

December 13, 2023

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,

The City is in receipt of the Preliminary Housing Application for Rose Estates, which was received on September 15, 2023¹ pursuant to Government Code Section 65941.1 ("Section 65941.1"). Although subdivision (d)(3) of Section 65941.1 provides that no affirmative determination is required, you have requested the City to confirm whether your Preliminary Housing Application is deemed submitted.

Subdivision (a) of Section 65941.1 provides that a Preliminary Housing Application shall be deemed submitted upon providing the information listed in paragraphs (1) through (17) of that subdivision and payment of the permit processing fee. As detailed below, as of the date of this letter, the submittal received from WCHB, LLC does not include all of the information required by subdivision (a) of Section 65941.1. Therefore, the Preliminary Housing Application is not yet deemed submitted:

- 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)*

¹ Site plan and elevations associated with your prior submittal of August 17, 2023 were returned to Discovery Design Group via correspondence from Patrick Gunn of Cooley LLP on August 24, 2023.

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.

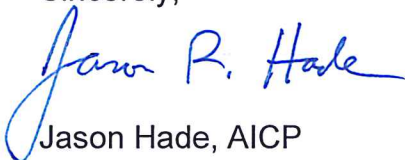
- Whether a portion of the property is located within any of the following: **Wetlands**, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993); A **stream or other resource that may be subject to a streambed alteration agreement** pursuant to Chapter 6 (commencing 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.

Finally, as you will recall from the Department of Housing and Community Development's communications dated October 23, 2023, the preliminary application is not vested pursuant to Government Code section 65941.1, subdivision (a)(13) because there is an unresolved property ownership issue. 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.

If you wish to discuss the use and/or development of this site further, please contact me at jhade@ci.benicia.ca.us or (707) 746-4277.

Sincerely,



Jason Hade, AICP
Planning Manager
Community Development Department

cc: Albert Seeno Jr.
Albert Seeno III
David Young, Discovery Builders Inc.
Patrick Gunn, Cooley LLP
Mario Giuliani, City Manager
Benjamin Stock, City Attorney
Suzanne Thorsen, AICP, Community Development Director
Erwin Ordenez, Principal Planner, Interwest