



## OFFICE OF PUBLIC AFFAIRS

Telephone: (408) 777-3200 • FAX: (408) 777-3366 • [pio@cupertino.org](mailto:pio@cupertino.org)  
City Hall • 10300 Torre Avenue • Cupertino, CA 95014-3255

## NEWS RELEASE

**August 26, 2016**

### **Court of Appeal Affirms Trial Court's Ruling that the Ballot Question Adopted by City Council is Factually Correct and Complies with the State Elections Code**

CUPERTINO, CA – The Committee Supporting Cupertino Citizens' Sensible Growth Initiative's (Committee) appeal to overturn a lower court's ruling regarding the ballot question for Measure C has been denied by the Court of Appeal of the State of California, Sixth Appellate District.

The appeal sought to overturn the Santa Clara County Superior Court's [ruling](#) earlier this month that the "ballot question ([adopted by City Council](#)) accurately states the nature of the CCSGI (Cupertino Citizens' Sensible Growth Initiative)." At trial, the Committee objected to the language in the [Measure C](#) ballot question that stated it would: (1) increase the maximum building height in neighborhoods to 45 feet, and (2) limit redevelopment in the Vallco Shopping District.

The Superior Court also found that "the challenged language is factually correct, and was not false, misleading, partial or otherwise failed to comply with the State Elections Code."

In so ruling, the Superior Court considered the context of the City's General Plan and zoning designations, and indicated that the CCSGI effectively raises the maximum height limit of buildings within Cupertino neighborhoods to 45 feet—whether or not that was the intent of the drafters and its proponents. Neighborhoods make up approximately 75% of the City of Cupertino.

*The City of Cupertino is on the western edge of Silicon Valley against the foothills of the Santa Cruz Mountains. With a population of 62,000 within 13 square miles, Cupertino is 42 miles south of San Francisco and home to many high-tech companies, most notably Apple, Inc.*

###

# ORIGINAL

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

COMMITTEE SUPPORTING CUPERTINO CITIZENS' SENSIBLE GROWTH  
INITIATIVE et al.,

Petitioners,

v.

SUPERIOR COURT OF SANTA CLARA COUNTY,

Respondent;

CITY COUNCIL OF THE CITY OF CUPERTINO et al.,

Real Parties in Interest.

H043840

Santa Clara County No. CV296322

Court of Appeal, Sixth Appellate District

**FILED**

AUG 23 2016

DANIEL P. POTTER, Clerk

By \_\_\_\_\_

DEPUTY

BY THE COURT:

The request for judicial notice is denied. The petition for writ of mandate or other appropriate relief and the request for stay are denied.

(Premo, Acting P.J.; Bamattre-Manoukian, J.; and Mihara, J. participated in this decision.)

AUG 23 2016

Date: \_\_\_\_\_

*Premo*

\_\_\_\_\_ Acting P.J.

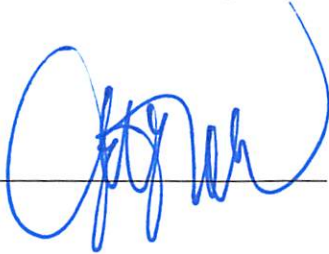
AFFIDAVIT OF TRANSMITTAL

I am a citizen of the United States, over 18 years of age, and not a party to the within action: that my business address is 333 West Santa Clara Street, Suite 1060, San Jose, CA 95113; that I served a copy of the attached material in envelopes addressed to those persons noted below.

That said envelopes were sealed and shipping fees fully paid thereon, and thereafter were sent as indicated via the U.S. Postal System from San Jose, CA 95113.

I certify under penalty of perjury that the foregoing is true and correct.

Clerk of the Court



AUG 23 2018

Deputy Clerk

Date

CASE NUMBER: H043840

Santa Clara County Superior Court  
191 North First Street  
San Jose, CA 95113

Material Sent YES:

Danielle Luce Goldstein  
Santa Clara County Counsel  
70 W. Hedding Street, Floor 9, East Wing  
San Jose, CA 95110

Material Sent YES:

Bern Steves  
19925 Stevens Creek Blvd.  
Suite 100  
Cupertino, CA 95014

Material Sent YES:

Amy Bricker  
Shute Mihaly & Weinberger  
396 Hayes Street  
San Francisco, CA 94102

Material Sent YES: