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7 Attorneys for Petitioner and Plaintiff
 WEST COAST HOME BUILDERS, INC.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 COUNTY OF SOLANO

12 WEST COAST HOME BUILDERS, INC.,
 13 Petitioner and Plaintiff,
 14 v.
 15 CITY OF BENICIA,
 16 Respondent and Defendant.

Case No. FCS048992
**STIPULATION AND [PROPOSED]
 ORDER TO STAY PROCEEDINGS**
 Environmental Law – CEQA
 (Public Resources Code § 21167.1)
 Judge: Hon. Paul L. Beeman
 Dept.: 1
 Action Filed: June 2, 2017

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 20 WHEREAS, on June 2, 2017, Plaintiff and Petitioner West Coast Home Builders,
 21 Inc. ("West Coast") filed a Verified Complaint for Declaratory and Injunctive Relief and
 22 Petition for Writ of Mandate ("Petition") challenging the approval of the Benicia Industrial
 23 Park Transportation and Employment Center Plan ("TEC Plan") by the City of Benicia
 24 ("City");

25 WHEREAS, on July 3, 2017, the City filed an answer to the Petition;
 26 WHEREAS, West Coast and the City (collectively, the "Parties") have met and
 27 conferred, and have agreed to attempt to resolve their dispute;

28 NOW, THEREFORE, the Parties hereby stipulate as follows:

1 1. West Coast shall submit written comments on the TEC Plan to the City.
2 West Coast shall make reasonable good faith efforts to submit its comments by
3 September 7, 2017;
4 2. The City shall hold a public hearing before the Planning Commission to
5 reconsider the TEC Plan as previously adopted, taking into account West Coast's
6 comments, as well as any additional comments received from members of the public, and
7 shall make a recommendation to the City Council as to whether the TEC Plan should be
8 amended in response to the comments received. The City shall schedule this public
9 hearing for the October 12, 2017 Planning Commission meeting, unless it later
10 determines in good faith that it has reasonable cause for scheduling it for a later meeting.
11 Reasonable cause may include but is not limited to: (1) the failure of West Coast to
12 submit its comments by September 7, 2017; (2) if West Coast's comments are
13 unexpectedly complex or require additional work by the City's outside planning
14 consultants before City staff is ready to present them to the Planning Commission; (3) if
15 West Coast requests or agrees to a later meeting; (4) if the City later determines that
16 other currently unanticipated matters are scheduled for the Planning Commission's
17 October 12, 2017, agenda warranting such rescheduling; or (5) if the October 12, 2017
18 Planning Commission is cancelled;
19 3. Following the Planning Commission hearing, the City shall hold a public
20 hearing before the City Council to consider the comments on the TEC Plan received from
21 West Coast and other members of the public and the recommendation made by the
22 Planning Commission, and shall determine whether the TEC Plan should be amended in
23 response to the comments received. The City shall schedule this public hearing for the
24 November 7, 2017 City Council meeting, unless it later determines in good faith that it
25 has reasonable cause for scheduling it for a later meeting. Reasonable cause may
26 include but is not limited to: (1) if the Planning Commission hearing is not held on
27 October 12, 2017; (2) if the Planning Commission continues the October 12 hearing for
28 further consideration at a later Planning Commission meeting; (3) if West Coast requests

1 or agrees to a later meeting; (4) if the City later determines that other currently
2 unanticipated matters are scheduled for the City Council's November 7, 2017, agenda
3 warranting such rescheduling; or (5) if the November 7, 2017 City Council meeting is
4 cancelled;

5 4. All proceedings in this action shall be stayed for a period of 120 days from
6 the date of entry of this order;

7 5. If the Parties are unable to resolve their dispute before the expiration of the
8 stay, the Parties shall meet and confer regarding the potential extension of the stay or, in
9 the alternative, a schedule for the preparation of the administrative record and a briefing
10 schedule on or before 120 days from the date of entry of this order; and

11 6. Upon the request of either Party, the Parties shall jointly request that the
12 Court terminate the stay; provided, however, that the stay shall not terminate prior to 30
13 days from the date on which the Party requesting termination of the stay provides notice
14 to the other Party.

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17 DATED: 8/21, 2017

Respectfully submitted,

HANSON BRIDGETT LLP

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By: 

KRISTINA D. LAWSON
CHRISTOPHER D. JENSEN
VANEETA CHINTAMANENI
Attorneys for Petitioner and Plaintiff West
Coast Home Builders, Inc.

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24 DATED: 8/18, 2017

JARVIS, FAY, DOPORTO & GIBSON, LLP

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26

By: 

RICK W. JARVIS
Attorneys for Respondent and Defendant City
of Benicia

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1 IT IS SO ORDERED

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3 DATED: _____, 2017

HON. PAUL L. BEEMAN
JUDGE OF THE SUPERIOR COURT

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PROOF OF SERVICE

West Coast Home Builders, Inc. v. City of Benicia
Solano County Superior Court; Case No. FCS048992

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 425 Market Street, 26th Floor, San Francisco, CA 94105.

On August 21, 2017, I served true copies of the following document(s) described as

STIPULATION AND [PROPOSED] ORDER TO STAY PROCEEDINGS

on the interested parties in this action as follows:

**Attorneys for Respondent and Defendant
City of Benicia**

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BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hanson Bridgett LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 21, 2017, at San Francisco, California.


Susan Christensen.