



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

CITY OF MILPITAS - NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Milpitas City Council has been called. It is scheduled for 5:30 PM on Tuesday, June 30, 2020 via Teleconference/webinar only (no physical meeting space), which is permitted via California Governor's Executive Order.

Submit any Public Forum or Public Hearing comments during the meeting, to be read aloud, via form available online: <https://www.ci.milpitas.ca.gov/spcomment/>

For Public Hearing Item No. 1 only, voicemail message comments may be submitted to telephone number 408-586-3010 until 2:00 PM on June 30.

Meeting will be livestreamed. Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>

YouTube: <https://www.ci.milpitas.ca.gov/youtube>

Web Streaming: <https://www.ci.milpitas.ca.gov/webstreaming>

AGENDA

TUESDAY, JUNE 30, 2020

MILPITAS, CA

5:30 PM CLOSED SESSION

FOLLOWED BY PUBLIC/OPEN SESSION

CALL TO ORDER / ROLL CALL / PLEDGE

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code Section 54957.6

Agency designated representative: Rick Bolanos of Liebert Cassidy Whitmore

Employee Group: Milpitas Employees Association

(b) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District,

Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara

Santa Clara County Superior Court Case No. 18CV325480

(c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to California Government Code Section 54956.9(d)(2)

City as Defendant

Request from Tributary Agencies (Cupertino Sanitary District, Burbank Sanitary District, County Sanitation District 2-3, and West Valley Sanitation District) to enter into Tolling Agreement regarding Cost-Sharing Agreement costs

(d) CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to California Government Code Section 54956.8

Potential Property: Assessor Parcel Numbers 028-34-001 through 028-34-094

Agency negotiator: Steven McHarris

Under negotiation: Price and terms of payment

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Calif. Government Code Section 54957.1, including the vote or abstention of each member present

APPROVAL OF AGENDA

ANNOUNCEMENT OF CONFLICT OF INTEREST

PUBLIC FORUM

Those interested may address the Mayor and City Council on any subject not on tonight’s agenda. People can submit comments in writing via the form available online, may list their name and city of residence for the Clerk’s record. Remarks read aloud by the City Clerk may be limited to three minutes, or less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

Virtual public comments may be submitted on a form from the City website from this link:

<http://www.ci.milpitas.ca.gov/spcomment>

PUBLIC HEARING

1. Hold a Public Hearing, Consider and Approve Substantial Amendments to the FY 2017-2022 Consolidated Plan on Community Development Block Grant funding and Amendments to the Citizen Participation Plan (Staff Contact: Sharon Goei, 408-586-3260)

Recommendations:

- a) Open the public hearing, hear testimony, then move to close the public hearing.
- b) Approve substantial amendments to the FY 2017-2022 Consolidated Plan regarding Community Development Block Grant (CDBG) funding.
- c) Approve amendments to the Citizen Participation Plan.
- d) Authorize the City Manager, or designee, to make any necessary changes to the Consolidated Plan and Citizen Participation Plan as needed to comply with CDBG submission guidelines.

AGENDA ITEMS

2. Receive a Staff Presentation and Provide Direction on the Milpitas Metro Specific Plan (Transit Area Specific Plan Update) (Staff Contacts: Ned Thomas, Planning Director, 408-586-3273 and Kevin Riley, TASP Manager, 408-586-3292)

Recommendation: Receive a staff presentation and provide direction and input on goals, planning concepts, infrastructure needs, land use strategies, and community outreach.

3. Approve and Authorize the City Manager to Execute an Amendment to Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas for the Russell Middle School Fields (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendation: Approve and authorize the City Manager to execute an amendment to the Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas regarding use of Russell Middle School playing fields.

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the public or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to address any item on the consent calendar may request City Council (in writing) to remove it from the consent calendar.

4. Approve Amendment to Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas, and new Agreement for the Ongoing Operation and Maintenance of Joint Use Areas of McCandless Park and Mabel Mattos School (Staff Contact: Renee Lorentzen, 408-586-3409)

Recommendations:

- a) Approve an amendment to the McCandless Property Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.
- b) Approve a new Agreement between the Milpitas Unified School District and the City of Milpitas for the Ongoing Operation and Maintenance of Joint Use Areas of McCandless Park and Mabel Mattos School.

5. Receive Preview List of Anticipated Agenda Items for the Regular City Council Meeting on August 4, 2020 (Contact: Mayor Tran, 408-586-3029)

ADJOURNMENT

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Share information with all Councilmembers in advance of Council meetings.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact City Attorney e-mail: cdiaz@ci.milpitas.ca.gov

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Hold a Public Hearing and consider and approve substantial amendments to the FY 2017-2022 Consolidated Plan and amendments to the Citizen Participation Plan
Category:	Public Hearings-Community Development
Meeting Date:	6/30/2020
Staff Contacts:	Sharon Goei, 408-586-3260 Robert Musallam, 408-586-3275 Adam Marcus, 408-586-3244
Recommendations:	<ol style="list-style-type: none"> 1. Open the public hearing, hear testimony, then move to close the public hearing. 2. Approve substantial amendments to the FY 2017-2022 Consolidated Plan. 3. Approve amendments to the Citizen Participation Plan. 4. Authorize the City Manager, or designee, to make any necessary changes to the Consolidated Plan and Citizen Participation Plan as needed to comply with CDBG submission guidelines.

Background:

The U.S. Department of Housing and Urban Development (HUD) provides annual grants through the Community Development Block Grant (CDBG) program to local entitlement cities and counties. The CDBG program provides resources to the most vulnerable low- and moderate-income communities to address a wide range of community development needs through investment in capital projects and public services. The amount of funds that Milpitas receives is determined by a formula based on population and other factors.

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law in response to the growing public health and resulting economic crisis. The COVID-19 pandemic has created new needs and has prompted many cities to update their CDBG priorities in response. The CARES Act provided jurisdictions specific waivers to substantially amend their Consolidated Plan and Citizen Participation Plan with limited public review period requirements.

Consolidated Plan

The Consolidated Plan details the City's five-year plan to use CDBG funds to meet CDBG National Objectives, City Council and community priorities. Every five years, as required by Department of Housing and Urban Development (HUD), the City of Milpitas must prepare a new Consolidated Plan to define its objectives and priorities for the next five years. During the Consolidated Plan period, jurisdictions may amend their plan in accordance with HUD guidelines. The current Consolidated Plan was approved by the City Council on June 20, 2017 and is set to expire in June 2022.

Citizen Participation Plan

The Citizen Participation Plan details the City's effort to provide opportunities for public participation during the CDBG grant making process. While there is no requirement for the Citizen Participation Plan to be updated regularly, cities amend their Citizen Participation Plans periodically as HUD updates its guidelines. The current Citizen Participation Plan was approved on September 20, 2016.

June 23 City Council Meeting

The City Council approved an amendment to the FY 19-20 Annual Action plan to allocate \$397,911 in CDBG Coronavirus (CDBG-CV) funds. Additionally, the City Council approved the draft FY 20-21 Annual Action Plan to allocate \$676,413 in CDBG Formula funding and an additional \$290,039 in unused prior year CDBG funding. In total, the City Council approved allocations for \$1,364,363 in CDBG funding.

Analysis:

Substantial Amendments to the Consolidated Plan

Given that COVID-19 is a new and widespread phenomenon, HUD is allowing grantees to substantially amend their Consolidated Plans to align with COVID-19 related needs, without the extensive amendment procedures that are usually required. The intent of this change is to accelerate the deployment of CDBG funds.

The following is a summary of the proposed substantial amendments to the Consolidated Plan that will align with the City Council's funding allocations and community needs, implement new activities or programs not previously described in the Consolidated Plan, and facilitate the availability of new tools:

1. Allocate unused prior year funds towards the Small Business Loan Program.
2. Allocate CDBG-CV funds towards the Rent Relief Program.
3. Allocate for program administration of the CDBG-CV funds.
4. Restate the priority needs and goals throughout the Consolidated Plan to be consistent with Council priorities and funding allocations. Examples include adding the following goals:
 - a. "Offer public services for low- and moderate-income residents at risk of eviction" to support the rent relief program;
 - b. "Offer public services for domestic violence support" in response to the need to support victims of domestic violence and to fund an education and prevention program;
 - c. "Assist microenterprises and small businesses" to provide loans to businesses that endured economic hardship; and
 - d. "Explore the use of HUD Section 108 Loan Guarantee Program" for the potential to finance larger projects.
5. HUD Section 108 Loan Guarantee Program is a significant resource that can be used for a variety of housing, economic development, public facilities, or infrastructure projects. An amendment is added for the potential to apply for Section 108 loans, which would enable the City to borrow up to five times the annual grant to undertake larger projects. Council direction and substantial due diligence will be required to formally pursue Section 108 loans. This change simply makes the tool available for use.

For a full copy of the draft substantial amendments to the Consolidated Plan, see **Attachment A**.

Amendments to the Citizen Participation Plan

As a part of the Consolidated Plan amendment process, HUD requires Citizen Participation via noticing to the public. The City satisfies the Citizen Participation Plan by giving the public 15 to 30 days' notice of a public hearing and posting documents for review typically via newspaper advertisements, which would give the community time to provide comment. Given the expedient need for these funds to be allocated, HUD has lowered the threshold for community noticing and public comment to at least 5 days prior to a public hearing for Consolidated Plans and Action Plans in connection with the FY 20-21 CDBG funds and CDBG-CV funds. Additionally, each grantee will determine what constitutes reasonable public notice and outreach to justify sufficient noticing. Milpitas staff submitted a waiver request to HUD on June 24, 2020 and has utilized this waiver for the June 30, 2020 public hearing. The City posts the public hearing notice on its website, and sends an e-mail to all known interested community members, CDBG applicants, the Community Advisory Commission, and other agencies or individuals who can further Citizen Participation.

The following is a summary of the proposed changes to the Citizen Participation Plan:

1. Change the CDBG selection process from a formal application to an unsolicited application process.

This change would provide the City Council CDBG Subcommittee the opportunity to rapidly respond to urgent community needs. Additionally, it would provide greater flexibility for the City and applicants to respond to community needs in a timely manner. Staff will work with the CDBG Subcommittee to identify a process for receiving, evaluating, and selecting unsolicited applications with respect to HUD guidelines.

2. Establish the City Council CDBG Subcommittee as the primary reporting and recommending body to the City Council.

The CDBG Subcommittee was established to align City Council community goals and priorities with CDBG funding criteria.

HUD requires every jurisdiction to hold two public hearings during the year. For Milpitas, those two public hearings have been: (1) the CAC application review meeting; and (2) the final City Council allocation meeting. Staff recommends maintaining the CAC public hearing to solicit public feedback on community needs. Those needs would then be summarized and forwarded to the CDBG Subcommittee as this body receives and reviews applications in consideration for funding. After considering public feedback and applicant requests for funding, the CDBG Subcommittee would make final allocation recommendations to the full City Council.

3. Add Citizen Participation Plan Requirements in State of Emergency section to allow immediate adoption of emergency changes to HUD's citizen participation requirements.

For a full copy of the draft amendments to the Citizen Participation Plan, see **Attachment B**.

Fiscal Impact:

There is no fiscal impact for this item.

California Environmental Quality Act:

The actions being considered have no potential for causing a significant effect on the environment and are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Recommendations:

1. Open the public hearing, hear testimony, then move to close the public hearing.
2. Approve substantial amendments to the FY 2017-2022 Consolidated Plan.
3. Approve amendments to the Citizen Participation Plan.
4. Authorize the City Manager, or designee, to make any necessary changes to the Consolidated Plan and Citizen Participation Plan as needed to comply with CDBG submission guidelines.

Attachments:

- A. Substantial Amendments to the Consolidated Plan
- B. Amendments to the Citizen Participation Plan

Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Milpitas is located in Santa Clara County and is the fifth largest city within the County with a population of 71,533. Milpitas encompasses an area of approximately 18 square miles and is the home to numerous high-tech companies located in the heart of Silicon Valley. As of 2016, Santa Clara County has one of the highest median incomes in the nation at \$107,100. However, many low and moderate income residents within the County and City of Milpitas cannot afford the high cost of living required within San Francisco Bay Area.

Every five years as required by Department of Housing and Urban Development (HUD), the City of Milpitas must prepare a Consolidated Plan outlining the strategies used to meet a variety of housing and non-housing community needs. The preparation of Milpitas Five-Year Consolidated Plan provides the analysis and financial resources to address the housing and non-housing community services of those residents that require assistance in housing and a variety of public services to fit their specific needs.

The Consolidated Plan covers a ~~five-year~~five-year period, which included maximum citizen participation through public consultation meetings, request for statistical data, research and information to be incorporated into the plan. Notices were provided in the local Milpitas Post and City's Website. Presently, City of Milpitas only receives Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development. The Consolidated Plan links identified needs in the community to the federal and local resources available to address those needs.

The City of Milpitas' Planning and Neighborhood Services Department (PNS) is the lead agency responsible for the preparation of the Consolidated Plan. The Consolidated Plan was prepared with the cooperation and consultation from numerous agencies, organizations, social service providers, housing providers, non-profit groups and members of the general public.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The objectives and outcomes identified in this Consolidated Plan address the housing and community development needs in Milpitas. The objectives address these priority needs:

- **Need: Affordable Housing Development and Preservation**
 - Maintain and Preserve Existing Housing
 - New Affordable Housing
 - Affordable Housing Rental Rehabilitation
 - **Need: Community Services**
 - Community funding/public services
 - Public services for special needs populations
 - Public services for low and moderate income residents at risk of eviction.
 - Fair Housing
 - Public services for Children and Youth
 - Public services for Seniors
 - Public service for Domestic Violence Support
 - **Need: Community, Public, and Neighborhood Sustainability**
 - Public improvements including accessibility and improving public facilities.
 - **Need: Economic Development**
 - Assist Microenterprise and Small Businesses
 - Explore the use of HUD Section 108 Loan Guarantee Program
 -
- ~~Affordable Housing Development and Preservation~~
 - ~~Maintain and preserve existing housing~~
 - ~~Support public services that serve lower income persons that include these groups:~~
 - ~~The homeless~~
 - ~~Children and youth~~
 - ~~Special needs populations~~
 - ~~Seniors~~
 - ~~Support public services that serve low and moderate income residents at risk of eviction.~~
 - ~~Public Improvements including increasing accessibility and improving public facilities.~~

3. Evaluation of past performance

The City is responsible for ensuring compliance with all rules and regulations associated with the CDBG entitlement grant program. The City's Annual Action Plans and Consolidated Annual Performance and Evaluation Reports (CAPER) have provided many details about the goals, projects and programs completed by the City over the past five years. A review of past consolidated annual performance and evaluation reports reveals a strong record of performance in the use of CDBG funds.

The City will meet or exceed the quantitative goals and objectives of its previous Consolidated Plan. The process implemented by the City has been effective with an annual evaluation of funding allocation and a bi-annual review of funding priorities. The City recognizes that the evaluation of past performance is important to ensure the City is implementing activities effectively.

4. Summary of citizen participation process and consultation process

The City initiated the citizen participation process with revising its Citizen Participation Plan prior to conducting community outreach for the Consolidated Plan update. Citizen participation engages the community in developing and reviewing the plan and as partners and stakeholders in implementing the programs.

Over 40 different agencies, organizations, social service providers, housing providers, non-profits groups, and members of the general public were contacted to participate in five (5) public consultation meetings and numerous other community presentations to receive input and feedback on the preparation of the Five-Year Consolidated Plan. Notices in English, Spanish and Vietnamese were provided in the local newspaper, Milpitas Post and the City website as well as numerous presentations to City commissions and community groups to inform the general public and maximize citizen participation in the process. The input received through the process has been valuable in preparing the Consolidated Plan.

June 2020

Given the expedient need for the CDBG-CV funds to be allocated, HUD has lowered the threshold for community noticing and public comment to at least 5 days prior to a public hearing. Additionally, each grantee will determine what constitutes reasonable public notice and outreach to justify sufficient noticing. On June 16, 2020, the City of Milpitas submitted their request for a waiver to their Citizen Participation Plan to the San Francisco HUD field office. On June 18, 2020, the City posted the public hearing notice on its website, sent an email to all known interested community members, CDBG applicants, the Community Advisory Commission, and other agencies or individuals who can further Citizen Participation.

The Public Hearing will be held virtually on June 23, 2020 beginning at 5:30pm.

5. Summary of public comments

The City received numerous comments during the public outreach process. Additional comments were received from the survey that was made available both in print and online. The comments

showed that affordable housing is still a community concern. The comments helped shape the preparation of the Consolidated Plan update.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were accepted. Please see Exhibit C for comments.

7. Summary

The updated Consolidated Plan will help improve the quality of life for the residents in the City of Milpitas.

DRAFT

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	MILPITAS	Housing and Neighborhood Services Division

Table 1 – Responsible Agencies

Narrative

The City of Milpitas’s Consolidated Plan has been prepared in accordance with 24 CFR Parts 91 et al. The ~~Planning and Neighborhood Services~~ Department of Building Safety and Housing serves as the lead agency in the preparation of the Consolidated Plan. The City's Housing and Neighborhood Services division is responsible for the administration of the City's Community Development Block Grant (CDBG) program. By federal law, the preparation of the Consolidated Plan and Annual Action Plan submittal is required to the Department of Housing and Urban Development. The Plans must list priorities and strategies for the use of federal funds.

Every five years as required by Department of Housing and Urban Development (HUD), the City of Milpitas must prepare a Consolidated Plan outlining the strategies used to meet a variety of housing and non-housing community needs. The preparation of Milpitas’s Five-Year Consolidated Plan provides the analysis and financial resources to address the housing and non-housing community services of those residents that require assistance in housing and a variety of public services to fit their specific needs.

Consolidated Plan Public Contact Information

~~Tim Wong~~Sharon Goei
~~Housing and Neighborhood Services Manager~~Director of Building Safety and Housing
 City of Milpitas
 455 E. Calaveras Blvd.
 Milpitas, CA 95035

PR-10 Consultation - 91.100, 91.200(b), 91.215(I)

1. Introduction

The City of Milpitas requested consultations with a multitude of local non-profit organizations, various jurisdictions and other stakeholders in the development of the Consolidated Plan.

The City of Milpitas conducted five separate Public Consultation meetings to obtain public input and comments on the preparation of the Consolidated Plan. The City of Milpitas reached out to the Santa Clara County Housing Authority as well as surrounding jurisdictions for their input to the City's CDBG program. Milpitas also consulted with a wide variety of social service agencies to update the needs section of the Consolidated Plan. Milpitas, with the County of Santa Clara and other local jurisdictions, held quarterly meetings to work together on sections of the Consolidated Plan which dealt with regional housing issues.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I)).

In addition to the aforementioned County wide quarterly meeting, City staff continues to maintain dialogue with service providers to ascertain if there are any areas in which the City can partner or connect with organizations to enhance or better coordinate service deliveries. The City held a meeting with 15 service providers to receive feedback for the Consolidated Plan update.

In Spring, 2020, City staff conducted special outreach to local and regional nonprofit and government service providers. This outreach was conducted to understand new community needs and organizational resource constraints related to the COVID-19 health pandemic and the associated shelter-in-place orders.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

The Santa Clara County Continuum of Care (CoC) is a multi-sector group of stakeholders guiding the implementation of the County's housing and service system to meet the needs of the homeless population and prevent homelessness in the county with the ultimate goal to end homelessness.

The Continuum of Care strategy includes: 1) Permanent housing, 2) Emergency shelter with supportive services, 3) Transitional housing with services, and 4) Prevention services. These services exist in Santa Clara County but not in sufficient levels. The County of Santa Clara, in

collaboration with the entitlement jurisdictions, believe that strengthening the Continuum of Care on a regional basis will effectively address the needs of homeless people in individual cities, avoid duplication of services and increase cost effectiveness.

In 2015, the City of Milpitas participated in the preparation of the Community Plan to End Homelessness in Santa Clara County. The Plan identifies strategies to address the needs of homeless persons in the county and intended to address the needs of person at risk of homelessness. In 2020, an updated version of the plan was drafted by a broad multisector working group. One of the pillars in the draft update called for stronger efforts to strengthen safety net programs that prevent homelessness. The need for more homelessness prevention programs was further exacerbated by the COVID-19 health pandemic and shelter-in-place orders which began in March, 2020.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

The City of Milpitas does not receive Emergency Shelter Grant (ESG) funding however the City participates with the CoC to address homeless issues.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities.

Agency/Group/Organization	Rebuilding Together
Agency/Group/Organization Type	Services-Persons with disabilities Services-Elderly Persons
What section of the Plan was addressed by Consultation	Housing needs Assessment Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Forum where staff solicited input for community needs and priorities.
Agency/Group/Organization	Project Sentinel
Agency/Group/Organization Type	Services-Fair Housing
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs Homeless Needs-Families with Children
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Forum where staff solicited input for community needs and priorities. Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Housing Authority of County of Santa Clara
Agency/Group/Organization Type	Housing PHA
What section of the Plan was addressed by Consultation	Housing Needs Assessment Public Housing Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff consulted with a representative of the Housing Authority to discuss Housing Authority challenges, trends in housing concerns from the Housing Authority's perspective and determine potential areas where the City can partner with the Housing Authority.
Agency/Group/Organization	Catholic Charities
Agency/Group/Organization Type	Services-Elderly persons Services-Housing Services-Elderly Persons
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Child Advocates of Silicon Valley
Agency/Group/Organization Type	Services-Victims Services-Health Services-Victims of Domestic Violence

What section of the Plan was addressed by Consultation	Non-Homeless Special needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	City of Milpitas Parks and Recreation
Agency/Group/Organization Type	Services-children Other government-Local
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Dress for Success San Jose
Agency/Group/Organization Type	Service-Homeless Services-Employment
What section of the Plan was addressed by Consultation	Homeless Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	LifeMoves
Agency/Group/Organization Type	Services-Homeless
What section of the Plan was addressed by Consultation	Homeless Needs-Chronically homeless Homeless Needs-Families with Children Homelessness-Veterans Homelessness-Unaccompanied Youth Homelessness Strategy
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Milpitas Food Pantry
Agency/Group/Organization Type	Services-Children Services-Elderly Person Services-Homeless Services-Victims

What section of the Plan was addressed by Consultation	Homeless Needs-Chronically homeless Homeless Needs-Families with Children Homelessness-Veterans Homelessness-Unaccompanied Youth Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Milpitas Unified School District
Agency/Group/Organization Type	Services-Children
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Next Door Solutions to Domestic Violence
Agency/Group/Organization Type	Service-Victims of Domestic Violence
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Senior Adults Legal Assistance (SALA)
Agency/Group/Organization Type	Service-Elderly Person
What section of the Plan was addressed by Consultation	Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Silicon Valley Independent Living Center
Agency/Group/Organization Type	Service-Elderly Person Service-Persons with disabilities
What section of the Plan was addressed by Consultation	Non-homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.

Agency/Group/Organization	The Health Trust
Agency/Group/Organization Type	Service-Elderly Persons Service-Persons with Disabilities
What section of the Plan was addressed by Consultation	Non-Homeless Special needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	YWCA Silicon Valley
Agency/Group/Organization Type	Housing Services-Children Services-Victims of Domestic Violence Services-Health
What section of the Plan was addressed by Consultation	Homeless Needs – Families with Children Non-Homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Resources for Community Development
Agency/Group/Organization Type	Housing
What section of the Plan was addressed by Consultation	Housing Needs Assessment Homeless Needs-Chronically homeless Homeless Needs-Families with Children Homelessness Needs-Veterans Homelessness Strategy
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	San Jose Conservation Corps
Agency/Group/Organization Type	Housing Services-Housing Services-Persons with Disabilities
What section of the Plan was addressed by Consultation	Housing Needs Assessment
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.
Agency/Group/Organization	Terrace Gardens

Agency/Group/Organization Type	Housing Services-Elderly Persons
What section of the Plan was addressed by Consultation	Housing Needs Assessment Non-homeless Special Needs
How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency attended Community Advisory Commission meeting for community input for the Consolidated Plan Update and CDBG input. The organization provided input and prioritizing needs within the community.

COVID-19 Related Outreach (Spring, 2020)

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<u>Agency/Group/Organization</u>	<u>Rebuilding Together</u>
<u>Agency/Group/Organization Type</u>	<u>Services-Persons with disabilities</u> <u>Services-Elderly Persons</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Housing needs Assessment</u> <u>Non-Homeless Special Needs</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>Catholic Charities</u>
<u>Agency/Group/Organization Type</u>	<u>Services-Elderly persons</u> <u>Services-Housing</u> <u>Services-Elderly Persons</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Non-Homeless Special Needs</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>Child Advocates of Silicon Valley</u>
<u>Agency/Group/Organization Type</u>	<u>Services-Victims</u> <u>Services-Health</u> <u>Services-Victims of Domestic Violence</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Non-Homeless Special needs</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>Next Door Solutions to Domestic Violence</u>
<u>Agency/Group/Organization Type</u>	<u>Service-Victims of Domestic Violence</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Non-Homeless Special Needs</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>LifeMoves</u>
<u>Agency/Group/Organization Type</u>	<u>Services-Homeless</u>

<u>What section of the Plan was addressed by Consultation</u>	<u>Homeless Needs-Chronically homeless</u> <u>Homeless Needs-Families with Children</u> <u>Homelessness-Veterans</u> <u>Homelessness-Unaccompanied Youth</u> <u>Homelessness Strategy</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>

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Table 2 – Agencies, groups, organizations who participated

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<u>Agency/Group/Organization</u>	<u>LifeMoves</u>
<u>Agency/Group/Organization Type</u>	<u>Services-Homeless</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Homeless Needs-Chronically homeless</u> <u>Homeless Needs-Families with Children</u> <u>Homelessness-Veterans</u> <u>Homelessness-Unaccompanied Youth</u> <u>Homelessness Strategy</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>Project Sentinel</u>
<u>Agency/Group/Organization Type</u>	<u>Services-Fair Housing</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Non-Homeless Special Needs</u> <u>Homeless Needs-Families with Children</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>Senior Adults Legal Assistance (SALA)</u>
<u>Agency/Group/Organization Type</u>	<u>Service-Elderly Person</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Non-Homeless Special Needs</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>Silicon Valley Independent Living Center</u>
<u>Agency/Group/Organization Type</u>	<u>Service-Elderly Person</u> <u>Service-Persons with disabilities</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Non-homeless Special Needs</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>Terrace Gardens</u>
<u>Agency/Group/Organization Type</u>	<u>Housing</u> <u>Services-Elderly Persons</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Housing Needs Assessment</u> <u>Non-homeless Special Needs</u>

<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>YWCA Silicon Valley</u>
<u>Agency/Group/Organization Type</u>	<u>Housing</u> <u>Services-Children</u> <u>Services-Victims of Domestic Violence</u> <u>Services-Health</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Homeless Needs – Families with Children</u> <u>Non-Homeless Special Needs</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency attended webinar where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>Milpitas Food Pantry</u>
<u>Agency/Group/Organization Type</u>	<u>Services-Children</u> <u>Services-Elderly Person</u> <u>Services-Homeless</u> <u>Services-Victims</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Homeless Needs-Chronically homeless</u> <u>Homeless Needs-Families with Children</u> <u>Homelessness-Veterans</u> <u>Homelessness-Unaccompanied Youth</u> <u>Non-Homeless Special Needs</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency participated in an interview where staff solicited input for community needs and priorities related to the COVID-19 pandemic response.</u>
<u>Agency/Group/Organization</u>	<u>Milpitas Unified School District (McKinney Vento Program)</u>
<u>Agency/Group/Organization Type</u>	<u>Services-Children</u>
<u>What section of the Plan was addressed by Consultation</u>	<u>Non-Homeless Special Needs</u>
<u>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</u>	<u>Agency participated in three interviews where staff solicited input for social service community needs and priorities related to the COVID-19 pandemic response.</u>

On March 17, 2020, the City established a Small Business Assistance Subcommittee. The Sub-committee met five times and discussed small business financial and non-financial assistance and relief including a small business loan or grant program, a business survey, tracking of business assistance requests, commercial eviction protections, assisting businesses with ADA compliance, permit fee reductions, food

delivery service fee cap, seed funding for either a Community Foundation or Economic Development Corporation, and outdoor dining program to assist local restaurants. The Sub-committee recommended that the City Council utilize CDBG funds to develop a small business and microenterprise assistance program.

Identify any Agency Types not consulted and provide rationale for not consulting

Not applicable. See PR-10 Table 2

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Regional Continuum of Care Council	The CoC works to alleviate the impact of homelessness in the community through the cooperation and collaboration of social service providers. This effort aligns with the Strategic Plan’s goal to support activities to end homelessness.
City of Milpitas Housing Element	City of Milpitas	Housing Element serves as a policy guide to help the City meet its existing and future housing needs. This effort aligns with the Strategic Plan’s goal to assist in the creation and preservation of affordable housing.

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(I))

All the County CDBG entitlement jurisdictions participate in a quarterly meeting. The meetings are used to share information, best practices, current developments and recent federal, state and local policy. HUD staff regularly participates in these meetings.

These quarterly meetings provide the opportunities for the City to consult with other jurisdictions on its proposed use of federal funds for the upcoming year.

PR-15 Citizen Participation

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City initiated its citizen participation process with revising its Citizen Participation Plan prior to conducting community outreach for the Consolidate Plan update. The citizen participation process included holding several public community meetings and workshops for maximum citizen participation. Also, City staff worked more closely with the City’s Community Advisory Commission (CAC) since they are the recommending body to the City Council in the CDBG allocation process. The CAC has held a number of meetings (listed below) to discuss the Consolidated Plan.

The City conducted 5 community forums throughout the City in different times, different days and different areas in the City. Notices in English, Spanish and Vietnamese were prepared and posted in the local paper announcing the community forums. The notices were also sent via electronic mail to over 125 organizations inviting them to participate and provide comments or suggestion regarding the City’s Consolidated Plan update process. Over 75 individuals, local groups, agencies, non-profit and organizations were involved in the development of the Milpitas Consolidated Plan. A listing of these individuals, groups and organizations who participated in the preparation and development of the plan is included along with citizen comments received during the public hearing process.

A schedule of meetings for the development, input review and recommendations that created the Consolidated Plan are as follows:

Date	Organization	Action
October 12, 2016	Planning Commission	Presentation
September 27, 2016	Arts Commission	Presentation
December 7, 2016	Community Advisory Commission	Presentation
October 25, 2016	Senior Advisory Commission	Presentation
October 12, 2016	Veterans Commission	Presentation

December 6, 2016	Calaveras High School ESL	Presentation
November 5, 2016	Sunnyhills Neighborhood Association	Presentation
October 10, 2016	General Community, City Hall	Community Forum
October 13, 2016	General Community, Milpitas Library	Community Forum
November 1, 2016	General Community, Milpitas Police Department	Community Forum
November 3, 2016	General Community, City Hall	Community Forum
November 9, 2016	General Community, Sinnott Elementary School	Community Forum
March 1, 2017	CAC Public Hearing	Presentation

Electronic mail notices were sent to housing providers, social services agencies and other interested parties during the 30 day public review period of the document. The plan was available electronically on the City's Housing website. Hard Copies were made available in the Milpitas City Hall Public Information Desk and Milpitas Public Library. In addition, public comments were encouraged at the scheduled meetings.

Citizen Participation Outreach

~~The CARES Act of 2020 has given HUD the flexibility to allow grantees to substantially amend the Consolidated Plan to align the plan to account for COVID-19 related needs, without the extensive amendment procedures that are usually required. The intent of this change is to speed up the deployment of CDBG funds. As a part of the Consolidated Plan amendment process, HUD requires Citizen Participation via noticing to the public. Typically, the City satisfies the Citizen Participation Plan by giving the public 15 to 30 days' notice of a public hearing, via newspaper advertisements, which would give the community time to provide comments to the governing body. Given the expedient need for these funds to be allocated, HUD has lowered the threshold for community noticing and public comment to at least 5 days prior to a public hearing. Additionally, each grantee will determine what constitutes reasonable public notice and outreach to justify sufficient noticing. The City plans to post the public hearing notice on its website, its various social media channels, and it will send an email to all known interested community members, CDBG applicants, the Community Advisory Commission, and other agencies or individuals who can further Citizen Participation.~~

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
	Public Forums	Broad Community	A total of 8 individuals attended the 5 public forums	See PR-15	All comments were accepted.	
	Community Presentation	Non-English Broad Community	There were over 50 students in the ESL class.			
	Internet Outreach	Broad community	The City created a web survey to obtain citizen and stakeholder input and comments for the development of the Consolidated Plan. A total of 27 responses were received			www.surveymonkey/r/MilpitasConPlan
	Newspaper ad	Minorities Non-English speaking Broad Community	Advertisements for the Community Forums and online survey were published in English, Spanish and Vietnamese			
	Public Forums	Service providers and grant recipients across the City				

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
	Public meeting	Broad Community	Community Advisory Commission (CAC). Commissioners asked questions related to the Consolidated Plan update	Most of the questions were related to the Con Plan update.		
	Public Hearing	Broad Community	City Council public hearing.			

Table 4 – Citizen Participation Outreach

The CARES Act of 2020 gave HUD the flexibility to allow grantees to substantially amend the Consolidated Plan to align the plan to account for COVID-19 related needs, without the extensive amendment procedures that are usually required. The intent of this change is to speed up the deployment of CDBG funds. As a part of the Consolidated Plan amendment process, HUD requires Citizen Participation via noticing to the public.

Typically, the City satisfies the Citizen Participation Plan by giving the public 15 to 30 days’ notice of a public hearing, via newspaper advertisements, which would give the community time to provide comments to the governing body. Given the expedient need to allocate these funds, HUD has lowered the threshold for community noticing and public comment to at least 5 days prior to a public hearing and in-person meetings are not required. Additionally, each jurisdiction will determine what constitutes reasonable public notice and outreach to justify sufficient noticing.

Going forward, the City of Milpitas shall comply with all U.S. Department of Housing and Urban Development (HUD) memorandums and notices that transmit citizen participation requirements in the event of a local, state, or national emergency or disaster. In order to secure and access new HUD funding and/or re-allocate existing HUD funding to allow

the City to respond to the state of emergency in the most expeditious manner, such HUD memorandums, notices, and waivers automatically supersede any conflicting provisions of the Citizen Participation Plan, and therefore no formal amendment is required when such emergency memorandums, notices, and waivers are in effect.

In spring 2020, the City conducted additional outreach in response to the health and economic impacts of the COVID-19 pandemic. City staff created an exhaustive outreach list and directly contacted past and current CDBG applicants, various food providers, homeless shelters, the Milpitas Police Department, the Milpitas Economic Development Department, the Milpitas Recreation and Community Services Department, Destination:Home, MUSD's McKinney Vento coordinator, the Santa Clara County Office of Supportive Housing, small businesses, as well as monthly calls with staff from nearby Cities who have been working to quickly deploy CDBG-CV funds. The goal with of this outreach was to understand the needs in Milpitas, to understand changes to the HUD CDBG process, to understand how other cities are moving forward, and to communicate next steps for the CDBG Subcommittee, City Council, our applicants, and most importantly, to our residents.

Additional research included attending webinars hosted by the Department of Housing and Urban Development (HUD), Best Best & Krieger (BBK), and the California Department of Housing and Community Development (HCD) to stay on top of the legislation and its impact on our ability to use CDBG-CV funds. Furthermore, staff monitored local news and various national publications.

For the 2020 Substantial Amendment to this Consolidated Plan, the City held two public meetings with the CDBG City Council Subcommittee and one public hearing with the City Council. For the City council meeting the City posted public hearing notices on its website, its various social media channels, and emailed all known interested community members, CDBG applicants, the Community Advisory Commission, and other agencies or individuals who can further citizen participation.

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Needs Assessment

NA-05 Overview

Needs Assessment Overview

The City of Milpitas has become an integral part of Silicon Valley with the City as a strong employment center. With the resurgence of the Silicon Valley economy, real estate has experienced dramatic price increases. Milpitas has experienced a surge in residential building activity in recent years. The increased development through its Specific Plans prompted the conversion of vacant or underutilized areas once into high density development to meet the demand.

Methodology

The majority of data is provided by HUD. Known as the Comprehensive Housing Affordability Strategy (CHAS) data, it demonstrates the extent of housing needs and problems. The CHAS data is used by local governments to plan how to spend HUD funds. Other information sources include 2000 and 2010 U.S. Census data and American Community Survey (ACS) 2008-2012 estimates. While ACS one-year estimates provide the most current data, this report utilizes five-year estimates as they reflect a larger sample size and are considered more reliable.

Community Development Block Grant (CDBG) program funds are primarily concerned with activities that benefit low-and moderate-income (LMI) households whose incomes do not exceed 80% of the HUD established area median income (AMI) with adjustments for family size. HUD uses three income levels to generally define LMI households:

- Extremely low income: Households earning less than 30% AMI
- Very low income: Households earning less than 50% AMI
- Low and moderate income: Households earning less than 80% AMI

Of the total 19,535 households in Milpitas, 36% of City households (7,019 households) are LMI, with incomes less than 80% AMI:

- 12 percent (2,315 households) at 0-30% AMI
- 11 percent (2,155 households) at 30-50% AMI
- 13 percent (2,549 households) at 50-80% AMI

NA -10 Housing Needs

26% of households in the City pay more than 30 percent of their income toward housing costs and 12% of households are severely cost burdened and paying more than 50 percent of their income toward housing.

NA-15 Disproportionately Greater Need: Housing Problems

87% of Hispanic households in the 30%-50% AMI category experience housing problems compared to 75% of the jurisdiction.

NA-20 Disproportionately Greater Need: Severe Housing Problems

No minority group has a disproportionately greater number of housing problems.

NA-25 Disproportionately Greater Need: Housing Cost Burdens

27% of Hispanic households are disproportionately affected by severe cost burden and paying more than 50 percent of their income toward housing compared to 16% of the jurisdiction.

NA-35 Public Housing

The Housing Authority of the County of Santa Clara assists approximately 17,000 households through the federal Section 8 Housing Choice Voucher program with 21,256 households on the waiting list, estimated to be a 10-year wait.

NA-40 Homeless Needs

In the 2015 Point in Time Homeless Survey, Milpitas had 122 homeless residents. Those who reported a Milpitas zip code represent approximately two percent of the County's homeless clients. [In the 2019 Point in Time Homeless Survey, Milpitas had 125 homeless residents.](#)

[In Spring 2020, the COVID-19 pandemic and shut-down has led to furloughs, layoffs, and the closing of businesses. As more people lose income in what is already a high housing market, it is anticipated that evictions and homelessness will grow considerably in 2020 and 2021.](#)

NA-45 Non-Homeless Special Needs

Individuals 65 years or older represent 11 % of the total population of the City. Almost 35% of persons age 65 or older have a disability compared to 4% of the population age 18 to 64, or 7% of the entire population.

NA-50 Non-Housing Community Development Needs

From the Consolidated Plan outreach meetings, these needs were identified as priorities:

- Public Facilities such as youth centers
- Public Improvement including ADA curb improvements
- Public Services such as food programs

In spring 2020, stakeholders indicated that microenterprises and small businesses were suffering due to the COVID-19 shut down. Some businesses have had to lay off employees and are having trouble paying rents and mortgages. Stakeholders have requested low cost loans and grants so they can continue operating.

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NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

According to the census data below, Milpitas has 67,955 residents and 19,535 households with a median household income of \$95,466.

Of these households, approximately 36% are at or below 80% of AMI and are considered low income, with 11.8% qualifying as extremely low income per HUD regulations. Over half of the [low income/low-income](#) households experience one or more housing problems.

Within the Comprehensive Housing Affordability Strategy (CHAS) data, HUD identifies four housing problems:

- 1) Housing unit lacking complete kitchen facilities
- 2) Housing unit lacking complete plumbing facilities
- 3) Household being overcrowded
- 4) Housing being cost burdened

In addition, HUD defines severe housing problems as:

- Severely overcrowded, with more than 1.5 persons per room
- Severely cost burdened families paying more than 50 percent of income toward housing costs (including utilities)

A household is considered to be overcrowded if there is more than one person per room and severely overcrowded if there are more than 1.5 people per room.

A household is considered to be cost burdened if the household is spending more than 30 percent of its monthly income on housing costs (including utilities) and severely cost burdened if the household is spending more than 50 percent of its monthly income on housing costs (including utilities).

Demographics	Base Year: 2000	Most Recent Year: 2012	% Change
Population	62,698	67,695	8%
Households	17,364	19,535	13%
Median Income	\$84,429.00	\$95,466.00	13%

Table 5 - Housing Needs Assessment Demographics

Data Source: 2000 Census (Base Year), 2008-2012 ACS (Most Recent Year)

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households *	2,315	2,155	2,549	1,825	10,690
Small Family Households *	760	1,045	1,390	1,110	6,815
Large Family Households *	140	305	595	340	1,435
Household contains at least one person 62-74 years of age	545	500	669	390	1,890
Household contains at least one person age 75 or older	520	365	250	195	580
Households with one or more children 6 years old or younger *	320	505	720	410	1,775
* the highest income category for these family types is >80% HAMFI					

Table 6 - Total Households Table

Data 2008-2012 CHAS
Source:

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Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	30	4	25	0	59	10	0	0	25	35
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	20	80	20	40	160	0	20	35	20	75
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	75	70	105	45	295	0	60	105	80	245
Housing cost burden greater than 50% of income (and none of the above problems)	825	370	70	0	1,265	480	475	290	205	1,450

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Housing cost burden greater than 30% of income (and none of the above problems)	125	340	515	130	1,110	160	125	494	435	1,214
Zero/negative Income (and none of the above problems)	90	0	0	0	90	90	0	0	0	90

Table 7 – Housing Problems Table

Data 2008-2012 CHAS
Source:

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	945	525	220	85	1,775	490	555	430	335	1,810
Having none of four housing problems	360	485	935	395	2,175	340	590	959	1,015	2,904
Household has negative income, but none of the other housing problems	90	0	0	0	90	90	0	0	0	90

Table 8 – Housing Problems 2

Data 2008-2012 CHAS
Source:

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	395	450	425	1,270	225	345	415	985
Large Related	140	180	175	495	0	60	265	325
Elderly	355	125	29	509	280	135	189	604
Other	190	100	30	320	150	100	20	270
Total need by income	1,080	855	659	2,594	655	640	889	2,184

Table 9 – Cost Burden > 30%

Data 2008-2012 CHAS
Source:

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	365	135	20	520	185	280	160	625
Large Related	140	95	25	260	0	30	50	80
Elderly	250	80	4	334	175	85	70	330
Other	160	75	15	250	130	80	20	230
Total need by income	915	385	64	1,364	490	475	300	1,265

Table 10 – Cost Burden > 50%

Data 2008-2012 CHAS
Source:

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	65	95	100	45	305	0	35	115	30	180

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Multiple, unrelated family households	35	55	50	45	185	0	45	30	70	145
Other, non-family households	0	0	0	0	0	0	0	0	0	0
Total need by income	100	150	150	90	490	0	80	145	100	325

Table 11 – Crowding Information – 1/2

Data 2008-2012 CHAS
Source:

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present								

Table 12 – Crowding Information – 2/2

Describe the number and type of single person households in need of housing assistance.

There are 1,769 single person households in the County on the Section 8 waiting list. The waiting list has been closed since 2006, and is not expected to reopen in the near future.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

There are 1,241 disabled Head of Households on Section 8 waiting list. HACSC does not keep records of assisted/non-assisted families that are victims of domestic violence, dating violence, sexual assault, or stalking. Jurisdiction-specific data is not available for unsheltered homeless in this subpopulation.

What are the most common housing problems?

One-third (33 percent) of City households report at least one housing problem, while 17 percent report at least one severe housing problem.

Cost Burden

Cost burden is the most common housing problem:

- Twenty-six percent of households (5,039 households) in the City are paying more than 30 percent of their income toward housing costs.

Severe Cost Burden

Severe housing cost burden is the second most common housing problem.

- Of the 5,039 households with cost burden, 2,324 households or twelve percent of total households are severely cost burdened and paying more than 50 percent of their income toward housing.

Overcrowding

The third most common housing problem is overcrowding:

- Three percent of households (540 households) are overcrowded, with more than one person per room.
- Seventy-seven percent of overcrowded households (415 households) are LMI.

Are any populations/household types more affected than others by these problems?

The previous tables show that renters generally have more housing problems than owners. Owners did experience more Housing Problems and housing cost burdens however for the most part, renter households experience greater issues with overcrowded conditions. The largest disparity is severe overcrowding. LMI renters have twice the number of households (160) experiencing severe overcrowding than LMI households (75). Overcrowding is almost equal between renters and clearly much more prevalent in renter households than owner households: 1,225 renter households to 420 owner households. When it comes to housing cost burden, however, this housing problem is fairly common to both renters and owners. However, the cost burden Tables 9 and 10 show that for LMI households, small and large related renter households numbers are significantly higher than their owner counterparts.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

The County is home to several agencies providing rapid-rehousing assistance to households in need. One example is the California Work Opportunity and Responsibility to Kids (CalWORKs)

program, which serves over 12,000 families annually in the region (nearly 30,000 men, women, and children). According to the Santa Clara County Social Services Agency, “Twenty nine percent of CalWORKs families included adults with earned wages, with the median earnings for CalWORKs families at \$2,013 for three months. Taking into account the earned wages, the maximum monthly CalWORKs benefit for a family of four, and other government assistance income (CalFresh, Earned Income Tax Credit, and other unearned income), a CalWORKs family in Santa Clara County would have a monthly income of approximately \$1,928. To afford the area FMR, a CalWORKs family would have to expend 86% of their monthly income on rent.”

Additionally, [Homeless](#) Management Information System (HMIS) data indicates that in the last year, homeless and housing service providers assisted 52,805 individuals in families—15,024 of whom were homeless at the time of service (40 percent were under the age of 18).[2] Forty-six percent of the families receiving assistance were unemployed and 31 percent were receiving CalWORKs assistance. In Fiscal Year 2013-2014, the number of CalWORKs households receiving HUD services increased by nearly 70 percent since 2011.

Currently Housed and At Imminent Risk

The numbers below do not reflect any formerly homeless families or individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance.

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

At-risk of homelessness as defined by the Continuum of Care (CoC) are defined under four (4) categories:

- 1) Homeless individuals and families
- 2) Individuals or families who will (within 14 days) lose their primary nighttime residence with no subsequent ~~tee residence~~ or supportive networks
- 3) Unaccompanied youths or families with youth meet the homeless definition under another federal statute and 3 additional criteria:
 - a. Meet homeless definition under another federal statute; and
 - b. Have not had lease, ownership interest or occupancy agreement in permanent housing in last 60 days; and
 - c. Have experience two or more moves during last 60 days; and
 - d. Can be expected to continue in such status for extended period of time because of:
 - i. Chronic disabilities, or
 - ii. Chronic physical health or mental health conditions, or

- iii. Substance addition, or
- iv. Histories of domestic violence or childhood abuse (including neglect), or
- v. Presence of a child or youth with disability, or
- vi. Two or more barriers to employment

4) Individuals/families fleeing or attempting to flee domestic violence with no subsequent residents, resources or support networks.

5) Service sector and other low-wage workers who are highly susceptible to losing their jobs due to market fluctuations or health pandemics.

-Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

Severe cost burden is the greatest predictor of homelessness risk, with populations paying more than 50 percent of their income on housing costs or having incomes at or below 50% AMI are at greatest risk of becoming homeless. Santa Clara County's point-in-time homeless census indicated the primary cause for their homelessness was lost of a job or employment. This fact, coupled with the fact that 68% of the respondents reported that the lack of affordable rents was a major obstacle in overcoming housing instability and homelessness.

In 2020, the COVID-19 pandemic and the associated shelter-in-place has accelerated job loss. News reports in early 2020 indicated that the COVID-19 health crisis led to a disproportionate job loss among lower income workers. These are workers who already struggle with the Bay Area's high housing costs. This wave of job loss has exacerbated existing housing instability and put more people at risk of homelessness in Santa Clara County.

Discussion

Please see discussion above.

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

In looking at the tables below, it is first important to look at the racial demographics of the City as a whole. The tables show that the racial group with the most-highest number of housing problems across the different income groups is Asian. This is not to be unexpected given that Asians comprise more than 60% of the City's population.

Based on the data from Table 21, the City's household racial demographics are as follows:

- White – 21%
- Black – 2%
- Asian – 63%
- American Indian/Native – 1%
- Pacific Islander – 1%
- Hispanic - 16%

Per HUD definitions, a disproportionate need exists when any group has a housing need that is 10percent or higher than the jurisdiction as a whole. This section presents the extent of housing problems and identifies populations that have a disproportionately greater need.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,450	310	95
White	305	55	0
Black / African American	30	4	0
Asian	875	210	95
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	165	39	0

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data 2008-2012 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,490	510	0
White	170	220	0
Black / African American	70	15	0
Asian	855	215	0
American Indian, Alaska Native	10	0	0
Pacific Islander	0	0	0
Hispanic	370	54	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data 2008-2012 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,435	740	0
White	300	110	0
Black / African American	50	25	0
Asian	835	480	0
American Indian, Alaska Native	0	0	0
Pacific Islander	10	0	0
Hispanic	200	125	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data 2008-2012 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,075	840	0
White	115	225	0
Black / African American	20	44	0
Asian	639	420	0
American Indian, Alaska Native	15	15	0
Pacific Islander	25	0	0
Hispanic	210	85	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data 2008-2012 CHAS
Source:

*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

Discussion

A review of the data, taking the steps described earlier, shows that there is a disproportionately greater need among the different racial groups. Eighty seven percent of Hispanic households in the 30%-50% AMI category experience housing problems compared to 70% of the jurisdiction as a whole.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

This section is similar to the previous section, but here the housing problems are more severe. However, in this section, overcrowding is defined as more than 1.5 persons per room and the housing cost burden is over 50% of income. In the previous section, overcrowding is more than 1 person per room and the housing cost burden is over 30% of income. The data was analyzed in the same manner as the previous section.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,235	525	95
White	220	140	0
Black / African American	20	14	0
Asian	765	320	95
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	160	50	0

Table 17 – Severe Housing Problems 0 - 30% AMI

Data Source: 2008-2012 CHAS

*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	960	1,040	0
White	125	270	0

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Black / African American	45	40	0
Asian	540	530	0
American Indian, Alaska Native	10	0	0
Pacific Islander	0	0	0
Hispanic	215	205	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data 2008-2012 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	675	1,505	0
White	190	225	0
Black / African American	30	45	0
Asian	300	1,020	0
American Indian, Alaska Native	0	0	0
Pacific Islander	10	0	0
Hispanic	140	180	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data 2008-2012 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	430	1,490	0
White	30	305	0
Black / African American	0	70	0
Asian	260	799	0
American Indian, Alaska Native	0	25	0
Pacific Islander	0	25	0
Hispanic	115	180	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data 2008-2012 CHAS
Source:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

A review of the data, taking the steps described earlier, shows that there is not a disproportionately greater need among the different racial groups. The percentage of households in a category of need who are members of a particular racial or ethnic group is not at least 10 percentage points higher than the percentage of households in category as a whole.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

As described in the previous sections, a disproportionate need exists when any group has a housing need that is 10 percent or higher than the jurisdiction as a whole. A household is considered cost burdened when paying more than 30 percent of its income toward housing costs, including utilities, and is severely cost burdened when paying more than 50 percent of its income toward housing costs. This section analyzes the extent of cost burden and identifies populations that have a disproportionately greater cost burden.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	11,520	4,315	2,935	95
White	2,650	725	545	0
Black / African American	240	95	95	0
Asian	7,294	2,830	1,650	95
American Indian, Alaska Native	30	15	10	0
Pacific Islander	30	35	0	0
Hispanic	970	495	540	0

Table 21 – Greater Need: Housing Cost Burdens AMI

Data Source: 2008-2012 CHAS

Discussion:

Twenty-seven percent of Hispanic households are disproportionately affected by severe cost burden and paying more than 50 percent of their income toward housing compared to 16% of the jurisdiction as a whole.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Please see the discussion for NA-15, NA-20, and NA-25. In summary, in a review of the data, taking the steps described earlier, shows that there is not a disproportionately greater need among the different racial groups except for Hispanic households in the 30%-50% income category that experience housing problems. The percentage of households in a category of need who are members of a particular racial or ethnic group is not at least 10 percentage points higher than the percentage of households in category as a whole.

If they have needs not identified above, what are those needs?

Milpitas has a large immigrant population. According to the 2005-2009 American Community Survey, about half of its residents are foreign born. About 65% speak a language other than English at home. Language assistance may be a need for racial or ethnic groups.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

None

NA-35 Public Housing – 91.205(b)

Introduction

The Housing Authority of the County of Santa Clara (HACSC) assists approximately 17,000 households through the federal Section 8 Housing Choice Voucher program. The Section 8 waiting list contains 21,256 households, estimated to be a 10-year wait. HACSC also develops, controls, and manages more than 2,600 affordable rental housing properties throughout the County. HACSC’s programs are targeted toward LMI households, and more than 80 percent of its client households are extremely low income families, seniors, veterans, persons with disabilities, and formerly homeless individuals.[1]

In 2008 HACSC entered into a ten-year agreement with HUD to become a Moving to Work (MTW) agency. The MTW program is a federal demonstration program that allows greater flexibility to design and implement more innovative approaches for providing housing assistance.[2] Additionally, HACSC has used Low Income Housing Tax Credit financing to transform and rehabilitate 535 units of public housing into HACSC-controlled properties. The agency is an active developer of affordable housing and has either constructed, rehabilitated, or assisted with the development of more than 30 housing developments that service a variety of households, including special needs households.[3]

The following tables display the public housing inventory and housing vouchers maintained by HACSC. HACSC has four two-bedroom family public housing units in its portfolio; they are located in the City of Santa Clara. Approximately 16,387 housing vouchers are in use countywide.

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	48	20	10,212	692	9,267	212	0	36

Table 22 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source: PIC (PIH Information Center)

Characteristics of Residents

	Program Type							
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher	
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	20,067	16,342	15,882	13,333	16,112	14,199	0
Average length of stay	0	7	5	8	1	9	0	0
Average Household size	0	2	2	2	1	2	1	0
# Homeless at admission	0	0	1	15	4	4	0	0
# of Elderly Program Participants (>62)	0	10	4	3,859	502	3,315	24	0
# of Disabled Families	0	10	6	1,784	69	1,610	85	0
# of Families requesting accessibility features	0	48	20	10,212	692	9,267	212	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Race	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	33	11	4,885	332	4,420	117	0	14
Black/African American	0	3	3	1,358	46	1,223	80	0	7
Asian	0	11	5	3,698	303	3,375	5	0	14
American Indian/Alaska Native	0	1	1	145	7	134	3	0	1
Pacific Islander	0	0	0	95	4	84	7	0	0
Other	0	0	0	31	0	31	0	0	0

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Ethnicity	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project-based	Tenant-based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	20	8	3,217	133	3,038	38	0	7
Not Hispanic	0	28	12	6,964	559	6,198	174	0	29

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

None of the four public housing units owned and managed by HACSC are accessible, and information about the need for accessible units is not collected for waiting list applicants.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

In January 2013, HACSC randomly sampled 1,500 of its Section 8 participants to better understand the types of services and/or resources needed to increase their self-sufficiency. Approximately 400 participants responded. In the table below identified the services requested and the number of participants that requested that service. Affordable healthcare, job training, basic computer skills, English as a second language, and job placement resources were among the top most-identified services. The majority of these services are related to workforce training, showing the need for economic development among Section 8 participants. The selection of affordable healthcare as the highest need indicates the need for additional health-related services.

Rank	Services/Resources	#Participants Requesting Service	% Participants Requesting Service
1	Affordable Health Care	122	11%
2	Job Training	114	10%
3	Basic Computer Skills	113	10%
4	Nothing	102	9%
5	English as a Second language	96	8%
6	Job Placement	94	8%
7	Post Secondary Education	79	7%
8	Transportation Assistance	79	7%
9	Job Search Skills	68	6%
10	Legal Assistance	61	5%
11	HS Diploma/GED	53	5%
12	Affordable Childcare	53	5%
13	Financial Planning	53	5%
14	Credit Repair/Credit	50	4%
15	Substance Abuse/Mental	21	2%
Total		1,137	100%

How do these needs compare to the housing needs of the population at large

The need for housing that is affordable, safe and comfortable is shared by both the population at large and Public Housing residents and Housing Choice voucher holders.

Public Housing residents, and to a lesser extent Housing Choice voucher holders, do not have a housing cost burden problem. The need for housing that is affordable is met. As long as HACSM properly maintains its units and effectively inspects Section 8 units, Public Housing residents and Housing Choice voucher holders will not have the problem of lack of kitchen or plumbing facilities. Consultation with HACSC staff indicates that Public Housing residents with growing households are encouraged to transfer to larger units in order to avoid overcrowding conditions.

Discussion

See discussion above.

DRAFT

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

The causes of homelessness are complex and vary widely from one individual or family to the next. While difficulty affording housing is a primary cause of homelessness, other factors such as health conditions, trauma, a lack of social support systems, mental health issues, and problems with substance abuse can increase the likelihood that an individual or family will become homeless. Some families and individuals are homeless for a temporary period and experience one or a few episodes of homelessness during their lifetime, while others experience chronic homelessness, which lasts for a year or more or occurs several times within a few years.

As was previously discussed, the Santa Clara region is home to the fourth-largest population of homeless individuals (~~9,7066,681~~ single individuals in 2019),~~[1]~~ and one of the highest percentages of unsheltered homeless of any major city (~~82%75~~ percent of homeless people sleep in places unfit for human habitation). The homeless assistance program planning network is governed by the Santa Clara Continuum of Care (CoC), governed by the Destination: Home Leadership Board, who serves as the Continuum of Care (CoC) Board of Directors. The membership of the CoC is a collaboration of representatives from local jurisdictions comprised of community-based organizations, the Housing Authority of Santa Clara, governmental departments, health service agencies, homeless advocates, consumers, the faith community, and research, policy and planning groups. The homeless services system utilized by the CoC is referred to as the Homeless Management Information System (HMIS). The HMIS monitors outcomes and performance measures for all the homeless services agencies funded by the County.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Every two years, Santa Clara County conducts a comprehensive count and survey of the County's homeless population to better understand the nature and extent of homelessness in the County and determine how to best target resources to serve the homeless population. The most recent Homeless Census and Survey (for which data is currently available) was conducted in 201~~95~~ and provides detailed data on the homeless population in Santa Clara County. According to the survey results, ~~there were 9,7066,556~~ individuals experiencing homelessness in the County at the time of the survey. This is a significant increase from the 7,394 individuals that were counted in 2017 and the 6,556 individuals that were counted in 2015. -The 2019 survey found that the primary cause of homeless was job loss for nearly ~~304~~ percent of homeless individuals, alcohol and drug use for ~~220~~ percent of homeless individuals, and a divorce or separation for 15 percent

of homeless individuals. ~~The~~ In 2019 the County's homeless population included 2,470~~169~~ chronically homeless individuals, of which 3.7~~141~~% identified as veterans.

The 2019~~5~~ Santa Clara County Homeless Census and Survey found that the homeless population for the County increased by 31% between 2017-2019. During this same period, there were 125~~2~~ homeless individuals in Milpitas, an increase of 59~~27~~ people ~~from the 2013 survey. or 89%.~~ However, due to the highly unstable nature of homelessness and the difficulties associated with counting the homeless population in a particular jurisdiction, these figures should not be assumed to broadly represent trends over time. All 125~~2~~ homeless individuals in Milpitas were unsheltered, which includes individuals living on the street or in abandoned buildings, cars, vans, RVs, or encampment areas.

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
Ethnicity:	Sheltered:	Unsheltered (optional)

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

The City of Milpitas partners with Santa Clara County for the bi-annual Homeless Point-In-Time Census & Survey. In 2015~~2019~~, the survey revealed that the City of Milpitas has a homeless population of 125~~2~~ persons. This constituted an increase ~~for a homeless population of 5995 homeless persons from since 20173 or an 89% increase.~~ However, compared to similar sized jurisdictions in the County, Milpitas has a relatively small homeless population. ~~Another survey was conducted in January 2017 but the results have not been released.~~

There are likely additional households that are homeless in Milpitas and not included by the point-in-time count. One additional source of homelessness information is McKinney Vento data from the Milpitas Unified School District. In 2019, there were approximately 400 households with children in the Milpitas Unified School District that were homeless or on the verge of being homeless.

The City of Milpitas is home to a relatively small percentage of the County's homeless population, which can be explained, in part, by the absence of shelters operating in the City. While LifeMoves is a primary provider of shelter and support services for the Milpitas homeless population, it operates the services in 17 locations, including 13 emergency shelters and transitional housing sites, in San Mateo and Santa Clara counties. Two emergency shelters are located in the City of San Jose (Julian Street Inn and Montgomery Street Inn). The City of Milpitas provides LifeMoves

with CDBG funding to help operate their shelters. Last year, 1,697 shelter nights were provided to 24 individuals who listed their last previous address in Milpitas. The se San Jose shelters are the closest shelters to Milpitas. ~~This is the closest overnight shelter that serves Milpitas' homeless population.~~ The City of Milpitas also operates a "cooling and warming" shelter for the homeless in the City's Sports Center, but does not provide overnight housing there. In addition, during the winter, the City provides daytime warming centers at the City's Community and Senior Centers.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

The City does not have data on the nature and extent of homelessness in its jurisdiction by racial and ethnic group. The primary source of data on homelessness is provided by the San Clara County Continuum of Care on Homelessness and general data on the nature and extent of homelessness is generally provided on a County level.

In the 20195 Point-In-Time Census and Survey, ~~when asked about their ethnicity, 38% identified as Hispanic or Latino. As for race, 42% of the respondents identified as White, 18% as Black, 7% American Indian, 3% Asian, 1% Pacific Islander and 30% as multi-ethnic found that, "a much higher proportion of homeless survey respondents identified as Black or African-American than in the general population (18% compared to 3%), and a higher percentage of homeless survey respondents identified as Hispanic or Latinx as compared to the general population (41% compared to 26%).~~

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

There were 1252 unsheltered homeless in the City at the time of the 20175 Count. On a County level (data not provided specific to Milpitas), 346% stated that they lived outdoors (either on the streets, in parks or encampment areas), 2234% stayed in transitional or emergency shelter, 15% ~~in a structure not meant for human habitation and~~ 18% stayed in their vehicles, and 13% ~~in a structure not meant for human habitation.~~

The 2019 Point-In-Time Census and Survey estimated that 35% of the County's homeless population previously owned a home or rented, and an additional 33% lived with friends or relatives before becoming homeless.

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

The following section addresses the needs of special populations and the special housing and service needs they might require. The special needs populations considered in this section include:

- Persons with disabilities
- Low and moderate income households at risk of eviction
- Children and Youth
- Elderly Senior households
- Persons threatened by domestic violence
- Persons with disabilities
- Large households
 - Female-headed households
 - Persons living with AIDS/HIV and their families
 - Low and moderate income households with housing cost burden and/or who are living in overcrowded conditions

Describe the characteristics of special needs populations in your community:

In Milpitas, it is estimated that 4,663 persons have a disability. Of the population between 5 to 17 years, 3.6% have a disability; of those 18 to 64 years, 4.0% have a disability; and of those 65 years and over, 35% have a disability. The disabilities most disabled seniors face are ambulatory difficult and independent living difficulty.

Low and moderate income households that are already cost burdened and that experience unexpected financial emergencies can quickly slide into housing instability. For this reason, it is important to assist low and moderate income households and prevent them from becoming homeless. In spring 2020, the COVID-19 pandemic led to unprecedented job loss and housing stability.

In response, organizations and local governments in Santa Clara County allocated public and private funding for rent, mortgage, and utility assistance payments. As of May 2020, nearly 400 Milpitas households had applied to the Santa Clara County Financial Assistance Program and another 37 had been assisted by the City of Milpitas Rent Relief program. Applicants to the City's

program consisted mostly of low or moderate-income households with children and households with seniors or disabled residents.

[children and youth]

According to the 2011-2015 ACS 5-Year Estimate, persons 65 and over comprise 11% of the Milpitas population with twenty-five percent of Milpitas households have on or more individuals that are 65 years and over. In addition, there are over 1,000 households where the householder living alone is 65 years and over. Of the population of persons 65 years and over, almost 35% of the population has a disability.

~~In Milpitas, it is estimated that 4,663 persons have a disability. Of the population between 5 to 17 years, 3.6% have a disability; of those 18 to 64 years, 4.0% have a disability; and of those 65 years and over, 35% have a disability. The disabilities most disabled seniors face are ambulatory difficult and independent living difficulty.~~

The elderly, frail elderly, and persons with disabilities are often on a fixed income since most of them are unable to work. In addition to everyday costs of living, they may also be faced with numerous health care costs.

[Persons threatened by domestic violence]

[Female headed households]

[Persons living with AIDS/HIV and their families]

The most common housing problem in Milpitas is rent burden and severe rent burden. Twelve percent of total households are severely cost burdened meaning they pay more than half of their income for housing. Twenty-seven percent of Hispanic households in Milpitas are disproportionately affected by severe cost burden and paying more than 50 percent of their income toward housing compared to 16% of the jurisdiction as a whole. Overcrowding is the third most common housing problem in Milpitas and it effects 3% of all households and 77% of low and moderate income households.

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What are the housing and supportive service needs of these populations and how are these needs determined?

Because many are on a fixed income and have additional expenses for health care, special needs populations have a great need for housing that is affordable. In addition to housing affordability, special needs populations have a need for housing that is accessible. Housing accessibility

features include ramps, handrails, handicapped parking spaces, elevators, wider doorways, and lower shelving.

Persons with mental illness or substance abuse issues have a need for supportive housing, where housing is combined with services. These services may include job training, case management or substance abuse programs.

Milpitas offers a number of housing resources for seniors. The City has seven residential care facilities, one skilled nursing facility, and three subsidized independent living housing developments in Milpitas for seniors. Residential care facilities for the elderly, also known as “assisted living” or “board and care” facilities, provide assistance with some activities of daily living while still allowing residents to be more independent than in most nursing homes. Skilled nursing facilities, also known as nursing homes, offer a higher level of care, with registered nurses on staff 24 hours a day.

In addition, Milpitas recently approved a 389-unit senior independent living development with 48 units affordable to very low-income households. The City of Milpitas donated the land for this project, which is valued at \$12.4 million. The development is approved but not yet constructed.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

Stable and affordable housing that is available to persons living with HIV/AIDS and their families helps assure they have consistent access to the level of medical care and supportive services that are essential to their health and welfare. Stable and affordable housing can also result in fewer hospitalizations and decreased emergency room care. In addition, housing assistance, such as short-term help with rent or mortgage payments, may prevent homelessness among persons with HIV/AIDS and their families.

The Santa Clara County HIV Planning Council for Prevention and Care published the “2012-2014 Comprehensive HIV Prevention & Care Plan for San José.” In the publications it found that in Santa Clara County, from April 2006 through June 2014, a total of 1,119 cases of HIV were reported; of these, 1,080 individuals are still living (3% deceased). During the same time period, a total of 4,655 cases of AIDS was reported; 2,327 are still living (50% deceased). According to a 2011 Santa Clara County HIV/AIDS needs assessment survey, 71 percent of respondents living with HIV/AIDS represented renter households, and 30 percent reported experiencing difficulty getting housing in the six months prior to the survey.

Discussion:

Please see previous discussion.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction’s need for Public Facilities:

As the City’s population continues to increase, the need for public facilities also increases. Public parks and open space, recreational facilities and other facilities are needed to service the City’s general, senior and youth populations.

How were these needs determined?

The City conducted five community input meetings and circulated an online survey. Respondents placed community facilities as a high priority for them. Specifically, the survey indicated a desire to have a mental health facility and a center for persons with disabilities. The respondents also voiced the need for senior and child care facilities.

Describe the jurisdiction’s need for Public Improvements:

The City has identified the need for citywide replacement or upgrade of existing curb ramps to current Americans with Disabilities Act (ADA) compliant ramps. Any pavement repair work will include replacement of ADA curb ramps.

How were these needs determined?

The ADA curb ramp Transition Program is identified in the City’s Capital Improvement Program.

Describe the jurisdiction’s need for Public Services:

The City recognizes that public services programs provide necessary services at reduced or low cost to low and moderate-income residents. These programs can help free up scarce financial resources to allow lower income people to afford housing and educational opportunities and to maintain or improve their economic situations. These programs can also help households cope with the social and economic impacts of the COVID-19 pandemic. The City has identified the following public services as priorities:

- Legal Services
- HIV/Aids services
- Tenant/Landlord counseling services
- Veteran’s services
- Emergency rent assistance
- Microenterprise and small business assistance
- Domestic violence prevention and support
- Senior care and social isolation
- Mental health for school age children and families
- Food access and meal delivery
- COVID-19-related Personal Protective Equipment (PPE)

How were these needs determined?

The City conducted five community input meetings and circulated an online survey.

In spring 2020, the City conducted additional outreach in response to the health and economic impacts of the COVID-19 pandemic. City staff created an exhaustive outreach list and directly contacted past and current CDBG applicants, various food providers, homeless shelters, the Milpitas Police Department, the Milpitas Economic Development Department, the Milpitas Recreation and Community Services Department, Destination:Home, MUSD's McKinney Vento coordinator, the Santa Clara County Office of Supportive Housing, small businesses, as well as monthly calls with staff from nearby Cities who have been working to quickly deploy CDBG-CV funds. The goal with of this outreach was to understand the needs in Milpitas, to understand changes to the HUD CDBG process, to understand how other cities are moving forward, and to communicate next steps for the CDBG Subcommittee, City Council, our applicants, and most importantly, to our residents.

Additional research included attending webinars hosted by the Department of Housing and Urban Development (HUD), Best Best & Krieger (BBK), and the California Department of Housing and Community Development (HCD) to stay on top of the legislation and its impact on our ability to use CDBG-CV funds. Furthermore, staff monitored local news and various national publications.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

The purpose of this chapter is to summarize available data on the most significant housing needs of very low, low, moderate-income households, as well as homeless persons and other with special needs and to project those needs over the next five year Consolidated Plan period (July 1, 2017- June 30, 2022). The information in this chapter is based on numerous resources including the 2000 and 2010 Census, 2011-2015 American Census Survey (ACS), 2015-2023 Milpitas Housing Element, 2019~~5~~ Homeless Point-In-Time Census and Survey and other sources.

Because of the high demand for housing and resulting high housing costs which has transpired in Silicon Valley since the previous Consolidate Plan, it is expected that the needs outlined in this chapter are still relevant and has become more critical than those housing needs that have been identified in the Milpitas 2012-2017 Consolidated Plan. In addition, the 2020 COVID-19 pandemic further stressed the Bay Area's high cost housing market. COVID-19 has caused unprecedented income losses which have impacted many many people's ability to pay rent, mortgages, and utilities on time.

HOUSING PROFILE

This section will examine the various characteristics of housing stock in the City of Milpitas. Housing costs, types of housing units, housing unit size, and the age of housing stock are all aspects that play a significant role in determining the quality of the City's housing. Inadequate housing conditions are an impediment to fair housing, which affect a higher proportion of low-income residents within the impacted group.

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

According to 2008-2012 ACS data, there are a total of 20,744 housing units in Milpitas of which approximately 65.5% of those units were owner-occupied, while 34.4% were renter-occupied. Milpitas has a noticeably higher proportion of owner-occupied units, and thus a lower proportion of renter-occupied units, than Santa Clara County. The City’s housing stock accounts for 3.1% of the County’s total housing stock.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	11,944	58%
1-unit, attached structure	4,172	20%
2-4 units	1,248	6%
5-19 units	743	4%
20 or more units	2,149	10%
Mobile Home, boat, RV, van, etc	488	2%
Total	20,744	100%

Table 26 – Residential Properties by Unit Number

Data Source: 2008-2012 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	53	0%	57	1%
1 bedroom	158	1%	1,163	17%
2 bedrooms	1,840	14%	2,339	35%
3 or more bedrooms	10,762	84%	3,163	47%
Total	12,813	99%	6,722	100%

Table 27 – Unit Size by Tenure

Data Source: 2008-2012 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

The City has created over 1,200 units of housing in its Below Market Rate (BMR) inventory. There are 247 BMR ownership units and 974 BMR rental units. A large majority of the affordable housing was funded by the now defunct Redevelopment Agency (RDA). Prior to the dissolution of the RDA, it was generating approximately 100 units of affordable housing on an annual basis from funding from the 20% affordable housing set-aside. The housing units are a variety of sizes

ranging from 1-3 bedroom townhouses and condominiums to 3 bedroom single family dwellings. The ownership units are primarily targeted to moderate income households however there are BMR ownership units for low income and very low income units. The BMR rental units are primarily for low and very low income households. The City does have two affordable senior apartment rentals for low and very low income seniors. CDBG funds have been used to maintain the upkeep on one of the senior affordable rentals, built in 1987.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

The Sunnyhills Apartments is a 171 unit development in which 149 units receive project based Section 8 funding from HUD. In January 2017, the management company sent out notices to tenants that there they intend not to renew the current Section 8 contract with HUD. The contract is set to expire on February 28, 2018. The City does have Housing Element policies that call for the preservation of the affordable units in the Sunnyhills Apartments. The City is working with non-profit affordable housing developers to explore the possibility of acquiring the property to preserve the affordability of the units.

Does the availability of housing units meet the needs of the population?

No. As with many other areas in the County, there is a severe shortage of housing, both market rate and affordable, to meet the needs of the population. There are several indicators that demonstrate the supply of housing is inadequate including low vacancy rates in the rental market as well as overbidding situations in the real estate market. There have been numerous reports of residents with Section 8 vouchers not being able to find landlords willing to participate in the program since the market rates have increased to a point that make Section 8 unviable. This means that lower income households are paying far too much for ~~housing, and~~housing and may be severely overcrowded to make ends meet.

The City has approved approximately 5,500 housing units in the past two years. ~~However~~However, because of the strong housing demand, the demand continues to exceed the supply and housing prices continue to increase.

The spring 2020 COVID-19 pandemic has exacerbated the Bay Area's extreme housing shortage. Santa Clara County's shelter in place order and the County's moratorium on evictions have slowed the construction of new housing and limited apartment vacancies. As of June 2002, there are high rates of unemployment and uncertainty about when the countywide moratorium on evictions will end and how tenants will pay back rent if they remain unemployed. In the first two months of the pandemic, over 4,000 residents applied to a Countywide rent assistance program and only 2,000 received funding before the fund was exhausted. In addition, social distancing guidelines have decreased existing shelter capacity.

Describe the need for specific types of housing:

There is a need for the entire spectrum of housing, especially for the extremely low, very low and low-income households. Milpitas has been more affordable than other County jurisdictions however because the extremely high demand for housing, many Milpitas residents have been priced out of the Milpitas-local market. As mentioned, the City has approved approximately 5,500 units in the past two years however ~~the~~this new construction has not kept pace with the demand and it has largely consisted of market rate units. According to the City's 2019 Annual Housing Progress Report, the City of Milpitas must work with developers to construct 994 extremely-low /very-low income, 570 low-income, and 565 moderate income units to meet its 2015-2023 housing goals.

Discussion

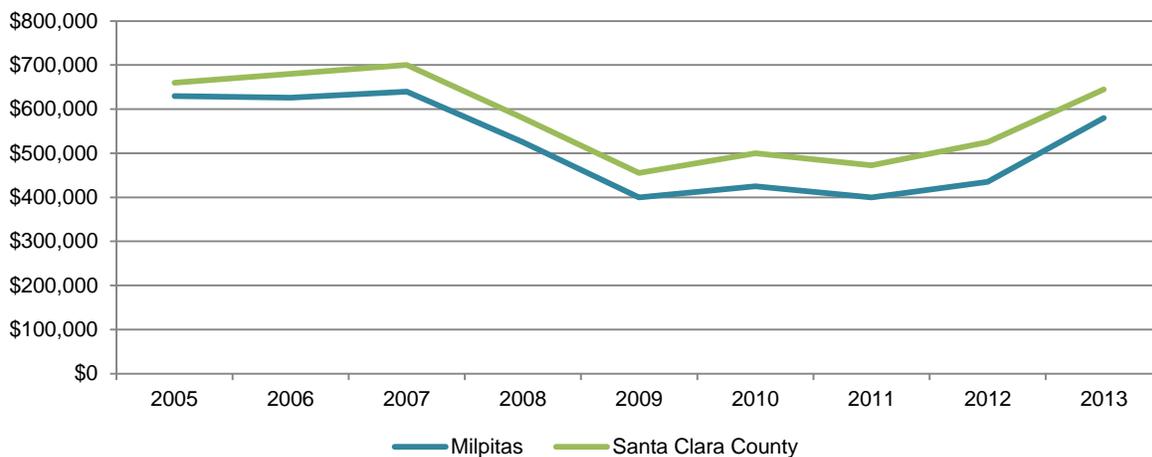
~~Please see the above discussion.~~ In September 2019, the unemployment rate was 3.5% for the state and 2.1% for Santa Clara County. In April 2020, unemployment rates were 16.1% statewide and 11.7% for Santa Clara County.¹ This spike in unemployment is likely to cause an increase in evictions once the countywide moratorium on evictions is lifted.

¹¹ California Employment Development Department, 2019 and 2020.
<https://www.edd.ca.gov/newsroom/unemployment-october-2019.htm>

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

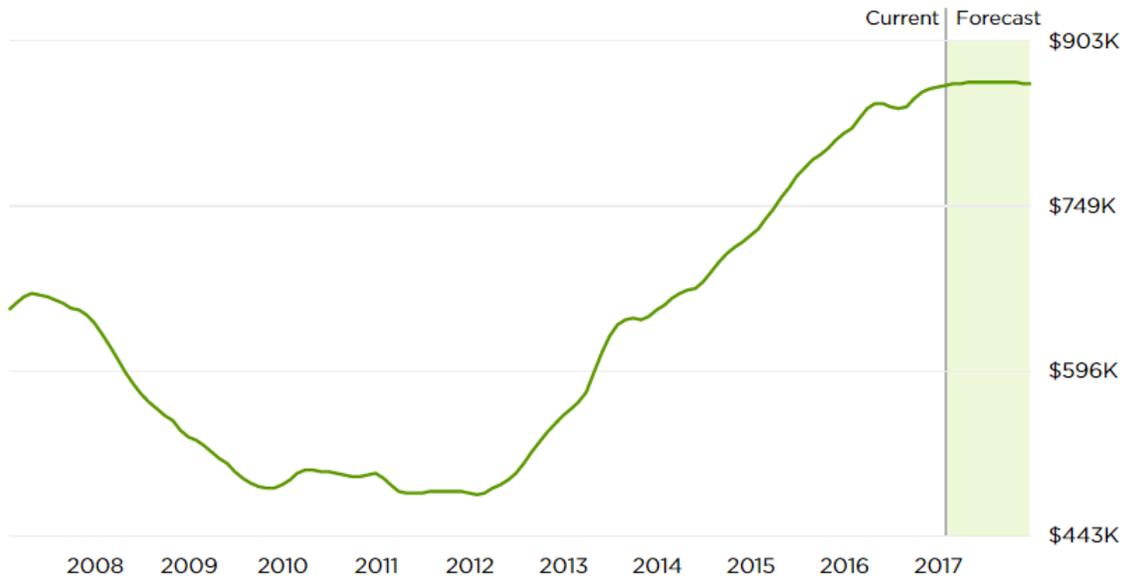
Housing prices in Milpitas fell substantially during the recent recession, but have begun to recover in recent years and are now exceeding pre-recession levels. Pre-recession, the median residential sale price in Milpitas peaked in 2007 at \$640,000. The median decreased by 38 percent in over the next two years, with a low of \$400,000 in 2009. The median residential sale price did not change significantly between 2009 and 2012, remaining between \$400,000 and \$435,000 in each year. However, the median sale price increased to \$580,000 in 2013, coming close to the median during the years prior to the recession.



Sources: DQ News, 2006-2013; BAE, 2014.

As of 2016, Milpitas housing prices have exceeded the 2007 peak. According to Zillow, as of December 31, 2016, the median house price in Milpitas exceeded \$860,000 for a [single family single-family](#) home. Between the period of 2013-2016, housing prices experienced dramatic increases while incomes have remained [relatively stagnant](#). According the State of CA Housing and Community Development (HCD), incomes have only increased 1.51%, thus exacerbating the affordability issue.

Dec 2017 — Milpitas \$863K



Milpitas

Data Source: Zillow

Cost of Housing

	Base Year: 2000	Most Recent Year: 2012	% Change
Median Home Value	363,100	513,300	41%
Median Contract Rent	1,193	1,620	36%

Table 28 – Cost of Housing

Data Source: 2000 Census (Base Year), 2008-2012 ACS (Most Recent Year)

Rent Paid	Number	%
Less than \$500	512	7.6%
\$500-999	719	10.7%
\$1,000-1,499	1,740	25.9%
\$1,500-1,999	2,062	30.7%
\$2,000 or more	1,689	25.1%
Total	6,722	100.0%

Table 29 - Rent Paid

Data Source: 2008-2012 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	465	No Data
50% HAMFI	1,055	360
80% HAMFI	2,465	564
100% HAMFI	No Data	1,117
Total	3,985	2,041

Table 30 – Housing Affordability

Data Source: 2008-2012 CHAS

Housing Cost Burden Overview ³	Owner	Renter	Total
Cost Burden <=30%	9,820	4,210	14,030
Cost Burden >30% to <=50%	2,375	1,740	4,115
Cost Burden >50%	1,485	1,565	3,050
Cost Burden not available	85	190	275
Total	13,760	7,705	21,465

Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	1507	1773	2220	3078	3449
High HOME Rent					
Low HOME Rent					

Table 31 – Monthly Rent

Data Source: HUD FMR and HOME Rents

Is there sufficient housing for households at all income levels?

No. As with many other areas in the County, there is a severe shortage of market rate and affordable housing, to meet the needs of the population. There are several indicators that demonstrate the supply of housing is inadequate including low vacancy rates in the rental market as well as overbidding situations in the real estate market. There have been numerous reports of residents with Section 8 vouchers not being able to find landlords willing to participate in the program since the market rates have increased to a point that make Section 8 unviable. This

means that lower income households are paying far too much for housing, and may be severely overcrowded to make ends meet.

The City has approved approximately 5,500 units of housing in the past two years. However, because of the strong housing demand, the demand continues to exceed the supply and housing prices continue to increase.

How is affordability of housing likely to change considering changes to home values and/or rents?

As housing prices continue to increase while income increases continue to remain relatively small, housing affordability will continue to become more of an issue.

If unemployment continues to rise and the national economy contracts due to COVID-19 closures, housing stability is likely to become even worse in Santa Clara County. It is not yet clear if housing prices and rents will dip and by how much, and if residents displaced due to COVID-19 impacts will be able to afford housing once the economy recovers.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

Fair Market Rents (FMRs) are estimates, prepared by the US Department of Housing and Urban Development, of the rent plus utilities that would be required to rent privately owned, decent, safe, and sanitary rental housing of a modest nature with suitable amenities. The calculation of FMRs is based on information from the 2010 Census, housing surveys, and the CPI for housing. The rent figures do not necessarily reflect current asking rents, but rather the upper limits of rents that can be used in the negotiations for Section 8 contracts and other similar rent subsidy programs. The difference between FMRs and market rents illustrates the ongoing problem of the need for increased housing subsidies. In addition, FMRs tend to lag ~~behind~~⁶⁶behind actual market trends by a year or sometimes more. As the gap between HUD FMRs and rents in the County widen, there are fewer and fewer landlords who will accept Section 8 vouchers and certificates.

Actual market rents are often significantly higher than HUD's Fair Market Rents. RealFacts tracks the rental prices in various communities based on surveys of apartment buildings with 50 or more units. In the table below, it shows the maximum rent paid by the Housing Authority of Santa Clara County, effective January 1, 2017.

0 BR	1 BR	2BR	3 BR
\$1,657	\$1,950	\$2,442	\$3,385

In reviewing the Trulia and Zillow online housing sites, the median rent of a Milpitas market rate for 1BD unit is approximately \$2200, 2BD units rent for approximately \$2800 and a \$3300 for 3BD units. An informal review of Craigslist listings for rental units substantiates the Trulia and Zillow estimates.

Discussion

~~Please see above. Since 2017, the average rent in the City of Milpitas has increased by approximately 15%. As wages for lower income earners have not increased in an equal amount, and due to the lack of tenant protections afforded these vulnerable residents, large rent increases and subsequent residential displacement has become an issue in the community.~~

~~On October 15, 2020, the City Council authorized the creation of a Pilot Rent Relief Program to assist its most vulnerable residents who are at risk of being displaced due to the lack of affordable rent in the community. The program was allocated \$100,000 to provide short term assistance to residents who are experiencing emergency housing needs. Due to high demand, on March 3, 2020, the City Council allocated an additional \$100,000 to the Pilot Rent Relief Program. By June, COVID-19 induced unemployment drove up demand for assistance and this additional funding was quickly used up.~~

~~As of June 4, 2020 To date, and due in part to the COVID-19 pandemic, the program has assisted over 5037 households and over 100130 Milpitas residents and children. The onset of COVID-19 has exacerbated the affordable housing crisis. With record 20+% unemployment, Milpitas residents are unable to pay their monthly rent. While the Pilot Rent Relief Program continues to assist Milpitas residents with its current allocation, the City will be authorizing has authorized the use of CDBG-CV funds to further provide additional rental assistance. address this issue.~~

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

Since housing units typically deteriorate with age, they will require extensive maintenance or rehabilitation at some point in its lifespan. However with the relatively new housing stock in Milpitas, it is a likely indication that a comparatively large number of units in Milpitas are in a state of good repair. Nonetheless, the owners of the older residential units in Milpitas may require maintenance and/or rehabilitation and the owners of those units may be in need of resources to be able to afford necessary maintenance.

The majority of housing units in Milpitas are single-family detached homes. According to estimates from the California Department of Finance, 76 percent of all homes in Milpitas are single-family homes (59 percent detached single-family and 17 percent attached single-family). This is a slighter higher proportion than in Santa Clara County (64 percent) and the Bay Area (63 percent), due mainly to the high proportion of attached single-family homes in Milpitas. Accordingly, Milpitas has a smaller share of units in multifamily structures (22 percent) than the County (33 percent) and region (35 percent). Mobile homes represent comparable proportions of units in the City (two percent), County (three percent), and region (two percent).

Milpitas has a relatively large number of new units in the housing stock. According to ACS data collected in 2011, the median year built for housing units in Milpitas was 1977, five years newer than the median year built for Santa Clara County overall. Moreover, 73 percent of housing units in Milpitas were built in 1970 or later, compared to 61 percent of housing units in Santa Clara County.

However, given the age of the housing stock and that maintenance can be especially difficult for elderly homeowners, the City offers an array of rehabilitation loans for lower-income households to fund rehabilitation and items essential to maintenance and grants for special needs owners who are elderly or disabled.

Definitions

A dwelling unit in “Substandard Condition” is defined as a dwelling unit in such poor condition as to be neither structurally nor financially feasible for rehabilitation.

A dwelling unit in “Substandard Condition but Suitable for Rehabilitation” is defined as a dwelling unit that does not meet standard conditions but is both financially and structurally feasible for rehabilitation. This does not include units that require only cosmetic work, correction or minor livability problems or maintenance work

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	4,665	36%	2,875	43%
With two selected Conditions	309	2%	360	5%
With three selected Conditions	0	0%	10	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	7,839	61%	3,477	52%
Total	12,813	99%	6,722	100%

Table 32 - Condition of Units

Data Source: 2008-2012 ACS

The table indicates that owner-occupied housing tends to have fewer problems than renter-occupied housing.

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	1,401	11%	1,177	18%
1980-1999	4,034	31%	1,998	30%
1950-1979	7,160	56%	3,502	52%
Before 1950	218	2%	45	1%
Total	12,813	100%	6,722	101%

Table 33 – Year Unit Built

Data Source: 2008-2012 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	7,378	58%	3,547	53%
Housing Units build before 1980 with children present	2,045	16%	1,215	18%

Table 34 – Risk of Lead-Based Paint

Data Source: 2008-2012 ACS (Total Units) 2008-2012 CHAS (Units with Children present)

According to the National Center for Healthy Housing, lead poisoning is the number one environmental health hazard facing American children. Additionally, the California State Department of Health Services indicates that children under the age of six and fetuses are at the greatest risk of harmful health effects of lead poisoning. Lead based paint containing up to 50 percent lead was in common use through the 1940's. Although the use and manufacture of interior lead-based paint declined during the 1950's, exterior lead-based paint and some interior

lead-based paint continued to be available until the mid- 1970. In 1978, the Consumer Product Safety Commission banned the manufacture of paint containing more than 0.06 percent lead by weight for use on interior and exterior residential surfaces and furniture.

Most housing units built prior to 1978 have some form of lead-based paint hazard, which increases with the age of the structure. To estimate the number of housing units with lead-based paint (LBP) staff used data provided by HUD based on the 2000 Census to obtain the number of low- and very low-income housing units of a particular construction period and multiplied units times the likelihood of these units containing lead based paint. The likelihood of lead-based paint by the age of a structure is based on a national survey conducted by the National Center for Healthy Housing.

Not all units with lead-based paint have lead-based paint hazards. Lead-based paint is only a hazard when there is a potential of lead-contaminated soil, lead contaminated dust, or accessible peeling paint due to deterioration and improper maintenance of a structure. Based upon previous surveys, the table below estimates the number of housing units that may contain lead-based paint hazards in census tracts and blocks identified as having concentrations of low-income and very low-income households. HUD provides a standard method to estimate the community-wide risk of lead poisoning resulting from lead-based paint. The method assumes that a certain percentage of homes built before the sale of lead-based paint was banned in 1979 constitute a lead poisoning hazard. The older the age of the home, the more likely it is to constitute a lead poisoning hazard. The method also assumes that low-income households are more likely to be at risk of lead poisoning. Applying the percentage of low-income households by tenure to the age of homes by tenure and multiplying by the presumed lead hazard percentage results in the estimated number of households at risk of lead poisoning.

Because of the age of the Milpitas housing stock (approximately 60% of the units within Milpitas were built after 1970), Milpitas' housing stock is relatively new and contains very little lead base hazardous material. The City of Milpitas will continue to work with the County of Santa Clara Environmental Health Department, as additional funding becomes available, in the design and implementation of programs related to the detection, abatement, prevention and education of the incidence of lead-based paint in the housing stock.

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units			
Abandoned Vacant Units			
REO Properties			
Abandoned REO Properties			

Table 35 - Vacant Units

Need for Owner and Rental Rehabilitation

See above

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

See above

Discussion

MMMA-25 Public and Assisted Housing – 91.210(b)

Introduction

Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	48	20	10,635	815	9,820	1,964	0	465
# of accessible units									

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 36 – Total Number of Units by Program Type

Data PIC (PIH Information Center)

Source:

Describe the supply of public housing developments:

N/A. The City does not have any public housing developments.

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

N/A

Public Housing Condition

Public Housing Development	Average Inspection Score

Table 37 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

N/A

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

N/A

Discussion:

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)					
Households with Only Adults					
Chronically Homeless Households					
Veterans					
Unaccompanied Youth					

Table 38 - Facilities and Housing Targeted to Homeless Households

Milpitas provides CDBG funding to nearby service providers to aid in addressing the need for shelters and support services for homeless individuals and families. In the past, the City has partnered with EHC Lifebuilders (EHC), now known as HomeFirst. HomeFirst is a primary provider of shelter and support services for the Milpitas homeless population, operating these services out of a central location in San Jose. Recently, the City has begun funding LifeMoves, another homeless shelter provider. The City of Milpitas provided HomeFirst with CDBG funding to cover the cost of 4,500 Person Shelter Days (PSD) for 55 unduplicated Milpitas residents at HomeFirst’s Reception Center on Little Orchard Street in San Jose, the closest overnight shelter that serves Milpitas’ homeless population. The City also provides CDBG funding to the YMCA Domestic Violence Department Support Network Program and Next Door Solutions to Domestic Violence, both of which address domestic violence issues by providing supportive services and emergency shelters in Santa Clara County. The City of Milpitas also operates a “cooling and warming” shelter for the homeless in the City’s Sports

Center, but does not provide overnight housing there. In addition, the City provides daytime warming centers at the City's Community, Sports, and Senior Centers during the winter.

Milpitas also collaborates with other jurisdictions in Santa Clara County to address the homeless problem regionally, due to the shifting nature of homelessness in Santa Clara County and the tendency of people to move between cities to find work or housing. This collaboration includes supporting regional efforts to build additional transitional and permanent housing with supportive services.

As of January 2014, Santa Clara County provided the following resources:

- 587 year-round shelter beds (192 for families, 375 for adult individuals, 20 for children only);
- 321 seasonal shelter beds;
- 1,214 transitional housing beds (755 for families, 459 for individuals), and
- 3,338 permanent supportive housing beds (1,429 for families, 1,909 for individuals).

The Santa Clara County Housing Authority implements a range of programs to help lower-income individuals afford rental units, many of which can help people who are homeless or at risk of homelessness. These include Section 8 Housing Choice Vouchers, the Veterans Affairs Supportive Housing Program, and the Shelter Plus Care Program. The Veterans Affairs and Shelter Plus Care programs provide supportive services in addition to housing payment assistance. However, the resources for all of these programs are limited, and individuals in need of these services are therefore not always able to access them.

Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons

The Milpitas Food Pantry provides food to any community member, primarily the lowest income levels and the homeless. In addition to providing food, the Food Pantry provides clothing, toiletries and other basic necessities. They also offer laundry and shower facilities. The Food Pantry is located on City owned property and the City charges the Food Pantry with a rent of one dollar per month in addition to CDBG funding. The Food Pantry consistently serves 50-70 homeless persons.

Santa Clara County also provides a wide range of services for homeless persons. The services are as follows:

- The Valley Homeless Healthcare Program (VHHP) is part of the Santa Clara Valley Health and Hospital system and provides a variety of services for homeless people, including primary care, urgent care, and backpack medicine for people in encampments, medically focused outreach, and connection to an SSI advocate through the County's Social Services Agency. VHHP also connects people to the public behavioral health system and connects people with or enrolls people in Affordable Care Act benefits. VHHP also manages a Medical Respite program for homeless who are being discharged from hospitalizations, including from the County hospital.
- The Social Services Agency has an expedited review process for SNAP (food stamps) applications for homeless people such that they can be approved for benefits within three days.
- The Social Services Agency and the Workforce Investment Board (work2future) in San Jose are piloting an employment program for recipients of General Assistance who are homeless.
- The County's Behavioral Health Services Department (BHS) has several programs that connect homeless people to housing or shelter assistance, as well as several programs in which homeless people are connected to BHS for treatment.
- BHS and the County's Office of Reentry Services, as well as Social Services and VHHP, have partnered on services through the County's Reentry Resource Center (RRC) to provide services to people who have a history of incarceration, including those who were recently released and who are homeless. Through the RRC, clients can get expedited connections/referrals to treatment services, housing, and other mainstream benefits.
- BHS is dedicating a significant portion of its State Mental Health Services Act funds to housing. Since 2007, \$21 million has been dedicated to housing in the form of construction assistance or operational subsidies. This investment will result in at least 150 new housing units for mentally ill households who are homeless, chronically homeless or

at risk of homelessness (depending on the housing project). Of these units, 109 units are currently occupied, five are under construction and 36 are in the planning stages.

- The County's Office of Supportive Housing's (OSH) mission is to increase the supply of housing and supportive housing that is affordable and available to extremely low income and/or special needs households. OSH supports the County's mission of promoting a healthy, safe, and prosperous community by ending and preventing homelessness.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

The following is a list of facilities, as listed by the Santa Clara County Continuum of Care 2014 Housing Inventory Chart that provides a total of 6,320 beds (358 beds are under development) for homeless individuals and families in the County. The number of beds provided to Target Populations of individuals and families is:

- Households with children (HC): 1,124
- Single females (SF): 85
- Single females and households with children (SFHC): 304
- Single males (SM): 346
- Single males and females (SMF): 1,052
- Single males and females and households with children (SMF+HC): 3,031
- Unaccompanied youth males and females (YMF): 20
- Domestic violence (DV): 50
- HIV/AIDs program (HIV): 167

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

Residential Care Facilities for the Elderly (RCFE) provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans. The facilities provide services to persons 60 years of age and over and persons under 60 with compatible needs. RCFEs may also be known as assisted living facilities, nursing homes, and board and care homes. The facilities can range in size from fewer than six beds to over 100 beds. The residents in these facilities require varying levels of personal care and protective supervision.

Residential care facilities for the elderly, also known as “assisted living” or “board and care” facilities, provide assistance with some activities of daily living while still allowing residents to be more independent than in most nursing homes. Skilled nursing facilities, also known as nursing homes, offer a higher level of care, with registered nurses on staff 24 hours a day.

Milpitas offers a number of housing resources for seniors. The City has ~~are~~ seven residential care facilities, one skilled nursing facility, and three subsidized independent living housing developments in Milpitas for seniors for a total of 420 Residential Care facility beds available for elderly persons.

In addition, Milpitas recently approved a 389-unit senior independent living development with 48 units affordable to very low-income households. The City of Milpitas donated the land for this project, which is valued at \$12.4 million. The development is approved but not yet constructed.

The City spends part of its CDBG funds and local funds toward a variety of public services to address the supportive housing needs of homeless and very low income persons. For example, the City provides funding to LifeMoves for their homeless outreach program.

LifeMoves provides a wide range of specialized and culturally competent services and programs that include:

- Job and Housing Search Assistance
- Financial Literacy and Savings
- Children’s Services
- Mental Health support

- Life Skills Education
- Direct Client Assistance

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

The typical housing need for individuals with mental illness includes one-bedroom units, single room occupancy units (SRO's), or shared housing. Each type of housing also requires supportive services. With the passage of the Mental Health Services Act in 2004, Santa Clara County Mental Health received \$19 million to buy and build units for severely mentally ill individuals who are homeless or nearly homeless.

Two affordable projects that provide supportive services have been constructed. These projects are funded through Mental Health Services Act and will be located in Santa Clara and San Jose. Other projects are being considered for Sunnyvale and San Jose. No housing developments for mentally ill homeless individuals are currently planned for Milpitas.

There are presently 10 residential care facilities in Milpitas for developmentally disabled adults, with a combined capacity to serve 57 individuals. Most operate to serve non-ambulatory disabled adults.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

See below

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

Priority supportive services needs are funded primarily through CDBG public services grants. The core service needs for the whole of the program include senior services, youth services, homeless services, domestic violence prevention, and crisis intervention, in addition to opportunities to address emerging or specifically focused needs. Depending on the proposal from the grant applicant, other special needs may be supported through each of those core service areas.

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

Federal Barriers to Affordable Housing

1. Inconsistencies between the Federal, State, and local underwriting standards, such as affordability restrictions, and foreclosures rules, and increase costs and time.
2. Requirements for relocation benefits discourage funding for rehabilitation of rental housing.
3. Reporting requirements such as the Consolidated Plan, Action Plan CAPER, Analysis of Impediments, Lead Based Paint Management Plan, etc. tie up scarce staff time and resources, which moves the focus away from production to report writing.
4. Mandatory cost containment policies necessitate local subsidies to achieve local design approvals.
5. Federal requirements to mitigate toxics such as (lead based paint) in affordable housing may prohibitively increase cost of development and/or rehabilitation,
6. Davis Bacon wage requirements increase the cost of providing affordable housing and make it difficult to find contractors in this competitive construction market.
7. The declining purchasing power of CDBG and HOME funds, which have remained the same or decreased over the years while housing costs have skyrocketed, have made it difficult to address the City's many affordable housing needs.
8. Requirement to meet the FHA price ceiling for ownership housing assistance automatically excludes many Milpitas neighborhoods and other high-cost housing markets.
9. A number of Federal requirements involve duplication of process and efforts in meeting State requirements. Processes such as NEPA (federal) and CEQA (state) are two similar environmental review conducted for the same project. Also, the preparation of the Consolidated Plan, while the State requires the preparation of a Housing Element (like the Consolidated Plan every five years). All three of these documents address many of the same topics.

State Barriers to Affordable Housing

1. Inconsistencies between the State, and local underwriting standards, such as affordability restrictions, increase costs, etc.
2. Relocation laws discourage property owners from participating in rental rehabilitation.
3. The State requirement to produce a Housing Element duplicates the federal requirement for the preparation of the Consolidated Plan.
4. State requirements often overlap with federal and local strategies, adding extra burden to the implementation process.
5. The State has implemented changes in both the MCC and LIHTC Programs that have shifted scarce housing resources away from high-cost-urban areas like Milpitas to rural low-cost areas like the Central Valley.

Local Barriers to Affordable Housing

1. Development standards may contribute to the cost of affordable housing; however, these development standards are necessary in order to preserve the quality of life in the community.
2. The high cost of land in Milpitas is another impediment to the development of affordable housing. The high demand for land coupled with the lack of available sites has resulted in high land costs.
3. The high demand for land and active real estate market makes it difficult for non-profit housing developers to compete and secure sites for affordable housing. The current real estate market requires that potential purchasers be able to act quickly and outbid other purchasers, which is a difficult market for non-profit and government entities to compete in.
4. NIMBYism continues to be a barrier to the development of affordable housing. As with other communities, neighbors are sometimes opposed to affordable housing developments for fear that the development will affect property values or result in crime or other problems.
5. The City's development fees increase the cost of producing affordable housing, however, these fees are necessary to help cover the staffing costs involved in processing the building and planning permits for the development.
6. Since Milpitas is almost completely built out, the lack of available vacant land is a major impediment to the production of affordable housing. New development is therefore limited to in-fill types of projects, which result in higher costs due to the need to demolish existing structures and relocate existing uses/tenants.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	276	26	1	0	-1
Arts, Entertainment, Accommodations	2,963	4,708	9	11	2
Construction	1,076	2,323	3	5	2
Education and Health Care Services	4,767	3,740	15	9	-6
Finance, Insurance, and Real Estate	1,238	789	4	2	-2
Information	1,531	579	5	1	-3
Manufacturing	6,935	13,802	22	32	10
Other Services	906	1,139	3	3	0
Professional, Scientific, Management Services	4,988	4,763	16	11	-5
Public Administration	0	0	0	0	0
Retail Trade	2,871	5,057	9	12	3
Transportation and Warehousing	613	806	2	2	0
Wholesale Trade	1,511	2,702	5	6	2
Total	29,675	40,434	--	--	--

Table 39 - Business Activity

Data 2008-2012 ACS (Workers), 2011 Longitudinal Employer-Household Dynamics (Jobs)
 Source:

Labor Force

Total Population in the Civilian Labor Force	35,061
Civilian Employed Population 16 years and over	31,860
Unemployment Rate	9.13
Unemployment Rate for Ages 16-24	13.30
Unemployment Rate for Ages 25-65	6.71

Table 40 - Labor Force

Data Source: 2008-2012 ACS

Occupations by Sector	Number of People
Management, business and financial	11,282
Farming, fisheries and forestry occupations	1,502
Service	2,823
Sales and office	6,843
Construction, extraction, maintenance and repair	1,477
Production, transportation and material moving	2,063

Table 41 – Occupations by Sector

Data Source: 2008-2012 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	19,760	69%
30-59 Minutes	7,765	27%
60 or More Minutes	1,196	4%
Total	28,721	100%

Table 42 - Travel Time

Data Source: 2008-2012 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	2,066	381	2,037
High school graduate (includes equivalency)	4,757	567	2,335
Some college or Associate's degree	7,355	893	2,515
Bachelor's degree or higher	14,061	848	2,200

Table 43 - Educational Attainment by Employment Status

Data Source: 2008-2012 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	100	220	401	1,267	1,518
9th to 12th grade, no diploma	456	602	731	1,263	671
High school graduate, GED, or alternative	1,653	1,709	2,234	3,716	1,182
Some college, no degree	2,491	1,959	1,880	3,423	962
Associate's degree	152	848	811	1,842	519
Bachelor's degree	697	3,072	3,010	4,842	1,491
Graduate or professional degree	127	2,207	2,035	2,016	464

Table 44 - Educational Attainment by Age

Data Source: 2008-2012 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	22,185
High school graduate (includes equivalency)	31,101
Some college or Associate's degree	44,417
Bachelor's degree	64,483
Graduate or professional degree	100,844

Table 45 – Median Earnings in the Past 12 Months

Data Source: 2008-2012 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

The largest employment sector in terms of both workers and jobs is Manufacturing, accounting for 22% of workers and 32% of jobs. Other major sectors include Retail Trade (9% of workers and 12% of jobs); Professional, Scientific, Management Services (16% of workers and 11% of jobs); and Arts, Entertainment, Accommodations (9% of workers and 11% of jobs).

Describe the workforce and infrastructure needs of the business community:

The workforce and infrastructure needs of the business community are broad. As in most Bay Area cities, businesses in Milpitas require an educated and skilled workforce, a robust transportation system, public safety and health, and a business-friendly policy climate.

According to the City's Economic Development Department, some of the City's emerging growth sectors include biotech/life sciences, information technology, health care, and advanced manufacturing. Specific needs include:

- Workers with Science, Technology, Engineering and Mathematics (STEM) education.
- Transportation infrastructure, particularly linking to the City's large employers.
- More connections/access to training, job and career opportunities for people from low income or limited English-speaking households.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

The adoption of the Midtown Specific Plan and the Milpitas Transit Area Specific Plan by the Milpitas City Council has led to the approval and construction of thousands of new dwelling units and supporting retail developments, new office developments at key locations; bicycle and pedestrian trails linking the areas together and new parks to serve residential developments. The City undertook these Specific Plans in order to bring about an attractive and livable neighborhood that takes advantage of public investment in the VTA light rail and BART, and transforms an older light industrial district to meet high demand for housing, offices, and shopping in the Bay Area. These Plans also create a structure for a walkable, transit-oriented area with a mix of land uses, which thereby encourages walking, biking, and transit trips and minimizes vehicle trips.

Additionally, the City's Economic Development Department guides the City's economic strategy, provides assistance for business success, and helps connect employers with trained workers. The following development projects are likely to occur during the Consolidated Plan period. These projects will result in construction-related jobs and permanent jobs, when fully operational, and will initiate business growth opportunities in Milpitas.

Milpitas BART Station

Bay Area Rapid Transit (BART), a regional rail service in the San Francisco Bay Area, will be opening a station in Milpitas in the winter of 2017. This station will be an hour train ride from Downtown San Francisco, and will connect Milpitas to 25 Bay Area cities. The Milpitas BART station is expected to have 20,000 riders with the only connection to the west of the County.

The Fields Mixed-Use Development

A mixed-use development project that features approximately 200,000 square feet of retail and commercial space, 1,185 residential dwelling units, and a 200 room Virgin Hotel.

SummerHill Mixed-Use Development

A mixed-use development project that features approximately 36,500 square feet of retail space and 694 residential dwelling units.

Element Hotel by Starwood

A two phase hotel project which will feature a 195 room Element Hotel and a 150 room hotel.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

According to the 2011-2015 American Community Survey 5-Year Estimates, the educational attainment of Milpitas residents 25 years of age and older is as follows:

- Fourteen percent have not graduated high school
- Seventeen percent have graduated high school (including equivalency), but have not obtained further education
- Seventeen percent have some college education but no degree
- Nine percent have an associate's degree
- Twenty-eight percent have a bachelor's degree
- Sixteen percent have a graduate or professional degree

Eighty-seven percent of Milpitas residents, 25 years of age and older, have at least a high school diploma or higher, and 43 percent have a bachelor's degree or higher. This means that over half

of the workforce is without an advanced or professional degree, making it more difficult to compete for jobs requiring higher education and technical skills, such as scientists, engineers, and managers across multiple industries.

In Spring 2020, the COVID-19 pandemic and related shelter in place closed many businesses for months. Some businesses will not survive while others have had to furlough or layoff their workers. In spring 2020, the City's Office of Economic Development surveyed small business owners and found that many needed financial assistance to cover rent or mortgage payments and operating expenses to cover lost revenue from COVID-19 closures.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

The City, together with Milpitas Unified School District, NextFlex, Flex (formally Flextronics), and Evergreen Valley College launched an unprecedented month-long workforce development initiative program, FlexFactor. This entrepreneurship program exposed students to the vast range of professional opportunities within advanced manufacturing. Students successfully worked in teams, guided by a NextFlex mentor, to develop and pitch a business model idea associated with an advanced manufactured human health or performance-monitoring device. Each team delivered a 5-minute Shark Tank-style pitch during which each team presented their product and business model to a six-member panel made up of representatives from Flex, NextFlex, Milpitas Unified School District, and Evergreen Valley College. All students who successfully completed the program earned 3 college credits.

The City also participates in the Two-County (San Mateo and Santa Clara) Regional Summer Internship Program directed for college students, recent college graduates, or graduates interested in a career in the public sector. The program provides networking and educational opportunities for students to meet with other interns from county and local municipalities and special districts outside of Milpitas.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

No, the City does not participate in a Comprehensive Economic Development Strategy (CEDS).

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

The City's Economic Development Department participates in a number of local and regional economic development initiatives and strategies:

- Silicon Valley Economic Development Alliance is a regional partnership of economic development professionals who bring together public and private resources to ensure the success of businesses in Silicon Valley.
- Bay Area Urban Manufacturing Initiative is a multicity public-private partnership to catalyze a powerful and interconnected regional manufacturing ecosystem that creates opportunities for cities to collaborate across the region on a sector specific strategy for equitable job sustainability and creation.
- The City of Milpitas Economic Development Commission is an eleven (11) member Commission charged with advising the Milpitas City Council on business issues and to design, develop, and implement a comprehensive economic development program for the City of Milpitas.
- The Northern California Alliance Program is a special International Council of Shopping Centers initiative which provides forums for the public and private sectors to network, share ideas and explore retail development opportunities in local communities.

Discussion

See above.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

Housing problems disproportionately affect low income and minority populations. For the disproportionate needs by racial/ethnic group, please see the discussion for NA-15, NA-20, and NA-25.

In summary;

- For 50-80% AMI households, 54 percent of Hispanic households experience severe housing problems, compared to 36 percent of the jurisdiction as a whole.
- Twenty-seven percent of Hispanic households are disproportionately affected by severe cost burden and paying more than 50 percent of their income toward housing compared to 16% of the jurisdiction as a whole.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

Minority concentration is defined as census tracts where the percentage of individuals of a particular racial or ethnic minority group is at least 20 percentage points higher than the citywide average. LMI concentration is defined as census tracts where the median household income is 80% or less than the jurisdiction as a whole.

Because of the high percentage of minorities in the City, there are no areas that meet the definition of concentration. As for LMI concentration, there are areas of LMI concentration. Those areas are primarily in Census Tract 5044.18 (the Selwyn Dr./Edsel Dr. neighborhood) and the Census Tract 5044.12 (E. Calaveras apartments).

What are the characteristics of the market in these areas/neighborhoods?

These areas are multi-family, generally higher density, residential neighborhoods.

Are there any community assets in these areas/neighborhoods?

The Selwyn Dr. neighborhood contains a small pocket park that was funded with CDBG funds.

Are there other strategic opportunities in any of these areas?

The City have targeted both neighborhoods with community improvement programs. The City will continue to explore opportunities to make improvements in the neighborhoods.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The Consolidated Plan for the City of Milpitas represents the needs of the community and goals to help address the needs which are outlined in the five-year Housing and Community Development Strategy. The list below will help allocate resources, identify strategies, and prioritize funding to implement the Consolidated Plan.

The following are the City's housing and community development goals:

1. Available resources to implement the proposed strategies
 2. Affordable housing needs
 3. Homeless needs and objectives
 4. Other special groups needs
 5. Anti-poverty strategy
 6. Fair housing and services needs
 7. Youth needs and services
 8. Lead-Based paint reduction strategy
 9. Institutional structure for implementing strategies
 10. Reduction of barriers to affordable housing
 11. Housing Authority
 12. Community and economic development needs
 13. Coordination among various agencies
 14. Support activities that provide interim assistance to low- and moderate-income households at risk of being evicted due to a COVID-19-related hardship.
 15. Support activities that provide loans to microenterprises experiencing hardships due to COVID-19.
 - ~~13.~~ Support activities that provide loans to small businesses experiencing hardships due to COVID-19.
- The

The Milpitas Housing and Community Development Strategy Plan identify activities that will be funded with the Community Development Block Grant entitlement funds. Whenever appropriate, Milpitas will use other funding sources (local funds, housing authority funds, outside grants, housing trust fund, leveraging, etc.) to address the needs that will be discussed in this chapter to provide a comprehensive assessment of the City's overall housing and community development strategy.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

This is not applicable to the City of Milpitas. The City does not target specific geographic areas to focus CDBG funds. The City attempts to fund programs that target low to moderate income households only.

Table 46 - Geographic Priority Areas

General Allocation Priorities

The City receives only CDBG which is not geographically prioritized but the City does have funding priorities for its CDBG Public Service and Capital activities.

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

The City does not receive HOPWA funds. It does receive CDBG funds which are allocated to benefit ~~low and moderate income~~ low- and moderate-income persons throughout the City.

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Table 47 – Priority Needs Summary

<u>Order</u>	<u>Priority Need</u>	<u>Priority Level</u>	<u>Description</u>	<u>Population or Geographic Area</u>	<u>Goal</u>	<u>Basis for Relative Priority</u>
	<u>Affordable Housing Development and Preservation</u>	<u>High</u>	<u>Develop and preserve affordable housing and owner housing which includes rehabilitation and new construction.</u>	<u>Targeted towards low to moderate income persons.</u> <u>No geographic areas targeted.</u>	<u>New Affordable Housing</u> <u>Maintain and Preserve Existing Housing</u> <u>Affordable Housing Rental Rehabilitation</u>	<u>Priority needs based on current housing prices and conditions.</u> <u>Feedback from communitywide survey and public forums.</u>
	<u>Community Services</u>	<u>High</u>	<u>Greater provision of community services for those who are homeless or who have urgent housing instability.</u>	<u>Extremely low, very low, low and moderate income individuals, veterans, emancipated youth.</u> <u>No geographic areas targeted.</u>	<u>Community Funding/Public Services</u>	<u>Housing data has shown increasing rates of homelessness and increasing housing prices.</u> <u>Feedback from communitywide survey and public forums.</u>

	<u>Community Services</u>	<u>High</u>	<u>Greater provision of community social services low and moderate income families with children, youth and emancipated youth</u>	<u>Low and moderate income families with children, youth, emancipated youth, and victims of domestic violence,</u> <u>No geographic areas targeted</u>	<u>Public Services for Children and Youth</u>	<u>Feedback from COVID-19 focus groups.</u>
	<u>Community Services</u>	<u>High</u>	<u>Greater provision of community services for seniors</u>	<u>Low and moderate income seniors</u> <u>No geographic areas targeted.</u>	<u>Public Services for Seniors</u>	<u>Feedback from COVID-19 focus groups.</u>
	<u>Community Services</u>	<u>High</u>	<u>Greater provision of community services including fair housing, landlord/tenant mediation, and legal services</u>	<u>Low and moderate income renters and landlords.</u> <u>No geographic areas targeted.</u>	<u>Community Funding/Public Services</u> <u>Fair Housing</u>	<u>Feedback from public forum.</u>
	<u>Community, Public, and</u>	<u>Low</u>	<u>Preservation, revitalizing, and</u>	<u>All geographic areas are targeted.</u>	<u>Public Improvements</u>	<u>The priority needs are based on</u>

	<u>Neighborhood Sustainability</u>		<u>maintenance of neighborhoods.</u>			<u>feedback from communitywide survey and public forums.</u>
	<u>Economic Development</u>	<u>High</u>	<u>Encourage businesses etc. to provide educational and job readiness.</u>	<u>People of low to moderate income, microenterprises and small businesses</u>	<u>Community Funding/Public Services</u>	<u>The priority needs are based on feedback from communitywide survey and public forums and COVID-19 stakeholder meetings.</u>

~~SP 25 Priority Needs 91.215(a)(2)
 Priority Needs
 Table 47 Priority Needs Summary~~

Order	Priority Need	Priority Level	Description	Population or Geographic Area	Goal	Basis for Relative Priority
	Affordable Housing Development and Preservation	High	Develop and preserve affordable housing and owner housing which includes rehabilitation and new construction.	Targeted towards low to moderate income persons. No geographic areas targeted.	Affordable housing	Priority needs based on current housing prices and conditions. Feedback from communitywide survey and public forums.
	Community Services	High	Greater provision of community services including homeless, childcare, fair housing and legal services.	Extremely low income populations, chronic homeless individuals, veterans, victims of domestic violence. No geographic areas targeted.	Reduction of homelessness.	Housing data has shown increasing housing prices have pushed families and individuals from residing inside County boundaries. Feedback from communitywide

						survey and public forums.
	Community, Public, and Neighborhood Sustainability	High	Preservation, revitalizing, and maintenance of neighborhoods.	All geographic areas are targeted.	Community sustainability	The priority needs are based on feedback from communitywide survey and public forums.
	Economic Development	Low	Encourage businesses etc. to provide educational and job readiness.	People of low to moderate income.	Improve lives of low to moderate income persons.	The priority needs are based on feedback from communitywide survey and public forums.

Narrative

The Priority Needs Summary above was qualitative data collected through five public forums and an online public survey. Citizens expressed interest and continued support for affordable housing, economic development, and public and neighborhood sustainability. At the public forums, staff presented what are CDBG funds, the process of the Consolidated Plan update and solicited for any comment or input from the audience.

A total of five (5) public forums were held at various locations in the City. The public forums were held at the Committee Room in City Hall, the Milpitas Public Library, the Milpitas Police Department, Community Center, and Sinnott Elementary School. The meetings were held at various times of the day to capture each working and non-working population. The public forums were advertised through the Milpitas Post, the City's website, emailed to dozens of service providers, and also announced to a number of City commissions including the Veteran's Commission meetings, Planning Commission, and Senior Advisory Commission.

In addition, staff also presented to the Milpitas Adult ESL class about the public forums and did a presentation on the Consolidated Plan Update process and affordable housing in the City of Milpitas.

If residents were unable to attend a public forum or like to voice additional concerns and/or feedback, the City also had a public survey on Survey Monkey for over 30 days. The City advertised the community forums and the survey in English, Spanish and Vietnamese. Staff also presented the Consolidated Plan Update process including the availability of the survey for input and comment to six City commissions.

In response to the COVID-19 pandemic, the City conducted additional outreach and collected additional qualitative data on community needs. New needs emerged resulting from the prolonger shelter in place. New needs included interim housing assistance to prevent evictions and homelessness, senior isolation and access to the internet, food and meal access and delivery for seniors and youth, and assistance for microenterprises and small businesses experiencing revenue losses.

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	As per the Needs Assessment, 12 percent of households in the City are severely cost burdened and pay more than 50 percent of their income toward housing costs.
TBRA for Non-Homeless Special Needs	Housing costs in the County continues to increase, and be more burdensome for those with special needs. Housing affordability can help minimize the burden held by persons with special needs along with greater availability for supportive housing.
New Unit Production	The State of California’s Housing and Community Development Department has established the current Regional Housing Needs Assessment (RHNA) for the City of Milpitas for the years 2014-2023. The City was allocated 3,290 units, of which 1,004 units for very-low income households, 570 to low income, 565 units to moderate and 1,151 units to above moderate income households.
Rehabilitation	According to the 2013 American Community Survey, over 60% of the housing stock in Milpitas was built before 1970, in which many will be due for repairs and rehabilitation work. The City’s CDBG funds will continue to fund organizations that complete repairs and rehabilitation for low and very low income households. In addition, the City’s Housing and Neighborhood Services Division administers a Housing Rehabilitation Program that help households with deferred, low-interest loans.
Acquisition, including preservation	With a lack of vacant land and funding for new development, acquisition and preservation of the current housing stock is important to maintain the affordable housing stock.

Table 48 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

The City only receives federal funding in the form of CDBG grants. Historically, the City received approximately \$800,000 per year in CDBG funding however the City’s allocation has decreased throughout the years to its current level of approximately \$400,000.→ There has been a very slight increase in funding over the past two fiscal years. Staff anticipates that the funding will remain or decrease in the upcoming cycle with program income to remain around \$5,000, annually.

In spring 2020, The CARES Act created a supplemental funding of CDBG-CV dollars that must be used to prevent, prepare for, and respond to covid-19. CDBG-CV funds cannot be used for other purposes. In addition, unspent prior year funds can be used for COVID-19 related purposes. The following chart includes these special COVID-19 specific funding amounts.

	<u>FY 13-14</u>	<u>FY 14-15</u>	<u>FY 15-16</u>	<u>FY 16-17</u>	<u>FY 17-18</u>	<u>FY 18-19</u>	<u>FY 19-20</u>	<u>FY 20-</u>
<u>CDBG</u>	<u>\$390,716</u>	<u>\$375,646</u>	<u>\$393,490</u>	<u>\$420,364</u>	<u>\$449,688</u>	<u>\$521,182</u>	<u>\$608,734</u>	<u>\$676,4</u>
<u>CDBG-CV</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$397,911</u>	
<u>Prior Year²</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$290,039</u>	<u>\$290,0</u>
<u>Total</u>							<u>N/A</u>	<u>N/A</u>

² These unused funds were recovered from FY 14-15 through FY 18-19 and will be allocated-can only be allocated through an amendment to the FY 2019-210 Annual Action Plan-process if they are used for COVID-19 related activities.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Community Development Block Grant	Federal	<ul style="list-style-type: none"> ▪ Admin and Planning ▪ Public Improvements ▪ Public Services ▪ Housing 	420,364	5,000	0	425,364	1,701,456	The expected remainder amount is calculated on the total amount in Year 1 multiplied by 4 years.

Table 49 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City anticipates CDBG funds to remain constant at about the \$400,000 per year level. In conjunction with this federal program, the City will receive additional funding in the form of program income – payments paid into its revolving loan fund. The City Council may also augment current CDBG projects with the local funds such as the Community Promotion Fund or the City’s Affordable Housing Fund.

In November 2016, the County passed Measure A, also known as the Affordable Housing Bond, which will allow the County up to \$950 million to provide affordable housing for vulnerable populations i.e. veterans, seniors, disabled, low and moderate income households, foster youth, victims of abuse, mental health illnesses which may include a supportive service component. The money will come from of a bond that aims at either creating and/or preserving more than 5,000 affordable housing units in the County. The City hopes to use CDBG for predevelopment costs for future affordable housing projects in conjunction with the County Affordable Housing Bond to create needed affordable housing in the City.

The City has also taken action to leverage additional funds for affordable housing. In June 2018, the City adopted ordinance 297 replacing the City’s prior inclusionary housing ordinance. The updated ordinance requires new residential developments to include fifteen percent of the units as very low, low or moderate income. In addition, the ordinance requires certain types of new commercial development to pay an impact fee towards the City’s affordable housing fund.

Finally, the City is also exploring ways to use Section 108 to leverage its CDBG dollars to finance low cost loans for future affordable housing and economic development projects.

~~The City has adopted the Resolution No. 8491 requiring new residential developments submitted after June 16, 2015 to include five (5) percent of very low or low income units or contribute the equivalent 5% of construction value or combination thereof to the Affordable Housing Fund. In addition, the City is undergoing an Affordable Housing Impact Fee Nexus Study to be considered in the next year. The Nexus Study will analyze the housing market to determine an appropriate fee for affordable housing and findings to support a potential housing impact fee for new developments.~~

If appropriate, describe ~~publically~~publicly-owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City owns two parcels in midtown Milpitas. The two parcels are located on South Main Street. One parcel, located at 1432 S. Main Street, is owned by the City Housing Authority. It is approximately .9 acres in size. Currently the parcel is occupied by a commercial tenant but the land is zoned as high density multi-family residential. The other parcel, approximately 1.7 acres, is located adjacent to the Housing Authority property and is owned by the City of Milpitas. That City parcel is also occupied by commercial business but is also zoned for multi-family residential use. The two parcels will have the potential and opportunity to be the City and Housing Authority's contribution to any potential affordable housing development. With the scarcity of developable residentially zoned land in Milpitas, the donation of the two parcels toward an affordable housing development would greatly incentivize an affordable housing project. [This project could potentially make use of Section 108 loans.](#)

Discussion

Please see discussion above.

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
City of Milpitas, Planning and Neighborhood Services Department of Building Safety and Housing	Government Agency	<ul style="list-style-type: none"> ▪ Affordable housing – ownership ▪ Homelessness ▪ Community development: public facilities ▪ Community development: neighborhood improvements ▪ Community development: public services ▪ Planning and administration ▪ Section 108 	Jurisdiction
Santa Clara County	Government	<ul style="list-style-type: none"> ▪ Economic development ▪ Homelessness ▪ Non-homeless special needs ▪ Land Ownership ▪ Planning ▪ Rental ▪ Neighborhood improvements ▪ Public facilities ▪ Public services 	Regional
County of Santa Clara – Office of Supportive Housing, Continuum of Care	Government	<ul style="list-style-type: none"> ▪ Homelessness 	Regional
Housing Authority of the County of Santa Clara	PHA	<ul style="list-style-type: none"> ▪ Affordable housing – rental ▪ Public housing 	Regional

LifeMoves	Non-profit organizations	<ul style="list-style-type: none"> ▪ Homelessness 	Regional
Silicon Valley Independent Living Center	Non-profit organizations	<ul style="list-style-type: none"> ▪ Homelessness ▪ Special needs ▪ Rental, mortgage, and utility assistance ▪ Food delivery and food assistance 	Regional
Rebuilding Together Silicon Valley	Non-profit organizations	<ul style="list-style-type: none"> ▪ Non-homeless special needs ▪ Ownership ▪ Public facilities 	Regional
Project Sentinel	Non-profit organizations	<ul style="list-style-type: none"> ▪ Fair Housing ▪ Tenant and landlord education and mediation 	Regional
Enterprise Community Foundation and KIVA	Non-profit organizations	<ul style="list-style-type: none"> ▪ Economic development ▪ Small businesses assistance ▪ Fiscal agent 	Regional

Table 50 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

Strengths

The City of Milpitas has worked well with Federal, State, local jurisdictions, outside private agencies and non-profit organizations to coordinate strategies and resources to address the community needs. Milpitas continues to support efforts by the County of Santa Clara and surrounding cities, Valley Transportation Authority (VTA), County Housing Authority and local non-profits organizations in their efforts to provide sufficient level of services and affordable housing opportunities. This cooperation amongst agencies has provided a more efficient and comprehensive delivery of services to City residents.

The majority of the five-year strategies will be accomplished by supporting non-profit organizations and subrecipients who are experts in their respective fields to carry out their programs and services as identified in the Strategic Plan.

The major strength of the institutional structure for carrying out the City’s housing strategies is that the City has access to a large number of very capable non-profit organizations in Santa Clara County who are highly competent in using and leveraging available sources to the maximum extent possible in order to achieve the desired housing and services. Another major strength of the institutional structure is the close working

relationship between the various cities and the County, which has made it possible to carry out joint projects (Fair Housing Study, Homeless Study, Affordable Housing Impact Fee Nexus Study, etc.) and to address various regional issues in a coordinated and comprehensive manner.

Gaps

Based on the assessment of the institutional structure for carrying out the City’s five-year housing strategy, a major gap in delivering affordable housing and other services is increasing costs of construction and services which increases the need for multiple various funding sources. Each funding source will have its own constraints, requirements and deadlines creating a greater administrative burden on the recipient. In some cases, potential recipients have declined funding because of the administrative requirements associated with the funding. These multiple requirements lead to a less efficient delivery.

While the City has worked closely with many public and non-profit organizations to improve program and service delivery, there are still gaps. There is a need to improve coordination of services on a Citywide and Countywide basis and increase funding available to provide adequate services. Because of the enormity of some of the housing issues such as homelessness, affordability and fair housing, there will be gaps in service. However, CDBG entitlement cities and County of Santa Clara staff continue meeting to discuss data, resources and other ways to coordinate requests for information and service to both the public and private countywide agencies. These meetings have been beneficial to help better understand the County and the non-profit social service structure. HUD also continues to meet with this group of cities and the County to clarify issues and assist in our planning process and efforts.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	x	x	
Legal Assistance	x		
Mortgage Assistance			
Rental Assistance	<u>x</u>		
Utilities Assistance			
Street Outreach Services			
Law Enforcement	x		
Mobile Clinics			
Other Street Outreach Services	<u>x</u>	<u>x</u>	

Supportive Services			
Alcohol & Drug Abuse		x	
Child Care	x		
Education	x		
Employment and Employment Training			
Healthcare			
HIV/AIDS			
Life Skills	x		
Mental Health Counseling	x		
Transportation	x		
Other			
Other			

Table 51 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

As part of the institutional delivery system, the City participates in the Santa Clara CoC, a multi-sector group of stakeholders dedicated to ending and preventing homelessness. The CoC is taking aggressive and a variety of steps to meet the needs of homeless persons and those at risk of homeless:

Chronically homeless people: The CoC has continued to add new beds for the chronically homeless, including emergency shelters throughout the County. The CoC has also taken proactive steps in the County's 10 Year Plan to End Homelessness.

Families with children: The CoC has developed a rapid re-housing program to reduce the number of unsheltered families. With the help of the Santa Clara County Human Service Agency, it provides families with a motel voucher program to assist families with children while they wait for access to shelters.

Destination: Home, a public-private partnership committed to collective impact strategies to end chronic homelessness, serves as the backbone organization for the CoC and is responsible for implementing by-laws and protocols that govern the operations of the CoC. Destination: Home is also responsible for ensuring that the CoC meets the requirements outlined under the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH).90

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

In 2014, Destination: Home, in partnership with the CoC developed a county-wide community plan to create a regional effort in ending homelessness for the next five years. This plan will help government, non-profits, and other community members to guide decisions about funding, programs, priorities and needs.

To address those needs, the plan contains three overarching strategies:

1. Disrupt Systems – develop disruptive strategies and innovation prototypes that transform the systems related to housing homeless people.
2. Build the Solution – Secure the right amount of funding needed to provide housing and services to those who are homeless and those at risk of homelessness.
3. Serve the Person – Adopt an approach that recognizes the need for client-centered strategies with different responses for different levels of need and different groups, targeting resources to the specific individual and household.

The Community Plan to End Homelessness’ 2015 Mid-Year Report represents the Year One implementation. At the mid-year point which is the Year One implementation, 60% of the overall progress has been completed. The end target will be to house 2,518 chronically homeless, 718 veterans and over 2,333 children, youth and families to be housed.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

The strengths of the delivery system for the special needs population and persons experiencing homelessness is the network and referral between various service agencies. The 2015 Homeless Survey conducted in conjunction with the homeless census street count found that 75% of homeless persons surveyed, received some form of government services. Of those who do chose not to receive assistance, 25% reported their lack of a permanent address prevented them from accessing assistance.

The survey also identified gaps in the delivery system. More than half of the chronically homeless reported a physical disability but only 14% reported they received SSI/SSDI and only 27% said they were covered by Medi-Cal/Medicare. More than 58% of the chronically homeless reported a psychiatric or emotional condition, and only 21% access mental health services. Lastly, only 27% of veterans reported receiving VA disability benefits.

Other gaps and barriers identified in the survey by homeless persons are security employment, alcohol/drug use, divorce/separation, argument with family/friend, and incarceration.

SP-45 Goals Summary – 91.215(a)(4)

Sort Order	Goal Name	Start Year	End Year	Category (Needs)	Geographic Area	Needs Addressed (Priority Needs)	Funding	Goal Outcome Indicator
1	Maintain and Preserve Existing Housing	2017	2022	<ul style="list-style-type: none"> Affordable Housing Non-Homeless Special Needs 	n/a	<u>Affordable Housing Development and Preservation</u> Affordable housing	CDBG \$500,000	Rehabilitate 38 owner occupied residences
<u>2</u>	<u>New Affordable Housing</u>	<u>2017</u>	<u>2022</u>	<u>Affordable Housing</u>	<u>n/a</u>	<u>Availability/Ac</u> <u>cessibility</u>	<u>CDBG \$100,000</u>	<u>Construct 100</u> <u>affordable housing units</u>
<u>3</u>	<u>Affordable Housing Rental Rehabilitation</u>	<u>2017</u>	<u>2022</u>	<u>Non-housing community development</u>	<u>n/a</u>	<u>Affordable Housing Development and Preservation</u>	<u>CDBG \$300,000</u>	<u>Rehabilitate 148</u> <u>affordable rental units.</u>
<u>4</u>	Community Funding/Public Services	2017	2022	<ul style="list-style-type: none"> Homeless Non-Homeless Special Needs 	n/a	<u>Community Services</u> <u>Availability/Accessibility</u>	CDBG \$125,000 <u>466,400</u>	Public services activities to serve 1,145 low/moderate persons.
<u>5</u>	<u>Public Services for special needs populations</u>	<u>2020</u>	<u>2022</u>	<u>Non-Homeless Special</u>	<u>n/a</u>	<u>Community Services</u>	<u>TBD</u>	<u>TBD</u>

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				<u>Needs</u>				
3	Affordable Housing Rental Rehabilitation	2017	2022	• Non-housing community development	n/a	Affordable Housing	CDBG \$300,000	Rehabilitate 148 affordable rental units.
6	Public services for low and moderate income residents at risk of eviction	2020	2022	• Non-homeless special needs • Homeless	n/a	Community Services	\$341,400	Provide XX low moderate-income households rental assistance
74	Fair Housing	2017	2022	• Affordable Housing • Non-homeless special needs	n/a	Community Services Availability/Accessibility	CDBG \$50,000	Reduce housing discrimination and assist 16 residents with rental mediation
5	Public Improvements	2017	2022	• Non-Housing community development	n/a	Availability/Ac cessibility	CDBG \$80,000	Public improvements to increase accessibility and mobility for 5,000 persons
6	New Affordable Housing	2017	2022	• Affordable Housing	n/a	Availability/Ac cessibility	CDBG \$100,000	Construct 100 affordable housing units
87	Public Services for Children and Youth	2017	2022	• Non-homeless special needs • Non-housing community	n/a	Community Services Availability/Accessibility	CDBG \$75,000	Provide funding for services benefitting 175 children and youth

				development				
<u>98</u>	Public Services for Seniors	2017	2022	<ul style="list-style-type: none"> • Non-homeless special needs • Non-housing community development 	n/a	<u>Community ServicesAvailability/Accessibility</u>	<u>CDABG \$75,000</u>	Provide funding for services benefitting 120 seniors
<u>10</u>	<u>Public services for Domestic Violence Support</u>	<u>2020</u>	<u>2022</u>	<ul style="list-style-type: none"> • <u>Non-homeless special needs</u> • <u>_____</u> 	<u>n/a</u>	<u>Community Services</u>	<u>CDBG \$XX</u>	<u>Assist XX victims and survivors of domestic violence with counseling for adult and children, emergency center, response calls from law enforcement, advocacy, and housing.</u>
<u>11</u>	<u>Public Improvements including accessibility and improving public facilities</u>	<u>2017</u>	<u>2022</u>	<ul style="list-style-type: none"> • <u>Non-Housing community development</u> 	<u>n/a</u>	<u>Community Services</u>	<u>CDBG \$80,000</u>	<u>Public improvements to increase accessibility and mobility for 5,000 persons</u>
<u>12</u>	<u>Assist Microenterprises and Small Business</u>	<u>2020</u>	<u>2022</u>	<ul style="list-style-type: none"> • <u>Non-housing community development</u> 	<u>n/a</u>	<u>Economic Development</u>	<u>TBD</u>	<u>Provide loans to XX microenterprises ad XX small businesses</u>
<u>13</u>	<u>Explore the use of HUD Section 108</u>	<u>2020</u>	<u>2022</u>	<ul style="list-style-type: none"> • <u>Affordable Housing</u> 	<u>n/a</u>	<u>Affordable Housing</u>	<u>TBD</u>	<u>Borrow funding to finance economic</u>

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OMB Control No: 2506-0117 (exp. 07/31/2015)

	<u>Loan Guarantee Program</u>			<ul style="list-style-type: none"> • <u>Homeless</u> • <u>Non-housing community development</u> 		<u>Development and Preservation</u> <u>Economic Development</u>		<u>development, housing, public facility, or an infrastructure projects</u>
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Table 52 – Goals Summary

Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

Not applicable. The City does not receive any HOME funding.

**SP-50 Public Housing Accessibility and Involvement – 91.215(c)
Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary
Compliance Agreement)**

There are no public housing units in the City of Milpitas.

Activities to Increase Resident Involvements

There are no public housing units in the City of Milpitas.

Is the public housing agency designated as troubled under 24 CFR part 902?

There are no public housing units in the City of Milpitas.

Plan to remove the ‘troubled’ designation

There are no public housing units in the City of Milpitas.

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

Government constraints and cost are two of the larger constraints to affordable housing. Governmental constraints typically consist of regulations that limit opportunities to develop housing, impose requirements that unnecessarily increase the cost to develop housing, or make the development process so arduous as to discourage housing development. The number of requirements also lead to time delays which increase the cost of funding.

Local governments have development standards that constrain the supply of affordable housing by limiting development or impose requirements that increase development and the length of development approval process can discourage many developers to continue with the project. The City of Milpitas has a General Plan, Zoning Ordinance along with a Midtown Plan and Transit Area Specific Plan. The plans set the foundation and influence permitted and conditional permitted uses in vacant land and regulate the type of development per zoning district.

According to the National Low Income Housing Coalition study, “The Gap: The Affordable Housing Gap Analysis,” the average development cost alone for one housing unit exceeded \$100,000 per unit in a multifamily development, however in high cost areas such as the Bay Area, it is predicted to be four to five times per unit due to additional development costs. Given the high development costs of a unit, many developers do not find it cost effective to build affordable units. Affordable units require more loans, equity, and local support to fund and complete. Because the affordable units are for low-income households who cannot afford market rents, there will be a gap between the affordable rent and the amount needed to cover operating costs. Thus affordable housing projects will always require multiple sources of funding to provide for the gap.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

The City has taken proactive steps to help decrease the barriers in affordable housing through the following ordinances:

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will consider contributing to future affordable housing projects that will house the homeless.

Resolution No. 8491

~~On June 16, 2015, the City Council adopted an ordinance which new development projects of five (5) or more units must include five percent (5%) of very low or low income units.~~ In June 2018, the City adopted ordinance 297 replacing the City’s prior inclusionary housing ordinance. The updated ordinance requires new residential developments to include fifteen percent of the units as very low, low or moderate income.

In addition, the ordinance requires certain types of new commercial development to pay an impact fee towards the City's affordable housing fund. These units must remain should be affordable for over 55 years. If developers choose not to build the 5%, they have the option to contribute the equivalent of the construction cost as determined by the Building Department to the Affordable Housing Fund.

Pilot Rent Relief

In 2019, the City created a Pilot Rent Relief program to offer various forms of financial relief to Milpitas Milpitas residents with emergency housing needs. The program can provide rent and deposit relief, emergency hardship relief, help with domestic violence relocation, child and family homelessness relief, and good faith deposits for Section 8 voucher holders.

Rent Review Ordinance

Effective October 15, 2019, the City enacted a Rent Review ordinance to help resolve conflicts between landlords and tenants when rents are raised. The ordinance requires landlords to provide written notice of a rent increase and to notify the tenant of their right to request a rent review by the City's Rent Review Board. Project Sentinel, a nonprofit organization, has been selected to help with mediation. If this does not resolve the issue, it can proceed to the rent review board which will issue a non-binding recommendation.

Density Bonus Ordinance

To attract developers to build affordable units, the Density Bonus Ordinance will allow developers the ability to build above their permitted densities in permitted zoning districts in exchange for the construction of affordable units.

Below Market Rate Ownership

The City manages a Below Market Rate (BMR) Ownership program for first-time, income-qualified homebuyers. Once a unit from the current BMR housing stock becomes available, the homebuyer will have the ability to purchase a home in Milpitas at one of the various developments throughout the City from one to three bedrooms. For qualified very-low to low income households, the City also provides a loan of up to \$50,000.

Housing Trust Silicon Valley

Housing Trust Silicon Valley provided financial support for 86 affordable housing projects of \$55.7 million, which funded over 5,059 affordable rental units. In addition it made 2,306 loans to homebuyers, totaling over \$44.9 million. Lastly, Housing Trust of Silicon Valley provided homeless grants of over \$3.4 million to assist over 5,954 individuals.

Fair Housing

Project Sentinel is an organization that provides expertise in fair housing and tenant-landlord dispute. Services include information, referrals, community outreach and education in several languages other than English, investigation, and resolving fair housing complaints.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Milpitas will assist those who are currently homeless and those at-risk of being homeless through a number of funded supportive services. The City also hopes to fund projects that help develop permanent housing for the homeless.

The primary goal is to prevent homelessness and shorten the duration of time people spend in homeless shelters through the provision of housing with supportive services and employment opportunities. The region, working in collaboration with other organizations, can insure a more comprehensive approach to addressing the region-wide problem of homelessness.

This strategy will consist of the following actions:

- 1. Prevent episodic homelessness and evictions by providing emergency deposit and rent relief;**
- ~~1.2.~~ Continue to provide financial support to emergency shelters with outreach and assessment services;
- ~~2.3.~~ Encourage social service providers to provide prevention services to reduce long-term homelessness;
- ~~3.4.~~ Provide financial support for the development of transitional housing with support services; and
- ~~4.5.~~ Assist the homeless population in obtaining permanent housing on their own.
- ~~5.6.~~ Continue to support and participate in the County of Santa Clara Task Force to End Homelessness in 10-Years.
- ~~6.7.~~ Assist and support Milpitas homeless population defined in the 2015 Santa Clara County Homeless Census & Survey Comprehensive Report.

Addressing the emergency and transitional housing needs of homeless persons

As discussed in the previous paragraph, the City of Milpitas will continue to use its CDBG funds and additional local funds (if applicable and available) to diverse organizations that provide emergency shelter for the homeless and supportive services that help those at-risk of homelessness.

CDBG Funded

- LifeMoves: LifeMoves combats homelessness by providing supportive skills that help achieve long-term self-sufficiency and emergency shelter. The inclusion of supportive services is the holistic approach that homelessness is not only a housing issue but the importance of mental and physical health. Organizations such as LifeMoves also has provided examples of interdependency between the client and the organization in order for a successful future for the individual.

- Next Door Solutions to Domestic Violence, \$5,497.79: Next Door Solutions to Domestic

Violence provides client-centered, community-based supportive services for victims of domestic violence and his/her children. The organization also provides undisclosed emergency shelter when requested and needed by the individual and/or family.

- YWCA Silicon Valley (YWCA): YWCA Silicon Valley empowers women and her children to end racism and violence through offering supportive services for self-improvement and undisclosed emergency shelter for short-term to a longer amount of time if needed. YWCA also provides clients referrals to permanent housing if possible, and available.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

Milpitas anti-poverty strategy will consist of the following actions:

1. Work with non-profit housing developers to fund and provide more affordable housing opportunities to address the homeless problem and needs of very low and low-income households.
2. Provide funding rent and deposit relief and supportive services to prevent very low and moderate- income persons and families from becoming homeless and assist them in ending the cycle of homelessness.
3. Address the employment and income needs of individuals and families who are economically disadvantaged, including persons who are homeless, who have disabilities, and those who are participating in the County of Santa Clara Welfare-to-Work Programs.
4. Provide funding for a variety of services and referrals to assist people in obtaining access to public assistance to prevent poverty.

**SP-65 Lead based paint Hazards – 91.215(i) (copied from another section – repetitive)
Actions to address LBP hazards and increase access to housing without LBP hazards
How the actions are listed above related to the extent of lead poisoning and hazards?
How are the actions listed above integrated into housing policies and procedures?**

The County of Santa Clara has received funding from State’s Department of Health Service and Federal Government for Center for Disease Control to implement a Childhood Lead Poisoning Prevention Program. The funded programs include: community outreach screen, case management and public education to inform low-to-moderate income and older communities. The project will then follow up with environmental testing, lead-based education, blood-lead testing for children, hazard reduction grants and follow up with monitoring and testing.

Milpitas has adopted a Lead-Based Paint Management Plan which complies with HUD Based Paint regulations, which outlines the required states of abatement and remediation for rehabilitation projects. In addition the City publicize, and identifies lead-based hazards and older residential projects through its Code Enforcement Division and Building Department. In addition, projects undergoing rehabilitation, especially under the City’s Rehabilitation Loan Program, is supported through abatement and technical assistance of how to proceed.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan.

As stated prior, the City of Milpitas will follow these actions:

1. Work with non-profit housing developers to fund and provide more affordable housing opportunities to address the homeless problem and needs of very low and low-income households.
2. Provide funding and supportive services to prevent very low-income persons and families from becoming homeless and assist them in ending the cycle of homelessness.
3. Address the employment and income needs of individuals and families who are economically disadvantaged, including persons who are homeless, who have disabilities, and those who are participating in the County of Santa Clara Welfare-to-Work Programs.
4. Provide funding for a variety of services and referrals to assist people in obtaining access to public assistance to prevent poverty.
5. Per Section 3, if there are HUD funded projects that can create direct economic opportunities must take every effort to recruit, target and directed towards low and very low income residents and businesses.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements.

The City's Housing Division staff is responsible for the management and oversight of the CDBG program. It is essential that housing staff manages the daily activities related to CDBG to ensure that funds are used appropriately and within program requirements.

Staff uses CDBG monitoring requirements to design and control performance accountability with each sub-~~recipient~~recipient. Each quarter, each subrecipient will submit a quarterly report to staff outlining their goals, objectives (qualitative data), demographics as required by HUD and measurable goals (quantitative). The requested invoice must also support actions and goals met to be reimbursed. These reports are recorded and synthesized into HUD's IDIS software.

At the end of the program year, staff will review financial audits, along with reported figures from their past quarterly reports before making an on-site audit to each subrecipient. To standardized on-site audits and monitoring, staff will have a prepared checklist along with all subject documents to ensure that all regulatory requirements are executed.

In the on-site audit, staff have the capacity to monitor how the funds have been used, interview the project manager, and lastly understand and see first-hand what reports were unable to convey. Subrecipients who are found to be in noncompliance will receive a letter from staff with a deadline to rectify the problem. If the problem is not fixed, staff will take action and not recommend the organization for funding for the next funding cycle.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Milpitas is estimating its five year anticipated allocation based on its past fiscal year funding 2016-2017. The City expects to receive approximately the same amount if not less.

Anticipated Resources

The city of Milpitas anticipates applying for Section 108 funds. With its current year allocation of \$676,413, the City can apply for up to \$3,382,065. The City is in the process of identifying projects that would qualify for Section 108 funds. At this time, the City is focusing on projects

| [that would provide housing and economic benefits to the Milpitas community.](#)

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Community Development Block Grant	Federal	<ul style="list-style-type: none"> ▪ Admin and Planning ▪ Public Improvements ▪ Public Services ▪ Housing 	420,364	8,959.44	0	429,323	1,717,292	The expected remainder amount is calculated on the total amount in Year 1 multiplied by 4 years.
CDBG-CV	Federal	<ul style="list-style-type: none"> ▪ Rental, Mortgage, & Utility assistance ▪ Food/Mental delivery, food assistance 	\$397,911	\$0	\$0	\$397,911	\$397,911	This funding has been authorized by the CARES Act in response to COVID-19.

Section 108	Federal	<ul style="list-style-type: none"> ▪ Admin and Planning ▪ Housing ▪ Homeless services ▪ Public Services 	\$3,382,065	\$0	\$0	\$3,382,065	\$3,382,065	The City anticipates applying for Section 108 funds to further its efforts to benefit low and moderate-income residents in our jurisdiction.
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Table 53 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

If appropriate, describe ~~publically~~publicly-owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City owns two parcels in midtown Milpitas. The two parcels are located on South Main Street. One parcel, located at 1432 S. Main Street, is owned by the City Housing Authority. It is approximately .9 acres in size. Currently the parcel is occupied by commercial tenant but the land is zoned as high density multi-family residential. The other parcel, approximately 1.7 acres, is located adjacent to the Housing Authority property and is owned by the City of Milpitas. That City parcel is also occupied by commercial business but is also zoned for multi-family residential use. The two parcels will have the potential and opportunity to be the City and Housing Authority's contribution to any potential affordable housing development. With the scarcity of developable residentially zoned land in Milpitas, the donation of the two parcels toward an affordable housing development would greatly incentivize an affordable housing project.

Discussion

Please see discussion above.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2017	2022	<ul style="list-style-type: none"> Affordable Housing Non-homeless special needs 	Citywide	Availability/Accessibility	CDBG \$180,000	Rehabilitate 36 owner occupied low income residences
2	Community Funding/Public Services	2017	2022	<ul style="list-style-type: none"> Non-homeless special needs 	Citywide	Availability/Accessibility	CDBG \$58,000	Public services for 1300 low to moderate income persons
3	Fair Housing	2017	2022	<ul style="list-style-type: none"> Affordable Housing Non-housing community development 	Citywide	Availability/Accessibility	CDBG \$10,000	Supportive services for low to moderate income persons to prevent housing discrimination and promote fair housing.
4	Affordable Housing Rental	2017	2022	<ul style="list-style-type: none"> Affordable Housing 	Citywide	Sustainability	CDBG \$68,200	Repair and rehabilitation of 148

	Rehabilitation							rental units
5	Public Services for Seniors	2017	2022	<ul style="list-style-type: none"> Affordable Housing 	Citywide	Availability/Accessibility	CDBG \$17,000	Public services that benefit seniors.
6	Public Services for Children and Youth	2017	2022	<ul style="list-style-type: none"> Non-housing community development 	Citywide	Availability/Accessibility	CDBG \$17,000	Public services that benefit youth and children.

**Amount is dependent how much City of Milpitas receives from CDBG each year. Amount reflects program year 2016-2017 allocation amounts.*

Table 54 – Goals Summary

Goals Summary Information

Goals Description

Projects

AP-35 Projects – 91.220(d)

Introduction

The City of Milpitas only receives Community Development Block Grant (CDBG) funding. The City Council may augment the CDBG funds and contribute from local funds, such as the Community Promotion Fund (CPF) or from the City's Affordable Housing Fund. All the funds mentioned, are in efforts to serve and improve the lives of ~~low and moderate income~~ low- and moderate-income persons in Milpitas.

Projects

#	Project Name	Project Description
1	Catholic Charities of Santa Clara County	Investigate and resolve complaints for seniors and disabled adults in long term care facilities.
2	Child Advocates of Silicon Valley	Provided court appointed youths with volunteers to maintain life-long mentorship and guidance.
3	City of Milpitas Recreation Assistance Program	Provide scholarships to low-income residents to participate in City recreation programs.
4	Fresh Lifelines for Youth (FLY)	Target at-risk youth to participate in a 12-week law program to prevent a life of crime.
5	LifeMoves	Provide interim and emergency housing with supportive services for homeless individuals for rapid return to stable housing and long term self-sufficiency.
6	Milpitas Food Pantry	Provide emergency food and supplies to extremely low income individuals.
7	Next Door Solutions to Domestic Violence	Provide supportive housing and services to victims of domestic violence.
8	Project Sentinel	Provide comprehensive fair housing, counseling, and tenant-landlord dispute and resolution services.
9	Senior Adults Legal Assistance	Free legal services to Milpitas' seniors on various issues from public benefits, elder abuse, legal planning for incapacity etc.
10	Silicon Valley Independent Living Center (SVILC)	Provide low to very-low income residents with disabilities with assistance on securing integrated, affordable housing.
11	YWCA Silicon Valley	Provide supportive housing and services to victims of domestic violence.
12	The Health Trust	Provide daily, healthy meals and wellness checks for homebound seniors.
13	Habitat for Humanity East Bay/Silicon Valley	Critical home repairs for owner-occupied manufactured homes so owners can age safely in place.
14	Rebuilding Together	Critical and urgent repairs and replacement for owner occupied homes.
15	San Jose Conservation Corps. & Charter School	Provide energy efficiency to decrease energy cost for low income homeowners.
16	Terrace Gardens	Switch out all interior and exterior common area lights to decrease energy consumptions.

Table 55 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

~~Every two years, the City Council votes to approve the funding priorities for CDBG grants. On January 17, 2017, the City Council approved the current priorities which did not represent a change for the past two years.~~

Public Services

- ~~1.~~ Senior Services
- ~~2.~~ Youth/Teen Services
- ~~3.~~ Homeless Services/Shelters
- ~~4.~~ Child Care
- ~~5.~~ Domestic Violence Prevention and Supportive Services/Shelters
- ~~6.~~ Code Enforcement
- [Rental/Mortgage/Utility Assistance](#)
- [Food Assistance](#)

Capital Project

- Home repair/rehabilitation
- Affordable housing
- Rental apartment rehabilitation
- ~~Historic preservation~~
- [Section 108 Loans](#)

All the funded projects are consistent with the priorities set by City Council.

AP-38 Project Summary

Project Summary Information

The following are funded projects for fiscal year 2016-2017. It is supported by Community Development Block Grants (CDBG), City Affordable housing funds, and the City Council's Community Promotion Fund (CPF).

Project Name	Description	Target Area	Goals Supported	Needs Addressed	Funding	Goal Outcome Indicator
Catholic Charities of Santa Clara County	Long-Term Care Ombudsman Program for Seniors	n/a	<ul style="list-style-type: none"> ▪ Reduce housing discrimination ▪ Seniors 	<ul style="list-style-type: none"> ▪ Supportive Services ▪ Non-housing community development/public service 	<ul style="list-style-type: none"> ▪ CDBG \$5,133.84 	<ul style="list-style-type: none"> ▪ Visit 70 residents and make 48 regular visits
Child Advocates of Silicon Valley	Advocacy for Foster Youth	n/a	<ul style="list-style-type: none"> ▪ Activities for low-to moderate persons ▪ Youth 	<ul style="list-style-type: none"> ▪ Non-Housing Community Development/Public Services 	<ul style="list-style-type: none"> ▪ CDBG \$535.56 ▪ CPF \$1,644.44 	<ul style="list-style-type: none"> ▪ Provide services to 37 foster youth
City of Milpitas Recreation Services	Recreation Assistance Program for Low-Income Residents	n/a	<ul style="list-style-type: none"> ▪ Activities for low-to moderate persons ▪ Youth ▪ Seniors 	<ul style="list-style-type: none"> ▪ Non-Housing Community Development/Public Services 	<ul style="list-style-type: none"> ▪ CDBG \$6,540.59 	<ul style="list-style-type: none"> ▪ Provide assistance to 30 individuals
Fresh Lifelines for Youth (FLY)	Law Program for At-Risk Youths	n/a	<ul style="list-style-type: none"> ▪ Activities for low-to moderate persons 	<ul style="list-style-type: none"> ▪ Non-Housing Community Development 	<ul style="list-style-type: none"> ▪ CDBG \$7,000 	<ul style="list-style-type: none"> ▪ Provide the law

			<ul style="list-style-type: none"> Youth 	<ul style="list-style-type: none"> nt/Public Services 	<ul style="list-style-type: none"> 22.32 CPF \$2,977.68 	<ul style="list-style-type: none"> program to 14 Milpitas at-risk youths
LifeMoves	Homeless Individuals and Families from Milpitas	n/a	<ul style="list-style-type: none"> Reduce Homelessness 	<ul style="list-style-type: none"> Homelessnes Supportive services 	<ul style="list-style-type: none"> CDBG \$5,045.27 	<ul style="list-style-type: none"> Provide 34 Milpitas residents with emergency shelter or transitional housing.
Milpitas Food Pantry	Emergency food and supplies for low to extremely-low income individuals	n/a	<ul style="list-style-type: none"> Activities for low-to moderate persons 	<ul style="list-style-type: none"> Supportive Services Non-housing community development/public services 	<ul style="list-style-type: none"> CDBG \$12,794.96 CPF \$7,205.04 	<ul style="list-style-type: none"> Provide up to 1,000 residents with emergency food and food supplies.
Next Door Solutions to	Supportive Services and Emergency	n/a	<ul style="list-style-type: none"> Activities for low-to 	<ul style="list-style-type: none"> Supportive Services 	<ul style="list-style-type: none"> CDBG \$5,4 	<ul style="list-style-type: none"> Provide supp

Domestic Violence	Shelter for Victims of Domestic Violence		moderate persons	<ul style="list-style-type: none"> Non-housing community development/public service 	97.79	ortive services to 40-50 persons.
Project Sentinel	Milpitas Housing Services	n/a	<ul style="list-style-type: none"> Activities for low-to moderate persons Reduce housing discrimination 	<ul style="list-style-type: none"> Supportive Services Fair housing 	<ul style="list-style-type: none"> CDBG \$10,000.00 Affordable Housing Fund \$15,000.00 	<ul style="list-style-type: none"> Provide services to at least 25 cases and 3 outreaches.
Senior Adults Legal Assistance	Legal Services and Community Education and Outreach for Seniors	n/a	<ul style="list-style-type: none"> Reduce housing discrimination Seniors 	<ul style="list-style-type: none"> Supportive Services Non-housing community development/public service 	<ul style="list-style-type: none"> CDBG \$5393.39 	<ul style="list-style-type: none"> Provide legal services to at least 38 seniors.
Silicon Valley Independent Living Center (SVILC)	Housing Services for Persons with Disabilities	n/a	<ul style="list-style-type: none"> Reduce housing discrimination Increase accessibility 	<ul style="list-style-type: none"> Non-Housing Community Development/Public Services 	<ul style="list-style-type: none"> CDBG \$5,149.40 	<ul style="list-style-type: none"> Provide assistance to 15 persons.
YWCA Silicon Valley	Supportive Services and Emergency	n/a	<ul style="list-style-type: none"> Activities for low-to 	<ul style="list-style-type: none"> Supportive Services 	<ul style="list-style-type: none"> CDBG \$5,1 	<ul style="list-style-type: none"> Provide supp

	Shelter for Victims of Domestic Violence		<ul style="list-style-type: none"> moderate persons 	<ul style="list-style-type: none"> Non-housing community development/public service 	21.48	<ul style="list-style-type: none"> ortive services to 13 persons.
The Health Trust	Meal Delivery for Frail Seniors	n/a	<ul style="list-style-type: none"> Provide housing stability Seniors 	<ul style="list-style-type: none"> Supportive Services Non-housing community development/public service 	<ul style="list-style-type: none"> CPF \$5,000.00 	<ul style="list-style-type: none"> Provide 5 extremely low-income fair seniors with nutritionally balanced, daily meals.
Habitat for Humanity East Bay/Silicon Valley, Inc.	Manufactured Home Repair Program	n/a	<ul style="list-style-type: none"> Preserve affordable housing stock Provide Housing stability 	<ul style="list-style-type: none"> Affordable housing 	<ul style="list-style-type: none"> CDBG \$26,000 	<ul style="list-style-type: none"> Provide five (5) home repairs on manufactured homes.
Rebuilding Together	Home Repairs and Accessibility	n/a	<ul style="list-style-type: none"> Preserve affordable 	<ul style="list-style-type: none"> Affordable housing 	<ul style="list-style-type: none"> CDBG \$92, 	<ul style="list-style-type: none"> Housing rehab

	Modifications		<ul style="list-style-type: none"> Preserve affordable housing stock Provide Housing stability 		236,600	<ul style="list-style-type: none"> Provision for 35 homes.
San Jose Conservation Corps & Charter School	Energy Efficiency Program	n/a	<ul style="list-style-type: none"> Preserve affordable housing stock Provide Housing stability 	<ul style="list-style-type: none"> Affordable housing 	<ul style="list-style-type: none"> CDBG \$45,000 	<ul style="list-style-type: none"> Provide 6 households with energy efficient upgrades
Terrace Garden Senior Housing, Inc.	Interior and Exterior LED Lighting	n/a	<ul style="list-style-type: none"> Preserve affordable housing stock Provide Housing stability 	<ul style="list-style-type: none"> Affordable housing 	<ul style="list-style-type: none"> CDBG \$30,000 	<ul style="list-style-type: none"> Replace light fixtures of entire building with LED high efficiency lights.
Terrace Garden Senior Housing, Inc.	Gate and Refrigerator Replacement	n/a	<ul style="list-style-type: none"> Preserve affordable housing stock 	<ul style="list-style-type: none"> Affordable housing 	<ul style="list-style-type: none"> CDBG \$80,000 	<ul style="list-style-type: none"> Purchase and switch out 90

			<ul style="list-style-type: none"> ▪ Provide Housing stability 			refrigerators and replace exterior gates.
City of Milpitas Planning and Neighborhood Services	Administration	n/a	<ul style="list-style-type: none"> ▪ Affordable housing ▪ Homelessness ▪ Strengthen neighborhoods ▪ Fair housing ▪ Economic development 	<ul style="list-style-type: none"> ▪ Affordable housing ▪ Homelessness ▪ Community services ▪ Public facilities, public improvements and infrastructure ▪ Fair housing ▪ Economic development 	<ul style="list-style-type: none"> ▪ CDBG \$87,072,80 	<ul style="list-style-type: none"> ▪ n/a

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Not applicable. The City of Milpitas does not set geographic concentration areas for assistance. Instead the City helps fund organizations that provide supportive services to low and moderate income individuals throughout the City.

Geographic Distribution

Target Area	Percentage of Funds
n/a	n/a

Table 56 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Not applicable

Discussion

Not applicable.

According to 2015 American Community Survey (ACS), race and ethnic groups in Milpitas was estimated as of the following:

Race	Estimate Total	Percent of the Population
White	16,608	23.1%
Black or African American	2,301	3.2%
American Indian and Alaska Native	709	1.0%
Asian	48,121	67.1%
Native Hawaiian and Other Pacific Islander	939	1.3%
Some other race	6,572	9.2%
TOTAL	71,767	104.9%*

**as reported by U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates*

According to the U.S. Census Bureau, the American Community Survey’s 5-Year estimates the City of Milpitas’ population is 71,767, which represents about a 1% increase from 2011 of 71,552.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

In the City’s on-going goal of increasing affordable housing opportunities for vulnerable and low income households, the City has adopted resolutions to generate more funds for affordable housing. As previously mentioned the City has adopted resolutions to address homelessness and affordable housing. In June 2015, the City adopted a resolution to provide 5% of all units to be affordable to low and very low income households in any new development. On February 2, 2016, City Council members adopted Resolution No. 8523, finding that the problem of homelessness constitutes a crisis and to consider policy options for funding affordable housing to house homeless people.

The County voters just passed Measure A, a \$950 million affordable housing bond. Of the \$950 million, \$700 million will be devoted to extremely low income households and the homeless population. The City is looking to partner with affordable housing developers to develop supportive housing/permanent housing for extremely low income and formerly homeless persons using the Measure A funds.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	200
Special-Needs	1500
Total	1700

Table 57 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	200
Acquisition of Existing Units	0
Total	200

Table 58 - One Year Goals for Affordable Housing by Support Type

Discussion

The high cost of land in the County and the City itself, coupled with scarcity of developable land, has been an obstacle in developing affordable housing projects. Because of the low level of affordability, housing for homeless persons and households will need deeper gap funding. Staff will continue to work with non-profit organizations to get a project and leverage other funding sources for a future affordable housing project.

AP-60 Public Housing – 91.220(h)

Introduction

The City of Milpitas currently does not have any public housing. However there is one Project-based Section 8 property in the City, the Sunnyhills Apartments. The Sunnyhills Apartments is a 171 unit development in which 149 units receive project-based Section 8 vouchers. The Project-based Section 8 vouchers issued by the Department of Housing and Urban Development (HUD) provides rental assistance for each unit. The vouchers provide rental assistance to pay the difference between the established rent and what the tenant can afford to pay. Its aim is to be competitive with the local market thus incentivizing the owner to rent to low income households.

Actions planned during the next year to address the needs to public housing

This is not applicable to the City of Milpitas as there are no public housing owned or managed by the Housing Authority of the County of Santa Clara in the City.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Not applicable. There are no public housing units in the City of Milpitas.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.

Discussion

Please see discussion above.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Homelessness in the County still remains a problem. Although the total homeless population is declining as a whole, there still remains 6,556 homeless persons. In Santa Clara County's 2015 Point-in-Time Census & Survey Comprehensive Report, the survey identified a total of 122 unsheltered homeless persons in Milpitas. Notably, there was an increase of 27 unsheltered homeless persons in Milpitas. Given the complexity of homelessness, interagency and interregional collaboration is more important in solving the homeless issue.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs.

The City of Milpitas partners with Santa Clara County Continuum of Care to conduct the bi-annual Homeless Point in Time survey. In January 2017, Point-in-Time Count was conducted by the County of Santa Clara, the City of San Jose and Applied Survey Research for the 2017 Santa Clara County's biennial Point-in-Time count of homeless persons as required by the U.S. Department of Housing and Urban Development (HUD). The group, along with volunteers, did a physical count of those individuals residing outside a sheltered home i.e. parks, vehicles, highways, creeks etc. The survey and count was crucial as it is used for important qualitative and quantitative data as a representative sample to understand where they resided and respond to any immediate needs. The homeless were surveyed about a variety of issues including shelter, services and assistance.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Milpitas will address emergency shelter and transitional housing needs of homeless persons by continuing to fund organizations that provide emergency housing. In the fiscal year 2016-2017, the City provided over \$15,664.54 to organizations that provided emergency shelter to homeless individuals or at-risk, which includes victims of domestic violence. The three organizations that have provided emergency shelter include LifeMoves, Next Door Solutions to Domestic Violence and YWCA.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently

homeless from becoming homeless again.

On February 2, 2016, City Council members adopted Resolution No. 8523, finding that the problem of homelessness constitutes a crisis and consider policy options for funding affordable housing to house homeless people. The City will continue to fund the County in its Point-in-Time Census to identify all unsheltered persons.

CDBG Funded

- **LifeMoves:** LifeMoves combats homelessness by providing supportive skills that help achieve long-term self-sufficiency and emergency shelter. The inclusion of supportive services is the holistic approach that homelessness is not only a housing issue but the importance of mental and physical health. Organizations such as LifeMoves also has provided examples of interdependency between the client and the organization in order for a successful future for the individual.
- **Next Door Solutions to Domestic Violence:** Next Door Solutions to Domestic Violence provides client-centered, community-based supportive services for victims of domestic violence and his/her children. The organization also provides undisclosed emergency shelter when requested and needed by the individual and/or family.
- **YWCA Silicon Valley (YWCA):** YWCA Silicon Valley empowers women and her children to end racism and violence through offering supportive services for self-improvement and undisclosed emergency shelter for short-term to a longer amount of time if needed. YWCA also provides clients referrals to permanent housing if possible, and available.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

As mentioned in the previous paragraph of CDBG funded programs related to emergency shelter, the City also funds organizations that take proactive measures in helping individuals in need of legal help, youth needs and concerns and fair housing so that he/she can become informed of his or her rights before the individual is forced into homelessness.

CDBG and City Council Community Promotion Funded

- **Child Advocates of Silicon Valley:** Child Advocates connect court appointed special advocates (CASAs) to foster children. These volunteers must make a commitment to the children for a long-term, many for his or her entire life. The consistent support of the CASA is often the only adult has steadily remain with them providing crucial mentorship.

In foster children, according to a HUD's report, "Housing for Youth Aging Out of Foster Care," found that as high as thirty-seven percent (37%) will enter homelessness at one point as youths and an addition fifty percent (50%) will face unstable housing after transition. By providing a CASA, this will be one stable support in his or her life which has spastically proven to develop productive individuals. Many of the children with CASAs, have higher rates of high school graduation then the national average. The program provides essential holistic approach to help these children to become successful and prevent homelessness.

- Fresh Lifelines for Youth (FLY): FLY is dedicated to youth to end the cycle of violence and incarceration. As reported by Youth.gov., homelessness in youths involved in the juvenile justice system are more than likely to also experience homeless, at a rate of 2.8 million within the United States annually. FLY aims its program to those at risk in the juvenile justice system by teaching them legal education, leadership training, and one-on-one mentoring. The proactive approach will help produce active individuals to the community; at success rate of eighty percent (80%), the youths have not been convicted of any criminal charges during the program and are eligible to graduate high school.
- Seniors Adults Legal Assistance (SALA): SALA is committed to providing free-legal services to seniors. Legal services that SALA provides ranges from: public benefits, long-term care, alternatives to institutionalization, elder abuse, long-term care insurance, incapacity planning, probate, simple wills and housing – related to landlord-tenant. Often, many seniors do not know his or her housing rights or sign over the will of their house without knowing, and with fixed income, many are unable to provide legal help. SALA provides legal help free of charge for these low to extremely-low income seniors.

Discussion

Please see the discussion above.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Along with other jurisdictions in Santa Clara County, the City of Milpitas is facing many obstacles in creating more affordable housing. The many constraints that the City is facing is the limited amount of developable land, government constraints, infrastructure and public facilities constraints, environmental, housing for persons with disabilities, and financing and construction costs.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City has taken proactive steps to help decrease the barriers in affordable housing through the following ordinances:

Resolution No. 8523

The City adopted Resolution No. 8523 on February 2, 2016, which recognizes homelessness as a crucial problem in the County and will help contribute to future affordable housing projects that will house homeless.

Resolution No. 8491

On June 16, 2015, the City Council adopted an ordinance which new development projects of five (5) or more units must include five percent (5%) of very-low or low-income units. The units should be affordable for over 55 years. If developers choose not to build the 5%, they have the option to contribute the equivalent of the construction cost as determined by the Building Department to the Affordable Housing Fund.

Density Bonus Ordinance

To attract developers to build affordable units, the Density Bonus Ordinance will allow developers the ability to build above their permitted densities in permitted zoning districts in exchange for the construction of affordable units.

Below Market Rate Ownership

The City manages a Below Market Rate (BMR) Ownership program for first-time, income-qualified homebuyers. Once a unit from the current BMR housing stock becomes available, the homebuyer will have the ability to purchase a home in Milpitas at one of the various developments throughout the City from one to three bedrooms. For qualified very-low to low income households, the City also provides a deferred, 3% loan of up to \$50,000.

Housing Trust Silicon Valley

Housing Trust of Silicon Valley is a non-profit that has raised money to help with affordable housing projects and program through the County. As of March 2016, the Housing Trust has raised approximately over \$104 million and has leveraged over \$1.88 billion to create over 13,553 housing opportunities for families and individuals within the County. Housing Trust Silicon Valley provided financial support for 86 affordable housing projects of \$55.7 million, which funded over 5,059 affordable rental units. In addition, it has made 2,306 loans to homebuyers, totaling over \$44.9 million. Lastly, Housing Trust of Silicon Valley provided homeless grants of over \$3.4 million to assist over 5,954 individuals.

Specifically, for the City of Milpitas, a total of fifty-five (55) low-interest loans in the amount of \$536,620 were approved for Milpitas first-time homebuyers. The Housing Trust also provided loans for affordable housing projects. The organization provided \$500,000 to MidPen Housing to develop Devries Place Senior Housing, a 103 unit rental development for very-low income seniors. Lastly, Housing Trust, provided \$200,000 in funding to 1170 N. Park Victoria and 751 Vasona Ave. homes, two houses that comprises of ten individual rooms that houses ten extremely-low income seniors.

Fair Housing

Milpitas provides CDBG and Housing Authority funds to Project Sentinel. Project Sentinel is a reputable organization that provides expertise in fair housing and tenant-landlord dispute. Services include information, referrals, community outreach and education in several languages other than English, investigation, and resolving fair housing complaints. In addition they provide education and outreach to property owners, landlords, and property management to become proactive in their housing policies.

Discussion:

Listed below are some of the barriers which have been identified as barriers to the development of affordable housing in Milpitas.

Government Barriers to Affordable Housing

1. Development standards may contribute to the cost of affordable housing; however, these development standards are necessary in order to preserve the quality of life in the community.

2. The high cost of land in Milpitas is another impediment to the development of affordable housing. The high demand for land coupled with the lack of available sites has resulted in high land costs.
3. The high demand for a limited amount of land and active real estate market has made it difficult for non-profit housing developers to compete with market rate developers to secure sites for affordable housing projects.
4. NIMBYism continues to be a barrier to the development of affordable housing. As with other communities, neighbors are sometimes opposed to affordable housing developments for fear that the development will affect property values or result in crime or other problems.
5. The City's development fees increase the cost of producing affordable housing, however, these fees are necessary to help cover the staffing costs involved in processing the building and planning permits for the development.
6. A major impediment to the production of affordable housing is the scarcity of land. New development is therefore limited to in-fill types of projects, which result in higher costs due to the need to demolish existing structures and relocate existing uses/tenants. The average cost of a unit is around \$500,000. Considering the funds for affordable housing is very limited, there is not enough affordable housing fund to compete with the market rate.

Strategy to Remove the Barriers to Affordable Housing

The City has taken proactive steps to help decrease the barriers in affordable housing through the following ordinances:

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education and outreach to property owners, landlords, and property management to become proactive in their housing policies.

AP-85 Other Actions – 91.220(k)

Introduction:

Actions planned to address obstacles to meeting underserved needs

The most significant obstacle to addressing the underserved needs is the lack of adequate funds to support housing projects. In particular, Milpitas's affordable housing needs are much greater than can be addressed by the available funds.

This situation has become especially problematic as the cost of developing, acquiring or rehabilitating housing has become extremely expensive. With the dissolution of the redevelopment agency in 2011 and decrease in CDBG funds, the City has seen very little affordable housing development. In an effort to address this situation, Milpitas has used the limited funds of CDBG and Housing Authority with rehabilitation projects to retain its affordable housing stock. The City has funded rental and home ownership rehabilitation projects of low to moderate income individuals. Unfortunately, these funding sources are still not sufficient to meet the City's affordable housing needs.

As mentioned more in detail in the following section, the City has also passed Resolution No. 8591 which requires new residential development after June 2015 to include 5% of low to very low income units in the development or contribute the equivalent in construction costs if they opt not to build those affordable units. It also passed Resolution in No. 8523 which recognizes that homelessness is a crucial issue and that the Council will contribute funds from the affordable housing fund to projects that house the homeless.

Lastly, the City is undergoing a Nexus Study to be adopted in the next year. The Nexus Study will provide and analyze the housing market and outline methodology and findings to support a housing impact fee for new developments. The Nexus Study will suggest impact fees will generate additional funds for affordable housing.

Another obstacle is the limited amount of Project-Based and Tenant-Based Section 8 rental subsidy program and several contracts with current owners that are expiring. The Housing Authority of the County of Santa Clara along with the local Department of Housing and Urban Development (HUD) which manages the Project-Based and Tenant-Based Vouchers, has seen long waitlists of over 10 years.

The owners of Sunnyhills Apartments have notified HUD that they will not renew their lease with HUD, meaning that all 149 units are at risk of conversion to market rate. Within the City Housing

Element, there are policies to try to preserve the Sunnyhill Apartments. The City is attempting to preserve affordability at Sunnyhills by contacting local nonprofit housing providers to negotiate the purchase of the building to renovate or rehabilitate the property to become more eligible for financing. In addition, the Housing Element calculated that if the City were to provide a rental subsidy to the apartments, the ongoing subsidy would cost \$43,000 a month or \$514,000 a year, resulting in \$7.1 million on a 30-year timeframe.

However, if the Sunnyhills owners will continue with the termination of the project-based vouchers and reject nonprofit developers offers to purchase the property, HUD will work with the Housing Authority of Santa Clara County by providing tenant-based vouchers to the Sunnyhills Apartment tenants. Although the tenants will have vouchers, it will be a difficult task as vacancy rates in the County are at 4% compared to the national average of over 9% as reported by the U.S. Census.

Actions planned to foster and maintain affordable housing

In June 2015, City Council passed Resolution No. 8491, an ordinance which required new developments with more than 5 units, include 5% of very-low or low-income residential units. These very-low or low-income units must remain affordable as defined by the regulatory agreement for a minimum of 55 years or the equivalent. If developers choose not to build the 5% of very-low or low-income units, the developer must contribute to the City's Affordable Housing Fund the equivalent of 5% of the construction value as determined by the City's Building Department. The funds then are used for affordable housing projects and programs for future affordable housing projects and/or home ownerships opportunities.

The City has also taken action to leverage additional funds for affordable housing. The City is undergoing a Nexus Study to be adopted in the next year. The Nexus Study will provide and analyze the housing market and outline methodology and findings to support a housing impact fee for new developments. The Nexus Study will suggest impact fees will generate additional funds for affordable housing.

And lastly, the City will work with the County on the use of Measure A Funds. In November 2016, the County passed Measure A, also known as the Affordable Housing Bond, which will allow the County up to \$950 million to provide affordable housing for vulnerable populations i.e. veterans, seniors, disabled, low and moderate income households, foster youth, victims of abuse, mental health illnesses which may include a supportive service component. The money will come from

of a bond that aims at either creating and/or preserving more than 5,000 affordable housing units in the County.

Actions planned to reduce lead-based paint hazards

The County of Santa Clara has received funding from State’s Department of Health Service and Federal Government for Center for Disease Control to implement a Childhood Lead Poisoning Prevention Program. The funded programs include: community outreach screen, case management and public education to inform low-to-moderate income and older communities. The project will then follow up with environmental testing, lead-based education, blood-lead testing for children, hazard reduction grants and follow up with monitoring and testing.

Milpitas has adopted a Lead-Based Paint Management Plan which complies with HUD Based Paint regulations, which outlines the required states of abatement and remediation for rehabilitation projects. In addition the City publicize, and identifies lead-based hazards and older residential projects through its Code Enforcement Division and Building Department. In addition, projects undergoing rehabilitation, especially under the City’s Rehabilitation Loan Program, is supported through abatement and technical assistance of how to proceed. Milpitas will continue to work with the County of Santa Clara Environmental Health Department, as funding becomes available, in the design and implementation of programs related to the detection, abatement, prevention and education of the incidence of lead based paint in the housing stock.

(Medium Priority)
Planned Activity:
Five-Year Objective (2017-2022): Continue to identify and reduce lead-based hazardous paint for 15 older or rehabilitated homes continue to provide building and code enforcement inspections to identify any potentially problems, and continue to provide community outreach and information on lead-based hazardous paint within the community.
Anticipated Funding Sources: CDBG and Local Grants (\$50,000)

Actions planned to reduce the number of poverty-level families

Milpitas will continue to support a variety of supportive services for low to moderate income households. The main goal of many of the supportive services will to prevent households to become homeless. The long-term goal is to provide more affordable housing opportunities and economic opportunities for low income households to not pay a majority of their income to housing and have a higher disposable income for other necessary. For fiscal year 2016-2017,

Milpitas will continue to support agencies that help households to supplement their income with other necessities, such as food. Programs such as Milpitas Food Pantry, The Health Trust, and Milpitas Nutritional Program for Seniors, provide emergency food to groceries to their entire households. A total of 20,126 meals were served to Milpitas seniors in fiscal year 2015-2016 as reported by County of Santa Clara.

On April 4, 2016, Governor Brown signed into law Senate Bill (SB) 3. SB 3 (Leno), that statewide minimum wage will annually increase to \$15.00 per hour by January 1, 2023. The City recently passed Ordinance 292 which is preempted by State law and has taken a proactive stance and approved the adoption of the wage increase by 2019 instead of 2023. The action was taken to help poverty to low income families earn a living wage.

In addition to support the aging housing stock and homeowners, funded organizations such as Rebuilding Together, Habitat for Humanity and San Jose Conservation Corporation will provide corrective health and safety upgrades to increase accessibility and mobility for physically-disabled persons to help households aged in place. In the fiscal year 2016-2017, CDBG was able to fund rehabilitation for over 189 households.

Actions planned to develop institutional structure

Milpitas will continue to work, fund and support non-profit organizations, which provide programs and services to low and moderate-income households. Milpitas will also continue to work with private industries, in particular financial and development organization to encourage the development of affordable housing opportunities in Milpitas.

Actions planned to enhance coordination between public and private housing and social service agencies.

As an example, the number of seniors is increasing, and expected to be one of the largest segments of the population. Therefore, Milpitas will try to coordinate with organizations to anticipate this growth. Considering that a large number of seniors are homeowners, organizations such as Rebuilding Together Silicon Valley and San Jose Conservation Corporations will be valuable in helping the seniors, live and stay in a safe, and healthy environment. These two organizations provide repairs and rehabilitation of older homes to upgrade to energy efficiency or to bring homes up to code. In addition, organization as these can help upgrade and incorporate some aspects of universal design – zero-step entrances, single floor, wide walls, sideways etc.—to continue their safety – essential for older residents to age in place. However the physical housing is only an aspect, as many seniors do not have the money for a live-in nurse, interagency coordination with social service agencies such as The Health Trust is essential. The

Health Trust delivers the seniors daily, fresh, and hot foods. In addition with the daily deliveries, the delivery person provides wellness checks to the homebound seniors. The wellness checks provide human-to-human contact and socialization and also to ensure the resident is safe and well.

If seniors or disabled individuals are at a long-term care facility or home, services provided by Catholic Charities of Santa Clara County’s Long-Term Care Ombudsman can provide crucial social service need. The Long Term Care Ombudsmen make weekly to monthly visits and wellness checks at the long-term care facility. These visits enable the service provider to check the condition of the facilities to helping the individuals resolve a complaint or neglect.

Program Specific Requirements
Funds Expected to be Available

CDBG	
2017-2018 Entitlement Grant	\$420,364
Program Income FY 2016	\$8,959.44
Total	\$429,353.44

**Estimated Program Income from the Single Family Housing Rehabilitation Program*

Discussion:

Please see the discussion above.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

The following provides additional information about the CDBG program income and the program requirements for entitlement funds.

**Below are the amount of program income fund received this past fiscal year, 2016-2017.
Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)**

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	\$8,959.44
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	\$0
3. The amount of surplus funds from urban renewal settlements	n/a
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	n/a
5. The amount of income from float-funded activities	n/a
Total Program Income	\$8,959.44

Other CDBG Requirements

1. The amount of urgent need activities	\$0
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Discussion: The City of Milpitas does not receive any other type of funding besides the Community Development Block Grant, and a small amount in program income each year. The amount in program income is then put into a revolving loan and added to the rehabilitation loan program. Rehabilitation project costs have increased and with the limited amount of funding, the project can only sustain about one home rehabilitation a year.

Appendix - Alternate/Local Data Sources

Consolidated Plan

MILPITAS

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OMB Control No: 2506-0117 (exp. 07/31/2015)

CITY OF MILPITAS

CITIZEN PARTICIPATION PLAN UPDATE

Introduction

Pursuant to Section 24 CFR 91.05 of the final rule for submission of the Consolidated Plan requires the Department of Housing and Urban Development requires that each jurisdiction receiving federal Community Development Block Grant (CDBG) funds adopt a Citizen Participation Plan which outlines the jurisdiction's policies and procedures for local residents to participate in the development of the Consolidated Plan and the Annual Performance Report. The Citizen Participation Plan is required to be adopted by the City of Milpitas to receive CDBG funds and must be incorporated into noticing requirements as set forth by Section 24 CFR Part 91.105.

The City of Milpitas ~~Planning and Neighborhood Preservation Division~~Building Safety & Housing department is responsible for the preparation, noticing and implementing the Citizen Participation Plan. The City of Milpitas encourages and welcomes public comments in the preparation and implementation of the plan. Copies of the Citizen Participation Plan are available ~~in-at~~ the front counter at City Hall~~Planning and Neighborhood Services Department at the public counter~~ located at 455 E. Calaveras Blvd. and Milpitas Public Library at 160. N. Main Street, and online at <http://www.ci.milpitas.ca.gov/milpitas/departments/federal-program-community-development-block-grant-cdbg/>.

Public comments can also be sent to:

~~Tim Wong~~Sharon Goei, Director of Building Safety & Housing~~and Neighborhood Services~~
Manager

City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95030
(408) 586-3286

twong@ci.milpitas.ca.govsgoei@ci.milpitas.ca.gov

Community Development Block Grant (CDBG)

The U.S. Department of Housing and Urban Development (HUD) provides annual grants through its Community Development Block Grant (CDBG) to local entitlement cities to assist organizations to provide decent housing, a suitable living environment and expand economic opportunities to ~~low and moderate income~~low- and moderate-income persons. -As part of the CDBG program, it is required that the Citizen Participation Plan provide a process to create opportunities for ~~low and moderate income~~low- and moderate-income households to

participate in the process of planning, implementation and the assessment of programs and projects. The Citizen Participation Plan ~~here~~ will reflect HUD programmatic requirements and ~~to~~ insure greater public participation.

~~Milpitas provides direct assistance with CDBG in~~ specific geographic areas ~~in which that~~ ~~Milpitas provides direct assistance with CDBG~~ contains high concentration of minority populations including Asian, Hispanics and Black households. The rationale for targeting these areas for allocating CDBG funds based on financial, social and economic needs of several ~~working class~~ working-class neighborhoods.

To be an eligible recipient of CDBG funding, each service provider must provide evidence that they meet one of the national objectives:

- Benefiting low- and moderate-income persons (at least 51% served are LMI)
- Aid in the Prevention of Slum and Blight
- Urgent Need

In addition, the funds must create one of the following:

- Decent Housing
- A Suitable Living Environment, and
- Economic Opportunity

~~Furthermore, eligible CDBG activities must meet at least one of the National Objectives:~~

- ~~▪ Benefiting low and moderate income low and moderate income persons (at least 51% served are LMI)~~
- ~~▪ Aid in the Prevention of Slum and Blight~~
- ~~▪ Urgent Need~~

The CDBG grant allocation is funded based on the HUD requirements of a maximum of:

- 15% to Public Services
- 65% to ~~Non-Public Services~~ Capital Projects
- ~~15% to Public Services~~
- 20% to Program Administration (including Fair Housing Services)

~~In 2014, the City Council discussed funding priorities for CDBG allocations. The table below reflects their priorities:~~

Public Services	Non-Public Services
1. Senior Services	1. Home Repairs/Rehabilitation
2. Homeless Services/Sheltering	2. Affordable Housing

3. Child Care	3. Rental/Apartment Rehabilitation
4. Victims of Domestic Violence	4. Historic Preservation
5. Youth/Teen Services	
6. Sheltering and Services	
7. Code Enforcement	

~~Every two years, Milpitas City Council holds a public meeting to reconsider the CDBG funding priorities. Copy of the public hearing notice is advertised in the newspaper and copy of the notice is send to all services providers and interested parties and on the City's website.~~

Estimate Amount that will Benefit Persons of Low and Moderate Income

City of Milpitas receives about \$~~400~~600,000 annually from Department of Housing and Urban Development. ~~In which, 100%~~At least 70% of ~~the this~~ CDBG funding ~~is~~must be allocated to low and moderate-income households and clientele.

Below outlines the process that the City plans to incorporate residents' participation.

City of Milpitas' Citizens Participation Plan: Community Outreach and Background Information

The purpose and intent of the Citizens Participation Plan is to encourage public participation in the review on the various Community Development Block Grant (CDBG) documents including the Action Plan, Consolidated Annual Performance and Evaluation Report (CAPER) and Consolidated Plan and amendments. Local residents, service providers, and other interested parties are encouraged to participate in the development, implementation, and performance assessment to identify~~ication~~ the City's housing priorities and needs and non-community development (public services) needs for ~~extremely-low,~~ very- low, low- and ~~moderate income~~moderate-income—households. Citizen participation would also include the development and reassessment of the City's five-year strategic plan as outlined in the Consolidated Plan ~~to make sure it aligns with the Annual Action Plan to meet the needs and the Annual Action Plan to implement the Strategic Plan.~~ All residents are invited and encouraged to assist the City in meeting its performance goals and objectives.

Citizen Participation Plan Community Outreach: City of Milpitas will take the following steps to encourage community participation in assessing community needs, funding programs, reviewing public documents, providing notice of public hearings and meetings, ~~and access for~~ all related information and documentation for the Community Development Block Grant Program.

- Appropriate public hearings and meeting notices~~s~~ will be advertised in a local newspaper of general circulation, on the City's website, on the City's social media accounts, at the Milpitas Public Library and at Milpitas City Hall

- City Staff will provide language interpreters for individuals that are not English proficient
- City Staff will help translate public hearing notices in languages that are commonly spoken in Milpitas i.e. Vietnamese, Spanish, Chinese etc. upon request.
- City Staff will meet with groups, agencies and organizations representing minority populations, areas of concentration of minorities and special needs populations to address their social and economic needs as CDBG funds will allow.
- CDBG documents (Action Plan, CAPER, Consolidated Plan, etc.) will be made available to the greatest extent possible to minority populations and special needs populations.
- Milpitas will continue to make available the TDD phone number for disabled persons.
- ~~City staff will notify all interested parties of a~~Any substantial amendments ~~to any CDBG documents, Milpitas will~~to the greatest extent possible ~~notify all interested parties.~~
- City staff will post public hearing and meeting notices on the City and department websites and social media sites/accounts.
- City staff will email the Community Advisory Commission, current and prior CDBG applicants, and known interested parties, all public hearing and meeting notices.

Jurisdiction Plans to minimize Displacement of Persons and Assistance Available

Milpitas will take every precaution to minimize the displacement of persons and provide assistance as available. Any CDBG activity that will cause displacement, City staff will work with the tenant(s) with relocation plans, regarding site, locations, costs, moving expenses, etc. before funding is allocated. Projects that may cause temporary harm to the tenants such as fumigation, must include a relocation plan ~~into in~~ the project budget and a proposal during the time of application submission to the City.

Unsolicited Notice of Application SolicitationApplication and Public Hearing Process for CDBG Funding

- 1) At least ~~30-120~~ days prior to the ~~deadline for the submission of CDBG applications~~end of the fiscal year, the City will publish in the local newspaper of general circulation, a Notice of Funding Availability for CDBG applications and the proposed use of funds by local residents, groups, organizations and service providers. The notice will include the estimated funds that will be made available by HUD during the fiscal year and the types of activities to be undertaken. The notice shall also include ~~when and~~ where applications can be obtained, ~~the deadline for application submittal~~a link to the City's unsolicited application process, and a City contact person to obtain additional information regarding the CDBG application

submittal process. Applications will be accepted on a rolling basis until XX days prior to the City's first CDBG Council Sub-committee meeting on CDBG allocations.

- 2) All notices along with applications will be sent to all current and former CDBG sub-recipients, former applicants who were previously denied funding in the past fiscal year, and year and interested parties. – A letter will be included with the notices to offer any technical assistance by the City to applicants explaining the CDBG regulations and process, responding to questions, and assisting on completing the application for funding.
- 3) The City will also provide this information on the City's website and local cable television to provide additional outreach efforts to local Milpitas residents, groups and organizations. As COVID-19 related health conditions allow, notices will also be made available in the Milpitas Public Library and other public buildings throughout the City.
- 4) Prior to the start of the funding cycle for CDBG funds, the City will make itself available to assist any applicant on the processing of their CDBG application (inform the general public about the CDBG application process, to enhance public access and participation of the CDBG process.
- 5) The Milpitas Community Advisory Commission (CAC) and City Council will hold at least one advertised public hearing on ~~the~~ CDBG funding allocations during each fiscal year. Notice of the public hearing will be made available in the following manner.
 - a) At least 15 days prior to the established public hearing date, the City will publish a Public Hearing notice in the local newspaper of general circulation and website. The public hearing notice will include: the time, place and date of the public hearing to be held, the purpose of the public hearing and how and where persons interested in the public hearing can obtain more information about this matter. A City contact person for reasonable request and translators/interpreters.
 - b) A copy of the public hearing notice will also be e-mailed to all grant applicants and other persons who have indicated a previous interest in the CDBG public hearing process. All notices will be sent at least 15 days prior to the established meeting date.
 - c) The public hearing notice will be posted on the City Public Bulletin Board in front of City Hall to allow maximum visibility by local residents. The notice will be posted at least 15 days prior to the meeting.
 - d) The public hearing notice will be posted on the City's social media accounts and on the Milpitas Building Safety and Housing Department's website.
- 6) The City will provide this information (applications and notices) in print.

~~The Annual Action Plan, Consolidated Plan, Citizen Participation Process, Affirmatively Furthering Fair Housing, Revisions, Amendments and Performance Reports~~

Required reporting by HUD: ~~the~~The Annual Action Plan, Consolidated Plan, amendments to Citizen Participation Process, Furthering Fair Housing, and Performance Reports will follow a process to ensure residents and service providers are able to have a reasonable notice to review and comment.

~~The Annual~~The Annual Action Plan, and Five (5) Year Consolidated Plan describes the eligible programs, projects and activities to be undertaken with Community Development Block Grant funds expected to be made available during the program year ~~and a five-year~~and a five-year period of time and their relationship to the priority housing, homeless and community development needs.

Prior to the approval and adoption of the Annual Action Plan and Consolidated Plan and other required HUD documents, the ~~City's City~~City's City Council and ~~City~~ Staff will ensure all draft documents are available to local residents, service providers, and other interested parties. The documents will inform the public on the estimated amount of CDBG funds received, the types of programs, projects and activities that will be undertaken during the fiscal year with the funds, the notice of application ~~solicitation~~ to encourage local ~~residents,~~ organizations, groups and service providers to apply for funding and the required public review period to comment on the Draft Annual Action Plan and Consolidated Plan. This information will be made available to the general public in the following matter:

~~Notice of Public Hearings Hearing for Action Plan and Consolidated Plan~~

The Milpitas City Council will hold at least two advertised public hearings s per year for residents to voice their views, ~~at different times of the year~~. At least one of the public hearings s will be prior to the development of the Consolidated Plan or the new ~~Affirmatively Furthering Fair Housing~~Analysis of Impediments to Fair Housing.

In ~~addition~~addition, another public hearing will take place prior to approval of other HUD required documents including the ~~the~~ Annual Action Plan, CAPER, and ~~for the approval for annual~~ CDBG a ~~Allocations~~. The purpose and intent of the public hearing will be to encourage public input and comments prior to the City Council taking action ~~on the final Action Plan and Consolidated Plan~~. All comments received during the public hearing will be considered and ~~then~~ a summary will be incorporated and attached to the final Consolidated Plan and ~~Affirmatory Furthering Fair Housing~~Analysis of Impediments to Fair Housing

The public hearing will be held during the evening to encourage the maximum citizen participation in the public review process. In addition, if there are those working a schedule that prevents the person from attending a night meeting, the person will have not less than 30 days ~~for to~~ comments.

Solicitation for written comments for not less than 30 days will be advertised in a paper of general circulation. The person can submit it to City Hall staff or via email. Staff will consider any comments and attach it to the summary of the final and approved required documents. In addition, Staff will provide written comments to the commenter within fifteen (15) days by postal mail.

Outreach ~~towards to the~~ low and moderate income, non-English speaking, or disabled groups residents ~~be will be made available~~ conducted in the following ~~matter~~ manner:

- 1) At least 15 days prior to the established public hearing date, the City will publish a public hearing notice in the local newspaper of general circulation and website regarding the time, place and date of the public hearing to be held, the purpose of the public hearing and how and where persons interested in the public hearing can obtain more information about this matter. A City contact person will be listed on the public hearing notice for those who may need a reasonable request and/or a translator.
- 2) The public hearing notice will indicate that the attendees must please give staff at least fifteen (15) days to provide the request reasonable ~~request accommodations,~~ technical assistance or ~~translator interpretation services at least fifteen (15) calendar days prior to before~~ the public hearing.
- 3) A copy of the public hearing notice will also be sent to all grant applicants and other persons who have indicated a previous interest in the CDBG public hearing process. All notices will be sent at least 15 days prior to the established meeting date.

The public hearing notice will be posted on the City's Website and Public Bulletin Board to allow maximum visibility by local residents. The notice will be posted at least 15 days prior to the meeting.

Public Comments on Draft Action Plan and Consolidated Plan

Upon completion of the Draft Action Plan and Consolidated Plan, City of Milpitas will publish a notice with a summary of the plan in the local newspaper of general circulation. The notice will include information regarding when and where the public can review and/or obtain copies of the draft plan and where comments may be submitted in response to the plan. The draft will be available for comments for at least 30 days prior to the public hearing for the adoption of

the final plan by the City Council. This notice will also include the City's ~~person of~~ contact person for any help or assistance relating to the drafts.

Local residents, groups, organizations, service providers and other interested parties will be given at least 30 days to review and comment on the Draft Action Plan and Consolidated Plan. The comment review period was also applied to the updated of the Citizen Participation Plan and Analysis of Impediments to Fair Housing Choice. The plan will be made available to the public at the City of Milpitas' Public Information Counter at 455 E. Calaveras Blvd., and Milpitas Public Library, 160 N. Main Street. The City of Milpitas will also take the necessary steps to accommodate requests to provide the plan to persons with physical disabilities.

The City will review and consider all citizens and service providers' written comments regarding the Draft Action Plan and Consolidated Plan prior to the final preparation of the document. A summary of the comments received during the 30-day comment period, their disposition will also be attached to the final plan.

Consolidated Annual Performance and Evaluation Report (CAPER)

As required by the Department of Housing and Urban Development, the City of Milpitas ~~must is required to~~ prepare the Consolidated Annual Performance and Evaluation Report (CAPER) to ~~identify evaluate~~ programs, projects, and activities that have been undertaken during the previous fiscal year. The CAPER is due 90 days after the end of each grant year. The grant year begins in July and ends in June.

CAPER's Citizen Participation Process

For performance reports and notices such as the Consolidated Annual Performance and Evaluation (CAPER) to HUD, there will be at least 15 days prior to submittal for review. The City will publish a Notice of Preparation of the Draft CAPER in a local newspaper and website for public comment. The notice will include the time period the draft report covers during the previous year and when and where the report can will be available for public review and comments. The notice will also indicate the deadline to submit comments and where comments should be sent.

At least 15 days prior to the submittal of the final CAPER to HUD, a copy of the notice will be posted on the Milpitas Public Bulletin Board in front of City Hall for public review and at the Milpitas Public Library.

Public Comments on the CAPER

Upon completion of the Draft CAPER, City of Milpitas will publish a summary of the plan in the local newspaper and website. The notice will be ~~publish~~published at least 15 days prior to the public hearing for the adoption of the final plan by the City Council. The notice will include

information regarding when and where the public can review and/or obtain copies of the draft plan and where comments may be submitted in response to the plan. This notice will also include the City's contact person for reasonable request and ~~translators~~interpreters, if needed.

Local residents, groups, organizations, service providers and other interested parties will be given at least 15 days to review and comment on the Draft CAPER. The plan will be made available to the public at the City of Milpitas Community Development Department at 455 E. Calaveras Blvd. at the public counter, Milpitas Public Library, 160 N. Main Street. The City of Milpitas will also take the necessary steps to accommodate requests to provide the plan to persons with disabilities.

The City will review and consider all citizens and service providers' oral and written comments regarding the Draft CAPER to the final preparation of the document.

A summary of the comments received during the 15-day comment period ~~, their disposition~~ will be attached to the final plan.

The Consolidated Plan

The Consolidated Plan is a five (5) year comprehensive planning document that identifies a jurisdiction's overall needs for affordable and supportive housing as well as non-housing community development needs and outlines a strategy for the use of available resources. ~~The Consolidated plan includes goals that are implemented through each to meet the one-year Annual Action Plan. The and CAPER which reviews the progress made in each year on the Annual Action Plan and the Consolidated Plan goals and objectives. meeting the goals and objectives of the prior year Action Plan.~~

The Consolidated Plan, Amendments, Citizen Participation Process

Minor Amendments

Any minor amendments to the Consolidated Plan will be made administratively and will be incorporated into the City's CAPER at the end of ~~end the~~ program year. Minor amendments shall ~~be one that maintains~~maintain the integrity of the plan and ~~does can~~ not include any substantial ~~change policy~~change in policy or in funding priorities while still maintaining flexibility in meeting the goals and objectives.

Substantial Amendments

Any substantial amendment to the Consolidated Plan will only be incorporated into the document after a public notice has been provided to local residents, organizations, groups, service providers and other interested parties at least 30 days to review and comments. Substantial changes ~~shall~~ ~~shall be one that include~~: 1) changes in the allocation priorities or ~~the a change in the~~ method of distribution of funds, 2) ~~changes that~~ carry out an activity, using funds from any program covered by the Consolidated Plan (including program income) ~~not~~ previously described in the Action Plan, and 3) changes ~~to the the~~ purpose, scope, location or beneficiaries of any activity, ~~and~~; 4) any change in use from one eligible activity to another eligible activity. Any amendment ~~listed~~ above shall be determined to be substantial if it totals 10% or more of the city grant allocation. Minor adjustments in funding levels for public services, housing activities and administration due to differences in actual verses anticipated program income should not be considered substantial.

Notice of Public Hearing for Amendments to Consolidated Plan

The Milpitas City Council will hold at least one advertised public hearing at least 30 days prior to any proposed amendments to the Consolidated Plan. The purpose and intent of the public hearing will be to encourage public review and comments prior to the City Council taking action on the final amendment. ~~C~~Substantial comments received during the public hearing will be considered prior to the preparing the final document. The public hearing will be held during the evening to encourage the maximum citizen participation in the public review process. Every outreach effort (advertising, public notices, letters, etc.) will be made to include low-income residents and disabled persons to attend the meeting during the decision-making process. Notice of the public hearing will be made available in the following matter:

- 1) At least 15 days prior to the established public hearing date, the City will publish a public hearing notice in the local newspaper of general circulation indicating the ~~time,~~ ~~time,~~ place and date of the public hearing to be held. The purpose of the public hearing and how and where persons interested in the public hearing can obtain more information about this matter. A City contact person will be included in the public hearing notice.
- 2) A copy of the public hearing notice will also be sent by mail to all grant applicants and other persons who have indicated a previous interest in the CDBG public hearing process. All notices will be sent at least 15 days prior to the established meeting date.
- 3) The public hearing notice will be posted on the City's Public Bulletin Board in front of City Hall to allow maximum visibility to local residents. The notice will be posted at least 15 days prior to the meeting.

Comments on Amendments to the Consolidated Plan

Upon completion of any substantial amendment(s) to the Consolidated Plan, City of Milpitas will publish a summary of the plan in the local newspaper of general circulation. The notice will be ~~publish~~published at least 30 days prior to the public hearing for the adoption of the final plan by the City Council. The notice will include information regarding when and where the public can review and/or obtain copies of the draft plan and where comments may be submitted in response to the plan. This notice will also include the City's TDD number. Local residents, groups, organizations, service providers and other interested parties will be given at least 30 days to review and comment on the Draft Consolidated Plan. The plan will be made available to the public at the City of Milpitas Public Information Desk at 455 E. Calaveras Blvd. and Milpitas Public Library, 160 N. Main Street. The City of Milpitas will also take the necessary steps to accommodate requests to provide the plan to persons with physical disabilities or translators if applicable.

The City of Milpitas will review and consider all citizens and service providers' oral and written comments regarding the Draft Consolidated Plan prior to the final preparation of the document. A summary of the comments received during the ~~30-day~~30-day comment period, ~~their disposition~~ will be attached to the final plan.

Amendments to the Citizens Participation Plan

Local residents, organizations, groups, service providers and other interested persons will be provided an opportunity to comment on any substantial amendment to the Citizens Participation Plan. Minor amendments to the Citizen Participation Plan, which comply with HUD minimum standards will not be deemed substantial and will be incorporated administratively. However, any amendment deemed substantial shall be made available for public review and comments in the following manner:

- 1) At least 15 days prior to the established public hearing date, the City will publish a public hearing notice in the local newspaper to consider an amendment to the Citizen Participation Plan. The notice will indicate the time, place and date of the public hearing to be held and the purpose of the public hearing and how and where persons interested in the public hearing can obtain more information about this matter. A City contact person will be included in the public hearing notice for reasonable request and language assistance as need.
- 2) A copy of the public hearing notice will also be sent by mail to all grant applicants and other persons who have indicated a previous interest in the CDBG public hearing process. All notices will be sent at least 15 days prior to the established meeting date.

- 3) The public hearing notice will be posted on the City Public Bulletin Board in front of City Hall to allow maximum visibility to local residents. The notice will be posted at least 15 days prior to the meeting.
- 4) The City of Milpitas will review and consider all citizens and service providers' oral and written comments regarding the Amendments to the Citizen Participation Plan prior to the final preparation of the document. A summary of the comments received during the 30-day comment period ~~, their disposition~~ will be attached to the amended plan.

Access to Public Records

The City of Milpitas will provide a copy of the Consolidated Plan, including the Needs Assessment, Strategic Plan, Action Plan, and CAPER for current and past years for public review during the business hours of 8:00 a.m. to 5:00 p.m. at City Hall, Public Information Desk at 455 E. Calaveras Blvd., Milpitas CA 95035, City's website and City's public library. This site is accessible to disabled persons.

Citizen Complaints

Any complaints received from citizens relating to the Action Plan, CAPER, amendments to the Consolidated Plan or Citizen Participation Plan shall be on filed in writing with the City of Milpitas ~~Planning and Neighborhood Services~~ Building Safety and Housing Department, City of Milpitas at 455 E. Calaveras Blvd., Milpitas, CA 95035. Complaints by phone shall be addressed within 48 hours, written comments are addressed via postal mail, and any desired outcome or resolution to the problem. All written complaints and comments should include a return address in which the City of Milpitas will respond to the complaint with 15 days from receipt of the complaint. When the proposed outcome or resolution is not accepted by the City of Milpitas an explanation for not accepting the proposed resolution will be provided.

Citizen Participation Plan Amendment for CDBG

Pursuant to the Community Development Block Grant Program funding under the American Recovery Reinvestment Act of 2009 (ARRA), the Citizen Participation Plan has been amended to comply with ARRA. The amendments ~~includes~~ include the following:

- Submittal to HUD of the amended Action Plan to reflect CDBG-R activities, programs and services to be provided with ARRA 2009 funding.
- Submittal of Standard Federal Form SF-424, and signed certifications.
- Public Notice of CDBG-R funding with a ~~7-day~~ 7-day citizens comment period (*)
- Providing equal access to information about funding activities, including non-English speaking persons and persons with disabilities.
- Providing public notice of amendments in public places (Milpitas City Hall, Milpitas Public Library, and City's Website).

(*) Note: HUD has waived the normal required ~~30-day~~30-day review and comment period on the Action Plan. To expedite the process and to ensure that CDBG-R grant are awarded in a timely manner, while preserving a reasonable citizen participation process, HUD has shortened the minimum time for citizen comments to 7 calendar days.

Citizen Participation Requirements in State of Emergency

The City of Milpitas shall comply with all U.S. Department of Housing and Urban Development (HUD) memorandums and notices that transmit citizen participation requirements in the event of a local, state, or national emergency or disaster. In order to secure and access new HUD funding and/or re-allocate existing HUD funding to allow the City to respond to the state of emergency in the most expeditious manner, such HUD memorandums and notices automatically supersedes any conflicting provisions of the Citizen Participation Plan, and therefore no formal amendment is required when such emergency memorandums and notices are in effect.

CDBG Subcommittee

The City of Milpitas established the CDBG ~~Council~~ Subcommittee in June 2019. For the purposes of Citizen Participation, CDBG application selection, Annual Action Plan, Consolidated Plan ~~amendments~~, and CAPER reporting, the CDBG ~~Council Funding~~ Subcommittee will be the primary reporting and recommending body to the full City Council.

Limited English Proficiency

Pursuant to 65 FR 50121 of Executive Order 13166 requires that every Federal agency that provides financial assistance to non-Federal entities must publish guidance on how their recipients can provide meaningful access to Limited English Proficiency (LEP) persons and this comply with Title VI regulations. These regulations ~~forbidding~~ funding recipients from restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid or other benefits under the program or from utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin or have the effect of defeating or substantially impairing accomplishments of the objectives of the program as respects individuals of a particular race, color or national origin.

The City of Milpitas Housing Division, which administers the Community Development Block Grant (CDBG) Program, is responsible for ~~the prepar~~ingation, noticing and implementing the Limited English Proficiency Plan.

City of Milpitas Limited English Proficiency Plan

The purpose and the intent of the Limited English Proficiency Plan is to encourage public participation in the review, allocation and funding in various Community Development Block Grant (CDBG) documents including the [Annual](#) Action Plan, Consolidated Annual Performance Evaluation Report (CAPER) and Five-Year Consolidated Plan and amendments. Local residents, service providers and other interested parties are encouraged to participate in the development, implementation and performance assessment to identify the City's housing ~~priorities, and~~ [priorities and](#) needs and non-community development (public services) needs for very-low, low-, and ~~moderate-income~~ [moderate-income](#) households. Citizen participation would also include the development and reassessment of the City's five-year strategic plan as outlined in the Consolidated Plan to meet the needs [identified and in the](#) annual Action Plan ~~to implement the strategic plan~~. All residents are invited and encouraged [to](#) assist~~ing~~ the City in meeting its performance goals and objectives.

The following Community Development Block Grant documents will be addressed in the Limited English Proficiency Plan:

- 1) The Annual Action Plan
- 2) The Consolidated Annual Performance Evaluation Report (CAPER)
- 3) The Five-Year Consolidated Plan
- 4) Citizen Participation Plan
- 5) Any Substantial Amendments to the Plans/Report stated above

What is the Limited English Proficiency Plan?

The Limited English Proficiency Plan addresses individuals who do not speak English as their primary language and have a limited ability to read, write, speak or understand English also known as Limited English Proficiency (LEP) are also individuals, many who are very-low and low-income. Those who [have](#) LEP are entitled to language assistance with respect to a particular type of service, benefit or encounter through the allocation of Community Development Block Grant funds. LEP individuals can face barriers to accessing important benefits or services. The Federal Government funds a variety of programs through CDBG that can be made accessible to otherwise eligible LEP persons. The Federal Government is committed to improving the accessibility of these programs and activities to eligible LEP persons.

How is Limited English Proficiency Determined?

Recipients of Community Development Block Grant funds are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The following four guidelines must be ~~consider~~ [considered](#) in the preparation of the Limited English Proficiency Plan:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
- 2) The frequency with which LEP individuals come in contact with the program;
- 3) The nature and importance of the program activity or service provided by the program to people's lives; and
- 4) The resources available to the grantee/recipient and costs.

The intent of the guidelines stated above is to suggest a balance between ensuring meaningful access by LEP persons to critical services, while not imposing undue burdens on small businesses, small local governments or small nonprofits.

After analyzing the four guidelines ~~stated~~ above, a sub-recipient may conclude that different languages assistance measures are sufficient for different types of programs or activities in which it engages.

Identifying LEP Individuals Who Need Language Assistance

The first two guidelines require an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of those encounters. The 2014 American Community Survey depicts the population as the following:

Ethnicity	Milpitas, 2014	Santa Clara County, 2014
White	14%	34.1%
Black	2.2%	2.4%
American Indian and Alaska Native	0.2%	0.2%
Asian	63%	32.9%
Native Hawaiian and Other Pacific Islander	0.6%	0.3%
Some other race alone	0.1%	0.2%
Two or more races	3.3%	3.1%
Latino (or Hispanic)	16.6%	26.7%

The ~~population table above~~ indicates that ~~the demographics of~~ Milpitas is very diverse. ~~And that coincidentally, the percentage of those speaking another language at home, also matches this diversity is also quite high:~~

Language Spoken at Home	Milpitas

English Only	35.9%
Language other than English	64.1%

As illustrated from the demographic population chart stated above, Milpitas is a very diverse community coincidentally with a multitude of languages. In the 2014 American Community Survey, data shows that 64.1% of Milpitas residents spoke a language other than English versus a 35.9% speaking English only. The average household size in the County is 2.96. The increase in household size can be attributed to the increase of several generations remaining in the household and extended families due to recent immigration or due to the highest cost, limited housing in the area. In 2013, Bay Area Economics and the 2010 US Census ~~has~~ identified that 77.1% of the total population in Milpitas are over the age of 18 years.

Given the City of Milpitas diversity and ethnicity among its population, it would be extremely difficult to prepare a plan that would include the dozens of languages that are spoken within the city. The proposed plan will attempt to address as many languages as time and financial resources will allow.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive a presentation from staff and provide direction on the Milpitas Metro Specific Plan (TASP Update)
Category:	Community Development
Meeting Date:	06/30/2020
Staff Contact:	Ned Thomas, Planning Director, 408-586-3273 Kevin Riley, TASP Manager 408-586-3292
Recommendation:	<ol style="list-style-type: none"> 1. Receive a presentation from staff 2. Provide direction and input on goals, planning concepts, infrastructure needs, land use strategies, and community outreach

Background:

In 2008, the City of Milpitas adopted a 20-year plan to convert 347 acres of what was primarily industrial land, and including the Great Mall, to a walkable, transit-oriented, mixed-use community with enhanced shopping, robust office/employment opportunities, and a variety of high quality live/work amenities. The City adopted this plan in anticipation of the opening of a new transit center that would bring together BART, VTA light rail and bus service, and other forms of mobility and access.

Despite a slow start due to the Great Recession in 2009, subsequent years have seen monumental development in the Plan Area. We anticipate a spike in interest in the remaining lands that have not been redeveloped within the transit area, spurred by the opening of BART, that will bring new excitement to the area following diminishment of the Covid-19 economic constraints.

In February 2020, the Council entered into a consultant agreement with Urban Field Studio (UFS) and their project team to reconsider and update the TASP document's policies and standards that might take the original vision further in bold new ways. City staff and the consultant team have been working since that time to measure how far we've come and where we may go. Attached to this report is an informative introduction to the work that UFS has done to date and what they and staff are offering for Council consideration in updating this "Milpitas Metro" plan. This background material provides an overview of the presentation that will be made at the Study Session.

Analysis:

The 2008 TASP development scenario called for new development that could bring up to 7,109 new housing units, 993,843 square feet of new office/employment space, 287,075 square feet of new retail activity, and 350 new hotel rooms. Within the Plan Area boundaries, there was some existing development in each of these categories, including 468 homes in the Crossings on Capitol Avenue, nearly two million square feet of existing retail in the Great Mall and elsewhere in the area, some office space and the Marriott hotel on Falcon Drive.

The Covid-19 constraints aside, the 2020 economic setting is quite different from the conditions that governed expectations of development in 2008. The earliest residential developments arising from the post-recession period were townhome projects at relatively low densities (typically less than 25 units/acre), while recent projects have often achieved much higher densities of 70-100 units per acre or more. Retail space has been growing with ground-floor mixed-use in some recent projects, but there has been barely more than 10,000 square feet of new office space entitled and just one new hotel project in the planning and permit stage.

The Great Mall was essentially untouched in the development scenario of the 2008 TASP, but this update will explore opportunities on this 99-acre site that could both preserve and enhance retail revenues in the emerging economy and also bring significant vitality to the overall Plan Area. Simon Property Group, owner of the Great Mall, has been engaged in conversations with staff about those possibilities. The Valley Transportation Authority (VTA), in addition to operating the Transit Center, holds substantial acreage that is developable, and they too have been engaged in the process to date.

A very significant and substantial part of the work effort will be evaluating the public realm improvements laid out in the original plan and exploring ways to enhance or maximize the benefits of public improvements. The walkability and bike access issues, as well as the parks and other amenities of the neighborhood will be considered, with an eye to costs that have relied upon developer contributions in the form of impact fees assessed upon new development. In the big picture, it is the quality of the new urban space that will create a distinctive sense of place within the Milpitas Metro area and represent the high quality of life for all residents, workers and visitors.

The presentation to Council will explore possible expansion of the Metro Plan boundaries, provide information about the community outreach to date, and seek Council input and direction on focus areas and future work. The presentation will include further discussion with the Council regarding development of an 'Innovation District' within the Metro Plan area. Development of an employment hub near the Milpitas Transit Center is included in the City's Economic Development Strategy and the General Plan Update. The presentation will also include a discussion of the City's expected Regional Housing Needs Allocation (RHNA) and opportunities for additional housing within the Metro Plan area.

Policy Alternatives:

This is an informational item for Council input and direction and is the first of several sessions for checking in with Council on the progress and direction of the update work for the Milpitas Metro Specific Plan. Key issues and questions for discussion with the Council are included in the Milpitas Metro Info Memo (Attachment 1).

Fiscal Impact:

This is an informational item. As such, there is no fiscal impact.

California Environmental Quality Act:

This report represents preliminary work on the Milpitas Metro Specific Plan (TASP update), and it is anticipated that the City will prepare an Environmental Impact Report (EIR) prior to Plan adoption.

Recommendation:

1. Receive a presentation from staff;
2. Provide feedback and direction on goals, planning concepts, infrastructure needs, strategies and community outreach.

Attachments:

Milpitas Metro Info Memo prepared by Urban Field Studio
Link to Map Book prepared by Urban Field Studio



City Council Study Session
Milpitas Metro Specific Plan (TASP Update)
Project Update: June 30, 2020

Overview

- The Milpitas Transit Area Specific Plan (TASP), adopted in 2008, is being updated and renamed the **Milpitas Metro Specific Plan** (Metro Plan). The long-term focus of the Metro Plan is to continue the transformation of this area from industrial and auto-oriented to a vibrant transit-oriented community that includes housing, retail, entertainment, commercial and park spaces, as well as a safe and attractive pedestrian and bicycle network.
- Approximately 95% of the housing planned for in the 2008 TASP was constructed or entitled by 2019 however, a relatively low percentage of planned-for commercial spaces were developed, and many public realm improvements are pending or just now underway. This plan will focus on encouraging complementary land uses, developing connections between Districts in the plan area, creating a cohesive sense of space and individual character, and building street-level vibrancy.
- The future development of this transit-rich area (with BART, VTA light rail, and bus service) is an opportunity to promote social equity in planning by providing a transit-accessible and socio-economically accessible place for all people.
- The Metro Plan is considering:
 - The capacity of the remaining parcels that have not been redeveloped since 2008
 - The community benefits needed to complete the neighborhood
 - Updates to public infrastructure for placemaking, streetscape, creek, and utility improvements in the Metro Plan
- Consultants have talked extensively to private stakeholders in the area, including developers and residents to review how far we have come, and discuss possible ideas for the future. See Appendix below.

Questions for City Council

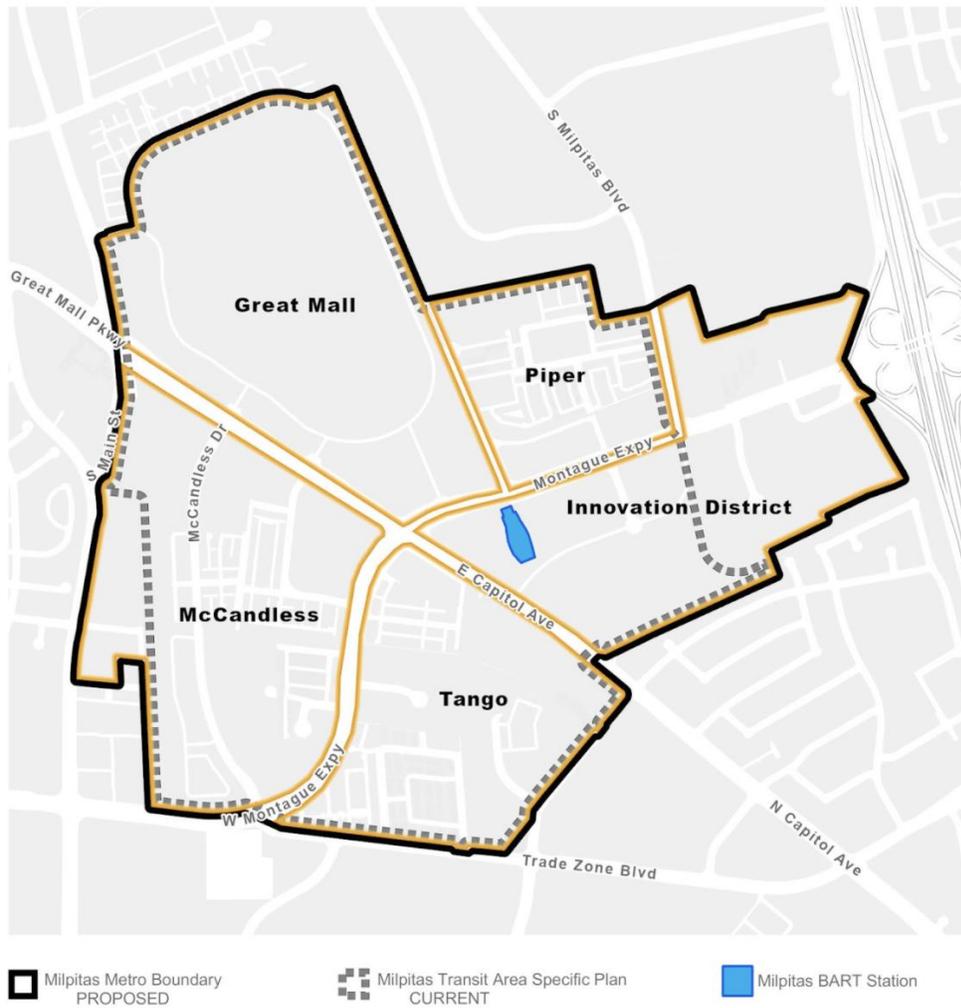
- What do great neighborhoods look like and feel like?
- Are there other places that you think are similar to Milpitas Metro's future?
- What kind of place do you think Milpitas Metro should become?
- What future changes or opportunities would you like to see to bring this vision into reality?
- What additional public improvements are needed to complete this area?



Expansion of the Milpitas Metro Plan Boundaries: A plan area expansion is being considered to include the area east of the BART Station along Montague Expressway to I-680 to reinforce and support the evolution of the Innovation District identified in the General Plan, and to include potential housing sites along S. Main Street (see Figure 1).

The sub-district boundaries are also being revised to focus on the neighborhoods bounded by major streets and to de-emphasize Montague Expressway.

Figure 1: TASP and Milpitas Metro Specific Plan Boundaries and Subdistricts





Transit Area Specific Plan (TASP) Accomplishments

Since 2008, a great deal has changed in the plan area. As a result of the TASP, what was once an industrial area is now a Transit Oriented District. Table 1 summarizes the build out of the 2008 Transit Area Specific Plan. The TASP resulted in approximately 95% of all planned-for residential being built or entitled by 2019, but the same is not the case for commercial office, retail, and hotel.

Table 1: New Development Planned and Built from the TASP

Land Use	Existing Development in 2008	TASP Planned New Development	Total TASP Planned Development	Entitled by 2019
Dwelling Units	468	7,109	7,577	6,955
Office (sf)	52,780	993,843	1,050,000	10,630
Retail (sf)	1,970,000	287,075	2,240,000	186,500
Hotel (rooms)	292	350	642	0*

**Currently there are concept plans for a high rise hotel*

Figure 2 highlights the development that has occurred since the adoption of the TASP. Many of the early projects in the area featured townhouses in the Piper neighborhood, McCandless neighborhood, and off Trade Zone Boulevard.

There are several larger projects that have been developed, are under construction or are entitled along Great Mall Parkway, Main Street, and Montague Expressway. Some of these projects are mixed-use. Block 1 of 4 at “The District” by Lyon Living has been completed as the Turing Apartments with a Trader Joe’s Grocery Store at the corner of McCandless and Great Mall Parkway. Lennar, Anton, and Summerhill have all begun construction along Great Mall Parkway. The Edge Apartments and Lantana Apartments flank Montague Expressway near the Milpitas Transit Center.



Figure 2: Development since the adoption of the Transit Area Specific Plan, with significant recent projects called out

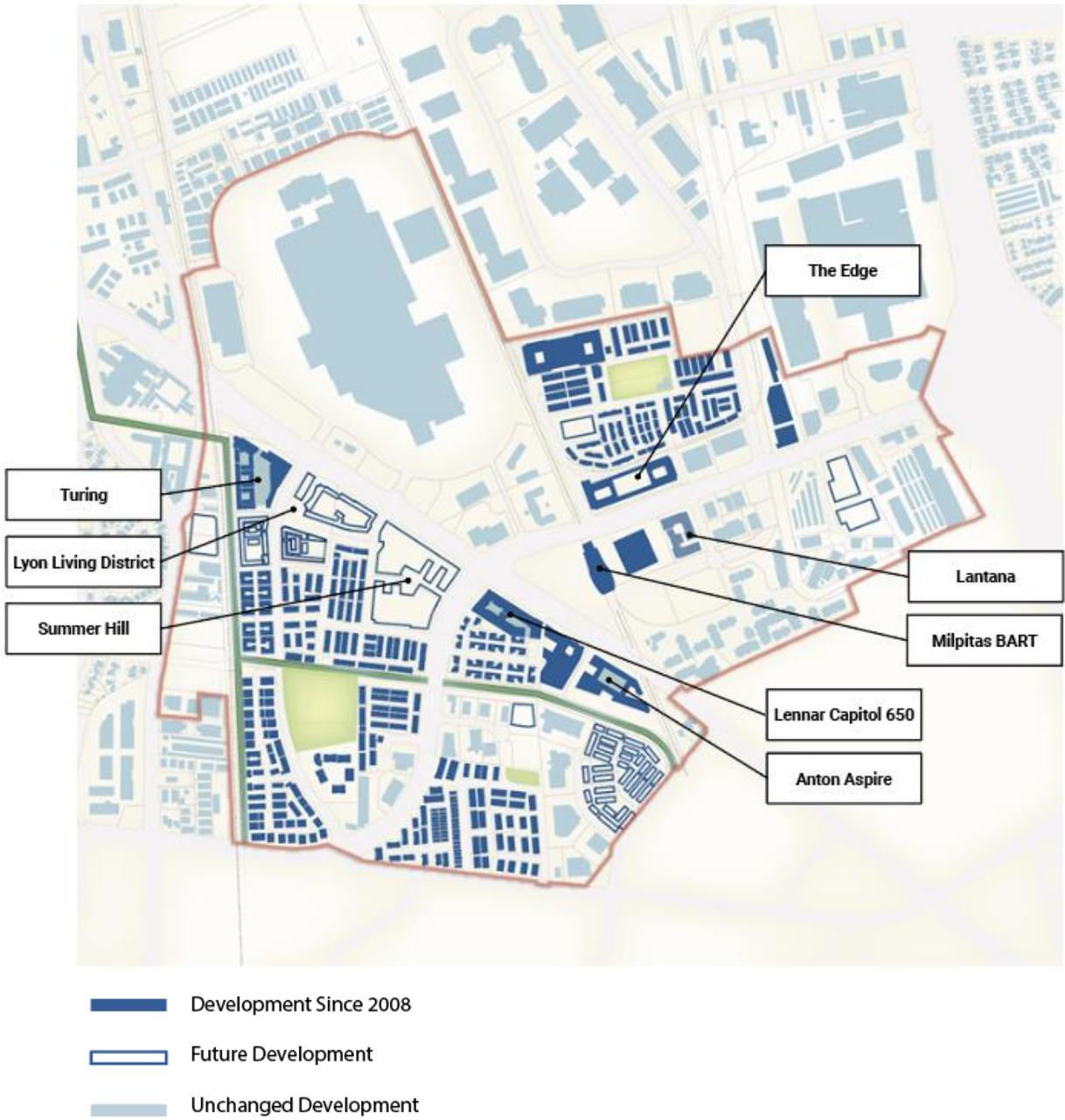




Figure 3 shows the relative density of new development that has been entitled, constructed, or occupied. The earliest developments from the TASP were townhome projects at relatively low densities (25 units/acre typically). More recent projects are bigger mixed-use housing developments (70-100 units/acre, and more). There is one residential tower entitled in the Piper neighborhood that is the tallest and most dense project proposed thus far.

Figure 3: Development by Density



Approved and Pending Projects

Gross Density

Milpitas Metro

≤25

≤50

≤80

≤120

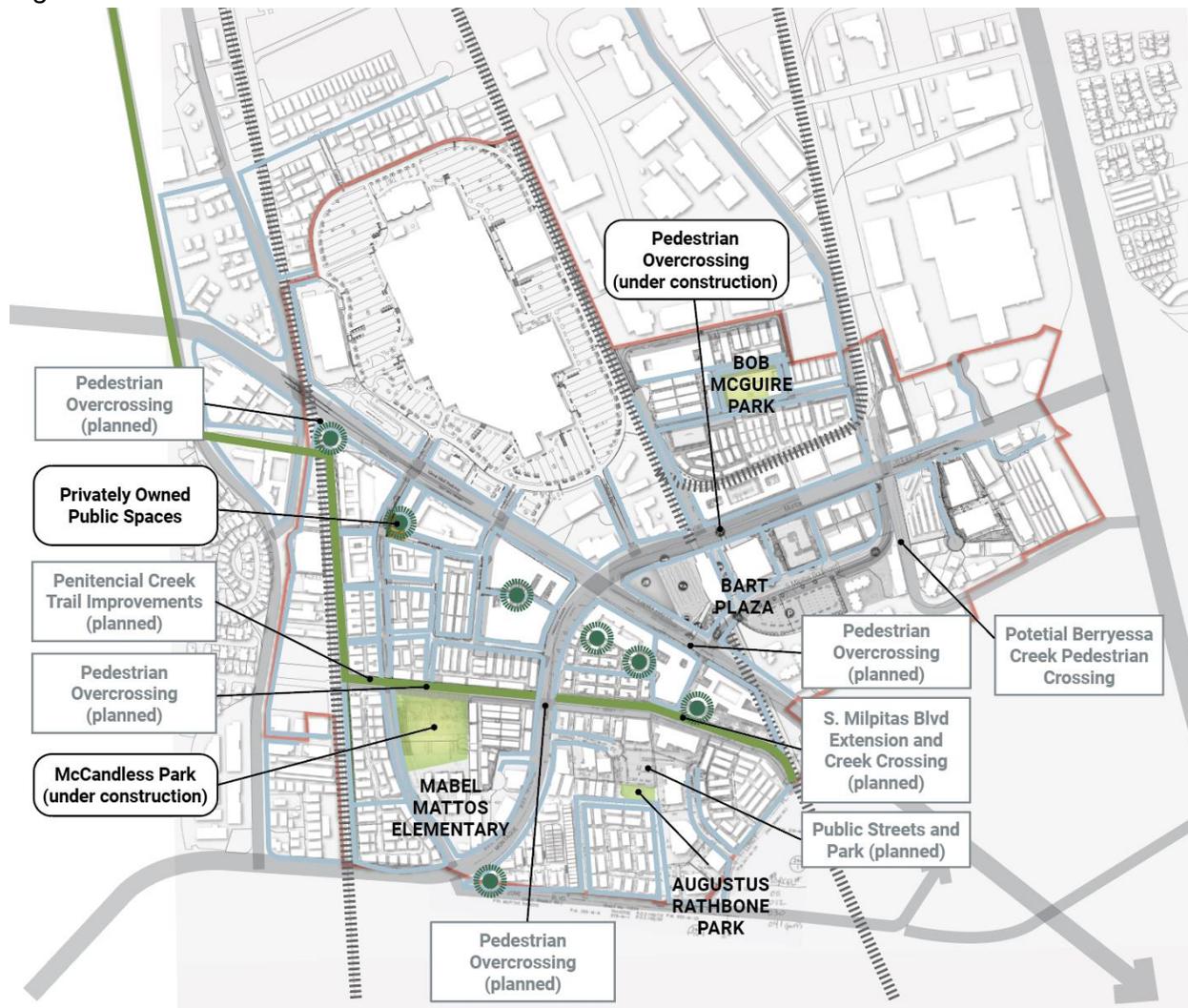
≤191

GIS data provided by: 'METRO Development pipeline' from 4.30.2020 - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Basemap - ESRI





Figure 4: Investment in Public Infrastructure



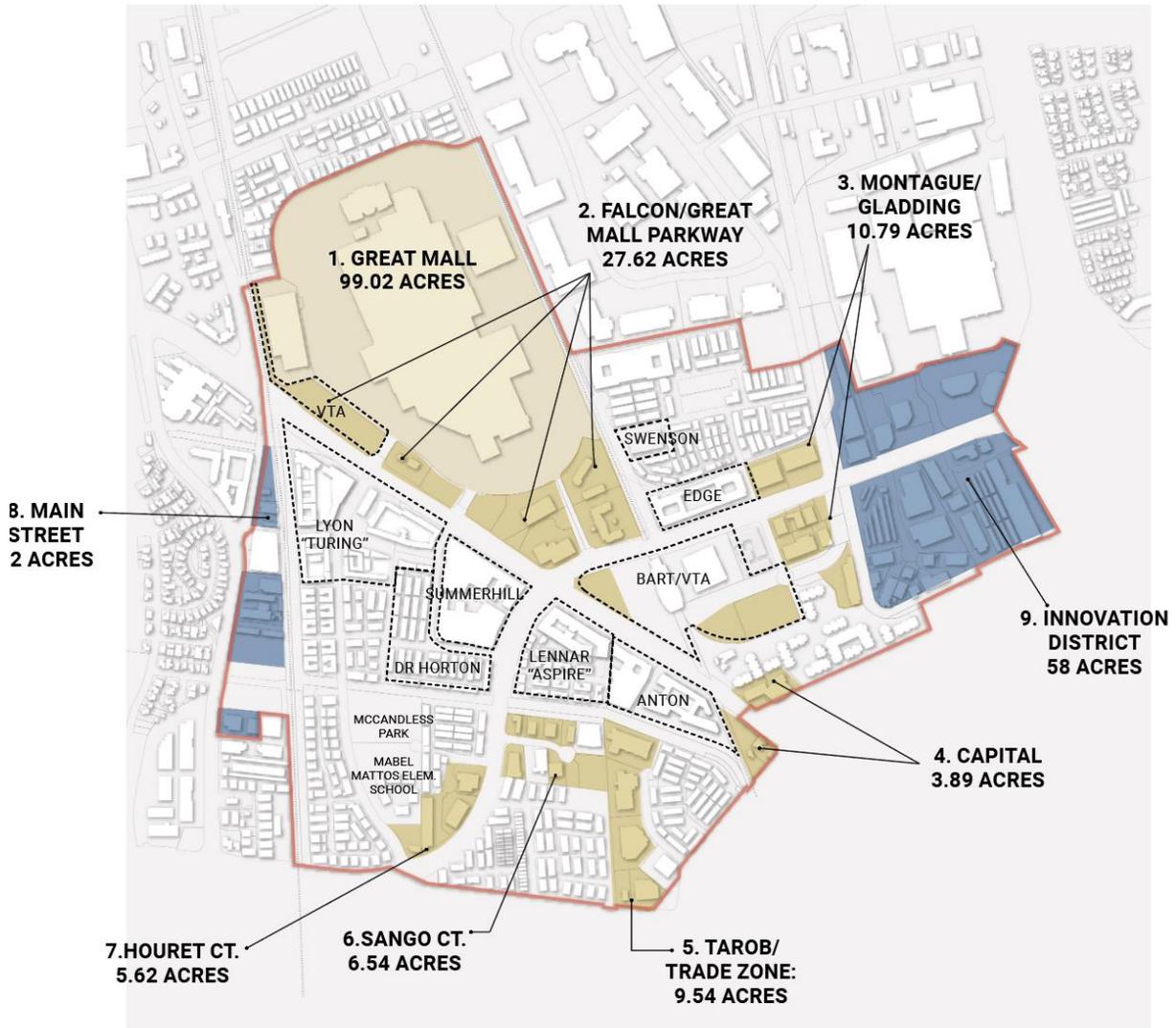
Public Infrastructure

Figure 4 shows where there has been progress and investment by the City of Milpitas in public infrastructure in the Milpitas Metro Area.

- **Completed:** a park in the Piper neighborhood and Tango neighborhood, streetscape on Montague Expressway from Great Mall Parkway to McCandless, Mabel Mattos Elementary School, South Milpitas Boulevard extension, pedestrian bridges to the Light Rail Stations, and Milpitas BART.
- **Under construction:** a pedestrian overcrossing on Montague Expressway, McCandless Park, water pump, and many privately owned public spaces just off Great Mall Parkway.



Figure 5: Properties that have not redeveloped since the adoption of the TASP





COVID-19 and the next 20 years

This planning project comes at a turbulent time in our recent history. COVID-19 has marked this moment and caused a re-evaluation of all things that support a functioning City and has put a renewed focus on equity.

The team knows there will be changes post-COVID, and have been careful to acknowledge pre-COVID assumptions. We all agree that this is a temporary and significant change to the way we all live, work, and experience built places.

Short Term Impacts: In the shorter term, there are several trends that will affect short term real estate prospects:

- Overall downturn and loss of incomes for many households will slow the pace of new development
- Loss of tax revenues, charges, and impacts fees by cities will mean less public investment
- Continued shift to e-commerce will continue driving ongoing re-thinking of brick and mortar retail formats
- Concern about social proximity will continue to hurt indoor retail, dining, and entertainment
- Concern about social proximity will reduce office occupancies and demand
- Public Transportation revenues/use will be less than predicted as commuters chose private automobiles

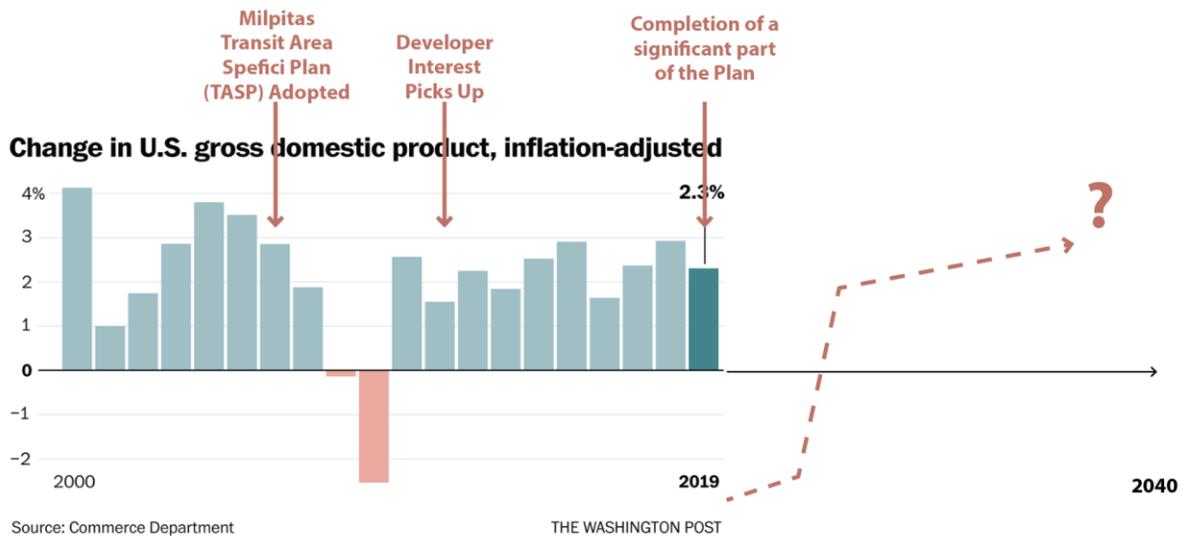
Long Term Planning: Because the Milpitas Metro Specific Plan looks ahead 20 years we have to keep some assumptions about what is “normal” for our region and what we reasonably expect to see that:

- **Traffic will still be bad:** public transportation in concert with high density walkable communities are an option to alleviate traffic growth. The Metro Area has both BART and VTA connections as alternatives to private vehicle use. A robust multi-modal plan for improved pedestrian and bicycle connections will also help to reduce the number of vehicle miles traveled.
- **We still need places to go:** public spaces have had a spotlight while we have sheltered-in-place. The local places where people can walk and visit are more important than ever to residents that live in compact neighborhoods. The network of social spaces will be significant to making this a more connected, accessible, and equitable place.
- **Walkable/mixed-use places are still desirable:** A diversity of land uses and services within walking distance make neighborhoods more attractive and resilient to change.
- **The housing shortage has not gone away:** The Bay Area remains unaffordable to a large portion of the population, including people who grew up here. The only way to address this is with more housing options.



The TASP was adopted at the beginning of the Great Recession. The Milpitas Metro Plan is being considered at the beginning of another era where we must adjust for the future and reconsider the status quo.

Figure 6: Timeline of Planning and Economic Cycles



The Complete Milpitas Metro Neighborhood

BART opens on June 13, 2020 after decades in the making. The Milpitas Metro Neighborhood will continue to build out, transforming from a suburban to urban pattern over the next 20 years.

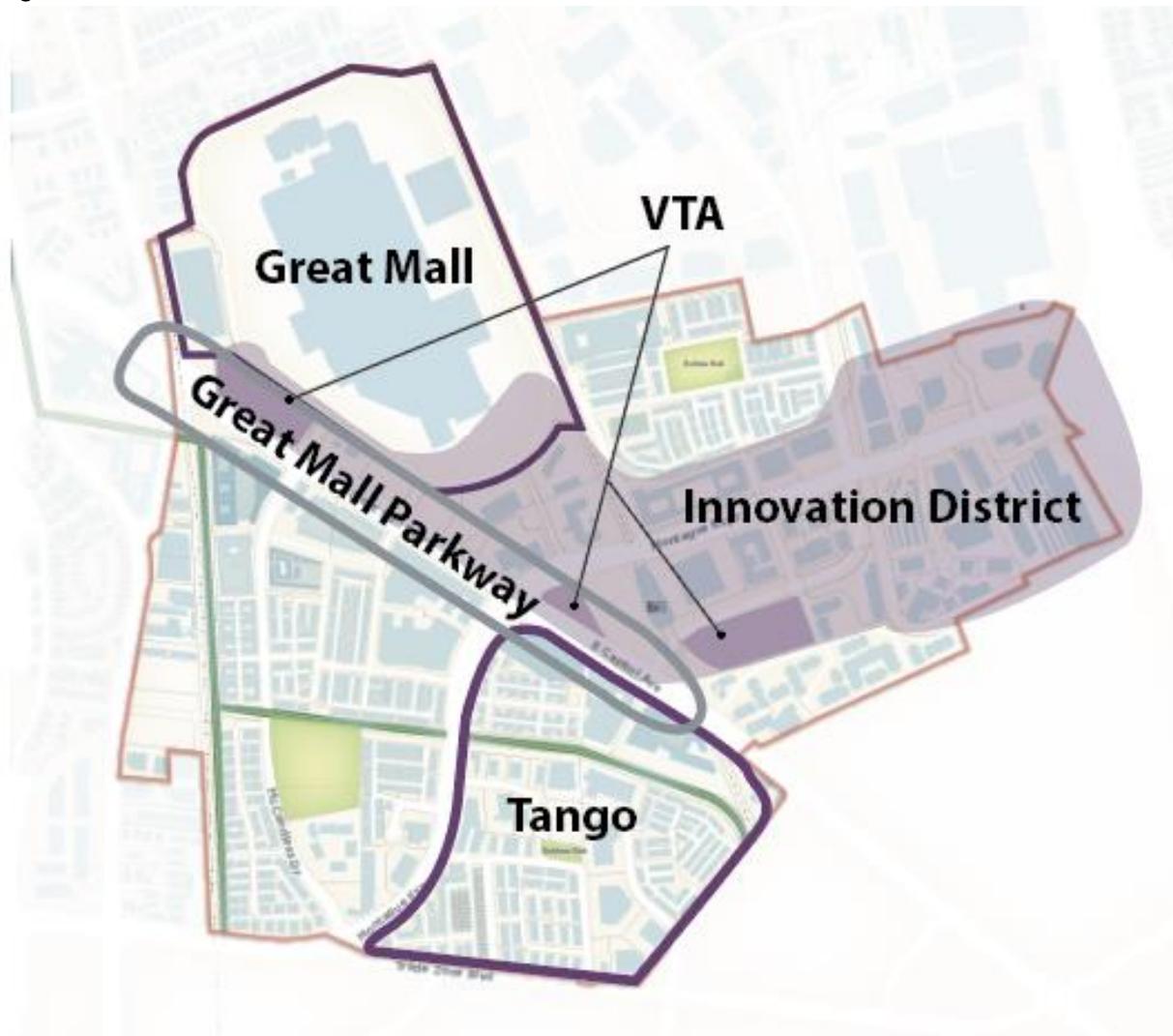
The Milpitas Metro Identity

This area will be the most regionally connected place in all of Milpitas. It has made a big transformation over the past decade to become more urban. When visitors arrive at Milpitas BART, what will they think? Why will they come here? Where will they go when they get here?

What kind of place do you think Milpitas Metro should become?



Figure 7: Metro Plan Potential Focus Areas



The Opportunities

The Milpitas Metro Plan proposes to focus on five areas, shown in Figure 7.

1. **A Great Parkway:** A sense of place can be built on Great Mall Parkway with an active two-sided street and integration with the overhead light rail line. Great Mall Parkway can be made into a multi modal Complete Street with public art and parks, to give pedestrians and cyclists space and make the street a better part of the City.
2. **Critical Pedestrian Connections:** Connections across barriers like creeks, streets, and rail will make the neighborhoods more accessible to BART and destinations within the neighborhood.



3. **Untangling Tango:** “Tango” is a combination of the names of Tarob and Sango Courts. Current plans are to connect with the S. Milpitas Boulevard extension. Alternative scenarios will be presented at a future meeting that explore the connection of this emerging neighborhood with the Milpitas BART Station and a new public park.
4. **Innovation District:** This area includes a potential expansion of the TASP Area, and considers the potential for employment uses near the BART Station for later phases of the Plan. The expansion area would preserve employment uses and prohibit housing. While in areas where mixed-use is allowed, there may be zoning amendments that allow flexibility for commercial spaces to be office or even housing instead of retail.
5. **Big Ideas for Big Properties:** There are a few large landowners in the plan area; in particular, Simon Property Group, VTA and Public Storage. Simon and VTA may consider a mix of both housing and commercial uses on their properties to complete the Metro neighborhood, while Public Storage may consider more active commercial uses. There is an opportunity to work with all three to bring significant vitality to the overall Plan Area.

What future changes and opportunities would you like to see in the plan area?

Community Benefits/ Amenities/ Public Realm Improvements

At this point in time, the area feels disconnected. In order to make the Metro Area feel more complete there need to be improvements that provide:

1. A stronger sense of place with a significant, memorable, urban scale
2. Places to go: attractions, destinations, a mixed-use environment, and unique features
3. A **safe** way to get there: better connections, more options for non-vehicular use, places to stroll and bike along creek trails and paths.
4. An intentional focus on equity: more housing options, multi-modal equity, and access to public spaces for social health.

A lot of public investment has been made in the area, and there are limited funds remaining.

*What public improvements remain a high priority? **Are there additional community benefits/ amenities /public improvements that are needed to complete this area?***

What urban features would make this area more complete? How can it become as livable as possible? How can it best serve the region? What should this area include in the future?

- Affordable housing
- High quality, active public spaces
- Parks and recreational trails



- Neighborhood serving retail
- Community institutions
- Jobs and the preservation of commercial space
- Places to gather
- Public art
- Safer streets
- Other?

Community Outreach

To date, the Consultant Team has conducted more than 25 interviews with stakeholders, all five City Council Members, City decision makers, and City staff regarding the Milpitas Metro Plan. Immediately following the City Council Special Meeting, on July 1st, 2020, a public survey will commence for one month to introduce and gather input on the project from the general public. The project website, milpitasmetro.org, will go live on July 1st, 2020 with information about the Milpitas Metro Specific Plan. An online open house is planned for Fall 2020 in anticipation of the Shelter-In-Place order to remain in effect.

Appendix:

List of Stakeholders Interviews

Here is a list of interviewed stakeholders and their key takeaways.

Role/Firm	Name	Takeaways
Chamber of Commerce	Inderjit Mundra and Warren Wettenstein	Need more commercial potential here especially with Class A and Flex. Taller buildings will bring more commercial opportunities
Equus Associates (Houret Court)	Joe Gorme and Ron Caselli	Oddly shaped site. Potential to consolidate sites. Tried higher density, it's a challenge. Retail is tough here.
Simon (Great Mall)	Jocelyn Gubler and Cecily Barclay	Open to residential on-site in addition to the existing mall. Does not see commercial land uses as viable in this market. Lifestyle center potential for new heart of the area, interested in coordinating with VTA on the Great Mall frontage.
Planning Commission	Steve Tao	What is the next generation of products for housing, office? Think smaller and more nimble, not large Type A developments
VTA (Long Range Planning)	Melissa Cerezo, Lola Torney, and John Sighamony	New Design Guidelines for Connectivity, with a Tasman Complete Streets Plan. Addresses Great Mall Parkway. This PDA is eligible for Measure B Funds.



VTA (TOD Manager)	Jessie O'Malley Solis	Several sites in the Specific Plan area are now available. VTA is encouraging affordable housing, not interested in new commercial in this market but open to setting aside land for future development.
Lyon Living (The District)	Aaron Barger	Lot 3 is left and there is a "heart" developing at McCandless and Great Mall- they are working on a lifestyle center
SummerHill Housing Group	Katia Kamangar and Marshall Torre	Increase options for permitted commercial uses. Fees can be improved, advice needed on PJ Accounts
SCS Development (Piper)	Jim Sullivan	Look at fees and benefits for the City. There are benefits to higher density
The Core Companies (Main Street)	Kyle Zaylor	Willing to do smaller projects with lower parking ratios. Struggled with fee changes.
Parks & Rec	Renee Lorentzen, Tegan McLane	Open space challenges, Citywide Park Master Plan, and Outreach Opportunities
MUSD Board & EDTC Board	Chris Norwood	Planning for school expansion now - need to anticipate the future growth of the area.
Building Safety & Housing	Sharon Goei, Robert Musallam, Adam Marcus	Discussed Main Street Parcels - Senior Housing. Overview of City Affordable Housing Objectives. Awaiting RHNA numbers from HCD.
Planning Department	Lillian Van Hua and Michael Fossati	TASP Area Planning Status, Sango and Tarob Court projects
Public Works	Tony Ndah and Harris Siddiqui	PW Planning Status, and coordination of TASP Update with the Storm/Sewer/Water Master Plan
Chief of Police	Armando Corpuz, Kevin Moscuza, Jared Hernandez	Coordination with BART and County. Traffic is tough, hard to circulate. Locate a new substation in Beat 1 to keep response times low.
Santa Clara County Roads	Ellen Talbo, Ananth Prasad	Improvements on Montague. New pedestrian dynamic signaling
BART (Planner)	Susan Poliwka	BART Projections and planning
City of San Jose (Planner for Berryessa BART Station Area)	Charla Gomez	Planning context for neighboring Berryessa Station
HOA Focus Group	HOA's in the area	Tried twice, no responses. Will try again through a general public survey.

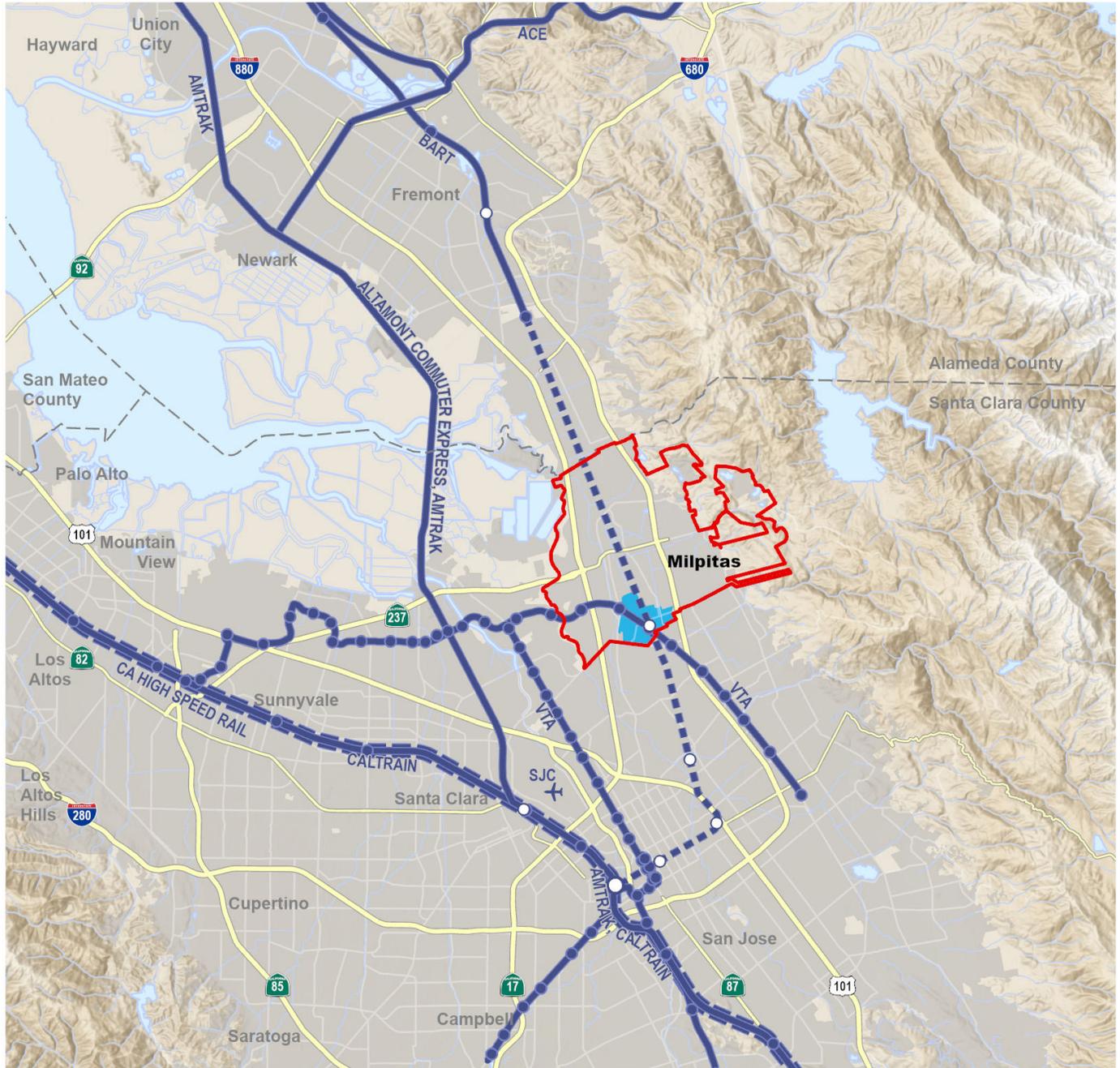
GIS Map Book

A book containing GIS Mapping of Existing Conditions for the Milpitas Metro Specific Plan Area follow this section.

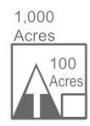
Existing Conditions Map Book

Milpitas Metro Plan

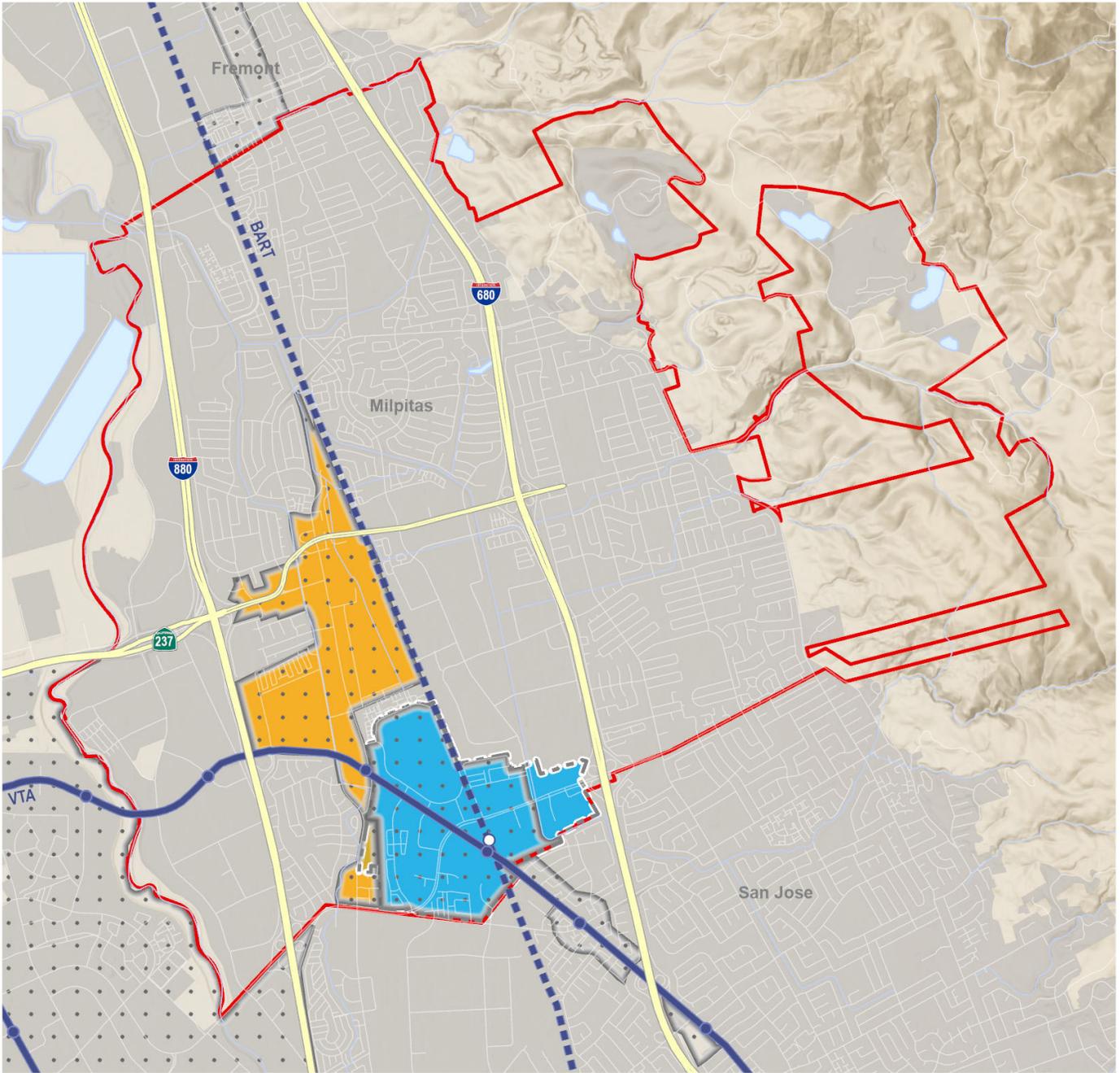
REGIONAL CONTEXT



GIS data provided by: City Boundaries - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Transportation Network - Metropolitan Planning Group / Basemap - ESRI



CITY CONTEXT



Milpitas Metro



— Milpitas City Limits

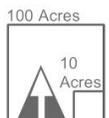


Milpitas Gateway

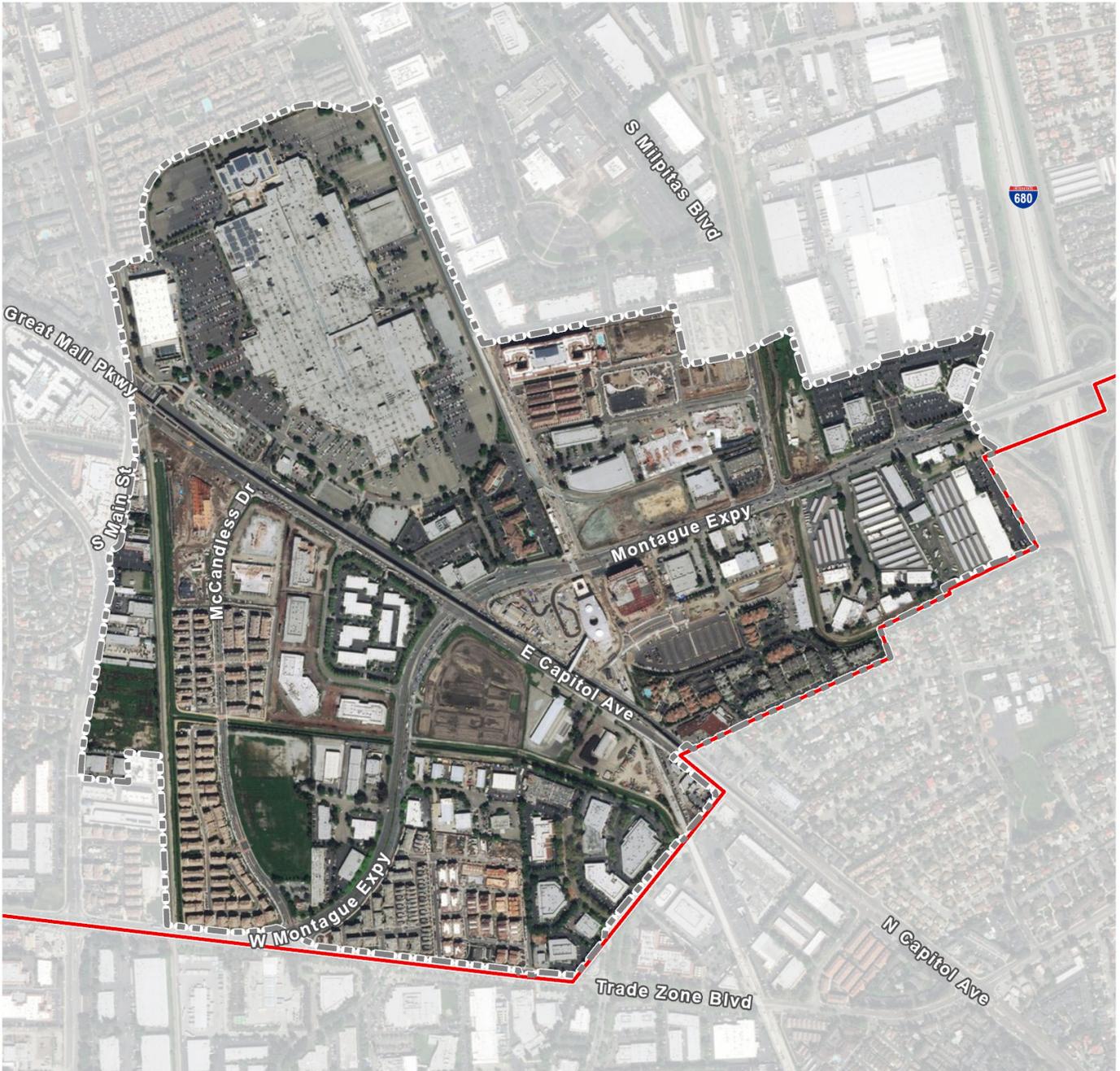


Priority Development Areas

GIS data provided by: Zoning and City Boundaries - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Transportation Network - Metropolitan Planning Group / Priority Development Areas - Bay Area Metropolitan Planning Commission / Basemap - ESRI



PLAN AREA



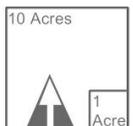
Milpitas Metro



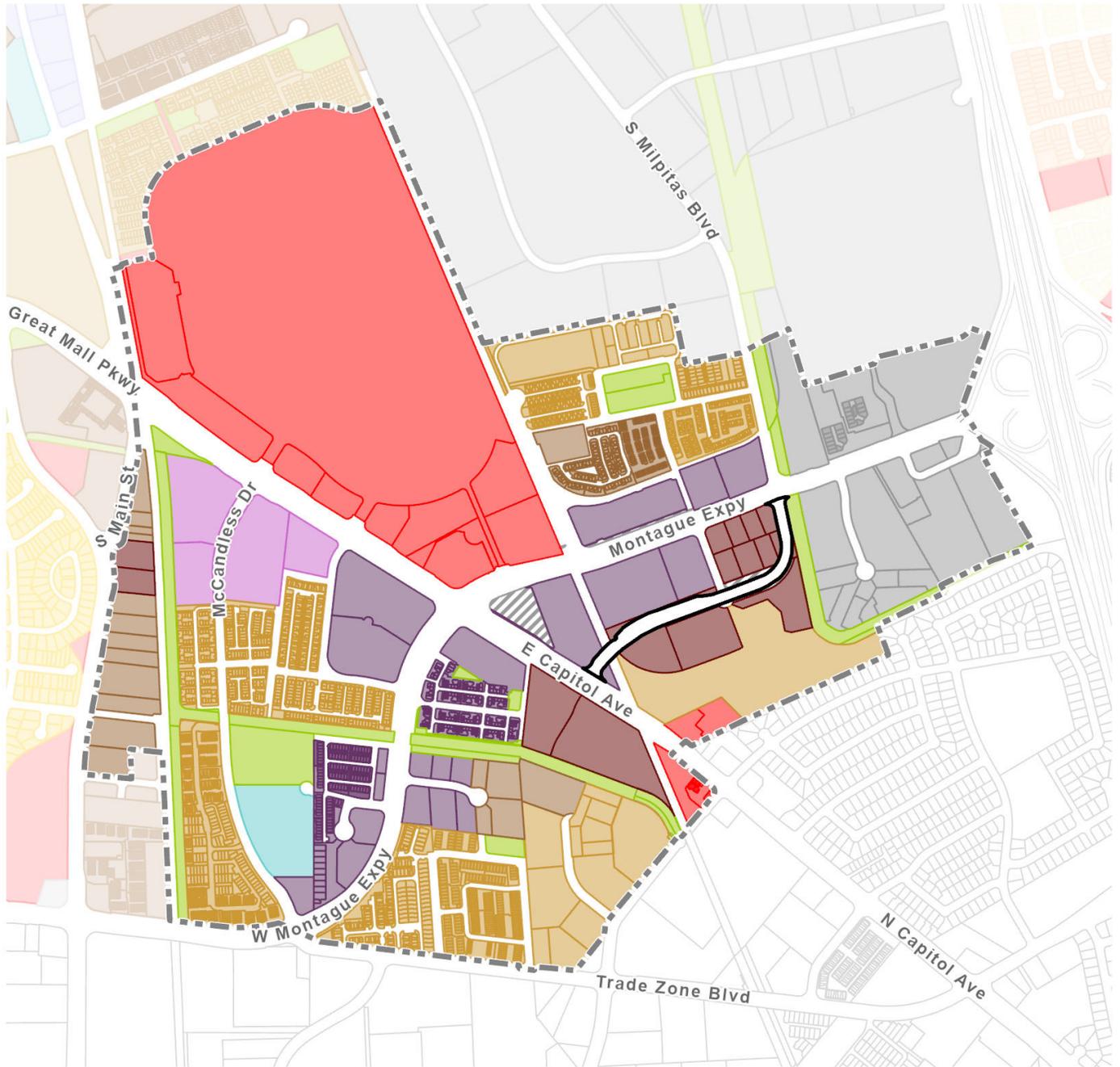
Milpitas City Limits



GIS data provided by:
City Boundaries - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Basemap - ESRI



ZONING



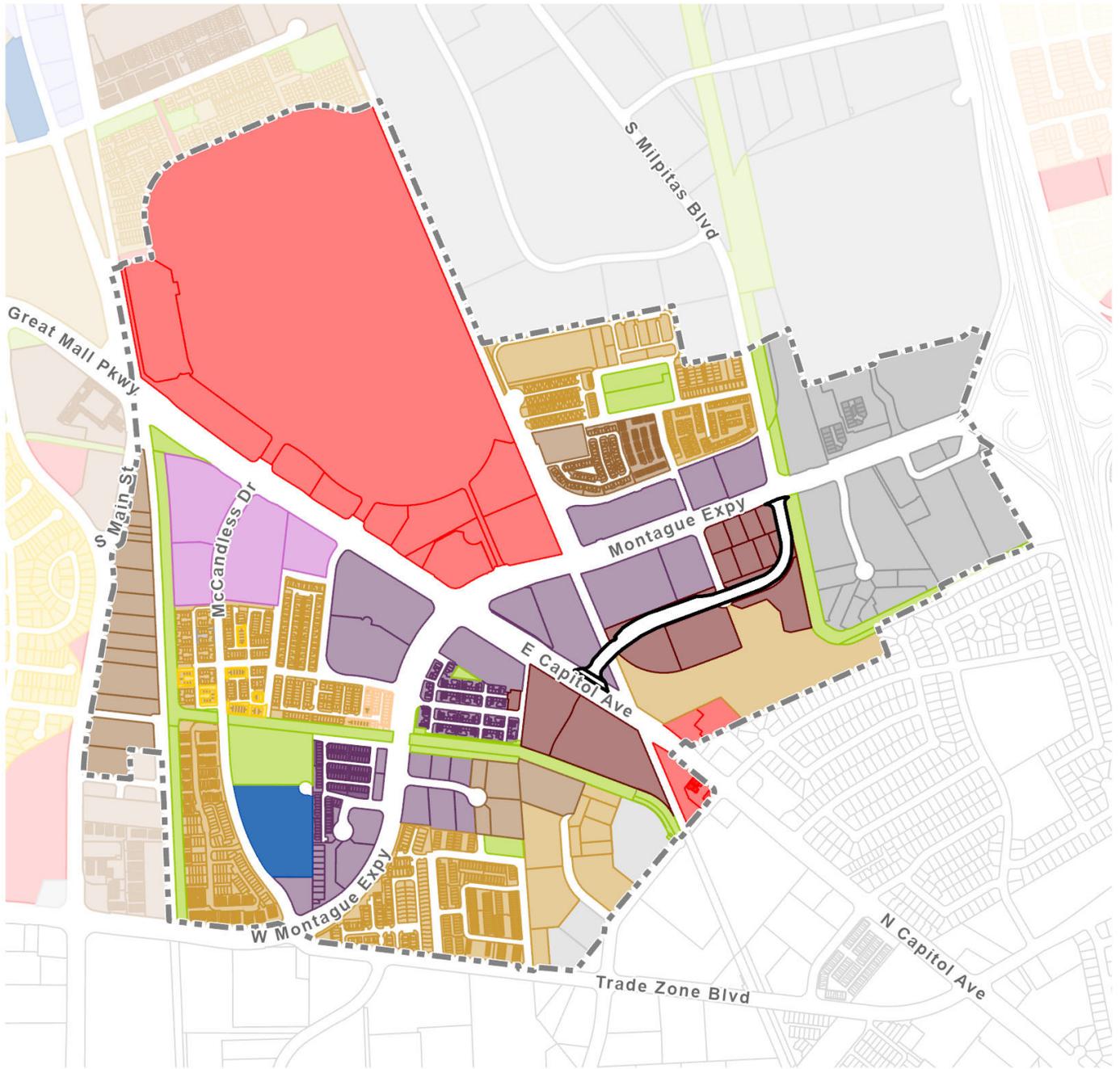
<p>Milpitas Metro</p> <p>-----</p>	 General Commercial (C2)	 Mixed Use, High Density (MXD2)	 One or Two Family (R2)
	 Institutional (I)	 Mixed Use, Very High Density (MXD3)	 Multi-Family Residential, High Density (R3)
	 Heavy Industrial (M2)	 Park and Open Space (POS)	 Multi-Family Residential, Very High Density (R4)
	 Industrial Park (MP)	 Single Family Residential, min. lot size 3,000 s.f. (R1-3)	 Urban Residential (R5)
	 Mixed Use (MXD)	 Single Family Residential, min. lot size 6,000 s.f. (R1-6)	 No Data
		 S. Milpitas Blvd. Extension	
			<p>0 200 400 600 800 1,000 Feet</p> 

GIS data provided by: Zoning - City of Milpitas / Roads - US Census Bureau 2019 TIGER

0 200 400 600 800 1,000 Feet



LAND USE

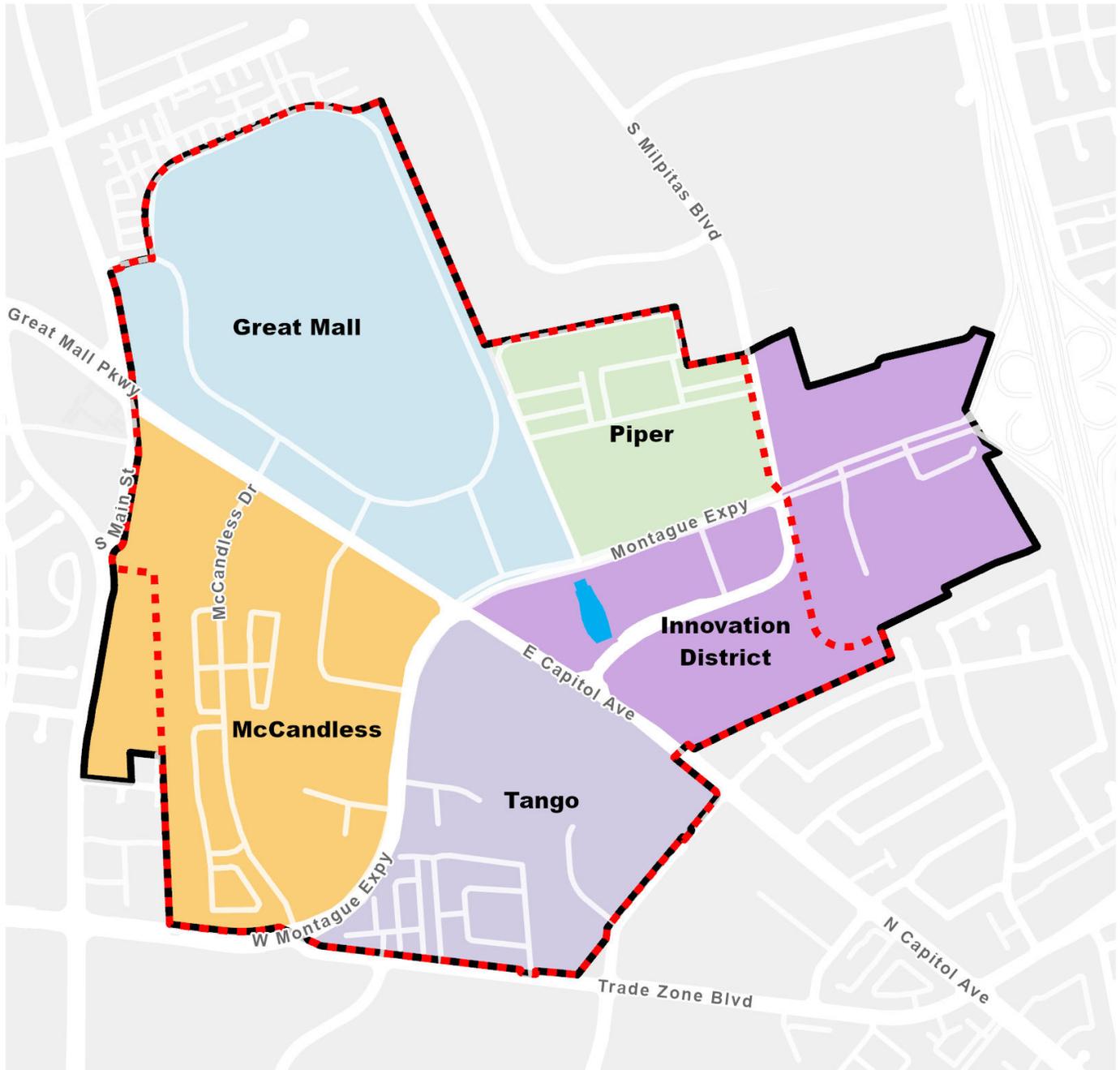


- | | | | |
|-------------------------|------------------------------------|--|---|
| Milpitas Metro | General Commercial (GNC) | Residential Retail High Density Mixed Use (RRMU) | Multi-Family Residential Medium Density (MFM) 7-11 units/gross acre |
| Milpitas Metro boundary | Public Facilities (PF) | Boulevard Very High Density Mixed Use (BVMU) | Multi-Family Residential High Density (MFH) 12-20 units/gross acre; up to 40 units/gross acre with approval |
| | Manufacturing and Warehousing (MW) | Parks and Open Space (POS) | Multi-Family Residential, Very High Density (VHD) 31-40 units/gross acre; up to 60 units/gross acre in TOD |
| | Industrial Park (INP) | Single Family Medium Density (SMD) 6-15 units/gross acre | Urban Residential (URR) 41-75 units/gross acre; up to 25% additional density approval |
| | Mixed Use (MXD) | Single Family Low Density (SFL) 3-5 units/gross acre | |
| | | S. Milpitas Blvd. Extension | |

GIS data provided by: General Plan - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Basemap - ESRI



SUBDISTRICTS



 Milpitas Metro Boundary
PROPOSED

 Milpitas Transit Area Specific Plan
CURRENT

 Milpitas BART Station

GIS data provided by:
- Milpitas Metro Boundary - City of Milpitas / Roads - US Census Bureau 2019 TIGER



BLOCKS



Milpitas Metro



 Blocks

GIS data provided by:
Blocks - City of Milpitas / Roads - US Census Bureau 2019 TIGER

0 200 400 600 800 1,000 Feet



BLOCKS



Milpitas Metro



Blocks

GIS data provided by:
Blocks - City of Milpitas / Roads - US Census Bureau 2019 TIGER



PARCELS



Milpitas Metro



Parcels

GIS data provided by:
Parcels - City of Milpitas / Roads - US Census Bureau 2019 TIGER

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BUILDING FOOTPRINTS MILPITAS METRO



Milpitas Metro



Parcels



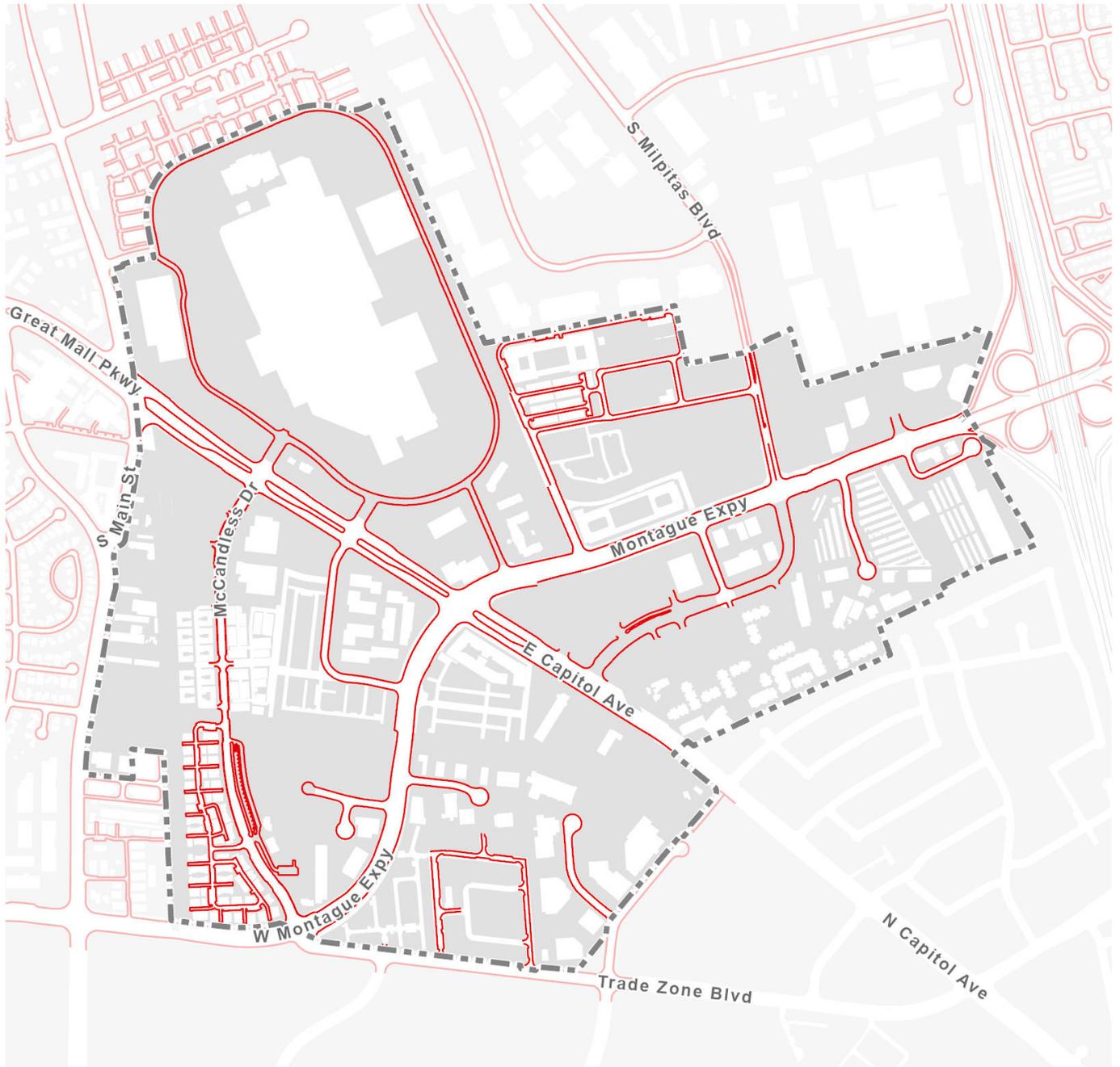
Buildings

GIS data provided by:
- Parcels and Building Footprints - City of Milpitas / Roads - US Census Bureau 2019 TIGER

0 200 400 600 800 1,000 Feet



SIDEWALKS



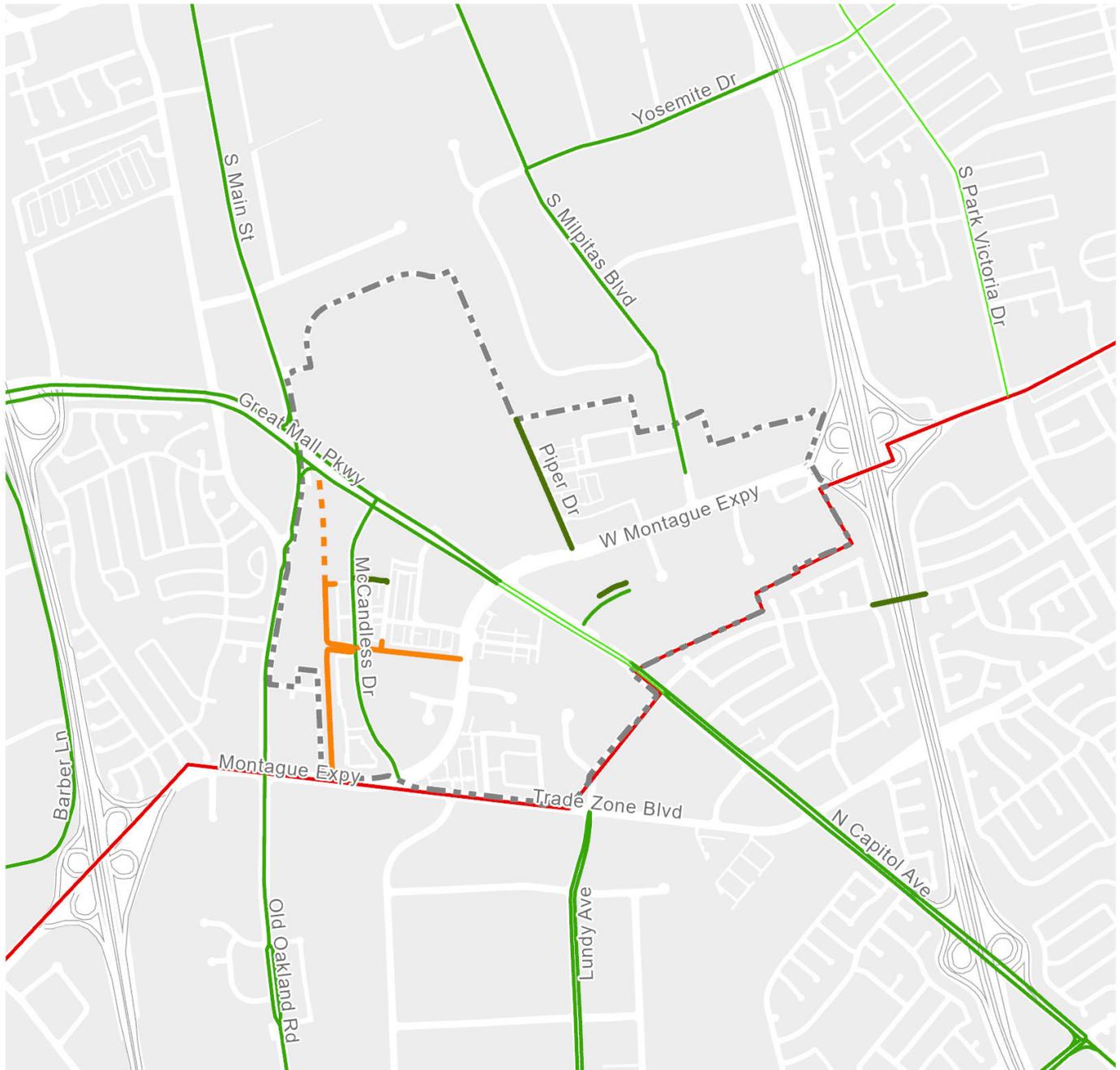
Milpitas Metro  Edge of Pavement 

GIS data provided by:
- Zoning and City Boundaries; City of Milpitas / Roads; US Census Bureau 2019 TIGER / Basemap; ESRI

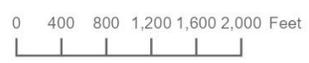
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BIKEWAYS & MULTI-USE TRAILS



GIS data provided by: Bikeways - Metropolitan Transportation Commission / Roads - US Census Bureau 2019 TIGER / Basemap - ESRI



CREEKS & PARKS



Milpitas Metro



 Park Areas

 Proposed Parks

 Stream

 Buildings

GIS data provided by: Protected Park Area - California Protected Areas Database / City Park Areas - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Basemap - ESRI

0 200 400 600 800 1,000 Feet




SURFACE PARKING LOTS **MILPITAS METRO**



Milpitas Metro



Surface Parking Lots

GIS data provided by:
Blocks - City of Milpitas / Roads - US Census Bureau 2019 TIGER

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SURFACE PARKING LOTS **MILPITAS METRO**



Milpitas Metro

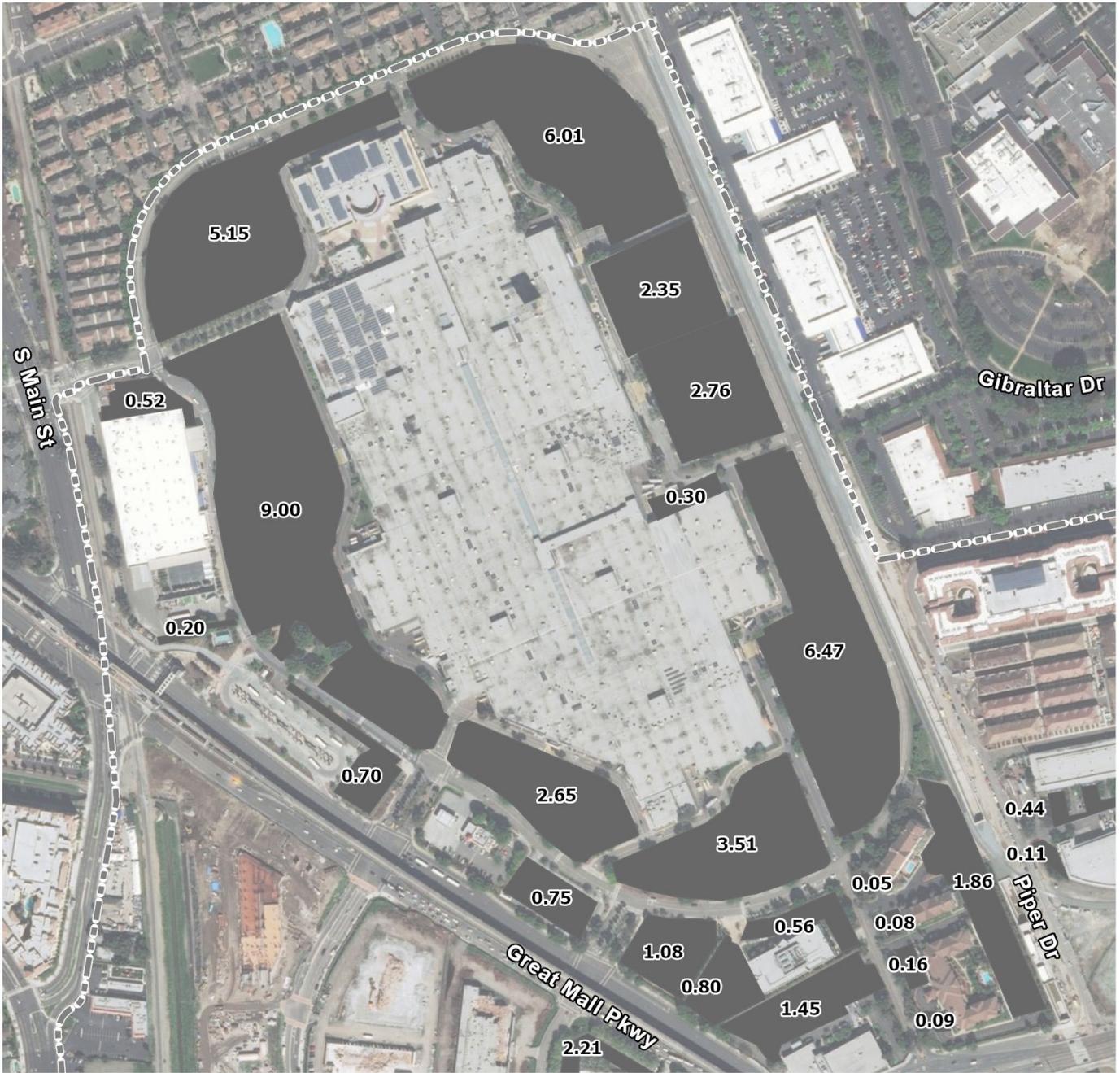
 Surface Parking Lots

GIS data provided by:
Blocks - City of Milpitas / Roads - US Census Bureau 2019 TIGER

0 100 200 300 400 500 Feet



SURFACE PARKING LOTS MILPITAS METRO



Milpitas Metro

 Surface Parking Lots

GIS data provided by:
Blocks - City of Milpitas / Roads - US Census Bureau 2019 TIGER

0 90 180 270 360 450 Feet



APPROVED, PENDING, & BUILT DEVELOPMENT PROJECTS



Approved and Pending Projects

Gross Density

Milpitas Metro

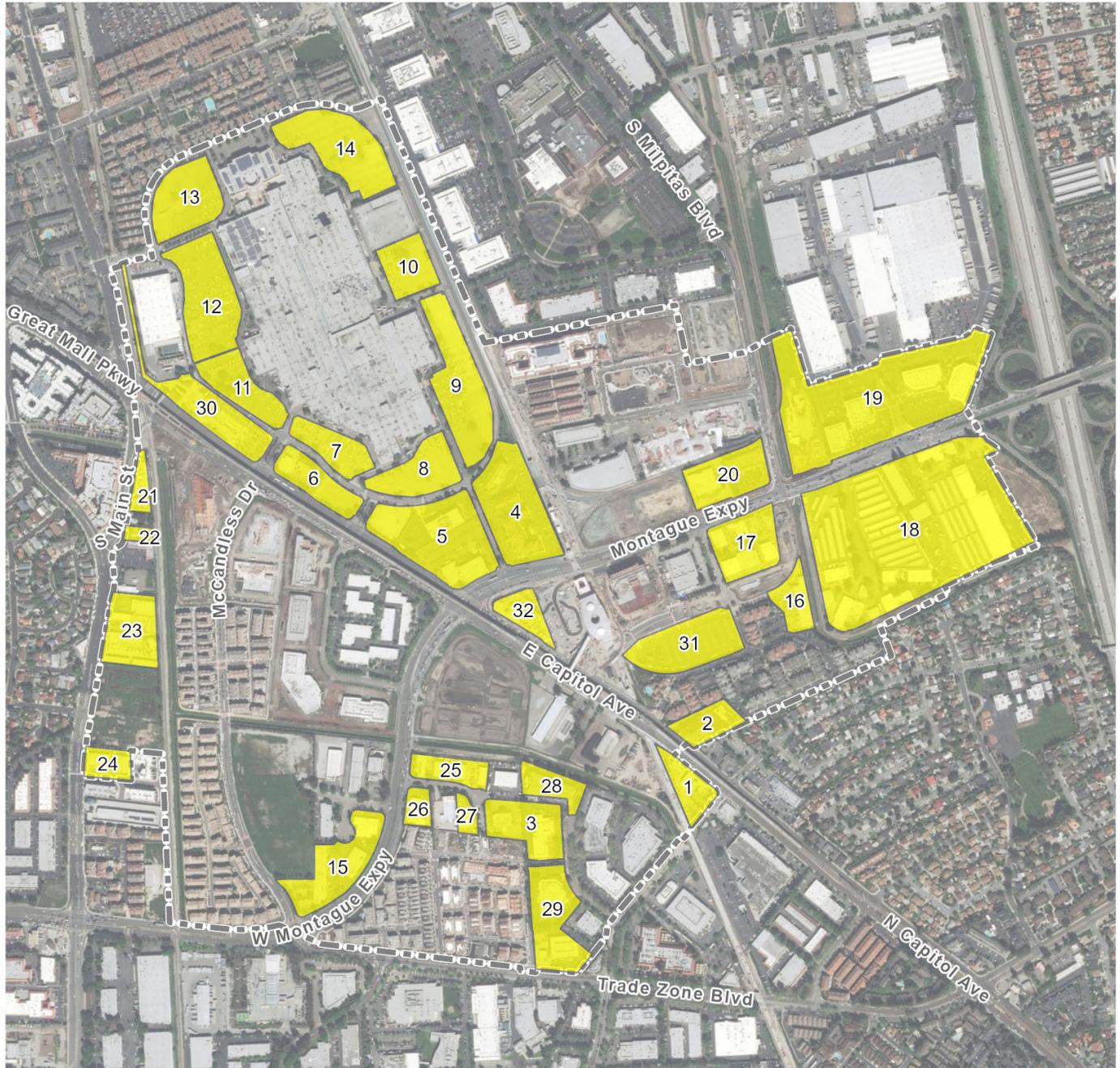


GIS data provided by: 'METRO Development pipeline' from 4.30.2020 - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Basemap - ESRI

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DEVELOPMENT POTENTIAL SITES



Milpitas Metro

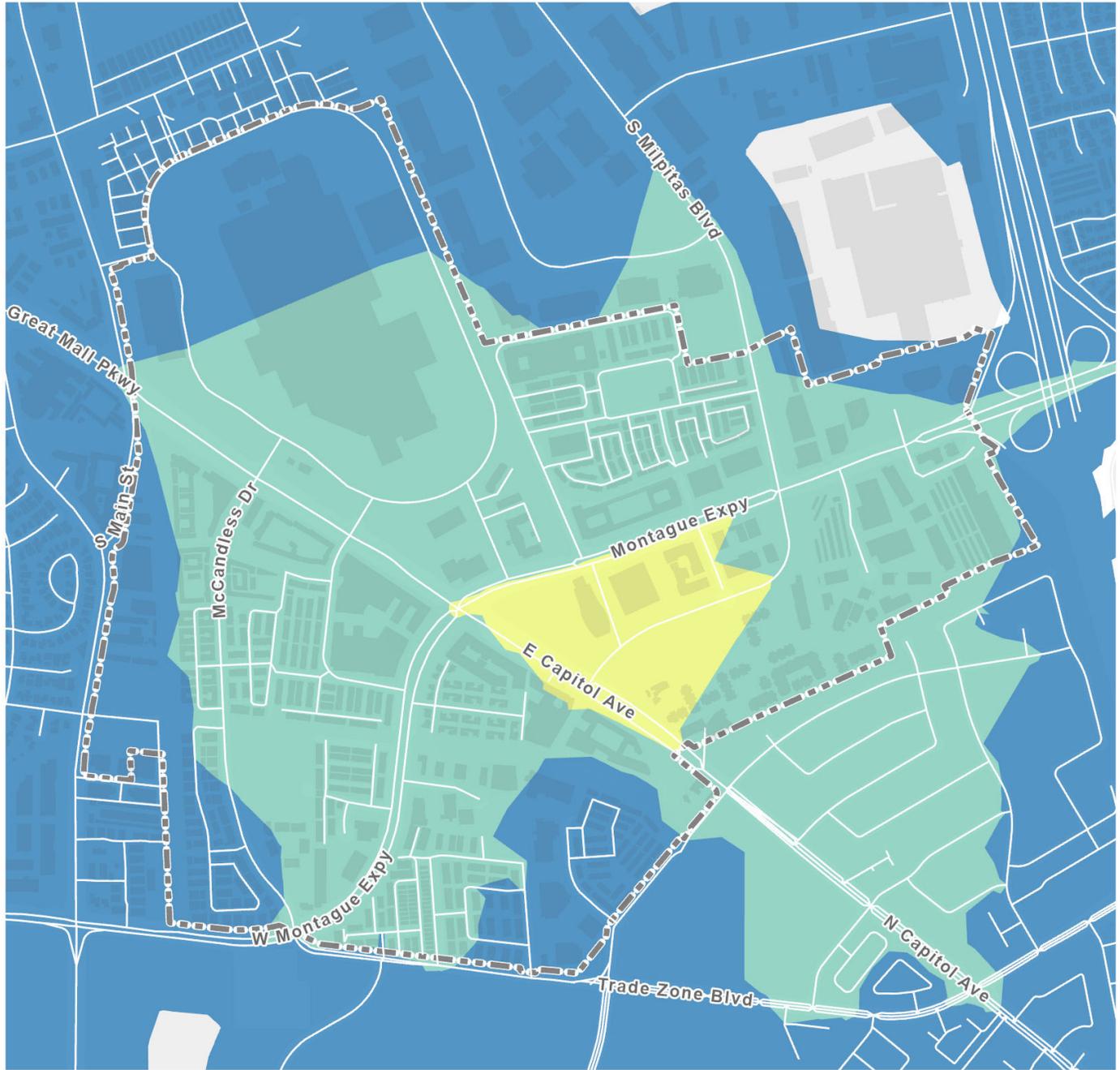
 Development Potential Sites



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BART WALKSHED



Milpitas Metro

 5 Minute Walk

 10 Minute Walk

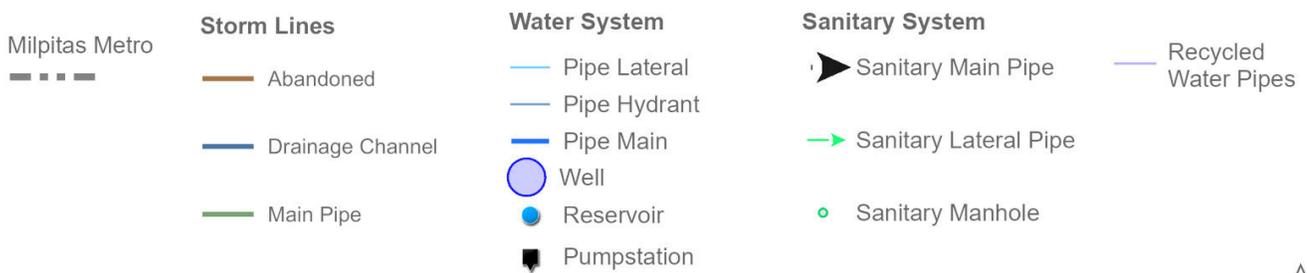
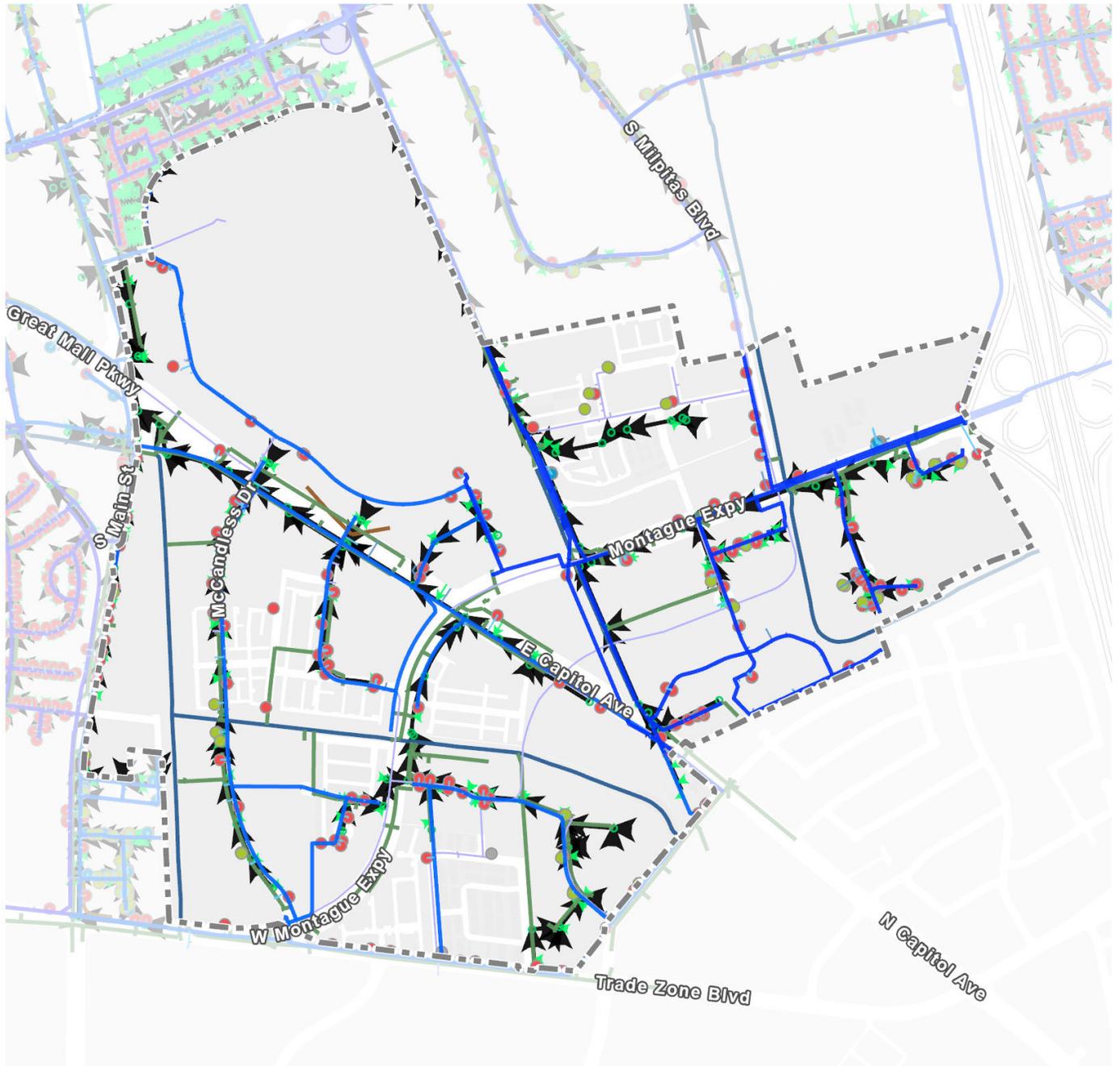
 15 Minute Walk

GIS data provided by:
- Roads - City of Milpitas, Santa Clara County

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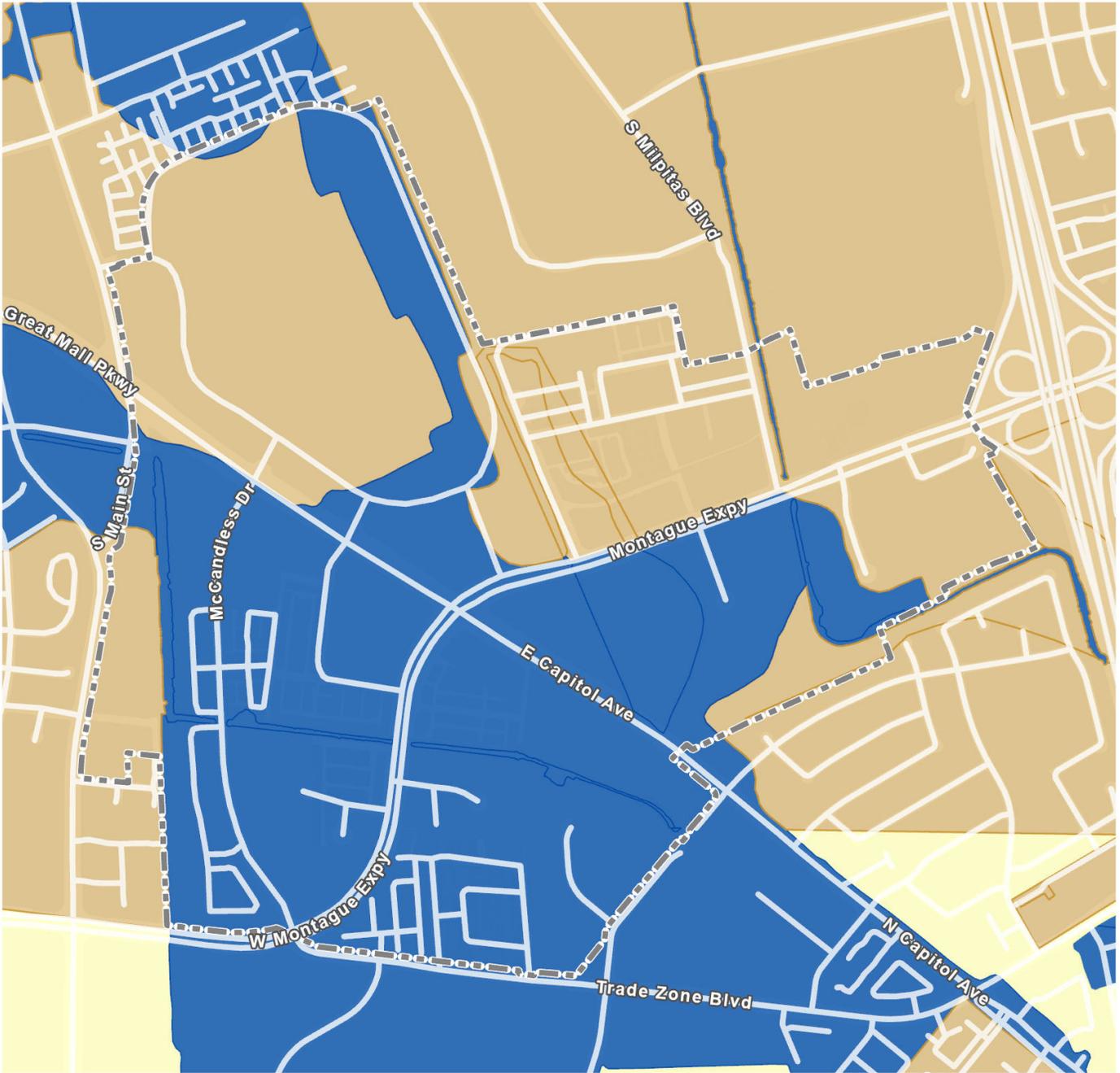
UTILITIES



GIS data provided by:
 - Utilities - City of Milpitas / Roads - US Census Bureau 2019 TIGER



FLOODPLAIN



Milpitas Metro



Flood Zone

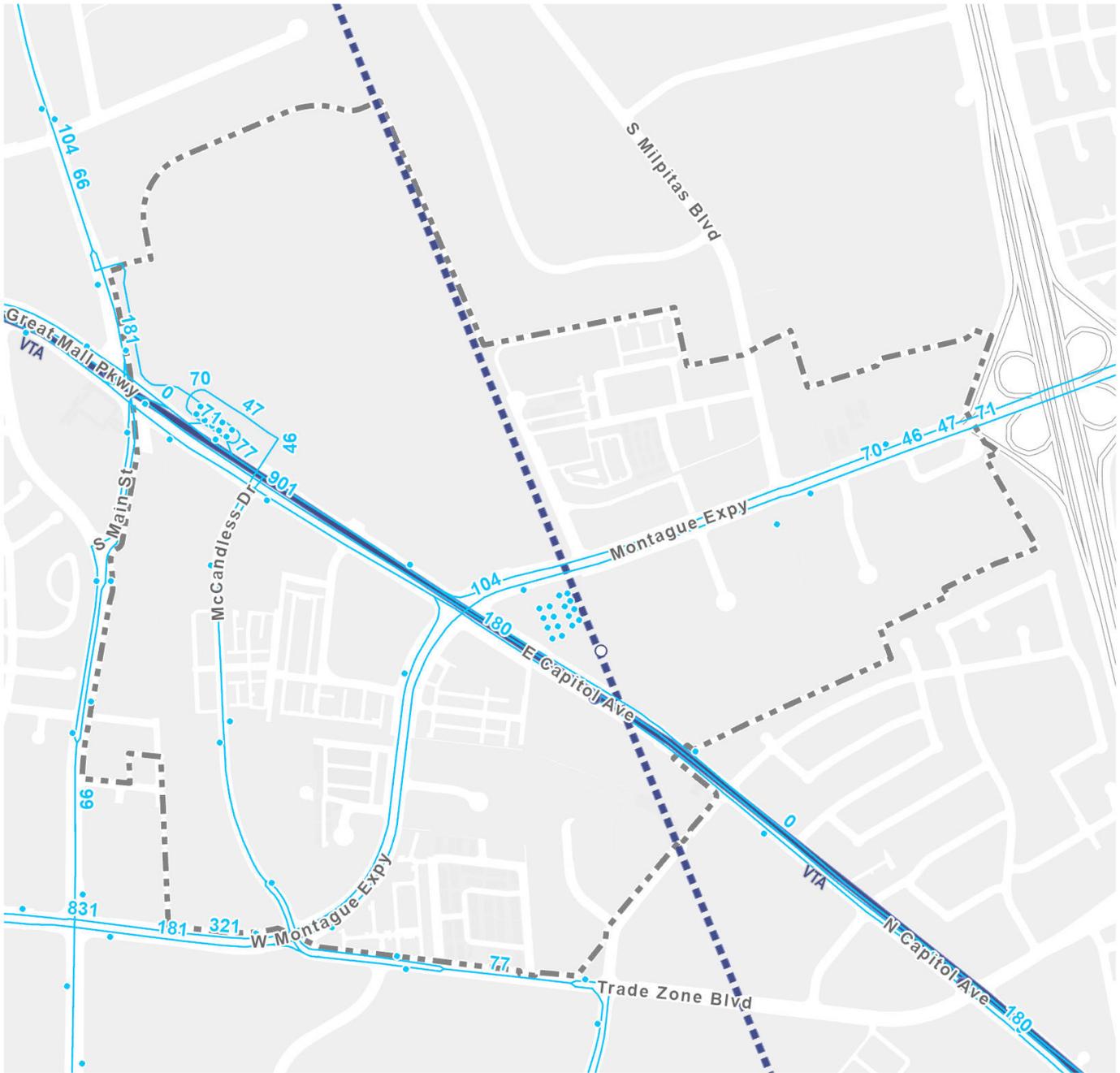
-  100-Year Floodplain (Zone A, AH, AO)
-  500-Year Floodplain (Zone X)
-  Area Undetermined but Possible Flood Hazards (Zone D)

GIS data provided by: Flood Zone - Federam Emergency Management Agency Firm Pane 06085C0067J, effective 2/19/2014 / Roads - US Census Bureau 2019 TIGER

0 200 400 600 800 1,000 Feet



TRANSIT NETWORK



Milpitas Metro



Existing Rail Transit

Existing Rail Transit Station

Planned Rail Transit

Planned Rail Transit Station

Bus Route

Bus Stop

GIS data provided by: Bus Routes and Stops 2018 - Valley Transportation Authority / Rail Transportation Network - Metropolitan Planning Group / Roads - US Census Bureau 2019 TIGER













CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute an Amendment to Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas for the Russell Middle School Fields
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	6/30/2020
Staff Contact:	Renee Lorentzen, 408-586-3409
Recommendations:	Approve and authorize the City Manager to execute an Amendment to the Russell Middle School Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.

Background:

The City of Milpitas and Milpitas Unified School District (MUSD), in a joint effort to provide Bobbysox athletic opportunities in Milpitas, entered into a Joint Use Agreement (JUA) in 1997, for the development, maintenance, and management of Bobbysox Fields at Russell Middle School, a MUSD property. Improvements to the site included four softball fields and a concessions “shack” with restrooms.

Per the terms of the JUA, the shared use of the site allowed for MUSD’s explicit use of the fields during school hours until 4pm, and available for City use after 4:00PM on weekdays and all day on weekends, unless there was a planned MUSD event. The City was responsible for the maintenance of the fields for non-school use and managed the public use of the site. In 2010, the JUA was updated with an end date of 2036, shared use timing and operations language and memorializing the development roles of the site by the City and MUSD, including a City-installed concessions “shack” and restroom portable.

As part of the last MUSD Bond, the replacement of athletic fields was identified as a project, further detailing the development of a track and field at the Russell Middle School site. In early Spring 2020, MUSD staff confirmed the planned renovation of the Russell Middle School site, which would result in the renovation of the field grounds, affecting three of the four Bobbysox fields currently onsite. The project includes a track, a multiuse field, and keeps one Under 8 (U8) softball field.

Section 8 of the JUA includes language requiring MUSD to give the City a thirty (30) day notice prior to selling, leasing, conveying, transferring or otherwise disposing of FACILITY,

Whereas neither the current or previous versions of the JUA agreement included language specific to the process for ending the agreement by the MUSD (property owner) or the City, an amendment to the agreement citing a new end date allows the MUSD to end the JUA. The MUSD has initiated an amendment to the Joint Use Agreement, ending the agreement as of June 30, 2020 in order to move forward with their athletic fields Bond Project. The MUSD Board of Education approved the amendment at their June 23, 2020 meeting. The Russell Middle School bond project renovation scheduled to start, dependent on the approval of their plans late summer 2020. A future Joint Use Agreement for the site’s new amenities would be negotiated as a new agreement and brought to the MUSD Board and City Council respectively for approval.

Analysis:

Current Fields & Youth Sport Use

Bobbysox programs have held season practices and games at the Russell Bobbysox fields since its opening and through their 2019 season. When originally executed, school-run outdoor team sports at Russell Middle School were not operating. Over the past several years the school has instituted afterschool soccer teams, and track and field teams, placing additional demands on the field space after school and until approximately 6:00PM on weekdays. With Bobbysox weekday practices typically beginning at 4:00PM, there were increasing challenges for access to the fields by both the school teams and Bobbysox.

The City of Milpitas currently owns and operates several sports fields within its park system and the Milpitas Sports Center complex. Most fields are multi-use by design or by need. For example, soccer teams may practice in baseball outfields, and during rainy seasons, baseball tryouts are held on the artificial turf football/soccer fields.

All Youth Sport Groups using City owned fields participate in the Youth Sport Priority and Outdoor Facility Application Process. This process gives priority of field use to programs and organizations serving a majority of Milpitas youth, and seasonally, assigns field use priority to the sport(s) in season. Organizations pay \$10 per child, per season, per sport, for the use of City of Milpitas fields. Organizations are advised that if youth enrollment creates team numbers exceeding the capacity of City of Milpitas fields, the arrangement of additional fields under another organization, or outside of Milpitas, is the responsibility of the organization.

The City's inventory of sport fields includes two (2) softball fields and nine (9) baseball fields/infields There are three Youth Sports Organizations currently utilizing or potentially utilizing these fields as intended: Milpitas Little League, Jr. Giants Baseball, and PAL North Valley Bobbysox.

The location of the fields and each organization's typical frequency and type of use is as follows:

City Location	Field Type	Number of Fields	Organizations Using Fields	Duration of Play	Types of Play
Cardoza Park	Softball	1	PAL Bobbysox*	February – June	Practices
Dixon Landing Park	Baseball	4	Jr. Giants Milpitas Little League*	June – August February - June	Practices & Games Practices
Gill Park	Softball	1	PAL Bobbysox*	February – June	Practices
Sport Center Complex	Baseball	5	Milpitas Little League*	February – June	Practices & Games

**League is competitive, and play could be extended into July for All Stars.*

Considerations for Bobbysox

Upon notice of MUSD plans for the Russell Middle School site, staff assessed its City-owned sites for field allocation and accommodation of bobbysox activities based on the following criteria:

- Similar site amenities as the Russell Middle School location
 - Four fields, restrooms, concession “snack shack,” parking lot
- Access to the site during the typical season of play

Sites considered were those with both softball and baseball fields. Field sizes and base run lengths for both baseball and bobby sox sports are similar with exception of senior age youth teams. The infield playing surfaces are different with baseball playing on a grass infield with a pitching mound, whereas bobbysox plays on a skinned surface (dirt) with no pitching mound. Multi-use fields that can accommodate both sports are not uncommon and use amenities such as portable mounds to maximize the need for the flexible use of outdoor sports spaces.

City sites assessed were:

Gill Park and Cardoza Park

Although both Gill Park and Cardoza Park have softball fields with lights, they each only have one field. Both parks have parking lots, and restrooms, but do not have concessions stands. Bobbysox has previously used and will continue to have access to these fields for both practices and games.

Milpitas Sports Center Complex Fields

The Sports Center complex has baseball fields for Senior, Major, Minor Farm and T-ball aged team play. The complex has a parking lot, and there is a new concession “snack shack” opening in the complex in late summer. These fields are typically played on by Little League teams, which have the same season of play as Bobbysox, making access to the site during the season of play for both Little League and PAL Bobbysox organizations difficult. Bobbysox has used these fields in the past for tournaments.

Dixon Landing Park

Dixon Landing Park has four (4) baseball fields, a parking lot, restrooms, and concession “snack shack.” These fields are typically played on by the Jr. Giants baseball program however their season of play is summer, following the spring season standard sports of baseball and softball.

Out of the assessed sites, Dixon Landing Park fields was identified as the most feasible location for Bobbysox sports activities to be allocated to. This accommodation would require the conversion of the existing baseball fields to multi-sport fields through the installation of removeable bases (one field only) and changing the infields from grass to dirt, along with the use of portable mounds.

At the Parks, Recreation and Cultural Resources Commission (PRCRC) June 1, 2020 meeting, staff reviewed the proposed plan for the conversion of fields to multi-sport. The plan was received by the Commission and the feedback received was that they felt comfortable with the proposed plan as it provided similar facilities and amenities as compared to the existing arrangement.

The costs for the field conversion work at Dixon Landing Park is not expected to exceed \$100,000, and funding for the work was approved by Council as part of Capital Improvement Project No. 5108 – Sports Fields Turf Rehab. Program.

Next Steps

Recreation and Community Services and Public Works staff are working jointly on several technical and community outreach tasks associated with allocating and accommodating PAL Bobbysox at Dixon Landing Park Fields. Unfortunately, due to COVID-19, the PAL Bobbysox 2020 season is on hiatus. Staff is focusing its efforts and working towards having fields available for play by February 2021.

Fields & Site Amenities

Recreation and Community Services and Public Works staff jointly worked on the assessment of the conversion of the Dixon Landing fields to multisport fields and developed a scope of work which will be used to request proposals for site improvement by qualified contractors. The costs for the field conversion work at Dixon Landing Park is not expected to exceed \$100,000.

Parking

The parking lot at Dixon Landing Park, similar to other park parking lots in residential areas with higher density housing, is often used as parking overflow by the community. Conditions causing this unintended use could be for several reasons such as new parking programs instituted by residential property management or due to COVID-19 and people not moving their cars regularly during the day. Staff will be reviewing the City’s existing Municipal Code for City Park parking rules and regulations and bringing forward any proposed changes for Council consideration.

Community Outreach

Staff has already begun communicating with the PAL Bobbysox leadership at both the PAL Board Representative meetings and the PAL Bobbysox Board meetings about the change of amenities at Russell Middle School and the new uses at Dixon Landing fields. Staff will continue to engage PAL Bobbysox throughout the process.

Staff is also working on a communications plan to engage and educate the Dixon Landing Park Neighborhood on the great amenities of the park and associated high peak uses and game days, as well as any changes to the park parking lot uses.

Staff will be updating City Council via an Information Memo in August on the status of the field conversion to multi-sport and a detailed timeline of work at Dixon Landing Park. Any recommendations regarding the City's Municipal Code regarding park parking will be brought to a future City Council meeting.

Fiscal Impact:

There is no cost associated with the approval of the amendment to the joint use agreement for Russell Middle School.

The Public Works Department currently pays \$3,400 per month for the maintenance of the fields at Russell Middle School. Any additional maintenance needs at Dixon Landing Park following the proposed field conversion work, and the cost for the additional maintenance is unknown at this time. The current monthly maintenance cost of \$3,400 will remain in the Operating Budget for the Public Works Department following approval of this Amendment to the JUA, and the funds will be used to offset potential increases to the monthly service costs for Dixon Landing Park once the field conversion work is completed.

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

Recommendation:

Approve and authorize the City Manager to execute an Amendment to the Russell Middle School Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.

Attachments:

- 1) 2010 Joint Use Agreement between MUSD and City
- 2) Amendment to Agreement with MUSD for Russell Middle School Bobby Sox Complex

**JOINT USE AGREEMENT
CITY OF MILPITAS & MILPITAS UNIFIED SCHOOL DISTRICT
RUSSELL MIDDLE SCHOOL BOBBY SOX COMPLEX**

This Agreement by and between the Milpitas Unified School District, hereinafter referred to as "DISTRICT," and the City of Milpitas, hereinafter referred to as "CITY," is for the joint use of DISTRICT property, identified as the Russell Middle School Bobby Sox Complex, hereinafter referred to as "FACILITY," on the terms and conditions set forth hereafter.

Section 1- Purpose

CITY shall have use of FACILITY as mutually agreed upon by the parties on the terms and conditions hereinafter set for the purpose of conducting Bobby Sox League activities and recreational opportunities for the public.

DISTRICT shall have use of FACILITY as mutually agreed upon by the parties on the terms and conditions hereinafter set for the purpose connected with the provision of K-12 education.

Section 2- Description of Premises

FACILITY is located at Russell Middle School, 1500 Escuela Parkway, Milpitas, California and consists of one DISTRICT owned athletic field/ Bobby Sox Complex as represented on EXHIBIT A which is attached to this agreement, incorporated by reference and made a part herein.

Section 3- Lease Terms

DISTRICT agrees to lease FACILITY, as shown on EXHIBIT A, to CITY for the purpose of operating a Bobby Sox Softball Complex. CITY shall pay to DISTRICT the sum of \$1.00 per calendar year as rental fee for the FACILITY. No other rental or use fees shall be charged to DISTRICT by CITY for use of FACILITY.

Section 4- Authorized Representatives and Notice Provisions

Director of Maintenance, Operations and Transportation, or designee, shall serve as the authorized representative for DISTRICT. Any and all notices under this agreement shall be mailed or delivered to DISTRICT at the following address:

Milpitas Unified School District
Purchasing/Contracts Office
1331 E. Calaveras Blvd.
Milpitas, CA 95035

City Manager or designee, shall serve as the authorized representative for CITY. Any and all notices under this Agreement shall be mailed or delivered to CITY at the following address:

City Manager
Milpitas City Hall
455 E. Calaveras Blvd.
Milpitas, CA 95035

With the exception of issues involving imminent harm to persons or property, any concerns or issues, including those involving maintenance, construction, and/or use of FACILITY shall be communicated to the parties through the authorized representative.

Section 5-Use Restrictions

- a) DISTRICT shall have priority use of FACILITY between hours of 8:00 a.m. and 4:00 p.m. on days when school is in session. Generally, this will apply Monday through Friday, September through mid-June of each year, the academic year. The general public shall not be allowed to use FACILITY at any time while school is in session.
- b) CITY shall have priority use of FACILITY after 4:00 p.m. on days when school is in session and at all other times, including weekends, holidays and summer vacation. Exceptions to this schedule may be agreed upon by CITY and DISTRICT representatives. CITY and DISTRICT shall mutually agree upon a use schedule that allows DISTRICT reasonable opportunity to use FACILITY for its activities and programs.
- c) CITY shall have shared use of the on-site parking lots adjacent to FACILITY during CITY's priority use time. CITY will clean up the on-site parking lots adjacent to FACILITY, once per week. DISTRICT shall clean up the on-site parking lots the remainder of the time.
- d) CITY shall be responsible for administrating reservations for use of FACILITY by the Bobby Sox League and the public. CITY shall be solely responsible for determining a priority use system as well as fees to be charged for use of FACILITY during such time that CITY has priority use of FACILITY.

Such fees shall be required to conform to all applicable rules, regulations, ordinances and/or laws governing school grounds in addition to those applicable to CITY property. Any and all fees collected during CITY's priority use time shall be property of CITY.

Section 6- Improvements

- a) FACILITY will be graded as necessary to ensure playable terrain and adequate drainage.
- b) FACILITY irrigation systems may be redesigned, renovated and/or replaced as needed.

- c) Any and all FACILITY landscaping, including trees, turf, shrubs, and mulches may be redesigned, renovated and/or replaced as needed.
- d) Four regulation Bobby Sox softball fields have been constructed on FACILITY. In addition, bleachers, lighting, a concession stand and restroom facility may be installed at some future time contingent upon funding availability, appropriation and approval by the Milpitas City Council.
- e) Cost of any future additions, modification or capital improvements to FACILITY by CITY shall be the responsibility of CITY unless otherwise mutually agreed upon by the parties.
- f) CITY shall be responsible for all activities related to the construction and installation of the above listed improvements including, but not limited to, preparation of plans and specifications, selection of and compensation paid to consultants advertising and calling for bids, awarding of contracts, supervision of construction and installation of improvements and payments of cost of construction and installation. No agreement for construction shall be awarded until DISTRICT has approved the conceptual design.
- g) DISTRICT recognizes that construction of improvements may occur during the academic year. CITY will endeavor to schedule construction activities so as to cooperate with DISTRICT and will ensure that adequate safety precautions are in place. CITY shall consult with DISTRICT as to the scheduling and timing of construction of improvements so as to minimize any adverse impact such construction may have on the instructional programs of DISTRICT

Section 7- FACILITY Maintenance

- a) CITY shall pay for and be responsible for all mowing, trimming, fertilization, irrigation, repair and other related landscape maintenance of FACILITY. CITY shall have no obligation for maintenance of landscaped areas, buildings, parking lots, fences, sidewalks, or other facilities owned by DISTRICT but not a part of FACILITY as reflected on EXHIBIT A.
- b) Except as otherwise provided herein, CITY shall pay for and be responsible for maintenance of any and all future improvements to FACILITY, including, but not limited to bleachers, lighting, concession stand and/or restroom facilities.
- c) DISTRICT shall pay for all utilities provided to FACILITY including, but not limited to, water, sewer, gas, and electricity.
- d) CITY shall pay for solid waste and recycling services provided to FACILITY as a result of CITY and DISTRICT activities.

- e) DISTRICT shall be responsible, at sole expense of DISTRICT for preparation of FACILITY areas to be used in connection with DISTRICT special events including but not limited to, graduation ceremonies, physical education programs and athletic events.
- f) Priority access to FACILITY shall be given to CITY for maintenance work two days per week while school is in session. For purposed of providing required turf and grounds maintenance, CITY may curtail all DISTRICT use of FACILITY, with two weeks advance notice, a maximum of four times during any one academic year, CITY shall attempt to schedule such maintenance in coordination with the academic calendar and, when possible, on days when school is not in session, While fulfilling its maintenance obligations under this Agreement, CITY shall minimize the impact on DISTRICT use of FACILITY while school is in session. Authorized representatives of CITY and DISTRICT shall meet on an as required basis and review scheduling of necessary maintenance at FACILITY.
- g) CITY may curtail DISTRICT use of and access to FACILITY at any time and without prior notification for the purpose of abating hazardous conditions at FACILITY. CITY shall make every effort to minimize the amount of time DISTRICT's access to FACILITY is restricted.
- h) Upon assumption of maintenance responsibility for FACILITY, CITY shall modify FACILITY signs to indicate respective responsibilities of CITY and DISTRICT as to ownership, use, maintenance and improvements. Signage to include emergency contact information for Bobby Sox Complex.

Section 8-Sale of Transfer of Facility

DISTRICT shall not sell, lease, convey, transfer, or otherwise dispose of FACILITY on or before December 31, 2036 without following the procedure set forth below.

- a) At least thirty (30) days prior to selling, leasing, conveying, transferring or otherwise disposing of FACILITY, DISTRICT shall give CITY written notice of DISTRICT's intent to sell, lease, convey, transfer, or otherwise dispose of FACILITY. Such notice shall be sent by certified mail to the authorized CITY representative.
- b) Not more than thirty (30) days after receipt of such notice of intent, CITY may give DISTRICT written notice that CITY intends to exercise its rights of acquisition under this Agreement. If CITY fails to give DISTRICT timely notice pursuant to this section, CITY shall have no further rights with respect to acquisition of FACILITY.
- c) DISTRICT shall not sell, lease, convey, transfer or otherwise dispose of FACILITY unless DISTRICT offers to CITY a right of first refusal to purchase FACILITY. An

agreement for such purchase shall be executed within sixty (60) days of receipt by CITY of DISTRICT's notice of intent.

Section 9- Hold Harmless

CITY agrees to indemnify, hold harmless and defend DISTRICT, its officers, agents and employees from and against any and all claims of liability for any injury or damage to any person or property arising from CITY's use of FACILITY.

DISTRICT agrees to indemnify, hold harmless and defend CITY, its officers, agents, and employees from and against all claims of liability for any injury or damage to any person or property arising from DISTRICT's use of FACILITY.

Section 10- Insurance

- a) CITY shall at all times during the term of this Agreement, at its own cost and expense, obtain and maintain in full force and effect throughout the entire terms of this Agreement public liability insurance in the amount of \$2,000,000. Combined single limit covering both bodily injury and property damage. DISTRICT shall be included as an additional insured as respects any other valid and collectible insurance of DISTRICT, including any self-injured retention, and any other insurance maintained by DISTRICT is excess and not to be used as contributing insurance.

The above conditions shall be set forth on a Certificate of Insurance and shall not be cancelled or reduced without thirty (30) days prior written notice to DISTRICT. Such Certificate of Insurance shall be filed with the DISTRICT within twenty (20) days after execution of this Agreement.

Notwithstanding any language of the foregoing to the contrary, CITY may satisfy the insurance obligations hereunder by providing to DISTRICT proof of self-insurance in a form reasonably acceptable to DISTRICT, to the extent such self-insurance is permitted by the laws of the State of California and in accordance therewith.

- b) DISTRICT shall at all times during the term of this Agreement, at its own cost and expense, obtain and maintain in full force and effect throughout the entire term of this Agreement public liability insurance in the amount of \$1,000,000. Combined single limit covering both bodily injury and property damage. CITY shall be included as an additional insured as respects to liability arising out of the use of FACILITY. District's policy shall be considered primary insurance as respects any other valid and collectible insurance of CITY, including any self-insured retention, and any other insurance maintained by CITY is excess and not to be used as contributing.

The above conditions shall be set forth on a Certificate of Insurance and shall not be cancelled or reduced without thirty (30) days prior written notice to CITY. Such

Certificate of Insurance shall be filed with the City Clerk within twenty (20) days after execution of this Agreement.

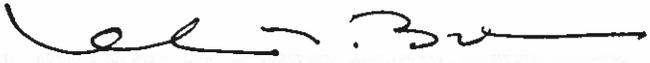
Notwithstanding any language of the foregoing to the contrary, DISTRICT may satisfy the insurance obligations hereunder by providing to CITY proof of self-insurance in a form reasonable acceptable to CITY, to the extent such self-insurance is permitted by laws of the State of California and in accordance therewith.

Section 11- Term

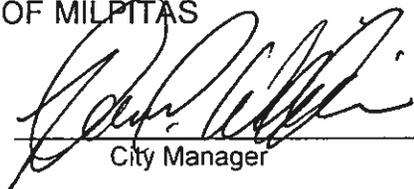
This Agreement shall supersede any and all prior agreement, written or oral, and shall take effect January 26, 2010, and continue through December 31, 2036.

IN THE WITNESS WHEREOF, the parties hereto have executed this agreement as of the 26th day of January, 2010,

MILPITAS UNIFIED SCHOOL DISTRICT (MUSD)

By:  Date: January 26, 2010
Superintendent

CITY OF MILPITAS

By:  Date: 3/5/10
City Manager



LEGEND

- ① Bobby Sox Complex Fields (Approx. Area 8 Acres)
- ② Bobby Sox Maintenance Storage Area
- ③ Bobby Sox Maintenance Access Road
- ④ Parking Lot (Bobby Sox Use)

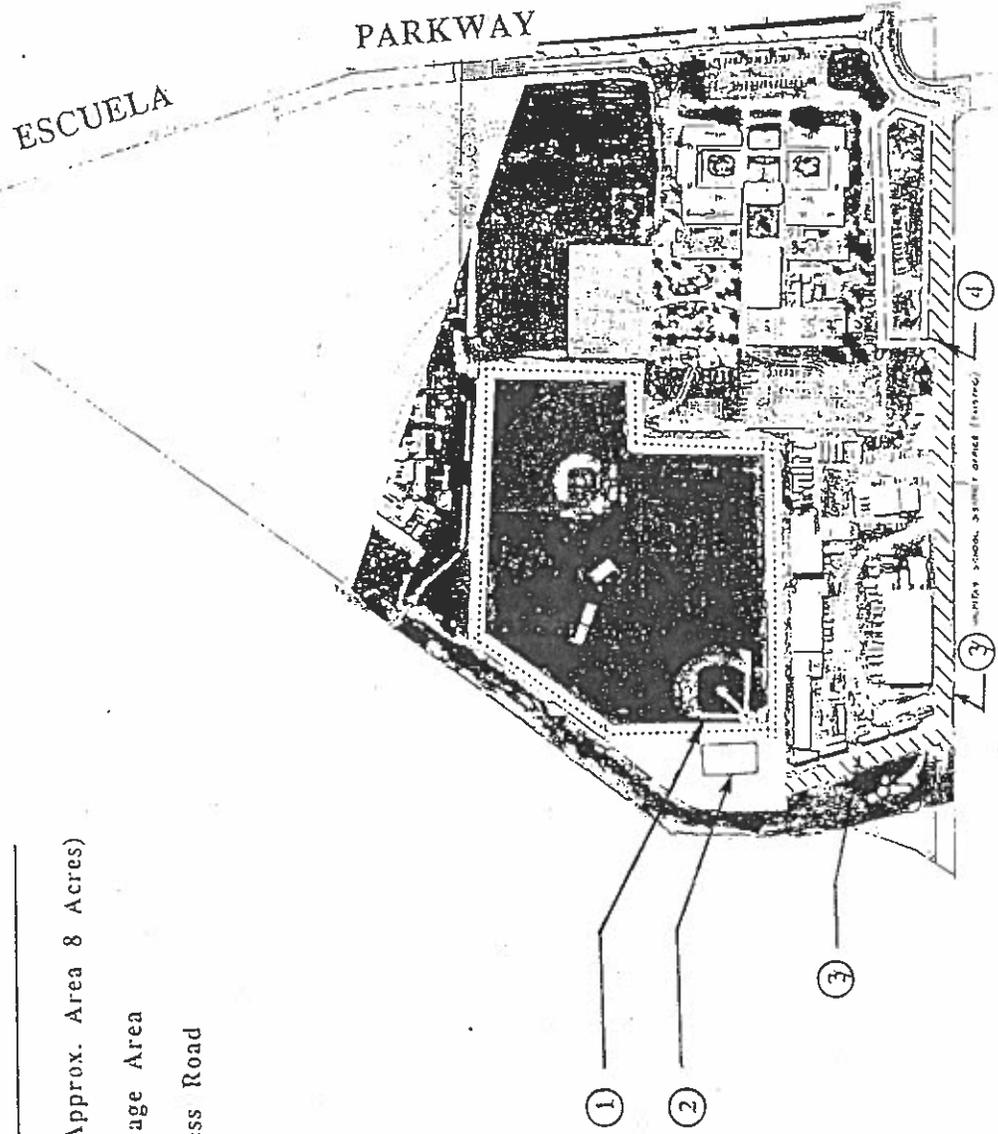


EXHIBIT 'A'
THOMAS RUSSELL SCHOOL
MILPITAS

JOINT USE AGREEMENT. CITY OF MILPITAS & MILPITAS UNIFIED
SCHOOL DISTRICT. RUSSELL MIDDLE SCHOOL
BOBBY SOX COMPLEX

**FIRST AMENDMENT TO JOINT USE AGREEMENT BETWEEN THE CITY OF
MILPITAS & MILPITAS UNIFIED SCHOOL DISTRICT
FOR RUSSELL MIDDLE SCHOOL BOBBY SOX COMPLEX**

THIS FIRST AMENDMENT TO THE JOINT-USE AGREEMENT is made and entered into as of the latest date of execution set forth below, by and between the MILPITAS UNIFIED SCHOOL DISTRICT ("District") and the City of Milpitas ("City").

District and City hereby agree as follows:

1. The Joint Use Agreement ("Agreement") between the parties dated January 26, 2010, which relates to the Premises located at 1500 Escuela Parkway, Milpitas, California, 95035 is hereby amended as follows:
 - a. Section 11 of the Agreement, "Term" is hereby amended to read as follows:

"This Agreement shall supersede any and all prior agreement, written or oral, and shall take effect January 1, 1997 and continue through June 30, 2020."
 - b. Section 6 of the Agreement, "Improvements" is hereby amended by adding a new section "i" to read as follows:

"i) DISTRICT shall be responsible for removing the concession stand or snack shack."
2. Except as expressly amended above, the Agreement remains in full force and effect except as modified by this.

IN WITNESS WHEREOF, the parties have executed this First Amendment of the Joint-Use Agreement on the latest date of execution set forth below.

DISTRICT

CITY

MILPITAS UNIFIED SCHOOL DISTRICT

CITY OF MILPITAS

By: _____

By: _____

Title: Asst. Superintendent, Business Services

Title: _____

Date: _____

Date: _____



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve Amendment to Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas, and new Agreement for the Ongoing Operation and Maintenance of Joint Use Areas of McCandless Park and Mabel Mattos School
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	6/30/2020
Staff Contact:	Renee Lorentzen, 408-586-3409
Recommendations:	<ol style="list-style-type: none"> 1) Approve Amendment to the McCandless Property Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas. 2) Approve new Agreement between the Milpitas Unified School District and the City of Milpitas for the Ongoing Operation and Maintenance of Joint Use Areas of McCandless Park and Mabel Mattos School.

Background:

The McCandless Property, approximately 10.9 acres of land, was designated to be a new elementary school and public park. In 2016, in mutual agreement, representatives from the City of Milpitas and the Milpitas Unified School District (MUSD) met and identified areas of joint use to include basketball courts, field and south parking lot, in benefit to both the new school student body and Milpitas residents at large. A Joint Use Agreement was drafted to establish the areas of use, general terms and conditions, cost share for Phase I construction, and to memorialize the future drafting of an operations and maintenance agreement for the identified joint use areas.

The Milpitas Unified School District Board of Education reviewed and approved the Joint Use Agreement at their June 14, 2016, Board meeting, and the Milpitas City Council reviewed and approved the Joint Use Agreement at its June 21, 2016 meeting.

In 2018, the City of Milpitas applied on behalf of both the City and Milpitas Unified School District for the County of Santa Clara All Inclusive Playgrounds Grant. The grant was awarded to the City of Milpitas for approximately \$780,000 which included an all-inclusive playground design in the public park, as well as an additional playground area and butterfly garden at the elementary school that would be open to the public during and after school hours.

Analysis:

The additional all-inclusive playground and butterfly garden located at the elementary school was identified as a new joint-use area under the grant proposal that would need to be added to the existing Joint Use Agreement between the City and MUSD.

Representatives from the City of Milpitas and MUSD began meeting in late 2019 to discuss the amendment to the Joint Use Agreement to include the additional playground area and butterfly garden, and to begin drafting an operations and maintenance agreement for the areas identified as joint use. Areas identified in the new Operation and Maintenance Agreement include the following Joint Use Areas: Field, Parking Lot, Basketball

Courts, Inclusive Playground, and Butterfly Garden. Terms of the agreement define the access, operation and maintenance, and replacement and/or improvements to areas defined in the Joint Use Agreement.

Breakdown of responsibility for each joint use area is as follows:

<u>Joint Use Area</u>	<u>Maintenance/Operations</u>	<u>Utilities (water & electric)</u>
Field	City of Milpitas	City of Milpitas
Parking Lot – Daily Maintenance	MUSD	MUSD
Parking Lot – Paving & Striping	City of Milpitas	MUSD
Basketball Courts	MUSD	NA
Inclusive Playground*	City of Milpitas	NA
Butterfly Garden	City of Milpitas	MUSD

**This is for the small playground on the District property, not to be confused with the larger park playground structures.*

The proposed breakdown of responsibility is suggested based on factors such as location, metering of utilities, and predominant types of use. In all areas of joint use, the City of Milpitas and MUSD mutually agree on improvements and replacements and share that cost equally, unless either entity caused the damage, in which case that entity would pay the total cost.

The Milpitas Unified School District Board of Education reviewed and approved the Joint Use Agreement Amendment and the Agreement for the Ongoing Operation and Maintenance of Joint Use Areas of McCandless Park and Mabel Mattos School between the Milpitas Unified School District and the City of Milpitas at its June 12, 2020 Board meeting,

Alternative: Do not approve the Joint Use Agreement Amendment

Pros: If the Joint Use Agreement Amendment is not approved, there will be no additional costs to the PW Department budget for the maintenance of those two new areas.

Cons: Without the Joint Use Agreement Amendment, the additional inclusive playground and butterfly garden location at the elementary school will not be available to the public during school hours, therefore causing the City of Milpitas to default on the All-Inclusive Playgrounds Grant agreement and losing \$780,000 in grant funding for this project. Additionally, costs to maintain and operate previously agreed upon joint use areas would revert to either a billing system from one organization to the other or, both organizations maintaining their half of an area, causing inconsistent amenity upkeep, ultimately causing the City more money in staff time for tracking, billing, and repairs.

Reason not recommended: The loss of funding for the All-Inclusive Playgrounds Grant would be detrimental to the McCandless Park project and the amenities this grant and park project would provide to people with special needs, and causing inconsistent amenity upkeep, ultimately causing the City more money in staff time for tracking, billing, and repairs for previously negotiated joint use areas.

Fiscal Impact:

Where there is no immediate cost associated with the approval of the joint use agreement amendment and new the agreement for on-going operation and maintenance of the joint use areas, Staff will need to return to Council on a later date to request additional funding for the operating budget of the Public Works Department, for the on-going maintenance of the McCandless Park area, which will include the cost to maintain the joint use areas. The estimated cost for maintenance and utilities for the City’s portion of the joint use areas is \$17,000 annually.

California Environmental Quality Act:

Not applicable

Recommendations:

- (i) Approve Amendment to the McCandless Property Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.
- (ii) Approve new Agreement between the Milpitas Unified School District and the City of Milpitas for the Ongoing Operation and Maintenance of Joint Use Areas of McCandless Park and Mabel Mattos School.

Attachments:

1. Draft McCandless Property Joint Use Agreement Amendment
2. Draft Ongoing Operation and Maintenance of Joint Use Areas of McCandless Park and Mabel Mattos School
3. 2016 Original Joint Use Agreement

**AMENDMENT NO. 1 TO
JOINT USE AGREEMENT BETWEEN
MILPITAS UNIFIED SCHOOL DISTRICT AND
CITY OF MILPITAS**

This Amendment No. 1 to Joint Use Agreement (“Amendment No. 1”) is entered into between the Milpitas Unified School District, a public school district organized and existing under the laws of the State of California (“District”), and the City of Milpitas, a municipal corporation of the State of California (hereinafter “CITY”) as of the date of the last signature set forth below (the “Effective Date”). The District and City may be referred to individually as a “Party” and collectively as the “Parties.”

The District and City hereby agree as follows:

1. The Joint Use Agreement entered into between the Parties dated July 1, 2016 (“Agreement”), which relates to the premises located at the corner of McCandless Drive and Penitencia Creek East Channel, Milpitas, CA is hereby amended as follows:

- a. Sections 1.3 and 1.4 are hereby removed and replaced with the following:

1.3 Parking Area. The marked parking spaces along the western border of the McCandless Property (“**West Parking Lot**” or “**Parking**”) consisting of 1.17 acres, as designated on Exhibit B.

1.4 Inclusive Playground. The marked circular area to the west of the Field depicted on Exhibit B, and located on District Property (“**Playground**”).

- b. New Sections 1.5 and 1.6 are hereby added as follows:

1.5 Butterfly Gardens. Landscaping around the North of the Playground, depicted on Exhibit B, and located on District Property (“**Gardens**”).

1.6 Access to Joint Use Property. Each Party shall have access to the Joint Use Property according to the terms and conditions of this Joint Use Agreement. The Field, Basketball Courts, West Parking Lot, Inclusive Playground and Butterfly Gardens may be referred to individually as the Field, Basketball Courts, Parking, Playground or Gardens, or collectively as the “**Joint Use Property**,” as depicted in its entirety on Exhibit B.

- c. Section 5.1.3 is hereby removed and replaced with the following:

5.1.3 Parking. The West Parking Lot shall be available for use by both the District and City at all times, with the exception of 20 parking stalls next to the Student Loading Zone which will be restricted to 15 minute parking, Monday – Friday until 9:00 A.M.

d. A new Section 5.1.4 is hereby added as follows:

5.1.4 Playground. District and City shall have use of the Playground for community use at all times.

e. Section 5.2.3 is hereby removed and replaced with the following:

5.2.3 Parking. The West Parking Lot shall be available for use by both City and District at all times, with the exception of 20 parking stalls next to the Student Loading Zone which will be restricted to 15 minute parking, Monday – Friday until 9:00 A.M.

f. A new Section 5.2.4 is hereby added as follows:

5.2.4 Playground. City and District shall have use of the Playground for community use at all times.

g. Sections 7.1 and 7.1.1 are hereby removed and replaced with the following:

7.1 Operations Committee. City and District shall each designate an equal number of representatives to meet as an operations committee ("**Operations Committee**") to establish a written schedule for District and City exclusive and special event use of the Joint Use Property ("**Joint Use Schedule**"), coordinate the preparation and execution of a mutually satisfactory Operations and Maintenance Agreement (defined in Section 9.1), establish an annual maintenance schedule to be included in the Operating Agreement (defined in Section 7.3), and discuss any issue related to the Joint Use Property.

7.1.1 Meetings. The Operations Committee shall meet every three years (at a minimum), prior to the beginning of the school year and more often as needed.

h. Section 9.1 is hereby removed and replaced with the following:

9.1 Operations and Maintenance Agreement. The Operations Committee shall coordinate the preparation and execution of a mutually satisfactory agreement for the maintenance of the Joint Use Property ("**Operations and Maintenance Agreement**"). The Operations and Maintenance Agreement shall define each Party's maintenance obligations for the Field, Basketball Courts, Inclusive Playground, Butterfly Gardens, and Parking, and shall provide that the costs of such maintenance shall be equally split between the Parties, except when such costs are otherwise allocated in this Joint Use Agreement.

i. Section 11.5 is hereby removed and replaced with the following:

11.5 Notices. Any notice required or permitted under this Joint Use Agreement shall be in

writing, delivered to the Party at the address set forth below, and shall be deemed effectively delivered upon (i) personal delivery or electronic delivery, (ii) one day after deposit for overnight delivery by Federal Express or a comparable national express courier, (iii) two days after deposit in the United States mail, by first-class mail, postage prepaid, or (iv) receipt via facsimile or electronic mail. A Party may designate another address for notice purposes upon written notice pursuant to the provisions of this paragraph. The Parties shall provide each other after-hours emergency contact phone numbers of appropriate supervisory staff, which shall be periodically updated.

DISTRICT

Milpitas Unified School District
Attn: Superintendent
1331 East Calaveras Blvd.
Milpitas, CA 95035
Phone: (408) 635-2600
Fax: (408) 635-2616
Email: cjordan@musd.org

CITY

City of Milpitas
Attn: City Manager
455 East Calaveras Blvd., 3rd Floor
Milpitas, CA 95035
Phone: (408) 586-3050
Email: smcharris@ci.milpitas.ca.gov

With a copy to:

City of Milpitas
Attn: City Attorney
455 East Calaveras Blvd.
Milpitas, CA 95035
Phone: (408) 586-3040
Email: cdiaz@ci.milpitas.ca.gov

- j. All other provisions of the Agreement not amended by this Amendment No. 1 shall remain in full force and effect.

[Signatures on following pages]

Signature Page
for

AMENDMENT NO.1 TO JOINT USE AGREEMENT

IN WITNESS WHEREOF, this Joint Use Agreement is executed by the City of Milpitas, acting by and through its City Council that has authorized the City Manager to execute, and by the Milpitas Unified School District, acting by and through its Board of Education that has authorized the superintendent or his designee to execute.

CITY OF MILPITAS

MILPITAS UNIFIED SCHOOL DISTRICT

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM

By: _____

Name: _____

Title: CITY ATTORNEY

Date: _____

EXHIBIT A-1
DISTRICT PROPERTY (ELEMENTARY SCHOOL)

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL 2 AND A PORTION OF PARCEL 3, AS SAID PARCELS ARE SHOWN ON THE PARCEL MAP OF "MC CANDLESS TECHNOLOGY", FILED FOR RECORD ON DECEMBER 5, 1984, IN BOOK 536 OF MAPS AT PAGES 41-43, SANTA CLARA COUNTY RECORDS, TOGETHER WITH A PORTION OF HOURET DRIVE AS SAID PORTION IS SHOWN AND DEDICATED ON SAID PARCEL MAP OF "MC CANDLESS TECHNOLOGY", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE ALONG THE GENERAL EASTERLY LINES OF PARCEL 2 AND 3, THE FOLLOWING SEVEN (7) COURSES:

- 1.) NORTH 0°08'26" EAST, 546.62 FEET;
- 2.) NORTH 68°44'33" WEST, 26.61 FEET THE BEGINNING OF A TANGENT CURVE TO THE LEFT;
- 3.) ALONG SAID CURVE HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 35°05'48", AN ARC LENGTH OF 12.25 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 13°50'22" EAST;
- 4.) ALONG SAID CURVE HAVING A RADIUS OF 46.00 FEET, THROUGH A CENTRAL ANGLE OF 250°11'37", AN ARC LENGTH OF 200.87 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 56°21'15" WEST;
- 5.) ALONG SAID CURVE HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 35°05'48", AN ARC LENGTH OF 12.25 FEET;
- 6.) SOUTH 68°44'33" EAST, 0.35 FEET;
- 7.) NORTH 0°08'26" EAST, 53.88 FEET;

THENCE LEAVING THE EAST LINE OF SAID PARCEL 3, NORTH 89°51'34" WEST, 544.46 FEET TO THE WEST LINE OF SAID PARCEL 3 AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 81°35'01" WEST;

THENCE SOUTHEASTERLY ALONG THE WESTERLY LINES OF SAID PARCEL 3 AND 2, THE FOLLOWING THREE (3) COURSES:

- 1) ALONG SAID CURVE HAVING A RADIUS OF 1,762.00 FEET, THROUGH A CENTRAL ANGLE OF 17°12'47", AN ARC LENGTH OF 529.35 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 64°22'14" WEST;
- 2) ALONG SAID CURVE HAVING A RADIUS OF 682.00 FEET, THROUGH A CENTRAL ANGLE OF 11°38'05", AN ARC LENGTH OF 138.49 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 52°44'09" WEST;
- 3) ALONG SAID CURVE HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF 10°03'25", AN ARC LENGTH OF 70.21 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL 2, SOUTH 89°51'34" EAST, 269.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 291,853 SQUARE FEET OR 6.70 ACRES, MORE OR LESS.

EXHIBIT A-2
LEGAL DESCRIPTION OF CITY PROPERTY

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 3, AS SAID PARCEL IS SHOWN ON THE PARCEL MAP OF "MC CANDLESS TECHNOLOGY", FILED FOR RECORD ON DECEMBER 5, 1984, IN BOOK 536 OF MAPS AT PAGES 41-43, SANTA CLARA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 3;

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 3, SOUTH 83°45'38" EAST, 573.71 FEET TO THE NORTHEAST CORNER THERETO;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 3, SOUTH 0°08'26" WEST, 295.38 FEET;

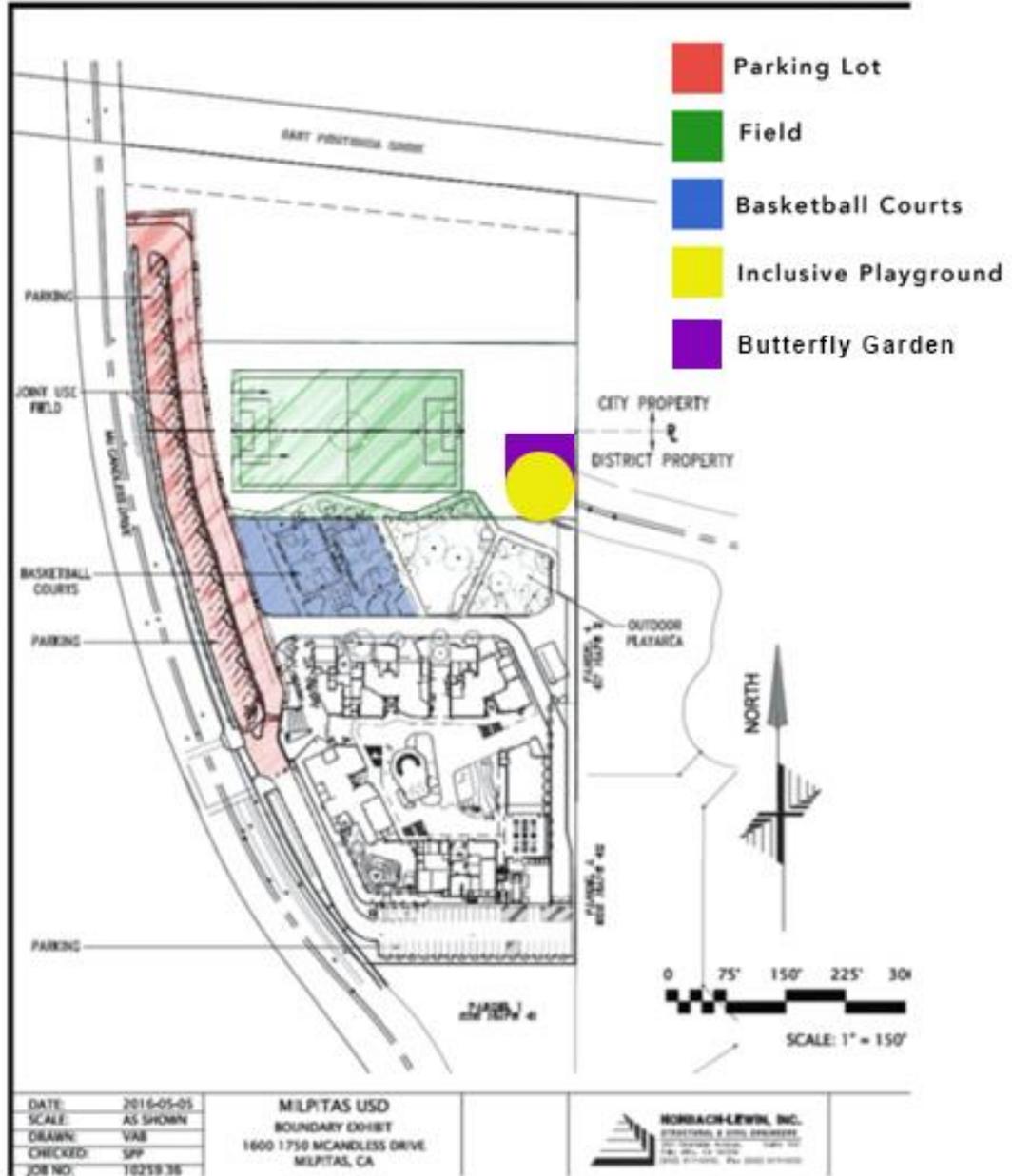
THENCE LEAVING SAID EASTERLY LINE, NORTH 89°51'34" WEST, 544.46 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL 3 AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 81°35'01" WEST;

THENCE ALONG SAID WESTERLY LINE, ALONG SAID CURVE HAVING A RADIUS OF 1,762.00 FEET, THROUGH A CENTRAL ANGLE OF 5°51'39", AN ARC LENGTH OF 180.24 FEET;

THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 2°33'20" WEST, 177.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 182,349 SQUARE FEET OR 4.19 ACRES, MORE OR LESS.

EXHIBIT B
DEPICTION OF JOINT USE AREAS



**AGREEMENT BETWEEN
MILPITAS UNIFIED SCHOOL DISTRICT
AND THE CITY OF MILPITAS
FOR ON-GOING OPERATION AND MAINTENANCE OF FACILITIES
CONSTRUCTED AS PART OF THE MCCANDLESS PARK PROJECT AND MABEL
MATTOS SCHOOL**

This Agreement (hereinafter “Agreement”) is entered into between the Milpitas Unified School District, a public school district organized and existing under the laws of the State of California (“District”), and the City of Milpitas, a municipal corporation under the State of California (hereinafter “CITY as of the date of the last signature set forth below (the “Effective Date”). Each of District and the CITY are sometimes hereinafter referred to in the singular as a “Party” or collectively as the “Parties.”

SECTION 1: RECITALS

1.1 Whereas, District a public school district organized and existing under the laws of the State of California; and CITY is a duly established municipal corporation organized and existing under the laws of the State of California.

1.2 Whereas, on October 21, 2014, District purchased approximately 6.7 acres of real property from the CITY for the construction and operation of a new elementary school. The real property is located at the corner of McCandless Drive and Penitencia Creek East Channel, in the City of Milpitas.

1.3 Whereas, District has developed their 6.7 acre parcel into Mabel Mattos Elementary School; and CITY is constructing a park on their 4 acre parcel.

1.4 Whereas, both the CITY and District, in benefit of the Milpitas residents, identified and cooperatively planned joint use facilities on both parcels to be constructed as part of their respective projects.

1.5 Whereas, the Parties have come to agreement regarding their rights and responsibilities related to ongoing operation and maintenance of certain District Mabel Mattos Elementary School facilities (“District Facilities”) and CITY facilities constructed as part of the McCandless Park Project (“CITY Facilities”).

NOW THEREFORE, the Parties agree as follows:

SECTION 2: DEFINITIONS

Field. The 1.2 acre portion of CITY property adjacent to the District property depicted on Exhibit A, along with the 1.2 acre portion of District property adjacent to CITY property depicted on Exhibit A, together totaling 2.4 acres.

Parking Lot or West Parking Lot. The marked parking spaces along the western border of the McCandless Park consisting of 1.17 acres, as depicted on Exhibit A.

Basketball Courts. The 0.25 acre portion of District property adjacent to the Field depicted on Exhibit A.

Inclusive Playground or Playground. The marked circular area to the west of the Field depicted on Exhibit A and located on District property.

Butterfly Gardens. Refers to landscaping around to the north of the Playground depicted on Exhibit A and located on District property.

Joint Use Property. Refers to the Field, Basketball Courts, Playground, Butterfly Garden and West Parking Lot, as depicted in its entirety on Exhibit A.

SECTION 3: PERMITTING

3.1 District work on District Facilities within CITY Owned or Controlled Real Property

- 3.1.1** No permit shall be required for inspection and maintenance activities, or other work that does not alter or impede, or otherwise materially affect the operation of CITY Facilities.
- 3.1.2** District or District's designee shall obtain an encroachment permit from CITY for District activities within CITY owned or controlled real property such as major construction or major repairs/alterations requiring excavation, trenching or relocation of District Facilities.
- 3.1.3** The CITY shall not unreasonably delay, deny, or withhold District's or District designee's request for a permit.
- 3.1.4** Permit requests and notification of work by District, as required, shall be directed to the CITY's Public Works Department. District shall comply with the CITY's standard encroachment permit process.

3.1.5 In the event any emergency work needs to be undertaken by District on District Facilities on CITY owned or controlled real property or easement, or on CITY Facilities, District shall notify CITY as soon as possible and coordinate with CITY to minimize public inconvenience. District shall contact CITY Police Department Dispatch (408) 586-2400 for all Emergency Work conducted after normal business hours and on weekends.

3.2 CITY work on CITY Facilities within District Owned or Controlled Real Property

3.2.1 No permit shall be required for inspection and maintenance activities, or other work that does not alter or impede, or otherwise materially affect the operation of District Facilities.

3.2.2 CITY or CITY's designee shall obtain an encroachment permit from District for CITY activities within District owned or controlled real property such as major construction or major repairs/alterations requiring excavation, trenching or relocation of CITY Facilities.

3.2.3 The District shall not unreasonably delay, deny, or withhold CITY's or CITY designee's request for a permit.

3.2.4 Permit requests and notification of work by CITY, as required, shall be directed to District's Business Services Department. CITY shall comply with the District's standard encroachment permit process.

3.2.5 In the event any emergency work needs to be undertaken by CITY on CITY Facilities within District owned or controlled real property or on District Facilities, the CITY shall notify District as soon as possible and coordinate with District to ensure the work is done in a manner that does not impact District Facilities or operations. CITY shall contact Director of Maintenance, Operations and Transportation at (408) 635-2888 for all emergency work conducted after normal business hours and on weekends.

SECTION 4: OPERATION AND MAINTENANCE

4.1 FIELD

4.1.1 CITY shall maintain the Field as shown on Exhibit A of this Agreement.

4.1.2 CITY shall be responsible for all utilities associated with the Field.

4.2.3 The Parties shall mutually agree upon replacement or improvements to the Field. The Parties shall share the cost of the improvements or replacements to the Field equally unless the other Party caused damage to the Field, in which case the Party causing the damage shall pay the total cost of repair or replacement of the damaged area.

4.2 PARKING LOT

4.2.1 District shall maintain the lights in the Parking Lot.

4.2.2 District shall maintain the irrigation system in the Parking Lot.

4.2.3 CITY shall maintain the Parking Lot pavement and markings.

4.2.4 District shall perform daily maintenance on the Parking Lot.

4.2.5 District shall be responsible for all utilities associated with the Parking Lot

4.2.6 The Parties shall mutually agree upon replacements or improvements to the Parking Lot. The Parties shall share the cost of the improvements or replacements to the Parking Lot equally unless the other Party caused damage to the Parking Lot, in which case the Party causing the damage shall pay the total cost of repair or replacement of the damaged area.

4.3 BASKETBALL COURTS

4.3.1 District shall maintain the surface and all amenities on the Basketball Courts.

4.3.2 The Parties shall mutually agree upon replacement of equipment or improvements to the Basketball Courts. The Parties shall share the cost of the improvements or replacements to the Basketball Court equally unless the other Party caused damage to the Basketball Courts, in which case the Party causing the damage shall pay the total cost of repair or replacement of the damaged area.

4.4 INCLUSIVE PLAYGROUND

4.4.1 CITY shall maintain the Inclusive Playground.

4.4.2 The Parties shall mutually agree upon replacement of equipment or improvements to the Playground. The Parties shall share the cost of the improvements or replacements to the Playground equally unless the other Party caused damage to the Playground, in which case the Party causing

the damage shall pay the total cost of repair or replacement of the damaged area.

4.5 BUTTERFLY GARDENS

4.5.1 CITY shall maintain the Butterfly Gardens.

4.5.2 The Butterfly Gardens shall be on CITY utilities system and sub metered. DISTRICT shall be billed annually by CITY for the time period of July 1- June 30 for the total cost of utilities associated with the Butterfly Gardens.

4.5.3 The Parties shall mutually agree upon replacement or improvements to the Butterfly Gardens. The Parties shall share the cost of the improvements or replacements to the Butterfly Gardens equally unless the other Party caused damage to the Butterfly Gardens, in which case the Party causing the damage shall pay the total cost of repair or replacement of the damaged area.

SECTION 5: RECORD KEEPING

5.1 District and CITY shall keep and maintain books, papers, plans, drawings, records, files, reports, and other materials relating to the work for a period of three years from construction completion. Records shall be made available to other parties involved in the funding for the construction services.

SECTION 6: MISCELLANEOUS

6.1 Notice. Any notice required or permitted to be given by either Party shall be in writing and served either by personal delivery or sent by certified or registered mail, postage prepaid, addressed as follows:

To District: Milpitas Unified School District
Business Services Department
1331 E. Calaveras Blvd.
Milpitas, CA 95035

To CITY: Public Works Department
City of Milpitas
1265 North Milpitas Boulevard
Milpitas, CA 95035

6.2 Exhibits. Except as specifically set forth herein, Exhibits attached hereto are attached for purposes of illustration only and not intended to provide substantive

provisions to this Agreement. In the event of a conflict between any of the Exhibits and the terms set forth in the body of this Agreement, the terms in the body of this Agreement shall control.

6.3 Dispute Resolution. If issues arise regarding interpretation of this Agreement or the performance, or the alleged failure of a party to perform, the Party raising the question or making the allegation shall give written notice thereof to the other Party. The Parties representatives shall promptly meet to resolve the issues. If the Parties fail to resolve the issues, alternative forms of dispute resolution including mediation, may be pursued by mutual agreement however, there shall not be a duty on either Party to participate in such alternative forms of dispute resolution. If resolution cannot be reached through alternatives forms of dispute resolution within a reasonable time period as determined by the Party raising the question or making the allegation, then such Party may pursue its rights and remedies at law or in equity.

6.4 Hold Harmless and Indemnification. Neither CITY nor any of its officers or employees shall be responsible for any damage or liability by reason of anything done or omitted by DISTRICT in connection with any work, authority or jurisdiction delegated to DISTRICT under this Agreement. Pursuant to Government Code Section 895.4, DISTRICT shall fully indemnify and hold CITY harmless from any liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted by DISTRICT in connection with any work, authority or jurisdiction delegated to DISTRICT under this Agreement. This hold harmless shall apply to any activities errors or omissions of the DISTRICT and/or DISTRICT's officers, employees, agents, consultants or contractors or any persons or entities acting or omitting to act for or on behalf of DISTRICT where such persons or entities are specifically authorized and empowered by DISTRICT to act for DISTRICT.

Neither DISTRICT nor any of its officers or employees shall be responsible for any damage or liability occurring by reason of anything done or omitted by the CITY in connection with any work, authority or jurisdiction delegated to the CITY under this Agreement. Pursuant to Government Code Section 895.4, the CITY shall fully indemnify and hold DISTRICT harmless from any liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted by the CITY in connection with any work, authority or jurisdiction delegated to the CITY' under this Agreement. This hold harmless shall apply to any activities errors or omissions of the CITY and/or its officers, employees, agents, consultants or contractors or any persons or entities acting or omitting to act for or on behalf of the CITY where such persons or entities are specifically authorized and empowered by the CITY to act for the CITY.

6.5 Severability. If any term, provision, covenant, or condition of this Agreement is

held by a court of competent jurisdiction to be invalid, void, or unenforceable, the rest of the Agreement shall remain in full force and effect.

- 6.6 Amendments.** This Agreement may not be modified except by written instrument executed and approved in the same manner as this Agreement.
- 6.7 Term of Agreement.** This Agreement shall be effective on the date specified on the signature page hereof and, unless earlier terminated by agreement of the Parties, shall remain in effect for as long as McCandless Park continues to remain in service.
- 6.8 Entire Agreement.** This Agreement constitutes the entire agreement between the Parties related to the subject matter set forth herein, and supersedes all understandings, offers, negotiations and other agreements, oral or written, concerning the subject matter contained herein. There are no representations or understandings of any kind not set forth herein. Any amendments, modifications or waivers of any of the terms and conditions of this Agreement must be in writing and executed by both Parties.
- 6.9 Successors and Assign.** This Agreement shall be binding on and inure to the benefit of the successors and permitted assignees of the respective Parties.
- 6.10 Governing Laws.** This Agreement shall be governed by the laws of the State of California and be binding on and inure to the benefit of the successors and permitted assignees of the respective Parties.
- 6.11 Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.
- 6.12 Non-Waiver.** The failure of either Party to insist upon the strict performance of any of the terms, covenants, and conditions of this Agreement will not be deemed a waiver of any right or remedy that a Party may have and will not be deemed a waiver of the right to require strict performance of all of the terms, covenants, and conditions thereafter.

Signatures of Parties on following page.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized officers as set forth below.

“CITY”

CITY OF MILPITAS
APPROVED BY:

Steven McHarris, City Manager

Date

APPROVED:

Walter Rossmann, Risk Manager/Director
of Finance

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

APPROVED AS TO CONTENT:

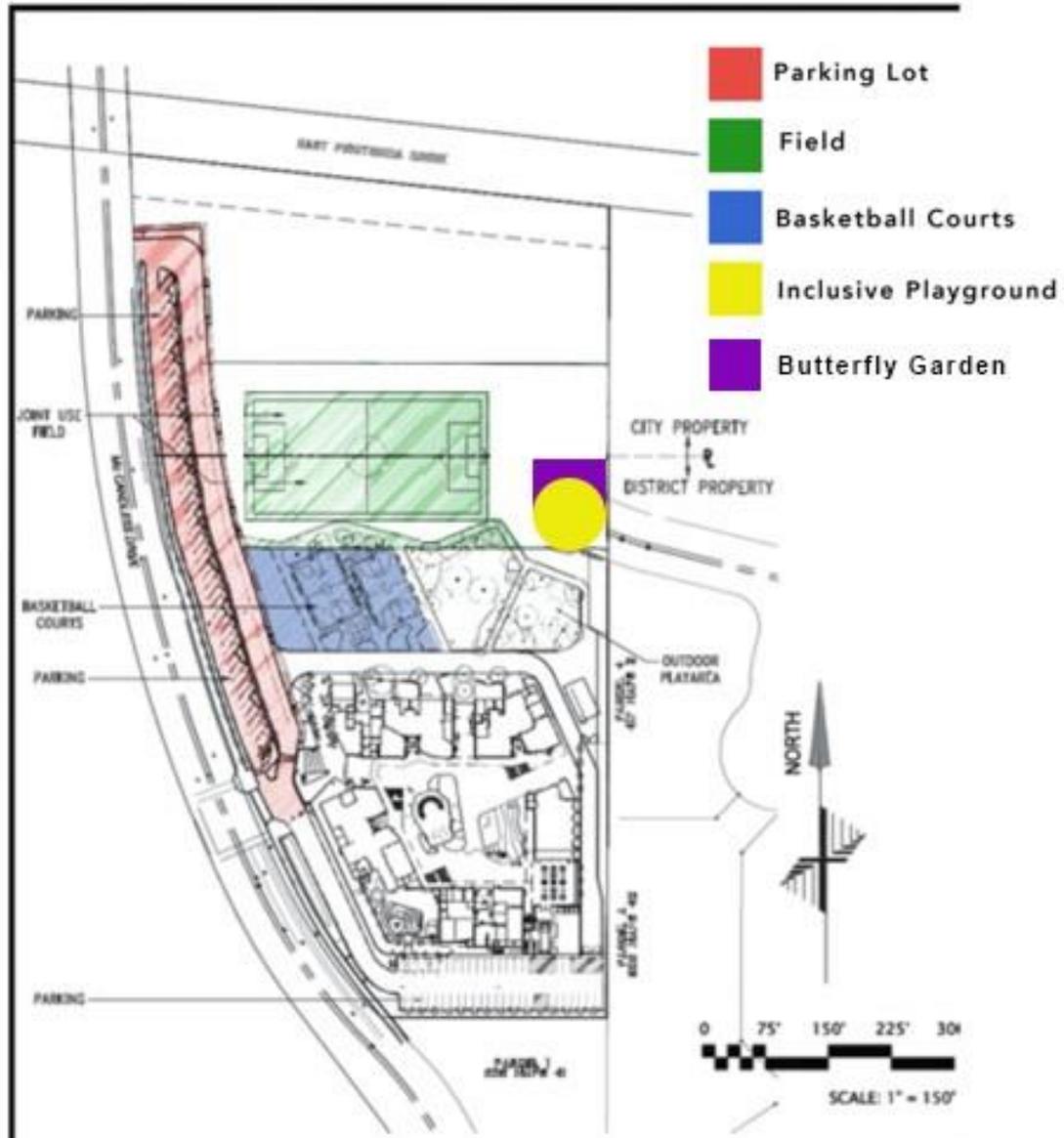
Tony Ndah
Public Works Director

“DISTRICT”

MILPITAS UNIFIED SCHOOL DISTRICT
APPROVED BY:

Cheryl Jordan, Superintendent

Date



DATE: 2016-05-05
 SCALE: AS SHOWN
 DRAWN: VAB
 CHECKED: SPF
 JOB NO: 10259.36

MILPITAS USD
 BOUNDARY EXHIBIT
 1800 1750 MCANDLESS DRIVE
 MILPITAS, CA

NONIACH-LEWIN, INC.
 ARCHITECTURAL & CIVIL ENGINEERS
 1000 S. GARDEN AVENUE, SUITE 100
 MILPITAS, CA 95035
 TEL: 408.372.1100 FAX: 408.372.1101

JOINT USE AGREEMENT

(Milpitas Unified School District/City of Milpitas)

THIS AGREEMENT ("**Joint Use Agreement**") is effective July 1, 2016 by and between the City of Milpitas, a municipal corporation, ("**City**") and the Milpitas Unified School District, a public school district organized and existing under the laws of the State of California, ("**District**"). District and City may be referred to in this Joint Use Agreement individually as a "**Party**," and collectively as the "**Parties**."

RECITALS

A. City currently owns approximately 10.9 acres of unimproved real property located at the corner of McCandless Drive and Penitencia Creek East Channel, City of Milpitas, County of Santa Clara, commonly known as the "**McCandless Property**."

B. District is purchasing approximately 6.7 acres of the McCandless Property from City under that Purchase and Sale Agreement between City and District effective October 21, 2014, as amended ("**Purchase Agreement**").

C. Upon the close of escrow, District will own the 6.7 acre portion of the McCandless Property legally described on Exhibit A-1 – Legal Description of District Property ("**District Property**"), to be used for construction and operation of a new elementary school.

D. Upon the close of escrow, City will continue to own the remaining approximately 4.2 acre portion of the McCandless Property adjacent to the District Property, legally described on Exhibit A-2 – Legal Description of City Property ("**City Property**"), to be used as a municipal park. District Property and City Property are depicted on Exhibit B. Exhibits A-1, A-2 and B are attached hereto and by this reference made a part of this Joint Use Agreement.

E. Under this Joint Use Agreement, District and City will share the use of portions of their adjacent properties as delineated on Exhibit B, collectively the "**Joint Use Property**."

F. Sections 10900 *et. seq.* of the Education Code ("**Community Recreation Act**") authorizes cities and school districts to maintain and operate joint use facilities such as basketball courts and outdoor playing fields in order to reduce capital and operational costs to both governmental jurisdictions and provide recreational areas for the community as a whole.

G. Section 10910 of the Education Code provides that the governing body of any school district may use or grant the use of grounds of the school district to any other public authority for the purposes of joint use, whenever such use does not interfere with school uses.

H. It is to the mutual benefit of City and District to contribute jointly to the establishment, operation and maintenance of recreational facilities and shared parking facilities which can serve the needs of both the general public and District.

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows.

1. **Joint Use Property.** The Joint Use Property consists of the following:

1.1 **Field.** The 1.2 acre portion of City Property adjacent to the District Property depicted on Exhibit B, along with the 1.2 acre portion of District Property adjacent to City Property on Exhibit B, together totaling 2.4 acres ("**Field**").

1.2 **Basketball Courts.** The 0.25 acre portion of District Property adjacent to the Field depicted on Exhibit B ("**Basketball Courts**").

1.3 **Parking Area.** The marked parking spaces along the western border of the McCandless Property ("**West Parking Lot**" or "**Parking**") consisting of 1.17 acres, as designated on Exhibit B. The Field, Basketball Courts and West Parking Lot may be referred to individually as the Field, Basketball Courts or Parking, or collectively as the "**Joint Use Property**," as depicted in its entirety on Exhibit B.

1.4 **Access to Joint Use Property.** Each Party shall have access to the Joint Use Property according to the terms and conditions of this Joint Use Agreement.

2. **Purchase Price Adjustment.** If the Parties mutually agree to adjust the purchase price of the District Property based on the percentage of District Property subject to this Joint Use Agreement, the Parties will amend the Purchase Agreement to reflect the adjustment prior to the close of escrow.

3. **Term.**

3.1 **Term Commencement Date.** This Joint Use Agreement shall become effective upon approval by the governing bodies of both Parties and full execution of the Joint Use Agreement ("**Effective Date**"). The term of the Joint Use Agreement shall commence on the completion of construction of the District's elementary school and the City's proposed park and both Parties acceptance of all construction improvements ("**Commencement Date**"). Within thirty (30) days after the Commencement Date, the Parties agree to memorialize the Term Commencement Date and the Expiration Date and attach it to this Joint Use Agreement.

3.2 **Term Expiration Date.** The initial term of this Joint Use Agreement shall be forty (40) years beginning from the Commencement Date ("**Initial Term**") and ending after forty years, consistent with the forty year time period set forth in Exhibit B of the Purchase Agreement for expiration of the Power of Termination (Civil Code 885.010 et seq.), unless extended by mutual written agreement of the Parties. **On or before the Expiration Date the Parties shall meet to determine whether or not to extend the Initial Term and make any other modifications to the Joint Use Agreement. If the Parties fail to extend this Joint Use Agreement in writing by the Expiration Date, the Parties shall continue to operate under the terms of this Joint Use Agreement until such time that the Parties mutually agree in writing to terminate. In the event one Party seeks to terminate and the other does not, the Parties shall be required to exhaust the Remedies provided for in Section 11.7 of this Agreement.**

4. Use. The Joint Use Property shall be used by the Parties exclusively for public education, recreation and parking as described below.

5. District and City Use.

5.1 District.

5.1.1. Field. District shall have exclusive use of the Field Monday through Friday, during the time period which begins ninety (90) minutes before the start of the school day and ends ninety (90) minutes after the close of the school day (estimated to be 4:15 p.m.) on every day that school is in session during the school year and summer school. District shall also have exclusive use of the Field for special events scheduled at the meetings described below.

5.1.2. Basketball Courts. District shall have exclusive use of the Basketball Courts Monday through Friday, during the time period which begins ninety (90) minutes before the start of the school day and ends ninety (90) minutes after the close of the school day (estimated to be 4:15 p.m.) on every day that school is in session during the school year and summer school. District shall also have exclusive use of the Basketball Courts for special events scheduled at the meetings described below.

5.1.3. Parking. The West Parking Lot shall be available for use by both the District and City at all times.

5.2 City.

5.2.1. Field. City shall have use of the Field for community use at all times the Field is not reserved for District's exclusive use or for previously scheduled District special events. City shall provide to District a schedule for its community use and special events at the meetings described below.

5.2.2. Basketball Courts. City shall have use of the Basketball Courts for community use at all times the Basketball Courts are not reserved for District's exclusive use or for previously scheduled District special events. City shall provide to District a schedule for its community use and special events at the meetings described below.

5.2.3. Parking. City shall have use of the West Parking Lot for community use at all times.

5.3 Exclusions. Restrooms and community rooms on District Property, the marked parking spaces along the southern border of the District Property, and the 0.54 acre portion of District Property adjacent to the Basketball Courts containing an outdoor play area are not included in this Joint Use Agreement.

5.4 Fitness Course. In the event the City constructs a Fitness Course ("**Fitness Course**") on a portion of City Property, District students shall have access to the Fitness Course under terms and condition mutually agreed upon by the Parties upon completion of the Fitness Course construction.

5.5 Alterations to Joint Use Property. Neither Party may alter the Joint Use Property in a manner that impacts the other Party's use of the Joint Use Property or impacts the other Party's costs associated with the Joint Use Property without the other Party's prior written consent, which may be granted in such Party's reasonable judgment. Should a Party provide written consent, both Parties shall execute an amendment to this Joint Use Agreement to ensure compliance with the Education Code and Community Recreation Act and ensure that the Parties contribute jointly to the establishment, operation and maintenance of the Joint Use Property.

6. Special Events. City and District shall meet annually (at a minimum) prior to the beginning of each school year to schedule use of the Joint Use Property. **The Parties shall also meet as needed for special events and changes to the schedule only if those special events and changes to the schedule could not have been included in the Master Schedules (defined in Section 7.2) despite reasonable and good faith efforts.**

7. Meetings and Schedules.

7.1 Operations Committee. City and District shall each designate an equal number of representatives to meet as an operations committee ("**Operations Committee**") to establish a written schedule for District and City exclusive and special event use of the Joint Use Property ("**Joint Use Schedule**"), coordinate the preparation and execution of a mutually satisfactory Operations and Maintenance Agreement (defined in Section 9.1), establish an annual maintenance schedule to be included in the Annual Operating Agreement (defined in Section 7.3), and discuss any issue related to the Joint Use Property.

7.1.1 Meetings. The Operations Committee shall meet annually (at a minimum), prior to the beginning of each school year and more often as needed.

7.1.2 Authority. Except where such actions would contradict a term of this Joint Use Agreement or the Operations and Maintenance Agreement (defined in Section 9.1), the Operations Committee shall have the authority to make decisions regarding the day-to-day operations of the Joint Use Property, including scheduling Special Events. Following each Operations Committee Meeting, a summary of actions shall be submitted to the governing boards of each Party.

7.2 Scheduling.

7.2.1 At least thirty days prior to each Operations Committee Meeting, City shall provide to District a copy of its master schedule for City scheduled activities for the coming year ("**City Master Schedule**").

7.2.2 At least thirty days prior to each Operations Committee Meeting, District shall provide to City a copy of its master schedule, including school calendar, bell schedule and school events for the coming year ("**District Master Schedule**").

7.2.3 After each Operations Committee Meeting, a "**Joint Use Schedule**" including applicable information from District Master Schedule and City Master Schedule shall be published. District and City shall distribute copies of the most current Joint Use Schedules to the Parties listed in the notice section of this Joint Use Agreement and, if there

are significant updates in between meetings, District and City shall distribute updates throughout the year as necessary. The Joint Use Schedules shall also be available at the District's administration office and Milpitas City Hall.

7.3 Maintenance Discussions. At the Operations Committee Meetings, the Parties will (i) coordinate and develop a maintenance schedule in compliance with the Operations and Maintenance Agreement (defined in Section 9.1); and (ii) do a joint walk-through of the Joint Use Property to review routine maintenance and determine what adjustments need to be made to the maintenance schedule. The maintenance schedule and any other operational decisions made at the annual Joint Use Meeting shall be recorded in an annual operating agreement that shall be consistent with the Operations and Maintenance Agreement ("Operating Agreement for Year ____") and copies maintained by each Party.

7.4 Additional Meetings. During the school year, either Party may request an additional Operations Committee Meeting if there are modifications required for the Joint Use Schedule or Operating Agreement and the Parties shall cooperate to satisfy those requests.

8. Supervision and Compliance With Law. Each Party is responsible for supervision of the Joint Use Property during the time of its use. Each Party shall comply with, and shall secure compliance by persons within its control and authority of all state and federal laws and regulations now in force, or which may be in force in the future, pertaining to the Joint Use Property. City and District shall each comply with the other Party's rules and regulations during the time of its use of that portion of the Joint Use Property owned by that Party.

9. Maintenance and Repair.

9.1 Operations and Maintenance Agreement. The Operations Committee shall coordinate the preparation and execution of a mutually satisfactory agreement for the maintenance of the Joint Use Property ("**Operations and Maintenance Agreement**"). The Operations and Maintenance Agreement shall define each Party's maintenance obligations for the Field, Basketball Courts, and Parking, and shall provide that the costs of such maintenance shall be equally split between the Parties, except when such costs are otherwise allocated in this Joint Use Agreement.

9.2 Routine Clean-up of Joint Use Property During Exclusive Use. District and City shall each be responsible for the routine clean-up of the Joint Use Property during the time of that Party's use. Such routine clean-up includes maintaining the areas in good order and condition and free of litter ("**Routine Clean-Up**").

9.3 Annual Monitoring of Soil Contamination. The Department of Toxic Substances Control ("**DTSC**") requires, as a condition of its approval, that the District perform annual monitoring of soil contamination on portions of the McCandless Property, including the Joint Use Property. The Parties shall cooperate to allow such monitoring activities to be conducted on the locations specified prior to commencement ("**DTSC Monitoring**").

9.4 Improvements and Replacement of Equipment.

9.4.1. After construction of the Joint Use Property, no additional improvements shall be installed until costs, plans and specifications for the improvements are reviewed and approved by both Parties.

9.4.2. The Parties shall mutually agree upon replacement of equipment or improvements to the Field and Basketball Courts. The Parties shall share the cost of the improvements or replacements equally unless the other Party caused damage to the equipment, in which case the Party causing the damage shall pay the total replacement cost.

10. Utilities.

10.1 Water. City intends to extend recycled water piping to the Joint Use Field. Should City extend recycled water to the Joint Use Field, the Parties shall split the costs of extending recycled water piping to the Joint Use Field equally along with the cost of using such recycled water to maintain the Joint Use Field equally. If City does not extend recycled water to the Joint Use Field, the Parties shall endeavor to split the water costs associated with maintaining the Joint Use Field equally. In all other events each Party shall pay for its own water usage related to the Joint Use Property.

10.2 Electricity, Sewer and Other Utilities. After operation of the Joint Use Property commences, the Operations Committee shall review costs of shared utilities and determine cost allocation. For purposes of this paragraph 10.2 commencement of operation shall mean when construction of both City Property and District Property is complete and the Joint Use Property is available for use.

11. General Terms and Conditions.

11.1 Indemnity. During the term of this Joint Use Agreement, the indemnification requirements in this paragraph 11.1 and the insurance requirements in paragraph 11.2 may be satisfied by a program of self-insurance or commercial insurance. City agrees to defend, indemnify and save District, its agents and employees harmless from any and all liability, claims, damages, or injuries to any person caused by the independent acts of City, its agents, licensees, invitees and employees in connection with the performance of this Joint Use Agreement and the use or maintenance of the Joint Use Property. District agrees to defend, indemnify and save City, its agents, licensees, invitees and employees harmless from any and all liability, claims, damages, or injuries to any person caused by the independent acts of District, its agents, licensees, invitees and employees in connection with the performance of this Joint Use Agreement and the use or maintenance of the Joint Use Property.

11.2 Insurance. Each Party shall maintain the following programs of insurance coverage:

11.2.1. General Liability insurance with limits of not less than the following, and naming the other Party as an additional insured:

General Aggregate:	\$2 million
Personal Injury:	\$1 million

Each Occurrence: \$1 million

11.2.2. Workers' Compensation and Employers Liability insurance providing workers' compensation benefits, as required by the State of California.

11.2.3. The insurance coverage requirements in this paragraph 11 shall be subject to review and adjustment to reflect coverage recommended by the Parties' insurance advisors over the term of this Joint Use Agreement. Any such adjustment shall be set forth in a written amendment to the Joint Use Agreement signed by both Parties.

11.3 Entry and Inspection. Each Party reserves, and shall always have the right, to enter upon the Joint Use Property at reasonable times for the purpose of viewing and ascertaining the condition of the property.

11.4 Waiver. The waiver by either Party of any breach or of any term, covenant, or condition herein contained shall not be deemed to be a waiver of any other breach, term, covenant, or condition of this Joint Use Agreement.

11.5 Notices. Any notice required or permitted under this Joint Use Agreement shall be in writing, delivered to the Party at the address set forth below, and shall be deemed effectively delivered upon (i) personal delivery or electronic delivery, (ii) one day after deposit for overnight delivery by Federal Express or a comparable national express courier, (iii) two days after deposit in the United States mail, by first-class mail, postage prepaid, or (iv) receipt via facsimile or electronic mail. A Party may designate another address for notice purposes upon written notice pursuant to the provisions of this paragraph. The Parties shall provide each other after-hours emergency contact phone numbers of appropriate supervisory staff, which shall be periodically updated.

DISTRICT

Milpitas Unified School District
Attn: Superintendent
1331 East Calaveras Blvd.
Milpitas, CA 95035
Phone: (408) 635-2600
Fax: (408) 635-2616
Email: cjordan@musd.org

With a copy to:

Fagen Friedman & Fulfroft, LLP
Attn: Kelley Owens, Esq.
1525 Faraday Avenue Suite 300
Carlsbad, CA 92008
Phone: (760) 304-6000
Fax: (760) 304-6011
Email: kowens@f3law.com

CITY

City of Milpitas
Attn: City Manager
455 East Calaveras Blvd., 3rd Floor
Milpitas, CA 95035
Phone: (408) 586-3050
Email: twilliams@ci.milpitas.ca.gov

With a copy to:
City of Milpitas
Attn: City Attorney
455 East Calaveras Blvd.
Milpitas, CA 95035
Phone: (408) 586-3040
Email: cdiaz@ci.milpitas.ca.gov

11.6 Defaults. Should either Party fail to perform any covenant, condition or agreement contained in this Joint Use Agreement, including but not limited to those listed below, and the default is not cured within thirty (30) days after written notice is served on the defaulting Party by the non-defaulting Party, then the defaulting Party shall be in default under this Joint Use Agreement; provided however, to the extent that more than thirty (30) days are reasonably required to cure any default, the defaulting Party shall not be in default so long as it commences such cure within the thirty (30)-day period and thereafter diligently pursues such cure to completion.

11.6.1. Failure to Pay. The failure of either Party to pay when due any expenses, monies or charges required by this Joint Use Agreement to be paid.

11.6.2. Failure to Act. The failure of either Party to do any act, other than the payment of expenses, monies or charges required by this Joint Use Agreement to be done.

11.6.3. Prohibited Act. Either Party causing, permitting or suffering to be done any act (i) required by this Joint Use Agreement to have prior written consent or mutual consent, unless such consent is so obtained, or (ii) prohibited by this Joint Use Agreement.

11.7 Remedies. In the event of a default under this Joint Use Agreement, the Parties shall follow the dispute resolution procedures below.

11.7.1. Informal Negotiation. The Parties shall negotiate in good faith and attempt to resolve any dispute, controversy or claim arising out of or relating to this Joint Use Agreement ("**Dispute**") within 30 days after the date that one Party gives written notice of such Dispute to the other Party.

11.7.2. Non-binding Mediation. If, after informal negotiation, the Dispute remains unresolved, either Party may require that a non-binding mediation take place. In such mediation, representatives of the Parties with the authority to resolve the Dispute shall meet with a mutually agreed upon mediator. If the Parties are unable to agree upon a mediator, then either

Party may request the American Arbitration Association to appoint a mediator. The mediator's fee and expenses shall be paid one-half by each Party.

11.7.3. Binding Arbitration. If, after non-binding mediation, the Dispute remains unresolved, the Parties agree to submit to binding arbitration pursuant to California Code of Civil Procedure section 1280 *et seq.* The non-prevailing Party shall pay the arbitrator's fee, but in all other respects each Party shall bear its own costs and attorneys' fees.

11.8 Governing Law. The Parties agree that the laws of the State of California shall be used in interpreting this Joint Use Agreement, shall govern all disputes under this Joint Use Agreement and will determine all rights thereunder.

11.9 Complete Agreement. This Joint Use Agreement contains the complete expression of the whole agreement between the Parties and there are no promises, representations, agreements, warranties, or inducements either expressed verbally or implied except as are fully set forth herein. This Joint Use Agreement cannot be amended, enlarged, modified, or changed in any respect except by written agreement between the Parties.

11.10 Nondiscrimination. District, City, and all others who from time to time may use the property and recreational facilities described in this Joint Use Agreement with the permission and on the terms and conditions specified by both Parties shall not discriminate in any manner against any person or persons on account of race, color, gender, creed, national origin, age or mental or physical disability.

11.11 Exhibits.

Exhibit A-1 Legal Description of District Property

Exhibit A-2 Legal Description of City Property

Exhibit B Depiction of Joint Use Property

[Signatures on following pages]

Signature Page
for

JOINT USE AGREEMENT

IN WITNESS WHEREOF, this Joint Use Agreement is executed by the City of Milpitas, acting by and through its City Council that has authorized the Mayor to execute, and by the Milpitas Unified School District, acting by and through its Board of Education that has authorized the superintendent or his designee to execute.

CITY OF MILPITAS
By: 
Name: JOSE S. ESTEVES
Title: MAYOR
Date: 6/28/2016

MILPITAS UNIFIED SCHOOL DISTRICT
By: 
Name: GUNAWAN ALI-SANTOSA
Title: PRESIDENT, BOARD OF TRUSTEES
Date: 07/06/2016

APPROVED AS TO FORM
By: 
Name: CHRISTINE PLER
Title: CITY ATTORNEY
Date: 6/28/2016

APPROVED AS TO FORM
By: 
Name: KATHLEEN J. MCKEE
Title: ATTORNEY FOR DISTRICT
Date: 6-30-16

EXHIBIT A-1
DISTRICT PROPERTY (ELEMENTARY SCHOOL)

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF MILPITAS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL 2 AND A PORTION OF PARCEL 3, AS SAID PARCELS ARE SHOWN ON THE PARCEL MAP OF "MC CANDLESS TECHNOLOGY", FILED FOR RECORD ON DECEMBER 5, 1984, IN BOOK 536 OF MAPS AT PAGES 41-43, SANTA CLARA COUNTY RECORDS, TOGETHER WITH A PORTION OF HOURET DRIVE AS SAID PORTION IS SHOWN AND DEDICATED ON SAID PARCEL MAP OF "MC CANDLESS TECHNOLOGY", BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE ALONG THE GENERAL EASTERLY LINES OF PARCEL 2 AND 3, THE FOLLOWING SEVEN (7) COURSES:

- 1.) NORTH 0°08'26" EAST, 546.62 FEET;
- 2.) NORTH 68°44'33" WEST, 26.61 FEET THE BEGINNING OF A TANGENT CURVE TO THE LEFT;
- 3.) ALONG SAID CURVE HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 35°05'48", AN ARC LENGTH OF 12.25 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 13°50'22" EAST;
- 4.) ALONG SAID CURVE HAVING A RADIUS OF 46.00 FEET, THROUGH A CENTRAL ANGLE OF 250°11'37", AN ARC LENGTH OF 200.87 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 56°21'15" WEST;
- 5.) ALONG SAID CURVE HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 35°05'48", AN ARC LENGTH OF 12.25 FEET;
- 6.) SOUTH 68°44'33" EAST, 0.35 FEET;
- 7.) NORTH 0°08'26" EAST, 53.88 FEET;

THENCE LEAVING THE EAST LINE OF SAID PARCEL 3, NORTH 89°51'34" WEST, 544.46 FEET TO THE WEST LINE OF SAID PARCEL 3 AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 81°35'01" WEST;

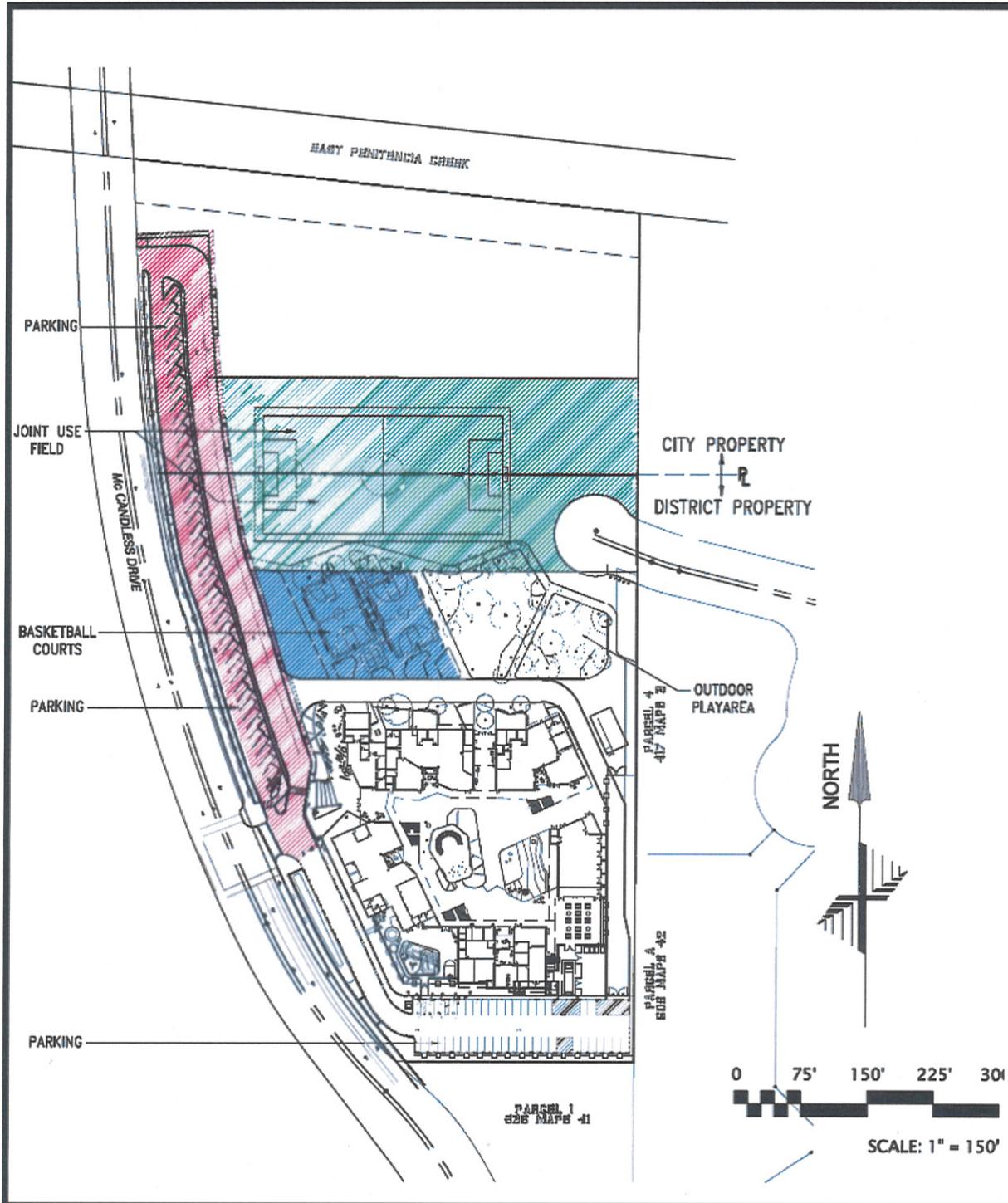
THENCE SOUTHEASTERLY ALONG THE WESTERLY LINES OF SAID PARCEL 3 AND 2, THE FOLLOWING THREE (3) COURSES:

- 1) ALONG SAID CURVE HAVING A RADIUS OF 1,762.00 FEET, THROUGH A CENTRAL ANGLE OF 17°12'47", AN ARC LENGTH OF 529.35 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 64°22'14" WEST;
- 2) ALONG SAID CURVE HAVING A RADIUS OF 682.00 FEET, THROUGH A CENTRAL ANGLE OF 11°38'05", AN ARC LENGTH OF 138.49 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT, TO WHICH BEGINNING A RADIAL LINE BEARS SOUTH 52°44'09" WEST;
- 3) ALONG SAID CURVE HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF 10°03'25", AN ARC LENGTH OF 70.21 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL 2, SOUTH 89°51'34" EAST, 269.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 291,853 SQUARE FEET OR 6.70 ACRES, MORE OR LESS.

**EXHIBIT B
DEPICTION OF JOINT USE AREAS**



DATE:	2016-05-05	MILPITAS USD BOUNDARY EXHIBIT 1600 1750 MCANDLESS DRIVE MILPITAS, CA	 HOBACH-LEWIN, INC. STRUCTURAL & CIVIL ENGINEERS 200 Sherman Avenue, Suite 100 Palo Alto, CA 94306 (650) 617-0950, Fax (650) 617-0932
SCALE:	AS SHOWN		
DRAWN:	VAB		
CHECKED:	SPP		
JOB NO:	10259.36		

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PREVIEW LIST
CITY COUNCIL AGENDA
AUGUST 4, 2020

CONSENT CALENDAR

- 1) Receive City Council calendar for August 2020 (City Clerk)
- 2) Approve City Council meeting minutes of June 16, 23 and 30, 2020 (City Clerk)
- 3) 2nd reading/Adopt Ordinance No. 306 for local implementation of CEDAW (City Attorney)
- 4) Adopt a Resolution Granting Acceptance of Street Resurfacing 2019, Projects No. 4291/4296 and Authorizing City Engineer to file Notice of Completion, & Authorizing him to Issue Final Acceptance After 1-Year (Steve Erickson)
- 5) Adopt a Resolution Accepting Lennar Park Development Project at 450 Montague Exp (Kan Xu)
- 6) Adopt a Resolution Accepting 260 S Main development (Kan Xu)
- 7) Adopt a Resolution Accepting Lyon Development project Lots 3 & 4; Annex parcels into CFD No. 200x-1 Kan Xu)
- 8) Approve Final Map 551 Lundy, SIA, Annex parcels into CFD No. 200x-1 and parcel grant (Kan Xu)
- 9) Approve Operations and Maintenance Agreement for 497 S Hillview Dr. development (Kan Xu)
- 10) Approve Agreement with Kaiser Perm. for Kaiser On-The-Job Medical for Fire Dept. (Rick Frawley)

PUBLIC HEARING

- 11) Annual weed abatement program: Adopt Resolution for assessments (Albert Zamora)

LEADERSHIP

- 12) Adopt a Resolution with ballot measure language for ¼ cent sales tax increase (City Attorney/City Manager's Office)
- 13) Approve Updated City of Milpitas Investment Policy (Walter Rossmann)

REPORTS From Mayor and Councilmembers on assigned Committees, Commissions & outside bodies

- 14) Review list of Future Agenda Items Requested by City Councilmembers (Mayor/City Clerk)

PREVIEW NEXT AGENDA

- 15) Preview list of items for August 18, 2020 (City Clerk)