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June 29, 2018

VIA EMAIL

Niroop K. Srivatsa
Planning & Building Director
City of Lafayette
3675 Mount Diablo Blvd., #210
Lafayette, CA 94549
Email: nsrivatsa@lovelafayette.org

Re: Terraces of Lafayette (L03-11)

Dear Niroop:

As you know, this firm, along with Allan Moore, of Wendel, Rosen, Black & Dean LLP, represents O'Brien Land Company, LLC and Anna Maria Dettmer in connection with the above-referenced Housing Accountability Act project ("Project"). This letter is a response to your June 28, 2018 letter regarding the Project.

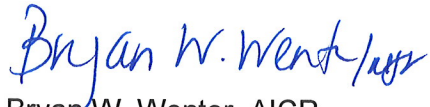
We appreciate the City's unabated confirmation that the Project application was deemed complete in 2011, when the Project site had a general plan and zoning designation of Administrative/Professional Office (APO), and that no substantive change to the general plan or zoning would be the basis to deny the Project under the Housing Accountability Act. That said, while we understand City staff may now believe the technical reports in support of the certified 2013 Environmental Impact Report are "out-of-date," the California Environmental Quality Act presumes the validity of certified environmental documents and does not place a time limit on their validity or on related supporting documentation. See, e.g., Public Resources Code section 21166 and CEQA Guidelines section 15162. Based on City staff's apparent perspective on this issue, however, we are also reviewing the relevant environmental documents pursuant to CEQA. We would appreciate the opportunity to discuss these issues with you and the City's contract planner on either July 13 or July 16.

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Notwithstanding any of the foregoing, our clients intend to diligently process the Project and they reserve all of their rights under all applicable law, including but not limited to the Permit Streamlining Act.

Sincerely,

MILLER STARR REGALIA



Bryan W. Wenter, AICP

BWW:mj

cc: Steve Falk, City Manager
Mala Subramanian, City Attorney
Dennis O'Brien
Anna Maria Dettmer
Allan Moore, Esq.