



ADMINISTRATIVE SERVICES DEPARTMENT

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CITY COUNCIL STAFF REPORT

Date: February 19, 2026

Subject

Parkland Ballot Measure – Mapping, Zoning, Legal Review, and Election Considerations

Recommended Action

Receive the report and provide direction to staff on whether to pursue development of a parkland rezoning ballot measure for consideration at the November 2026 election.

Background

On January 13, 2026, the City Council conducted a study session regarding a potential November 2026 ballot measure related to parkland protections and rezoning considerations. At that meeting, Council reviewed examples from other jurisdictions, including the City of Milpitas' Measure K (2016), which requires a two-thirds voter approval to redesignate or develop land zoned for park and open space purposes.

Following discussion, Council requested additional information before determining whether to proceed with placing a measure on the November 2026 ballot. Specifically, Council directed staff to:

- Produce a comprehensive map of City parkland, recreation areas, and open space, including current zoning designations;
- Identify any parcels with zoning inconsistencies or potential cleanup needs;
- Review applicable state law protections governing abandonment or redesignation of parkland; and
- Provide information regarding election logistics, timing, and associated fiscal impacts.

This memorandum responds to Council's request and outlines the legal framework, logistical requirements, and estimated fiscal implications associated with pursuing a parkland ballot measure.

Mapping and Zoning Analysis

A. Comprehensive Parkland and Open Space Mapping

The city currently has an up-to-date map on the website reflecting the zoning designation for each property, including city parks and open space. The map can be found at: [Zoning Code and](#)

[Planning Maps Cupertino CA](#). Further, the [Recreation, Parks and Community Services](#) chapter of the City's *General Plan: Community Vision 2015-2040* provides Goals, Policies and Strategies for park maintenance and development, as well as figures that map existing open space, park areas, trail linkages, and park access.

B. Zoning Consistency and Cleanup Assessment

A comprehensive review of the current sites zoned for Open Space (OS) or Public Park (PR) could be conducted to determine any conflict between site use and zoning designation, and any other areas that could be considered parkland. Currently, any property zoned OS or PR is being utilized as open space or park. Some sites may be currently utilized as open space but are zoned as Public Buildings (BA). The City could evaluate public school sites zoned BA and private recreational facilities zoned FP-o and Agricultural Residential.

C. Service Center Zoning and Land Use Review

The city's service center site at 10555 Mary Avenue is zoned BA (Public Building) and a General Plan Land Use Designation of Public Facilities. The BA designation is for properties with public buildings on the property. No anticipated conflict with use and zoning.

Legal and Ballot Language Evaluation

A. Review of Existing State Law Protections

State law currently provides certain protective hurdles that must be met before a city may dispose of municipal parkland. These hurdles limit a City's ability to easily abandon formally designated park land or land improved and used for public park purposes demonstrating a city's intent to dedicate the land as park land in the future. (*See* Government Code Section 38440, *et seq.*)

Under these Government Code provisions, to abandon park land or land improved and used as park land, a city must adopt a resolution declaring its intent to do so. Then it must hold a noticed hearing regarding the proposed abandonment, after providing physical posted notice in the park area. Thereafter, members of the public may file written protests to the abandonment. Any written protest is automatically sustained, unless the city council overrules the protest by a two-thirds vote in favor of abandoning the park land. If the city council does so vote, a special election must be held to submit the question to the full electorate. A simple majority vote of the electorate is required to abandon the park land. After such majority vote, the city council is required by statute to adopt an ordinance abandoning the park land, which then allows the city to sell or otherwise dispose of the land in the same manner as any other surplus city land.

One exception to the above process applies when a city desires to trade a small portion of a park for a parcel of private land contiguous to an existing park so long as the land is of equal or greater value than the portion the city will trade. (Govt. Code Section 38441.) Under these circumstances, no public protest is required. The city council may simply vote in favor of the trade.

B. Scope of Potential Ballot Measure

Local cities have passed ballot measures to heighten these requirements, making it more difficult for their city councils to abandon public park land. For example, the electorate of the City of Milpitas passed Measure K in 2016 with 84.5% of the vote. The Measure focused on preventing the development of residential, commercial or industrial buildings and preventing the re-zoning of land designated as “Parks and Open Space” in the City’s General Plan. Measure K requires proponents of such a development or rezoning to bring a ballot measure to the voters and obtain a two-thirds vote in favor of the change at a general election. This is a much higher standard than the simple majority vote of the electorate under current state law.

The City of Santa Clara, during the same general election in 2016, also offered a ballot measure to its electorate, Measure R, to protect the parkland within their City. Santa Clara voters passed Measure R with 89.6% of the vote. Santa Clara is a Charter City whose Charter provided minimal protections to park land pertaining mainly to notice and bidding procedures.

Both Milpitas and Santa Clara now require a two-thirds vote of the electorate to permit the transition of parkland within their city to non-park uses. Moreover, neither process requires an initial public protest to an already formulated City Council action, which is also a requirement under current state law.

Since the City of Cupertino is a General Law City, it would make sense to consider a measure similar to the Milpitas ballot measure, although an analysis of the inventory of City land included or designated as parkland or open space in the City’s General Plan should be completed to ensure the ballot measure addresses the specific land the City Council would be interested in protecting by this effort.

Election Logistics

To qualify a measure for the November 2026 General Municipal Election, the City must adhere to statutory deadlines for ballot language adoption and submission to the County of Santa Clara Registrar of Voters. These deadlines generally require Council action to place the measure on the ballot no later than early August 2026.

In advance of that deadline, sufficient time must be allocated for public outreach, stakeholder engagement, polling (if desired), legal drafting, and refinement of ballot language. Based on preliminary conversations with multiple consultants experienced in municipal ballot measures, there remains adequate time to conduct polling, public engagement, and develop compliant ballot language for placement on the November 2026 ballot, provided direction is given in early 2026.

If Council ultimately directs staff to proceed, future actions would include adoption of a resolution placing the measure on the ballot, approval of ballot language and impartial analysis procedures, and coordination with the County Registrar.

Next Steps

Staff will return to City Council in February 2026 to formally present the information included in this memorandum and seek direction on whether to pursue placement of a parkland ballot measure on the November 2026 ballot.

If Council elects to proceed, staff will return with:

- A recommended scope of work for consultant services;
- A proposed budget appropriation; and
- A detailed work plan and timeline outlining polling, outreach, ballot language development, and required Council actions.

If Council determines not to pursue a measure at this time, no further action will be taken.

Include sustainability impact if necessary. If no impact, state "No sustainability impact."

Fiscal Impact

If Council directs staff to proceed with development of a ballot measure, the City should anticipate the following approximate costs:

- Consultant services for polling, public outreach, legal review, ballot language development, and strategic advisory services: approximately \$150,000 to \$200,000 based on initial discussions with multiple firms; and
- Estimated County costs to place the measure on the November 2026 ballot: approximately \$150,000, based on historical costs.

These estimates are preliminary and would be refined prior to returning to Council with a consultant agreement or appropriation request.

City Work Program (CWP) Item/Description

Protections for Parkland/Consider establishing protections for parkland, similar to those adopted by the cities of Sunnyvale and Milpitas

Council Goal:

Quality of Life

California Environmental Quality Act

No California Environmental Quality Act impact.

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Approved for Submission by: Tina Kapoor, City Manager

Attachments: