



COMMITTEE FOR
GREEN FOOTHILLS

November 11, 2004

Mr. Michael Lopez
Interim Planning Director
Santa Clara County Planning Office
70 West Hedding St.
East Wing, 7th Floor
San Jose CA 95110

Subject: Request to Inspect and Copy Public Records

Dear Mr. Lopez:

The Committee for Green Foothills understands that the County has a policy of sharing preliminary drafts of certain documents such as Environmental Impact Reports with project applicants. County staff has stated that neither these preliminary documents, nor related documents such as correspondence with applicants about the documents, are subject to disclosure under the Public Records Act. We respectfully disagree, and consider the County obligated to release such documents when they have already been disclosed to applicants.

Our primary interest lies in an official change from the County policy of sharing draft documents with project applicants while denying them to others. We are willing to withdraw certain requests for documents should the County indicate it intends to change its policy, but in the meantime we request access to records in the possession of Santa Clara County for the purpose of inspection and copying pursuant to the California Public Records Act (Government Code Section 6250 et seq.).

The information that we ask to inspect is as follows:

- All preliminary drafts, or portions of preliminary drafts, of the Stanford University S1 Trail Alignment Draft Supplemental Environmental Impact Report ("S1 DSEIR"), that were shown to any person associated with Stanford University, which includes Stanford staff, its consultants, and any agent of Stanford University.
- All correspondence from or to persons associated with Stanford University regarding the S1 DSEIR, including correspondence occurring after the S1 DEIR had been published. We define correspondence as including all printed and electronic correspondence, and notes of conversations.
- All preliminary drafts, or portions of preliminary drafts, of the ordinances establishing the Open Space/Field Research (OS/F) zoning, draft rezoning certain Stanford lands to OS/F, and draft modifications the cluster permit provisions for OS/F lands (File No. 8214-00-00-01Z, collectively described as "Open Space and Field Research Regulations"), that were shown to any person associated with Stanford University.
- All correspondence from or to persons associated with Stanford University regarding the Open Space and Field Research Regulations.

- All preliminary drafts, or portions of preliminary drafts, of the Stanford Community Plan/General Use Permit EIR ("Community Plan EIR"), that were shown to any person associated with Stanford University.
- All correspondence from or to persons associated with Stanford University regarding the Community Plan EIR.

This request reasonably describes identifiable records or information produced therefrom, and there exists no express provisions of law exempting the record(s) from disclosure. Pursuant to Government Code Section 6253(b), we ask that you make the record(s) "promptly available," for inspection and copying, based on our payment of "fees covering direct costs of duplication, or statutory fee, if applicable."

If a portion of the information we have requested is exempt from disclosure by express provisions of law, Government Code Section 6253(a) additionally requires segregation and deletion of that material in order that the remainder of the information may be released. If you determine that an express provision of law exists to exempt from disclosure all or a portion of the material we have requested, Government Code Section 6253(c) requires notification to us of the reasons for the determination not later than 10 days from your receipt of this request.

Government Code Section 6253(d) prohibits the use of the 10-day period, or any provisions of the Public Records Act "to delay access for purposes of inspecting public records."

Because the Committee for Green Foothills is a nonprofit 501 c/3 organization dedicated to serving the public interest of environmental protection, we request that you waive any fees that would be normally applicable to a Public Records Act request. If you are unable to do so, please inform us of any payment required prior to copying. No part of the information obtained will be sold or distributed for profit.

To expedite compliance, we are sending a copy of this request to County Counsel, Lizanne Reynolds.

Thank you for your timely attention to our request. Please contact us with any questions.

Sincerely,

<signed>

Brian A. Schmidt
Legislative Advocate, Santa Clara County

Cc: Lizanne Reynolds