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May 23, 2018

Via Email and U.S. MailDorothy Roberts
City Clerk
Office of the City Clerk
City of Napa
955 School Street
Napa, CA 94559
clerk@cityofnapa.org;
droberts@cityofnapa.orgErin Morris
Planning Division Manager
Community Services Building
City of Napa
1600 First Street
Napa, CA 94559
emorris@cityofnapa.org**Via Email Only**Victor Carniglia, Contract Planner, vcarniglia@cityofnapa.org**Re: Request for Immediate Access to Public Records for the Trinitas Mixed-Use Project, SCH #2017072005**

Dear Ms. Roberts, Mr. Morris and Mr. Carniglia:

We are writing on behalf of **Napa Residents for Responsible Development** (“Napa Residents”) to request *immediate access* to any and all public records referring or related to Trinitas Mixed-Use Project, SCH #2017072005, (“Project”) ***since the date of our last request on January 23, 2018.*** The Project is located at 2650 Napa Valley Corporate Drive (APNs: 046-610-009, -019, -020), at the southern boundary of the City of Napa, near the junction of State Route 29 (SR 29) and State Route 221 (SR 221).

This request includes, but is not limited to, any and all materials, correspondence, electronic mail messages, resolutions, memos, notes, analysis, files, maps, charts, and/or any other documents related to the Project, including but not limited to the following documents:

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- All public comments received by the City regarding the Project that are not included in the Project's Final Environmental Impact Report ("FEIR"), including but not limited to all public comments received by the City at or in conjunction with the May 17, 2018 Planning Commission hearing on the Project.
- All surveys and technical reports prepared by or on behalf of the City's EIR consultant related to the Project that are not included in the Project's Draft Environmental Impact Report ("DEIR") or FEIR, including but not limited to the 2018 fairy shrimp study referenced by Ms. Shana Shaffner during the May 17 Planning Commission hearing on the Project.
- All documents related to the construction status of the Meritage Commons Project, to be located at 850 and 875 Bordeaux Way, also known as the Meritage Resort Expansion Project (PL15-0071).
- All other documents related to the Project that were not previously provided in response to our January 23, 2018 Public Records Act request.

Napa Residents is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential impacts associated with Project development. Napa Residents includes the International Brotherhood of Electrical Workers Local 180, Plumbers & Steamfitters Local 343, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483 and their members and their families; and other individuals that live and/or work in the City of Napa and Contra Costa County. Napa Residents have a strong interest in enforcing the State's environmental laws that encourage sustainable development and ensure a safe working environment for its members.

Pursuant to the California Public Records Act, Government Code Section 6250 et seq., we request that the City of Napa, and all of its departments (collectively, "City") make immediately available for inspection and copying the requested documents related to the Project. Citizens requests immediate access to review the above documents pursuant to section 6253(a) of the Public Records Act, which requires public records to be "open to inspection at all times during the office hours of the state or local agency" and provides that "every person has a right to inspect any public record."¹

¹ Gov. Code § 6253(a).

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This request seeks access to the above documents for inspection under Section 6253(a) only, and does not request that the City provide copies of these documents. Therefore, the ten day response period applicable to a “request for a copy of records” under Section 6253(c) does not apply to this request. The City is also directed not to take any action to organize or modify the requested documents. We request access to the documents in the existing form maintained by the City.²

If any of the above requested documents are available online, please provide us with the URL web address at which the documents may be downloaded. If any of the requested documents are retained by the City in electronic computer-readable format such as PDF (portable document format), please provide us with PDF copies of the documents via email, or inform us of the location at which we can copy these documents electronically. We reserve the right to have a copy service make copies of any and all of the requested documents depending on the volume.

In responding to this request, please bear in mind that any exemptions from disclosure the City may believe to be applicable are to be narrowly construed.³ If the City declines to produce any of the requested documents on the grounds of an exemption, please note that the Public Records Act imposes a duty on the City to distinguish between the exempt and the non-exempt portion of any such records, and to attempt in good faith to redact the exempt portion and to disclose the balance of such documents.⁴ Furthermore, should the City choose to withhold any document from disclosure, the City has a duty under Government Code section 6255, subd. (a) to “justify withholding any record by demonstrating that the record in question is exempt under express provisions” of the Public Records Act or that “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.”⁵ The City may not seek recovery of costs for any staff time related to responding to this Public Records Act request.⁶

² See *Sierra Club v. Super. Ct.* (2013) 57 Cal. 4th 157, 161.

³ *Marken v. Santa Monica-Malibu Unif. Sch. Dist.* (2012) 202 Cal. App. 4th 1250,1262; *Citizens for Ceres v. Super. Ct.* (2013) 217 Cal.App.4th 889, 913 (the common interest doctrine cannot apply to communications between a developer and a reviewing public agency made before project approval.)

⁴ Gov. Code § 6253(a).

⁵ *Id.*

⁶ *North County Parents v. Dept. of Education* (1994) 23 Cal.App.4th 144; *County of Los Angeles v. Super. Ct.* (2000) 82 Cal.App.4th 819, 826.

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If any of the requested items are available on the Internet, we request that the City direct us to the appropriate URL web address or other site for accessing the documents. Pursuant to Government Code section 6253.9, if the requested documents are in electronic format and are 10 MB or less (or can be easily broken into chunks of 10 MB or less), please email them as attachments. We request access to the above documents, including any electronic documents, in their original form, as maintained by the City.⁷

Please use the following contact information for all correspondence regarding these requests:

Christina Caro
Janet Laurain
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Ste. 1000
South San Francisco, CA 94080
jlaurain@adamsbroadwell.com

Thank you for your assistance with this matter.

Sincerely,



Christina M. Caro

CMC:acp

⁷ Gov. Code § 6253.9(a)(1); *See Sierra Club v. Super. Ct.* (2013) 57 Cal. 4th 157, 161.