

From: [Hughey, Rosalynn](#)
To: [Manford, Robert](#); [Hill, Shannon](#)
Subject: FW: EIR Admin Record
Date: Friday, September 4, 2020 1:49:54 PM
Attachments: [Admin Record Instructions for AB 900 Compliance v5.pdf](#)

FYI

From: Klein, Nanci <Nanci.Klein@sanjoseca.gov>
Sent: Friday, September 4, 2020 1:49 PM
To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>; Ristow, John <John.Ristow@sanjoseca.gov>; Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>; Cano, Matt <Matt.Cano@sanjoseca.gov>; Do, Ryan <ryan.do@sanjoseca.gov>; Yung, Samuel <samuel.yung@sanjoseca.gov>; Romanow, Kerrie <Kerrie.Romanow@sanjoseca.gov>; O'Connor, Kevin <Kevin.Oconnor@sanjoseca.gov>; Ekern, Bill <Bill.Ekern@sanjoseca.gov>; Severino, Lori <Lori.Severino@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>; VanderVeen, Rachel <Rachel.VanderVeen@sanjoseca.gov>
Cc: Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>; Walesh, Kim <Kim.Walesh@sanjoseca.gov>; Reid, Tara <Tara.Reid@sanjoseca.gov>
Subject: Fw: EIR Admin Record

Hi! Hope you all are having a good Friday and have a good long-weekend.
I need to ask for some help and must get your AB900/Google emails - in totality by 9/8.
I believe most of our teams are providing the emails regularly anyway.

If there are emails that you or members of your teams have, they must be in on 9/8.
Admin Record Instructions are attached.

Thank you very much and have a great weekend.

Nanci

Nanci Klein
Director of Economic Development | Director of Real Estate
City of San Jose
(408) 507-0430 - cell

Downtown West Project Environmental Impact Report (EIR) Record of Proceedings

For certified environmental leadership projects, Public Resources Code Section 21186 requires the City to make the EIR record of proceedings available to the public online concurrent with publication of the Draft EIR, keep the record updated throughout the review and approval process, and certify the record within five days of project approval. **In order to meet the statutory deadlines for the Downtown West Project, all City staff and consultants working on the project will play a role in maintaining the record of proceedings.**

City staff shall provide relevant materials according to the following steps and the schedule in Table 1 of this document.

Step 1. Select which materials need to be included in the EIR record of proceedings

- a. Public Resources Code Section 21167.6 requires all written materials relevant to the City's compliance with CEQA or its decision on the merits of the project to be part of the record of proceedings.
- b. All internal and external emails, documents, and writings relevant to the City's compliance with CEQA or to its decision on the merits of the project must be submitted as part of the record of proceedings.
- c. Only emails, documents, or writings that are considered "preliminary draft" or "attorney-client communication" may be exempt from the record of proceedings. "Preliminary draft" exemption is limited to redlining/providing comments on the actual draft document where a later draft or final document will be release for public review.
- d. For purpose of CEQA, please note written materials may include any form of writing, such as e-mails, chat function, or texts.

Step 2. Sort materials into one of three categories and deliver to the appropriate recipient

- a. **Category 1:** Clearly Public materials (per City policy; no attorney privilege)
 - a. Forward these items to downtownwest@esassoc.com DO NOT PRINT EMAILS TO PDF, PLEASE KEEP AS OUTLOOK MESSAGE FILES
 - b. Note: Going forward, when sending emails you know would fall into this category, carbon-copy (cc) the downtownwest@esassoc.com inbox. They will be collected concurrently and you will not need to forward again later.
- b. **Category 2:** Clearly privileged materials
 - c. When a file is clearly privileged, drag the file into the appropriate subfolder for your department on OneDrive at the following link: https://sanjoseca-my.sharepoint.com/personal/shannon_hill_sanjoseca_gov/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fshannon%5Fhill%5Fsanjoseca%5Fgov%2FDocuments%2FGoogle%20Admin%20Record%5FPrivileged.
- c. **Category 3:** Materials that don't fall into Categories 1 or 2
 - d. Where it is unclear whether an email or document is privileged or public, drag the file into the appropriate subfolder for your department on OneDrive at the following link for CAO review: https://sanjoseca-my.sharepoint.com/personal/shannon_hill_sanjoseca_gov/_layouts/15/onedrive.aspx?

[id=%2Fpersonal%2Fshannon%5Fhill%5Fsanjoseca%5Fgov%2FDocuments%2FGoo
gle%20Admin%20Record%5FCAO%20Review](https://www.personalshannonhill.com/sanjoseca.gov/Documents/Google%20Admin%20Record%5FCAO%20Review).

Step 3. For City Attorney office only, send processed Category 3 materials to ESA

- a. If any materials from Category 3 should be in Category 1 (public), either
- e. Batch reviewed materials into zipped file (or .pst) and send via deliverit to downtownwest@esassoc.com DO NOT PRINT EMAILS TO PDF, PLEASE KEEP AS OUTLOOK MESSAGE FILES
 - 1. Deliverit is a file sharing service for files up to 1 GB, available at <https://deliverit.esassoc.com>
- OR
- f. Forward individual items to downtownwest@esassoc.com

Using ESA Deliverit

ESA's Deliverit is a file transfer service for large files up to 1 GB. If you would like to share large files with an esassoc.com email address (such as the downtownwest@esassoc.com inbox), you can use Deliverit to do so.

1. Navigate to <http://deliverit.esassoc.com> in a web browser (such as Chrome or Internet Explorer).
2. Enter your name and email information into the first entry boxes on the page.
3. Enter the recipient address into the third box.
4. Click the “Upload File” button. This will open a file explorer window. Select the file(s) (up to 1 GB total) that you would like to send.
5. Click “OK.” The files may take a minute to upload.
6. Enter a message to accompany your file if desired in the “Message to Recipient” box.
7. Once your files appear listed on the page with green check marks next to the names, click the “Send” button at the bottom of the screen. It may take a few moments for the page to refresh, indicating that your files have been sent.

TABLE 1: SCHEDULE/PROCEDURES FOR MAINTAINING ONLINE AB 900 RECORD OF PROCEEDINGS

	Schedule	Responsible Party	Task Description
Prior to Publication of the Draft EIR – Email Correspondence Only			
1a	By July 7, 2020	City staff, ESA staff, applicant	<p>For emails generated up through June 30, 2020</p> <p>Send Category 1 emails to downtownwest@esassoc.com.</p> <p><u>City staff:</u></p> <ul style="list-style-type: none"> Move Category 2 emails into the shared folder on OneDrive (<i>Google Admin Record_Privileged</i>) in the subfolder for your department. Move Category 3 emails into the shared folder on OneDrive (<i>Google Admin Record_CAO Review</i>) in the subfolder for your department for CAO review.
	By August 7, 2020	City staff, ESA staff, applicant	<p>For emails generated between July 1 through 31, 2020</p> <p>Send Category 1 emails to downtownwest@esassoc.com.</p> <p><u>City staff:</u></p> <ul style="list-style-type: none"> Move Category 2 emails into the shared folder on OneDrive (<i>Google Admin Record_Privileged</i>) in the subfolder for your department. Move Category 3 emails into the shared folder on OneDrive (<i>Google Admin Record_CAO Review</i>) in the subfolder for your department for CAO review.
	Daily , August 8 through September 4, 2020 (plus any emails or documents generated over Labor Day Weekend)	City staff, ESA staff, applicant	<p>For emails generated between August 1 through September 4, 2020 (plus any emails or documents generated over Labor Day Weekend)</p> <p>Send Category 1 emails to downtownwest@esassoc.com.</p> <p><u>City staff:</u></p> <ul style="list-style-type: none"> Move Category 2 emails into the shared folder on OneDrive (<i>Google Admin Record_Privileged</i>) in the subfolder for your department. Move Category 3 emails into the shared folder on OneDrive (<i>Google Admin Record_CAO Review</i>) in the subfolder for your department for CAO review. <p>If not sent daily, Category 1 emails generated between 9/4 and 9/7 midnight must be sent to downtownwest@esassoc.com by 10:00 am on 9/8.</p>
1b.	Weekly , February 28 through September 4 (plus any emails or documents generated over Labor Day Weekend)	City Attorney	<p>Send reviewed emails to downtownwest@esassoc.com (do not pdf first). Send as individual emails or as one .pst file.</p> <p>Category 1 emails generated between 9/4 and 9/7 midnight must be sent to downtownwest@esassoc.com by 10:00 am on 9/8.</p>
1c.	Weekly	ESA	Process emails from downtownwest@esassoc.com .
2.	Immediately prior to DEIR publication	City Attorney	Prior to DEIR publication, review/approve entire record for posting. <i>This will also include non-correspondence materials that ESA will have collected and indexed (DEIR references, meeting notes)</i>
3.	DEIR publication	ESA and City	Make website publicly accessible.

Following Publication of the Draft EIR			
For Documents Prepared by Lead Agency or Submitted by Applicant *			
1.	Every day	City staff, ESA staff, applicant	Send public emails to downtownwest@esassoc.com . <u>City staff:</u> <ul style="list-style-type: none"> Move Category 2 emails into the shared folder on OneDrive (<i>Google Admin Record_Privileged</i>) in the subfolder for your department. Move Category 3 emails into the shared folder on OneDrive (<i>Google Admin Record_CAO Review</i>) in the subfolder for your department for CAO review.
2.	Every Monday by noon	City Attorney	Send reviewed emails to downtownwest@esassoc.com (do not pdf first). Send as individual emails or as one .pst file.
3.	Every Monday, by 5 PM	ESA	Post to website all PDF files received in Item 2.
For Documents Submitted by the Public or non-City Agencies *			
1.	Every day	City staff, ESA staff, applicant	Check for mail and faxes from the public, organizations, and non-City agencies, and format as individual PDFs and send to downtownwest@esassoc.com . Check for email from the public, organizations, and non-City agencies, and forward to the downtownwest@esassoc.com .
2.	Every day	ESA	Post to website all PDF files received in Item 1.

* All materials prepared by the City or received from the applicant shall be posted within 5 business days. All materials received from the public or non-City agencies/organizations shall be posted within 5 calendar days of receipt, except for any comments received that are not in electronic format, which must be scanned and posted within 7 business days. If ESA's online comment tracker is used, documents received can be uploaded by City staff directly, instead of emailing.