

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721TEL: (916) 444-6201
FAX: (916) 444-6209

tenslow@adamsbroadwell.com

SO. SAN FRANCISCO OFFICE

601 GATEWAY BLVD., SUITE 1000
SO. SAN FRANCISCO, CA 94080TEL: (650) 589-1660
FAX: (650) 589-5062MILA A. BUCKNER
DANIEL L. CARDOZO
CHRISTINA M. CARO
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
MARC D. JOSEPH
RACHAEL E. KOSS
COLLIN S. MCCARTHY
LINDA T. SOBCZYNSKI

March 5, 2018

Planning Commissioner Chair
and Planning Commissioners
Planning Commission
City of Concord
1950 Parkside Drive
Concord, CA 94519
zoning@cityofconcord.org
ryan.lenhardt@cityofconcord.org
laura.simpson@cityofconcord.org

**Re: Agreement to Resolve Comments on the Initial Study/Mitigated
Negative Declaration for Concord Village (SCH# 2017022022)**

Dear Chair and Commissioners:

Concord Residents for Responsible Development (“Concord Residents”) has reached agreement with Nicholson Development Properties (“Nicholson Development”) to resolve all issues raised by Concord Residents in its comments on the Initial Study/Mitigated Negative Declaration (“MND”) for Concord Village (“the Project”). This agreement provides for the implementation of additional measures to further ensure that the Project will not result in potential environmental impacts from soil and groundwater contaminants, diesel emissions and greenhouse gas emissions.

Concord Residents has agreed that, provided that these measures (or substantially similar measures) are adopted by the City as additional CEQA mitigation measures or conditions of approval, the issues it raised in its comments on the MND will have been addressed and resolved.

3635-021j

Under the agreement, Nicholson Development will implement the following measures:

A. HAZARDS

- 1) The Project shall include: (a) installation of sub-slab passive venting; (b) installation of a vapor barrier; and (c) a deed notification that precludes groundwater use on the property. This requirement shall not apply if the California Department of Toxic Substances Control reviews and approves a Remedial Action Plan for the presence of tetrachloroethylene (“PCE”) on the Project site and determines that these measures are not necessary.
- 2) Prior to construction, groundwater samples shall be collected at the TR-12 sampling location and tested for PCE. The results of the testing shall be provided to the San Francisco Bay Area Regional Water Quality Control Board for determination if changes are needed to the Remedial Action Plan.
- 3) Prior to construction, a minimum of two borings to collect soil, soil vapor, and groundwater samples shall be collected downgradient to the T-12 sampling location and tested for PCE. The results of the testing shall be provided to the San Francisco Bay Area Regional Water Quality Control Board for determination if changes are needed to the Remedial Action Plan.

B. AIR QUALITY

- 1) The Project shall require the use of 2010 or newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require trucks that meet U.S. EPA 2007 model year NO_x emissions requirements.

- 2) All construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

C. GREENHOUSE GASES

- 1) The Project shall be designed to be at least 15% more energy-efficient than applicable Title 24 energy requirements.
- 2) The Project parking garage shall include at least sixteen (16) electric vehicle charging stations.
- 3) Parking spaces shall be rented or sold separately from the rental or purchase price of the residential dwelling units.
- 4) Electric vehicles, partial zero emission vehicles, hybrids and compressed natural gas vehicles shall be provided preferential parking locations, subject to restrictions as reasonably determined by the Developer, and a 15% discount on the cost of renting a parking space.
- 5) All appliances shall be EnergyStar certified.

Concord Residents joins with Nicholson Development in requesting the City to include the above measures as conditions of approval for the Project or as additional CEQA mitigation measures for the Project. Upon the adoption of these (or substantially similar) measures as conditions of approval or CEQA mitigation measures, Concord Residents will have no further opposition to the Project.

Sincerely,



Thomas A. Enslow

TAE:lj1