

**CUPERTINO CITY ATTORNEY'S  
IMPARTIAL ANALYSIS OF MEASURE D  
[Submitted pursuant to Elections Code 9280]**

Measure D was placed on the ballot by a petition signed by the requisite number of voters. If approved, Measure D would adopt the Vallco Town Center Specific Plan and make related amendments to the Cupertino General Plan and Municipal Code. Together, the Vallco Town Center Specific Plan, General Plan amendments, and Municipal Code amendments would govern development within the 58-acre Vallco Shopping District Special Area, the majority of which is currently occupied by the Vallco Shopping Mall.

Specifically, the Vallco Town Center Specific Plan would:

- Establish permitted land uses, including:
  - Residential: 389 units (up to approximately 800 units, with a conditional use permit);
  - Office: 2,000,000 sf (minimum 100,000 sf for incubator, co-work, or multi-tenant space);
  - Commercial: 640,000 sf (minimum of 600,000 sf retail, entertainment, and personal services; up to 40,000 sf may be fitness);
  - Hotel: 339 rooms (148 already approved by the City);
  - Public/Civic: Minimum 50,000 sf (may be increased to 100,000 sf if office space reduced commensurately);
  - Open Space/Parks: 30-acre green roof, accessible to public, with at least 3.8 miles of public trails, and two “town squares” comprising at least 3 acres.
- Adopt development standards, including height, setbacks, and parking requirements. Maximum building heights range from 30-95 feet; roof heights range from 0-25 feet above buildings; and rooftop pavilions cannot exceed 24 feet above the roof.
- Require the developer to provide enumerated “community benefits” and “environmental design features,” including:
  - approximately \$40,000,000 in facilities and programs for local schools as provided in donation agreements between developer and school districts;
  - approximately \$30,000,000 toward transportation improvements for the I-280/Wolfe Road interchange and other freeway segments;
  - \$6,000,000 for bike/pedestrian trail along I-280;
  - additional offsite roadway, bicycle, and pedestrian improvements;

- a portion of funding for a community effort for a free community shuttle in partnership with other agencies;
- green roof and town squares (see above);
- senior housing (minimum 80 units, or 20% of all units);
- community banquet/event hall, hub building, amphitheater, and playground;
- charitable lease(s) for civic space;
- extension of recycled water pipeline.

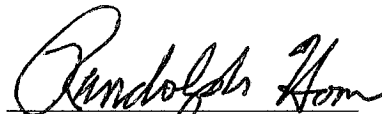
Measure D would also:

- Require a mix of uses, including retail, hotel, residential, office, open space and parks;
- Establish the “Vallco Town Center Specific Plan” zoning district;
- Limit City discretion to deny projects that are in “substantial conformance” with the Vallco Town Center Specific Plan or to deny conditional use permit for additional residential units;
- Ease restrictions on subdivision (“parcelization”), with adequate protective measures;
- Make related General Plan and Municipal Code amendments;
- Require voter approval of any changes to its provisions made prior to January 1, 2027.

Measure D would not change the development allocations currently set forth in the General Plan (Table LU-1).

“Yes” is a vote to adopt the Vallco Town Center Specific Plan and related General Plan and Municipal Code amendments. “No” is a vote not to adopt the Vallco Town Center Specific Plan and related General Plan and Municipal Code amendments. If both Measure D 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 D. 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.**