

**CUPERTINO CITY ATTORNEY'S  
IMPARTIAL ANALYSIS OF MEASURE C**

**[Submitted pursuant to Elections Code 9280]**

Measure C was placed on the ballot by a petition signed by the requisite number of voters. If approved, Measure C would amend Cupertino's General Plan (entitled *General Plan (Community Vision 2015-2040)*) to limit redevelopment of the Vallco Shopping District Special Area (Vallco) and set maximum building heights and standards throughout the City.

Measure C would change the General Plan provisions applicable to Vallco (a 58-acre area, the majority of which is currently occupied by the Vallco Shopping Mall) to eliminate the current community vision for a mixed-use area, including:

- Removing residential and office development (i.e. 2,000,000 square feet of office space currently allocated by the General Plan) and allowing only retail, hotel, dining and entertainment uses.
- Eliminating 389 residential units presently allocated to Vallco and reallocating about 60 percent (243 units) to other residential and mixed-use areas in Cupertino.
- Maintaining the existing 1,200,000 square feet of commercial/retail at Vallco as both a "minimum" and a "maximum," thereby reducing flexibility of type of development.
- Limiting maximum height limits for new development at Vallco to 45 feet, which is below the height of many existing buildings at Vallco.
- Deleting several General Plan "strategies" for Vallco reflecting the City Council's determination that redevelopment of the area will require a master developer and that "complete redevelopment" of the site is necessary to carry out the community vision.

In other areas of the City, Measure C would generally modify the General Plan, including:

- Increasing the maximum building height from 30 feet to 45 feet in the City's Neighborhoods (parts of the City that are outside of the General Plan's "Special Areas") – a 50 percent increase. Neighborhoods represent approximately three-quarters of the City's land area. Current City zoning requirements would still require 30 feet maximum building heights in approximately three-fourths of Neighborhood areas. Approximately one-fourth of Neighborhood areas set maximum heights by reference to the General Plan, which could be immediately impacted by Measure C.
- Prohibiting increases in maximum building heights, densities, lot coverages, or building planes citywide, and prohibiting decreases in minimum "setback requirements" set by the General Plan.


- Adding new policies regarding development and building standards, including setbacks, stepbacks, building planes, and rooftop height extensions citywide.
- Limiting maximum lot coverage for projects over 50,000 square feet.
- Reducing the residential allocation (number of new residences allowed) by 146 units.
- Adding specific land use policies applicable to North De Anza Boulevard, Stevens Creek Boulevard, and Homestead Road in North Vallco Park.

Measure C also states that conforming amendments shall be made to the City's municipal code, ordinances, policies and plans within six months of the effective date.

Only the voters could change the General Plan amendments adopted by Measure C.

"Yes" is a vote to approve the General Plan amendments described above. "No" is a vote not to approve those General Plan amendments. Measure C will be approved if it receives a simple majority of "Yes" votes. If both Measure C and a conflicting measure are approved, then only the measure with the highest number of affirmative votes shall take effect.

Dated: August 19, 2016



Randolph Stevenson Hom  
Cupertino City Attorney

**The above statement is an impartial analysis of Measure C. If you desire a copy of the measure, please call the elections official's office at (408) 777-3223 and a copy will be mailed at no cost to you.**