

CITY ATTORNEY'S BALLOT TITLE AND SUMMARY FOR PROPOSED
INITIATIVE SUBMITTED ON FEBRUARY 9, 2016

TITLE: Initiative amending Cupertino's General Plan and Heart of the City Specific Plan to: (1) allow 280,000 square feet of office space, 200 hotel units, and 270 residential units, and a height limit of 88 feet for a mixed-use development project at the Cupertino Oaks Shopping Center ("Property"); (2) exempt the Property from some development standards; and (3) require the City to promptly process and approve an application for a project that includes specified community benefits and is consistent with the terms of the proposed initiative.

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 for its new General Plan, Community Vision 2015 – 2040, guiding development through 2040. The City has also adopted several specific plans, which provide additional development guidance for certain areas of the City. The eight-acre Property, bounded by State Route 85, Stevens Creek Boulevard, and Mary Avenue, is within the Heart of the City Specific Plan.

The proposed initiative amends the City's General Plan and the Heart of the City Specific Plan including to:

- (1) add an additional 280,000 square feet of office space and an additional 200 hotel rooms to the development permitted within the Heart of the City area exclusively for the Property;
- (2) change the "Maximum Residential Density" for the Property from "25 units per acre" to a provision allowing 270 residential units;
- (3) exempt the Property from the 1:1 slope line setback requirement;
- (4) increase the maximum allowable building height from 45 feet to 88 feet and change the land use designation and zoning to allow office uses;
- (5) remove the Neighborhood Center designation;
- (6) allow for "parcelization" (i.e., the division of the property into smaller parcels that may then be re-sold) of the Property;
- (7) remove the requirement that the Property contain a "substantial retail component";

- (8) remove restrictions on the percentages of certain uses allowed along Stevens Creek Boulevard and the rear of buildings; and
- (9) reduce the percentage of the required common outdoor space that must be landscaped.

The initiative states that its intent is to revitalize the Oaks Shopping Center with a mixed use project that would generate an estimated \$2.5 million in new annual tax revenues and an additional \$8 million worth of specified community benefits, such as funds for construction of schools, public facilities, and transportation, and affordable housing in excess of City requirements.

It directs the City to promptly review a development application that is generally consistent with the initiative's attached "Site Plan" and promptly approve a development permit and development agreement that would require the landowner to provide community benefits and amenities in substantial conformance with those specified.

The initiative, which has no expiration date, states that the General Plan and Heart of the City Specific Plan provisions it amends could be amended by the voters or, "upon application of the landowner", by the City Council.