



JOEL P. ENGARDIO

July 25, 2024

RE: Request for Reconsideration of Approved Digest - Reserving the Upper Great Highway as Public Open Recreation Space

Dear Ballot Simplification Committee Members,

Thank you for your careful consideration and deliberation crafting the Ballot Digest for this measure. Supervisor Myrna Melgar and I appreciate your attentive, thoughtful edits to better inform and educate voters.

We would like to offer a few suggestions to the Ballot Digest to reduce voter confusion and clarify the intent of the measure.

Sentence:

“In response to the COVID-19 pandemic, the City closed certain public streets to personal and commercial motor vehicles, reserving the streets as public open space for recreational purposes.”

Discussion:

This sentence substantially differs from the approved ballot digest for the November 2022 election’s Proposition J: Golden Gate Park Access and Safety Program (“Prop J”) and Proposition I: Uses of The Great Highway and JFK Drive (“Prop I). Both measures pertained to roadway use and access on streets managed by the Recreation and Parks Department.

November 2022’s Proposition J ballot digest stated:

In April 2022, the Board of Supervisors (Board) adopted the Golden Gate Park Access and Safety Program (the Ordinance) that closed portions of John F. Kennedy Drive (JFK Drive) and certain connector streets in Golden Gate Park seven days a week to private motor vehicles, reserving the streets as open space for recreational uses.

November 2022’s Proposition I ballot digest stated:

The City has closed certain public streets to private motor vehicles, reserving the streets as open space for recreational purposes. These closures were enacted in response to the COVID-19 pandemic.

Voters are familiar and accustomed to this language and phrasing. As such, the language in this ballot digest should be revised.

In addition, Park Code Section 6.05 prohibits commercial vehicles from using most roadways under the jurisdiction of the Recreation and Parks Department, including the Upper Great Highway. This renders the distinction between personal versus commercial motor vehicles moot and unnecessary.

Suggested Text:

“In response to the COVID-19 pandemic, the City closed certain public streets to ~~personal and commercial~~ *private* motor vehicles, reserving ~~these~~ streets as public open space for recreational purposes.”

For consistency, we request the Committee replace all references to *personal and commercial motor vehicles* with *private motor vehicles* in the ballot digest.

Sentences:

“This pilot program will end on December 31, 2025, unless the City extends it.”

Discussion:

This phrase is entirely conditional on future actions by a Board of Supervisors whose composition will change in January 2025. Currently, there is no active discussion or proposal to extend the pilot program, nor does the ballot measure include any references to extend the pilot program.

This phrase should be deleted for clarity.

Suggested Text:

“This pilot program will end on December 31, 2025, ~~unless the City extends it.~~”

Sentence:

“The General Plan and Coastal Act may limit changes in use of the Upper Great Highway.”

Discussion:

This sentence should more clearly inform voters and clarify the relationship between the Upper Great Highway, the General Plan, and Coastal Act.

San Francisco’s Western Shoreline Plan is a component of the City’s General Plan. The Western Shoreline Plan is also approved by the California Coastal Commission, in conformance with the California Coastal Act. In San Francisco’s Western Shoreline Plan, the objectives and policies

refer to Great Highway “as a four lane straight highway with recreational trails for bicycle, pedestrian, landscaping, and parking [with emphasis on] slow pleasure traffic and safe pedestrian access to beach.”

Permanently modifying use of the Great Highway, outside a temporary pilot program, will require amendments to San Francisco’s Western Shoreline Plan, as it is part of the City’s General Plan. These amendments will require approval from the California Coastal Commission.

We suggest revising this sentence to mirror language used under *The Proposal*.

Suggested Text:

“~~The General Plan and Coastal Act may limit~~ Changes in use of the Upper Great Highway *may include amendments to the City’s General Plan and approvals under the California Coastal Act.*”

Sentence:

“The Proposal: Proposition ___ is an ordinance that would allow the City to use the Upper Great Highway as public open recreation space, permanently closing it to personal and commercial motor vehicles seven days a week, with limited exceptions.”

Discussion:

While the City regulates land use, the City itself is not the primary user of the Upper Great Highway. For voters, this phrasing suggests the Proposition is giving permission to the City to use the Upper Great Highway for its own benefit.

Similar language in 2022’s Prop J digest stated:

In April 2022, the Board of Supervisors (Board) adopted the Golden Gate Park Access and Safety Program (the Ordinance) that closed portions of John F. Kennedy Drive (JFK Drive) and certain connector streets in Golden Gate Park seven days a week to private motor vehicles, reserving the streets as open space for recreational uses.

...

A "YES" Vote Means: If you vote "yes," you want to affirm the Ordinance the Board adopted in April 2022 reserving portions of JFK Drive and certain connector streets in Golden Gate Park as open recreation spaces, closing those streets seven days a week to private motor vehicle traffic with limited exceptions.

Voters are familiar and accustomed to the word *reserve* versus *use*. In this context, *use* imparts a different meaning altogether. For consistency, we suggest replacing the word *use* with *reserve*, and delete reference to “the City.”

Suggested Text:

“The Proposal: Proposition ___ is an ordinance that would ~~allow the City to use~~*reserve* the Upper Great Highway as public open recreation space ~~permanently closing~~ ***and seek all necessary approvals to close*** it to personal and commercial motor vehicles seven days a week, with limited exceptions.”

Sentences:

“Proposition ___ would require, within 180 days of voter approval of this measure, the City to seek any other approvals necessary to permanently close the Upper Great Highway to personal and commercial motor vehicles. Those approvals may include amendments to the City’s General Plan and approvals under the California Coastal Act.”

Discussion:

Voters should clearly understand how this proposition will be operative versus when it will be effective. This is detailed in Section 5, “Additional Approvals” and “Section 6, Effective and Operative Dates.”

If approved, San Francisco cannot act to close the Upper Great Highway until the California Coastal Commission approves amendments to the City’s Western Shoreline Plan. San Francisco cannot act to close the Great Highway Extension, from Skyline Boulevard to Sloat Boulevard, until it secures permits and approvals from the California Coastal Commission.

This context helps voters understand the current pilot program will continue unchanged until the City secures all prerequisite approvals and permits. We suggest the Ballot Digest should elaborate on this process.

Suggested Text:

Proposition ___ would require, within 180 days of voter approval of this measure, the City to seek any other approvals necessary to permanently close the Upper Great Highway to personal and commercial motor vehicles.

The City may not permanently close the Upper Great Highway until it secures all necessary approvals. The current pilot program will continue until the City secures all necessary approvals, or it will end on December 31, 2025, whichever date comes first. Those approvals may include amendments to the City’s General Plan and approvals under the California Coastal Act.

Sentence:

“A "YES" Vote Means: If you vote “yes,” you want the City to use the Upper Great Highway as public open recreation space, permanently closing it to personal and commercial motor vehicles seven days a week, with limited exceptions.”

Discussion:

The current pilot program is both effective and operative. The Proposition proposes permanent changes in use to the Upper Great Highway, which are contingent on future approvals that are not time-bound. If the voters approve this Proposition and the City secures approvals prior to December 31, 2025, then the language in this Proposition will replace the current language in the San Francisco Park Code that enables the current pilot program.

We suggest this clarification to the “YES” Vote section.

Suggested Text:

“A "YES" Vote Means: If you vote “yes,” you want the City to ~~use~~*reserve* the Upper Great Highway as public open recreation space *and seek all necessary approvals to* permanently ~~closing~~*close* it to personal and commercial motor vehicles seven days a week, with limited exceptions. *The current pilot program will continue until the City secures all necessary approvals, or it will end on December 31, 2025, whichever date comes first.*”

Sentence:

“A "NO" Vote Means: If you vote “no,” you want the Upper Great Highway to continue to be closed to personal and commercial vehicles only on Friday afternoons, weekends and holidays until the pilot program expires.”

Discussion:

This phrasing lends confusion to voters, who might think a “NO” Vote is an ambiguous endorsement of the current pilot program. Some voters do not want the current pilot program to be operative at all.

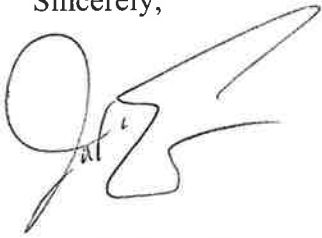
Given the suggested revision to the “YES” vote sentence, we suggest a corresponding simplification to the “NO” Vote sentence.

Suggested Text:

“If you vote “no,~~you want the Upper Great Highway to continue to be closed to personal and commercial vehicles only on Friday afternoons, weekends and holidays until the pilot program expires~~ *you do not want to make these changes.*”

Again, thank you for considering these edits. We are humbled by your dedication and appreciate your work to clearly and objectively inform all San Franciscans as they exercise their democratic right to vote.

Sincerely,



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Supervisor, District 4
San Francisco Board of Supervisors



Myrna Melgar
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