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

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF SOLANO**

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| WEST COAST HOME BUILDERS, INC.,<br>Petitioner and Plaintiff,<br>v.<br>CITY OF BENICIA,<br>Respondent and Defendant. | Case No. FCS048992<br>**STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF STAY OF PROCEEDINGS**<br>Environmental Law – CEQA (Public Resources Code § 21167.1)<br>Judge: Hon. Paul L. Beeman<br>Dept.: 1<br>Action Filed: June 2, 2017 |

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

WHEREAS, on July 3, 2017, the City filed an answer to the Petition;

WHEREAS, on August 23, 2017, this Court entered an order staying the proceedings in this action for 120 days, until December 21, 2017, pursuant to a stipulation of the Parties (the "Stipulation");

WHEREAS, on September 7, 2017, West Coast provided comments regarding the TEC Plan to the City for its consideration, pursuant to the Stipulation;

WHEREAS, on October 18, 2017, 2017, the City provided West Coast with an amended draft of the TEC Plan for West Coast's review;

WHEREAS, on October 24, 2017, West Coast and its counsel met with City staff and counsel to discuss the amendments to the TEC Plan and West Coast's comments regarding the TEC Plan;

WHEREAS, on November 9, 2017, the City's Planning Commission held a public hearing on the amendments to the TEC Plan;

WHEREAS, consideration of the amendments to the TEC Plan was initially scheduled for public hearing at the City Council's December 19, 2017 meeting;

WHEREAS, on December 6, 2017, the City notified West Coast that consideration of the amendments to the TEC Plan would be continued to the City Council's January 16, 2018 meeting, due to the City Council's need to devote time to the consideration of another matter unrelated to the amendments to the TEC Plan at its December 19, 2017 meeting; and

WHEREAS, West Coast and the City (collectively, the "Parties") have met and conferred, and have agreed to extend the stay of proceedings in this action to allow the City Council to consider the amendments to the TEC Plan on January 16, 2017;

NOW, THEREFORE, the Parties hereby stipulate as follows:

1. The stay of proceedings in this action shall be extended for an additional period of thirty (30) days, to January 20, 2017; and

2. If the Parties are unable to resolve their dispute before the expiration of the stay, the Parties shall meet and confer regarding the potential extension of the stay or, in the alternative, a schedule for the preparation of the administrative record and a briefing schedule on or before January 20, 2017.

DATED: December 14, 2017

Respectfully submitted,

HANSON BRIDGETT LLP

By: _____

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

DATED: December 14, 2017

JARVIS, FAY, DOPORTO & GIBSON, LLP

By: _____

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

IT IS SO ORDERED

DATED: _____, 2017

_____
HON. PAUL L. BEEMAN
JUDGE OF THE SUPERIOR COURT

## PROOF OF SERVICE

**West Coast Home Builders, Inc. v. City of Benicia**
**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 December 15, 2017, I served true copies of the following document(s) described as **STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF STAY OF 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 December 15, 2017, at San Francisco, California.

Cindy A. Short