

# Vallco – General Plan EIR Inconsistencies

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## Summary:

The Environmental Impact Report completed in 2014 for the city-wide General Plan Amendment for Cupertino's General Plan Vision 2040 does not indicate specific allocations for Vallco Shopping District were studied. At issue is whether the city performed a site specific EIR with certain allocations at Vallco, or not. The current property owner (who did not own the entire site at the time of the EIR) and the consultant for the developer's failed Measure D ballot initiative, the Vallco Town Center Specific Plan Initiative, seem to agree that 2 Million SF of office and 800 residential units were indeed studied in the city-wide program level General Plan EIR.

Who is correct?

Why does the same company conducting the EIR for Vallco's current Proposed Project believe that the EIR studied 2 Million SF office and 800 residential units in the General Plan EIR back in 2014? How could this have occurred?

What are the penalties for studying a project level proposal in a General Plan program level EIR? Why are cities NOT supposed to do this?

The following is SOME of the information to support my statements:

## **General Plan DEIR – June 18, 2014 – No Office Quantity for Vallco, no residential quantity for Vallco**

The June 18, 2014 DEIR has no indication that 2,000,000 SF of office space would be allocated to Vallco Shopping District. There is no indication that 2,000,000 SF of office and other allocations were studied at that location for the DEIR.

The following pages from the June 18, 2014 DEIR show that office was mentioned in the text to be in the Proposed Project for the EIR study, but no amount of allocation was mentioned. Proposed Project is also referred to as Alternative C.

**TABLE 3-6 EXISTING AND PROPOSED HEART OF THE CITY SPECIAL AREA DEVELOPMENT STANDARDS**

	Development Allocation			Maximum Density		Maximum Height	
	Remaining	Proposed	Difference	Existing	Proposed	Existing	Proposed
Office	17,113 sf	2,700,000 sf	+ 2,682,887 sf				
Commercial	695,629 sf	750,000 sf	+ 54,371 sf			45 feet 60 feet <sup>c</sup>	45 feet
Hotel	339 rooms	639 rooms	+ 300 rooms				
Residential	608 units	2,100 units	+ 1,492 units	25 du/ac <sup>a</sup>	25 du/ac	45 feet 60 feet <sup>c</sup>	45 feet
Stevens Creek and 85 Gateway				25 du/ac	35 du/ac	45 feet	60 feet 75 feet <sup>d</sup>
North Crossroads Node				25 du/ac	40 du/ac	45 feet	60 feet 75 feet <sup>d</sup>
City Center Node				25 du/ac	25 du/ac	45 feet	75 feet 90 feet <sup>d</sup> 110 feet <sup>e</sup>
South Vallco Park Gateway West				35 du/ac <sup>b</sup>	35 du/ac	45 feet 60 feet <sup>c</sup>	60 feet 75 feet <sup>d</sup> 85 feet <sup>f</sup>
South Vallco Park Gateway East				35 du/ac <sup>b</sup>	35 du/ac	45 feet 60 feet <sup>c</sup>	75 feet 90 feet <sup>d</sup> 160 feet <sup>g</sup>
De Anza College Node							
Community Recreation Node							
Civic Center Node						45 feet	45 feet

Note: sf = square feet, du/ac = dwelling units per acre

a. except where otherwise indicated in the current General Plan

b. South Vallco area

c. South Vallco area with retail

d. with retail

e. with retail and community benefits in the surface parking lot along Stevens Creek Boulevard and existing parking garage to the rear

f. along Stevens Creek Boulevard and Wolfe Road with retail and community benefits

g. with retail and community benefits on the east side of Wolfe Road bounded by I-280 to the north, Vallco Parkway to the south, and Perimeter Road to the east

Source: City of Cupertino, 2014.

### 3.7.2.6 STUDY AREA 6 (VALLCO SHOPPING DISTRICT)

#### Existing Conditions

Study Area 6 (Vallco Shopping District) is would be located within the South Vallco Park Gateway East and West within the Heart of the City Special Area and is part of the Heart of the City Specific Plan area. As shown in Figure 3-17, the Study Area is bounded by the I-280 to the north, portions of North Wolfe Road and Perimeter Road to the east, Stevens Creek Boulevard to the south, and another portion of Perimeter Road to the west. Currently, this Study Area is physically separated by North Wolfe Road, but connected via an elevated bridge. This Study Area is considered the city's regional shopping district and consists of many retail stores, including major national retailers, such as Macy's, Sears, and JC Penney. The Vallco Shopping District also houses one of two movie theatres in the city, AMC Cupertino. Along with major retailers, there are numerous restaurants, including national chain restaurants and high-end restaurants and a newly constructed mixed use development with 204 multi-family units and 45,000 square feet of commercial development. The Vallco Shopping District is surrounded with commercial uses to the south-east and south-west of the site and office/industrial uses to the east. Single family residential development is located to the west of the Study Area while there is a mixed-use multi-family development with 107 residential units (Metropolitan) and a mixed-use office, commercial and residential (120 units) development (Main Street) planned to the south-east of the Study Area. This Study Area includes nine bus stops providing public transportation to and from the Study Area, as shown on Figure 3-17, and lies east of L.P. Collins Elementary School and Portal Park, and to the northwest of Cupertino High School.

This Study Area is within the Commercial/Residential (C/R) General Plan land use designation and zoned as Planned Development Regional Shopping (P(Regional Shopping)).

#### Proposed Project

Under the proposed Project, Study Area 6 (Vallco Shopping District) would include a major redesign of the Vallco Shopping Mall area to create a "downtown" for Cupertino. Proposed uses would include commercial, office, residential, public/quasi-public, and hotel. A majority of this Study Area is also a potential Housing Element Site 11 (Vallco Shopping District except Rosebowl). In South Vallco Park Gateway West, maximum heights would be 60 feet or up to 85 feet, if a project features a retail component and provides community benefits. See Table 3-15 for a description of height allowed by parcel.

In South Vallco Park Gateway East, maximum height would be 75 feet or up to 160 feet if a project includes a retail component and provides community benefits. See Table 3-15 for a description of height allowed by parcel. As shown below in Table 3-15, zoning would be amended to Planned Development, Regional Shopping, Professional Office, and Residential (P(Regional Shopping, OP, Res)) to allow for research and development offices and residential uses. Further, the General Plan designations would be changed to Commercial/Office/Residential (C/O/R) to allow for office uses in addition to commercial and residential uses, which are the existing designations.





Figure 3-17  
Study Area 6 (Vallco Shopping District)

**PROJECT DESCRIPTION**

**TABLE 3-15 STUDY AREA 6 (VALLCO SHOPPING DISTRICT) EXISTING AND PROPOSED DEVELOPMENT STANDARDS**

Map #	Tenant / Use	Address	APN	Parcel Size	Building Size	General Plan		Zoning		Maximum Density		Maximum Height	
						Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
1	AMC Theater	10123 North Wolfe Road	316-20-103	1.85 ac	93,332 sf	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	60 feet 75 feet <sup>a</sup> 85 feet <sup>b</sup>
2	Benihana's / Bowlmor	2074 Vallco Fashion Park	316-20-100			C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	75 feet 90 feet <sup>a</sup> 160 feet <sup>c</sup>
3	Dynasty Restaurant	10123 North Wolfe Road	316-20-105	3.98 ac	442,813 sf	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	60 feet 75 feet <sup>a</sup> 85 feet <sup>b</sup>
4	General Mall	10123 North Wolfe Road	316-20-107 316-20-081			C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	60 feet 75 feet <sup>a</sup> 85 feet <sup>b</sup>
5	Parking Garage	N/A	316-20-107	5.44 ac	698 spaces	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	60 feet 75 feet <sup>a</sup>
6	Parking Garage	N/A	316-20-106	3.25 ac	709 spaces	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	60 feet 75 feet <sup>a</sup>
7	TGI Friday's	10343 North Wolfe Road	316-20-104	1.00 ac	8,960 sf	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	60 feet 75 feet <sup>a</sup> 85 feet <sup>b</sup>
8	Alexander's Steakhouse	10330 North Wolfe Road	316-20-099	0.86 ac	10,243 sf	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	75 feet 90 feet <sup>a</sup> 160 feet <sup>c</sup>
9	Macy's	10333 Wolfe Road	316-20-101	4.57 ac	176,962 sf	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	60 feet 75 feet <sup>a</sup>
10	Sears Store / Bay Club	10101 North Wolfe Road	316-20-080	7.64 ac	257,548 sf	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	60 feet 75 feet <sup>a</sup> 85 feet <sup>d</sup>
11	Auto Center	10101 North Wolfe Road	316-20-082	4.78 ac	15,556 sf	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	60 feet 75 feet <sup>a</sup> 85 feet <sup>e</sup>

PROJECT DESCRIPTION

TABLE 3-15 STUDY AREA 6 (VALLCO SHOPPING DISTRICT) EXISTING AND PROPOSED DEVELOPMENT STANDARDS

Map #	Tenant / Use	Address	APN	Parcel Size	Building Size	General Plan		Zoning		Maximum Density		Maximum Height		
						Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	
12	Parking Garage	N/A	316-20-081	3.68 ac	418 spaces	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	60 feet 75 feet <sup>a</sup>	
13	JC Penney	10150 North Wolfe Road	316-20-094	10.08 ac	202,360 sf	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	75 feet <sup>a</sup> 90 feet <sup>a</sup> 160 feet <sup>c</sup>	
14	Parking Garage	N/A	316-20-095	2.73 ac	725 spaces	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	60 feet	75 feet <sup>a</sup> 90 feet <sup>a</sup> 160 feet <sup>c</sup>	
15	Rose Bowl Mixed-Use	10088 N. Wolfe Road	316-20-108	5.85 ac	59,827 sf 204 units	C/R	C/R	P(CG, OP, ML, Res)	P(CG, OP, ML, Res)	35 du/ac	35 du/ac	60 feet	75 feet <sup>a</sup> 90 feet <sup>a</sup>	
16	KCR Development	N/A	316-20-092	2.12 ac	vacant	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	N/A	75 feet <sup>a</sup> 90 feet <sup>a</sup> 160 feet <sup>c</sup>	
17	Simeon	N/A	316-20-088	5.18 ac	vacant	C/R	C/O/R	P(Regional Shopping)	P(Regional Shopping, OP, Res)	35 du/ac	35 du/ac	N/A	60 feet 75 feet <sup>a</sup>	
Total					63.01 ac	1,267,601 sf 2,550 parking garage spaces (does not include surface spaces) 204 units								

Note: sf = square feet, ac = acres, du/ac = dwelling units per acre, N/A = not applicable

General Plan Designations: C/O/R = Commercial/Office/Residential, C/R = Commercial/Residential

Zoning designations: P(Regional Shopping) = Planned Development, P(Regional Shopping, OP, Res) = Planned Development Regional Shopping, Planned Office, Residential:

1. with retail.

2. along Wolfe Road with retail and community benefits.

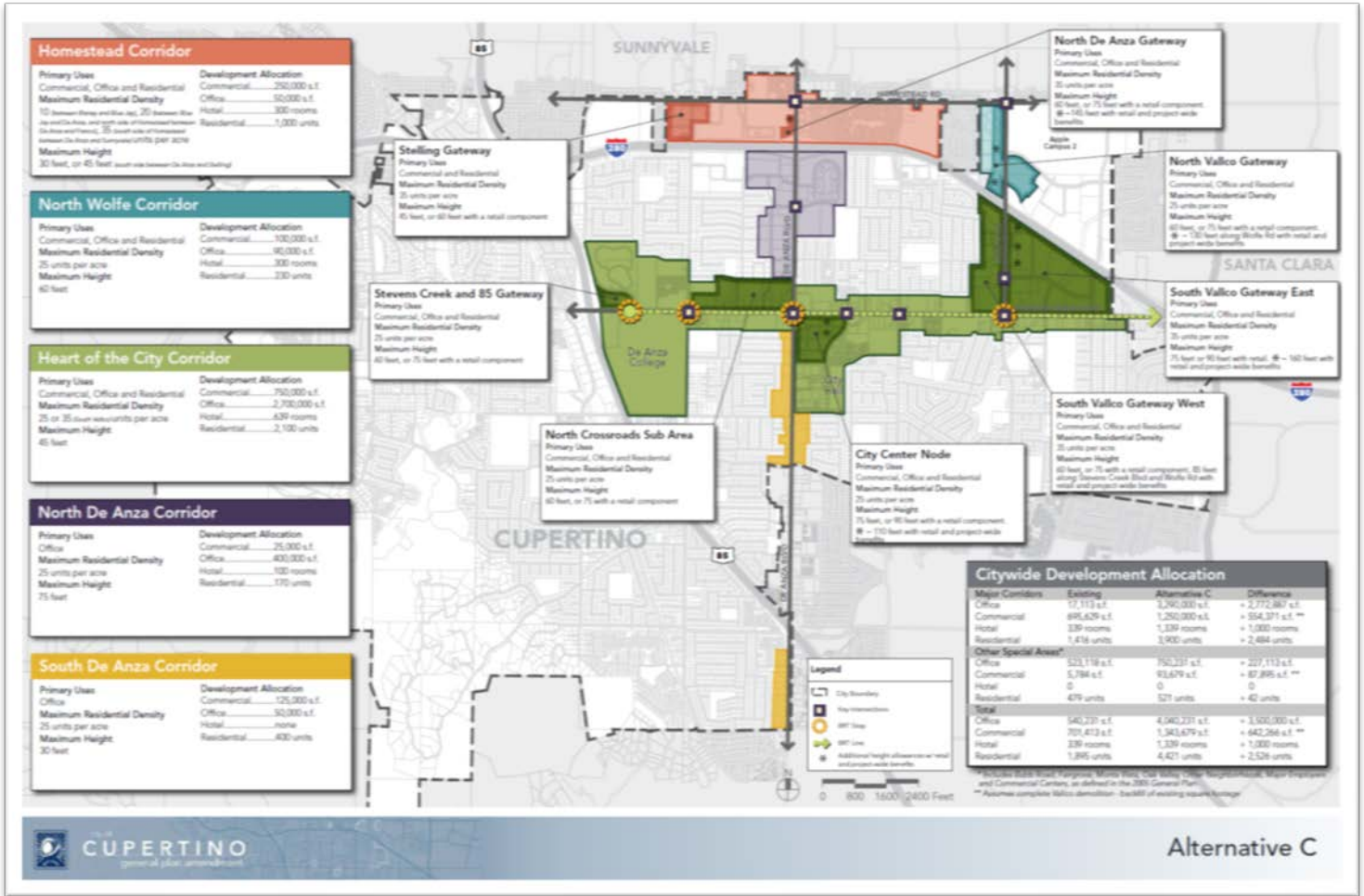
3. with retail and community benefits.

4. along Stevens Creek Boulevard and Wolfe Road with retail and community benefits.

5. along Stevens Creek Boulevard with retail and community benefits.

Source: City of Cupertino, 2014.





## Citywide Development Allocation

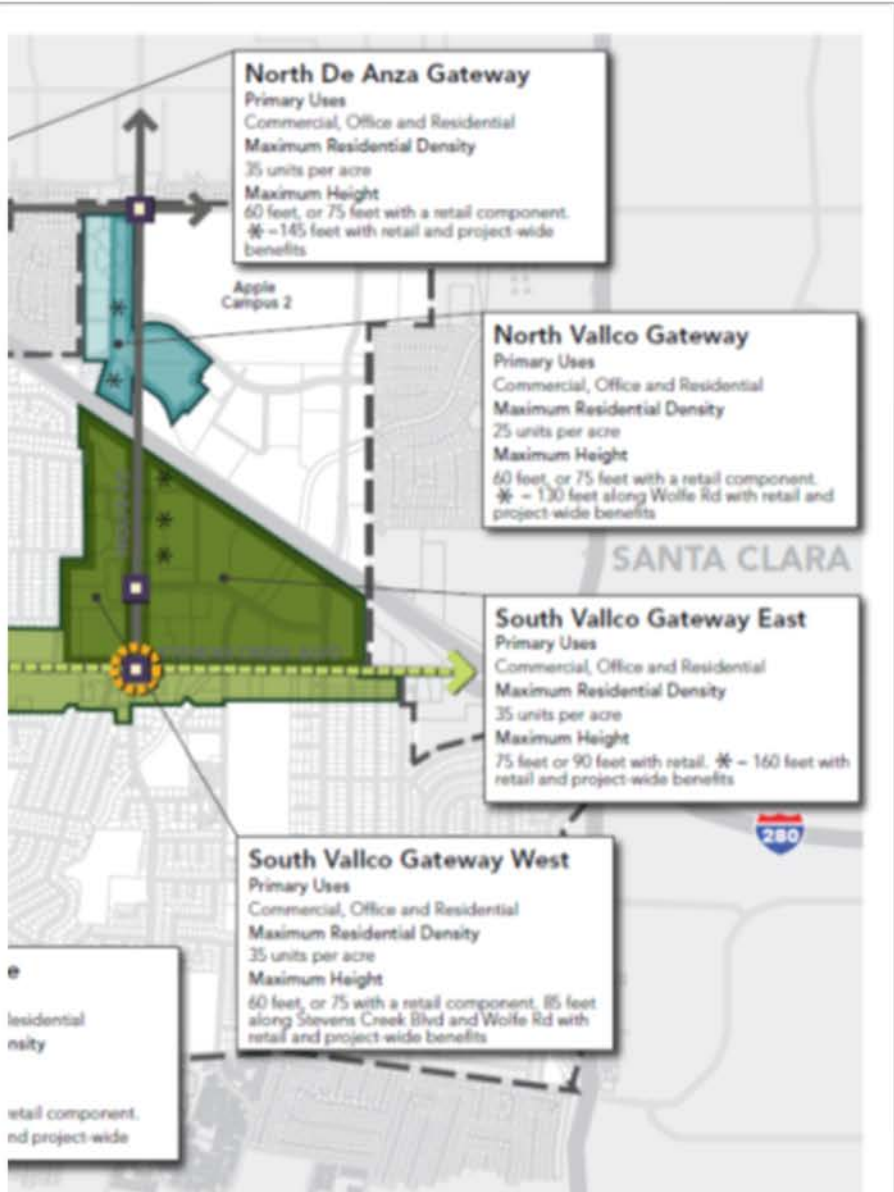
Major Corridors	Existing	Alternative C	Difference
Office	17,113 s.f.	3,290,000 s.f.	+ 2,772,887 s.f.
Commercial	695,629 s.f.	1,250,000 s.f.	+ 554,371 s.f. **
Hotel	339 rooms	1,339 rooms	+ 1,000 rooms
Residential	1,416 units	3,900 units	+ 2,484 units
<b>Other Special Areas*</b>			
Office	523,118 s.f.	750,231 s.f.	+ 227,113 s.f.
Commercial	5,784 s.f.	93,679 s.f.	+ 87,895 s.f. **
Hotel	0	0	0
Residential	479 units	521 units	+ 42 units
<b>Total</b>			
Office	540,231 s.f.	4,040,231 s.f.	+ 3,500,000 s.f.
Commercial	701,413 s.f.	1,343,679 s.f.	+ 642,266 s.f. **
Hotel	339 rooms	1,339 rooms	+ 1,000 rooms
Residential	1,895 units	4,421 units	+ 2,526 units

\* Includes Bubb Road, Fairgrove, Monta Vista, Oak Valley, Other Neighborhoods, Major Employers and Commercial Centers, as defined in the 2005 General Plan

\*\* Assumes complete Vallco demolition - backfill of existing square footage

# Alternative C





Citywide Development Allocation			
Major Corridors	Existing	Alternative C	Difference
Office	17,113 s.f.	3,290,000 s.f.	+ 2,772,887 s.f.
Commercial	695,629 s.f.	1,250,000 s.f.	+ 554,371 s.f. **
Hotel	339 rooms	1,339 rooms	+ 1,000 rooms
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Office	523,118 s.f.	750,231 s.f.	+ 227,113 s.f.
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Hotel	0	0	0
Residential	479 units	521 units	+ 42 units
<b>Total</b>			
Office	540,231 s.f.	4,040,231 s.f.	+ 3,500,000 s.f.
Commercial	701,413 s.f.	1,343,679 s.f.	+ 642,266 s.f. **
Hotel	339 rooms	1,339 rooms	+ 1,000 rooms
Residential	1,895 units	4,421 units	+ 2,526 units

\* Includes Bubb Road, Fairgrove, Monte Vista, Oak Valley, Other Neighborhoods, Major Employers and Commercial Centers, as defined in the 2005 General Plan  
 \*\* Assumes complete Vallco demolition - backfill of existing square footage

# Alternative C

## Public Request Emails Request RE: Allocations to Vallco:

**From:** [Aarti Shrivastava](#)  
**To:** [Grace Schmidt](#)  
**Cc:** [Aarti Shrivastava](#)  
**Subject:** FW: Cupertino Height Limits  
**Date:** Monday, January 05, 2015 9:53:50 AM  
**Attachments:** [Moffet Place Typical Elevations 11.10.13.pdf](#)  
[Moffet Place Project Data 11.10.13.pdf](#)

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Aarti

-----Original Message-----

From: Reed Moulds [<mailto:rmoulds@shpco.com>]  
Sent: Saturday, December 21, 2013 11:44 PM  
To: Aarti Shrivastava  
Cc: Gary Chao; George Schroeder  
Subject: RE: Cupertino Height Limits

We have been assuming a similar design to Jay Paul's Moffett Towers and Moffett Place projects in Sunnyvale (similar height, larger floor plates, steel structure, etc). Attached are project data and elevation sheets from the Moffett Place project, which was approved earlier this month. This is showing an 8 story building topping out at 129', with 14' for floors 2-8 (and 15' for the rooftop equipment screen). Adding a 9th and 10th 14' floor would put the building at 157' tall, all in.

If I don't have to include the rooftop equipment/screen in the height calc, we can shave some feet...

-----Original Message-----

From: Aarti Shrivastava [<mailto:AartiS@cupertino.org>]  
Sent: Friday, December 20, 2013 7:32 AM  
To: Reed Moulds  
Cc: Gary Chao; George Schroeder  
Subject: Re: Cupertino Height Limits

Reed,

The height is measured from the grade it's built. How much height do you need for 10 stories? We calculated 16 ft first floor plate, 13 ft. Upper floor plates and a 3 ft. Parapet should fit in 140 ft.

Aarti

> On Dec 19, 2013, at 6:06 PM, "Reed Moulds" <[rmoulds@shpco.com](mailto:rmoulds@shpco.com)> wrote:

>

> Won't get 10 with 140'. If that's the case there definitely will need  
> to be extra height for those buildings along the edges of Stevens  
> Creek and also along Wolfe (at least 80') in order to make any use of  
> the office that might get swapped in for resi.

>

> If it's 140' hopefully for the aesthetic impact you can measure it  
> from the JCP entrance (198') to accommodate a contemporary 10-story  
> building. If not, even from the 186' Perimeter elevation would be  
> better than from the 175' at Alexander's, the latter of which would  
> still probably only yield 8 great stories (which would get built  
> before 9 short floors). Tenants demand quality -- have to deliver that.

>

>

**From:** [George Schroeder](#)  
**To:** [Piu Ghosh](#); [Aarti Shrivastava](#); [Gary Chao](#); [Diana Pancholi](#)  
**Subject:** FW: Cupertino Housing Element participation - Sand Hill Property Company  
**Date:** Tuesday, February 04, 2014 6:05:55 PM

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FYI

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**From:** Reed Moulds [mailto:rmoulds@shpco.com]  
**Sent:** Tuesday, February 04, 2014 6:05 PM  
**To:** George Schroeder  
**Subject:** Cupertino Housing Element participation - Sand Hill Property Company

George, this email serves to indicate Sand Hill Property Company's interest in participating in the City's Housing Element process. As you know we are in contract to acquire one or more of the Vallco Shopping Mall parcels and would like the ability to develop at least 800 market-rate residential units, without age restriction, at the property.

Reed Moulds  
Managing Director  
Sand Hill Property Company  
203 Redwood Shores Parkway, Suite 200  
Redwood City, CA 94065  
350-344-1500 x110



In the following exchange it appears that Peter Pau of SHPCO believes that 2 Million SF of office is being studied at Vallco:

Page 1

From: "[Aarti Shrivastava](#)"  
To: "[Public Records](#)" <[PRA@cupertino.org](mailto:PRA@cupertino.org)>  
Date: 3/24/2015 2:18:38 PM  
Subject: FW: GPA/HE & Vallco

Aarti

-----Original Message-----

From: Peter Pau [<mailto:ppau@shpco.com>]  
Sent: Friday, October 10, 2014 7:06 PM  
To: Aarti Shrivastava; 'Reed Moulds'  
Cc: David Brandt; 'Eric Morley'  
Subject: RE: GPA/HE & Vallco

I am very disappointed. I thought we were on the same page as to what is a viable and balanced redevelopment scheme. This is a long term project that will span years, takes huge capital commitment, and is critical to the health of the City. We can't be arbitrarily changing site planning and rolling over to appease some anti-growth factions today.

What is the point of studying 2 M sf?

-----Original Message-----

From: Aarti Shrivastava [<mailto:AartiS@cupertino.org>]  
Sent: Friday, October 10, 2014 6:39 PM  
To: Reed Moulds  
Cc: David Brandt; Peter Pau; Eric Morley  
Subject: Re: GPA/HE & Vallco

Hi Reed,

Let us know when you would like us to meet. I'm available anytime after 10:00am.

Aarti

On Oct 10, 2014, at 6:17 PM, Reed Moulds <[rmoulds@shpco.com](mailto:rmoulds@shpco.com)<<mailto:rmoulds@shpco.com>>> wrote:

David, are you and Aarti available on Monday to meet with us to discuss staff's recommendation as it relates to Vallco? We are at a critical juncture in our acquisition phase of the 4 sites and view this staff report as a major blow to our redevelopment plans. Considering the many timelines in play, your Monday availability would be greatly appreciated.

Thank you.

Reed Moulds  
Managing Director  
Sand Hill Property Company  
650-344-1500 x110

Please note the new office address:  
2882 Sand Hill Road, Suite 241, Menlo Park, CA 94025

11\_11\_2015

Here the developer is requesting a specific allocation to Vallco which, they believe was studied in the EIR for that site:

**SAND HILL PROPERTY COMPANY**

October 13, 2014

Via Overnight Delivery and E-Mail

Chair Brophy and Members of the Planning Commission  
Cupertino City Hall  
10300 Torre Avenue  
Cupertino, CA 95014-3202

**Re: General Plan Amendment: Office Allocation for Vallco Shopping District**

Dear Chair Brophy and Members of the Planning Commission:

I am writing on behalf of Sand Hill Property Company ("Sand Hill") regarding the treatment of the Vallco Shopping District ("Vallco") in the General Plan Amendment. Sand Hill is in the midst of acquiring the Vallco parcels for potential redevelopment, so we are keenly interested in working with the City of Cupertino ("City") to develop a feasible plan that can benefit all stakeholders. I am writing to request that the Planning Commission recommends to the City Council that the General Plan include an office allocation for Vallco of 2,000,000 square feet and the height limits set out in "Alternative C," as analyzed in the draft General Plan's environmental review. Without this specific office allocation, as well as the necessary retail and housing components, there will not be adequate critical mass to make it possible for Sand Hill, or any other prospective developer, to successfully redevelop Vallco.

Vallco presents a unique opportunity for redevelopment and revitalization that is unmatched in the City of Cupertino. The site sits at a prime location in the City, yet for many reasons, it has long been neglected and numerous redevelopment efforts were either abandoned or have failed. Sand Hill has the financial capacity and proven track record with such projects and is poised to bring to the City what its citizens have long yearned for: a dynamic downtown where the community can live, work and play. Sand Hill plans to completely transform the current derelict site by redeveloping it with a vibrant, sustainable mixed-use neighborhood. Our plan envisions a balanced mix of 600-700 residential units, approximately 600,000 square feet of retail, a full service hotel, and 2,000,000 square feet of office space. The overarching vision is to create a pedestrian oriented "town center" consistent with the General Plan vision that will have synergies between the uses and nearby projects, such as Main Street.

sf-3467260

382 SAND HILL ROAD, SUITE 241 • MENLO PARK, CA 94025 • (650) 344-1500 • FAX (650) 344-0652

Here the Developer reiterates their belief that 2 M SF office and 800 residential units were already studied in the EIR for Vallco in the General Plan EIR:

Page 1

**From:** "Orrin Mahoney" <[orrimahoney@comcast.net](mailto:orrimahoney@comcast.net)>  
**To:** "Public Records" <[PRA@cupertino.org](mailto:PRA@cupertino.org)>  
**Date:** 4/2/2015 12:37:11 PM  
**Subject:** FW: Vallco -Email to Council

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**From:** Orrin Mahoney [<mailto:orrimahoney@comcast.net>]  
**Sent:** Monday, November 10, 2014 3:47 PM  
**To:** 'Peter Pau'  
**Subject:** RE: Vallco -Email to Council

Peter,

No questions. No new news from me.

Orrin

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**From:** Peter Pau [<mailto:ppau@shpco.com>]  
**Sent:** Monday, November 10, 2014 11:50 AM  
**To:** Orrin Mahoney  
**Subject:** FW: Vallco -Email to Council  
**Importance:** High

Orrin:

Thanks again for getting together on Friday. We appreciate your support and recognition of this once in a generation opportunity to finally redevelop Vallco.

Below is the specific request for tonight's hearing specific to Vallco. We request you adopt these items tonight to provide the certainty for us to proceed:

600,000 sf of retail (already studied in the EIR)

2,000,000 sf of Office for Vallco (already studied in the EIR)

Vallco designated as Housing Element Site

- o 35 DUA, averaged across the Vallco site
- o 600 Unit allocation for Vallco (down from 800 studied in the EIR)

Heights for Vallco in Alternative C in EIR/staff report

Vallco redevelopment to be subject to future community based Specific Plan Process

Please let me know if you have any questions. Thanks.

11\_11\_2015



# Measure D 9212 Report claims General Plan EIR studied Vallco 2 Million SF and 800 residential units:

Cover page:

## REPORT

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### **Elections Code 9212 Report on Proposed Initiative**

*Initiative adopting the Vallco Town Center Specific Plan to (1) provide that the Vallco Shopping District Special Area ("Area") contains a mixture of residential, office, retail, civic and education uses; (2) require any development to fund or provide community benefits such as transit, schools, a green roof, and recycled water; and (3) grant the property owner initial entitlements to develop in accordance with the Initiative and establish a process for future approvals; and making related amendments to Cupertino's General Plan and Municipal Code.*

**Prepared for:**

**City of Cupertino**

**June 29, 2016**

**Prepared by:**

**Seifel Consulting, Inc.**

**David J. Powers & Associates, Inc.**

**Fehr & Peers Transportation Consultants**

By the time a developer of the Vallco area could apply for a CUP for additional residential units, the City assumes that sufficient unallocated units (approximately 410) would be available to develop a maximum of 800 units in the Vallco area. Moreover, the General Plan Strategy LU-1.2.1 provides that allocations may only be transferred among planning areas provided "no significant environmental impacts are identified beyond those already studied in the Environmental Impact Report (EIR)" for the General Plan. The General Plan EIR studied a maximum 800 units for the Vallco area. As a result, 800 is considered the likely maximum number of residential units that could be developed within the Vallco area, consistent with the General Plan and with a CUP.<sup>52</sup> While the Initiative does not change

For edification, as applicable to SB 35 and Opticos Alternatives stating 2,400+ residential units:

<sup>51</sup> Under the Cupertino Municipal Code, for housing element sites, residential units that exceed the number shown in the Housing Element are conditional uses. Municipal Code §19.08.030(F)(3).

Here the 9212 may be contradicting itself, because it states that the General Plan EIR "...did not analyze the impacts of redeveloping the Vallco Area at the same level of detail as would typically be prepared for a proposed specific plan, and instead specifically anticipated that further environmental review would be required.”:

<sup>84</sup> The City prepared an EIR for the updated General Plan it adopted in 2014, and as part of that review it analyzed at a "programmatic level" the impacts of redeveloping the Vallco Area as envisioned under the General Plan. However, the 2014 General Plan EIR did not analyze the impacts of redeveloping the Vallco Area at the same level of detail as would typically be prepared for a proposed specific plan, and instead specifically anticipated that further environmental review would be required. The City did begin to prepare an EIR for the development application that Sand Hill Property Company and Vallco Property Owner, LLC submitted for the bulk of the Vallco Area in 2015 (The Hills at Vallco project). The City stopped work on the EIR at the request of the applicant in a letter dated December 21, 2015. The Initiative proponents have prepared a document titled *Vallco Town Center Specific Plan Environmental Assessment* (Kimley-Horn, April 2016), which analyzes the environmental impacts of the Specific Plan. This document is not part of the Initiative. The City has not conducted a detailed review of this analysis and thus takes no position on its accuracy. Rather, as discussed above, this report compares the EFDs with what the City would otherwise have required as a mitigation measure or condition of approval under its typical land use approval process, based upon the analysis to date.

Here the 9212 states specifically: “The General Plan EIR assumed Vallco would be redeveloped with 800 residential units, 2.0 Million square feet of office uses, 625,335 square feet of commercial uses and 339 hotel rooms.”:

<sup>100</sup> The impacts of the adopted General Plan were evaluated in the certified General Plan EIR (City of Cupertino. *General Plan Amendment, Housing Element Update and Associated Rezoning Environmental Impact Report*. State Clearinghouse No. 2014032007. Certified December 2014.) and General Plan Addendum (City of Cupertino. *General Plan Amendment, Housing Element Update and Associated Rezoning EIR Final Addendum*. Adopted October 2015.). The General Plan EIR and Addendum are the best resources available that evaluate the impacts of the adopted General Plan. The General Plan EIR, as amended by the Addendum, analyzed more intense development and greater citywide buildout than ultimately was approved by the City Council. As the General Plan EIR and Addendum analyzed more development than was approved, the General Plan EIR and Addendum provide a conservative analysis of the environmental impacts from the buildout of the adopted General Plan. The General Plan EIR assumed Vallco would be redeveloped with 800 residential units, 2.0 million square feet of office uses, 625,335 square feet of commercial uses, and 339 hotel rooms.

Conclusion:

There appears to be either a non-disclosure of the contents of the General Plan EIR, which would be highly inappropriate, or a serious misunderstanding in the developer and consultants’ belief that 2 Million SF of office and 800 residential units were studied at Vallco in the General Plan Amendment EIR. Neither of these options are good. Please conduct a thorough review which shall include requesting exactly what Hexagon was told to study for the Vallco site specifically. Other consultants for the EIR would also have needed to know where the office and housing allocations were to be spread around the city and would be able to confirm what they were told to analyze. Additionally, the city staff should be asked what they told the developer as to what had been analyzed in the EIR to determine why the developer believes/believed they had studied the 2 Million SF of office and 800 residential units. Lastly, it is very disconcerting that the consultant for the current Vallco EIR believe the 2 Million SF and 800 residential units had already been studied at the Vallco site, was the 9212 report inaccurate in many places? Will the current Vallco EIR be full of inaccuracies?

Please make findings public.