

KEVIN R. HENEGHAN  
PARTNER  
DIRECT DIAL (415) 995-5801  
DIRECT FAX (415) 995-3411  
E-MAIL [khenehan@hansonbridgett.com](mailto:khenehan@hansonbridgett.com)

August 2, 2013

Members, Ballot Simplification Committee  
Department of Elections  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 48  
San Francisco, CA 94102

Re: Response to Request for Reconsideration of Approved Digest for "8 Washington Referendum"

Dear Members of the Ballot Simplification Committee:

On behalf of San Franciscans for Parks, Jobs, and Housing and the proponents of the "8 Washington Parks, Public Access, and Housing Initiative," we would submit this response to the Request for Reconsideration of the Digest for "8 Washington Referendum" which was submitted by Jon Golinger. We hope that the Ballot Simplification Committee ("BSC") will refer to this letter while reviewing Mr. Golinger's request.

**A. THE WAY IT IS NOW**

- 1) Proposed Change: Include the Existing Open Space For An Accurate Description Of Current Site

The claim that the existing site has "open space" is not accurate. The small narrow area which Golinger describes is simply not open space; there are no benches or tables to sit and eat lunch, and definitely not enough space for play. There is a walkway wedged between a tennis fence and a building. Describing this area with the same language as the actual open space which would be created by the project would mislead the voters into thinking that the current site contains the same open space that would be created under the Initiative, and that the Initiative would not increase both the quantity and the quality of the open space on the site. We request that you reject this proposed change, as the language the BSC already approved is accurate.

- 2) Proposed Change: Change "Club" To "Center" To Fairly Describe Existing Recreation Center in a Parallel

We believe the language the BSC already approved is more accurate.

- 3) Proposed Change: Delete Confusing "16%" Percentage Description That Is Misleading And Not Used In The Ordinance Challenged by the Referendum And Has Not Been Used Before

We urge the BSC to reject the proposed change. As outlined in our requests for reconsideration of the Referendum and the Initiative, we urge the BSC to include percentages and use square feet instead of acres throughout the digests for both the Referendum and the Initiative. By doing so, the BSC will provide the voters with the context of the project at the site. It is also worth noting that

**Hanson Bridgett LLP**

425 Market Street, 26th Floor, San Francisco, CA 94105 [hansonbridgett.com](http://hansonbridgett.com)

the digests for both the Referendum and the Initiative used percentages throughout the digest whenever the digest discuss the relative size of portions of the site, but Mr. Golinger only requests that the percentages be removed when discussing the height increase. This is obviously an attempt by Mr. Golinger to have the digest confuse voters into believing that the height increase affects all of the site when that is clearly not the case.

**B. THE PROPOSAL**

- 1) Proposed Change: Leave the Term “Referendum” Out Of The Description Of The Proposition As Has Been Done In The Last Two Referendum Measures To Go Before Voters.

This proposed change should be rejected because the term “Referendum” must be included so that voters understand the difference between the Referendum and the Initiative.

**C. A “YES” VOTE MEANS & A “NO” VOTE MEANS**

- 1) Proposed Change: Use the Term “Height Limits” Rather Than Simply “Heights” Because That Is The Term Most Voters Understand And Is More Accurate

We believe the language the BSC already approved is more accurate and avoids the redundancy found in “legal building height limit” that this proposal would create.

- 2) Proposed Change: Since Most Voters Will Understand Where 8 Washington Is But Not Drumm Street, It Is More Confusing Than Informative To Include The “Along Drumm Street” Qualifier.

The BSC should reject this attempt by Mr. Golinger to hide the fact that the proposed increases changes are located on Drumm Street and not on The Embarcadero or the waterfront (as could be implied since the Site is defined as “bounded by the Embarcadero, Washington Street and Drumm Street”). Because the Referendum is solely about the height increases, the voters need to know the specific location of the height increases. The inclusion of “along Drumm Street” is also supported by the fact that the ordinance which is the subject of the Referendum contains the phrase “along the Drumm Street frontage...” in the summary of legislation at the beginning of the ordinance.

We thank you again for your service to the City and County of San Francisco and look forward to discussing these issues with you on Monday.

Very Truly Yours,



Kevin Heneghan