

ORDINANCE NO. 13-2001

AN ORDINANCE OF THE CITY OF ELK GROVE ADOPTING AND IMPLEMENTING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ELK GROVE, M&H REALTY PARTNERS III, L.P. AND LENT RANCH L.L.C., ET AL., FOR THE LENT RANCH MARKETPLACE PROJECT

The City Council of the City of Elk Grove does ordain as follows:

Section 1. Purpose and Authority

The purpose of this Ordinance is to adopt and implement the Development Agreement between the City of Elk Grove, M&H Realty Partners III, L.P. and Lent Ranch L.L.C., et al., for the Lent Ranch Marketplace Project (the "Project"). Government Code Sections 65864-65869.5 authorizes this Ordinance

Section 2. Findings

In adopting this Ordinance, the City Council makes the following findings:

1. On June 28, 2001, the Elk Grove Planning Commission held a public hearing on the Development Agreement, and recommended that the City Council adopt the Development Agreement.
2. On August 1, 2001, the City Council held a public hearing on the Development Agreement, at which time public testimony was taken and duly considered.

Section 3. CEQA Findings

1. An Environmental Impact Report (EIR) was prepared by the City to address the environmental effects of the Lent Ranch Marketplace Project, including the adoption of the Development Agreement.
2. The Lent Ranch Marketplace EIR was certified by the City Council, by City Council Resolution 2001-42, as being complete and adequate pursuant to requirements of the California Environmental Quality Act (CEQA). City Council Resolution 2001-42 is hereby incorporated into this Ordinance as if fully set forth herein.
3. The City Council finds that the significant and unavoidable environmental impacts of the Lent Ranch Marketplace Project, including the adoption of the Development Agreement, are acceptable, for each and every reason set forth in the Statement of Overriding Considerations, adopted by the City Council and set forth in City Council Resolution 2001-43.

Section 4. Additional Findings

Pursuant to Section 112-140 of the Zoning Code, the City Council hereby finds as follows:

1. **The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the City General Plan and any applicable specific plan.** (EGZC §112-140(c)(1).)

The Project and, therefore, the Development Agreement for the Project, are consistent with the objectives, policies, general land uses and programs specified in the City General Plan, as set forth in Exhibit A to Resolution 2001-43. No Specific Plan is applicable to the Project site, although a Special Planning Area (SPA) has been approved by the City to regulate development on the Project site.

2. **The Development Agreement is consistent with the goals and objectives and general land uses specified in any applicable community plan.** (EGZC §112-140(c)(2).)

No Community Plan is applicable to the Project site. However, the Project will be governed by the Lent Ranch Marketplace SPA.

3. **The Development Agreement is in conformity with public convenience, general welfare and good land use practices.** (EGZC §112-140(c)(3).)

The Project is in conformity with public convenience, general welfare and good land use practices because it will develop a Regional Mall with supporting retail and commercial services along the Highway 99 corridor that will accommodate the growing need for such services in the City of Elk Grove and adjacent communities. The Project will create a commercial, office, retail and entertainment development that is of high quality and fully integrated on one site rather than less desirable piecemeal land uses spread out over several other locations. The Project will provide an expanded economic base for the City of Elk Grove through the generation of significant increased tax revenue. The Development Agreement is necessary in order to obtain the major investment necessary to develop the Project. Absent approval of the Development Agreement, the City would not obtain the benefits of the Project to the community. The Development Agreement will establish land use regulations for a reasonable period to allow project build out in accordance with the approved entitlements for development, and to ensure a cohesive development. The Project will provide the variety of land uses noted above at one attractively designed, well-planned site, located adjacent to major highways and a freeway interchange for maximum public convenience. Residents of the multi-family residential component of the Project will be able to walk to the various neighborhood-serving amenities within the Project. The Project will also provide these services to the residents of existing and planned residential developments, thereby reducing the number of vehicle miles traveled to obtain these same services at greater distances, and improving air quality. The Project will also promote the general welfare by employing an average of 250 construction workers per year during the construction

period. At build-out, the Project will generate approximately 7,700 jobs, which will help balance the predominantly residential development that currently exists and is proposed for surrounding areas. The Project will also create indirect economic benefits and serve as a catalyst for additional economic activity as a result of job creation and the spending of Project wages in the City. Thus, in accordance with good land use practices, the Project will promote a better balance of employment, services and housing, and improve the mix of uses in the community.

4. The Project will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City as a whole. (EGZC §112-140(c)(4).)

The Project site is located within the Urban Policy Area (UPA), an area where urban services are planned within the twenty-year planning period of the General Plan. Approval of the Project will result in the development of lands within the UPA for urban uses and the provision of urban levels of public infrastructure and services to areas within the limits of the UPA. Thus, the uses proposed by the Project are consistent with those envisioned for the area in the General Plan. The infrastructure provided by the Project will facilitate access to the site and surrounding areas. The Project will contribute its fair share toward the reconstruction of the Grant Line Road/SR 99 Interchange, as well as providing other necessary roadway and intersection improvements both within, and outside of, the Project area as required to meet safety and capacity standards. These roadway improvements will help improve vehicular access and emergency response time to the Project site and surrounding areas. For example, the upgraded Interchange will improve Fire Department access to the area and will enhance the Fire Department's ability to respond to emergency calls. Therefore, rather than being detrimental, the Project will enhance the health, safety and general welfare of persons residing in the region. While much of the area surrounding the Project site is currently rural in nature, several large development projects have been proposed and/or approved in the Project vicinity. If these areas are built out as anticipated, the Project will be compatible with the surrounding urban development and, as indicated in the discussion under the previous Finding, will provide necessary retail uses in an area predominantly slated for residential development. In addition, the Project will create an attractive and pedestrian-friendly development that will enhance the visual quality of the neighborhood and provide a safe gathering place for City residents. By providing needed retail services closer to the City than presently exists, the Project will reduce overall miles traveled to access comparable commercial opportunities, and will therefore contribute to a healthier environment by reducing vehicular air emissions. As such, the Project will contribute to the public health and welfare, and will not be detrimental or injurious to property or persons in the general neighborhood. The Project will also include appropriately designed and directed lighting to help ensure Project compatibility with nearby uses, and will provide space within the Mall to the Police Department for a storefront station. Finally, the Project will be economically beneficial by providing an expanded economic base for the City and surrounding region by generating considerable revenue in the form of taxes and fees.

Therefore, the Project will not be detrimental to the health, safety and general welfare of persons or property in the immediate area, surrounding region or City as a whole.

5. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values. (EGZC §112-140(c)(5).)

As indicated above, the Project site is located within the UPA, an area where urban services are planned within the twenty-year period of the General Plan. Approval of the Project will result in the development of lands within the UPA for urban uses and the provision of urban levels of public infrastructure and services to areas within the limits of the UPA. Thus, the uses proposed by the Project are consistent with those envisioned for the area in the General Plan. The Project will contribute to a balance of land uses within the City by providing a diversity of necessary services that respond to the needs of the surrounding community and the region. The Project will be compatible with and preserve (or even increase) the property values of the predominantly residential development proposed for surrounding areas, by providing necessary and desirable services nearby. The Project, as designed, will be a cohesive, planned multi-use development, and will provide a visually pleasing, safe and attractive gathering place that will encourage community identity. A Public Facilities Financing Plan has been prepared for the Project, which identifies the major improvements, costs and likely funding for the Project. The financing mechanisms will be in place prior to the approval of building permits for the Project. This will ensure that all necessary improvements are in place in a timely manner. As a result, the Project will not adversely affect the orderly development of property, and property values will be preserved or increased.

6. The Development Agreement is consistent with the provisions of Government Code Section 65864 through 65869.5. (EGZC §112-140(c)(6).)

The Development Agreement is consistent with and satisfies the statutory provisions of Government Code §§65864 - 65869.5, which set forth the legal requirements for development agreements, as the Development Agreement contains all provisions required by Government Code §§65864 - 65869.5.

Section 5. Approval of Development Agreement

The City Council hereby approves and adopts the Development Agreement between the City of Elk Grove, M&H Realty Partners III, L.P. and Elk Grove Town Center, L.P., a Delaware limited partnership. et al., for the Lent Ranch Marketplace Project, incorporated by reference. The Mayor and City Clerk of the City of Elk Grove are hereby authorized and directed to execute and attest, respectively, the Development Agreement on behalf of the City of Elk Grove.

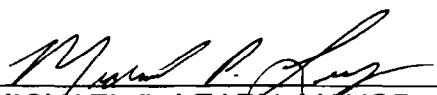
Section 6. Severability

If any provision or section of this Ordinance is determined to be unenforceable, invalid or unlawful, such determination shall not affect the enforceability of the remaining provisions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every provision or section not determined to be unenforceable, invalid or unlawful without regard to whether any portion of the Ordinance would subsequently be determined to be unenforceable, invalid or unlawful.


Section 9. Effective Date and Publication

This ordinance shall take effect 30 days after its adoption, and within 15 days following its passage, shall be published at least once in a paper of general circulation published and circulated in the City of Elk Grove.


PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 5th day of September, 2001.


MICHAEL P. LEARY, MAYOR
CITY OF ELK GROVE

ATTEST:


PEGGY JACKSON, CITY CLERK
CITY OF ELK GROVE

APPROVED AS TO FORM:


ANTHONY MANZANETTI,
CITY ATTORNEY
CITY OF ELK GROVE

AYES: Leary, Scherman, Cooper,
Briggs, Soares
NOES: None
ABSTAIN: None
ABSENT: None

Effective date: October 5, 2001