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Late distribution  
4-13-15

April 10, 2015

JAMES O. MOSES

Addressees: Please see Distribution List Attached

Re: Rezone Z14-0010/Planned Development PD14-0007/  
Parcel Map P14-0005 Application  
Applicant: FJM Palms Associates  
APN: 117-060-35

2015 APR 13 PM 2:19  
RECEIVED  
BOARD OF SUPERVISORS  
EL DORADO COUNTY

Dear Sir/Madame:

We represent Ribeiro Sunglow, LLC and Ribeiro California II, LLC. This is to put the Board of Supervisors ("Supervisors") and the applicant, FJM Palms Associates on notice that, based upon the facts available to me, the parking/access easement that is assumed to benefit Quail Commerce Center (APN 117-060-35) appears in fact not to do so. As the easement has been assumed to provide Quail Commerce Center 23 parking spaces (out of a total of 99), this may be a material fact in your consideration of the Rezone/Planned Development/Parcel Map application of FJM Palms Associates.

Discussion:

The importance of adequate parking to this application is noted in the Staff Report of May 12, 2015, pages 15-0221 A6, which states, "[t]he project site contains 76 existing parking spaces and also utilizes an off-site parking area containing 23 parking spaces through an existing reciprocal easement and maintenance agreement (see Exhibits F and G)." [For your convenience, I will refer to County materials 15-0221 A1 through 15-0221 D 15 (at Tab 1) whenever possible.] The Conditions of Approval 15-0221 B2 states:

A joint access and parking agreement shall be provided to ensure continued access and maintenance of the parking to all property owners within the development. A copy of said agreement shall be provided to Planning Services for review and approval by the County, and the approved agreement shall then be recorded prior to filing of the Parcel Map.

Exhibit G (15-0221 D7-D15) appears to be the joint access and parking agreement to which your staff refers in the Conditions of Approval. It is dated March 1, 2005, and was recorded March 8, 2005, as DOC-2005-0018668. In the easement agreement, Ribeiro California

II, LLC purported to convey a parking/access easement (15-0221 D7) to Quail Commerce Center, LLC, in real property owned by Ribeiro California II, LLC and described in Exhibit "B" to DOC-2005-0018668 (please see 15-0221 D12). The area covered by the parking/access easement is more particularly described in Exhibits "C" and "C-1" (at 15-0221 D13 & 15-0221 D14). The property in which Ribeiro California II, LLC purported to grant an easement is "Parcel 1, as said parcel is shown on that certain Parcel Map filed in Book 47 of Parcel Maps, at Page 137, El Dorado County Records," ("Parcel 1") with two described exceptions. (Please see page 15-0221 D12.)

As of July 30, 2003, Johnny R. Ribeiro, an unmarried man, owned Parcel 1. (Tab 2.)

By deed of September 19, 2003, recorded December 3, 2003, as DOC-2003-0121920-00, Johnny R. Ribeiro conveyed a portion of Parcel 1 to Ribeiro Sunglow, LLC, as part of a boundary line adjustment. (Please see Deed at Tab 3.) Comparison of Exhibit "B" to deed 2003-121920 (Tab 3) with 15-0221 D13 and 15-0221 D14 clearly reveals that the "parking/access easement" lies within the property that Johnny R. Ribeiro had previously granted to Ribeiro Sunglow, LLC, in deed 2003-0121920:

- (1) 15-0221 D13 & 15-0221 D14 show that the parking/access area connects directly to Sunglow Court;
- (2) 15-0221 D13 & 15-0221 D14 show that the parking/access area lies on the boundary line between Parcel 1 and Parcel 8;
- (3) Exhibit "B" to deed 2003-121920 (Tab3) shows that property satisfying conditions (1) and (2) can only be situated in the previously transferred portion of parcel 1 (Described in Tab 3, Exhibit A, and depicted in Tab 3, Exhibit B).

Thus, as of September 19, 2003, Ribeiro Sunglow, LLC owned the property in which, years later, Ribeiro California II, LLC subsequently purported to convey an easement to Quail Commerce Center, LLC (15-0221 D7-D15, recorded as 2005-0018668).

Almost immediately, Ribeiro Sunglow, LLC conveyed Parcel 36 and the portion of Parcel 1 that was added to Parcel 36 in the boundary line adjustment (again, please see Tab 3, Exhibit B) to Ribeiro Sunglow, LLC and Ribeiro California II, LLC. (Please see deed of September 19, 2003, recorded December 3, 2003, as DOC-2003-0121922-00, at Tab 4). Net, this resulted in the portion of Parcel 1 on which the driveway and parking area are located being owned by Ribeiro Sunglow, LLC and Ribeiro California II, LLC as tenants-in-common, a circumstance that did not change prior to the purported grant of easement to Quail Commerce Center, LLC.

Under the foregoing history, the purported grant of easement from Ribeiro California II, LLC to Quail Commerce Center, LLC on March 1, 2005, was ineffective for two reasons:

- (1) The legal description of the easement (15-0221 D12) excludes the portion of Parcel 1 on which the parking and driveway were and are situated. That is, the grant of the easement is of Parcel 1 “except[ed] therefrom” the area that Johnny R. Ribeiro had previously conveyed to Ribeiro Sunglow, and Ribeiro Sunglow had conveyed to itself and Ribeiro California II as tenants-in-common;
- (2) If the drawings (15-0221 D13 & D14) are referred to, Ribeiro California II purported to grant an easement in property of which it was merely a tenant in common. This is a legal impossibility. “ ‘A tenant in common cannot create an easement or servitude upon the common land.’ (*Pfeiffer v. Regents of University of California* (1887) 74 Cal. 156, 162; *East Shore Co. v. Richmond Belt Ry.* (1916) 172 Cal. 174, 178.)” (*People ex rel. Department of Public Works v. Silveira* (1965) 236 Cal.App.2d 604, 628.) In short, when Ribeiro California II purported to grant the subject easement rights, it did not have the power to do so.

For the foregoing reasons, APN 117-060-35 is not in fact benefitted by the parking/access easement (15-0221 D7-D15), the effectiveness of which has apparently (and naturally) been assumed by your staff in considering this Rezone/Planned Development/Parcel Map application.

I bring this to your attention and to the attention of FJM Palms Associates, in order to put all parties on notice of the facts before any changes of position occur.

Respectfully submitted,



JAMES O. MOSES

JOM/eep  
Enclosures

DISTRIBUTION LIST

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COUNTY OF EL DORADO  
DEVELOPMENT SERVICES  
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**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** March 12, 2015

**Staff:** Rob Peters

**REZONE/PLANNED DEVELOPMENT/PARCEL MAP**

**FILE NUMBER:** Z14-0010/PD14-0007/P14-0005/Quail Commerce Center

**APPLICANTS:** FJM Palms Associates

**AGENT/ENGINEER:** Lebeck Young Engineering, Inc.

**REQUEST:** The proposed project consists of the following requests:

1. Rezone to the 3.101-acre parcel from Research and Development Design Control (R&D-DC) to Research and Development-Planned Development (R&D-PD);
2. Development plan to include six commercial condominium lots from four existing commercial structures, with the seventh lot to be commonly owned for landscaping, shared parking, and shared access; and
3. A tentative parcel map creating seven lots ranging in size from 0.116 acres to 2.115 acres on a 3.101-acre site.

**LOCATION:** West side of Sunglow Court, southwest of the intersection with Suncastr Lane, in the El Dorado Hills area, Supervisorial District 1. (Exhibit A)

**APN:** 117-060-35 (Exhibit B)

**ACREAGE:** 3.101 acres

**GENERAL PLAN:** Research and Development (R&D) (Exhibit C)

**ZONING:** Research and Development - Design Control (R&D-DC) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15301 (k) of the CEQA Guidelines

**RECOMMENDATION:** Staff recommends that the Planning Commission forward a recommendation to 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.

**STAFF ANALYSIS**

**Project Description:**

Rezone: A request to rezone the 3.101-acre lot from Research and Development–Design Control (R&D–DC) to Research and Development–Planned Development (R&D–PD).

Development Plan: The Development Plan would allow flexibility in the development standards of the Research and Development zone to allow the condominium conversion and parcelization of the existing structures. Only those uses allowed within the Research and Development zone would be allowed under the Development Plan.

Tentative Parcel Map: A request to create seven lots ranging in size from 0.116 acres to 2.115 acres on a 3.101-acre site. The lot descriptions are as follows:

Lot Number	Size in Acres	Size in Square Feet	Number of Units	Current Building Address
1	0.146	6,358	1	1140 Suncastr Lane
2	0.329	14,337	12	1144 Suncastr Lane
3	0.133	5,794	7	1132 Suncastr Lane
4	0.133	5,794	5	1132 Suncastr Lane
5	0.116	5,036	5	1136 Suncastr Lane
6	0.13	5,669	5	1136 Suncastr Lane
7	2.115	135,096	Common Area	Common Area

**Site Description:** The 3.101-acre site has been previously developed and includes four existing structures comprised of 11,586 square feet (1132 Suncastr Lane), 10,705 square feet (1136 Suncastr Lane), 6358 square feet (1140 Suncastr Lane), and 14,337 square feet (1144 Suncastr Lane). The site also includes parking, landscaping, signage, and lighting improvements consistent with the R&D zone development standards. The site contains 76 existing parking spaces and also utilizes an off-site parking area containing 23 parking spaces through an existing reciprocal easement and maintenance agreement.

**Background:** The project lot was originally created by Parcel Map (P83-0066) on September 8, 1983. The project site is located within the El Dorado Hills Business Park. Although the Design Control (-DC) combining zone necessitates discretionary project review, this requirement is waived within the Research and Development zone in accordance with Section 130.74.040 of the Zoning Ordinance which states "Structures and site development within the research and development zoning district with a (DC) designation shall be exempt from the design provisions of this chapter since said zoning district has been expanded to include architectural style and site design requirements which are more specific in nature and satisfy the intent of the design review concept." This section of the Ordinance defers to section 130.35.030 for specific architectural and site design standards for development in the R&D zone. The existing buildings and site improvements were reviewed through a ministerial plan check process based on the design standards delineated under Section 130.35.030, and approved for development under commercial grading permit number 142377, and building permit numbers 142686, -690, -692 and -694. Original parking calculations were based primarily on warehouse use, the most minimum parking requirement found under Section 130.18 (Off-Street Parking Ordinance).

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	R&D-DC	R&D	Commercial Development
North	R&D-DC	R&D	Undeveloped
South	R&D-DC	R&D	Undeveloped
East	R&D-DC	R&D	Commercial Development
West	R&D-DC	R&D	Commercial Development

**Discussion:** The site is located within the El Dorado Hills Business Park and is adjacent to both vacant parcels to the north and south and commercially developed parcels to the east and west. The project would create seven commercial condominium parcels. No alteration of use or expansion of the building would occur as part of this application. The project would be consistent with the Research & Development zone district development standards and the surrounding uses in the area.

**Project Discussion Items:** The primary discussion items for this project include the Research & Development Land Use Designation, Floor Area Ratio (FAR), Planned Development (-PD) Combining Zone District, R&D Zone District development standards, landscaping, parking, and lighting.

**Research & Development Land Use Designation:** The project is located within the El Dorado Hills Community Region Planning Concept Area. General Plan Policy 2.2.1.2 designates the project site as Research & Development (R&D) which is meant to “provide areas for the location of high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus like setting which ensures a high quality, aesthetic environment.” This designation is consistent with the Community Region Planning Concept Area and is considered appropriate for the business park/employment center concept. The existing and future proposed uses under the development plan are required to be consistent with the R&D Land Use Designation.

**Floor Area Ratio (FAR):** General Plan Policy 2.2.1.5 provides Floor Area Ratio (FAR) as shown in Table 2-3 pertaining to the building intensities in each land use designation.

General Plan Table 2-3 Building Intensities	
Land Use Designation	Floor Area Ratio
Research & Development	0.50

The subject property is subject to the requirements for the R&D land use designation as the existing site was developed with a 0.32 FAR. Additional development is not proposed.

**Planned Development (-PD) Combining Zone District:** General Plan Policy 2.2.3.1 states “The Planned Development (-PD) Combining Zone District, to be implemented through the Zoning Ordinance, shall allow residential, commercial, and industrial land uses consistent with the density specified by the underlying zoning district with which it is combined. Primary emphasis shall be placed on furthering use and/or design that provide a public or common benefit, both on and off-site, by clustering intensive land uses to minimize impacts on various natural resources, avoid cultural resources where feasible, minimize public health concerns, minimize aesthetic concerns, and promote the public health, safety, and welfare.” The project is non-residential and is therefore guided by the development standards of the R&D Zone. The subject property has been developed and all improvements have been completed. The proposed request for converting the existing site and four commercial structures into six commercial condominium lots and a common area lot would not impact the density specified for the R&D land use designation; would not impact natural or cultural resources; and would not cause additional concern for public health, safety and welfare because no new development is proposed.

**R&D Zone District Development Standards:** The project site is currently zoned Research & Development-Design Control (R&D-DC) which permits a minimum parcel size of two acres or less when processed with a planned development application. A rezone from -DC to -PD is



being requested in concert with the planned development application. The proposed parcel map creates less than two-acre parcels, in compliance with the R&D Development Standards.

In addition, Section 130.35.030 of the Zoning Ordinance establishes the following Development Standards for the R&D Zone that are applicable to this project; subject to flexibility provided by the -PD combining zone:

A. Minimum Lot Area;

The project would create six commercial condominium lots and a seventh common area parcel. The proposed commercial condominium lots would range in size from 5,794 square feet to 14,337 square feet in size. Five of the commercial condominium lots would be less than the 10,000 square foot minimum lot size established in the R&D Zone. However, the proposed rezone to the -PD combining zone and development plan would allow for flexibility in the minimum lot area standard for the commercial condominium lots.

B. Building Coverage;

The four existing buildings combine for a total of 42,986 square feet resulting in a 32 percent building coverage of the entire site. However, upon discretionary approval of the parcel map, lots one through six will have 100 percent building coverage on the resulting lots. The proposed rezone to the -PD combining zone and development plan would allow the increase in building coverage from this standard.

C. Minimum Lot Width;

The project would result in six commercial condominium lots at varying widths of less than 100 feet. Therefore, the proposed lots would not be consistent with the 100 foot minimum lot width required by the R&D Zone. However, the proposed rezone to the -PD combining zone and the development plan would allow for flexibility in the minimum lot width standard for the commercial condominium lots.

D. Minimum Setbacks and Buffers;

The R&D Zone requires all buildings, structures, parking and loading areas shall be set back at least a minimum of twenty feet with an average setback of thirty feet from the property line. The zone district also prescribes for landscape buffers and landscaped parking areas. The existing buildings currently meet the required setbacks and buffers required within the R&D Zone. However, the project will result in lots with zero setbacks as the proposed lot lines correspond with the existing building envelopes. The proposed rezone to the -PD combining zone and the development plan would allow for flexibility in the minimum requirements for setbacks and allow the zero setbacks for the proposed commercial condominium lots.

The existing development currently meets the required landscape buffers and landscaped parking area requirements of the R&D Zone.

**E. Maximum Building Height;**

The existing buildings were reviewed and met the maximum building height requirements of the R&D Zone during the Building Permit approval.

**F. Signage**

The project site contains an existing monument sign located in the northeast corner of the proposed common area lot. No additional signage has been proposed as part of the development application.

Landscaping: The site is currently landscaped along all property boundaries as required by the R&D Zone and Off-Street Parking and Loading Requirements. No additional landscaping is proposed or would be required.

Parking: The project site contains 76 existing parking spaces and also utilizes an off-site parking area containing 23 parking spaces through an existing reciprocal easement and maintenance agreement (see Exhibits F and G). The site was developed originally using only warehousing parking requirements at "1 space plus 1 space per 2,000 square feet" per unit. Site Plan Review SPR 05-0011 granted administrative relief from the strict interpretation of the parking ordinance due to the various tenants and uses within the center. Over time, the units on the site have been converted from warehousing to a variety of uses including office, gymnasium, and a small retail portion in one unit. The applicant has submitted an existing parking calculation to identify the current uses and the required parking for each unit (see Exhibit F).

Any future uses would be evaluated during the tenant improvement/building permit process prior to issuance of a building permit to ensure that parking would be available for each proposed use and for all existing uses. The proposed uses would further be analyzed, and a tally shall be provided by the applicant of all existing and proposed parking. The tally would be kept by the Planning Services Permit Center staff to ensure the proposed uses would not result in a requirement for more parking than that conditionally approved under the development plan. Should the subsequent tenant improvements be for uses that create the need for more parking than what has been approved, that tenant improvement use causing the need for additional parking would not be approved by Planning Services staff unless additional parking can be demonstrated for the project site.

Lighting: The site currently has outdoor lighting in the parking areas as well as some wall mounted lighting installed as part of the original building permits. No additional lighting would be proposed as part of this application.

Conclusion: The project would require modifications to the minimum lot area, building coverage, and minimum lot width, and minimum setback standards established for the R&D Zone. The requested modifications would be acceptable due to the proposed rezone to the -PD

combining zone and development plan to create six commercial condominium lots and one common area lot from the existing site and four existing structures. Planned Development Findings have been included in the Staff Report.

#### **ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301(k) of the CEQA Guidelines that applies to the "...subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt."

A \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Conditions of Approval  
Findings

Exhibit A.....	Location Map
Exhibit B.....	Assessor's Parcel Map
Exhibit C.....	General Land Use Designations Map
Exhibit D.....	Zoning Designations Map
Exhibit E.....	Tentative Parcel Map; December 2014
Exhibit F.....	Conceptual Site Plan - Required Parking Calculation by Unit, December 2014
Exhibit G.....	Reciprocal Easement and Maintenance Agreement (3/8/2005)
Exhibit H.....	Aerial Photo of Project Site

## CONDITIONS OF APPROVAL

**Rezone Z14-0010/Planned Development PD14-0007/Parcel Map P14-0005/Quail Commerce Center  
Planning Commission/March 12, 2015**

**Conditions of Approval:**

1. **Project Description:** This Rezone, Development Plan, and Parcel Map approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following Exhibits:

- Exhibit E .....Tentative Map; December 2014  
 Exhibit F.....Conceptual Site Plan - Required Parking Calculation by Unit; December 2014  
 Exhibit G.....Reciprocal Easement and Maintenance Agreement (3/8/2005)

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

- a. Rezone from Research & Development-Design Control (R&D-DC) to Research & Development-Planned Development (R&D-PD);
- b. Development plan to include six commercial condominium lots from four existing commercial structures, with the seventh lot to be commonly owned for landscaping, shared parking, and shared access; and
- c. A tentative parcel map creating seven lots ranging in size from 0.116 acres to 2.115 acres on a 3.101-acre site. The lot descriptions are as follows:

Lot Number	Size in Acres	Size in Square Feet	Number of Units	Current Building Address
1	0.146	6,358	1	1140 Suncastr Lane
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5	0.116	5,036	5	1136 Suncastr Lane
6	0.13	5,669	5	1136 Suncastr Lane
7	2.115	135,096	Common Area	Common Area

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

**Development Services Department (Planning)**

2. **Map Time Limits:** The map shall remain in effect for three years from the date of approval. If the final map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
3. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County shall cooperate fully in the defense.

4. **Parking Tally:** Prior to any issuance of a tenant improvement/building permit, the applicant shall provide a parking tally of all existing and proposed parking for the Quail-Commerce Center which shall be kept by the Development Services Division to ensure the proposed uses will not result in a requirement for more parking than the 99 allowed spaces under the approved development plan.
5. **Access and Maintenance Agreement:** A joint access and parking agreement shall be provided to ensure continued access and maintenance of the parking to all property owners within the development. A copy of said agreement shall be provided to Planning Services for review and approval by the County, and the approved agreement shall then be recorded prior to filing of the Parcel Map.
6. **Lighting:** All outdoor lighting shall conform to Section 130.14.170 of the Zoning Ordinance and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation.
7. **Landscaping:** Landscaping is required to meet Section 130.18.090 of the Zoning Ordinance.

8. **Consistency with Approved Plans:** All landscaping improvements, building locations, building orientations, building elevations, and materials shall comply with the approved development under commercial grading permit number 142377, and building permit numbers 142686, -690, -692 and -694, along with the approved Tentative Parcel Map (Exhibit E). All buildings on the site shall remain architecturally consistent.
9. **Signage:** Wall-mounted signage meeting the standards of the R&D Zone District may be administratively approved by the Development Services Director. Any changes to existing, or any future new free-standing signage may be approved by the Development Services Director if minor. Major modifications shall be subject to a revision to the development plan.

#### **El Dorado Hills Fire Department**

10. All curbs that are not designated parking stalls shall be painted red and marked with the words "fire lane – no parking" every 25 feet. This shall be white letters on a red background.
11. The fire hydrant located in the southwest corner of the parking lot next to the trash enclosure is currently positioned so that it is obstructed by parked vehicles. This hydrant shall be removed and remounted to be positioned away from the parking stall.
12. All fire hydrants, fire department sprinkler connections, and post-indicating valves shall be repainted "safety white" enamel.
13. Adjacent to all hydrants, the roadway shall be marked with a blue reflective marker.

#### **El Dorado County Surveyor**

14. All survey monuments must be set prior to the filing the Parcel Map.
15. Situs addressing for the project shall be coordinated with the El Dorado Hills Fire Protection District and the County Surveyors Office prior to filing the Parcel Map.
16. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P 14-0005 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

## **FINDINGS**

**Rezone Z14-0010/Planned Development PD14-0007/Parcel Map P14-0005/Quail Commerce  
Center  
Planning Commission/March 12, 2015**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to Section 66472.1 of the California Government Code:

### **FINDINGS FOR APPROVAL**

#### **1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) in compliance with Section 15301(k) ("Existing Facilities" of the CEQA Guidelines) that allows "subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt." The project consists of the creation of six commercial condominium lots and a common area lot from the previously developed site containing four existing commercial structures.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services, at 2850 Fairlane Court, Placerville, CA.

#### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The project site is located within the El Dorado Hills Community Region. General Plan Policy 2.1.1.7 requires development within the Community Regions only in accordance with all applicable General Plan Policies. The General Plan Land Use map designates the project site as Research & Development (R&D). According to General Plan Table 2-1 (Planning Concept Areas and Land Use Designation Consistency Matrix), the R&D land use designation is considered appropriate for and is consistent with the Community Region Planning Concept Area.
- 2.2 As proposed, the project is consistent with General Plan Policy 2.2.1.2 and the General Plan Land Use designation of Research & Development (R&D) that is meant to "provide areas for the location of high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus like setting which ensures a high quality, aesthetic environment." This designation is considered appropriate for the business park/employment center concept. The subject property has been developed to adequately serve the proposed request to create six commercial condominium lots and a common area lot from the previously developed site containing four existing commercial structures.
- 2.3 The project is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of the following Policies:

15-0221 C 1 of 4



- 2.3.1 Policy 2.2.1.5 (Building Intensities) because the existing 32 percent Floor Area Ratio (FAR) is less than the allowed 50 percent FAR in the Research & Development Land Use Designation;
- 2.3.2 2.2.3.1 (Planned Development (-PD) Combining Zone District) because the project includes a rezone of the lot to include the -PD combining zone to carry out the non-residential planned development consisting of the creation of six commercial condominium lots and a common area lot from the previously developed site containing four existing commercial buildings;
- 2.3.3 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), and 5.2.1.4 (reliable water) because the site is located in the El Dorado Hills Community Region and is already adequately served by the El Dorado Irrigation District. The El Dorado Hills Fire Department recommended conditions of approval have demonstrated there is adequate water for fire protection.

### 3.0 ZONING FINDINGS

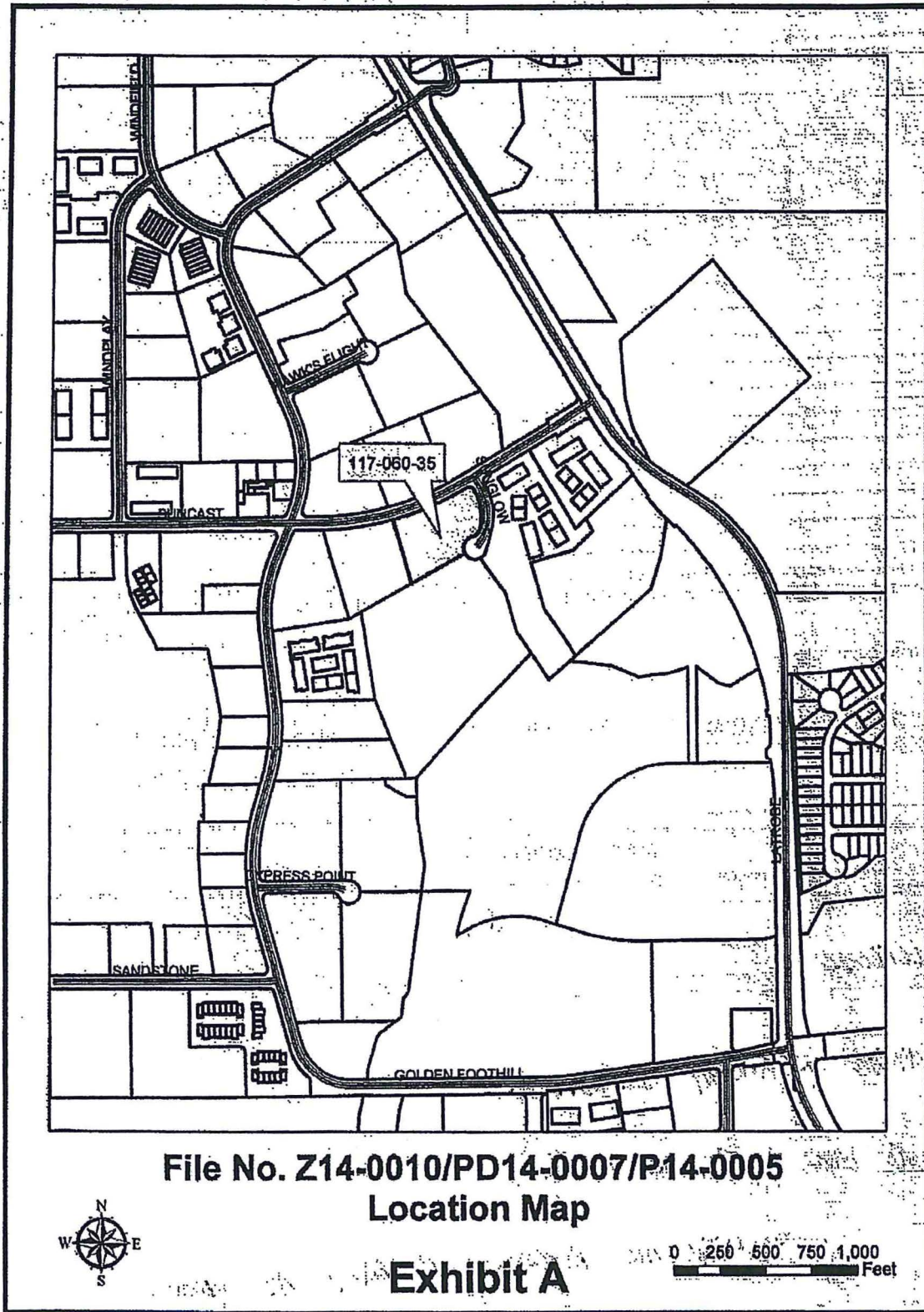
- 3.1 The project is consistent with the Research & Development (R&D) Zone District because the proposed project provides areas for service, office, warehouse and various other uses in compliance with Section 130.35.020. With an approved rezone from Research and Development-Design Control (R&D-DC) to Research & Development-Planned Development (R&D-PD), along with an approved Development Plan, the project would be allowed to deviate from the development standards of the R&D Zone because the PD combining zone would allow the flexibility to create the commercial condominium lots less than the minimum lot area, exceeding the building coverage, less than the minimum lot width, and with zero setbacks.

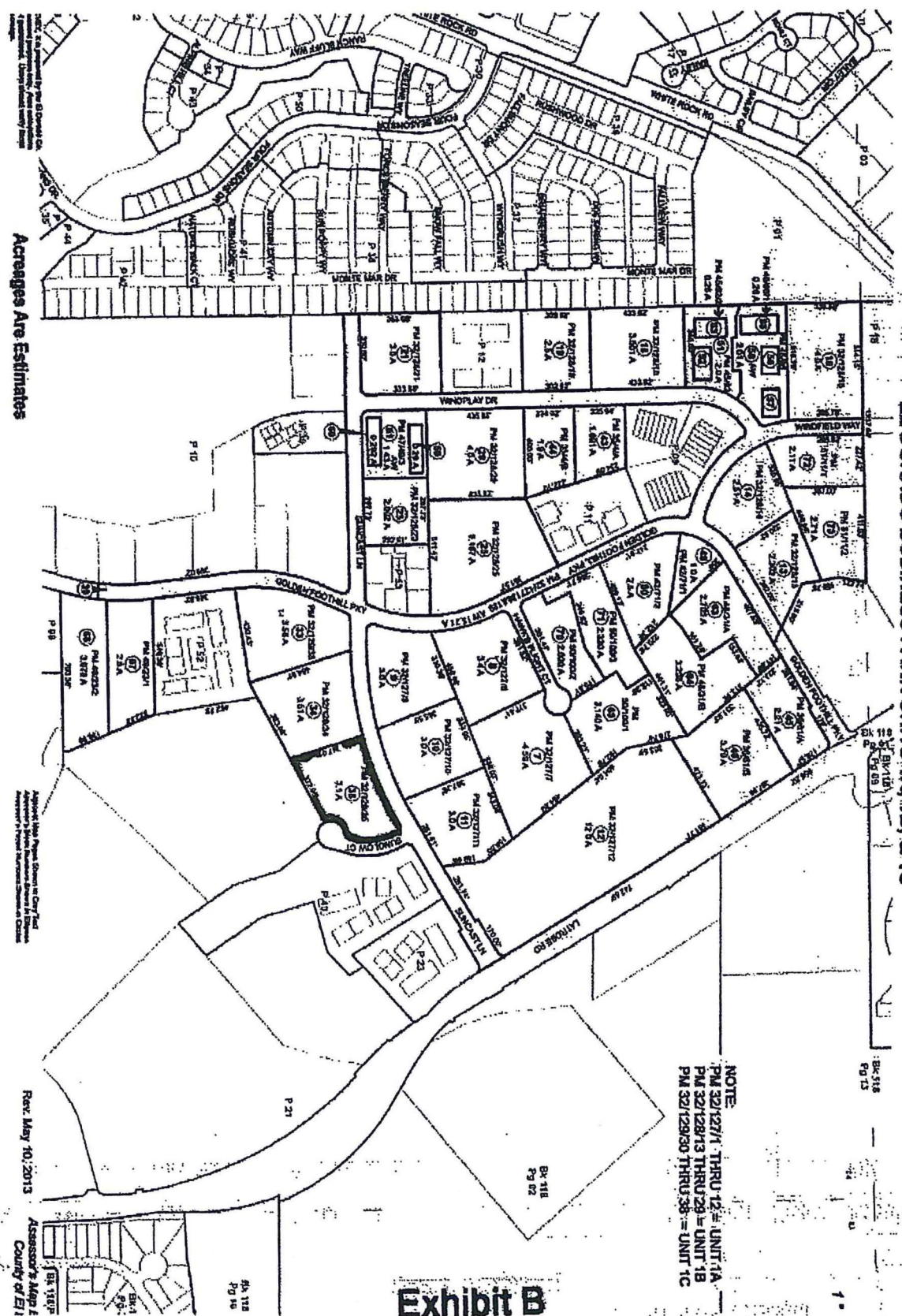
### 4.0 PLANNED DEVELOPMENT FINDINGS

- 4.1 The Planned Development zone request is consistent with the General Plan because the proposed request to rezone the property from Research and Development-Design Control (R&D-DC) to Research & Development-Planned Development (R&D-PD) remains consistent with the R&D General Plan land use designation. The project creates commercial condominium units to provide areas for high technology, research and development facilities, corporate/industrial offices, and support service facilities consistent with the land use designation. The proposed Development Plan is consistent with applicable General Plan policies as outlined in section 2.0 General Plan Findings above.
- 4.2 The proposed development is so designed to provide a desirable environment within its own boundaries. The existing structures are architecturally appealing and the site provides attractive landscaping and adequate parking and lighting. The proposed project would subdivide the existing lot and four existing structures into six commercial condominium lots and one common area lot. No physical alterations would occur to the subject property.

- 4.3 The proposed exceptions to the standard requirements of the zone regulations are justified by the design of the project. A Planned Development application is required to facilitate the conversion of the site and existing structures to the proposed commercial condominium lots and common area lot to allow for individual ownership. The request includes exceptions to the standard requirements for zone regulations pertaining to minimum lot area, building coverage, minimum lot width, and minimum setbacks. Staff has determined that the request to accommodate the condominium conversion and common space proposal is justified by the project design because it would not impact existing on-site development. The existing site improvements would accommodate individual ownership.
- 4.4 The site is physically suited for the proposed uses. The project site contains existing buildings located in the El Dorado Hills Business Park and within the R&D Zone District designed for high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a campus-like setting. Conversion of the existing lot and structures into commercial condominium lots and a common area lot does not degrade the physical suitability of the site.
- 4.5 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities. The project site is currently served by EID, public water and sewer services. No alteration or intensification would occur that would require additional services or road improvements.
- 4.6 The proposed uses do not significantly detract from the natural land and scenic values of the site. The existing development is compatible with the surrounding land use improvements. The subject property is developed and does not negatively impact any natural or scenic features of the site.
- 5.0 TENTATIVE PARCEL MAP FINDINGS**
- 5.1 The proposed Parcel Map, including design and improvements, is consistent with the General Plan policies and land use map as it would create parcels utilizing the existing approved development on the project site which was previously permitted and is consistent with the General Plan as outlined in Section 2.0 above.
- 5.2 The site is physically suitable for the type and densities of development proposed because the parcel map would not change the type of development nor increase the density of the project site. The project would make use of the existing previously permitted structures and existing exterior site improvements. The project would not result in additional improvements to the site.
- 5.3 The design of the division will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The project site is developed with four existing commercial structures and includes existing parking, landscaping, and lighting site improvements. The proposed subdividing of the property does not result in any new development or site improvements. This project is categorically exempt from CEQA as outlined in section 1.0 above.

- 5.4 The design of the division or the type of improvements is not likely to cause serious public health hazards that were not already reviewed against the Building Code requirements ensuring public safety.





Acreages Are Estimates

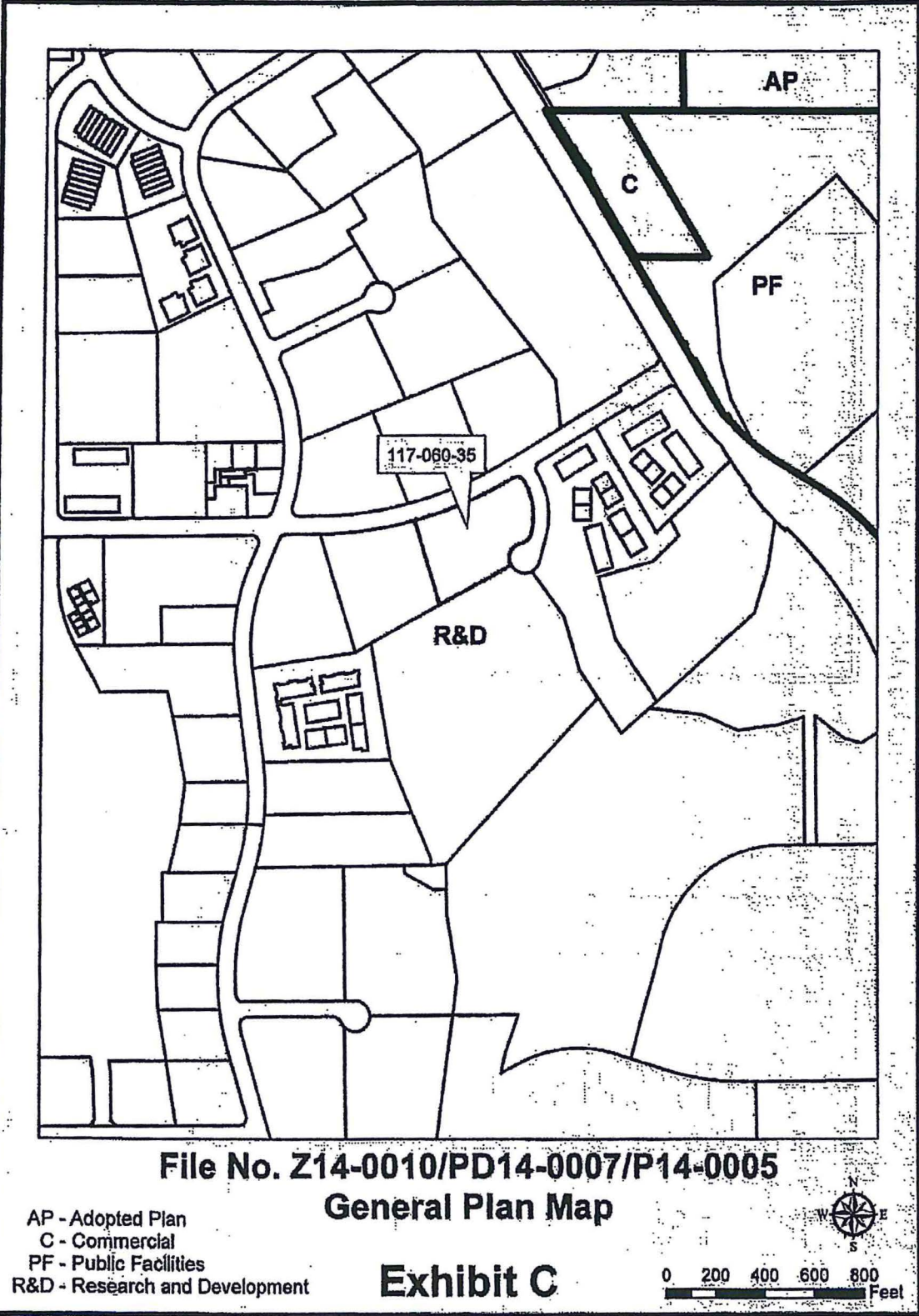
**FOR SEC. 14, T. 9N., R. 8E., M.D.M.  
EL DORADO BUSINESS PARK UNITS 1A, 1B, & 1C**

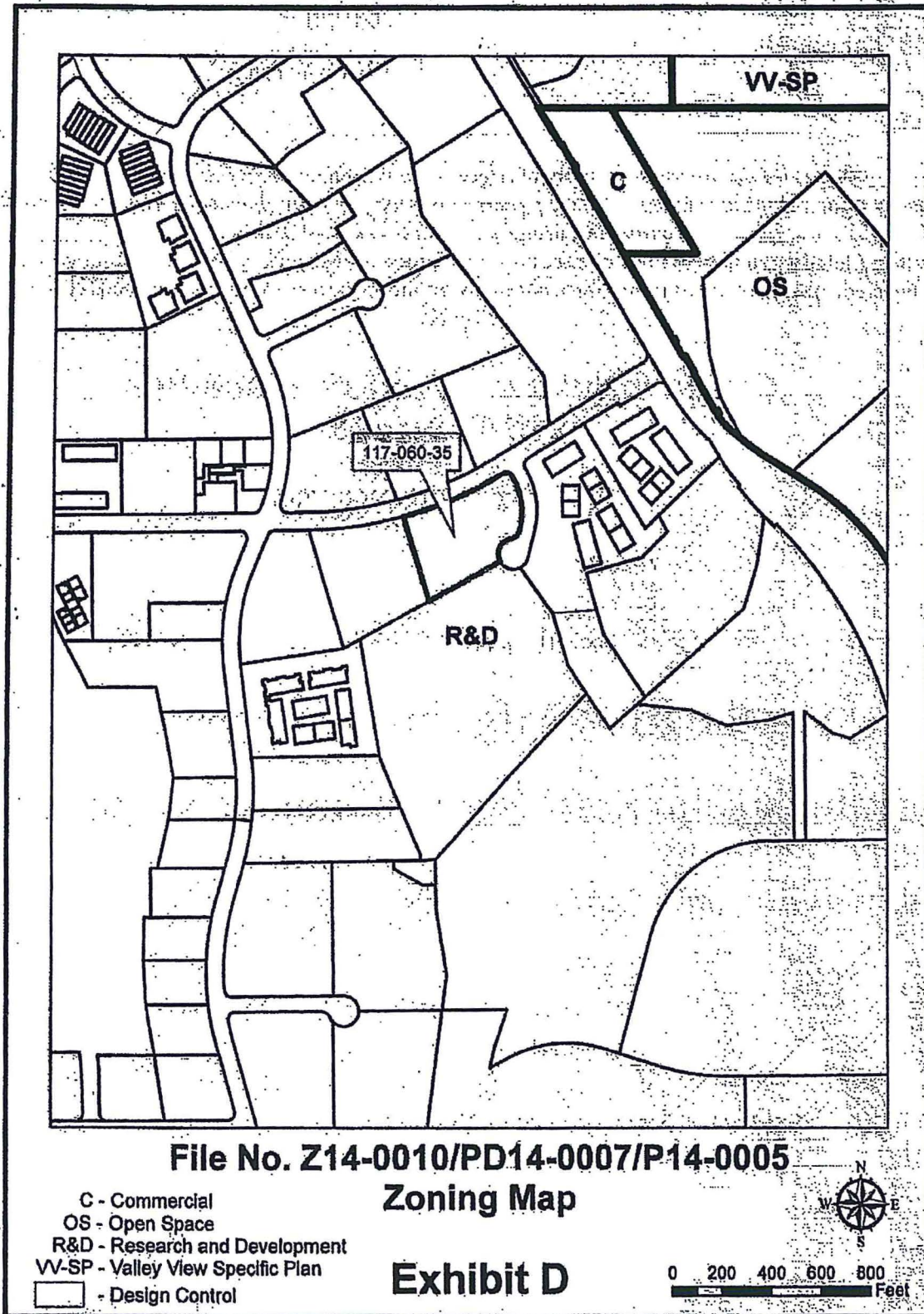
NOTE  
 PM 32127/1 THRU 12 = UNIT 1A  
 PM 32128/13 THRU 28 = UNIT 1B  
 PM 32129/30 THRU 38 = UNIT 1C

**Exhibit B**

15-0221 D 2 of 15

Rec. May 10, 2013  
 Assessor's Map &  
 County of El

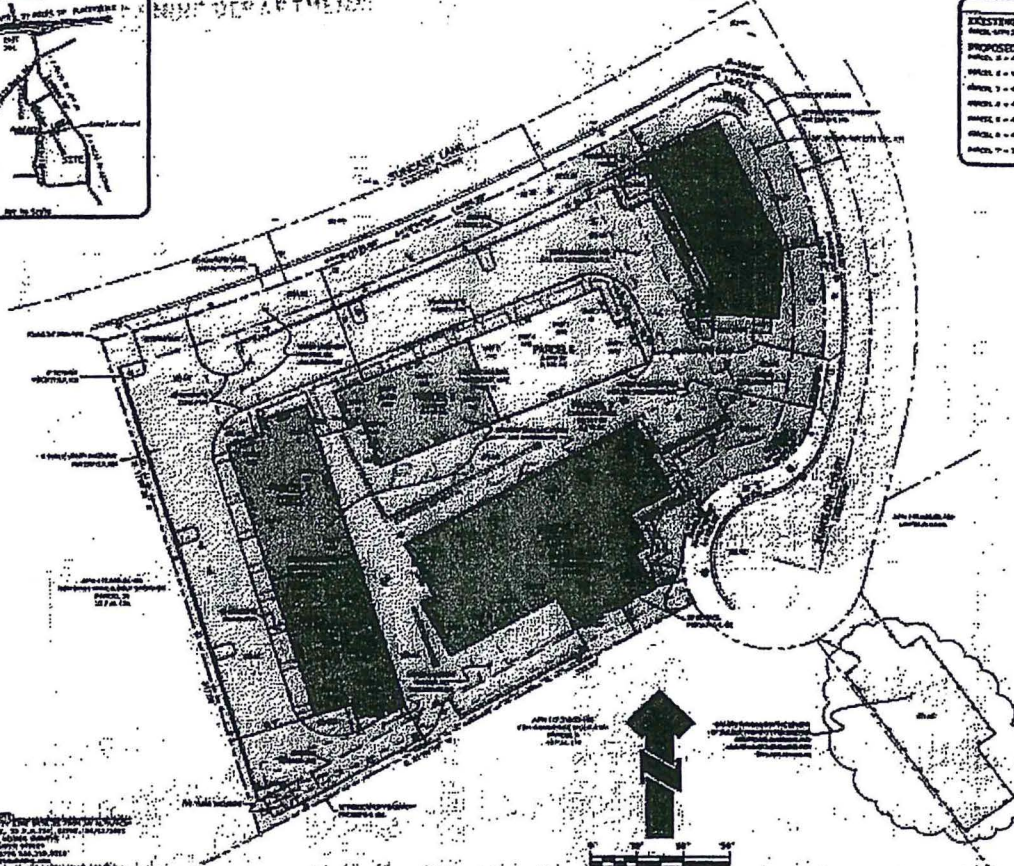




**TENTATIVE MAP FOR  
QUAIL COMMERCE CENTER  
COMMERCIAL CONDOMINIUMS**  
PARCEL 35, PM 32-129; A PORTION OF SECT. 14, T9 S, R8 E, M.D.M.  
EL DORADO COUNTY, CA - APR 117-000-55  
SEPTEMBER 2024



Exhibit E



**LOT SUMMARY**

**EXISTING PARCELS:**  
Parcel 35, PM 32-129; Parcel 36, PM 32-129; Parcel 37, PM 32-129

**PROPOSED PARCELS:**  
Parcel 1 - 0.1000 acres (43,750 sq. ft.)  
Parcel 2 - 0.1000 acres (43,750 sq. ft.)  
Parcel 3 - 0.1000 acres (43,750 sq. ft.)  
Parcel 4 - 0.1000 acres (43,750 sq. ft.)  
Parcel 5 - 0.1000 acres (43,750 sq. ft.)  
Parcel 6 - 0.1000 acres (43,750 sq. ft.)  
Parcel 7 - 0.1000 acres (43,750 sq. ft.)

**PROJECT DATA**

**OWNER/SUPPLIER:**  
The Quail Commerce Center, a limited liability company, 10000 Quail Commerce Center, El Dorado, CA 95757

**DESIGNER:**  
Lebeck & Young Engineering, Inc., 2000 Lebeck Way, Suite 100, El Dorado, CA 95757

**CONTOUR INTERVAL:**  
10'

**SOURCE OF TOPOGRAPHY:**  
Aerial and field survey, 2024

**SECTION, TOWNSHIP AND RANGE:**  
SECTION 14, T9 S, R8 E, M.D.M.

**ASSessor's PARCEL NUMBER:**  
001-033-000-55

**PRESENT ZONING:**  
R 8 0 0 0

**PROPOSED ZONING:**  
C 2 0 0 0

**PRESENT USE:**  
Residential

**PROPOSED USE:**  
Commercial

**TOTAL AREA:**  
0.7000 acres

**TOTAL NUMBER OF PARCELS:**  
7

**RECORD PARCEL AREA:**  
0.7000 acres

**METER SUPPLY:**  
1000' x 100'

**SEWER RESPONSIBLE:**  
City of El Dorado

**PROPOSED STRUCTURAL FIRE PROTECTION:**  
As shown on fire protection report

**DATE OF PREPARATION:**  
September 2024

**STREETS:**  
City of El Dorado

**EASEMENTS:**  
As shown on public reports

**LAND-USE SUMMARY:**  
Parcel 1, 2, 3, 4, 5, 6, 7 - Commercial Condominiums

**UTILITY REPRESENTATIVES:**  
City of El Dorado

**LEGEND**

- 1. Existing boundary
- 2. Proposed boundary
- 3. Easement
- 4. Utility easement
- 5. Right-of-way
- 6. Flood hazard
- 7. Wetland
- 8. Contour interval
- 9. Spot height
- 10. Proposed building
- 11. Proposed parking
- 12. Proposed driveway
- 13. Proposed fence
- 14. Proposed site
- 15. Proposed site
- 16. Proposed site
- 17. Proposed site
- 18. Proposed site
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- 44. Proposed site
- 45. Proposed site
- 46. Proposed site
- 47. Proposed site
- 48. Proposed site
- 49. Proposed site
- 50. Proposed site

**LEBECK & YOUNG ENGINEERING, INC.**  
2000 Lebeck Way, Suite 100  
El Dorado, CA 95757  
916-937-1111

**QUAIL COMMERCE CENTER COMMERCIAL CONDOMINIUMS TENTATIVE MAP**

**TM-1**



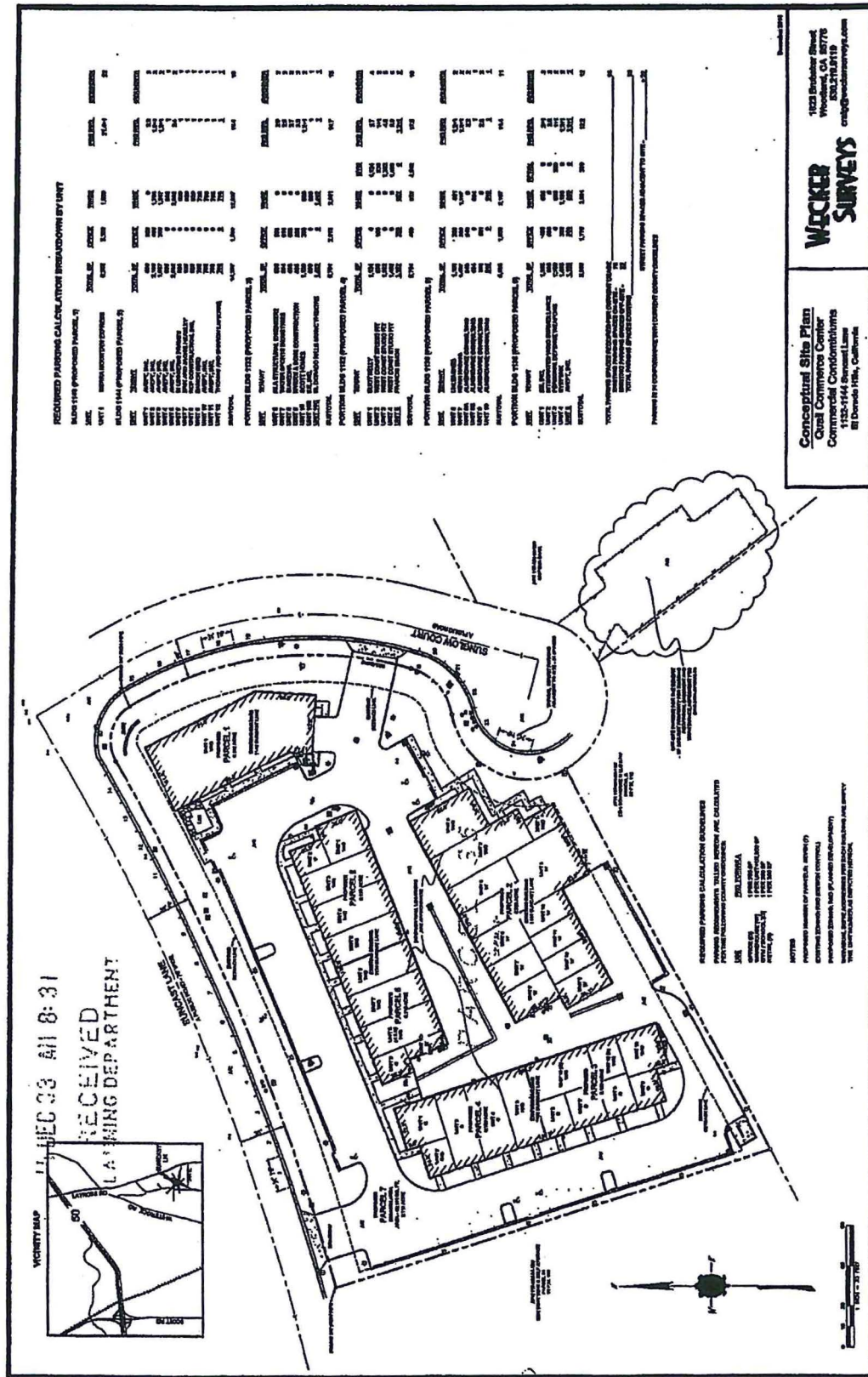


Exhibit F

FJM



El Dorado, County Recorder  
William Schultz Co Recorder Office  
DOC- 2005-0018668-00

Check Number 2838  
Tuesday, MAR 08, 2005 09:21:08  
Ttl Pd \$35.00 Nbr-0000597837  
JLR/C1/2-a

RECORDING REQUESTED BY:

WHEN RECORDED, MAIL TO:

Quail Commerce Center LLC  
1200 Suncoast Lane #2  
El Dorado Hills, CA 95762

(SPACE ABOVE THIS LINE)

RESERVED FOR RECORDER'S USE

**RECIPROCAL EASEMENT AND MAINTENANCE AGREEMENT**

This Reciprocal Easement and Maintenance Agreement ("Agreement") is entered into on March 1, 2005, between Quail Commerce Center LLC, a Nevada limited liability company ("Quail"), and Ribeiro California II LLC, a Nevada limited liability company ("Ribeiro").

Quail is the owner of certain real property situated in the unincorporated area of El Dorado Hills, El Dorado County, California, more particularly described on Exhibit "A," (Quail Property").

Ribeiro is the owner of certain real property located in the unincorporated area of El Dorado Hills, El Dorado County, California, more particularly described on Exhibit "B", ("Ribeiro Property").

Ribeiro has a driveway and parking lot, as more particularly shown on Exhibits "C" and "C-1", attached hereto. Ribeiro desires to grant Quail easements of reciprocal egress, ingress, and parking over and across Ribeiro's property.

NOW, THEREFORE, the parties agree as follows:

1. Ribeiro hereby grants to Quail an easement of ingress, egress, and parking over that portion of the driveway and parking lot, more particularly shown on Exhibit "C", which is situated on Ribeiro's property.

2. The easement granted in this Agreement is an easement for driveway and parking purposes only for the use for and by vehicular and pedestrian traffic. The driveway purposes do not include parking on the Quail Property or Ribeiro Property.

**Exhibit G**

PD 14-0007/P 14-0005/Z 14-0010

RECEIVED  
COUNTY RECORDER'S DEPARTMENT  
OCT 22 AM 9:52

018668

3. The easements granted in this Agreement are non-exclusive. Ribeiro retains the right to make use of that portion of the driveway located on its property.

4. Each party to this Agreement shall equally be responsible for and pay all costs necessary to maintain the driveway and parking lot in accordance with the maintenance standards agreed upon by the parties, or if no agreement, to keep and maintain the driveway in a condition at least equal to the standard utilized by the County of El Dorado when constructing new driveways for vehicular and pedestrian access. Moreover, each party shall have the right, but not the obligation, to repair and maintain the entire driveway in accordance with the above standard and thereafter seek pro-rata reimbursement from such other party pursuant to paragraph 9 below.

5. The easement granted herein includes the right to utilize and attach to any utilities which may exist on or under the driveway. Notwithstanding the above, this Agreement does not give either party the right to damage or demolish any portion of the driveway in order to construct any utilities on or under the driveway, without the express written consent of the other party, which consent shall be determined solely by such other party and at its sole discretion.

6. The easement granted herein shall continue in effect so long as the common driveway reflected on Exhibit C is used for ingress, egress, and parking over Ribeiro Property.

7. This agreement and the rights and obligations set forth herein may be assigned to successor owners of Quail Property and the Ribeiro Property, and shall be binding on and shall inure to the benefits of the successors and assigns of parties hereto.

8. Each party shall be responsible for any personal injury or property damage on the property subject to this Agreement, and each party shall defend, indemnify and hold the other party harmless from any loss or claims arising from or occurring on its property, unless and to the extent that such claim or loss is the result of such indemnified parties' own conduct or actions.

9. (a) If any dispute among the parties involves a bona fide contention by one party that the other has failed to perform his or its obligations and responsibilities under this Agreement, or involves the interpretation thereof, then the party making such contention shall promptly give written notice to the other. Such notice shall set forth in detail the basis for the party's contention that the other is in default or failed to perform on its obligation required by this Agreement. The other party shall have a period of ten (10) days in which to make a good faith attempt to resolve the dispute. Following such ten-day period, the matter shall be promptly submitted to binding arbitration in accordance with the following provision.

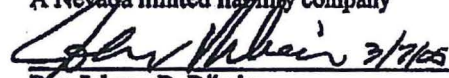
018668

(b) If the parties are unable to resolve the dispute, then any such controversy or claim shall be settled by binding arbitration according to Title 9, Part III, of the Code of Civil Procedure (section 1280, et seq.) with arbitration conducted in El Dorado County, California. The arbitrator shall be a retired judge of the Superior Court, District Court or Court of Appeal agreed upon by the parties. In the event that parties cannot agree on an arbitrator the parties shall petition the Presiding Judge of the Sacramento County Superior Court who shall designate a retired judge as the arbitrator. The parties to such arbitration proceeding shall be entitled to only that discovery approved by the arbitrator. Any award or decision rendered by the arbitrator shall be in writing and contain the arbitrator's findings of fact and conclusions of law. The award shall be final, binding and conclusive upon the parties and judgment thereon may be entered in any Court in accordance with section 1285, and the following, of the California Code of Civil Procedure. In all cases submitted to arbitration, the parties agree to share the arbitrator's fee equally, unless otherwise assessed by the arbitrator. The arbitrator's initial fee, if any, shall be advanced by the initiating party subject to final apportionment by the arbitrator in the award.

10. If any legal actions or arbitration proceedings arising out of or related to this Agreement is brought by either party to this Agreement, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs and expense incurred in the action or proceedings by the prevailing party.

11. This agreement constitutes the entire agreement between the parties relating to this reciprocal driveway easement. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by each party.

RIBEIRO CALIFORNIA II LLC  
A Nevada limited liability company

  
By: Johnny R. Ribeiro  
Its: Managing Member

QUAIL COMMERCE CENTER LLC  
A Nevada limited liability company

  
By: Johnny R. Ribeiro  
Its: Managing Member

018608

STATE OF CALIFORNIA

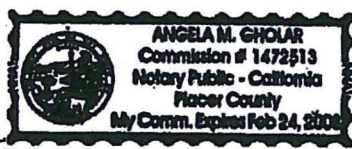
COUNTY OF El Dorado

On 3/7/05, before me, Angela M. Gholar  
Notary Public, personally appeared Johnny Ribera

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Angela M. Gholar

STATE OF CALIFORNIA

COUNTY OF El Dorado

On 3/7/05, before me, Angela M. Gholar  
Notary Public, personally appeared Johnny Ribera

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.



Angela M. Gholar

0186

**Exhibit A**  
**Legal Description**

**THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF EL DORADO, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:**

**A PORTION OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 8 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**PARCEL 35, AS SHOWN ON THE PARCEL MAP FILED MAY 2, 1984, IN BOOK 32 OF PARCEL MAPS, AT PAGE 129, EL DORADO COUNTY RECORDS.**

**A.P.N.:**  
**108-250-35-100**

01866

**Exhibit B**  
**Legal Description**

The land referred to herein below is situate in the unincorporated area, County of El Dorado, State of California and is described as follows:

Parcel 1, as said parcel is shown on that certain Parcel Map filed in Book 47 of Parcel Maps, at Page 137, El Dorado County Records,

**EXCEPTING THEREFROM the following:**

Beginning at the most Westerly corner of Parcel 1 as shown on that certain Parcel Map recorded in Book 47 of Parcel Maps, at Page 137, Records of said County, being located on the right-of-way line of Sunglow Court; thence leaving said right-of-way line along the line common to Parcel 1 and Parcel 8, as shown on said Parcel Map recorded in Book 47 of Parcel Maps, at Page 137, South 36°09'42" East 212.10 feet; thence leaving said line common to Parcels 1 and 8 North 73°55'48" East 178.33 feet; thence North 16°04'12" West 103.68 feet; thence North 74°15'30" East 229.48 feet; thence North 45°51'32" East 143.24 feet; thence North 29°51'55" West 73.78 feet to the Southeasterly line of Parcel 37, as shown on that certain Parcel Map filed in Book 32 of Parcel Maps, at Page 129, El Dorado County Records; thence along said Southeasterly line South 45°51'32" West 73.55 feet to the most Southerly corner of said Parcel 37; thence along the Westerly line of said Parcel 37 North 31°02'44" West 168.70 feet to the most Easterly corner of Parcel 36, as shown on said Parcel Map recorded in Book 32 of Parcel Maps at Page 129; thence along the line common to said Parcel 36 and said Parcel 1 South 61°09'00" West 422.26 feet to a point on the Easterly right-of-way line of Sunglow Court, a 60 foot wide public street; thence along said right-of-way line South 14°21'59" West 56.38 feet; thence on the arc of a tangent curve to the right with a radius of 60.00 feet, the arc of which is subtended by a chord bearing South 38°48'01" West 49.64 feet to the point of beginning.

**FURTHER EXCEPTING THEREFROM the following:**

Beginning at a point on the westerly line of said Parcel 1 from which the most westerly corner thereof located on the right of way line of Sunglow Court, bears along the line common to Parcel 1 and Parcel 8 as shown on said Parcel Map North 36°09'42" West 212.10 feet; thence from said point of beginning along the line common to said Parcel 1 and Parcel 8 South 36°09'42" East 10.67 feet; thence South 16°59'30" East 214.50 feet; thence South 34°20'45" East 299.15 feet to the most southerly corner of said Parcel 1; thence along the southerly line of said Parcel 1 North 48°53'28" East 188.31 feet; thence leaving said southerly line North 34°20'45" West 297.24 feet; thence North 16°04'12" West 146.61 feet; thence South 73°55'48" West 178.33 feet to the point of beginning.

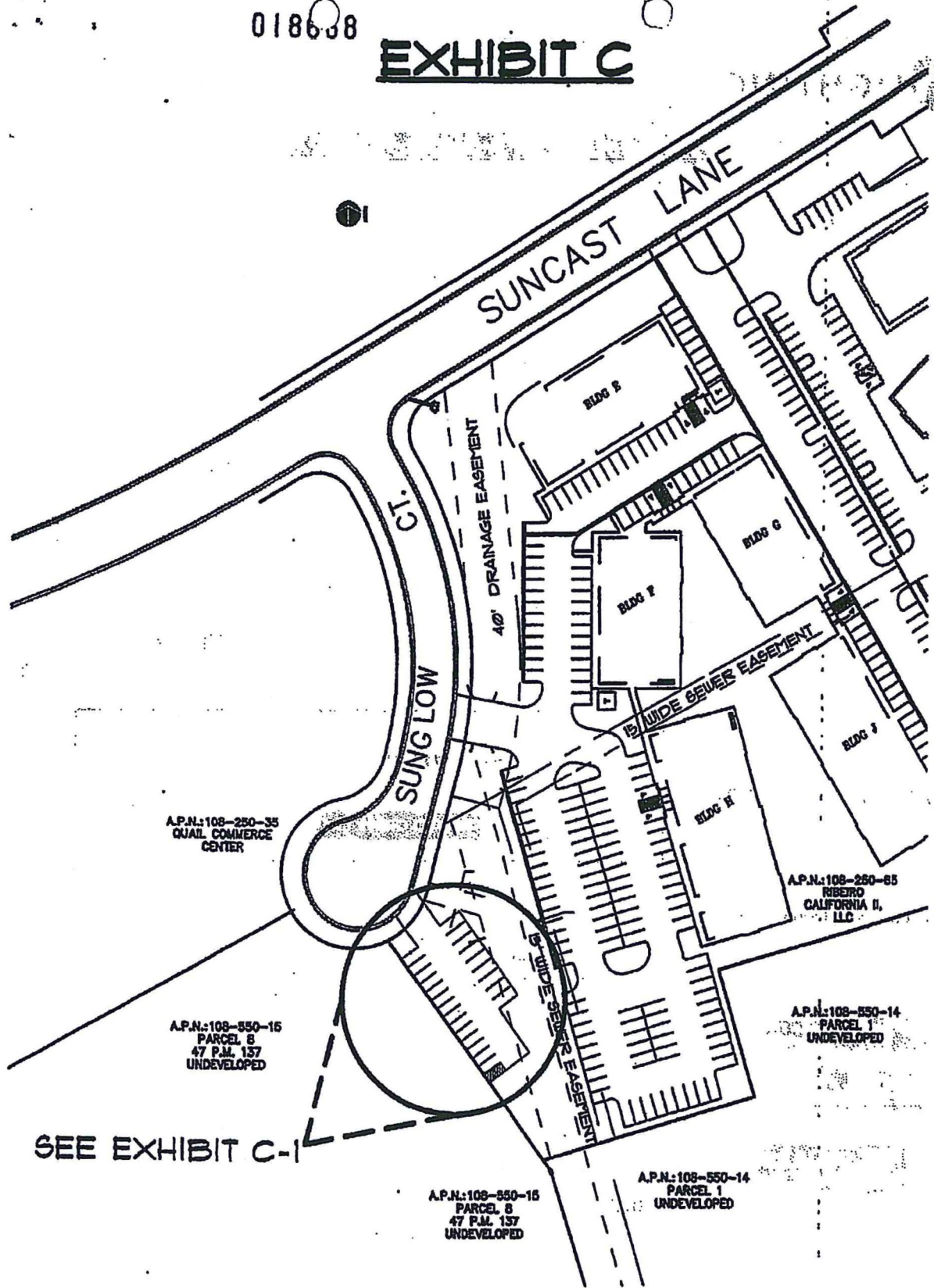
Prepared by:

  
Steven A. Gardner, L.S. 5123



018638

# EXHIBIT C



A.P.N.:108-250-35  
QUAIL COMMERCE  
CENTER

A.P.N.:108-550-16  
PARCEL 8  
47 P.M. 137  
UNDEVELOPED

A.P.N.:108-250-65  
RIBEIRO  
CALIFORNIA II,  
LLC

A.P.N.:108-550-14  
PARCEL 1  
UNDEVELOPED

A.P.N.:108-550-15  
PARCEL 8  
47 P.M. 137  
UNDEVELOPED

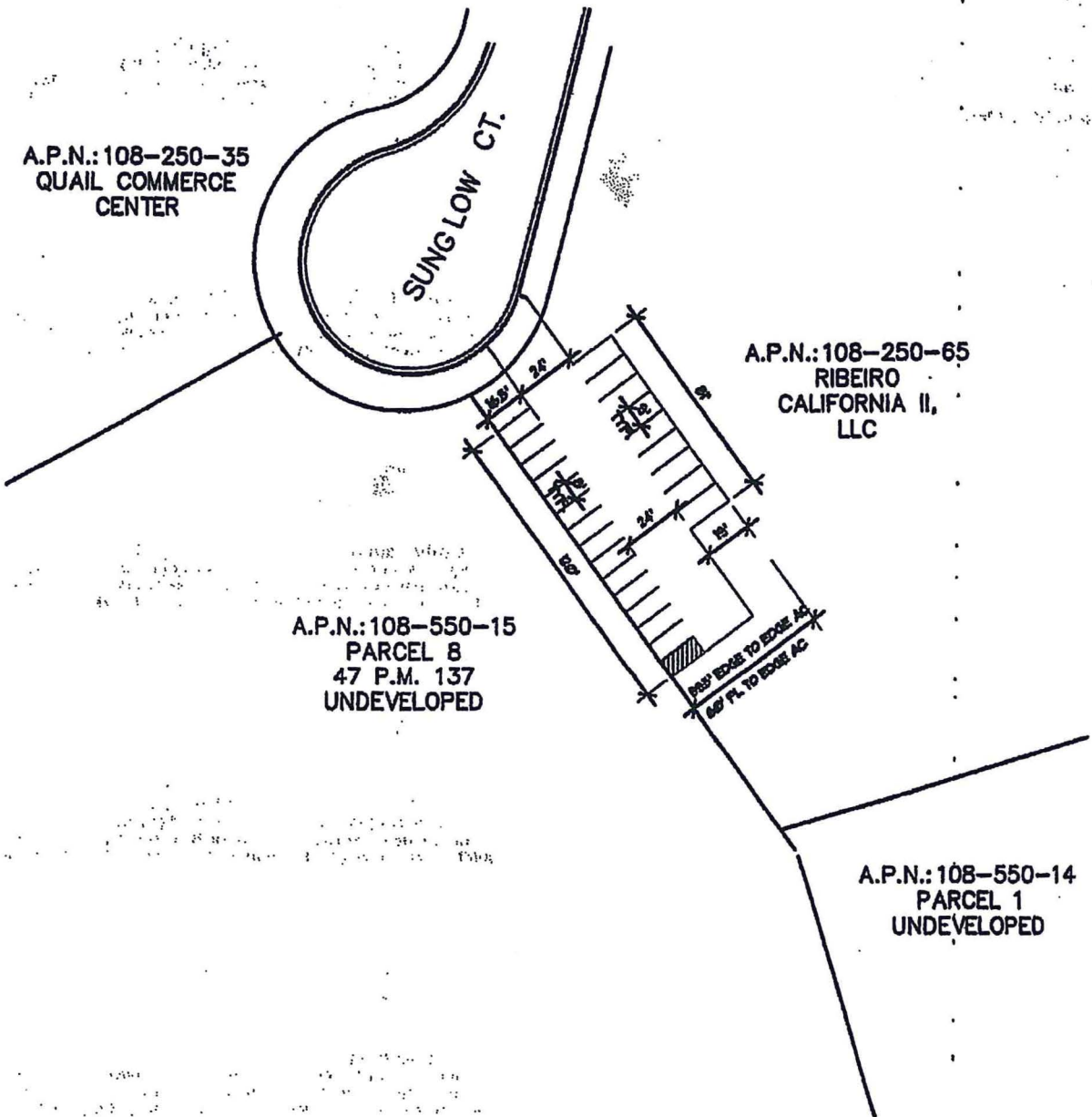
A.P.N.:108-550-14  
PARCEL 1  
UNDEVELOPED

SEE EXHIBIT C-1



018668

# EXHIBIT C-1



A.P.N.: 108-250-35  
QUAIL COMMERCE  
CENTER

SUNGLOW CT.

A.P.N.: 108-250-65  
RIBEIRO  
CALIFORNIA II,  
LLC

A.P.N.: 108-550-15  
PARCEL 8  
47 P.M. 137  
UNDEVELOPED

A.P.N.: 108-550-14  
PARCEL 1  
UNDEVELOPED

03/08/2005, 20050018668



2

RECORDING REQUESTED BY

Placer Title Company

Escrow Number: 205-7534 *K/A*

**AND WHEN RECORDED MAIL TO**

JOHNNY R. RIBEIRO  
1200 SUNCAST LANE #2  
EL DORADO HILLS, CA 95762



El Dorado, County Recorder  
William Schultz Co Recorder Office  
**DOC- 2003-0081985-00**

Acct 8-PLACER TITLE CO  
Tuesday, AUG 12, 2003 08:00:00  
Ttl Pd \$1,064.90 Nbr-0000467718  
CLC/C1/1-2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT DEED**

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$1,054.90 City Transfer Tax: \$0.00

(X) computed on full value of property conveyed, or

( ) computed on full value less value of liens and encumbrances remaining at time of sale.

PCOS  
FILED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JAMES W. CAMERON, JR. , AN UNMARRIED MAN

Hereby GRANT(S) to JOHNNY R. RIBEIRO , AN UNMARRIED MAN

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF EL DORADO, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 8 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS:

PARCEL 1, AS SHOWN ON THE PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL DORADO COUNTY, STATE OF CALIFORNIA, ON OCTOBER 4, 2001, IN BOOK 47 OF PARCEL MAPS, AT PAGE 137.

ASSESSOR'S PARCEL NUMBER

108-550-001100

108-550-12-100

Dated: July 30, 2003

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

SAME AS ABOVE

Name

Street Address

City & State

O:\Str\Fkg.doc (4/2002)

081985

SIGNATURE PAGE FOR GRANT DEED

By: James W. Cameron Jr  
JAMES W. CAMERON, JR. BY CLARK H. CAMERON,  
ATTY. IN FACT

*by Clark H. Cameron his  
attorney in fact*

STATE OF CALIFORNIA  
COUNTY OF EL DORADO

On 8/1/03 before me, KERRY MILLER personally appeared  
CLARK H. CAMERON

~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are  
subscribed to the within instrument an acknowledged to me that he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the  
person(s) acted, executed the instrument

WITNESS my hand and official seal.

Signature: *Kerry Miller*  
Commission Expiration Date: 4-29-06



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS  
DIRECTED ABOVE

SAME AS ABOVE

Name

Street Address

City & State

O:\SIrPkg.doc (4/2002)

08/12/2003, 20030081985

15-0221 Public Comment  
BOS RCVD 4-13-15 36 of 44

3



El Dorado, County Recorder  
William Schultz Co Recorder Office  
DOC- 2003-0121920-00

Acct 6-PLACER TITLE CO  
Wednesday, DEC 03, 2003 13:34:54  
Ttl Pd \$19.00 Nbr-0000518979  
MLA/C2/1-5

RECORDING REQUESTED BY:

RIBEIRO-SUNGLOW, LLC

AND WHEN RECORDED MAIL THIS  
DEED AND TAX STATEMENT TO:

RIBEIRO-SUNGLOW, LLC  
1200 SUNCAST LANE  
EL DORADO HILLS, CA 95762

Title Order No. 205-8067  
Escrow No. 205-8067-KM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned Grantor declares:  
Documentary Transfer Tax: \$ 00.00 11911  
— COMPUTED ON FULL VALUE OF  
PROPERTY CONVEYED,  
— OR COMPUTED ON FULL VALUE LESS  
LIENS AND ENCUMBRANCES REMAINING  
AT TIME OF SALE.

UNDERSIGNED

Signature of Declarant or Agent determining tax. Firm  
Name

**GRANT DEED**

PCOS  
FILED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JOHNNY R. RIBEIRO, an unmarried man

Hereby GRANT (S) to

RIBEIRO-SUNGLOW, LLC, A Nevada Limited Liability Company

The following described real property in the Unincorporated Area, County of El Dorado, State of  
California:

SEE ATTACHED EXHIBIT "A" and "B" FOR LEGAL DESCRIPTION

Portion of APN 108-550-14-100

The purpose of this deed is to affect a Boundary Line Adjustment between the land of the parties  
named herein.

JOHNNY R. RIBEIRO 9/19/03

Date: SEPTEMBER 19, 2003

121920

State of California )  
  ) <sup>ss.</sup>  
County of EL DORADO )

On SEPTEMBER 19, 2003, before me, KERRY MILLER, Notary Public personally appeared JOHNNY R. RIBEIRO personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

SIGNATURE \_\_\_\_\_

*[Handwritten Signature of Kerry Miller]*



124920

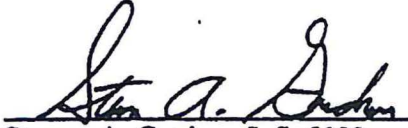
LEGAL DESCRIPTION  
EXHIBIT "A"  
TRANSFER AREA

A portion of Parcel 1, as shown on that certain Parcel Map filed in Book 47 of Parcel Maps at Page 137, El Dorado County Records.

Beginning at the most westerly corner of said Parcel 1, being located on the right of way line of Sunglow Court as shown on said Parcel Map; thence leaving said right of way line along the line common to Parcel 1 and Parcel 8 as shown on said Parcel Map South 36°09'42" East 212.10 feet; thence leaving said line common to Parcels 1 and 8 North 73°55'48" East, 178.33 feet; thence North 16°04'12" West 103.68 feet; thence North 74°15'30" East 229.48 feet; thence North 45°51'32" East 143.24 feet; thence North 29°51'55" West 73.78 feet to the southeasterly line of Parcel 37 as shown on that certain Parcel Map filed in Book 32 of Parcel Maps at Page 129 El Dorado County Records; thence along said southeasterly line South 45°51'32" West 73.55 to the most southerly corner of said Parcel 37; thence along the westerly line of said Parcel 37 North 31°02'44" West 168.70 feet to the most easterly corner of Parcel 36 as shown on Book 32 of Parcel Maps at Page 129; thence along the line common to said Parcel 36 and said Parcel 1 South 61°09'00" West 422.25 feet to a point on the easterly right of way line of Sunglow Court, a 60 feet wide public street; thence along said right of way line South 14°21'59" West 56.36 feet; thence on the arc of a tangent curve to the right with a radius of 60.00 feet, the arc of which is subtended by a chord bearing South 38°48'01" West 49.66 feet to the point of beginning.

Containing 3.02 acres, more or less.

Prepared by:

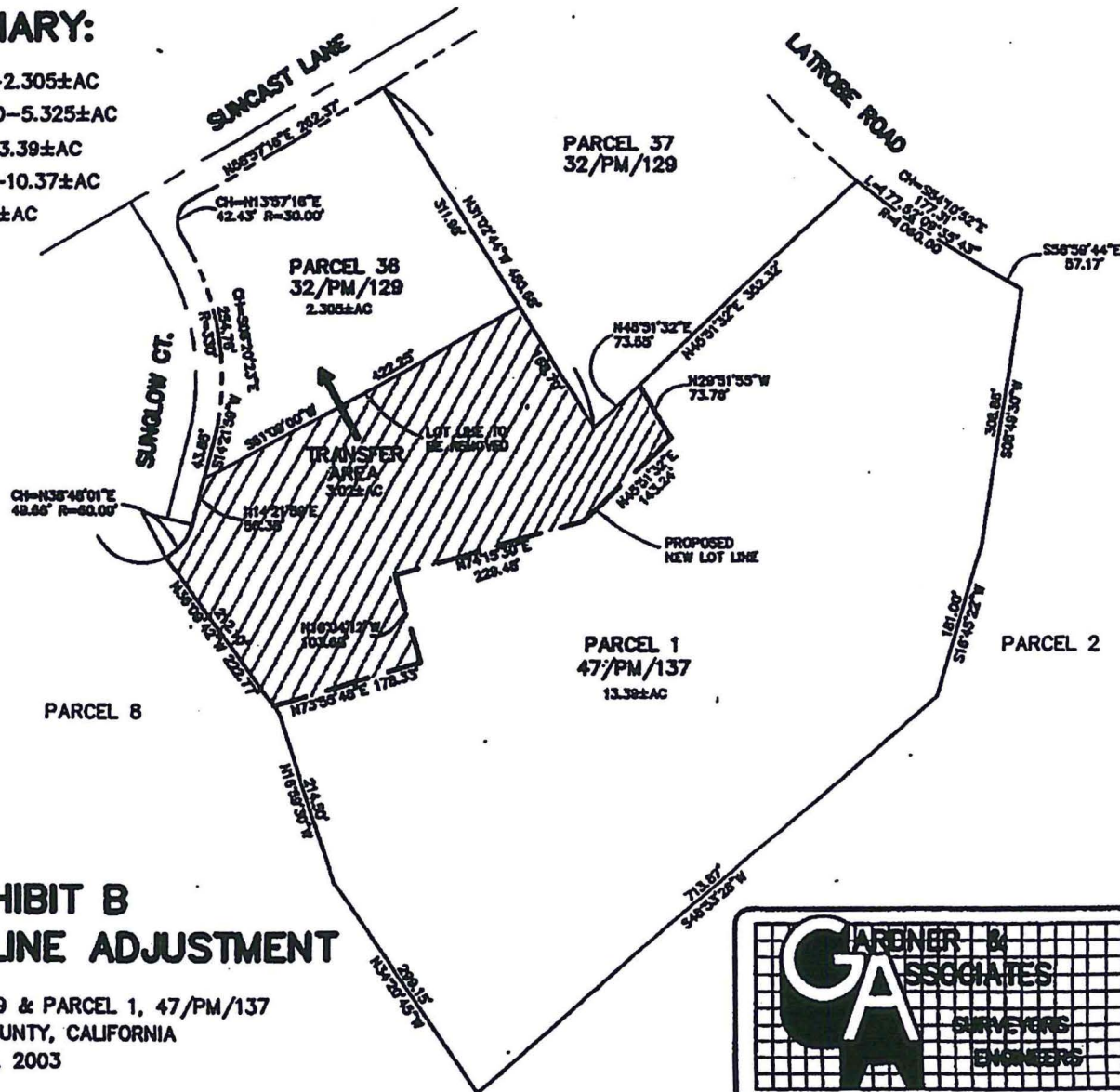
  
Steven A. Gardner, L.S. 5123



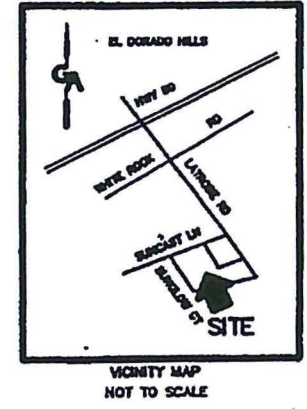
P:21920

### AREA SUMMARY:

- PARCEL 36, EXISTING—2.305±AC
- PARCEL 36, PROPOSED—5.325±AC
- PARCEL 1, EXISTING—13.39±AC
- PARCEL 1, PROPOSED—10.37±AC
- TRANSFER AREA—3.02±AC



SCALE: 1"=200'



## EXHIBIT B BOUNDARY LINE ADJUSTMENT

PARCEL 36, 32/PM/129 & PARCEL 1, 47/PM/137  
EL DORADO COUNTY, CALIFORNIA  
JULY, 2003



601 COMMERCE DRIVE  
SUITE 130  
ROSEVILLE, CA 95678  
PHONE (916) 782-5177  
FAX (916) 782-6008

G&A: 03-063



121920

FILE # BLA 03-44

EL DORADO COUNTY PLANNING DEPARTMENT

BOUNDARY LINE ADJUSTMENT & MERGE APPLICATION

PROPERTY OWNER Ribeiro Sunflow LLC Phone (916) 933-3311 FAX (916) 933-9310  
Mailing Address 1200 Sunflow Lane Ste #2 El Dorado Hills, CA 95762  
P.O. Box or street city state & zip

\* APN 108-250-361 PROPERTY SIZE (acres)/SF 2.3 Zoned R/D GPD RD TRA 054-064

PROPERTY OWNER Cameron + Assoc LLC Phone (916) 557-9324 FAX (916) 447-9324  
Mailing Address 629 J Street Ste #500 Sacramento CA 95814  
P.O. Box or street city state & zip

APN 108-550-12-162 PROPERTY SIZE (acres)/SF 9.75 Zoned R/D GPD RD TRA 054-064

90x to 108-550-14 LIST ADDITIONAL PROPERTY OWNERS ON SEPARATE SHEET

APPLICANT/AGENT Ribeiro Development Phone (916) 933-3311 FAX (916) 933-9310  
Mailing Address 1200 Sunflow Lane Ste #2 El Dorado Hills, CA 95762  
P.O. Box or street city state & zip

ENGINEER/SURVEYOR GARDNER ASSOCIATES Phone (916) 782-5177 FAX (916) 782-6008  
Mailing Address 1001 Commerce Dr. Roseville, CA 95678  
P.O. Box or street city state & zip

LOCATION: The property is located on the South side of SUNFLOW LANE, 400 feet feet/miles  
West of the intersection with LATROBE in the El Dorado Hills Business Park area.  
N/E/W/S major street or road <pick from list>

PURPOSE FOR BOUNDARY LINE ADJUSTMENT/MERGE TO CREATE ONE CONTINUOUS PARCEL  
[Signature] Date 5/30/03  
signature of property owner or authorized agent

I, C.L. Raffety, hereby certify that according to the records of this office, there are no delinquent taxes owed on the above referenced Assessor's Parcels (APN). This statement is valid through 12-10-03

Dated 8-20-03 By: [Signature] C.L. Raffety, Treasurer-Tax Collector  
Deputy

Date 7-2-03 Fee \$ 100.00 FOR OFFICE USE ONLY Receipt # 19951 Received by DWS

Census 307 Supervisor Dist 1 Section 14 Township 9N Range 8E

ACTION BY PLANNING DIRECTOR  
Date July 23, 2003  
Approved [Signature] Denied  
Planning Director

ACTION BY COUNTY SURVEYOR  
Date 12-3-03  
Approved X Denied  
County Surveyor

NOTE: Approval of this Boundary Line Adjustment must be referred to your title company for any necessary modifications of prior deeds of trust or any other encumbrance that may need to be modified.  
Distribution: File/Planning Surveyor (2/10/02)

12/03/2003, 20030121920

15-0221 Public Comment  
BOS RCVD 4-13-15 41 of 44

RECORDING REQUESTED BY

PLACER TITLE COMPANY

Escrow Number: accommodation  
AFTER RECORDED MAIL TO

JOHNNY R. RIBEIRO  
1200 SUNCAST LANE  
EL DORADO HILLS, CA 95762



El Dorado, County Recorder  
William Schultz Co Recorder Office  
DOC- 2003-0121922-00

Acct 6-PLACER TITLE CO  
Wednesday, DEC 03, 2003 13:34:54  
Ttl Pd \$13.00 Nbr-0000518982  
MLA/C2/1-3

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT DEED**

PCOS  
FILED

The undersigned grantor(s) declare(s):  
Documentary transfer tax is Tax Paid; Section 1191 I R & T Code City Transfer Tax:  
(X) computed on full value of property conveyed, or  
( ) computed on full value less value of liens and encumbrances remaining at time of sale.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, RIBEIRO-SUNGLOW, LLC, A NEVADA LIMITED LIABILITY COMPANY

Hereby GRANT(S) TO RIBEIRO-SUNGLOW, LLC A NEVADA LIMITED LIABILITY COMPANY AND RIBEIRO CALIFORNIA II, LLC, A NEVADA LIMITED LIABILITY COMPANY

See Exhibit "A" attached hereto and made a part hereof.

Dated: September 19, 2003

This Document Filed for Recording by  
PLACER TITLE CO. as an ACCOMMODATION ONLY  
has not been examined as to its execution  
or as to its affect upon the title.

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

SAME AS ABOVE

Name

Street Address

City & State

D:\Grandeed.doc (4/2002)

121922

SIGNATURE PAGE FOR GRANT DEED

RIBEIRO-SUNGLOW, LLC, A NEVADA LIMITED LIABILITY COMPANY

BY: *Johnny R. Ribeiro* 9/19/03  
JOHNNY R. RIBEIRO, MANAGING MEMBER

STATE OF CALIFORNIA  
COUNTY OF EL DORADO

On 9/19/03 before me, KERRY MILLER, NOTARY PUBLIC personally appeared  
JOHNNY R. RIBEIRO

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal.  
Signature: *Kerry Miller*



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE

SAME AS ABOVE

Name

Street Address

City & State

121922

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF EL DORADO, UNINCORPORATED AREA, AND IS DESCRIBED AS FOLLOWS:

**PARCEL ONE:**

A PORTION OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 8 EAST, M.D.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 36 AS SHOWN ON THE PARCEL MAP, FILED MAY 2, 1984 IN BOOK 32 OF PARCEL MAPS AT PAGE 129, EL DORADO COUNTY RECORDS.

**PARCEL TWO:**

A portion of Parcel 1, as shown on that certain Parcel Map filed in Book 47 of Parcel Maps at Page 137, El Dorado County Records.

Beginning at the most westerly corner of said Parcel 1, being located on the right of way line of Sunglow Court as shown on said Parcel Map; thence leaving said right of way line along the line common to Parcel 1 and Parcel 8 as shown on said Parcel Map South 36°09'42" East 212.10 feet; thence leaving said line common to Parcels 1 and 8 North 73°55'48" East, 178.33 feet; thence North 16°04'12" West 103.68 feet; thence North 74°15'30" East 229.48 feet; thence North 45°51'32" East 143.24 feet; thence North 29°51'55" West 73.78 feet to the southeasterly line of Parcel 37 as shown on that certain Parcel Map filed in Book 32 of Parcel Maps at Page 129 El Dorado County Records; thence along said southeasterly line South 45°51'32" West 73.55 to the most southerly corner of said Parcel 37; thence along the westerly line of said Parcel 37 North 31°02'44" West 168.70 feet to the most easterly corner of Parcel 36 as shown on Book 32 of Parcel Maps at Page 129; thence along the line common to said Parcel 36 and said Parcel 1 South 61°09'00" West 422.25 feet to a point on the easterly right of way line of Sunglow Court, a 60 feet wide public street; thence along said right of way line South 14°21'59" West 56.36 feet; thence on the arc of a tangent curve to the right with a radius of 60.00 feet, the arc of which is subtended by a chord bearing South 38°48'01" West 49.66 feet to the point of beginning.