

DRAFT

**AMENDMENT TO CONSULTANT SERVICES AGREEMENT
BETWEEN THE CITY OF SUNNYVALE
AND PACIFIC MUNICIPAL CONSULTANTS
TO CONDUCT A LAND USE AND TRANSPORTATION ELEMENT (LUTE) UPDATE
ENVIRONMENTAL IMPACT REPORT (EIR)
AND CLIMATE ACTION PLAN (CAP)**

This Amendment to Consultant Services Agreement, dated _____, is by and between the CITY OF SUNNYVALE, a municipal corporation ("CITY") and PACIFIC MUNICIPAL CONSULTANTS, DBA PMC, a California Corporation ("CONSULTANT").

WHEREAS, on March 8, 2010, CITY and CONSULTANT entered into a Consultant Services Agreement whereby CONSULTANT would provide a Land Use and Transportation Element Update (LUTE) Environmental Impact Report (EIR) and Climate Action Plan (CAP);

WHEREAS, the CITY has refined the LUTE Update EIR and CAP, necessitating additional services under this contract; and

WHEREAS, the parties now agree that an Amendment to said Agreement is advisable;

NOW, THEREFORE, THE PARTIES ENTER INTO THIS AMENDMENT TO CONSULTANT SERVICES AGREEMENT:

1. Services by CONSULTANT

Replace this section with the following:

1. Services by CONSULTANT

CONSULTANT shall provide services in accordance with Exhibit "A", attached and incorporated by reference, which consist of the following documents: Request for Proposal No. F0908-17 and all requirements, specifications and terms and conditions contained therein and CONSULTANT'S proposal response. CONSULTANT shall also provide services in accordance with Exhibit "A-1", attached hereto.

Any and all obligations of the CITY and the CONSULTANT are fully set forth and described therein.

All of the above documents are intended to cooperate so that any work called for in one and not mentioned in the other or vice versa is to be executed the same as if mentioned in all documents.

4. Compensation

Replace the first paragraph with the following:

4. Compensation

CITY agrees to pay CONSULTANT a total not to exceed amount of Five Hundred Thirty Eight Thousand Six Hundred Thirty Two and no/100 dollars (\$538,632.00) for the following services:

1. LUTE EIR - \$399,732.00
2. Climate Action Plan - \$100,000.00
3. Revision to the LUTE Update EIR - \$38,900.00

CONSULTANT shall submit invoices to CITY to be paid within thirty (30) days upon receipt of an accurate, itemized invoice by CITY's Accounts Payable Unit.

All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Agreement Amendment.

ATTEST:

CITY OF SUNNYVALE ("CITY")

By _____
City Clerk

By _____
City Manager

APPROVED AS TO FORM:

PACIFIC MUNICIPAL CONSULTANTS,
DBA PMC, ("CONSULTANT")

By _____
City Attorney

By _____

Name and Title

Exhibit A-1

Scope and Cost Estimate – Revision to the LUTE Update EIR

The previous LUTE Update and CAP Administrative Draft EIR was completed in October 2012. Since 2012, the City has separated the CAP from the LUTE Update and adopted it with a mitigated negative declaration in 2014. Since 2012, the City has further refined the LUTE Update as well as revised and updated the traffic analysis using Hexagon Traffic Consultants.

As a result, the EIR will need to be revised and updated to consider/address the following:

- Issuance of a new Notice of Preparation (NOP)
- Updating of the description of the environmental setting based on the issuance of a new NOP
- Removal of the CAP from the EIR.
- Update of the EIR project description and impact analyses based on changes to the LUTE Update and the environmental setting.
- Updating of air quality, toxic air contaminants, noise, and greenhouse gases based on updated traffic analysis.
- New EIR traffic impact analysis.
- New alternatives analysis.

Task 1 – Updated Notice of Preparation (NOP)

PMC will prepare a new NOP based on the NOP that was originally released in 2012. The new NOP will describe the currently proposed LUTE Update and the anticipated environmental effects to be evaluated in the EIR. The NOP will also note environmental impacts determined not to be significant. An electronic draft of the NOP will be submitted to the City for review. Upon receiving edits, we will revise the NOP and 40 hard copies of the NOP will be generated for agency and public distribution (including State Clearinghouse distribution).

We will also attend a public scoping meeting during the 30-day review period.

Deliverables: *Electronic copy of the draft NOP. Electronic copy of the public NOP.*

Meetings: *NOP scoping meeting*

Task 2 – Updated Administrative Draft EIR (ADEIR)

PMC will update the previous draft of the ADEIR completed in 2012 to reflect the following changes:

- Removal of the CAP from the EIR.
- Update of the EIR project description and impact analyses based on changes to LUTE Update and changes to the environmental setting.
- Updating of air quality, toxic air contaminants, noise, and greenhouse gases based on updated traffic analysis.
- New EIR traffic impact analysis.

- New alternatives analysis.

Key work efforts associated with this update are further described below.

Introduction, Executive Summary, and Project Description

These sections will be revised to match the current description of the LUTE Update, new alternatives to be evaluated and removal of the CAP. Project objectives will be updated based on changes to the LUTE Update.

Land Use and Population/Housing Sections

These sections will be updated based on current information. In addition, these sections will be converted into introductory sections of the EIR that provide existing setting, discuss proposed land use, housing and employment changes, and describe consistency with applicable City and regional plans (e.g., RTP/SCS). Given that the environmental effects of changes to land use and population are addressed in the other technical sections of the EIR, these sections will not include an impact analysis.

Air Quality

PMC will update the existing administrative draft prepared by Illingworth & Rodkin as needed to account for the new traffic analysis as well as recent modifications to the LUTE Update. The analysis of air quality impacts will continue to be based on the Bay Area Air Quality Management District (BAAQMD)-recommended methodologies and thresholds of significance, including those documented in the 2010 CEQA Air Quality Guidelines (updated in May 2011)¹. As Toxic air contaminants are of particular concern in the San Francisco Bay Area Air Basin (SFBAAB), the current analysis of these pollutants will be thoroughly reviewed to reflect updated data and any changes to the regulatory environment or state of the practice. New modeling of air quality impacts will be conducted and the impact analysis will be updated with this information.

Greenhouse Gases and Climate Change

Similar to the air quality analysis, PMC will update the existing administrative draft as needed to account for any updates to the City-wide greenhouse gas emissions inventory since adoption of the CAP. The project will be evaluated for consistency with the CAP to determine significance, including updated greenhouse gas emission estimates. This will include an analysis of consistency with the VMT and related mobile greenhouse gas reductions established in the RTP/SCS. An updated discussion of

¹ The thresholds BAAQMD adopted were called into question by a minute order issued January 9, 2012 in California Building Industry Associated v. BAAQMD, Alameda Superior Court Case No RG10548693. On March 5, 2012 the Alameda County Superior Court issued a judgment finding that BAAQMD had failed to comply with CEQA when it adopted the Thresholds. The court did not determine whether the Thresholds were valid on the merits, but found that the adoption of the Thresholds was a project under CEQA. The court issued a writ of mandate ordering BAAQMD to set aside the Thresholds and cease dissemination of them until BAAQMD had complied with CEQA. The claim made in the case concerned the CEQA impacts of adopting the thresholds; i.e., how the thresholds would affect land use development patterns. Those issues are not relevant to the scientific soundness of the BAAQMD's analysis of what levels of pollutants should be deemed significant, or the threshold to use in assessing any health risk impact the project would have on the existing environment. These thresholds are based on substantial evidence identified in Appendix D of the Guidelines and are therefore proposed to be used within this analysis.

environmental effects of climate change on the city (e.g., sea level rise, drought, flooding) and City and regional adaptation efforts will be prepared.

Noise

PMC will use the results of the updated traffic analyses, along with available information about potential noise sources in the city to re-model potential noise impacts.

Existing ambient daytime noise levels will be measured at 18 short-term and 16 24-hour locations throughout the city to establish current baseline noise levels. These locations will be identified on a map. The daytime noise levels will be measured using a Larson-Davis precision sound level meter, which satisfies the American National Standards Institute (ANSI) for general environmental noise measurement instrumentation.

Noise will be characterized in the following terms:

- L_{eq} , the equivalent energy noise level, is the average acoustic energy content of noise for a stated period of time; for evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night
- L_{min} , the minimum instantaneous noise level experienced during a given period of time
- L_{max} , the maximum instantaneous noise level experienced during a given period of time
- L_{dn} , the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 p.m. and 7:00 a.m.

Existing 24-hour noise levels will be calculated for various roadway segments in the project vicinity using the Federal Highway Administration (FHWA) Highway Noise Prediction Model (FHWA-RD-77-108) and current traffic counts from the traffic report prepared for the project. For highways and expressways, traffic volume and truck mix data input into the model will be based on information published by the California Department of Transportation (Caltrans). The model will calculate the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and area environmental conditions. Vehicle noise energy rates in the model will be modified to incorporate rates utilized by Caltrans, which better represent vehicle noise levels in California. The analysis of operational noise impacts will address future noise levels within the city. Future noise levels along key roadway segments throughout the city will be calculated to determine whether traffic generated by build-out under the LUTE Update causes a substantial increase in noise at nearby locations.

PMC will also prepare an updated noise contour map of the city.

The noise and ground-borne vibration analysis will be updated and will assess potential impacts of the LUTE Update on background noise levels and the population's exposure to noise levels. The results of noise monitoring and modeling will be used to update the Noise section of the EIR. The noise analysis will be based upon approximations of noise levels and associated changes in the ambient noise level that are likely to occur based on implementation of the proposed project. PMC will characterize the existing noise environment in the city, including noise measurements at various locations within the city and identifying major noise sources in the city. Construction impacts will be addressed in a generalized manner because project-specific information will not be available. Construction noise levels at various distances from a typical construction site will be evaluated to determine areas of potential noise impact.

Noise contributions from the LUTE Update will be compared to City of Sunnyvale noise standards to determine significance levels. For any impacts that exceed identified significance thresholds, feasible mitigation measures will be identified, which may include guidelines on construction techniques or hours, changes, provision of temporary or long-term barriers to noise transmission, or limitations on outdoor nighttime activities. The results of the noise level impact analyses will be summarized in the EIR.

Transportation and Circulation

The traffic impact section of the EIR will be revised consistent with the new traffic analysis being prepared by Hexagon. The impact analysis will address traffic congestion, conflicts with transit, bike and pedestrian uses, and vehicle miles traveled.

Environmental Effects Not Determined Significant

The EIR will include a new section that will provide a brief analysis of environmental issues not determined to be significant. This section will incorporate the following environmental issue areas that were determined in the previous ADEIR not to be significant:

- Hazardous Materials
- Geology and Soils
- Hydrology and Water Quality

Alternatives

The alternatives section will be revised based on new alternatives developed by the City since completion of the ADEIR. Up to four (4) alternatives will be evaluated in the EIR. A detailed comparative matrix of alternatives will be provided at the end of the section.

Deliverables: ***Electronic copy of the ADEIR.***

Meetings: ***Conference calls (as needed)***

Task 3 – Revise ADEIR/Prepare Draft EIR

We will coordinate with the City on review of the ADEIR, including a meeting to review comments to ensure understanding. Upon receipt of comments, we will prepare a screencheck Draft EIR for final City review and comment. Upon receipt of final comments, we will prepare the public version of the Draft EIR for distribution. We will also prepare the Notice of Availability and submit the Draft EIR to the State Clearinghouse.

PMC staff will participate in a public meeting to receive comments on the adequacy of the Draft EIR.

Deliverables: ***Electronic copy of the screencheck Draft EIR. Electronic copy of the Draft EIR.***

Meetings:

One (1) meeting for comments on the ADEIR and public meeting to receive comments on the Draft EIR)

Additional Budget Request

- Task 1 Updated NOP - \$4,000
- Task 2 Updated ADEIR- \$22,800
- Task 3 Revised ADEIR/Prepare Draft EIR - \$12,100

Total: \$38,900