

Policy Position

Proposition B: Voter Approval for Waterfront Development Height Increases June, 3 2014 General Election

The Parks Alliance opposes Proposition B: Voter Approval for Waterfront Development Height Increases. If enacted, this deceptively simple initiative will have profound unintended consequences for future development of parks and open spaces along San Francisco's waterfront.

No organization cares more than we do about maintaining public access and enjoyment of waterfront property. For at least a decade we have engaged our political leaders and local communities around the vision for the Blue Greenway - a network of parks, trails, open space and Bay access points from AT&T Ballpark all the way to the south. This largely undeveloped and underutilized part of the City is visually stunning and holds huge potential. It truly can be the "Crissy Field of the Southeast," rewarding some of the City's least prosperous residents with the world-class parkland they deserve.

Our years of work on the Blue Greenway have shown us that well planned development and public-private partnerships will be necessary if our vision is to be financially viable; and with development comes tension between private interests and public benefits.

Prop. B reduces the issues down to a simplistic "let the people vote" slogan. The real problem is that too many San Franciscans believe our City's approach to development is subject to back-room influence by moneyed interests. We urge the Port, the Planning Department, the Mayor and the Board of Supervisors to take a fresh look at these suspicions and take measures to increase public trust. Otherwise, we fear the future holds more initiatives like Prop. B - initiatives that pretend to be about smart development but are really about obstructing a comprehensive and holistic planning process.

We have consistently advocated for intelligent open space planning that balances public benefits with financial viability. When conducted well, such a process takes time to build consensus and educate the public about often-complex choices and trade-offs.

A smart, inclusive, consensus-driven planning process is not well-served by putting linchpin decisions—like height limits—to a popular vote. Instead, key decisions should be made by stakeholders and community members who have conducted a careful and thorough analysis of the issues involved. Then, such decisions should be vetted by policy makers and leaders in an open and transparent process.

Unfortunately, Proposition B will not address the larger issues and challenges that the Port and the City face in an effort to preserve and steward the waterfront for future generations.

April 2014

April 14, 2014

PROP B: VOTER APPROVAL OF WATERFRONT DEVELOPMENT HEIGHT INCREASES

June 3, 2014 General Election

WHAT THE PROPOSITION SAYS: The language of Prop B is very simple - it says that any changes to the height limit specified in the City Planning Code as of January 1, 2014 for a development on Port property must be put to a vote of the people.

WHAT IT WOULD DO: This initiative would immediately affect three large Port development projects already in the pipeline:

- The Giants' proposed project at Pier 48 /Seawall Lot 337 features two residential towers (proposed at 380 feet) as well as commercial space, parking and open space in what is currently the Giants' Parking Lots A and B;
- The proposed Golden State Warriors arena and associated residential and open space at Piers 30/32;
- A mixed-use development proposal at Pier 70 with 1,000 residential units as well as open space and retail/office space - 69 acres at the heart of the Blue Greenway, including Crane Cove Park.

Current waterfront height limits vary (heights up to 90 feet are permissible in some places and required to be as low as 0 feet in others) but are generally 40 feet. Though we have not yet found a detailed analysis of current height limits for each waterfront parcel vs. heights in the various proposed developments, it seems clear that the Waterfront Height Limit initiative, if passed by the voters, would immediately subject each of the projects listed above, not to mention future proposed developments, to approval by the voters on some future ballot.

Because this initiative only affects Port property, some waterfront developments - notably the Salesforce site in Mission Bay—would not be affected.

POLICY IMPLICATIONS: The Port, in an analysis provided to the Department of Elections, says that passage of Prop B. would result in \$8.5 billion in lost revenue to the City and County, just from projects in the pipeline.¹ In a separate analysis also provided to the Department of Elections, the Planning Department argued that the scope of the proposed measure far exceeds a simple “up or down vote” on height limits. Instead, the analysis says, a developer could place numerous elements of a project - parking, open space, or the size of buildings-- up for a vote and thereby upend the conventional review process that includes neighborhood review, as well as review by the Planning Commission and the Board of Supervisors.² The Mayor has agreed to issue an executive order commissioning an “impartial analysis” from other City departments, including MTA and the Office of Housing and Community Development.³

Another problem, opponents say, is that while the City (through the Port Department and Commission) is the trustee of Port property, that property is actually state property, held in trust for all the people of California. Therefore, they say Prop. B violates state law and numerous court decisions.⁴

¹ Letter to John Arntz, Director of the Elections Department, from Monique Moyer, Port Executive Director, dated Feb. 20, 2014

² Letter to John Arntz, from John Rahaim, Director of Planning, dated Feb. 20, 2014

³ “S.F. Supervisors spared fight over Prop B,” by John Coté, San Francisco Chronicle, March 21, 2014

⁴ “State wades into S.F. waterfront height-limit fight,” by John Cote, SF Chronicle, January 13, 2014

Proponents of the initiative, including the Sierra Club and Save the Bay (a similar coalition supported the “No Wall on the Waterfront” initiative that passed overwhelmingly in November 2013) say that they are simply trying to protect the waterfront and enforce rules set by the voters themselves when they passed Proposition H in 1990. That initiative required the development of a Waterfront Land Use Plan governing development on Port properties. Jon Golinger, the campaign manager for Prop B, told the Chronicle that with this initiative, as well as the 2013 vote against 8 Washington, advocates are trying to keep developers from skirting existing rules. “[R]espect the plan that’s already in place, and if you want to change it, don’t try to do it behind closed doors. Do it in the light of day, and let the people have a say,” Golinger was quoted as saying.⁵ Finally, proponents argue that the Port and the City have a clear economic interest in pushing development projects like the Warriors Arena or the Giants proposal forward. They ask: Should the City act as the arbiter of whether a proposed development is appropriate and meets residents’ needs if it has an economic interest in the outcome?

The Port’s Waterfront Land Use Plan is a comprehensive plan that governs acceptable uses for all the Port’s properties that are subject to oversight by the State through the State Lands Commission and the Bay Conservation and Development Commission. It establishes broad goals and general land use policies that apply Port-wide, with the overarching objective of “Reuniting San Francisco with its Waterfront,” and divides the 7.5 miles of Port jurisdiction into five waterfront subareas. Within each sub-area, the Plan identifies acceptable maritime and non-maritime uses for each property, and locations of public open spaces and “Waterfront Mixed Use Opportunity Areas”. Development of the Mixed Use Opportunity Areas would, the Port argues, generate desperately needed funds to help bridge a significant gap in the Port’s Capital Plan and fulfill its Public Trust mission.

Opponents to Prop B argue that the development of the Waterfront Land Use Plan has now led to a collaborative process among the City (represented by the Planning Department) the Port, the Bay Conservation and Development Commission (BCDC) and the State Lands Commission. This process is informed by active community engagement led by the Port’s Community Advisory Groups, and balances financial feasibility with public benefits.

INPUT FROM POLICY COUNCIL: The Park Policy Council met on April 9 and heard an informational presentation on Prop. B followed by a facilitated discussion. The overwhelming sentiment from Policy Council members was uneasiness at the “broad-brush” approach of Prop. B. Many expressed concern that the initiative would have unintended consequences. “This will trump our City’s planning process . . . whoever runs the best campaign will decide,” was one well-represented opinion. However, many members also expressed distrust that the current governmental entities entrusted with planning and development decisions take the interests and desires of ordinary people into account when making those decisions. There is a clear apprehension among Policy Council members that the City’s rapid growth and economic development is failing to address long-term needs and opportunities for open space and outdoor recreation; Prop. B effectively uses height as a stand-in for those broader concerns. Concerns about rapid growth, increasing density, open space and access to the waterfront are what make Prop. B’s straightforward language attractive to a significant number of Policy Council members (and presumably many voters).

POLICY COMMITTEE DECISION: We cannot recommend a Yes position on Prop. B. The as-yet unknowable (but very likely negative) implications Prop. B has for the Blue Greenway,

⁵ “Signatures for S.F.’s Waterfront Height Limit are filed,” by John Coté, San Francisco Chronicle, Feb. 4, 2014

as well as our organizational stance against ballot-box planning, makes supporting this initiative impossible. The question then becomes: should the Parks Alliance take a stance against Prop. B, or should we stay neutral, as we did with 8 Washington in 2013?

From a policy and planning standpoint, Prop. B is poorly-conceived public policy that could have profound unintended consequences for waterfront planning and development for decades to come. Projects like Pier 70 and the Giants' plans for Pier 48 and Seawall Lot 337 have been in the works for years and have a significant and extensive community engagement track record. They would transform blighted waterfront areas with no public amenities or access into developments providing housing, open space, and commercial uses.

We do not see Prop. B as an appropriate way to address the substantive and serious planning issues these and other projects (like the Warrior's Arena at Piers 30/32) raise. And while there are legitimate concerns about whether our current planning process is subject to undue influence by moneyed interests and/or that it lacks transparency, we maintain that Prop. B is not the way to address these concerns either.

Therefore, from a pure policy analysis standpoint, we believe an outright No position on Prop. B is warranted and defensible. Maintaining a neutral stance would give the false impression that we as an organization think ballot-box planning initiatives like Prop. B are a reasonable idea. In the case of 8 Washington, there were two initiatives—one sponsored by the pro side and one sponsored by the con side. In that case, we could not support either initiative. Given the potential for voter confusion, we believed a neutral stance on both initiatives was the best way to indicate our grave concerns without assisting either side. In this case, there is one deceptively simple initiative. We believe a No position is most consistent with our values and our organizational goals.

FOR FURTHER READING

- Full text of Prop B:
http://sfgov2.org/ftp/uploadedfiles/elections/candidates/Jun2014/Jun2014_WaterfrontHeightLimit.pdf
- SF Port Analysis of Prop B:
http://sfgov2.org/ftp/uploadedfiles/elections/ElectionsArchives/Meeting_Information/BS/SC/agendas/2014/Department%20Analysis-Port%20of%20San%20Francisco.pdf
- SF Planning Department Analysis of Prop B:
http://sfgov2.org/ftp/uploadedfiles/elections/ElectionsArchives/Meeting_Information/BS/SC/agendas/2014/Department%20analysis-Planning%20Department.pdf
- SF Chronicle on State Lands Commission analysis of Prop. B
<http://www.sfgate.com/warriors/article/State-wades-into-S-F-waterfront-height-limit-5140503.php>
- SF Chronicle interviews Prop B. campaign manager Jon Golinger:
<http://www.sfgate.com/bayarea/article/Signatures-for-S-F-waterfront-height-limit-5201678.php>