

February 24, 2014

Chair Betty Packard and Members of the Ballot Simplification Committee  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 48  
San Francisco, CA 94102

Via email to: [publications@sfgov.org](mailto:publications@sfgov.org)

Re: **Ballot Measure – Voter Approval for Waterfront Height Increases**

Dear Chair Packard and Members of the Committee:

The Ballot Simplification Committee serves an essential role by helping to clarify in plain language the sometimes complicated choices ballot measures may present to voters. I understand that your job is not to write language that benefits one side or the other, but simply to create a digest for each measure that presents voters their choice in plain language.

To that end, I write in an effort to provide facts and information, rather than arguments that should be left for the campaign, about the Draft Digest for the “Waterfront Height Limit Right to Vote Act” that will be before the Committee for consideration on February 25<sup>th</sup>.

*Draft Title “Voter Approval for Waterfront Height Increases” is Impartial and Factual*

The working ballot measure title in the Draft Digest mirrors the precise language of the impartial City Attorney’s Title and Summary, which was provided to all 21,000 voters who signed petitions to qualify this measure for the ballot. While the official title of the ballot initiative is the “Waterfront Height Limit Right Vote Act,” we agree that “height increases” accurately mirrors the language that the Ballot Simplification Committee used to describe the two 8 Washington-related ballot measures in the November 2013 election.

The term “Waterfront” must be used in the title describing the ballot measure, since it is the area covered by the proposal and provides voters with critical context for what part of San Francisco will be affected. Moreover, “waterfront” is a precise legal term defined by San Francisco voters who passed Proposition H in November 1990, which is codified in Section 61.6(c) of the San Francisco Administrative Code, which defines “waterfront” as the piers and public land that is owned or under the control of the Port of San Francisco.

To the extent that lands not literally above the water or including water-frontage are owned by or under the control of the Port of San Francisco and therefore covered by this ballot measure, the description of those lands in “The Way It Is Now” can accurately describe them.

*Add List of Six San Francisco Ballot Measures Since 1990 About Waterfront Height Increases*

The Draft Digest accurately states that, in 1990, the City’s voters adopted Proposition H requiring a land use plan and governing acceptable waterfront uses. To provide voters with more context for their decision on this initiative, it would be beneficial to provide them with the information that, “since Proposition H passed in 1990, six other ballot measures to regulate waterfront development and height increases have gone before San Francisco voters.”

The ballot measures since 1990 addressing waterfront height increases or land use rules are:

*November 1994: Proposition P – Ferry Building & Pier 52*

**Ordinance.** Put on ballot by Board of Supervisors. Passed (64.45% Yes)

*March 1996: Proposition B – Giants Ballpark*

**Ordinance.** Put on ballot by Board of Supervisors. Passed (66.31% Yes)

*June 1997: Proposition F – Candlestick Point/Stadium Land Use*

**Ordinance.** Put on ballot by Mayor. Passed (50.35% Yes)

*June 2008: Proposition G – Mixed-Use Development Project for the Candlestick Point and Hunters Point Shipyard*

**Ordinance.** Put on ballot by Initiative Petition. Passed (62.49% Yes)

*November 2013: Proposition B – 8 Washington Street - Initiative*

**Ordinance.** Put on ballot by Initiative Petition. Failed (37.21% Yes)

*November 2013: Proposition C – 8 Washington Street - Referendum*

**Ordinance.** Put on ballot by Referendum Petition. Failed (33.04% Yes)

*Keep Digest Free of Speculation and Argument By Declining to Include Statements Based on “Could” and “May” Assertions*

The letters about the Waterfront Initiative provided to Elections Director John Arntz on February 20, 2014 from the Director of the Planning Department and the Executive Director of the Port of San Francisco contain a lengthy list of statements and assertions with their views about the potential impacts of the initiative. While these letters are now part of the public record and available for any voter to consider between now and Election Day, we encourage the Ballot Simplification Committee not to incorporate any information into the Digest that is not factual but instead based on “could” or “may” speculative statements about potential impacts of the initiative. That is speculation and guesswork, best used as arguments in the political campaign rather than facts that should be included in the Digest.

Thank you very much for your time and for your important public service.

Sincerely,



Jon Golinger  
No Wall on the Waterfront