AGENDIZED ITEMS – The public is entitled to address the Committee on items appearing on the agenda before or during the Committee’s consideration of that item. Each speaker will be limited to approximately three minutes.

1. **ROLL CALL**

2. **PUBLIC COMMENT PERIOD**

3. **REPORTS**

   a. **Considering** – the Draft Town Center II, located at 1765 Galindo Street, Request for Proposal and associated developer selection criteria. **Report by John Montagh, Economic Development Manager.**

4. **ADJOURNMENT**

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS**

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3031, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Distribution: City Council
Valerie Barone, City Manager
Susanne Brown, City Attorney
Kathleen Trepa, Assistant City Manager
Joelle Fockler, City Clerk
Report in Brief
At the November 18, 2019, City of Concord Housing and Economic Development (HED) Committee meeting, the Committee requested that staff return at the December meeting to review the draft Town Center II Request for Proposal (RFP) document and related developer criteria before the item is moved forward to the full City Council for consideration.

The Town Center II site is a former Concord Redevelopment Agency property now owned by the City of Concord for future development. Town Center II is approximately three-acres in size and is located at 1765 Galindo Street bounded by Galindo Street, Concord Boulevard, and Clayton Road (Town Center II). (Attachment 1).

The Draft RFP (Attachment 2) contains site-specific information that will advise the development community of the City’s desire to create a catalyst-type project on the site that includes market-rate housing, income-restricted affordable housing, a combination of market and affordable housing, or a hotel development.

The HED Committee also asked the public to provide input on the Town Center II RFP’s developer selection criteria to City staff by December 4, 2019. Attachment 3 includes all the submissions received by the deadline.
Recommended Action
Provide direction to staff on the draft RFP and developer criteria, and direct staff to move the Town Center II Request for Proposal to the full City Council in January 2020.

Background
Town Center II is an approximately three-acre site bounded by Galindo Street, Concord Boulevard, and Clayton Road. The Site is a former Redevelopment Agency property and was acquired by the Redevelopment Agency in order to facilitate a future catalyst development project in downtown Concord. Because it is a former Redevelopment Agency property, it is subject to State Redevelopment Dissolution Laws and is incorporated in the Concord Redevelopment Agency Successor Agency’s Long Range Property Management Plan (LRPMP) as a site to be held by the City for future development. The City is required to share the net sales proceeds from the disposition of the property with numerous affected taxing entities.

The 2014 Downtown Specific Plan calls for the site to be potentially developed with 242,474 square feet of either residential, hotel, or combination of both uses plus 11,309 square feet of retail. The site is located within the Specific Plan’s “Inner Core,” and is therefore subject to Spanish-influenced architectural design standards.

On August 26, 2019, the HED Committee provided input on the elements proposed to be included in an RFP for the Town Center II site. In particular, staff provided information on types of development that could be developed on the site, certain “Community Benefits” to be derived from a development project, strategies for outreaching to the development community and an evaluation process of the RFP submittals. In particular, the HED Committee agreed that the RFP should include provisions that require the selected developer to enter into a Project Labor Agreement or other similar agreement. The Committee also stated that the RFP should be open to both market rate and affordable housing developments. The Committee further asked staff to look into the feasibility of a hotel development for the site, what the affordable housing impact fees would be for a market rate project and if State Assembly Bill 199 would require the Town Center II site to be developed with prevailing wage labor.

On November 18, 2019, the HED Committee heard follow-up information on the Town Center II RFP and directed staff to return to December HED meeting with a draft RFP. The HED Committee asked members of the public in attendance to submit developer selection criteria to staff by December 4, 2019, so it could be included in the staff report for the HED Committee’s review.

Analysis
An RFP process provides an opportunity for the development community to understand the City’s desires and goals for the future development of its property in the context of market opportunities and conditions. Interested developers would respond to the RFP
by submitting their respective proposals to the City. These proposals would be evaluated by City staff and a short list of the highest-ranked proposals would be presented to the City Council for its consideration. Upon Council selection of a preferred developer through the RFP process, Council would direct staff to negotiate an Exclusive Negotiation Agreement (ENA) with the selected developer. The ENA would set the process and timeline for negotiating a Disposition and Development Agreement (DDA) between the City and the selected Developer and would include an environmental determination in accordance with the California Environmental Quality Act (CEQA). The DDA would set forth the terms and conditions for the property sale along with a schedule of performance for both the City and Developer in order to effectuate development of the project.

Draft RFP
The draft RFP contains information such as the site’s zoning, general plan, and specific plan requirements, as well as the downtown design guidelines. The draft RFP articulates the City’s desire to consider either a market rate multi-family/ownership project, an affordable housing project, a mix of market and affordable housing, or a hotel. The draft RFP assumes no land write down or use of the City’s affordable housing funds to finance affordable housing units. This assumption is made because the State’s Redevelopment Dissolution Law requires the City to distribute net sales proceeds to affected taxing entities. Additionally, Council has prioritized the remaining housing funds for acquisition rehabilitation projects. Consistent with Committee direction, a hotel option is also included in the draft RFP.

The draft RFP requests developers to submit their respective project proposals, including resumes of key team members and a summary of relevant experience to carry out a high-quality development. Further, proposers must demonstrate their ability to successfully fund and complete projects.

Outreach to Development Community
Staff plans to send the approved RFP to a list of developers who have expressed interest in developing in Concord and to a list provided by Building Trade representatives. Staff will also send the approved RFP to Bay Area brokerage firms, multi-family developers active in the Contra Costa/East Bay Market (both market rate and affordable), the Mechanical Craft Trade Unions, Building Industry Association members, as well as OppSites and CoStar, two web-based real estate platforms. A press release announcing the release of the RFP will be issued to media outlets such as the San Francisco Business Times and BisNow; and the RFP will be posted on the City’s website and social media.

Evaluating Proposals Process
In prior reports, staff provided a draft list of criteria to the HED Committee, specifically to be used to evaluate developer proposals to determine the top proposals for City Council
consideration. Staff’s evaluation would also be based on the City Council’s priorities for the development of the site (housing and/or hotel). At the November 2019 HED Committee meeting, the Committee asked members of the public to develop their own developer criteria and submit those criteria to the City by December 4, 2019, for the HED Committee’s consideration. Attachment 3 reflects all the submission received by the deadline from John Dalrymple with the Mechanical Craft Trade Unions in Contra Costa County, Concord resident George Fulmore, and the Community Coalition for a Sustainable Concord.

Staff’s summary of criteria submissions received follows:

**John Dalrymple for the Mechanical Craft Trade Unions in Contra Costa County**
- Track record of entering into Project Labor Agreements or other similar agreements with construction unions that ensure support for area apprenticeship programs, access to skilled and trained workers, and the protection of area wage standards.
- The quality and enforceability of commitments to maximize local construction employment opportunities, provide workforce training through the support of apprenticeship programs, and ensure the protection of area standard wages for construction work.

**George Fulmore**
- Correspondence provided did not provide selection criteria but rather what should be developed on the site, such as affordable housing or a blend/mix of market and affordable.

**The Community Coalition for a Sustainable Concord**
- The City should consider only project proposals for the Galindo parcel that are predominantly residential and include at least 25% of units affordable to low- and very low-income households.
- Proposals must include a robust community engagement process over the course of project development that gives a voice to those most impacted by the housing crisis and includes partnering with community-based organizations.
- Proposals must include specifics about affordable housing commitments that respondents propose, including number and percentage of affordable units; income eligibility levels; number of bedrooms in affordable units; integration of affordable units into market-rate construction; and whether public subsidies will be requested for affordable housing construction.
Proposals must include public information on community benefits issues and project design, such that community representatives can assess proposed projects, and weigh in with decision-makers.

For HED Committee’s reference, the following are staff’s recommended criteria:

- Agreement to comply with all RFP requirements, as stated in cover letter signed by the authorized developer representative.
- Quality, clarity and completeness of the RFP response.
- Proven experience, expertise and financial capacity in developing high-quality developments of similar scope and scale, particularly in the Bay Area and California, including the ability to pay fair market value for site acquisition.
- Proven success in planning, financing and developing comparable projects, as demonstrated by representative projects that have been accomplished in a timely fashion by the development team in collaboration with public partners.
- Project’s ability to achieve City Council’s vision for the site as articulated in the RFP.
- Track record with purchasing and executing DDAs with public agencies.
- For an affordable housing project, affordable Housing Income Blend Levels Preference of 80% to 120% AMI (Workforce Housing) and no request for City housing funds.
- Track record of entering into a Project Labor Agreements or similar agreements with Mechanical, Electrical, Plumbers and Sprinklers (MEPS).
- For a mixed income housing project, achieve a minimum of 10 percent affordability at 80 percent to 120 percent AMI (workforce housing) with no request for City housing funds.
- For a hotel development, achieving the highest level hotel brand in the mid-range to full service or boutique categories.
- The quality and enforceability of commitments to maximize local construction employment opportunities, provide workforce training through the support of apprenticeship programs, and ensure the protection of area standard wages for construction work.
- Responsiveness of the developer’s proposed approach to development based on the RFP criteria.

Based on staff’s review of the proposals, staff will forward the top two to three proposals to the City Council for their final selection.
Proposed Schedule
- Bring proposed RFP to City Council in January 2020
- Issue RFP in February/March 2020;
- Receive proposals in April 2020;
- Select shortlist of developers by May 2020;
- Present shortlist of developers (top 2 or 3) to City Council for selection in June 2020. (Note: If Council approves a developer, an ENA would need to be negotiated and executed by December 31, 2021, and the property sold by December 31, 2022, or AB 1486 provisions will apply for the site).

Assembly Bill 1486
At the November 18, 2019, meeting, staff presented AB 1486 information to the HED Committee. This law was signed by the Governor on October 9 and will be effective January 1, 2020; it strengthens the Surplus Lands Act in order to promote the development of affordable housing. The changes in law expressly apply to former Redevelopment Agency property and mandates timelines related to the disposition of surplus property. Under AB 1486, the City has until December 31, 2020, to enter into an “exclusive negotiating agreement or legally binding agreement to dispose of property” for the Town Center II site; the disposition must be completed by December 31, 2022, which may be extended if litigation occurs. If those two milestones are not satisfied, the City must notify “housing sponsors” (defined under State Law) that the site is available. While the City is not required to reach agreement with a housing sponsor, if no agreement is reached or if no housing sponsor responds to the notice, then – assuming 10 or more residential units are developed on the property – at least 15% of those units must be affordable at lower income levels (80 percent or below Area Median Income).

City’s Housing Element
The City’s Housing Element shows the Site as potentially yielding up to 310 housing units. In the event the site is not developed for housing or is developed with fewer than 310 housing units, then the City must either make findings that the Housing Element’s remaining sites have sufficient capacity to accommodate the remaining unmet Regional Housing Needs Allocation (RHNA) by each income level or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category as a concurrent action.

Financial Impact
There is no financial impact with developing and issuing an RFP for Town Center II other than staff time. In the event the property is sold, the City will need to share the net sales proceeds with affected taxing entities per Dissolution Law.
Public Contact
The Agenda was posted. The Mechanical Craft Trade Unions of Contra Costa County, interested developers, Concord Chamber, Monument Impact, Community Coalition for a Sustainable Concord, and Todos Santos Business Association were notified of the meeting.

Attachments
1. Location Map
2. Draft Request for Proposals
3. Public Criteria Submissions
Dear Development Community:

We are pleased to invite you to partner with the City of Concord in the development of a City-owned site at a key location in downtown Concord within a quarter mile of the Downtown Concord BART station. Development of this site, located at 1765 Galindo Street, will further the investment and expansion momentum that Concord is experiencing.

The City of Concord is requesting that developers respond to this Request for Proposals (RFP) by proposing a project for the site. Preference will be given to proposed projects that will serve as a unique catalyst project and meets the City Council’s vision as stated in the RFP.

The City has made significant strides in revitalizing downtown Concord, which has more than 1.3 million square feet of office space, more than 800 housing units under construction or permitted, and a broad range of existing commercial and residential options.

The focus of the City’s downtown revitalization efforts has been to create a pedestrian-oriented downtown that attracts residents, workers, and visitors during both the day and evening hours with a wide array of entertainment and retail services. With its strategic location in Contra Costa County, its skilled work force, excellent transportation access, and varied amenities, downtown Concord is well-positioned to capitalize on the City’s past successes and future opportunities. The process for developer selection is described in this RFP. Please contact John Montagh, Economic Development Manager at John.Montagh@cityofconcord.org or by phone at (925) 671-3082.

We look forward to your interest and response to this request.

Timothy A. McGallian, Mayor
City of Concord
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SITE MAP

Renaissance Square Apartments
313 Apartments

Park Central Apartments
240 units
INVITATION

The City of Concord is offering an immediate opportunity to partner with the City in the development of a key infill site in downtown Concord, approximately one-quarter of a mile from the Downtown Concord BART station. The City desires a high-quality transit-oriented development that will attract additional activity to the area, including residential and business development and restaurant patrons and retail customers to the downtown. The approximate 3-acre project site is located at 1765 Galindo Street and is bounded by Concord Blvd. on the north, Galindo Street on the east, and Clayton Road on the south, as shown on Page 1.

The City of Concord is requesting that developers respond to this RFP by proposing a project that supports one of the following development options, consistent with the existing zoning for the site:

1. Develop a 100 percent market rate residential multi-family or ownership development.

2. Develop a 100 percent income restricted affordable multifamily project that provides for workforce housing income ranging from 80 percent to 120 percent of Area Median Income.

3. Develop a combination market rate and restricted affordable multifamily/ownership project that provides at a minimum 10 percent of the units for workforce housing income ranging from 80 percent to 120 percent of Area Median Income.

4. Develop a prominent hotel flag development with 100 or more rooms. Amenities should include, at a minimum, a gym, meeting space, and services found in mid to higher level hotel/boutique brands.
OPPORTUNITY

The site is a catalyst development opportunity because:

- The City of Concord is the largest city (population 127,000+) and serves as the largest attractor of jobs in Contra Costa County (~64,000), with access to excellent transit corridors and a counter-commute to two of its three proximate highways (I-680, SR 242, and SR 4). In addition, two BART stations (Downtown Concord and North Concord) and a bus hub in the downtown provide key transit opportunities as a regional hub.

- The City of Concord Development Code, Section 18.105, Transit Station Overlay District (TS), provides development standards that allow for up to a 25 percent increase in density for residential projects, up to a 25 percent FAR increase for development projects, and up to a 25 percent parking reduction for non-residential uses within a half-mile radius of the Downtown Concord BART Station, which would apply to this project (see Concord Municipal Code section 18.105.010 and section 18.160.050(A) and (G)).

- Given its location, three blocks from the Downtown Concord BART Station, future development can capitalize on the strong, consistent, and growing demand for transit-oriented development in established urban centers throughout the San Francisco Bay Area.

- The site is located in Concord's Downtown District and the City strongly supports its continued development as a high density, high-quality, and attractive, complementary to other adjacent residential and office uses.

- The City Council adopted the Downtown Concord Specific Plan in June 2014, which provides increased certainty to developers seeking to minimize project timelines and achieve successful developments. As a follow-up to the Specific Plan, the City adopted a Downtown Corridors Plan to enhance three critical corridors (Grant Street, Salvio Street, and Oak Street) where ongoing grant-funded corridor improvements connect residents and visitors to transit, retail, and employment opportunities in the Downtown. The City understands that the Specific Plan may need to be amended to accommodate a future development at the site.

- The subject site is located in the commercial heart of Downtown Concord, where Todos Santos Plaza serves as the historic jewel and true gathering place for the City. The Plaza provides an urban core for the City, with a strong pedestrian orientation only three blocks north of BART, programming of year-round community events, including weekly summer concerts in the park, and the Music and Market series, and serves as the anchor to a local concentration of global cuisine restaurants providing a small town atmosphere highlighted by its historical and cultural assets.

- Downtown Concord is a major job center of Contra Costa County, with more than 1.3 million square feet of Class A office development, including: Swift Plaza, One Concord Center, and Sutter Square. This office concentration located within blocks of the project site creates a high level of associated demand for residential/mixed use and hotel development.
LOCAL AREA DESCRIPTION

Since 1980, Concord has grown from being known primarily as a bedroom community to becoming a regional employment center. Located 29 miles east of San Francisco, Concord is easily accessible to San Francisco, Silicon Valley, Oakland, and Sacramento. Business-friendly government policies, cost-effective competitively affordable Class A office space, numerous industrial parks and excellent transportation combine with a wide range of reasonably priced housing stock, an educated workforce, and a dynamic retail environment to make Concord a city of the highest quality.

Concord is Contra Costa County’s largest city with a population of approximately 127,000 residents and the County’s major employment center with 66,000 jobs that account for approximately 12 percent of jobs countywide, according to the State of California Employment Development Department.

Downtown Concord is anticipated to continue serving as an important business center throughout the 21st century, with growing levels of employment. Many Fortune 500 companies, life science businesses, engineering firms, professional service, and retail companies are located in the City of Concord. Concord serves as the corporate headquarters for Eichleay Engineers, Harris & Associates, BevMo!, Fresenius Medical, Cerus Corporation, and AssetMark.

One of Concord’s strongest assets is its excellent transportation access. Major highways, public transit, and a general aviation airport (Buchanan Field) enable business leaders and employees with many transportation options. Jet Suite X offers convenient air travel from Concord to southern California, Las Vegas, and Phoenix. In addition to the City’s convenient location adjacent to Interstate 680 and State Routes 4 and 242, Concord is home to two BART stations and is in close proximity to two major airports, San Francisco International and Oakland International airports.

The City and its downtown have attracted significant developer interest and development projects. The most notable completed and near-term projects include:

- The Veranda by CenterCal Properties, a 350,000-square foot retail lifestyle center anchored by Yard House, Whole Foods 365, TJ Maxx, Old Navy, and a number of regional restaurants located on 30 acres at 2001 Diamond Blvd.
- Wells Fargo Bank office lease up of more than 300,000 square feet at Swift Plaza adding more than 2,000 employees to the downtown at 1655 Grant Street.
- Renaissance Luxury Apartments Phase II by Legacy Partners, a 179-unit apartment complex located at 1825 Galindo St. is scheduled to be completed and offering units in the second quarter of 2020.
- Grant Street mixed-use apartments by Hines Development, a 228 unit apartment complex with 4,600 sq.ft. of ground floor commercial space located at 1738 Grant Street, is scheduled to break ground in Q1 2020.
- Renovations and façade upgrades recently occurred to the Shops at Todos Santos, located at Salvio and Galindo Streets. Tenants include Chipotle, Naan and Curry, Cream, Peets Coffee, Burger IM, Fire Wings, Bank of America, and other unique restaurant offerings.
DESCRIPTION OF RFP SITE

The Town Center II site is surrounded by the Renaissance Apartments (Phases I and II) to the north, Swift Plaza office campus to the east, Park Central Apartments to the southeast, the Galindo House to the south, and Sutter Square to the northwest. The Downtown Concord BART station is within easy walking distance of the site.

The site is bounded by Galindo Street, Clayton Road, and Concord Blvd. A site map is included on page 1 of this RFP and Appendix 1 provides additional description of the site.

The Town Center II site is a former Redevelopment parcel that the State of California allowed the City to retain for future development. Accordingly, all net sales proceeds of the site will be sent to the County Auditor Controller so net sales proceeds can be distributed to each of the “Affected Taxing Entities” according to the legislative requirements of the Redevelopment Dissolution process. This process is not expected to have any effect on developer’s purchase of the property or development timeline.

KEY CITY GOALS TO ACHIEVE WITH THIS PROJECT

General Plan Policies:

Policy E-3.1.5: Promote transit-oriented Downtown development and activities that take advantage of nearby transit services, such as BART, bus services, and Buchanan Field Airport.

Policy LU-1.3.3: Support higher density and mixed use development in Downtown and near transit centers and corridors.

Policy GM-2.1.1: Support infill and revitalization in urban and brownfield areas, including the Concord Reuse Project Site.


Downtown Specific Plan Implementation Measures:

Calls for the site to be potentially developed with 242,457 square feet of residential/hotel plus 11,309 square feet of retail. The site is located within the Specific Plan’s “Park and Shop Phase 1 District,” and therefore the area is intended for the accommodation of both commercial/office/retail and higher density residential development. Changes to the Downtown Specific Plan development standards can be modified with City Council approval.

LU-3 Urban Design and Development

A. Focus primarily on vacant/underutilized parcels within transit overlay.

H-1 A. Provide a greater diversity of housing types including market rate and affordable apartments, condos, and townhomes.

City’s Housing Element: The City’s Housing Element shows the Site as potentially yielding up to 310 housing units. In the event the site is not developed for housing or is developed with fewer than 310 housing units, then the City must either make findings that the Housing Element’s remaining sites have sufficient capacity to accommodate the remaining unmet Regional Housing Needs Allocation (RHNA) by each income level or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category as a concurrent action.

Todos Santos Design Guidelines: The site is located within the “Inner Core,” as described in the guidelines and therefore the project is subject to Spanish-influenced architectural design standards.

ENVIRONMENTAL

Staff is aware of previous Environmental Studies and Soils Investigation Studies that will be made available to the selected developer for the Town Center II site. The western portion of the site is located within the Alquist Priolo Earthquake Zone that extends through the City. Staff is not aware of any existing conditions that would preclude development of the site for residential or other purposes. The selected developer may want to conduct its own environmental investigations.

ENTITLEMENTS

The project will be subject to all City requirements for permitting, design and land use review, and developer fees.

The City’s General Plan (GP), Development Code, and Downtown Specific Plan govern the land use on the project site. Both the GP designation and Development Code zoning designations are Downtown Mixed Use (abbreviated as DTMU and DMX, respectively), which allow residential, office, retail, and other uses. Please see Concord Municipal Code section 18.45 for more information.

The City of Concord Development Code, based on its transit station overlay district (TS) development standards, allows for up to a 25 percent reduction in parking requirements for the non-residential portion of a project, up to a 25 percent increase in density and up to a 25 percent FAR increase because the project site is located within a half-mile radius of a BART station. Please see Concord Municipal Code section 18.105 for more information.

Per the Development Code, the type and scope of development being contemplated will most likely require a Use Permit approved by the Planning Commission. Please see Concord Municipal Code section 18.435 for more information.
PLANNING APPROVALS

- Environmental Review – The proposed development project, once defined, will be subject to an environmental analysis pursuant to the California Environmental Quality Act (CEQA) and the City of Concord’s environmental guidelines. The City of Concord will make the final determination of what constitutes CEQA compliance as the Lead Agency under CEQA.

- Use Permit – If required, the Use Permit process requires Planning Commission approval.

- Design Review – This project will be subject to review by the Design Review Board.

Depending on the estimated project development schedule, the City could process each of these applications prior to, or concurrent with, adoption of the Disposition and Development Agreement (DDA).

KEY DEVELOPMENT STANDARDS

- Maximum height: Maximum building height for the site is 200 feet, though increased height may be allowed with a Use Permit. Please see Concord Municipal Code section 18.45.030 for more information.

- Minimum and maximum FAR: Minimum FAR of 1.0 and maximum FAR of 6.0 for the site, plus a 25 percent transit station overlay district (TS) bonus. Please see Concord Municipal Code section 18.105 for more information.

- Parking requirements: For the nonresidential portion of the project, the number of required parking spaces may be reduced by 25 percent due to the site’s location within the TS. Additional reductions to the number of spaces may be approved with a Use Permit, based on submittal of a parking study. Please see Concord Municipal Code section 18.160 for more information.

- Density Minimum/Maximum: 33-100 du/net acre.

COMMUNITY BENEFITS AND AFFORDABLE HOUSING

- The City’s affordable housing regulations as set forth in Municipal Code section 18.185.010 require: either 10 percent at low income (80 percent of Area Median Income), or six percent at very low income (50 percent of Area Median Income) for rental housing projects. The City Council can, through the Disposition and Development Agreement (DDA), relieve the project from the City’s Inclusionary Housing Requirements. Developers are eligible to utilize State Density Bonus law to potentially achieve higher levels of density and reduced parking requirements on this development site as allowed by State Law. Any proposed development project on the Site will still be subject to standard City impact fees and applicable affordable housing requirements.

- The City is requiring a Project Labor Agreement or similar agreement between the Mechanical, Electrical, Plumbers, and Sprinkler trades. More information on this requirement under selection process.
ROLES OF THE DEVELOPER AND THE CITY

The City is looking to the selected developer to:

- Enter into an Exclusive Negotiating Agreement by December 2021 and purchase the property by December 2022 at appraised fair market value.
- Secure entitlements for property development.
- Clear and prepare the site for development.
- Enter into a Project Labor Agreement or similar agreement with Mechanical, Electrical, Plumber, and Sprinkler trades.
- Cause to be constructed on the site a dynamic, high-quality designed, transit-oriented development at this key downtown location that will contribute to the City of Concord’s goals to continue to attract new residents and employment, increase fiscal revenues, and help to catalyze additional developer investment to downtown.
- For affordable housing developers, finance the development of the project without City of Concord financial assistance.

The City will assist in development of the project site by:

- Selling the parcel to the developer.
- Processing all completed applications in a timely and efficient manner.

DEVELOPER SELECTION PROCESS

The developer selection will occur through a review of qualifications and proposals submitted by the developers. The City reserves the right to reject all proposals.

The City is utilizing the following developer selection process:

**Submittal Steps:**

Proposals must support and implement the goals and objectives set forth in the City's General Plan and Development Code. The first round submittals should contain the qualifications of the proposed development team, a conceptual project site plan, stated commitment to enter into a Project Labor Agreement with the four identified trades, design concept, and a financing plan. To address these items, the first round submittal documents must contain the following items, in the order listed below:

A. **Cover Letter**– Provide a cover letter describing interest in the site and summarizing the major points contained in the development proposal with an emphasis on team qualifications and ability of the development team to expeditiously develop the site to meet the City's goals. Include a statement that the development team agrees to the RFP requirements including entering into a Project Labor Agreement. City will show preference with proposals that show that terms have been reached on a Project Labor Agreement with the MEPS. (The cover letter must be signed by the Developer representative who is authorized to represent and negotiate on behalf of the development entity.)
B. Team Members– Identify the type of legal entity with whom the City of Concord would negotiate and contact. Please include the contact person, firm name, address, and telephone number of each of the members on the team. Indicate the local development firm, architectural firm, engineering firm, and other key members or consultants. Identify the team representative who has the authority to represent and make legally-binding commitments on behalf of the development entity, and who is ultimately responsible for negotiating the terms of the agreement. Identify the day to day project manager name for the development entity, if different from above. Relevant Experience of Team Members– Teams must include an experienced urban infill architect and engineering consultant.

C. Lead Developer– Provide summary profiles of the qualifications of all key developer representatives, including number of years of directly relevant experience for comparable developments. (Full resumes should be included in an appendix.) List the major commercial and transit oriented development, mixed-use project developed as lead developer within the past five years. Include the following information for each project: total square feet of space, square feet of commercial space, tenants, site size, location, and current status of project. Include a brief description and at least three photographs (not architectural renderings) of three separate comparable projects developed, which are representative of the type and quality of the development proposed.

D. Architectural & Engineering Firms– List relevant transit oriented development and mixed-use projects designed within the past five years. Provide for each project, details concerning the total square feet of residential, commercial, and office space, as well as representative clients. Include at least three photographs of representative projects.

E. Conceptual Project Site Plan and Design Concept– Provide a preliminary conceptual project site plan showing orientation of the project to the downtown and BART that indicates the location and uses of the proposed development, including an approximate housing unit count, basic summary of anticipated housing unit sizes and type, and the amount and type of commercial development contemplated. If hotel is proposed, please include information concerning hotel flag and amenities to be offered. The elevations and design concepts should be simple in design. If proposing a mixed use project, please identify whether the commercial use is speculative or identify the commercial tenant/partner.

F. Include a description of the Developer’s approach to supporting the following goals and objectives:
   - The project will maximize construction employment opportunities to local residents through the development and application of local hire policies that give first priority to City of Concord residents, second priority to residents of surrounding communities, and third priority to Contra Costa County residents. The local hire policies shall address both journey-level and apprenticeship positions.
   - The project will produce quality, local jobs and not undermine local and area wage standards.
   - Construction of the project will advance the skills of the local workforce and promote job training and construction career paths for local residents, military veterans, and vulnerable populations. To further this objective, construction of the project will
include the use of apprentices who are enrolled in state certified apprenticeship programs conducted by a Joint Labor and Management Committee.

- Developer has reached out to MEPS and stated their willingness to enter into a Project Labor Agreement or similar agreement.
- The proposal will set forth how it will provide a self-funding monitoring and enforcement mechanism to ensure compliance with the above community benefits – for example by entering into a project labor agreement with local building trades that establishes wage and benefit levels and sets forth enforcement, grievance, and other compliance procedures.
- The proposal will also describe Developer’s relationship with trade union representatives, including experience with and perspective on use of project labor agreements.

G. Financing Plan– Describe the anticipated financing structure planned for acquisition, construction, and takeout financing and provide supporting information regarding the developer's recent experience with using the proposed financing structure on similar project(s).

H. Development Schedule– Provide an anticipated development schedule, including key dates such as financing, entitlement process, and start and completion of construction. The anticipated schedule should reflect the selection, negotiation, and entitlement schedule set forth in this document.

I. Litigation or Dispute History– Has the entity or any named individuals in the developer team been involved in any litigation or disputes that could result in a financial settlement having a materially adverse effect on the ability to execute this project? If yes, please explain.

J. Bankruptcy or Foreclosure History– Has the development entity or any named individual in the proposed project ever filed for bankruptcy or had projects that have been foreclosed? If yes, please list the dates and circumstances.

K. Ownership Plans– Summarize the development firm’s short and long-term ownership plans for the proposed development.

L. Public Sector Reference– Provide at least two references from different public entities with whom the development firm has worked in obtaining approvals for a comparable project.

M. Financial Information– Provide evidence that the lead development firm has the financial capability to complete the proposed project within the performance timeline. Provide the two most recent audited financial statements. In addition, provide three financial references with whom the lead developer has recently obtained acquisition and/or construction financing. Provide the following information for each reference: institution, contact name and title, phone number, and address.

N. Schedule of Performance– Provide preliminary development planning and construction schedules.
O. Contingencies– Explain any conditions or contingencies that may limit the submitted proposal because they modify the stated terms and conditions of this Request for Qualifications and Proposals.

P. Initial Deposit– A $50,000 Deposit is required from the selected developer to pay for City cost for drafting and executing Exclusive Negotiating Agreement.

Q. Additional Information– The City may also request additional information from the short-listed developers.

Proposals shall be printed on 8 ½ x 11 paper, double sided. Pages should be numbered (not including a title page, table of contents, section divider pages). The First Round submittal is limited to 25 pages in 12 point font and 1.5 spacing, not including the cover letter and appendix materials.
Selection Criteria:

- Agreement to comply with all RFP requirements, as stated in cover letter by authorized representative.
- Quality, clarity, and completeness of the RFP response.
- Proven experience, expertise, and financial capacity in developing high-quality developments of similar scope and scale, particularly in the Bay Area and California, including paying fair market value for site acquisition.
- Proven success in planning, development, financing, and timely completion of comparable projects, as demonstrated by representative projects that have been accomplished by the development team in collaboration with public partners.
- Project’s ability to achieve City Council’s vision for the site as articulated in the RFP.
- Track record with purchasing and executing DDAs with public agencies.
- For an affordable housing project, affordable Housing Income Blend Levels Preference of 80% to 120% AMI (Workforce Housing) and no request for City housing funds.
- Track record of entering into a Project Labor Agreements or similar agreements with Mechanical, Electrical, Plumber, and Sprinkler (MEPS).
- For a mixed income housing project, achieve a minimum of 10 percent affordability at 80 percent to 120 percent AMI (workforce housing) with no request for City housing funds.
- For a hotel development, achieving the highest-level hotel brand in the mid-range to full service/boutique categories.
- The quality and enforceability of commitments to maximize local construction employment opportunities, provide workforce training through the support of apprenticeship programs, and ensure the protection of area standard wages for construction work.
- Responsiveness of the developer’s proposed approach to development based on the RFP criteria.

City Staff will review the RFP submittals and identify a short list of the two or three most qualified developers with whom to meet for further discussions and bring forward to the City Council for consideration and selection. City reserves the right to hold interviews during first round.

After the selected Developer is approved by the full City Council, the Developer will be asked to provide financial information to show its capacity to build the development and provide non-refundable deposit to pay costs of the City during the ENA period. Additional funds may be needed to cover costs associated with preparing and entering into the DDA.
SUBMITTAL REQUIREMENTS

Interested developers are asked to provide six sets of their RFP and a thumb drive with same information.

Proposals responding to this RFP must be submitted no later than ____________ by 4:00 PM PST.

Responses should be submitted to:

John Montagh
Economic Development Manager
City of Concord
1950 Parkside Drive, M/S 1B
Concord, CA 94519

Electronic proposals will not be accepted as eligible for consideration.

Proposed Schedule

The City contemplates the following schedule:

- Issuance of RFP in February/March 2020;
- Pre-submittal conference scheduled for February/March 2020;
- Proposals received April/May, 2020;
- Shortlist of developers selection by May/June 2020;
- Shortlist of developers presented to City Council by May/June 2020;
  - City Council Selection and entrance into an Exclusive Negotiating Agreement (ENA) with selected developer by July 2020;
- Initiation of the CEQA process; and
- Upon timely completion of the CEQA process, conclude ENA negotiations and enter into a Disposition and Development Agreement (DDA) by December 2020.

Terms/Conditions of the Offer

This RFP is not a contract or a commitment of any kind by the City and does not commit the City to award an exclusive development option or to pay any cost incurred in responding to, or in the submission of, a response.

The City, at its sole discretion, reserves the right to accept or reject in whole or in part, submittals received in response to this request, to negotiate with any qualified source, or to cancel in whole or in part, this RFP. All submittals will become the property of the City. Failure to provide any requested data within the specified submission period may cause the City, at its sole discretion, to reject the submittal or require that the data be submitted forthwith.

No real estate commission or finder fee will be paid on this transaction by the City. No City funds or fee waiver are contemplated for this RFP.
APPENDIX 1 – FURTHER DESCRIPTION OF Town Center II SITE\(^1\)

Site Boundary:   Galindo Street, Concord Boulevard, and Clayton Road

Site Size:      Approximately 3.0 acres

Topography:     The site is essentially flat

Existing Zoning: Downtown Mixed Use (DMX) within a transit station overlay district (TS)

GP Designation: Downtown Mixed Use (DTMU)

\(^1\) The developer, through independent site investigation, should verify all site information. The City of Concord accepts no liability for the accuracy of this information.
APPENDIX 2 – ADDITIONAL BACKGROUND MATERIALS

Interested parties may review the following at the links provided:

5. Transit Station Overlay District (TS) (http://www.codepublishing.com/CA/Concord/?Concord18/Concord18105.html#18.105.010)
7. City of Concord Website (http://www.cityofconcord.org/)
Montagh, John

From: John Dalrymple <dalrymplej1602@gmail.com>
Sent: Tuesday, December 3, 2019 11:00 AM
To: Montagh, John

"Warning: this message is from an external user outside of the City of Concord and should be treated with caution."

Here's some suggested language for the RFP criteria:

Substitute:

"Track record of entering into a PLA with the Trades Council"

to

"Track record of entering into PLAs or other similar agreements with construction unions that ensure support for area apprenticeship programs, access to skilled and trained workers, and the protection of area wage standards."

and add as an additional selection criteria: "The quality and enforceability of commitments to maximize local construction employment opportunities, provide workforce training through the support of apprenticeship programs, and ensure the protection of area standard wages for construction work.

Please call if you have questions

John Dalrymple
(510) 316-5184
819 Foothill Blvd
Oakland, California 94606

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December 4, 2019

Carlyn Obringer and Tim McGallian
Housing and Economic Development Committee
City of Concord
Successor Agency to the Redevelopment Agency
1950 Parkside Dr.
Concord, CA 94519

Re: City sale of parcel number 126-143-012, 1765 Galindo Street

Dear Mayor Obringer and Vice-Mayor McGallian:

At the November 18, 2019 meeting, the Committee on Housing and Economic Development (the “committee”) stated that it intends to prepare an RFP for City Council consideration for the disposition of the parcel at 1765 Galindo Street (the “Galindo parcel”).

We strongly object to the City’s decision to move forward with a competitive bid process without first complying with the requirements set forth in the Surplus Land Act (“SLA”). The SLA requires local agencies to prioritize affordable housing developments when disposing of surplus public land, such as the Galindo parcel. (Cal. Gov. Code, Section 54220 et. seq.) In order to comply with the SLA, the City must first solicit proposals from affordable housing developers, prioritize proposals that include the highest number of the most deeply affordable units, and respond to notices/letters of interest from affordable housing developers by negotiating in good faith for a period of 90-days.

Regardless of these legal requirements, we believe that affordable housing is the most urgent need and highest priority use of this site for Concord residents. For this reason, we urge the City to consider only project proposals for the Galindo parcel that are predominantly residential and include at least 25% of units affordable to low- and very low-income households. At the November 18th meeting, numerous Concord residents expressed deep concern about the inadequate supply of affordable housing in Concord, and the negative impacts that is having on the community. The vast majority of comments pressed the City to use the Galindo parcel, a crucial piece of public land, to generate affordable homes.

In addition to the failure to follow the SLA, the proposed content and process surrounding the RFP and development of the Galindo parcel are also deficient in a number of other ways. Overall, the City should establish a transparent process that includes community representation and engagement at each key step in the decision-making process including but not limited to the development of the RFP, proposal review and selection of finalists, project selection, and project design. The City should also require the following of RFP respondents:
1. Proposals must include a robust community engagement process over the course of project development that gives a voice to those most impacted by the housing crisis and includes partnering with community-based organizations.

2. Proposals must include specifics about affordable housing commitments that respondents propose, including: number and percentage of affordable units; income eligibility levels; number of bedrooms in affordable units; integration of affordable units into market-rate construction; and whether public subsidies will be requested for affordable housing construction.

3. Proposals must include public information on community benefits issues and project design, such that community representatives can assess proposed projects, and weigh in with decisionmakers.

The City's project selection process must be clear and predictable, with specific criteria included in the RFP. Responses must be made public in relevant points, and the City should hold a public hearing to consider stakeholder input prior to selection of the developer.

Our Coalition strongly urges the City to comply with both the letter and spirit of the Surplus Land Act, and prioritize affordable housing development for the benefit of Concord residents.

Sincerely,

The Community Coalition for a Sustainable Concord (CCSC)

CCSC is a labor-community-environment coalition including the Central Labor Council of Contra Costa County, Monument Impact, East Bay Housing Organizations, Greenbelt Alliance, East Bay Alliance for a Sustainable Economy, UNITE HERE, Public Advocates, the Multi-Faith Action Coalition, and more; legal support provided by PolicyLink and Public Advocates.
"Warning: this message is from an external user outside of the City of Concord and should be treated with caution."

To: Andrea Ouse, Community and Economic Development Director
   John Montagh, Economic Development Manager

From: George Fulmore

Subj: Town Center II Property Considerations

Date: November 19, 2019

My goal for a development in the Town Center II location would be a structure that would primarily be for housing, but that would also somehow merge or connect the housing communities on both sides of the development.

On the Clayton Rd side, this is primarily housing for working class Concord residents. There is a combination of single-family homeowners and renters, plus homeowners and renters in condominiums, and renters in apartments.

On the other side are the Renaissance rental/ownership properties, which rent at a substantial amount higher than rentals south of Clayton Rd., approximately 50% and higher.

The populations of these two groups are economically different. But how nice it would be if a development between them could somehow merge the two. A rental complex with a blend of low-low rent up to market rate could be an appropriate structure.
Concord needs more affordable housing. That needs to be a priority. A new structure on that location only with market-rate apartments would not be appropriate, in my opinion. This is land that is controlled by the City of Concord. It is appropriate that this land serve our common good and be reflective of the residential communities in that area.

The new development should have some kind of interaction facilities, e.g., meeting rooms or a plaza with coffee shops and such, or some areas or rooms for youth activities, etc. In this way, the new development could offer facilities appropriate to the communities on both sides of this new development.

I do not agree that the future use of our available affordable housing monies should go to renovating existing properties. That does not add new affordable housing to Concord. It does not add numbers. And it leads to the forced relocation of some of the tenants who have lived at the complex for many years. Instead, I think that the available affordable housing funds should go toward more new affordable housing. It may be appropriate that some of our remaining affordable housing monies be used for a new development on the Town Center II property.

Finally, I do think that members of the adjacent community, south of Clayton Rd, should have collective input to this discussion, now and as it proceeds. Dominic Aliano is the Council member that represents the area. He needs to get involved in this process by contacting these residents, holding meetings, and/or otherwise gathering input from his constituents about any new construction in this very important area of Concord.

Sincerely, George Fulmore

Concord, CA

Cc: Dominic Aliano, City Council member for District 3