



Edwin M. Lee, Mayor
Mohammed Nuru, Director



April 22, 2014

Mayor Edwin Lee
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Subject: Review and Analysis of the proposed Waterfront Height Limit Right to Vote Act

Dear Mayor Lee:

I am writing in response to your request for review and analysis of the proposed "Waterfront Height Limit Right to Vote Act" as it relates to the Department of Public Works (DPW). DPW's purview regarding development on Port owned property would primarily focus on adjacent public rights-of-way, such as sidewalks, streets, pedestrian amenities, and regulating the use of the roadway as outlined by various sections of the San Francisco Public Works Code.

After reviewing the "Waterfront Height Limit Right to Vote Act," the Act presents several areas of concern for DPW that would require additional clarification:

1. Provision of Public Amenities

The Act places building and height limits on development on the waterfront that impact density. Density limitation may reduce available developer funding for public right-of-way amenities as outlined in the Better Streets Plan and other adopted plans and policies.

2. Public Works Code Requirements and Project Review

The Act does not restrict sponsors of future height ballot measures to height limit discussions. Sponsors may include with their ballot measure development plans and elements that have not received the proper project review and approvals from DPW. Once the ballot measure is approved by the voters, the development plans and elements included within the ballot measure may allow voter approval to supersede Public Works Code requirements. As the stewards of the public rights-of-way, DPW controls, and often times, maintains improvements within the sidewalks, streets, and open spaces. There is a potential with this Act that DPW loses the opportunity to review projects. This may reduce DPW's ability to ensure projects in conformance with established engineering standards and maintenance practices.



3. Future Public and/or Private Development Impacts

Public or private development may necessitate right-of-way vacations for parcel assemblage. Rights-of-way do not currently have zoning designations that specify building and structure height limits. Therefore, rights-of-way for future public and/or private developments within the defined waterfront area would be subject to the Act when they are vacated and rezoned for development, even if the rezoning is consistent with adjacent parcels.

In general, it is important for the public to understand what they may be approving with their votes and understanding how their votes impact the abilities of responsible public agencies to provide for the City of San Francisco as a whole, versus a set of individuals or special interests.

Please feel free to contact Jerry Sanguinetti at 554-5801 or Jerry.Sanguinetti@sfdpw.org if you have any questions about our review and analysis.

Sincerely,



Mohammed Nuru
Director, Public Works\

