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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 Initiative"

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 Initiative" 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 you rightfully did at this week's hearing, 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: 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.

- 4) Proposed Change: Use The Same Terms To Describe How the Referendum and Initiative made the ballot.

This request should be rejected because Mr. Golinger misrepresents the manner in which the Referendum and the Initiative were placed on the ballot. The two measures did in fact make it to the ballot in two different ways. The Referendum petition was filed with the Clerk of the Board of Supervisors and the Department of Elections (“DOE”) certified the signatures. At that point, the Board of Supervisors voted on whether to rescind the ordinance. They upheld their initial decision to pass the ordinance, and as a result, the Referendum was placed on the ballot. In contrast, the Initiative was submitted directly to the DOE and qualified for the ballot automatically after it was determined that the petition contained the requisite number of signatures. The fact that these measures were placed on the ballot through two distinct processes justifies the different language describing the process for each. We request that you reject this proposed change as it misrepresents the truth and the language already approved by the BSC is more accurate.

B. THE PROPOSAL

- 1) Proposed Change: The Increase In Legal Building Height Limits up to 136 Feet Is Not a Part of the “Special Use District” and instead should be described in a stand-alone sentence.

This proposed change should be rejected because it is a blatant misrepresentation of the text of the Initiative. As Mr. Golinger points out, the bullet points spelled out in the Digest are contained in Section 3 of the Initiative. However, his claim that the increase in building heights is not contained in that section is completely untrue. Section 3(b)(9) clearly includes the changes to the building heights:

“No buildings contained within the Plan shall exceed the applicable height limits for the District as set forth on Sectional Map HT01 of the Zoning Maps of the City and County of San Francisco, as amended by the 8 Washington Parks, Public Access and Housing Initiative...”

As a result, the information for voters regarding heights should remain in the place where the BSC already approved because it is both accurate and easier to understand than this proposal.

- 2) Proposed Change: The Affordable Housing Payment Is Not A “Benefit” of The Special Use District But Is Legally Required By City Law Since No Affordable Housing Would Be Built On the Site

Again, this proposed change should be rejected because it is a blatant misrepresentation of the text of the Initiative and existing law. Section 3(b)(1) specifically includes the affordable housing payment into the requirements of the project. While existing sections of City law require affordable housing payments, the Initiative would create a new section of City law requiring affordable housing payments specifically for this project that is an additional 5% above and beyond the normal 20% fee. We urge the BSC to reject this proposed change as it would fail to accurately inform voters that the Initiative requires the normal affordable housing payment plus an additional 5% fee.

- 3) Proposed Change: The Proposal Section Should Be Limited to Concrete Facts About What The Initiative Does, Not Opinions, Consequences, or Arguments For Passing The Initiative Such as “Expanded Pedestrian Access To the Waterfront,” “Bicycle and Pedestrian Safety,” “New Construction and Permanent Jobs” and “Increased Revenue For the Port and the City.”

The suggestion that the phrases listed above are opinions, consequences, or arguments for passing the Initiative is without merit. All of these phrases are rooted in legal text of the Initiative as either legal controls or legislative findings/purposes as follows:

“Expanded Pedestrian Access to the Waterfront” – Section 3(b)(5)

“Bicycle and Pedestrian Safety” – Section 3(b)(6)

“New Construction and Permanent Jobs” – Section 2(A)(9)

“Increased Revenue For the Port and the City” – Section 3(b)(14)

The BSC should reject this proposed change because it is merely an attempt by Mr. Golinger to minimize or remove the benefits of the project from the digest. As many members of the public stated at the hearing, the entire purpose of the Initiative is to ensure that voters are voting on the entire project and it is crucial that the digest regarding the Initiative provides the voters information regarding the benefits of the project. Likewise, the BSC should reject Mr. Golinger’s attempt to include “consequences” that are not contained in the text of the Initiative and for which he provides absolutely zero factual support. We urge the BSC to reject this proposed change as it is factually inaccurate.

- 4) Proposed Change: As Stated in the City Attorney’s Title and Summary, the Initiative Would Limit Both the City Planning Director’s Time and Discretion In Reviewing Plans for the Site

The BSC should reject this change. As Planning Director Rahaim clearly stated at the hearing on Monday, the Initiative would not limit his discretion. The BSC was correct in removing the term discretion from this aspect of the digest.

In addition, we renew our request that the BSC remove discussion of this administrative process from the digest entirely. The BSC originally decided prior to the lunch break at Monday’s hearing that this issue should be removed from the digest after many members of the public and, more importantly Planning Director Rahaim, pointed out that this issue is of minor importance to voters and deals with the arcane process that is a precursor to issuing building permits.

If the BSC decides to include discussion of the issue, it should rework the discussion to focus on the purpose of this process which is to ensure that the project is built in compliance with the requirements of the Initiative. As drafted, the sentence portrays the process with prejudicial language 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 project plans comply with the terms of the Initiative. As a result, should the BSC decide to include this issue in the digest, we urge it to adopt the language outlined in the marked-up version of the digest from our request for reconsideration:

Proposition ___ also would require the City Planning Director to review a proposed plan for the Site for consistency with the voter-approved Initiative within forty days.

We urge the BSC to reject Mr. Golinger's proposed change in favor of the language we have suggested to clarify the Planning Director's role implementing the Initiative.

Mr. Golinger also claimed that the voter-approved initiative should be appealable to the Board of Appeals. However, according to our City Charter "no initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters." An appeal to the Board of Appeals would eliminate the public's existing right for their vote to count and for the will of the voters to be upheld.

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

- 1) **Proposed Change:** Since the Initiative Makes the Exact Same Change To Increase Height Limits as the Referendum Does, The Same Language Should Be Included in the YES/NO Questions.

The BSC should reject this blatant attempt by Mr. Golinger to confuse voters into thinking that the main purpose of the Initiative is to increase building heights. As stated by many members of the public, members of the BSC, and the Deputy City Attorney at Monday's hearing, the Referendum is solely about the heights whereas the Initiative is about approving the project as a whole, including all features and benefits of the project. As a result, we urge the BSC to adopt the language proposed in our request for reconsideration which reads as follows:

A "YES" Vote Means: If you vote "yes," you want to approve the 8 Washington Parks, Public Access and Housing District that includes two mixed-use buildings containing 134 residential units, ground floor restaurants and retail, a private fitness and swim facility, a public park and open spaces, and underground public and private parking.

A "NO" Vote Means: If you vote "no," you do not want to approve the 8 Washington Parks, Public Access and Housing District that includes two mixed-use buildings containing 134 residential units, ground floor restaurants and retail, a private fitness and swim facility, a public park and open spaces, and underground public and private parking.

We urge the BSC to reject Mr. Golinger's proposed change in favor of the language we have suggested to more completely inform voters what a "Yes or "No" vote means.

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