



Staff Report

Date: November 14, 2023

To: City Council/City Council Sitting as the Local Reuse Authority

From: Valerie J. Barone, City Manager

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Subject: **Study Session on BCUS Acquisitions LLC's (Brookfield's) conceptual land use plan for the development of the former Concord Naval Weapons Station and draft Outreach program for public engagement during the future Specific Plan process.**

CEQA: Not a project/exempt pursuant to Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c)(2), 15262, 15378, and/or 15061(b)(3).

Report in Brief

Brookfield is preparing a conceptual land use plan and conceptual financial proforma as the basis for a Term Sheet to be negotiated with staff and accepted by the Local Reuse Authority (LRA) at a future meeting.

This study session provides the City Council and public the opportunity to hear and comment on Brookfield's thinking about a conceptual land use plan that can translate the adopted Area Plan into a successful Specific Plan. Brookfield will also map out their current and future community outreach efforts.

The LRA team and Brookfield are in the process of negotiating the business terms of the Term Sheet. The conceptual land use plan serves as the basis for determining the numbers (acreage/units/square footage) and dollars (revenue/costs) that drives the conceptual financial proforma demonstrating a project that works. The Council's input at this Study Session on the conceptual land use plan will help both the LRA team and Brookfield return with an acceptable Term Sheet for future City Council consideration. Staff anticipates returning to Council with a Term Sheet on January 16, 2024.

Recommended Action

Conduct Study Session:

- Hear Staff and Brookfield presentation,
- Ask clarifying questions,
- Take public comment, and
- Provide Council input on the concept plan and the public process to Brookfield and staff.

Background

The City Council, acting as the Local Reuse Authority, entered into an Exclusive Agreement to Negotiate (ENA) with Brookfield Properties regarding the development of the Community Reuse Project at the former Concord Naval Weapons Station on September 19, 2023.

Brookfield is using BCUS Acquisitions LLC as their acquiring entity.

The ENA creates a Preliminary Stage negotiation period of 120 days to allow Brookfield to prepare and propose a Term Sheet to the LRA. The parties are currently in the middle of the Preliminary Stage negotiation period and plan to return to the City Council with a Term Sheet on January 16, 2024.

Analysis

During the Council meeting on November 14, staff and the Brookfield will make a presentation to Council and cover the following topics:

- Reuse Project Status – What’s a Term Sheet? – See Attachment 1
- Brookfield Presentation – See Attachment 2
 - a. Community Outreach and progress to date
 - b. Engagement and Input during the Specific Plan process
 - c. Preliminary Project phasing and land use

After the meeting on November 14, LRA and Brookfield staff will complete the negotiation of the Term Sheet with the goal of releasing it to the City Council and public by January 2, 2024 for consideration by the City Council at a special meeting tentatively set for January 16, 2024.

Financial Impact

The work of the LRA to negotiate the Term Sheet is being paid for by a deposit made by Brookfield under the terms of the Exclusive Agreement to Negotiate.

Environmental Determination

This activity (i.e. this study session) does not commit the City to a definite course of action with respect to the subject property, and this activity does not constitute a “project” within the meaning of Public Resources Code Section 21065 and/or the California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(2), 15262, and/or 15378. Even if this activity is a project for CEQA analysis, it falls within the “Common Sense” CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3) where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No unusual circumstances exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. This determination reflects the City’s independent judgment and analysis. Appropriate CEQA analysis will occur in connection with formal negotiations for the Disposition and Development Agreement for the Reuse Project property.

Public Contact

The City Council Agenda was posted. LRA staff posted this staff report with attachments to the Reuse Project website on November 7, 2023 and sent an e-mail announcing the meeting to those registered to receive such notifications on the City’s and Reuse Project’s website..

Attachments

1. LRA-Brookfield ENA Diagram
2. Brookfield Presentation