ATTACHMENT 7

ADDENDUM TO THE FINAL EIR

ADDENDUM TO THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE SUNNYVALE DOWNTOWN IMPROVEMENT PROGRAM CERTIFIED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE JUNE, 17, 2003, BY RESOLUTION NUMBER 123-03

The City of Sunnyvale has been engaged for a number of years in a Downtown Improvement Program with the goal of revitalizing the City's original central area. On June 17, 2003, the City Council adopted amendments to its General Plan as part of an effort to update the Downtown Improvement Program. The amendments to the General Plan designated specific land uses, densities and heights for the project area. Building upon those amendments, the City subsequently amended its Downtown Specific Plan and zoning code to set further guidelines and standards for downtown development. The environmental effects of these actions were analyzed in a program environmental impact report ("the Program EIR") for the Sunnyvale Downtown Improvement Program Update, which was certified by the City Council on June 17, 2003 (Resolution No 123-03).

A proposal to modify the development densities set for Block 18 in the Downtown Specific Plan area by the June 17, 2003 General Plan Amendment is now being considered. Because the changes in density requested in the proposal are within the scope of the overall project analyzed in the Program EIR, no additional environmental documentation is required. This addendum to the Program EIR has been prepared pursuant to California Environmental Quality Act ("CEQA") Guideline 15164, to aid in review of the proposal.

1.0 Executive Summary

This addendum to the Program EIR has been prepared to address a development proposal for the Town Center Mall within Block 18 of the Downtown Specific Plan (DSP) that requests an amendment to the General Plan, Specific Plan, and associated sections of the Title 19 (Zoning) of the Sunnyvale Municipal Code to increase the development potential of Block 18 by 98,000 square feet of office space (total of 300,000 square feet) and 100 housing units (total of 300 units). It also considers a staff recommendation to modify maximum unit counts to reflect the existing development intensity descriptions for Blocks 4, 6, and 9 in the current General Plan. These actions may be considered as separate actions or together by the approving authority, but for purposes of discussion in this addendum are hereafter referred to collectively as the "GPA."

A further purpose of this addendum is to discuss a revision to the mitigation monitoring plan adopted for the project to include an intersection mitigation for Homestead Road and De Anza Boulevard that was previously considered infeasible. These combined actions are within the scope of development intensity analyzed as part of the Program EIR for the Downtown Improvement Program Update certified on June 17, 2003. This addendum provides a background history of the approved DSP and its relationship to the current proposal.

The California Environmental Quality Act (CEQA) provides an opportunity to streamline subsequent project environmental review following the certification of a final EIR by making additions, corrections, and changes through a variety of document types dependent on the degree of change proposed by the subsequent project and the potential for significant, different or more severe effects on the environment. CEQA section 15162 states that when a final EIR has been certified no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that one or more of the following has occurred:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance related to significant impacts, severity of significant impacts, or mitigation measures; which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete.

None of the above situations can be attributed to the proposed GPA and mitigation measure. The level of overall development potential analyzed as part of the original Program EIR was greater than the aggregate level of the proposed request (Table 1.1). CEQA section 15164 permits preparation of an Addendum to address necessary changes to the EIR for consistency with the proposed GPA and mitigation measure.

Table 1.1 EIR Analysis- Subset for Downtown Specific Plan Area Comparison

Downtown Specific Plan	Development Intensity analyzed in EIR	Existing Development Intensity Approved (June 17, 2003)	Difference Between Intensity Analyzed in EIR and that Approved June 17, 2003	Maximum Proposed Increase in development intensity from existing approved intensity
Acres	103	103	-0-	-0-
Office	1,238,700	960,421	<278,279>	+98,000
Retail	1,367,300	1,367,300	-0-	-0-
Housing	2,191	1,999	<192>	+100

Because the current proposal does not increase development intensities beyond the levels considered in the Program EIR, no additional significant impacts are present, nor is the severity of known significant impacts increased. Although no changes to significant impacts were identified, the existing significant and unavoidable impacts to cumulative regional air quality and traffic and transportation still remain and require statements of overriding consideration in conjunction with approval of the development request. The City Council shall consider the addendum with the Program EIR prior to making a decision on the project.

2.0 Overview and History

The City of Sunnyvale undertook an effort to update various land use and regulatory components of the downtown core of Sunnyvale that culminated in the year 2003. A variety of initiatives were categorized together as the Downtown Improvement Program Update. A complete discussion of the background and various actions related to the Downtown Improvement Program is contained within the EIR for the Downtown Improvement Program Update (State Clearinghouse ID#: 1988110816). The EIR was prepared as a program EIR to address the potential environmentally significant effects of the development undertaken as part of the downtown initiatives and to act as the primary CEQA clearance document for project specific development actions utilizing the "tiering" concept of environmental analysis. The Program EIR was certified by the City Council on June 17, 2003.

In addition to the certification of the Program EIR, the City Council adopted amendments to the General Plan designating the intensity of use throughout the project area. The approved development intensities of the Downtown Specific Plan (DSP) area were generally reduced from the maximum levels analyzed within the Program EIR (Table 2.2). Subsequent actions included adoption of the DSP and associated zoning code amendments on October 14, 2003, as well as action by the Redevelopment Agency on amendments to the Redevelopment Plan on November 11, 2003.

Approved Downtown Specific Plan Intensity

The Program EIR evaluated an overall planning area of 150 acres which included a sub-area of 103 acres for the DSP boundaries (Table 2.1). Within the 103-acre DSP project area it is further divided into smaller planning units described as "Blocks." The City Council approved a plan that modified development patterns and reduced overall intensity from that considered in the original, preferred project of the EIR. (Table 2.2, 2.3; Figure 2-1). The focus of this addendum is a comparative analysis of the development analyzed in the original preferred project of the EIR and its relationship to the current, DSP and the subject GPA request.

Table 2.1
"Preferred Project" Original EIR Analysis *(Maximum Development Potential)*

Downtown Improvement Program Update *(Page 2-4)*	**Total EIR Units**
Acres	150
Residential Units	2,520
Commercial (Retail/Rest./Entertainment)	1,272,190 sq. ft.
Office	1,447,550 sq. ft.
Public Facility	12,240 sq. ft.

Table 2.2
"Preferred Project" Original EIR Analysis for Downtown Specific Plan Sub-Area

Downtown Specific Plan	EIR (Maximum Intensity)	Approved Intensity (June 17, 2003)	Net Change
Acres	103	103	-0-
Office	1,238,700	960,421	<278,279>
Retail	1,367,300	1,367,300	-0-
Housing	2,191	1,999	<192>

Figure 2.1 Approved DSP Boundary and Blocks

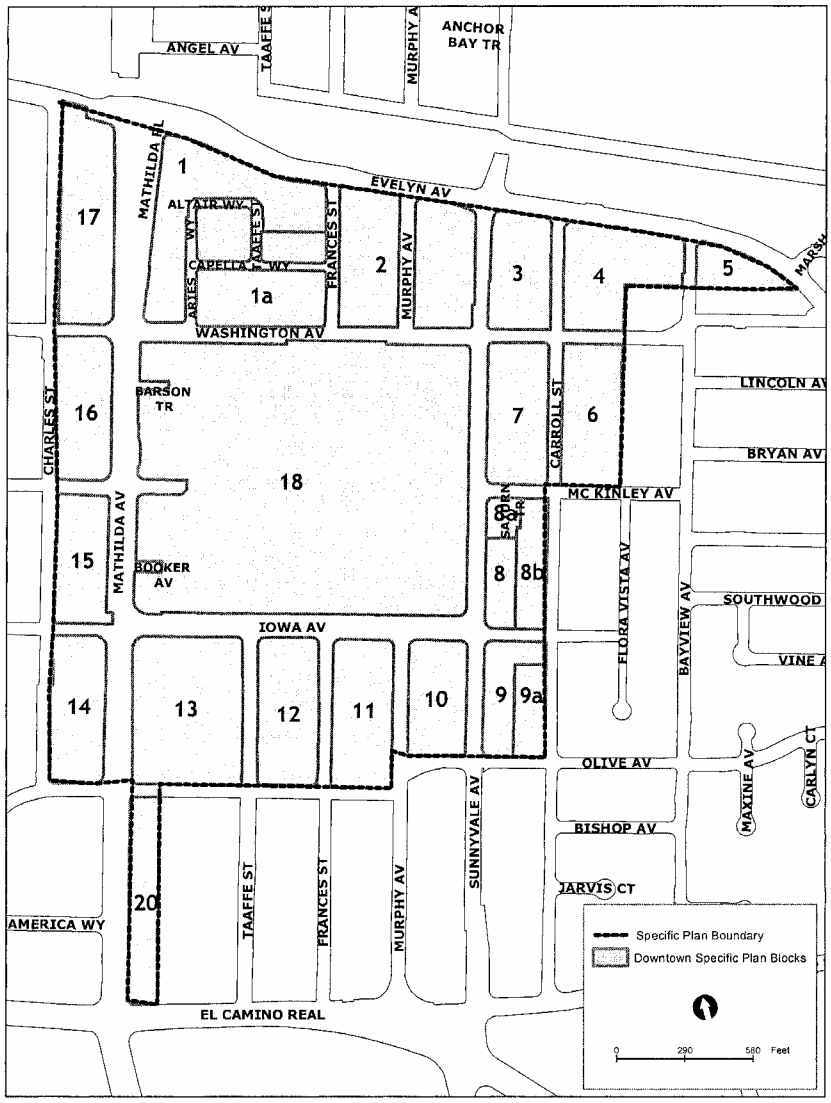

Table 2.3
2003 DSP June 17,2003 Approved Block Intensities

Block	Use	Square Footage	Max Height
1	Office	**450,000 sq. ft. office** **10,000 sq. ft. retail**	125 ft.
1a	Very High Density Residential / Retail	**450 units** **52,500 sq. ft. retail**	85 ft.
2	Historic District Restaurant Entertainment	**80,000 sq. ft. office** **170,891 sq. ft. retail**	36 ft.
3	Local Retail	**62,000 sq. ft.**	50 ft.
4*	Mix of Very High and Medium Density Res.	**214 units***	40 ft.
5	Very High Density Res.	**46 units**	40 ft.
6*	Mix of High and Medium Density Res.	**146 units***	40 ft.
7	Regional Retail	**100 units** **50,000 sq. ft. office/retail**	50 ft.
8	Mix of Low, Low-Medium and Medium Density Res.	**47 units**	30 ft.
9*	Low and Low-Medium Density Res.	**60 units***	30 ft.
10	Low-Medium Density Res.	**47 units**	30 ft.
11	Low-Medium Density Res.	**49 units**	30 ft.
12	Low-Medium Density Res.	**51 units**	30 ft.
13	Residential / Office	**196,141 sq. ft. office** **Low-Medium Density Residential along Taaffe Street**	50 ft. 30 ft. along Taaffe St.
14	Very High Density Residential	**173 units**	50 ft. along Mathilda 30 ft. along Charles
15	Very High Density Residential	**152 units**	50 ft. along Mathilda 30 ft. along Charles
16	Very High Density Residential	**173 units**	50 ft. along Mathilda 30 ft. along Charles
17	Low Medium Density Residential	**48 units**	30 ft.
18	Regional Retail/Mixed Use	**1,007,876 sq. ft. retail** **200 units** **202,000 sq. ft. office**	75 ft. for the mall 80 ft. for the theaters
20	High Density Residential/Office	**51 units** **16,400 sq. ft. office**	40 ft. for residential at north end of block and 30 ft. for office at south end of the block

**Note these Blocks are part of the discussion below of reducing maximum unit counts by 102 units to reflect intended densities from the June 17, 2003 approved DSP that established split densities on the blocks.*

2.1 Scope of Addendum

This proposed addendum to the Program EIR for the Downtown Improvement Program Update addresses the following issues:

1. Increase of up to 98,000 square feet of office space to be located in Block 18 for a total of 300,000 square feet.

2. Increase of up to 100 housing units to be located in Block 18 for a total of 300 units.

3. Revision of the maximum allowable housing units within Blocks 4, 6, and 9 of the DSP in correlation to existing permitted densities.

4. Addition to the mitigation monitoring program of a southbound right-turn lane at the intersection of De Anza Boulevard and Homestead Road in Cupertino that was previously identified as infeasible.

All of proposed changes to land use and zoning are discretionary actions and it should be noted that each item may or may not be approved pending public testimony and the deliberations of the City Council. For the purpose of this document items 1 through 3 consist of combined actions amending the General Plan, Downtown Specific Plan, and Title 19 (Zoning) of the Sunnyvale Municipal Code. These actions shall be considered together for each item and are indicated as "GPA" for discussion purposes.

3.0 *Proposed Land Use Changes*

This section addresses the proposed GPA and additional mitigation monitoring program changes and their relationship to the certified EIR analysis and approved 2003 DSP. In addition to analyzing the proposed changes it is necessary to also review the sequence of events that culminated in the approved intensities of June 17, 2003. The original preferred project of the Final EIR was modified through the planning process and public input resulting in the current approved plan. Each land use section below discusses the pertinent background information relevant to establishing the baseline of comparison for the proposed change.

3.1 *Office Square Footage*

Throughout the planning process public input expressed concerns regarding overall building heights and intensity proposed as part of the preferred project. In response to those concerns, a combination of staff recommendations and City Council decisions that reduced building heights and intensity were incorporated into the approved plan of June 17, 2003. The office Blocks 20, 18/18a (18a combined with 18), and Block 13/13a (13a combined with 13) heights were generally lowered to varying levels from a maximum of 100 feet to 50 feet. Block 18 was an exception with its height lowered to 75 feet from 100 feet permitted from the former Block 18a. A total of 278,279 square feet of office space was reduced from the same blocks.

The staff recommendation to City Council was to exclude Block 20, combine 13a and 13 and maintain the existing development levels and height of the 1993 DSP, and to combine Block 18a with 18 and establish a height limit of 60 feet. As a function of the 60 foot height limit in Block 18 staff also recommended reducing the allowable office square footage to 202,000 square feet in response to the lowered heights. The City Council modified the recommendations in part and approved the heights and intensities as shown in Table 2.3. Of particular note is the inclusion of Block 20 by City Council in the DSP area without changes to the types or intensities of uses permitted under its then existing Office (O/PD) and High Density Residential/Office (R-4/O/PD) Zoning Districts. The result was a reduction of 48,300 square feet of office space and inclusion of 51 housing units as compared to the preferred project in the EIR.

Block 18 Increase

An increase of 98,000 square feet of office space has been requested for Block 18 of the DSP. The total office square footage within the DSP would be 1,058,421 square feet with an allocation of 300,000 square feet to Block 18 if the request were approved.

Table 3.1 Office Square Footage in the DSP area

DSP EIR	1,238,700 sq. ft.
DSP Approved (6-17-03)	960,421 sq. ft.
Block 18 EIR	308,000 sq. ft.
Block 18 Approved (6-17-03)	202,000 sq. ft.
Block 18 Proposed GPA	*300,000 sq. ft.*

Land Use Change and Environmental Significance

The proposed increase of 98,000 square feet of office space resulting in a total of 300,000 square feet within Block 18 is within the scope of overall analysis for the DSP as a whole, as well as the precise Block 18 location (Table 3.1). No change in the permitted maximum height of 75 feet or five stories is proposed for the site. Additionally, the GPA contains a provision requiring that office development be primarily located along Mathilda Avenue which is in harmony with the Land Use Map (*Figures 3.3, page 3-4*) of the in the Program EIR.

As Table 3.1 demonstrates, the level of impacts at the resulting intensity of development would in fact continue to be less than those analyzed in the Program EIR. Therefore the proposed change is not substantial and the analysis of the impacts within the certified Program EIR and the conclusions on the severity of said impacts requires no additional analysis. In addition, the environmental setting of the Program EIR has not changed since certification and no new information has been presented that would affect the determination of an environmental effect as significant or increase the severity of a known environmental effect.

3.2. Housing Units

The maximum developable number of housing units approved in the June 17, 2003 General Plan amendment within the DSP area was a result of City Council decisions on a Block-specific basis. The Block level decisions effectively reduced the maximum number of housing units considered in the original preferred project for the DSP as a whole by 198 units. The affected blocks were Block 20, Block 17, Block 13 (13a) and Block 1a. The inclusion of Block 20 without modifications to its then existing zoning, added 51 units to the Block and DSP that were not considered in the preferred project of the EIR. The other identified blocks were specifically reduced in maximum unit counts as compared to the preferred project of the EIR.

There is currently some confusion related to the approved housing unit intensities versus the intensities suggested in various plans and recommendations prior to the final approval. The confusion relates to the difference in what the original preferred project intensities were for analysis in the EIR and the different recommendations for intensity made in response to public input prior to the City Council action on June 17, 2003. Reductions in housing unit totals were the product of input in the planning process to alleviate concerns pertaining to neighborhood compatibility and overall building heights and intensities in various locations throughout the DSP area. The following discussion is a sequence of events for the approved maximum unit counts by City Council on June 17, 2003.

Original Recommendations- Considering input on preserving the neighborhood character of **Block 17** with its existing development pattern at approximately an R-2 zoning density (12du/acre), the recommendation to City Council reduced the maximum height to 30 feet and unit count by 43 units. **Block 1a** included a recommendation to reduce the overall building height to 75 feet and a corresponding reduction of 135 housing units. **Block 13a** was recommended to have no change from the 1993 DSP which resulted in it being combined with Block 13 as a primary office block and to eliminate the specified 140 housing units. **Block 20** did not contain housing units in the preferred project and was not recommended to be included in the final DSP area. As a result of the above described changes, 318 units were recommended to be removed from DSP area sites.

As changes to intensities and height limits were suggested and reviewed it was apparent that there would be an overall reduction in housing units as compared to the number of units analyzed in the EIR. Staff recommended an additional 100 units be allocated to **Block 18** due to its suitability in terms of overall size, 36 acres, close proximity to the public transit on Frances Street and Evelyn Avenue and the fact that other smaller sites throughout the downtown were already designated for high to very high densities. The 100 additional units were an increase from the 200 housing units evaluated for Block 18 as part of the preferred project in the EIR.

Council Approved- At the public hearing on June 17, 2003, City Council approved the recommendations in part, but modified Blocks 1a, 18, and 20. City Council considered appropriate intensities for Block 1a and reduced its allocation by 60 units rather than the recommended 135 units and raised the height limits to 85

feet from the recommended 75 feet. Block 18 was approved with 200 housing units as originally designated in the preferred project rather than the staff recommendation of 300 units that incorporated a portion of the remaining unallocated housing units. Block 20 was included in the DSP area with its then existing Office (O/PD) and High Density Residential/Office (R-4/O/PD) Zoning Districts, which allowed 51 housing units and 16,400 square feet of office, rather than the preferred project designation as an office block. The resulting intensities are described in Table 3.2 below and for the all land uses of the DSP in Table 2.3.

Table 3.2
Sequence of Change for Approved Maximum Allowable Housing Units

DSP (Affected Blocks Only)	Original EIR	Staff Recommendation (June 17, 2003)	City Council Approved (June 17, 2003)
Block 1a	510 (100 Feet)	375 (75 Feet)	450 (85 Feet)
Block 17	91 (50 Feet)	48 (30 Feet)	48 (30 Feet)
Block 18	200 (75 Feet)	300 (75 Feet)	200 (75 Feet)
Block 13a*	140 (100 Feet)	None (50 Feet)	None (50 Feet)
Block 20**	0	*Not to include in DSP*	51 (40-30 Feet)
Total	*941*	*723*	*749*
DSP as a Whole	***2,191***	***1,973***	***1,999***

*Consolidated with Block 13 for a primary office and mixed use, no units specified
**The preferred project designated Block 20 for office use only, City Council included the block in the DSP and maintained its pre-existing mixture of housing units and small office intensities permitted under the O/PD zoning district.

A. Block 18 Increase

An increase of 100 housing units has been requested for Block 18 of the DSP. The total number of housing units within the DSP would be 2,099 with an allocation of 300 units to Block 18 if the request was approved. The housing units located in Block 18 would be incorporated into a mixed-use project as indicated by the DSP land use policies and guidelines.

Land Use Change and Environmental Significance

The proposed increase of 100 housing units resulting in a total of 300 units within Block 18 is within the scope of the overall analysis for DSP as a whole (Table 3.2). Although the original EIR did not specifically evaluate Block 18 designated with 300 units, the surrounding sites of Block 17, Block 13, and Block 1a were analyzed for higher levels of intensity as compared to their respective approved levels. These surrounding blocks contribute impacts to and demands on the same facilities as Block 18. The same streets, utility lines, and parks serve each of the blocks. No changes in the permitted maximum height of 75 feet or five stories is proposed for the site.

As a program EIR that evaluated the overall impacts of development of the DSP the adjustment of units from one location to another does not affect the sensitivity of the analysis for the DSP. The same intersections, utility services, schools, parks, etc. would be affected from the proposed GPA as to that of the original preferred

project of the EIR. Site specific impacts that cannot be categorized or evaluated as part of a program level EIR would be evaluated as peculiar impacts to a specific project upon its independent development review. Additional environmental analysis may be required for site specific attributes of a project that were not reviewed as part of this program EIR following the "tiering" concept of CEQA.

The level of impacts at the resulting intensity of development of the proposed GPA would in fact be less than those analyzed in the EIR for the DSP as a whole. Reduction of 92 units from the totals of the preferred project would be maintained. The site specific location of the housing units in Block 18 is consistent with the level of analysis in the EIR for considering the greater levels of intensity on surrounding sites that would accordingly impact the same facilities as Block 18. Furthermore, as discussed in the EIR, there are beneficial elements to the environment and region from incorporating housing into an area with convenient public transit access, access to major bases of employment, and the efficiency and smart growth attributes of infill and redevelopment on existing sites.

Therefore the proposed change does not alter analysis of the impacts within the certified Program EIR. In addition, the environmental setting of the Program EIR has not changed since certification and no new information has been presented that would affect the determination of an environmental effect as significant or increase the severity of a known environmental effect.

B. Recalculation of Maximum Allowable Units for Blocks 4, 6 and 9

In light of the request to increase housing units in Block 18, City Council directed staff to study options for reducing housing intensities for other residential blocks in the DSP. This action is considered to be independent of the Block 18 increase but may also be considered together by the approving authority.

Staff reviewed adjacent residential blocks on the east side of the DSP for reduced intensity. As part of the review, staff discovered that within Blocks 4 and 6 there are apparent calculation inconsistencies in maximum allowable units. Maximum unit counts were originally attributed to individual blocks in the DSP as a function of conceptual design and parking requirements, not an initial prescribed or targeted maximum density as is typically done for long range plans. As the plan progressed through review, approximate densities were identified for the blocks throughout the DSP for comparative purposes.

These approximate densities were in turn the subject of discussion on neighborhood compatibility and changes were recommended and approved as part of the June 17, 2003 DSP intensities. The apparent inconsistencies arose from incorporation of the description for reduced intensity along the frontages of the Blocks 4 and 6 with the remainder of the area designated for higher densities, but the maximum unit counts were not recalculated to reflect the split zoning change intention for the blocks. In addition to these inconsistencies, a typographical error had been carried over for Block 9 of the 1993 Downtown Specific Plan that transposed 25 with 52 units.

The result of recalculating the number of units using the appropriate updated standards is that the potential number of housing units for Blocks 4, 6 and 9 is less than expressed in the adopted DSP and zoning code. The new calculation shows that there are 102 less potential housing units in the DSP than is currently reflected in the 1,999 maximum unit total. These revisions are shown in Table 3.4 below. This reduction does not change the underlying permitted densities or development regulations.

Table 3.4
Revision to DSP Blocks 4, 6 and 9 Housing Unit Count

Block Number	Approximate Acreage	DSP Intensities	Current DSP Units	Revised Number of Units	Change
4	3.89-total 3.31 0.58	 48 du/ac 24 du/ac	214	173[1] 159 14	-41
6	3.49-total 2.33 1.16	 36 du/ac 24 du/ac	146	112[2] 84 28	-34
9	1.68	12 du/ac	52	25[3]	-27
TOTAL			412	310	-102

1. Washington frontage was modified to 24 du/ac
2. Washington and McKinley frontages were modified to 24 du/acre
3. Typographic correction

Land Use Change and Environmental Significance

The proposed revision of the DSP to accurately reflect the potential number of housing units in Blocks 4, 6 and 9 is within the scope of overall analysis for DSP in that it is consistent with the land use and intensity analysis for the area. No changes in types of housing or maximum heights are proposed for the sites.

One area of note regarding environmental impacts is the relationship of the recalculation of the units to the jobs/housing ratio analyzed within the EIR. Including the reduction in units from Block 4, 6, and 9, the overall increase in housing as compared to the 1993 plan (497 units with the proposed reduction versus 599 units as approved June 17, 2003) remains substantial and a positive influence on the jobs/housing ratio as discussed in the EIR.

C. Block 18 Balance with Recalculated Units

If the approving authority were to consider Section 3.2 A (increase of 100 units) and 3.2 B (reduction of 102 units) together there would in fact be a de minimus change to the total unit counts of DSP of -2 units out of 1,999 units as currently permitted in the approved DSP area. No changes to the existing environmental conditions or future conditions would occur such a small incremental change. The existing environmental analysis is sufficient within the EIR to categorize this balanced intensity of development and its slight geographic relocation within the DSP as discussed previously.

3.3 Mitigation Monitoring Program Modification

The certified EIR identified an impact on the level of service in the PM peak hour for the intersection of southbound De Anza Boulevard and Homestead Road. The appropriate mitigation was identified as an additional right-turn lane at that intersection. At the time the EIR was circulated for comment the right-turn lane was considered infeasible due to the need of acquiring right-of-way for the project and the impact of the acquisition on use of the corner property. Subsequent to the certification of the EIR, including a statement that mitigation was not feasible, the City of Cupertino completed a conceptual design for the location. The design requires acquisition of right-of-way, but it was found that landscaping could be replaced and the use of the parcel would not be hindered.

Inclusion of this mitigation into the mitigation monitoring program will improve service at the identified intersection and will be proportional to the new trips added by the buildout of the DSP. No additional environmental effects are attributed to this mitigation and in fact it reduces the severity of known transportation-related impacts. Although this mitigation enhances the service of the overall transportation system, the regional impacts will continue to be significant and unavoidable.

Prepared by:

Lead Agency: City of Sunnyvale

_____

Kelly Diekmann, Associate Planner
Date 6-25-2004