

1 [Music Concourse Dedicated Access Route.]

2 **Resolution requesting the Golden Gate Park Concourse Authority to work**  
3 **collaboratively with the San Francisco Municipal Transportation Agency (MTA) and the**  
4 **San Francisco Recreation and Park Department to refine the design of the dedicated**  
5 **access route from the Music Concourse parking facility to 9<sup>th</sup> Avenue and Lincoln Way**  
6 **that would equally satisfy the needs of MTA, bicycles, and pedestrians.**

7  
8 WHEREAS, The City and County of San Francisco (the "City"), acting by and through  
9 the Golden Gate Park Concourse Authority (the "Authority") and the Recreation and Park  
10 Commission (the "Commission"), as landlord, and Music Concourse Community Partnership,  
11 as tenant, have entered into that certain ground lease dated February 27, 2004, work letter  
12 agreement and other documents related to the construction, operation and maintenance of an  
13 underground parking facility (the "Facility") containing approximately 800 parking spaces in  
14 Golden Gate Park and related improvements (collectively, the "Project") as approved by the  
15 voters under Proposition J of June 1998, now codified as Appendix 41 of the City  
16 Administrative Code ("Proposition J"); and

17 WHEREAS, A Verified Petition for Writ of Mandate and Complaint for Declaratory and  
18 Injunctive Relief and Attorney's Fees was filed with the Superior Court of San Francisco in  
19 December 2003 by community members challenging the Facility's compliance with  
20 Proposition J and the above mentioned approvals; and

21 WHEREAS, Such community members also objected on the same grounds to the  
22 City's action, which was filed with the Superior Court of San Francisco in December 2003 to  
23 validate the Project. The Superior Court consolidated this action with the writ action; and

24 WHEREAS, The San Francisco Superior Court issued a Statement of Decision in the  
25 consolidated actions on August 11, 2004; and

1           WHEREAS, The Court found in favor of the City on all issues raised in the petition and  
2 the validation action, except one that requires the City to approve and present to the Court,  
3 with “exceptional dispatch”, a plan for a dedicated access route to the Academy Drive  
4 entrance/exit of the Facility that originates from outside the Park; and

5           WHEREAS, To comply with the Court's order, the Authority originally considered 10  
6 options for a dedicated access route to the Facility and rejecting other additional options as  
7 described in Authority staff reports; and

8           WHEREAS, The Authority narrowed its review to three options, and on November 16,  
9 2004, at a duly noticed public hearing, approved one option, the dedicated surface access  
10 route from 9th Avenue and Lincoln Way to the southern entrance of the Facility (the  
11 "Approved Plan"); and

12           WHEREAS, The Authority did not thoroughly solicit input from the neighbors and  
13 merchants directly adjacent to and affected by the Project during hearings leading to the  
14 Approved Plan; and

15           WHEREAS, The Authority did not thoroughly solicit input from or consult with the  
16 Municipal Transportation Agency ("MTA") during the hearings leading to the Approved Plan;  
17 and

18           WHEREAS, The Authority's design consultants have publicly stated that when they  
19 created the designs, they did not consult or consider the bicycle safety standards, guidelines,  
20 and recommendations of the Department of Transportation Federal Highway Administration;  
21 and

22           WHEREAS, MTA has stated that it could not give its unqualified recommendation to  
23 any of the three designs presented the Authority for its consideration prior to selection of the  
24 Approved Plan; and

1           WHEREAS, MTA has stated that all three of said designs could affect conditions for  
2 MUNI, bicycles, and pedestrians, could potentially make conditions less safe, and could  
3 increase the speed and volume of traffic; and

4           WHEREAS, The San Francisco General Plan approved by voters in 1986 calls for the  
5 City to "gradually reduce automobile traffic in and around public open space;" and

6           WHEREAS, The Golden Gate Park Master Plan calls for the City to "reduce the  
7 impacts of motor vehicles, particularly those that are using the park as an east-west through  
8 road," and MTA has stated that the Authority's three options could increase those impacts;  
9 and

10          WHEREAS, MTA's comments to the Draft Environmental Impact Report for the Project  
11 stated that a single reversible transit-only lane from 9<sup>th</sup> Avenue at Lincoln Way to the  
12 Concourse is needed, and that such a transit-only lane should and would be evaluated by  
13 MUNI; and

14          WHEREAS, MTA has stated that the Approved Plan could preclude the creation of the  
15 single reversible transit-only lane that MUNI requested; and

16          WHEREAS, MTA has the design experience, expertise, resources, and personnel to  
17 assist the Authority in design refinements to the Approved Plan in order to create a safer and  
18 more balanced design; and

19          WHEREAS, MTA has stated that it would look forward to working on an improved  
20 design for the Approved Plan that would more appropriately meet the needs of MUNI,  
21 bicycles, and pedestrians, as well as automobiles; and

22          WHEREAS, MTA has stated that it is prepared to participate in a process to refine the  
23 Approved Plan in a timely fashion that would not delay or otherwise endanger the Project and  
24 related projects in and around the Music Concourse; and

25

1           WHEREAS, On November 29, 2004, the Commission has scheduled a hearing to  
2 consider the Authority's Approved Plan; and

3           WHEREAS, This Board of Supervisors acknowledges the Authority's action on the  
4 Approved Plan and the pending action of the Commission and supports the authority of these  
5 two entities to undertake such decision-making; and

6           WHEREAS, The Board also supports the Approved Plan; however, it is of the view that  
7 the conceptual design of the Approved Plan could be refined to more appropriately address  
8 the concerns about public transit, bicycle and pedestrian safety, and vehicular access to the  
9 Facility; now, therefore, be it

10          RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
11 requests that the Authority work collaboratively with MTA and the Commission to refine the  
12 Authority's approved dedicated surface access route from the southern entrance/exit of the  
13 Music Concourse underground parking facility to 9<sup>th</sup> Avenue and Lincoln Way (the "Approved  
14 Plan") that would satisfy the needs of MTA, MUNI, bicycles, pedestrians, and vehicles  
15 accessing this entrance/exit of the parking facility; and be it

16          FURTHER RESOLVED, That the Board of Supervisors requests that by February 7,  
17 2005, the MTA hold at least one public meeting to collaboratively refine the design for the  
18 Approved Plan that would satisfy the transit needs of MUNI, bicycles, and pedestrians, as well  
19 as for automobile access to the southern entrance/exit of the parking facility.