

Fwd: Please forward to all City Council members, and Jim Erickson, Charlie Knox, Dan Iacofano; pls make x

From: Anne Cardwell
To: Charlie Knox; Council; danieli@migcom.com; Heather McLaughlin; janek@migcom.com
Date: 1/6/2009 1:08 PM
Subject: Fwd: Please forward to all City Council members, and Jim Erickson, Charlie Knox, Dan Iacofano; pls make x
CC: Jayne York

>>> Norma Fox <normafox@hotmail.com> 1/6/2009 12:53 PM >>>
 Dear City Council members,

(1) In preparation for the upcoming community workshop on the Seeno Agreement, I am respectfully requesting that you take the time to familiarize yourself with the Green Gateway Group's "Green Gateway, 21st Century Possibility" report that they produced last September. At the time in September, you may have felt it was not appropriate or relevant to the decisions you were facing, but it is certainly relevant to the subject of next Wednesday's workshop.

The report draws on data and research from multiple sources, and pulls together in one place the key elements of the public testimony that you have heard over the past year. It utilizes these ideas to flesh out a framework illustrating the guiding principles and possibilities for a business park project that conforms to 21st century restraints and opportunities -- and one that truly reflects the goals and principles of our General Plan.

The report, "Green Gateway Business Community -- A 21st Century Possibility" can be downloaded HERE from the Green Gateway website <http://www.greengatewaygroup.org> .

(2) In addition, I urge you to take some time to peruse some of the online documents relating to the **660 acre Brisbane Baylands project**. These various documents (staff reports, agendas, special reports and updates; the project Alternatives envisioned by community workshops, etc.) can be reviewed or downloaded HERE from the main Baylands web page <http://www.ci.brisbane.ca.us/html/cityDept/comDev/baylands.asp> .

I think it's important for our city leaders to know specifically what's going on with the Baylands Specific Plan process because their project (cleantech focused commercial & industrial/plus community open space) is so much like ours, and because they're demanding -- and getting -- the very best community-based process, and through that process they're on track to achieving a first class, successful and sustainable 21st Century project. They're not selling themselves short in the process, and our city leaders should be informed about the process they're using, and the sustainable project they're envisioning, and not settle for anything less for the city of Benicia!!

For instance, frankly I'm shocked that Benicia is footing the \$4,745 bill for this facilitated workshop. This workshop is only happening because Seeno asked the Council to reconsider their

vote, so why shouldn't Seeno be paying for it?!

I don't believe Brisbane would ever accept that kind of financial arrangement. They have enjoyed the gold standard in their specific plan process (managed by outside consultants Dyett & Bhatia, informed by many invited guest speakers to educate the public about best practices, many facilitated community workshops to to envision and prepare three community alternative plans, etc.). And ALL of this process has been paid for by the property owners, Universal Paragon Corp (UPC).

Currently, Brisbane has decided they need to develop a master plan for the open space park component of the community alternative plan. They are going to hire Dangermond & Assoc., an open space and parks consulting firm, to conduct workshops and prepare the master plan for the open space park. The property owner (UPC) is going to pay for all of this new additional expense. The open space master plan must be completed before the community alternative plan, and the Specific Plan as a whole, can be finalized (and before the EIR can commence).

In addition, staff is suggesting the need for some quantitative sustainability analysis (life cycle costing assessment, especially relating to GHG impacts). They are also calling for a new guest speakers series, and a door to door community survey. These additional costs would also be paid by the property owner.

You can read about all this in their latest staff reports here: 11/17/08 and 12/15/08 and 1/5/09 .

In my opinion, if we can't get a commitment from Mr. Seeno to support the same thorough, community-based, and first class specific plan process that Brisbane has enjoyed -- and ALL OF IT PAID BY SEENO-- then there is no real advantage to reversing the Council's November vote, and I urge you not to do it!

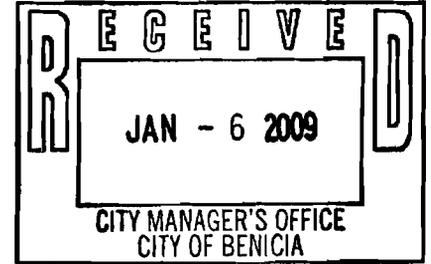
After all, if Seeno insists that Benicia should bear the costs for the specific plan process, or any of the other components called for in the Agreement letter, then Seeno should be required to come back to the city with a new project application so that at least they will be paying project fees based on the city's 2009 rates.

Sincerely,
Norma Fox

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BENICIA INDUSTRIAL PARK ASSOCIATION
601 First Street, Suite 100
Benicia, California 94510



January 6, 2009

Mayor Elizabeth Patterson and City Council Members
City of Benicia, City Hall
250 East L Street
Benicia, CA 94510

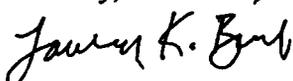
Re: Proposed Benicia Business Park

Dear Mayor Patterson and City Council Members:

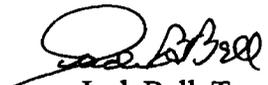
On behalf of the Benicia Industrial Park Association, thank you for your willingness to reopen discussions with Discovery Builders regarding the Benicia Business Park. As you are aware, the proposed project will provide necessary future economic stability for our community, benefiting the citizens of Benicia.

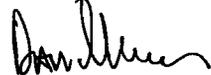
We look forward to this project moving forward with a positive outcome in the very near future.

Sincerely,


Lauren Bird, President
Benicia Industrial Park Association


Brian Tulloch, Vice President
Benicia Industrial Park Association


Jack Bell, Trustee


Dan Miceli, Trustee


Jimmy Triplett, Trustee


Phil Garrett, Trustee


Norm Hattich, Trustee


Larry Hazard, Trustee


Len Cucciare, Trustee



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January 23, 2009

Dear Mayor Patterson and Members of the Benicia City Council:

After my conversations with members of the City Council and after the January 7, 2009 Community Meeting and further discussions within our organization, we offer the following in the hope that you will rescind your November 18, 2008 decision to deny our application to develop the Benicia Business Park Project. Please be advised that the commitments set forth herein are made by both the project owner, West Coast Home Builders, Inc. and the project developer, Discovery Builders, Inc. (hereafter collectively "Discovery Builders"). To that end please accept the following offer:

If, at the Feb 3, 2009 City Council meeting, the City Council votes to rescind its decision to deny our project we will commit to the following in exchange for said rescission:

I. WAIVER AND EXTENSION OF TIME LIMITS

Discovery Builders shall waive any present or past statutory or regulatory timelines for the Project and its application. We further agree to extend any time limits that may have accrued or will accrue as a result of the continued procession of our project for 12 months from the date of the Council's decision to overturn the Project denial. Timeliness of the process is essential to our agreement, however if the process takes longer, we are committed to continuing to work with the City and we will grant a 6 month extension in good faith.

II. DEVELOPMENT AGREEMENT

Discovery Builders shall enter into a Development Agreement with the City of Benicia. We shall negotiate the terms of the Agreement in good faith, but we acknowledge at the outset that the Agreement shall include the following components as well as others:

- A. The Specific Plan and all conditions of approval already introduced for the Project shall be terms of the Development Agreement unless the City Council determines one or more terms unnecessary;
- B. The agreement shall include a requirement that Discovery Builders negotiate a separate written agreement with the Benicia Unified School District (the BUSD Agreement) to address the Project's impacts on Semple School, and that said agreement is in place prior to approval of the Development Agreement.

- C. The Agreement shall include a requirement that Discovery Builders enter into a separate written agreement (the PLA) with certain unions, including those commonly known as Building Trades, for work to be done on the Project and that said agreement be in place prior to approval of the Development Agreement.
- D. The terms of the BUSD agreement and the PLA are separate from the Development Agreement but must be in place prior to approval of the Development Agreement.

III. SUBSEQUENT EIR

In conjunction with the Development Agreement, Discovery Builders shall fund a Subsequent EIR (SubEIR) for the Project:

- A. The processing of the SubEIR shall include two scoping sessions.
- B. The Health Risk Assessment prepared by LSA, dated November 2008, shall not be used or relied upon in any way during the environmental review and/or further processing of Project approvals;
- C. The SubEIR shall be prepared by an independent consultant of the City's choosing, *but in no case shall LSA be contracted for further work on the Project environmental review or Project approvals*;
- D. All studies required by the mitigation measures and/or conditions of approval shall be completed prior to issuance of the first grading permit.
- E. Updated Economic Analysis and Market Study of the Project shall be included in the SubEIR.
- F. Updated Health Risk Assessment shall be included in the SubEIR.
- G. SubEIR will identify that Development Agreement will be part of the Project.

IV. AB32 and SB 375

The Project shall comply with the requirements of AB32 and SB 375. This will include implementation of a Transportation Demand Management (TDM) plan to reduce emissions and vehicle use. A TDM plan will need to be approved for every phase of Project development by the City of Benicia prior to issuance of the first building permit for that Phase. This TDM will include a free express shuttle service funded by a Benicia Business Park CFD. This express shuttle service will serve the Project site and Downtown Benicia. The TDM plan will also include designs for a transit center constructed on the Project site with properly planned and located shuttle stops. The TDM plan will also provide guidelines and requirements for shared-use parking, traffic calming mechanisms, bike rack locations, carpool and van-pool ride match programs and requirements for implementation of bike paths and walking paths. This Project will be required to provide funds to extend the Benicia Breeze to the Project site. Bio-swales and bio-retention basins must be integrated into the Project design and all buildings within the Project must be LEED certified

V. SPECIFIC PLAN

In conjunction with the Development Agreement and SubEIR Discovery Builders shall work with the City to process a Specific Plan for the Project consistent with the existing General Plan as part of the Project approval process. The Specific Plan shall follow the requirements of Government Code Section 65451. The Specific Plan will establish detailed development standards for the entire Project. Input from the community and all stakeholders will be included and used to develop the Specific Plan.

VI. ADDITIONAL TERMS AT COUNCIL'S DISCRETION

In addition to the above commitments, we agree to the following::

- A. We will fund reasonable City expenses associated with the establishment and operation of a Community Advisory Panel or Commission for the Project as determined by the City Council.
- B. We will fund reasonable City expenses associated with the establishment and operation of a Business Recruitment Program for the Project.
- C. We will cooperate with the City in establishing a timetable for actively processing and pursuing project entitlements:
We will work with the City to determine realistic dates for completing the Specific Plan, certifying the SEIR, Approval of the Vesting Tentative Map, Master Plan Overlay and Development Agreement.
- D. We will promote use of local hires.
- E. Implement the current General Plan which is a consensus based plan for the City of Benicia.
- F. Encourage and promote green/clean technology users and develop proactive recruitment plan.
- G. We will communicate with public, city and staff and take the time necessary for comprehensive development, processing and community engagement.
- H. We will work with the City in developing ways in which to make the Project economically sustainable and feasible for potential users.

Thank you for your time and consideration.

Best Regards,


Albert D. Seeno III
President