

UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA
Carpenters Local 713, Alameda County

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June 18, 2018

Mailed & Emailed

Attention: Board of Supervisors
County of Alameda
Administration Building
1221 Oak Street, Suite 555
Oakland, CA 94612

Re: Appealing Planning Commission Approval of MLC Holdings, Inc. Proposed Development (PLN2017-00164; APN 414-0046-058-02)

Dear Honorable Alameda County Board of Supervisors:

The **Carpenters Local Union 713 ("Local 713")** would like to submit the following letter appealing the Planning Commission's decision to approve the proposed MLC Holdings, Inc. development proposal at 20478 Mission Boulevard in Unincorporated Hayward ("the Project").

Local 713's union hall is situated on Mattox Road immediately next to the subject property associated with this proposed development. Local 713 would like to provide the following concerns and observations in response to the Planning Commission's approval of the proposed MLC Holdings development, for the Board of Supervisors appropriate evaluation before a final decision is reached for this project.

1. Appeal:

Local 713 is deeply concerned about the potential threat to the safety and well-being of its members, staff and visitors posed by the potential for exposure to hazardous materials deriving from the demolition of the buildings as part of the Project. The initial environmental study did not include the age of the buildings that the project would demolish, nor did it include any information on the exposure risks to hazardous lead-based or asbestos-containing materials that could be faced by construction workers, project neighbors, or future project occupants. For this reason, Local 713 would like to appeal to the Board of Supervisors to direct the Planning Department and applicant to prepare a Phase I Environmental Assessment and circulate a Mitigated Negative Declaration document for this project.

Rationale:

The developer is proposing to demolish buildings on the property previously used at various points for industrial uses. The buildings' floor area total approximately 60,000 square feet. Building construction at the site occurred in 1948, while commercial real estate market intelligence company CoStar reports that the effective year built of the property was 1952.

Phase I Environmental Site Assessments typically note that on-site structures built prior to 1978 may include asbestos-containing building materials. Lead-based paint may be present both on painted surfaces and on exposed soil surrounding painted structures that are the age of those at the site.

The most recent Planning Staff report states that per CEQA Section 15162 and 15164, an addendum to the *Ashland and Cherryland Business District Specific Plan* Final EIR was necessary to be in conformance with the statute. Local 713 believes that the sole environmental review document that the project relies upon - First Carbon Solutions' Initial Study dated May 1, 2018 - inadequately addresses the *Eden Area General Plan's* Policy P6, Goal SAF-4 to "Minimize Eden Area residents' exposure to the harmful effects of hazardous materials and waste." The policy delineates that a project must, as a pre-condition for receiving planning approvals, conduct environmental investigation "to ensure that soil, groundwater and buildings affected by hazardous material releases from prior land uses and lead or asbestos in building materials will not have a negative impact on the natural environment or health and safety of future property owners or users" (emphasis added). To paraphrase CEQA Section 15162, a subsequent EIR would be necessary if the lead agency identifies, "Significant effects previously examined will be substantially more severe than shown in the previous EIR." Local 713 feels that the safety to the public and our members is warranted of further investigation that adequately addresses these environmental issues.

2. Appeal:

Local 713 appeals to the Board of Supervisor to urge the applicant to collaborate and engage with their direct neighbor as a condition of approval of this proposed development project.

Rationale:

Local 713 is concerned with the lack of outreach or collaboration from MLC Holdings, Inc. because as their adjacent neighbors we share a property line with this proposed development. Despite that building demolition at the site could entail encroachment onto the union's property through building materials, workers, and/or equipment, MLC Holdings has yet to contact Local 713 to discuss entering into good faith agreements that would address this concern.

3. Appeal:

Local 713 wishes to raise the failure of this project to contribute to sustaining a skilled and trained construction craft workforce in Alameda County at a time when local contractors and news reports claim that shortages of skilled workers exacerbates the Bay Area's housing shortage.¹ As such, Local 713 appeals to the Board of Supervisors to condition any departure from General Plan policies upon a condition for Project build-out to employ state-registered construction trades apprentices at appropriate ratios for a majority of the apprenticeship hours worked on the project.

Rationale:

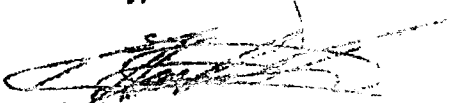
It is Local 713's desire to protect the wages, benefits, working conditions and job opportunities for Alameda County-resident construction workers who depend on this work for a livelihood. More than 17,000 Alameda county construction industry employees live within a 10 mile radius of the Cherryland district. This constitutes more than 50 percent of the county's total construction industry workforce. However, Local 713 understands that the developer-applicant has no requirement in place for its contractors or subcontractors to employ local residents, apprentices participating in a Joint Labor-Management State Certified Apprenticeship program or journey-level workers on this project or any of the developer's other projects.

¹ See Baldassari, Erin and Marisa Kendall, "Hidden cost of housing: How a shortage of construction workers is making our crisis worse," East Bay Times, February 25, 2018, accessed via <http://www.eastbaytimes.com/2018/02/25/hidden-cost-of-housing-how-a-shortage-of-construction-workers-is-making-our-crisis-worse/>

It also is the understanding of Local 713 that the applicant and sponsor of the project have made no commitment to require its general contractor or project sub-contractors to pay wages and benefits established by Carpenters on all of their projects all of the time. Through failures to make such commitments, real estate developer-builders finance downward pressure on wages, fringe benefits, and training standards for crafts represented by the Carpenters. The developer-applicant may not intend to have this effect on Carpenter crafts, but this effect is real and has serious consequences for the health of the industry throughout Alameda County and the larger Northern California region.

Local 713 would like to thank the Board of Supervisors for the opportunity to submit this letter. Should you have any questions or require additional information please contact Carpenters Local Union 713 Research Analyst Lorena Guadiana by emailing lguadiana@nccrc.org.

Sincerely,



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