

Heather McLaughlin - Thanks for Seeno Packet

From: Jan Cox Golovich <janlcg@gmail.com>
To: Heather McLaughlin <heather.mclaughlin@ci.benicia.ca.us>
Date: 12/23/2005 10:31 AM
Subject: Thanks for Seeno Packet
CC: Kitty Griffin <kittysmail@aol.com>, Elizabeth Patterson <elopato@pacbell.net>, Jim Erickson <Jim.Erickson@ci.benicia.ca.us>, Bob Brown <bob.brown@ci.benicia.ca.us>, Dan Schiada <Dan.Schiada@ci.benicia.ca.us>

Dear Heather,

Thank you and City staff very much for putting together the Seeno documents for the LWV's study committee. I know it took a lot of time and effort and I want you to know that I really appreciate it.

So "Happy Holidays" to you and City staff! (or should I say "Merry Christmas and Happy New Year"
🌐) Ha! Have fun with that one. It's nice to know that I am not your **worst** nightmare.

Best wishes,

Jan

Heather McLaughlin - Re: Seeno/Light Industrial Park

From: Heather McLaughlin
To: Jan Cox Golovich
Date: 12/20/2005 3:54 PM
Subject: Re: Seeno/Light Industrial Park
CC: Belinda Smith; Bob Brown; Cindy Gnos; Dan Schiada; Dana Dean; Gina Eleccion; Jim Erickson; Kitty Griffin; Luana & Ed Salzman

Hi! Thanks!

Sorry. It is a work in progress. I believe Kitty received a message saying the documents we have that comprise the application have been copied. Gina in Community Development has them.

For Item 1, we have already put in a request for the document (how embarrassing!). As soon as we get it, we'll let you know.

For Item 2, the dating of the letter is confusing. It appears the letter was drafted using some other letter as a base. Thus, the date on page 2 is incorrect. We double check all the files and all the copies of the letter have that same error.

For Item 3, I'll have to double check the status of those documents. I'm not sure they are all completed.

>>> Jan Cox Golovich <janlcg@gmail.com> 12/20/05 12:06PM >>>
20 December 2005

Dear Heather,

I have reviewed the series of letters and documents you provided Kitty last week in an attempt to put together the very convoluted timeline of Seeno's completed application process for their Industrial Park project. It's clear that the City had a rather difficult time trying to get Seeno to comply with the proper requirements. I appreciate the time and effort you and other City staff are giving to this issue.

Here are some observations/problems:

1) First and foremost, there is still no written description of the project as part of an initial study or an application. Is it possible that Moore Iacofano and Goldsman may have a written description of the project or at least something more concrete than what you have provided so far?

2) ! ; The City's letter of March 11, 2005 for the "Proposed Settlement of Incompleteness Issues" is itself incomplete. The second page is a document dated February 24, 2005. The front page of the March 11, 2005 letter refers to a meeting with Seeno on February 24th, so I am sure these two documents are separate and not just miss-dated.

3) The City's letter of April 27, 2005 states Seeno has complied with the terms of the settlement letter, however, there is no backup documentation to show that Seeno submitted the required documents. These missing documents are precisely the ones that the League of Women Voters' study committee would like to review --- they include, but are not limited to:

- 1) scope of work

- 2) sewer capacity and condition study
- 3) phasing plan
- 4) stormwater runoff plan
- 5) fiscal analysis

4) Although the project is referred to as a "Business Park", Attachment #1, 2/24/2005 states that Seeno will use the City's development standards of the "Light Industrial District" (very different from a business park !!!) Further, these standards satisfy the City's requirements for a **site plan**. Really? A site plan is very specific compared to general zoning guidelines. At any rate, could you please provide us with the City's development standards for Light Industrial?

5) Some of the City's original requirements appear to be unresolved -- is there to be a road connection at Channel Road to Lake Herman? What lots are going to be over 10% slopes? How many? Where will they be located? Will this information come out as part of the EIR?

Again, thanks for your help in providing information and I look forward to hearing from you when you and staff have had a chance to re-organize the file on Seeno so that we can have a better picture of what is going on.

Sincerely,

Jan

Heather McLaughlin <Heather.McLaughlin@ci.benicia.ca.us> wrote:

Well, at least I believe we can put together a paper trail.....

>>> Jan Cox Golovich <janlcg@gmail.com> 12/08/05 09:09AM >>>

Dear Heather,

Kitty forwarded your response regarding your efforts to find the missing Seeno documents from the Planning Department. I appreciate your time and effort in trying to get me copies of these public documents.

However, my main concern about this latest episode stems not from compliance or non-compliance of the Sunshine Ordinance, or even that these documents are supposedly "missing" (although I must say I think this is a very serious matter). My biggest fear is that the City did not do due diligence on the Seeno application in the first place and allowed the environmental review to move forward prior to making sure that Seeno had fulfilled the requirements of a complete application. In short, did a completed application EVER exist?

I pose this question for two reasons. First, many months ago, I asked Karen ! Majors for a copy of the application. She told me the application was incomplete and that the City was having problems with Seeno providing the information necessary to complete it. Later, after the first "Community Conversation", I approached Eric Angstadt and also asked him for a copy of the completed application. He was very vague and non-committal. I never got it, even when I put my request in writing. He left the City and soon afterward the environmental review went forward.

My hope is that you can alleviate my fears and provide a paper trail demonstrating that the City acted properly in this matter.

Best regards,

Jan

Kittysmail@aol.com wrote:

From: Kittysmail@aol.com
Date: Thu, 8 Dec 2005 01:21:27 EST
Subject: Fwd: Seeno/Benicia Business Park
To: mrsjcg@yahoo.com

Date: Wed, 07 Dec 2005 17:47:40 -0800
From: "Heather McLaughlin" <Heather.McLaughlin@ci.benicia.ca.us>
To: <Kittysmail@aol.com>, <jancg@webtv.net>
CC: "Bob Brown" <Bob.Brown@ci.benicia.ca.us>,
"Dan Schiada" <Dan.Schiada@ci.benicia.ca.us>,
"Jim Erickson" <Jim.Erickson@ci.benicia.ca.us>
Subject: Seeno/Benicia Business Park

Hi! I understand we have issues finding the documents that Jan wants. We are going to do our best to find everything in 5 business days (per the Sunshine Ordinance) or less. The project description for the new project is something we are working on now. Dan and I will be assisting Community Development so hopefully we can find all that you need. Between the various departments and consultants we should be able to retrieve the documents. Dan and I weren't able to catch up and meet with Bob today so we'll try to get together tomorrow.... Thanks for your patience and understanding!

Heather

Heather McLaughlin - Fwd: Seeno/Benicia Business Park

From: Jan Cox Golovich <janlcg@gmail.com>
To: Heather McLaughlin <heather.mclaughlin@ci.benicia.ca.us>
Date: 12/8/2005 9:06 AM
Subject: Fwd: Seeno/Benicia Business Park
CC: Kitty Griffin <kittysmail@aol.com>, Elizabeth Patterson <elopato@pacbell.net>, Bob Brown <bob.brown@ci.benicia.ca.us>, Jim Erickson <Jim.Erickson@ci.benicia.ca.us>

Dear Heather,

Kitty forwarded your response regarding your efforts to find the missing Seeno documents from the Planning Department. I appreciate your time and effort in trying to get me copies of these public documents.

However, my main concern about this latest episode stems not from compliance or non-compliance of the Sunshine Ordinance, or even that these documents are supposedly "missing" (although I must say I think this is a very serious matter). My biggest fear is that the City did not do due diligence on the Seeno application in the first place and allowed the environmental review to move forward prior to making sure that Seeno had fulfilled the requirements of a complete application. In short, did a completed application EVER exist ?

I pose this question for two reasons. First, many months ago, I asked Karen ! Majors for a copy of the application. She told me the application was incomplete and that the City was having problems with Seeno providing the information necessary to complete it. Later, after the first "Community Conversation", I approached Eric Angstadt and also asked him for a copy of the completed application. He was very vague and non-committal. I never got it, even when I put my request in writing. He left the City and soon afterward the environmental review went forward.

My hope is that you can alleviate my fears and provide a paper trail demonstrating that the City acted properly in this matter.

Best regards,

Jan

Kittysmail@aol.com wrote:

From: Kittysmail@aol.com
Date: Thu, 8 Dec 2005 01:21:27 EST
Subject: Fwd: Seeno/Benicia Business Park
To: mrsjcg@yahoo.com

Date: Wed, 07 Dec 2005 17:47:40 -0800

From: "Heather McLaughlin" <Heather.McLaughlin@ci.benicia.ca.us>
To: <Kittysmail@aol.com>, <jancg@webtv.net>
CC: "Bob Brown" <Bob.Brown@ci.benicia.ca.us>,
"Dan Schiada" <Dan.Schiada@ci.benicia.ca.us>,
"Jim Erickson" <Jim.Erickson@ci.benicia.ca.us>
Subject: Seeno/Benicia Business Park

Hi! I understand we have issues finding the documents that Jan wants. We are going to do our best to find everything in 5 business days (per the Sunshine Ordinance) or less. The project description for the new project is something we are working on now. Dan and I will be assisting Community Development so hopefully we can find all that you need. Between the various departments and consultants we should be able to retrieve the documents. Dan and I weren't able to catch up and meet with Bob today so we'll try to get together tomorrow.... Thanks for your patience and understanding!

Heather

Heather McLaughlin - Re: Seeno Application

From: Jan Cox Golovich <mrsjcg@yahoo.com>
To: Jim Erickson <Jim.Erickson@ci.benicia.ca.us>
Date: 12/5/2005 7:49 PM
Subject: Re: Seeno Application
CC: Elizabeth Patterson <elopato@pacbell.net>, Luana & Ed Salzman <lusalz@msn.com>, Belinda Smith <bsmitgo@hotmail.com>, Dana Dean <danamail@pacbell.net>, Heather McLaughlin <heather.mclaughlin@ci.benicia.ca.us>

5 December 2005

Dear Jim,

I am writing this request to you because members of the League of Women's Voters have not been able to obtain public records regarding the Seeno application in a timely manner and we are not quite sure who to direct our requests to anymore in the Planning Department. While we understand that City staff turnover has affected the handling of this project, our job as League members is to review, analyze and inform the public regarding a project that will have such a major impact on the future of our City.

I am taking a day off of work, Wednesday, December 7th, and will come to City Hall to review and obtain copies related to the Seeno project. I am available in the afternoon and can come to your office around 1:00 pm.

In particular, I would like copies of Seeno's original application, supporting documentation, and correspondence from the City about any inadequacies in the application that should have been corrected before the application was deemed complete. I would also like a copy of the excel document that David Golick prepared on the General Plan goals and policies as they relate to the Seeno project. I assume all these documents are available for public review since the application was deemed complete, otherwise, the City could not have moved forward with environmental review.

I would also like to know the name of the consulting firm that has been hired to conduct the EIR and who will be managing the Seeno project in the Planning Department.

Thank you very much for your attention to this important matter.

Sincerely,

Jan Cox Golovich
Chair, League of Women's Voters
East 2nd Corridor Study
179 Harbor Vista Ct.
707.319.0876

About Seeno

County Supervisor Donna Gerber, a slow growth advocate who has sparred with Seeno and his company, said, I think Mr. Seeno has a very distinct reputation within Contra Costa Co. as A DEVELOPER THAT DOES NOT BELIEVE RULES APPLY TO HIM..

His approach to regulatory agencies is pretty much the same, and that is, he's got the political influence to ignore the regulations. He feels compelled and justified in doing so. 1.

After reading, Letters to the Editor- by, Mr. Bob Craft (" Time to focus on Seeno" BH 12/2/04) and Kitty Griffin's (" Salvation from Seeno" BH 12/02/04) I kept wondering why neither writer bothered to mention Seeno's record -seems to be a relevant point for the community to consider- (Also, please see my article on this topic in the VTH 7/22/01- My Turn Column-" Multiplication just doesn't add up in Benicia") over the course of the past few decades, here in the East Bay.

All anybody has to do is punch in the words Seeno Company (on your search engine) and a host of articles (a paper trail) appear, that leaves one scratching your head, about how our city government/business leaders can work with such a firm.

My intention here is to inform the community/and widen the narrowly defined discussion with a few examples (there are many). Please consider these stories.

* In a world where most builders portray themselves as sensitive stewards of the land...A. D .Seeno Construction Co.of Concord reminds me of development's good old days. Move fast, push hard, let'er rip.

The latest example of the Seeno style came...when workers bulldozed several oak trees on a hillside south of Pittsburg. It's all south of the county's urban-limit line, which marks the point beyond which suburbia is not suppose to sprawl.

They're very aggressive, says Supervisor Joe Canciamilla, who knows the Seeno's well from his stint on the Pittsburg City Council. They know what they want, and they are not shy about going after it.

Tree chopping is nothing new in the annals of Seeno-dom: In 1987, two dozen aged oak trees were cleared from Concord land considered for development by Seeno. The act was discovered when police stopped two trucks leaving the site at night. Without their lights on. Over the Fourth of July weekend.

...Seeno didn't fare so well in Reno...when the company was ordered to pay \$9.4 million to residents near 47 acres that Seeno was developing. The neighbors objected to how 'dust blew from Seeno's construction site' every time there was a strong wind...

They're unique, Pleasant Hill Planning Director Rich Bottari says,...Ask any planner in the county. Once you've been around for any length of time, you've had some sort of disagreement with them. 2.

Questions: Do we have representatives on our city council/city government who have had contact with the Seeno Co? If we do, why haven't we heard their experiences with this company? Why would our public officials be so reticent to inform their constituents/community? The silence has been deafening from city hall on Seeno's record!! Why is that? Is "salivating" about revenue generation more important, than the integrity/well being of our community?

* Albert Seeno's family has been in the construction business for sixty years, using Pittsburg as a base to build a vast housing empire throughout East County. Along the way, the [Seeno family] virtually ran the city, personally approving many city council candidates over the

years. But last year, infuriated by Seeno's perceived arrogance and a series of 'damning exposes' in the CC TIMES- Some examples: During that period, an awful lot of votes seemed to go Seeno's way at the expense of the public interest. In 2001, a pro-Seeno majority amended the city's general plan to green light the construction of 1597 houses that the builder longed to erect. But when rival developer Eugene Alves tried to build a 556 -apartment complex near the Bart station, the same council majority amended the general plan to outlaw the project. 3.

Question: Shouldn't someone at city hall hunt down those "damning exposes" in the CC Times? Might make for an interesting discussion at a city council meeting?

* On August 20, 2002, a lawyer pleaded guilty on behalf of Seeno's company to two felony charges-killing endangered frogs (Red- legged tree frogs) and intentionally destroying their habitat (two ponds). The company paid \$1 million in fines and Seeno signed a letter of apology in which he stated "I take full responsibility in the destruction of these protected species and their habitat." " In the letter, Seeno said, he was informed of the frogs presence but he ordered two ponds drained and building to proceed anyway."

Now, Nevada gaming regulators want to fine Seeno (owns Peppermill and Wendover casino's) and they could strip him of ownership in casino chains because he failed to disclose his dealings with state and federal wildlife authorities in his plea agreement in the frog case... Nevada gaming regulations require casino license holders to avoid any activity...that would reflect or tend to reflect discredit upon the state...or gaming industry. 4.

Obviously, I've just scratched the surface, here. In Baseball it's three strikes and you're out. Suffice to say, if there was a "THREE STRIKE'S LAW" for companies that violate the law, they would no longer be in business.(Note: One prominent former city official I spoke with recently, told me that in all his time in public service, the only time he felt like he was being harassed was on this project -years ago- by members of the Seeno Co.!)

So, I don't know how, the bankers; BIPA; Chamber of Commerce and Real Estate Boards (the urban growth machine i.e. private) feel about these kinds of (above) infractions - they seem to be, in a 'lets roll,' before the public gets wise posture- but "I would hope" (Not very confident, here- even though the reason I and many members of the community voted for Vice-Mayor Patterson and Councilmen Campbell and Smith was precisely because of these kinds of situations-though I was terribly disappointed with their stance on the Waterfront Project) that our city government (City Manager; Community Development Director; Economic Development Board and Planning Commission-urban growth machine -i.e. public) and our elected City Council will take a "hard look at alternatives" on how we deal with this entity and their land, within our borders. ESPECIALLY, when you consider (a company that has shown little or no regard for the environment, the law or the democratic process) they (Seeno) would be in our community (as partners) for the next 7-15 years. Yikes!! Question: SHOULDN'T WE OBTAIN FEEDBACK FROM OTHER CITIES THAT HAVE DEALT WITH THIS FIRM? (residents and officials of Pittsburg, Antioch and Clayton, come to mind)

Passing thoughts- could we buy "the land " back? - at market rates- Or use some other creative mechanism to reacquire this property and regain control of this site- engage the public through discussions/meetings (such an idea) and re-zone this property- amend the General Plan and come up with a garden of NEW IDEAS for this land- "Not residential or business park" why duplicate what we already have?- But something that would diversify the city governments portfolio- That would give our citizens a chance to honor our past, on the one hand, and enter the future with forward thinking projects that will generate revenue/in a shorter time

frame then the present proposal. I don't like the idea of being bulldozed by developers or manipulated by city government- What is the rush?- Question: If we can spend several months on the waterfront project (public and private meetings; consultants; maps; walking tours; petition drives and an election) for less than 5 acres, how long should we spend on a project that decimates over 300 acres? Note: Present business park has consumed between 3 and 4 thousand acres of land and contains over 6 million sq. ft. of commercial space. (Big boxes with parking space/Is this really the best we can do with this land??). Question: How much more land/space does the business community really need?

Vice-Mayor Elizabeth Patterson, said it best (from my humble perspective)- "We have an overarching General Plan goal of sustainable development, but how can we have sustainable development with this project ... We should be using the land-form as an asset...God, couldn't have gotten it all wrong where we have to obliterate the whole site. We miss this opportunity to develop Benicia as 'distinct and different' at our own peril." 5.

Notes:

1. S.F. Chronicle, "Bay builder in hot water over rare frog- Guilty plea expected in habitat destruction." 6/29/2002
2. S.F. Chronicle, "Developer A Throwback To Old Days Al Seeno has a history of bulldozing plans through." 7/27/99.
3. East Bay Express, No new burbs, but bring on the factories: "The new middle class residents of Pittsburg organized to oppose a blight more noxious than new power plants- new homes." 3/5/2003.
4. The Tribune/San Luis Obispo.com. "Endangered frog fallout still hitting developer." 3/15/04.
5. Benicia Herald, "Zoning, General Plan goals under discussion in industrial park debate." 11/21/04.

Will Gregory
37 Carolina Dr.
Benicia/747-1811
December 2004

Seeno

Heather McLaughlin - Re: A Question From Kitty: Caseeno On Seeno?

From: Marilyn Bardet <mjbardet@sbcglobal.net>
To: Kat Wellman <Kat.Wellman@ci.benicia.ca.us>, <Kittysmail@aol.com>, Heather McLaughlin <Heather.McLaughlin@ci.benicia.ca.us>
Date: 12/7/2004 7:01 PM
Subject: Re: A Question From Kitty: Caseeno On Seeno?
CC: Colette Meunier <Colette.Meunier@ci.benicia.ca.us>, Diane Henry <Diane.Henry@ci.benicia.ca.us>, Jim Erickson <Jim.Erickson@ci.benicia.ca.us>

Dear Kat Wellman and Heather,

This is music to our ears! Thank you for spelling out the requirements for Indian gaming and why it most likely couldn't fly here in town. Thank the gods!

:) Marilyn

From: "Kat Wellman" <Kat.Wellman@ci.benicia.ca.us>
Date: Tue, 07 Dec 2004 18:10:35 -0800
To: <Kittysmail@aol.com>, "Heather McLaughlin" <Heather.McLaughlin@ci.benicia.ca.us>, <mjbardet@sbcglobal.net>
Cc: "Colette Meunier" <Colette.Meunier@ci.benicia.ca.us>, "Diane Henry" <Diane.Henry@ci.benicia.ca.us>, "Jim Erickson" <Jim.Erickson@ci.benicia.ca.us>
Subject: Re: A Question From Kitty: Caseeno On Seeno?

Heather asked me to respond to the issue regarding a potential sale of the Seeno property to an Indian Tribe. Short answer: Although such a sale is possible, the ability to build an Indian gaming casino is not.

An Indian tribe can purchase land just like any other entity. However, the ability to consider the land a "reservation" and for "Indian Gaming" to occur is determined by Federal Law.

For a tribe to establish a casino on land that was not contiguous to a reservation in 1988 or has no historical attachment, it must get the approval of the Secretary of the Interior, who is required to consult not just with the tribe, and neighboring tribes, but State and local officials. Moreover, the Secretary of Interior must be able to make a determination that the gaming is in the interest of the tribe and not detrimental to the surrounding community. Thus, the City could probably quash any such effort.

Even if the Secretary of Interior does approve Indian Gaming at a location other than a reservation, the Governor has absolute discretion to veto such a decision. The political climate at the moment is against establishing any more Indian Gaming in local communities.

Additionally, if the Seeno property in the City of Benicia is within 35 miles of Casino San Pablo, Indian Gaming would be prohibited by the State Compact that was negotiated by the Lytton Rancheria which now owns Casino San Pablo.

>>> Heather McLaughlin 11/30/04 02:02PM >>>

HI! I am going to have Kat Wellman take a quick peak at this question for us. I think the city can be preempted from taking action on some of those Indian questions. Thanks, Heather

>>> Marilyn Bardet <mjbardet@sbcglobal.net> 11/23/04 11:00AM >>>

Dear Heather--and Kitty--

Since Kitty raised this very horrific thought, I want to echo my profound concern that we nix ANY chance that Seeno might act to spite the city and profit himself by selling to Indian tribe wanting casino. It haunts me, when I recall that we were about to build a Bill Graham pavilion in the vicinity. Wouldn't such "entertainment" be considered "adult"? We can't let ourselves count on Kitty's hope that the zoning ordinance naming allowable "games" limits such pleasures to kids. I vote with her to change the zoning NOW to eliminate the word "games" and/or "entertainment" and also insert NO CASINOS to make things definite.

It will consume enormous public energy anyway to review the Seeno plan as is. I would hate to have to waste my life fighting a casino. The people of Sonoma were rightly outraged. Also NASCAR NOISE has spoiled the entire experience of the public access marsh area south of the race course. Casinos and NASCAR are abominations--to be avoided absolutely here!!

I needed to get this in writing.

Thanks, Heather and Kitty, for exploring pre-emptive action re zoning.

Happy Thanksgiving!

Marilyn B.

From: Kittysmail@aol.com

Date: Tue, 23 Nov 2004 12:37:20 EST

To: Heather.McLaughlin@ci.benicia.ca.us

Subject: A Question From Kitty: Caseeno On Seeno?

Dear Heather,

Here's a scary thought: If Seeno throws up his hands and sells his property, not to a nicer developer but to Indians, are we protected from ending up with a casino?

The zoning ordinance, listing what's allowable inside IL, under "entertainment" provides for only "games" (clearly intended for kids), but there is nothing specifically saying "No casinos". If we add "No casinos" are we better protected?

I understand some other communities (Sonoma?) are fighting casinos in their towns. What do you know about the best arguments being used, the ones that aren't working, and how best to protect ourselves?

In general, what are ANY legal considerations about the Seeno property? How could they screw us? I don't think they are very nice people.

Thanks!

Kitty.

Copy Kat
Secno
CLARK

RECEIVED BY
CITY ATTORNEY'S OFFICE
NOV 15 2004
CITY OF BENICIA



4061 Port Chicago Highway, Suite H
Concord, California 94520
(925) 682-6419
Fax (925) 689-7741

RECEIVED
NOV 12 2004
CITY OF BENICIA
COMMUNITY DEVELOPMENT

Via Hand Delivery

November 12, 2004

Ms. Colette Meunier
Community Development Director
Community Development Department
City of Benicia
City Hall
250 East L Street
Benicia, CA 94510

RECEIVED
NOV 14 2004
CITY MANAGER'S OFFICE
CITY OF BENICIA

Re: Benicia Business Park; Appeal by Discovery Builders, Inc.

Dear Ms. Meunier:

We have received and reviewed your letter of November 4, 2004. While we appreciate the City's willingness to ensure a successful review and approval of our development applications, we are concerned with the breadth and scope of your response. The purpose of this letter therefore is to appeal to the Planning Commission your finding that the vesting tentative map and Master Plan applications are incomplete.

It is our position that some of the information that you are requiring us to provide is not legally required in order for our application to be deemed complete and/or is not necessary at this stage of the development application process. Specifically, the level of analysis of the sewer and water systems you are requiring for both the tentative map and Master Plan applications (identified in your letter under the Tentative Map Items 2(Water), 2(Sewer), 3(A) and 3(B)) is not required by state law or your Municipal Code and is inappropriate and overly burdensome at this stage of the entitlement process. In addition, it is inappropriate for the City to require that this project perform the sewer downstream analysis which would be overly burdensome and expensive to us and should be an analysis prepared by the City with the costs to be borne by more than just this project.

We further disagree with your position set forth in Item 5 of your letter that the map and Master Plan applications cannot be complete until the property is rezoned. Nothing in state law or the City's Municipal Code prevents the entitlement applications from proceeding simultaneously.

This letter will also serve the purpose of confirming that in our meeting of November 10, 2004 you agreed that the transit needs analysis (Tentative Map - Item 3(d) of your letter), updated traffic study (Tentative Map - Item 3(f) of your letter) and traffic analysis (Master Plan – Item 1 of your letter) will be prepared in conjunction with the EIR for this project and are not necessary for purposes of determining the completeness of the applications.

With respect to the other items identified in your letter, this will confirm that we will submit the requested items or will confirm your acknowledgement that the submittal of certain items has already been made.

Enclosed with this letter is the appeal form along with the appropriate appeal fee. We would be pleased to meet with you to discuss this matter in the hopes that it can be resolved without the need for a Planning Commission hearing on this appeal. However, in the event an agreeable resolution cannot be reached, we respectfully request that you place this matter on the Planning Commission agenda for consideration.

Sincerely,

DISCOVERY BUILDERS, INC.



Salvatore N. Evola
Vice-President

enc.

cc: City Manager
City Attorney
Members of the City Planning Commission
West Coast Home Builders, Inc.

CITY OF BENICIA PLANNING DEPARTMENT

Application for Appeal of Planning Action

PLEASE COMPLETE ALL ITEMS. TYPE OR PRINT IN DARK INK.

- 1. Project Name: Benicia Business Park
- 2. Project Sponsor: Discovery Builders Inc.
- 3. Project Address or Location: East Second Street at Lake Herman Rd.

Decision Making Body: Community Development Director
 Decision Rendered: Staff's 11/04/04 determination that the Master Plan and vesting tentative map applications are incomplete.

STATE REASONS FOR THE APPEAL AND GROUNDS ON WHICH THE APPEAL IS BASED:

Please see attached transmittal letter.

(Please attach additional sheets if required)

Note: Any person dissatisfied with the decision of the Planning Director, Design Review Commission or Planning Commission may file a written appeal to the Planning Commission or the City Council respectively within ten (10) calendar days after such decision is made. The written statement must be submitted to the secretary of the Planning Commission and shall include reasons for the appeal and the filing fee.

Applicant's Name (print): Salvatore Evola

Applicant's Signature: *Salvatore N. Evola*

Mailing Address: 4061 Port Chicago Hwy.

Concord, CA 94520

DEPARTMENT USE ONLY

Application No. _____ Fee Paid \$75 _____ cash or _____ check

Receipt No. _____ Received by: _____

Approved by: _____ Date Approved: _____