

Appendix 1

Appendix 1A: Text of Proposed Initiative

Appendix 1B: City Attorney's official Title and Summary

Appendix 1C: Notice of Intent to Circulate Petition

CUPERTINO CITIZENS' SENSIBLE GROWTH INITIATIVE

A MEASURE AMENDING THE CUPERTINO GENERAL PLAN TO ENSURE BALANCED AND SENSIBLE GROWTH BY MAINTAINING CITYWIDE LIMITS ON THE INTENSITY OF NEW DEVELOPMENT, PRESERVING AND ENHANCING THE VALLCO SHOPPING DISTRICT FOR RETAIL, HOTEL, DINING AND ENTERTAINMENT COMMERCIAL USES ONLY AND REQUIRING A VOTE OF THE PEOPLE TO MODIFY THOSE LIMITS AND USES.

THE PEOPLE OF THE CITY OF CUPERTINO DO ORDAIN AS FOLLOWS:

PART I. TITLE

This measure shall be called the CUPERTINO CITIZENS' SENSIBLE GROWTH INITIATIVE

PART II. FINDINGS

The people of Cupertino hereby find that:

- A. The City of Cupertino needs binding standards to guide new development within the City.
- B. Cupertino's citizens wish to maintain control over the long-term direction of that development.
- C. The City needs to develop in a moderate and controlled way that provides the housing, shopping, jobs, infrastructure, and amenities that will serve the best interests of City residents while avoiding overdevelopment and its associated traffic and other impacts.
- D. The long-term direction provided by the City's General Plan must be implemented through its specific plans and zoning ordinance without being subject to change due to pressure from the profit-driven proponents of specific projects.
- E. The City must protect the development density and intensity standards set by the General Plan through limits on heights, setbacks and building planes to prevent distortion of the desirable characteristics of the City through the influence of developers and other outside interests.
- F. The availability of sufficient retail commercial space is essential to the wellbeing of the City, its current and future residents, and its workers.

PART III. PURPOSE

This initiative measure (the "Initiative") has three purposes. If approved by the voters of Cupertino and enacted, it will (1) control the intensity of new development by setting general citywide limits on building heights, setbacks, building planes and lot coverage in Cupertino that will provide long-term direction, (2) preserve and enhance the Vallco Shopping District for

retail, hotel, dining and entertainment commercial uses and (3) require that changes or exceptions to those limits and uses be presented to and approved by the voters of Cupertino.

Under this Initiative, the General Plan (Community Vision 2015-2040) – hereinafter referred to as “General Plan,” specific plans and conceptual plans, and zoning ordinance would be enforced and not amended on an *ad hoc* basis to suit individual development projects. The standards in this Initiative are intended to strengthen these plans to protect Cupertino’s vibrant mixed use atmosphere, schools, and streetscapes, to limit traffic and congestion, and to promote public safety.

PART IV. GENERAL PLAN AMENDMENT

The General Plan is hereby amended by enacting or reenacting segments of that general plan as follows:

Note: All numbering of sections, policies, strategies, tables, and figures herein follows that of the General Plan as amended on October 20, 2015. Following the adoption of the Initiative, the General Plan’s sections, policies, strategies, tables, and figures, and all internal references thereto, shall be renumbered in a logical order, and tables and figures shall be modified to conform to the Initiative’s changes to the General Plan’s text, as specified herein.

Section 1. Chapter 1 – Introduction

- a. The last paragraph of the Section entitled “Purpose of Community Vision 2040 ” as of October 20, 2015, is amended as follows:**

Due to the breadth of topics covered in Community Vision 2040, conflicts between mutually-desirable goals are inevitable. For instance, increased automobile mobility may conflict with a safe, walkable community. This document reconciles these conflicts in the interest of building a cohesive community by placing a priority upon maintaining the well-being of Cupertino residents. Per State law, every goal and policy in this plan has equal weight. The City recognizes that the interests of residents of a particular street or neighborhood may need to be balanced with the overall needs and potentially greater goal of building a community. These are
Harmonization of possible conflicts between goals and policies in this plan shall be guided by an understanding that the General Plan reflects conscious choices that the City makes in the interest of building community and protecting its residents. That harmonization shall also recognize that changes made through this Initiative are intended to modify and supersede any section, policy, strategy, table, or diagram that might otherwise conflict with the amendments being made by this Initiative, and the General Plan shall be conformed accordingly.

- b. A new paragraph is added to the Section entitled “Purpose of Community Vision 2040” as of October 20, 2015 as follows:**

Portions of the General Plan were enacted or reenacted in 2016 by a voter initiative. A copy of that initiative shall be appended to the General Plan as an appendix unless or until that

requirement is changed or rescinded by the voters. It is the intent of the voters of Cupertino that, in interpreting and harmonizing the provisions of the General Plan, priority be given to ensuring that the provisions enacted or reenacted by the 2016 voter initiative be followed and implemented to the fullest extent possible.

Section 2. Chapter 2 – Planning Areas

- a. The Section “Vision” for the Vallco Shopping District Special Area is amended as follows:**

The Vallco Shopping District will continue to function as a major regional and community destination. The City envisions this area as a ~~new mixed-use “town center”~~ and gateway for Cupertino ~~providing a unique and memorable shopping, dining and entertainment experience with appropriate bicycle and pedestrian-friendly access. It will include an interconnected street grid network of bicycle and pedestrian-friendly streets, m~~More pedestrian-oriented buildings with active uses ~~may line lining~~ Stevens Creek Boulevard and Wolfe Road, ~~and~~ with publicly-accessible parks and plazas that support the pedestrian-oriented feel of the revitalized area. New development in the Vallco Shopping District ~~should must be required to~~ provide buffers ~~between~~ to protect adjacent single-family neighborhoods in the form of boundary walls, setbacks, landscaping or building transitions.

Section 3. Chapter 3 – Land Use and Community Design Element

- a. The Section “Context” is amended as follows:**

The first paragraph of the subsection “Economic Vitality” is amended as follows:

Cupertino is fortunate in its location in the heart of Silicon Valley. Despite its mostly suburban characteristics to the west and south, the city is home to a number of small, medium and large software, technology and biomedical companies. The General Plan ~~includes more office growth~~ recognizes the need to retain balanced growth to support a strong fiscal revenues and a stable tax base. In particular, policies focus on retaining and increasing the number of small, medium and major businesses in key sectors and provide flexible space for innovative startups that need non-traditional office environment. Policies for commercial areas seek to revitalize the Vallco Shopping District, and enhance commercial centers and neighborhood centers, which contribute to the City’s tax base and serve community needs.

Table LU-1: “CITYWIDE DEVELOPMENT ALLOCATION BETWEEN 2014-2040” is amended by the additions and strikeouts shown below.

**TABLE LU-1
CITYWIDE DEVELOPMENT ALLOCATION BETWEEN 2014-2040**

	Commercial (s.f.)			Office (s.f.)			Hotel (rooms)			Residential (units)		
	Current Built (Dec 10, 2014)	Buildout	Available	Current Built (Dec 10, 2014)	Buildout	Available	Current Built (Dec 10, 2014)	Buildout	Available	Current Built (Dec 10, 2014)	Buildout	Available
Heart of the City	1,351,730	2,145,000	793,270	2,447,500	2,464,613	17,113	404	526	122	1,336	1,898*	562*
Vallco Shopping District**	1,207,774	1,207,774	-	-	2,000,000	2,000,000	148	339	191	-	389	389
Homestead	291,408	291,408	-	69,550	69,550	-	126	126	-	600	750	150
N. De Anza	56,708	56,708	-	2,081,021	2,081,021	-	123	123	-	49	146	97
N. Vallco	133,147	133,147	-	3,069,676	3,069,676	-	315	315	-	554	1,304*	750*
S. De Anza	352,283	352,283	-	130,708	130,708	-	-	-	-	6	6	-
Bubb	-	-	-	444,753	444,753	-	-	-	-	-	-	-
Monta Vista Village	94,051	99,698	5,647	443,140	456,735	13,595	-	-	-	828	878	50
Other	144,964	144,964	-	119,896	119,896	-	-	-	-	18,039	18,166	127
Major Employers	-	-	-	109,935	633,053	523,118	-	-	-	-	-	-
Citywide	3,632,065	4,430,982	798,917	8,916,179	9,470,005*	553,826	1,116	1,429	313	21,412	23,148*	1,736*

* - numbers indicated by a single asterisk may be changed through the normal general plan amendment process.

** Buildout totals for Office and Residential allocation within the Vallco Shopping District are contingent upon a Specific Plan being adopted for this area by May 31, 2019. If a Specific Plan is not adopted by that date, City will consider the removal of the Office and Residential allocations for Vallco Shopping District. See the Housing Element (Chapter 4) for additional information and requirements within the Vallco Shopping District.

The subsection “Site and Building Design” is amended as follows:

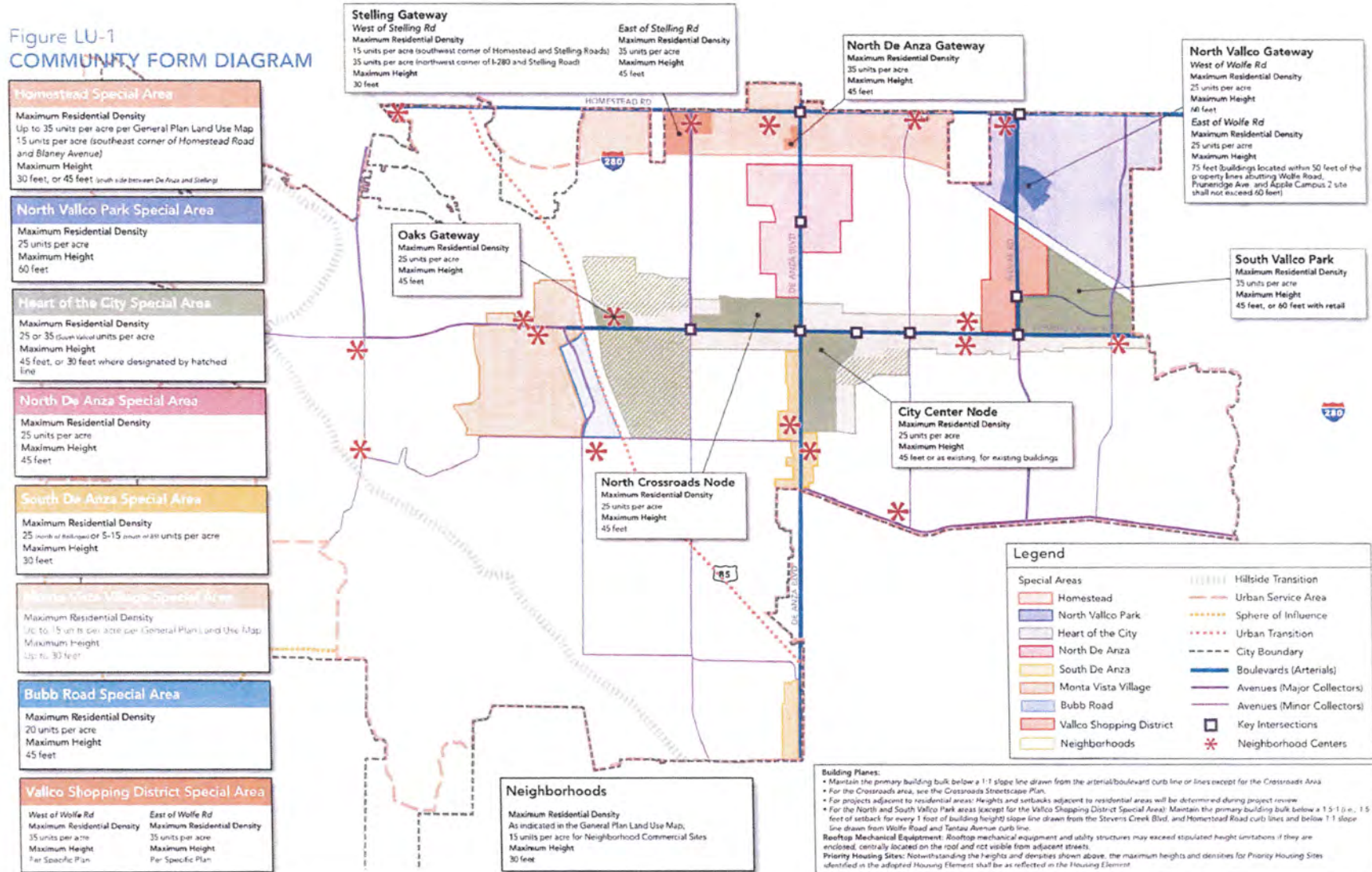
Policy LU-3.0: Community Form

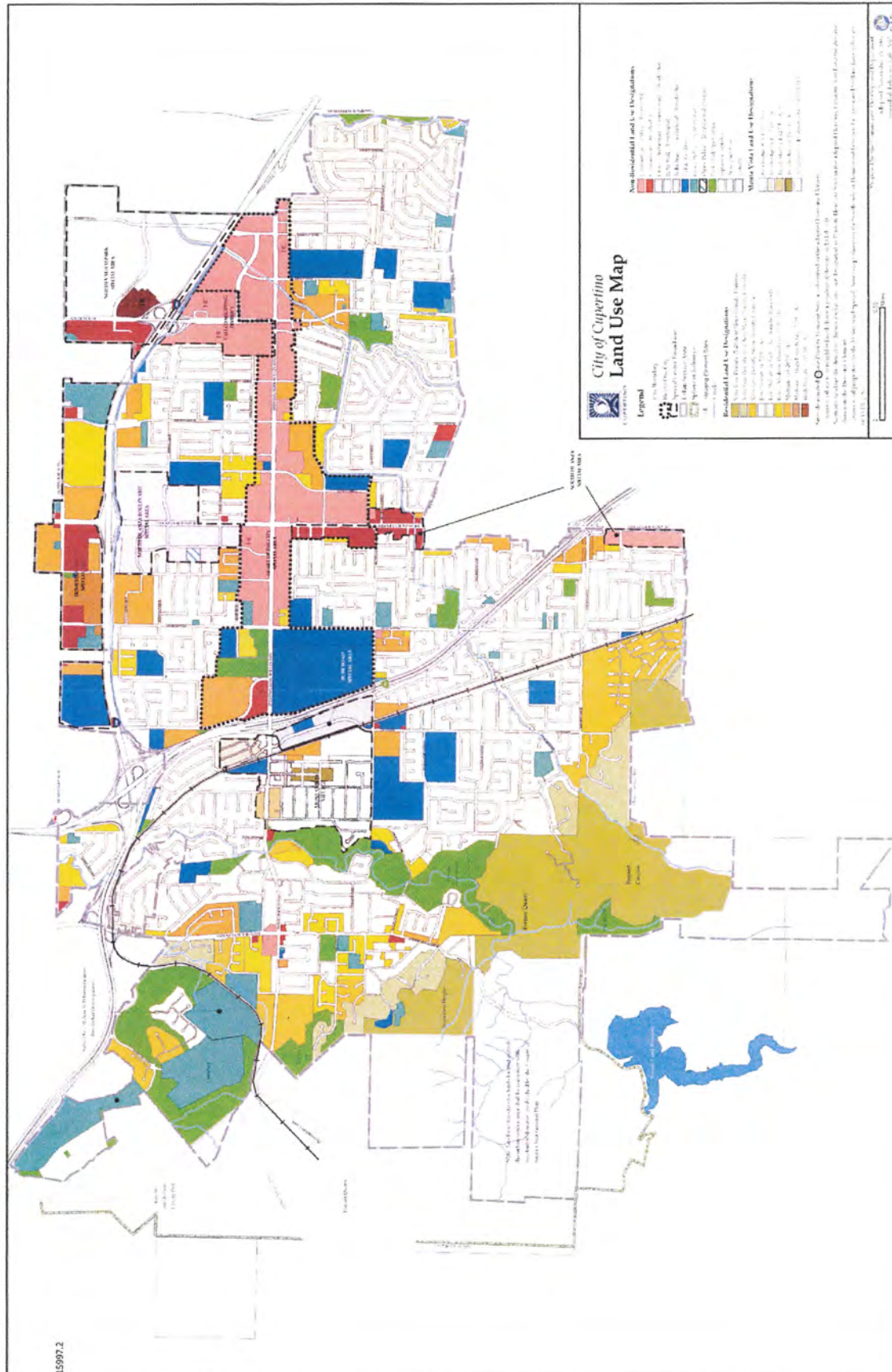
The maximum heights and densities for the special areas shown in the Community Form Diagram (Figure LU-1) shall not be exceeded. Outside of the Special Areas shown in Figure LU-1, building heights may not exceed 45 feet. Building height shall be measured to the highest point of the building, excluding light poles, antennae, minor mechanical boxes or roof vent protrusions which are not easily visible. A below-grade structure is not counted towards building height. For any project of over 50,000 sq. ft. of building area, maximum lot coverage shall not exceed 70%.

No provision allowing additional height or density, modifying maximum lot coverage, building plane, or minimum setback to relax the standards set in this General Plan, other than those mandated by state law, shall be allowed:

Figure LU-1 “Community Form Diagram” and the Land Use Map (shown below in their current form) shall be conformed to the requirements set by Policy LU-3.0, Policy LU-3.2, Policy LU-19.2 and the density changes identified in Footnotes (a) through (c) in the new Table HE 5.5 [previously Appendix B Table 5.5] as shown in Section 3 of this Part IV.

Figure LU-1
COMMUNITY FORM DIAGRAM





In order to assure the retention and enforcement of City guidelines not currently included in the General Plan, the following policies are amended as shown

Policy LU-3.2: Building Heights, and Setback Ratios, Stepbacks and Building Planes:

Maximum heights and setback ratios are specified in the Community Form Diagram (Figure LU-1) and as described below. As indicated in the figure, taller heights are focused on major corridors, gateways and nodes. Setback ratios are established to ensure that the desired relationship of buildings to the street is achieved.

Policy LU-3.2.1: Additional Floor Area. In any area where an increase in the maximum building height is granted in exchange for ground floor retail, no more than 1 square foot of additional floor area above the otherwise-applicable height limit may be allowed for every 1 square foot of ground floor retail. In any such exchange, all ground floor retail must be fully accessible to the public during operating hours.

Policy LU-3.2.2: Rooftop Height Extensions. Rooftop mechanical equipment and utility structures other than cell phone transmission antennae, but no other structures or building features, may exceed stipulated height limitations shown in Figure LU-1 if they are enclosed, centrally located on the roof and not visible from adjacent streets.

Policy LU-3.2.3: North De Anza Boulevard. For the area from I-280 south to Alves Drive on the west and from I-280 south to St. Joseph's Church on the east, not including St. Joseph's Church:

- For all new construction, there shall be landscaped setback areas extending a minimum of 50-ft. from curb line. Alternatively, the landscaped setback areas adjacent to North De Anza Blvd. may have a varied depth but a minimum square footage equal to the lot frontage distance multiplied by 50 ft., and a minimum setback distance at any point of 35 ft. from curb line.

Policy LU-3.2.4: Stevens Creek Boulevard

- The minimum setback on both sides of Stevens Creek Boulevard from CA-85 to the eastern boundary of the City of Cupertino is no less than 35 feet from the curb line.
- On both sides of Stevens Creek Boulevard from CA-85 to Perimeter Road buildings shall be below a 1:1 (i.e. 1 foot of stepback for every 1 foot of building height drawn from the curb line) slope line drawn from the Stevens Creek Boulevard curb line.
- On the north side of Stevens Creek Boulevard from Perimeter Road to the eastern boundary of the City of Cupertino buildings shall be below a 1.5:1 (i.e. 1.5 feet of stepback for every 1 foot of building height drawn from the curb line) slope line drawn from the Stevens Creek Boulevard curb line.
- On the south side of Stevens Creek Boulevard from Perimeter Road to the eastern boundary of the City of Cupertino buildings shall be below a 1:1 slope line drawn from the Stevens Creek Boulevard curb line.

Policy LU-3.2.5: Homestead Road in the North Vallco Park Area

On Homestead Road from Linnet Lane (west of Wolfe Road) to Swallow Drive (east of Wolfe Road) buildings shall be below a 1.5:1 slope line drawn from the Homestead Road curb line.

Policy LU-3.2.6: Building Planes on Arterial/Boulevard Streets.

Unless specified in other LU-3.2 policies, all other arterial/boulevard streets buildings shall be below a 1:1 (i.e. 1 foot of stepback for every 1 foot of building height drawn from the curb line) slope line drawn from the curb line or lines.

The Subsection “City Center Subarea” is amended as follows:

Strategy LU-16.1.3: Building form. The form of Bbuildings should, through the use of step-downs and setbacks, be designed be moderately-sealed to transition from existing taller buildings (new or existing) to the scale of the surrounding area. Taller buildings should provide appropriate transitions to fit into the surrounding area.

The subsection “Vallco Shopping District Special Area” is amended as follows:

Vallco Shopping District Special Area

~~The City envisions~~ encourages the renovation and improvement of ~~the existing~~ Cupertino’s Vallco Fashion Shopping Mall while maintaining its important role as a retail shopping center serving Cupertino’s residents and regional visitors. ~~a complete redevelopment of the existing Vallco Fashion Mall into a vibrant mixed-use “town center” that is a focal point for regional visitors and the community. This new~~ As renovated, the Vallco Shopping District will become a destination for shopping, dining and entertainment in the Santa Clara Valley.

GOAL LU-19

~~CREATE A DISTINCT AND MEMORABLE MIXED-USE “TOWN CENTER” THAT IS~~ PRESERVE AND ENHANCE THE VALLCO SHOPPING DISTRICT AS A LOCAL AND REGIONAL RETAIL, HOTEL, DINING AND ENTERTAINMENT COMMERCIAL DESTINATION AND A FOCAL POINT FOR THE COMMUNITY

Policy LU-19.1: Specific Plan

Create a Vallco Shopping District Specific Plan prior to any development or other significant changes in use on the site that lays out the land uses, design standards and guidelines, and infrastructure improvements required. The Specific Plan will be based on the following strategies:

Strategy LU-19.1.1: Master Developer. ~~Redevelopment will require a master developer in order remove the obstacles to the development of a cohesive district with the highest levels of urban design.~~

Strategy LU-19.1.2: Parcel assembly. Parcel assembly and a plan for complete redevelopment of the site is required ~~prior to adding residential and office uses.~~ Parcelization is highly discouraged in order to preserve the site for redevelopment in the future.

Strategy LU-19.1.3: Complete Redevelopment. The “town center” plan should be based on complete redevelopment of the site in order to ensure that the site can be planned to carry out the community vision.

Strategy LU-19.1.4: Land use. The following uses are allowed on the site (see Figure LU-1 for residential densities and criteria):

1. Retail: High-performing retail, restaurant and entertainment uses. Maintain a minimum of ~~600,000~~ 1,200,000 square feet of retail/dining/entertainment that provide a good source of sales tax for the City and provides high quality convenient shopping for residents of the city and surrounding areas. Entertainment uses may be included but shall consist of no more than 30 percent of retail uses.
2. Hotel: Encourage a business class hotel with conference center and active uses including main entrances, lobbies, retail and restaurants on the ground floor.
3. Residential: ~~Allow residential on upper floors with retail and active uses on the ground floor. Encourage a mix of units for young professionals, couples and/or active seniors who like to live in an active “town center” environment.~~
4. Office: ~~Encourage high quality office space arranged in a pedestrian-oriented street grid with active uses on the ground floor, publicly accessible streets and plazas/green space.~~

Strategy LU-19.1.5: “Town Center” layout. Create streets and blocks laid out using “transect planning” (appropriate street and building types for each area), ~~which includes a discernible center and edges, public space at center, high quality public realm, and land uses appropriate to the street and building typology.~~

Strategy LU-19.1.6: Connectivity. ~~Provide a newly configured complete street grid hierarchy of streets, boulevards and alleys that is~~ Any changes to the existing circulation pattern as part of a development or revision should be pedestrian-oriented, connects to existing streets, and creates walkable urban blocks for buildings and open space. It should also incorporate transit facilities, provide connections to other transit nodes and coordinate with the potential expansion of Wolfe Road bridge over Interstate 280 to continue the walkable, bikeable boulevard concept along Wolfe Road. ~~The project~~ Any such development or revision should also contribute towards a study and improvements to a potential Interstate 280 trail along the drainage channel south of the freeway and provide pedestrian and bicycle connections from the project sites to the trail.

Strategy LU-19.1.8: Open space. ~~Ground-level Open space areas in the form of a central town square on the west and east sides of the district interspersed with plazas and “greens”~~ should be included that create community gathering spaces, locations for public art, and event space for community events.

Policy LU-19.2: The Vallco Shopping District shall continue to be devoted to retail, hotel, dining and entertainment commercial use. No residential or office use shall be allowed. Building heights shall be restricted to a maximum of 45 feet. Figure LU-1 and the Land Use Map shall be conformed to this policy.

The subsection “North Vallco Park Special Area” is amended as follows:

Policy LU-20.3: Building Form. Buildings in the retail and hotel area should provide active, pedestrian-oriented uses along the street. Buildings ~~should~~ shall transition to fit the scale of the surrounding area. Taller buildings ~~should~~ shall provide appropriate transitions to fit into the surrounding area. In addition to the height limits established in the Community Form Diagram, buildings abutting the campus shall incorporate appropriate setbacks, landscaped buffering, and building height transitions to minimize privacy and security impacts.

Section 4. Chapter 4 – Housing Element

a. The Section “Housing Resources” is amended as follows:

The subsection “Overview of Available Sites for Housing” is amended in its second and third paragraphs as follows:

Figure HE-1 indicates the available residential development opportunity sites to meet and exceed the identified regional housing need pursuant to the RHNA. The opportunity sites can accommodate infill development of up to ~~1,400~~ 1,386 residential units on properties zoned for densities of 20 dwelling units to the acre or more. The potential sites inventory is organized by geographic area and in particular, by mixed use corridors. The sites identified to meet the near term development potential are shown in Table HE-5. As shown in Table HE-5, sites identified to meet the near-term development potential lie within the North Vallco Park Special Area, the Heart of the City Special Area, and the Vallco Shopping District Special Area.

~~One particular site will involve substantial coordination for redevelopment (Because redevelopment of the Vallco Shopping District, Site A2), cannot involve additional housing units. Due to the magnitude of the project, the City has established a contingency plan to meet the RHNA if a Specific Plan is not approved within three years of Housing Element adoption. This contingency plan (called the City must follow its contingency plan to meet the RHNA, known as Scenario B and (discussed further in General Plan Appendix B); Scenario B would involves the City removing Vallco Shopping District from its inventory of available sites for housing, adding other more priority sites to the inventory, and also increasing the density/allowable units on some of the other priority sites.~~

Figure HE-1: Priority Housing Element Sites: Scenario A is deleted in its entirety and replaced by Figure B-8 from Appendix B, page B-148, which shall be relabeled as Figure HE-1: Priority Housing Element Sites – Scenario B. Both the current Figure HE-1 and Figure B-8 are provided below.

Figure HE-1

Priority Housing Element Sites: Scenario A

Applicable if Vallco Specific Plan is adopted by May 31, 2018

If Vallco Specific Plan is not adopted by May 31, 2018, the designated Priority Housing Element Sites will be as shown in General Plan Appendix B, Section 5.5: Residential Sites Inventory - Scenario B.

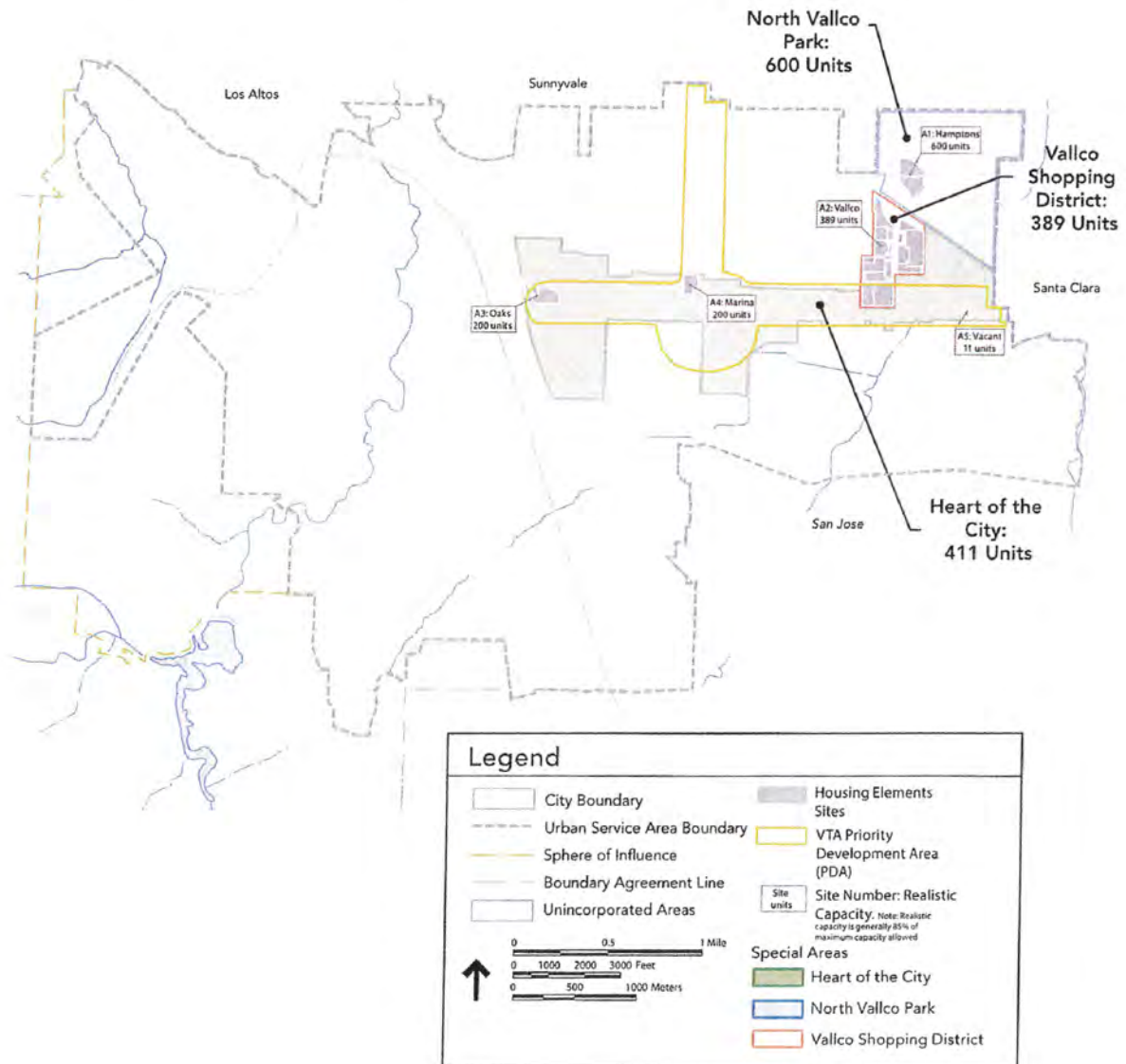


Figure B-8
Priority Housing Element Sites - Scenario B

Applicable if Vallco Specific Plan is **not** adopted by May 31, 2018

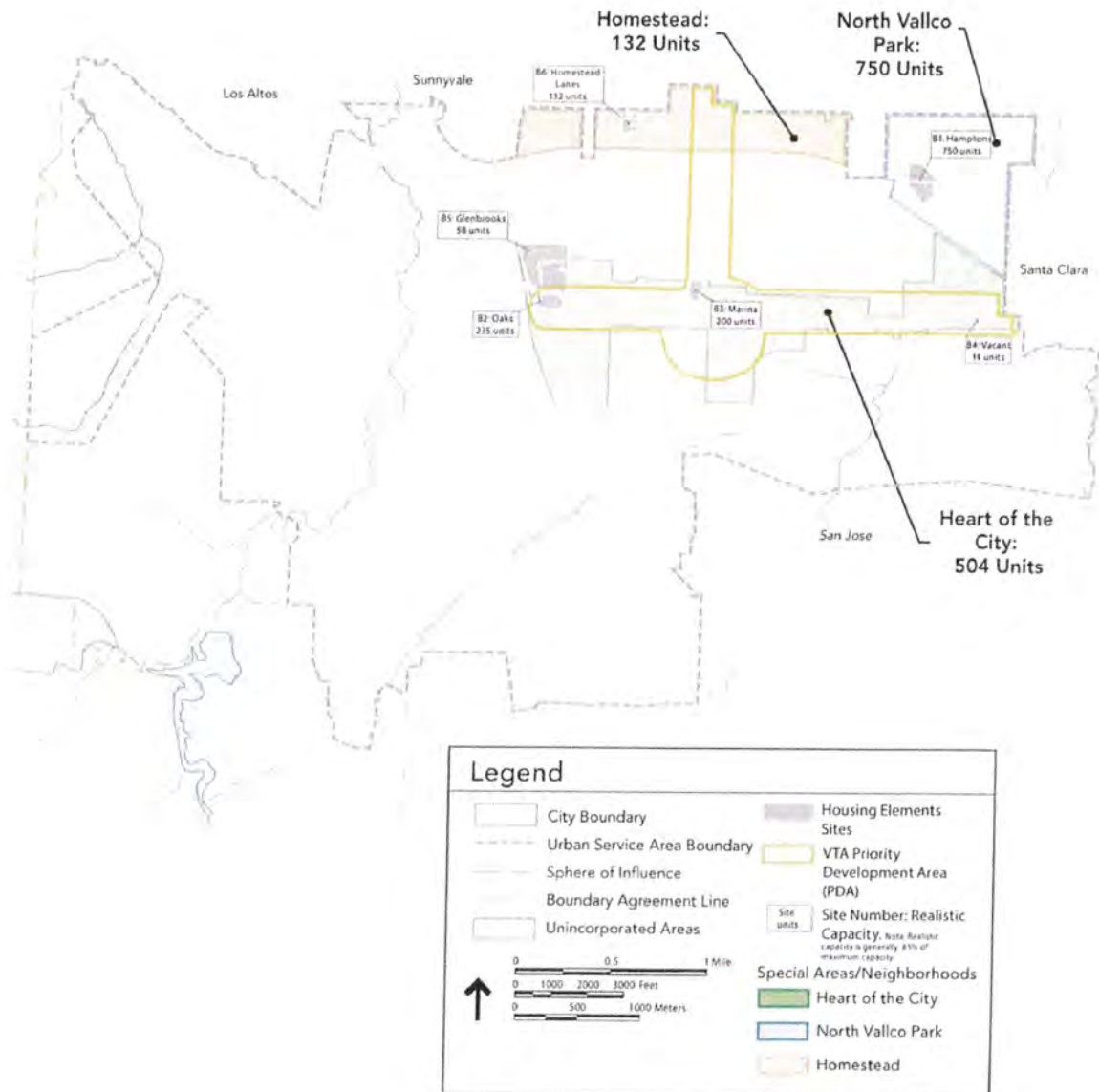


Table HE-5: “SUMMARY OF PRIORITY HOUSING ELEMENT SITES TO MEET THE RHNA – SCENARIO A” is deleted in its entirety and replaced by Table 5.5 from Appendix B, page B-153, which shall be relabeled as Table HE-5: SUMMARY OF PRIORITY HOUSING SITES – SCENARIO B. Both the current Table HE-5 and the replacement Table 5.5 are provided below:

TABLE HE-5: SUMMARY OF PRIORITY HOUSING ELEMENT SITES TO MEET THE RHNA - SCENARIO A

Site	Adopted General Plan/ Adopted Zoning	Special Area	Max Density (DUA)	Max Height	Realistic Capacity (units)
Site A1 (The Hamptons)	High Density P(Res)	North Vallco Park	85	75 ft; or 60 ft in certain locations*;	600 net
Site A2 (Vallco Shopping District)	RS/O/R P(Regional Shopping) & P(CG)	Vallco Shopping District	35	height to be determined in Vallco Shopping District Specific Plan	389
Site A3 (The Oaks Shopping Center)	C/R P(CG, Res)	Heart of the City	30	45 ft	200
Site A4 (Marina Plaza)	C/O/R P(CG, Res)	Heart of the City	35	45 ft	200
Site A5 (Barry Swenson)	C/O/R P(CG, Res)	Heart of the City	25	45 ft	11
Total					1,400

Notes: Zoning for Site A2 (Vallco) will be determined by Specific Plan to allow residential uses. Site A1 (Hamptons) height limit of 60 feet is applicable for buildings located within 50 feet of property lines abutting Wolfe Rd, Pruneridge Ave. & Apple Campus 2 site. Site A2 (Vallco) height will be determined by Specific Plan. For more detail on height limits, see Land Use and Community Design Element, Figure LU-1.

TABLE 5.5: SUMMARY OF PRIORITY HOUSING SITES - SCENARIO B

Site	Special Area/ Neighborhood	General Plan/Zoning	Max Density (DUA)	Acres	Realistic Capacity (units)	Affordability Level
Site B1 (Hamptons)	North Vallco Park	High Density P(Res)	99(a)	12.44	750	Very Low/ Low
Site B2 (The Oaks Shopping Center)	Heart of the City	C/R P(CG, Res)	35 (b)	7.9	235	Very Low/ Low
Site B3 (Marina Plaza)	Heart of the City	C/O/R P(CG, Res)	35	6.86	200	Very Low/ Low
Site B4 (Barry Swenson)	Heart of the City	C/O/R P(CG, Res)	25	0.55	11	Very Low/ Low
Site B5 (Glenbrook Apartments)	Heart of the City	Medium Density R3(10-20)	20	31.3	58	Very Low/ Low
Site B6 (Homestead Lanes and Adjacency)	Homestead	C/R (c) P(CG, Res) (c)	35 (c)	5.1	132	Very Low/ Low
Total				64.24	1,386	

Notes:

(a) A General Plan Amendment and zoning change will be necessary to allow the increase in density from 85 to 99 units per acre on Site B1.

(b) A General Plan Amendment and zoning change will be necessary to allow the increase in density from 30 to 35 units per acre on Site B2.

(c) A General Plan Amendment and zoning change will be necessary to allow residential uses at 35 units per acre on Site B6. Existing zoning for Site B6 is P(Rec, Enter).

(d) Realistic capacity reduces the maximum developable units by 15 percent on Sites B1, B2, B3, B4, and B6. Realistic capacity of Site B5 is (d) reduced by 46 percent due to existing site constraints.

(e) Identified capacity of sites that allow development densities of at least 20 units per acre are credited toward the lower-income RHNA based on State law. Pursuant to Government Code Section 65583.2(c)(3)(B), local governments may utilize "default" density standards to provide evidence that "appropriate zoning" is in place to support the development of housing for very-low and low-income households. The default density standard for Cupertino and other suburban jurisdictions in Santa Clara County is 20 dwelling units per acre (DUA) or more.

(f) Realistic capacity for sites B1 and B5 represent net new units.

b. The Section “Housing Plan” is amended as follows:

The subsection “Implementing Strategies” is amended as follows:

The fifth bullet point under Strategy 1: Land Use Policy and Zoning Provisions is amended as follows:

- Priority Housing Sites: As part of the Housing Element update, the City has identified ~~five~~ priority sites under Scenario A ~~B~~ (see Table HE-5) for residential development over the next eight years. The General Plan and zoning designations will allow the densities for this development, ~~shown in Table HE-5 for all sites except the Vallecito Shopping District site (Site A2). The redevelopment of Vallecito Shopping District will involve significant planning and community input. A specific plan will be required to implement a comprehensive strategy for a retail/office/residential mixed use development. The project applicant would be required to work closely with the community and the City to bring forth a specific plan that meets the community’s needs, with the anticipated adoption and rezoning to occur within three years of the adoption of the 2014-2022 Housing Element (by May 31, 2018). The specific plan would permit 389 units by right at a minimum density of 20 units per acre.~~

~~If the specific plan and rezoning are not adopted within three years of Housing Element adoption (by May 31, 2018), the City will schedule hearings consistent with Government Code Section 65863 to consider removing Vallecito as a priority housing site under Scenario A, to be replaced by sites identified in Scenario B (see detailed discussion and sites listing of “Scenario B” in Appendix B—Housing Element Technical Appendix). As part of the adoption of Scenario B, the City intends to add two additional sites to the inventory: Glenbrook Apartments and Homestead Lanes, along with increased number of permitted units on The Hamptons and The Oaks sites. All sites in Scenario B, except the Homestead Lanes, have applicable zoning is in place, for Glenbrook Apartments; however the The Homestead Lanes site will need to be rezoned at that time to permit residential uses. Any rezoning required will allow residential uses by right at a minimum density of 20 units per acre.~~

Delete the following table:

Responsible Agencies:	Cupertino Department of Community Development/ Planning Division
Time Frame:	Ongoing; Adopt Specific Plan and rezoning for Vallco by May 31, 2018; otherwise, conduct public hearings to consider adoption of "Scenario B" of sites strategy.
Funding Sources:	None required
Quantified Objectives:	1,064 units (178 extremely low-, 178 very low-, 207 low-, 231 moderate- and 270 above moderate-income units)

Part V: EXEMPTIONS FOR CERTAIN PROJECTS

This Initiative shall not apply to any development project which has obtained as of the effective date of this Initiative a vested right pursuant to State law.

Part VI: EFFECTIVE DATE, PRIORITY, AND CONSISTENCY

This Initiative shall become effective immediately upon the certification of the election results. Within six (6) months of the effective date of this measure, all provisions of the municipal code, ordinances, including zoning ordinances, resolutions, administrative policies, general plans, specific plans, conceptual plans or any other plan of the City shall be revised and amended to make them conform with the provisions of this Initiative. Until such time as the above referenced ordinances and plans have been so revised and amended, the provisions of this Initiative shall prevail over any conflicting provisions.

Part VII: SEVERABILITY

The people of Cupertino hereby declare that they intend to enact each and every provision of this Initiative regardless of the presence or absence of any other provision, and to that extent all of the provisions of this Initiative are to be considered severable. In the event a final judgment of a court of competent jurisdiction determines that any provision, section, subsection, sentences, clause, or phrase or application of this Initiative measure is found to be invalid or unenforceable for any reason, the invalid or unenforceable portion shall be severed from this measure, and the remaining portions of this measure shall remain in full force.

Part VIII: AMENDMENT OR REPEAL

Except as otherwise indicated herein, this Initiative may be amended or repealed only by the voters at a City election.

CITY ATTORNEY'S BALLOT TITLE AND SUMMARY FOR PROPOSED INITIATIVE
SUBMITTED ON NOVEMBER 24, 2015

TITLE: Initiative amending Cupertino's General Plan to limit redevelopment of the Vallco Shopping District, limit building heights and lot coverages in areas throughout the City, establish new setbacks and building planes on major thoroughfares, and require voter approval for any changes to these provisions.

SUMMARY: As required by State law, the City of Cupertino's General Plan establishes permissible land uses, maximum development densities, and intensities for all properties within the City. The City recently completed a multi-year planning effort that resulted in the adoption of its General Plan (Community Vision 2015 – 2040), intended to guide development through the year 2040.

The initiative amends Cupertino's General Plan in several ways, including requirements for: the Vallco Shopping District; building heights, setbacks, planes, and lot coverage in other areas of the City; residential allocation; and the Housing Element.

For the Vallco Shopping District, the initiative: (1) removes the General Plan's vision for the "complete redevelopment of the existing Vallco Fashion Mall into a vibrant mixed use 'town center'" and restates the City's goal as to "preserve and enhance the Vallco Shopping District as a local and regional retail, hotel, dining and entertainment commercial destination. . . ."; (2) prohibits residential and office uses; (3) restricts building heights to a maximum of 45 feet; and (4) increases the minimum square footage of retail/dining/entertainment uses from 600,000 to 1,200,000 square feet.

In other areas of the City, the initiative: (1) prohibits building heights greater than 45 feet except in North Vallco Park and South Vallco Park Gateway within the Heart of the City Special Area; (2) adds policies regarding setbacks, "stepbacks," "building planes," and rooftop height extensions citywide; (3) adds specific policies applicable to North De Anza Boulevard, Stevens Creek Boulevard, and Homestead Road in North Vallco Park; (4) limits the maximum lot coverage for projects over 50,000 square feet to 70%; and (5) reduces the Citywide residential allocation by 146 units.

For the Housing Element, state law requires that every general plan identify priority housing sites to accommodate that city's share of regional housing needs. The initiative removes the current General Plan "Scenario A" of priority sites and replaces it with the General Plan's "contingency plan", "Scenario B". Scenario B: (1) removes the Vallco Shopping District as a priority housing site; (2) increases residential units allocated to

the Heart of the City and North Vallco Park Special Areas: (3) adds two other sites; and (4) reduces the total number of priority housing units by 14.

The initiative states that it shall not apply to any development project that has obtained, prior to the initiative's effective date, a vested right pursuant to state law.

It directs the City to amend all other provisions of its municipal code, ordinances, plans, policies, and resolutions to conform with the initiative within six months.

The initiative states that, except as indicated therein, no provision of the initiative may be amended without voter approval.

The initiative has no expiration date.

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Cupertino for the purpose of amending the Cupertino General Plan. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

The proposed initiative measure amends the Cupertino General Plan to promote sensible and sustainable growth of the City and empowers Cupertino voters to control future changes to key components of the General Plan.

Major elements include:

1. Establish clear citywide standards for development, including maximum heights, and building planes and required setbacks on major thoroughfares.
2. Restore the Vallco Shopping District as a shopping and entertainment center, and remove the recently added office and residential components that would interfere with that revitalization.
3. Ensure that large new development projects maintain open space areas by requiring that lot coverage not exceed 70%.
4. Empower the City's voters by requiring that any change to the important new provisions this initiative would add must be approved by the voters.

Anne Brooke Ezzat
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[REDACTED]
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11/24/2015
Date

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Date