



JOEL P. ENGARDIO

July 23, 2024

RE: Draft Digest - Reserving the Upper Great Highway as Public Open Recreation Space

Dear Ballot Simplification Committee Members:

I greatly appreciate your work making San Francisco's byzantine elections accessible and understandable by the public. The draft digest does a great job putting the proposed ballot measure in context and clarifying the choice for voters of whether they would like the city to reserve part of the Great Highway as a public open recreation space.

My intention in introducing this ordinance is for voters to decide if the space should be used as a park. Accordingly, the City Attorney's Title and Summary uses language like "parkway" and "recreation and open space" to describe the measure. While some suggest this language be struck from the digest, that is not the legislation's intent or compatible with the City Attorney's interpretation of the measure.

The measure explicitly permits and promotes public open space recreational access opportunities on the Upper Great Highway. This is central to the measure. Vehicle restrictions are a means to achieve that end, not the measure's focused intent.

I offer the following comments and suggestions on the draft digest for the Upper Great Highway measure to provide as much clarity to voters as possible:

- The draft "A NO vote means" language contains an error: "you do not want do not want." In addition to striking the erroneous second "do not want," I suggest that the "A NO vote means" text be adjusted to mirror the "A YES vote means" text. Using equivalent language for both a "a YES vote" and "a NO vote" will make the choice more clear to voters:

"A NO Vote Means: you do not want do not want the City to reserve the Upper Great Highway as public open recreation space and permanently close the Upper Great Highway to private motor vehicles with limited exceptions."

- It is not clear from the draft digest what will happen to the Upper Great Highway after the current pilot program and configuration expires at the end of 2025. Voters should understand the outcome of either a victory or a defeat of the measure. For clarity, I suggest the "A NO vote means" section of the digest shall explain to voters what will happen if the measure is not enacted. The current status of the Upper Great Highway is temporary under legislation expiring on December 31, 2025. It should be clear to voters that if the measure is not enacted, the Upper Great Highway will return to its pre-pandemic status when the pilot program and legislation expires.

Suggested language:

“If you vote “no,” you do not want do not want the City to reserve the Upper Great Highway as public open recreation space and permanently close the Upper Great Highway this way to private motor vehicles with limited exceptions. Under current law, the Upper Great Highway will no longer be used as public open recreation space after December 31, 2025.”

Similarly, I suggest this revision to ensure that voters understand what will happen when the pilot program ends:

- When the pilot program ends, the Upper Great Highway will return to its use before the pandemic and be open to private motor vehicles and will not be open as a public open recreation space at any time during the week.
- I appreciate that the draft digest informs voters that the ordinance would allow emergency vehicles and private motor vehicles during emergencies designated by the General Manager. However, it should be clarified to voters that the Upper Great Highway is not part of any City designated emergency evacuation route, a common misconception caused by misinterpretation of a decades-old Department of Public Works map identifying roads for debris removal after a major earthquake. Suggested text to be added to “The Way It Is Now”:

The Upper Great Highway is not a designated emergency route. The city does not pre-designate specific routes, including the Upper Great Highway or any other thoroughfare, for emergency evacuation purposes.

- “The Way It is Now” section references pandemic-era closure of multiple “public streets,” one of which was the Upper Great Highway. This paragraph should be a focused reference on the closure of the Upper Great Highway to private vehicles, which is the subject of the ballot measure. Reference to other street closures is not necessary and risks voter confusion as to whether this measure relates to other closures. The risk of voter confusion is particularly strong, as 2022’s Proposition I did relate to multiple closures, while this measure only relates to the Upper Great Highway. Suggested text:

In response to the COVID-19 pandemic, the City closed certain public streets the Upper Great Highway between Lincoln Way and Sloat Boulevard (“Upper Great Highway”) to private motor vehicles, reserving the street land as public open space for recreational purposes. These closures included the Upper Great Highway between Lincoln Way and Sloat Boulevard (“Upper Great Highway”).

- The digest clearly states the role and purpose of San Francisco’s General Plan, the California Coastal Act, and how these are connected to the Upper Great Highway. I believe this section could benefit from additional language describing the current use of the Upper Great Highway in San Francisco’s Local Coastal Program, which is part of the City’s General Plan. Changes to San Francisco’s Local Coastal Program are reviewed and approved by the Coastal Commission to ensure consistency with the California Coastal Act. Suggested explanatory language is below:

The City’s General Plan sets objectives and policies for land uses within San Francisco, including streets. The California Coastal Act created the California Coastal Commission, which guides regulates land uses along the California coast. In the City’s coastal section of the General Plan, the Upper Great Highway is described as a four-lane straight highway.

- Voters may require greater context to understand why the Recreation and Parks Commission’s jurisdiction is relevant to this measure. I suggest contextualizing this information by explaining that the Upper Great Highway is currently on Rec & Park land and what that means:

The Upper Great Highway is City park land under the jurisdiction of the Recreation and Parks Commission, managed under the supervision of the General Manager for the Recreation and Parks Department. The City Charter states that the Department shall promote and foster public recreation programs on park land.

- Under “The Proposal,” the draft digest refers to the possibility of amendments to the City’s General Plan and approvals under the California Coastal Act. To reduce ambiguity, I am certain this measure will require an amendment to the coastal section of the City’s General Plan to eliminate the description and prescribed use of the Upper Great Highway as a four-lane straight highway. These amendments must start at the Planning Commission, before they are legislated by the Board of Supervisors. After the Board of Supervisors, these changes will be reviewed and considered by the California Coastal Commission. Once these amendments are heard and adopted by the California Coastal Commission, then San Francisco will have the authority to issue a permit to the Recreation and Parks Department to permanently close the Upper Great Highway.

Proposition __ would require that, within 180 days of voter approval of this measure, the City seek any other approvals necessary to permanently close the Upper Great Highway to private motor vehicles. This will require General Plan amendments to be considered by the Board of Supervisors and the California Coastal Commission. Once these amendments are approved, the City may issue permits to the Recreation and Parks Department to permanently close the Upper Great Highway to private vehicles. Those approvals may include amendments to the City’s General Plan and approvals under the California Coastal Act.

Thank you for your efforts and contributions towards San Francisco’s ballot simplification process.

Sincerely,



Joel P. Engardio
Supervisor, District 4
San Francisco Board of Supervisors