



February 29, 2024

Doug Chen, RCE, LS
AD Seeno Construction Co.
4021 Port Chicago Highway
Concord, CA 94520

Via email to: dchen@seenohomes.com

Re: Rose Estates Preliminary Housing Application
Application No. PHD-23-1

Via U.S. Mail and Email

Dear Mr. Chen,

During our meeting on January 9, 2024, you asserted that the preliminary application you submitted on September 15, 2023 is complete. We are writing to identify the items necessary to complete your preliminary application that have not yet been submitted.

This communication follows up on the status of the Rose Estates Preliminary Housing Application. As detailed in correspondence from the City dated December 13, 2023, the preliminary application does not include all of the information identified in subdivision (a) of Government Code Section 65941.1, and as such, it has not yet been deemed complete.

As you will recall from the Department of Housing and Community Development's communications dated October 23, 2023, the preliminary application is not deemed complete because there is an unresolved property ownership issue that prevents the City from verifying the property owner's consent to the application pursuant to Government Code section 65941.1, subdivision (a)(13). As has been stated in prior communication from the Benicia City Attorney dated August 31, 2023, there is active litigation pending in the superior court that concerns who does in fact control WCHB, LLC. The appropriate documentation to resolve this issue is a final order from the trial court or other fully executed agreement between the parties.

In addition, as of this time, the following information remains outstanding:

- The existing uses on the project site and **identification of major physical alterations** to the property on which the project is to be located. *Section 65941.1(a)(2)*.

Major physical alterations such as right-of-way vacation/relocation and site grading are not identified in the submitted materials.

- A site plan showing the location on the property, **elevations showing** design, color, and material, and the massing, **height, and approximate square footage**, of each building that is to be occupied. *Section 65941.1(a)(3)*

The residential elevations provided do not specify height. The commercial elevations provided do not specify the approximate square footage of each building.

- The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915. *Section 65941.1(a)(11)*

The application indicates up to 35% density bonus dwelling units (315 units) but does not identify the incentives, concessions, waivers or parking reductions requested.

- Whether a portion of the property is located within any of the following: **Wetlands**, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993); A **stream or other resource that may be subject to a streambed alteration agreement** pursuant to Chapter 6 (commencing with [Section 1600](#)) of [Division 2 of the Fish and Game Code](#) *Sections 65941.1(a)(8)(B) and 65941.1(F)*

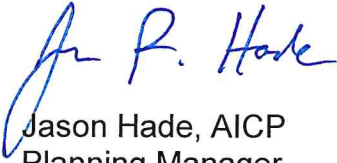
Various maps of record (2007 EIR, Federal and State data resources) indicate the presence of wetlands, streams and streambeds. The presence of these resources is not identified in the materials submitted.

In a meeting on January 9, 2024, you indicated that up to 1,500 units would be constructed. This differs from the City's understanding as per the September 15, 2023 submittal that indicated up to 900 units are proposed and the City's December 13, 2023 letter. Please provide clarification.

In the course of the January 9, 2024, meeting and further communicated via email on January 26, 2024, the City expressed its interest and availability to offer further feedback and technical information concerning the development of this site. However, at this time, there is insufficient information to facilitate a productive discussion with WCHB and its design team as the items identified above have not yet been submitted.

To complete your preliminary application, you may submit the materials outlined above to the application file for PHD-23-1 in the City's online permit center.

Sincerely,

A handwritten signature in blue ink that reads "Jason R. Hade". The signature is written in a cursive style with a large initial "J" and "R".

Jason Hade, AICP
Planning Manager
Community Development Department

cc: Mario Giuliani, City Manager
Benjamin Stock, City Attorney
Suzanne Thorsen, AICP, Community Development Director