

City Attorney's Impartial Analysis

In 1991, San Mateo voters enacted Measure H, a citizen's initiative that amended the city's general plan for future development. Measure H amended the general plan to lower limits on building heights, residential densities as measured by the number of housing units per acre, and nonresidential building intensity as measured by the ratio of building floor area to the size of the parcel. Measure H also established an inclusionary housing program requiring residential developments to provide at least 10% of the project's units at rents or prices affordable to low- or moderate-income households.

As a voter-adopted initiative, the policies established by Measure H could not be amended by the city council without subsequent voter approval while the measure was in effect. Measure H contained an expiration provision. By its terms, Measure H would no longer be in effect after December 31, 2005.

In 2004, the city council proposed a measure, Measure P, to authorize limited modifications to the policies established by Measure H, and to extend the expiration provision until December 31, 2020. The voters approved Measure P.

In 2017, the California Legislature enacted a law that authorizes cities to adopt inclusionary housing ordinances; however, this law requires such ordinances to provide developers of rental housing projects with alternative means of satisfying the inclusionary housing requirement.

The current general plan provides for tiered building height and intensity limits at certain locations in the city. Lower height and intensity limits apply to projects meeting code requirements, and higher height and intensity limits apply to projects providing public benefits beyond code requirements.

If approved by the voters, this measure would extend the expiration date of the general plan policies concerning building heights and densities established in Measure P to December 31, 2030, with certain exceptions. The measure would prohibit the city council from increasing heights and densities above Measure P limits in most of the city without voter approval. This measure would allow the city council to amend the general plan to permit heights and densities that exceed the limits established in Measure P in specified areas near the Downtown, Hayward Park, and Hillsdale Caltrain stations without voter approval.

This measure would also maintain the Measure P inclusionary housing requirement, but would amend the general plan to allow alternative means of compliance that may include in-lieu fees, land dedication, off-site construction, or acquisition and rehabilitation of existing units.

This measure would also allow mixed use or residential projects that comply with the city's inclusionary housing policy to be developed at the higher height and building intensity limits allowed in those areas with tiered limits without providing additional public benefits.

If passed, this measure will go into effect on January 1, 2021, and will remain in effect through January 1, 2031.

This measure was placed on the ballot by action of the City Council.

A YES vote approves the measure.

A NO vote rejects the measure.

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