



# CITY OF SAN MATEO

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## Agenda Report

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**TO:** City Council

**FROM:** Alex Khojikian, City Manager

**PREPARED BY:** City Manager's Office

**MEETING DATE:** July 15, 2024

**SUBJECT:**

Potential Ballot Measure – Consideration of Placing a Land Use Measure on the November 2024 Ballot

**RECOMMENDATION:**

Adopt a resolution placing a measure on the November 2024 ballot to seek voter approval of: (1) the General Plan Land Use Element that focuses growth primarily in the downtown and near transit, and that maintains existing height, density, and intensity limits in other neighborhoods consistent with Measure Y; (2) continued requirements for voter approval of changes to height, density, and intensity, or floor area ratio (“FAR”) limits, through 2030 consistent with Measure Y; and (3) maintain Measure Y limits in the majority of the City while repealing the text of Measure Y to allow for full implementation of General Plan 2040; introduce the ordinance containing the measure; and authorize an ad hoc subcommittee of the City Council to prepare an argument in favor of the measure, and a rebuttal argument, to be submitted to the City Clerk.

**BACKGROUND:**

General Plan Adoption and Ballot Measure

On March 18, 2024, the City Council adopted General Plan 2040, which includes some land use designations that exceed the current voter-approved height and density limits (most recently as Measure Y) within 10 study areas where growth and change is planned through 2040. While most of the land use designations on the map are within the Measure Y limits, there are five designations that include heights, densities and/or intensities (floor area ratio, or FAR) that exceed the limits approved by Measure Y. These five land use designations are Mixed-Use Medium II and High, Residential Medium II and High and Office High. Thus, voter approval is needed to fully implement the Land Use Map in the adopted General Plan. The land use map with these heights and densities was developed over six years, with extensive community outreach and engagement, reflects community feedback, and anticipates the community’s housing needs through 2040 as well as allocations the City will be required to plan for by the California Department of Housing and Community Development (HCD). HCD informed the City that adoption of these land use designations and modifying the voter approved growth limits will be key to maintaining Housing Element certification.

In 1991, the voters approved Measure H, which was a voter initiative that amended the General Plan adopted in 1990 by reducing heights and densities for residential and most non-residential uses, while encouraging the development of affordable housing. Density was set at a maximum of 50 units per acre in high-density areas with some allowances for densities of up to 75 units per acre in specified areas of the downtown, for projects that provided certain benefits. Height was limited to 55 feet in medium and high-density areas, and certain commercial areas, with some exceptions. Measure H was written to be effective through the year 2005.

In November 2004, the voters approved Measure P, which was placed on the ballot by the City Council. Measure P largely carried forward of the language of Measure H, while making limited revisions. The main impact of Measure P was to

extend the limits of Measure H through the year 2020. In November 2020, the voters approved Measure Y, which was a voter initiative that extended the provisions of Measure P through the year 2030.

Following General Plan 2040 adoption, on May 20, 2024, the City Council received the results of a statistically valid survey of likely voters and discussed moving forward with a potential ballot measure to fully implement the General Plan's Land Use Map. With the need for voter input, Council directed staff to proceed with community engagement and education to help determine if a ballot measure should proceed with the November 2040 election, and to bring the topic back to Council on July 15, 2024.

## **DISCUSSION:**

### Proposed Ballot Measure

The proposed measure (Exhibit A to the draft resolution) is an ordinance that seeks approval of the entire Land Use Element of the General Plan, including the land use designation table, which sets forth the allowable height, density, and intensity/FAR for each land use designation, whether residential, commercial, or industrial. The Land Use Element (Attachment 1 of the measure) also includes the Land Use Map (Attachment 1A), which applies land use designations to each parcel in the City of San Mateo. The measure would provide limited flexibility to allow the creation of new land use designations, except that no new designation could allow for increased height, density, or intensity/FAR than currently allowed for in the General Plan without voter approval. In addition, while the land use designation for any particular parcel could be changed, no such revision could allow greater height, density, or intensity/FAR than currently allowed on that specific parcel without voter approval.

Another new appendix to the Land Use Element would be created in this proposed measure, namely a map that identifies where the limits of Measure Y – in terms of height, density, and intensity/FAR – would continue to be in effect throughout the City, and which areas would see focused growth as contemplated by the General Plan. This map is included as Attachment 2 to the measure.

Repealing the text of Measure Y is needed to ensure internal consistency within the General Plan, particularly the Land Use Element. However, it is very important to note that the height, density, and intensity/FAR limits of Measure Y would continue to be in place for most of the City, including lower density residential neighborhoods. The intent of the measure is to modernize the limits of Measure Y to allow for full implementation of the General Plan's Land Use Map.

The measure would maintain the height, density, and intensity limits of Measure Y in the majority of the City of San Mateo, as identified on the map depicted in Attachment 2. Measure Y is included as Attachment 3 to the measure in strikethrough text.

Eight specific properties are identified in the measure that could go through a general plan amendment process without voter approval, but only to revise the current land use designation to a recommended designation with specific height and density limits. These changes align with existing buildings, or certain uses, or were directed to be implemented by the City Council when the General Plan was adopted on March 18, 2024. If approved by the voters, the General Plan would still need to be amended and would require public hearings before the Planning Commission and the City Council. The properties include the former Marriott site at 1770 S. Amphlett Blvd and office building parcels along Borel Avenue and Bovet Road, amongst other sites.

The proposed measure takes a balanced approach of primarily planning for growth in the downtown and near transit, namely Caltrain stations and the El Camino Real transit corridor, while maintaining existing neighborhood heights and densities as envisioned by Measures H, P and Y. The measure would maintain these restrictions through the year 2030, which is the same time period as Measure Y.

### Ballot Measure Development Process

Along with staff from the City Manager's Office, City Attorney's Office, City Clerk, and Community Development, a community survey consultant (True North Research) and an elections consultant (Team CivX) were retained. The City Council approved these consultant agreements at their meeting on January 16, 2024. Additionally, a subcommittee of the City Council was formed to work periodically at key decision points with staff and the consultants. The Subcommittee, comprised of Mayor Diaz Nash and Councilmember Loraine, joined the staff/consultant team to review and provide input on the draft survey prior to distribution, to review the survey results, refine the proposed ballot language, and help identify stakeholders for education and outreach, and again in mid-June to discuss the planned outreach, stakeholders list, and proposed ballot language.

True North Research conducted a survey of the community related to potential ballot measures for the general election in November 2024. True North launched the survey in April 2024 and collected 600 opinions from likely November 2024 voters. The results showed that the voters have a high opinion of the City. They also recognize the need for additional affordable housing, but also have concerns about limiting growth and development, traffic congestion, and protecting parks and open space. These sentiments led many voters to support the proposed planning measure as a balanced solution — by concentrating future housing downtown along the El Camino corridor and near Caltrain stations where it is close to transit, jobs, infrastructure, and services, the measure would provide additional affordable housing for low- and middle-income residents and enable the City to meet State housing requirements while also enhancing parks and open space, maintaining existing residential neighborhoods, and reducing traffic impacts. Support for the measure ranged between 62% and 66%, depending on the context.

Team CivX has been working closely with staff to provide guidance on development of the potential ballot measure for the November 2024 election. In this role, TeamCivX has worked with city staff to draft, review and interpret the opinion survey as well as preparation of fact sheets and FAQ for the city's website, drafted, designed and produced 3 informational mailers (available in multiple languages), and a digital advertising effort to ensure residents of all ages receive the information. In addition, TeamCivX has worked with staff to design a Powerpoint, help develop/prioritize a list of community organizations for outreach presentations, and has provided overall guidance to the city regarding the election process.

On May 20, 2024, the City Council received the results of the survey conducted by True North and an overview of the ballot measure process and next steps from Team CivX. After some discussion, Council expressed support for the potential ballot measure language, with an update to clarify that it is not a tax measure, and directed staff to conduct informational and educational outreach to the community.

Staff conducted informational and educational outreach between May 21<sup>st</sup> and July 14<sup>th</sup>. Outreach started with staff reaching out to 74 stakeholders. Each of the stakeholder groups/organizations were offered the opportunity for a City representative to provide information and/or a presentation about the potential measure, with a goal to provide factual information and the opportunity for them to ask questions. Staff and Councilmembers were able to present the Team CivX Power Point slides and engage in robust Q&A sessions with approximately 50 stakeholder groups/organizations. At the meetings, we heard a wide variety opinions, for and against the potential measure, as well as from those who had not yet formed an opinion. The meetings provided the opportunity to clarify misconceptions about the potential measure and there were many robust Q&A sessions.

In addition, the City sent out three informational mailers citywide, with the first sent in mid-June, the second sent at the end of June, and the third sent the week before this meeting. The first mailed notice included a comment card where the community could provide input on this effort. The City received a total of 133 comment cards and letters in the mail as well as 134 comments in response to our social media advertising and posts. Prominent themes to the community input received were similar to what we heard at the meetings--some were opposed, some were in support, and several comments were unrelated. The City also created a webpage for this effort that provided information and FAQs in multiple languages, and developed social media content that was posted in the two weeks leading up to this meeting.

**COUNCIL ACTION:**

With all of this information and background in mind, should the City proceed with placing the land use measure on the November 2024 ballot with the proposed ballot language? Based on community input received during community outreach and education, staff has made some minor edits to the proposed ballot measure question, which is now proposed as follows:

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 planning for 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?

Adoption of the Proposed Resolution (Attachment 1) would result in this ballot measure being forwarded to the San Mateo County Elections Office to be placed on the November 2024 ballot. Following this action, no further taxpayer dollars can be used in relation to outreach and education for this ballot measure and staff would cease all activities. If contacted, staff would provide only factual information about the measure, which would also be posted online.

**BUDGET IMPACT:**

The County of San Mateo Elections Division have provided an estimate for the election costs for placing a citywide measure on the ballot. The estimate is based on cost per registered voter and is provided in a range of \$194,000 to \$232,800. The City has budgeted \$225,000 for election costs in Fiscal Year 2024-25. Once the final amount for election services is known, a mid-year budget adjustment may be required to cover the costs for election services.

**ENVIRONMENTAL DETERMINATION:**

On March 18, 2024, the City Council certified an Environmental Impact Report (“EIR”) for the San Mateo General Plan 2040 that analyzed new development and growth around the City through 2040. In accordance with California Environmental Quality Act (“CEQA”) Guidelines Section 15162, the proposed ballot measure (“Project”) is exempt from further environmental review because it is consistent with General Plan 2040 for which an EIR was certified.

Applying Section 15162, there are no substantial changes to 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. 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.

Furthermore, 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 significant effects not discussed in the EIR or an increase in severity of previously examined significant effects, or that shows mitigation measures or alternatives previously found not feasible but that are in fact feasible, or considerably different alternatives from those analyzed in the EIR, which would substantially reduce one or more significant effects on the environment.

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. Additional information to support this CEQA determination is included in the Proposed Resolution ([Attachment 1](#)).

**NOTICE PROVIDED:**

All meeting noticing requirements were met. In addition, a public hearing notice was published in the San Mateo Daily Journal on July 5, 2024, at least 10 days before the hearing date.

**ATTACHMENTS:**

Att 1 – Proposed Ballot Measure Resolution  
Exhibit A – Ballot Measure Ordinance

Att 2 – Land Use Element  
Att 3 – Land Use Map (identifying parcels)  
Att 4 – Citywide Applicability Map  
Att 5 – Measure Y

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