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July 29, 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: Comments on Draft Digest for "8 Washington Initiative"

Dear Members of the Ballot Simplification Committee:

On behalf of our client, San Franciscans for Parks, Jobs, and Housing, we respectfully submit these comments on the draft digest which you will be considering at tomorrow's meeting. We have also attached a marked-up and a clean version of the draft digest which makes the changes described in detail below.

1. "The Way It is Now"

In our view, the "Way It Is Now" section of the draft digest improperly focuses on the "8 Washington Referendum" which will also be on the November 2013 ballot. In short, the 8 Washington Parks, Public Access, and Housing Initiative ("Initiative") and the 8 Washington Referendum ("Referendum") are two separate measures. The Initiative is a stand-alone initiative placed on the ballot by the San Francisco voters and its digest should focus solely on the Initiative not on the Referendum. To the extent that it is important for the voters to know that the two measures concern the same subject matter, the Voter Information Pamphlet will contain a statement regarding the fact that the Initiative and the Referendum concerns the same subject as required by Municipal Elections Code section 360. The purpose of the digest is to explain the primary purposes and points of the Initiative, not to explain the legislative history of the Referendum. For these reasons, we recommend that the BSC strike paragraphs 2, 3, and 4 of this section.

In addition, we believe that this section should contain more specific information regarding the current state of the site, including the fact that a 1,735-foot long fence currently blocks public views and prevents pedestrian and bicycle access to the waterfront by cutting off Pacific and Jackson Street. As the Port indicates in its letter to Mr. Arntz, the site is currently a "desolate parking" lot and is an "underutilized piece of the City's waterfront." By adding more specific information regarding the current state of the site, the BSC will clearly inform the voters regarding the "The Way It Is Now" at the 8 Washington site.

2. "The Proposal"

In our view, the Proposal section does a good job of laying out most of the "controls" (i.e., the mandatory requirements of the project), but does not contain a description of several important controls including: (1) new and expanded pedestrian access to the waterfront; (2) enhanced pedestrian and bicycle safety; (3) compliance with an environmental protection and mitigation plan; and (4) new revenue for the Port and the City. Both the expanded access and the revenue for the Port and City are cited in the Port's letter as important aspects of the project. We urge the BSC to include bullet points regarding these aspects of the project.

We also believe that the last sentence of this section regarding the administrative clearance is unnecessary as it is a minor aspect of the Initiative and does not explain the primary purpose and points of the measure. If the BSC thinks it is necessary to include discussion of this process, the digest should make clear that the purpose of this process is to ensure that the project is built in compliance with the requirements of the Initiative. As drafted, the sentence seems to suggest that the purpose of the process is to place limits on the Planning Director when it is really meant to empower the Planning Director to ensure that any proposed project complies with the terms of the Initiative.

3. "A "YES" Vote Means . . . A "NO" Vote Means"

In our view, the description of what a YES vote means does not provide the voters with adequate information needed to make an informed decision. Rather than merely stating that a YES vote approves the project, this section should provide voters with more specific information regarding the various aspects of the project. The attached mark-up contains our suggested revisions to this section.

We hope that these comments are useful as the Ballot Simplification Committee conducts the important task of drafting the digest. We would look forward to discussing these comments at tomorrow's meeting.

Very truly yours,



Kevin R. Heneghan  
Campaign Counsel for San Franciscans for Parks, Jobs, and Housing

KRH/cxa

Enclosures

## PROPOSED EDITS – MARKED UP VERSION

### 8 Washington Initiative (*working title only, subject to change*)

#### **The Way It Is Now:**

8 Washington Street is a 3.2 acre site bounded by the Embarcadero, Washington Street and Drumm Street (the "Site"). Most of the Site is private property that Golden Gateway Center owns and uses as a private tennis and swim club. The remainder is a public parking lot under the jurisdiction of the City and County of San Francisco's Port Commission (the "Port").

The private club is surrounded by a 1,735-foot long fence that blocks public views and prevents pedestrian and bicycle access to the waterfront by cutting off Pacific Avenue and Jackson Street from The Embarcadero. The asphalt parking lot was formerly a gas station with underground storage tanks that requires environmental cleanup. Current allowable building height on the entire Site is 84 feet.

~~In 2012 the Board of Supervisors (the "Board") approved a development project for the Site allowing construction of two mixed-use buildings containing 134 residential units, ground floor restaurants and retail, a fitness and swim facility, public parks and open space, and underground parking.~~

~~In approving the development project, the Board also adopted an Ordinance (the "Ordinance") to increase the allowable building heights on an approximately half-acre portion of the Site along Drumm Street from 84 feet to 92 feet on one portion and 136 feet on another portion. Without the Ordinance, the entire Site has an 84-foot height limit.~~

~~Before the Ordinance went into effect, opponents of the proposed development filed a referendum petition. The referendum requires that the Ordinance be submitted to the voters. The Ordinance will not go into effect unless a majority of voters vote in favor of it.~~

#### **The Proposal:**

Proposition \_\_\_ would adopt new zoning for the Site and allow a development project that would include: ~~includes:~~

- two mixed-use buildings with between 121 and 141 residential units;
- payment by the developer into the City and County of San Francisco's (the "City") affordable housing fund;
- public parks, open space, walkways and sidewalks on at least 20% of the Site;
- a fitness and swim center and cafe, all with a two-story height limit;
- ground floor retail and cafes;

- new and expanded bicycle and pedestrian access to the waterfront at Jackson Street and Pacific Avenue to The Embarcadero;
- enhanced pedestrian and bicycle safety along The Embarcadero;
- an increase in the allowable building heights on an approximately half acre portion of the Site along Drumm Street from 84 feet to 92 feet on one portion and 136 feet on another portion;
- a height limit of 5-6 stories for the residential building along the Embarcadero; and
- underground automobile and bicycle parking;
- compliance with an environmental protection and mitigation plan;
- new revenue for the Port and City.

~~Proposition \_\_\_\_ would create a new "administrative clearance" process that would limit the City's Planning Director's time and discretion to review a proposed plan for the Site.~~

**A "YES" Vote Means:** If you vote "yes," you want to approve a mixed-use project at 8 Washington Street with housing, a fitness and swim center, ground floor retail and cafes, new parks and open space, bicycle and pedestrian access to The Embarcadero; and generate funds for affordable housing and new revenue for the City and Port ~~the development project described in Proposition \_\_\_\_.~~

**A "NO" Vote Means:** If you vote "no," you do not want to approve ~~the development project described in Proposition \_\_\_\_~~ this project.

word count: 36294 [suggested word limit: 300].

## PROPOSED EDITS – CLEAN VERSION

### **8 Washington Initiative** *(working title only, subject to change)*

#### **The Way It Is Now:**

8 Washington Street is a 3.2 acre site bounded by the Embarcadero, Washington Street and Drumm Street (the "Site"). Most of the Site is private property that Golden Gateway Center owns and uses as a private tennis and swim club. The remainder is a public parking lot under the jurisdiction of the City and County of San Francisco's Port Commission (the "Port").

The private club is surrounded by a 1,735-foot long fence that blocks public views and prevents pedestrian and bicycle access to the waterfront by cutting off Pacific Avenue and Jackson Street from The Embarcadero. The asphalt parking lot was formerly a gas station with underground storage tanks that requires environmental cleanup. Current allowable building height on the entire Site is 84 feet.

#### **The Proposal:**

Proposition \_\_\_\_ would adopt new zoning for the Site and allow a project that would include:

- two mixed-use buildings with between 121 and 141 residential units;
- payment by the developer into the City and County of San Francisco's (the "City") affordable housing fund;
- public parks, open space, walkways and sidewalks on at least 20% of the Site;
- a fitness and swim center and cafe, all with a two-story height limit;
- ground floor retail and cafes;
- new and expanded bicycle and pedestrian access to the waterfront at Jackson Street and Pacific Avenue to The Embarcadero;
- enhanced pedestrian and bicycle safety along The Embarcadero;
- an increase in the allowable building heights on an approximately half acre portion of the Site along Drumm Street from 84 feet to 92 feet on one portion and 136 feet on another portion;
- a height limit of 5-6 stories for the residential building along the Embarcadero;
- underground automobile and bicycle parking;
- compliance with an environmental protection and mitigation plan; and
- new revenue for the Port and City.

**A "YES" Vote Means:** If you vote "yes," you want to approve a mixed-use project at 8 Washington Street with housing, a fitness and swim center, ground floor retail and cafes, new parks and open space, bicycle and pedestrian access to The Embarcadero; and generate funds for affordable housing and new revenue for the City and Port.

**A "NO" Vote Means:** If you vote "no," you do not want to approve this project.

word count: 362 [suggested word limit: 300].