



PACIFIC LEGAL FOUNDATION

OCT 31 2016 PM 2:13 Planning

October 28, 2016

VIA EMAIL & US MAIL
BCrawford@marincounty.org

Brian Crawford, Director
Marin Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Dear Mr. Crawford:

On October 4, 2016, Pacific Legal Foundation submitted a Public Records Act request to the Information Services and Technology Department (IST), which is the agency identified by the County of Marin's website for the receipt of such requests (<http://www.marincounty.org/depts/is/public-records-disclosure>). When no timely response was received, follow-up calls were placed to IST. We were advised that their department did not, in fact, handle these requests, and they directed us to you.

Pursuant to the California Public Records Act § 6250, *et seq.*, I request public records concerning Marin County's conditional approval of the Cherk Family Trust's permit to split their residential lot, known as Assessor Parcel Number 180-171-06 on Upper Road in San Rafael, and the County's decision to waive fees due by other property owners that split similar lots. Specifically, I request the following public records:

- 1) All records concerning the Marin County Community Development Agency's December 13, 2007, conditional approval of the division of Assessor Parcel Number 180-171-06 (which became Assessor Parcel Numbers 180-171-06 & 25, otherwise known as 600 and 700 Upper Road, San Rafael). The subdivision permit applicant was the Cherk Family Trust. Requested documents include, but are not limited to, any notices, memorandum, decisions, or correspondence.
- 2) All records concerning the Marin County Community Development Agency's determination that a revised application concerning the subdivision of Assessor Parcels 180-171-06 and -25 was approved. That determination was reported to Dart and Esther Cherk by letter of September 9, 2014, signed by Curtis Havel, Senior Planner.
- 3) All records concerning any and all determinations to waive in-lieu fees ordinarily due, pursuant to Marin County Code 22.22.090, from property owners who received approval to subdivide a residential lot in the County. Please limit this request to the years 2007-2016.

HEADQUARTERS: 930 G Street | Sacramento, CA 95814 | (916) 419-7111 | FAX (916) 419-7747
ATLANTIC: 8645 N. Military Trail, Suite 511 | Palm Beach Gardens, FL 33410 | (561) 691-5000 | FAX (561) 691-5006
DC: 3033 Wilson Boulevard, Suite 700 | Arlington, VA 22201 | (202) 888-6881 | FAX (202) 888-6855
HAWAII: P.O. Box 3619 | Honolulu, HI 96811 | (808) 733-3373 | FAX (808) 733-3374
NORTHWEST: 10940 NE 33rd Place, Suite 210 | Bellevue, WA 98004 | (425) 576-0484 | FAX (425) 576-9565
LIBERTY CLINIC: Chapman University, Fowler School of Law | 1 University Drive | Orange, CA 95866 | (714) 591-0490
ALASKA: (907) 278-1731 | OREGON: (503) 241-8179

E-MAIL: plf@pacifical.org
WEB SITE: www.pacificlegal.org

Custodian of Records
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If the documents sought are stored electronically, please provide the information by e-mail or on a disk readable by an IBM-compatible personal computer and identify the program used. If the information sought is not stored electronically, please provide hard copies to me at 930 G Street, Sacramento, California 95814.

If you determine that you cannot disclose any of the requested material in its entirety, I request that you release any and all reasonable redacted or segregated material that may be separated and released. For any documents, or portions thereof, that you determine to be exempt from disclosure, I request that you exercise your discretion to disclose the materials, absent a finding that a reasonable basis exists to invoke an exemption.

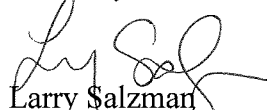
Should you withhold disclosure of documents within the scope of this request, I ask that you provide an index that: (1) identifies each and every document that is withheld; (2) states with specificity the statutory exemption claimed for each document; and (3) explains how disclosure of a particular document would damage the interest protected by a particular exemption.

Government Code section 6253(c) requires a response within ten days from the date of the receipt of this request. If you are unable to provide copies of the requested information to me within the time specified, please contact me at (714) 591-0490 or LGS@pacifical.org.

I respectfully request that you waive any fees. Pacific Legal Foundation is a nonprofit public interest organization which subsists on charitable donations. Further, the Foundation is pursuing this matter for the benefit of Marin County residents (the Cherks) who are experiencing significant financial hardship. If you decide that the documents requested are too numerous or lengthy to provide courtesy copies, please contact me if the cost will exceed \$200 so that we may discuss the expense.

Thank you for your attention to this matter. Please feel free to contact me by email or phone if you have any questions.

Sincerely,


Larry Salzman
Principal Attorney

cc: Thomas Lai, Ass't Director Community Development
Jeremy Tejirian, Planning Manager