

**CITY OF SAN MATEO
RESOLUTION NO. __ (2024)**

ORDERING AND CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SAN MATEO ON TUESDAY, NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING A PROPOSED ORDINANCE TO THE VOTERS TO AMEND THE CITY OF SAN MATEO GENERAL PLAN TO MODIFY BUILDING HEIGHTS, RESIDENTIAL DENSITIES, AND NONRESIDENTIAL BUILDING INTENSITIES AND MAKE OTHER MISCELLANEOUS MODIFICATIONS

WHEREAS, on May 18, 2020, the City Council of the City of San Mateo adopted Resolution No. 47 (2020) for the purpose of submitting a proposed ordinance to amend the General Plan by extending for ten years the expiration date for certain voter-enacted policies limiting building heights, residential densities, and nonresidential building intensities, as specified ("Measure Y"); and

WHEREAS, on March 18, 2024, the City Council of the City of San Mateo adopted Strive San Mateo General Plan 2040, which sets forth the community's aspirations for the City through 2040, and which plans for specified growth and change in the City primarily focused within ten study areas; and

WHEREAS, under state law, any change to Measure Y is subject to voter approval; and

WHEREAS, the City Council desires to submit a measure to the voters of San Mateo to fully allow the heights, densities and intensities permitted under General Plan 2040; and

WHEREAS, the proposed measure would maintain the height, density, and intensity limits of Measure Y throughout the City of San Mateo, except for ten study areas where growth would remain restricted but subject to higher height, density, and intensity limits than Measure Y, as specified in General Plan 2040 approved by the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, RESOLVES AS FOLLOWS:

1. Environmental Review. On March 18, 2024, the City Council certified an Environmental Impact Report ("EIR") for the Strive San Mateo General Plan 2040 that analyzed new development and growth around the City through 2040 via Resolution 26 (2024). In accordance with California Environmental Quality Act ("CEQA") Guidelines Section 15162, the proposed measure (for purposes of this paragraph, the "Project") is exempt from further environmental review because the proposed height and density changes were adequately evaluated in the General Plan 2040 EIR, certified by the City Council on March 18, 2024. Pursuant to Section 15162:

- a. There are no substantial changes proposed in the Project which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

- b. There are no substantial changes with respect to the circumstances under which the Project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete, that shows (1) The project will have one or more significant effects not discussed in the EIR, (2) Significant effects previously examined will be substantially more severe than shown in the EIR, (3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, or (4) Mitigation measures or alternatives which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment.

i. None of the foregoing determinations can be made because the Project reflects the same land use designations, uses, heights, densities, and intensities in Strive San Mateo General Plan 2040 as approved by the City Council on March 18, 2024. The Project would increase height and density limits near transit areas as identified in the City's land use map designations within the recently adopted General Plan 2040, which was adequately analyzed in the certified General Plan 2040 EIR. There are no changes to the Project that would result in new significant environmental effects or an increase in severity of previously identified significant effects. The circumstances under which the Project was undertaken remain the same and there is no new information of substantial importance that would affect the analysis within the certified General Plan 2040 EIR. The EIR adoption findings of fact and its statement of overriding considerations, which were prepared in accordance with CEQA, are included in Resolution 26 (2024) and incorporated herein by reference.

2. The City Council approves the proposed ordinance set forth in Exhibit A, attached hereto and incorporated in this resolution by this reference, for submission to the voters of the City of San Mateo at the General Municipal Election to be held in the City of San Mateo, California, on Tuesday, November 5, 2025, and orders that a proposition shall appear on the ballot in the following form and shall be submitted to the voters of the City:

Shall the measure to allow for additional affordable housing for low-and middle-income residents and meet State housing requirements (without raising taxes) while enhancing parks and open space, allowing existing residential neighborhoods to stay low density, and reducing traffic impacts, while allowing future housing to be concentrated primarily downtown along the El Camino corridor and near Caltrain stations where it is close to transit, jobs, infrastructure, and services be adopted?"	YES
	NO

3. In accordance with Elections Code section 10403, the City Council hereby calls for an election regarding the above measure and directs that such election be consolidated with all city, county, and statewide elections occurring on November 5, 2024. The election shall be held and conducted in the manner prescribed by Election Code section 10418. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

4. That the vote requirement for the measure to pass is a majority (50% +1) of the votes cast.

5. Ballots for the election shall be provided in the form and in the number provided by law.

6. Pursuant to state law, the full text of the measure will not be printed in the voter information pamphlet. A copy of the ordinance may be mailed at no cost to residents upon request to the City Clerk and shall be made available on the City's website.

7. The City Clerk is directed to forward the proposed measure to the City Attorney for preparation of an impartial analysis in accordance with Section 9280 of the Elections Code.

8. Arguments for and against the proposition may be submitted to the qualified voters of the City in accordance with sections 9282 through 9287 of the California Elections Code. The deadline date for submitting ballot arguments for or against the proposition shall be Tuesday, August 13, 2024. Proposed arguments shall not exceed 300 words and shall be submitted to the Office of the City Clerk. The deadline for submitting rebuttal arguments shall be Tuesday, August 20, 2024. Proposed rebuttal arguments shall not exceed 250 words and shall be submitted to the office of the City Clerk. The provisions of Section 9285(a) of the California Elections Code shall apply to the submittal of rebuttal arguments.

9. The City Council authorizes members of that body collectively or individually, to file written arguments in favor or against the proposition, and to change the argument until and including the date of fixed by the City Clerk after which no arguments for or against the proposition may be submitted to the City Clerk. Any argument filed for or against said proposition not exceeding 300 words shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if filed on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

10. The polls for said election shall be opened at seven o'clock a.m. of the day of said election and shall remain open continuously from said time until eight o'clock p.m. of the same day, when said polls shall be closed, except as provided in Section 14401 of the Election Code of the State of California.

11. The City Clerk is hereby authorized and directed to make said publication and to transmit a certified copy of this resolution to the appropriate officials of the County of San Mateo responsible for preparing the ballots for said election.

12. The City and other City officers are directed to do all things necessary to meet the requirements of law for the November 5, 2024, municipal election.

EXHIBIT A

**CITY OF SAN MATEO
ORDINANCE NO. 2024-__**

AN ORDINANCE OF THE CITY OF SAN MATEO AMENDING THE CITY OF SAN MATEO GENERAL PLAN TO MODIFY POLICIES, ACTIONS AND OTHER PROVISIONS LIMITING BUILDING HEIGHTS, RESIDENTIAL DENSITIES, AND NONRESIDENTIAL BUILDING INTENSITIES AND TO MAKE OTHER MISCELLANEOUS MODIFICATIONS

WHEREAS, on May 18, 2020, the City Council of the City of San Mateo adopted Resolution No. 47 (2020) for the purpose of submitting a proposed ordinance to amend the General Plan by extending for ten years the expiration date for certain voter-enacted policies limiting building heights, residential densities, and nonresidential building intensities, as specified ("Measure Y"); and

WHEREAS, on November 3, 2020, the voters of the City of San Mateo approved Measure Y, which extended through 2030 certain General Plan policies enacted by Measure P in 2004, which in turn amended and extended the 1991 voter initiative Measure H; and

WHEREAS, on March 18, 2024, the City Council of the City of San Mateo adopted Strive San Mateo General Plan 2040, which sets forth the community's aspirations for the City through 2040, and which plans for specified growth and change in the City primarily focused within ten study areas; and

WHEREAS, under state law, any change to Measure Y is subject to voter approval; and

WHEREAS, the City Council desires to submit a measure to the voters of San Mateo to fully allow the heights, densities and intensities permitted under General Plan 2040; and

WHEREAS, the proposed measure would maintain the height, density, and intensity limits of Measure Y throughout the City of San Mateo, except for ten study areas where growth would remain restricted but subject to higher height, density, and intensity limits than Measure Y, as specified in General Plan 2040 approved by the City Council; and

WHEREAS, the proposed measure would maintain the height, density, and intensity limits of Measure Y in the majority of the City of San Mateo, as identified on a map that is an exhibit to the measure and subject to voter approval; and

WHEREAS, the proposed measure would maintain existing heights and densities on residential neighborhoods, with a focus on planning for new development in the downtown, near Caltrain stations, and along transit corridors, all as specified in General Plan 2040.

NOW THEREFORE, THE PEOPLE OF THE CITY OF SAN MATEO DO ORDAIN AS FOLLOWS:

Section 1. The Land Use Element of the General Plan, attached hereto as Attachment 1 and incorporated by reference, is hereby approved. The Land Use Element may be modified without voter approval through the general plan amendment process set forth in the City Charter and state law,

except that voter approval shall be required to modify the density ranges, intensity or FAR, or building heights that correspond to each designation in Table LU-1 (Land Use Designations).

Section 2. New land use designations may be created, but no new land use designations may be authorized with density ranges, intensity or FAR, or building heights greater than those set forth in Table LU-1. The land use designation for any particular parcel in Figure LU-1 (Land Use Map) may be changed through the general plan amendment process set forth in the City Charter and state law, provided that no increase in allowed density, intensity, or FAR shall be permitted on that parcel without voter approval, except as specified in Section 5 (Specific Properties). The Land Use Map identifying individual parcels is attached hereto as Attachment 1A and incorporated by reference.

Section 3. Appendix A to the Land Use Element of the General Plan, attached hereto as Attachment 2 and incorporated by reference, is hereby approved. Appendix A is a map that identifies those areas of the City of San Mateo that will maintain the height, density, and intensity restrictions of Measure Y, as specified.

Section 4. Measure Y, attached hereto as Attachment 3 and incorporated by reference, is hereby repealed in its entirety.

Section 5. Specific Properties.

Notwithstanding Section 2, the land use designation for the properties listed in Table 5 may be changed without voter approval to allow a maximum of the height, density, or intensity shown in the Proposed Land Use column below, as applicable, subject to the general plan amendment review process as set forth in the City Charter and state law. The City makes no commitment to approval of the Proposed Land Uses and retains full discretion to approve or disapprove the Proposed Land Uses following completion of the environmental review process, without limitation or consideration of this section.

Table 5 – Specific Properties

Location/Address/APN	Current Land Use	Proposed Land Use
50 Mounds Road APN: 105160999 <i>(Align with density of existing multi-family use on the site)</i>	Residential Low II (2 to 4 stories, 20 to 35 du/ac)	Residential Medium I (3 to 5 stories, 36 to 50 du/ac)
20 and 40 W. 3 rd Ave. APN: 107110999 <i>(Align with existing 12-story building on the site)</i>	Residential Medium II (4 to 6 stories, 51 to 99 du/ac)	Residential High (5 to 8 stories, 100 to 130 du/ac)
55 W. 5 th Ave. APN: 034122420 <i>(Align with existing 16-story building on the site)</i>	Residential Medium I (3 to 5 stories, 36 to 50 du/ac)	Residential High (5 to 8 stories, 100 to 130 du/ac)

Location/Address/APN	Current Land Use	Proposed Land Use
Office Buildings at 66 and 160 Bovet Rd. APNs: 039012050 and 039012060 <i>(City Council direction to consider this change)</i>	Office Medium (2 to 4 stories, up to 50 du/ac, 2.0 FAR)	Mixed-Use High (5 to 8 stories, 100 to 130 du/ac, 4.5 FAR)
831 Monte Diablo Ave. APN: 033065130 <i>(Align with existing church use)</i>	Residential Very Low (1 to 3 stories, up to 9 du/ac)	Quasi-Public (1 to 3 stories, up to 20 du/ac)
1770 S. Amphlett Blvd. APN: 035241220 (Marriott site) <i>(City Council direction to consider this change)</i>	Regional Commercial (1 to 3 stories, up to 50 du/ac, 1.5 FAR)	Mixed-Use High (5 to 8 stories, 100 to 130 du/ac, 4.5 FAR)
3130 La Selva St. APN: 040161100 <i>(Better align with existing use and adjacent to Regional Commercial land uses)</i>	Neighborhood Commercial (1-3 stories, up to 19 du/ac, 1.0 FAR)	Regional Commercial (1-3 stories, up to 50 du/ac, 1.5 FAR)
1495 S. El Camino Real APN: 034302140 <i>(Align with adjacent Mixed- Use Med II land uses to north and south along ECR)</i>	Mixed-Use Medium I (3 to 5 stories, 15 to 50 du/ac)	Mixed-Use Medium II (4 to 6 stories, 51 to 90 du/ac)

Section 6. Conforming Changes

The City Council may make conforming changes to the General Plan that correspond to the changes authorized by this ordinance.

Section 7. Unconstitutional Takings

This ordinance is not intended, and shall not be applied or construed, to authorize the City to exercise its powers in a manner which will take private property for public use without the payment of just compensation, but shall be interpreted, applied, and implemented so as to accomplish its purposes to the maximum constitutionally permissible extent. If application of this ordinance to a specific property of record as of its effective date would create a taking, then the City Council may allow additional density or uses on said property, upon findings that the level of additional development permitted is the minimum necessary to avoid a taking, and no lesser level of development would be sufficient to avoid a taking.

Section 8. Severability

In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 9. Effective Date and Duration

The provisions of this ordinance shall remain in effect until amended by the voters, or until January 1 2031, whichever comes first. Beginning on January 1, 2031, any provision of the General Plan approved by the voters may be amended in accordance with the City Charter and state law without voter approval.

Section 10. Conflicting Ballot Measures

In the event that this ordinance and another measure or measures relating to the same or similar subject matter shall appear on the same election ballot, the provisions of the other measures shall be deemed in conflict with this ordinance. If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

Section 11. Publication

This ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 12. Legislative History And Effective Date

This ordinance was introduced on _____ and adopted on _____. This ordinance shall take effect ten days after certification of election results by the City Council certifying that the ordinance was approved by a majority of the voters voting at the general municipal election to be held November 5, 2024.

ORDINANCE ATTACHMENT 1

GENERAL PLAN LAND USE ELEMENT

[On file with the City Clerk and available online at www.cityofsanmateo.org]

ORDINANCE ATTACHMENT 1A

GENERAL PLAN LAND USE MAP – INDIVIDUAL PARCELS

[On file with the City Clerk and available online at www.cityofsanmateo.org]

ORDINANCE ATTACHMENT 2

GENERAL PLAN LAND USE ELEMENT APPENDIX A

[Insert map identifying areas of the City where Measure Y limits will be maintained, as specified]

ORDINANCE ATTACHMENT 3

Measure Y – strikethrough text

[On file with the City Clerk and available online at www.cityofsanmateo.org]