

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.