

Voter Approval for Waterfront Development Height Increases

The City and County of San Francisco, through its Port Commission, owns and controls about 7-1/2 miles of the San Francisco waterfront along the San Francisco Bay. That property includes piers, land near the piers, and land on the west side of The Embarcadero roadway. The City holds most of its waterfront in public trust for the benefit of all the State's people, and this public trust restricts the allowable uses of that property. In 1990 the City's voters adopted Proposition H, which required the City to prepare a comprehensive waterfront land use plan with maximum feasible public input. Consistent with Proposition H and the public trust requirements, the Port Commission adopted a comprehensive land use plan that governs acceptable waterfront uses. The City's zoning laws regulate development of buildings and other structures on that property, including the maximum allowed height. Generally, changes in the height limit require approval of the Planning Commission and Board of Supervisors.

This measure would prevent any City agency or officer from permitting development on the waterfront to exceed the height limit in effect as of January 1, 2014, unless the City's voters approve the height limit increase. The measure defines "waterfront" as public trust property that the State transferred to the City to be placed under the control of the San Francisco Port Commission, as well as any other property that the Port owns or controls as of January 1, 2014 or later acquires. This measure also would require that the ballot question on a measure to increase height limits on any part of the waterfront specify both the existing and proposed height limits.

WORD COUNT: 267 [Maximum: 500 words]

[Department of Elections File No. 13-03a]

SAN FRANCISCO
FILED
2014 JAN -9 AM 9:20
DEPARTMENT OF ELECTIONS

1 The existing maximum building height limits on the San Francisco waterfront shall be
2 preserved and shall not be increased unless a height limit increase is approved by San Francisco
3 voters.

4
5 **SECTION 3. Waterfront Height Limit Right To Vote Requirement**

6
7 Section 61.5.1 is added to the San Francisco Administrative Code as follows:

- 8
9 (a) No city agency or officer may take, or permit to be taken, any action to permit
10 development located in whole or in part on the waterfront to exceed at any point the
11 building and structure height limits in effect as of January 1, 2014, which are set
12 forth in San Francisco Planning Code Article 2.5, unless a height limit increase for
13 the development has been approved by a vote of the electors of the City and County
14 of San Francisco.
- 15
16 (b) Any ballot measure placed before the electors to approve increased height limits for
17 development on the waterfront must specify both the existing and proposed height
18 limits in the ballot question. The failure to specify both the existing and proposed
19 height limits in the ballot question shall render such an increase in height limits void.
- 20
21 (c) For the purposes of this Section, the term “waterfront” means land transferred to the
22 City and County of San Francisco pursuant to Chapter 1333 of the Statutes of 1968,
23 as well as any other property which is owned by or under the control of the Port
24 Commission of San Francisco as of January 1, 2014 or acquired thereafter.

1 **SECTION 4. Effective Date**

2
3 In accordance with the provisions of California Elections Code section 9217, if a majority of
4 the voters vote in favor of the Initiative, the Initiative shall go into effect 10 days after the vote is
5 declared by the Board of Supervisors.
6

7 **SECTION 5. Severability**

8
9 If any provision of this Initiative or any application thereof to any person or circumstance is
10 held invalid, such invalidity shall not affect any provision or application of this Initiative that can be
11 given effect without the invalid provision or application. To this end, the provisions of this Initiative
12 are severable.
13
14
15
16
17
18
19
20
21
22
23
24
25

SAN FRANCISCO
FILED
2013 DEC 30 AM 11:07
DEPARTMENT OF ELECTIONS