



November 19, 2015

GSW Arena, LLC, Permit Holder
c/o Mary Murphy, Attorney for Permit Holder
Gibson Dunn
555 Mission Street, Suite 3000
San Francisco, CA 94105

Appeal No.: 15-187
Appeal Title: Mission Bay Alliance vs. EC
Subject Property: Mission Bay South Blocks 29 & 31
Permit Type: Place of Entertainment Permit
Permit No.: EC-1352

Dear GSW Arena, LLC:

This is to notify you that an appeal has been filed with this office protesting the **CONDITIONAL GRANT** of the above referenced **Place of Entertainment Permit**. Pursuant to Article I, §8 of the San Francisco Business & Tax Regulations Code, the subject permit is hereby **SUSPENDED** until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the **Preliminary Statement of Appeal** for your information.

The hearing regarding this matter has been scheduled for **December 09, 2015, at 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

If you have any further questions, you may call this office at (415) 575-6880.

Sincerely,

BOARD STAFF

cc: Entertainment Commission c/o Jocelyn Kane

Mission Bay Alliance, Appellant
c/o Thomas Lippe, Attorney for Appellant
Law Offices of Thomas Lippe
201 Mission Street, 12th Floor
San Francisco, CA 94105



CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

Date Filed:

BOARD OF APPEALS

NOV 19 2015

APPEAL # 15-187

PRELIMINARY STATEMENT OF APPEAL

I / We, **Mission Bay Alliance**, hereby appeal the following departmental action: **CONDITIONAL GRANT** of a **Place of Entertainment Permit** by the **Entertainment Commission** which was issued or became effective on: **November 10, 2015**, to: **GSW Arena, LLC**, for the property located at: **Mission Bay South Blocks 29 & 31**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: **November 25, 2015, *expedited briefing schedule**, up to 12 pages in length, double-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Respondent's and Other Parties' Briefs are due on or before: **December 03, 2015, (no later than one Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with eleven (11) copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day. In addition, an electronic copy should be emailed to: boardofappeals@sfgov.org if possible.

Only photographs and drawings may be submitted by the parties at hearing.

****expedited hearing per Article 1 Section 8(i)(3) of Business and Tax Regulations Code**

Hearing Date: **Wednesday, December 09, 2015, 5:00 p.m., City Hall, Room 416**, One Dr. Carlton B. Goodlett Place.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should submit eleven (11) copies of all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection at the Board's office. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows:
See attached statement.

Appellant or Agent (Circle One):

Signature: Tom Lippe

Print Name: TOM LIPPE

NOV 19 2015

APPEAL # 15-187

Law Offices of
THOMAS N. LIPPE, APC

201 Mission Street
12th Floor
San Francisco, California 94105

Telephone: 415-777-5604
Facsimile: 415-777-5606
Email: Lippelaw@sonic.net

November 19, 2015

To Board of Appeals:

Supplemental Statement of Grounds for Appeal of Entertainment Commission's Nov. 10, 2015 "Resolution Adopting Environmental Findings and Conditionally Granting a Place of Entertainment Permit for the Golden State Warriors Event Center at Mission Bay South Redevelopment Project Area Blocks 29-32."

1. Appellants appeal the Entertainment Commission's Nov. 10, 2015 decision to grant a conditional Entertainment Permit to the Golden State Warriors Event Center ("Event Center") pursuant to Police Code section 1060(e)(1) ["Any permit conditionally granted by the Entertainment Commission under this Subsection(e)(1) may be appealed to the Board of Appeals. Any such appeal shall be filed within 10 days of the decision of the Entertainment Commission's conditionally granting the permit"]; San Francisco City Charter provision 4.106 [Board of Appeals shall hear appeals with respect to any person who believes that their interest or the public interest will be adversely affected by the grant of a permit]; and Business and Tax Regulation Code, Article 1, section 30 [any person who deems that the general public interest will be adversely affected as a result of operations authorized by or under any permit granted, may appeal to the Board of Appeals].

2. Grounds of appeal: The Entertainment Commission permit does not meet the requirements of Police Code § 1060.5. Section 1060.5(f)(1) mandates that the premises comply with zoning requirements, but the Event Center violates governing land use controls. Sections 1060.5(f)(2) and (f)(4) mandate that the premises adequately accommodate the type and volume of vehicle and pedestrian traffic as well as provide for the orderly dispersal of individuals and traffic, but the Event Center lacks an adequate transportation plan, and the space cannot accommodate, nor provide orderly dispersal of, the traffic the site would attract. Last, Section (f)(3) requires adequate safeguards to prevent emissions of noise that would substantially interfere with the public health, safety, and welfare or the peaceful enjoyment of neighboring property, but the Event Center will generate significant unavoidable noise.

NOV 19 2015

APPEAL # 15-187**Entertainment Commission of the City and County of San Francisco****RESOLUTION ADOPTING ENVIRONMENTAL FINDINGS AND CONDITIONALLY GRANTING A PLACE OF ENTERTAINMENT PERMIT FOR THE GOLDEN STATE WARRIORS EVENT CENTER AT MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA BLOCKS 29-32**

WHEREAS, On October 8, 2015, the GSW Arena, LLC, an affiliate of Golden State Warriors, LLC, which owns and operates the Golden State Warriors National Basketball Association team ("Applicant"), submitted to the Entertainment Commission an application for a Place of Entertainment Permit pursuant to Article 15.1 of the Police Code for a mixed use event center to be located at Mission Bay South Blocks 29-32 ("the GSW Event Center"); and

WHEREAS, The GSW Event Center capacity is 18,064 seats and a total crowd capacity of 18,500 with the addition of floor seats and/or standing room only space; and

WHEREAS, Under the Applicant's proposal, the Event Center will host up to 60 Warriors basketball games (including pre-season and potential playoff games) per year during the basketball season running from mid-October through mid-June, and approximately 160 non-Warriors game events per year; and

WHEREAS, Applicant proposes to use the GSW Event Center as a Place of Entertainment open seven days a week. The hours of operation will vary depending on the nature of the activities programmed for the venue, but may begin as early as 7:00 AM and end as late as 2:00 AM. The proposed entertainment uses include family shows, professional basketball games, collegiate athletic events, and concerts for a wide variety of audiences and ages. Food and beverages will be served on-site, including alcoholic beverages; and

WHEREAS, On November 10, 2015, the Entertainment Commission held a duly noticed public hearing on the Applicant's Place of Entertainment Permit application; and

WHEREAS, The Office of Community Investment and Infrastructure, successor to the former Redevelopment Agency of the City and County of San Francisco ("OCII"), in accordance with California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. ("CEQA"), and acting in its capacity as lead agency, as such term is defined in Public Resources Code Section 21067, prepared a Final Subsequent Environmental Impact Report ("FSEIR") for the Golden State Warriors Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 (the "Event Center Project") consisting of the Draft Subsequent Environmental Impact Report (GSW DSEIR), the comments received during the review period, any additional information that became available after the publication of the GSW DSEIR, and the Draft Summary of Comments and Responses, all as required by law, copies of which are available through the Secretary of the Entertainment Commission, and are incorporated herein by reference; and

WHEREAS, On November 3, 2015, the Commission on Community Investment and Infrastructure reviewed and considered the FSEIR and, by Resolution No. 69-2015, certified the FSEIR in compliance with CEQA. Said certification included minor technical errata as set forth

in the November 3, 2015 memorandum from Environmental Science Associates to Sally Oerth, Office of Community Investment and Infrastructure, and incorporated herein by reference; and

WHEREAS, On November 3, 2015, the San Francisco Municipal Transportation Agency ("SFMTA") Board of Directors, acting in its capacity as a responsible agency, as such term is defined in CEQA, Public Resources Code Section 21069, after a duly noticed public hearing, adopted Resolution No. 15-154, which includes required findings under CEQA and a Statement of Overriding Considerations ("CEQA Findings"), the abovementioned errata, and various approval actions in regard to the Event Center Project. Said Resolution and the SFMTA CEQA Findings are incorporated herein by reference; and

WHEREAS, The FSEIR files, other Project-related OCII files, and other materials have been available for review by the Entertainment Commission and the public with the OCII Board Secretary at 1 S. Van Ness, 5th Floor, San Francisco, CA 94103, through this Commission's Secretary, and at www.gsweventcenter.com, and those files are incorporated herein by reference and made part of the record before this Commission; and

WHEREAS, The Entertainment Commission, acting in its capacity as a responsible agency under CEQA, has reviewed and considered the information contained in the FSEIR for the Event Center Project and the SFMTA CEQA Findings; now, therefore, be it

RESOLVED, That the Entertainment Commission, in relation to the actions set forth herein, adopts the SFMTA CEQA Findings as its own and acknowledges that mitigation measures M-NO-4a and M-NO-4b, or parts thereof, in the Mitigation Monitoring and Reporting Program attached to the SFMTA CEQA Findings identify the Entertainment Commission as having monitoring and reporting responsibility to ensure the project sponsor complies with these measures as applicable to this permit; and, be it

FURTHER RESOLVED, That the Entertainment Commission hereby conditionally grants to Applicant a Place of Entertainment Permit for the Event Center (Permit No. EC-1352). The Permit is subject to the requirements of Article 15.1 of the Police Code and the following conditions:

- Permit holder shall adhere to the Entertainment Commission's Good Neighbor Policy, attached hereto as Exhibit A.
- Permit holder shall comply with the Security Plan, attached hereto as Exhibit B (pages 8-12 of the application), and the requirements pertaining thereto in Section 1060(n) of the Police Code.
- Permit holder shall comply with the Noise Control Plan, attached hereto as Exhibit C.
- Permit holder shall comply with the noise restrictions in Article 29 of the Police Code, and Article 1, Section 49 of the Police Code.
- Per Police Code Section 1060.15, Permit holder shall allow the Commission to conduct a sound test to ensure compliance with the allowable noise limits under Section 49 and Article 29 of the Police Code or any alternative noise limits set by the Commission in the

permit as authorized by subsection (e) of Section 2909 of the Police Code. Permit holder may not commence operations unless and until this sound test is conducted.

- Permit holder shall comply with all applicable provisions of the Police Code.

Exhibits: **A – Good Neighbor Policy**
 B – Security Plan
 C – Noise Control Plan

AYES: 5 (President Bryant Tan, Commissioner Audrey Joseph, Commissioner Theodora Caminong, Commissioner Liam Frost, Commissioner Steven Lee)

NOES: 0

Adopted on November 10, 2015

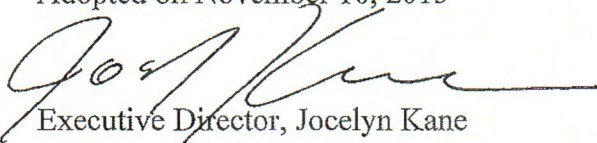

Executive Director, Jocelyn Kane

Exhibit A



SAN FRANCISCO ENTERTAINMENT COMMISSION Good Neighbor Policy

GOOD NEIGHBOR POLICIES FOR NIGHTTIME ENTERTAINMENT ACTIVITIES.

Where nighttime entertainment activities, as defined by this permit are conducted, there shall be procedures in place that are reasonable calculated to insure that the quiet, safety and cleanliness of the premises and vicinity are maintained. Such conditions shall include, but not limited to, the following:

1 Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging patrons to leave the establishment and neighborhood in a quiet, peaceful and orderly fashion and to please not litter or block driveways in the neighborhood.

2 Employees of the establishment shall be posted at all entrances and exits to the establishment during the period from 10:00 pm to such time past closing that all patrons have left the premises. These employees shall insure that patrons waiting to enter the establishment and those exiting the premises are urged to respect the quiet and cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the area.

3 Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 am the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by area nighttime entertainment patrons.

4 Sufficient toilet facilities shall be made accessible to patrons within the premises, and toilet facilities shall be made accessible to prospective patrons who may be lined up waiting to enter the establishment.

5 The establishment shall provide outside lighting in a manner that would illuminate outside street and sidewalk areas and adjacent parking, as appropriate.

6 The establishment shall provide adequate parking for patrons that would encourage use of parking by establishment patrons. Adequate signage shall be well-lit and prominently displayed

to advertise the availability and location of such parking resources for establishment patrons.

7 The establishment shall provide adequate ventilation within the structures such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises.

8 There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Municipal Code Section 49 or 2900 et. seq. Further, absolutely no sound from the establishment shall be audible inside any surrounding residences or businesses that violates San Francisco Police code section 2900.

9 The establishment shall implement other conditions and/or management practices necessary to insure that management and/or patrons of the establishments maintain the quiet, safety and cleanliness of the premises and the vicinity of the use, and do not block driveways of neighboring residents or businesses.

10 Permit holder shall take all reasonable measures to insure the sidewalks adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operations of the premises and shall provide security whenever patrons gather outdoors.

11 Permit holder shall provide a cell phone number to all interested neighbors that will be answered at all times by a manager or other responsible person who has the authority to adjust volume and respond to other complaints whenever entertainment is provided.

12 Permit holder agrees to be responsible for all operation under which the permit is granted including but not limited to a security plan as required.

13 In addition, a manager or other responsible person shall answer a cell phone for at least two hours after the close of business to allow for police and emergency personnel or other City personnel to contact that person concerning incidents.

Exhibit B

The Event Center has not yet been constructed.

Do you have permits for this work? If not, have you applied for permits?_____

Describe the steps you have taken or will take for complying with disability access requirements: The project will be designed to comply with all applicable access laws and regulations.

SECURITY

The San Francisco Police Code Section 1060.5 has been modified and now requires a "security plan" be submitted with an application for Place of Entertainment permits. The Entertainment Commission has requested that all permit holders also comply with this requirement. By answering the following questions, you will be submitting a plan in accordance with the Police Code requirements. Please attach any further information on your security plans, if available.

1) Based on you occupancy and events programming, the law requires you to hire at least one security personnel for every hundred patrons. How many security personnel will be on staff during the week and on weekends?

Event occupancy will vary based upon event requirements but security staffing will meet or exceed the 1:100 requirement using Event Center security guards. On non-event days (dark days) the Event Center FT Building Security staff will vary from 6-12 officers.

2) How many exits does your venue have? The building has two main exits and two auxiliary exits.

Will you be staffing all exits every night of the week? Please describe. During event hours all exits will be staffed. During Dark periods (no events) exits will be either secured to prevent unauthorized use or staffed appropriately. It is anticipated that during off hours there will be a single point of entry for staff.

3) Please submit a floor plan of your venue with all security positions marked.

4) Will you be using in-house security or will you be using an outside security company? GSW expects to hire a Vice President of Security with extensive public assembly arena/stadium experience approximately one year before the opening of the building. At that time GSW will make a determination regarding the composition of the security guard force (in-house or contracted). Approximately six months before the opening of the building the VP of Security and his/her staff will begin the process of hiring and training the workforce in order to insure that the venue is in full compliance of all applicable requirements and that the staff is fully trained and familiar with the venue prior to opening.

5) You are liable for the actions of your security personnel on your premises. If you are using in-house security, please submit a copy of your insurance coverage as it relates to security for your venue.

The insurance certificate will be furnished approximately six months prior to the Event Center's first event.

6) If you are using an outside security company, please submit a copy of their insurance coverage and state licensing. The insurance certificate will be furnished approximately six months prior to the Event Center's first event.

7) What kind of training and/or certification are you requiring of your security personnel (e.g. LEAD Training, Guard Cards?) Please be aware that you must comply with State Law SB194, Proprietary Private Security Officer Registration requirements (www.dca.ca.gov/bsls) for more information.

All security officers will receive training commensurate with a first class public assembly arena. All officers will be at least 18 years old, undergo a criminal history background check through CA DOJ and the FBI and complete the 40 hour course of required training as required under state law. In addition guards will receive various additional venue specific training in emergency evacuation, techniques in alcohol management, active

shooter, individual and package screening, post procedures, bomb threats, fire emergency response, etc. These training sessions will be developed in conjunction with outside industry experts and local emergency management agencies.

8) The law requires that you secure your entire perimeter 50 feet in all directions. What is your plan for doing so?

The Event Complex is a secured enclosed facility with dedicated lobby entrances. Exterior areas will be secured by security officers (foot patrol) and monitored by external CCTV cameras. Physical barriers will be used to prevent vehicles from accessing areas, public areas such as the plaza, main entry and exit points and other sensitive areas immediately surrounding the building.

9) What are your door policies? (e.g. pat downs, bag checks, metal detectors).

The Event Center will deploy walk through magnetometers for all events as a primary screening method and handheld magnetometers or pat downs as a secondary screening method. All bags entering the facility will be restricted in size and subjected to search prior to entry. The Event Center will prohibit all items which could potentially be a hazard to patrons attending an event.

10) Describe your plan to control lines or crowds on the sidewalks and streets surrounding your business (entry of patrons) as well as your plans to exit and disburse your patrons.

The Event Center has been designed to accommodate the queuing of patrons on the property and under normal circumstances will not require the use of surrounding sidewalks or street for the entry sequence. The Event Center will typically open 60-90 minutes before the main act and line queuing/management will be supervised by Event Center security officers to insure an orderly ingress. During egress of the Event Center

security officers will be positioned at all exits and in surrounding areas outside the building to insure timely and orderly exiting of the building.

11) Is there a separate exterior area designated for smoking?

As part of the LEED GOLD certification pursuit, this will be a non-smoking facility and site.

If not, how will you deal with the associated noise issues?

12) What is your plan to exit patrons in case of emergency?

The Event Center will have a written crowd emergency evacuation and dispersal plan in the event that the Event Center needs to be evacuated. This plan will be developed in consultation with local police, and fire departments. All employees (security, ushers, guest services, etc.) will be trained on the policies and procedures for an emergency egress situation and the Event Center will conduct periodic emergency evacuation drills in conjunction with local law enforcement.

13) Will you be hiring any SFPD 10B officers or other Patrol Specials for events?

The Event Center will use SFPD or clients require however the predominate workforce will be internal event security.

14) Will you have medical staff (EMT, Paramedics) on site during your events at your venue?

The Event Center will have an event medical staff consisting of at least one qualified physician, supporting EMT team(s) and private ambulance service present for all major events.

Will you be using in-house medical staff or will you be using outside medical staff company?

We expect to contract the Medical Staff including physicians, EMT's and ambulance services.

15) If you are using an outside medical staff company, please submit a copy of their insurance and state licensing. Approximately six months prior to the Event Center opening a vendor will be selected and insurance certificate submitted.

16) If you have an ABC license that allows all ages, will you be doing all ages or 18 and over events?

The Event Center will have all ages and 18 and over events.

What additional security will you be implementing, and how will your security and medical plan change?

Event history, requirements and past experience (with other comparable facilities) will dictate any changes necessary security and medical plans.

NEIGHBORHOOD CONTACTS

Have you met with any local neighborhood associations or other groups concerning your proposed use of the premises? _____ If yes, list those groups: _____

see attached "SUMMARY of public outreach."

DECLARATION

I, Stephen Collins, declare under penalty of perjury that the foregoing is true and correct. I understand that any false or incomplete information provided by me in connection with this application constitutes cause to either deny the requested permit or revoke the permit if granted.

10/23/15
Date



Signature of Applicant

Exhibit C

Noise Control Plan

GSW Arena, LLC, the Applicant for that certain Place of Entertainment Permit (POE) at the Golden State Warriors Event Center at Mission Bay South Redevelopment Project Area Blocks 29-32 (the "Applicant") proposes to implement the following measures as a Noise Control Plan.

1. The Applicant shall comply with noise controls and restrictions in applicable entertainment permit requirements.
2. The Applicant shall provide adequate ventilation within the Event Center such that doors and/or windows are not left open for such purposes resulting in noise emission from the premises.
3. The Applicant shall take measures to ensure that there shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Police Code Section 49 or 2900 et seq. Further, no sound from the establishment shall be audible inside any surrounding residences or businesses that violates San Francisco Police Code section 2900 et seq.
4. The Applicant shall take all reasonable measures to ensure the sidewalks adjacent to the premises are not blocked or unnecessarily affected by patrons or employees due to the operations of the premises and shall provide security whenever patrons gather outdoors.
5. The Applicant shall provide a cell phone number to all interested neighbors that will be answered at all times by a manager or other responsible person who has the authority to adjust volume and respond to other complaints whenever entertainment is provided.

NOV 19 2015

APPEAL # 15-187



CONTACT INFORMATION FOR PARTIES

Appeal No(s): _____

APPELLANT(S)

Name: Mission Bay Alliance

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: _____

Street

City

State

Zip

Names of Other Appellants: _____

AGENT FOR APPELLANT

Name: Thomas Lippe

Phone Number: 415-777-5604 Fax Number: 415-777-5606

Email Address: lippelaw@sonic.net

Mailing Address: 201 Mission St, 12th Fl SF, CA 94105

Street

City

State

Zip

OTHER PARTY (PERMIT HOLDER, VARIANCE HOLDER, ETC.)

Name: Golden State Warriors LLC

Phone Number: _____ Fax Number: _____

Email Address: _____

Mailing Address: 1101 Broadway Oakland, CA 94607

Street

City

State

Zip

Names of Other Parties: _____

AGENT FOR OTHER PARTY

Name: Mary Murphy Gibson Dunn

Phone Number: (415) 393-8257 Fax Number: _____

Email Address: MGMurphy@gibsondunn.com

Mailing Address: 555 Mission St. Ste 3000, SF CA 94105

Street

City

State

Zip