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July 9, 2015

**SENT BY U.S. MAIL AND EMAIL (warriors@sfgov.org)**

Tiffany Bohee  
Brett Bollinger  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**RE: Notice Regarding Incomplete Record for Warriors Event Center  
Environmental Review**

Dear Ms. Bohee and Mr. Bollinger:

This firm represents the Mission Bay Alliance with respect to the Warriors Event Center project. Under Public Resources Code section 21186, which pertains to preparation of the administrative record for projects under the AB 900 “Environmental Leadership” process:

- (a) The lead agency for the project shall prepare the administrative record pursuant to this division concurrently with the administrative process.
- (b) All documents and other materials placed in the administrative record shall be posted on, and be downloadable from, an Internet Web site maintained by the lead agency commencing with the date of the release of the draft environmental impact report.
- (c) The lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to, or relied on by, the lead agency in the preparation of the draft environmental impact report.

Upon review of the records posted at [www.gsweventcenter.com](http://www.gsweventcenter.com) it is apparent that all of the available documents that would be part of the record as defined by Public Resources Code section 21167.6, subdivision (e) are not included. For instance, references cited in the 2015 DSEIR, 2014 NOP/Initial Study, the 1998 Mission Bay SEIR and the 1990 Mission Bay EIR are not included. These references would fall under both Public Resources Code section 21186, subdivision (c) (documents relied upon by lead agency) as well as Public Resources Code section 21167.7, subdivision (e)(10) (materials relevant to compliance with CEQA). (See also CEQA Guidelines, § 15150, subd. (b))

Tiffany Bohee  
Brett Bollinger  
July 9, 2015  
Page 2 of 3

(“Where part of another document is incorporated by reference, such other document shall be made available to the public . . . .”)

As just one example, a cultural resources evaluation that was prepared for the 1990 Mission Bay EIR and referenced in the 2014 NOP/Initial Study that is the basis of the entire cultural resources section is also missing.<sup>1</sup> Since the 2015 DSEIR completely relies on analyses found in prior environmental review documents for analysis of cultural impacts (and several other resources), it is essential that the public have access to all of the documents that form the basis for this analysis. Additionally, some references in the 2015 DSEIR are not yet included on the website. For instance, the 2015 DSEIR cites to “54 Federal Register 38044, September 14, 1989.” (DSEIR, p. 5.4-13, fn. 21.) This office has also already requested several reference documents cited in the NOP/Initial Study and other reference documents that are critical to analysis of seismic hazards for the site and appreciates your attempts to locate those documents. (See email attached as Exhibit A.)

Moreover, we believe that not all of the correspondence regarding the project has been posted. (See Pub. Resources Code, §§ 21167.6, subd. (e)(7), (10), 21186, subd. (c).) Specifically, all of the documents responsive to Mr. Spaulding’s May 18, 2015 Sunshine Act/Public Records Act request would properly be included in the record and appear to not yet be posted on the record website.

AB 900 expressly mandates that a complete record be posted online at the time of release of the DSEIR in order to receive streamlining benefits. (Pub. Resources Code, § 21167.6, subd. (b).) As those documents already in existence that comprise the record have not yet been posted, the 45-day comment period has not properly commenced, and may only commence when all of the documents now in the City/OCII’s possession that constitute the record are posted. The current comment deadline of July 20, 2015, will need to be extended accordingly. Until there is compliance with the record posting requirements of Public Resources Code section 21086, this project cannot proceed under the AB 900 process.

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<sup>1</sup> “Cultural Resources Evaluation for the Mission Bay Project, San Francisco, CA” Dec. 1987, prepared by David Chavez & Associates. This report is cited at page VI.J.30 of the 1990 EIR and referenced on page 46 of the November 19, 2014 NOP/Initial Study. There is also a 1997 Archaeological resources review, also prepared by David Chavez & Associates, and referenced in the Initial Study that is not included in the online record.

Tiffany Bohee  
Brett Bollinger  
July 9, 2015  
Page 3 of 3

Please feel free to call me to discuss proper resolution of the issue of the posting of a complete record as required under the AB 900 process. I also request immediate confirmation that the 45-day DEIR comment period will not commence until the necessary documents, as set forth above, are posted in compliance with AB 900. We look forward to your prompt response.

Very truly yours,

**SOLURI MESERVE**  
A Law Corporation

By:   
Osha R. Meserve

ORM/mre

Attachment: Exhibit A

cc: Sarah Jones, Director of Environmental Planning (Sarah.B.Jones@sfgov.org)  
John Rahaim, Director of SF Planning (John.Rahaim@sfgov.org)  
Kate Stacy, Deputy City Attorney (kate.stacy@sfgov.org)

# **EXHIBIT A**

## Mae Empleo

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**From:** Osha Meserve <osha@semlawyers.com>  
**Sent:** Tuesday, July 07, 2015 4:38 PM  
**To:** 'Warriors, PLN (CPC)'  
**Subject:** RE: Request for EIR Reference Documents

Hi Brett,

Thank you for your call. The date of the report linked below is March 28, 2008, whereas the date of the document referenced on p. 3 of the April 11, 2014 Updated Phase I Assessment is March 7, 2008. The document title appears to be the same, but if there was a prior draft, we would request that as well.

Here are the additional source documents citations to references that my consultant has identified as essential to his review of the DSEIR:

1. The September 17, 1998 SEIR, Section V.H.5 cites a 1995 geotechnical investigation by Treadwell & Rollo, Inc. The reference listed "/15/" for that report cites to "The results of earlier geotechnical investigations are discussed in the 1990 FEIR, Volume One, pp. II.76-II.77, and Volume Two, pp. VI.K. 1-VI.K. 11, VI.K.24-VI.K.30.\*"

The 1995 Treadwell & Rollo report is needed for review.

2. Reference "/16/" cites to the following:

Treadwell & Rollo, Inc., Environmental and Geotechnical Consultants, Lori A. Simpson, PE, and Frank L. Rollo, PE, Proposed UCSF Site, Mission Bay, San Francisco, CA, letter report to Kerstin Magary, Catellus Development Corporation, 31 October 1994, 2 pages accompanied by 38 figures; Treadwell & Rollo, Inc., Environmental and Geotechnical Consultants, Lori A. Simpson, PE, letter to EIP Associates, March 12, 1997, 1 page accompanied by 6 figures.

The 1994 Treadwell & Rollo report letter report and 1997 letter report are needed for review.

3. Recent Geotechnical Reports: The only geotechnical report that is listed on the <http://www.gsweventcenter.com/> site is a March 28, 2014 Preliminary Geotechnical Evaluation by Langan Treadwell Rollo. This letter report is lacking any site data or analysis. The report presents conclusions and recommendations based on unidentified previous site investigations. The supporting data/reports/analysis should be identified and presented for review.
4. According to the June 2015 Phase II ESA by Langan Treadwell Rollo, the following geotechnical reports have been completed for the site:

Langan, 2011. Geotechnical Investigation, Blocks 29-32, Mission Bay, San Francisco, California. 21 December.

5. According to the April 11, 2014, Update Phase I, ESA by Langan Treadwell Rollo, the following geotechnical reports have been completed for the site:

Treadwell & Rollo (T&R), 2007. Geotechnical Investigation, Block 30, Mission Bay, San Francisco, California. 17 October.

T&R, 2008. Preliminary Geotechnical Evaluation, Blocks 29-32, Mission Bay, San Francisco, California. 7 March.

T&R, 2008. Preliminary Geotechnical Evaluation, Blocks 33-34, Mission Bay, San Francisco, California. 29 May.

I look forward to receiving the documents previously requested on July 3<sup>rd</sup>, as well as those listed above, as soon as possible as they are needed for our review and comment on the DSEIR.

Best regards,  
Osha

**Osha R. Meserve**  
(916) 455-7300

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**From:** Warriors, PLN (CPC) [<mailto:warriors@sfgov.org>]  
**Sent:** Tuesday, July 7, 2015 4:06 PM  
**To:** Osha Meserve  
**Subject:** RE: Request for EIR Reference Documents

The second of the 3 documents listed is included on the GSW AB900 website

[http://www.gsweventcenter.com/Draft\\_SEIR\\_References/2014\\_0328\\_Prelim\\_Geotech\\_Eval.pdf](http://www.gsweventcenter.com/Draft_SEIR_References/2014_0328_Prelim_Geotech_Eval.pdf)

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**From:** Osha Meserve [<mailto:osha@semlawyers.com>]  
**Sent:** Friday, July 03, 2015 1:14 PM  
**To:** Warriors, PLN (CPC)  
**Subject:** Request for EIR Reference Documents

Dear Mr. Bollinger and Ms. Bohee,

We are trying to locate the references listed below from pp. 3-4 the Phase I Environmental Site Assessment dates April 11, 2014 that was prepared by Langan Treadwell Rollo that is posted at the Record website (<http://www.gsweventcenter.com/>). The direct link to the document is:  
[http://www.gsweventcenter.com/Draft\\_SEIR\\_References/2014\\_0411\\_Updated\\_Phase\\_1\\_ESA.pdf](http://www.gsweventcenter.com/Draft_SEIR_References/2014_0411_Updated_Phase_1_ESA.pdf).

*Treadwell & Rollo (T&R), 2007. Geotechnical Investigation, Block 30, Mission Bay, San Francisco, California. 17 October.*

*T&R, 2008. Preliminary Geotechnical Evaluation, Blocks 29-32, Mission Bay, San Francisco, California. 7 March.*

*T&R, 2008. Preliminary Geotechnical Evaluation, Blocks 33-34, Mission Bay, San Francisco, California. 29 May.*

Would you please provide these documents to me?

Thanks,  
Osha

Osha R. Meserve  
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☎ tel: 916.455.7300 ■ 📠 fax: 916.244.7300 ■ 📱 mobile: 916.425.9914 ■ ✉ email: [osha@semlawyers.com](mailto:osha@semlawyers.com)

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