

June 27, 2023

Ms. Elaine Lister, Director of Community Development
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691

RE: Comments on the City of Mission Viejo's Revised 2021-2029 Housing Element

Dear Elaine,

Thank you for allowing the public an opportunity to provide comments. I would like to commend the city for taking the time and effort in substantially re-writing the Housing Element. It is a great improvement from the prior version and I am very excited for the following housing programs:

- 1) Program 8: Affordable Housing Development- in particular, I want to highlight one of the following 2021-2029 actions: "encourage affordable housing developers to include large units (with three or more bedrooms) suitable for family living to help alleviate overcrowding issues. Aim to achieve 25% of affordable units to be targeted for large households."¹ There is a dire need for large family housing in the city and this is a much-needed action from the city.
- 2) Program 14: Inclusionary Requirements- in 2023, the city will conduct a feasibility study on the inclusionary housing program.²

The city is moving in the right direction and should continue to be strategic in prioritizing the development of rental housing for lower income households. This will create a more successful path that ensures affordable housing will be built and be counted towards the City's lower income RHNA. The following are my recommendations:

- 1) **As a condition of compliance, there should be a mid-cycle review/adjustment if production is not moving forward on identified sites for lower income households and if production falls short of the expected yield during the first half of the planning period.** The city should also respond to market conditions. If the city's housing programs and strategies are not successful in generating affordable housing development interest during the first half of the planning period, the city should re-evaluate the effectiveness

¹ City of Mission Viejo 2021-2029 Housing Element, p.90, June 2023.

² City of Mission Viejo 2021-2029 Housing Element, p.90, June 2023.

of existing programs and update it. In addition, the city should also consider identifying additional sites.

- 2) **Site 3 is owned by the Mission Viejo Housing Authority and it should be prioritized and developed exclusively for affordable housing in which 100% of the units are affordable to lower income families.** When land is publicly-owned, the City has the ability and more control to negotiate this development for affordable housing. While Site C was identified in the 5th cycle and overlaps with site 3, Site C should still be considered as an individual site. **Site C should be subject to AB 1397 and require by-right approval with a 20% set aside for lower income households.**
- 3) **Include a stand-alone program that allows by-right development for new residential developments in which 100% of the units are affordable to low-, very low- and extremely low-income households.** Related Companies of California performed a housing feasibility analysis on the City's sites inventory and assessed the TCAC amenity score for each site. While the amenity score is an important consideration in the confirmation of site selection and the analysis confirms the potential yield and capacity for affordable housing units, it does not necessarily mean affordable unit will be built.

The city is currently heavily relying on default densities of 30 units per acre to accommodate the lower income RHNA. In particular, a majority of the opportunity sites go beyond 30 units per acre (i.e., RPD 50 and RPD 80). It is important to note that higher density alone or mixed-use designations does not necessarily produce affordable housing. Density and effective housing policies should go hand-in-hand. Housing policies such as by-right development for 100% affordable developments OR a set aside of 20% affordability should be created in order for these higher densities to be more effective in producing affordable housing.

- 4) **Provide additional insight on how long the existing leases or contracts on sites such as Site 4/ Idyllwillow Apartments and Site 11/ Vista Del Lago Apartments.** The City held conversations with the owners for Site 4/ Idyllwillow Apartments and Site 11/ Vista Del Lago Apartments and they both are open to "increasing density" on the properties. However, there is no indication that they are interested in building affordable housing for lower income households.
- 5) **Revise the language for Program 14: Inclusionary Requirements by replacing the word "explore" to the following: "commit to creating and implementing an inclusionary housing program."** For inclusionary to be effective in addressing our unmet housing needs, we need to create **deeper affordability** for new rental units that target very low-income households. Setting aside inclusionary units, especially for moderate-income households, will not help address the city's lower income affordability crisis. More importantly, the construction of moderate-income units will not help count towards our VERY HIGH lower income RHNA goals.

Instead of a city-wide inclusionary housing program, the city should have different affordability set-aside for different parts of the city or specific projects. **For proposed projects on sites that have a high potential for large residential developments, the affordability set-aside should be higher than other projects. In particular, opportunity sites that were rezoned in October 2021 or will be rezoned should trigger housing requirements with a higher set-aside of at least 20 percent. The proposed projects on these sites, especially the ones that were rezoned at higher densities to RPD 50 and RPD 80, should also have a higher in-lieu fee than other projects or areas of the city.**

By creating overlays rezoning, and upzoning to higher densities, the City increased the potential value of the property. For landowners, this is an added benefit for future entitlement of their property that will allow a more valuable use. Since the city gave away leverage and potential development incentives in exchange for nothing in return, it would not be unreasonable to couple affordable housing requirements on these sites. On the other hand, for smaller proposed projects, the set-aside and in-lieu fees should be lower.

Thank you and I look forward to working with the city to identify new rental housing opportunities that will be affordable to lower income households.

Sincerely,

Linda Tang

Elaine Lister

From: talldi <talldi@aol.com>
Sent: Tuesday, June 27, 2023 11:33 AM
To: Robert Ruesch; Brian Goodell; Wendy Bucknum; Elaine Lister; Cynthia Vasquez; Trish Kelley
Subject: MV Housing Element comments

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June 27, 2023

Dear Council Members,

As a Mission Viejo resident I do not agree with the The Housing Element Mandate from the state but if we have no other alternative then I would like to give you my opinion on the site locations.

All sound ok except the site called site 5, the Commerce Center on La Paz. The traffic will be horrendous so close to the center of town.

Thank you,

Diane Berger
25256 Terreno Drive
Mission Viejo Ca. 92691

Talldi@aol.com

Sent from my iPad

To: cd
Subject: Thanks for the Building Info

From: Felicia Harbor <luv2talk73@gmail.com>
Date: June 27, 2023 at 11:11:17 AM PDT
To: Elaine Lister <elister@cityofmissionviejo.org>
Subject: Thanks for the Building Info

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Good Morning,

I attended a meeting last week about affordable housing development. I liked your ideas and efforts on the chosen sites, except for Site 5. Too many more problems with traffic on La Paz and not enough research done by developers to deal with it.

Just wanted you to know that I appreciated the information.

Thanks,

Felicia Golemo

To: cd
Subject: MV Housing Element

From: Nonny Kristina Bailey <nonny@baileyindllc.com>

Date: June 27, 2023 at 11:14:04 AM PDT

To: Robert Ruesch <rruesch@cityofmissionviejo.org>, Brian Goodell <bgoodell@cityofmissionviejo.org>, Wendy Bucknum <wbucknum@cityofmissionviejo.org>, Elaine Lister <elister@cityofmissionviejo.org>, Cynthia Vasquez <cvasquez@cityofmissionviejo.org>, Trish Kelley <tkelley@cityofmissionviejo.org>

Subject: MV Housing Element

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Dear Councilmembers

I have reviewed the general plan for the Mission Viejo Housing Element, as mandated by the State Department of Housing and Community Development. I'll hold back my thoughts on the State mandating anything and address the challenge at hand.

I think the City Council has done a pretty good job of trying to implement these challenging requirements.

The 12 sites recommended by the City Council I agree with except for Site 5, the Commerce Center on La Paz. I believe this site would be unsuitable for housing for the same reason the Garden Plaza was unacceptable, the traffic, the school locations and the congestion, near the busiest intersection in Mission Viejo.

I do support the 15% maximum for mandatory affordable housing projects recommended by the city planning commissioners.

Implementation of City Standards for developers and a "No Housing Zone" for downtown Mission Viejo.

I sincerely hope the council members will take these comments under consideration.

Thank you.

Nonny Kristina Bailey

25256 Terreno Drive / Mission Viejo



25256 Terreno Drive, Mission Viejo, CA 92691, USA
949-233-8664 | nonny@baileyindllc.com

To: cd
Subject: Public Comment: 6.27.23 CC Agenda Item 19: Revised Housing Element

From: Catherine Palmer <cpalmer@uci.edu>

Date: June 26, 2023 at 8:13:17 PM PDT

To: Brian Goodell <bgoodell@cityofmissionviejo.org>, CityAdmin <cityadmin@cityofmissionviejo.org>, CityCouncil <citycouncil@cityofmissionviejo.org>, CityManager <citymanager@cityofmissionviejo.org>, Cynthia Vasquez <cvasquez@cityofmissionviejo.org>, Robert Ruesch <rruesch@cityofmissionviejo.org>, Trish Kelley <tkelley@cityofmissionviejo.org>, Wendy Bucknum <wbucknum@cityofmissionviejo.org>, Elaine Lister <elister@cityofmissionviejo.org>, CityClerk <cityclerk@cityofmissionviejo.org>

Cc: cesarc@kennedycommission.org, housingelements@hcd.ca.gov

Subject: Public Comment: 6.27.23 CC Agenda Item 19: Revised Housing Element

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Please include the comment below as part of the Public Record for the June 27, 2023, City Council Agenda Item 19: General Plan Amendment GPA2021-35 - Revision to City-Initiated Petition Related to the City's Housing Element Update as Required by State Law to Address the State's 6th Housing Cycle for the Years 2021-2029

6.27.23

Dear City Council Members,

First, I would like to commend Elaine Lister and her staff for working with Related California to produce a much-improved revised 6th cycle Housing Element. I appreciate the analysis included with each site and the ease with which one can find relevant information about them. Although I have some questions about the viability of Site 3, I appreciate the decision to include small, low-performing commercial/retail sites like the Commerce Center on La Paz as sites for rezoning. I have already communicated my concerns about the 49% affordability ratio on each site to Director Lister, so I will not repeat them here. I appreciate the time and patience that Ms. Lister and her staff took to answer questions and provide information in public workshops about the HE.

I urge that City Council to adopt the Housing Element and to take seriously the Planning and Transportation Commission's, recommendation that the City adopt an Inclusionary Housing Ordinance which would require and/or provide incentives for developers to include a minimum number of affordable units in developments that would otherwise be market rate.

I also support the development of Objective Design Standards which will allow the City some control over the architecture of new developments.

I see many benefits in providing more housing units in Mission Viejo. More housing results in increased revenue to the city because of property taxes. According to Cheryl Dyas's review of the city reserves, about 50% of the city's income is from property tax. Property taxes are a more reliable source of revenue than sales tax, which makes up about 25% of the city's revenue, but can fluctuate wildly during recessions and pandemics. People who live in Mission Viejo spend their money in Mission Viejo, which will result in increased sales tax revenue. We can reduce traffic and support better air quality by

locating housing near public transportation. And we are helping the next generation to build wealth by providing entry-level housing options like condominiums and townhouses.

I want to share a few thoughts I had after listening to the residents who complained about the ADUs being built in their neighborhoods. The first is that I don't think that ADUs are a solution to the lack of affordable housing challenge we are facing all over California. For one thing, there really isn't any mechanism to determine what the rent will be for such units, let alone make sure that the rent is affordable. The second is that the argument of state overreach can be countered by the fact of municipal underreach. The State has a goal to provide sufficient housing for its residents of all income levels. If municipalities had done a better job of meeting those housing requirements, the State would not have been compelled to take such draconian measures to make building new housing, including ADUs easier. My concern is that if cities like Mission Viejo don't make demonstrable progress towards building more housing during the 6th Housing Element cycle, the State will impose even more draconian measures so that new housing will be built. In other words, we could find ourselves in a situation where a developer like Avalon Bay simply states they are going to build 350 new apartments on the corner of La Paz and Marguarite and there won't be anything the City can do to stop or even modify such a development.

In conclusion, I would like the Council to **adopt the revised Housing Element AND work to meet the housing goals in it**. Adopting an Inclusionary Housing Ordinance will send a clear message to the State Housing and Community Development agency that Mission Viejo takes the Housing Element seriously and is committed to working with developers who can build the units we need to meet our RHNA requirements.

Thank you for the opportunity to comment. I would like to see the City devote as much time, effort, and positive energy to promoting and building affordable housing as they are to promoting "sports tourism", building a parking structure at the Oso Creek Golf Course, and marketing the "Core Area Vision Plan."

Yours sincerely,

Cathy Palmer
Mission Viejo resident, homeowner, and tax payer since 1989

To: cd
Subject: Statement and Support "StopThe Monster" Carlos Pianelli

From: Carlos Pianelli <c7pianelli@aol.com>
Date: June 23, 2023 at 1:24:16 PM PDT
To: Carlos M Pianelli <c7pianelli@aol.com>
Cc: Robert Ruesch <ruesch@cityofmissionviejo.org>, Brian Goodell <bgoodell@cityofmissionviejo.org>, Wendy Bucknum <wbucknum@cityofmissionviejo.org>, Elaine Lister <elister@cityofmissionviejo.org>, Cynthia Vasquez <cvasquez@cityofmissionviejo.org>, Trish Kelley <tkelley@cityofmissionviejo.org>
Subject: Statement and Support "StopThe Monster" Carlos Pianelli

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Dear City Council

I am not a commissioner, project manager or a developer. But what I do have in common with all of you is that I live here in Mission Viejo.

I have no political aspirations, but like all of you I have gone out and met with the citizens of Mission Viejo.

I have canvassed and have spoken face to face with so many concerned citizens of our great city that I understand you better than outsiders do. We are all proud of our city, our way of life and we take a vow to protect and serve.

Outsiders don't even live here in Mission Viejo and simply do not respond to our people. Whether it's for political gain or financial profit they simply can't see that the citizens are the most important responsibility for our elected officials.

As a citizen I take this responsibility seriously. To me it's to inform and protect our citizens from those who want to harm our way of life.

With recent events from Sacramento the quality of life for all of us including you here in Mission Viejo could be in danger.

The July 2nd new housing laws will go into effect and what the city can and can't do will be part of your legacy. Whether that's fair or not, it's the task you have in hand.

No one can deny the fact that city council has a daunting task dealing with what Sacramento is doing, that to take power away from local government. But if we can slow them down or stop them long enough to reach the 2024 Election year we have a chance. An opportunity to overturn various insane laws from Sacramento.

I say this because there are groups working to get petitions on the upcoming 2024 Ballot for both housing and rent control.

I support the full efforts of Elaine Lister and the 12 sites of the housing plan with the exception of the Commerce center.

I believe that the commerce center is too close to downtown Mission Viejo and would cause another nightmare of traffic added to the traffic we already have. Couple that with the potential Village center becoming the Core Vision Plan we could be looking at major grid lock if **Housing were to be allowed at the location.**

The **Stop the Monster organization is not anti housing.** We are for smart and common sense housing. There are plenty of quality housing projects that the city council has achieved.

As for now, the City campaign has begun to show and explain to the public the REVISED GENERAL PLAN HOUSING ELEMENT UPDATE with June 27th date being the most critical of all upcoming meetings.

WE support the mandatory 15% for affordable Housing for all new housing development projects stated by the city planning commissioners.

As for our own "Stop The Monster" survey, Citizens (90%) clearly want a restoration of the Garden Plaza and reject the idea presented by Avalon Bay and Value Rock, that of building housing up against residential neighborhoods in downtown Mission Viejo.

In the event the CCR's at the village center are overturned and housing allowed. Well lets just say it would upset a lot of your fellow citizens. I think **Mayor Goodell** said it best when speaking on the subject when he said **"Its water under the Bridge"**

It was only 10 to 12 weeks ago that the city with the help of **City Councilwoman, Wendy Bucknum** brought attention to the need for standards for the city prior to the July 2nd deadline. Shortly thereafter the city voted for a \$150,000 fee for a consultant.

In closing

We face a number of new housing laws including SB 6, AB 2011 and others.

On Tuesday June 27th, my hope is that the city will move forward and vote on standards.

To add the following

***mandatory 15% for affordable** housing for all new housing development projects

*mandatory Traffic and environmental studies for all new developmental projects

*mandatory and full compliance of parking spaces for each new developmental project

*No Tree can be cut down without prior city approval and public notice

If we can't get Mission Viejo standards voted on and in the books prior to July 2nd it will all be for not.

Good luck and remember we the citizens of Mission Viejo support you and your efforts
In doing what is best for the city.

Carlos Pianelli

“Stop The Monster”

From: Angela Hannis
Sent: Thursday, June 8, 2023 3:02 PM
To: Community Development
Subject: public comment on MV 6th cycle housing element June 2023

On Jun 7, 2023, at 4:57 PM, Ann Owens <annowens@cox.net> wrote:

To: Mission Viejo Planning Commission Chair Blum, Vice Chair Molinari, and Commissioners Breton, Brewer, and Disney.

From: Ann Owens, Mission Viejo Planning Partnership Chair

Date: June 7, 2023

The Mission Viejo Planning Partnership is a group of local advocates who work for affordable workforce housing in Mission Viejo.

We have read the newest draft of the Mission Viejo 6th Cycle Housing Element and wish to comment on the following items:

1. We want to applaud the city for hiring Related California to help them analyze the feasibility of the proposed housing element sites. The amount of information about each site has increased and shows more depth of vetting.
2. In your proposals you stated that the city was planning on conducting a feasibility study on adopting an Inclusionary Housing Policy. We strongly suggest that you follow through on this proposal. The necessity for this is obvious when you look at what is being proposed for the Miner's Village project. The last proposal included only 5% for low- income housing. Our recent conversations with Avalon Bay have also shown that they are not considering any more than 10% at the most for the new proposal. Developers will never offer this without a city law in place.
3. This brings us to the next point. On all of your sites the amount of low and very-low income housing is almost the same number as higher cost housing. For example, site 1, The Silverado Plaza, has 31 low and very- low units and 32 moderate and above moderate. Each site has a similar distribution of units. This means a developer would have to build 50% of the housing for low- income residents. This is not something we have ever seen done and does not work out financially for any company. The usual amount that is offered is 15% at most. Therefore, we suggest that you create more housing sites so that the amount of workforce housing on each site is more realistic and more likely to be accomplished.
4. We also encourage you to reach out to National Core, Jamboree, and Related California to create a whole site of low-income housing for Mission Viejo. Any help that you can give to expedite their projects would be appreciated.
5. Support of Affordable Housing. Page 89 states that the city will provide financial support if available. This is very vague terminology. It seems the city has run out of money due to its Central Core real estate expansion and now has no money to help encourage low- income housing.
6. ADU's – On p. 68 you have Table IV-2 that states 44 ADU's will be for low and very- low renters. What process besides a vague reference to state and local funding sources does the city intend to use to make sure this is carried through? Words such as "Evaluate the feasibility of applying

for funding available at the State to assist lower and moderate-income homeowners to develop ADU's" does not show confidence in the city's ability to accomplish this task.

7. Former site C, now Site 3 Underdeveloped land, has a lengthy list of construction considerations before this site is usable eight years from now. We look forward to the city sharing its research analysis and technical expertise on this site in 2026. We will be looking for this promised information.

We feel everyone understands the need for workforce housing to be built if our community is going to thrive and entice young families to settle here. We hope that the city will be aggressive in its outreach to builders to accomplish such a task. Thank you for listening to our concerns. We hope to be able to work with you in the future if you wish to continue outreach to the community

Cc: HCD

Cesar Covarrubias, Kennedy Commission

Rona Henry – Welcoming Neighbors Home

Mayor Goodell

Mayor Pro Tem Trish Kelley

Cynthia Vasquez, Wendy Bucknam and Rober Ruesch of City Council

From: Angela Hannis
Sent: Friday, June 9, 2023 8:05 AM
To: Community Development
Subject: FW: Mission Viejo Revised Housing Element

From: Rona Henry <rona.s.henry@gmail.com>
Sent: Monday, June 5, 2023 12:14 PM
To: Joe Blum <jblum@cityofmissionviejo.org>; Robert Breton <rbreton@cityofmissionviejo.org>; Gary Disney <gdisney@cityofmissionviejo.org>; LaVal Brewer <lbrewer@cityofmissionviejo.org>; Peter Molinari <pmolinari@cityofmissionviejo.org>
Cc: Kent Doss <rev@tapestryuu.org>; colin.cross@hcd.ca.gov; Cesar Covarrubias <cesarc@kennedycommission.org>; Ann Owens <annowens@cox.net>; Goodell-bgoodell@cityofmissionviejo.org; Wendy Bucknum <wbucknum@cityofmissionviejo.org>; Cynthia Vasquez <cvasquez@cityofmissionviejo.org>; Trish Kelley <tkelley@cityofmissionviejo.org>; Robert Ruesch <rruesch@cityofmissionviejo.org>; CityClerk <cityclerk@cityofmissionviejo.org>
Subject: Mission Viejo Revised Housing Element

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To: Mission Viejo Planning Commission Chair Blum, Vice Chair Molinari and Commissioners Breton, Brewer and Disney

From: Rona Henry, Chair, Welcoming Neighbors Home
Rev Kent Doss, Minister, Tapestry Unitarian Universalist Congregation

Date: June 5, 2023

Welcoming Neighbors Home is a ministry of Tapestry Unitarian Universalist Congregation and we have members who live in Mission Viejo.

Our volunteers have reviewed the [revised Mission Viejo 6th Cycle Housing Element Draft](#) and have the following comments.

- We strongly support the City's plan to conduct a feasibility of adopting an Inclusionary Housing Policy. Other OC cities have adopted such policies and they have proven to be effective. There is a critical need for housing at the lowest income levels therefore we urge you to adopt a policy that require 5% extremely low income, 5% very low income and 5% low income. At the same time, we urge you to address the need for workforce housing instead of further development of "luxury apartments".
- We ask that the City actively recruit developers to the City to build some 100% affordable developments. Such developments will really help to address the City's RHNA goals.
- We appreciate the extra details that have been included in the Housing Inventory. One thing that stood out to us was that the percentage of each site allocated for lower income units seemed unrealistically high. When considering market rate housing that includes affordable units, we rarely see it include more than 15% affordable housing. We ask the City to designate more sites for housing and assume less per site for affordable housing so the inventory will more accurately reflect the economic feasibility of such units being built.

Thank you for your service.

Cc: Colin Cross, HCD

Cesar Covarrubias, Kennedy Commission
Ann Owens, Mission Viejo Planning Partnership
Mayor Goodell
Mayor Pro Tem Kelly

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Rona Henry
Chair, Welcoming Neighbors Home Initiative
Tapestry, a Unitarian Universalist Congregation
rona.s.henry@gmail.com 609-216-1784

From: Linda Shepard <linda92shep@gmail.com>
Sent: Friday, June 9, 2023 9:54 PM
To: Community Development
Subject: Mission Viejo Planning and Transportation Commission Agenda - citizen comments

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Dear sirs,

I cannot attend the upcoming Planning and Transportation Committee meeting.
I DO have concerns.

My main concerns are:

- 1) Desalination plants up and down the coast will allow NEW communities to be built that will be less expensive. We need whole new communities, not expensive in-fill housing.
- 2) Affordable housing is a category of income and has nothing to do with whether or not the potential owner can afford the house. They most likely cannot afford the house without significant subsidies by local and state government. This is a wealth transfer from one group of taxpayers to another. The taxpayers doing the subsidizing cannot afford to help their own children buy a home here, why should they be forced to help others?
- 3) The State is usurping local control by forcing housing requirements on cities.
- 4) The State has mismanaged water and, with outrageous government fees of well over \$150,000 per housing unit, makes new housing extremely expensive.
- 5) Property is expensive due to supply and demand. Restricted supply because of both poorly managed water supply and state restrictions on building in any new areas, has caused the LAND value portion of homes to quadruple in the past 20 some years. Sticks and bricks cost relatively the same around the country. For a vast state, we should have more buildable areas and land prices will go down, which will help make housing more affordable for ALL.
- 6) This Commission and our city council should fight this over-reach by Sacramento. Join with other cities and take a stand. How is this any different from Sacramento wanting the entire state to be a sanctuary state? OC fought that.

Respectfully submitted,

Linda Shepard

P: (626) 314-3821
F: (626) 389-5414
E: info@mitchtsailaw.com



139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

June 12, 2023

City Clerk
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92691
Em: cityclerk@cityofmissionviejo.org
Em: cd@cityofmissionviejo.org

**RE: City of Mission Viejo's revised General Plan Housing Element
Update – Agenda Item 3**

Dear City Clerk,

On behalf of the Southwest Mountain States Regional Council of Carpenters (“**Southwest Carpenters**” or “**SWMSRCC**”), my Office is submitting these comments for the City of Mission Viejo’s (“**City**”) June 12, 2023 Planning Commission meeting regarding the Revised General Plan Housing Element Update (“**Project**”).

The Southwest Carpenters is a labor union representing over 63,000 union carpenters in 10 states, including California, and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

The Southwest Carpenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearing and proceeding related to this Project. Gov. Code, § 65009, subd. (b); Pub. Res. Code, § 21177, subd. (a); see *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see also *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

The Southwest Carpenters incorporates by reference all comments raising issues regarding the Environmental Impact Report (EIR) submitted prior to certification of the EIR for the Project. See *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, the Southwest Carpenters requests that the City provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (CEQA) (Pub. Res. Code, § 21000 *et seq.*), and the California Planning and Zoning Law (“**Planning and Zoning Law**”) (Gov. Code, §§ 65000–65010). California Public Resources Code Sections 21092.2, and 21167(f) and California Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

I. THE CITY SHOULD INCORPORATE LANGUAGE THAT REQUIRE THE USE OF A LOCAL WORKFORCE TO BENEFIT THE COMMUNITY’S ECONOMIC DEVELOPMENT AND ENVIRONMENT

The City should incorporate language into the proposed Project requiring residential developments within the Project area to be built using local workers who have graduated from a Joint Labor-Management Apprenticeship Program approved by the State of California, have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program, or who are registered apprentices in a state-approved apprenticeship training program.

Community benefits such as local hire can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project site can reduce the length of vendor trips, reduce greenhouse gas emissions, and provide localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the

reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the University of California, Berkeley Center for Labor Research and Education concluded:

[L]abor should be considered an investment rather than a cost and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well-trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Furthermore, workforce policies have significant environmental benefits given that they improve an area’s jobs-housing balance, decreasing the amount and length of job commutes and the associated greenhouse gas (GHG) emissions. In fact, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program” can result in air pollutant reductions.²

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, available at <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, available at <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

include potential reductions in both vehicle miles traveled and vehicle hours traveled.³

Moreover, local hire mandates and skill-training are critical facets of a strategy to reduce vehicle miles traveled (VMT). As planning experts Robert Cervero and Michael Duncan have noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions given that the skill requirements of available local jobs must match those held by local residents.⁴ Some municipalities have even tied local hire and other workforce policies to local development permits to address transportation issues. Cervero and Duncan note that:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The city's First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

Recently, the State of California verified its commitment towards workforce development through the Affordable Housing and High Road Jobs Act of 2022, otherwise known as Assembly Bill No. 2011 (“**AB2011**”). AB2011 amended the Planning and Zoning Law to allow ministerial, by-right approval for projects being built alongside commercial corridors that meet affordability and labor requirements.

The City should consider utilizing local workforce policies and requirements to benefit the local area economically and to mitigate greenhouse gas, improve air quality, and reduce transportation impacts.

³ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, available at <https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁴ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, available at <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

II. THE CITY SHOULD INCORPORATE LANGUAGE IMPOSING TRAINING REQUIREMENTS FOR CONSTRUCTION ACTIVITIES TO PREVENT COMMUNITY SPREAD OF COVID-19 AND OTHER INFECTIOUS DISEASES INTO THE PROJECT.

Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁵

Southwest Carpenters recommend that the City adopt additional requirements to mitigate public health risks from various residential development construction activities. Southwest Carpenters requests that the City require safe on-site construction work practices as well as training and certification for any construction workers on residential developments.

In particular, based upon Southwest Carpenters' experience with safe construction site work practices, Southwest Carpenters recommends that the City require that while construction activities are being conducted at residential development sites (“**Project Site**”):

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.

⁵ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.

- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.⁶

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The City should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

Southwest Carpenters has also developed a rigorous Infection Control Risk Assessment (“ICRA”) training program to ensure it delivers a workforce that understands how to identify and control infection risks by implementing protocols to

⁶ See also The Center for Construction Research and Training, North America’s Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

protect themselves and all others during renovation and construction projects in healthcare environments.⁷

ICRA protocols are intended to contain pathogens, control airflow, and protect patients during the construction, maintenance and renovation of healthcare facilities. ICRA protocols prevent cross contamination, minimizing the risk of secondary infections in patients at hospital facilities.

The City should require the residential developments be built using a workforce trained in ICRA protocols.

Sincerely,



Mitchell M. Tsai
Attorneys for Southwest Mountain States
Regional Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

Contact C.D. for attachments

⁷ For details concerning Southwest Carpenters's ICRA training program, *see* <https://icrahealthcare.com/>.