



February 24, 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

Re: Title and Digest – Proposition B on the June 3, 2014 Ballot

Dear Chair Packard and Committee Members:

The Ballot Simplification Committee's working title and digest of the Waterfront Height Initiative measure, Proposition B, prepared for the June 3, 2014 election, do not clearly explain what this measure means to the voters.

Since the initiative would only affect building height limits on waterfront and former waterfront property administered by the Port of San Francisco, not properties that are privately owned or otherwise not owned by the Port, those other waterfront properties would not require voter approval for a height limit increase.

Also, many Port administered properties subject to public trust restrictions are no longer on the waterfront, not just west of the Embarcadero, but on parcels inland from the current Bay edge that were filled at various times, and turned into streets or land parcels, and are no longer contiguous to San Francisco Bay. The legal text of the Initiative includes "any other property which is owned by or under the control of the Port ... as of January 1, 2014". Many discontinuous former waterfront parcels are administered by the Port and subject to the jurisdiction of the State Lands Commission.

A more appropriate title for the Digest would be: Port Building Height Limit Increase Approval.

The role of the Ballot Simplification Committee is to clearly outline both The Way It is Now and the Proposal.

The draft digest should be amended to reflect that some of this property is former waterfront, and that the measure only applies to Port property. It should also explain that the Waterfront Land Use Plan permits flexible development of specific Port properties after a site specific planning approval process. This proposal would curtail the Port's ability to conduct a site specific planning and approval process and potentially delay, reduce or eliminate the Port's ability to fund its Capital Plan or fulfill its Public Trust obligations under State Law.

The City regulates development of that property in conjunction with the Port Commission through approval of the Planning Commission and Board of Supervisors after site specific review and approvals, including CEQA clearance. This measure would limit the Planning Department's ability to carry out the review and approval process, and potentially reduce the City's ability to mitigate impacts created by aspects of a project that were approved by the voters.

The statements of the Port and the Planning Department about the impacts of this measure are fact, not speculation or argument.

The Initiative is imprecise and potentially misleading, and the voters of San Francisco need to be able to understand the implications of the significant changes in land use planning and project approvals its passage would create.

Attached please find a red line version of proposed wording changes to the Digest.

Thank you for your consideration.

Sincerely yours,

Corinne W. Woods

Voter Approval for Waterfront Height IncreasesPort Building Height Limit Increase Approval (working title only, subject to change)

The Way It Is Now:

The City and County of San Francisco, through the Port Commission, ~~owns and controls~~administers about 7½ miles of the waterfront ~~and former waterfront~~ along the San Francisco Bay. That property includes piers, land near the piers, and ~~former waterfront land on the west side of The Embarcadero roadway that was filled and is no longer adjacent to the Bay.~~ The City acquired most of this ~~waterfront- waterfront and former waterfront~~ property in 1968 from the State of California and holds that property in trust for the benefit of the people of California. State law restricts the allowable uses of the trust property and requires that the property be managed for trust purposes.

In 1990, the City's voters adopted Proposition H, which required the City to prepare a comprehensive ~~waterfront land use plan~~Waterfront Land Use Plan with maximum feasible public input. Consistent with Proposition H and public trust requirements, the Port Commission adopted a comprehensive land use plan that governs acceptable waterfront uses. ~~The Plan permits flexible development of specific Port properties after a site specific planning and approval process, subject to approval of the State Lands Commission .~~

~~In conjunction with the Port Commission, T~~the City's zoning lawsCity regulates development on that property, including the maximum allowed height. Changes in existing height limits generally require approval of the Planning Commission and Board of Supervisors, ~~after site specific review and approvals, including CEQA clearance.-~~

The Proposal:

This measure would prevent any City agency or officer from permitting development on ~~Port property on~~ the waterfront ~~or the former waterfront~~ to exceed the height limits in effect as of January 1, 2014, unless the City's voters have approved a height limit increase. The measure defines "waterfront" as property that the State transferred to the City ~~in 1968 to be placed under the control of~~be administered in Public Trust by the Port Commission, as well as any other property that the Port Commission 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 the waterfront specify both the existing and proposed height limits.

A "YES" Vote Means: If you vote "yes", you want to prevent the City from permitting development on the waterfront to exceed the height limits in effect as of January 1, 2014, unless the City's voters have approved the height limit increase.

A "NO" Vote Means: If you vote "no", you do not want to make this change.