

February 26, 2014

Chair Betty Packard and Members of the Ballot Simplification Committee
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102

Via email to: publications@sfgov.org

Re: Request for Reconsideration: **Ballot Measure – Voter Approval for Waterfront Height Increases**

Dear Chair Packard and Members of the Committee:

Thank you for your work to prepare the Approved Digest for the ballot initiative “Voter Approval for Waterfront Height Increases” that will appear on the June ballot.

I write to respectfully request your reconsideration of the digest. Specifically, I request that you make the following two edits for the reasons outlined below:

- 1) **Please add a sentence to “The Way It Is Now” that lets voters know what the general range of height limits is in the affected area today so that they have some context for the main issue that the ballot measure is all about.**

The third paragraph of “The Way It Is Now” section in the Approved Digest states that height limits currently exist on the waterfront property and briefly explains the existing process for changing them. However, it leaves a big gap to not provide voters with at least a general understanding of what the issue is by stating the general range of current height limits that would be potentially impacted by this measure and by future development proposals that might attempt to increase those height limits.

In last November’s Ballot Simplification Committee Digest for Proposition C (8 Washington Street – Referendum), the Committee informed voters in “The Way It Is Now” section that: “The existing height limit is 84 feet.”

Page 64 of the *Port of San Francisco Waterfront Land Use Plan* states that there are “existing 40 foot height limits which apply to all piers, except in the Ferry Building area where there is an 84 foot height limit. Most of the Port’s seawall lots also have a 40-foot height limit, with 84 foot and 105 height limits for a few parcels and the planned ballpark site on Pier 46B which has a height limit of 150 feet.”

Suggested additional sentence in paragraph three of “The Way It Is Now”:
(new language underlined)

“The City’s zoning laws regulate development on that property, including the maximum allowed height. The existing height limits generally range from 40 feet to 105 feet. Changes in existing height limits generally require neighborhood notification, public hearings, and approval by the Planning Commission and Board of Supervisors. These changes do not require the voters to approve a ballot measure.”

- 2) **The exclusive use of the phrase “Port property” instead of “waterfront” in “The Proposal” and “A ‘Yes’ Vote Means” portions of the Digest is unclear and inconsistent with the Ballot Simplification Digest for 1990’s Proposition H, which clearly defined the term “waterfront” in San Francisco law, and with the Port of San Francisco’s common use of “waterfront” to describe the affected areas.**

While I recognize that the Committee considered this issue, upon a read of the Approved Digest it stands out that the widely recognized and used term “waterfront” is omitted entirely from the part of the Digest that most voters will rely on the heaviest: “The Proposal” and “A ‘Yes’ Vote Means” portions.

I would like to bring two new pieces of information to the Committee’s attention in requesting that you consider edited language that will better help voters understand the areas the ballot measure covers.

First, the Ballot Simplification Committee Digest for November 1990’s Proposition H referred to the same area that would be affected by this ballot measure as follows: “The Proposal: Proposition H would require the City to prepare a ‘*Waterfront Land Use Plan*’ which would govern any new uses *on the waterfront*. Proposition H defines ‘*waterfront*’ as Port lands transferred to the City from the State and certain other property that is under the control of the Port of San Francisco.” (*italics added*)

That Digest went on to use the term “waterfront” numerous additional times throughout the Digest, and did not use the phrase “Port property” at all. The phrase “Port property” is not used once in either the text of the current ballot measure or the City Attorney’s title and summary, in which the term “waterfront” is used repeatedly.

Second, the Port of San Francisco’s website, public information materials, and planning documents all commonly use the term “waterfront” rather than “Port property” when describing to the general public what the areas are under the jurisdiction of the Port of San Francisco. For example, in the Port information about its Community Advisory Groups, they are described as “Northeast *Waterfront* Advisory Group;” “Central *Waterfront* Advisory Group”; and “Southern *Waterfront* Advisory Group.” The Port’s Capital plan refers throughout it to the “waterfront.” The Port Executive Director’s Feb. 20th letter to the Director of Elections about this ballot measure repeatedly references the “waterfront” when describing the areas covered by this ballot measure.

Finally, since “The Proposal” section already includes a very specific definition of the affected areas as property under the control of the Port Commission, there is no need for a redundant use of the phrase “Port property” to clarify that this measure does not apply to Ocean Beach, the Presidio, or other areas.

Suggested additional language in “The Proposal” and “A ‘Yes’ Vote Means:
(new language underlined)

The Proposal:

Proposition B would prevent the City from allowing any development on the waterfront that exceeds the height limits in effect as of January 1, 2014, unless the City’s voters have first approved an increase in the height limit for that development. The measure applies to property currently under the

control of the Port Commission, as well as any property that the Port may later acquire. Any ballot question to increase height limits on the waterfront must specify both existing and proposed height limits.

A “Yes” Vote Means: If you vote “yes,” you want to prevent the City from allowing any development on the waterfront to exceed the height limits in effect as of January 1, 2014, unless the City’s voters have approved a height limit increase.”

I hope you will reconsider these aspects of the Approved Digest and make appropriate changes.

Thank you very much for your time and consideration.

Sincerely,



Jon Golinger
No Wall on the Waterfront

Waterfront Land Use Plan

H

PROPOSITION H

Shall the City be required to prepare a "Waterfront Land Use Plan," shall hotels and other uses determined to be "Unacceptable Non-Maritime Land Uses" be prohibited on the waterfront and shall the City be prohibited from taking any action on certain types of new developments until this Plan is prepared?

YES 304
NO 305



Analysis

by Ballot Simplification Committee

THE WAY IT IS NOW: Many types of uses, including hotels, are allowed on the San Francisco waterfront, with City approval and subject to certain laws.

THE PROPOSAL: Proposition H would require the City to prepare a "Waterfront Land Use Plan" which would govern any new uses on the waterfront. Proposition H defines "waterfront" as Port lands transferred to the City from the State and certain other property that is under the control of the Port of San Francisco.

The Plan would create three categories of waterfront land uses: (1) Maritime Land Uses, such as maritime cargo handling, ship repair facilities and fish processing plants; (2) Acceptable Non-Maritime Land Uses, such as parks and wildlife habitats; and (3) Unacceptable Non-Maritime Land Uses. Hotels are the only Non-Maritime Land Uses specifically prohibited by this proposal. Proposition H also sets out guidelines for determining other Acceptable and Unacceptable Non-Maritime Land Uses.

Until the Plan is completed, the City could not allow

new development of any Non-Maritime uses except those permitted in the ordinance or those that existed or had all necessary permits on January 1, 1990.

Once the Plan is completed, the City could not allow the building of hotels or other Unacceptable Non-Maritime Land Uses on the waterfront. Unacceptable Non-Maritime Land Uses that existed on January 1, 1990 could continue to operate.

Adoption of the Plan and amendments would be subject to a public hearing held by the Planning Commission. The City would be required to change the Master Plan and other City laws to make them consistent with Proposition H and to request that relevant State laws and regional plans be similarly changed.

A "YES" VOTE MEANS: If you vote yes, you want this Waterfront Land Use Plan to be adopted.

A "NO" VOTE MEANS: If you vote no, you do not want this Waterfront Land Use Plan to be adopted.

Controller's Statement on "H"

Should the proposed initiative measure be approved, in my opinion, it would not, in and of itself, affect the cost of government. However, as a product of its future application, it could have a negative effect on both Port revenues and general revenues from property, business, sales, and other tax sources, the amount of which is indeterminate but could be substantial.

How "H" Got on the Ballot

On August 2, 1990 the Registrar of Voters certified that the initiative petition calling for Proposition H to be placed on the ballot had qualified for the ballot.

9,399 valid signatures were required to place an initiative ordinance on the ballot. This number is equal to 5% of the total number of people who voted for Mayor in 1987.

A random check of the signatures submitted on July 24, 1990 by the proponents of the initiative petition showed that 14,516 of the signatures submitted were valid, 5,117 more than the required number of signatures.

There has been very little new commercial development on Port property within the last 20 years. Many of the existing commercial uses in the Northern Waterfront were developed before 1980 as single-use establishments, including Alioto's, The Franciscan and other seafood restaurants, the Blue Shield office building in Fisherman's Wharf, and the Francisco Bay Office Park in the Northeast Waterfront.

One exception is Pier 39, the visitor-oriented retail and entertainment complex in Fisherman's Wharf, which was built in 1978 as a mixed-use maritime complex. Although some critics consider the development too tourist-oriented, and not properly oriented towards the water, Pier 39 nevertheless successfully integrates marina and excursion boat activities and public access features which have greatly improved the appearance of the area.

The Waterfront Land Use Plan promotes a variety of commercial activities, including both revenue-generating and non-profit uses. As discussed more fully in the Introduction to Chapter 4, the Plan strongly encourages that, where feasible, new commercial development on piers be a part of mixed-use developments (in new "Waterfront Mixed Use Opportunity Areas") which include maritime uses and open space and public access to bring day and nighttime activity to the waterfront and foster long term public-oriented activities on Port property. If planned and executed in a coordinated fashion, this flexible, mixed-use development approach offers excellent opportunities to reunite the City with waterside attractions and amenities. To achieve this goal, the Waterfront Design & Access Element provides additional policies for the design of new development, including policies on public access, views and historic preservation. In addition to the existing Port properties discussed in this Plan, any new properties that the Port may acquire or control may be considered for mixed-use development.

New public transit service will greatly improve access to new developments on Port property, and should be promoted as a primary mode of transportation. However, new assembly, entertainment and other public-oriented uses along the waterfront, particularly those attracting people during the evenings and weekends, will require additional parking. Wherever parking is provided, appropriate efforts should be made to maximize the efficient use of new and existing parking and minimize adverse impacts on public access pursuant to BCDC Special Area Plan Transportation and Parking Policies.

The development of major new commercial uses, particularly in mixed-use developments on piers and waterside sites, will also provide opportunities to establish a "PortWalk", a new way to experience the sights and sounds of waterfront activities, by extending public access onto piers and connecting it to pedestrian improvements along The Embarcadero. The Waterfront Design & Access Element includes further discussion and description of qualitative standards for PortWalk improvements.

The Waterfront Plan also promotes low-scale development along most of the waterfront, consistent with the existing 40 foot height limits which apply to all piers, except in the Ferry Building area where there is an 84 foot height limit. Most of the Port's seawall lots also have a 40-foot height limit, with 84 foot and 105 foot height limits for a few parcels and the planned ballpark site on Pier 46B which has a height limit of 150 feet. All of the permitted commercial uses can be developed within these existing height limits.