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Mission Bay Alliance Targets Unlawful Agreement between UCSF and the Warriors

Chancellor Acted Illegally by Signing Away UCSF's Future Rights to Protect Itself from the Arena's Crippling Traffic, Noise, and Rowdy Fans

Snarled Traffic Could Block Emergency Access to UCSF Hospital

San Francisco – Representatives of the Mission Bay Alliance have sent a letter to UCSF Chancellor Sam Hawgood, explaining that an agreement (called a memorandum of understanding or “MOU”) entered into between the Warriors and UCSF is invalid because the Chancellor had no authority to negotiate it or sign on behalf of UCSF.

The letter warns of legal action to dissolve the MOU unless the Chancellor cancels the agreement. The Mission Bay Alliance is hopeful that Chancellor Hawgood will realize the serious threat that the one-sided agreement poses to UCSF, its faculty, staff, students and patients and that litigation can be avoided.

Sent by lawyers of the Mission Bay Alliance, a coalition of former UCSF executives as well as UCSF donors, stakeholders, healthcare workers and neighbors, the letter describes the MOU as “one-sided.” The letter explains how Chancellor Hawgood sold out UCSF by forfeiting its legal rights to challenge future problems arising from the arena—in exchange for empty promises by the Warriors. No matter how dangerous the traffic situation becomes, the MOU states that UCSF will give up its rights to seek any remedies for damage caused by the Arena and Event Center. UCSF’s sole remedy under the agreement is to request a meeting with the Warriors.

“The arena will create gridlock traffic in Mission Bay, destroying quality of life in the neighborhood, threatening the educational mission of the University, and impairing the ability of patients to access life-saving care at the Children’s Hospital,” says Bruce Spaulding, who works with the Mission Bay Alliance and also served as a Vice Chancellor of UCSF. Mr. Spaulding was intimately involved in planning the university’s Mission Bay campus. “Over the decades I’ve been affiliated with UCSF, I’ve never seen anything like this; the agreement would prevent the Chancellor from carrying out the primary duty of his office: to protect the University, its faculty, staff, and patients,” added Spaulding.

Josh Schiller, from the law firm Boies, Schiller & Flexner LLP, who represents the Alliance, said “the letter shows that the picture that has been presented by the Warriors of UCSF ‘signing off’ on the Project is completely false. For one, the Chancellor had no authority to sign the MOU. Further, the Mission Bay Alliance Board includes some of the most committed donors and supporters of UCSF. The board members took the significant step of writing this letter after every other effort to reason with the Chancellor, the City, and the Warriors has failed.”

“UCSF expressed significant concerns about the arena project in a letter sent to the City in July,” said Schiller. “They created a PR campaign hoping to reform the project to make it a ‘win win.’ But the problems remain. When you look at this agreement, it’s clear that the Chancellor was steamrolled in negotiations.”

According to Osha Meserve, another attorney for the Alliance, “the Warriors’ owners tried to avoid scrutiny of their project early on by signing side agreements after private negotiations. Now, their plan is to hurry through the City’s review process so that the public doesn’t have enough information to know what is being approved.” She cited back-to-back hearings on the same day, involving thousands of pages of project documents, as evidence of the rushed approval.

The Mission Bay Alliance’s appeal of the environmental impact report is scheduled for hearing before the Board of Supervisors on Dec. 8, 2015.

About the Mission Bay Alliance

The Mission Bay Alliance is a coalition of UCSF stakeholders, donors, faculty, physicians and the working men and women of San Francisco who are concerned about the impact of the proposed Golden State Warriors’ stadium on the future of the vibrant community and medical campus at Mission Bay. The Alliance has joined a coalition of world-renowned scientists from UCSF and the U.S. National Academy of Sciences and the California Nurses Association in calling the proposed Warriors’ Arena a “disaster” for Mission Bay. For more information about the Mission Bay Alliance, visit www.missionbayalliance.org.

Related Coverage



Mission Bay Alliance urges UCSF to dissolve Warriors arena agreement

By Laura Dudnick – December 3, 2015

The Mission Bay Alliance group that opposes building a Warriors arena in Mission Bay is threatening to take legal action if UC San Francisco does not dissolve an agreement that opponents claim strips UCSF of the ability to seek remedies for any damage caused by the arena.

Lawyers of the alliance sent a letter Thursday to UCSF Chancellor Sam Hawgood, warning that the memorandum of understanding between the university and the Warriors that was executed Oct. 7, a day before the Warriors finalized their purchase of the 11-acre property at Third and 16th streets from Salesforce.com, eliminates many of UCSF's rights related to the arena.

That means if there are traffic issues, like the overlap of a Warriors game with a nurses' shift change at UCSF in the evening, for example, the university is legally unable to take the issue to court, said Josh Schiller of the law firm Boies, Schiller & Flexner LLP that represents the alliance.

"This is something the university has done that we think violates the public's interest and the taxpayers' interest," Schiller said.

The alliance has also appealed the final environmental impact report for the arena, which is scheduled to be heard by the Board of Supervisors on Tuesday.

The appeal highlights numerous concerns with the project, namely that events at the arena will create traffic gridlock that won't be eased by some \$60 million in transit improvements planned for the area. The project site is located across the street from UCSF's three new hospitals, and just south of AT&T Park and the San Francisco Police Department's new headquarters.

UCSF officially endorsed the arena after city officials agreed to numerous transportation improvements, including the establishment of a Mission Bay Transportation Improvement Fund to pay for more Muni light rail vehicles and traffic officers, among other efforts to mitigate traffic, with revenue from the Warriors arena.



Warriors arena opponents fire shot against UCSF (Video)

By Ron Leuty – December 4, 2015

Opponents of the Golden State Warriors' plan to build a \$1 billion arena in San Francisco's Mission Bay are threatening to sue UCSF if the university doesn't invalidate an agreement that cleared the lane for the development.

In a letter sent Wednesday night to Sam Hawgood, chancellor of the University of California, San Francisco, Mission Bay Alliance attorney Joshua Schiller demanded that the university withdraw its October memorandum of understanding with the Warriors "for the sake of the faculty, staff, and other stakeholders in the future of UCSF."

The alliance hasn't filed suit, Schiller told the San Francisco Business Times. In fact, Schiller said the alliance — a group made up of some current and former UCSF employees, alumni and donors — is giving UCSF until the end of Wednesday to explain how it will "repudiate" the agreement or face legal action.

"We don't want to initiate litigation unnecessarily," Schiller said.

The Warriors want to move to the arena from Oakland in time for the tipoff of the 2018-19 National Basketball Association season.

The alliance has challenged the 18,064-seat arena project largely because they claim the land should be set aside for use by the university or by biotech companies. But the group has cited potential traffic and parking problems as the means for stopping the Warriors development.

UCSF, whose campus is across Third Street from the proposed arena, also has had concerns about the impact of traffic congestion on patients and families trying to reach its new women's, children's and cancer hospitals in Mission Bay. The MOU between the university and the Warriors was a breakthrough that set parameters for fixing potential traffic problems.

Yet in his letter to Hawgood, Schiller said the MOU "is a one-sided deal" that waives the university's property rights "in exchange for empty promises from the Warriors."

See a copy of Schiller's letter [here](#) and a copy of the MOU [here](#).

"To add insult to injury, you have signed up UCSF to 'actively and publicly support' the construction of the arena," Schiller, a partner in the New York powerhouse law firm of Boies, Schiller & Flexner LLP, wrote to Hawgood. "With respect, UCSF has never had a basketball team and the Golden State Warriors already have cheerleaders."

"It smells really bad to us," Schiller told the Business Times.

The timing of the letter is curious, though, given that the Board of Supervisors is expected to vote Monday on whether to approve the environment impact report for the arena development, which includes two office towers, shops, restaurants, a parking garage and a Union Square-size plaza.

The potential of a lawsuit around the UCSF-Warriors agreement wouldn't affect the EIR, Schiller said, but Schiller acknowledged that it could influence how supervisors vote on the environmental report. A suit attacking the UCSF-Warriors deal would represent a new legal tactic by the alliance, which Schiller said has "associational standing" to sue UCSF because its membership includes people connected to UCSF.

The alliance also has threatened to sue to overturn the EIR, if supervisors approve that report, and also could take action on what essentially works out to a zoning issue: The city voted to allow the arena as a "secondary use."



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7 December 2015

New Poll Shows Opposition Growing for Warriors Arena in Mission Bay

**San Franciscans Oppose City Funding, Express Concerns over Traffic,
Parking Impacts**

SF Board of Supervisors to Vote on Project Tuesday

SAN FRANCISCO – San Francisco residents are growing increasingly concerned about traffic, parking and other problems related to the proposed Golden State Warriors Arena in Mission Bay, with 59 percent of registered voters in a recent poll opposing the arena once they learned the facts.

On Monday, the Mission Bay Alliance, a coalition of arena opponents, UCSF stakeholders and residents, released a poll of 540 registered San Francisco voters conducted by EMC Research that found the following:

Based on what they know today about the proposed arena plan in Mission Bay, fewer than half of voters say they support it:

Support – 49 percent

Oppose – 42 percent

Don't know – 10 percent

This is a 12 percent drop from a Warriors'-commissioned poll released in July, which showed about 61 percent of residents supporting the proposal.

Once voters became aware of the facts surrounding the proposed arena and the expected regional impacts, including traffic gridlock, the lack of parking and clogged emergency access for adjacent UCSF hospitals, support for the arena plummeted even more:

Support – 38 percent

Oppose – 59 percent

Don't know – 3 percent

Parking and traffic ranked as the two most problematic impacts, with 65 percent of voters concerned about traffic gridlock and 67 percent about a lack of parking in and around the arena.

Residents also aren't happy about the proposed \$60 million package to help mitigate overcrowding on public transportation related to the arena. About \$29 million of the package would be funded by taxpayer money. The project also does little to alleviate the burden the arena will put on regional transit like BART and CalTrain.

When asked, most voters support restricting the use of public funds to offset impacts of private development projects, such as the proposed Warriors arena:

Support – 61 percent

Oppose – 32 percent

Don't know – 7 percent

A majority of voters also support relocating the proposed arena from Mission Bay to Cesar Chavez/3rd Street, an alternative location proposed by the Mission Bay Alliance:

Support – 55 percent

Oppose – 38 percent

Don't know – 8 percent

The message is clear: the more people learn about this project, the less they support it, said Pollster Alex Evans.

Despite the Warriors' claims of surging support, there's a lot of movement "and a lot of movement away from a Warriors arena in Mission Bay," he said. "If I was on the Warriors' side of this, I would be very nervous."

"The public is starting to ask serious questions about the impact this massive arena will have on the quality of life in San Francisco," said Bruce Spaulding of the Mission Bay Alliance, which commissioned the poll. "Support for an arena drops the more city residents learn about the project and understand the negative impact of an arena of this size for Mission Bay and San Francisco as a whole."

The poll, which was conducted between Nov. 30 and Dec. 6 and has a margin of error of 4.2 percentage points, revealed that many voters are dissatisfied with the way the project has been handled by City officials, who have come under fire for jamming the project through the approval process without adequate time for full public review.

In fact, the poll shows voters believe the City is moving in the wrong direction.

When asked whether the City was moving in the “right direction” or was the “wrong track,” a majority said it’s on the wrong track:

Right direction – 35 percent

Wrong track – 52 percent

The Board of Supervisors is scheduled to vote Tuesday, Dec. 8 on an appeal by the Mission Bay Alliance of the project’s 5,000-page EIR and on the \$60 million, taxpayer-funded transportation plan to help mitigate the project’s impacts on traffic and public transportation serving Mission Bay.

The Supervisors’ vote follows a record-fast, rubber stamp approval process that has allowed the ill-conceived project to sail through regulatory approvals without scrutiny. The Office of Community Investment and Infrastructure (OCII) certified the project’s EIR on Nov. 3 – only 10 days after releasing the 5,000-page document to the public.

The Mission Bay Alliance appealed certification on Nov. 13, citing significant yet overlooked impacts, including traffic gridlock during the arena’s 225 annual events and the flawed transportation plan that commits the City to using the general fund to try to address traffic and public safety impacts.

“Support for this arena is plummeting, and we hope our elected leaders get the message in advance of making a major decision that will shape the future of this City,” Spaulding said. “The residents of San Francisco want a fair process – and given this project’s high stakes and devastating impacts, they deserve nothing less.”

Related Coverage



SF voters teeter over Warriors arena

By Hannah Albarazi – December 7, 2015

While the Golden State Warriors continue to eviscerate their opponents on the court, a new poll commissioned by opponents of the Warriors' proposed stadium in San Francisco's Mission Bay neighborhood shows increasing public opposition to the plan.

The new poll released Tuesday, commissioned by the Mission Bay Coalition and conducted by EDC Research, found that fewer than half of the 540 registered voters polled supported development of the proposed arena and commercial buildings at Third and 16th streets.

At 49 percent voter support, the Warriors' proposed arena has seen a 12 percent decline in support since a Warriors-commissioned poll, conducted by David Binder Research and released in July, showed about 61 percent support for the development.

Alex Evans, president of EMC Research, said today that when voters were told about potential regional impacts, such as traffic gridlock, parking shortages and clogged emergency access to the adjacent UCSF Medical Center, support for the proposed 18,500 seat Warriors arena and mixed-use development plummeted and 59 percent of voters polled expressed opposition to the project.

The release of the new poll comes one day prior to a public hearing and vote by the San Francisco Board of Supervisors on whether to appeal the project's Final Subsequent Environmental Impact Report Certification, which was adopted by the Commission on Community Investment and Infrastructure in November.

The Mission Bay Alliance, a coalition of UCSF stakeholders and San Franciscan voters concerned with the potential negative impacts of the arena, is appealing the project's 5,000-page Final Environmental Impact Report, which was released on Oct. 23 and certified 10 days later by the Commission on Community Investment and Infrastructure.

The Final Environmental Impact Report, which included an abundance of comments from the public, various agencies and the Mission Bay Alliance, also includes a \$60 million plan to improve transportation in the area and mitigate the impact the arena would have on traffic.

The final report includes roughly \$20 million more toward transportation improvements than the draft report and includes creation of a Mission Bay Transportation Fund comprised of project-generated revenues to pay for city services and capital improvements needed to accommodate the arena.

Osha Meserve, an attorney with the Mission Bay Alliance, said today that she's concerned the public hasn't had a chance to look carefully at the proposal, noting that there were only 10 days between the public release of the Final Environmental Impact Report and certification of it by the commission.

Meserve said the proposed site of the arena, a former industrial area, contains contaminated soil, and that the Final Environmental Impact Report doesn't disclose the project's projected emissions or mitigation plans.

Meserve said the developers need to be held to high standards to ensure the health of the community: "This doesn't meet legal muster."

If the Board rejects the appeal Tuesday, the Mission Bay Alliance plans to move forward with litigation on the grounds that it violates the Clean Water Act.



CSNBAYAREA.COM

Critics: Opposition growing against W's Mission Bay arena

December 7, 2015

While the Golden State Warriors continue to defeat their opponents on the court this season, a new poll commissioned by opponents of the Warriors' proposed stadium in San Francisco's Mission Bay neighborhood shows increasing public opposition to the plan.

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San Jose Mercury News

Detractors say opposition to proposed S.F. Warriors arena is growing

Bay City News Service – December 8, 2015

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EAST BAY EXPRESS

OAKLAND, BERKELEY, AND EAST BAY NEWS, EVENTS, RESTAURANTS, MUSIC, & ARTS

Tuesday Must Reads: NFL May Help Develop Raiders Stadium in Oakland; Support for Warriors' Arena in San Francisco Plummets

By Robert Gammon – December 28, 2015

Stories you shouldn't miss:

1. The National Football League may decide to help develop a new stadium for the Raiders in Oakland, the Bay Area News Group\$ reports. The NFL is reportedly interested in Oakland's Coliseum City plan, which would include housing, retail, and restaurants and bars, along with a new Raiders' facility. The NFL's interest in Oakland could be a signal that the league plans to approve the relocation of the St. Louis Rams and the San Diego Chargers to Los Angeles — but not the Raiders.
2. Support among San Francisco residents for plans by the Golden State Warriors to build a new arena on the city's waterfront has nosedived in the past six months, Bay City News reports (via the Trib\$), citing new poll commissioned by opponents of the proposed arena. The poll showed that only 49 percent of San Francisco residents approve of the arena proposal — down by 12 percentage points since July. In addition, when told of the traffic problems the arena would cause for UCSF Medical Center, residents' support plummeted to just 38 percent, with 59 percent opposed.
3. The Oakland City Council may declare an emergency shelter crisis tonight for homeless people in the city, the Trib\$ reports. The declaration would allow Oakland to convert nonresidential buildings — like warehouses — into emergency shelters for the city's 1,400 homeless people living in tents or on the street.
4. The San Jose City Council, meanwhile, may establish a tent city for homeless people, the Mercury News\$ reports. Last month, the City of Seattle opened a tent city for its homeless population.
5. The Berkeley Unified School District has dropped its opposition to a plan to build a large housing development in downtown after reaching an agreement with the developer of the proposed eighteen-story high-rise, the Bay Area News Group\$ reports. The deal calls for the developer to address issues of noise, pollution, traffic, and construction hours that had concerned the school board.
6. And Republican presidential frontrunner Donald Trump called for closing the US borders to Muslims in the wake of the San Bernardino and Paris attacks, but his announcement was quickly denounced by other GOP candidates, the AP reports (via SF Gate).



Day Around The Bay: San Francisco Pension Costs Are Even Higher Than Predicted

By Jack Morse – December 7, 2015

- A \$99 million budget deficit is projected for next year as city employee pension costs surpass predictions. [Chronicle]
- How Stephen Curry disrupted basketball as we know it. [SB Nation]
- In other Curry news, Ayesha Curry tweeted about a lack of modesty in contemporary women's clothing. This, as you can image, elicited a response. [ABC 7] [VH1]
- Twitter released its list of the top tweets of 2015. One Direction pretty much owned it. [Chronicle]
- Big changes coming up at Yahoo, which will restructure its media division. [re/code]
- A Santa Rosa animal sanctuary is set to close, which means animals need homes. [ABC 7]
- The "Bike-Yield Law" was teed up today for a big Board of Supervisors vote next week. [Examiner]
- Three tech companies got \$8.55 million in tax credits to create new jobs in San Francisco. [CBS 5]
- Those opposed to the Mission Bay Warriors Arena claim more and more people are joining their ranks. [NBC Bay Area]