

## MEASURE D

### CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE D

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);

### CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE D-Continued

- 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

/s/ 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.**

## ARGUMENT IN FAVOR OF MEASURE D

Measure D would allow a viable and long overdue revitalization of the dying and nearly vacant Vallco Shopping Mall.

Measure D will revitalize Vallco as an innovative, sustainable mixed-use town center as called for in Cupertino's community-created General Plan.

### What Measure D Provides for Cupertino Residents:

- 30-acre Community Park and Nature Area with trees, trails and open space
- A destination Town Center square, performance venues, a unique amphitheater and play space for children.
- Free space for nonprofits and civic organizations, a banquet hall and community center.
- Over \$40 million in onetime revenue for Cupertino's K-12 school districts to reduce class sizes and enrich education, millions more *annually* for local schools, and over \$1.2 million annually for Foothill-De Anza Community College District.
- Sets aside new homes for local seniors and results in a \$50 million contribution to affordable housing for Cupertino's most deserving residents and families.
- A carefully-engineered transportation plan that minimizes traffic impacts, including a free community shuttle, transit center, I-280 improvements and tens of millions of dollars for local roadway improvements.
- A LEED Platinum plan with the highest standards of environmental sustainability, water conservation and mandated recycled water use.

To guarantee these benefits to Cupertino residents, they have been written into Measure D and will become a binding legal mandate of any redevelopment.

### Measure D: The Right Choice for Revitalization

Voting Yes on Measure D means an innovative and beneficial revitalization of empty, decaying Vallco Shopping Mall, transforming it from a dated eyesore into a lively, attractive center of community life.

Voting No on Measure D means Vallco Shopping Mall will stay empty and unusable for decades, eliminating a once-in-a-generation chance at revitalization and rejecting millions for Cupertino schools, residents and our community.

## ARGUMENT IN FAVOR OF MEASURE D-Continued

The choice for Cupertino's future is clear. Please join California Assemblymember Evan Low and neighbors from across Cupertino in supporting Measure D. Learn more at [RevitalizeVallco.com](http://RevitalizeVallco.com).

/s/ Vicky Tsai

Initiative Proponent & 2005 Cupertino Small Business of the Year Owner

/s/ Dolly Sandoval

Former Cupertino Mayor & Senior Housing Advocate

/s/ Donna M. Austin

Cupertino Historian & 2010 Cupertino Citizen of the Year

/s/ Rammohan Varadarajan

High Tech Entrepreneur & New Innings Sports Foundation President

/s/ Xiaofeng Xiong

Inventor & 20-year Cupertino resident

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D

Measure D is a developer wish list—a 334-page document full of loopholes.

### Top Reasons to Vote NO on Measure D:

- Its "community benefits" commitments, including free shuttles and money for schools, are NOT binding. Its entitlements, for example re-parcelization, are alarming.
- The developer, Sand Hill Property Company, has an abysmal record, including the failed Sunnyvale Town Center and broken promises at Cupertino's Main Street.
- Vallco's controversial green roof, if built, could use 86,000+ gallons of water daily. Its upkeep would likely fall upon the taxpayers.

### Measure D would:

- Allow several millions of square feet of dense vertical buildings up to 10 stories to be built at Vallco WITHOUT city approval and WITHOUT environmental impact studies.
- Add 30,000+ daily vehicle trips, promote gridlock on city streets, and slow 280 to a crawl.
- Inspire workers to use neighborhood streets as thoroughfares and parking lots, jeopardizing the safety of school children, cyclists, and pedestrians.
- Destroy Vallco as a shopping center, forcing residents to fight traffic to shop elsewhere and reducing sales tax revenue for the City.
- Silence our voice about what we need at Vallco.
- Enrich the developer at the expense of residents and schools.

**Measure D will NOT revitalize Vallco as a shopping, dining and entertainment venue.** Other Bay Area cities have changed failing malls into successful malls.

### Cupertino deserves better. Vote NO on Measure D!

/s/ Steven M. Scharf  
Proponent for Measure C, Engineer, 17-year Cupertino Resident

/s/ Anne Brooke Ezzat  
Proponent for Measure C, 27-year Cupertino Resident

/s/ Xiangchen Xu  
Proponent for Measure C, 5-year Cupertino Resident

/s/ Aravind Balakrishnan  
Software Engineer, 20-year Cupertino Resident

## ARGUMENT AGAINST MEASURE D

The following Argument Against Measure D represents the OPINIONS of the authors, who are long-term residents advocating sensible growth in Cupertino. We encourage you to read the initiative and decide what you think.

**A No vote on Measure D** would allow sustainable alternatives to be considered through the standard project approval processes and impact analysis and mitigation.

**A Yes vote on Measure D** would maximize developer's profits, while offering non-binding yet alluring promises and negative environmental impacts to the community.

### Developer's Measure D:

- **Too Dense! Too Tall!**

Destroys Vallco Mall. Replaces the mall with a massive office park, including limited retail and housing. Does not mitigate significant impacts; the environmental analysis from the City deems most mitigations insufficient. The "benefits" touted are NOT binding commitments. Imposes extreme building heights up to 120 feet. The site would be turned into a concrete jungle with insignificant ground level green space.

- **Too Much Traffic!**

Aggravates the traffic nightmare by doubling daily commute traffic on local streets and highways.

- **Worsens the Housing-to-Office Deficit!**

Teachers, first responders, and other service professionals will have longer commutes or greater challenges finding housing because they will be competing for road access and housing with 10,000 new workers at Vallco.

- **Not Accessible, Except on Foot!**

Renders promised shops inaccessible due to insufficient vehicle parking. Bike paths and bike parking are insufficient and substandard. Transforms neighborhood streets around Vallco into unofficial parking lots.

- **Sidesteps the Process!**

Does not require a development agreement. Circumvents required environmental impact analysis and mitigation. Delays checks for infrastructure, such as traffic, water, sewage, from the time of project approval to the first issuance of building permits.

Vote **Yes on C**, the citizens-sponsored initiative.

Vote **No on D**, a developer-sponsored initiative.

([www.BetterCupertino.org](http://www.BetterCupertino.org))

/s/ Steven M. Scharf  
Proponent of Measure C

/s/ Anne Brooke Ezzat  
Proponent of Measure C

/s/ Xiangchen Xu  
Proponent of Measure C

## REBUTTAL TO ARGUMENT AGAINST MEASURE D

Unfortunately, the signers of the Argument Against Measure D are asking you to accept their "OPINIONS" instead of proven FACTS.

We represent thousands of Cupertino community members who signed the petition qualifying Measure D for the ballot. Measure D supporters are as diverse as Cupertino itself, and we are united by our belief that Measure D is the best opportunity in a generation to revitalize Vallco and produce tremendous community benefits for our city's residents.

Please look past opponents' unfounded opinions and consider the facts:

**A green plan for the community.** By describing the plan as a "concrete jungle" the opposing authors show their preference for bias over facts. The reality is that Measure D's mixed-use plan to revitalize Vallco mandates a 30-acre Community Park and Nature Area, creating an innovative and exciting place for residents to work, live, play and learn.

**No viable alternatives.** When it comes to the future of Vallco, voting No on Measure D will NOT "allow sustainable alternatives to be considered". Independent economic experts have concluded a balanced mixed-use plan like Measure D is the only viable strategy for success. With 30 years of history as proof, there simply aren't any sustainable retail-only alternatives.

**Community benefits are legally guaranteed.** Read the ballot question for yourself: the community benefits are legally binding if Measure D passes. This means \$10s of millions for schools, transportation improvements, recycled water, badly-needed senior housing and open space will be secured by Measure D.

Join us and former California Assemblymember Paul Fong in voting Yes on Measure D.

/s/ Orrin Mahoney  
Former Cupertino Mayor

/s/ Nancy Ann Newton  
28-Year Fremont Union High School District Board Member

/s/ Jeff Baicher  
President of Cupertino-based De Anza Force Soccer Club

/s/ Sandy James  
Former Cupertino Mayor & Former Cupertino Union School District Board Member

/s/ Michael Chang  
Santa Clara County Board of Education Vice President & Former Cupertino Mayor