



# CITY OF SAN MATEO

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## Agenda Report

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Agenda Number: {{item.number}}                      Section Name: {{section.name}}                      File ID: {{item.tracking\_number}}

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**TO:** City Council  
**FROM:** Drew Corbett, City Manager  
**PREPARED BY:** City Attorney Department  
**MEETING DATE:** July 20, 2020  
**SUBJECT:**  
Ballot Measure Relating to San Mateo General Plan – Calling Election

### RECOMMENDATION:

Adopt a Resolution to place a City Council proposition on the November 3, 2020 election that would enact an ordinance amending the general plan with respect to building heights, densities, intensity and affordable housing programs, and provide direction to staff on ballot arguments on this measure and on the measure sponsored by San Mateans for Responsive Government.

### BACKGROUND:

#### *Language of the Ballot Question*

In February, a group of residents notified the city that they intended to gather signatures on a petition for a ballot measure that would serve as an alternative to the San Mateans for Responsive Government (SMRG) measure. The group's efforts were frustrated just as they began due to the Shelter in Place orders issued by the county health officer. On June 1, the proponents of this alternative measure requested that the City Council place the measure on the ballot as a council sponsored proposition. Under state law, the City Council has the authority to place a measure on the ballot. On June 1, the City Council directed staff to place this item on the June 15 study session agenda to determine whether the Council desires to place this alternative measure on the November 3, 2020.

On June 15, a member of the public contacted the city attorney with a concern about the text of the proposed ballot question as stated in the resolution calling the election. The comment expressed concern that the text of the question was similar to the text for the SMRG measure and might lead to voter confusion. A revised version was presented to the city council at the presentation of the item. While the council unanimously supported presenting the alternative measure to the voters, council members wanted more time to consider the text of the ballot question. Council directed staff to bring back the resolution calling the election on the alternative measure at its July 20 meeting.

The original resolution contained the following ballot question:

“Shall the proposed ordinance to amend the City of San Mateo General Plan to extend for ten years the expiration date for voter-enacted policies limiting building heights and intensities, but to authorize the City Council to approve increases in heights and intensities in designated areas that are close to major transit and to make other specified amendments to affordable housing policies in the plan, be adopted?”

The revised ballot question presented at the council meeting states:

“Shall the proposed ordinance to amend the City of San Mateo General Plan to authorize the City Council to approve

increases in building heights and intensities in designated areas that are close to major transit, to extend for ten years the expiration date for voter-enacted policies limiting building heights and intensities, and to make other specified amendments to affordable housing policies in the plan, be adopted? “

The ballot question for the SMRG measure reads as follows:

“Shall the proposed ordinance to amend the City of San Mateo General Plan to maintain for ten years voter enacted policies limiting building heights, residential densities, and nonresidential building intensities, and to modify and maintain for 10 years an inclusionary housing requirement for residential projects, be adopted?”

### *Ballot Arguments on General Plan Measures*

At its June 29 special meeting, the City Council discussed whether it would draft arguments to be included in the voter pamphlet on either the SMRG measure or the alternative measure. While the council unanimously decided that it would not author arguments in support of either measure, the council did not make a decision on whether it would draft arguments in opposition to either measure. The council will be asked to provide direction on these matters when it considers this item. For the council’s information, a SMRG representative has informed the City that SMRG intends to submit arguments in support of its measure and in opposition to the alternative measure.

### **BUDGET IMPACT:**

The County of San Mateo Election Services have provided an estimate for the election costs for City ballot measures. The estimate is based on cost per registered voter (prv) and is provided in a range of \$2.71 prv to \$3.25 prv. The City’s current voter registration is 56,192. That puts the range from \$166,800 to \$200,000 when printing costs are assumed in addition to the prv. These funds are included in the budget for fiscal year 2020-21.

### **ENVIRONMENTAL DETERMINATION:**

CEQA analysis is required to be prepared in connection with “projects” undertaken by the city. Public Resources Code Section 21065 defines the term “project” as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed ballot measure, if passed by the voters, would not result in either a direct or indirect physical change in the environment. The proposed measure would amend the general plan to extend existing height and density limits already contained in the general plan for most of the community. The measure would authorize the City Council to raise heights and densities in certain designated areas in the community, but only as part of a comprehensive general plan update process for which an environmental analysis required by CEQA has been prepared. Passage of the measure would not enact new land use policies. Instead, it would merely authorize the City Council to enact new land use policies after appropriate and meaningful environmental analysis has been performed.

In addition, even if the proposed measure was considered to be a “project” under CEQA, it would be exempt from environmental review because “it can be seen with certainty that there is no possibility” that the measure “may have a significant effect on the environment.” Again, the proposed measure merely maintains existing land use policies. It does not propose or permit any development of land or authorize any use of land not authorized at the present time.

### **NOTICE PROVIDED**

All meeting noticing requirements were met.

### **ATTACHMENTS**

Att 1 - Proposed Resolution Calling the Election on the City Council Proposition

Att 2 - Public Comments

### **STAFF CONTACT**

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