

Sierra Club Loma Prieta Motion for Chapter Public Position

Introduction

<p>Chapter Lead/Owner: Rod Brown Sponsor (if not SCLP): Sustainable Land Use Committee (SLU), SCLP Topic Area: Anti-Smart-Growth ballot measures in City of Cupertino, CA Desired Effective Date: July 2004 Time Sensitive (yes/no): Yes Reason for Time Sensitivity: Possible November or 'special election' ballot items Approved by Conscom: July 26, 2004</p>	<p>Brief Description of Proposed Position: A citizens group in Cupertino has indicated that they have collected sufficient signatures to qualify three initiatives to severely restrict residential growth. The initiatives are antithetical to smart growth and promote continuing sprawl development. The applicant recommends opposing the three initiatives.</p>
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Resolution

WHEREAS stopping sprawl is one of the Sierra Club's top priorities;
WHEREAS in the Bay Area 500,000 acres of open space and farmland are at risk of being developed over the next 25 years;
WHEREAS avoiding the loss of agricultural lands and open space requires local cities and counties to promote smart growth, infill development, and the efficient use of lands within our urban growth boundaries;
WHEREAS a citizens group in Cupertino called the Concerned Citizens of Cupertino (CCC) is proposing three initiatives to limit heights to 36 feet, density to 15 homes to the acre and require minimum setbacks of 35 feet in most areas of Cupertino;
WHEREAS the setback requirement would invoke strip mall type land use planning and discourage a walkable community by promoting parking lots in the front of retail outlets;
WHEREAS the height requirement would limit the efficient use of land and discourage density near transit by disallowing almost any development above two stories;
WHEREAS the density requirement would prohibit the construction of multifamily housing such as apartments, town homes and condominiums as well as affordable housing, which is typically more than 15 homes to the acre;

THEREFORE LET IT BE RESOLVED that the Sierra Club opposes the three initiatives backed by the CCC as a detriment to the Club's efforts to promote smart growth, infill development, the creation of vibrant, walkable and pedestrian-friendly communities, the protection of open space, and the construction of affordable homes.

Supporting Data

The CCC is a group of citizens promoting three initiatives to stop most new growth in the city of Cupertino. They were formed in response to very intense development at the corner of Stevens Creek and De Anza Boulevard where the City allowed a general plan amendment for a hotel and apartments that are eight stories. The CCC argues that more dense housing will destroy the schools and lower property values. Their initiatives exempt single family development up to fourplexes and exempt the Valco Park Planning District and Wolfe Road Commercial Corridor. For more information on the CCC, visit <http://www.cupertino.cc>.

The three initiatives would:

- 1) Restrict heights to 36 feet, effectively limiting residential growth to 2 stories.
- 2) Restrict densities to 15 units to the acre, effectively prohibiting any attached and affordable housing. Typically, affordable housing starts at 20 units to the acre.
- 3) Require minimum setbacks of 35 feet, effectively killing any opportunity for design that promotes active pedestrian streetscapes with shops set close to the street like in downtown Los Gatos or Willow Glen.

In combination, all three initiatives would severely limit the amount of building one could put on a site, resulting in the inefficient use of valuable infill parcels and the promotion of sprawl. The initiatives would have prohibited the affordable housing at the corner of Stevens Creek and Vista, the new Cupertino Library, the redevelopment of the

corner of Stelling and Stevens Creek, among other projects. For more information on the impacts of these initiatives, visit <http://www.lowenthal.com/gci.htm>.

Description of Supporting Club Policy

Sierra Club smart growth guidelines (<http://www.sierraclub.org/ca/scc/growth.asp>), including policies 46, 43, 51, 27, 16, 19, and 1 listed below.

- #46: The Club will not support local growth initiatives that discourage infill and affordable housing. For example, the Club will not support initiative efforts by community groups that seek to stop or overturn multi-family (e.g., apartment) development projects, or subject affordable housing projects to public vote or onerous conditions.
- #43: The object of growth management initiatives is to achieve compact, mixed use, transit-oriented, pedestrian and bike-friendly neighborhoods supplied with housing affordable to local employees, good public transit and abundant parks, natural areas, and open spaces, and with outlying areas protected from development.
- #51: Citizens initiatives that downzone or reduce allowable building densities throughout a city or in certain areas should be scrutinized carefully. The Sierra Club supports compact infill development in existing urban areas at densities that support public transportation and a wide array of services. Citizens groups sometimes draft initiatives that are aimed at reducing allowable housing densities in their neighborhoods as a strategy to require construction of only expensive housing on large lots. **Such initiatives should not be supported.**
- #27: Local governments shall implement land use and other policies that maximize pedestrian, mass transit and bicycle access to job, entertainment, and commercial centers.
- #16: Broadening of zoning ordinances to more readily accommodate quality manufactured housing as an alternative to more expensive, conventional housing.
- #19: The Sierra Club believes the production of affordable housing for California's families and workers is one of the most important challenges facing our State. We support incentives for housing production within infill areas, including commercial areas, and will support State legislation to encourage the development of affordable and infill housing, especially within designated growth areas within an adopted urban growth boundary.
- #1: Lands within the urban growth boundary will be devoted to compact residential, commercial and industrial development that makes efficient use of land and infrastructure. Natural systems and environmentally sensitive habitat areas within the urban boundary must be protected.

Sierra Club Loma Prieta Sustainable Land Use Committee mission statement: to promote sustainable land use and engage our members in creating more livable communities to protect and restore the human and natural environment.

Supporting References

Applicant presented issue at two SLU meetings. Applicant has also consulted with SLU Chair and Chapter staff on this project to obtain the proper guidance on how to proceed.

Initiatives are opposed by: League of Conservation Voters, Cupertino City Council, County Assessor Larry Stone, Housing Action Coalition, Silicon Valley Manufacturing Group, the Cupertino Chamber of Commerce, and many other organizations.

Text of proposed initiatives is attached and also available at http://www.cupertino.cc/initiative_height.html, http://www.cupertino.cc/initiative_density.html, and http://www.cupertino.cc/initiative_setbacks.html.

Counter Arguments and Response

1. These initiatives will stop sprawl within Cupertino.

Cupertino is largely built out; parcels of land that remain available for development are infill. These measures would prevent low-density development from being replaced by higher density development, encouraging sprawl at the edge of the Bay area.

2. Without these initiatives, housing will increase within Cupertino, overloading the schools, reducing funding per student, and reducing the quality of education offered.

The initiatives may prevent additional housing from being built; however, student populations are still likely to increase, even if the initiatives are approved. The initiatives will likely have a downside for education, too: they will likely exacerbate the lack of affordable housing in the area, continuing the exodus of young teachers from the area.

3. The initiatives will preserve the quality of life within Cupertino.

The initiatives will change the character of Cupertino by preventing small-town style development which has existed in the Monta Vista area and other areas of Cupertino for decades. Popular projects such as the newly-constructed library would be prohibited by these initiatives. By hindering development of affordable housing, middle-income residents will continue to find it difficult to afford living within the city.

4. The initiatives will not restrict development within the city of Cupertino, but will force any growth that occurs to be responsible growth.

By requiring development which does not meet the restrictions of the initiatives to go to a ballot, property owners will have to spend \$100,000 to \$300,000 to gain approval of their projects. However, low-density, sprawling, irresponsible development will not be subject to such restrictions.

5. The city council has not listened to the citizens in the past; these initiatives are about forcing the council and government to listen to the will of the people.

The Verona Apartments, the project most cited by the CCC as an example of bad development within Cupertino, was approved via a public process without negative public input. The citizens of Cupertino have control over the council through the electoral process.

6. Without these initiatives, the subsequent changes in the character of the city will result in lower property values.

Downtown-style areas with multi-story, close to the street, dense buildings (as in Willow Glen and Palo Alto) tend to have higher property values as compared to lower density, sprawl-type areas.

Chapter Commitment Required (time, money, etc)

Letter communicating position to City Council.

Next Steps

Chapter may be asked to publicize this position and to encourage member involvement if the initiatives proceed.