

**REMCHO, JOHANSEN & PURCELL, LLP**  
ATTORNEYS AT LAW

201 DOLORES AVENUE  
SAN LEANDRO, CA 94577  
PHONE: (510) 346-6200  
FAX: (510) 346-6201  
EMAIL: rjohansen@rjp.com  
WEBSITE: www.rjp.com

SACRAMENTO PHONE: (916) 264-1818

Robin B. Johansen  
James C. Harrison  
Thomas A. Willis  
Karen Getman  
Margaret R. Prinzing  
Harry A. Berezin  
Juan Carlos Ibarra

Joseph Remcho (1944-2003)  
Kathleen J. Purcell (Ret.)

July 27, 2015

Ballot Simplification Committee Members  
c/o San Francisco Department of Elections  
City Hall, Room 48  
1 Dr. Carlton B Goodlett Place  
San Francisco, CA 94102-4635

Re: *Proposed Changes to the Digest for the Mission Rock Measure*

Dear Committee Members Packard, Fasick,  
Fraps, Jorgensen and Unruh:

On behalf of Kate Sofis and Sunny Schwartz, the proponents of the Mission Rock measure, and the committee primarily formed to support the measure, we respectfully request that the Committee reconsider portions of the digest describing the measure. Pursuant to San Francisco Municipal Elections Code section 610, we have included a redlined version of the digest that identifies the specific language we believe should be changed, alternate language, and the reasons why those changes should be made.

The current draft digest is well written and thorough, but it should be amended in several places to ensure that voters will not be confused or misled about specific aspects of current conditions or the proposal. Our proposed changes are focused primarily on three critical points.

First, the digest describes the current Mission Rock site in several places as consisting of or designated as "open space." (*See, e.g.*, second, sixth and seventh paragraphs.) The current site is not open space as most people understand that term; it is primarily a paved parking lot. The same is true of Pier 48, because the apron is unsafe and closed to the public. Therefore, referring to the current site as including open space could mislead voters into believing the site consists of parks or undeveloped green space open to the public. The reference to open space actually comes from the site's current zoning designation, but that, too, could be misleading. The open space zoning is a relic of an earlier failed plan for the development of Mission Bay. The State has adopted legislation encouraging development of the site to provide increased revenues to the Port. The City, in its Waterfront Land Use Plan, recognized that the prior

Mission Bay plan has been "rescinded" and designated the Mission Rock site for further planning study coordinated with Mission Bay. Consistent with Measure B, the focus of this measure is on the modification of the height limit, not on zoning designations. Implementation of the project will require later action by the City to modify the permitted uses and other land use designations. Thus, references to the current zoning designation could cause voter confusion and does not accurately describe how the measure will change existing law.

Second, when describing the proposal, we believe the digest should distinguish and highlight the two requirements on which the policy encouraging development of the project is *conditioned*, as compared to other policies. Section 6(a) of the measure specifically lists two conditions attached to the proposed City policy encouraging development of Mission Rock. First, the development must include 8 acres of open space and second, at least 33% of new housing must be affordable for low and middle income households. These two requirements should be included in any summary of the proposal and should come before any other policies, including those set forth in section 6(b) that have more flexibility and are not required conditions. The second paragraph of Section 7 of the measure highlights the important distinction between the requirements of Section 6(a) and the policies of Section 6(b). The proposed changes in the seventh, eighth and tenth paragraphs address this concern.

Third, although we believe the "Yes' Vote Means" portion of the digest is accurate as written, we suggest that it be substantially revised so that it can act as the template for the ballot question. The City Attorney's ballot question usually tracks this portion of the digest. Because the purpose of this measure is to comply with Measure B, we believe the ballot question – and therefore the "Yes' Vote Means" section - should contain a clear description of the existing and proposed height limits, which is required by Measure B. Therefore, we suggest the following:

**A "YES" Vote Means:** If you vote "yes," you want to increase the height limit on a portion of the Mission Rock site, on which building heights are now generally limited to a single story, to various heights ranging from 40 to 240 feet; and make it City policy to encourage development of Mission Rock provided that at least 33% of new housing units developed will be affordable to low and middle-income households and 8 acres of the site will be devoted to open space.

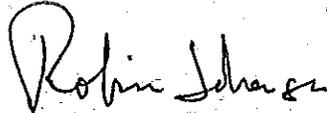
We also propose to change the first sentence of "The Proposal" section to track this language, so that the brief summary of the proposal, the yes vote means, and ballot question will all be consistent. We believe this will add clarity to the digest.

On behalf of the proponents, thank you for this opportunity to participate in the important process of making sure the voters receive clear and accurate information about the Mission Rock

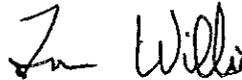
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measure. We look forward to discussing these proposed changes with you on Monday.

Sincerely,



Robin B. Johansen



Thomas A. Willis  
Representatives of Proponents

TAW:NL

Enclosure

cc: John Arntz, Director of Elections (w/enclosure)  
Joshua White, Deputy City Attorney (w/enclosure)

Proponents' Proposed Revisions  
Mission Rock Draft Digest  
July 27, 2015

**Mission Rock\***

Digest by the Ballot Simplification Committee

Status: Draft for Consideration

On: Monday, July 27, 2015

Members: Packard, Fasick, Fraps, Jorgensen, Unruh

Word count: (suggested 300-word limit)

**Deadline to Request Reconsideration:** TBD

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**The Way It Is Now:** The City, through its Port Commission (Port), owns a 28-acre waterfront area located south of AT&T Park across McCovey Cove. The site known as Mission Rock consists mostly of Pier 48 and Seawall Lot 337 (SWL 337), bounded to the north by China Basin Channel, west by Third Street, east by Piers 48 and 50, and south by Mission Rock Street.

SWL 337 includes a paved lot used for functions primarily as a surface parking lot, with approximately 2,000 public parking spaces, including for San Francisco Giants baseball games, and special events. Pier 48 includes open space and two historic buildings used for parking, special events and warehousing.

The Port holds Mission Rock subject to the State's public trust. The trust restricts allowable uses and usually prohibits residential and general office uses. State legislation authorizes lifting the trust's use restrictions on SWL 337 to allow the Port to generate revenues from development and spend them for trust purposes on its other property preservation of historic piers and structures and for the construction and maintenance of waterfront plazas and open space.

Comment [ 1]: The revisions simplify the first sentence. As the number of parking spaces in the new garage is described later, the number of existing spaces should be included here for comparison.

There is currently no open space at Pier 48. The apron is unsafe and closed to the public.

Comment [ 2]: The referenced legislation directs the revenues to these specific uses.

\* Working title, for identification only. The Director of Elections determines the title of each local ballot measure; measure titles are not considered during Ballot Simplification Committee meetings.

The Port adopted a vision statement for mixed-use development of Mission Rock after engaging in a multi-year community planning process. Through a competitive solicitation the Port selected a developer to create a project consistent with that statement.

In June 2014, San Francisco voters adopted Proposition B, preventing the City from allowing any development on Port property to exceed the height limits in effect as of January 1, 2014 unless the City's voters approved the height limit increase.

As of January 1, 2014, and currently, (1) the building height limit on Pier 48 and on a portion of the Mission Rock site near the Channel is 40 feet. ~~The, and (2) the height limit on most of the rest of the Mission Rock is designated as open space with building heights limited as of January 1, 2014, and currently, site limits buildings to no more than one-story.~~

**Comment [ 3]:** The phrase "designated as open space" could be misleading. The site is used as a surface parking lot. As noted above, state law specifically provides for the development of the site. The City's Waterfront Land Use Plan designates the site for further planning study in conjunction with the development of Mission Bay. Consistent with Proposition B, the focus of this measure is on modification of the height limit. Implementation of the project will require later action by the City to modify the permitted uses and other land use designations.

The Proposal: This measure would increase the height limit on up to 10 acres of the 28 acre Mission Rock site, and make it City policy to encourage development of Mission Rock provided that at least 33% of new housing units developed on the site will be affordable to low and middle-income households and 8 acres of the site will be devoted to open space.

**Comment [ 4]:** A general summary of the proposal at the beginning adds clarity.

~~The Proposal: This measure would retain the 40-foot height limit on Pier 48, retain with the Pier 48 apron as open space, and limit buildings to no more than one-story high on eight the required 8 acres of open space elsewhere in Mission Rock.~~

**Comment [ 5]:** The word "elsewhere" should be deleted as the 8 acres of open space includes the Pier 48 apron.

This measure would increase the height limit on up to 10 acres in Mission Rock other than Pier 48 so that:

- buildings along Terry Francois Boulevard would have a 120-foot height limit, with building frontages of no more than 40-feet high and uses above 90 feet limited to residential, restaurant or retail;
- three buildings would have a 240-foot height limit, with the portion above 190 feet limited to residential, restaurant or retail uses and to typical floors not exceeding 12,000 square feet; and

**Comment [ 6]:** The word "high" is unnecessary.

- other buildings on the rest of the 10 acres would be allowed heights range up to a maximum height of 190 feet.

**Comment [ 7 ]:** As shown in the graphic included in Section 5 of the measure, the project contemplates a range of heights in other buildings. Not all other buildings are proposed to be developed to a height of 190 feet.

This measure would require all aspects of future development other than the height increase approvals to continue to be subject to public approval processes, including environmental review under the California Environmental Quality

Act.

**Comment [ 8 ]:** The revisions simplify the sentence. Future approvals affecting heights may be required, and those would be subject to CEQA.

This measure would make it City policy to encourage developing development of Mission Rock provided that (1) at least 33% of housing units developed in the project: are affordable to low- and middle-income households, and (2) approximately 8 acres of the site will be devoted to new and expanded waterfront parks and open spaces.

**Comment [ 9 ]:** As described in Section 6(a) of the measure, 8 acres of open space and 33% affordable housing are specifically required conditions to the policy encouraging support of the project.

This measure would also make it City policy to encourage that Mission Rock:

**Comment [ 10 ]:** As described in Section 6(b) of the measure, other policies are more flexible and are not specifically required conditions to the policy encouraging development of the project.

- includes approximately 1,000 to 1,950 residential units, most nearly all of which are rental and at least 33% of which are affordable to low- and middle-income households;
- creates approximately eight acres of parks, open spaces and recreational opportunities;
- rehabilitates and renovates Pier 48 to historic standards;
- creates space for restaurants, retail, commercial, production, manufacturing, artist studio, small business and non-profit uses; and
- creates includes approximately 3,100 parking spaces, including an above-ground structure with up to 2,300 spaces.

This measure would adopt other City policies relating to planning for the project's design, transportation, and infrastructure financing.

A "YES" Vote Means: If you vote "yes," you want to increase the height limit for certain portions on a portion of the Mission Rock; site, on which building heights are now generally limited to a single story, to various heights ranging from 40 to 240 feet; and make it City policy to encourage 33% affordable housing for this site, as well as

**Comment [ 11 ]:** Prop. B requires that existing and proposed heights be identified in the ballot question, so appropriate to include here as well.

encourage parks, housing, cultural space, and job creation for this site development of Mission Rock provided that at least 33% of new housing units developed will be affordable to low and middle-income households and 8 acres of the site will be devoted to open space.

A "NO" Vote Means: If you vote "no," you do not want to increase the height limit or adopt this City policy.

Comment [ 12]: Specifically calls out both of the required conditions to the policy encouraging development of the project.

