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District 5 Diary

Rob Anderson's commentary on city politics from San Francisco's District 5

FRIDAY, APRIL 08, 2005

Interview with Mike Ellzey: Executive Director of the Concourse Authority

Question: The plan to widen Martin Luther King Blvd was a consequence of the anti-garage litigation, wasn't it?

Ellzey: Yes, it is a direct consequence. When we originally developed the design for the underground parking facility, it included a dedicated access beginning outside the park at Tenth and Fulton, which was our northern entrance. Then on the south side, we placed the entrance on Academy Drive. We did that purposely; so that we would provide one access point to the community located inside the park, so that folks inside the park wouldn't need to exit the park, re-circulate back through the neighborhoods to get to an entrance that was outside the park. Otherwise, anyone who was coming from anywhere inside the park and wanted to access the garage would have to exit the park, enter the neighborhoods and then enter the garage. We thought this was a bad idea, a bad plan. So we made one inside the park and one outside the park. Working with the City Attorney, we interpreted Proposition J [as meaning] that, as long as we have one garage entrance and exit that originates outside the park, that satisfies Prop. J. We had that at Tenth and Fulton. Then we were able to develop a second, south entrance that would accommodate a better plan.

The court disagreed with us. The court agreed with the people that sued us in its validation action [Statement of Decision, August 10, 2004], so that has become the issue. The court, as you know, suggested that where the entrance/exit is located is not necessarily bad and is approved. But he said that the public record didn't show that we considered adequately a dedicated access route to that approved entrance. So that's what the court in essence told us to do on August 10, 2004: go through a public process, let the community speak, and develop a plan for a dedicated access route to this south entrance that he has already approved. That's what we began doing on August 11, and we completed that work on November 29, 2004, when Rec. and Park approved Option #1, which is the two dedicated

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lanes, the removal of parking from MLK, that originates at Ninth and Lincoln and accesses the south entrance to the garage.

Question: Some of your critics are saying that we don't need two entrances to the garage, that the entrance at Tenth and Fulton is enough.

Ellzey: Well, I know that's what they are saying. But there certainly has never been anything in any of the analyses, any of the studies that we have done, that would even suggest that this parking facility should be designed with one entrance and exit. You know, Rob, that basically this is two parking facilities, located on separate sides of the music Concourse, connected by a connector tunnel. It just doesn't make any sense from a planning perspective to have the cars parked on the southern part of the garage to have to drive north to Tenth and Fulton to exit the garage, which is probably a ten or twelve-minute trip, based on having to go through the different levels and so forth. Because you're not just driving a straight line, you're driving up one row, back another, down a ramp, up another row, into the connector tunnel, passing the north garage, and then exiting at Tenth and Fulton. If that was our only entrance and exit, that would make no sense whatsoever.

So the plan that was developed, based on a lot of studies, indicated that the south entrance was not only essential, but it was very desirable as well.

Question: The critics seem to be implying that if the southern entrance is not actually a tunnel that begins outside the park, it's not valid.

Ellzey: Well, yes, that's the essence of the claim that we're currently debating, and that was the basis for the part of the Statement of Decision that directed us to take a look at this.

Question: Questions have been raised about the safety of pedestrians, cyclists, and the handicapped dealing with a redesigned MLK in accessing the park. How do you respond to those concerns?

Ellzey: Basically we agree with critics and project proponents alike that that area is an unsafe area and is in need of improvement.

Question: Even before redesigning MLK?

Ellzey: Oh, sure. We believe this is an opportunity---and when things settle down a bit, we think our community will agree with us---to really take a look at the Ninth and Irving, Ninth and Judah, Ninth and Lincoln area and all the way into the park. Because one of our responsibilities in developing this project is not only to address

impacts inside the park but also to address impacts outside the park that originate from our project---or that might arguably be connected to our project. That doesn't mean that our project takes responsibility for all the pre-existing problems in the Ninth and Irving area, because the city has long-standing records indicating that those are difficult areas. But we believe that we can bring a planning perspective to help in this area.

But to answer your question directly, we do appreciate that pedestrian advocates have a problem with the four-lane situation, and their concerns are valid: if you're crossing over four lanes, it's twice as many as crossing over two lanes of traffic. I've always thought, before we entered into this debate with pedestrian advocates, that parked cars are a negative thing. There is a school of thought that believes that parked cars are a hazard because people walk out from in between them---which people tend to do over in the Strybing Arboretum area, which we noted when we did the plan---because people walk out from between parked cars and cross without a crosswalk. And people in cars stop and back into parking spots, which congests things back into the Ninth and Lincoln area.

So that area is a bad area. We believe that the removal of parking from MLK, the cleaning up of that area, the pedestrian improvements we're going to be making at a couple of different crosswalks, the work we're doing with the San Francisco Botanical Garden, the additional crosswalks we're going to create, and the stop signs we're going to add are all going to make that quarter-mile stretch of MLK much better than it is today.

So, yes, if you home in on whether it's worse to traverse four lanes rather than two lanes, I would accept that. However, traversing out there today versus traversing out there when we finish this project, there's no comparison. It will be a safer area.

Question: And cyclists won't be "doored."

Ellzey: Yeah, on the bicycle side, we really believed that what we were doing there would be lauded by the bicycle community. We thought they would really enjoy no parked cars and a lane that only they and transit and people accessing the garage would share. Now, we never had an approved bicycle implementation plan, a dedicated lane for bicyclists, but we did plan for bicyclists to be able travel with the traffic as they do today. But we thought removing the parked cars[from MLK] would be a huge benefit to the bicycle community, but the bicycle community came down very much in disfavor of this design of the four-lane road. We were surprised at that, and we have been working with that community ever since.

But I'm not sure we will ever get the pedestrian community or the

bicycle community to support Option #1. They will probably continue to oppose it. So we are doing the best that we can, and we are talking with them about a multi-use, off-road pathway on the east side of MLK, which is going to be a part of the design, which would allow for much broader pedestrian and bicycle access into the park at Ninth and Lincoln. We're removing some parking on the corner to improve the safety of the turns of cars and bicycles into the area. Once again, when we finish with this, it's going to be a lot better than it is now.

Question: Some merchants in the Ninth and Irving neighborhood are part of the coalition opposing the MLK plan. They seem to regret most the loss of the 85 parking spaces on MLK. People park on MLK now and shop in the neighborhood. But can't their customers park in the new underground garage and take the short walk to the neighborhood to shop?

Ellzey: I think you're absolutely right. That's another area where we just misunderstood the reception we thought we'd receive with our neighbors to the south and the merchant district there.

First of all, it's our responsibility to remove a certain number of parking spaces from the surface of Golden Gate Park in connection with our project. We have to remove 800. One of the messages that the Concourse Authority Commission sent to me pretty loud and clear was that, in implementing our parking management program, we are to discourage commuter parking and parking in the park for non-park users. To the extent that there's parking available in the park, it's supposed to be used by park users. So we're not in the game of developing parking for the neighboring merchant district. That's not what we are about. However, we did do three- and four-hour time limited parking programs that we implemented out there for the first time in the blocks directly adjacent to that area, which means there's a lot more transient parking available for the merchants. However, that being said, I also agree that if I were coming to the area, I would park in the parking facility and take a beautiful quarter-mile walk through the park into that district. It's nothing but enjoyable. I think it's ironic in San Francisco that the merchants might be having a problem with a relatively short walk through the park, when that's really what we're all about in San Francisco: we walk places.

So you can get a sense that there's a delicate balance in implementing Proposition J, working with the community and the other stakeholders in the area, including the institutions, recreational users, families, the disabled. There are a lot of people to look after, along with pedestrian advocates, bicycle advocates, and merchants.

Question: How about the “privatizing” the park issue? It’s been charged that...well, who is in charge? The Concourse Authority or the Music Concourse Community Partnership and Warren Hellman?

Ellzey: Well, I think to use the word “privatization” to describe our projects is hogwash. I really do. Why would the community be upset about the city receiving a \$55 million gift and where that money came from, so long as that money was a gift to the city and the city had absolutely zero risk associated with it? That’s the deal we have with these folks. On the front end, that’s \$55 million. On the back end, after this thing pays all its parking tax and has the revenue overflow to the park that starts once certain thresholds are met in the lease agreement, then there’s a revenue flow to the city as well. This is somewhere between a \$50-\$150 million gift to the city eventually. So why would folks care where that philanthropic money came from? Well, that money is coming through a 501(c)3 that’s called the Music Concourse Community Partnership (MCCP). They are in existence for the purpose of overseeing the construction of this garage, reportable and accountable to a public agency, the Concourse Authority, with whom they have letters of agreement covering construction and a lease agreement. We are the responsible agency. Privatization would mean if private folks were coming in and building something in the Concourse area with no public oversight, and they took it over for a commercial enterprise. That’s privatization.

Question: And they got all the profits.

Ellzey: And they got all the profits. That’s privatization. But all we’re doing here is we have a public agency that’s engaged in a lease agreement, that’s overseeing a body that’s responsible for constructing and operating the parking facility through a parking management company. Not one dime of that money is profit. That money flows through and pays off whatever expenses it took for those people to give us their \$55 million, and then the balance of it will go into the city’s coffers. And, immediately, of the first dollar spent in that parking facility, 25 cents of that goes to the city for parking tax. I just don’t see how this can be a bad deal. You get a gift, and that gift immediately begins generating revenue for the city.

Question: And the Concourse Authority is in charge.

Ellzey: The Concourse Authority is the public agency through which all of this stuff has to process. For folks to be calling this “privatized” effort, they’re saying that somehow the public agency in charge and its executive director have failed in their public oversight responsibilities. I think it’s pretty clear that the court has indicated

that that's absolutely not the case, with the 25,000-page public record that was reviewed with this case, where it came out that we've had a very strong public process. You know, we've had more than 100 public hearings on our projects. Believe me, there's a public process. There's no way that the public and the community in San Francisco would allow privatization to really be occurring out here. The notion of "privatization" in this public/private partnership is without substance.

Question: Warren Hellman isn't calling the shots?

Ellzey: Warren Hellman doesn't tell me what to do. I've only met twice with Warren in five years. I'm a public official, and I stand tall in terms of that scrutiny as a public official. To claim "privatization" means our agency has not managed this process for the public good. I think the public record demonstrates the opposite.

Question: That's a natural transition to the issue of your alleged violation of the Sunshine Ordinance last November during the process that led up to the MLK proposal. Where does that stand?

Ellzey: Well, there were three claims against us, and we were found to be in violation of one of those three claims. Two of the claims were dismissed, and the most technical of the violations was found to have occurred. I just disagree---and the City Attorney's office disagrees---with the whole package. I believe it was politically motivated, and I believe that it was a way for the project opponents to hassle me and to hassle the agency, which they do on a regular basis in a variety of different ways.

There are a lot of people out there who are upset with the way we went about satisfying the court order, which culminated at the Concourse board on November 16 and then went on to Rec. and Park on November 29. At the hearing on November 16, which was the subject of the Sunshine Ordinance claims, there were claims that, for one thing, the addendum from the Planning Dept. should not have been approved at that meeting. Well, there was no approval of the addendum. All the board did was adopt the findings in the addendum. And there's only one circumstance under which I would have recommended that the board adopt the findings, having only just seen the document: because the findings said there are no impacts arising from Option #1, there are no significant impacts of an environmental nature, that no additional environmental work needs to be done.

Therefore, [Planning said] go forward, these are our findings, this is a non-issue. So it was very easy for the board to recognize that, okay, we got the Planning Department's determination that there are no impacts on this [Option #1], so that satisfies that. That's all that

was really all about. And we got the authorization from the City Attorney to proceed; we got the authorization on the public record to proceed. So we proceeded. It was, in a technical and a legal sense, a no-brainer that it was okay to do. We had to do this on this day, without delay, in order to get this to the Rec. and Park Commission before it recessed for the balance of the holiday season. So it was going to be either Nov. 29 or sometime in January before we got this back to the court.

And, as you know, it was in all of our interests to get this resolved quickly. Every single day we were digging more, and, if the judge is going to say, "Stop"---which is what these people want him to say---then every single day means a day of reversal. It's in everyone's interest not to waste those two months, to get this thing going.

Question: And the judge told you to do it quickly.

Ellzey: And the judge told us to do it with "exceptional dispatch," and our interpretation was that means that we needed to go on with a schedule that was carefully developed. My recommendation to the board was that we can't afford not to react to this addendum; it is a no-brainer; it says there are no impacts. This is the message you needed to hear in order to move forward. So that was one thing the Sunshine Ordinance Task Force dismissed.

The item they got me on---which, again, we disagree with the complainants on---is that the language of the notice and agenda did not adequately demonstrate to the community what was going to be covered on Nov. 16. That, to me, is hogwash as well, and I'll tell you why, Rob. On Nov. 9 we had a regular meeting, and at that meeting we could not act on Option #1, because we had not yet received the determination---which was a precondition---from the Planning Department. We had not received the addendum. At that Nov. 9 meeting, I made an announcement in the Executive Director's report that this is the reason we can't do anything today on this matter, because the determination from the Planning Department has not been received. Therefore, we are announcing a special meeting on Nov. 16 for the purpose of receiving the findings from the Planning Department, making our determination as to which option to select, so we can move it on to the Rec. and Park Commission on Nov. 29. So on Nov. 9 we announced what we were going to do on Nov. 16. Then I went through a very careful process with the City Attorney to create the agenda language for Nov. 16, and the agenda language was the same as it was when we last brought our project forward for approval---"to adopt findings." And the complaint was that it should have said, "EIR addendum."

Our argument was that "to adopt findings" was clear enough language to pass the test, which was that the average person of

reasonable intelligence who has followed the project could reasonably know what was going to happen on Nov. 16. That's what the agenda needed to communicate, and it needs to be done generally in 20 words or less. Because our proceedings are followed so closely by the community every week and every month, we knew there was no surprise about what we were doing on Nov. 16. But it was agreed there was a technical violation because the words "EIR addendum" were not included. The argument that these people who have been following this did not know what was going on on Nov. 16 is just wrong. But they found themselves in agreement with the Sunshine Ordinance Task Force that there was a technical violation, because those two words were not mentioned.

So that's the violation. I don't think it went anywhere; there was no recommendation involved or anything like that. I believe an "Order of Determination" was issued, or something like that. My [critics called it a victory](#).

Question: The critics apparently wanted a completely new EIR for Option #1.

Ellzey: The problem is that it's not for the Concourse Authority to determine what needs to be done; it's for the Planning Dept. to determine what's to be done, and the Planning Dept. issued its determination, which said, "Here's an addendum to your EIR. This is a part of your EIR." So we have an EIR, and we have an addendum. Now, it could have been an amendment, it could have been a supplemental EIR, or it could have been a negative declaration. It could have been a variety of things along the continuum. But the addendum basically says, "Nothing new, no significant change to the environmental impacts, no difference from the original EIR."

That's what bothered me so much about the folks from the south of the park coming in so hard on us, when in fact we did the studies necessary to determine that there was no new impact. If they didn't like what was going on about our project, they should have spoken up a long time ago and been at the table on a monthly basis for the last few years, when they would have been able to weigh in and we would have been able to work through this issue more intelligently. But basically they're using this new addendum as something that's "ruining the quality of their lives." I'm just going to keep trying to implement the public will, the majority will.

Question: So when is the next court date?

Ellzey: On May 13.

Question: What's still being litigated?

Ellzey: Just the south entrance. The Response to the Statement of Decision is being considered by the court. There are also other pieces of litigation that have somehow been attached by some of the other folks we have been speaking about. Those relate to more technical issues about the Nov. 16 action by the Concourse Authority. And they've appealed a jurisdictional matter up to the Court of Appeals. But substantively it's about the dedicated access route to the south entrance.

Question: And the attorneys are filing for fees.

Ellzey: There, I don't know. I don't follow that closely, but I understand that they are expecting to get fees. One of the ways they are expecting to get fees, in my opinion, is to hang on to this remaining issue and hope to find some measure of a victory in it to demonstrate to the court that they should be entitled because they have somehow changed something.

Question: On page 23 of Judge Warren's Statement of Decision, there's a footnote that gives him a kind of escape hatch: "The Court notes that it is possible that, following the needed environmental studies and public input sessions, the City may conclude (as it did with the Seventh Avenue/Irving Street proposal) that such a dedicated roadway is not possible to construct without doing unacceptable violence to either the Park or to the affected residential areas of San Francisco..."

Ellzey: I'm very familiar with it.

Question: So the judge could bail out on this MLK plan, and it would revert to the original design.

Ellzey: It's a possibility. I view this as a very important reference in the Statement of Decision. And the reason that's important is that *he was not disallowing the south entrance*. He was simply suggesting that the public record leading up to the city's approval of this project did not demonstrate adequate treatment to developing a dedicated access route to that south entrance, which he determined was necessary by the language of Prop. J. So he asked us to augment the public record to take care of that deficiency. That's what we have done. We believe we've come up with the best plan in response to the court order.

There are people out there who believe that this dedicated access route design that we've advanced---which we are convinced is the best of all possibilities, and we looked at a dozen or more---does do unacceptable violence to the park or to the surrounding neighborhoods. So it was really fortuitous for that footnote to say

what it says, because the message is, “Hey, I’m a judge interpreting Prop. J; I’m not a planner, not a policy guy, and not a politician; I’m just saying, go out there and try and fix the record, evaluate and analyze how that would work.” And that’s what we’ve done. And, like it or not, we believe we’ve come up with the best one.

And, by the way, we have not received one single alternative suggestion for another approach to that south entrance. The only suggestion that has come out of this is that we should just go with the north entrance only.

Question: The text of Proposition J itself says entrances, plural.

Ellzey: It never says entrances or exits---or very rarely, if at all---without the parentheses around the “s”---entrance(s), exit(s). And that was the basis on which we as a city determined that it gives us the flexibility of making sure that we have at least one entrance in the park.

Question: The PROSF email we received this morning talks about “cross-park commuter traffic” in the Concourse area, that Proposition J prohibits that.

Ellzey: No, Prop. J doesn’t say anything about that. But the good news from their perspective---and from my perspective in responding to that---is that we have not yet addressed the cross-park traffic issue to a conclusion, because that has to go all the way up to the board of supervisors for approval. The Concourse Authority is going to start at its April 26 meeting---a special meeting date---we are going to start the discussion of the approval of a circulation plan, which will address cross-park traffic. We haven’t even undertaken that yet. Not only does Prop. J not prohibit it, but it hasn’t even been decided yet. It’s a complaint about something that hasn’t even been dealt with.

Question: Some people are upset about the removal of the Pool of Enchantment and the old pedestrian tunnels.

Ellzey: Well, I have nothing to say about the Pool of Enchantment, because that’s a de Young project. I know there are some people upset about that, but I don’t have anything to say on the merits of that particular project.

The pedestrian tunnels, I take full responsibility for that as it relates to the design. When we originally advanced the design for the underground parking facility, it was going to be impossible to preserve any of the pedestrian tunnels based on how the project was being designed. However, in direct response to the issues over the pedestrian tunnels, we went back and redesigned the entire east end

of the parking facility to drop the entrance down below the pedestrian tunnels so that we could rebuild the tunnels and put them back on top of both the north pod and the south pod on the eastern ends.

I don't know how much experience you had with the park or the tunnels east of the Concourse, Rob, but it was a terrible experience. It was dirty, dark, moist, unsafe, cracking. When we demolished those pedestrian tunnels, they were unreinforced stone and concrete, and they just fell apart. Those were a terrible accident waiting to happen. What we have done in our replacement of those tunnels, we are going to replicate the portals identically, but we are going to improve and rebuild them so that they are seismically safe, ADA accessible, more open and consequently more well-lit. And the tunnels will be better managed by the Rec. and Park Dept. So it will be a much-improved condition. I do feel badly that circumstances---and safety---didn't allow those pedestrian tunnels to remain, but they just were not safe. But they did have historic value. We're doing the best we can to be historically sensitive in how we are replicating those. They will look very similar, but they will be cleaner and better and new.

There were three pedestrian tunnels, and we are replacing two of them. With the third tunnel, we are just replicating the portal. That tunnel will be a secondary entrance into and through the facility and will preserve the subterranean pedestrian network connection between the Shakespeare Garden and the bowl of the Music Concourse. Basically, when people get out of their cars, if they want to, they can walk over to this crosswalk area, which is going to be well-lit, well-signed, and quite safe. This going to be a very large and gracious pedestrian area---pass-through, exit, entrance---a lot of activity, because it's going to be on the west, which is closest to the Botanical Gardens. I just think there's going to be a lot of activity there, with folks walking around that southwestern corner of the Concourse area. We did lose the third tunnel as a stand-alone tunnel, but we've done our best to incorporate it.

Question: Your critics on the south side are appealing to the Board of Supervisors to do something in support of their movement. Legally, what's the board's role in the process at this point?

Ellzey: Obviously, I will do whatever the Board of Supervisors directs. I just work at the will of the Board of Supervisors in terms of directing agencies through the proper process. If we are talking about individual Board members, they can do a number of different things---they can introduce resolutions, they can call hearings, they can do all sorts of things. From a legal perspective, the Board of Supervisors already approved the projects, which became part of legislation that was signed by Mayor Brown in his last month in

office. He signed the enabling legislation approving our projects, which allowed us to begin construction once permits were received. The Board of Supervisors has approved everything, except for the surface circulation issue, which we were talking about earlier. They carved that piece out and reserved future approval for that piece. That piece has to go back to the Board of Supervisors, so that's what the Board has remaining as an obligation to tie that into a total package and put this to rest.

On the issue of the dedicated access route to the south entrance, the Board of Supervisors has no jurisdiction, from a technical standpoint. Now, they can call hearings, they can get involved, they can do whatever they like. But from a legal perspective, this is between the courts and us; this resides in the courts. And the Board of Supervisors understands this. They know we are reacting to and working with the court as part of a court order right now. That's very serious in our society, and that's what we're working on.

So whether or not the Board of Supervisors is inundated with 500 faxes from the Bicycle Coalition or "a growing coalition of concerned neighbors" to the south---or whatever it might be---that is a tactic that is beyond the scope of the project responsibility right now, which is satisfying the court order. That becomes politics. Basically, if you're bunkered down in front of these folks, they are kind of heaving these things over your head to the Board of Supervisors. The Supervisors are acting quite responsibly about this, and they get inundated, and the Mayor's office gets inundated. I talk regularly with the Mayor's office, and I try to keep up with the Board of Supervisors to make sure that they know what's going on. I think there is an inherent respect over at the Board of Supervisors for what the Concourse Authority and the Recreation and Parks Commission have accomplished thus far. They are allowing us, as the designated public agencies---there are two layers of commissions before it even gets to City Hall, the Concourse Authority and the Rec. and Park Commission. The Board of Supervisors has, thankfully, and I think respectfully, allowed us to work this through. From time to time, they will call a hearing, which Supervisor Daly has done on a couple of occasions, which Supervisor Mirkarimi will probably do. Supervisor McGoldrick is going to have a hearing with his Land Use Committee tomorrow, though his hearing is primarily related to the landmarking of the Music Concourse, not to our project.

Question: Have you talked to Supervisor McGoldrick about the idea that all the garage traffic should go through the Tenth and Fulton entrance, which is in his district?

Ellzey: Oh, yeah, Supervisor McGoldrick and I have kept in close touch on this project throughout. He knows we have done the best

that we can through a concerted public process where the minority folks remain unhappy. Those minority folks are the chatter that you hear, the chatter that you read, the unfortunate, one-sided media interviews and things like that. But, doggone it, they are the minority. I like to call them a micro-minority. They are a small group of folks that continue to be vocal. They want to be heard, and I respect that--- that's what democracy is all about.

However, there has to be respect for the policy-makers who have been put in place to implement the majority will, which is Proposition J. We went through this whole process with appointees, volunteers, staff people, engineers, politicians---and there remains one issue that we hope to get resolved soon. This will demonstrate the best that San Francisco has to offer in terms of the policy-making and the decision-making process.

Now, there are still going to be some people out there who voted against it, that hate it, that don't agree with it, that don't believe in it. They have been persistent, and I applaud them for their fervor and their passion, but I just think they are flat wrong. The unfortunate thing is, Rob, that we have wasted a lot of time and a lot of energy because of that small voice, because that voice translated into litigation and this kind of stuff [the PROSF email] that you showed me this morning that is just flat, factually wrong. There's a combination of a lack of homework and an understanding that they are wrong, but they are still saying it anyway. Because I do approach people and say, "You know, this is not right, here's the way it really is."

Question: No backroom deals?

Ellzey: No, of course not. We would never be able to slide those through in this city. We have too many levels of scrutiny that we go through.

Question: The Ninth and Irving area is in District 5, Supervisor Mirkarimi's district. Have you talked to him?

Ellzey: Yes, I have. He's legitimately concerned about what's going on out there. With due respect, Supervisor Mirkarimi is coming way late to the table on this one, because I have been here five years, and I have only been working with him a few months. We had a good, forty-five minute meeting where I attempted to educate him on what was really going on, with the primary message being, "Mr. Supervisor, this is a court order, and we are under very strict guidelines with what the court asked us to do. We are at the mercy of the court in this process. Even though there are people who disagree, we did what we did, because we have to get something back to the court. We had to come up with something." I think he

appreciated that basic message.

However, I believe that some of the misinformation has rightly concerned Supervisor Mirkarimi---if it were true. But it is not true. When all is said and done, I think we will all realize that the project area that we're all arguing about is not causing Ninth and Irving to go down the tubes, it's not ruining those neighborhoods. Actually, I think it's going to present an opportunity to take a look at that whole area, from the entrance to the Concourse on the south side all the way out into the Ninth and Judah area, where we have connections with our shuttle system. We're already working with DPT, with Jerry Robbins in Traffic Planning over there, on programs to improve south of the park, Ninth and Lincoln, Ninth and Judah, having to do with the rail car and everything. We have plans to make this a better corridor.

Question: Regardless of whether MLK is widened or not?

Ellzey: Regardless. The fact that MLK could be widened, if the court approves, we believe will facilitate a better, cleaner area. There's no study that shows that traffic is going to increase in that area. And certainly there is no way anybody is going to speed through MLK, because we're dropping in stop signs. Who's' going to think that it's fun to floor it in a park and then jam on your breaks in a thousand feet? I think it will be a calmed area, and, with the off-street improvements, I think it will be a much better area. But it depends on what the court tells us to do.

Question: You can't break ground on the widening of MLK until the court decision after the May hearing?

Ellzey: Absolutely not. That's right. The MLK design we came up with was intended to do the least amount of violence to the park, which will be purely a striping plan. Now, we did have the widening, where we wanted the right-of-way consistently at 44 feet for the entire quarter mile. Currently there is a stretch of it that is only 40 feet wide; we wanted to widen that by four feet. We're taking a look at that.

Question: Some people are still under the impression that you are going to plow two new lanes from Ninth and Lincoln to the Concourse to make the four lanes to the garage entrance. How much actual widening are you going to do and where are you going to do it?

Ellzey: There's a couple of ways of look at the widening. Originally, the opponents of the MLK design plan had some concerns about the physical widening, because the design plan called for a four-foot physical widening along a 500-foot stretch to create a consistent, 44-

foot right-of-way from Lincoln and Ninth to Academy Drive and the south entrance to the garage. Part of that 500-foot stretch of MLK is only 40-feet wide. We thought it would be a positive development if we created a right-of-way that was 44-feet wide throughout for consistency purposes.

Then it became pretty clear to us that the “widening” that was referred to by our opponents began to morph into not a physical widening but a widening of the lanes from two to four. Now, that we can’t argue with, because the MLK plan we submitted to the court will require four lanes, but we are acquiring those additional two lanes by removing all the parking spaces on both sides of the street, not through any other form of widening. And we are now looking very seriously at not widening it physically at all and allowing for a 40-foot right-of-way. We simply need to get buy-off from MTA telling us that DPT and Muni don’t have any problems operationally with that. We’re working with them and talking with them, and they appear to be okay with it. The opportunity to create four lanes within a 40-foot right-of-way with no physical widening is a possibility. So there’s a physical widening issue I’m dealing with---and I’m trying to eliminate that requirement---and then there is the widening of capacity from two lanes to four lanes, through the parking space removal, that will in any event be part of the plan if it’s approved.

Question: So by the time the court hearing is held next month, you will have your ducks lined up---MTA, Muni, DPT...

Ellzey: Yeah, we’re actually going to ask Muni for a letter in support of an operational plan for the MLK design that does not require physical widening, that they can operate within the 40-foot right-of-way. That’s what we’re trying to get accomplished.

Question: Speaking of Muni, some of your critics have claimed that your MLK plan is going to disrupt bus service to that whole Ninth and Irving neighborhood---the N Judah, the #71 that comes down Lincoln, the #44 line. Obviously you can’t speak for Muni, but what’s your understanding of the plan’s impact on Muni in that area?

Ellzey: Well, you’re right, I can’t speak for Muni, but we are certainly not buying the argument presented to us by our opponents that this is going to disrupt Muni service. That’s not what our studies say. We believe that by removing the parking[from MLK] and the congestion associated with the parking we are going to actually open up operations for Muni in a much-improved way over current operations. You know, the jury is still out in terms of where Muni’s analysis is going to come down on this. They reacted negatively to the plan originally in public testimony primarily because they didn’t have what they considered to be adequate time to really evaluate it and formulate a formal opinion...

Question: That was at the November 16 meeting?

Ellzey: Yeah, they wanted more time, so we've been talking with them consistently since then. And, believe me, it's not a very easy scenario for Muni to portend what's going to happen in that area given this design, because it is quite a bit different than the current situation there. We believe that by removing and reducing congestion Muni trip time will be improved. I think the only concern that Muni has right now is the notion---which, again, was not borne out by our studies---that by increasing capacity from two lanes to four lanes that you will just increase the number of cars there, and there will just be a new form of congestion, not caused by parked cars, but caused by increased capacity. Our studies don't indicate that that will be the case at all. I don't believe that the widening plan will by itself create congestion. I think the way we've established it is a good balance between traffic calming through adding stop signs, narrowing some of the pedestrian crossings along MLK, which will increase pedestrian safety, and some other things. We're pretty confident that we will be able to develop a program that both Muni and DPT can support. That's what we're doing right now. That's part of the refinement process on our conceptual design, as directed by both the Concourse Authority and Rec. and Park.

Question: Let's clarify earlier remarks about the parking you're going to make available to the Ninth and Irving neighborhood.

Ellzey: I was referring to creating parking through the time-limited parking programs we've implemented along Middle Drive East and MLK that go out toward JFK by the Conservatory of Flowers, for example. That area behind the California Academy of Sciences, those two roads have been the subject of time-limited parking, which means three and four-hour parking. Commuters cannot park there and leave their cars there all day, which means there is more transient parking; people have to move their cars, which makes more parking available for the three and four-hour visitor. Those parking spaces that we've cleaned up are close to the Inner Sunset business district. There's more parking available now that we've implemented those plans than there was when commuters were parking there all day.

Question: It's a short walk from the park to that area. I was shocked, by the way, to learn that there are more than 5,000 parking spaces in the park.

Ellzey: Yes, that seems about right. When you think about all the miles and miles of roads in the park, with very little restriction on parking, you can see how those numbers can add up very quickly.

Even though there may be large numbers of spaces, many of those spaces are on the west side of the park and don't affect us one way or another. That's one of the reasons we're bringing parking management programs into the area, so that we can reduce the use of these parking spaces by non-park users, to make sure there's plenty of turnover, and we don't have our park being used by commuters for all-day parking.

Question: Discuss Proposition J's reference to creating "a pedestrian oasis."

Ellzey: The principal purpose of Prop. J is to create a pedestrian oasis and to reduce the impact of automobiles, while continuing to assure safe, reliable, and convenient access to the park for all park visitors. Inherent in that is a delicate balancing act. Nowhere in Prop. J does it say that the "pedestrian oasis" needs to be defined, and nowhere in Prop. J does it say that pedestrian oasis means no cars. It simply is asking us to create a pedestrian oasis, and we will create that by reducing the impact of automobiles but still assuring safe, reliable, convenient access. When you take a look at that and the way the Concourse Authority board has looked at that from the beginning, each and every action that we take and each and every vote that we take and each and every plan that we develop, approve, and ultimately implement is in furtherance of creating a pedestrian oasis. If we're told to create a pedestrian oasis, that in essence is a creative process, which means it's not a moment in time; it's something that occurs over time.

Over the last six years, the Concourse Authority has been attempting to produce for the community---which it will do sometime in the late summer when we get our final project piece approved---we will present to the community the Concourse Authority's interpretation of "pedestrian oasis." That pedestrian oasis will be supported not only by the underground parking facility---which means the removal of 800 parking spaces from the surface, including all of the spaces inside the Concourse bowl area---but also by the free inter-park shuttle that we've introduced, the pedestrian improvement study that we've introduced, the bicycle implementation plan that we are now implementing, the Muni improvements that we are looking at---we are doing a lot of co-promotions with Muni to increase ridership--the surface improvement projects inside the Concourse area that include both upper and lower pedestrian promenades, and miles of improved pedestrian pathways. All of those things, when you put them together and look at them in a holistic way, that will be our best effort to produce a pedestrian oasis for the community. It's not as though six years ago we needed to sit down and define "pedestrian oasis." Prop. J tells us to "create" one, which takes time and is the result of a lot of plans and, ultimately, implementation. We are on our way toward making that presentation

to the community, and that will be sometime later this summer.

Question: There was an email that came through PROSF's bulletin board yesterday that claimed, among other things, that the garage is not going to be financially viable and that somehow the city is going to be stuck with a white elephant.

Ellzey: I would like to know what those people have to portend the future that way. What I can tell you is that in no event will the city be saddled with any liability regarding this facility. It obviously remains to be seen exactly how all of these programs are going to work together. Nobody knows in advance, but you can bet that with two world-renowned institutions with brand new facilities---the de Young opening later this year, and the Academy of Science opening in 2008---that over time an underground parking facility just to support those operations will be essential. People are too wrapped up in looking at how our park was, how it used to be, as opposed to taking a look at all the plans and programs and new features that are developing out there and understanding that there are a lot of very committed people who are creating an entire program to support the needs of the future.

Question: My impression is that driving into that area to find a parking place was pretty tough.

Ellzey: It's a much better plan to introduce to the community, to communicate a parking and a traffic plan for the community, so that when they want to visit this area they'll know exactly where to go, exactly where to park; it will be safe, it will be convenient. And it will allow us to remove all of those parking spaces from the surface. We can argue all day about how things will work in the future, but what we're trying to do is plan. If you're planning, that necessarily means you're making your best attempt to predict the future. We think we have created a program that will accommodate the needs of the future.

Question: What's going to happen when the garage and the remodeling of the Concourse are done? Who's going to be in charge? Park and Rec.? Will the Concourse Authority cease to exist?

Ellzey: The Concourse Authority was established in 1999 to not only accomplish these three major project areas---the transportation planning, the underground parking facility, and the surface improvement plan---but also on an ongoing basis to oversee the management of the underground parking facility and to continue to develop and implement the transportation improvements. So the Concourse Authority has a long-term relationship with the city and the Recreation and Park Dept. and the community.

The better question is going to be, “How will this ultimately be managed from a staff perspective?” I would imagine that the Concourse Authority as a public agency will continue to exist, but there may be a change in staff and organizational profile. That will probably occur through some assimilation of staff responsibilities into an existing, larger city department. The likely candidate department is the Recreation and Parks Dept., because it’s their property. These decisions will ultimately have to be made by the Concourse Authority Board of Directors, working collaboratively with the Rec. and Park Dept. and the mayor’s office to figure out how this works long-term. The funding for the Concourse Authority’s coordination and staff effort that’s been going on for the last six years actually runs out at the end of FY2006, which is June 30, 2006. Clearly, some changes are going to have to be made, because beyond FY2006 the funding profile changes dramatically. By that time there has to be a pretty complete integration of the staff effort into an existing department.

Question: Let’s talk about your background. Your previous job was managing the construction of the San Jose Sharks stadium?

Ellzey: Yes, I came to San Francisco from the City of San Jose, where I was the Executive Director for the San Jose Arena Authority, which was a 501(C)3 public benefit corporation---almost identical in structure to the Concourse Authority---which had the responsibility on behalf of the city for overseeing the design, construction, and operation of the San Jose Arena. We did our job through a management contract with the San Jose Arena management and the Sharks organization. The Sharks were the private entity, and the City of San Jose, of course, was the public entity in that public-private partnership. I served in that role for more than four years, through the construction of the arena and the development of the traffic and parking plans and the first couple of years of operation.

Question: That’s almost exactly what you’re doing now.

Ellzey: It’s very similar, except the San Jose Arena project was a large, 20,000 seat public entertainment facility that was built in the middle of five neighborhoods. We had extensive, ongoing working relationships with five separate neighborhoods in the surrounding community. That made it quite complex, but nonetheless, politically speaking, the planning effort resulted in a successful program, and the community was quite pleased with the facility when we opened it. I happen to know that they continue to enjoy a productive relationship with the San Jose Arena Authority.

This project brought quite different challenges. Even though it was approved by the voters, and the lion’s share of the project costs are going to be borne by a private entity and 100% of the costs of the underground parking facility will be borne by the private entity,

MCCP, I had no idea it would be such a controversial project. That I think was something that an outsider could not have known fully.

Question: How do you deal with that? You've gotten some threatening phone calls, and you've been spat on.

Ellzey: I have some people I care about who continue to keep my head level, who advise me primarily to not take things personally. I know that I am here doing the best I can, and I know that I am doing the sometimes very difficult job of implementing the voters' will as it was given to us through Proposition J. As long as I continue to do the best job I can and not take things personally, I can continue to do this work with my head held high and with confidence.

Question: Not always easy to do...

Ellzey: No, it's not always easy to do, especially when you are not accustomed to being spat upon, or being verbally threatened, or threatened with a baseball bat.

Question: You were threatened with a baseball bat?

Ellzey: That I was. Moving beyond that, I know that people are passionate about their park, and people in San Francisco are passionate about getting their voice and their advocacy heard. I respect all of that. What bothers me is when it is personal and when there is name-calling and when there is a misrepresentation of the facts to secure support for a certain agenda. When you start going down the road of misinforming and developing alarmism and doing things that are specific to a certain agenda without regard to actual facts, then it becomes a very slippery slope. I will continue to do my best to educate the community, to accept invitations to speak, to debate, to do whatever it takes to make sure that an accurate representation of our project effort gets communicated out there. That will, from time to time, put me head-to-head against those very folks who are attempting to disseminate misinformation or to advance a different agenda that might be contrary to the project. I'm hopeful that most of this is behind me, but I'm not confident that I've seen my last bit of controversy over this project.

Question: For my introduction to the issue, I read the text of Prop. J, your Staff Report on the dedicated entrance, and Judge Warren's Statement of Decision. These documents helped me focus on the facts and the issues and put them into context.

Ellzey: Yes, it's quite compelling [when you look at Proposition J](#), you take a look at the various project resolutions and the staff reports supporting those, you take a look at the Statement of Decision---you

put that together with all of the things that I as Executive Director hear from all different quarters of this project, and it becomes clear that the public process supportive of this project has been extraordinary. And the public record, even by the court's words, has been extraordinary. I feel very comfortable and confident that we have done the best job we can toward implementing a very difficult and complex ordinance, Proposition J. I leave it to the court to give us its final interpretation. In the meantime, it's pretty clear that we have done a heck of a job to monitor and manage a public process that will ultimately yield the wishes of the voters through Prop. J.

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