



**CITY OF MARTINEZ**

**CITY COUNCIL AGENDA  
June 2, 2010**

**TO:** Mayor and City Council

**FROM:** Karen L. Majors, Assistant City Manager Community and Economic Development

**SUBJECT:** Consideration of First Amendment to Tolling Agreement with Richfield Development regarding the Alhambra Highlands Subdivisions

**DATE:** May 10, 2010

**RECOMMENDATION:**

Make motion approving the first amendment to the tolling agreement with Richfield Development regarding the Alhambra Highlands Subdivisions.

**BACKGROUND:**

The City of Martinez entered into an agreement with Richfield Development on November 4, 2009 with an August 13, 2009 effective date. The purpose of the agreement was to specify the terms upon which the parties agreed to the tolling of time to file a legal action regarding the processing of the resubmitted application for the Alhambra Highlands subdivisions. The agreement specified that the City "exercise its best efforts to complete the processing of the 2008 applications and take action on said applications on or before June 10, 2010". While both parties have been working expeditiously to complete the processing of Richfield's applications, an extension of time is needed. Both parties agree that the June 10, 2010 time limit be extended for six months to December 10, 2010. The proposed amendment documents this time extension.

**ACTION:**

Make motion approving the first amendment to the tolling agreement with Richfield Development regarding the Alhambra Highlands Subdivisions.

Attachments:

- 1) First Amendment to the Tolling Agreement
- 2) Exhibit A Revised Schedule

**APPROVED BY:**

A handwritten signature in black ink, appearing to read "Phil Vire", is written over the "APPROVED BY:" label.

City Manager

## **FIRST AMENDMENT TO AGREEMENT**

This First Amendment to Agreement is made this \_\_\_\_ day of June, 2010, by and between RICHFIELD INVESTMENT CORPORATION (dba "Richfield Development", a Texas Corporation and the developer of the Alhambra Highlands Project ("Richfield") and the City of Martinez, a general law city of the State of California "City").

### **RECITALS**

WHEREAS, by Agreement dated August 13, 2009, Richfield and the City agreed to the tolling of the statute of limitation relating to and to certain timelines relating to the processing of the 2008 Applications for the Alhambra Highlands Project in the City of Martinez (hereafter, the "2009 Agreement"); and

WHEREAS, the parties hereto have each been diligently performing their respective obligations under the 2009 Agreement; and

WHEREAS, the parties wish to extend the time periods for the processing of the 2008 Applications as outlined in the 2009 Agreement in order to permit said process to continue through to completion and afford the public an opportunity to thoroughly review and comment upon said 2008 Applications.

NOW, THEREFORE, the parties agree as follows:

1. Paragraph 9 of the 2009 Agreement is hereby amended to read as follows:

Except as otherwise expressly provided in the Agreement, the City shall process the 2008 Applications in accordance with the applicable time periods specified in the Permit Streamlining Act ("PSA") and the State Subdivision map act ("SMA"), and as to performance time periods specified in the Agreement that differ from the PSA

and/or SMA (specifically those time periods set forth in Exhibit A, attached hereto and incorporated herein by reference), the City shall be required to exercise its best efforts to comply with said performance time periods. The City shall exercise its best efforts to (i) complete the processing of the 2008 Applications and (ii) take action on said applications on or before December 10, 2010.

2. Exhibit A to the 2009 Agreement is hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein by reference.
3. In all other respects the 2009 Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

**RICHFIELD INVESTMENT CORPORATION**

BY: \_\_\_\_\_  
Ricardo Sabella, President

**CITY OF MARTINEZ**

BY: \_\_\_\_\_  
Rob Schroder, Mayor

Alhambra Highlands VTM, PUD, UP  
Entitlement and CEQA Schedule  
Assumes CEQA Determination of Supplemental EIR

Prepared 04/20/10 revised 05/28/10

	Task/Milestone	Weeks/ Days	Cumulative Weeks	Date / Week of	Note
1	xx Completeness letter out (revised)	2 weeks	1	09/25/09	Completed task, begin calendar
2	xx UP Partners begin CEQA	1 day	10	11/23/09	
3	xx Completeness review / letter	30 days	15	12/21/09	Permit Streamlining Act
4	xx Submit final materials for distribution	1	16	12/28/09	
5	xx CEQA Environmental findings / IS **	6 weeks	16	01/04/10	Admin draft of memo and initial study
6	xx CEQA City review	3 weeks	19	01/25/10	MMS to review, UP begins EIR work
7	xx CEQA Publish NOP/IS	1 week	22	02/18/10	
8	xx CEQA Admin draft EIR submittal	1 day	24	03/03/10	City and MMS review
9	xx CEQA EIR scoping meeting	1 day	25	03/09/10	
10	xx CEQA IS / NOP public review ends	30 days	28	04/01/10	Sent out week of 2/12
11	xx CEQA City review admin draft EIR	10 wks	29	04/09/10	
12	CEQA submit screencheck	1 day	38	06/11/10	
13	CEQA City review screencheck SDEIR	4 days	41	06/30/10	
14	CEQA Publish SDEIR	1 week	42	07/09/10	CEQA EIR 45 day review begins
15	x Draft conditions of approval	2 weeks	43	07/11/10	Begin preparation of COA
16	CEQA P.C. Review SDEIR	1 day	45	07/27/10	Requires 10 day notice (7/16)
17	Public notice PC hearing	10 days	43	07/16/10	SEIR, PUD, VTM, CUP, UP ¼ mile radius
18	CEQA SDEIR review period ends	45 days	49	08/24/10	All comments received by city for prep to UP
19	Planning Commission Hearing #1 ^^	2 weeks	52	09/14/10	on SEIR, PUD, VTM, CUP & UP
20	Planning Commission hearing #2 ^^	3 weeks	54	09/28/10	on SEIR, PUD, VTM, CUP & UP
21	City Council public hearing(s)^	1	58	10/05/10	1 <sup>st</sup> and 3 <sup>rd</sup> Wednesdays 10 day notice req.
22	CEQA publish RTC/FSEIR	1 days	58	10/06/10	Agency review of FEIR

(I) This is a very aggressive schedule and does not include any tasks and/or time for potential disruptions that commonly occur in the entitlement process.

\*\* Add 3-4 months if CEQA determination requires EIR (this CEQA extension has been implemented into this schedule)

xx Task completed

x Current task

^^ Assumes 2 PC hearings

\*^ Includes 1 CC hearings