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July 29, 2014

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: Comments on Draft Digest for "Pier 70" Initiative

Dear Members of the Ballot Simplification Committee:

On behalf of our client, Neighbors for Housing and Parks at Union Iron Works, we respectfully submit these comments on the draft digest which you will be considering at tomorrow's meeting.

As an initial matter, we would like to propose a different naming convention for various geographic features discussed in the Union Iron Works Historic District Housing, Waterfront, Parks, Jobs, and Preservation Initiative. The draft digest identifies the entire 69-acre site as "Pier 70" and identifies the 28-acre portion which is the subject of the Initiative as the "Pier 70 development site." The use of "Pier 70" and "Pier 70 development site" will confuse and mislead voters into wrongly believing that both the 69-acre site and the 28-acre portion for the proposed development are located on a pier over the San Francisco Bay. Neither the 69-acre site nor the 28-acre portion are on the pier that is listed as Pier 70 or any pier¹ over San Francisco Bay. Pier 70 is an L-shaped pier which protrudes from the shoreline. A more accurate description is that the 69-acre site and 28-acre portion of the site are on land near Pier 70. Attached is a map from the Port's Waterfront Land Use Plan which shows the L-shaped pier as Pier 70 and the property near Pier 70 as Seawall Lot 349 along with an aerial photo of the same area.

It would be more accurate to describe the 69-acre site as a "...69-acre waterfront property located east of Dogpatch and south of Mission Bay near Pier 70" and to use the shorthand name of "Pier 70 Area" to describe the property throughout the digest. This description and name would be consistent with the manner in which the Port has traditionally described the area. (See e.g., printout from Port website listing project as "Pier 70 Area"; Pier 70 Concept Plan from Preferred Master Plan showing "Pier 70 Area Boundary"). Likewise, it would be

¹ The word pier means "a structure that goes out from a shore into the water." (Merriam Webster Dictionary, <http://www.merriam-webster.com/dictionary/pier>.)

more accurate to describe the 28-acre area of land which is the subject of the Initiative as a "...a 28-acre area of land roughly bounded by 20th Street, Michigan Street, 22nd Street, and the Bay" and to use the shorthand name of "Site" throughout the digest. We also recommend that it will be more clear to the voter if the digest is focused on the 28-acre area that is the focus of the ballot measure (the "Site") rather than the larger Pier 70 Area. We recommend that these naming convention be used throughout the digest and the attached redlined and clean versions of the digest contains changes throughout the digest reflecting these names and the changes described below.

Before describing some other recommended changes, we think it would be helpful to provide a brief summary of the Initiative. The Initiative has four operative sections.

Section 3: This section describes the overriding purpose of the Initiative – “the purpose of the initiative is to express the voters’ intent that the City and other applicable agencies proceed with any required environmental review and planning analysis...” of a mixed-use project on a 28-acre Site near Pier 70.

Section 4: This section requires that the development go through the normal development review and approval process, including compliance with California Environmental Quality Act (“CEQA”).

Section 5: This section amends the Planning Code to increase the height limit for buildings on the site from 40 to 90 feet, which would not take effect until after the environmental review process and subject to approval of a development plan by the Board of Supervisors.

Section 6: This section establishes that it is City policy to encourage that any development at the Site have specified uses and provide specified benefits to the City.

Proposed Changes

1. “The Way It is Now”

We suggest three minor edits to the "Way It Is Now" section.

First, the Pier 70 Area is a 69 acre site rather than a 66 acre site.

Second, we recommend changing the description of the current use of the Site. Currently, the Site is extremely underutilized and only small portions of the Site are currently being used. In addition, the description of the uses should be reordered to reflect the usage of the site – i.e., vacant land and buildings are the most prevalent use, followed by storage and then artist studios. We would recommend that following edits to the current language:

Currently, large portions of the Site are vacant and underutilized with portions being used for storage and artist studios. Currently Pier 70 is used for artist studios, ship-repair, and storage.

By adding more specific information regarding the current state of the Site, the BSC will clearly inform the voters regarding the “The Way It Is Now” at the Site.

Third, we would recommend removing the name of the developer from the digest. This would be consistent with the previous practice of not naming the specific development entity in digests for measures related to development projects – see e.g., the measures regarding the Hunter Point Naval Shipyard and 8 Washington developments. This is appropriate because the policies and initiative in the ballot measure would apply to the Site regardless of any specific development entity.

Fourth, we recommend that this section include that the proposed project is the result of a two-year community planning process.

2. “The Proposal”

The Proposal section does a good job of describing the various aspects of the Initiative. However, we would recommend that the Proposal section be revised in order to mirror the order of the operative sections of the legal text of the Initiative (Section 3-6). We believe that first paragraph of this section should reflect that the purpose of the Initiative is to express the voters’ intent that the City should proceed with required environmental review and planning analysis for the revitalization and development of a mixed-use project near Pier 70. Without this initial paragraph, voters will have no context regarding the proposed changes to City law which the initiative makes. With this initial paragraph laying out the context, the remainder of “The Proposal” section should include a paragraph outlining the three remaining operative sections of the Initiative. Lastly, the portion of the digest which lists the uses and benefits of the proposed development does not contain a description of several important benefits of the project, namely job creation, transportation and infrastructure improvements, and the creation of revenue to support public housing. These benefits are important aspects of the City policy which will be adopted if the voters approve the measure. To this end, we would recommend that the language of “The Proposal” section be amended to read:

Proposition ___ would express the voters' intent that the City should proceed with required environmental review and planning analysis for the revitalization and development of the Site for open space and recreation, residential, office, retail, small scale manufacturing, and arts purposes.

Proposition ___ provides that all aspects of development will continue to be subject to public approval processes, including environmental review under the California Environmental Quality Act (CEQA).

Proposition ___ would increase the height limit for new buildings on the site to 90 feet which is the height of the tallest historical building already on the Site. The height limit increase would not become effective until the Port, after compliance with CEQA, approves the development plan as consistent with the public trust and the state trust exchange legislation, and which should include the features described below.

Proposition ___ would also make it City policy to encourage the following major features in developing the site:

- nine acres of waterfront parks and recreation areas;
- approximately 1,000 to 2,000 new residential units, with the majority available for rent and 30% affordable for middle- and low-income households;
- restoration and re-use of historic structures; space for arts and cultural activities, nonprofits, small-scale manufacturing, retail, and neighborhood services;
- preservation of the artist community currently located on the Site;
- between approximately 1-2 million square feet of new commercial and office space;
- parking and transportation infrastructure improvements;
- significant job creation (currently estimated at 10,000 permanent jobs and 11,000 temporary construction jobs);
- investment of over \$200 million in improvements in transportation and other infrastructure critical to serving the site; and,
- generating approximately \$15 million in revenue to support the rebuild of public housing facilities.

3. “A “YES” Vote Means . . . A “NO” Vote Means”

In our view, the description of what a YES vote means does not provide the voters with a complete picture of the Initiative. Rather, it focuses on only one operative section of the Initiative. We believe that the YES vote section should include the overriding purpose of the initiative, which is to encourage the City to proceed with the required environmental review and planning and provide information regarding the proposed development. In addition, we would recommend that this section identify the specific purposes in order from the purpose which will use the most area on the Site to the purpose which will use the least area. Lastly, the section must include the information required by Proposition B regarding the height changes. To this end, we would recommend that this section should read as follows:

A "YES" Vote Means: If you vote "yes," you want the City to proceed with the required environmental review and planning analysis for a mixed-use project on a Site near Pier 70 for open space and recreation, residential, office, retail, small-scale manufacturing, and arts purposes, with a height limit increase from 40 to 90 feet.

A "NO" Vote Means: If you vote “no,” you do not want the City to proceed with the required environmental review and planning analysis for a mixed-use project near Pier 70.

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We hope that these comments are useful as the Ballot Simplification Committee conducts the important task of drafting the digest. We would look forward to discussing these comments at tomorrow's meeting.

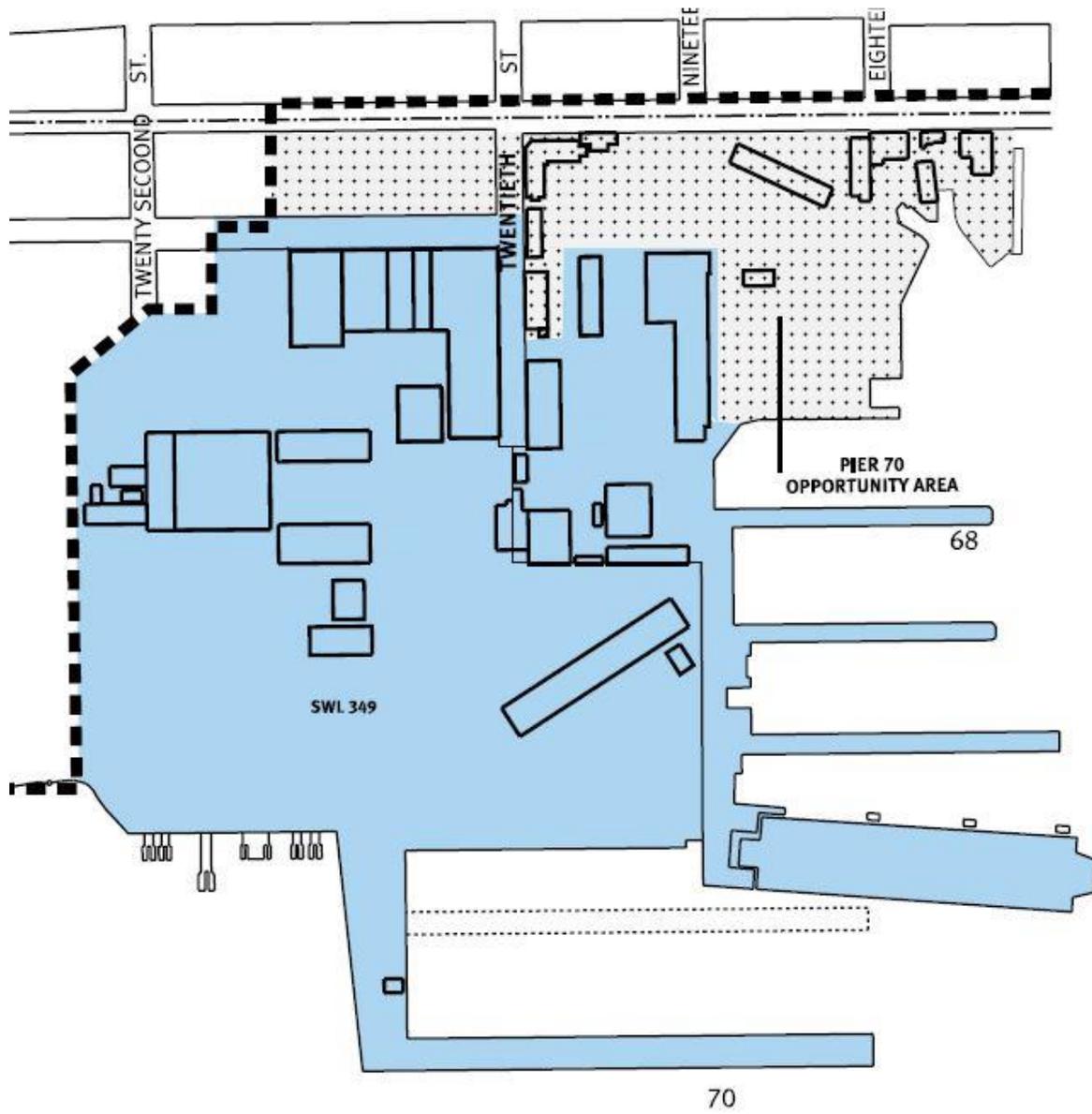
Very truly yours,

A handwritten signature in blue ink, appearing to read "Kevin Heneghan", is written on a light-colored rectangular background.

Kevin R. Heneghan

Enclosures

Map from Port's Waterfront Land Use Plan



Aerial Photo of Pier 70 Area



Port of San Francisco

SEARCH

Home » Land Use & Environment » Projects

Planning & Development Projects

The following are major Planning & Development projects and reports managed by the [Planning & Development Division](#). The Planning & Development Division focuses on creating or advising waterfront improvement projects which promote maritime industry and commerce, historic preservation, expands waterfront open space and environmental benefits, and generate revenue necessary to achieve such public benefits.

The Port's [Waterfront Land Use Plan](#) identified several Waterfront Mixed Use Opportunity Areas where commercial development is encouraged as a part of mixed use developments that also include maritime, open space and public access uses. Such projects are undertaken as public-private partnerships, in which the Port enters into a development agreement and long-term lease with a private developer who is typically selected through a request for proposals process.

The Planning & Development Division is responsible for the administration of these public-private partnership development projects ("public-private projects") from establishing the development concept for these projects through the completion of the development by the private developer partner.



Land Use & Environment

- Community Advisory Groups
- Environmental Programs
- Get Involved
- Parks & Open Space
- Planning & Development
- Projects
 - Blue Greenway Project
 - Brannan Street Wharf
 - Seawall Lot 337 (SWL 337) & Pier 48
 - Crane Cove Park
 - Downtown Ferry Terminal Expansion
 - Embarcadero Historic District
 - Embarcadero Parking and Transportation
 - Embarcadero Promenade
 - The Exploratorium
 - Ferry Building Area Planning
 - Fisherman's Wharf Planning
 - James R. Herman Cruise Terminal Project at Pier 27
 - Pier 38 Rehabilitation Project
 - Pier 43 Promenade
 - Pier 70 Area
 - Pier 90-94 Backlands Planning
 - Seawall Lot 351

Current Projects

- [Pier 27 Cruise Terminal Project](#)
- [Northeast Wharf Plaza](#)
- [The Exploratorium at Piers 15-17](#)
- [Ferry Building Area Seawall Lot 351](#)
- [Piers 30-32 Project](#)
- [Brannan Street Wharf](#)
- [Seawall Lot 337 & Pier 48](#)
- [Pier 38 Rehabilitation Project](#)
- [Pier 43 Promenade](#)
- [Pier 70 Area](#)
- [Crane Cove Park at Pier 70](#)
- [Pier 90-94 Backlands](#)
- [Southern Waterfront Gateway Sites](#)
- [Heron's Head Park](#)
- [The EcoCenter at Heron's Head Park](#)
- [The Blue Greenway](#)
- [Downtown Ferry Terminal Expansion](#)

Pier 70 Concept Plan from Preferred Master Plan (showing "Pier 70 Area Boundary")

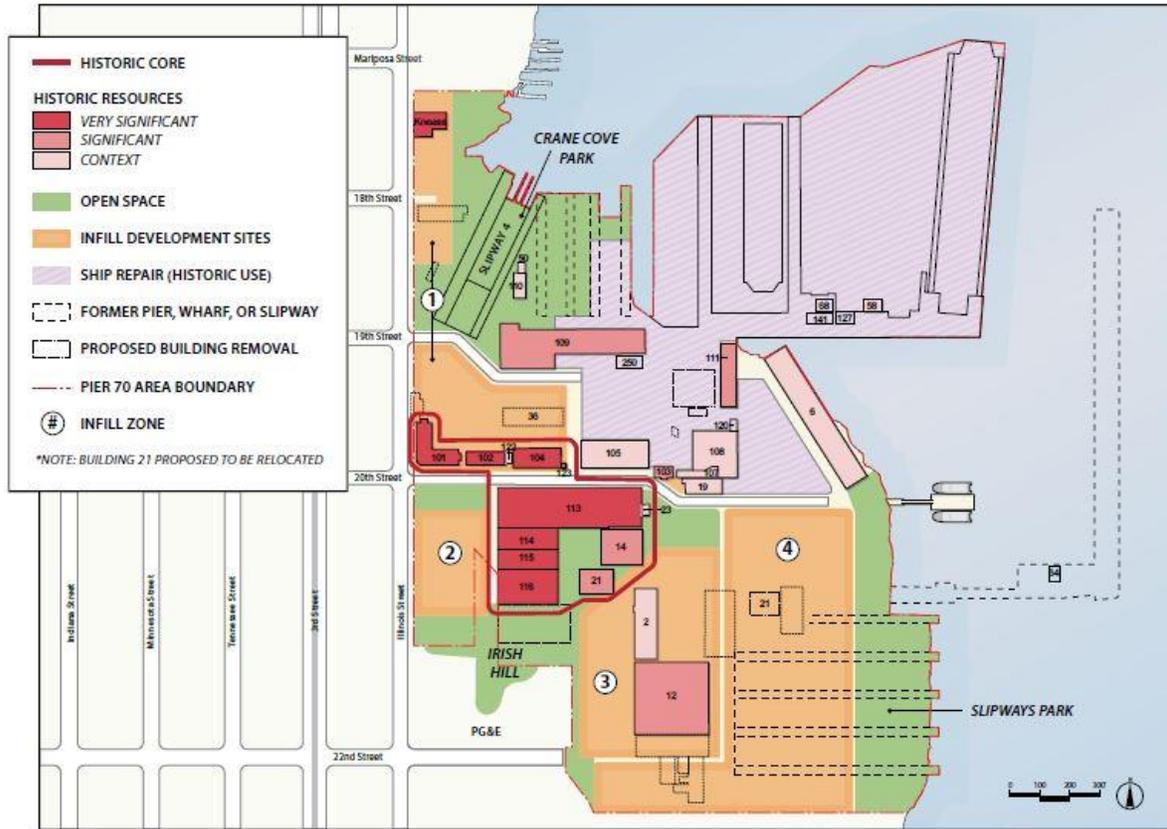


EXHIBIT 2: PIER 70 CONCEPT PLAN

PROPOSED EDITS TO DRAFT DIGEST – REDLINED VERSION

Pier 70 (*working title only, subject to change*)

The Way It Is Now:

The City, through its Port Commission (Port), owns a 28-acre area of land (Site) roughly bounded by 20th Street, Michigan Street, 22nd Street, and the Bay, which is part of a larger Pier 70 is a 6966-acre waterfront property (Pier 70 Area) owned by the City, through its Port Commission (Port), and located east of Dogpatch and south of Mission Bay. Historically, the Site Pier 70 was an industrial site, used primarily as a shipyard. Currently, large portions of the Site Pier 70 are vacant and underutilized with portions being used for storage and artist studios. The Site used for artist studios, ship repair, and storage. Pier 70 includes historic buildings and the National Register of Historic Places lists the Site Pier 70 as the Union Iron Works Historic District. The Site Pier 70 does not now afford public access to the Bay.

The Port holds the Site Pier 70 as a public trust asset for the benefit of all the State's people. The Site Pier 70 includes a mix of trust and non-trust parcels. The public trust restricts the allowable uses of trust property and usually prohibits residential and general office uses. State legislation authorizes a trust exchange for parcels within the Site Pier 70 to provide public access to the Bay, create a site suitable for non-trust development, and generate revenues for trust uses.

After a three-year community planning process, the Port created a master plan to reuse the Pier 70 Area and Site. The Port designated a 28-acre portion of Pier 70 at its southeastern edge, roughly bounded by 20th Street, Michigan Street, 22nd Street, and the Bay, as a development opportunity site. The Site is development site does not include Pier 70, any pier over water, the ship repair area, the cove, or the area containing the historic buildings on 20th Street.

In 2011, following a competitive solicitation of development proposals the Port selected a development partner for the Site. Forest City Development California to develop the 28-acre. After a two-year community planning process, site. The developer proposes a mixed-use project with public open space and recreation areas, residential, office, retail, local manufacturing and arts spaces is proposed for the Site. , and public open space and recreation areas. The project would require the trust exchange within the Pier 70 Area under the state legislation.

The current height limit for buildings on the site is 40 feet. The Site currently contains historical buildings, one of which is 90 feet tall.

The Proposal:

Proposition would express the voters' intent that the City should proceed with required environmental review and planning analysis for the revitalization and development of the Site for open space and recreation, residential, office, retail, arts, and small scale manufacturing, purposes.

Proposition ___ provides that all aspects of development will continue to be subject to public approval processes, including environmental review under the California Environmental Quality Act (CEQA).

Proposition ___ would increase the height limit for new buildings on the site to 90 feet which is the height of the tallest historical building already on the Site. The height limit increase would not become effective until the Port, after compliance with CEQA, approves the development plan as consistent with the public trust and the state trust exchange legislation, which should include the following major features and public benefits.

~~Proposition _ is an ordinance that would increase the height limit for buildings on the Pier 70 development site to 90 feet.~~

~~Proposition _ would provide that all aspects of development other than the height limit increase will continue to be subject to public approval processes, including environmental review under the California Environmental Quality Act (CEQA). The height limit increase would not become effective until the Port, after compliance with CEQA, approves the development plan as consistent with the public trust and the state trust exchange legislation.~~

Proposition _ would also make it City policy to encourage the following major features in developing the site:

- nine acres of waterfront parks and recreation areas;
- approximately 1,000 to 2,000 new residential units, with the majority available for rent and 30% affordable for middle- and low-income households;
- restoration and re-use of historic structures; space for arts and cultural activities, nonprofits, small-scale manufacturing, retail, and neighborhood services;
- preservation of the artist community currently located on the Site Pier 70;
- between approximately 1-2 million square feet of new commercial and office space; ~~and~~
- parking and transportation infrastructure improvements;
- significant job creation (currently estimated at 10,000 permanent jobs and 11,000 temporary construction jobs);
- investment of over \$200 million in improvements in transportation and other infrastructure critical to serving the Site;
- generating approximately \$15 million in revenue to support the rebuild of public housing facilities.

~~_~~

A "YES" Vote Means: If you vote "yes," you want the City to proceed with the required environmental review and planning analysis for a mixed-use project on a Site near Pier 70 for open space and recreation, residential, office, retail, small-scale manufacturing, and arts purposes, with a height limit increase from 40 to 90 feet.~~increase the height limit for buildings on the Pier 70 development site to 90 feet.~~

A "NO" Vote Means: If you vote "no," you do not want the City to proceed with the required environmental review and planning analysis for a mixed-use project near Pier 70~~make this change.~~

PROPOSED EDITS TO DRAFT DIGEST – CLEAN VERSION

Pier 70 (*working title only, subject to change*)

The Way It Is Now:

The City, through its Port Commission (Port), owns a 28-acre area of land (Site) roughly bounded by 20th Street, Michigan Street, 22nd Street, and the Bay, which is part of a larger 69-acre waterfront property (Pier 70 Area) located east of Dogpatch and south of Mission Bay. Historically, the Site was an industrial site, used primarily as a shipyard. Currently, large portions of the Site are vacant and underutilized with portions being used for storage and artist studios. The Site includes historic buildings and the National Register of Historic Places lists the Site as the Union Iron Works Historic District. The Site does not now afford public access to the Bay.

The Port holds the Site as a public trust asset for the benefit of all the State's people. The Site includes a mix of trust and non-trust parcels. The public trust restricts the allowable uses of trust property and usually prohibits residential and general office uses. State legislation authorizes a trust exchange for parcels within the Site to provide public access to the Bay, create sites suitable for non-trust development, and generate revenues for trust uses.

After a three-year community planning process, the Port created a master plan to reuse the Pier 70 Area and Site. The Site does not include Pier 70, any pier over water, the ship repair area, the cove, or the area containing the historic buildings on 20th Street.

In 2011, following a competitive solicitation of development proposals the Port selected a development partner for the Site.. After a two-year community planning process, a mixed-use project with public open space and recreation areas, residential, office, retail, local manufacturing and arts spaces is proposed for the Site. The project would require the trust exchange within the Pier 70 Area under the state legislation.

The current height limit for buildings on the site is 40 feet. The Site currently contains historical buildings, one of which is 90 feet tall.

The Proposal:

Proposition ___ would express the voters' intent that the City should proceed with required environmental review and planning analysis for the revitalization and development of the Site for open space and recreation, residential, office, retail, arts, and small scale manufacturing, purposes.

Proposition ___ provides that all aspects of development will continue to be subject to public approval processes, including environmental review under the California Environmental Quality Act (CEQA).

Proposition ___ would increase the height limit for new buildings on the site to 90 feet which is the height of the tallest historical building already on the Site. The height limit increase would not become effective until the Port, after compliance with CEQA, approves the development plan as consistent with the public trust and the state trust exchange legislation, which should include the following major features and public benefits.

Proposition _ would also make it City policy to encourage the following major features in developing the site:

- nine acres of waterfront parks and recreation areas;
- approximately 1,000 to 2,000 new residential units, with the majority available for rent and 30% affordable for middle- and low-income households;
- restoration and re-use of historic structures; space for arts and cultural activities, nonprofits, small-scale manufacturing, retail, and neighborhood services;
- preservation of the artist community currently located on the Site ;
- between approximately 1-2 million square feet of new commercial and office space;
- parking and transportation infrastructure improvements;
- significant job creation (currently estimated at 10,000 permanent jobs and 11,000 temporary construction jobs);
- investment of over \$200 million in improvements in transportation and other infrastructure critical to serving the Site;
- generating approximately \$15 million in revenue to support the rebuild of public housing facilities.

A "YES" Vote Means: If you vote "yes," you want the City to proceed with the required environmental review and planning analysis for a mixed-use project on a Site near Pier 70 for open space and recreation, residential, office, retail, small-scale manufacturing, and arts purposes, with a height limit increase from 40 to 90 feet.

A "NO" Vote Means: If you vote "no," you do not want the City to proceed with the required environmental review and planning analysis for a mixed-use project near Pier 70