

Robert B. Hodil
D 415.772.5738
rhodil@coblentzlaw.com

July 26, 2019

VIA E-MAIL AND U.S. MAIL

Bryan W. Wenter
Miller Starr Regalia
1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

Re: O'Brien Land Company, LLC's July 9, 2019, and July 18, 2019, Public Records Act Requests

Dear Bryan:

On July 9, 2019, you submitted a Public Records Act request to the City of Lafayette on behalf O'Brien Land Company, LLC ("O'Brien") for the following records:

All "writings" (as defined in California Evidence Code § 250) that comprise constitute, or relate to all of the following:

- Any document prepared, owned, used, retained, created, received, or exchanged by the City, on or prior to July 5, 2011, that pertains to objective, identified written public health or safety standards, policies, or conditions.

On July 19, 2019, the City Clerk, Joanne Robbins, responded to that PRA request, stating that:

In order to respond efficiently to your request, City staff members will make responsive documents available to you in batches. We estimate that City staff members can begin making the first batch of responsive documents available to you beginning August 19, 2019.

On July 18, 2019, you sent me a second Public Records Act request letter, asking for:

[A]ny document prepared, owned, used, retained, created, received, or exchanged by the City, on or prior to July 5, 2011, *that the City has identified [in any writing] at any time* as containing, constituting or pertaining to "objective, identified written public health or safety

Coblentz
Patch Duffy
& Bass LLP

Bryan W. Wenter
July 26, 2019
Page 2

standards, policies, or conditions" as those quoted terms are used in section 65589.5(d)(2).

Although your July 18, 2019, letter characterizes this second request as a clarification of the original request, it necessitates a search for some different documents than the first, as it necessarily requires the City to search for any written documents identifying written standards, policies, or conditions as those terms are used in Government Code section 65589.5(d)(2) that the City has prepared, owned, used, retained, created, received or exchanged by the City at any time.

City staff members are currently searching for any such documents. We anticipate that there may be a large number of records to review. In order to respond efficiently to your request, City staff members will make any non-privileged, responsive documents available to you in batches. We estimate that City staff members can begin making the first batch of responsive documents available to you beginning August 26, 2019. On that date, we will provide a list of the first batch of responsive documents, which may overlap with documents already identified by then in response to your first request, and, if you notify us that you would like copies of any particular documents, we will promptly notify you if there will be any costs associated with providing the first batch of documents for your request.

As you know, the City does not have to create records that do not exist, and the City may withhold records that are exempt from disclosure under the Public Records Act.

Sincerely,



Robert B. Hodil

rbh:RBH

cc: Mayor Mike Anderson
City Councilmember Steven Bliss
City Councilmember Cameron Burks
City Councilmember Teresa Gerringer
Planning Commission
Niroop Srivatsa, Interim City Manager
Greg Wolff, Acting Planning Director
Joanne Robbins, City Clerk
Michelle Rodriguez, Adjunct Planner

Coblentz
Patch Duffy
& Bass LLP

Bryan W. Wenter
July 26, 2019
Page 3

Dennis O'Brien
Caryn Kali
Dave Baker
Arthur Coon, Esq.
Allan Moore, Esq.