

**PUBLIC COMMENT SINCE  
JUNE 3, 2008 COUNCIL MEETING PACKET**

**Anne Cardwell - Seeno info**

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**From:** Luis Delgado <lfdarchitect@sbcglobal.net>  
**To:** Elizabeth Patterson <elopato@comcast.net>  
**Date:** 6/23/2008 10:30 AM  
**Subject:** Seeno info  
**CC:** Anne Cardwell <acardwell@ci.benicia.ca.us>

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Dear Mayor,

I'm not sure if you have seen this article about Seeno. Can you please forward to all of the Council City and city staff. I think it is worth reading.

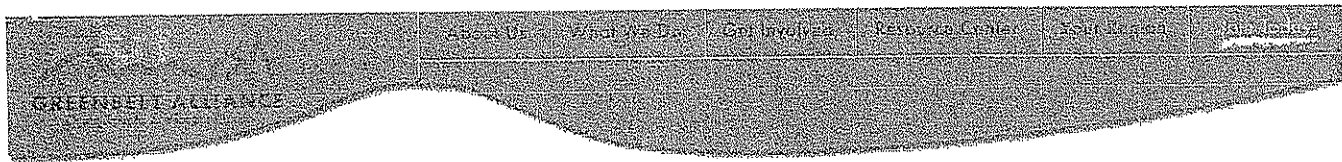
Here is link >>> [http://greenbelt.org/resources/press/clippings/clip\\_2008jan15seeno.html](http://greenbelt.org/resources/press/clippings/clip_2008jan15seeno.html)

I really feel that you and Council need to make sure that any conditions that are attached to this project are enforceable by LAW. If they are not, then I would recommend that all project conditions should be made as part of a "DEVELOPEMENT AGREEMENT". Remember that we owe them nothing. They are coming here to build in our City and they will be gone once they get what they want.

Sincerely,

Luis Delgado

**VIII-B-258**



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# Greenbelt Alliance in the News

**ContraCostaTimes**  
.com

January 15, 2008

## State fines developer Seeno \$3 million

*Seeno Construction penalized for environmental violation in Antioch, its fourth in Bay Area since 1996*

Simon Read

State officials have reached a \$3 million settlement agreement with the Albert D. Seeno Construction Co. concerning alleged environmental damage at a housing development in Antioch.

The state charged that Seeno didn't have proper permits to do grading work in the Mira Vista subdivision that destroyed ponds and several waterways during various stages of development. The violations were uncovered and investigated by the state Department of Fish & Game.

"This is a great win for us," said Liz Kanter, spokeswoman with the State Water Board. "Because this gentleman is a repeat offender, we decided to go after a larger fine. He did not want a criminal prosecution ... and wanted to settle."

Seeno construction companies have been cited for environmental violations four times since 1996.

In the Mira Vista case, Seeno has agreed to pay \$500,000 to the Central Valley Regional Water Quality and Control Board, \$250,000 to the state Fish and Game Preservation Fund, \$250,000 to the Contra Costa County Fish and Wildlife Propagation Fund, \$250,000 to the state Department of Justice to pay for future environmental enforcement and \$250,000 to the Contra Costa County Treasurer.

In addition to monetary penalties, Seeno has agreed to grant a 60-acre parcel to the East Bay Regional Park District for endowment and preservation purposes, officials said. The company will also train its employees on environmental regulations, and it must conduct biological and wetland assessments of its properties.

"The Seeno company in no way admits any fault or liability in this case but settled this to avoid what can be a very expensive endeavor when you're involved in a legal dispute with the government," said Seeno spokesman Kiley Russell. "This is a business decision to get it behind the company and do what they're good at, which is building homes."

In October 2005, the Department of Fish & Game organized a multiagency

**VIII-B-259**

inspection of the Mira Vista development.

" During the inspections, water board staff found that three unnamed creeks and four seasonal ponds had been filled in during home construction," Frances McChesney, the board's senior staff counsel, wrote in an e-mail.

Five years ago, Seeno's West Coast Home Builders pleaded guilty to violating the federal Endangered Species Act for the 2001 killing of red-legged frogs and deliberate destruction of a frog habitat at the construction site of the San Marco subdivision in Pittsburg.

" He was fined \$1 million and ordered to write a public apology," Kanter said. "Obviously, that wasn't a deterrent."

**Christina Wong**, East Bay field representative for **Greenbelt Alliance**, said developers can't be wholly trusted with environmental decisions.

" This is a reminder that we need to be skeptical about the claims developers make," she said. "It's clear that the people of Contra Costa County and their elected officials need to keep a close eye on developers like Albert Seeno, who has a track record of destroying the environment."

Wong said Greenbelt Alliance is working to preserve an open hillside in Pittsburg that Seeno is eyeing for a possible development.

Russell said the company should not be defined solely by its transgressions.

" If you look at the history of the projects," he said, "the incidents are quite small in number compared to the good work they're doing."

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Anne Cardwell - Seeno News

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**From:** Luis Delgado <lfdarchitect@sbcglobal.net>  
**To:** Anne Cardwell <anne.cardwell@ci.benicia.ca.us>  
**Date:** 7/3/2008 2:39 PM  
**Subject:** Seeno News  
**CC:** Elizabeth Patterson <elopato@comcast.net>

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Anne,

Please forward this link to Council and Planning Commission regarding Seeno tactics.

[http://fop3.friendsofpittsburg.org/article.php?art\\_ID=30](http://fop3.friendsofpittsburg.org/article.php?art_ID=30)

Thanks,

Luis Delgado

**VIII-B-261**



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VP of Marketing, ACME  
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### Critics assail developer over lawsuit

By Lisa Vorderbrueggen  
Contra Costa Times

March 13, 2007

East Bay environmentalists reproached home builder Albert Seeno on Monday after learning that he has sued Pittsburg over its traffic impact fees.

Seeno, owner of West Coast Builders and Seecon, has gone to Contra Costa Superior Court to challenge a 60 percent to 78 percent increase in Pittsburg's local traffic impact fee.

Environmentalists, who have had a long and rocky relationship with Seeno, say the lawsuit undercuts key road improvements at the same time that he is unfairly labeling their groups as obstructionists.

Billboards on Seeno land in eastern Contra Costa County call members of Save Mount Diablo, the Greenbelt Alliance and the Sierra Club "radicals" and accuse them of stalling road expansion projects such as the widening of Highway 4. The signs also ask readers to log on to [www.widenhwy4.com](http://www.widenhwy4.com) to participate in a survey that further flays environmentalists as enemies of commuters.

"Seeno and his allies are bashing environmentalists on whether or not freeways should be widened but he is suing over a citywide fee for transportation improvements," said Seth Adams of Save Mount Diablo. "He's a hypocrite."

Greenbelt Alliance field representative Christina Wong echoed Adams' comments.

"The homes that Seeno is building in Pittsburg will have an impact on Pittsburg," she said. "For him to choose not to give back to the city is an unethical way of doing business."

Seeno's suit does not question the city's regional impact fee, which all eastern Contra Costa communities levy on new homes and businesses.

Proceeds of the regional \$16,667 per single-family house fee primarily fund the widening of Highway 4, the bulk of the Buchanan Road bypass and the BART expansion. Seeno sought a lower regional assessment but Pittsburg in 2005 matched its neighbors' fees.

The separate local traffic fee funds \$122 million in planned upgrades such as a new Highway 4 overpass at Range Road, widening the Pittsburg-Antioch highway and a new two-lane road from Kirker Pass in Pittsburg to Somersville in Antioch called the Buchanan bypass.

The city increased the fee from a range, based on density, of \$2,733 to \$4,020 per house to \$4,370 to \$7,170.

Seeno argues in his lawsuit that some of the road improvements have insufficient connection to the developments expected to pay the fees.

Although most of the money will come from the construction of houses south of Highway 4, according to the home builder's lawsuit, the improvements will largely benefit new commercial construction north of the freeway.

He especially opposes the overpass, saying it would benefit relatively few motorists for the \$22 million price tag.

Seeno also calls it improper to impose a local fee for the widening of the Pittsburg-Antioch highway because it's in Antioch, not Pittsburg.

The lack of an adequate link between the projects and the fee makes it a tax, according to the lawsuit, and as such, it requires a two-thirds vote of residents.

Pittsburg City Manager Marc Grisham and Mayor Ben Johnson declined to talk about specifics in the lawsuit.

# VIII-B-262

But the men embraced the local traffic fee increase, calling it essential for the city's transportation network.

"It's like anything else," Johnson said. "Everything costs more and we're bringing up the fees to where they should be. We have to get things done and sometimes people don't like it."

Grisham expressed confidence in the city's analysis supporting the fee. The Range Road overpass, he said, will help relieve congestion on the city's two north-south overpasses.

"We wouldn't have put projects on the list if we didn't think they provided benefits," he said.

It's the lawsuit, he said, that's counterproductive.

"Lawsuits cost the city money," Grisham said. "And if we go through this (legal process) and we aren't able to raise the fees, it's not that they don't have to be built; they do ... In my view, it would be great if we had a lot less conflict in this community."

Meanwhile, the [www.widenhwy4.com](http://www.widenhwy4.com) Web site appears to have lost steam.

It hasn't been updated for several weeks. East Bay campaign consultant Dan Lee sent out an e-mail solicitation in February, writing that he needed \$600 because "the funding for this project unexpectedly fell through." Lee declined to comment on the status of the Web site.

The original source of the funds for the signs and the Web site has never been publicly identified.

But the Web site now lists sponsors including Antioch Councilman Arne Simonsen, San Ramon Councilman Dave Hudson and former Antioch Councilman Manny Solis.

Lisa Vorderbrueggen covers politics. Reach her at 925-945-477 or, [lvorderbrueggen@ccltimes.com](mailto:lvorderbrueggen@ccltimes.com) or via her blog at <http://www.cctextra.com/blogs/politicsblog/>.

Some comments posted below may be reviewed before they are displayed, including submissions with hyperlinks or with language that our word filters flag.

Comments:

This is really weird, I thought Seeno was the guy who put up the signs asking to WidenHwy4. Im sure of it. All of the signs were on Seeno private property. Didnt Seeno propose the Buchanan Road Bypass? How can you say want to widen highway 4 and be against it at the same time? What is really going on?

Lets see.... if the current annexation proceedings go through, the Seeno family plans to build approximately 2000 more homes in the hills of Pittsburg. My guess is their plans arent going very well and they now know that we all think Enough is Enough. Or, maybe this is Seenos way of bullying Pittsburg into seeing things his way. I dont really know, only time will tell. I do know that this is all pretty strange.

I say, if you dont like the new fees take your business elsewhere. I would rather see our beautiful hills left alone anyway.

Posted by: Enough is Enough 3/13/2007 11:19 PM.

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**From:** Elizabeth Patterson  
**To:** hwg790@comcast.net  
**Date:** 8/28/2008 11:14:41 AM  
**Subject:** Re: Seeno vote

Dear Heather and Jeff,

Thank you for your thoughts on the Seeno Project.

I will share your email with the council members and staff.

Elizabeth Patterson  
Mayor

>>> "Heather Graves" <hwg790@comcast.net> 08/27/08 9:35 PM >>>

Dear Mayor Patterson ,

I am writing to urge you to "vote to deny" on Oct 7 when the Seeno project again comes before you. The current plan is outdated and extremely flawed. Lets get something built which will draw technology, not big box retail, something that will employ our citizens for years to come in a sustainable green tech campus. The project as it stands is also bad for East Second Street--air quality will be affected, the grading will be unattractive. Last but not least is the reputation of Seeno for violating federal, state and local laws and their links to felons and drug dealers. They are toying with Benicia and our future so they can make a fast buck and leave us with a decimated open space.

Thank you,  
Heather and Jeff Graves  
254 Semples Crossing  
Benicia

**CC:** acardwell@ci.benicia.ca.us