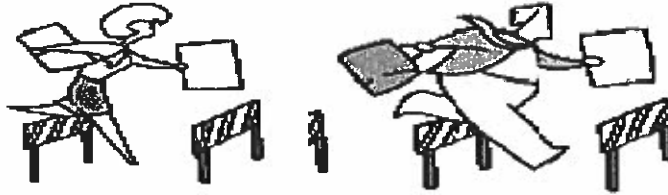




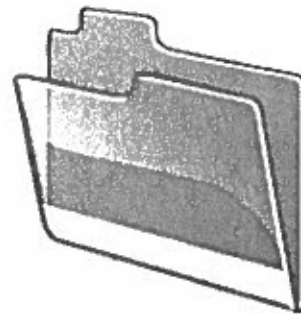
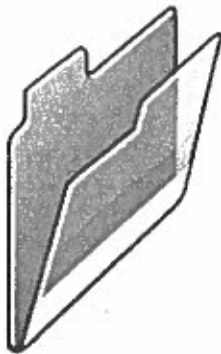
CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
GENERAL INFORMATION: 408-586-3000, www.ci.milpitas.ca.gov

10/22/2020
Agenda Item



ATTACHMENT RELATED TO AGENDA ITEM RECEIVED AFTER AGENDA PACKET DISTRIBUTION



Mary Lavelle

City Clerk's Office

From: Suraj Viswanathan <surajkviswanathan@gmail.com>
Sent: Wednesday, October 21, 2020 8:03 PM
To: Rich Tran
Cc: Pam Caronongan; Mary Lavelle; Steven McHarris; Christopher Diaz
Subject: HomeKey Developments & Options

OCT 22 2020

RECEIVED

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Dear Mayor Tran:

Hope all is well with you!

I would urge to have a public meeting instead of a closed-door based on the current opposition against the project. If the County has not responded to the City's letter by now, it is apparent that the County is playing hardball. For this reason, I urge the City to move forward by employing multiple other steps to stop this project.

One step is filing a lawsuit against the County and State. The goal of litigation should be to delay the project beyond December 31, 2020, when the Home key funds vanish. As such, the litigation costs should be limited, maybe around \$100,000, if at all.

Another important step that the City can take immediately without incurring any cost is, for example, passing an "urgency" or "emergency" ordinance for the "immediate preservation and protection of the public peace, health, and safety pursuant to Government Code section 25123 and 65858, respectively".

This ordinance would temporarily ban hotel owners from using or converting the hotel to homeless housing without prior city approval. This approach was taken by the city of Norwalk to prevent a similar project. Although the County may argue that this ordinance does not apply under AB83, AB83 only reads in pertinent parts:

"be deemed consistent and in conformity with any applicable local plan, standard, or requirement, and allowed as a permitted use, within the zone in which the structure is located, and shall not be subject to a conditional use permit, discretionary permit, or to any other discretionary reviews or approvals"

One could successfully argue that such urgency ordinance would be outside the exemption of AB83, particularly, since AB83 requires "to provide housing for ... who are impacted by the COVID-19 pandemic," i.e., persons who present a significant health risk to the community. At a minimum, the County needs to comply with this ordinance or challenge it through administrative or legal means, thereby delaying the process.

The other option is to ban all vehicles over 10,000 GWR on Hill View, this will stop all construction trucks going to the hotel site. AB83 only applies to the housing unit and does not have any impact on roads leading to the facility. At a minimum, the County needs to comply with this ordinance or challenge it through administrative or legal means, thereby delaying the process.

Because of overwhelming opposition by Milpitas' residents, I again urge the City to take swift and determinative actions to stop this project.

Please let me know if you have any questions, as I would be happy to discuss further.

Best regards,
Suraj Viswanathan

CC: City Clerk, Deputy City Clerk, City Attorney, City Manager