

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL APPROVING THE SUBSTANTIAL AMENDMENTS TO THE FY 2019-20 ANNUAL ACTION PLAN AND FY 2015-20 CONSOLIDATED PLAN TO ASSIST UNHOUSED MEMBERS OF THE ENCAMPMENTS LOCATED ALONG WOLFE ROAD NEAR INTERSTATE 280 (WOLFE ROAD ENCAMPMENT) TO MITIGATE SAFETY HAZARDS INCLUDING COVID-19; AND TO PROVIDE FUNDING FOR THE SENIOR MEAL DELIVERY PROGRAM, WHICH ARE ELIGIBLE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ACTIVITIES IN RESPONSE TO COVID-19.**

WHEREAS, the Housing and Community Development Act of 1974 provides that funds be made available for the CDBG Program; and

WHEREAS, the City of Cupertino wishes to apply for funds as an Entitlement Jurisdiction under said Act; and

WHEREAS, the Coronavirus Aid, Relief and Economic Security Acts (CARES Act) (H.R. 748), which provided \$5 billion to the CDBG program to rapidly respond to the COVID-19 pandemic, was signed into law on March 27, 2020.

WHEREAS, with the passage of the CARES Act, the City has been allocated \$553,000 in CDBG Coronavirus (CDBG-CV) funds for COVID-19 response activities. To access these CDBG-CV funds, HUD is requiring the City to substantially amend its FY 2015-2020 Consolidated Plan and its FY 2019-2020 Annual Action Plan (Exhibit A).

WHEREAS, on June 2, 2020, the Cupertino City Council approved an allocation of \$229,017 of Cupertino's future CDBG-CV2 funds made available through the Federal stimulus CARES Act towards the creation of a Small Business Relief Grant Program.

WHEREAS, on June 15, 2021, the Cupertino City Council approved an allocation of \$229,017 of Cupertino's future CDBG-CV3 funds made available through the Federal stimulus CARES Act to provide funding to assist unhoused members of the Wolfe Road encampment to mitigate safety hazards including COVID-19; and to provide funding for the Senior Meal Delivery Program.

Resolution No. \_\_\_\_\_

Page

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the substantial amendments to the FY 2019-20 Annual Action Plan and FY 2015-20 Consolidated Plan to provide funding to assist unhoused members of the encampments located along Wolfe Road near Interstate 280 (Wolfe Road encampment) to mitigate safety hazards including COVID-19; and to provide funding for the Senior Meal Delivery Program, which are eligible Department Of Housing And Urban Development (HUD) activities in response to COVID-19

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 15<sup>th</sup> day of June, 2021, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Darcy Paul, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date



**Substantial Amendments to HUD  
FY 2019-2020 Annual Action Plan and FY 2015-2019 Consolidated Plan**

The substantial amendments to the City of Cupertino's HUD-approved FY 2019-20 Annual Action Plan and FY 2015-2020 Consolidated Plan addresses the community needs resulting from the COVID-19 pandemic. The City of Cupertino, as an entitlement jurisdiction, is required by the U.S. Department of Housing and Urban Development (HUD) to submit a five-year Consolidated Plan and Annual Action Plans in order to receive annual federal Community Development Block Grant (CDBG) funds that the City utilizes to address community development needs.

**Background**

The Coronavirus Aid, Relief and Economic Security Acts (CARES Act) (H.R. 748), which provided \$5 billion to the CDBG program to rapidly respond to the COVID-19 pandemic, was signed into law on March 27, 2020. With the passage of the CARES Act, the City of Cupertino had been initially allocated \$229,017 in CDBG Coronavirus (CDBG-CV) funds for COVID-19 response activities. On June 2<sup>nd</sup>, 2020, the City Council approved of a subsequent Substantial Amendment to the FY 2015-2020 Consolidated Plan, 2019-20 Annual Action Plan, and Citizen Participation Plan. Subsequently, the City of Cupertino was allocated an additional \$324,922 in CDBG-CV funds for COVID-19 response activities. To access these CDBG-CV funds, HUD is requiring the City to substantially amend its FY 2019-2020 Annual Action Plan and its FY 2015-2020 Consolidated Plan. The Substantial Amendments to these documents are explained in detail on subsequent pages of this document.

The CARES Act, in order to prevent the spread of COVID-19 and mitigate its health and economic impacts, also provided specific waivers and permitted flexibility in CDBG program requirements that include suspending the 15 percent cap on funding public services, reducing the public comment period from 30 to 5 days, and allowing the option of virtual meetings in lieu of in-person public hearings in order to comply with national and local social gathering requirements.

**Public Process**

The City is providing notice of a five-day public comment period as part of the HUD public participation exemption process. The 5-day comment period for the Substantial Amendments is June 10-15, 2021. The Substantial Amendments are posted on the City's CDBG website (<https://www.cupertino.org/our-city/departments/community-development/housing/community-development-block-grant-program>) to solicit Cupertino residents' input and comments. Additionally, one "virtual" public hearing will be held to provide opportunities for public comment:

- June 15<sup>th</sup>, 2020 – City Council consideration of Substantial Amendments adoption, 6:45pm, Virtual Meeting, which can be found here:  
<https://cupertino.legistar.com/DepartmentDetail.aspx?ID=22534&GUID=759DE527-B7CF-4B4C-88AB-B83875AB732D&Mode=MainBody>

- Related documents can also be viewed on the City's CDBG website:  
<https://www.cupertino.org/our-city/departments/community-development/housing/community-development-block-grant-program>

Comments may also be provided to Gabriel Borden, Senior Housing Planner, by email ([gabrielb@cupertino.org](mailto:gabrielb@cupertino.org)), phone (408-777-1360) or in writing addressed to:

City of Cupertino  
ATTN: CDBG  
Community Development Department  
10300 Torre Ave  
Cupertino, CA 95014

## Substantial Amendments to FY 2019-2020 Annual Action Plan

The FY 2019-2020 Annual Action Plan is substantially amended to allocate additional CDBG-CV funds to the following eligible activities that prevent and respond to the spread of COVID-19.

### AP-15 Expected Resources

An additional \$324,922 in CDBG-CV funds is identified as additional financial resources.

### AP-20 Goals

Funding amounts have been adjusted to include the additional \$324,922 in CDBG-CV funds.

**Table 7 - Goals Summary**

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2015	2019	Affordable Housing	Citywide	Affordable Housing	CDBG: \$245,185.20	Rental units Rehabilitated: 5 Homeowner Housing Rehabilitated: 7
2	Homelessness	2015	2019	Homeless	Citywide	Homelessness	CDBG: \$35,646.16 CDBG-CV: \$234,672.03	Public service activities other than Low/Moderate Income Housing Benefit 110 Persons Assisted
3	Strengthen Neighborhoods	2015	2019	Non-Housing Special Needs Non-Housing Community Development	Citywide	Community Services and Public Improvements	CDBG: \$20,935.04 CDBG-CV: \$25,265.57	Public service activities other than Low/Moderate Income Housing Benefit: 63 Persons Assisted
4	Fair Housing	2015	2019	Non-Housing Community Development	Citywide	Fair Housing	CDBG: \$0	Public service activities other than Low/Moderate Income Housing Benefit: 15 Persons Assisted
5	Community Development Needs – COVID-19 Response	2019	2019	Economic Development	N/A	Economic Development	CDBG-CV \$183,213.60	Up to 10 small business grants will be provided to a maximum of 10 qualified businesses.

### AP-35 Projects

The following COVID-19 related activities are proposed to be funded with the City's CDBG-CV funds. The proposed activities meet one of the three National Objectives as required by CDBG regulations:

- Benefit low- and moderate-income persons;
- Aid in the prevention or elimination of slums or blight; or
- Meet an urgent need.

The new proposed programs are the:

- The Cupertino Homelessness Task Force identified the encampments located along Wolfe Road near Interstate 280 (Wolfe Road encampment) as a serious concern due to the COVID-19 pandemic, inclement weather, and proximity to high-speed traffic entering the freeway. Since July 2020, regular and continuous outreach efforts lead by the Santa Clara County Office of Supportive Housing (OSH) and Abode Services have identified and assessed fifteen unhoused individuals residing at the Wolfe Road encampment.
  - **Wolfe Rd. Encampment – Emergency Services:** Through a cooperative effort between the City, OSH, and Abode Services, it has been determined that six or more months of temporary lodging, supportive services, and storage could provide a pathway to housing for the remaining ten encampment members.
  - **Wolfe Rd. Encampment – Sanitation Services:** The City provided sanitation services to the residents of the encampment, including toilets and hand-washing stations.
- **The Senior Meal Delivery Program:** Provides meals for up to 42 seniors (aged 52 and older) in need while supporting local business. The meals are scheduled twice week and provide relief for seniors who are confined to their homes due to health or mobility reasons and to follow the stay-at-home orders issued in response to the COVID-19 pandemic.

Activity	CDBG-CV Amount	National Objective	CDBG Matrix Code
Wolfe Rd. Encampment – Emergency Services	\$229,210.73	Low Mod Limited Clientele (LMC)	05O, 05S, 05X,
Wolfe Rd. Encampment – Sanitation Services	\$5,461.30	Low Mod Limited Clientele (LMC)	05M
Meals on Wheels	\$ 25,265.57	Low Mod Limited Clientele (LMC)	05A
Administration	\$64,984.40		
<b>Total</b>	<b>\$324,922.00</b>		

\*Must meet requirements of 24 CFR 570.208(a)(4)

\*\*Matrix codes are used to indicate but do not establish activity eligibility in accordance with the CDBG program regulations 24 CFR 570.201-207.

## Substantial Amendments to FY 2015-2020 Consolidated Plan

The FY 2015-2020 Consolidated Plan is substantially amended to allocate CDBG-CV funds.

### SP-35 Anticipated Resources

An additional \$324,922 in CDBG-CV funds is identified as additional financial resources in Table 76 – Anticipated Resources.

### SP-45 Goals Summary

Funding amounts have been adjusted to include the additional \$324,922 in CDBG-CV funds.

Goal #5: Economic Development

**Table 79 – Goals Summary**

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2015	2020	• Affordable Housing	N/A	Affordable Housing	CDBG: \$969,595	Rental units rehabilitated: 12 Housing Units
2	Homelessness	2015	2020	• Homeless	N/A	Homelessness	CDBG: \$80,000  CDBG-CV: \$234,672.03	Public service activities other than for low/mod income housing benefit: 350 Persons Assisted
3	Strengthen Neighborhoods	2015	2020	• Non-housing Community Development Non-Homeless Special Needs	N/A	Community Services and Public Improvements	CDBG: \$269,332  CDBG-CV: \$25,265.57	Public service activities other than for low/mod income housing benefit: 86 Persons Assisted   Public facility or infrastructure activities other than for low/mod income housing benefit:

								17 Persons Assisted
4	Fair Housing	2015	2020	<ul style="list-style-type: none"> <li>Non-Housing Community Development</li> </ul>	N/A	Fair Housing	CDBG: \$26,933	Public service activities other than for low/mod income housing benefit: 45 persons assisted
5	Community Development Needs – COVID-19 Response	2019	2020	<ul style="list-style-type: none"> <li>Economic Development</li> </ul>	N/A	Economic Development	CDBG-CV \$183,213.60	Up to 10 small business grants will be provided to a maximum of 10 qualified businesses.