

July 31, 2013

Ballot Simplification Committee
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102

Re: **Request for Reconsideration of Digest for "8 Washington Referendum"**

Dear Members of the Committee:

Thank you for your time and hard work in preparing the approved digest for the "8 Washington Referendum" measure on the November ballot. I write to request reconsideration of the digest to urge you to make the following changes for purposes of clarity and factual accuracy:

A. THE WAY IT IS NOW

1) Include the Existing Open Space For An Accurate Description Of Current Site

The existing site includes "open space" in addition to walkways, the recreation center, and the public parking lot. On the northeastern corner of the site, there is approximately 7,500 square feet of grass that is privately-owned and maintained but open to the public at all times. Many residents and visitors currently use this open space to sit, eat lunch, play, and walk their dogs. Therefore, to give voters an accurate picture of what is there now, it is necessary to also include the words "open space" in the first paragraph describing the site as it is.

Suggested language for paragraph 1, sentence #2: "Approximately 80% of the Site is owned by the Golden Gateway Center and used as open space, walkways . . ."

2) Change "Club" To "Center" To Fairly Describe Existing Recreation Center in a Parallel Fashion to The Description of the Proposed New Recreation Center

As the Committee stated in your Tuesday meeting, the existing recreation center is private and the 8 Washington developer's proposed new recreation center would also be private. Therefore, both of them should be described using the same terms. In the approved digest, the existing recreation is described as a "club" whereas the proposed new recreation is described as a "facility." In the 8 Washington Initiative digest it is also described as a "center."

To ensure that voters understand what exists and what is being proposed are both private recreation centers open to people who pay for a membership or a day pass, we suggest that you use the same term to describe them in each location.

Suggested language for paragraph 2, sentence #2: ". . . and a private tennis and swim center."

3) 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 commend the committee for attempting to help voters understand the issue and location of the proposed height limit increase. The committee does so by including the description “half-acre portion of the Site” in several locations in the digest. However, the 8 Washington development advocates attempted to create the perception that the height increase is of minimal importance by insisting that the committee also include a percentage description that is inaccurate and injects confusing information rather than clarifying information. Nowhere in the text of the Ordinance challenged by referendum does it describe the area affected by the height limit increase as “16% of the Site.” We have reviewed the extensive documents associated with the Ordinance and have not found a single reference to “16% of the Site” in any city document. Furthermore, while “half-acre” is clear because it refers to the total acreage of the site mentioned at the beginning of the digest (3.2 acres), “16%” is entirely unclear because it begs the question: 16% of what? Some voters will conclude that this means 16% of the ground floor land area while others will assume this means 16% of the total square footage of the entire mass and bulk of the project and buildings.

Therefore, we request that you remove the “16%” description because it is a highly subjective and disputable figure that is not used in the Ordinance and will confuse, rather than clarify.

Suggested language for paragraph # 3, sentence #1: “In approving the development project, the Board also adopted an Ordinance (the Ordinance) to increase the legal building heights on an approximately half-acre portion of the Site.”

B. THE PROPOSAL

1) 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

Since this is the first referendum measure to go before voters since 1991, most San Francisco voters have never voted on a referendum measure before. Therefore, it is critical that the simple description used here – which will likely be the model for the ballot question – should not confuse voters about what they are voting “Yes” or “No” on. The word “referendum” explains how this measure made it to the ballot, but does not inform voters as to what they are voting on, since most voters are not familiar with referenda.

The last referendum to go before San Francisco voters was Proposition M in November, 1991. Under “The Proposal,” the first sentence in the Ballot Simplification Committee’s digest stated: “Proposition M would approve the Vacancy Control Ordinance.” Nowhere in the rest of “The Proposal” description was the term “referendum” used. That is the case with the digests for previous referenda as well, because voters are voting to either approve or not approve the Ordinance adopted to the Board of Supervisors.

We urge the Committee to use the same language and eliminate the confusing term here.

Suggested language for “The Proposal” sentence: “Proposition __ would approve an Ordinance that would increase . . .”

2) Use the Term “Height Limits” Rather Than Simply “Heights” Because That is The Term Most Voters Understand And Is More Accurate

The common term used to describe the zoning laws restricting the heights of buildings along San Francisco's waterfront and elsewhere is "height limits." The current version of the digest uses both the term "height limit" and "legal building heights" in "The Way It Is Now" section but only uses the term "legal building heights" in "The Proposal" Section and in the "Yes" and "No" Section.

It would help voters understand the issue better if the same term used earlier in the digest were consistently used to describe the proposed change and what voters are being asked to vote for or against. Therefore, we suggest that the phrase "legal building heights" be changed to say "legal building height limits" to be consistent with the earlier description.

Suggested language for "The Proposal" sentence: ". . . that would increase the legal building height limits on an approximately . . ."

C. A "YES" VOTE MEANS & A "NO" VOTE MEANS

1) Use the Term "Height Limits" Rather Than Simply "Heights" Because That Is The Term Most Voters Understand And Is More Accurate

As discussed above, we suggest that the phrase "legal building heights" be changed in both the "YES" and "NO" descriptions to say "legal building height limits" to be consistent with the earlier description.

2) 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 Digest fairly and accurately describes the location of the proposed project and proposed legal building height limit increase in the previous sections. Therefore, the "Yes" and "No" descriptions need only state that the "8 Washington Street Site" is the location of the proposed height increase, without the additional description of "along Drumm Street."

Suggested language for "A 'YES' Vote Means": "If you vote 'yes,' you want the Ordinance increasing legal building height limits on an approximately half-acre portion of the 8 Washington Street Site to take effect."

Suggested language for "A 'NO' Vote Means": "If you vote 'no,' you do not want the Ordinance increasing legal building height limits on an approximately half-acre portion of the 8 Washington Street Site to take effect."

Attached to this letter is a clean version of a revised digest that includes these requested edits.

Thank you for time, consideration, and valuable public service to the voters of San Francisco.

Sincerely,



Jon Golinger
Director, No Wall on the Waterfront

Clean Copy Of Approved Digest With Suggested Revisions Underlined

8 Washington Referendum

The Way It Is Now:

The site proposed for development as 8 Washington Street is 3.2 acres bounded by the Embarcadero, Washington Street and Drumm Street (the Site). Approximately 80% of the Site is owned by Golden Gateway Center and used as open space, walkways and a private tennis and swim center. The remaining 20% is a public parking lot under the jurisdiction of the City and County of San Francisco's Port Commission.

In 2012 the Board of Supervisors (the Board) approved a development project for the Site involving construction of two mixed-use buildings containing 134 residential units, ground floor restaurants and retail, a private fitness and swim center, a public park and open spaces, and underground public and private parking.

In approving the development project, the Board also adopted an Ordinance (the Ordinance) to increase the legal building heights on an approximately half-acre portion of the Site. The existing height limit is 84 feet. The Ordinance would increase the height limit to 92 feet in one section along Drumm Street and 136 feet in another.

A referendum was filed requiring 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 approve an Ordinance that would increase the legal building height limits on an approximately half-acre portion of the Site along Drumm Street from 84 feet to 92 feet in one section and from 84 feet to 136 feet in another section.

A "YES" Vote Means: If you vote "yes," you want the Ordinance increasing legal building height limits on an approximately half-acre portion of the 8 Washington Street Site along Drumm Street to take effect.

A "NO" Vote Means: If you vote "no," you do not want the Ordinance increasing legal building height limits on an approximately half-acre portion of the 8 Washington Street Site along Drumm Street to take effect.

Vacancy Control

M

PROPOSITION M

Shall the City's rent control ordinance be amended to limit the amount a landlord may charge a new tenant to no more than 10% to 14% above the rent paid by the previous tenant, provided that the landlord could get additional increases if certain conditions are met?

YES ➡
NO ➡

Analysis

by Ballot Simplification Committee

THE WAY IT IS NOW: The City's rent control law, which went into effect June 13, 1979, limits rent increases for current tenants in certain residential units. Annual increases of between 4% and 7% are allowed, depending on increases in the cost of living. The law does not limit, however, the amount of rent a landlord may charge a new tenant after the current tenant moves out.

The Board of Supervisors passed and the Mayor signed a Vacancy Control Ordinance. For vacant units covered by rent control, this ordinance would limit rent increases for new tenants who move in on or after July 1, 1991. Before the ordinance took effect, a referendum petition was filed, requiring that the ordinance be submitted to the voters. The ordinance will not go into effect unless and until a majority of voters approves.

THE PROPOSAL: Proposition M would approve the Vacancy Control Ordinance. Under the ordinance, a landlord could charge a new tenant between 10% and 14% more than the rent paid by the last tenant, depending on how long the last tenant had lived in the unit. This increase would be allowed only once every three years. In addition, a landlord could

charge allowable annual increases not charged to the last tenant back to June 13, 1979, when rent control went into effect. Landlords also could seek initial rents above the 10% to 14% limit if the last tenant moved in before June 13, 1979.

A landlord would have to give a new tenant a detailed written statement of how the allowable rent was determined. The tenant could have the Rent Board staff review the statement and approve the rent. If either the landlord or tenant did not agree with the result, either could use the existing appeals process.

Violations of the ordinance could result in the tenant recovering overpaid rent, plus punitive damages. It would be a misdemeanor to charge more than the allowable rent.

A "YES" VOTE MEANS: If you vote yes, you want the ordinance that limits rent increases on vacant units to go into effect.

A "NO" VOTE MEANS: If you vote no, you want the ordinance that limits rent increases on vacant units to be rejected.

Controller's Statement on "M"

City Controller Edward Harrington has issued the following statement on the fiscal impact of Proposition M:

If the proposed measure is approved, in my opinion, there should be no effect on the cost of government.

How "M" Got on the Ballot

On August 2, 1991 the Registrar of Voters certified that the initiative petition calling for Proposition M to be placed on the ballot had qualified for the ballot.

18,798 valid signatures were required to place an initiative ordinance on the ballot. A random check of the signatures submitted on July 9, 1991 by the proponents of the initiative petition showed that 30,502 of the signatures submitted were valid, 11,704 more than the required number of signatures.