MEASURE C

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE C

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.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE C-Continued

- 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

/s/ 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.

ARGUMENT IN FAVOR OF MEASURE C

The following Argument in Favor of Measure C 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. (www.ccSensibleGrowth.org)

Measure C is the Cupertino Citizens' Sensible Growth Initiative.

What Measure C Does:

- Empowers the electorate to reject uncontrolled growth in Cupertino. Uncontrolled growth will damage the quality of life we enjoy today.
- Prevents deep-pocketed developers, lobbyists, special interest groups, and insiders from exploiting Cupertino for their own benefit.
- Revitalizes the Vallco Shopping District primarily as a retail, hotel, dining and entertainment venue, and rejects its designation as an office park with nearly 6 million square feet of office and other uses.
- Helps prevent further school over-crowding and traffic congestion.
- Empowers the electorate to hold developers accountable for infrastructure improvements necessitated by their projects.

How Does Measure C Work?

The City's review and approval process remains unchanged unless a project requires a General Plan amendment. For certain General Plan amendments (GPAs), which will increase density, including building heights, voter approval is required. Voter approval of GPAs ensures that development projects meet the needs of residents.

Why Do Developers Oppose Measure C?

Measure C requires that non-compliant projects must appeal to the majority of voters, rather than a mere 3 City Council members, who can be influenced by campaign contributions and other benefits from those with development interests.

Why Do Residents Support Measure C?

Residents support balanced growth where infrastructure, including schools and transportation, is developed in conjunction with offices and housing.

Vote **Yes on C**, the citizens-sponsored initiative.
Vote **No on D**, a developer-sponsored initiative.

/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 IN FAVOR OF MEASURE C

We are not developers. We are longtime community members who are proud to sign this Rebuttal. We all agree that Measure C would negatively impact our neighborhoods for generations to come.

One of the most accurate lines in the Measure C Argument is that it only reflects the "OPINIONS" of the authors. The blatantly false and misleading statements clearly demonstrate their opinions don't match up with the facts, and the facts matter:

FACT: Due to sloppy drafting, Measure C does increase the neighborhood height limit to 4 stories. The ballot question says it all. A Santa Clara County Superior Court Judge, the Cupertino City Council and an independent law firm contracted by the City to analyze Measure C all agree: passage of Measure C could drastically alter Cupertino's neighborhoods by allowing 45-foot, 4-story homes.

FACT: Passage of Measure C will result in a dead Vallco for decades to come. The authors' opinion that Measure C could somehow bring Vallco back to life is a pipe dream not backed up by the facts. Independent economic studies and expert analysis have repeatedly demonstrated that, due to irreversible shifts in market conditions, a mixed-use plan as called for by Cupertino's General Plan is the only way Vallco can succeed and deliver the benefits the community needs.

FACT: Under Measure C, even small development changes could force **unnecessary elections that will cost Cupertino taxpayers up to $400,000 per election**.

Please join us in our effort to prevent 4 story homes in Cupertino's neighborhoods and revitalize Vallco by voting No on Measure C.

/s/ Gary Jones
Bicycle-Pedestrian Advocate & 40-year Cupertino Resident

/s/ Ann Woo
Nonprofit Executive Director, Inventor, & 34-year Cupertino Resident

/s/ Ben Shyy
Cupertino Dentist & 26-year Cupertino Resident

/s/ Anjali Kausar
Cupertino Chamber of Commerce CEO

/s/ Gary McCue
Former Cupertino Union School District Board Member

ARGUMENT AGAINST MEASURE C

We can all agree on two things: 1) something must be done about Vallco and 2) Cupertino's residential neighborhoods don't need 4-story homes.

But Measure C will accomplish just the opposite. If passed, it will raise the maximum height of homes in most residential neighborhoods to 4 stories and will prevent the revitalization of Vallco, ensuring that it remains desolate and empty.

The initiative and the City of Cupertino's independent analyses are available at www.cupertino.org/initiatives. Here are the facts:

Fact: Measure C will raise the height limit in the City's Neighborhoods to 45 feet, a 50% height increase. That means 4-story homes throughout our residential neighborhoods, impacting most of Cupertino.

Fact: Measure C will block mixed-use revitalization of Vallco, resulting in an empty 'ghost mall' for years to come.

Fact: Measure C will block more than $47 million in onetime revenue and $2.8 million in yearly revenue for Cupertino schools and city services such as public safety, parks, and libraries.

Fact: Measure C will block the creation of a 30-acre community park and nature area and substantially limit open space areas for the community.

Fact: Measure C will require an election to approve even minor changes to developments in our city. Each of these elections could cost taxpayers $400,000, wasting money that could be better spent on vital city services.

Fact: Measure C will block the construction of much deserved housing for seniors.

Fact: Measure C will block over $36 million in funding for badly needed transportation improvements to reduce traffic on I-280 and our city streets.

The facts speak for themselves. Join us and community leaders from across Cupertino in saying NO to 4-story homes in our neighborhoods and a desolate Vallco for years to come. The CC "Sensible" Growth Initiative simply doesn't make sense. Vote No on Measure C.

/s/ Judith Wilson
Education Advocate & 30-year Cupertino Resident

/s/ Richard Lowenthal
Former Cupertino Mayor & 33-year Cupertino Resident

/s/ Hung Wei
2016 Cupertino Citizen of the Year & 26-year Cupertino Resident

/s/ Hemant Buch
Co-Founder California Cricket Academy [CCA] & 17-year Cupertino Resident

/s/ Keith Warner
Cupertino Chamber of Commerce President-Elect & 17-year Cupertino Resident

REBUTTAL TO ARGUMENT AGAINST MEASURE C

Measure C is the measure by Citizens, for Citizens, for Cupertino.

Measure C cleans up the General Plan and is a clear blueprint to guide sensible, thoughtful development and keeps Vallco for shopping and entertainment in Cupertino instead of turning it into a massive office development.

The arguments AGAINST Measure C are propaganda.

(www.ccSensibleGrowth.org)

Sadly, the "impartial analysis" printed nearby is **not independent**. Instead, it is a rehash of talking points from big-money developers by the City Attorney. Now it appears the City Attorney is doing the bidding of developers instead of watching out for Cupertino voters who pay his salary.

The law is clear that arguments FOR Measure C are part of Measure C's legal meaning.

Measure C allows renewal of Vallco as a place for enjoyment. ***With Measure C, Cupertino could have the go-to place we deserve for shopping, dining, gathering, and entertainment!***

Vote **Yes on C**, the citizens-sponsored initiative.
Vote **No on D**, a developer-sponsored initiative.

/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