

Base Reuse Project Term Sheet Presentation

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**December 1, 2022 Q&A Transcript:**

**Comment/Question:** I noticed that in all of the photos of all the different sections of the development there were no images of any parked vehicles that I could see. Can you tell me how vehicles, as much as this is intended to be a public transit driven space, there will be vehicles, there will be private vehicles, how are those integrated into this plan?

**Guy Bjerke:** so that thank you very much for that Question, I'll let Brian answer a little bit of it but what I want to make sure that you're aware of is that this isn't the end-all be-all of the planning process, this term sheet is the beginning of developing the specific plan, of developing the Transportation plan, of developing how traffic and parking will work within the project, so some of the answer to your question is we don't know exactly yet, and we will be going through a public process and holding meetings and Community meetings to discuss how parking, transportation, bike Lanes, all of the things that we spoke about in the adopted area plan, how we're going to integrate those into the specific plan so it's an excellent question we just don't have all the answers yet I don't know if Brian if you wanted to add to that?

**Brian Jencek:** no that's great I think Guy said it. Everything's on the table we will use a diverse set of strategies to Ultimately deliver the required parking and that ranges from in the Innovation District where lay down space and surface parking may be needed in certain areas all the way to higher density neighborhoods where district parking like around the TOD core really begins to make a lot of sense and take cars

**Guy Bjerke:** Garages, you make parking garages now, sorry to interrupt, but the other thing we have to keep in mind or the public needs to keep in mind is the state keeps changing the rules relative to parking and right now the legislature is on an anti-parking binge, so the city's ability to require parking in certain instances just like the city's ability to say

whether or not you can put a an accessory dwelling unit in your backyard is no longer up to the city, right? so

there is there is some progressive legislation that is making it more difficult for the city to establish parking minimums and parking requirements and so that will be part of the discussion as we discuss these things in this specific plan process.

**Comment/Question:** I have a question about the ecological plans, first of all will the buildings be all electric I heard somebody say “oh everything's getting electrified” does that mean there will be no natural gas fittings in the buildings? that's the first question. The other one is I see a lot of green in all the pictures and I love it you know, but desertification is happening it's real it's here and so I heard somebody mentioned recycled water but what about gray water? will the buildings be designed so that gray water systems can easily be integrated?

**Jeb Elmore:** thank you for your questions obviously sustainability is a critical aspect of the project. A lot of the programming to achieve that sustainability of course will be born out of the environmental review process, and the entitlements, and specific plan process, to we'll be perfecting and clarifying the sustainable strategies for the project. At this time, I'm not ready to commit to an all-electric Community although as Guy alluded to or as Brian alluded to I should say that seems to be the way that California is Shifting our resources to to minimize and eliminate natural gas Provisions. There is gas service immediately accessible and available to be extended at some cost to the project and at this time we're looking to create the variety of utilities but that doesn't mean we're not open to and looking into an all-electric community, of course we need to make sure the capacity and all the infrastructure is in place before we commit to an all-electric strategy because there are some of course grid updates that are not currently accommodating for such. With regards to the application of gray water we have done that at a few of our residential communities and working with Builder partners and at this time certainly we'll consider the request but again a little premature for us to make those commitments but it is a good use of obviously the use of water coming from storm and realizing that back of irrigation so it's a great strategy and certainly I'm sure it'll be invoked and probably will become a requirement at some point nonetheless before we get to a planned project.

**Guy Bjerke:** Yes, so for the

city to weigh in, as part of the adopted area plan , the way we are going to treat water or the way water will be used is any external use will be through recycled water. CCWD is working with the Central Sanitation District so that there is enough recycled water for all external uses in the project. Outdoor, yes, sorry, I start talking planner, yes, all out outdoor irrigation will be if not on day one as the project evolves and when the project is developed it will be purple piped so that outdoor water is recycled water, indoor Water is drinking water and then to the extent we get to gray water that may be further into the process but that's what we're doing now

**Comment/Question:** I have a question about the affordable housing units and Specifically, I was hoping you guys could elaborate more about what you're agreed upon definition of is of the Affordability, because I understand that 25 percent is supposed to be dedicated to people who are below the 80% AMI but I was wondering if that also if that meant that the rent for those units are going to be matching the income of the renters for example 30% of their income only things like that

**Jeb Elmore:** yes we can confirm that the affordable housing program on the site will be suited for 80 percent or below area median income standards I'm not sure I know the calculations well enough to understand how to calculate the monthly rent but obviously rents will be adjusted such that those that can afford at those income levels the units they live within without taking up their entire income

**Follow Up Question:** Is there like a restriction on how because I just read in the term sheet that there was a mention of deed restrictions and that it would only last for a minimum of 40 years, I was wondering if that affected the affordable commitment especially since this is like a 40-year plan

**Jeb Elmore:** yeah once the deed restrictions expire of course the opportunities for market rate rents would be allowed but again over, I believe it was 55 years if I was incorrect there.

**Follow Up Comment:** yeah it was 55 for rentals, 45 for owners

**Guy Bjerke:** that's pretty typical of the way affordable housing is financed and restricted so that's the normal way it's done yeah and that's why you see in Concord today a number of projects in the monument and other areas in North

Concord where the city has taken affordable housing dollars that we have and gone in and bought those because they were expiring and in order to protect those tenants the city or an affordable housing provider with the city's assistance has gone in and bought those units to protect them for another 40 or 50 years

**Comment/Question:** I have a series of four questions but I'd be happy to ask them one at a time until another hand goes up so

Certainly. So the staff report specifically identifies that this particular term sheet is slightly different than previous ones for example this term sheet includes the

entire developable area, 2275 Acres, versus lesser areas for the previous developments but I suppose I would like to hear some discussion about why, what makes this term sheet special to the residents in the community of Concord and why should the citizens support and endorse this to the city council?

**Jeb Elmore:** well obviously the opinions are, we want to make sure that everyone maintains their own opinion but certainly our representation of the tremendous Community elements and the community benefits are what we hope

brings this community together to support the project including the delivery of permanent and temporary jobs

in a robust fashion with prioritized to local Concord. It's a project that is a piece of land vacant land that's really not doing anybody any good right now and to us it's an eyesore and it's been

too long and why the term sheet is so important and why the term sheet in this case is so special is we've devised a program that will allow the project to proceed forth and you know talking about

the project is great but we actually want to be building the project and we think and obviously in building the project that's where the benefits to the

community really lie. So in our minds we've developed a term sheet in close coordination and negotiation with the city that will allow this project to proceed forth as it sits today

so I think that's really the program and I mean the community benefit elements the contributions towards

special facilities that are above and beyond the existing policy are embracing all of the communication the

community outreach, all the terms, the higher than typical affordable housing, commitments to working with labor, all

things we fully support and embrace are why this project and why this term sheet is so special and why they also differ

from prior term sheets. And the coverage of the entire property, you know prior developers have attacked

us different ways in smaller increments, we believe it's important to really comprehensively plan the project at once although we won't be buying their or taking down the property at once like I said earlier, we'll be closing or transferring property in phases so it'll be orderly of course in that regard but we do believe that planning for the whole to make sure we incorporate that full balance of mixed Bland uses is so critical. I hope that answers that first question

**Guy Bjerke:** yeah just to tack on to that so

Yes, the distinction between this term sheet and the previous Lennar term sheet is the fact that Lennar and at the time the city's thinking was designed around a small initial first phase with the concept that if everyone performed well that they could continue on.

The issue with that smaller term sheet in that smaller phase is it stopped us from considering the whole project as part of the term sheet, this term sheet allows us to look at the entire 40 years, the entire project and plan all of the aspects of it better. Remember the term sheet is the initial framework that we will then turn into a actual specific plan to implement so I think it's a good term sheet but it does have a distinction from what the community understood six years ago so I appreciate the question

**Comment/Question:** First I want to acknowledge that I'm putting myself in a risky situation by speaking out because I know what happened to Cora and I know that Cora was intimidated and she was put in a position where she felt unsafe by speaking out and we shouldn't be dealing with developers that make people feel unsafe I mean that should be from the get-go when one of our members of the community was intimidated and put under threat to stop talking, to stop criticizing, this should have been canceled immediately and the fact that this just keeps going forward is pretty shocking. I don't scare easy I know people know people and I get things done

*Unintelligible Comment*

well now I'm moving on to my question if you don't know what I'm talking about that's your problem not mine.

So affordability seems to be in question

because there's an immediate acknowledgment that the housing is going to be so expensive that on phase one there needs to be a food bank. So the housing isn't affordable because they're going to put all the people are going to put all their money to the housing that they have to go to a food bank to eat, that's not right, that's not affordable housing.

Number two the water issue.

So the coyote Springs project that the Seeno are working on is still stalled because of water disputes. Trying to tap into water that it didn't have the right to so is that going to happen here? most likely there's going to be water disputes which stall this project quite some time.

Tagami, he's in legal disputes with the city of Oakland, is he going to be in legal disputes with the state of Concord? most likely yes that's just that's the way it's going to be, unfortunately, there's no guarantees that you can offer right now that that's not going to be

the case. As for the history of environmental degradation, I would recommend that observers from Earth First be present and involved and that's all I have to say well

**Guy Bjerke:** so the food bank is in the phase it's in because the city asked and we will coordinate with the food bank to determine when they need the expansion and how that expansion might play out in the specific plan so there's no implicit because we're putting a food bank in a particular phase we expect that phase to be any more expensive than any other phase in the project, there's no

correlation. we are attempting as part of a legally binding agreement that the city made with the federal government to provide space to the food bank for both the provision of food throughout the region and for job training for people who need to be trained in how to do

Logistics and those sorts of things. The issue of water, I'm just answering your statements, you didn't really make

Questions, but on the issue of water, the Contra Costa Water District has twice, both 10 years ago and about a year and a half ago issued a will serve letter they have the water to provide the water for this development especially in light of the fact that we are making an effort and are committed to providing our outdoor water as recycled water and so water is not an issue for this project at this time according to the water district, and whether or not you like one of the developers or not that's your absolute right and you should communicate to council about that but

that's not an issue of the term sheet and I would suggest that this term sheet is a good term sheet regardless of who the developer is

**Comment/Question:**

thank you for the presentation, lots to absorb here so appreciate that you give us the visuals along with the text yesterday. A couple quick things because affordable housing has come up you know I'm going to ask about it we'll have more chances to talk but I appreciate that there is a

there is an acknowledgment of jobs housing balance in the plan. I'd be curious how you all are thinking about jobs housing fit as in do the income levels of the jobs created match the income levels of the homes that are going to be built

so that's really important and to that end I think it may be helpful for the room here to have a better understanding of the junior ADU concept because it's it's different than a regular ADU and without having a visual of it or sort of who lives there might be hard for people to understand so if you could elaborate a little bit on what a JADU is and then finally just if you would be able to explain a little bit more why the TOD is not emphasized in the first phase because that is something that I think is probably going to be a concern for us.

**Jeb Elmore:** thank you Gloria for your question. It's of course is premature to be attempting to dictate the type of employment, I know you're bored of this question and my answer to it.

Nonetheless, there's going to be such a robust job center, I mean all I can say today Gloria is that we see a variety of job opportunities coming with a variety, there's not one single select type of business that we're promoting or boxing in. We're promoting full flexibility within the job center in the Innovation district and likely jobs coming out of the campus district as well but obviously we understand the question with regards to making sure that the jobs being produced on the base support and require folks of all income levels on the base to work with on those and at this point in time again premature to really for us to decide in five, six, seven ,years what those job type users will be. But we do see such a robust diversity and we're incorporating that diversity and we will in a specific plan process. There's enough to go around and so we believe a diverse job production will happen not only for the construction during the project but also of course for permanent, plus we're going to have a lot of retail and Commercial opportunities and more service jobs in that light, so certainly within the retail portions as well it'll come throughout the project there will be further job opportunities, but again within the Innovation District where we envision light manufacturing, heavy manufacturing, those land uses themselves should dictate and generate a high diverse range of job types. The junior accessory dwelling unit clarification, so a junior accessory dwelling unit, I'll have my Builder partner explain this, but it's an attached unit that's built as a part of a single family residence, of course. So when we think about a junior accessory dwelling unit in a three-story detached single-family house, the JADU would likely make up almost the entirety of the bottom floor of a house in addition likely to the garage of course which will be on every house and that'll have a separate and detached entrance such that you really can rent it out and have two separate like I said two separate entrances such that whomever you're renting through under

that deed restriction at 80 percent or below for that JADU, it's like I said an accessible one-bedroom Studio that doesn't involve someone being forced through your residence or having someone actually live in your house together. So that's really what the JADU, we envision a bedroom, probably a kitchenette of some sort and a bathroom is how we envision what that'll be so it's very again similar to a studio apartment environment. Then the transit oriented District, the nature of the infrastructure really dictates the phasing and you know with the water tanks that need to be built for the reservoirs for both recycled and domestic water and the entry into the project for the sewer as well as our Electric and Gas Utilities and our Focus to deliver Willow Pass Road with the initial phase of development are all driving forces for a specific phasing program. We are also extremely confident in the phase one uses and know those can be immediately deliverable and it's very critical because they need to help Finance the four to five hundred million dollars of infrastructure that will be required to activate any development on this property and just by the nature of the infrastructure phasing that the plan looks small on paper, it's a gigantic area as we all know, and extending that infrastructure and Utilities in the initial phase to the TOD, look our prerogative is to generate an act the TOD as soon as possible, we understand it's the heart of the plan, we understand the vibrancy, the economic opportunities, the access to Transit, but it has to be done under a financial feasible framework and that's really what's dictating this - the infrastructure, not our desire to activate one specific area versus another.

**Comment/Question:** I realize I'm going to ask you to speculate but given all the process elements that unfold as have been described tonight including the term sheet what is your best guess today for the date that a union worker under a PLA will walk onto the job site with a job and in what numbers?

**Jeb Elmore:** In what numbers is going to be very difficult for me to ascertain, that will take some calculation. Certainly our commitment to working with the Building Trades extends to our horizontal infrastructure which will of course precede the vertical infrastructure. Right now we've outlined a two-year process to secure the entitlements as Guy described to get us to a point where we can actually start implementing the design of infrastructure drawings, and once we designed the infrastructure drawings which I surmise will take a year after our entitlements I would suggest that breaking ground effectively you're asking me to speculate here without a commitment is in approximately four to five years of when a first union worker would be actively constructing our

horizontal infrastructure for the property. We imagine that horizontal infrastructure, the backbone infrastructure, Taking of course it'll be in the million phases probably a year and a half to two years to deliver before vertical construction is likely to ensue on the property that's my best guess today we have not of course any codified those timelines but we're going to obviously expedite the delivery of the site as much as possible

*Unintelligible comment*

**Jeb Elmore:** That is what we believe is, I mean I don't think there'll be any interim uses in the time frame there could be an interim use and if there is then that'll be of course coordinated with our labor groups but nonetheless for the actual project development as we've presented today I imagine it is in that timeline

**Guy Bjerke:** so Greg the the master developer is being very conservative and I would, my answer to that question would be three years and three years is because that assumes that we don't get sued if we get sued or somebody challenges the entitlements then I think Jeb is absolutely correct. If we are not sued and we're able to move expeditiously I think we I think it's three years. But whether it's three or four years, all of the initial work horizontally, for the you know the laborers, the operating engineers, all of the horizontal infrastructure work is 100 percent Union work. So the first two or three years is a hundred percent Union and of course under the PLA once we get to Vertical all of that is 100% Union so I think in the scheme of things we probably have a difference of opinion on timing but we'll get there.

**Jeb Elmore:** if we could if we can do it in three years we'll do it in three years

**Comment/Question:** it seems clear to me that phase one is called the back infrastructure backbone also referred to as the horizontal construction it seems clear that you know CFP will finance uh and construct the infrastructure that's necessary to and critical for getting a strong start and laying the backbone for the rest of the phases but at the at the end of the day, if you will, that infrastructure it is my belief will be dedicated back to the city from the long-term maintenance perspective, how does that work? Will the transfer of

the infrastructure indeed be a dedication back to the city for the city to maintain? Or is there some element of this term sheet that includes as it's written in the term sheet as I understand it a long-term maintenance component?

**Jeb Elmore:** Thank you for the question, obviously our presence here as the master developer is to do exactly that, to fund or secure financing to implement the backbone infrastructure to activate the development of the site. So we're here for many reasons, but that is one of the keynote reasons is we have the financial capacity of course to execute upon that and that's what will be required. That's going to be our responsibility to make sure the financing is secured for that infrastructure and again before any land is conveyed we must confirm with the city that we have the financial, the financings, already secured in position identified to actually build that infrastructure even to the tune of the several hundred million dollars I've represented. Yes all the backbone infrastructure on the side is meant to be public infrastructure so the process is typically where we would go build the infrastructure the city would inspect to make sure we built it for the plans then they would likely give us a few corrections but nonetheless we'll clean that up and then the city would accept that infrastructure for maintenance, of course we'll be paying fees for the development that will go towards that. We are coordinating and negotiating with the city certain assessment districts for maintenance but typically these are handled through permit fees and of course the taxes people pay around, so yes all the infrastructure on the property is going to be back put back in the city's hands, we're not proposing any private backbone infrastructure at all on the property. Now there may be some higher density communities that I won't say gated but maybe they're HOA and some private streets but we're talking about the internal subdivision streets for small branches of communities I'm just offering the flexibility there if that happens but again to answer your question all public infrastructure that we finance and build will be turned back to the city of Concord.

**Comment/Question:** In one of your PowerPoints you talked a lot about transparency being an open book with your budgets and revenues but I'm not seeing right now which has been a question since the beginning since we've been entertaining Concord first partners as an ally in this development. Where is the money coming from? I'm not seeing in the phases, for example, how that infrastructure will

be built, how much is each partner bringing to the table? When you did that beautiful map of each phase, I'd like to see in the next meeting you know how much that phase is going to cost? how much of that money is secured now? who's paying for it? and how much is it going to be reliant on the city to come up for? and how much is it you know coming from more taxes? you know I mean it's just like it's not very clear or it hasn't been very clear how much money you as partners already have to start on this project because there's been no transparency on that. Are you going to be relying on CFDs? You know that kind of questions is what we'd like to see. I think that I'm bouncing off a little bit on previous questions but I'm really asking for numbers, where are they?

**Jeb Elmore:** thank you very much.

We are projecting the financial aspects of this project right now based upon conceptual land uses. The specific plan process will finalize the land plan and will dictate all of the infrastructure that will be required on a phase-by-face basis so the reason why we can't articulate to you the exact cost of these facilities is simply because that work has not been completed yet, today we've anticipated as much as we can based upon the level of planning costs and cost components that the city and their financial teams have fully vetted and reviewed based upon a conceptual drawing with very robust contingencies embedded in case there are changes as the plan evolves down the road, so when we talk about transparency typically in public-private Partnerships the entire financials do need to be kept confidential, confidential between the city and the developers, the city again will have full access under confidentiality of course, to review all of our books and Records to validate and ensure that we not only have the financial capacity to execute but also reviewing all the costs and revenues that will be born again through the shared success program, the Profit participation program. Our companies collectively build hundreds of millions of infrastructure on an annual basis in master plan projects, the proof is there, we finance that out of pocket sometimes we secure development loans, in this case we're going to likely do the same thing. We absolutely will be implementing a community facility district on this property to help finance improvements and offer some maintenance in the long term and the most important aspect to one of your questions is the absolute commitment that the city will be fiscally neutral out of this site such that the city will not subsidize, come out of pocket, or make any direct contributions to the project now or in the future so that's a backbone pillar of all the negotiations that we've had to date and I think as the entitlements come together and we have financial

plans that will be developed and we have already done some preliminary financial planning that does reflect the situation

where this will be a fiscally positive project to the city not a subsidy situation from the city's perspective.

So in any case the transparency is there, open book is with every public private partnership so we're definitely adhering to the accountability and transparency provisions that the city

and this community has expected in my mind

**Guy Bjerke:** yeah just to tag on for a moment. We

the city's position has been from the very beginning that this project had to pay for itself, that the existing residents and existing Community should not be asked to subsidize it.

We're staying true to that. When we talk about CFD's, it would be CFD's that residents in the project pay to support the project right, it's not a CFD that would come out into your neighborhood or Tim's neighborhood or anywhere else right, so we're maintaining that.

Secondarily

when we when we get to a point where we have regular reviews in an annual way we will make those annual reports available to the

community and to the council so that they can see how the project is progressing what is happening in

the project so there will be a level of transparency as to how the monies

are flowing through, where they're flowing through from, and how they're being used, and we'll be doing that on

an annual basis as part of our open book accounting

**Jeb Elmore:** and just to pile one more

time on that again in order for any property to transfer we must put the

property in a development ready condition and prove to the city that we have the financial capacity to execute

upon that particular phase of infrastructure before any property is conveyed so we'll have to prove the

financial capacity on a phase-by-face basis throughout the project, held accountable throughout the project.

**Guy Bjerke:** If you get into the term sheet, under the land transfer section, it talks

about the various steps that Concord first Partners as Master developer will have to do in order to prove to the city

it has the resources and the ability to take the next step in the project and so

that is an issue that was brought up six years ago with Lennar's term sheet, we

have understood that the community supports that and we've made sure it's in this term sheet. I understand the

concern and the questions and you should continue to raise them

**Jeb Elmore:** Just to respond to one of the other questions I

don't think we answered is the infrastructure programming, and in the back of the term sheet is one of the exhibits, there's a general outline on a phase-by-phase basis of what infrastructure components we are suggesting will be implemented, again it's conceptual high level, but nonetheless, it will reflect the infrastructure commitments we're making on a phase-by-face basis from a scope perspective.

**Comment/Question:** First off, you mentioned water tanks, and I'd love to know where those things are going. Second, you mentioned AWCFS "Automated waste collection system", I have no idea what that is, it sounds cool, what is it?

**Jeb Elmore:** I'll have Brian answer the second one.

The project has already prescribed infrastructure scope that requires water storage and recycled water storage as part of the project and that's for backup facilities also to allow water to turn back through pump systems in order to offer adequate Fire Protection. The water tanks have not been formally cited yet so that'll be again developed during the infrastructure planning but we are going to be working with the East Bay Regional Parks District as they are all already identified General bubble areas that are within the PBC property of where those tanks would go which we would run lines through up and back to serve the project

**Guy Bjerke:** So Tim

when the park district was transferred property from the Navy to the Interior Department ultimately to the Regional Park, they carved out about 300 acres slightly east of Willow Pass Road at the right elevation, the water district chose the elevation, and the water district is now looking at those 300 acres to tell us where the best location for the water tanks and reservoirs for both recycled and drinking water should be and so that's part of the specific planning process but it will be in the hill above the project, about 300....

*Unintelligible comment*

**Guy Bjerke:** within the Regional

Park area, yes, and will be piped down into the development and how that how those tanks are blended into the Hillside and all of that is still to be discussed in the specific plan because obviously we don't want them to be an eyesore so that's been programmed out. the second question.

**Brian Jencek:** so Tim, on the Smart City piece, you know at the scale of the weapons station allows us to actually think about infrastructure that has a sensing technology and it's becoming very commonplace and much more affordable so in this one example, instead of our city workers going around looking for where refuse cans or dumpsters or whatever it might be, increasingly these devices they actually let us know when they are full so on demand they can go out and empty um waste canisters and other things, this goes on to automated parking this goes on to traffic signals that can communicate congestion so we think there's an ability to create smart city data that starts with waste and builds from there so that we're just more efficient place.

**Comment/Question:**

there's a common belief in the community that there is remediation of residual waste products from the Navy's operation that needs to be coordinated and paid for by and with the Navy I'm curious to understand how that will be, how has that planning and the coordination of that remediation to the satisfaction of all the guidance documents in the federal government standards been accounted for and rolled into this term sheet and any risks that you see that are sort of red flags at this point?

**Jeb Elmore:** The Navy is at absolutely responsible for the remediation of the site and they're responsible for me to say per prior 2012 CRP area plan which we have stayed materially consistent with such the remediation that was set to occur within specific land use areas should still adequately serve remediation standards for our revised site plan that we're proposing, so that is absolutely keynote, the good news is the Navy has already made tremendous progress on remediating the site having already released for transfer over a thousand acres which really make up the bulk of our first two phases of development. Now obviously we'll be going through due diligence and we'll be looking at all those things to ensure that remediation has occurred both with the city and ourselves we're equally concerned about that of course but and these will be further understood good of course during our EDC conveyance agreement negotiations but again the good news is there's outline, there's weekly, or monthly meetings where the Navy is articulating to environmentalists and groups that are interested their progress and their status is set to occur again their timeline is actually gonna right now the timeline they're

suggesting does go in flow with our development in fact they should be ahead of us which is wonderful but nonetheless we're here to make darn sure that all that remediation does occur to the project satisfaction so there's no restrictions placed upon the property accordingly, assuming again that we provide the land uses consistent with the area plan in those locations. Guy do you want to expand on that?

**Guy Bjerke:** no, you did a pretty good job there, so but I'll just say two things one the city has been working with the Navy on a regular basis for almost 15 years now, maybe slightly longer, and there are monthly remedial program manager meetings in which the Navy's team is doing over the shoulder reviews by EPA at the department of toxic substance control, which is Cal EPA, the water board, the air board, Nema board, they're all in the room discussing what's being done, what's the Navy proposing to do, we have a very solid understanding with the Navy that they will not transfer anything to the city until it is achieved a level of cleanliness that matches our area plan document and they made that commitment in their EIS environmental impact statement for transfer so yes we have to monitor it yes we take it very seriously but so far the first 1200 acres is good and ready to go and we can effectively begin this development and by the time we need to get into uh phase three or phase four bunker City will come later as it is cleaned up from the Arsenic and so we will have momentum by the time those properties are cleaned and ready to be transferred to the city and for the city to transfer them to the master developer.

**Comment/Question:** I may have two or three questions I'm not really sure how they're going to break up yet. In one of your slides you talked about wanting there to be diverse retail, diverse business owners to also be part of the diverse Community you want to see right but I've seen in Concord now that it's really hard to even keep our diverse food restaurants because they can't afford the leases here and that's made our downtown become a little gentrified and we worry about the gentrification even of the monument and I don't want to see an East West Palo Alto come out of this project so I don't know how you plan to connect how can some of these Community benefits also ensure that a different side of Concord is going to look as great and feel for them because they don't get to live on this new world-class project which for me I would prefer a community-based project not a world class because I don't really don't care what's happening somewhere else, I care what's happening here so I know that's like there's three things in that big long comment question about how are you ensuring that the small businesses are going to be able to afford, how can we ensure our Thai restaurants don't get pushed out of the community, our Mexican restaurants, our

black owned restaurants, our indigenous owned restaurants  
Guy Bjerke, you mentioned previously different question that  
some of the indigenous landmarks were identified and somehow  
at the library somewhere but we I haven't heard discussions anywhere  
in this presentation around how we're inviting the baymi walk families and Community or the  
Ohlone tribes to be  
part of this process to ensure that we are going to be mindful of where their  
landmarks are, their ceremonial or Families, how are we going to incorporate them into these  
communities because they  
are part of the diversity and so I'd like to see how they are  
going to be built into this.  
Lastly, a different type of question  
because I'm part of the Bike Concord Community I know that we want to see wider streets so  
that we can ensure that  
we have protected bike Lanes, a lot of the bike Lanes there look pretty because they're nice and  
Greenly  
painted, but those aren't safe bike Lanes anybody could still hit us, drunk drivers  
can still hit us while riding our bikes, we need separated protected bike Lanes, bike lanes that are  
closer to sidewalks  
where the cars on the other side but if the streets aren't wide enough  
to begin with then you can't plan for that you know even on my street and Ann  
and in Solano Grant Street, the city couldn't promise us protective bike lanes  
because the streets weren't wide enough, so how can you ensure that that it's  
going to allow people in their communities to bike safely and get to Trails or the business  
community.

**Jeb Elmore:** Thank you again for your great answers, I'll try to work backwards and then I'll be  
reminded and I'm not going  
to handle the one question, I'll handle the one question lightly but I'm going to turn that one to  
Guy.

As Brian explained as part of our planning process, what we have done and are very focused on  
first of all, our company  
and collectively, our partnership, are very focused on a healthy and active lifestyle being  
promoted throughout the  
community so there will be absolutely robust walking and biking trails throughout the project but  
as Brian  
explained, what we're also seeking to do is detach those movements away from  
where automobiles are all together as he alluded to in our Central Greenway connecting the very  
southern tip of the  
project all the way to the BART station, the important TOD District, throughout the project we're  
hoping to minimize the  
interaction of pedestrians and people on bicycles, bicyclists, from interacting  
with cars, certainly there's going to be a Street crossing or two that's we have to do that just for  
Transportation  
safety, network, buildability of the site but our focus is to detach these

trail systems in exactly the manner you're speaking of not only to separate them from the streets but to separate them entirely from the corridor altogether so obviously again that'll be born through the specific plan process and refined and that's where you'll see the details focused upon that but we have that we share that same concept with you to detach and make sure a safe environment is certainly there.

**Guy Bjerke:** let me take over, okay so in terms of bike lanes and bike facilities as Jeb just alluded to, that's a specific plan process where and there was a commitment so in the next two years, we will have community discussions about that, and we will work those into the program as appropriate right, so there is a commitment to those types of protected bike facilities.

Relative to the Native American reference, so we have because we've been planning this project so long, had multiple consultations with the tribes and the affected tribes, and there are two spots that are significant to the to the tribes, they have both been protected we are in the city is already in a memorandum of understanding with the state historic preservation office for how we deal with ours, the park district has one on their parcel, and I'm sure we will consult further with the tribes as those sites are protected but we have a commitment to the state to protect those sites. Your concern about diversity and the economy, that's a great concern, I'm concerned about it too, I'm not just concerned about how that might play out on the base I too am concerned about how it plays out in our existing community and there's only so much that this development project can do to dictate the marketplace right, in other words, if saving the diversity of restaurants is a function of rent we need to be careful that we don't make the project no longer pencil right and it's not just a project issue it might be a region-wide issue, and so I think we all need to have that discussion, how do we protect diverse restaurants? how do we protect different types of businesses? while at the same time not injuring the property owners, the landlords, and the people that we need to bring to the table to have a bigger discussion about how we maintain the economic viability of Concord overall.

**Jeb Elmore:** The item associated with a community-based plan in the conflict that you've identified with a world-class Community, well a world-class Community was not defined by us, it was defined by this community. And the leading theme of the world-class portion and how that's defined is supporting equity and inclusion in this project, it's highlighted in the area plan, it's highlighted in all the planning documents accordingly so we don't want to get the world-class definition to be lost and I would refer everyone certainly back to book one in

the area plan that's online on the city's website and I would guide everyone to look at the overarching goals, themes, and the city's definition with the community of what makes a world-class project in Concord and it is very much a community-based plan. You saw things that seamlessly integrate with Concord in our Visions, you didn't see high-rise buildings out of San Francisco or things that don't work for Concord, I mean, our focus is to seamlessly integrate this project with Concord but also not rely upon Concord to help pay for it as we discussed earlier so just want to make sure that the definition of world class is very much a community-based plan and again to refer back to area book one of the area plan.

**Comment/Question:** Good evening, does your plan account for speed limits? Like maximum speed Limits? especially in the parts of the project that are furthest away from the freeway and the second part related to Traffic is as someone who commutes 242 quite often in the mornings does this plan account for you know the congestion points at Clayton and Concord because the last thing I would like to see is the only other option to get out of this community for new neighbors is a street like Clayton or Concord Avenue with stoplight after stoplight that gets really jam-packed at certain times of the day so I'd like to see thoroughfares

**Jeb Elmore:** thank you so much for that question, I answer that question with a question to you on speed limits to understand exactly, I assume you're concerned about the high speed? or are you concerned about not going fast enough?

**Response:** Not going fast enough

**Jeb Elmore:** my kind of guy I like that so this is going to be a non-answer for your question and the reason why is because this is all part of the specific plan in the environmental review process, it will dictate the size, the capacity, the network of our street systems at that time we'll be certainly imputing very important safety standards for these roadways but Willow Pass Road is you know I do it during peak hours most time as I transit in and out of this area, and that being said we recognize that we need quick access to the freeway but we don't want to necessarily open up access throughout the city but with regards to the environmental analysis it's not just going to look at the project it's going to look at the regional system throughout the city of Concord and there will be contributions towards off-site improvements within the city that are off the space to help relieve those

traffic conditions and but that'll unfortunately I can't answer it today because that'll happen during the in bound review process

**Comment/Question:** a quick follow-up because I wanted to just give the perspective for our neighbors in Clayton and how long it might take them to get out to the freeway and to their respective jobs, it actually quite affects the home value and the type of businesses that can move there for transient workers that don't live in the neighborhood it makes it even more difficult to work there so

**Jeb Elmore:** Thank you and of course, transit is also going to be an important aspect of the project as well so we give alternatives to just driving within the project to make sure that same systems that are going through but again a lot of these questions , please come back during the project

**Guy Bjerke:** When we were working with Lennar we had gotten fairly far along in the specific plan and the creation of some roadway networks to be studied so I'm sure as we move into this new specific plan we will do likewise but please understand the Highway 4 segment will be widened with the lane in each direction as part of an already approved Caltrans project. There will also be additional Frontage roads so a frontage road that would connect to evora from Willow Pass Road to Port Chicago and then in order not to make the golfers mad we'll have to fix the golf course because it's going to screw up holes six and seven pretty badly right, so and then below Highway four there'll be another Frontage Road that comes from Willow Pass over to the BART station in Port Chicago. There will also, because I know Tim is very concerned about this and rightly so, there will be additional connectors with Salvio and the way panoramic comes down to try and relieve some of the existing traffic on Olivera and Port Chicago Highway so people have a new way to get to the North Concord BART station that they don't have today. Not all of that is going to happen on day one but it is all thought into the project as we move forward so before I want to make sure we if there's any other questions I want to kind of wrap up. I do want to introduce council member Birsan who has joined us to listen in tonight and I want to thank you for joining us and if there aren't any additional questions we said we'd run this from six to eight it's just a little bit after eight again we will be here doing something very similar to this if not identical to it two weeks from tonight on December 15th , so I apologize if you're a Niners fan but you know uh there's only so many weeks in December but at any rate if you want to come back if you have questions, you can ask us, or you can send us emails again as you have opinions you need to communicate that with the

city council because they will be making this decision on January 7th or at least considering this issue on January 7th but if you have questions go to the website let us know we'll try and get you answers. Thank you all for coming out tonight I want to thank our translator who's done a great job this evening and we will see you either on the 15th or on January 7th thank you very much

**December 15, 2022 Q&A Transcript:**

**Question / Comment:** Hi, I'd like to know does Contra Costa have the water, have the capability now to provide utility water to this development.

**Guy Bjerke:** so, the question is does Contra Costa Water have the water for this project? The answer is yes. Contra Costa Water was involved in the area plan development and so they understand the type of at the type and the numbers of units in commercial square footage they did tell us that an additional water supply assessment will need to be done as part of the environmental evaluation of the project and so we will be reconfirming their availability of water but one of the key components of this project is the use of recycled water for outdoor uses so the amount of drinking water that we need to achieve is less because of the planned use of recycled water in outdoor spaces so the water district and we met with them just yesterday or the day before and Central sand which will be producing the Recycled water and then Contra Costa Water will be delivering it to the site and there will be storage tanks and reservoirs in different spots for both types of water but yes Contra Costa Water confirms that they have the water for the build out of this project they have enough for today and they have enough in their projection for the next 40 years.

**Question / Comment:** really quick on the library and Community Center there's 65 million dollars that are going to be contributed towards that, what derived what drove that number and what exactly is the intention potential use of that money and who's ultimately responsible for the design and construction control Etc?

**Guy Bjerke:** great so um yes the 65 million dollar figure was a figure that City staff insisted upon as part of the negotiation with Concord first partners and we felt that it was a reasonable figure for the type of facility that we're talking about to give you a sense of scale the new Pleasant Hill Library, which is about 2400 square feet on roughly five acres, cost approximately 33 million dollars in today's dollars, so our 65 million in today's dollars which will escalate by the time they're actually delivered by the project to this effort. Staff believes and I believe conquer first Partners agrees will provide a substantial amount towards the building of a combined facility but ultimately that facility will be designed, cited in

the specific plan and it will be driven by the city, so at the direction of the council or a community group or a series of groups, we will decide the citizens of Concord will decide, how that money gets used in the pursuit of a community center and library

**Question / Comment:** Wouldn't Concord benefit more from having the Tod District as phase one if we have the BART station as pre-existing infrastructure and it would create more jobs according to the the data that's provided

**Guy Bjerke:** so Jeff maybe I'll let you handle that but I have a thought as well so go ahead

**Jeb Elmore:** Okay I'll go first then uh you know obviously when we look at the project from a phasing perspective a lot of it is certainly generated and directed by the infrastructure package that's required so it really starts with the fact that of the city as a priority interest was the Redevelopment and reconstruction of Willow Pass Road through the project to four lanes so with the construction of Willow Pass Road to four lanes that really is such a high infrastructure funding commitment for the project in the initial phase of development that that really for the most part dictates where we start and why we're starting along Willow Pass Road because of the significance again of the cost of that facility however we are also programming phase one to bring about the Innovation District at the intersection of Willow Pass and Highway 4 in combination with the infrastructure because that is really where we envision a big robust job center occurring of course we see a lot of jobs coming online towards the Tod District but the Innovation district is specifically represented for job as a job center in combination with the housing so it's really a program based upon Financial feasibility we fully recognize and have received a lot of community interest and input to activate the Tod District as soon as possible it's our objective and desire to do that but we must do so in a financially feasible Manner and really that requires again us working from Willow Pass Road to the West, there is no possible way unfortunately that we'd be able to build Willow Pass Road, extend facilities all the way to the Tod District in the initial phase of development, that unfortunately would not lead to a financial feasible project so that is the reason why we started there

**Guy Bjerke** I think the other thing to keep in mind is when you look at the city today and what is working economically and what is maybe struggling economically it our offices downtown are having issues, our Employers in different class A and Class B spaces are having issues in filling the existing space so the

concept of building higher density Office Buildings next to the BART station is not really feasible right now  
there is not a market for it right now and so the concept of well what is working in Concord?  
well we have less than a couple percentage Point vacancies in North Concord and North Concord is probably the most similar area of town towards what the Innovation District might look like, flexible spaces, High ceilings, the ability to do lots of different things  
in those areas and that's where the market is right now and so the question is when we start this project we need it  
to be successful, we need it to create a sense of place early and create momentum and we think in this phasing we create momentum that should drive things to the BART station as that becomes a more viable area so that's it

**Question / Comment:** Isn't it true that the Tod district is going to have high density housing next to Bart and regionally that's a crucial issue

**Guy Bjerke:** yes, that is a crucial issue and  
and I would agree, we want to get there as soon as possible. One of the issues is the infrastructure that is coming into  
the site, is effectively coming in along the golf course, along what will be the extension of avora Road in phase one and then underneath the freeway where there is already Kinney Kinney Boulevard  
that goes under the freeway so the infrastructure is really stubbing out a good mile, a mile and a half from the  
BART station so the reason phase one is where it is is because the first infrastructure will be available closer  
to Willow Pass Road in a closer along that alignment and it will take longer to get to the BART station  
but you're absolutely right but by the same token  
we're not having huge success with higher density development in Concord from a housing perspective either right  
now and so all of this will take time to develop momentum but you make a good point

**Question / Comment:** So you're proposing to put 15.4 dwelling units adjacent to Dana Estates which equals a 28 square foot lot and that doesn't appear to be a very Greenhouse friendly density for our town and that's where you're starting phase one is that correct?

**Guy Bjerke:** The project won't get to Dana Estates for 20 years under this proposal. So the very tip of Dana Estates I see what you're talking about there is a green frame in this area along Willow  
Pass Road, yes at some point that area in phase one will be developed, yes you're right I apologize, but the bulk of everything to the South are in phases of

four and five and at eight to seven to eight years per phase were 20  
20 to 25 years away from phases four and five, but yes part of phase one will be  
up against an area south of Willow Pass Road.

**Guy Bjerke:** He's going to answer your question about density

**Jeb Elmore:** it's very  
clear from the start that this project is meant to seamlessly integrate with existing Concord and  
obviously in our  
residential programming we are invoking more density to your point and that's because that's  
really serving the  
current market demands uh subdivisions built 50s through the 70s and 80s are really no longer  
being  
delivered in the Bay Area at all and so we still are trying to do our best obviously within the  
orange or dark  
orange area there's also a wide range of density allowed and permitted so it's not dictating one  
specific density it's  
a wide range of densities and of course the variable housing product type so as we invoke and  
imagine the specific plan  
with further refinement those are the exact types of things from a compatibility issue we'll be  
looking to  
do of course we shouldn't forget and omit that they're green frame Park offers a tremendous  
buffer to the  
existing neighborhood as a policy requirement before our entry into this development so not only  
we maintain that  
that buffer of course but we'll also be looking at that kind of residential programming and that  
again wide density  
range for those compatibility issues that certainly will be developed and please you know come  
back for the  
specific plan and we'll certainly collaborate with the neighborhood groups as well to make sure  
that that compatibility is respected but I do  
certainly want to affirm that these this development will have a higher form of density than the  
traditional  
Suburban developments that were built 30 and 50 years ago

*Unintelligible comment*

**Guy Bjerke:** ma'am the area plan envisions higher densities throughout the project even the very  
lowest densities in phases four  
and five will be dramatically more dense than the traditional neighborhoods that  
were built in the 40s, 50s, 60s, and even the 70s that's just part of the adopted  
plan

*Unintelligible comment*

**Question / Comment:** I have

one comment and that is and one question, one my comment is I'm concerned that a lot of the monetary Community benefits are spread out through multiple phases and so as each year passes it diminishes by inflation and because the other developers were only having to make those promises of lesser land you guys are being able to spread it out and so that's really diminishing our community benefits but my main question is um you had said that Concord residents would not be paying for any portion of the project but your pro forma sheet lists CFD's which are property taxes on residents and uh you have infrastructure that has to come in like Port Chicago Highway that borders the property but is not on the property so if you want your Innovation District trucks to use Port Chicago Highway it's it's a two-lane road so it needs improvements and if you are going to pay for it are you are you going to commit today to saying that Concord first Partners is not going to use CFD's and put it on our property taxes?

**Jeb Elmore:** thank you for those good questions so the term sheet is very specific on those contributions that they are programmed into 2022 dollars and that there are going to be escalations to make sure that your exact concern is addressed that the scope of those improvements that they're intended for will be increased over time to accommodate for exactly what you're talking about so again that is specifically is represented in the term sheet which of course I'm not expecting everyone has read it but nonetheless though that was a very specific point certainly the city put on us as well because we understand that costs increase over time for all facets of development so cost indices will be rightfully used to make sure the scope is preserved we fully Envision, first question, second question is we do fully Envision the application of community facility districts but only placing that debt within the project itself we are not proposing any sort of regional CFD, no existing Concord residents today would be a part of this CFD would be taxed accordingly so again any special financing districts we assume or utilize in this will be very will be solely and specific to the Concord Naval Weapon Station itself

**Comment:** What about the areas around it?

**Guy Bjerke:** we won't include the areas around it

**Jeb Elmore:** that we we definitely need to bring infrastructure from off-site there's no doubt about it but the financing for that will all be borne by the project and within the project area itself

*Unintelligible comment*

**Jeb Elmore:** We aren't we aren't fully reliant on that special financing to facilitate the infrastructure you're exactly right in order to adopt and program a CFD you do have to create value on the base itself so naturally the CFD and the financing that could be an opportunity there will not fund the initial phase infrastructure again for your exact reasoning and we would effectively need to fund that separately without the use of any special financing

*Unintelligible comment*

**Jeb Elmore:** Oh yeah that's our role here as the Master developer is to build and fund the entire backbone infrastructure for this project

**Question / Comment :** hi I'm Judy Herman I'm um with Concord community's Alliance and we have read it, the term sheet, a number of our members have myself included and we had a ton of issues we wanted to bring up but you keep saying something that I personally am a Concord resident have to ask you about because it is driving me crazy. You keep talking about equity and inclusion this plan is neither um you have you got the McMansions over here and the high density over there that is not inclusive that is not Equitable the way you make communities Equitable and inclusive is to have them integrated not segregated so you would have the density would be more spread out throughout the whole plan so you would have high density in various parts of the community that way you don't have schools where people living in the McMansions they have maybe time to volunteer in the schools, providing more benefit to the schools. Stanford did a whole study on this a few years ago I won't go into the whole thing but people who have more money their schools have more benefit even if the schools are getting the same dollars from the state so when you do this it makes a difference to people's lives. You're not being Equitable you're not being inclusive if you really want communities to be Equitable and inclusive you'd spread out the density more. so that's my one issue for myself the other issue is you conveniently did not answer, I'll just bring up one more, even though I said we have a lot okay can I can I just ask one more okay because this was one uh another woman in the back asked and um and you did not answer to that one so um you've reduced the affordable housing from 25 to 20 percent, the Junior ADU's, you can't guarantee how those are going to be used, a homeowner can you know have their kids put up a video game room

out there I mean they don't necessarily have to use them for affordable housing so that doesn't really count as far as I'm concerned and as far as concord communities Alliance is concerned so when you increased added your 3000 units housing units you didn't really keep up with your 25 percent of affordable housing

**Jeb Elmore:** thank you for those good questions um there are quite a few intermixed in that first question so I'll do my best to track them appropriately starting with Equity inclusion again the trademarks of this plan are fully represented in our opinion, 25 affordable housing a spread of attainable housing by increasing density so market rate units are more affordable in a wide range and diverse there are no mcmansions planned the density ranges we're proposing don't even allow for that type of product to be built anywhere within the project including the lower density portions to the South so again those density ranges of 6 to 15 units per acre with an average of 10 to 11. that is by far and away not mcmansions certainly there'll be a multitude of housing product types but uh cert we don't believe anything in this plan will represent the mcmansion look and feel and again with Equity inclusion with all our publicly accessible open space Park programming the entire project maintaining to open in public access as well as the delivery of a mix of balanced land uses to provide opportunities in the job and services sector I've never worked on a more equitable and inclusive project than this in my entire 21 year career not even close

**Guy Bjerke:** Jeb, why don't you also touch on the JADU issue yes well then I will go to the next question

**Jeb Elmore:** I also want to touch upon real quick the why isn't the density distributed and that really also goes back to the prior question we see from the back of the room about neighborhood compatibility issues. we do Envision again a wide range of density as I've articulated even in the lowest density ranges of this development but again we want to be very respectful of the existing communities that are out there and at least try to put as possible like kind product next to like kind product but nonetheless as I've represented we will be doing so with higher density the JADUs will be deed restricted to 80 percent or below AMI so they you know a lot of State, local, and public policies are respecting the programming to fulfill affordable housing needs. there aren't affordable housing occupancy mandates and affordable projects either but

nonetheless we will be putting the deed restricted and providing the opportunity for those units within that programming and we are still fulfilling the original amount of affordable units by number that the area plan considered but I do appreciate that we're increasing the market rate units and using that incremental gain and supporting the inclusion of a JADU's to support the 25 percent

**Guy Bjerke:** okay next question

**Question/ Comment:** thank you for the presentation , Juan Pablo Gala Martinez, senior land use manager for Save Mount Diablo. You noted that the area of I'll just call it Green Space Parks Greenways Etc is different in the term sheet compared to the area planned by about one or two percent in our review we found a little bit of a shortfall about what you said and that sounds pretty low in relative terms but we do note that in urban areas such as this is envisioned to be even a small Park can make a big difference and what we calculated was that that shortfall constitutes about eight Todos Santos plazas, and my question is given that the community and the council is being asked to consider the increase of houses on the order of well more than 3 000 units so on the order of about 30 percent greater than what the area plan that the community signed off of has, is it reasonable to ask that the acreage of open space Not only be held to in the area plan to the letter but also increased?

**Jeb Elmore:** certainly it's a fair comment and as I've represented we are proposing a conceptual land use plan at this stage so none of these acreages while we think we're close uh you know subject to a lot further refinement in the development of the specific plan so also what's not necessarily represented are those kind of local green spaces Community specific or neighborhood specific that could certainly make up I won't say make up the exact difference but we'll also expand for further open space and park programming and acreage we're not necessarily widening our elbows to increase the unit count we're going up not out so you know again, the material consistency with the area plan for a less than one percent deviation of total parks and open space identified is still being represented the plan despite our increased unit count and if you refrain that to the EDC portion of the area we are at about a 2.2 percent difference so in our world we've certainly are under the opinion that that is absolutely materially consistent with the intentions of the area plan which was also not further refined or programmed accordingly um so nonetheless it's our conclusion that we are achieving the goals of the area plan with the open space and park set-asides that we're representing here today

**Question / Comment:** hello I'm Susan Requa and I have been sending information I know you have been responding in regard to recycled water and I have an expert husband who would not leave the 49er game today tonight so I apologize for that because he would be better to talk about it but our first concern is that this is a huge investment because it's basically doubling your Water Resources, Plumbing so to speak and that it's not clear enough in the term sheet that you will be covering doubly this whole you know water recycling effort and I'm especially concerned since you said open space now is going to be your initial phase that means you've got to have the whole structure of recycled water in place because that's the only thing that's going to keep that alive in constant drought conditions so the question there is first of all you do intend the developers do intend to pay for all of that infrastructure in that first phase that that completely establishes the Recycled water system and secondly don't we need something in the term sheet that makes that commitment? and I'm getting an answer that no that's in the specific plan I have one more question

**Jeb Elmore:** would you like me to answer that first one yes first of all, kudos to your husband for being a fan of my team uh we will be installing recycled water facilities in the initial phase of development the last thing we want to do is go back in and rip up streets and rip up all that brand new infrastructure so whether and I'll get back to the source of the Recycled water but the conveyance system will be installed in every phase of the development including phase one so the site to your point is fully plumbed to accept and receive recycled water we certainly also recognize from a conveyance system we'll need to drag a recycled water line from the existing sewer treatment plant which serves as the source of that recycled water to the project to deliver it accordingly. what we don't control is the upgrades that the water treatment plant needs to become the source of the Recycled water so we'll activate the project in initial phase to when it's ready to receive that recycled water there could be a scenario we want to be up front that we are using potable water for initial phase of landscape irrigation we of course want to do such in a program drought tolerant manner but obviously is the Recycled Water Systems come online that will replace the potable water demands as those systems become available from The Source itself so again it's we don't have the full control over when the source of the Recycled water but we do control the installation of the recycled water conveyance facilities in the initial phase in all future phases of development starting out of the gate

**Susan:** and you're also telling me that this will be added into the term sheet before the decision of the city council

**Jeb Elmore:** well I I would recommend that you certainly make that recommendation at this point in time we believe it is covered in the term sheet and would be further defined in the specific plan I'm not arguing being argumentative it's just the commitment to build recycled water on the project we believe is clear and as clear as it will be in a term sheet but nonetheless please issue your comments but you understand what our objectives are with installing recycled water

**Susan:** well and I hope that guy will forward my husband's letter to you because it further explains his concern that I'm bringing up

**Jeb Elmore:** understood and we have received that letter thank you so much

**Susan :** secondly a real concern about the school sites and I understand you have talked to the school district um the housing, the people looking at these houses will want to know that the schools are excellent brand new functionally, operational, and quality they're going to look for the scoring and and all of that and um I'm not seeing them start until like phase five or whatever. I know there's one in there but that's in phase three so that's a massive housing with no supportive new schools and no commitment in the term sheet that you will be paying for building the new schools.

**Jeb Elmore:** so thank you for the additional those are great additional questions uh we certainly have been collaborating with the Mount Diablo Unified School District and you know during the specific plan process when we have more refined programming we certainly will continue our collaboration with the school district in case we've missed the mark by programming school too late in the phase development. we recently met with the Mount Diablo Unified School District regarding the term sheet and they represented to us a need for an earlier School site recommending we advance that to phase one or two however that will be certainly part of the collaboration in the specific plan process, we absolutely want schools, schools are a fantastic amenity for the communities to all the points you raised and we we agree

wholeheartedly with such so in the event that we working with the school district we demand the student loading capacity does not exist in existing school systems we will be upping or moving up the advancement of the delivery of a School site at this current time we are relying fully on the payment of school fees at building permit as the city currently administers with the school district I should say pardon me and at this point in time there are no direct contributions towards the funding of any school facilities themselves so I just want to clarify uh that point.

*Unintelligible comment*

**Jeb Elmore:** the developer would be making their forms of contribution to of course agreeing like the rest of Concord to pay school fees but really the end users for pulling building permits would pay those school fees

*Unintelligible comment*

**Jeb Elmore:** the folks that are building the home, the homeowners don't pay those fees, those are fees that are paid by any Builder or if we're the Builder, so no occupants will be uh loaded up with that cost sorry thanks Guy

**Questions/ Comment:** I think everyone has been shuddering at the thought of 13 000 additional houses and all the people that are going to impact Highway 4, 242, 680 and then to just kind of see it casually dumped in here that it's actually fifteen thousand it's additional three thousand units it would seem almost like that is a gift to this developer that was not afforded to all the other people who looked at the economics and said it doesn't pencil out. I'm concerned if Concord is exposing itself to some kind of liability from those developers it would seem like it might be something that they would be looking at with their lawyers if this was unfair advantage to one developer over the other Developers

**Jeb Elmore:** we're not I mean we there is no other developers per se um that that have any direct interest in the development of course but appreciate your point appreciate your point of course. again the successive steps in this process will include an examination refinement of our residential unit count or dwelling count and in turn we'll be processing a full environmental impact report to assess the increased unit count that we're proposing that will identify all the mitigation measures associated that are needed on a regional and local basis to service that development it may be that there's exasperations that may not occur that allow us to achieve that unit count but we want to propose and preserve the

optionality to get to that unit count but to your point if certain traffic conditions are not able to be mitigated and not supported then that will dictate the amount of units on this project through that planning process so appreciate those questions but those will all be very well studied by the city and their chosen Consultants before we are able to build certainly any facilities on the property

**Comment/Question:** I'm Greg and colleague Concord resident from District Five of Kirker pass neighborhood I want to ask a couple of questions I'll sort of take them in serial Fashion on exhibit B specifically one of the important parts of inclusion is affordability it's a big problem for Concord right now it would be a big problem when the first shovel goes in the ground for the naval weapons station it'll be a big problem going forward we probably need less market rate housing than we do affordable housing. I want to point out that in Prior term sheet proposals that have been received the rate of affordable housing fund contributions has been roughly double, what is in the term sheet that you guys have developed if we did a comparable by units or or footprint the 85 million dollar affordable housing contribution would be up closer to something like 200 million and given the fact that affordable housing is such a critical part of what Concord needs I'm curious about how you justify coming to us with a proposal that actually decreases from something that we had previously accepted and the corollary question to that is we've also had proposals that had better UIRR threshold rates up to touch is 15 if I remember correctly and I'm curious if you would make space for Concord, the city of Concord to finance some of those uh affordable housing contributions if you would not agree to put it in yourselves by doing something with that UIRR threshold rate so that the city would have room to do that.

**Jeb Elmore:** thank you for your questions Greg, so it's very challenging for us to look back at the prior negotiations I've discarded them completely because they all ended up in complete and total failure so we can't compare our project and proposal to failed negotiations from the past, we've put together a project that we believe works and is financially feasible which prior predecessors of us were unable to achieve and work out and negotiate with the city so to compare, offer donations, or contributions toward affordable housing programming that failed and never exist how do I articulate a comparison a reasonable comparison to failing when we're attempting to succeed so work we've come up with a program that's we believe and worked out embedded by the city that's financially feasible to advance this

project forward and doesn't need to die on a vine like all prior efforts have occurred on the IRR calculation of 18 percent as I reference Greg we really aim and strive in the development industry for 20 to 25 percent internal rate of return and that variable rate is based upon the level of risk a developer assuming as I mentioned with regards to this project being the most Equitable and inclusive project this project also presents the highest risk of any project I've ever been involved with such that to really what the internal rate if we were really in market conditions would be closer to 25 percent so but again that range is very widely known in the industry 20 to 25 we've already come down in a negotiated 18% I've just gone through and I won't counteract the fact that comparing to Prior developers were failed proposals but I'll kind of I guess double standard it a little bit here in the fact that we have reduced our internal rate of return from those prior negotiations and we're going to need to hold firm at that 18 percent for our cause.

**Comment/ Question:** you have an important issue to discuss if it's affordable housing I have one as well and that is that I'm here representing the group that does not approve of Seeno as a master developer and my understanding is and I want to say that these are my good friends, these are activists within the community of Concord, who have been threatened, who have had their picture taken when they're getting petitions signed by someone who is employed by Seeno, and we have just had an election that dismantled, that disapproved of a city council member who was a very talented, Community interested, city council member because of Seeno as a master developer and that's I understand this isn't about politics but I want you to know, I want to clarify so here's the question if the city council agrees to the term sheet they are agreeing to Seeno as a master developer partner correct?

**Jeb Elmore :** well a couple of ways to answer that question first and foremost we fully support our partnership in every degree amongst our partners and to your other point the city has already made its Master developer selection of the concord first partners with the three Partners, the agenda item that's upcoming is focused and solely focused on the acceptance or consideration I should say of the term sheet itself. nothing is affirmed by the term sheet however to clarify this point as well and while it puts us into immediate project mode until we procure entitlements and secure a development and disposition agreement, those are the formal binding documents that lock in our public-private partnership so that two plus or minus a year period that

the ENA would be extended so we can accomplish that mission is really how we will be finalizing our public-private partnership but again the city selected us by majority vote as the master developer and we certainly have acted in kind in our open and transparent manner including all three of our partners with the city and I would expect the city to affirm and confirm that we have operated as such.

*Unintelligible comment*

**Jeb Elmore:** we've never talked or spoken to the Navy since our selection as Master developer I'm sure many folks have spoken to the Navy about opportunities in the past but that is not an objective nor is what Concord first Partners have done

**Comment / Question:** why are the Little League fields part of the green space for the Navy project when I thought they were owned by the Coast Guard Malouf property

**Guy Bjerke:** yeah I can I can answer that fairly quickly the uh the Little League fields along Olivera Road you see is this kind of Island with the Coast Guard property between it and the main part of the project is actually a Navy property still today and will come to the city as part of the first transfer and it will then become part of this part of the project and that's why it's represented on the map

**Comment / Question:** a follow-up question on exhibit B which is of course an important part of evaluating your as a resident your proposal and I I do hear what you say about about the status of Prior proposals but they were a legitimate economic proposals and failed on the subject of Labor more than economics I think but my second question is this: when I look at exhibit B I look at the profit participation structure numbers and I look at the net cash flow as presented and in my experience with exhibit B's prior ones in this project and in other cases I can actually sit down and do a little math in my head which I kind of prefer not to but I can to look directly at the net cash flow number the bottom line number and the profit participation and kind of come up with an idea of what the city of Concord would get when I do that math with the exhibit B that was attached to your document I come up with 1.6 billion dollars which I don't think is correct hence my question is how are we supposed to make a coherent sort of informal coherent opinion on your proposal term sheet represented by an exhibit B which is probably a little misleading in that regard can you help me understand that first of all how the math works and secondly

what you guys are trying to communicate to us on the exhibit B for those numbers?

**Jeb Elmore:** yes thank you thank you again Greg  
the exhibit B is really meant to confirm that a fully vetted effort with the city shows a pathway towards Financial  
feasibility for the project without it the project will never proceed so that's a main purpose of exhibit B is to show  
that we have worked with the city hard to prove that it is financially feasible is underwritten in this conceptual State  
certainly developers invest money based upon internal rate of returns so we need to be careful looking at total cash flow balances when we view internal rate of returns we view that as a substitute for if we were to invest our money into normal market conditions so remember we're talking  
about over a 40-year time period which is really what's causing or looking at a somewhat I guess exorbitant number from that standpoint but the return is still the return hurdle rate and that's  
what we measure our investment by, the level of investment into the project that's going at risk by us as the master  
developer certainly exceeds that number so not you know we will certainly be spending that much money just to get to that finish line. I also want to articulate that exhibit B it points out  
that we are not even achieving our minimum or really what is a minimum hurdle rate of 18% in the initial phase  
such that as the master developer we're subsidizing the project effectively and not really receiving the benefits of our investment in a traditional manner until the second and third phases of this  
development so again I would just points your attention, Greg, to the internal rate of return that is how we measure our  
level of investment

**Guy Bjerke:** So, I want to give you an answer as  
Well, so the concept that the city will do  
well if the project does well was precisely the intent of the negotiation

**Greg Follow Up:** I appreciate the idea of a profit participation structure. What's dissatisfying to me about exhibit B is  
specifically there's a net cash flow number there are four billion dollars uses of which are not described  
and in a lot most timesheets I've looked at there's a much more detail about what that's going to be used for. I have questions about what that four billion dollars will be used for in this project and I can't evaluate your your term  
sheet proposal without having any idea whatsoever what that four billion dollars would be spent for. I have a  
corollary question which is without four billion of unallocated cash flow uh as  
the in the pro forma you also have over 440 million dollars in contingency  
uh I can imagine what that might be used for that's a big big bucket in a pro

forma financial statement that is completely unallocated and it makes it extremely difficult to form an opinion using exhibit B and I think you do a disservice to Concord residents with an exhibit B that is as deficient in some respects as this one is

**Guy Bjerke:** so from a city perspective, Greg when a public agency goes through a financing process or a Landscape and Lighting District or other things if the project is merely at a conceptual level and we are doing our best to guesstimate what some of the costs might be it is necessarily kind of like throwing darts and this conceptual pro forma will be more fully refined and vetted as we move past the term sheet and actually design the project in the specific plan, decide or figure out how much the mitigations for the project are going to cost, in the widening of Highway 4, are we close or are we not close? there's there's a number of things and so it's not unusual at a conceptual level to have a pro forma that has a pretty healthy reserves, pretty healthy Contingencies, because we haven't designed anything yet, I'm not going to debate you

**Question/Comment:** thank you good evening everybody Victor Flores East Bay resilience manager for the Greenbelt Alliance. I had two questions um one of them is about the JADU's which I'm sure will be hearing about that consistently throughout the next couple weeks which is yeah we had similar concerns about the affordable units remaining on the market and how or what the process would be like if a if I bought a place here and had a JADU but I wanted my grandma to live with me in that unit how would that affect the affordable units, it's not entirely clear and you know might be in the specific plant but if you can you know talk about that first and then I had one more question about the climate mitigation impacts, the word climate only mentioned once in the term sheet which understandable because it references the climate action plan but that's from 2013 and in Phase One most of it is the low density areas farther away from Bart so I'm just curious what the city is planning to do to mitigate the increase VMT and yeah just other Mobility options thank you.

**Jeb Elmore:** Guy I'll go first on the JADU application and thank you Victor for your questions the scenario you just described is a fantastic scenario to produce affordable housing can you imagine multi-generational space to rent or have a family member live with you at a no-cost rent. you can't get more of an affordable unit than that in itself so the family's support and family support unit creation through the ADU programming even if it's not physically leased that type of scenario that you described was exactly what we have in mind as well as renting to you know under the subsidized income category so we we would love, again I

would just I'm glowing because that's exactly what we're hoping for is that these units are used in that manner  
again someone not paying rent that's allowed to live in a single studio apartment with a kitchenette with a bathroom with a detached entrance to their site so they can live separately if they so desire or together if they so desire accordingly so we hope that that is a scenario for a bulk of these units for sure uh guy do you want to cover the climate party would you like me to attempt to?

**Guy Bjerke:** you're absolutely right the area plan had book four which was the climate action plan and that was from 2012 and in 2012 it was a pretty Cutting Edge climate action plan as you're well aware this everything in that climate action plan is now virtually state law it's a requirement and so as we developed a specific plan and as we review climate action information that your organization and others give to us we'll have to refashion The Climate action portion of the specific plan to push it into Cutting Edge category, again, this is a from the ground up proposal right so we have opportunities here that retrofits and remodeling and redoing of neighborhoods don't really allow because we're starting from scratch and we can design these things into the program so your point is well taken and it will be a subject of discussion and inclusion in the specific plan as we move in into that

**Comment/Question:** so something he said struck me, he said that the normal rate of return internal rate of return is between 20 and 25 percent, that's what you said, so 25 being the outside that's the most risk and 18 would be the least risk, so you said "wow we're giving away this five, six, seven, eight percent" and so I'm sitting here thinking with my business I'm a business person so I'm sitting there thinking if you're really offering 18% then that is what the risk is that you're willing to accept and so for you to say that it's worth 20 or 25 is really disingenuous, so if you feel like the project is worth 18% then that's what you should stick with because the rest just feels disingenuous, so my question is what are you basing, you said this is a high risk project, so my question is hmm you're willing to settle for 18% but you just said it's high risk so now my question is what is your operational definition of high risk?

**Jeb Elmore:** this project for sure is the absolute definition of high risk.

**Follow Up Comment:** How so?

**Jeb Elmore:** well it would take the rest of the evening until midnight for me to explain all the risk elements of this project, the substantial up,

**Follow Up Comment:** Give me one.

**Jeb Elmore:** a 400 million dollar investment before any revenue is charged to construct and deliver infrastructure to the site so well, all out of pocket. Is that one? Yes, that is one.

**Guy Bjerke:** Yes, there's several risks, the Upfront infrastructure that's necessary to make the project work is a much higher risk than a normal project

*Unintelligible comment*

**Jeb Elmore:** Yes, that's correct, do you do you certainly, do you have any projects that have done that?

**Guy Bjerke:** we negotiated a very good deal from the city's perspective. Judy?

**Comment/Question:** hi yeah you keep talking about the issue of risk, I understand that this is a big project, it's consequently a big risk, consequently potentially a big payoff for both you and the City of Concord, but we have taken a huge risk on a supposedly Local Company that was just Incorporated in Delaware of all places and those of you who know credit cards know Delaware is a very easy place to get incorporated into and is not in good standing in Delaware because you didn't pay your 300\$ to your taxes and the companies that are associated with this partnership have a history of resolving conflict with their City Partners through litigation, which would delay this project for both the city and the developer. Now I'm not sure whether this is something that would be beneficial to the city so that would something that would be up to the City attorney to determine but if the city determined that it would be beneficial for the city would Concord first Partnership you know and their Partners be willing to adhere to binding arbitration rather than going to courts as part of their terms and conditions?

**Jeb Elmore:** Again this process is focused upon the term sheet, we as the partnership of Concord first Partners, have already been selected, so we're not here to defend ourselves in any manner, we believe we're the best we're the best developer candidates for this project as we've always portrayed we've been open, we've been transparent through all of our negotiations with the city and this community, we've engaged stakeholder Outreach with those who are willing to meet with us and of course full dialogue with all City staff, public agencies alike, so again, our use of Sound business decisions we will always maintain as the city will as well but again we're seeking to form a public-private partnership with the city of Concord so our interests are aligned and by doing that I believe that

will eliminate the concerns you have however I appreciate the questions of course.

**Guy Bjerke:** so Judy uh to just to tag on to that we're at the term sheet stage, the term sheet is the preliminary framework for the documents that I talked about at the beginning of the meeting right, and so what the council would be doing in accepting the term sheet is basically saying to City staff and to Concord first Partners now move to the next stage and the next stage is the actual entitlements and the legal agreements the final or entitlements, the development agreements, and it is at that stage, 24 months from now, that the council would be finalizing the decision to move forward with Concord first partners as I tried to explain at the beginning of the meeting, Lennar was halfway through their term sheet been accepted, we were about halfway through the development of the specific plan and the environmental impact report, they still weren't officially the master developer and when we came across this uh issue with them on union labor they chose to let their agreement expire. This agreement with conquered first Partners has to get over this term sheet hurdle you're right but then there's still the entitlement hurdle two years from now and there is no obligation for the council to approve those documents except that by accepting the term sheet we're saying we will negotiate with them on these documents in good faith and bring something forward for Council to consider within 24 months, so that's what's going on right now.

**Comment/Question:** I just want to make the point that I think it's fair for us to ask questions about the terms that are outlined in the term sheet because this is the starting point and asking about affordable housing allocations, asking about things like a willingness except binding arbitration, I mean I don't know about Lewis homes but I know see no discovery Builders uses binding arbitration in their sales agreements so these are terms that are subject to our consideration right now and are worthy of our questions. I will also point out that there is a full-blown feasibility analysis of which exhibit B is simply a summary that has probably huge amounts of detail, so when I ask questions about the lack of detail in exhibit B I'm not assuming that this will all be worked out later because I know those details have actually been worked out in somebody's mind already and sharing a little bit more with us helps us get comfortable at the stage of the process that we are at right now which is considering your offer in the term sheet

**Jeb Elmore:** thank you Greg, yeah I mean the exact purpose of what we're here to do is to engage the community and listen and hear and respond to all your questions and that open and transparent manner so if that is not seemingly coming across of our mere presence here today we always welcome further communication we've certainly extended that to you and your

organization as well and encourage that Outreach to occur whether it be directly to the city or the master developer and ourselves but again our community outreach sessions we held for the last year, our community outreach stakeholder meetings jointly with the city held on the first and today are exactly in primarily for the reason you've stated and articulated, to receive Community input to help us and inform us how the community is responding to the term sheet that's before you, so that again the purpose is is exactly what you represented and that's what we're here to do. The nature of our financial negotiations with the city are held confidential for a reason and it's on a multitude of reasons I would say so but to guy's earlier answer he's exactly correct, we've not done any refined design infrastructure, mitigation measures, performed or refined specific plans so we've done our absolute best with our experience in the city's prior efforts to identify the components for costs and revenues, we've supplied third-party Market data cost estimates for infrastructure those types of things which will certainly be further refined as we develop and ultimately have a project that we actually can start costing out accordingly and of course we're talking about a project that would be entitled in a couple of years from today so we'll have to reassess what the market conditions are at that time as well so there's a lot of updates that need to occur but to your earlier point about why aren't we exposing that level of detail well that's the confidential nature of our negotiations with the city but the city is effectively your citizenry representative has hired multiple financial consultants at their own accord that have fully vetted and worked with us accordingly on the details of the project pro forma but again we're talking about a conceptual plan doing our absolute best and working with the city to identify those components but those components are not defined yet and then they won't be Unfortunately defined until we have entitlements procured for this project

**Comment / Question:** Looking at the draft term sheet section 21a correct me if I'm wrong but that section allows the developer to transfer the rights under the DDA and DA to an affiliate so what's to prevent the current group Concord first Partners from transferring to Seeno or any of the other Affiliates

**Jeb Elmore:** yeah an affiliate partner would be the discovery Builders ourselves as the Lewis company and or California capital investment group either for joint or individual development within the property so we are developers we build all sorts of facilities, commercial, retail, industrial, residential for

certain and so part of our expertise comes with being that end user for some of these sites but again the commitment to sell at least half or 50 percent of the market rate residential units is such that we do create that opportunity for all. In the event we have affiliate transfers we are to work with the city to establish a fair value for the property to make sure we're not receiving as an affiliate a subsidy on the land, that we're paying market rate for the land also. which is going to be important to satisfy Revenue components to facilitate help fund the infrastructure as well so I firmly believe the concerns you've raised are fully embedded in the term sheet and lastly the term sheet again is a non-binding document where all these terms will be affirmed in a binding agreement in successive entitlement documents so this document here is just an off as a Guiding Light and nothing more than that, it is the framework by which we will negotiate in the future but none of this is binding, we have no rights, no rights to the property based upon this document if it is approved on January 7<sup>th</sup>.

**Follow Up Comment:** I don't think my question was answered because the language in the term sheet it says that CFP shall be allowed to transfer their rights under the term sheet to an affiliate so I think what I'm hearing from you is that I'm reading this correctly and you could transfer to a Seeno entity.

**Guy Bjerke:** so the answer your question is yes the answer is yes

**Comment / Question:** that sort of interrupted my question that a lot of people in Concord are disappointed that the city or any member of the Concord city council would deal with Seeno and the fact that that's in there which some of us missed that you could transfer to Seeno is very concerning and if Seeno, if we waste the time and you vote for this term sheet there are people who are going to collect signatures to try to overturn that, my question before she brought that up though is that when you answered this gentleman's question here on the corner you said that there was a 400 million dollar risk that you would contribute to the infrastructure and I don't understand why that's not represented in the term sheet, I need a specific number like that in the term sheet I understand it's an estimate, I understand that, I understand that it's subject to change, but there's no number like that but you just threw it out here just now so I understand why it's not in there.

**Jeb Elmore:** So again I would I would fall back to the statement I made earlier that no land can be transferred to our partnership from the city until we confirm that we have the adequate

finances to fund the infrastructure necessary to the parcels or portions of land that we serve so by the very nature of it we will have to have proven to the city that we have the capability of financing that backbone infrastructure to serve the initial phase of development so that is represented in the term sheet and will of course be a binding term in our development disposition agreement and that includes, yes I did throughout a heavy number uh just to kind of frame reference ,that is a real number but nonetheless that is a conceptual number as well that's subject to a higher cost or a lower cost depending on what again the ultimate phase build out of the project is. I should also affirm that part of the Concord first policies are to promote the use of local Builders, our partner is Headquartered right here in Concord so under every circumstance Discovery Builders is going to be a builder within this project because they are a local Builder and they're darn good at what they do we're working with them because we think they're the best at what they do so in any case again this decision is regarding the term sheet, any challenges or suggestions that you are displeased with the entitlements based upon the partnership is your prerogative for certain but again we want to keep the focus on the fact that we as the master developer have already been selected to negotiate with the city and the focus at this point in time is the term sheet

**Comment/ Question:** I'm sure this is just a hypothetical question if there was if there was a different developer sitting in front of us right now would they be allowed to sell off parcels to Discovery homes themselves? what would preclude any developer at any time involving Discovery Builders

**Guy Bjerke:** So there's two questions that are kind of hanging out here and so the answer is yes, even under the previous term sheet Lennar had a requirement to make at least 40 percent of the market rate residential available to other local Builders so the Lennar term sheet had not quite as good a provision as this term sheet does relative to that. I think what the other question was can the master developers take their roles and assign them to someone else and I do believe that section does, it is allowed in that section but I think there also is a city approval process so to the extent that they choose to do that it would be need to be approved by the council and then and then lastly you guys have brought up a number of good questions all of which if we if we included every detail that every one of you would like to see in the term sheet we'd be writing a phone book and will there need to be some changes to the term sheet? will the council asks for some changes to the term sheet? I encourage you to contact them and let them know what you'd like to see on January 7th but remember

all of these ideas can still be considered as the specific plan is developed and can be negotiated and included in those documents and ultimately those documents will also have to be approved by the city council

*Unintelligible comment*

**Comment /Question:** I want to ask a question about item 11c and Guy this is probably a question for you it reads this no debarment or suspension the vertical developer has not been suspended, debarred, or prohibited from Contracting with the city. What does it take? How many debarred vertical developers do we have on a list in Concord right now? None? so it actually takes something pretty significant to get on that list, okay. So let me ask the follow-on question if a vertical developer has been suspended, debarred or prohibited from Contracting with any other jurisdiction, that would be a pretty negative leading indicator wouldn't it? Would you consider including that language in this in 11c, the city or any other state or local jurisdiction

**Guy Bjerke:** no, not in the term sheet although it might be something that we consider in the specific plan or in the DDA or D.A the actual agreements

**Comment/Question:** Can the council recommend it?

**Guy Bjerke:** the council can recommend many things yes the question then becomes will CFP agree to it? and obviously because this is a negotiation, but yes of course absolutely and I think Mr Cauley knows a member of the city council ironically right? Any other questions we've run about 15 minutes longer than two weeks ago but people have had more time to read the document and figure out what questions they'd like to ask clearly and that's a good sign again if there are no additional questions then what I'd like to do is thank you all very much for attending this evening for asking your questions for letting us know what your concerns are I would simply direct those of you who have concerns to draft emails articulating those concerns to the city council to me and to Concord first Partners so that on January 7th the council has the benefit of having senior concerns and questions ahead of that meeting and is able to consider whether or not they wish to modify the term sheet in some way on the seventh so the the next step in advocacy for any of these thoughts or ideas is to communicate them to council members.

**Jeb Elmore:** before we say thank you and goodbye I'd also like to thank the community here today for representing your questions a lot of good questions today I hope we provided good answers in a transparent manner we also want to point you to the screen right now we're happy to receive comments, receive questions, we are

very responsive to these so we've listed some of our outlets for forms of communication with the Concord first partners team on the screen before you and we'll leave this up on the way out in case anybody wants to write them down but again just want to share my gratitude guy thank you for a wonderful meeting tonight and again thank you to this community for your great questions

**Guy Bjerke:** and again to remind you the replay of this presentation will be available via a link on this on the Concord reuse project dot org website thank you very much have a nice night