

FROM THE PLANNING COMMISSION MINUTES OF MARCH 12, 2015

AGENDA ITEMS

3. 15-0221 Hearing to consider a request to rezone from Research and Development-Design Control (R&D-DC) to Research and Development-Planned Development (R&D-PD); Development plan to include six commercial condominium lots from four existing commercial structures; and Tentative parcel map creating seven lots ranging in size from 0.116 acre to 2.115 acres [Rezone Z14-0010/Planned Development PD14-0007/Parcel Map P14-0005/Quail Commerce Center]** on property identified by Assessor's Parcel Number 117-060-35, consisting of 3.101 acres, in the El Dorado Hills area, submitted by FJM Palms Associates; and staff recommending the Planning Commission recommend the Board of Supervisors to take the following actions:

- 1) Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301 (k);
 - 2) Approve Rezone Z14-0010 based on the Findings as presented;
 - 3) Conditionally approve Planned Development PD14-0007, as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented; and
 - 4) Conditionally approve Tentative Parcel Map P14-0005 based on the Findings and subject to the Conditions of Approval as presented.
- (Supervisory District 1)

Rob Peters presented the item to the Commission recommending the Commission recommend approval to the Board of Supervisors.

Bobbi LeBeck, applicant's agent, stated this was an existing use and spoke on the parking options available.

In response to Chair Stewart's inquiry on what the request was accomplishing since the site was already developed, Jennifer Navarro, property manager for applicant, stated that one of the tenants, which occupies an entire building, has shown interest in purchasing the building and this request would allow that to occur.

Lillian MacLeod stated that this is considered a commercial condominium project and the County has processed quite a few of them.

County Counsel David Livingston made the following comments:

- This would be changing the labeling and allowing the parcels to be sold off;
- Read into the record the Civil Code on commercial condominiums; and
- Spoke on common area interest.

Johnny Ribeiro made the following comments:

- Identified himself as the individual that originally developed the property in question;

- He had brought this project to the Planning Commission in 2003 for the same thing and it was denied due to a lack of parking;
- He is the President of the Quail Park EDH Maintenance Association, which controls the easement where the applicant is getting the 23 additional parking spaces;
- He is still the declarant of the parking easement property which gives him control;
- He is the managing member of the parcel that is adjacent and behind the subject property;
- Always the intent for the parking easement to be temporary until the development of the adjacent parcel that is behind the subject property and then the additional parking would be added permanently by doing a Boundary Line Adjustment;
- This easement is non-exclusive and is not in perpetuity;
- This easement can be changed to other uses and that is stated in the Reciprocal Agreement;
- The easement can be extinguished if the use is changed and there is no longer parking available;
- The easement has not been used for parking for the last several years as it has been fenced off due to illegal dumping and unwanted activities occurring at night;
- In 2003, Planning determined the project to be Light Industrial use requiring one parking space for every 400 square feet, which equaled to 108 required spaces, but now Planning is only requiring 99 parking spaces even though the project has not changed;
- County can't control the amount of parking that is required by the tenants unless there is an improvement permit request submitted to Building;
- Current tenants (9-12 vehicles) are parking on Sunglow and Suncast roads during the work week;
- He has developed 5 projects in the business park and all were parceled except for this one due to lack of parking;
- A similar project with same exact uses was developed on Golden Foothill Parkway, which the applicant owns now, and the additional parking was included;
- This project does not meet the parking requirements; and
- If approved, additional conditions should be added to reflect how the project was originally designed, which were Buildings 1132 and 1136 to have no more than 30% of office space, Building 1140 to have no more than 78% of office space, and Building 1144 to have no more than 23.5 % of office space.

Chair Stewart closed public comment.

Ms. Navarro made the following rebuttal comments:

- Umpqua Bank is the owner of the parking easement property and a Reciprocal Agreement is in place;
- In the two years she has been the manager, they have not used the parking easement and have been at or close to 100% occupancy in all of the buildings; and
- They have 76 parking spaces with 24 off-street parking spaces, along with the 23 additional spaces from the parking easement.

County Counsel Livingston made the following comments regarding easements:

- It is interest in real property that runs with the land;
- Very rare to see an exclusive easement and the parking spaces are not guaranteed;
- Could be abandoned with the consent of both parties; and
- Significant discussion ensued with the Commission on easements.

There was no further discussion.

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors to take the following actions: 1) Find that the project is Categorical Exempt pursuant to CEQA Guidelines Section 15301 (k); 2) Approve Rezone Z14-0010 based on the Findings as presented; 3) Conditionally approve Planned Development PD14-0007, as the official Development Plan, based on the Findings and subject to the Conditions of Approval as presented; and 4) Conditionally approve Tentative Parcel Map P14-0005 based on the Findings and subject to the Conditions of Approval as presented.

AYES: Miller, Pratt, Heflin, Stewart

NOES: None

ABSENT: Shinault