

# Still no settlement in waterfront height limit lawsuit

## Land commission says state trumps local law

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San Francisco remains embroiled in a lawsuit over the June 2014 voter-approved Proposition B after settlement talks failed last month.

After Prop. B empowered voters to have control over development height limits along the 7.5-mile stretch of The City's beloved waterfront, the State Lands Commission sued The City over the measure, saying state law trumps local law on the waterfront.

But the settlement talks that began last year concluded last month without a resolution, and new trial dates were set.

"This court previously granted a stay of proceedings while the parties determined whether they could settle the case," reads a Dec. 13 joint filing with the court to lift the stay. "The parties have invested substantial time on an ongoing basis over the last year in exploring possibilities for settlement, and were able to work collectively toward that end. While they made substantial progress, ultimately they were not able to identify settlement terms that were acceptable to



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Prop. B gives voters a say on height limits on developments along the waterfront.

both government bodies. Settlement of this dispute now appears unlikely."

Presiding Superior Court Judge Suzanne Ramos Bolanos has set May 31 for a possible judgment, but if no judgment is rendered, the case would go to trial Sept. 11.

Prop. B, which was approved by 59 percent of voters, was preceded by the "No Wall on the Waterfront" effort that blocked a taller-than-allowed building on a parcel of property at 8 Washington, proposed by developer Simon Snellgrove.

At 136 feet, the 8 Washington development would have exceeded the 84-foot height limit, and was approved by the Board of Supervisors.

The project would have shut down the Bay Club at the Gateway, previously called Golden Gateway Swimming and Tennis Club, whose

members fought the project.

The luxury condo development was also seen as a precedent for other towering developments along the waterfront for the affluent, transforming the stretch into something like Miami Beach and limiting public access.

The club is closely watching the legal proceedings and keeping its members informed.

Lee Radner, chair of the Friends of Golden Gateway, pulled no punches in a recent email to members, taking aim at both Lt. Gov. Gavin Newsom and Mayor Ed Lee for their support of the 8 Washington development and Newsom's role in suing over Prop. B as chair of the State Lands Commission.

"FOGG is optimistic that the voters of San Francisco will eventually prevail, but we must keep vigilant and let [New-

som] and his cohorts know they should stop this nonsense that only lines their pockets and those of their developer buddies," Radner wrote in the email.

Radner also noted that "we should not forget it was Newsom and [Lee], who were strong supporters of Simon Snellgrove's high-rise luxury condominium project, known as 8 Washington. This development would have demolished the Bay Club — The Gateway site.

"It would have been a Wall on the Waterfront that would forever change the openness of the waterfront on the northeast corridor of the Embarcadero," Radner wrote.

Under Prop. B, voter approval is required whenever a development seeks to build taller than existing height limits along the waterfront, which vary generally from 40 feet to 80 feet.

Putting the decision in the hands of voters helps take the development out of the political process and forces developers to push the limits of community benefits like affordable housing.

Two major mixed-use developments along the waterfront — Forest City's Pier 70 and the San Francisco Giants' Mission Rock — have successfully secured voter-approved height limit increases since Prop. B went into effect.

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