

RESOLUTION NO. 2008-247

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE WAIVING SPECIFIC TIMING REQUIREMENTS INCLUDED WITHIN THE LENT RANCH SPECIAL PLANNING AREA DEVELOPMENT AGREEMENT FOR THE PROMENADE SQUARE PROJECT NO. EG-05-940, ASSESSOR PARCEL NUMBER 134-0600-039

WHEREAS, M&H Realty Partners Fund III Affiliated, L.P. (hereinafter referred to as "Applicant") is the representative for the Promenade Square District Development Plan and Development Plan Review (portion of Assessor's Parcel Number 134-0600-039) and the Applicant for the Promenade Square Project (EG-05-940) (the "Project"); and

WHEREAS, on September 5, 2001, the City entered into a Development Agreement with the Applicant and other entities for the Lent Ranch Marketplace Project; and

WHEREAS, the Applicant's proposed Promenade Square Project is subject to the Development Agreement and includes commercial and office development that is consistent with the General Plan, the Lent Ranch Special Planning Area, and all applicable Zoning Code requirements; and

WHEREAS, all required services and access to the proposed parcels are in compliance with the City's standards and are available; and

WHEREAS, the Project is located in District E of the Lent Ranch Special Planning Area, and the District Development Plan and the Development Plan Review for the Project was approved by the City Council in June of 2008; and

WHEREAS, section 13(a) of the Development Agreement provides that development in District E is not to proceed until: (i) rough grading has been completed for the Regional Mall; and (ii) completion of foundations for at least one (1) Anchor Store at the Regional Mall site. The City Council finds that these timing provisions are for the City's benefit and may be waived by the City, in its discretion; and

WHEREAS, the construction and development of the Regional Mall has not proceeded as quickly as anticipated, and the conditions set forth in section 13(a) of the Development Agreement have not yet been satisfied; and

WHEREAS, the Applicant has requested that the City Council waive the timing restrictions contained at section 13(a) of the Development Agreement and allow the Applicant to proceed with the Promenade Square Project at District E of the Lent Ranch Special Planning Area; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this request; and

WHEREAS, all potentially significant environmental effects for this Project have been adequately analyzed and addressed in the Environmental Impact Report ("EIR") previously prepared for the Lent Ranch Special Planning Area and adopted by the City in June of 2001, and EIR addendum adopted by the City in August of 2004; and

WHEREAS, The proposed action does not result in substantial changes to the project analyzed in the EIR, there are no substantial changes to the circumstances under which the project was undertaken, and there is no new information which was not known or could not have been known at the time of the certification of the prior EIR that would require preparation of a subsequent or supplemental EIR or further environmental review.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby waives the timing restrictions established by Section 13(a) of the Lent Ranch Special Planning Area Development Agreement for the Promenade Square Project (EG-05-940) only, as seen in Exhibit A Site Plan, and authorizes the Project to proceed. This waiver is limited in scope to the specific terms set forth herein, and nothing herein shall constitute a waiver of any other rights of the City in the Development Agreement or otherwise.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12th day of November 2008.


GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

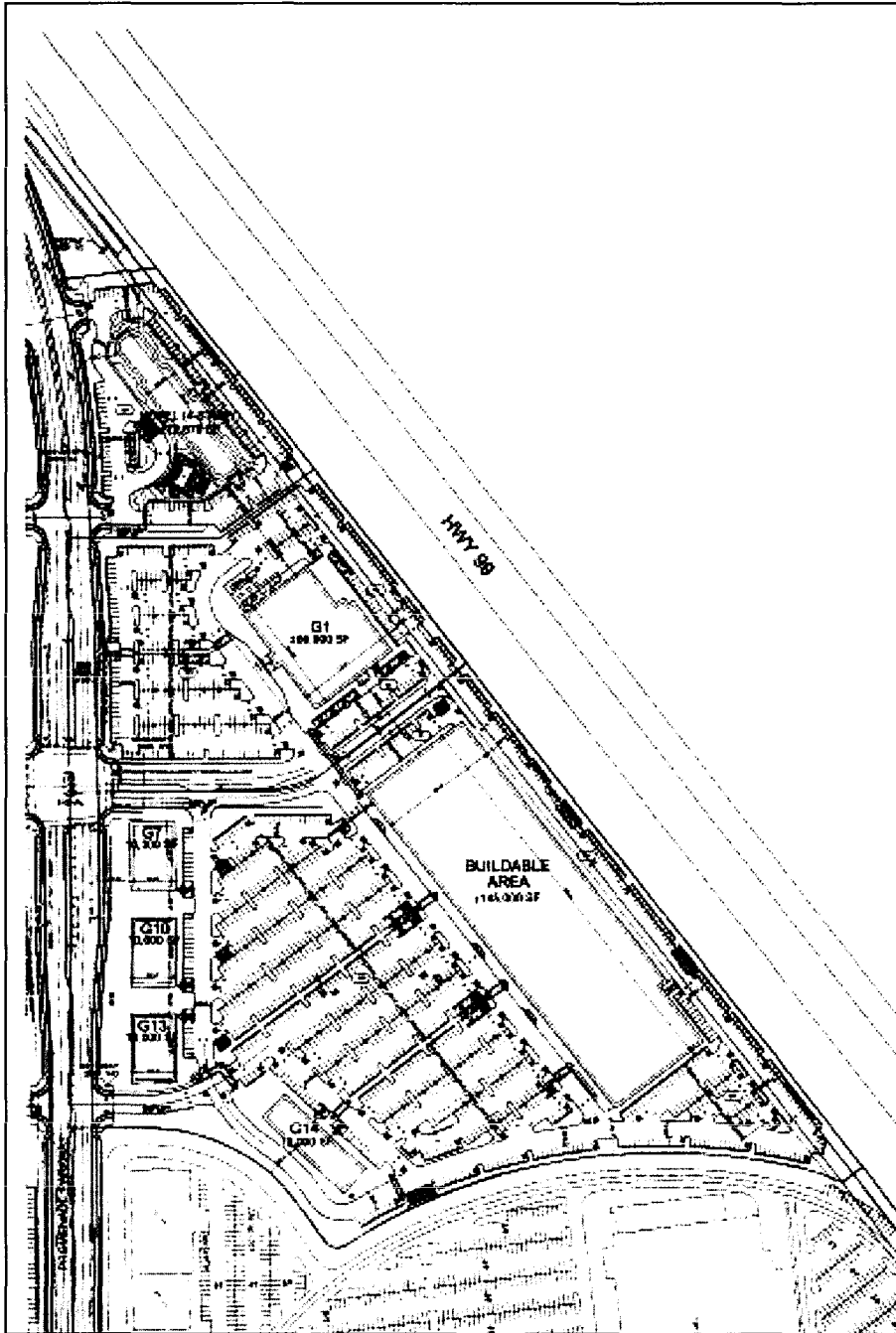
ATTEST:


SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

Exhibit A Promenade Square Site Plan



M&H REALTY PARTNERS

425 CALIFORNIA STREET
11th FLOOR
SAN FRANCISCO, CA
94104

T: 415.693.9000

SITE SUMMARY (SQUARE)

GROSS SITE AREA	±29.2 AC	±1,275,810 SF.
BUILDING AREA		
MEDICAL OFFICE (2-STORY)		69,000 SF.
HOTEL (4-STORY; 118 ROOMS)		74,856 SF.
RETAIL (BUILDABLE AREA)		145,000 SF.
RETAIL (SHOPS/RESTAURANTS)		42,000 SF.
TOTAL BUILDING AREA		310,856 SF.
FAR		0.26
OCCUPANCIES		A-3 / M / R-1

PARKING SUMMARY (SQUARE)

TYP. PARKING STALL:	9'x19'
TYP. COMPACT PARKING STALL:	9'x17'
RETAIL/MEDICAL OFFICE BUILDING AREA	
MEDICAL OFFICE (2-STORY)	69,000 SF.
RETAIL (BUILDABLE AREA)	145,000 SF.
RETAIL (SHOPS/RESTAURANTS)	42,000 SF.
(12% OF TOTAL SF)	
TOTAL BUILDING AREA	256,000 SF.
REQUIRED PARKING RATIO	5.0 / 1000 SF.
REQUIRED PARKING SPACES	1280 STALLS
PROVIDED PARKING RATIO	5.17 / 1000 SF.
PROVIDED PARKING SPACES	1325 STALLS
HOTEL BUILDING AREA	
HOTEL (4-STORY; 118 ROOMS)	72,679 SF.
TOTAL BUILDING AREA	72,679 SF.
REQUIRED PARKING	1 STALLS PER ROOM
REQUIRED PARKING SPACES	118 STALLS
PROVIDED PARKING	1.18 STALLS PER ROOM
PROVIDED PARKING SPACES	139 STALLS

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-247**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on November 12, 2008 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Hume, Cooper, Leary, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



**Susan J. Blackston, City Clerk
City of Elk Grove, California**