



Entertainment Commission

December 3, 2015

Honorable President Ann Lazarus
Honorable Members, Board of Appeals
Board of Appeals
1650 Mission Street, Suite 304
San Francisco, CA 94103

BOARD OF APPEALS

DEC 03 2015

APPEAL # 15-187

Dear President Lazarus and Honorable Members:

RE: Appeal No. 15-187 – Place of Entertainment Permit
Brief of Respondent Entertainment Commission

I. INTRODUCTION

On November 10, 2015, the Entertainment Commission (“Commission”) conditionally granted a Place of Entertainment (“POE”) permit to GSW Arena, LLC (“GSW”) for the proposed Golden State Warriors Event Center (“Event Center”) and Mixed-Use Development Project at Mission Bay South Blocks 29-32, Assessor's Block No. 8722, Lot Nos. 1 and 8 (“Project”). The Mission Bay Alliance (“Appellant”) has appealed the conditional grant of the permit to the Board of Appeals (“Board”). The appeal raises three issues – zoning consistency, traffic and orderly dispersal post-event, and noise – based on criteria in Police Code Section 1060(f) governing the grant of POE permits.

The appeal is without merit. The Board should deny the appeal and uphold the conditional grant of the permit.

II. OVERVIEW: PLACE OF ENTERTAINMENT PERMITS

In 2002, the San Francisco voters created the Commission as the Charter body responsible for live entertainment and nightlife in San Francisco. Under Section 4.117 of the Charter, the seven-member Commission consists of representatives who reflect the interests of City “neighborhood associations or groups,” “entertainment associations or groups,” the “urban planning community,” the “law enforcement community,” and the “public health community.” Under Chapter 90 of the Administrative Code, the Commission is responsible for promoting – and regulating – entertainment venues for the economic and cultural enrichment of San Franciscans and visitors to San Francisco. Among other things, the law directs the Commission to “(1) assist the organizers and operators of cultural, entertainment, athletic, and similar events and establishments to apply for, and obtain from the [C]ommission and other City departments when the applicant satisfies the requirements therefor, all necessary permits from the City; (2) promote the responsible conduct and operation of such events and establishments; [and] (3) promote the development of a vibrant entertainment and late-night entertainment industry within the City” (S.F. Admin. Code § 90.1.)

The Commission’s permit system balances the interests of those presenting entertainment – and the people and communities whose lives are directly enriched by the presentation of entertainment – with the interests of the public at large, which also may benefit from entertainment. It promotes the cultural, economic, employment, and other benefits of a vibrant entertainment industry while protecting the health, safety, and public welfare of the community – and particularly of local residents and businesses – through the permitting process (including the placement of conditions on permits) and various enforcement mechanisms. In performing its permitting function, the Commission works closely with the Police Department, Fire

Department, Department of Building Inspection, and Department of Public Health, as well as other City agencies, to ensure that safeguards designed for the benefit of the public at large are maintained while the POE permit is in effect.

Section 1060.5(f) of the Police Code sets the standards for the grant of a POE permit. This provision is structured differently than certain other provisions governing the grant of permits by other City commissions or departments. Specifically, the Police Code posits that the Commission must grant or conditionally grant a POE permit “unless” it finds that one or more of four circumstances are present. These are: (1) the premises or proposed operation of the business are out of compliance with state or City health, zoning, fire, and safety requirements; (2) the “building, structure, equipment, or location of the proposed Business cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated,” notwithstanding mitigation provided under the Security Plan; (3) “the premises or proposed operation of the Business lacks adequate safeguards to prevent emissions of noise, glare, dust and odor that would substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property”; and (4) “the permit applicant has not provided a Security Plan that adequately addresses the safety of persons and property and provides for the orderly dispersal of individuals and traffic.” It is notable that three of these provisions use the term “adequate” – “adequately accommodate,” “adequate safeguards,” “adequately addresses.” The Police Code does not require or expect that a permit applicant make the near-impossible showing that an entertainment venue, particularly one as substantial as the Event Center, will be problem-free, given the realities of urban life and the many benefits to the public at large from such venues. The Administrative Code and Police Code entrust the Commission with making balanced judgments when reviewing applications for POE permits.

III. THE CONDITIONAL GRANT OF THE PERMIT AT ISSUE

Following a public hearing on the POE permit application at issue, the Commission conditionally granted the permit. The permit application and information presented at the hearing indicated that the Event Center would hold 41 regular season Golden State Warriors basketball games each year spanning from late October to mid-April and approximately 160 non-Warriors events that would occur annually, in an area with a proposed crowd capacity of 18,500.

As discussed more fully below, the Commission's conditional grant of the POE permit had appropriate safeguards to protect the public health, safety, and welfare. A copy of the permit, entitled "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," is attached as Exhibit 1. The Permit includes three of its own attachments, designated "Exhibit A" (the Commission's Good Neighbor Policy), "Exhibit B" (Security Plan), and "Exhibit C" (Noise Control Plan).

In addition, the Applicant has been in the process of seeking project approvals from the Commission of Community Investment and Infrastructure ("CCII") and various City entities. On November 3, 2015, the CCII adopted Resolution No. 69-2015, attached hereto as Exhibit 2, certifying the final subsequent environmental impact report for the Golden State Warriors Event Center and Mixed-Use Development on Blocks 29-32 in Mission Bay South ("SEIR") in accordance with the California Environmental Quality Act ("CEQA"), California Public Resources Code Sections 21000 et seq. Also on November 3, 2015, the SFMTA Board of Directors adopted Resolution No. 15-154, attached hereto as Exhibit 3, in regard to providing various City services for the Event Center Project that would accommodate access for all modes of transportation.

IV. COMPLIANCE WITH POLICE CODE REQUIREMENTS

The conditional grant of the POE permit at issue satisfies all Police Code requirements and contains adequate safeguards to ensure the public health, safety, and welfare. As noted, the Police Code sets forth only limited circumstances under which the Commission can decline to issue a POE permit and mandates that the Commission “shall” issue the Permit “unless” it finds that certain specified circumstances exist. Appellant’s argument that the Commission’s conditional grant of the POE permit is not consonant with Police Code Section 1060.5(f) is not correct.

A. Police Code Section 1060.5(f)(1)

This provision states (in conjunction with subsections (f)(2), (f)(3), and (f)(4)) that a POE permit must be granted unless “[t]he premises or the proposed operation of the Business does not comply with the health, zoning, fire and safety requirements of the laws of the State of California or ordinances of the City and County of San Francisco applicable to the Business.” Appellant asserts that the Commission should not have conditionally granted the POE permit at issue on the theory that the permit entails noncompliance with zoning requirements. This assertion is wrong.

The Project is consistent with the governing Redevelopment Plan land use controls for Mission Bay as more fully described in a December 2, 2015 letter from the Office of Community Investment and Infrastructure (“OCII”) to the Board of Supervisors for a separate appeal (regarding the tentative subdivision map). In this letter (the “OCII December 2 letter”), which is attached hereto at Exhibit 5, OCII addressed the same issue that Appellant raises here concerning the Mission Bay Redevelopment Plan land use controls. The OCII December 2 letter, which is incorporated herein by reference, supports the decisions of CCII in its Resolution Nos. 71-2015 and 72-2015, approving the design for development and approving the major phase and basic concept/schematic design, respectively, and the OCII Executive Director’s secondary uses

determination regarding the Project's consistency with the Mission Bay South Redevelopment Plan and Plan documents. For the reasons set forth in the December 2 OCII letter, the Project is consistent with the Mission Bay South Redevelopment Plan land use controls.

The Planning Department, in a letter also dated December 2, 2015 and sent to the Board of Supervisors for the same appeal (regarding the tentative subdivision map), addressed the same issue that Appellant raises in this appeal concerning the Planning Code land use controls. The Planning Department letter is attached to this response as Exhibit 6 and incorporated by reference herein. Appellant's claims in this regard are misplaced, as the issue is irrelevant to the POE permit in question. The POE permit applies only to the Event Center component of the Project, whereas the Planning Commission's November 5, 2015 Motion No. M-19502, which approved a Planning Code Section 321 office design, applies only to the two office buildings on the Project site, not the Event Center.¹ Nevertheless, the Commission attaches the Planning Department letter to this response for informational purposes, as it supports the Planning Commission decisions that the Project is consistent with the General Plan and Proposition M, as codified at Planning Code Sections 320 et seq. and Planning Commission Motion No. 17709.

B. Police Code Sections 1060.5(f)(2) and (4)

Police Code section 1060.5(f)(2) states that a POE permit must be granted unless, "[n]otwithstanding the mitigation provided under the Security Plan submitted by the applicant, the building, structure, equipment or location of the proposed Business cannot adequately accommodate the type and volume of vehicle and pedestrian traffic anticipated." Further, subsection (f)(4) provides that a POE permit must be granted unless "[t]he permit applicant has

¹ This Planning Commission decision is the subject of a separate appeal to the Board of Appeals (Appeal No. 15-188), currently scheduled for hearing on January 27, 2016.

not provided a Security Plan that adequately addresses the safety of persons and property and provides for the orderly dispersal of individuals and traffic.” These provisions offer no basis for sustaining the appeal. The Project adequately accommodates the type and volume of vehicle and pedestrian traffic as well as provides for the orderly dispersal of individuals and traffic. The Project also provides an adequate safety plan.

On November 30, 2015, OCII submitted to the Board of Supervisors a response to Appellant’s appeal of CCII’s certification of the SEIR (“OCII SEIR Appeal Response Letter”) which is attached as Exhibit 4. The OCII SEIR Appeal Response Letter addressed Appellant’s many comments on the SEIR that it submitted to OCII and CCII, as well as additional CEQA and project approval-related comments that Appellant submitted after CCII’s November 3, 2015 SEIR certification. Numerous specific responses in the OCII Letter address vehicle and pedestrian traffic and the dispersal of individuals and traffic after an event at the Event Center. (See OCII Letter, Exhibit A, Topic G: Transportation, pp. A-22-35 and Exhibit D, Section 8 Response to Late Comments on Transportation, pp. D-138-194.) The OCII SEIR Appeal Response Letter demonstrates that the SEIR complied with the requirements of CEQA, and that Appellant’s claims that the abovementioned issues were not addressed are unfounded. Rather than specifically include every description of the Project’s vehicle and pedestrian analysis in the SEIR and the OCII SEIR appeal response, we incorporate it by reference herein for purposes of addressing the Appellant’s claims about CEQA. In addition, this brief incorporates by reference the SEIR documents available at gsweventcenter.com.

Appellant also attempts to mislead the Board of Appeals by conflating CEQA with the requirements and standards of the Police Code. What constitutes a finding of significant impact or a mitigation measure in the context of the detailed and specific quantitative realm of a CEQA

analysis has no parallel in the Police Code, which primarily is focused on the broader goals of public health, safety, and welfare. When the Entertainment Commission reviews a permit application to determine whether a project would adversely affect the public health, safety and general welfare, findings of significance under CEQA are not determinative. *See Guinnane v. San Francisco City Planning Comm.* (1989) 209 Cal.App.3d, 732, 742. These separate standards, addressing distinct legal regimes, cannot simply substitute for each other, and Appellant's arguments in this regard should be rejected.

GSW has submitted to the Commission's President a brief dated December 3, 2015 ("Project Sponsor Brief"), that includes a comprehensive transportation management plan, which is the current version of the plan that originally appeared in an Appendix to the SEIR and available at www.gsweventercenter.com. The Project Sponsor Brief also includes additional security plan details that supplement the permit documents submitted to the Entertainment Commission and were described in some detail at the Entertainment Commission November 10, 2015 hearing on the POE. The Project Sponsor Brief refutes Appellant's claim that there is not adequate transportation or security plans and that the Event Center cannot accommodate, nor provide orderly dispersal of, the traffic the site would attract.

C. Police Code 1060.5(f)(3)

This provision addresses whether "[t]he premises or the proposed operation of the Business lacks adequate safeguards to prevent emissions of noise, glare, dust and odor that would substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property." As with the other Police Code provisions discussed, this provision offers no basis for sustaining the instant appeal. The Project includes adequate safeguards to prevent emissions of noise, glare, dust and odor that would substantially interfere with the public health,

safety, welfare or peaceful enjoyment of neighboring property.

The Project's noise impacts and programs to attenuate noise to the Police Code requirements are addressed in the SEIR and in the OCII SEIR Appeal Response Letter mentioned above. (See OCII SEIR Appeal Response Letter, Exhibit A, Topic I: Noise, pp. A-45-48 and Exhibit D, Section 9 Response to Late Comments on Noise, pp. D-195-202). Also, Chris Sanchez, ESA Senior Technical Associate and one of the City's noise experts on the SEIR, in a letter dated December 2, 2015, rebuts the new claims about noise impacts presented in Appellant's letter from Frank Hubach Associates (November 23, 2015). See Exhibit 7. Further, as is consistent with POE permits for venues that are still under construction or those yet to be constructed, safeguards to prevent emissions of noise, glare, dust and odor will be fully addressed to the Commission's satisfaction upon completion of the venue, which is embedded in the conditional nature of the POE permit. The Commission or its Executive Director along with other affected City departments, including the Police, will review the building, structure, and equipment when the venue is complete to ensure the safeguards are met.

The final, fully-constructed Event Center is subject to review and/or inspection by the Fire Department, Police Department, Department of Public Health, Department of Building Inspection's Building and Electrical divisions, Planning Department, and the Commission staff's sound inspection to verify all necessary safeguards are in place. While some inspections and approvals will take place upon completion of construction, the Commission exercised its informed and reasonable discretion in determining that there was no basis under which to deny the conditional grant of the POE Permit.

The Project Sponsor Brief also discusses these issues and provides additional information on the sound attenuation elements and other features included in the architectural design of the

Event Center. The Project Sponsor's application materials, the testimony at the Commission hearing, and these referenced documents amply support the Entertainment Commission's findings in regard to Police Code 1060.5(f)(3) that the Project would provide adequate safeguards for noise, glare, dust and odor.

D. Additional Considerations

The grant or conditional grant of a POE permit does not occur in a vacuum. POE permits are subject to conditions the Commission places on them, above and beyond the minimum requirements of the Police Code. And POE permits, once issued, are not forgotten by the City. The operations of entertainment venues are subject to the ongoing oversight of the Commission and its staff and, if problems arise, the Police Department as well.

The Entertainment Commission imposed three conditions on the POE permit at issue. The first condition requires the permit holder to adhere to the Commission's "Good Neighbor Policy." (See Exhibit 1, p. 4-5). This condition is really 13 separate conditions, or best practices, for nighttime entertainment activities to ensure that the quiet, safety, and cleanliness of the premises and vicinity are maintained. These conditions are based on the City's extensive experience about the operations of entertainment venues and cover a wide range of issues from noise to lighting and ventilation to management operations and cleanliness. A violation of these conditions, particularly if serious or persistent, may trigger the Commission, and in some circumstances its Executive Director, taking action against the permit, or may trigger the imposition of additional and more specific conditions on the permit holder.

The second condition imposed by the Commission on the POE permit at issue is that the permit holder comply with an extensive Security Plan it submitted as part of the application process. (See Exhibit 1, p. 6-11). The Security Plan is tailored to the needs of the venue, and,

again, should it need to be modified, the Commission or its Executive Director may order changes. (Police Code Section 1060.32.)

The third condition imposed by the Commission on the POE permit at issue is that the permit holder comply with a “Noise Control Plan” it submitted as part of the application process. (See Exhibit 1, p. 12-13).

Based on the size and scope of the Project, and in light of the collective experience and diverse perspectives of members of the Commission in reviewing and making decisions regarding POE permits, the Commission determined that it was both prudent and sufficient to attach these conditions to the POE permit at issue.

It also should be noted that the Commission provides conditional grants to permit applicants to provide the applicant with a confident path forward for the entertainment venue within the constraints of City requirements. Police Code Sections 1060.5(e)(1) and 1060.5(f), among others, recognize that sometimes a conditional grant of a POE permit is a practical necessity in moving forward with development of an entertainment venue.

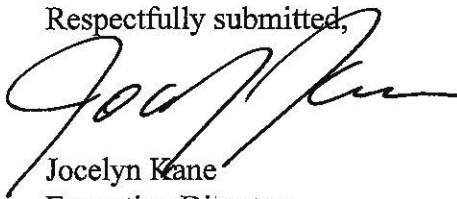
Finally, we note that if a permittee violates the conditions of a permit, or violates the law as it relates to a permit, the Commission has ample remedial and enforcement powers. Police Code Sections 1060.20 – 1060.36 give the Commission’s Executive Director and the Commission authority to continue its oversight and enforcement during the operation of an entertainment venue. The Commission has a variety of enforcement tools including suspension or revocation of a permit, issuance of administrative penalties, and compliance with a revised Security Plan of a premises. There are three types of possible suspensions – the “public safety” suspension by the Executive Director (Section 1060.20.3); the “limited 15-day” suspension by the Executive Director (subject to appeal to the Commission), on specified grounds, including

noise violations and violations of the Security Plan (Section 1060.20.2); and other suspensions imposed by the Commission, on those grounds and many others, for longer periods of time (Section 1060.20.1). In addition, a POE permit can be revoked in cases where the public safety is seriously threatened by the continued operation of a venue, or where the venue, as operated, constitutes a serious public nuisance. (Section 1060.20.4.) Administrative penalties can be imposed for a violation of a permit condition or a legal violation. (Section 1060.25(b).) And, on a day-to-day basis, as to entertainment venues, the Police Department retains its authority “to take action in response to conduct that arises in connection with the operation of a Business.” (Section 1036.)

V. CONCLUSION

For the reasons set forth in this letter, including referenced materials and documents attached as exhibits and incorporated herein by reference, the Board should reject this appeal and uphold the Commission’s conditional grant of the POE permit to Golden State Warriors for the Project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jocelyn Kane", written over the typed name.

Jocelyn Kane
Executive Director
Entertainment Commission

Table of Contents

Respondent Entertainment Commission's Brief: Golden State Warriors Event Center – Place of Entertainment Permit, Appeal No. 15-187

Exhibit 1: Entertainment Commission of the City and County of San Francisco Final 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 with attached Exhibits A, B, and C

Exhibit 2: Commission on Community Investment and Infrastructure Resolution No. 69-2015 and Revised Errata for Responses to Comments Document and Mitigation Monitoring and Reporting Program (MMRP) for the Subsequent Environmental Impact Report

Exhibit 3: San Francisco Municipal Transportation Agency Board of Directors Resolution No. 15-154

Exhibit 4: OCII Appeal of Certification of Final Subsequent Environmental Impact Report (Please see two spiral bound attachments)

Exhibit 5: OCII Response to the Appeal of Department of Public Works approval of Subdivision Map for the proposed Golden State Warriors Event Center and Mixed-Use Development Project at Mission Bay South Blocks 29-32

Exhibit 6: San Francisco Planning Department Appeal of Tentative Parcel Map Mission Bay South Blocks 29-32, Accessor's Block No. 8722, Lot Nos. 1 and 8

Exhibit 7: ESA Community Development Letter in Response to Appeal of the Entertainment Commission's Place of Entertainment Permit for the Golden State Warriors Event Center at Mission Bay South Redevelopment Project

EXHIBIT 1

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

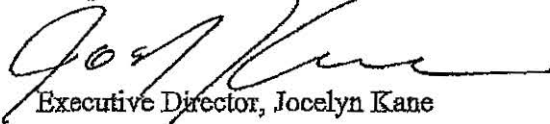

Executive Director, Jocelyn Kane

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/hsis) 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.

EXHIBIT 2

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 69-2015

Adopted November 3, 2015

**CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
FOR THE GOLDEN STATE WARRIORS EVENT CENTER AND MIXED-USE
DEVELOPMENT ON BLOCKS 29-32 IN MISSION BAY SOUTH UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") AND THE CEQA
GUIDELINES; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA**

- WHEREAS, The Commission on Community Investment and Infrastructure, ("Commission"), the successor agency to the San Francisco Redevelopment Agency ("Successor Agency"), takes the following certification action in compliance with the California Environmental Quality Act ("CEQA"), the California Public Resources Code Sections 21000 et seq., and the CEQA Guidelines, 14 Cal. Code Reg. Sections 15000 et seq. ("CEQA Guidelines") and acting in its capacity as lead agency under CEQA Section 21067; and,
- WHEREAS, On September 17, 1998, the Commission of the former Redevelopment Agency of the City and County of San Francisco ("Redevelopment Commission") by Resolution No. 182-98, and the San Francisco Planning Commission, by Resolution No. 14696, together acting as co-lead agencies for conducting environmental review for the Redevelopment Plans for the Mission Bay North Redevelopment Project Area and the Mission Bay South Redevelopment Project Area (the "Plans"), the Mission Bay North Owner Participation Agreement ("North OPA") and the Mission Bay South Owner Participation Agreement ("South OPA"), and other permits, approvals and related and collateral actions (the "Mission Bay Project"), certified the Final Subsequent Environmental Impact Report ("Mission Bay FSEIR") (State Clearinghouse Number 97092068), as a program EIR for Mission Bay North and South pursuant to CEQA and CEQA Guidelines Sections 15168 (Program EIR) and 15180 (Redevelopment Plan EIR). The Mission Bay FSEIR document provided programmatic environmental review of the overall Mission Bay Redevelopment Plan (consisting of the approximately 300-acre Mission Bay North and South Redevelopment Plan Areas); and,
- WHEREAS, On the same day, the Redevelopment Commission adopted Resolution No. 183-98, which adopted environmental findings, including a mitigation monitoring and reporting program ("MMRP") and a statement of overriding considerations, in connection with the approval of the Plans and other Mission Bay Project approvals, and adopted Resolution No. 190-98, approving the Redevelopment Plan for the Mission Bay South Redevelopment Project Area ("Plan") and Resolution No. 193-98 authorizing execution of the South OPA and related documents between the Redevelopment Agency and the Mission Bay Master Developer (originally Catellus Development Corporation and now FOCIL-MB, LLC, the successor to Catellus Development Corporation); and,

WHEREAS, On October 19, 1998, the Board of Supervisors adopted Motion No. 98-132 affirming certification of the Mission Bay FSEIR by the Planning Commission and the Redevelopment Agency, and Resolution No. 854-98 adopting environmental findings, including an MMRP and a statement of overriding considerations, for the Mission Bay Project. On November 2, 1998, the San Francisco Board of Supervisors ("Board of Supervisors"), by Ordinance No. 335-98, adopted the Plans; and,

WHEREAS, On February 1, 2012, state law dissolved the Former Redevelopment Agency and required the transfer of certain of its assets and obligations to the Successor Agency, and on June 27, 2012, state law clarified that successor agencies are separate public entities, Cal. Health & Safety Code §34170 et seq. ("Redevelopment Dissolution Law"); and,

WHEREAS, Redevelopment Dissolution Law required creation of an oversight board to the successor agency and provided that with approval from its oversight board and the State Department of Finance ("DOF"), a successor agency may continue to implement "enforceable obligations" such as existing contracts, bonds and leases, that were executed prior to the suspension of redevelopment agencies' activities. On January 24, 2014, DOF finally and conclusively determined that the Mission Bay North and South Owner Participation Agreements and Mission Bay Tax Increment Allocation Pledge Agreements are enforceable obligations pursuant to Health and Safety Code Section 34177.5(i); and,

WHEREAS, On October 2, 2012, the Board of Supervisors of the City, acting as the governing body of the Successor Agency, adopted Ordinance No. 215-12 (the "Implementing Ordinance"), which Implementing Ordinance was signed by the Mayor on October 4, 2012, and which, among other matters: (a) acknowledged and confirmed that the Successor Agency is a separate legal entity from the City, and (b) established this Commission and the Office of Community Investment and Infrastructure ("OCII") and delegated to the Commission the authority to (i) act in place of the Redevelopment Agency Commission to, among other matters, implement, modify, enforce and complete the Redevelopment Agency's enforceable obligations, (ii) approve all contracts and actions related to the assets transferred to or retained by the Successor Agency, including, without limitation, the authority to exercise land use, development, and design approval, consistent with applicable enforceable obligations, and (iii) take any action that the Redevelopment Dissolution Law requires or authorizes on behalf of the Successor Agency and any other action that this Commission deems appropriate, consistent with the Redevelopment Dissolution Law, to comply with such obligations; and,

WHEREAS, The Board of Supervisors' delegation to this Commission includes the authority to act as the lead agency that administers environmental review for private projects in Mission Bay North and South Redevelopment Plan Areas in compliance with the requirements of CEQA and the CEQA Guidelines, including CEQA Section 21067; and,

WHEREAS, The proposed project is the Golden State Warriors Event Center and Mixed-Use Development at Mission Bay South Blocks 29-32, with the MUNI UCSF/Mission Bay Station Variant and the Third Street Plaza variant, and related actions ("Event Center Project" or "Project"), as described in Chapter 3 of the Final Subsequent Environmental Impact Report ("FSEIR"). The Project Sponsor is GSW Arena LLC ("GSW"), an affiliate of the Golden State Warriors, LLC, which owns and operates the Golden State Warriors National Basketball Association team. GSW proposes to construct a multi-purpose event center and a variety of mixed uses, including office, retail, open space, and structured parking on an approximately 11-acre site on Blocks 29-32. The Project site is bounded by South Street on the north, Third Street on the west, 16th Street on the south, and by the future planned realigned Terry A. Francois Boulevard on the east; and

WHEREAS, In compliance with CEQA and the CEQA Guidelines, OCII determined that the Project required preparation of a Subsequent Environmental Impact Report and OCII provided public notice of that determination to governmental agencies and organizations and persons interested in the proposed project on November 19, 2014, initiating a 30-day public scoping period, which ended on December 19, 2014 and included a public scoping meeting on December 9, 2014.

WHEREAS, On June 5, 2015, OCII published and circulated the Draft Subsequent Environmental Impact Report (hereinafter "GSW DSEIR") to local, state, and federal agencies and to interested organizations and individuals. In addition, electronic copies of the GSW DSEIR were made available for public review on the OCII website and paper copies of the GSW DSEIR were made available for public review at OCII (1 South Van Ness Avenue, 5th Floor), the San Francisco Planning Department (1660 Mission Street, 1st Floor, Planning Information Counter), the San Francisco Main Library (100 Larkin Street) and San Francisco Library, Mission Bay Branch (960 4th Street).

WHEREAS, Notices of availability of the GSW DSEIR and of the date and time of the public hearing were posted near the project site and published in a newspaper of general circulation in San Francisco on June 5, 2015.

WHEREAS, On October 23, 2015, OCII published the Final Subsequent Environmental Impact Report ("FSEIR") for the Event Center Project consisting of the GSW DSEIR, the comments received during the review period, any additional information that became available after the publication of the GSW DSEIR, and the Responses to Comments document, all as required by law, copies of which are available through the Secretary of the Commission and at www.gsweventcenter.com, and are incorporated herein by reference; and,

WHEREAS, The administrative record that contains the GSW DSEIR, the FSEIR and all documents related to, or relied on in the preparation thereof has been prepared by OCII in accordance with the Jobs and Economic Improvement through Environmental Leadership Act (AB 900). Governor Jerry Brown certified the proposed project as an environmental leadership development project under this Act on April 30, 2015, and on May 27, 2015, the Joint Legislative Budget

Committee concurred with this certification. Therefore, this project is eligible for streamlined judicial review. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at OCII at 1 South Van Ness Avenue, 5th Floor, can be found at www.gsweventcenter.com and are part of the record before the Commission; now therefore be it,

RESOLVED, The Commission hereby certifies the Final Environmental Impact Report identified as OCII Case No. ER-2014-919-97 (also identified as Planning Department Case No. 2014.1441E and State Clearinghouse No. 2014112045), Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 (hereinafter "Project"), based upon the following findings:

1. The Commission has reviewed and considered the FSEIR and hereby does find that the contents of said report and the procedures through which the FSEIR was prepared, publicized, and reviewed comply with the provisions of CEQA and the CEQA Guidelines.
2. The Commission hereby does find that the FSEIR concerning Case No. ER-2014-919-97, Event Center and Mixed-Use Development at Mission Bay Blocks 29-32, reflects its independent judgment and analysis, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the GSW DSEIR, and hereby does certify the completion of said FSEIR in compliance with CEQA and the CEQA Guidelines.
3. The Commission, in certifying the completion of said FSEIR, hereby does find that the Project:
 - A. Will have a significant and unavoidable project-specific effect on the environment in the following areas:
 - 1) On days without a SF Giants game at AT&T Park:
 - a) Increased traffic congestion and traffic impacts at seven intersections that would operate at LOS E or LOS F.
 - b) Increased traffic congestion and traffic impacts at one freeway ramp location that would operate at LOS E or LOS F.
 - c) A substantial increase in transit demand that could not be accommodated by regional transit capacity that would result in a significant impact to North Bay and South Bay regional transit service (Caltrain, Golden Gate Transit and Water Emergency Transportation Authority (WETA)).
 - 2) On days with overlapping evening events at the project site and at

AT&T Park:

- a) Increased traffic and traffic impacts at ten additional intersections that would operate at LOS E or LOS F.
 - b) Increased traffic and traffic impacts at three freeway ramp locations that would operate at LOS E or LOS F.
 - c) A substantial increase in transit demand that could not be accommodated by regional transit capacity would result in a significant impact to East Bay, North Bay and South Bay regional transit service (Bay Area Rapid Transit, Caltrain, Golden Gate transit and WETA).
- 3) Without implementation of the Muni Special Event Transit Service Plan:
- a) Increased traffic congestion and traffic impacts at nine intersections that would operate at LOS E or LOS F.
 - b) Increased traffic congestion and traffic impacts at three freeway ramp locations that would operate at LOS E or LOS F.
 - c) Transit service operation impacts on the Muni T Third light rail line and the 22 Fillmore bus route.
 - d) Capacity utilization standard exceedances for Caltrain, Golden Gate Transit and WETA.
- 4) Increased ambient noise levels due to increased vehicular traffic along local roadways in the project vicinity and to crowd noise associated with events at the event center.
- 5) Construction-related emissions of criteria air pollutants (reactive organic gases and nitrogen oxides) that would exceed applicable significance thresholds.
- 6) Long-term operational emissions of criteria air pollutants (ROG and NOx) that would exceed applicable significance thresholds in connection with project operations, from sources including new vehicle trips, maintenance and operation of standby diesel generators, boilers and area sources such as landscape equipment and use of consumer products.
- B. Will result in unavoidable cumulatively considerable contributions to the following significant cumulative effects on the environment:
- 1) During peak hours, cumulative increased traffic congestion and

traffic impacts at 16 intersections that would operate at LOS E or LOS F.

- 2) Cumulative increased traffic congestion and traffic impacts at three freeway ramp locations that would operate at LOS E or LOS F.
 - 3) Cumulative capacity utilization exceedances for BART, Caltrain, Golden Gate Transit and WETA.
 - 4) Increased cumulative roadway traffic noise in the project vicinity.
 - 5) Increased cumulative construction-related and operational emissions of criteria air pollutants that would exceed applicable significance thresholds.
 - 6) Cumulative wastewater flows that could exceed the capacity of the Mariposa Pump Station and associated force mains and conveyance piping, and construction impacts resulting from future construction of improvements to the Mariposa Pump Station and associated facilities to expand wastewater treatment capacity.
4. The Commission has reviewed and considered the information contained in the FSEIR prior to approving the Project.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of November 3, 2015.



Commission Secretary



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Suite 800
San Francisco, CA 94108
415.896.5900 **phone**
415.896.0332 **fax**

www.esassoc.com

memorandum

date November 3, 2015

to Sally Oerth, Office of Community Investment and Infrastructure
Chris Kern, San Francisco Planning Department, Major Environmental Analysis

from Paul Mitchell, Environmental Science Associates
Joyce Hsiao, Orion Environmental Associates

subject Revised Errata for Responses to Comments Document and Mitigation Monitoring and Reporting Program (MMRP) for the Subsequent Environmental Impact Report the Event Center and Mixed-Use Development at Mission Bay Blocks 29-32
OCII Case No. ER 2014-919-97 / SF Planning Department Case No. 2014.1441E
Issued on October 23, 2015

Below please find corrections to the above-referenced document to rectify editorial errors. New text is shown in underline and newly deleted text is shown in strikethrough (~~strikethrough~~) format:

Volume 5, Responses to Comments Document, Table 1-2, Revised, Chapter 14, page 14-10, and in the MMRP, the fifth bullet under Mitigation Measure M-TR-9d is clarified as follows:

Impact	Significance Determination	Mitigation Measure or Improvement Measure
Impact TR-9d: Certain project specialized exterior lighting could adversely affect UCSF helipad flight operations	LSM	Mitigation Measure M-TR-9d: Event Center Exterior Lighting Plan [only partial text shown] <ul style="list-style-type: none">Avoid the use of light configurations similar to those associated with the UCSF helipad landing area, <u>and where feasible</u>, locate primary outdoor lighted displays and television/lighted screens away from the project property line at 16th Street, South Street, or Third Street, where feasible

Volume 5, Responses to Comments Document, Table 1-2, Revised, Chapter 14, page 14-25, and in the MMRP, the word "Municipal" is replaced with the word "Police":

Impact	Significance Determination	Mitigation Measure or Improvement Measure
Impact NO-4 (cont.)		<p>Mitigation Measure M-NO-4b: Noise Control Plan for Place of Entertainment Permit</p> <p>As part of the Place of Entertainment Permit process, the project sponsor shall develop and implement a Noise Control Plan for operations at the proposed entertainment venue to reduce the potential for noise impacts from interior event noise. This Noise Control Plan shall, at a minimum, contain the following elements:</p> <ul style="list-style-type: none"> • The project sponsor shall comply with noise controls and restrictions in applicable entertainment permit requirements. • 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. • There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Police Municipal 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. • 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. <p>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.</p>

Volume 5, Responses to Comments Document, Table 1-2, Revised, Chapter 14, page 14-29, and in the MMRP, the first sentence of the first numbered item under Mitigation Measure M-AQ-2a is clarified as follows. The same change is made on page 13.13-68, Chapter 13 of the Responses to Comments Document:

Impact	Significance Determination	Mitigation Measure or Improvement Measure
Impact AQ-2: During project operations, the proposed project would result in emissions of criteria air pollutants at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.	SUM	<p>Mitigation Measure M-AQ-2b: Emission Offsets</p> <p>[only partial text shown]</p> <p>1. Pay a mitigation offset fee to the Bay Area Air Quality Management District's (BAAQMD) Strategic Incentives Division in an amount no less than not to exceed \$18,030 per weighted ton of ozone precursors per year requiring emissions offsets plus a 5 percent administrative fee to fund one or more emissions reduction projects within the San Francisco Bay Area Air Basin (SFBAAB).</p>

Volume 5, Responses to Comments Document, Table 1-2, Revised, Chapter 14, page 14-49, the following was inadvertently omitted from the summary table and should be inserted after Impact BI-4:

Impact	Significance Determination	Mitigation Measure or Improvement Measure
<u>Impact BI-5: The proposed project would not conflict with any applicable local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</u>	<u>LS</u>	<u>No mitigation required.</u>

Volume 5, Responses to Comments Document, Chapter 14, page 14-113, the word "Municipal" is replaced with the word "Police":

- There shall be no noise audible outside the establishment during the daytime or nighttime hours that violates the San Francisco Police ~~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 et. seq.

Volume 5, Responses to Comments Document, Chapter 14, page 14-138, Sally Oerth, OCII Deputy Director is added to the list of SEIR Authors:

Office of Community Investment and Infrastructure
(Successor to the San Francisco Redevelopment Agency)
One South Van Ness Avenue
San Francisco, CA 94103

- Executive Director: Tiffany Bohee
- Deputy Director: Sally Oerth
- Project Manager: Catherine Reilly
- Associate Planner: Immanuel Bereket

The MMRP page MMRP-2, fourth full paragraph, first sentence, is revised as follows:

A summary of the project's Transportation Management Plan (TMP) is included as Table D, ~~and the full TMP is included as Attachment 1.~~

The MMRP page MMRP-60, Table D, first row, first column, is revised as follows:

Transportation Management Plan (TMP) and updates
(~~See Attachment 1, May 2015~~)

EXHIBIT 3

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No.15-154

WHEREAS, GSW Arena LLC (GSW), an affiliate of Golden State Warriors, LLC, which owns and operates the Golden State Warriors National Basketball Association (NBA) team (including any successor owner or operator of the Event Center) (the "Project Sponsor"), has proposed to construct a multi-purpose event center and a variety of mixed uses, including office, retail, open space and structured parking on an approximately 11-acre site on Blocks 29-32 within the Mission Bay South Redevelopment Plan Area of San Francisco; 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 the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. ("CEQA"), and acting in its capacity as lead agency as defined in Public Resources Code Section 21067, prepared a Final Subsequent Environmental Impact Report ("FSEIR") for the proposed 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 SFMTA Board of Directors and at www.gsweventcenter.com 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 certified the FSEIR in compliance with CEQA; and,

WHEREAS, The FSEIR files, other Project-related OCII files, and other materials have been available for review by the SFMTA Board of Directors and the public with the OCII Board Secretary at One South Van Ness Avenue, 5th Floor, San Francisco, CA 94103, through the SFMTA Board Secretary, which files are incorporated herein by reference and made part of the record before this Board; and,

WHEREAS, The SFMTA Board of Directors, acting in its capacity as a responsible agency under CEQA, Public Resources Code Section 21069, has reviewed and considered the information contained in the FSEIR for the Event Center Project; and,

WHEREAS, The SFMTA Board of Directors has also reviewed and considered a Transportation Service Plan, Local/Hospital Access Plan, and Designated Overlapping Event Transportation Strategies, as such terms are described below, and other measures, including measures by the Event Center Project's sponsor, to address transportation conditions relating to the Event Center Project; and,

WHEREAS, The Transportation Service Plan collectively refers to the Muni Special Event Transit Service Plan, the Transit Network Improvements (procurement of four light rail vehicles, extending and raising the northbound passenger platform or the variant for a center platform, constructing crossover tracks, among other capital expenditures), and the Event Transportation Management Strategies (including staffing of parking control officers), as more particularly described in a letter from the Director of Transportation to the OCII Executive Director dated May 15, 2015 ("May 2015 Director Letter"), and a supplemental letter dated October 6, 2015 ("Supplemental Director Letter"), which letters are incorporated by reference as though fully set forth; and,

WHEREAS, The Local/Hospital Access Plan is comprised of a variety of actions (identified in Enclosure 5 to the staff report for this matter at the November 3, 2015 SFMTA Board meeting) to facilitate movements in and out to residents of the Mission Bay Area and employees of the University of California at San Francisco ("UCSF") that would be implemented for the pre-event period for large weekday evening events at the Event Center (those events with more than 12,500 attendees that start between 6:00 and 8:00 pm, on average); and,

WHEREAS, The Designated Overlapping Event Transportation Strategies are included in the FSEIR as part of Mitigation Measure TR-11c and incorporated herein by reference as though fully set forth; these Strategies will assist to manage traffic flows and minimize congestion associated with non-Golden State Warriors events of 12,500 or more attendees overlapping with San Francisco Giants regular season evening games at AT&T Park (during weekday peak pre-event period, with overlapping events starting between 6:00 and 8:00 pm, on average) and to incentivize event attendees and UCSF employees to use alternatives to the private automobile; and

WHEREAS, The SFMTA Board of Directors acknowledges that the Board of Supervisors will consider an ordinance (the "Fund Ordinance") amending the Administrative Code to establish a special reserve fund within the General Fund called the Mission Bay Transportation Improvement Fund (the "Fund") to pay for City services and the costs of financing capital improvements addressing transportation and other needs of the community in connection with events at the Event Center Project; and,

WHEREAS, The SFMTA Board of Directors expects that monies available in the Fund, together with revenues generated by the Event Center Project that are dedicated to the SFMTA under the Charter, will more than cover the SFMTA's operating costs and costs of financing capital investments associated with implementing the Transportation Service Plan, the Local/Hospital Access Plan, and the Designated Overlapping Event Transportation Strategies; and,

WHEREAS, UCSF and the Event Center Project Sponsor requested that the City and County of San Francisco establish an advisory committee (the "Advisory Committee") to advise on use of the Fund and also identify data collection measures that could inform strategies to make hospital employee travel times more predictable, better manage staff work shift transitions for these employees, and facilitate their on-time performance during a specified period for certain overlapping events with large attendance at the Event Center and Giants games AT&T Park; and,

WHEREAS, The Advisory Committee will be tasked with identifying whether traffic

congestion affecting access by hospital employees occurs in the pre-event peak period (for this purpose, 6:00 - 7:30 pm) during weekday evenings when there is an event—other than a Warriors game—with more than 12,500 people at the Event Center and a regular season evening Giants game at AT&T Park, based on review of travel time data collected by the SFMTA for specific routes to the UCSF parking garage at 1835 Owens Street, more specifically identified in the Improved Hospital Employee Access Transportation Strategies During Overlapping Events (Enclosure 7 to the staff report for this matter at the November 3, 2015 SFMTA Board meeting), and incorporated by reference as though fully set forth (the “Improved Hospital Employee Access Strategies”); and

WHEREAS, The SFMTA Board of Directors further acknowledges that through the proposed Fund Ordinance, the Board of Supervisors may create an Advisory Committee to be the central City-sponsored community advisory body charged with providing input to the Board of Supervisors, the SFMTA, San Francisco Public Works (“SFPW”), the San Francisco Police Department (“SFPD”) and decision makers regarding use of monies in the Fund, and that the Advisory Committee shall perform the following functions as needed:

(a) Collaborate with the SFMTA on prioritizing the community improvement projects for required uses of the Fund and identifying implementation details as part of the SFMTA’s budget process;

(b) Recommend to the SFMTA uses of the Designated Overlapping Event Reserve established through the Fund Ordinance;

(c) Collaborate with the SFMTA, SFPW, SFPD, and decision makers in the monitoring of the required uses of the Fund, including expenditure of the Designated Overlapping Event Reserve, for the purpose specified in the Fund Ordinance; and,

(d) Review travel time data collected by the SFMTA for routes to the Event Center to determine if traffic conditions associated with the Event Center, especially when there are weekday evening overlapping events with large attendance at the Event Center and AT&T Park, should entail additional City actions and expenditures from the Fund or the Designated Overlapping Event Reserve, and make recommendations to the SFMTA on such actions and expenditures; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors, in relation to the actions set forth herein, adopts all of the following as they relate to the Event Center Project identified in the FSEIR for the Event Center Project:

(a) findings under CEQA, which are attached to this Resolution as Enclosure 2 and incorporated by reference as though fully set forth (the “CEQA Findings”);

(b) the mitigation measures, or designated portions of such measures, and the improvement measures, identified in the CEQA Findings, including, but not limited to, the Designated Overlapping Event Transportation Strategies (collectively the “SFMTA Mitigation and Improvement Measures”);

(c) the Statement of Overriding Consideration in the FSEIR for the Event Center Project, contained in the CEQA Findings; and

(d) the Mitigation Monitoring and Reporting Plan (the "MMRP"), Exhibit 1 to the CEQA Findings, which is incorporated by reference as though fully set forth; and, be it further

RESOLVED, That the SFMTA Board of Directors recognizes and acknowledges that should the Board of Supervisors not adopt the Fund Ordinance, the SFMTA Board of Directors has funds available at its sole discretion that are included in the Expenditure Plan, described below, and adopted as part of this Resolution that will be used to pay for mitigation measures M-TR-6 and M-TR-13 in order to reduce the impacts identified in the FSEIR and the MMRP to a less than significant level;

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute an agreement between the Office of Community Investment and Infrastructure (OCII) and the SFMTA, in which OCII designates the SFMTA as OCII's representative for the required monitoring and reporting of applicable transportation-related mitigation measures in the MMRP for the Event Center Project, including the SFMTA Mitigation and Improvement Measures, and agrees to reimburse the SFMTA for such services, which agreement will be subject to approval as to form by the City Attorney; and, be it further

RESOLVED, That, subject to obtaining sufficient funding and in accordance with the provisions of this Resolution, the SFMTA Board of Directors approves those elements of the Event Center Project that are under SFMTA jurisdiction, including:

(a) the Transportation Service Plan that is part of the Project description of the Event Center Project in the FSEIR, including the capital expenditures for procuring four light rail vehicles, extending and raising the northbound passenger platform or the variant for a center platform (as determined by the Director of Transportation, in his or her discretion), and constructing crossover tracks, among other capital expenditures; all as identified in the May 2015 Director Letter; and

(b) the Local/Hospital Access Plan, which is incorporated by reference as though fully set forth, to facilitate movement within the Mission Bay area for residents and non-Event Center employees and for University of California at San Francisco hospital employees and patients during the pre-event period for weekday evenings when Warriors games or other events with anticipated attendance of more than 12,500 persons occur at the Event Center; and be it further

RESOLVED: That the SFMTA Board of Directors modifies Enclosure 2 to incorporate the changes to the Mitigation, Monitoring and Reporting Program that staff read into the record at the November 3, 2015 meeting of the SFMTA Board of Directors; and be it further

RESOLVED, That the SFMTA Board of Directors agrees to seek and expend funds for transportation-related capital and operating costs for the Transportation Service Plan projects discussed in the May 2015 Director Letter, as well as the Local/Hospital Access Plan, the SFMTA Mitigation and Improvement Measures, and other measures, in accordance with the Expenditure Plan, as set forth in the Supplemental Director Letter, which Expenditure Plan updates and modifies the expenditure plan set forth in the May 2015 Director Letter, provided that implementation of such Expenditure Plan shall be subject to SFMTA's obtaining sufficient funding to pay for such costs consistent with this Resolution and the Fund Ordinance; and, be it further

RESOLVED, That the SFMTA Board of Directors recommends that the Board of

Supervisors approve the Fund Ordinance substantially in the form on file with the SFMTA Board of Directors, with any such changes as the SFMTA Director of Transportation may, in his or her discretion, concur in as they affect SFMTA jurisdiction; and, be it further

RESOLVED, That the SFMTA Board of Directors accepts the terms and conditions of the proposed Fund Ordinance that apply to the SFMTA, including, but not limited to, coordinating with SFPW and SFPD in budgeting funds for the Event Center Project, holding a public hearing on the proposed Event Center Project budget in conjunction with the hearing on the SFMTA's regular two-year budget, considering recommendations of the Advisory Committee established under the proposed Fund Ordinance and in accordance with the standards of the Fund Ordinance, and expending funds consistent with the Expenditure Plan and the purpose of the Fund Ordinance; and, be it further

RESOLVED, That the SFMTA Board of Directors directs the Director of Transportation, in consultation with the City Traffic Engineer and the Advisory Committee, to monitor and manage the flow of transit and traffic surrounding the Event Center, including using funds in the Designated Overlapping Event Reserve and also any balance in the Fund that is not then budgeted for other purposes, to prevent any considerable additional traffic congestion from occurring in the pre-event peak period (for this purpose, 6-7:30 p.m.) during weekday evenings when there is an event - other than a Warriors game - with more than 12,500 people at the Event Center and a regular season evening Giants game at AT&T Park, consistent with the Designated Overlapping Event Transportation Strategies; and, be it further

RESOLVED, That the SFMTA Board of Directors delegates to the Director of Transportation, or designee, in his or her discretion and in accordance with the uses set forth in the Designated Overlapping Event Transportation Strategies, the authority to expend monies in the Designated Overlapping Event Reserve, including, but not limited to, executing contracts using such monies, up to the amount in the Designated Overlapping Event Reserve at the time of the expenditure, and requests that the Director of Transportation provide an annual written report to the SFMTA Board of Directors on expenditures from the Designated Overlapping Event Reserve; and, be it further

RESOLVED, If the Advisory Committee finds that a specified additional travel time delay for hospital employees exceeds the median travel time (the "Delay Metric") specified in the Improved Hospital Employee Access Strategies, and the Advisory Committee recommends using, in addition to the Designated Overlapping Event Reserve, any balance in the Fund that is not budgeted for other purposes under this Resolution and the Fund Ordinance, for services or capital projects to address such occurrence, then the Director of Transportation shall consider approving such recommendations, which approval the Director shall not unreasonably withhold or delay so long as such recommendations are consistent with the Improved Hospital Employee Access Strategies, and the Director shall take such actions as are necessary to seek any required approvals and implement such recommendations; and, be it further

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to approve any modification to the Delay Metric if the Advisory Committee recommends such modification under the Improved Hospital Employee Access Strategies based on SFMTA data collection and experience in using various strategies to address traffic conditions; and, be it

RESOLVED, That the Director of Transportation shall consult with the Advisory Committee regarding expenditures from the Fund and the Designated Overlapping Event Reserve and send an explanatory report to the SFMTA Board of Directors if the Director determines not to follow particular recommendations of the Advisory Committee; and, be it further

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to obtain any further approvals and carry out any actions needed to implement the Event Center Project, including, but not limited to, implementing the Transportation Service Plan, Local/Hospital Access Plan and Designated Overlapping Event Transportation Strategies and providing administrative support and staffing for the Advisory Committee referenced above.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 3, 2015.

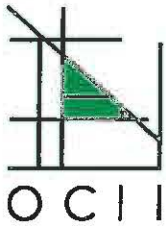


Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

EXHIBIT 4

(See two spiral bound attachments)

EXHIBIT 5



office of
COMMUNITY INVESTMENT
and INFRASTRUCTURE

103-0412015-146

December 02, 2015

President London Breed and
Members of the Board of Supervisors
c/o Clerk of the Board of Supervisors
#1 Dr. Carlton B. Goodlett Place
City Hall, room #244
San Francisco, CA 94102-4689

Re: Response to the Appeal of Department of Public Works approval of Subdivision Map for the proposed Golden State Warriors Event Center and Mixed-Use Development Project at Mission Bay South Blocks 29-32; DPW Order No: 184253, Director's Conditional Approval of Tentative Final Map No. 8593, Assessor's Block 8722, Lot Nos. 1 and 8, (Clerk of the Board File No. 151204)

Dear President Breed and Members of the Board:

The Office of Community Investment and Infrastructure ("OCII"), acting in its capacity as the Successor Agency to the Redevelopment Agency of the City and County of San Francisco, urges the Board of Supervisors ("Board") to reject the above-referenced appeal. On November 4, 2015, OCII determined that the Mission Bay South Blocks 29-32 Tentative Final Map, Street and Easement Vacation and other related actions are consistent with the Mission Bay South Redevelopment Plan and Plan Documents and are in substantial conformance with the approved Blocks 29-32 Major Phase. Letter, T. Bohee to B. Moy re: Mission Bay Blocks 29-32 Consistency Determination (Nov. 4, 2015).

In a letter dated November 19, 2015, the Mission Bay Alliance ("Appellant") appealed the Department of Public Works' ("DPW") approval of subdivision map applications related to the proposed Golden State Warriors Event Center Project ("GSW Project"). DPW Order No: 184253, Director's Conditional Approval of Tentative Final Map No. 8593. Appellant challenges the map applications on the following grounds: the Final Subsequent Environmental Impact Report ("FSEIR") for the GSW Project does not comply with the California Environmental Quality Act ("CEQA"), and the GSW Project itself does not comply with the Mission Bay South Redevelopment Plan ("Redevelopment Plan"), and the San Francisco General Plan, Planning Code Sections 320-325, and Planning Commission Motion 17709.

Appellant has previously raised all of these arguments against the GSW Project when OCII certified the FSEIR and approved the GSW Project or when various City Departments approved actions related to the GSW Project approval. In each instance, the reviewing agency considered and rejected the Appellant's arguments. Appellant has also raised these very same arguments in the context of its appeal of the FSEIR certification to this Board. Notably, by the time the Board considers this appeal of subdivision map applications, it will have affirmed OCII's certification of

Edwin M. Lee
MAYOR

Tiffany Bohee
EXECUTIVE DIRECTOR

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CHAIR

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COMMISSIONERS

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the FSEIR and thus most, if not all, of Appellant's arguments will have again been rejected by a public agency reviewing the GSW Project.¹

Given that OCII has already addressed all of the Appellant's arguments in its lengthy submission entitled "Appeal of Certification of Final Subsequent Environmental Impact Report: Golden State Warriors Event Center and Mixed-Use Development at Mission Bay Blocks 29-32" (November 30, 2015) ("Appeal Response"), OCII will summarize the basis for its determination of Redevelopment Plan consistency in this letter and refer Board members to the extensive analysis in the Appeal Response for a more detailed discussion about this issue and the others raised by Appellant.

The GSW Project is consistent with the Redevelopment Plan.

The Redevelopment Plan establishes the "basic land use controls within which specific redevelopment activities in the Plan Area will be pursued." Redevelopment Plan, Section 101. OCII has final authority over determinations about proposed projects' consistency with these land use controls by virtue of the following laws and enforceable obligations: the Redevelopment Dissolution Law, Cal. Health & Safety Code § 34173 (empowering successor agencies to exercise state authority to complete certain redevelopment projects); SF Ordinance No. 215-12 (Oct 4, 2015) (delegating this state authority to OCII, as the Successor Agency to the Redevelopment Agency); the Redevelopment Plan (establishing OCII's land use jurisdiction over projects in the Mission Bay South Redevelopment Project Area and superseding the applicability of the SF Planning Code); and the Mission Bay South Owner Participation Agreement (1998) (contractually obligating OCII to review proposed projects under the Redevelopment Plan). The California Department of Finance has finally and conclusively determined that OCII's completion of the Mission Bay South Owner Participation Agreement is an enforceable obligation that continues under the Redevelopment Dissolution Law. Letter, J. Howard to T. Bohee, Re: Request for Final and Conclusive Determination (Jan. 24, 2014), available at http://www.dof.ca.gov/redevelopment/final_and_conclusive/Final_and_Conclusive_Letters/documents/San_Francisco_F&C_EO_Items_84-88_220_&_226.pdf.

OCII has determined that the GSW Project complies with all of the maximum development standards established under the Redevelopment Plan, including Section 300 (in particular, Sections 302.4 and 304) of the Redevelopment Plan, the Land Use Map (Attachment 3 to the Redevelopment Plan), and the Zone Map (Attachment 3a to the Redevelopment Plan). See OCII, Secondary Use Determination for Blocks 29-32, Mission Bay South Redevelopment Project Area (Nov. 3, 2015); OCII Resolution No. 72-2015 (Nov. 3, 2015) (approving major phase and design applications for GSW Project). These Redevelopment Plan controls establish permitted uses, a maximum height limitation of 160 feet, the amount of leasable square footage that can be developed in each land use district, and floor area ratio. The GSW Project, however, did require modification to the Mission Bay South Design for Development ("D for D"), which provides ancillary design standards and guidelines that are subject to amendment by OCII in its sole discretion. OCII determined that the D for D amendments related to the GSW Project are consistent with the Redevelopment Plan. OCII Resolution No. 71-2015 (Nov. 3, 2015). The GSW Project also proposes land uses that qualify as either "principal" or "secondary" uses authorized in the Redevelopment Plan. Principal uses include office use, retail sales and services, restaurants, art activities, art spaces, and outdoor activity areas. As described in the OCII Secondary Use Determination, the secondary uses include four separate uses authorized

¹ If the Board has reversed OCII's FSEIR certification, this appeal of the subdivision map application will not be heard, pending OCII's consideration of additional findings, FSEIR revisions, or changes to the GSW Project approval

within the Mission Bay South "Commercial Industrial/Retail" land district: nighttime entertainment, recreation building, public structure, and a use of a nonindustrial character.

OCII's determination that the GSW Project is consistent with the Redevelopment Plan is based on its thorough review of the proposed land uses and physical improvements for the GSW Project. At a public hearing on November 3, 2015, the OCII Commission and its Executive Director considered written staff recommendations, public testimony, and other information in the record before applying the Redevelopment Plan standards and approving the GSW Project. The OCII Secondary Use Determination concluded that the GSW Project included secondary uses that generally conform with redevelopment objectives and planning and design controls, make a positive contribution to the Project Area, and provide necessary, desirable, and compatible development for the neighborhood and community. For a more detailed explanation of the legal and factual basis for OCII's determination of consistency with the Redevelopment Plan, please refer to the following exhibits of the Appeal Response: Exhibit A at pp. A-70 to A-72; Exhibit D at pp. D-121 to D-127.

OCII has previously provided an explanation of the GSW Project's compliance with certain Planning Code provisions incorporated into the Redevelopment Plan and with Planning Commission Motion 17709. See Appeal Response, Exhibit D at pp. D-127 to D-132. For an explanation of the consistency of the GSW Project with the General Plan, please refer to the Appeal Response, Exhibit D at p. D-133.

For the reasons stated above, OCII urges the Board to deny this appeal, which is based on the same arguments that have been raised and rejected at several previous hearings.

Sincerely,


for Tiffany Bonee
Executive Director

EXHIBIT 6



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Appeal of Tentative Parcel Map Mission Bay South Blocks 29-32, Assessor's Block No. 8722, Lot Nos. 1 and 8

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DATE: November 30, 2015

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: John Rahaim, Director – Planning (415) 558-9121
AnMarie Rogers, Senior Policy Advisor – Planning (415) 558-6395
Robin Abad, Planner, Citywide Policy – Planning (415) 575-9123

RE: Board File No. 151204
Appeal of the Tentative Parcel Map for the proposed Golden State Warriors Event Center and Mixed-Use Development Project at Mission Bay South Blocks 29-32, Assessor's Block No. 8722, Lot Nos. 1 and 8

HEARING DATE: December 8, 2015

EXHIBITS:

1. Excerpts from OCII SEIR Appeal Response on General Plan Consistency in regard to Air Quality Impacts, November 30, 2015
2. Memo from Michael Keinath and Catherine Mukai from Ramboll Environ, November 30, 2015
3. Planning Commission Motion No. M-19502, November 5, 2015
4. Planning Director Memo, November 16, 2015

PROJECT SPONSOR: David Kelly
GSW Arena LLC
1011 Broadway
Oakland, CA 94607
(510) 986-2288, dkelly@warriors.com

APPELLANT: 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

INTRODUCTION:

On November 12, 2015, Public Works issued tentative final map approval for Map No. 8593, an 8-lot, 100-unit commercial condominium subdivision for the proposed Golden State Warriors Event Center and Mixed-Use Development Project at Mission Bay South Blocks 29-32, Assessor's Block No. 8722, Lot Nos. 1 and 8 (the "Project"). The Planning Department, in a letter to Public Works dated November 6, 2015,

Memo

found that the subdivision map was, on balance, in conformity with the City's General Plan in compliance with the Subdivision Map Act Section 66473.5, Subdivision Code Section 1432(a), and San Francisco Charter Section 4.105(2). Appellant Thomas N. Lippe, APC, on behalf of the Mission Bay Alliance, filed an appeal of the subject tentative final map on November 19, 2015 with Angela Calvillo, Clerk of the Board of Supervisors along with a supplemental filing on November 30, 2015 (collectively, the "Appeal Letter").

As described in this response and separate letters submitted by the Public Works and the Office of Community Investment and Infrastructure ("OCII"), which are incorporated herein by reference, the appeal has no merit. The Planning Department urges the Board to reject the appeal and uphold Public Works decision to issue tentative map approval for this Project.

In the Appeal Letter, the Appellant raises four issues as the basis of the appeal: (1) the Project Final Subsequent Environmental Impact Report ("SEIR") and the OCII and City agency CEQA findings do not comply with the California Environmental Quality Act ("CEQA"), as described in the Mission Bay Alliance's many comments on the SEIR that it submitted to OCII and the OCII Commission; (2) the Project does not comply with the Mission Bay South Redevelopment Plan or Plan documents; (3) the Project does not comply with the San Francisco General Plan; and (4) the Project does not comply with Proposition M, as codified at Planning Code Sections 320 et seq. and Planning Commission Motion No. 17709, and, therefore, is ineligible for allocation of any office space under Planning Code section 321 and Motion No. 17709. Appellant references Mr. Lippe's November 6, 2015 letter to the Planning Commission, attached as Exhibit 1 to the Appeal Letter, as support for issues (2) through (4) above. Appellant is wrong on all counts for the reasons described in this response and other referenced materials, and the Board of Supervisors should reject the appeal.

Public Works' December 2, 2015 letter to the Board addresses issue (1) above. OCII's letter, also dated December 2, 2015, addresses issue (2) above. This response addresses Appellant's claims (3) and (4).

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

1. The Project is consistent with the San Francisco General Plan (Appellant Issue 3).

Appellant erroneously claims that the tentative final subdivision map is not consistent with the General Plan. The basis of Appellant's claim is that the subdivision map conflicts with Master Plan Policy 4.1 (sic) because the Project does not satisfy this policy's requirement to support and comply with objectives, policies, and air quality standards of the Bay Area Air Quality Management District "(BAAQMD)".¹ Appellant argues that a conflict with this particular General Plan policy arises because the Project's Mitigation Measure M-AQ-2b is inadequate in light of the BAAQMD's November 2, 2015 correspondence to OCII that the per ton charge for emissions offset fee is too low to offset the Project's emissions. Appellant argues that this letter demonstrates a conflict with Environmental Protection Element Policy 4.1 and should prohibit the Planning Department from finding the subdivision map conforms with the General Plan. Appellant's reliance on this single policy is misplaced.

First, the Planning Department, in its General Plan conformance letter to Public Works dated November 6, 2015, specifically found that the subdivision map did satisfy the General Plan's Environmental Protection Element Objective 4, Policies 4.1, 4.2, and 4.3 as follows:

ENVIRONMENTAL PROTECTION ELEMENT

OBJECTIVE 4

Assure that the ambient air of San Francisco and the bay region is clean, provides maximum visibility, and meets air quality standards.

POLICY 4.1

Support and comply with objectives, policies, and air quality standards of the Bay Area Air Quality Management District.

POLICY 4.2

Encourage the development and use of urban mass transportation systems in accordance with the objectives and policies of the Transportation Element.

POLICY 4.3

Encourage greater use of mass transit in the downtown area and restrict the use of motor vehicles where such use would impair air quality.

¹ This allegation is set forth in a November 5, 2015 letter to the Planning Commission that is referenced in the November 6, 2015 letter to Public Works. The proper citation for this policy is the General Plan's Environmental Protection Element Policy 4.1.

Comment on the Environmental Protection Element: On April 30, 2015, Governor Jerry Brown certified the Event Center Project as an "environmental leadership development project" under the Jobs and Economic Improvement Through Environmental Leadership Act of 2011. Cal. Public Resources Code §§ 21178 et seq. as a result of the Project design and Project Sponsor actions that would support environmental protection goals. The Project was thoroughly analyzed in the FSEIR, and the Commission on Community Investment and Infrastructure, in order to minimize Project impacts on the environment, adopted mitigation measures as part of its CEQA Findings, including measures on air quality and transportation, and imposed these measures on the Project as conditions of approval. The Project includes a comprehensive set of design features, actions, mitigation measures, and improvement measures, such as the MTA Special Event Transit Service Plan and the Project's Transportation Management Plan, among other actions, that will minimize reliance on private vehicular access the Event Center and encourage alternate modes of transportation, such as mass transit and bicycle access.

This Planning Department analysis of policy compliance is reasonable in light of the Project's strong program for the provision of transit and promotion of modes of transportation other than private vehicles to access the Event Center. The Project elements also support the City's Transit First policy as set forth in San Francisco Charter Section 8A.115 and elsewhere in the General Plan. In addition, the refinement to Mitigation Measure AQ-2b, as described below, eliminates any claim that there is a real or potential conflict with Policy 4.1 above concerning the BAAQMD's objectives, policies, and air quality standards.

Second, Appellant is simply wrong that the BAAQMD's per ton charge for emissions offset fee is too low to offset the Project's emissions. In OCII's Response to Appeal of Certification of Final Subsequent Environmental Impact Report, dated November 30, 2015 (the "OCII Appeal Response"), OCII responded that the \$18,030 per weighted ton offset fee specified in Mitigation Measure M AQ-2b is based on the California Air Resources Board (CARB) cost-effectiveness criteria for emissions offset projects under the state's Carl Moyer Incentive Program. The offset fee amount mirrors the Sacramento Metropolitan Air Quality Management District's offsite construction mitigation fee program, which is also \$18,030 per weighted ton, and is nearly double the San Joaquin Valley Air Pollution Control District Indirect Source Review program fee of \$9,350 per ton. The \$18,030 per weighted ton offset fee meets the rough proportionality standard required under CEQA. Mitigation Measure M-AQ-2b has been modified to allow payment of a higher offset fee if required. (For additional information see excerpted responses from the OCII Appeal Response in regard to Appellant's claim that the Project is inconsistent with the General Plan based on assertions about the inadequacy of a mitigation measure (Measure AQ-2) for air quality impacts, including Late Comment AQ-1: Emissions Offsets Mitigation Measure, attached hereto as Exhibit 1.)

As further support for this conclusion, a November 30, 2015 Memo from Michael Keinath and Catherine Mukai from Ramboll Environ attached here as Exhibit 2 found that, based on the 12.5 tons per year of NOx and 4.5 tons per year of ROG in the SEIR, the maximum offset cost for the Project would be roughly \$263,000. This is well below the \$620,922 requested by the BAAQMD in their November 2, 2015 comment letter and would fully offset the Project's emissions. This information provides additional support for the Planning Department's finding that the subject subdivision map is, on balance consistent with the City's General Plan.

Even if there were a conflict with the single General Plan policy that the Appellant identified, the Planning Department found that the subdivision map was "on balance" in conformity with the General Plan. For many years, courts have recognized that an agency's general plan necessarily embodies a wide range of goals and aspirations, and that some friction between competing goals is inevitable. Under those circumstances, the local agency's elected and appointed officials are best suited to interpret, apply, and balance those competing concerns. (*Bownds v. City of Glendale* (1980) 113 Cal.App.3d 875, 880.) (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 718.) (*San Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498, 514-517.) As stated in *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1562-1563, "because policies in a general plan reflect a range of competing interests, the government agency must be allowed to weigh and balance the plan's policies when applying them, and it has broad discretion to construe it polices in light of the plan's purposes."

A city's determination that a land use decision is consistent with its own general plan comes with a strong presumption that the city acted properly. This presumption can be overcome only by showing that the local agency has acted "arbitrarily, capriciously, or without evidentiary basis." (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 677.) Such abuse of discretion is established "only if the [local agency] has not proceeded in a manner required by law, its decision is not supported by findings, or the findings are not supported by substantial evidence." (*Sequoyah Hills, supra* at 717.) The appellant bears the burden of proof to show that the City abused its discretion. (See *Pfeiffer supra*, 1562-1563; *Foothill Communities Coalition, supra*, 222 Cal.App.4th at p. 1309, fn. 4) For the reasons stated above regarding the Project's consistency as opposed to conflict with Environmental Protection Element Policy 4.1, the appellant does not meet its burden of proof.

Moreover, in interpreting a city's general plan, courts will take a deferential standard of review to the city's evaluation of its plan and give cities the benefit of the doubt regarding how to interpret, apply, and balance the plan's goals and policies. The Planning Department's determination regarding this subdivision map should be afforded such deference because of its

presumed competence and insight in interpreting its own planning documents. As noted in *Save Our Peninsula Com. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142:

When we review an agency's decision for consistency with its own general plan, we accord great deference to the agency's determination. ... Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan's policies when applying them, and it has broad discretion to construe its policies in light of the plan's purposes. [Citations.] A reviewing court's role "is simply to decide whether the city officials considered the applicable policies and the extent to which the proposed project conforms with those policies." [Citation.]

A long line of case law universally embraces this deferential standard of review. (See, e.g., *Sequoiah Hills, supra*, 23 Cal.App.4th at pp. 717-718 [to be consistent, a subdivision development must be "compatible with" the objectives, policies, general land uses and programs specified in the general plan; courts "may neither substitute [their] view for that of the [agency], nor reweigh conflicting evidence presented to that body"]; *Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1336 (FUTURE) [perfect conformity with the General Plan policies not required] See also, *San Francisco Tomorrow vs. City and County of San Francisco* (2014), 229 Cal.App.4th 498, at pp. 514-515.

For the foregoing reasons and as set forth in the Planning Department letter to Public Works dated November 6, 2105 regarding the subdivision map, the Board of Supervisors should uphold the Planning Department's determination that the tentative map is, on balance, consistent General Plan.

2. The Project satisfies the requirements of Planning Code Section 321 (Planning Commission Motion No. M-19502, dated November 5, 2015) and Planning Commission Motion No. 17709 relating to an earlier office allocation for the Alexandria District within Mission Bay South (Appellant Issue 4).

On November 5, 2015, at a duly noticed public hearing, the Planning Commission adopted Motion No. M-19502, which approved an office design of two building of the proposed project that included approximately 577,000 gross square feet of office use on Mission Bay South Blocks 29 and 31. (This Motion is attached to this letter as Exhibit 3.) After that hearing, and in response to Appellant's November 6, 2015 submission to Public Works urging the Department to reject the tentative map for reasons associated with the Planning Commission's Section 321 approval, Planning Director John Rahaim submitted a memo to Public Works regarding the Commission's Section 321 decision. That memo, dated November 16, 2015 ("Planning Director memo") and attached hereto as Exhibit 4, addresses most of the Appellant's faulty assertions

about the Commission's office allocation decision. Furthermore, it is unclear how the Planning Commission's design decision affects in any way the subdivision of the subject property into legal lots of record in accordance with the Subdivision Map Act. This Planning Commission decision is unrelated to the subdivision map, and Appellant present no evidence to the contrary.

Nevertheless, if the Planning Commission decision bears a connection to the subdivision map, a portion of the OCII Appeal Response, excerpted below, specifically addresses Appellant's flawed argument that the Planning Commission action was inappropriate. The Planning Commission action, its supporting documents, the Planning Director memo, and the excerpts from the OCII Appeal Response, present ample evidence showing that the Planning Commission's action was legally appropriate and sound.

From Exhibit D (Responses to Late comments) of the OCII SEIR Appeal Response Letter dated November 30, 2015.

Response to Late Comments PP-2: Planning Code Section 321

The commenter states that the two commercial office buildings that are components of the Project do not qualify for office space allocation under Section 321 of the Planning Code because OCII amended the Mission Bay South Design for Development ("Design for Development" or "D for D"). The commenter misinterprets the authority of the Planning Commission review of the design of the office development under Section 321 and the scope of the Design for Development amendments, which primarily relate to the Event Center – not to the office development - component of the Project.

The Redevelopment Plan for the Mission Bay South Redevelopment Project ("Redevelopment Plan") states unequivocally that it and the Design for Development "supersede the San Francisco Planning Code in its entirety, except as otherwise provided herein." Redevelopment Plan, Section 101. Under the Redevelopment Plan, OCII has the sole discretion to amend the Design for Development so long as the amendments are consistent with "the limits, restrictions and controls established in [the Redevelopment] Plan." Redevelopment Plan, Section 306. In a few instances, the Redevelopment Plan incorporates standards from the Planning Code into its basic land use controls, but this reliance on Planning Code standards does not change the ultimate authority of OCII over project approval.

OCII amended, by Resolution No. 71-2015 (Nov. 3, 2015), the D for D to accommodate the Event Center and found that the amendments "comply with the land use controls of the [Redevelopment] Plan and are consistent with the Plan's redevelopment objectives." These D for D amendments primarily address the unique characteristics of an Event Center building and made only minor changes to the specific standards and guidelines for the design of individual office buildings. The changes affecting office buildings are the designation of a fourth tower location on Blocks 29 or 31 and the addition of minimum tower separation requirements between a tower and an Event Center building. The D for D amendments, however, do not change other aspects of office development design standards, such as height, bulk, setbacks, and parking, and did not change the commercial industrial guidelines applicable to office buildings.

The Redevelopment Plan refers to specific Planning Code standards for office development and establishes, in Section 304.11, that the Redevelopment Plan's authorization of up to 5.9 million square feet of commercial/industrial space, including office space, over the Plan's thirty year life complies with those standards (Planning Code, §§ 320-325) so long as the annual limitation of office development is not exceeded. Furthermore, Section 304.11 provides a limited role for the Planning Commission in the review of office development to confirm that commercial office development is well-designed; it incorporates Planning Commission Resolution No. 14702 (Sep. 17, 1998), which states:

The design guidelines for the South Plan Area are set forth in the Design for Development. This Planning Commission has reviewed the design standards and guidelines and finds that such standards and guidelines will ensure quality design of any proposed office development. In addition, the Planning Commission will review any specific office development subject to the terms of Planning Code §§ 320-325 to confirm that the design of that office development consistent with the findings herein. Planning Commission Resolution No. 14702, p. 6.

Contrary to the commenter's suggestion, this standard does not limit the authority of OCII to amend the D for D or to approve a project, but rather requires the Planning Commission to determine that a particular office building is of a "quality design" consistent with the then-applicable design standards and guidelines. Any suggestion that the original version of the 1998 Design for Development is frozen in time through Planning Commission Resolution No. 14702 is inconsistent with OCII's land use authority.

Nonetheless, the Planning Commission has the opportunity, through its design review of office buildings, to consider whether the application of D for D amendments to a proposed office building results in a well-designed building. In approving the two office buildings that are part of this Project, the Planning Commission found that: "(1) the MBS D for D standards and guidelines will ensure a quality design, (2) the proposed project is consistent with the MBS D for D and the findings set forth in Commission Resolution 14702, and (3) approval of the design of the proposed project would promote the health, safety and welfare of the City." Motion No. 19502 (Nov. 5, 2015). Finally, this Planning Commission finding supersedes Motion No. 11709 (Oct. 2, 2008) to the extent that the prior motion covered office development at the Project site.

Accordingly, both OCII and the Planning Commission have determined that the office building component of the Project complies with the Design for Development.

The commenter asserts that the Planning Commission approval on November 5, 2015, of the office design for the two office towers on Mission Bay South Parcels 29 and 31, comprising a total of 576,922 square feet of office space exceeded the amount of available office space under Planning Code Section 321. The commenter is mistaken, as explained in a letter and attachments from the Planning Director, John Rahaim, to the OCII Executive Director, Tiffany Bohee, and the Director of Public Works, Mohammed Nuru, *et al.*, dated November 16, 2015.²

² Memorandum from John Rahaim, Director, San Francisco Planning Department to Tiffany Bohee, Executive Director, Office of Community Investment and Infrastructure; Mohammed Nuru, Director, San Francisco Public Works; and Bruce Storms, San Francisco City and County Surveyor, November 16, 2015.

Appeal of Tentative Parcel Map**Hearing Date: 8 December, 2015****Mission Bay South Blocks 29-32, Assessor's Block No. 8722, Lot Nos. 1 and 8****File No. 151204****Planning Case No. 2014.1032Q**

As explained in the letter, the Planning Commission by Motion 17709 allocated a total of 1,350,000 square feet of office space to the Alexandria Mission Bay Life Sciences and Technology Development District ("District") in 2008. The District includes all of the parcels in the GSW Event Center project. Motion 17709 authorized Alexandria to allocate the total square feet of office space to any property in the District and to transfer property to another owner with any portion of the allocated space, so long as the transfers did not exceed the total allocation granted to the District. Since 2008, Alexandria has transferred 1,100,000 square feet of the total allocation to other owners of property in the District and retained 250,000 square feet in property that it owns. Alexandria transferred the GSW Event Center project parcels (Parcels 29, 30, 31 and 32) with 677,020 square feet of the total office space allocation. The two office towers proposed on Mission Bay South Parcels 29 and 31 are less than the 677,020 square feet of office space allocated to those parcels. Sufficient office space exists in the previously approved District to support the Planning Commission's action, and no further allocation is needed.

The commenter also questions why 25,000 square feet of office space in the event center building was not included in the calculation of office space requiring an allocation. As explained in the letter, the arena building office space is a minor accessory use to the event center use and not a separate office component requiring an office space allocation under the Planning Code.

CONCLUSION:

For the reasons set forth in this letter as well as the other letters and documents attached hereto, the Board should reject the appeal and uphold the Public Works' issuance of the tentative subdivision map for the Project.

**Please note: the exhibits are
not included in this document**

EXHIBIT 7



550 Kearny Street
Suite 800
San Francisco, CA 94108
415.896.5900 phone
415.896.0332 fax

www.esassoc.com

December 2, 2015

Mr. Chris Kern
Senior Planner
City of San Francisco Planning Department
Environmental Planning Division
1650 Mission Street Suite 400
San Francisco, CA 94103

Subject:

Dear Mr. Kern:

At your request, I have reviewed the comment letter received from Frank Hubach Associates dated November 23, 2015 that is part of the appeal of the Entertainment Commission's Place of Entertainment permit. This comment letter specifically addresses the October 8, 2015 Place of Entertainment Permit Application for the Golden State Warriors Event Center at Mission Bay. It should be noted that this letter is dated approximately three weeks after the due date for submittal of public comments and approximately two weeks after issuance of the conditional permit. The commenter opines that the proposed place of entertainment would substantially interfere with the public health, safety and welfare or the peaceful enjoyment of neighboring property based on the assumption that the noise restrictions of the City's Police Code are inadequate because they restrict noise increases relative to existing baseline noise without operations. The comment refers to previous comments with similar arguments submitted by Frank Hubach Associates with respect to the Draft Supplemental Environmental Impact Report (Draft SEIR) and Comment and Response document for the Golden State Warriors Event Center at Mission Bay from July 22, 2015 and November 2, 2015, respectively.

The basis of the commenters assertions are addressed in the Comment and Response Document on pages 13.12-14 through 13.12-16 in relation to the California Environmental Quality Act (CEQA). Existing-plus-project increment thresholds are appropriate to assess operational noise under CEQA in the Mission Bay Plan area for two reasons. The first reason is that CEQA Guidelines Appendix G identifies a noise impact criterion to address whether the proposed project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies standard." As stated on page 5.3-13 of the Draft SEIR, the noise ordinance limits for commercial and industrial properties (Section 2909(b)) provide that "no person shall produce or allow to be produced, a noise level more than

Chris Kern
December 2, 2015
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8 dBA above the local ambient level at the property plane.” Consequently, the Draft SEIR considered operational noise impacts of commercial properties in terms of increased noise levels over existing ambient noise levels.

The second reason existing-plus-project increment thresholds are appropriate to assess operational noise under CEQA is because Appendix G of the CEQA Guidelines inquires whether the proposed project would result in a “substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.” Here CEQA suggests that an appropriate threshold to apply is an increase over existing ambient noise levels without the project but leaves the determination of the quantitative threshold to be applied at the discretion of the lead agency. Consequently, use of a threshold based on an increase over ambient noise levels existing without the project is an appropriate tool for assessing significant noise increases.

Additionally, In San Francisco, Article 29 of the Police Code (SF Police Code Article 29) specifies the joint responsibility of the Department of Public Health, the Police Department, the Department of Building Inspection, the Department of Public Works, the Municipal Transportation Agency the Rent Board, the Planning Department, the Department of Recreation and Parks, and the Entertainment Commission for collectively sharing the responsibilities for noise control and prevention.¹ Consequently, the limits of this code represent the appropriate tool for implementing the conditions of a Place of Entertainment permit by the Entertainment Commission.

¹ City of San Francisco, *San Francisco Police Code Article 29: Regulation of Noise Guidelines for Noise Control Ordinance Monitoring and Enforcement*, December 2014 pages 2 and 3.



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If you have any question with regard to this analysis and opinion, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Chris L. Sanchez". The signature is fluid and cursive.

Chris Sanchez
Senior Technical Associate – Air Quality, Acoustics, Vibration
ESA | Community Development

Enclosure: Resume

cc: Jocelyn Kane, Executive Director, San Francisco Entertainment Commission



Chris Sanchez

Senior Technical Associate

EDUCATION

B.S., Environmental
Science, University of
California, Berkeley

U.C. Berkeley Extension;
Toxic Air Contaminants

22 YEARS EXPERIENCE

Chris Sanchez has more than 22 years of experience conducting and monitoring air quality, noise and energy investigations and surveys for urban development, transportation, and infrastructure projects. He has prepared greenhouse gas emission inventories for five years since the passing of Assembly Bill 32. His professional training and experience have augmented an academic background in air quality, noise, meteorology, and energy. Chris has a bachelor's degree from U.C. Berkeley in Environmental Science with additional studies from U.C.B. in toxic air contaminants. He is trained and proficient in the CalEEMod air quality emissions model as well as in air dispersion modeling using the AERMOD dispersion model. He has been involved in dozens of major projects including major commercial airport master plans, divestiture of the State of California's power plants, mining projects and reclamation plans, rail transit extension projects and stadium construction projects.

Relevant Experience

Discovery Park Outdoor Concert Event Noise Assessment and Sound Control Plan Development Project Manager. Prepared an assessment of off-site noise impacts for concert events at Discovery Park in Sacramento County. Long-term noise monitoring locations were established based on public complaints of concert noise. Monitoring was conducted during non-concert weekends and during concert events. Data was used to develop a Sound Control Plan that establishes a not-to-exceed noise limit at the sound board to maintain noise levels in the community consistent with standard requirements of the County Noise Ordinance. The Sound Control Plan also contains requirements regarding speaker and stage directions as well as time limits. The sound Plan was subsequently implemented for the following concert events and continues to evolve with input from continued sound monitoring from both ESA and promoters.

University of California at San Francisco Long Range Development Plan DEIR. Air Quality, Greenhouse Gas and Noise Analyst. ESA prepared the EIR for the 2014 Long Range Development Plan (LRDP) of UCSF. The LRDP will guide campus growth and development of the University over a 20+ planning horizon through the year 2035. UCSF is projecting to grow by approximately 2.4 million square feet over this time period, accommodating an additional 900 students and 11,000 employees. One key component of the LRDP is to address Senate Bill 1953, which mandates that all inpatient hospital facilities in the State of California meet more stringent seismic regulations by 2030. To meet this mandate, UCSF is proposing to build a new 308,000-square foot hospital addition at

the Parnassus Heights campus site. In addition, the Mission Bay campus site is anticipated to grow substantially over the lifetime of the LRDP with multiple buildings proposed, including new research and office buildings as well as over 500 residential units. Chris prepared the assessment of air quality, greenhouse gas and noise impacts for each of the four campuses potentially affected by growth envisioned in the LRDP as well as cumulative regional contributions. This two-prong approach required analysis of both project-level and overall plan-level criteria.

Plan Bay Area EIR. Noise Analyst. Chris prepared the noise impact technical section for the Plan Bay Area EIR, a comprehensive regional plan in response to SB 375. In a joint effort led by the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) in partnership with the other regional and local government agencies and transportation partners, Plan Bay Area is an integrated land-use/transportation plan. Chris took traffic volume data for freeways, highways and arterial roadways throughout the Bay Area nine-county region provided by MTC and created customized software to determine the relative percentage of roadway in each county that exceeded the Caltrans Noise Abatement Criteria for the proposed Plan Bay Area and its alternatives. Noise impacts of the associated Sustainable Communities Strategy were also analyzed as this portion of the Plan promoted infill growth along transit corridors where ambient noise levels are frequently elevated and may be inappropriate for residential land uses.

The 34th Americas Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza EIR, Environmental Assessment (NEPA) and General Conformity Determination, San Francisco, CA. Air Quality, Greenhouse Gas and Noise Analyst. Prepared fast-track CEQA and NEPA documentation as well as a federal General Conformity Determination and technical and logistical support for complex multi-agency regulatory compliance. For the EIR, relative to CEQA, an emissions inventory was assembled for a variety of unique sources including race support vessels, race-sponsored spectator vessels, spectator vessels, helicopter operations and cruise ship hoteling emissions resulting from the temporary decommissioning of shore side power. For the NEPA documentation, a greenhouse gas emission inventory was developed to account for AC34 impacts to existing federal GHG inventories. The noise analysis for both the CEQA and NEPA documentation examined noise impacts associated with construction, generators supplying temporary power, amplified music at event venues, helicopter noise, fireworks and noise from increased traffic volumes. A General Conformity Determination was conducted to verify compliance with the 1993 Amendments to the Clean Air Act and the State Implementation Plan, which included dispersion modeling to demonstrate that federal air quality standards would not be exceeded.

DEIS for Extension of F-Line Streetcar Service to Fort Mason, San Francisco CA. Noise Analyst. Prepared a noise and vibration impact analysis for the proposed extension of historic streetcars along San Francisco Municipal Railway's F-line. Historic railcars of the F-line come from around the world and are from diverse manufacturers and eras of railcar development. A custom methodology was developed to address the unique circumstances of the project. Rather than rely on FTA data for baseline railcar noise, monitoring of the sound exposure level (SEL) of the F-line railcar fleet on both straitaways and on turns was conducted. A composite SEL for the fleet was developed and, as worst case analysis with consultation of the lead agency, a composite SEL of the noisiest 6 cars was calculated to predict noise impacts to receptors along the proposed alignment.

Treasure Island Development Plan EIR, San Francisco, CA. Air Quality, Greenhouse Gas and Noise Analyst. Prepared the criteria air pollutant analysis and greenhouse gas impact analysis for 8,000 residential unit development on Treasure Island. Analysis included calculation of emissions from ferries, diesel bus trips, alternative-fueled shuttle buses, natural gas and grid electricity, credits for photovoltaic systems, water and wastewater treatment and conveyance, solid waste generation and the beneficial impact of carbon sequestration from trees. Air Quality impacts and analysis were prepared consistent with new guidance published by the Bay Area Air Quality Management District.

Caltrans Doyle Drive Study, San Francisco. Noise Analyst. Managed a noise study for Caltrans of traffic noise impacts associated with improvements to Doyle Drive in San Francisco, the elevated roadway at the southern anchorage of the Golden Gate Bridge. Noise impacts examined in the study included those associated with new roadway geometries for six different alternatives, some of which included tunnels. The Traffic Noise Model of the Federal Highway Authority was used to predict future noise levels. The model was calibrated using noise monitoring data collected by ESA at eleven locations along the corridor. An area of acoustic turbulence around proposed tunnel portals was identified based on noise monitoring of existing tunnel portals. Noise and vibration impacts of construction activities were also assessed.

Sunnydale-Velasco HOPE-SF Master Plan Combined EIR/EIS, San Francisco, CA. Air Quality and Noise Analyst. Prepared the air quality and noise impact analysis for a combined Environmental Impact Report / Environmental Impact Statement for the San Francisco Department of City Planning (CEQA) and San Francisco Mayor's Office (designated HUD NEPA lead agency), respectively. The project involves the redevelopment of an existing 785-unit San Francisco Housing Authority development with 1,700 units of residential space, as well as ancillary commercial and community facility uses. Noise analysis was conducted consistent with the requirements of the U.S. Department of Housing and Urban Development (HUD). Air quality analysis included an evaluation of health risks

resulting from diesel emissions associated with project construction. Three additional alternatives are analyzed at an equal level of detail.

City of Seattle Comprehensive Plan Environmental Impact Statement.

Prepared the air quality greenhouse gas and noise impact analyses for the City of Seattle's Comprehensive Plan pursuant to the State of Washington's State Environmental Policy Act (SEPA). The air quality and noise analysis focused on ensuring land use compatibility to avoid localized pollutant concentrations and noise adjacent to freeways and industrial areas. Available research on increased cancer risks was used to demonstrate the need for adequate buffer areas and noise modeling of freeways throughout the City was conducted to establish noise contours.

Monterey Peninsula Water Supply Project EIR, Monterey, CA. Noise Analyst. Under contract with the California Public Utilities Commission (CPUC), Chris prepared the noise impact analysis of an EIR for the California American Water Company (CalAm) Monterey Peninsula Water Supply Project (MPWSP) in accordance with CEQA. The primary project elements include a seawater intake system, a desalination plant, aquifer storage and recovery facilities, and over 20 miles of conveyance pipelines and associated infrastructure. Key issues include potential impacts from 24-hour drilling and operation of slant wells and aquifer storage and recovery wells open trench pipeline installation and construction and operation of a desalination plant. Much of the construction work was assumed to occur 24-hours a day and analysis of noise impacts to adjacent sensitive receptors had to account for this possibility.

Seattle City Light Denny Substation –Discipline Studies and DEIS. Air Quality, Greenhouse Gas and Noise Analyst. Prepared technical analysis pursuant to the State of Washington's State Environmental Policy Act (SEPA) for the construction and operation of a proposed new electrical substation, transmission lines and distribution network in the South Lake Union District of Seattle Washington. Discipline reports were prepared from which the DEIS was developed. Three dimensional noise modeling conducted for the substation site was used to assess noise impacts both in terms of compliance with the City's Noise Ordinance standards as well as to estimate the increase in noise levels over existing conditions. Air pollution emissions were estimated using a variety of models and compare to thresholds for conformity with the federal Clean Air Act. quality Greenhouse gas emissions were estimated from construction and operation including fugitive emissions of sulfur hexafluoride, a potent greenhouse gas. Mitigation measures were identified to maintain Seattle City Light policy of maintaining a net zero increases in operational greenhouse gas emissions.

Golden Gate Bridge District ADA Ferry Terminal Improvements Environmental Assessment, San Francisco and Sausalito, CA. Air Quality, Greenhouse Gas and Noise Analyst. This project includes ferry terminal improvements required to bring passenger loading and

disembarking into compliance with the Americans with Disabilities Act and utilities rehabilitation at the three terminals, as well as the option for companion projects that include a new layover berth at San Francisco and a new maintenance slip at Larkspur. Prepared air quality, greenhouse gas and noise analysis for NEPA documentation. Noise impacts included assessment of pile driving noise and vibration, as well as relocation of ferry idling areas.

Brisbane Baylands Specific Plan EIR. Air Quality, Greenhouse Gas and/ Noise Analyst. Prepared the air quality, greenhouse gas and noise impact analysis for an EIR for a specific plan to develop the Baylands Landfill site in Brisbane. The Plan addresses the 446-acre eastern portion of the 659-acre Baylands area. The Phase I area consists of 328 upland acres, located generally between the Bayshore Freeway (US 101) and the Union Pacific/Caltrain railroad corridor, and the 118-acres of the Brisbane Lagoon. The upland area is a former landfill site, most of which is currently undeveloped. Overall, the Specific Plan would allow for up to 5 million square feet of commercial retail, office, hotel, and light industrial development on 175-acres (not including 54-acres of roadway rights-of-way) and would preserve 99-acres of upland open space and parkland and 118-acres of open water within the Brisbane Lagoon.

Fresh and Easy Riverside Facility EIR. Riverside, CA. Air Quality Analyst. Mr. Sanchez calculated criteria pollutant emissions from construction and performed a localized significance threshold analysis for multiple sensitive receptors in the project area during construction activities. Operational criteria pollutant emissions were calculated for storage tanks, cooling towers, boilers, generators and yard dogs. A multi-basin analysis was performed for mobile transportations sources as distribution trucks would be travelling through as many as five different air basins, each with its own specific CEQA thresholds. A health risk assessment was performed to determine the risks to nearby sensitive receptors from diesel particulate matter generated by both trucks, and generators.

San Rafael Rock Quarry Amended Quarry Permit and Amended Reclamation Plan EIR. Air Quality/Noise Analyst. Prepared the criteria air pollutant analysis and noise impact analysis for the proposed amended quarry permit and reclamation plan, that would result in this facility operating for an additional twelve to fifteen years. Issue areas included operational emissions of on-site excavation equipment on-site processing equipment and heavy duty-diesel truck and barge (tugboat) transfer of mined materials. Noise analysis included the impacts of rock blasting practices and impacts. Reclamation-related issues included impacts related to increased excavation depths and material relocation throughout the quarry site.

Pilarcitos Rock Quarry Expansion EIR, San Mateo County. Air Quality/Noise Analyst. Prepared the criteria air pollutant analysis and

noise impact analysis for the proposed long-term expansion that would result in this facility excavating an additional 256 acres of new areas. Issue areas included operational emissions of on-site excavation equipment on-site processing equipment and heavy duty-diesel truck transfer of mined materials. Noise analysis included the impacts of rock blasting practices and impacts.

Altamont Landfill and Resource Recovery Facility Class II Expansion.

Air Quality / Noise Analyst. Authored air quality, noise and energy sections for Performed inventory of air pollutant emissions, including fugitive dust and criteria pollutant emissions from cell construction, daily equipment and truck operations, landfill gas emissions, and gas-powered turbine emissions. Assessed the potential for odor impacts. Also examined increased operational noise of the facility, noise generated by increased truck trips, and noise generated by construction of landfill cells.

San Francisco Multi-Year Wastewater Pipeline-Tunneling Project.

Compliance Noise Monitoring and Reporting. Provided compliance noise monitoring and reporting for a multi-year wastewater pipeline-tunneling project for the City of San Francisco. He has established and maintained 24-hour noise monitoring stations at residences located adjacent to heavy-duty construction activities and performed short-term spot monitoring of equipment operation to verify compliance with the City Noise Ordinance and the applicable construction contract. Data is collected and graphed in weekly reports with recommendations for noise abatement and future monitoring.

State of California Helicopter Application Project. *Project Manager / Noise Analyst.* Managed and performed a noise survey of nighttime helicopter application of malathion and bait for the State of California Department of Food and Agriculture. Simultaneous monitoring of helicopter turnaround points and middle of flight swath locations was performed with data collected in one second and 10-minute intervals. Data was plotted to show duration of overflight and duration of spraying activity. Results were reported in terms of the energy-equivalent noise level, the day-night average noise level, and the single event noise equivalent level. Comparisons to the local General Plan Noise Element were reported and a final report was submitted to the State for inclusion in an Environmental Impact Report for all malathion spraying operations statewide.

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