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May 29, 2019

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VIA E-MAIL AND FIRST CLASS MAIL

Ms. Beatrice Pacheco
Custodian of Records
Department of City Planning
221 North Figueroa Street, Room 1450
Los Angeles, California 90012

beatrice.pacheco@lacity.org

Re: Public Records Act Request - 750-756 North Edinburgh Avenue, Los Angeles, CA
90046 (APN 5527-013-016)

Ms. Pacheco:

I am writing in response to your letter dated May 17, 2019. My initial Public Records Act Request, dated May 3, 2019, and the Department of City Planning's response, are herein incorporated by reference. We appreciate the City of Los Angeles ("City") making documents available to us on May 17, 2019, but believe some of those documents have been inappropriately redacted and that other relevant documents are in the City's possession but were not produced.

Redacted Documents

Your letter dated May 17, 2019 states: "...some of the emails in our possession are exempt from production under California Government Code section 6254(k) because they are protected attorney-client communication and/or attorney work-product. Also, some documents are exempt from production under California Government Code 6255 and will not be produced because they are protected by deliberative process and/or are drafts. These documents are exempt from production because the public interest served by protecting the officials' decision making process clearly outweighs the public interest served by the records' disclosure."

As a preliminary matter, we request that the City provide a list of all documents that have been omitted from the production and the reason for such omission.

Moreover, the redactions that were made subject to this exception are inconsistent with the California Public Records Act (Government Code Sections 6250 *et seq.*) generally, and Government Code Section 6255 specifically.

In particular, the email from Heather Bleemers to Lisa Webber dated April 18, 2019 (Pages 3-4 of PRA Results PDF) states, "I wanted to let you know that the Edinburgh LOD went out yesterday." This language is followed by a line and a half of redacted text. Since the first sentence of Ms. Bleemer's email indicated that Letter of Decision had been sent out the day before, that would suggest that a decision had been made. Where a decision has been made, the deliberative process is by definition complete and the draft documents have been finalized. With the deliberative and decision making processes complete, there are no grounds to redact the contents of the email.

Additionally, we are requesting that the full, unredacted versions of the following emails be produced:

From	To	Date/Time	Page Number
Heather Bleemers	John Fox Lucy Atwood (cc: Adam Villani Mindy Nguyen)	April 26, 2019 3:40 PM	1, 2
Heather Bleemers	John Fox Lucy Atwood	January 30, 2019 9:41 AM	20
Heather Bleemers	Adam Villani	January 29, 2019 2:22 PM	24
Adam Villani	Heather Bleemers	January 29, 2019 3:35 PM	24

Stated plainly, in these circumstances of competing public interests, protecting the officials' decision making process is outweighed by the necessity for the public to have confidence that the City's decisions are in fact being made consistent with policy and procedure, void of improper influences or considerations.

Relevant Documents Withheld by the City

Further, we believe that in addition to the redacted documents referenced above, the City either exempted numerous other documents or otherwise made a decision to limit the materials produced in response to this request to emails. Either way, the record is incomplete, as emails on this subject exchanged between individuals identified in the initial request and Elisa Paster of our office were not included in the materials provided by the City in response to this request.

For reference, my letter dated May 3, 2019 requested: "Any and all records, including, without limitation, emails, text messages and phone messages, relating to or referencing the Property and/or Project, sent or received between January 1, 2016 to the present, (including carbon copies and blind carbon copies) to or from any of the

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following individuals: [Ken Bernstein, Vincent Bertoni, Heather Bleemers, Heather Fox, Lambert Giessinger, Luci Ibarra, Kevin Keller, Mindy Nguyen, Arthi Varma, Adam Villani, Lisa Webber]." With this letter, I am renewing my request, pursuant to the California Public Records Act (Cal. Gov. Code §§ 6250 *et seq.*), for public records created by, retained by or in the custody of the Department of City Planning, City of Los Angeles, including but not limited to all records described above. Should you determine that additional documents exist but are exempt from production, please provide a record of the exempted documents, identifying the reason for their exemption.

We appreciate you taking the time to review this follow up letter and evaluate these requests. Should the Department of City Planning determine, after further evaluation, not to produce any of the unredacted emails requested above, or the apparently exempted documents described above, please be sure to indicate what the proper procedure is for appealing the exemption determinations.

Thank you for your prompt attention to this request. Please direct questions and any other communication regarding this request to me at (310) 556-7816 or egeier@glaserweil.com.

Respectfully,

A handwritten signature in black ink, appearing to read "Eric N. Geier", with a long horizontal flourish extending to the right.

ERIC N. GEIER
of GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP