



Real Estate Development & Engineering
1731 Technology Drive Suite 880, San Jose CA 95110
408.202.2190

Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Attn: Ms. Jennifer Cruz
Principal Planner

RE: Notice of Incomplete Subdivision and Development Plan Applications
Response to Comments relating to the State SB 330 Application
County File: #CSD23-09669 and CDDP23-03040

Project Information: Site Address: 0 Bethel Island Road, Oakley
APN: 032-112-007

Dear Ms. Cruz,

On September 25, 2023, we submitted a Preliminary Plan Application (“Application”) in accordance with the California State SB 330 criteria relating to affordable housing developments.

On October 24, we received from the County a comment letter in response to the Application. The response letter included multiple comments relating to the proposed development project, however only the first four comments, as shown below, are specifically related to the Application compliance under SB 300.

This resubmittal today addresses the said first four comments relating to the SB 330 required checklist items. The balance of the comments will be addressed in a comprehensive development application that will be filed within 180 days from today, October 26, 2023.

The said four comments and responses are addressed as of this re-submittal today, and summarized below:

Preliminary Application (SB 330)

1. Item #3 on the Preliminary Application form requires a site plan showing the building(s) location on the individual lots. The location of the duplex buildings was provided, however this information was not provided for the single-family residential lots.

Response: A second plan sheet was added that clarifies the building setbacks and the house locations on the site plan. See attached plan sheets.

2. Item #7 requests the proposed number of parking spaces. The response provided on the application was 32 street parking spaces for the duplexes. The response does not include

the number of off-street parking spaces that would be provided for single-family residences.

Response: Item #7: The parking tabulation on Plan Sheet #1 has been updated to show the number of off-street parking for the single-family detached residences.

3. Item #12e was checked as having a stream or other resource on the project site. However, no location or description was provided.

Item #12e: The Location of the existing stream/ditch was clearly updated and shown on Plan Sheet #1.

4. The County Assessor records indicate that Duong Estuary Cove LLC is the owner of the subject parcel. The Property Owner Affidavit indicates that the agent for service of process or officer of the ownership entity authorized may sign so long as an ownership disclosure is provided. This information was not provided. Please see the attached Property Owner Affidavit (page 8 of Preliminary Application form) for the complete requirement.

Response: The executed Owner Affidavit was updated with the Primary LLC Member. Also included was an executed Disclosure Statement by the said Member as well as a copy of the original Articles of Incorporation and most recent Statement of Information for the LLC. These last two documents can be verified directly from the State records.

I have included as attachments hereto the updated Plan Sheets that have been marked at the places where Items #1, #2, and #3 above are shown to adequately be satisfied. In addition, I have included the updated Owner Affidavit, Owner Disclosure, Articles of Incorporation and Statement of Information.

This updated resubmittal satisfies the County's comments as related to the California State SB 330 required checklist items.

Please let me know if you have any questions. We look forward to working with you on the subsequent project development submittal.

Sincerely,



Kevin R. Weiss P.E., P.L.S.

President
JMH Weiss, Inc.

Attachments: Updated Plan Sheet #1, added Plan Sheet #2
Owners Affidavit and validating documents

Cc: Duong Estuary Cove LLC, 1211 Embarcadero, Suite 300, Oakland, CA 94606
Bryan Wenter, Miller Starr Regalia, 1331 North California Blvd., Suite 600, Walnut Creek, CA 94596

PRELIMINARY PLAN FOR BETHEL ESTUARY ESTATES

CONTRA COSTA COUNTY, CALIFORNIA
APN: 032-112-007

NON-JURISDICTIONAL SEASONAL WETLANDS* TABULATION	
EXISTING TOTAL	5.73 AC
AMOUNT TO BE RELOCATED	2.47 AC
AMOUNT TO REMAIN	3.26 AC
NEW / TO BE CREATED	8.31 AC
TOTAL POST PROJECT	11.57 AC

* EXISTING SEASONAL WETLANDS HAVE BEEN DEEMED "NON-JURISDICTIONAL" BY THE US ARMY CORPS OF ENGINEERS BY PERMIT ON 05/27/2021.

GENERAL NOTES:
OWNER: DUONG ESTUARY COVE, LLC
1211 EMBARCADERO #300
OAKLAND, CALIFORNIA 94606

DEVELOPER: SANDMOUND HOLDINGS, LLC
9201 MADRONE RANCH TRAIL
AUSTIN, TEXAS 78738

CIVIL ENGINEER: JMH WEISS, INC.
1731 TECHNOLOGY DRIVE, SUITE 880
SAN JOSE, CA 95110

A.P.N.: 032-112-007

SITE AREA: 78.33 ACRES
DEDICATIONS & EASEMENTS: 2.97 ACRES
DEVELOPMENT AREA: 38.20 ACRES
OPEN SPACE: 37.16 ACRES

EXISTING ZONING: P-1, PLANNED DISTRICT - RESIDENTIAL & OPEN SPACE

EXISTING GENERAL PLAN: AL, OIBA, AGRICULTURAL LANDS & OFF ISLAND BONUS AREA

PROPOSED ZONING: P-1, PLANNED DISTRICT - RESIDENTIAL & OPEN SPACE

EXISTING USE: OPEN SPACE

PROPOSED USE: RESIDENTIAL & OPEN SPACE RECREATIONAL

NUMBER OF RESIDENTIAL LOTS: 271
SINGLE FAMILY DETACHED: 165 LOTS, (1-209)
SINGLE FAMILY DUPLEX: 62 LOTS, (210-271)
BELOW MARKET RATE RATIO: 22%

SERVICES:
WATER SUPPLY: DIABLO WATER DISTRICT
SANITARY SEWER: IRONHORSE SANITARY DISTRICT
STORM DRAIN: CITY OF OAKLEY
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC
FIRE: EAST CONTRA COSTA FIRE PROTECTION DISTRICT
TELEPHONE: AT&T
CABLE TV: COMCAST

FLOODING: ENTIRE SITE IS WITHIN: FIRM PANEL 06013C0170G DATED 3/21/2017 ZONE AE (EL 9 FEET NAVD 88)

TOPOGRAPHY: AERIAL TOPOGRAPHY PROVIDED BY NEXUS 3D CONSULTING DATED JULY 27, 2023

BASIS OF ELEVATION: ELEVATIONS ARE SHOWN IN NAVD 88

BASIS OF BEARING: CALIFORNIA COORDINATE SYSTEM ZONE III (NAD 83)

SETBACKS:
SINGLE FAMILY DETACHED FRONT: 20FT
SIDE: 5FT
REAR: 15FT
(SEE SHEET 2)

SINGLE FAMILY DUPLEX FRONT: 20FT
SIDE: 5FT
REAR: 15FT
(SEE SHEET 2)

ROUGH EARTHWORK*:
SEASONAL WETLAND CREATION: 40,000 CY FILL
PARKS AND DEVELOPMENT AREA: 300,000 CY FILL
* EARTHWORK QUANTITIES SHOW ARE APPROXIMATE IN PLACE CUBIC YARDS AND DOES NOT ACCOUNT FOR SHRINK OR SWELL OF SOILS.

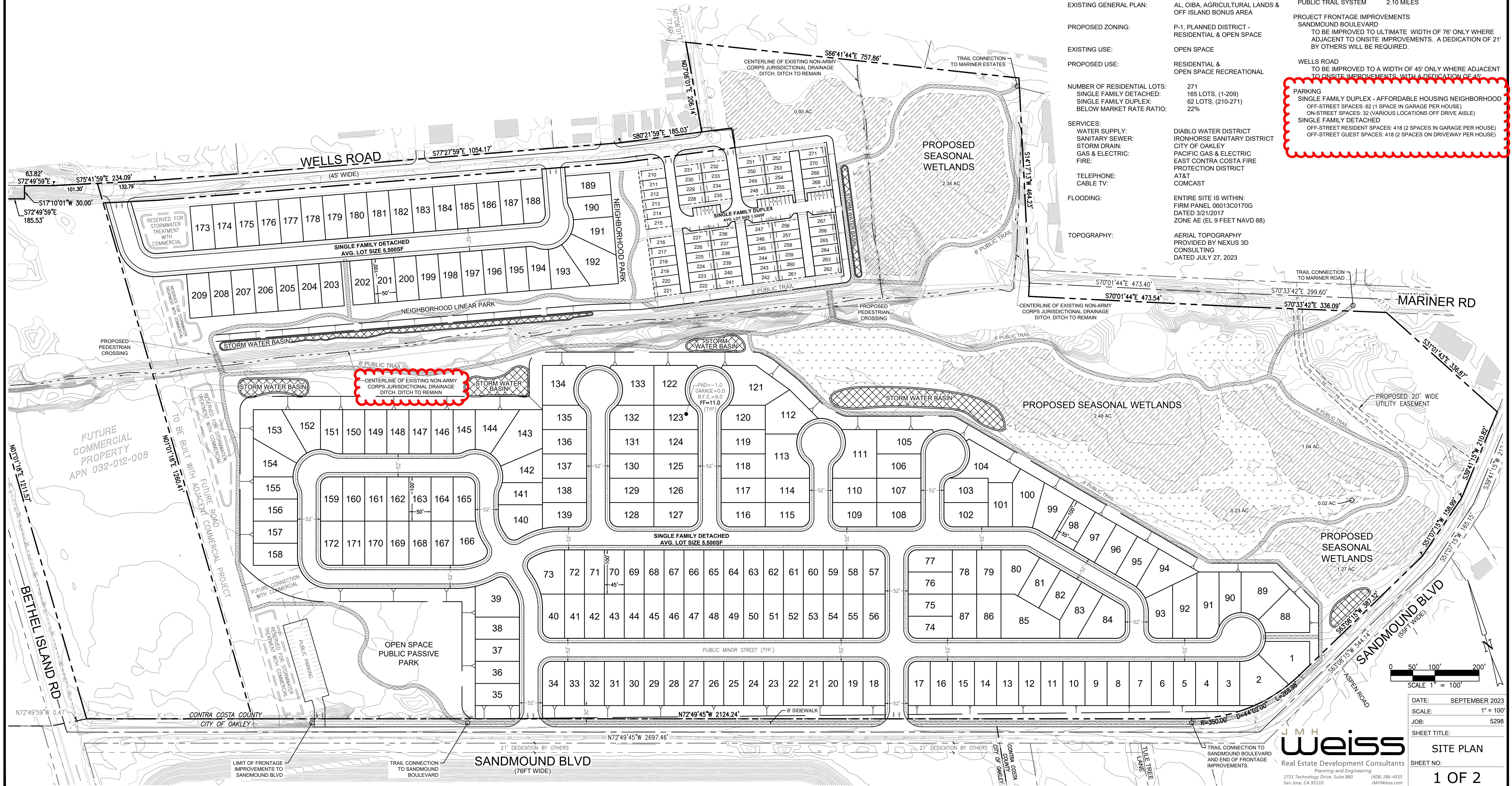
PUBLIC AMENITY
PUBLIC PARKS AND CONNECTED LINEAR WETLAND TRAIL SYSTEM

PUBLIC PARK 2.77 ACRES
NEIGHBORHOOD PARKS 1.64 ACRES
PUBLIC TRAIL SYSTEM 2.10 MILES

PROJECT FRONTAGE IMPROVEMENTS
SANDMOUND BOULEVARD
TO BE IMPROVED TO ULTIMATE WIDTH OF 76' ONLY WHERE ADJACENT TO ONSITE IMPROVEMENTS. A DEDICATION OF 21' BY OTHERS WILL BE REQUIRED.

WELLS ROAD
TO BE IMPROVED TO A WIDTH OF 45' ONLY WHERE ADJACENT TO ONSITE IMPROVEMENTS. WITH A DEDICATION OF 45'

PARKING
SINGLE FAMILY DUPLEX - AFFORDABLE HOUSING NEIGHBORHOOD
OFF-STREET SPACES: 62 (1 SPACE IN GARAGE PER HOUSE)
ON-STREET SPACES: 32 (VARIOUS LOCATIONS OFF DRIVE AISLE)
SINGLE FAMILY DETACHED
OFF-STREET RESIDENT SPACES: 418 (2 SPACES IN GARAGE PER HOUSE)
OFF-STREET GUEST SPACES: 418 (2 SPACES ON DRIVEWAY PER HOUSE)



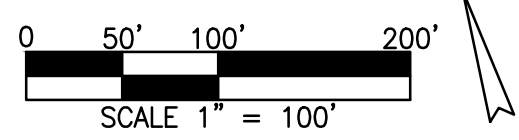
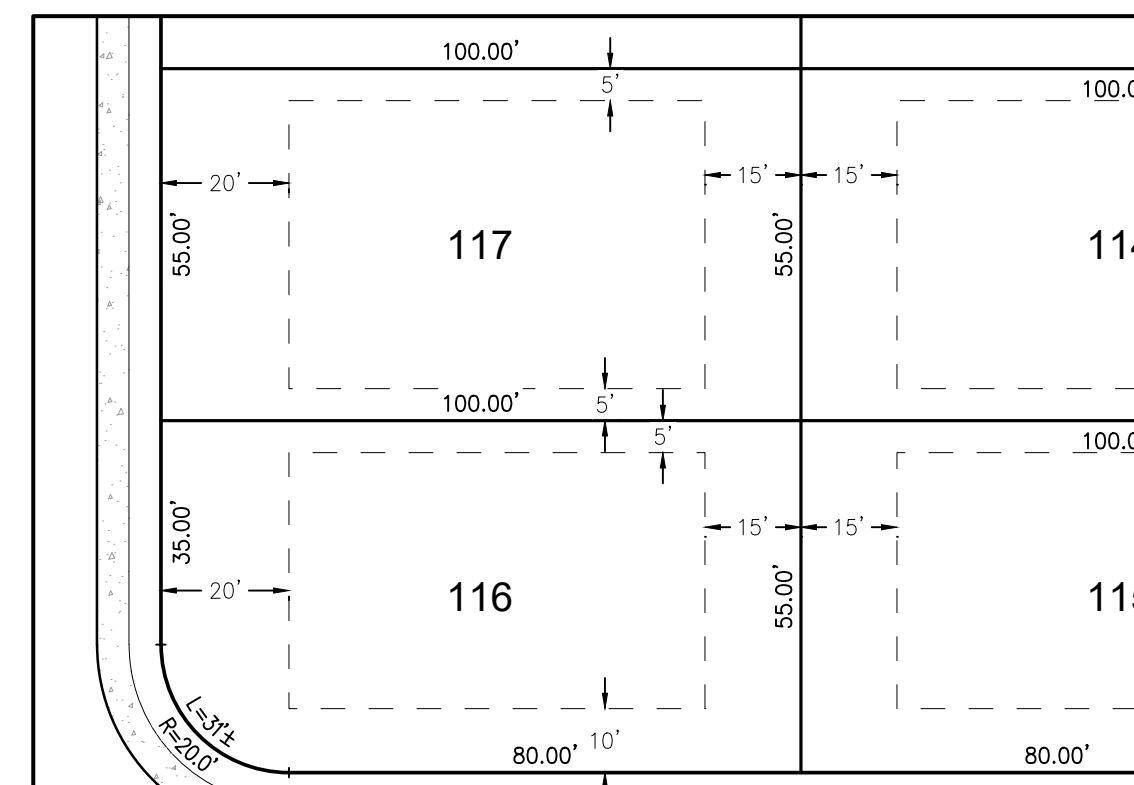
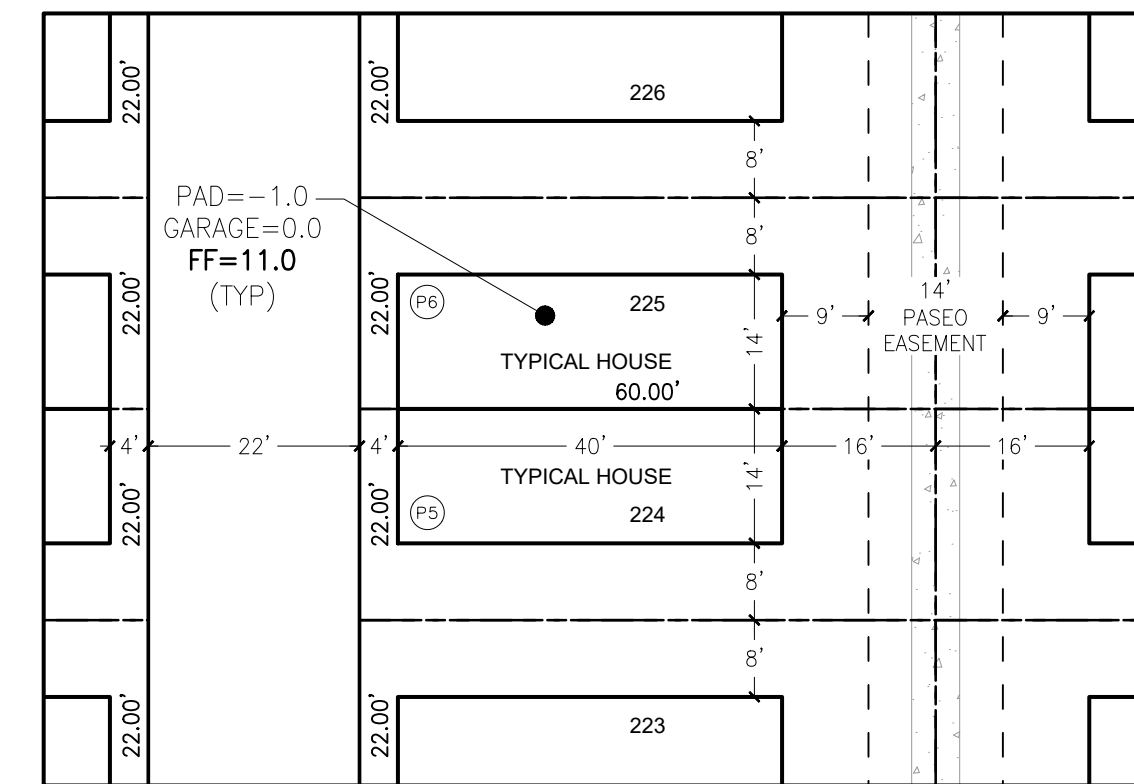
JMH Weiss
Real Estate Development Consultants
Planning and Engineering
1731 Technology Drive, Suite 880 (408) 286-4555
San Jose, CA 95110 JMHWeiss.com

DATE: SEPTEMBER 2023
SCALE: 1" = 100'
JOB: 5298
SHEET TITLE: **SITE PLAN**
SHEET NO: **1 OF 2**

Bethel Estuary Estates Project Building Matrix							
HOUSE TYPE*	# UNITS	DIMENSIONS	NET LIVING AREA PER PLAN (SF)	TOTAL NET LIVING AREA PER PLAN (SF)	GARAGE & STORAGE (SF)	GROSS AREA PER PLAN (SF)	TOTAL GROSS AREA PER PLAN (SF)
SFD PROJECT							
(P1)	PLAN 1	35	34' x 40'	2,200	77,000	3,210	112,350
(P2)	PLAN 2	20	34' x 50'	2,400	48,000	3,750	75,000
(P3)	PLAN 3	92	35' x 50'	2,600	239,200	4,000	368,000
(P4)	PLAN 4	62	35' x 60'	3,000	186,000	4,750	294,500
DUPLEX PROJECT							
(P5)	PLAN 5	31	14' x 40'	1,100	34,100	560	51,460
(P6)	PLAN 6	31	14' x 40'	1,200	37,200	560	54,560
TOTAL RESIDENTIAL UNITS		271		TOTAL NET AREA	621,500	TOTAL GROSS AREA	955,870

* SEE ARCHITECTURAL PLANS FOR DETAILS

PRELIMINARY PLAN
FOR
BETHEL ESTUARY ESTATES
CONTRA COSTA COUNTY, CALIFORNIA
APN: 032-112-007



DATE: SEPTEMBER 2023
SCALE: 1" = 100'
JOB: 5298
SHEET TITLE: HOUSE LOCATION PLAN
SHEET NO: 2 OF 2

J M H weiss
Real Estate Development Consultants
Planning and Engineering
1731 Technology Drive, Suite 880 (408) 286-4555
San Jose, CA 95131 JMW@weiss.com

PROPERTY OWNER AFFIDAVIT

Before the application can be accepted, the owner of each property involved must provide a signature to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- Ownership Disclosure. If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25 percent interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
Letter of Authorization (LOA). A LOA from a property owner granting someone else permission to sign the Preliminary Application form may be provided if the property is owned by a partnership, corporation, LLC or trust, or in rare circumstances when an individual property owner is unable to sign the Preliminary Application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items 1-3 below. In the case of partnerships, corporations, LLCs or trusts, the LOA must be signed by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
Grant Deed. Provide Copy of the Grant Deed if the ownership of the property does not match local records. The Deed must correspond exactly with the ownership listed on the application.
Multiple Owners. If the property is owned by more than one individual (e.g., John and Jane Doe, or Mary Smith and Mark Jones) signatures are required of all owners.

- I hereby certify that I am the owner of record of the herein previously described property located in Contra Costa County which is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
I hereby consent to the filing of this Preliminary Application on my property for processing by the Department of Conservation and Development, Contra Costa County for the sole purpose of vesting the proposed housing project subject to the Planning and Zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.
Further, I understand that this Preliminary Application will be terminated and vesting will be forfeited if the housing development project is revised such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with the said Department of Conservation and Development within 180 days of the date that the Preliminary Application is deemed complete.
By my signature below, I certify that the foregoing statements are true and correct.

Signature [Handwritten Signature]
Printed Name David Duong
Date 10/24/2023

Signature _____
Printed Name _____
Date 10/24/2023

Disclosure Statement for Duong Estuary Cove, LLC

A California Limited Liability Company

Entity Number 201614410510

Whenever the owner of a property or the applicant for a City permit or license is a limited liability company ("LLC"), the LLC shall provide the City with the names and business addresses of any and all shareholders, directors, officers, members, managers, other authorized persons, partners, and "Beneficial Owners" of the applying LLC. A Beneficial Owner is any person or entity who: (1) exercises substantial control over the applying LLC; (2) owns 25% or more of the interest in the applying LLC; or (3) receives substantial economic benefits from the assets of the applying LLC. If any LLC shareholder, director, officer, member, manager, other authorized person, partner, or Beneficial Owner is itself an LLC or other business entity, the names and business addresses must also be provided for any and all shareholders, directors, officers, members, managers, other authorized persons, partners, and Beneficial Owners of that LLC or other business entity all the way up through each entity in the organizational chart until ultimate ownership by individual people is disclosed.

Name: David Duong

Title: Manager Member - Beneficial Owner

Address: 1211 Embarcadero Suite 300 Oakland, CA 94606

Name: _____

Title: _____

Address: _____

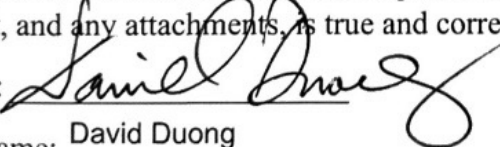
Name: _____

Title: _____

Address: _____

Check this box if additional ownership information is attached to this Disclosure Statement.

In signing this Disclosure Statement, I represent that the information submitted in this Disclosure Statement, and any attachments, is true and correct.

Signature: 

Printed Name: David Duong

Title: Managing Member

Date: 10-24-2023

LLC-1

Articles of Organization of a Limited Liability Company (LLC)

201614410510

To form a limited liability company in California, you can fill out this form, and submit for filing along with:

- A \$70 filing fee.
- A separate, non-refundable \$15 service fee also must be included, if you drop off the completed form.

Important! LLCs in California may have to pay a minimum \$800 yearly tax to the California Franchise Tax Board. For more information, go to https://www.ftb.ca.gov.

LLCs may not provide "professional services," as defined by California Corporations Code sections 13401(a) and 13401.3.

Note: Before submitting the completed form, you should consult with a private attorney for advice about your specific business needs.

FILED Secretary of State State of California

MAY 17 2016

Handwritten initials 'lpc'

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For questions about this form, go to www.sos.ca.gov/business/be/filing-tips.htm.

LLC Name (List the proposed LLC name exactly as it is to appear on the records of the California Secretary of State.)

1 Duong Estuary Cove LLC

Proposed LLC Name

The name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Co. or Ltd. Liability Company; and may not include: bank, trust, trustee, incorporated, inc., corporation, or corp., insurer, or insurance company. For general entity name requirements and restrictions, go to www.sos.ca.gov/business/be/name-availability.htm.

Purpose

2 The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

LLC Addresses

3 a. 1820 Tenth Street Oakland CA 94607

Initial Street Address of Designated Office in CA - Do not list a P.O. Box City (no abbreviations) State Zip

b. Initial Mailing Address of LLC, if different from 3a City (no abbreviations) State Zip

Service of Process (List a California resident or a California registered corporate agent that agrees to be your initial agent to accept service of process in case your LLC is sued. You may list any adult who lives in California. You may not list an LLC as the agent. Do not list an address if the agent is a California registered corporate agent as the address for service of process is already on file.)

4 a. Wallace C. Doolittle

Agent's Name

b. 1260 B Street, Suite 220 Hayward CA 94541

Agent's Street Address (if agent is not a corporation) - Do not list a P.O. Box City (no abbreviations) State Zip

Management (Check only one.)

5 The LLC will be managed by:

- [X] One Manager [] More Than One Manager [] All Limited Liability Company Member(s)

This form must be signed by each organizer. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8 1/2" x 11"). All attachments are made part of these articles of organization.

Organizer - Sign here (with handwritten signature)

Sonia Becerra, Treasurer of Swyft Filings, Organizer Print your name here

Make check/money order payable to: Secretary of State

Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.

By Mail

Secretary of State Business Entities, P.O. Box 944228 Sacramento, CA 94244-2280

Drop-Off

Secretary of State 1500 11th Street, 3rd Floor Sacramento, CA 95814



Secretary of State
Statement of Information
 (Limited Liability Company)

LLC-12

22-A47808

FILED

In the office of the Secretary of State
 of the State of California

JAN 25, 2022

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IMPORTANT — This form can be filed online at
bizfile.sos.ca.gov.

[Read instructions](#) before completing this form.

Filing Fee - \$20.00

Copy Fees - First page \$1.00; each attachment page \$0.50;
 Certification Fee - \$5.00 plus copy fees

1. Limited Liability Company Name (Enter the **exact** name of the LLC. If you registered in California using an alternate name, [see instructions](#).)

DUONG ESTUARY COVE LLC

2. 12-Digit Secretary of State Entity Number

201614410510

3. State, Foreign Country or Place of Organization (only if formed outside of California)

CALIFORNIA

4. Business Addresses

a. Street Address of Principal Office - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
1211 EMBARCADERO STE 300	OAKLAND	CA	94606
b. Mailing Address of LLC, if different than item 4a	City (no abbreviations)	State	Zip Code
1211 EMBARCADERO STE 300	OAKLAND	CA	94606
c. Street Address of California Office, if Item 4a is not in California Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
1211 EMBARCADERO STE 300	OAKLAND	CA	94606

5. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an additional managers/members, enter the names(s) and address(es) on [Form LLC-12A](#).

a. First Name, if an individual - Do not complete Item 5b	Middle Name	Last Name	Suffix
David		Duong	
b. Entity Name - Do not complete Item 5a			
c. Address	City (no abbreviations)	State	Zip Code
1211 EMBARCADERO STE 300	OAKLAND	CA	94606

6. Service of Process (Must provide either Individual **OR** Corporation.)

INDIVIDUAL – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Johnny	Middle Name	Last Name Duong	Suffix
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 1211 EMBARCADERO STE 300	City (no abbreviations) OAKLAND	State CA	Zip Code 94606

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

Describe the type of business or services of the Limited Liability Company Office Building

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix
b. Address	City (no abbreviations)	State	Zip Code

9. Labor Judgment

Does a Manager or Member have an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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10. By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized by California law to sign.

01/25/2022 Kady Tran Staff Accountant
Date Type or Print Name Title Signature



**Attachment to
Statement of Information
(Limited Liability Company)**

**LLC-12A
Attachment**

22-A47808

A. Limited Liability Company Name

DUONG ESTUARY COVE LLC

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B. 12-Digit Secretary of State File Number

201614410510

C. State or Place of Organization (only if formed outside of California)

CALIFORNIA

D. List of Additional Manager(s) or Member(s) - If the manager/member is an individual, enter the individual's name and address. If the manager/member is an entity, enter the entity's name and address. Note: The LLC cannot serve as its own manager or member.

First Name Linda	Middle Name	Last Name Duong	Suffix
Entity Name			
Address 1211 EMBARCADERO STE 300	City (no abbreviations) OAKLAND	State CA	Zip Code 94606
First Name Victor	Middle Name	Last Name Duong	Suffix
Entity Name			
Address 1211 EMBARCADERO STE 300	City (no abbreviations) OAKLAND	State CA	Zip Code 94606
First Name Kristina	Middle Name	Last Name Duong	Suffix
Entity Name			
Address 1211 EMBARCADERO STE 300	City (no abbreviations) OAKLAND	State CA	Zip Code 94606
First Name Michael	Middle Name	Last Name Duong	Suffix
Entity Name			
Address 1211 EMBARCADERO STE 300	City (no abbreviations) OAKLAND	State CA	Zip Code 94606
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code