

**CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY
CALIFORNIA RECYCLE UNDERUTILIZED SITES REMEDIATION PROGRAM**

Meeting Date: May 27, 2009

Request to Approve Amendment to Infill Grant Award

Prepared by: *Center for Creative Land Recycling and Diana Michaelson, CPCFA*

Applicant: Calvin and Elk Grove-Florin, LLC	Type of Funding Requested: Grant
Project Name: Curtis Park Village	Grant Amount: \$4,018,066
Project Sacramento	Application No.: 21
Location: (Sacramento County)	Strategic Partner: CCLR
	Prior Actions: Application No. 21 Approved 11/19/08

Summary. Calvin and Elk Grove-Florin, LLC (“CEGF”) and/or its Affiliates (the “Applicant”) request approval to amend the specific legal entity that received an Infill Grant of \$4,018,066 awarded for the Curtis Park Village project (the “Project”) from Petrovich Development Company, LLC to Calvin and Elk Grove-Florin, LLC.

Background. On November 19, 2008, the Board approved a grant in the amount of \$4,018,066 to Petrovich Development Company, LLC (PDC) to fund the Curtis Park Village Project. Subsequent to that approval, staff was informed that Calvin Elk Grove-Florin, LLC is the actual legal entity that is both 1) the owner of the property, and 2) responsible for and authorized to clean up and develop the property. The entities’ names had inadvertently been utilized interchangeably throughout the application. The ownership of both PDC and CEGF is identical, as follows:

Petrovich Development Company, LLC

Paul S. Petrovich and Cheryl K. Petrovich, as trustees of the Petrovich Family Trust, 100% Interest.

Calvin Elk Grove-Florin, LLC

Paul S. Petrovich and Cheryl K. Petrovich, as trustees of the Petrovich Family Trust, 100% Interest.

As part of the necessary due diligence, Authority staff requested that CEGF submit 1) an amended application that includes the correct Applicant and 2) a new legal questionnaire. In addition, in reviewing the Authority’s previous action, staff discovered the project location listed in Exhibit A was incorrect. Exhibit A (see attached) has been corrected to show the actual location of the project.

Applicant. Calvin and Elk Grove-Florin, LLC is a for-profit corporation established November 13, 2000 in Fair Oaks, California. The owners of the corporation are Paul S. Petrovich (President and Treasurer) and Cheryl K. Petrovich (Vice-President and Secretary) as trustees of the Petrovich Family Trust, 100% Interest. The Manager is Paul S. Petrovich.

Legal Questionnaire. Staff has reviewed the Applicant’s responses to the questions contained in the Legal Status portion of the Application. No information was disclosed that raises questions concerning the financial viability or legal integrity of this applicant.

Agenda Item – 4.C.2.

Staff Recommendation. Staff recommends approval of the attached Resolution transferring the previous award for the Curtis Park Village Project from Petrovich Development Company, LLC to Calvine and Elk-Grove Florin, LLC and/or its Affiliates.

A RESOLUTION OF
THE CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY
APPROVING AN AMENDMENT TO THE RESOLUTION OF NOVEMBER 19, 2008
FOR PETROVICH DEVELOPMENT COMPANY, LLC AND
TRANSFERRING THE PREVIOUS AWARD TO CALVINE ELK GROVE-FLORIN, LLC
CALIFORNIA RECYCLE UNDERUTILIZED SITES REMEDIATION PROGRAM

May 27, 2009

WHEREAS, the California Pollution Control Financing Authority (the “Authority”), a public instrumentality of the State of California, on November 19, 2008 approved a grant in the amount of \$4,018,006 for the Curtis Park Village Project; and

WHEREAS, the grant was awarded to Petrovich Development Company, LLC; and

WHEREAS, Calvine and Elk Grove-Florin, LLC is the actual applicant and legal owner of Curtis Park Village; and

WHEREAS, the ownership and development team of Petrovich Development Company, LLC and Calvine Elk Grove-Florin, LLC is identical, and Calvine Elk Grove-Florin, LLC has the authority and responsibility to complete the Brownfield Infill Project and Infill Development Project; and

WHEREAS, approval for amending the Resolution is sought;

NOW THEREFORE BE IT RESOLVED by the California Pollution Control Financing Authority, as follows:

Section 1. The November 19, 2008 Petrovich Development Company, LLC Resolution is amended to transfer the award of the CALReUSE grant to Calvine and Elk Grove-Florin, LLC for the Curtis Park Village Project, and all occurrences of “Petrovich Development Company, LLC” are replaced with “Calvine and Elk Grove-Florin, LLC.”

Exhibit A

TERM SHEET

Name of Project:	Curtis Park Village
Maximum Amount of Grant:	\$4,018,066
Strategic Partner:	Center for Creative Land Recycling
Grantee:	Calvine and Elk Grove-Florin, LLC
Financing Structure:	Grant
Maximum Grant Term:	Not to exceed 6 years from first draw on funds
Oversight Agency:	CA Department of Toxic Substance Control
Project Location:	Curtis Park Village NW Corner of Sutterville Road near 24 th St. Sacramento, California 95818 Parcel No. 013-0010-027
Infill Development Description:	80 Senior Units: 20 units will be at 60% AMI, 39 units will be at 50% AMI, and the remaining 21 will be market rate.