



555 12th Street, Suite 1500
Oakland, California 94607
tel (510) 808-2000
fax (510) 444-1108
www.meyersnave.com

Edward Grutzmacher
Attorney at Law
egrutzmacher@meyersnave.com

February 12, 2015

Via Electronic & U.S. Mail

Ellison Folk
folk@smwlaw.com
Joseph Petta
petta@smwlaw.com
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421

Re: Alleged Use Permit and Ordinance Violations By Rotten Robbie; Public Records Act

Dear Ellison and Seph:

This letter follows up on our conversation on January 21, 2015 regarding your clients' concerns with the Rotten Robbie gas station and car wash at 7200 Healdsburg Avenue (the "facility") in the City of Sebastopol ("City") and your related request for public documents under the Public Records Act.

First, the City has reviewed the critique of the previous noise analyses of the facility conducted by the Papadimos Group. The City would consider retaining a professional noise consultant to do current noise readings at the site and to assess present compliance with the City's noise ordinance. The City would first want to determine with Robinson Oil that the facility is operating properly, as designed, and that agreed-to mitigation measures, including all plantings, are installed to ensure that the new noise analysis examines the facility's noise impacts at normal operations. Then, if there are noise violations, the City, the neighbors, and Robinson Oil can look at what types of changes might be needed to bring the facility into compliance with the City's noise ordinance.

Along those same lines, you had agreed during our phone call to discuss with your clients what potential solutions, other than closure of the facility, might be acceptable to your clients. If you have had the opportunity to discuss this issue with your clients, please share their ideas with the City at your earliest convenience.

Finally, with respect to your request for documents under the Public Records Act, the City has identified over 800 pages of materials as potentially responsive to the request. The City

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will agree to release all documents which consist of communications between City staff and either Robinson Oil, or other third parties. The City has made copies of these documents and will provide them to you upon receipt of reimbursement for reasonable copying charges. The remaining documents, including, but not limited to, communications between the City Attorney's office, City staff, and the City Council or Planning Commission, are being reviewed to determine whether those documents contain privileged information or other information otherwise exempt from disclosure under the Public Records Act. We should have this review complete with 7 – 10 days.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Edward Grutzmacher

EAG:EC
c: Larry McLaughlin
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