

1 [Urging Vigorous Defense of San Francisco's Participatory Waterfront Development Process]

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3 **Resolution committing to support vigorous defense by San Francisco City Attorney**  
4 **Dennis Herrera of San Francisco's participatory waterfront development process and**  
5 **upholding the will of the voters who passed Proposition B in the June 3, 2014, election.**  
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7 WHEREAS, The San Francisco waterfront is an irreplaceable public resource of the  
8 highest value, providing bayside recreation, maritime and retail jobs, valuable revenue, and  
9 public enjoyment for millions of people from around the world every year; and

10 WHEREAS, In 1968, the California state legislature approved the Burton Act  
11 transferring ownership of the tidelands along the San Francisco waterfront from the State of  
12 California to the City and County of San Francisco to be held in the public trust; and

13 WHEREAS, Following the enactment of the Burton Act in 1968, San Francisco voters  
14 have voted on at least 18 waterfront-related ballot initiatives, including measures to  
15 rehabilitate the historic Ferry Building, create waterfront parks and open space, and build the  
16 Giants' waterfront ballpark; and

17 WHEREAS, On June 3, 2014, San Francisco voters approved Proposition B, the  
18 Waterfront Height Limit Right to Vote Act, by a vote of 59% to 41%; and

19 WHEREAS, On July 15, 2014, the California State Lands Commission filed a lawsuit in  
20 Superior Court attempting to nullify Proposition B and invalidate all of San Francisco's zoning  
21 regulations and local control over the San Francisco waterfront; and

22 WHEREAS, San Francisco City Attorney Dennis Herrera immediately responded to the  
23 lawsuit by issuing the following statement: "For decades, land use decisions involving San  
24 Francisco's waterfront have included voters, elected leaders and appointed members of our  
25 Planning and Port Commissions. It's a participatory process that enacted a comprehensive

1 Waterfront Land Use Plan in 1990, developed a showplace ballpark for the Giants, and  
2 continues to protect an urban waterfront that is the envy of cities worldwide. San Francisco's  
3 deliberative decision-making process on waterfront land use has never been successfully  
4 challenged, and I intend to defend it aggressively. With today's lawsuit, the State Lands  
5 Commission seems to have embraced the notion that any local initiative—and, by extension,  
6 any land use regulation approved by a Board of Supervisors or Planning Commission—  
7 affecting port property is barred by state law, and therefore invalid. That view represents a  
8 radical departure in law and practice from land use decision-making in San Francisco and  
9 elsewhere. While the City must certainly honor its obligations as trustee in managing public  
10 trust property, it is a legally and practically untenable position to argue that San Francisco's  
11 voters and elected officials have no direct say over how our city's waterfront is developed;"  
12 now, therefore, be it

13       RESOLVED, That the Board of Supervisors supports San Francisco City Attorney  
14 Dennis Herrera's decision to vigorously defend San Francisco's participatory waterfront  
15 development process and the will of the voters in passing Proposition B in the June 3, 2014,  
16 election.