

**FIRST AMENDMENT TO AGREEMENT BETWEEN
CITY OF TEMECULA AND ENVIRONMENTAL SCIENCE ASSOCIATES
INITIAL STUDY AND CEQA ANALYSIS FOR VILLAGES AT PASEO DEL SOL**

THIS FIRST AMENDMENT is made and entered into as of **September 4, 2019** by and between the City of Temecula, a municipal corporation (hereinafter referred to as "City"), and **Environmental Science Associates, a Corporation** (hereinafter referred to as "Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with the respect to the following facts and purposes:
 - a. On **September 25, 2018** the City and Consultant entered into that certain Agreement entitled "Agreement for **Initial Study and CEQA Analysis for Villages at Paseo Del Sol,**" in the amount of **\$72,795.00**.
 - b. The parties now desire to add scope of work, extend the term of the agreement to **December 31, 2020**, increase the payment in the amount of **\$17,500.00**, and to amend the Agreement as set forth in this Amendment.

2. Section **1** of the Agreement entitled "**TERM**" is hereby amended to read as follows:

"This Agreement shall remain and continue in effect until tasks herein are completed, but in no event later than **December 31, 2020** unless sooner terminated pursuant to the provisions of this Agreement.

3. Section **4** of the Agreement entitled "**PAYMENT**" at paragraph "a" is hereby amended to read as follows:

The City agrees to pay Consultant monthly, in accordance with the payment rates and schedules and terms set forth in Exhibit B, Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B, other than the payment rates and schedule of payment, are null and void. The **First Amendment** amount shall not exceed **seventeen thousand five hundred dollars and zero cents (\$17,500.00)**, for additional **revisions to the initial study to reflect the 2019 CEQA Appendix G updates, revisions to the IS/MND text and figures associated with the revised WQMP, and for additional coordination and City review** for a total Agreement amount of **ninety thousand two hundred and ninety five dollars and zero cents (\$90,295.00)**.

4. Section **13** of the Agreement entitled “**NOTICES**” is hereby amended to read as follows:

“Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, that provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by Notice. Notice shall be effective upon delivery to the addresses specified below or on the third business day following deposit with the document delivery service or United States Mail as provided above.

Mailing Address: City of Temecula
Attn: City Manager
41000 Main Street
Temecula, CA 92590

To Consultant: **Environmental Science Associates**
Attn: Bobbette Biddulph
550 West C Street, Suite 750
San Diego, CA 92101

5. Exhibit **A and B** to the Agreement is hereby amended by adding thereto the items set forth on Attachment “A” to this Amendment, which is attached hereto and incorporated herein as though set forth in full.

6. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF TEMECULA

ENVIRONMENTAL SCIENCE ASSOCIATES

(Two Signatures of corporate officers required unless corporate documents authorize only one person to sign the agreement on behalf of the corporation.)

By: _____

Michael S. Naggar, Mayor

By: _____



Bobbette Biddulph, Senior Vice President

ATTEST:

By: _____

Randi Johl, City Clerk

By: _____



Terri Avila, Vice President

APPROVED AS TO FORM:

By: _____

Peter M. Thorson, City Attorney

CONSULTANT

Environmental Science Associates

Attn: Bobbette Biddulph

550 West C Street, Suite 750

San Diego, CA 92101

619.719.4200

bbiddulph@esassoc.com

PM Initials:  

Date: 9/6/2019 9/9/19

 9/12/19

ATTACHMENT A

EXHIBIT A & B

Attached hereto and incorporated herein as though set forth in full is the additional scope of work as provided by the Consultant.



550 West C Street
Suite 750
San Diego, CA 92101
619.719.4200 phone
619.719.4201 fax

www.esadoc.com

May 16, 2019

Mr. Eric Jones
Associate Planner
City of Temecula
Planning Department
41000 Main Street
Temecula, CA 92590

Subject: Cost Modification for Revised WQMP and Updated Appendix G Changes to Integrate into IS/MND for Planning Area 4A, Villages at Paseo Del Sol, Temecula, California

Dear Eric:

Below please find a scope of work for modifications to the draft Initial Study/Mitigated Negative Declaration pursuant to the requirements of the California Environmental Quality Act (CEQA) for Planning Area 4A of the Villages at Paseo Del Sol located at the northwest corner of Butterfield Stage Road and Temecula Parkway. This cost modification covers additional work required to: 1) revise the Initial Study checklist and related analysis to reflect the 2019 CEQA Appendix G updates, 2) revisions to the IS/MND text and figures associated with the revised water quality management plan (WQMP) and project design, and 3) additional rounds of coordination and city review of the updated IS/MND.

CEQA Guidelines

The Governor's Office of Planning and Research (OPR), Office of Administrative Law, approved new CEQA Guidelines, including changes to Appendix G, Environmental Checklist Form, effective December 28, 2018. While the effective date is 2018, they are commonly and collectively referred to as the "2019 CEQA Updates." The questions for environmental topics presented in Appendix G of the CEQA Guidelines have been used by the City and in the draft Paseo del Sol IS/MND as the Thresholds of Significance for determining impacts in the IS/MND. As the thresholds used IS/MND reflect the previous of Appendix G questions in effect at the time of initial preparation of the document the current Thresholds utilized in the document reflect the previous version of Appendix G. It is recommended that the changes to Appendix G be addressed through changes to the IS/MND thresholds of significance and associated analyses. ESA proposes to update the draft IS/MND, in order to accurately reflect the current adopted Appendix G guidelines. It is not anticipated the Appendix G changes would lead to analysis showing new or substantially more severe significant impacts.

The proposed changes will introduce the need for the analysis and methodically present and assess the changes effective in 2019 to the CEQA Guidelines Appendix G questions for each environmental topic in the CEQA Checklist. In the event this content is not in the current version of the IS/MND, limited new qualitative analysis will be provided to the extent necessary. It is expected that there will be some discrete additions to the main body IS/MND to reference and address the 2019 changes to CEQA Guidelines Appendix G. For example, there is a new topic in Appendix G with new questions that relate to Wildfires. Similarly, it is expected that a discussion under this heading will be provided to address new issues that need to be evaluated under Utility and Service Systems, which will substantiate that no significant impacts associated with the need for new off-site infrastructure for electric power, natural gas, or telecommunication facilities would occur with the Project. Ultimately, through the



Mr. Eric Jones
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addition of select new analysis in the IS/MND a clear case will be made that the changes to Appendix G have been adequately addressed.

WQMP

ESA submitted a draft IS/MND to the City in July 2018. In September 2018, we received a notice from the City

Public Works met with the applicant's engineers for Paseo Del Sol and the changes need to be made to the drainage system for the site in order to be in compliance with WQMP requirements. The additional changes to the WQMP required updates to the Project Description, Biological Resources and Hydrology sections of the IS/MND. There was additional staff time that was utilized to update the IS/MND is included in this cost modification.

Cost

The fee for the above scope of work is on a time and materials basis, not-to-exceed \$17,500. A detailed cost breakdown is shown below.

COST SUMMARY

Task	Cost
Updated Initial Study CEQA Appendix G Checklist	\$12,000
Updated WQMP discussion	\$ 3,000
Additional Review and Coordination	\$ 2,500
Total	\$17,500

Schedule

ESA anticipates the revisions to take approximately two weeks from the issuance of the Notice to Proceed from the City.

We look forward to continue working with you on this project. Please feel free to contact me at 619-719-4200 should you have any questions.

Sincerely,

Eric Ruby,
Senior Vice President