

APPENDIX C
MEASURE P

MEASURE P

GENERAL PLAN INITIATIVE

The people of San Mateo do hereby ordain as follows:

Section 1. Purpose

The purpose of this initiative is to maintain the San Mateo General Plan so as to preserve the livability and suburban character of the City of San Mateo by essentially maintaining height limits and densities established by San Mateo voters in 1991, while providing for the level of economic growth projected in the San Mateo General Plan and increasing the City's commitment to providing its fair share of affordable housing.

Section 2. Findings

The people of San Mateo find and declare:

- A. The City of San Mateo is a mature community whose established and stable suburban character provides an economic asset for its homeowners and residents, and whose diversity is a source of pride.
- B. The City of San Mateo is already a well-balanced community with a strong mix of residential, commercial and retail development. The City provides a wide range of housing opportunities for its residents. Currently, more than 45% of San Mateo's housing units are multi-family.
- C. In 1990 the City Council adopted a General Plan for the City of San Mateo. The General Plan assumed that it was desirable for the City to meet a projected level of growth which was "estimated" or "anticipated" by the year 2005.
- D. However, in 1991, the voters of the City of San Mateo determined that the 1990 General Plan designated land uses, building intensities and population densities which would allow far more growth than was projected, and more growth than was desirable.
- E. In 1991, the voters found that while the excess densities and intensities permissible under the 1990 General Plan were intended to allow for flexibility, and were to be reserved for projects which provided substantial public benefits, including affordable housing; the City Council at that time had approved projects in the higher range of building intensity and population density which had not provided sufficient public benefits or affordable housing.
- F. In 1991, the voters determined that high-rise and high-density developments threatened the viability of the valued suburban character of the community and did not have the support of San Mateo residents. The voters found that continued approval of such

projects would irrevocably change the character of San Mateo for the worse, and cause serious adverse impacts to its citizens, in the form of increased traffic congestion, air pollution and noise levels, loss of views and other adverse visual impacts, reduced emergency services and other public facilities, increased costs of government, and reduced quality of life.

- G. In 1991, the voters determined that it was necessary to limit the maximum density and intensity of development in San Mateo to levels which will eliminate or mitigate the impacts set forth above. At the same time, the voters determined that such restrictions should not unduly impair the City's ability to achieve its economic development goals; and that it was of utmost importance that such limitations not reduce the amount of affordable housing production.
- H. In 1991, the voters determined that the City Council had not included any mandatory inclusionary housing or other programs in the 1990 General Plan to ensure the production of affordable housing, and that it was necessary to increase the City's commitment to production of affordable housing.
- I. In 1991, the voters found that the initiative Measure H and the General Plan amendments adopted by it: encouraged the production of San Mateo's fair share of housing affordable to persons defined in Health and Safety Code section 50093; did not and would not impose any numerical or percentage limit on the development of housing units in the City of San Mateo; encouraged the development of affordable housing units within City limits; and was intended to be and was consistent with Chapter 4.2 of Title 7 of the Government Code, including Government Code section 65913.1.
- J. In 1991, the voters found that the initiative Measure H and the General Plan amendments adopted by it were intended to and did retain the General Plan, as amended, as an internally consistent and legally adequate General Plan.
- K. In 2004, the findings and determinations made by San Mateo voters in 1991 in adopting initiative Measure H, and the General Plan amendments approved by that measure, continue to reflect the views and desires of the people of San Mateo and, except as amended below, should continue to serve to guide the development of the community through the year 2020.

Section 3. General Plan Amendments

A. **General Plan Amendments**

- 1) Section 3 of initiative Measure H set forth specific amendments to the San Mateo General Plan, which was adopted by the San Mateo City Council in July 1990. The General Plan was amended to incorporate the amendments set forth in Measure H.

- 2) This section of this initiative sets forth amendments to the General Plan that were originally adopted by San Mateo voters in 1991 and that will continue to be included within the General Plan through the year 2020.

B. Amendments to General Plan, Chapter I, Introduction

- 1) The following paragraphs are added to the end of part B ("How the San Mateo General Plan was Developed"):

In November 1991, the voters adopted an initiative which amended the General Plan. The initiative made several changes to the General Plan, primarily directed at reducing maximum heights and densities for residential and most non-residential uses, while increasing the City's commitment to providing affordable housing.

A comprehensive update of the General Plan, consistent with the provisions of Measure H, was approved by the City Council 1996.

In November 2004, the voters adopted an extension of Measure H. This extension included the following types of items: updates, clarifications and changes. In addition, there were significant provisions of Measure H which were maintained.

- 2) The following amendments are maintained as part C ("Major Proposals of the General Plan"):

- a. The first paragraph in part 2 ("Maintain the Commitment to Strengthening the Downtown as a Major Commercial, Residential and Cultural Center"), on page 3, is maintained to read:

The General Plan supports new commercial and residential growth in the Downtown, as well as maintaining retail shopping on the ground floors along Third and Fourth avenues and B Street. Development of substantial amounts of housing to support Downtown retail and office growth is fostered in the Gateway area, between Downtown and US 101.

- b. The first paragraph in part 3 ("Concentrate Major New Development Near Transportation and Transit Corridors") is maintained to read:

As the pre-eminent city in San Mateo County, San Mateo will continue to attract relatively intense office and residential development. Concentrating these higher intensity projects in areas having good access to freeways and the rail stations will reduce congestion on City streets and create higher value developments surrounded by supporting amenities. The creation of higher density "nodes" will also establish a more recognizable urban form. These nodes are located in areas which will minimize the impacts of dense development on surrounding neighborhoods.

- c. The second paragraph in part 5 ("Improve Design Quality and Establish Height Limits") is maintained to read:

The Plan establishes height limits which take into account the existing pattern of development and surrounding land uses, and preserve the predominant character of the City.

C. Amendments to General Plan, Chapter II, Land Use Element

- 1) The paragraph designated "b. Development Buildout", which is part 2.b. in the discussion of "Land Use", is maintained to read:

- b. **Development Buildout.** Development Buildout -- the theoretical maximum development allowed the General Plan prior to its amendment by initiative in November 1991 -- would have allowed for the addition of up to 16.9 million square feet of commercial development, or a 100% increase over the existing floor space, for an overall FAR of .77. The largest concentrations of commercial space would have been in the Downtown, Hillsdale Shopping Center, and at Mariner's Island. The neighborhood shopping centers would have been able to almost double their existing floor space. Office space would have been able to more than triple, making it the largest concentration of commercial space. The SR 92 corridor would have contained the largest single concentration of office space.

Maximum theoretical residential buildout would have resulted in a total of 48,700 dwellings, with multi-family accounting for over 59% of all units. The number of dwellings could have been significantly higher depending on the number of commercial/residential mixed-use developments. Residential densities would have increased to a city average of 17 units/net acre, the equivalent of an R-2 (two-family dwellings) District.

The November 1991 initiative General Plan amendments reduced the maximum theoretical buildout to bring it more into conformity with estimated (anticipated) development during the General Plan timeframe. The distribution of land uses remained similar to maximum theoretical buildout under the General Plan prior to the initiative, but the amount of development was reduced. Maximum theoretical residential development under the initiative is 1,815 units on vacant land, and 16,465 units in areas that are currently zoned to permit residential uses, for a total of 56,880 potential units. Maximum redevelopment for this amount of housing reduced the amount of commercial development.

- 2) The text following Policy LU 1.4 ("Development Intensity/Density") is maintained to read:

The plan permits new multi-family residential development at a range of densities from 9 to 50 units net per acre, with the higher end of the density range to be used only for

projects which provide substantial public benefits or amenities. Residential development is also allowed in commercial districts. If expected development takes place, the city-wide average density is expected to increase from 10 to at least 12 units per net acre.

Building intensity is a measurement of the amount of physical development allowed on a parcel. The Land Use Element utilizes a combination of building height and floor area ratio (FAR) (the gross floor area of a building divided by the net lot area to measure building intensity).

The plan anticipates a range of new non-residential development by providing an FAR range of 0.5 up to a theoretical maximum of 3.0, and by establishing a range of permitted building heights from 25 feet to 90 feet. Higher height limits and the higher end of the FAR range are available only for projects which provide public benefits or amenities substantially greater than code requirements.

The city-wide average FAR is expected to increase from .59, but to stay below .70, while average height will remain less than 45 feet.

3) The following text is added to Policy 1.5 ("Building Height") and is amended to read:

Requests for height changes consistent with the height ranges for specific land uses as designated in Appendix C, entitled "Building Height", may be considered by the City Council only when accompanied by a request for change in land use designation. Such requests may be approved only if the following findings are made:

1. The building has high design quality, which is enhanced by additional building height.
2. Increased building heights are visually related to surrounding building heights and promote the creation of a coherent City image.
3. Increased building heights will still provide for a variety of building heights in the vicinity of the project and the surrounding areas;
4. Increased building heights are compatible with surrounding land uses, and will not create adverse shadow or visual impacts on surrounding residential uses; and
5. The City's infrastructure is adequate to accommodate the proposed development.

3a) The text following Policy LU 1.5 ("Building Height") is maintained to read:

Maximum height limits are intended to permit development which will not overburden the City's infrastructure or circulation system, which is consistent with the plan's intensity/density standards, and is compatible with surrounding land uses, and which will preserve, to the extent feasible, the City's existing character. Height limits range from 25 feet to 90 feet, and are contained in Appendices B and C.

Generally the residential areas are restricted to low maximum heights (32 feet) to protect established neighborhoods, although medium- and high-density multi-family areas have height limits up to 55 feet, to accommodate increased density.

Non-residential maximum heights range from 25 feet (nearest low density residential areas) to 90 feet (manufacturing, public facilities, and major institutions). Generally, the maximum height is 55 feet.

- 4) The text following Policy LU 1.9 ("Single-Family and Duplex Preservation") is maintained to read:

Maximum permitted density ranges for development are established to promote the increase of housing stock consistent with the desired character of development. Residential density ranges are:

DENSITY	UNITS/NET ACRE	POPULATION/NET ACRE
Single-Family	0-9	0-20
Low-Density Multi-Family	9-17	21-39
Medium-Density Multi-Family	18-35	40-80
High-Density Multi-Family	36-50	81-115

The low-density category is intended for duplex and townhouse development which is generally in close proximity to single-family areas, and often provides a buffer from higher density residential or non-residential uses.

The medium-density category generally consists of apartment and condominium buildings developed at two to four stories in height. The high-density category includes multi-unit buildings of up to 55 feet and three to five stories in height, generally located on or near major streets, in non-residential areas, surrounding the Downtown, and near train stations.

- 5) The text following Policy LU 1.10 ("Commercial Development"), is maintained to read:

All categories of residential development are allowed in all non-residential land use categories other than the service and industrial categories and those listed as categories 7-11 in part B of Appendix B; except that the maximum density residential category allowed in areas designated as neighborhood commercial is medium-density multi-family.

Residential development in these commercial zones would be consistent with the descriptions in the discussion of Policy LU-1.9.

- 6) Policy LU 1.11 ("Commercial Focal Areas") and the following text is maintained to read:

LU 1.11: Commercial Focal Areas. Concentrate the most intense office and retail uses at locations delineated on the Land Use Plan. Discourage such uses outside the commercial nodes delineated on the Land Use Plan.

By concentrating major commercial development in nodal areas such as the Downtown, Mariner's Island, and along SR 92, the City achieves comparatively efficient design of its infrastructure and greater opportunities for transit usage. The viability and value of commercial areas are also enhanced by concentrating high quality development in compatible areas. Additionally, a more distinctive city image is established, and neighborhood impacts caused by regional traffic are minimized.

7) Policy LU 6.1 ("Periodic General Plan Review") on page 34 is amended to read:

LU 6.1: Periodic General Plan Review. Report to the City Council yearly on the status of the implementation of the General Plan and on the need to update the plan. Review annually projections made in the General Plan for housing, population, commercial growth, economic growth, public service and safety levels that are not considered as part of the budget review; review projections on the fair share housing allocation and update the General Plan at least every five years, consistent with the maximum building heights and densities as originally adopted by the voters in November 1991 and again adopted in November 2004.

8) Goal 6A and Policies 6A.1 and 6A.2 are amended and maintained as follows:

6. GENERAL PLAN IMPLEMENTATION

GOAL 6A: Ensure that all development in the City is consistent with and implements the General Plan.

POLICIES:

LU 6A.1: Specific Plan, Zoning, Permit and Subdivision Review. The City shall not approve any specific plan, rezoning, permit, subdivision, variance, or other land use permit which is not consistent with and does not implement the General Plan. Specific Plan and zoning ordinances were amended so as to conform to the General Plan by the end of 1992.

LU 6A.2: Building Height and Building Intensity Maps/Plans. Maintain Building Height and Building Intensity maps/plans which delineate development intensity in the form of building heights and FARs in a manner which implements the height, intensity, density and design standards in the General Plan, consistent with the Building Heights and Intensities maps/plans as amended by initiative in November 1991 and November 2004. General Plan standards for building heights and intensities are specifically set forth in the Building Height Plan and the Building Intensity Plan that were formerly included in the General Plan,

and designated respectively as figure LU-4 in the table of contents (marked as figure LU-5), and figure LU-5 in the table of contents (marked as figure LU-6).

- 9) Policy PA 1.1 ("North El Camino Real (SR 82)"), on page 36, shall be maintained by replacing the term "medium-high density" wherever it occurs with the term "high density".
- 10) The Area Specific Policy for the Downtown on page 38, which makes up subpart 3 of the part entitled "Area Specific Policies" which begins on page 35, is designated as Policy PA 3, and is amended and maintained to read:
 - a. A Specific Plan for the Downtown was adopted by the City Council in July 1985 and amended in 1993, consistent with the provisions of Measure H as adopted by the voters in November 1991. This Specific Plan also constituted an amendment to the previous General Plan.
 - b. Densities up to 75 units per acre, heights up to 75' and appropriate FARs may be allowed in the following areas of the Downtown, for projects which provide public benefits or amenities substantially greater than code requirements:
 1. the area designated on the Land Use Plan (LU-3) as Downtown which is bounded by El Camino Real (SR 82), East Fourth and East Fifth Avenues and the SPRR railroad tracks;
 2. the area designated on the Land Use Plan (LU-3) as Downtown which is bounded by El Camino Real (SR 82) and Ellsworth, Baldwin and Second Avenues;
 3. the area designated on the Land Use Plan (LU-3) as Mixed-Use (Executive Office) which is bounded by El Camino Real (SR 82), San Mateo Drive, St. Matthews Avenue, and Baldwin Avenue; and
 4. those properties in the area designated on the Land Use Plan (LU-3) as Mixed-Use (Neighborhood Commercial) which are between San Mateo Drive and Ellsworth Avenue, and which have frontage on the north side of Baldwin Avenue as of 1 January 1992.
 - c. Densities up to 75 units per acre, heights up to 75 feet, and appropriate FARs may be allowed in the following areas of the Downtown for projects which to the greatest extent feasible protect and preserve key historic resources in accordance with the following conditions:
 1. the area designated on the Land Use Plan (LU-3) as Downtown which is bounded by B Street, Ellsworth Avenue, First Avenue and Second Avenue;
 2. all buildings on the site with frontage along Second Avenue or B Street which are identified as Individually Eligible for the National Register of

Historic Places or contributory to a National Register Eligible Historic District as per the City of San Mateo Historic Building Survey dated September 1989 (in this area changes in the facade or significant exterior or interior features shall be reviewed for their consistency with the architectural character of the building by applying criteria outlined in the Secretary of the Interior's Standards for Rehabilitation);

3. FARs and residential densities may be calculated based on the total site square footage; however the FARs and densities for building protected in accordance with paragraph (c)(2) immediately preceding may be excluded from the allowable FARs and densities for new construction permitted on the site.
- 11) Numbered paragraph 1 of Policy PA 4.6 ("Norfolk/SR 92 Vicinity") is maintained to read:

1. Retain the Parkside Shopping Center, allowing limited expansion of low-scale commercial uses. Any redevelopment shall be contingent on retaining neighborhood retail uses and on finding no appreciable increase in through traffic in residential neighborhoods or significant impacts on Norfolk Street service levels. Provide development incentives to encourage mixed retail and high density housing, should redevelopment occur. Permit heights greater than 35 feet, but to a maximum of 55 feet, for projects which meet the following criteria and are approved by the City Council.

[Subparagraphs (a) - (e) remain unchanged.]

- 12) Policy PA 5.1 ("Mid-El Camino Real (SR 82)") and the text following it are maintained as follows:

- a. Paragraph 1 of Policy PA 5.1 is maintained to replace the term "medium-high density" wherever it occurs with the term "high-density".
- b. Paragraph 2 of Policy PA 5.1 and the following text is amended to read:
 2. For lots 100 feet deep and less, maximum building height is 40 feet. For lots more than 100 feet deep, permit heights up to 55 feet.

[Subparagraphs (a) - (e) remain unchanged.]

Prepare design criteria to implement this policy prior to approval of any building over 40 feet high.

In this area, El Camino Real (SR 82) is characterized by a mixture of commercial uses ranging from single-story to high rise. It is expected that most new development will be medium scale commercial or high-density residential or

mixed-use due to the limited depth lots and potential impact on adjacent residential sites.

13) Numbered paragraph 3 of Policy PA 5.2 ("SR 92/Grant Street/Concar Drive/Delaware Street Vicinity") is maintained to read:

3. Permit densities up to 75 units per acre, and heights greater than 40 feet but up to a maximum of 75 feet for projects in the area designated in the Land Use Plan (LU-3) as Regional/Community Commercial which is bounded by South Grant Street, US 101, SR 92, and the north property line of the Dunfey Hotel.

[Subparagraphs (a) - (e) remain unchanged.]

14) Policy PA 6.3 ("Mariner's Island Specific Plan") is maintained, as follows:

3. Height Limits. Maximum densities of up to 75 units per acre and maximum heights of up to 75' and appropriate FARs may be allowed in the following areas of Mariner's Island, for projects which provide public benefits or amenities substantially greater than code requirements:

a) the area designated on the Land Use Plan (LU-3) as Mixed-Use Incentive (Regional/Community Commercial) which is commonly described as Fashion Island Shopping Center and is circumscribed by Arthur Hansen Drive; and
b) the area designated Executive Office on the Land Use Plan (LU-3) which is north of SR 92 and bounded by Fashion Island Boulevard, Mariner's Island Boulevard, and Fashion Island Shopping Center.

15) Policy PA 7.7 ("South El Camino Real (SR 82)") and the following text is maintained as follows:

a. Numbered paragraph 1 is maintained to replace the term "medium-high density" wherever it occurs with the term "high density".
b. Numbered paragraph 2 and the following text is maintained to read:
2. For lots 100 feet deep and less, maximum building height is 40 feet. For lots more than 100 feet deep, permit heights up to 55 feet for projects which meet the following criteria and are approved by the City Council.

[Subparagraphs (a) - (e) remain unchanged.]

Prepare design criteria to implement this policy prior to approval of any building over 40 feet high.

In this area, El Camino Real (SR 82) is characterized by a mixture of low-scale commercial uses. It is expected that most new development will be medium scale commercial or high-density residential or mixed-use, due to urban design concerns and traffic congestion.

16) Policy PA 8.1 ("South El Camino Real (SR 82)") and the following text is maintained as follows:

- a. Numbered paragraph 1 is maintained to replace the term "medium-high density" wherever it occurs with the term "high density".
- b. Numbered paragraph 2 and the following text is maintained to read:
 2. For lots 100 feet deep and less, maximum building height is 40 feet. For lots more than 100 feet deep, permit heights up to 55 feet for projects which meet the following criteria and are approved by the City Council.

[Subparagraphs (a) - (e) remain unchanged.]

Prepare design criteria to implement this policy prior to approval of any building over 40 feet high.

The intent of this policy is the same as for other provisions of El Camino Real (SR 82) as described in Policies PA-7.7.

17) Numbered paragraph 1 of Policy PA 8.2 ("Twentieth Avenue Vicinity") is maintained to replace the term "medium-high density" wherever it occurs and replacing it with the term "high-density".

18) Beginning with numbered paragraph 2, Policy PA 9.2 ("South El Camino Real (SR 82)") and the following text is maintained amended to read:

2. For lots 100 feet deep and less, maximum building height is 40 feet. For lots more than 100 feet deep, permit heights up to 55 feet which meet the following criteria and are approved by the City Council.

[Subparagraphs (a) - (e) remain unchanged.]

Prepare design criteria to implement this policy prior to approval of any building over 40 feet high.

D. Amendments to General Plan, Chapter IV, Housing Element

1) In section H of the Housing Element, entitled "Constraints on Housing Development" the following language is maintained to read as follows:

Multi-family densities permitted under the General Plan reach 50 units per acre, and the zoning code has been amended to conform to this maximum, although it will continue to be subject to state statutes mandating density bonuses under certain conditions.

2) a. Policy H 2.4 and Program H 2.4 are maintained and amended to read:

H 2.4: Private Development of Affordable Housing. Encourage the provision of affordable housing by the private sector through:

1. Requiring that a percentage of the units, excluding bonus units, in specified residential projects be affordable.
2. Requiring construction or subsidy of new affordable housing as a condition for approval of any commercial development which affects the demand for housing in the City.
3. Providing density bonuses and priority processing for projects which qualify for density bonuses under State law.

Program H 2.4: Private Development of Affordable Housing.

1. Maintain an inclusionary housing ordinance to implement Policy H 2.4. The ordinance shall include:

- a) At a minimum, require all projects which include more than 10 residential units, including mixed-use projects, shall be required to include 10% of the residential units for exclusive use as affordable housing units.
 - b) The project proponent shall build the unit(s) on site, either in partnership with a public or nonprofit housing agency, or on its own. Off-site building shall be allowed only if the proponent demonstrates that on-site construction is infeasible; and in any event, any off-site units must be built within the City of San Mateo.

No in-lieu fees shall be allowed except for:

- i. Projects which include 10 units or less; or
 - ii. Fractional affordable housing unit requirements of less than .5.
- c) The affordable units shall be as similar in exterior design and appearance as possible to the remaining units in the project.
- d) Affordable rental units shall carry deed restrictions which guarantee their affordability.
- e) Affordable for sale units shall have deed restrictions which allow for first right of refusal to the local government, upon the sale of the unit. The City local government should only refuse the option of purchase if it has already expended all of its financial resources available for housing, including Community Development Block Grant funds, local housing trust fund monies, and any other

federal, state or local funds typically available for affordable housing purposes.

Lead: Neighborhood Improvement and Housing Division (Ongoing)

2. Evaluate and study the impacts on development costs to housing by increasing the inclusionary housing production requirements. Areas for consideration include increasing the percentage of units required, lowering the affordability pricing, lowering the project size that triggers the requirement, and including an in lieu payment for small projects.

Lead: Neighborhood Improvement and Housing Division

Implementation Goal: Ongoing for existing program; bring proposal on new requirements to Council by 2002

3. Develop, hold public hearings on, and if possible, adopt a commercial/housing linkage program, based on empirical data applicable to the City of San Mateo. The program should match the housing constructed and/or subsidized to the demand created by commercial development, in terms of affordability levels, type of tenancy, number of bedrooms, and other relevant factors.

Lead: Neighborhood Improvement and Housing Division

Implementation Goal: Bring to the Council by 2002

4. Develop a density bonus program consistent with State law.

Lead: Planning Division
(Ongoing)

5. Provide information to developers on density bonus provisions for affordable housing. Give processing priority to applications which include substantial proportions of affordable housing.

Lead: Planning Division
(Ongoing)

b. The text following Program H 2.9 ("Housing Densities"), are amended and maintained to read:

One means of increasing housing potential is through redesignation of commercially zoned and lower density residential properties to multi-family land use. The redesignations approved in Policy H-2.9 will increase the potential for construction of new units.

San Mateo's multi-family zoning districts allow relatively high densities in an effort to encourage the production of housing. In 1989, the R-3 District (the lowest density multi-family zoning district) allowed up to 43 units per acre. Prior to the amendments necessary to make them conform to the initiative adopted by the voters in November 1991, the R-4 District allowed up to 58 units per acre and the R-5 District allowed up to 124 units per acre. However, very few projects were built up to the maximum allowable densities. On average, most developments achieved between one-third and one-half the allowable densities in these zoning districts, due to other constraints such as parking, open space requirements and the costs of high-rise building construction or multiple floors of underground parking.

The high range of allowable densities permitted by the zoning districts can result in property owners over-valuing their properties based on unrealistic development expectations. This in turn results in properties remaining undeveloped or reduces the affordability of units constructed with inflated land prices. It can also render density bonuses for affordable housing production useless.

- c. Program H 2.1-2 ("Mixed-Use") is maintained to read:
Publicize the advantages of constructing housing or mixed-use projects in commercial areas. Publicize the ability to locate residences in commercial areas.
Lead: Planning Division
(Ongoing)
- d. The second full paragraph in the discussion of Program H 2.11 ("Mixed-Use") is maintained to read:

The City currently allows the mixing of housing and commercial uses, in various locations, including properties along El Camino Real (SR 82) south of the Downtown, office sites along 20th Avenue, the KMART site at Delaware and Concar, the Parkside Shopping Center at Norfolk, and the Fashion Island Shopping Center. In addition, once adopted, the programs called for in Program H 2.4 should encourage the construction of affordable housing in the redevelopment of commercial areas.

E. Amendments to General Plan, Chapter V, Urban Design Element

The last full paragraph of Focal Points is maintained to read:

Many things can be done to strengthen major focal points. The Downtown Specific Plan includes requirements for ground floor retail, and the General Plan permits mixed uses and building heights of up to 75 feet in the Downtown. Hillsdale Mall could be strengthened by higher floor area ratios (the ratio of building floor area to lot area), visible retail uses (outward focusing), and a more consistent architectural or landscape treatment. The office development along SR 92 could be enhanced by permitting buildings up to 75 feet in height, altering higher floor area ratios and architectural and landscape treatments. Focal points can be discouraged in the middle sections of El Camino Real (SR 82) and many other commercial zones by changing the zoning to permit no high-rises or buildings with excessive bulk.

F. Amendments to General Plan Appendices

- 1) Appendix B, entitled "Land Use Categories", is maintained as follows:
 - a. Section A.2.c., "Medium-High Density Multi-Family Residential" is deleted.
 - b. Section A.2.d., "High-Density Multi-Family Residential" is maintained to read:

High-Density Multi-Family Residential:

(36 to 50 units per acre --81 to 115 persons per acre)

Higher density multi-family areas, typically three to five stories, usually located near transportation corridors, major streets, commercial areas, the Downtown, and train stations.

c. The text at the beginning of section B ("Non-Residential Land Use Categories") is maintained by deleting the third sentence thereof.

d. The last sentence of section B.2., entitled "Regional/Community Commercial", is maintained and amended to read:

Characterized by medium to high FARs of 1.0 to 2.5 and heights of 35 to 55 feet* with the exception of Hillsdale Mall which has a maximum height of 60 feet as shown on the Site Plan entitled "Hillsdale Shopping Center", dated April 19, 2004. The Building Height Plan, Figure LU-5, shall be amended to reflect this building height.

e. The last sentence of section B.3., entitled "Downtown Commercial", is maintained to read:

Characterized by medium to high FARs of 1.0 to 3.0 and heights of 35 to 55 feet.*

f. The last sentence of section B.6., entitled "Executive Office", is maintained to read:

Characterized by low to medium FARs of .62 to 1.0 and heights of 35 to 55 feet.*

g. The last sentence of section B.12., entitled "Mixed-Use Incentive", is maintained to read:

Characterized by a wide range of medium to high FARs of 1.0 to 3.0 and heights of 25 to 55 feet.*

h. A note is maintained to the end of Appendix B, which reads as follows:

* Densities up to 75 units per acre, and height limits up to a maximum of 75 feet may be allowed in some areas within these land use categories, as specified in the area specific policy for Downtown (PA 3), and Policies PA 5.2 and PA 6.3 of the Land Use Element.

2) Appendix C, entitled "Building Height", is amended and maintained to contain the following land uses and building heights. No new land use categories shall be authorized with building heights greater than 55 feet:

Land Use Category	Maximum Height
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Residential:

Single-Family	-24'
Low-Density Multi-Family	24'
Medium-Density Multi-Family	35' to 55'
High-Density Multi-Family	35' to 55'

Non-Residential:

Neighborhood Commercial	25' to 55'
Regional/Community Commercial	35' to 55'* **
Downtown	55'*
Service Commercial	30'
Manufacturing	35' to 90'
Executive Office	25' to 55'*
Public Facility	25' to 75'
Parks/Open Space	32'
Utilities	32'
Transportation Corridors	32'
Major Institution/Special Facility	35' to 90'

Mixed Use:

Executive Office/Low-Density Multi-Family	25' to 45'
Executive Office/Medium-Density Multi-Family	25' to 45'
Executive Office/High-Density Multi-Family	25' to 55'*
Neighborhood Commercial/Medium-Density Multi-Family	35'
Neighborhood Commercial/High-Density Multi-Family	25' to 55'
Regional/Community Commercial/High-Density Multi-Family	25' to 55'*

* Height limits up to a maximum of 75 feet may be allowed in some areas within these land use categories, as specified the area specific policy for Downtown (PA 3), and Policies PA 5.2 and PA 6.3 of the Land Use Element.

** Height limits up to a maximum of 60 feet are also established for the Hillsdale Shopping Center as shown on the Site Plan entitled "Hillsdale Shopping Center", dated April 19, 2004.

Section 4. Subsequent General Plan Amendments

- A. The General Plan and all of its elements and parts may be reviewed and amended pursuant to Policy LU 6-2 and as may be required to conform to state law, without limitation, except that the City Council may not amend the General Plan in a manner inconsistent with the purposes, intent, or operative provisions of this initiative, including, but not necessarily limited to, provisions reducing maximum height limits and densities for specified uses.
- B. Should the City Council determine that it is impossible to comply with the requirements of state law without amending the General Plan in a manner inconsistent with the purposes, intent, or operative provisions of this initiative, it shall first seek voter approval of any proposed inconsistent amendments. Failing this, it shall then seek appropriate judicial relief.

Section 5. Implementation/No Unconstitutional Taking

This initiative 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 initiative 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.

Such findings shall be based on full environmental review and economic feasibility studies which are circulated in the same manner as Draft Environmental Impact Reports, and must be supported by a preponderance of the evidence.

Section 6. Severability

If any portion of this initiative is hereafter determined to be invalid by a court of competent jurisdiction, all remaining portions of this initiative shall remain in full force and effect. Each section, subsection, sentence, phrase, part, or portion of this initiative would have been adopted and passed irrespective of the fact that any one or more sections, subsections, sentences, phrases, parts of portions be declared invalid or unconstitutional.

Section 7. Effective Date and Duration

- A. The provisions of this initiative shall remain in effect through the year 2020.
- B. This initiative shall take effect 10 days after the city council declares the results of the election approving this measure.

