairman 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 and the State Clearinghouse within five (5) working days of approval by the Board.

ACTION:Policy

Suzanne Holfand, Director of Office of Economic Development 6/11/2024 Rose Salgado, Director of Facilities Management 6/13/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Gutierrez, seconded by Supervisor Perez 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:

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None

Date:

July 30, 2024

FM-RE, Recorder/State Clearinghouse

ID# 24766 3.25

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Т	otal 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: 23/24	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary:

Under a Lease Agreement dated June 23, 2015 (Lease), the City of Calimesa (City) and the County of Riverside on behalf of the Riverside County Library System (County) mutually agreed to establish a library to serve the needs of the community. The County and the City are currently in the process of demolishing the existing library in Summer of 2024 and the new library will be built at the same location with an expected completion date of Summer 2025 (Library Project).

A temporary library has been established at 1055 Calimesa Blvd. Calimesa, CA 92320 to provide Library Services until the Library Project is completed.

Therefore, the parties have mutually agreed to terminate the Lease for the existing library located at 974 Calimesa Boulevard in Calimesa. Pursuant to the Notice to Terminate Lease, the Lease terminates effectively on March 31, 2024.

Pursuant to the California Environmental Quality Act (CEQA), the project, the termination of the Lease, was viewed 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. This is a mere termination of an agreement resulting in no further action or changes and does not cause significant changes in the land or environment.

The Notice to Terminate Lease has been approved as to form by County Counsel.

Impact on Citizens and Businesses

There will be no impact to the Citizens and Businesses and library services will continue to be offered and provided in the City by the Riverside County Library System.

ATTACHMENTS:

- Termination Agreement
- Notice of Exemption
- Aerial

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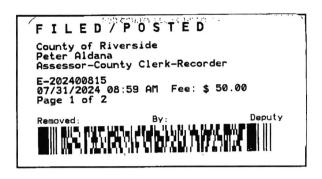
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County of Riverside Facilities Management 3450 14th St, Riverside, CA



NOTICE OF EXEMPTION

May 14, 2024

Project Name: Approval of Notice to Terminate Lease with City of Calimesa for the Calimesa Library

Project Number: FM042161000200

Project Location: 974 Calimesa Boulevard, south of West Avenue L, Calimesa, CA 92320, Assessor's Parcel Number

(APN) 411-080-021

Description of Project: Under a Lease Agreement dated June 23, 2015 (Lease), the City of Calimesa and the County of Riverside/Riverside County Library System (County) mutually agreed to establish a library to serve the needs of the community. The County and the City of Calimesa are currently in the process of demolishing the existing library in June/July of 2024. A new building will be built at the same location with a completion date of Summer 2025. Therefore, the parties have mutually agreed to terminate the existing Lease for the existing library located at 974 Calimesa Boulevard in Calimesa. Pursuant to the Notice to Terminate Lease, the Lease would terminate on March 31, 2024. The Termination of the Lease Agreement is defined as the proposed project under the California Environmental Quality Act (CEQA). The project is the termination of an existing lease which will result allow the City and County to enter into a separate lease for the new library; no expansion of the existing facilities will occur. The construction and operation of a new library in this location was previously found exempt under CEQA and approved by the Board of Supervisors on March 1, 2022 (M.O. 3-25). The current project is limited to the termination of a existing lease and no additional direct or indirect physical environmental impacts would occur.

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 termination of the Lease Agreement.

- 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 termination of a lease agreement. The termination of the lease agreement would not require any expansion of public services and facilities; 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 CEOA, 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 CEOA 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 CEOA 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 termination of the Lease Agreement will not result in any direct or indirect physical environmental impacts. The direct effects from the termination of the Lease Agreement will result in the release of contractual responsibilities for library services by the County. No changes to the existing use would occur. The construction and operation of a new library in this location was previously found exempt under CEOA and approved by the Board of Supervisors on March 1, 2022 (M.O. 3-25). 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: 5-14-2024

Mike Sullivan.

County of Riverside, Facilities Management

TERMINATION OF LEASE AGREEMENT

(City of Calimesa)

THIS **TERMINATION OF LEASE AGREEMENT** ("**Termination Agreement**"), dated as of July 30, 2024, is entered by and between the **County of Riverside**, a political subdivision of the State of California ("County" or "Lessee"), and **City of Calimesa**, a California municipal corporation ("Lessor"). The County and Lessor are sometimes collectively referred to herein as the "Parties" and individually as a "Party."

RECITALS

WHEREAS, the County and Lessor entered into that lease dated June 23, 2015, for the property located at 974 Calimesa Blvd., Calimesa, commonly referred to as the Calimesa Library ("Property"), a copy of the Lease is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the term of the Lease commenced on June 23, 2015, and expires June 22, 2025 ("Lease"), as set forth in Paragraph 2 of the Lease; and

WHEREAS, the Parties have mutually agreed that it is in their respective best interests to terminate the Lease; and

WHEREAS, the Parties have agreed that the Lease termination date is March 31, 2024.

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

 TERMINATION OF LEASE. The Parties agree and acknowledge that the Lease shall terminate on March 31, 2024, and no further consideration of any kind shall be required from either Party.

- 2. <u>LESSEE ACKNOWLEDGEMENT</u>. Lessee expressly acknowledges, represents, and warrants that it has not encumbered, mortgaged, hypothecated, assigned, or transferred the Property to any person or entity, whether voluntarily or involuntarily, by subrogation, operation of law or otherwise. This representation and warranty shall survive execution and performance of this Termination Agreement. In the event a claim of right is made to the Property by an unknown occupant, Lessee shall indemnify, protect, defend, and hold Lessor harmless from and against any and all liabilities, claims, suits, judgments, actions, proceedings, costs, and expenses (including attorneys' fees and costs) arising out of or related to any claim of right to possession by an unknown occupant.
- 3. <u>CAPITALIZED TERMS</u>. Termination Agreement to Prevail. The provisions of this Termination Agreement shall prevail over any inconsistency or conflicting provisions of the Lease, as heretofore terminated, and shall supplement the remaining provisions thereof.
- 4. <u>PARTIAL INVALIDITY</u>. If any term or provision of this Termination Agreement shall be deemed to be invalid or unenforceable to any extent, the remainder of this Termination Agreement will not be affected thereby, and each remaining term and provision of this Termination Agreement will be valid and be enforced to the fullest extent permitted by law.
- 5. <u>COUNTERPARTS</u>. This Termination Agreement may be executed in several counterparts each of which shall be an original, but all of such counterparts shall constitute one such Termination Agreement. An executed counterpart of this Termination Agreement transmitted by email or other electronic transmission shall be deemed an original counterpart and shall be as effective as an original counterpart of this Termination Agreement and shall be legally binding upon the parties hereto to the same extent as delivery of an original counterpart.

- 6. <u>GOVERNING LAW</u>. The Parties hereto expressly agree that this Termination Agreement will be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California. Venue for any proceeding related to this Termination Agreement shall be in the County of Riverside.
- 7. <u>EFFECTIVE DATE</u>. This Termination Agreement shall not be binding or consummated until approved by the Riverside County Board of Supervisors and the City Manager of the City of Calimesa and is fully executed by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

1	IN WITNESS WHEREOF, the parties have executed this Termination Agreement as					
2	of the date first written below.					
3	July 20 20 01					
4	Dated:					
5	LESSEE (County): LESSOR (City):					
6 7	COUNTY OF RIVERSIDE, a political subdivision of the State of California corporation					
8	0/1/2/1/2/1					
9	By: By: Will Kolbow					
10	Board of Supervisors City Manager					
11						
12	ATTEST: Kimberly A. Rector By: Darlene Gerdes					
13	Clerk of the Board City Clerk					
14	Mamuel					
15	By: U/ MMM Depoty					
16						
17	APPROVED AS TO FORM					
18	Minh C. Tran County Counsel					
19						
20						
21						
22	By: Braden Holly					
23	Deputy County Counsel					
24						
25	MH:ps/05132024/CM002/40.069					
26						
27						
28						

Calimesa Library

974 Calimesa, Blvd, Calimesa, CA 92320





Legend

County Centerline Names World Street Map





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 5 Leased area outlined in blue APN 411-080-021

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