

## LEGISLATIVE DIGEST

[Initiative Ordinance - Administrative Code - Seawall Lot 337 Height Limit Increase and Affordable Housing Requirement]

**Ordinance amending the Administrative Code to authorize City agencies and officers to increase the height limit from a single story to 120 feet on a portion of Seawall Lot 337 and on certain adjacent property (waterfront property generally bounded on the north by China Basin Park, on the west by Third Street, on the east by Pier 48 and Pier 50, and on the south by Mission Rock Street), and to require any residential use located on the property to achieve specified affordability requirements, at an election to be held on November 3, 2015.**

### Existing Law

In June 2014, the voters approved Proposition B (the “Waterfront Height Limit Right to Vote Act”). It requires voter approval for any City agency or officer to permit development on waterfront property that exceeds the height limits in effect on January 1, 2014. The waterfront property subject to the ordinance consists of a portion of Seawall Lot 337, parcel P20 in the Mission Bay Redevelopment Plan Area and portions of Terry A. Francois Boulevard (“SWL 337 Site”). Seawall Lot 337 and parcel P20 are currently designated as open space, with any structures limited to a single story, and no other height or bulk district classifications apply to the SWL 337 Site.

### Amendments to Current Law

The proposed ordinance would authorize City agencies and officers to increase the height limit on the SWL 337 Site to 120 feet. It also would require that any residential units permitted on the SWL 337 Site must meet housing affordability requirements: (1) 50% of the residential units must be affordable to households earning up to 150% of area median income; and (2) of this amount, 66% (or 33% of total units) must be affordable to households earning between 0% to 120% of area median income.

### Background Information

The SWL 337 Site is public trust property subject to the Burton Act, including SB 815 (Stats. 2007, ch. 660). The public trust doctrine generally prohibits use of public trust land for residential uses. Under SB 815 the State Legislature authorized the Port to lease all or a portion of Seawall Lot 337 free from the use restrictions of the public trust doctrine and the Burton Act for a lease term that does not extend beyond January 1, 2094. Lease revenues must be used for the benefit of the Port’s public trust property.

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