DATE: May 17, 2018, Regular Meeting  
TIME: 10:00 AM  
PLACE: Board of Supervisors’ Chambers  

**AGENDA REVISED 5/11/18 3:17 PM**

-- The recommended actions appearing on the agenda are those recommended by staff. The Committee may take other actions relating to the issues as may be determined following consideration of the matter and discussion of the recommended actions.

-- Items that will require action by the Board of Supervisors may be forwarded to a future Board of Supervisors meeting for consideration.

-- Language interpretation services are available. Please contact the Office of the Clerk of the Board at 408-299-5001 no less than three business days prior to the meeting to request an interpreter.

-- Persons wishing to address the Committee on any item on the agenda are requested to complete a request to speak form and give it to the Deputy Clerk so the Chairperson may call speakers to the podium when the item is considered.

-- In compliance with the Americans with Disabilities Act and the Brown Act, those requiring accommodations in this meeting should notify the Clerk of the Board's Office 24 hours prior to the meeting at (408) 299-5001, or TDD (408) 993-8272.

-- To obtain a copy of any supporting document that is available, contact the Office of the Clerk of the Board at (408) 299-5001.

-- Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to all or a majority of the Board of Supervisors (or any other commission, or board or committee) less than 72 hours prior to that meeting are available for public inspection at the Office of the Clerk of the Board, 70 West Hedding Street, 10th Floor, during normal business hours.

-- Persons wishing to use the County’s systems to present audio/video materials when addressing the Committee must provide the materials to the Office of the Clerk of the Board at least two business days in advance of the meeting. Speakers with audio/video materials must adhere to the same time limits as other speakers and will not be granted additional time to address the Committee. The County does not guarantee the ability to present audio/video material, and the Chairperson may limit or prohibit the use of the County’s systems for the presentation of such material.

COMMUTE ALTERNATIVES: The Board of Supervisors encourages the use of commute alternatives including bicycles, carpooling, and hybrid vehicles. Public transit access is available to and from the County Government Center, 70 West Hedding St., San Jose, California by VTA bus lines 61, 62, 66, 181 and Light Rail. For trip planning information, visit www.vta.org or contact the VTA Customer Service Department at 408-321-2300.

1. **Call to Order.**

2. **Public Comment.**

   This item is reserved for persons desiring to address the Committee on any matter not on the agenda. Speakers are limited to the following: three minutes if the Chairperson or designee determines that five or fewer persons wish to address the Committee; two minutes if the Chairperson or designee determines that between six and fourteen persons wish to address the Committee; and one minute if the Chairperson or designee determines that fifteen or more persons wish to address the Committee.
The law does not permit Committee action or extended discussion on any items not on the agenda except under special circumstances. Statements that require a response may be placed on the agenda for the next regular meeting of the Committee.

3. Approve Consent Calendar and changes to the Committee's Agenda.

The Consent Calendar consists of matters that are routine in nature, requiring only acceptance of written reports by the Committee. Items of specific interest to the Committee members may be removed from the Consent Calendar for questions or discussion. If you wish to discuss any of the Consent Calendar items, please request that the item be removed from the Consent Calendar by completing a Request to Speak form and placing it in the container at the front of the room.

### Regular Agenda - Items for Discussion

4. Receive report from the Department of Planning and Development relating to the status of the County's updated Accessory Dwelling Unit Ordinance, adopted May 2017. (ID# 91405)

5. Receive report from the Department of Planning and Development relating to proposed regulations to address property blight in unincorporated County lands. (ID# 90476)

6. Receive report from the Department of Planning and Development and provide direction relating to the Illegal Dumping Hotline and potential uses of Community Restitution Account funds. (ID# 91311)

7. Receive report from the Roads and Airports Department relating to the 2018 Business Plan Update for County Airports and forward a favorable recommendation to the Board of Supervisors to accept and approve the Business Plan Update. (ID# 91403)

   **Request from Administration to hold item to June 21, 2018.**

8. Receive report and provide direction to Office of the County Counsel relating to draft ordinance adding Division C22 to the County of Santa Clara Ordinance Code regarding the design, development, and operation of homeless shelters. (ID# 91452)

9. Consider recommendations relating to Agricultural worker housing development in unincorporated Santa Clara County. (ID# 91353)

   Possible action:
   
   a. Receive report from the Department of Planning and Development relating to Agricultural Worker Housing and recommended Ordinance modifications for permit streamlining.
   
   b. Provide policy direction to the Department of Planning and Development relating to proposed Ordinance modifications for permit streamlining of Agricultural Worker Housing.

### Consent Calendar

10. Approve minutes of the April 19, 2018 Regular Meeting.
11. Approve revised HLUET meeting schedule to incorporate all meetings of the Agricultural Preservation Task Force. (ID# 91560)

12. Receive report from the Office of the Clerk of the Board relating to Fiscal Year 2018-2019 annual work plans for the following Commissions supported by the Office of the Clerk of the Board, and forward to the Board of Supervisors for approval. (ID# 91366)
   a. Airport Land Use Commission
   b. Airports Commission
   c. Animal Advisory Commission
   d. Fish and Game Commission
   e. Historical Heritage Commission
   f. Parks and Recreation Commission
   g. Planning Commission
   h. Roads Commission

13. Consider recommendations relating to Supportive Housing System of Care reports. (ID# 91283)
    Possible action:
    a. Receive monthly report relating to Supportive Housing System Dashboard.
    b. Receive semi-annual report relating to Veterans Housing Programs.
    c. Receive annual report relating to the State of the Supportive Housing System.

14. Receive report from the Consumer and Environmental Protection Agency relating to the construction and funding of a new County Animal Shelter. (ID# 90840)

15. Receive report from Roads and Airports Department relating to Agreements executed by the Director, Roads and Airports Department, pursuant to the authority delegated by the Board of Supervisors on December 13, 2016. (ID# 91197)

16. Receive Quarterly Noise Report from Roads and Airports Department, Airports Division. (ID# 91266)

17. Receive annual report from Consumer and Environmental Protection Agency relating to the FY18 accomplishments from the University of California Cooperative Extension Program in the County of Santa Clara. (ID# 90886)

18. Receive report from Department of Planning and Development relating to status of the County Surface Mining and Reclamation Act Program. (ID# 90716)

19. Receive report from the Roads and Airports Department relating to allocation of Fiscal Year 2018-2019 Transportation Development Act funding for the San Tomas Widening and Trail Project and forward to the Board of Supervisors for approval. (ID# 91309)
20. Consider various budget inventory items and forward to the Board of Supervisors for consideration.

**Adjourn**

21. Adjourn to the next regular meeting on Thursday, June 21, 2018 at 10:00 a.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose.
DATE:       May 17, 2018
TO:         Housing, Land Use, Environment, and Transportation Committee (HLUET)
FROM:       Kirk Girard, Director, Dept. of Planning and Development
SUBJECT:    Accessory Dwelling Units Status Report

RECOMMENDED ACTION
Receive report from the Department of Planning and Development relating to the status of
the County’s updated Accessory Dwelling Unit Ordinance, adopted May 2017.

FISCAL IMPLICATIONS
The recommended action will have no impacts on the General Fund.

CONTRACT HISTORY
Not applicable.

REASONS FOR RECOMMENDATION
In May 2017, the Board of Supervisors adopted amendments to Appendix I, Zoning, of the
County of Santa Clara Ordinance Code relating to Accessory Dwelling Units (ADUs). The
primary purpose of the code amendment was to achieve consistency with updated State
Law, pursuant to Government Code Section 65852.2, which went into effect January 1,
2017. The one-year report summary below fulfills the Board’s reporting requirements
related to monitoring building activity since the amended ADU codes, and
recommendations for any additional adjustments:

**Building Permit Activity**
- Between May 23, 2017 and May 1, 2018, a total of forty-nine (49) building permits
  were applied for to construct new ADUs within the jurisdiction of Santa Clara
  County. This was an increase from a total of eight (8) ADU building permits
  applications in the previous year (May 2016 – May 2017).
- All ADU building permits submitted complied with adopted Ordinance Codes and
  were processed ministerially.
Additional Recommended ADU Code Amendments

County staff has identified issues related to ADUs and applicable regulations, as discussed further below. The Department has proposed modifications to the Zoning Ordinance to address these issues. These code amendments will be recommended to the Board of Supervisors at an upcoming meeting as part of a Miscellaneous Code Amendment. The proposed amendments were also reviewed and received favorable recommendations by the San Martin Planning Advisory Committee and Planning Commission at their April 24, 2018 and April 26, 2018 meetings, respectively.

• **Lot Size Clarification:** Determining the maximum allowable ADU square footage on a property zoned for residential uses depends on how a lot is measured in size/area. The Zoning Ordinance defines the area of a lot in two ways: 1) Lot Area, Gross, and 2) Lot Area, Net. ‘Gross’ lot area is the total lot area, without any reductions, such as easements or roadways. ‘Net’ lot area is the total lot area, less the square footage dedicated to public/private rights-of-way. The current ADU Zoning Ordinance does not provide direction on how to calculate lot area, therefore creating confusion to the public and Planners when it relates to the maximum allowable ADU structure size. Staff recommends adding code language to clarify that ‘net’ lot area shall be used to determine ADU square footage for lots less than 1 acre in size in urban and rural districts, and ‘gross’ for lots greater than 1 acre. This is a standard practice of the County. (Zoning Ordinance Sections 4.10.340(C)(1)(a) & (b))

• **ADU Attached Garage – Rural Districts:** In the Rural Districts of the County (A, AR, HS, RR and RS zoning districts), the Zoning Ordinance currently only allows an attached accessory structure (including garage/carport) to an ADU on a property that is 2.5 acres or greater, provided the accessory structure is not internally accessible. This regulation is intended for accessory structures that would not be compatible for internal access to a residential use, such as an ADU attached to a barn. For lots smaller than 2.5 acres in rural districts, a 250-square foot attached garage that is internally accessible to an ADU is permitted “by-right.” For consistency and equity purposes, Staff recommends adding code language to allow a maximum 250-square foot garage or carport to be attached to an ADU on lots greater than 2.5 acres. (Zoning Ordinance Sections 4.10.340(D)(3) & (D)(6))

• **Conversions of Accessory Structures into ADUs:** The County’s Zoning Ordinance has less restrictive side and rear yard setbacks for accessory structures/buildings versus residential dwellings. The intention of State Law is to accommodate and allow structures that existed before State Law passed to be able to be converted into a lawful ADU, despite not meeting typical setbacks for ‘residential’ dwellings. The intention of State Law is not to allow new accessory structures to be built with reduced setbacks, to then be converted shortly thereafter into ADUs. Staff recommends amending the Zoning Ordinance to clarify that conversions of ‘existing’ accessory structures into ADUs means existing accessory structures that were legally constructed prior to January 1, 2017. This will not prohibit the
construction/conversion of a new ADU that otherwise meets setbacks standards for residential dwellings. (Zoning Ordinance Sections 4.10.340(E))

CHILD IMPACT
The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT
The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.

BACKGROUND

Ordinance Adoption
On May 23, 2017, the Board of Supervisors adopted Ordinance No. NS-1200.360, amending Appendix I, Zoning, of the County of Santa Clara Ordinance Code relating to Accessory Dwelling Units. At the request of Supervisor Wasserman, the Board directed Administration to report to the HLUET Committee in one year, following adoption, to provide an update on the results of the changes to the Ordinance Code relating to Accessory Dwelling Units and any recommendations for adjustments.

CONSEQUENCES OF NEGATIVE ACTION
Not applicable.

STEPS FOLLOWING APPROVAL
Not applicable.

LINKS:
- References: 86397 : 86397
DATE: May 17, 2018
TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)
FROM: Kirk Girard, Director, Dept. of Planning and Development
       James R. Williams, County Counsel
SUBJECT: Urban Blight Recommendations Report

RECOMMENDED ACTION
Receive report from the Department of Planning and Development relating to proposed
regulations to address property blight in unincorporated County lands.

FISCAL IMPLICATIONS
There is no impact to the County General Fund from the Committee receiving this report.
Implementation of an ordinance to address urban property blight may require additional
resources if it significantly increases enforcement and/or abatement activities.

CONTRACT HISTORY
Not applicable.

REASONS FOR RECOMMENDATION
A November 4, 2017 Board of Supervisors referral directed Administration and County
Counsel to review the Ordinance Code and develop regulations to address property blight on
urban unincorporated lands. In response, the Department and County Counsel have reviewed
the County of Santa Clara Ordinance Code (“Ordinance Code”), the County of Santa Clara
Zoning Ordinance (“Zoning Ordinance”), similar Northern California jurisdictions’ codes,
and have prepared this report proposing an approach to address urban property blight.

Based on staff review and analysis, we propose to:

- Create a unified Blight Ordinance to address urban property blight;
- Model the County’s Blight Ordinance after the City of San José’s Community
  Preservation Ordinance; and
- Limit the scope of application of the Blight Ordinance to urban unincorporated areas
designated residential and commercial.
Unified Blight Ordinance. The Ordinance Code and Zoning Ordinance currently have provisions and tools to address property blight; however, these provisions are found in separate sections of the Code, and there is no overarching section that generally defines property blight. A unified Ordinance Code section addressing property blight would specify its purpose, definition, scope of applicability, and covered conditions. Consolidating property blight-related ordinances – either explicitly or by reference – in one location of the Ordinance Code will facilitate enforcement, particularly for handling properties with multiple violations. Further, an Ordinance Code section defining urban blight will provide for clarity and ease of reference for reporting parties and responsible parties alike.

City of San José’s Model Ordinance. The Department and County Counsel determined that the Ordinance Code currently addresses most elements of property blight, but does not specifically address visual property blight, such as unsecured buildings, abandoned construction, attractive nuisances, states of disrepair, and neglected landscaping, except insofar as those conditions are public nuisances as defined by Civil Code section 3480 and Ordinance Code section A1-34. We reviewed similar jurisdictions’ ordinances and municipal codes and determined that the City of San José’s Community Preservation Ordinance specifically addresses visual blight in neighborhoods similar to County unincorporated areas adjacent to those in the City of San José.

San José’s Community Preservation Ordinance focuses on preventing blight conditions that undermine urban (and suburban) neighborhood safety, health and welfare, by requiring a minimum level of maintenance of private property to protect neighborhood livability, appearance, and social and economic stability.

The conditions in the City of San José Municipal Code that constitute property blight include:

- Unsecured buildings and abandoned constructions;
- State of disrepair – defined as exterior deterioration not providing adequate weather protection, creating hazardous conditions, or attracting trespassers or criminal activity, and visible from the street or neighboring properties. Examples include broken windows, doors, or fences; and deteriorating walls or roof coverings.
- Exterior property conditions – defined as property containing overgrown and decayed trees, or weeds or vegetation creating potential for harboring infestations; dangerous to public health or safety; or substantially detracting from the aesthetic and property values of neighboring properties.

(Please refer to Attachment A [Gap Analysis] for detailed descriptions of property blight conditions and activities included in San José’s Community Preservation Ordinance.)

Since the unincorporated islands that are most urban in character are either adjacent to or surrounded by the City of San José, basing the County’s Blight Ordinance on San José’s would provide for consistent expectations and enforcement across neighboring communities.

Urban Scope. The Board’s referral also requested that Administration and County Counsel evaluate applying the Blight Ordinance to “urban edge” areas, which, in the context of this
proposal, are those rural areas immediately adjacent to the County’s unincorporated urban areas. Urban communities typically have different land use, density of development, and visual distance requirements between parcels or properties that may lead to differing standards of visual blight.

The Board’s adoption of the Santa Clara Valley Agricultural Plan (Valley Agricultural Plan) in January 2018 prioritized preserving, supporting, and growing the County’s agricultural resources. Staff analyzed maps of County urban islands and urban pockets adjacent to rural areas (i.e., the urban-rural edge), and found that extending the scope of the proposed Blight Ordinance to unincorporated areas beyond urban zoned lands may have the unintended negative consequence of affecting agriculture, in contrast with the County’s objectives to support and sustain agriculture as described in the recently adopted Valley Agricultural Plan. For example, many examples of visual blight within an urban area, such as unkept barns and greenhouses, and the storage of vehicles and materials outdoors, can be normal characteristics of an ongoing agricultural operation. One of the main challenges facing farmers, as identified in the Valley Agricultural Plan, was negative interface with non-agricultural land uses and handling complaints of residents who live in agricultural areas. The adoption of a blight ordinance that exposes urban edge agricultural areas to additional regulations on their operations could exacerbate this issue. The County, however, may still address public nuisances on rurally or agriculturally zoned properties under the County’s Ordinance and Zoning codes.

(Please refer to Attachment B for a map of urban and rural zoning districts in Santa Clara County.)

The County may designate or limit the applicability of certain regulations to certain zoning districts. Currently, the County’s Ordinance Code limits the applicability of fences and motor vehicle repair and storage to residential areas. In keeping with the direction to comprehensively address property blight in urban unincorporated pockets, while avoiding disincentives to local agriculture, staff recommends limiting the scope of application of the proposed Blight Ordinance to unincorporated areas of the County zoned urban residential and commercial.

**CHILD IMPACT**

Improvements to neighborhoods that result from a policy to address urban property blight increase the safety and livability of the community, without exclusive benefit to children and youth.

**SENIOR IMPACT**

Improvements to neighborhoods that result from a policy to address urban property blight increase the safety and livability of the community, without exclusive benefit to members of the senior population.

**SUSTAINABILITY IMPLICATIONS**

The recommended action may have sustainability implications by preventing the physical and aesthetic deterioration of County communities. Enhanced enforcement and abatement of
activities and conditions detrimental to the living and built environments are expected to achieve positive community, property value, and environmental impacts.

**BACKGROUND**

At its November 14, 2017 meeting, the Board considered Supervisor Yeager’s referral directing Administration and County Counsel to propose a plan to review the Ordinance Code and develop regulations to address property blight on urban unincorporated lands. At the request of Supervisor Cortese, the Board additionally directed Administration to potentially address property blight in areas within County jurisdiction that are part of cities’ Urban Service Areas. At President Simitian’s request, the Board directed staff to consider unintended and collateral impacts of proposed recommendations relating to property blight, and to conduct public outreach in affected areas, including residents of the San Antonio Hills Homeowners’ Association.

Staff researched relevant ordinance and municipal codes in several Northern California jurisdictions known to have comprehensive approaches to address property blight – the Counties of Sacramento and Del Norte and the Cities of San José and Oakland. Sacramento County’s comprehensive ordinance code broadly references other relevant code sections (e.g., fire, building, zoning), rather than consolidating its provisions in one chapter. Del Norte County’s ordinance code is based on Sacramento County’s and includes additional provisions for addressing special conditions found in its unincorporated communities (including the unincorporated county outside of Crescent City). Staff examined the City of San José’s municipal code for addressing blight – singled out in the Board referral due to its section devoted to property blight definitions – because of its proximity to many large County urban islands and its comprehensive approach of consolidating tools for addressing urban property blight. The City of Oakland’s municipal code section on blight is based on San José’s and includes additional provisions for addressing odor blight.

After examining blight-related ordinance codes in these jurisdictions, staff conducted a gap analysis to identify the extent to which the County Ordinance Code (Ordinance Code) covered provisions related to property blight. Overall, staff concluded that while the Ordinance Code has provisions to address blight conditions such as inadequate solid waste management; hazardous conditions from grading/encroachments; outdoor storage of materials, equipment, and motor vehicles; graffiti, abandoned vehicles, and general public nuisance; these provisions (a) are contained in different code sections; (b) do not cover unsecured buildings, abandoned construction, states of disrepair, and landscaping requirements in residential development to counter visual blight; (c) relate to density and elements found in areas that are more rural in character; and (d) do not explicitly define property blight.

(Please refer to Attachment C for a summary of other jurisdictions’ blight ordinances, Attachment A for the gap analysis with reference to San José’s ordinance, and Attachment D for a side-by-side comparison of San José’s Community Preservation Ordinance and the County’s blight-related ordinance sections.)

The Board referral directed staff to consider the substantial differences between urban and rural communities when developing its proposal. That the Ordinance Code is designed
largely around the primarily rural unincorporated parts of the County suggests that property blight may be defined very differently in urban and rural areas. For instance, the current provisions for the storage of outdoor materials like machine parts, scrap metals and junk (Zoning Ordinance § 4.20.080), specify cumulative square footage and height limitations whose impacts could be felt very differently depending on the neighborhood density and use; however, these provisions apply to all zoning districts.

In assessing the feasibility of extending the proposed property regulations into areas within County jurisdiction that are part of cities’ Urban Service Areas as requested by Supervisor Cortese, staff compared County urban and rural districts with map overlays of cities’ Urban Service Areas and spheres of influence. One option is to extend the proposed property blight regulations to a geographical buffer around urban unincorporated districts, to address blight conditions on the urban-rural edge. Another option is to extend blight regulations to rural residential districts. With both options, staff determined that extending property blight regulations into rural unincorporated areas at the urban-rural edge would burden agricultural-related activities and properties. Staff also determined that enforcement of geographical buffers around urban unincorporated districts would be problematic, and the boundaries created would likely become obsolete over time as urban-rural edge areas undergo further development.

Accordingly, staff proposes limiting the County Blight Ordinance to unincorporated areas of the County zoned urban residential and commercial. The Board’s adoption of the Valley Agricultural Plan prioritized preserving, supporting, and growing the County’s agricultural resources. An intentional message for the County’s agricultural communities, as envisioned by the Valley Agricultural Plan, is to deregulate County land use control on agricultural properties and address the challenges to agriculture due to the urban-rural interface.

Staff ultimately concluded that the City of San José’s municipal code addressing property blight should serve as a model for the County to address urban property blight. In response to the portion of the Board’s referral by Supervisor Simitian, staff examined the municipal codes for Los Altos, Los Altos Hills, and Los Gatos to determine whether any elements of the City of San José’s municipal code would be potentially obtrusive in generally more affluent, less urban, unincorporated neighborhoods. Staff determined that none of the elements in the City of San José’s property blight code appeared to conflict with other municipalities’ codes. Additionally, the other municipal codes cover a comparatively greater number of conditions that are applicable to their environmental and civic contexts. (Please refer to Attachment D for representative blight-related code sections from these other municipalities.) After Committee input, the Department will conduct outreach in the County’s unincorporated neighborhoods to build community awareness and solicit feedback on the Blight Ordinance proposal.

**CONSEQUENCES OF NEGATIVE ACTION**

The Department will not receive direction and feedback from HLUET Committee members.

**STEPS FOLLOWING APPROVAL**
Should HLUET accept the staff recommendation to pursue a proposed unified Blight Ordinance to address urban property blight, the Department and County Counsel will incorporate Committee and public feedback, reach out to affected communities, and prepare a comprehensive proposal for consideration by the Board of Supervisors for approval.

LINKS:
- Referenced By: 91311: Receive report from the Department of Planning and Development and provide direction relating to the Illegal Dumping Hotline and potential uses of Community Restitution Account funds.
- Linked To: 89077: 89077

ATTACHMENTS:
- Attachment A - Gap Analysis (with reference to San Jose Blight Ordinance) (PDF)
- Attachment B - County-Rural & Urban Base Districts (PDF)
- Attachment C - Blight Ordinance Review-Case Studies and Gap Analysis (PDF)
- Attachment D - San Jose and County Ordinances Side-by-Side Comparison (PDF)
- Sacramento County Chapter 16.18-Nuisance Code (PDF)
- Del Norte County Chapter 08-Nuisances (PDF)
- San Jose Muni Code Chapter 17.72-Community Preservation (PDF)
- Oakland Muni Code Chapter 8.24-Property Blight (PDF)
### Existing County of Santa Clara ordinance provisions relating to elements of blight - Gap Analysis with reference to San Jose Ordinance description of property blight

<table>
<thead>
<tr>
<th>CITY OF SAN JOSE – CHAPTER 17.72 - COMMUNITY PRESERVATION (PART 5 DESCRIPTIONS OF PROPERTY BLIGHT)</th>
<th>COUNTY OF SANTA CLARA – ORDINANCE CODE PROVISIONS THAT RELATE TO PROPERTY BLIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>17.72.500 - Property blight.</strong></td>
<td>NO PROVISION IN THE COUNTY ORDINANCE CODE RELATING TO THE FOLLOWING BLIGHT CONDITIONS:</td>
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<tr>
<td>The existence of any one or more of the conditions or activities described in this part constitutes property blight.</td>
<td>- unsecured building or structure</td>
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<tr>
<td><strong>17.72.505 - Unsecured building or structure.</strong></td>
<td>- abandoned construction</td>
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<tr>
<td>Any building or structure that is unsecured constitutes property blight. A building or structure is unsecured when either of the following conditions exist: A) The building or structure is inhabited, occupied or used without the consent of the owner or the agent of the owner; or B) Unauthorized persons can readily gain entry to the building or structure without the consent of the owner or the agent of the owner.</td>
<td>- attractive nuisance</td>
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<tr>
<td><strong>17.72.510 - Abandoned construction.</strong></td>
<td>- state of disrepair</td>
</tr>
<tr>
<td>A partially constructed, reconstructed or demolished building or structure upon which work has been abandoned constitutes property blight. Work is deemed abandoned when there is no valid current building or demolition permit for the work or when there has not been any substantial work on the building or structure for a period of six months or more.</td>
<td>- exterior property conditions</td>
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<td><strong>17.72.515 - Attractive nuisance.</strong></td>
<td>- landscaping requirements for residential development (single family) to counter visual blight</td>
</tr>
<tr>
<td>Any property that is unsecured and constitutes an attraction to children or a harbor for vagrants, criminals or other unauthorized persons, or is in a condition such that persons can resort thereto for the purpose of committing a nuisance or unlawful act constitutes property blight.</td>
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<tr>
<td><strong>17.72.520 - State of disrepair.</strong></td>
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<td>Any building or structure that is in a state of disrepair constitutes property blight. A building or structure is in a state of disrepair when any of the following conditions exist: A) Exterior walls or roof coverings have become deteriorated, do not provide adequate weather protection, or show evidence of the presence of termite infestation or dry rot; or B) Broken or missing windows or doors that create a hazardous condition or a potential attraction to trespassers; or C) Building exteriors, walls, fences, retaining walls, driveways, or walkways that are broken or deteriorated to the extent that the disrepair is visible from a street or neighboring properties.</td>
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<tr>
<td><strong>17.72.525 - Exterior property conditions.</strong></td>
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<td>The existence of any one or more of the following exterior property conditions constitutes property blight: A) The property contains overgrown, diseased, dead or decayed trees, weeds or other vegetation that: 1. Constitutes a fire hazard or other condition that is dangerous to the public health, safety, welfare; or 2. Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances; or 3. Substantially detracts from the aesthetic and property values of neighboring properties; or 4. Is overgrown onto a public right-of-way at least twelve inches; or 5. Is completely dead, over twelve inches in height, and covers more than fifty percent of the front or side yard visible from any street. B) The property fails to comply with applicable development permit requirements with respect to any landscaping requirements.</td>
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<tr>
<td><strong>17.72.530 - Single-family dwelling landscaping requirements.</strong></td>
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<tr>
<td>A. A single-family dwelling subject to a development permit under Title 20 of this code or tract map pursuant to Title 19 of this code shall be landscaped in accordance with the requirements of the development permit or tract map. B. Subject to the paved surface limitations set forth in Section 20.30.440 of this code and Subsection C. below, all single-family dwellings not subject to a development permit under Title 20 of this code or a tract map under Title 19 of this code shall meet all of the following requirements: 1) The site of the single-family dwelling shall have landscaping installed in the non-paved portions of the front and side yards that are visible from any street; and 2) All roof rain leaders and down spouts shall be disconnected from the storm drain system and shall drain to splash blocks that flow to onsite landscaped areas. For the purposes of this Subsection B. only, “landscaping” means live trees, shrubs, lawns, other live plant materials or decorative landscaping. C. Notwithstanding the provisions of Subsection B.2. above, where the building official makes a determination that it is technically infeasible for a particular single-family dwelling to meet the requirements set forth in Subsection B.2. above, the building official may consider equivalent alternatives to those set forth in Subsection B.2. above to prevent flows of storm water to the storm drain system, so long as those equivalent alternatives are consistent with the California Regional Water Quality Control Board, San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, as amended. Such equivalent alternatives can include: 1. Direct roof runoff to a rain water harvesting system (rain barrels or cisterns) for on-site non-potable use; or 2. Direct storm water runoff from driveways, walkways, patios, and/or uncovered parking areas to on-site landscaped areas; or 3. Construct driveways, walkways, patios, and/or uncovered parking areas with permeable surfaces. D. If only decorative landscaping is used to meet the requirements of this section, weed block shall also be used. E. Failure to meet the requirements of this section constitutes property blight.</td>
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CITY OF SAN JOSE –
CHAPTER 17.72 - COMMUNITY PRESERVATION
(PART 5 DESCRIPTIONS OF PROPERTY BLIGHT)

COUNTY OF SANTA CLARA –
ORDINANCE CODE PROVISIONS
THAT RELATE TO PROPERTY BLIGHT

17.72.535 - Multi-family dwelling landscaping requirements.
A. A multi-family dwelling subject to a development permit shall be landscaped in accordance with the requirements of the development permit.
B. Subject to the paved surface limitations contained in Section 20.30.440 of Title 20 of this Code, a multi-family dwelling, not subject to a development permit, shall have landscaping installed in the nonpaved portions of the front and side yards that are visible from any street. For purpose of this subsection only, “landscaping” means that:
1. At least fifty percent of the nonpaved portions of the front and side yards that are visible from any street shall be covered with live trees, shrubs, lawns, or other live plant materials; and
2. The remaining portion of the nonpaved portions of the front and side yards that are visible from any street shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed.
C. If decorative landscaping is used to meet the requirements of this section, weed block shall also be used.
D. Failure to meet the landscaping requirements of this section constitutes property blight.

17.72.540 - Parkstrips.
A. Any property subject to a development permit that imposes parkstrip landscaping requirements shall have landscaping installed in the parkstrip in compliance with the development permit.
B. Any property not subject to a development permit shall have landscaping installed in the nonpaved portions of the parkstrip. For purposes of this subsection, “landscaping” means live trees, shrubs, lawns, other live plant materials or decorative landscaping, have been installed.
C. If decorative landscaping is used to meet the requirements of this section, weed block shall also be used.
D. Failure to meet the landscaping requirements of this section constitutes property blight.

17.72.580 - Activities prohibited on property designed or used as a residence.
Subject to Section 17.72.585, the following activities on any property designed or used as a residence constitute property blight:
A. Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, or servicing, in any setback area, of any airplane, aircraft, motor vehicle, special mobile equipment, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property.
B. The use of any motor vehicle for living or sleeping quarters in any place in the city, except in a location lawfully operated as a mobilehome park or travel trailer park, subject to the following:
1. Nothing contained in this section shall be deemed to prohibit bona fide guests of a city resident from occupying a recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two hours; and
2. Any recreational vehicle so used shall not discharge any waste or sewage into the city’s sewer system except through the residential discharge connection of the residential premises on which the recreational vehicle is parked.

NO PROVISION IN THE COUNTY ORDINANCE CODE RELATING TO THE FOLLOWING BLIGHT CONDITIONS:
- landscaping requirements for residential development (multifamily) and parkstrips to counter visual blight
- activities prohibited on property designed or used as a residence
<table>
<thead>
<tr>
<th>CITY OF SAN JOSE – CHAPTER 17.72 - COMMUNITY PRESERVATION (PART 5 DESCRIPTIONS OF PROPERTY BLIGHT)</th>
<th>COUNTY OF SANTA CLARA – ORDINANCE CODE PROVISIONS THAT RELATE TO PROPERTY BLIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>17.72.545 - Inadequate solid waste management.</strong></td>
<td>§ B11-188 - Unauthorized refuse disposal prohibited</td>
</tr>
<tr>
<td>A. The accumulation of solid waste, as defined in Section 9.10.280, constitutes property blight in the following situations:</td>
<td>§ B11-192 - Nuisance accumulation of refuse prohibited</td>
</tr>
<tr>
<td>1. The accumulation of solid waste is visible from a street or neighboring property and is present for more than seventy-two consecutive hours; or</td>
<td>§ 4.20.100 - Refuse Storage in Multi-Family and Non-Residential Development</td>
</tr>
<tr>
<td>2. The accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any street, or neighboring property, unless the method of storage or disposal is specifically allowed by this Code.</td>
<td></td>
</tr>
<tr>
<td>B. The accumulation of dirt, litter, or debris in vestibules or doorways of buildings constitutes property blight if it is visible from any street or neighboring properties and is present for more than seventy-two consecutive hours.</td>
<td></td>
</tr>
<tr>
<td>Any property upon which there exists a hazardous condition constitutes property blight. A property is considered to have a hazardous condition prohibited by this chapter if any one or more of the following conditions exists on the property:</td>
<td>§ 17-18 - Encroachment defined</td>
</tr>
<tr>
<td>A. Land having a topography, geology, or configuration that, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems that pose a threat of injury or are injurious to any neighboring property.</td>
<td>§ 17-31 - Prohibited without permit.</td>
</tr>
<tr>
<td>B. Any condition or object, including without limitation landscaping, motor vehicles, fencing or signs, that obscures the visibility of traffic, pedestrians, or street intersections in a manner that constitutes a hazard.</td>
<td>§ 17-69 - List of Obstructions</td>
</tr>
<tr>
<td>C. Items are present that are inadequately secured or protected and, due to their accessibility to the public, may prove hazardous including, without limitation:</td>
<td></td>
</tr>
<tr>
<td>1. Unused or broken equipment or machinery;</td>
<td>§ B18-1, et seq. - Swimming pools</td>
</tr>
<tr>
<td>2. Abandoned wells, shafts, or basements;</td>
<td>§ 4.40.010, et seq. Signs</td>
</tr>
<tr>
<td>3. Unprotected pools, ponds, or excavations;</td>
<td>§ 4.20.050 - Fences (and hedges)</td>
</tr>
<tr>
<td>4. Structurally unsound fences or structures;</td>
<td>§ C12-510. - Protection of adjacent property, public health, safety.</td>
</tr>
<tr>
<td>5. Lumber, or accumulations of lumber or other construction materials; or</td>
<td>§ C12-514. - Hazard from grading.</td>
</tr>
<tr>
<td>6. Chemicals, motor oil, or other hazardous materials.</td>
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</tr>
<tr>
<td>CITY OF SAN JOSE – CHAPTER 17.72 - COMMUNITY PRESERVATION (PART 5 DESCRIPTIONS OF PROPERTY BLIGHT)</td>
<td>COUNTY OF SANTA CLARA – ORDINANCE CODE PROVISIONS THAT RELATE TO PROPERTY BLIGHT</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>17.72.555 - Parking, storing or maintaining certain items on property designed or used as a residence prohibited.</strong></td>
<td>§ 4.20.080. - Outdoor storage: Miscellaneous materials. Limitation on storage of outdoor materials (building materials, appliances, salvaged materials, vehicle or machine parts, scrap metals, junk, and similar materials that are deteriorated or dilapidated)-applicable to all Zoning districts (not just residential)</td>
</tr>
</tbody>
</table>
| The parking, storing or maintaining of any one or more of the following items on property designed or used as a residence constitutes property blight:  
A. Any airplane or other aircraft, or any parts thereof in the front or side yard.  
B. Any construction or commercial equipment, machinery, vehicle having a manufacturer’s gross vehicle weight rating of ten thousand pounds or more, or construction materials, except that the construction equipment, machinery, vehicle or materials may be temporarily kept within or upon the property for and during the time that the equipment, machinery, vehicle, or materials are required in connection with the delivery, pick-up, construction, installation, repair, or alteration of improvements or facilities on the property, unless the activity is otherwise prohibited by this Code, by any permit issued pursuant to this Code, or by other applicable law.  
C. Any unmounted camper shell, in an area visible from any street.  
D. Any refrigerator in an area visible from any street or in an area accessible to the public, except when the refrigerator is set out for bulky goods collection in accordance with Chapter 9.10 of this Code. | |
| **17.72.560 - Parking, storing, or maintaining special mobile equipment.** | § 4.20.080. - Outdoor storage: Miscellaneous materials. Limitation on storage of outdoor materials (building materials, appliances, salvaged materials, vehicle or machine parts, scrap metals, junk, and similar materials that are deteriorated or dilapidated)-applicable to all Zoning districts (not just residential) |
| A. No special mobile equipment shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.  
B. The parking, storage, or maintenance of special mobile equipment in a side or rear yard shall either be:  
1. In an accessory building constructed in accordance with the provisions of this Code; or  
2. In an area that provides for a five-foot setback from any property line and which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet or sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.  
C. No special mobile equipment shall be parked, stored, or kept within five feet of any required building exit, including exit windows. | |
| **17.72.565 - Parking, storing, or maintaining motor vehicles and boats.** | § 4.20.070 - Motor Vehicle Repair and Storage in Residential Districts. Imitation on certain activities associated with the repair and storage of motor vehicles that occur on residential property |
| A. No motor vehicle or boat that has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle that is disabled or may not be operated because of the need of repairs or for any other reason shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.  
B. Any parking, storage, or maintenance of either a motor vehicle or a boat in a side or rear yard shall either be:  
1. In an accessory building constructed in accordance with the provisions of this Code; or  
2. In an area that provides for a five-foot setback from any property line and is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet or sixty percent of the remaining rear yard area, whichever is less, must be maintained as useable outdoor recreational space. | |
### CITY OF SAN JOSE – CHAPTER 17.72 - COMMUNITY PRESERVATION (PART 5 DESCRIPTIONS OF PROPERTY BLIGHT)

#### 17.72.570 - Storing or maintaining household items.

A. No household item shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

B. The storage or maintenance of a household item in a side or rear yard shall either be:
   1. In an accessory building constructed in accordance with the provisions of this Code; or
   2. In an area that provides for a five-foot setback from any property line and, which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

C. No household item shall be stored, or maintained within five feet of any required building exit, including exit windows.

D. This section does not prohibit the storage, or maintenance of any of the following:
   1. Machinery installed in accordance with the provisions of this Code in the rear or side yard setback areas for household or recreational use, or
   2. Furniture designed and used for outdoor activities, or
   3. Any item stored or kept within an enclosed storage structure.

#### 17.72.575 - Storing or maintenance of boxes, lumber, dirt, and other debris.

A. No boxes, lumber, dirt, or other debris shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

B. The storage or maintenance of boxes, lumber, dirt, or other debris in a side or rear yard shall either be:
   1. In an accessory building constructed in accordance with the provisions of this Code; or
   2. In an area that provides for a five-foot setback from any property line, and which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

C. No boxes, lumber, dirt, or other debris shall be stored or maintained within five feet of any required building exit, including exit windows.

#### 17.72.610 - Recreational vehicle parking and storage limitations.

A. No person shall park or store any recreational vehicle in the front yard of property designed or used as a residence unless the recreational vehicle is parked or stored perpendicular to the street.

B. An owner or operator of a recreational vehicle parked or stored on property designed or used as a residence shall be an occupant of the property upon which the recreational vehicle is parked or stored, except as set forth in Section 17.72.580 of this chapter.

C. No property owner or tenant shall allow or suffer another person to park or store a recreational vehicle on property designed or used as a residence in a manner prohibited by any provision of this Code.

### COUNTY OF SANTA CLARA – ORDINANCE CODE PROVISIONS THAT RELATE TO PROPERTY BLIGHT

#### § 4.20.080. - Outdoor storage: Miscellaneous materials.

- Limitation on storage of outdoor materials (building materials, appliances, salvaged materials, vehicle or machine parts, scrap metals, junk, and similar materials that are deteriorated or dilapidated)-applicable to all Zoning districts (not just residential)

#### § 4.20.080. - Outdoor storage: Miscellaneous materials.

- Limitation on storage of outdoor materials (building materials, appliances, salvaged materials, vehicle or machine parts, scrap metals, junk, and similar materials that are deteriorated or dilapidated)-applicable to all Zoning districts (not just residential)
Rural and Urban Base Districts

Rural and Urban Base Zones
- Rural (A; AR; HS; RR)
- Urban Residential (R1; R1E; R1S; R2; R3; R3S; RHS)
- Commercial and Industrial (CG; CN; MH; ML; OA)
Blight Ordinance Review – Case Studies & Gap Analysis

1. Research on other jurisdictions blight ordinances and municipal codes – San Jose, Oakland, Del Norte, Sacramento

Summary
- core provisions: definition of blight, establishing procedures for citing properties & appealing citations.
- Ordinances generally define the term “blighted property, and list conditions that constitute such a property (e.g., broken windows, overgrown grass, rodent infestations, attracting illegal activity, or interference with neighbors’ use of their property). Most ordinances define the term broadly and specify that the presence of just one of the many listed conditions constitutes a blighted property.

Core provisions

a. purpose
Blight ordinances have a “declaration of purpose” section in which they establish the reasons for, and intent behind, the policy. Commonly cited reasons for blight ordinances are (1) correcting existing blight; (2) promoting public health, safety, and welfare; and (3) preserving property values.

b. scope
The ordinances establish their scope by specifying the properties or structures to which they apply (e.g., residential, unimproved parcels, any structure). The ordinance could have narrower applicability. For example, buildings, structures, and parcels associated with active farms and could be exempted.

c. definitions
Ordinances generally define related terms such as “abandoned property,” “vacant building or property”, “polluted water,” “property,” “seventy-two hours,” “storage structure,” “weed block,” “household item,” “parkstrip,” and “junk.”

d. property owner duties
Generally, ordinances prohibit property owners from allowing, creating, maintaining, or causing to be created or maintained, blighted premises, enforceable against a person who occupies a property, not only the owner. Still others differentiate between owners and non-owners in possession. For example, an owner is solely responsible for structural maintenance, but an owner, operator, or occupier is responsible for keeping a premises’ exterior and structures free from abandoned vehicles, nuisances, garbage, refuse, infestations, and filth.

e. complaints and enforcement
f. administrative procedures, and
g. abatement measures.
Definition of blighted property

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Definition</th>
</tr>
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</table>
| City of San Jose   | Existence of any one or more of the conditions or activities constitutes property blight:  
- unsecured building or structure  
- abandoned construction  
- state of disrepair (building envelope, hard landscaping elements like fences, walkways, etc)  
- exterior property conditions (soft landscaping elements - weeds, overgrown trees, etc.)  
- failure to meet SFR landscaping requirements (non-paved portion visible from street, prevent flow of storm water to the storm drainage system)  
- failure to meet multi-family dwelling landscaping requirements  
- failure to meet parkstrip landscaping requirements  
- inadequate solid waste management  
- hazardous conditions (land instability relating to grading, obstruction to traffic visibility from landscaping-signs-motor vehicles, items inadequately secured or protected-machinery-lumber-fences, abandoned swimming pools)  
- parking, storing, or maintaining certain items on residential property prohibited (airplane, machinery, unmounted camper shell, refrigerator)  
- parking, storing or maintaining special mobile equipment (shouldn’t be visible from street for over 72 hours.)  
- parking, storing or maintaining motor vehicles and boats (no wrecked, dismantled or disassembled mv, ..)  
- storing or maintaining household items (street visibility, side or rear yard restrictions, not within 5 feet of exits)  
- storing or maintenance of boxes, lumber, dirt and debris  
- activities prohibited on property designed or used as a residence (using rv for living for more than 72 hours, manufacturing, wrecking etc mv-boat-rv-machinery etc)  
- residential parking restriction (parking on unpaved area prohibited, RV parking and storage limitations) |
| City of Oakland    | based on San Jose Ordinance  
additional conditions that constitute property blight:  
- property which is not kept clean and sanitary and had offensive matter or odor  
- inadequately maintained parking lots, driveways, paths intended to be used for commercial and industrial business activities |
| Sacramento County  | public nuisance specified as any one or more conditions or activities  
- abandoned, wrecked, dismantled vehicles, automotive parts, appliances, furniture, scrap, metal, wood, junk, rubbish, dirt, |
- gravel, concrete within view of persons on adjacent or nearby property or public right of way
- operation of a junkyard
- abandoned drive-in
- violation of conditions in the county code for—business license, graffiti, solid waste, noise, hazardous materials, animal control law, building code, fire protection, wells and pumps, sanitary sewage systems, health and safety code, zoning code, swimming pools, sign code, land grading and erosion control, weed control, storm water
- vacant building or property conditions-overgrown vegetation as fire hazard, rats, detracts from aesthetic value, overgrown onto public right of way, 12 inches in height and covers 50 percent of front or side yard visible from street
- property fails to comply with development permit requirements
- exterior trash, debris, graffiti not regularly removed
- property and building entry points not secured
- criminal activities on premises (use and sale of controlled substances, ..)
- unimproved real property has become a dumping ground for litter, junk, discarded vehicles

Del Norte County

based on Sacramento Ordinance

additional conditions that constitute public nuisance:

- vacant, abandoned or unoccupied building or structure
- attractive nuisance
- visual blight – junk, trash, equipment. Excavations, fence, structure, personal property, overgrown vegetation
- property in urban zones for keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials, for an unreasonable period, which constitutes visual blight or reduces the aesthetic appearance of the neighborhood ...
- continuous yard, garage or estate sales on property with any residential zoning designation. A sale is deemed to be “continuous” if it occurs more often than three days per calendar quarter;
- Property in urban zones that is not kept clean and sanitary and free - from unreasonable accumulations of offensive matter including, but not limited to, dead animals, animal parts, and animal feces and urine.
- Graffiti more than 10 days
2. Existing County ordinance provisions relating to elements of blight - Gap Analysis Summary

What County of Santa Clara does not cover

- Definition of property blight
  - unsecured building or structure
  - abandoned construction
  - state of disrepair
  - exterior property conditions
  - landscaping requirements in residential development to counter visual blight
  - activities prohibited on property designed or used as a residence.

What County of Santa Clara does cover – provisions relating to elements of property blight

- Nuisance accumulation of refuse (Ord. Code § B11-192)
- Illegal dumping (Ord. Code § B11-188)
- Hazardous materials containment and storage (Ord. Code § B11-270, et seq.)
- Illegal outdoor vehicle storage (Zoning Ord. § 4.20.070)
- Illegal outdoor storage of miscellaneous materials (Zoning Ord. § 4.20.080)
- Illegal outdoor storage of recreational vehicles (Zoning Ord. § 4.20.090)
- Limitation on refuse storage in multi-family and nonresidential development (Zoning Ord. § 4.20.100)
- Setback encroachments and height exceptions (Zoning Ord. § 4.20.110)
- Structure constituting public nuisance (Zoning Ord. § 4.50.090)
- Right of way encroachment (Ord. Code §§ B17-18, B17-31, B17-69)
- Graffiti (Ord. Code § B27-1, et seq.)
- Fences (Zoning Ord. § 4.20.050)
- Accessory buildings (Zoning Ord. § 4.20.020)
- Swimming pools (Ord. Code § B18-1, et seq.)
<table>
<thead>
<tr>
<th>City of San Jose</th>
<th>County of Santa Clara</th>
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<tbody>
<tr>
<td><strong>Chapter 17.72 - COMMUNITY PRESERVATION</strong></td>
<td></td>
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<tr>
<td><strong>Part 1 - GENERAL PROVISIONS</strong></td>
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<tr>
<td><strong>17.72.010 - Purpose.</strong></td>
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<tr>
<td>The purpose of this chapter is to promote the public health, safety and welfare by requiring a minimum level of maintenance of private property to protect the livability, appearance and social and economic stability of the city and to protect the public from the health and safety hazards and the impairments of property values that result from the neglect and deterioration of property.</td>
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<tr>
<td>(Ords. 21973, 26443, 26710.)</td>
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<tr>
<td><strong>17.72.020 - Public nuisance.</strong></td>
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<tr>
<td>Any property upon which there exists property blight as set forth in the provisions of this chapter is hereby declared and determined to be a public nuisance.</td>
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<tr>
<td>(Ords. 21973, 26443, 26710.)</td>
<td></td>
</tr>
<tr>
<td><strong>17.72.030 - Prohibition of property blight.</strong></td>
<td></td>
</tr>
<tr>
<td>A. No person, whether as owner, agent, manager, operator, lessee, tenant, sublessee, or occupant in possession of a property, shall maintain a blighted property or cause or permit property to be maintained as a blighted property.</td>
<td></td>
</tr>
<tr>
<td>B. No person, whether as owner, agent, manager, operator, lessee, sublessee, tenant or occupant of a property, shall take any action or allow any action to be taken at that property in violation of any provision of this chapter or any order issued pursuant to the provisions of this chapter.</td>
<td></td>
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<tr>
<td>(Ords. 21973, 26443, 26710.)</td>
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<tr>
<td><strong>17.72.040 - General conditions.</strong></td>
<td></td>
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<tr>
<td>The presence of any one or more of the following conditions on property constitutes property blight:</td>
<td></td>
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</tbody>
</table>
A. Any condition that is detrimental to the public health, safety or general welfare or that constitutes a public nuisance as defined in California Civil Code Section 3480;

B. Any condition of deterioration or disrepair that creates a substantial adverse impact on neighboring properties.

(Ord. 26710.)

**Part 2 - DEFINITIONS**

17.72.200 - Definitions.

Except as otherwise set forth in this chapter, the definitions set forth in this part shall govern the application and interpretation of this chapter.

(Ord. 26710.)

17.72.205 - Boat.

"Boat" means a boat of any kind, whether self-propelled or propelled by any other means, including sailing vessels and all other structures adapted to be navigated on water from place to place for recreational purposes or for the transportation of merchandise or persons.

(Ord. 26710.)

17.72.210 - Camper shell.

"Camper Shell" means a vehicle accessory designed to be mounted upon a motor vehicle and to provide facilities for human habitation, camping purposes or storage.

(Ord. 26710.)

17.72.215 - Decorative landscaping.

"Decorative Landscaping" means decorative non-living materials used to cover dirt in a garden or yard, such as rocks, gravel, or bark and does not include pavement with asphalt, cement or any other impervious surface.

(Ord. 26710.)
### 17.72.225 - Household item.

"Household Item" means any item, including any part of the item, typically used in the interior of a dwelling. By way of example and not limitation, the term "household item" includes washing machines, sinks, stoves, heaters, boilers, tanks, mattresses, sofas, couches or futons, upholstered chairs, and indoor carpets. The term "household item" excludes furniture expressly designed for outdoor use and refrigerators.

(Ord. 26710.)

### 17.72.230 - Motor vehicle.

"Motor Vehicle" means a passenger vehicle, truck, recreational vehicle, motorcycle, motor scooter, golf cart, or other similar self-propelled vehicle.

"Motor vehicle" does not mean a motorized wheelchair, bicycle, tricycle or quadricycle.

(Ord. 26710.)

### 17.72.235 - Parkstrip.

"Parkstrip" means the area between the curb of a street and the sidewalk.

(Ord. 26710.)

### 17.72.240 - Passenger vehicle.

"Passenger Vehicle" means any motor vehicle designed, used and maintained primarily for the transportation of persons for noncommercial purposes. A passenger vehicle does not include a motor vehicle designed and equipped for human habitation, excepting a motor vehicle to which a camper shell has been attached.

(Ord. 26710.)

### 17.72.245 - Polluted water.

"Polluted Water" means water that contains any bacterial growth, including algae, remains of
rubbish, fecal matter, untreated sewage, refuse, debris, papers, or any other foreign matter or material that, because of its nature or location, constitutes an unhealthy or unsafe condition.

(Ord. 26710.)

17.72.250 - Property.

"Property" means any property not owned by the City of San José, the federal or state government or any political subdivision or agency thereof.

(Ord. 26710.)

17.72.255 - Recreational vehicle.

"Recreational Vehicle" means a motor vehicle designed and equipped for human habitation.

(Ord. 26710.)

17.72.260 - Seventy-two hours.

For purposes of this chapter, an item is unlawfully parked, kept or stored on a piece of property in excess of seventy-two hours, when all of the following conditions have been met:

A. The item is located on the front or side yard of the property or on a street immediately adjacent to that front or side yard; and

B. That item is visible from a street; and

C. That item has not been removed from the visible front or side yard of the property or the street immediately adjacent to that front or side yard to an area that is not visible from a public street for at least twenty-four consecutive hours during a seventy-two consecutive hour period.

(Ord. 26710.)

17.72.265 - Special mobile equipment.

"Special mobile equipment" shall be defined as that term is defined in Section 575 of the California Vehicle Code.
### 17.72.270 - Storage structure.

"Storage structure" means a prefabricated enclosure that is not required to have a building permit and is not permanently affixed to the ground, but which is not on wheels or mobile.

(Ord. 26710.)

### 17.72.275 - Weed block.

"Weed block" means material that is installed over a dirt surface in order to prevent the growth of weeds and that does not prevent the infiltration or passage of water into the dirt surface.

(Ord. 26710.)

### 17.72.505 - Unsecured building or structure.

Any building or structure that is unsecured constitutes property blight. A building or structure is unsecured when either of the following conditions exist:

A. The building or structure is inhabited, occupied or used without the consent of the owner or the agent of the owner; or

B. Unauthorized persons can readily gain entry to the building or structure without the consent of the owner or the agent of the owner.

(Ords. 21973, 22283, 24315, 26443, 26710.)

### 17.72.510 - Abandoned construction.

A partially constructed, reconstructed or demolished building or structure upon which work has been abandoned constitutes property blight. Work is deemed abandoned when there is no valid current building or demolition permit for the work or when there has not been any substantial work on the building or structure for a period of six months or more.

(Ords. 21973, 22283, 24315, 26443, 26710.)
### 17.72.515 - Attractive nuisance.

Any property that is unsecured and constitutes an attraction to children or a harbor for vagrants, criminals or other unauthorized persons, or is in a condition such that persons can resort thereto for the purpose of committing a nuisance or unlawful act constitutes property blight.

(Ords. 21973, 22283, 24315, 26443, 26710.)

### 17.72.520 - State of disrepair.

Any building or structure that is in a state of disrepair constitutes property blight. A building or structure is in a state of disrepair when any of the following conditions exist:

A. Exterior walls or roof coverings have become deteriorated, do not provide adequate weather protection, or show evidence of the presence of termite infestation or dry rot; or

B. Broken or missing windows or doors that create a hazardous condition or a potential attraction to trespassers; or

C. Building exteriors, walls, fences, retaining walls, driveways, or walkways that are broken or deteriorated to the extent that the disrepair is visible from a street or neighboring properties.

(Ords. 21973, 22283, 24315, 26443, 26710, 27509.)

### 17.72.525 - Exterior property conditions.

The existence of any one or more of the following exterior property conditions constitutes property blight:

A. The property contains overgrown, diseased, dead or decayed trees, weeds or other vegetation that:

1. Constitutes a fire hazard or other condition that is dangerous to the public health, safety, welfare; or

2. Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances; or
3. Substantially detracts from the aesthetic and property values of neighboring properties; or

4. Is overgrown onto a public right-of-way at least twelve inches; or

5. Is completely dead, over twelve inches in height, and covers more than fifty percent of the front or side yard visible from any street.

B. The property fails to comply with applicable development permit requirements with respect to any landscaping requirements.

(Ord. 26710.)

17.72.530 - Single-family dwelling landscaping requirements.

A. A single-family dwelling subject to a development permit under Title 20 of this code or tract map pursuant to Title 19 of this code shall be landscaped in accordance with the requirements of the development permit or tract map.

B. Subject to the paved surface limitations set forth in Section 20.30.440 of this code and Subsection C. below, all single-family dwellings not subject to a development permit under Title 20 of this code or a tract map under Title 19 of this code shall meet all of the following requirements:

1. The site of the single-family dwelling shall have landscaping installed in the non-paved portions of the front and side yards that are visible from any street; and

2. All roof rain leaders and down spouts shall be disconnected from the storm drain system and shall drain to splash blocks that flow to onsite landscaped areas.

For the purposes of this Subsection B. only, "landscaping" means live trees, shrubs, lawns, other live plant materials or decorative landscaping.

C. Notwithstanding the provisions of Subsection B.2. above, where the building official makes a
determination that it is technically infeasible for a particular single-family dwelling to meet the requirements set forth in Subsection B.2. above, the building official may consider equivalent alternatives to those set forth in Subsection B.2. above to prevent flows of storm water to the storm drain system, so long as those equivalent alternatives are consistent with the California Regional Water Quality Control Board, San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, as amended. Such equivalent alternatives can include:

1. Direct roof runoff to a rain water harvesting system (rain barrels or cisterns) for on-site non-potable use; or

2. Direct storm water runoff from driveways, walkways, patios, and/or uncovered parking areas to on-site landscaped areas; or

3. Construct driveways, walkways, patios, and/or uncovered parking areas with permeable surfaces.

D. If only decorative landscaping is used to meet the requirements of this section, weed block shall also be used.

E. Failure to meet the requirements of this section constitutes property blight.

(Ords. 26710, 29169.)

**17.72.535 - Multi-family dwelling landscaping requirements.**

A. A multi-family dwelling subject to a development permit shall be landscaped in accordance with the requirements of the development permit.

B. Subject to the paved surface limitations contained in Section 20.30.440 of Title 20 of this Code, a multi-family dwelling, not subject to a development permit, shall have landscaping installed in the nonpaved portions of the front and side yards that are visible from any street. For purpose of this subsection only, "landscaping" means that:
1. At least fifty percent of the nonpaved portions of the front and side yards that are visible from any street shall be covered with live trees, shrubs, lawns, or other live plant materials; and

2. The remaining portion of the nonpaved portions of the front and side yards that are visible from any street shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed.

C. If decorative landscaping is used to meet the requirements of this section, weed block shall also be used.

D. Failure to meet the landscaping requirements of this section constitutes property blight.

(Ord. 26710.)

### 17.72.540 - Parkstrips.

A. Any property subject to a development permit that imposes parkstrip landscaping requirements shall have landscaping installed in the parkstrip in compliance with the development permit.

B. Any property not subject to a development permit shall have landscaping installed in the nonpaved portions of the parkstrip. For purposes of this subsection, "landscaping" means live trees, shrubs, lawns, other live plant materials or decorative landscaping, have been installed.

C. If decorative landscaping is used to meet the requirements of this section, weed block shall also be used.

D. Failure to meet the landscaping requirements of this section constitutes property blight.

(Ord. 26710.)

### 17.72.580 - Activities prohibited on property designed or used as a residence.

Subject to Section 17.72.585, the following activities on any property designed or used as a residence constitute property blight:

A. Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling,
assembling, repairing, painting, or servicing, in any setback area, of any airplane, aircraft, motor vehicle, special mobile equipment, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property.

B. The use of any motor vehicle for living or sleeping quarters in any place in the city, except in a location lawfully operated as a mobilehome park or travel trailer park, subject to the following:

1. Nothing contained in this section shall be deemed to prohibit bona fide guests of a city resident from occupying a recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two hours; and

2. Any recreational vehicle so used shall not discharge any waste or sewage into the city's sewer system except through the residential discharge connection of the residential premises on which the recreational vehicle is parked.

(Ord. 26710.)

**17.72.585 - Exclusions.**

This chapter shall not prohibit the following:

A. An owner, lessee, or occupant of the property from repairing, washing, cleaning, or servicing personal property that is owned, leased, or rented by the owner, lessee, or occupant of the property so long as any repairing or servicing performed shall be completed within a seventy-two consecutive hour period; or

B. Repairing or servicing of a motor vehicle or part thereof within a completely enclosed building in a lawful manner where it is not visible from the street or other public or private property.

(Ords. 21973, 22283, 24315, 26443, 26710.)
17.72.545 - Inadequate solid waste management.

A. The accumulation of solid waste, as defined in Section 9.10.280, constitutes property blight in the following situations:

1. The accumulation of solid waste is visible from a street or neighboring property and is present for more than seventy-two consecutive hours; or

2. The accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any street, or neighboring property, unless the method of storage or disposal is specifically allowed by this Code.

B. The accumulation of dirt, litter, or debris in vestibules or doorways of buildings constitutes property blight if it is visible from any street or neighboring properties and is present for more than seventy-two consecutive hours.

(Ord. 26710.)

Sec. B11-188. - Unauthorized refuse disposal prohibited.

It is unlawful for any person to throw away, deposit or bury, or cause to be thrown away, deposited or buried, any refuse, except at an approved disposal or collection area unless authorized by the Director. A refuse producer may not use any refuse container owned by or issued to the occupant of any other premises, unless having written permission from the occupant of the premises. This section may be enforced by any peace officer.

(Ord. No. NS-517.72, § 2, 4-15-03)

Sec. B11-192. - Nuisance accumulation of refuse prohibited.

No person having occupancy or control of a lot, property, parcel or premises is entitled to allow any accumulation of refuse of any description to remain on such lot, property, parcel or premises.

(Ord. No. NS-517.72, § 2, 4-15-03)

§ 4.20.100. - Refuse storage in multi-family and nonresidential development.

A. General. The provisions of this section apply to all multi-family and nonresidential development.

B. Location. Trash enclosures shall be located in the side or rear yard unless such location would prevent accessibility by a collection vehicle. In such cases, the Zoning Administrator shall have authority to determine the appropriate location of trash enclosures.

C. Pickup and disposal. Refuse storage shall be subject to weekly or other regularly scheduled pickup and disposal.

D. Standards. Trash enclosures shall be constructed and maintained as follows:

1. They shall be constructed prior to occupancy of the development;

2. They shall be screened on three sides by a solid masonry or wood wall of at least six feet in height;

3. They shall be screened from view from public rights-of-way; and

4. Their locations shall be accessible to refuse-collecting vehicles.

( Ord. No. NS-1200.359, § 10, 12-6-16 )
17.72.550 - Hazardous conditions.

Any property upon which there exists a hazardous condition constitutes property blight. A property is considered to have a hazardous condition prohibited by this chapter if any one or more of the following conditions exists on the property:

A. Land having a topography, geology, or configuration that, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems that pose a threat of injury or are injurious to any neighboring property.

B. Any condition or object, including without limitation landscaping, motor vehicles, fencing or signs, that obscures the visibility of traffic, pedestrians, or street intersections in a manner that constitutes a hazard.

C. Items are present that are inadequately secured or protected and, due to their accessibility to the public, may prove hazardous including, without limitation:

1. Unused or broken equipment or machinery;
2. Abandoned wells, shafts, or basements;
3. Unprotected pools, ponds, or excavations;
4. Structurally unsound fences or structures;
5. Lumber, or accumulations of lumber or other construction materials; or
6. Chemicals, motor oil, or other hazardous materials.

D. Any swimming pool, pond or other body of water that is abandoned, unattended, unfiltered, or not otherwise maintained, so that the water has become or is becoming polluted water.

(Ord. 26710.)

Chapter XIII. - Hazardous Materials Storage

Article 1. - General Provisions

Sec. B11-270. - Purpose.

The purpose of this chapter is the protection of health, life, resources and property through prevention and control of unauthorized discharges of hazardous materials.

(Ord. No. NS-517.72, § 2, 4-15-03)

Sec. B11-271. - General obligation; safety and care.

(a) No person may cause, suffer or permit the storage of hazardous materials:

(1) In a manner which violates a provision of this chapter or any other local, federal or state statute, code, rule or regulation relating to hazardous materials; or

(2) In a manner which causes an unauthorized discharge of hazardous materials or poses a significant risk of such unauthorized discharge.

(b) The Director will have discretion to exempt an applicant from any specific requirement of this chapter which is not required pursuant to state or federal statute or regulation, or to require the applicant to meet additional or modified requirements, where such action would be appropriate and consistent with achieving the general obligation of this chapter for protecting public health, safety, and welfare.

(Ord. No. NS-517.72, § 2, 4-15-03)

Sec. B11-272. - Specific obligation.

(a) Any person who stores any material regulated by Section B11-280 which is not excluded by Section B11-281 must obtain and keep current a hazardous materials storage permit.

(b) All such hazardous materials must be contained in conformity with Article 3 of this chapter.

(c) The storage of such hazardous materials must be in conformance with the approved hazardous materials business plan or hazardous materials/waste registration form.

(Ord. No. NS-517.72, § 2, 4-15-03)
Sec. B17-18. - "Encroachment" defined.

As used in this chapter, the term "encroachment" means any tree, tower, pole, pole line, fence, billboard, stand, building or any structure or other object that is placed in, under or over any portion of a County highway.

(Ord. No. NS-703.9, 5-18-04)

Sec. B17-31. - Prohibited without permit.

No person shall obstruct or encroach upon a County highway or right-of-way without first obtaining a written permit from the Director.

(Ord. No. NS-703.9, 5-18-04)


The following shall be a nonexclusive list of obstructions which under this article are deemed to obstruct the view from vehicles traveling on public streets and the passage of pedestrians on the sidewalks and of vehicles on the rights-of-way abutting thereon:

(a) A tree with limbs overhanging the public street or sidewalk, the lowest part of which is less than ten feet above said street or sidewalk.

(b) A tree standing upon property situated at an intersection of streets or rights-of-way at, on, or along the base line or within a triangle which shall have sides of 40 feet measured from the point of intersection of the curblines, or if there be no curblines, of the lines of rights-of-way, the limbs of which are less than ten feet from the ground surface of the premises.

(c) A hedge or shrub overhanging the street or sidewalk.

(d) A hedge or shrub or fence, sign or billboard standing on property or the right-of-way within the lines of a triangle which has sides 40 feet from the point of intersection of the curblines, or if there be no curblines, of the lines of rights-of-way, the overall height of which is more than three feet above the engineering crest of the streets bordering the property.

(e) Any hedge or shrub or limb of a tree which is so situated as to obscure and impair the unobstructed view of intersecting traffic by passing motorists or pedestrians or obscure and impair the view of street, traffic and other control devices and signs placed upon the streets for the safety of the public.
Sec. B18-1. - "Private swimming pool" defined; exclusion as to hot tub or spa.

A "private swimming pool" is defined for purposes of this chapter as a swimming pool, wading pool, fish and or other outside body of water created by artificial means maintained in connection with a single-family or multifamily residence, apartment house motel or hotel which has any depth in excess of 24 inches, whether above or below grade, and whether intended to be temporary or permanent in nature. A hot tub or spa is excluded from the definition of a "private swimming pool" herein, provided that it is equipped with a lockable solid covering, or its equivalent.

(Code 1954, § 6.6.1-1; Ord. No. NS-620, § 1, 7-17-61; Ord. No. NS-620.1, § 1, 6-19-84)

Sec. B18-2. - Enclosure required.

A private swimming pool as defined herein shall be completely enclosed by a fence, wall or other structure not less than five feet in height; provided, however, that except for doors or gates, either the horizontal or vertical dimension of any opening, hole or gap in said enclosure shall not exceed four inches; and provided further that a dwelling house or accessory building may be used as a part of said enclosure. An automatic pool cover capable of supporting a concentrated load of 150 pounds at any point is an acceptable alternative to a fence if the parcel size is larger than 2.5 acres gross. Every person who owns or occupies a premises on which a private swimming pool is situated shall be responsible for maintaining said enclosure or cover.

(Code 1954, § 6.6.1-2; Ord. No. NS-620, § 1, 7-17-61; Ord. No. NS-620.2, § 1, 1-19-88)


Any gate or door that is a part of the enclosure required by Section B18-2 shall be equipped with a self-closing and self-latching device designed to keep such gate or door securely closed at all times, with the latching device either placed at least four feet, nine inches above ground level or otherwise made inaccessible from the outside to children. The controls of any automatic pool cover approved pursuant to Section B18-2 shall be equipped with a locking device placed at least four feet, nine inches above ground level or otherwise made inaccessible to children.
Sec. B18-4. - Compliance by existing pools.

Existing private swimming pools shall within six months of the effective date of this chapter comply with the requirements of Sections B18-2 and B18-3.

Sec. B18-5. - Inspection, approval of enclosure.

The enclosure referred to in Sections B18-2 and B18-3 shall be deemed to be a structure within the meaning of the term as it is used in the building code for the County. Final inspection and approval of all private swimming pools shall be withheld until all requirements of Sections B18-2 and B18-3 have been complied with.

Sec. B18-6. - Enforcement.

All regulations concerning the enclosing of private swimming pools as defined herein shall be enforced by the Director of the Building Inspection Division of the Transportation Agency.

CHAPTER 4.40. - SIGNS

§ 4.40.010. - Purpose.

The purpose of this chapter, Signs, is to promote attractive signage that serves as an economic and aesthetic asset, comprehensively addresses aesthetic concerns of the public regarding visual clutter and visual blight in the environment, and ensures that traffic safety hazards are not created.

For facilities that are open to the public, such as commercial and institutional facilities, the provisions of this chapter shall not apply to indoor signage, nor shall they apply to incidental outdoor visitor-serving signs that are not intended to direct attention to the business. Examples include parking signs, rest room signage, and any non-marketing signs authorized or required by a public agency.
§ 4.40.020. - Review.

Unless otherwise provided in this chapter, all new signs and the replacement or modification of existing signs that are not expressly exempt from this chapter or permitted in the initial approval of a discretionary land use approval shall obtain architecture and site approval, pursuant to Chapter 5.40. This requirement is in addition to any other approval that may be required for a related use or structure.

§ 4.40.030. - Construction and maintenance of signs.

A. Construction. All signs and supporting structures shall be securely built and erected in conformance with the requirements of this chapter and any other applicable legal requirements.

B. Maintenance. All signs and supporting structures shall be well maintained and kept in a good state of repair. Without limiting the foregoing requirement, the following maintenance shall be required for all signs and supporting structures:

1. They shall be kept free of rust, dirt, and chipped, cracked or peeling paint;

2. Hanging, dangling, torn or frayed parts shall be promptly repaired;

3. Burned-out bulbs shall be promptly replaced; and

4. Graffiti and unauthorized stickers shall be promptly removed.

C. Removal of message surface. If the message surface of a freestanding sign is removed from the supporting structure, except for a temporary period of time while the message is being changed or the surface replaced, the supporting structure shall be removed. Such temporary period shall not exceed 90 days.

§ 4.40.040. - Sign illumination.

A. Continuous lighting. Unless otherwise expressly provided in this section, signs may be illuminated only with continuous (non-blinking) lighting.

B. Allowed lighting. Except as provided for fin signs in Section 4.40.050(F), signs may be illuminated only with:

1. Neon tube lighting, if fully contained within a cabinet covered with a clear glass or plastic face, or if comprised of individual pan channel letters covered with a clear glass or plastic face;
2. External lighting;
3. Internal lighting; or
4. Halolighting.

§ 4.20.050. - Fences.

A. Fences in urban residential districts. Fences in all R1, R1E, R2, R1S and RHS districts, and A1 districts within urban service areas are subject to all of the following regulations:

1. Fences or hedges shall not exceed three feet in height within any portion of a lot within 20 feet of the front lot line (or edge of front right-of-way).

2. Fences shall not exceed eight feet in height within any other portion of a lot, except as specified in Subsection 3 below. This limitation shall not apply to hedges.

3. On corner lots, fences or hedges along the exterior side lot line (or edge of side right-of-way) may be as tall as eight feet, except that a three-foot height limitation shall apply within the following areas: (a) within the 40-foot sight clearance triangle defined by Section B17-69 of the County Ordinance Code, which relates to vehicular sight clearance on intersecting streets, and (b) within a 20-foot sight clearance triangle where the rear of a corner lot abuts the front and side yards of a key lot.

4. Where architecture and site approval is required for the establishment of a use, the regulations specified in this section may be modified through the architecture and site approval process (Chapter 5.40).

5. Fences that reasonably must exceed the height limitations specified within this section, such as enclosures for tennis courts, or due to physical circumstances such as unusual topography, or for consistency with and preservation of neighborhood character, may be allowed subject to the design review provisions of Chapter 5.50. This provision shall also apply to hedges within 20 feet of the front lot line, or edge of front right-of-way.

6. Fences in "-d" and "-sr" combining districts shall be subject to the design review provisions of Chapter 5.50.
B. Fences in rural districts. Fences in A, AR, HS, RR and RS districts and A1 districts outside of urban service areas are subject to all of the following regulations:

1. Fences or hedges not exceeding six feet in height may occupy any portion of a lot within 20 feet of the edge of any street right-of-way. However, on corner lots where two or more streets intersect, Section B17-69 of the County Ordinance Code relating to sight clearance for fences and hedges applies.

2. No fence or hedge may be built in a manner that significantly obstructs the view from vehicles exiting a driveway of approaching vehicular or pedestrian traffic. Within a triangle formed by two 20-foot sides measured from the point of intersection along the edge of pavement and the edge of driveway, no fence may exceed three feet in height, unless design review approval is obtained under Chapter 5.50.

3. Fences not exceeding eight feet in height may occupy any portion of a lot other than the restricted areas described in subparagraphs (1) and (2), above. This limitation shall not apply to hedges.

4. Where architecture and site approval is required for the establishment of a use, the regulations specified in this subsection may be modified through the architecture and site approval process.

5. Fences that reasonably must exceed the height limitations specified within this section, such as for tennis courts, or due to physical circumstances such as unusual topography, or for consistency with and preservation of neighborhood character, may be allowed subject to the design review provisions of Chapter 5.50. This provision shall also be applied to hedges within 20 feet of the front lot line, or edge of front right-of-way.

6. Fences in "-d" and "-sr" combining districts shall be subject to the design review provisions of Chapter 5.50.

(Ord. No. NS-1200.337, § 9, 12-18-12)

Sec. C12-510. - Protection of adjacent property, public health, safety.

The permittee and any person(s) doing, causing or directing the grading are responsible for the prevention of damage to any other property, and protection of public health, and safety. No person shall grade, fill, or excavate on any land so as to endanger
any public or private street, sidewalk, alley, or any other public or private property, or public health or safety without supporting and protecting such property and persons from damage.

(Ord. No. NS-1203.120, § 1, 4-9-13)

Sec. C12-511. - Environmental protection.

The permittee and the person(s) doing or causing or directing the grading are responsible for protecting environmentally sensitive areas on or near the site, such as creeks, streams, wetlands, lakes, springs, trees, and riparian habitat that could be affected by the grading. The grading shall be conducted in a manner which avoids and minimizes environmental damage.

(Ord. No. NS-1203.120, § 1, 4-9-13)

Sec. C12-512. - Start of work notice.

The permittee shall be responsible for scheduling with the Grading Official, and any retained private registered civil engineer, whether retained by the County or by the permittee for a pre-construction meeting to review the approved plans. The property owner shall also notify the Grading Official and any retained private registered civil engineer at least 24 hours prior to the start of work.

(Ord. No. NS-1203.120, § 1, 4-9-13)

Sec. C12-513. - Temporary erosion control.

The permittee and any person(s) doing, causing or directing the grading shall install and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by erosion, flooding, or deposition of mud or debris originating from the site. Precautionary measures must include provisions of properly designed erosion prevention and sediment control measures, so that downstream properties are not affected by upstream erosion or sediment transport by stormwater.

(Ord. No. NS-1203.120, § 1, 4-9-13)

Sec. C12-514. - Hazard from grading.

Whenever the Grading Official determines that any grading creates a hazardous condition, the Grading Official will provide written notice to the property owner specifying corrections required to eliminate the hazardous condition and a schedule for corrective work. The Grading Official may order the permitted
work to stop until the hazardous condition is eliminated. If a permit has been issued and a hazardous condition develops, the Grading Official may suspend, modify or revoke the permit.

(Ord. No. NS-1203.120, § 1, 4-9-13)

17.72.555 - Parking, storing or maintaining certain items on property designed or used as a residence prohibited.

The parking, storing or maintaining of any one or more of the following items on property designed or used as a residence constitutes property blight:

A. Any airplane or other aircraft, or any parts thereof in the front or side yard.

B. Any construction or commercial equipment, machinery, vehicle having a manufacturer’s gross vehicle weight rating of ten thousand pounds or more, or construction materials, except that the construction equipment, machinery, vehicle or materials may be temporarily kept within or upon the property for and during the time that the equipment, machinery, vehicle, or materials are required in connection with the delivery, pick-up, construction, installation, repair, or alteration of improvements or facilities on the property, unless the activity is otherwise prohibited by this Code, by any permit issued pursuant to this Code, or by other applicable law.

C. Any unmounted camper shell, in an area visible from any street.

D. Any refrigerator in an area visible from any street or in an area accessible to the public, except when the refrigerator is set out for bulky goods collection in accordance with Chapter 9.10 of this Code.

(Ords. 26710, 27509.)

17.72.570 - Storing or maintaining household items.

A. No household item shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

§ 4.20.080. - Outdoor storage: Miscellaneous materials.

A. General. Outdoor storage of miscellaneous materials, including building materials, appliances, salvaged materials, vehicle or machine parts, scrap metals, junk, and similar items or materials that are deteriorated or dilapidated, are subject to all of the following limitations, with the exception of those materials or items addressed in the provisions of subsection B. (below). These provisions apply to all zoning districts.

1. Area: No more than 200 square feet on any lot, cumulative, may be used for outdoor storage of such miscellaneous materials.

2. Height: Materials may not be stored in such a way that they exceed six feet in height.

3. Visibility: Materials shall not be visible from a public right-of-way or adjacent property, nor located within the required minimum front yard setback of any lot.

B. Exceptions. Such miscellaneous materials shall not be subject to the area, height and visibility restrictions of subsection A. (above) when any of the following circumstances apply:

1. The storage is temporary and for the purpose of construction pursuant to and during the time permitted by a valid building permit.

2. The storage is for purposes of conducting a yard or garage sale, having a duration of no more than three consecutive days. Such sales shall be limited to not more than four per year, and not more than two consecutive weekends.

3. The storage is incidental and accessory to any permitted agricultural use, or conducted as the legally established primary use within an industrial zoning district.

4. The provisions of this section do not apply to: (a) motor vehicle repair and storage as described in Section 4.20.070; (b) recreational vehicle storage as described in Section 4.20.090; or (c) refuse storage as described in Section 4.20.100 for multi-family and nonresidential uses.

(Ord. No. NS-1200.317, § 9, 6-8-04; Ord. No. NS-1200.318, § 11, 3-28-06)
### B. The storage or maintenance of a household item in a side or rear yard shall either be:

1. In an accessory building constructed in accordance with the provisions of this Code; or

2. In an area that provides for a five-foot setback from any property line and, which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

### C. No household item shall be stored, or maintained within five feet of any required building exit, including exit windows.

### D. This section does not prohibit the storage, or maintenance of any of the following:

1. Machinery installed in accordance with the provisions of this Code in the rear or side yard setback areas for household or recreational use, or

2. Furniture designed and used for outdoor activities, or

3. Any item stored or kept within an enclosed storage structure.

(Ord. 26710.)

#### 17.72.575 - Storing or maintenance of boxes, lumber, dirt, and other debris.

A. No boxes, lumber, dirt, or other debris shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

B. The storage or maintenance of boxes, lumber, dirt, or other debris in a side or rear yard shall either be:

1. In an accessory building constructed in accordance with the provisions of this Code; or
2. In an area that provides for a five-foot setback from any property line, and which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

C. No boxes, lumber, dirt, or other debris shall be stored or maintained within five feet of any required exit, including exit windows.

(Ord. 26710.)

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<th>17.72.560 - Parking, storing, or maintaining special mobile equipment.</th>
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<tr>
<td><strong>A.</strong> No special mobile equipment shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.</td>
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<td><strong>B.</strong> The parking, storage, or maintenance of special mobile equipment in a side or rear yard shall either be:</td>
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<th>17.72.565 - Parking, storing, or maintaining motor vehicles and boats.</th>
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<tr>
<td><strong>A.</strong> No motor vehicle or boat that has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle that is disabled or</td>
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<th>§ 4.20.070. - Motor vehicle repair and storage in residential districts.</th>
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<td><strong>A.</strong> Intent. It is the intent of this section to limit certain activities associated with the repair and storage of motor vehicles that</td>
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may not be operated because of the need of repairs or for any other reason shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

B. Any parking, storage, or maintenance of either a motor vehicle or a boat in a side or rear yard shall either be:

1. In an accessory building constructed in accordance with the provisions of this Code; or

2. In an area that provides for a five-foot setback from any property line and is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet or sixty percent of the remaining rear yard area, whichever is less, must be maintained as useable outdoor recreational space.

occur on residential property so that such activities do not disturb neighboring residents.

B. Limitations. On any residential lot in any zoning district, the servicing, repairing, assembling, disassembling, wrecking, modifying or otherwise working (hereinafter referred to as "work" within this section) on any motor vehicle or the placing or storing of disabled or inoperative motor vehicles, motor vehicle bodies, parts, equipment, machinery, tools or other metal materials of any kind is only permitted if all of the following are met:

1. Work may be performed only on a motor vehicle registered to a person residing on the lot.

2. Storing disabled or inoperative vehicles. A disabled vehicle is one that cannot immediately be started and moved under its own power or is not currently registered for use on the public right-of-way.

   a. Disabled or inoperative vehicles shall be stored in areas screened from public view and from adjacent properties.

   b. No more than two disabled or inoperative vehicles are allowed to be stored or worked on per lot.

3. Motor vehicle repair and storage shall not constitute a legal, nonconforming use, and this provision shall supersede any contrary provision of Chapter 4.50.

4. In addition to the above restrictions, the following shall apply to all lots that are less than one gross acre in area:

   a. All motor vehicle bodies, parts, equipment, machinery, tools or other metal materials of any kind shall be stored within a screened or enclosed area.

   b. All work performed on a motor vehicle shall be permitted only during the hours of 7:00 a.m. to 10:00 p.m.

5. In addition to the above restrictions, on lots less than ten acres, work cannot extend over a period of 72 hours unless the vehicle is moved to an area behind the front yard setback which is not visible from the front property line.

(Ord. No. NS-1200.317, § 9, 6-8-04; Ord. No. NS-1200.318, § 11, 3-28-06)
17.72.600 - Parking on unpaved surfaces prohibited.

A. No person shall keep, store or park any trailer, boat or motor vehicle on any portion of a front yard or corner lot side yard facing a street of a property designed or used as a residence, except on an area that is paved.

B. No owner, tenant, manager, or occupant of property used as a residence shall allow or suffer another person to keep, store or park any trailer, boat or motor vehicle on any portion of a front yard or corner lot side yard facing a street, except on an area that is paved.

(Ords. 25014, 26710.)

17.72.610 - Recreational vehicle parking and storage limitations.

A. No person shall park or store any recreational vehicle in the front yard of property designed or used as a residence unless the recreational vehicle is parked or stored perpendicular to the street.

B. An owner or operator of a recreational vehicle parked or stored on property designed or used as a residence shall be an occupant of the property upon which the recreational vehicle is parked or stored, except as set forth in Section 17.72.580 of this chapter.

C. No property owner or tenant shall allow or suffer another person to park or store a recreational vehicle on property designed or used as a residence in a manner prohibited by any provision of this Code.

(Ord. 26710.)

§ 4.20.090. - Recreational and similar vehicles.

A. Storage of recreational vehicles. The following provisions apply to recreational vehicles (RVs) and similar vehicles parked or stored on residential lots, and shall apply in all zoning districts. They do not apply to approved commercial or industrial RV storage uses, RV parks, or temporary dwellings provided under subsection B or Section 4.10.380.

1. No RV, camper, trailer, boat or similar vehicle may be parked or stored within a front or side yard for a period of more than 72 hours within any one calendar month; however, this provision shall not preclude such RV storage on portions of a front or side yard that are at least 75 feet from the front property line.

2. An RV, camper, trailer, boat or similar vehicle may be stored within a rear yard. On a corner lot abutting a key lot, such vehicles must additionally be set back from the side right-of-way a distance equal to the front yard setback of the adjacent key lot.

3. Any RV, camper, trailer, boat or similar vehicle stored on a lot must be registered to a resident of that lot.

4. No RV may be used for dwelling purposes while being parked or stored on the premises. Utility connections are not allowed except when necessary for limited maintenance activity.

5. Storage of RVs, campers, trailers, boats or similar vehicles in a manner inconsistent with the limitations of this section shall not be allowed, regardless of when such storage may have been established. This provision shall supersede any contrary provision of Chapter 4.50: Nonconforming Uses and Structures.
B. Use as emergency housing following casualty. A mobile home or recreational vehicle, including travel trailer, may be temporarily occupied on property where a fire, earthquake or other casualty has rendered the primary residence non-habitable. All of the following requirements shall apply:

1. The temporary dwelling must be removed from the premises within 90 days after the date of occupancy of the repaired or replacement dwelling, or two years following the date the casualty occurred, whichever occurs first.

2. Temporary mobile homes or travel trailers must be connected to a sanitary sewer or septic system approved by the Department of Environmental Health for the temporary occupancy use.

(Ord. No. NS-1200.319, § 2, 3-28-06)

City of Los Altos (selected sections)

6.12.040 - Nuisance and littering.

A. Nuisance prohibited. No person shall accumulate solid waste in any amount that creates a nuisance. If accumulation of solid waste creates a nuisance, the city manager may require a more frequent collection schedule and/or removal of the accumulated solid waste. Furthermore:

1. Putrescible solid waste including garbage and organic materials shall not be allowed to remain on the premises for more than seven days.

2. The occupant of any property may not dispose of solid waste on their property (with the exception of organic materials that are composted on-site via backyard composting).

3. No person shall throw or deposit, or cause to be thrown or deposited, any solid waste upon any premises whatsoever except at a permitted solid waste facility.

4. It is unlawful for any person to burn, or cause to be burned, any solid waste within the city.

5. It is unlawful for any person to dispose of any burning ash or embers in solid waste containers.

B. Littering of streets prohibited. It shall be unlawful for any person to cause the accumulation or deposit of dirt, mud, sand, rocks, gravel, or debris on the surface of any street of the city by the tracking of motor or horse drawn vehicles or in any other way.

C. Hauling and transport. No generator, self-hauler or franchised hauler shall transport solid waste over any public street, alley, right-of-way or parking plaza unless solid waste is contained and covered in such a manner as to prevent the dropping or spilling of any solid waste, litter, or liquid upon the public street, alley, right-of-way or parking plaza.

(Ord. No. 2015-417 , § 1, 12-8-2015)

9.20.050 - Public nuisance.

The following are defined to be public nuisances for the purposes of this chapter:
A. Any dead, diseased, infested or dying tree in any street or on any private property so near to any street tree as to constitute a danger to street trees or streets or portions thereof;

B. Any tree or shrub on any private property or in any street of a type or species apt to destroy, impair or otherwise interfere with any street improvements, sidewalks, curbs, approved street trees, gutters, sewers or other public improvements, including utility mains or services;

C. Any tree limb, shrub or plant, except tree trunks having no limbs lower than nine feet above street center, reaching a height more than three feet above the street center adjacent to within the thirty (30) foot triangle of private property at the intersection of any streets improved for vehicular traffic;

D. Vines or climbing plants growing into or over any street tree or any public hydrant, pole or electrolier;

E. Existence of any tree within the city that is infested, infected or in danger of becoming infested or infected with objectionable insects, scale, fungus or growth injurious to trees;

F. The existence of any branches or foliage which interfere with visibility of, or free use of, or access to, any portion of any street improved for vehicular or pedestrian travel;

G. Hedges or dense thorny shrubs and plants on any street or part thereof;

H. Shrubs and plants more than two feet in height in any street measured above the top of street center; and

I. Any weed or dangerous or obnoxious plant.

(Prior code § 7-3.05)

**9.20.060 - Abatement of public nuisance.**

When a public nuisance, as defined in Section 9.20.050 exists, a notice may be sent by ordinary United States mail to the owner or tenant involved. Such notice shall describe the condition, state the work which is necessary to remedy the condition, and specify the time within which the work must be performed. If, at the end of the time specified, such work has not been performed, the city may perform such work, and the cost thereof shall constitute a charge against such owner or tenant, and such charges shall be a lien on the property.

(Prior code § 7-3.06)

**9.20.070 - Damages.**

Damages to any street tree caused by any act or omission by any person, whenever such act or omission is prohibited by or not authorized pursuant to this chapter, shall be charged to such person.

(Prior code § 7-3.07)

**9.20.080 - Interference.**

No person shall interfere with or delay the authorized representatives of the city from the execution and enforcement of this chapter except as provided by law.

(Prior code § 7-3.08)
9.20.090 - Standards.

The city may adopt regulations prescribing standards of landscaping and the planting of streets, parks and public places. A copy of such regulations shall be available for public inspection upon request, and all work performed in streets, parks, or public places shall be performed in accordance therewith.

(Prior code § 7-3.09)

Town of Los Altos Hills (selected sections)

6-3.06 Frequency of disposal.

No more than one week’s accumulation of solid waste shall be kept or permitted to remain upon any premises in the Town. At least once a week for solid waste and at least once every two (2) weeks for recyclables, all solid waste and recyclables produced, kept, deposited, placed or accumulated on any premises in the Town shall be disposed of in accordance with the provisions of this chapter. (§ 1, Ord. 363, eff. June 18, 1993)

6-3.10 Burning and burying solid waste restrictions.

It is unlawful for any person to burn, or cause to be burned, or bury, or cause to be buried any solid waste or recyclables within the Town. Dry waste may be burned by owners or producers thereof on privately owned property only when the hours and conditions of such burning have been approved in advance by the Fire Marshal and the Bay Area Air Quality Management District.

Each day’s violation of this section shall be a separate and distinct offense. (§ 1, Ord. 363, eff. June 18, 1993)

6-3.11 Disposal of explosive or hazardous material restrictions.

No person shall deposit in any solid waste or recyclables container any explosive, highly inflammmable or otherwise hazardous material or substance, without having first made special arrangements with the solid waste or recyclables collector. (§ 1, Ord. 363, eff. June 18, 1993)

6-3.12 Disposal on public property prohibited.

It is unlawful for any person in the Town to throw or deposit solid waste or recyclables or to cause the same to be thrown or deposited, upon any street, alley, gutter, park, or other public place, or to throw or deposit the same in or upon any vacant lot, or back yard, or to store or keep the same otherwise than in containers as required by Section 6-3.08.

Each day’s violation of this section shall be a separate and distinct offense. (§ 1, Ord. 363, eff. June 18, 1993)

6-5.01 Definition of nuisance.

Nuisance means anything which (1) is injurious or threatening to health or safety, (2) obstructs the customary free use or passage of any stream, park, street, pathway, public easement, or highway, or (3) is specifically declared by this Code or state law to be a nuisance. Examples of a nuisance include, but are not limited to:

(a) Any explosives, flammable liquids or hazardous materials which are stored in a manner or an amount contrary to state law or this Code;
Any building or structure which is made, erected, altered, maintained, partially destroyed or abandoned contrary to state law or this Code;

Any obstruction or excavation which interferes with the ordinary use of public streets, ways, alleys, thoroughfares, sidewalks, pathways, public easements, or public grounds unless otherwise permitted by law;

Any accumulation of debris, garbage, refuse, weeds, overgrowth, livestock waste, or machine or equipment parts which constitute:

1. A fire hazard,
2. A hazard to pedestrian or vehicular traffic,
3. A harborage for rats, vermin, or insect infestation, or
4. Any other hazard to public health or safety;

Any vehicle that is inoperative, abandoned, wrecked, dismantled or unregistered or is registered with a certificate of planned nonoperation, unless the vehicle is wholly parked or stored in a garage or carport or wholly screened from off-site view;

Auto repair or maintenance being performed on vehicles registered to someone living off the premises where the vehicle is located;

Any recreational vehicle, trailer or boat parked or stored for more than thirty (30) days out of any consecutive forty-five (45) days in driveways or in the areas between setback lines and property lines;

Any swimming pool, pond, well, or other body or container of water stagnant, polluted or otherwise maintained in an unhealthy or unsafe condition;

A drainfield that fails and causes flow of effluent above ground;

Maintenance of any premises in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code Section 3480;

Property, including but not limited to, building exteriors which are maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes appreciable diminution of the property values of surrounding property or is materially detrimental to proximate properties and improvements. This includes but is not limited to the keeping or disposing of or the scattering over the property or premises of any of the following:

1. Lumber, junk, trash or debris,
2. Abandoned, discarded or unused objects or equipment,
3. Any device, decoration, design, fence or structure which is unsightly by reason of its condition or its inappropriate location,
4. Permitting or allowing any graffiti to remain on any building, wall, fence or structure;
City of San Jose and County of Santa Clara Property Blight Ordinances: Side-by-Side Comparison

Town of Los Gatos (selected section)

Sec. 30.10.030. - Conditions of property.

An owner of real property shall not allow or maintain any of the following on his or her property:

a. Overgrown, diseased, dead or decayed trees, weeds or other vegetation, which:

(i) In the opinion of the Fire Marshal constitutes a fire hazard; or

(ii) In the opinion of the Town Engineer constitutes a danger to those using the property or adjacent public or private property.

b. The storage of equipment, materials, standing water, and/or vegetation overgrowth which are likely to harbor or provide habitat for rats, vermin, mosquitoes, and other pests;

c. Garbage, refuse, trash, debris or waste, except as stored in accordance with the provisions of Chapter 11 of the Town of Los Gatos Municipal Code;

d. Garbage receptacles in view from a public right-of-way, except within twenty-four (24) hours of the designated day and time the garbage is scheduled to be collected;

e. Graffiti which remains for a period longer than ten (10) days;

f. Conditions which, due to their accessibility to the public, may prove hazardous or dangerous, including, but not limited to:

(1) Unused and/or broken equipment;

(2) Abandoned wells, shafts or basements;

(3) Hazardous or unprotected pools, ponds or excavations;

(4) Structurally unsound fences or other structures;

(5) Machinery which is inadequately secured or protected;

(6) Lumber, trash, or debris;

(7) Storing or keeping of chemicals or motor oil;

(8) Refrigerators or appliances with the door(s) still attached.

g. Any airplane or other aircraft, or any parts thereof on residentially zoned property;

h. On residentially zoned properties: any construction, commercial, or other equipment, machinery, or materials except that construction equipment, machinery or material which is temporarily kept within or upon the property for and during the time such equipment, machinery or material is required for the construction or installation of improvements or facilities on that property. However, in no event shall the construction equipment, machinery or...
materials be in the front or side yard areas visible from a public street for any period of time in excess of twelve (12) consecutive months or twelve (12) nonconsecutive months in any eighteen-month period.

i. Any of the following when located in the front or side yard and visible from public right-of-way: refrigerator, washing machine, sink, stove, heater, boiler, tank or any other household appliances, equipment, machinery, furniture (other than furniture designed and used for outdoor activities), firewood, lumber, salvage materials, building materials, unmounted campers, unmounted camper tops, unmounted camper shells, vessels not on trailers, boats, trailers, or any part of any of the listed items for a period of time in excess of seventy-two (72) consecutive hours, except as specifically provided herein;

j. Any of the following when located in the front or side yard and visible from public right-of-way: boxes, cargo containers, storage containers, containers, or dumpsters, in excess of seventy-two (72) consecutive hours, or for more than two (2) occasions in a calendar year, except as otherwise permitted by this Code, or when engaged in ongoing construction activity, pursuant to an active building permit;

k. Any storage unit or shed in the front yard or in the side yard and visible from a public right-of-way;

l. On residentially zoned property, any business or activity which dismantles, disassembles, builds, remodels, assembles, crushes, repairs, paints, washes, cleans or services motor vehicles, aircraft, motorcycles, recreational vehicles, boats or trailers owned by a person other than the property owner;

m. Any tent, temporary shelter, car canopy, or collapsible structure in the front or side yard and visible from a public right-of-way for a period in excess of seventy-two (72) hours or for more than two (2) occasions in a calendar year;

n. Any use of a parking lot, driveway, carport, or parking structure for other than vehicular parking, ingress and egress, except as expressly authorized by permit;

o. Any fence, or other structure installed on or upon any public property, including structures within the public right-of-way, except as authorized by permit;

p. The use of outdoor barbecues or other methods of cooking food outdoors to be sold is prohibited, except as expressly authorized by a festival permit or a permit issued pursuant to Town of Los Gatos Municipal Code;

q. The parking or storage of vehicles on landscaped surfaces or unpaved surfaces;

r. The parking or storage of inoperable vehicles on residentially-zoned properties when visible from a public sidewalk, street, or thoroughfare;

s. Any construction, demolition or remodeling activity to the exterior of a structure which is not completed within eighteen (18) months of commencement.

(Ord. No. 2191, § 1, 6-7-10)
Chapter 16.18 NUISANCE CODE

Article I In General

16.18.101 Title.

This chapter shall be known as the “Nuisance Code,” may be cited as such, and will be referred to herein as “the Code.” (SCC 0982 § 1, 1995.)

16.18.102 Purpose.

A. It is the intent of the Board of Supervisors of the County of Sacramento in adopting this Code to provide a comprehensive method for the identification and abatement of certain public nuisances within the unincorporated area of the County.

B. The Board of Supervisors recognizes that public nuisances may occur upon public property, including public easements and rights-of-way, as well as upon private property. It is the intent of the Board to allow enforcement under Article II of this Chapter against persons who cause or create a public nuisance upon any property, including public property, but who do not necessarily own, lease, occupy or have charge or possession of the subject property.

C. The provisions of this Code are to be supplementary and complementary to all of the provisions of the Sacramento County Code, State Law, and any law cognizable at common law, or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the County of Sacramento to abate any and all nuisances. (SCC 1578 § 1, 2015; SCC 1572 § 1, 2014; SCC 0982 § 1, 1995.)

16.18.103 Application.

The provisions of this Code shall apply generally to all property throughout the unincorporated territory of the County of Sacramento wherein any of the conditions herein specified are found to exist; provided, however, that any condition which would constitute a violation of this Code, but which is permitted or authorized under any County, State or Federal law, shall not be deemed to violate this Code. (SCC 0982 § 1, 1995.)

Article II Enforcement

16.18.201 Authority; Department Head Construed.

A. The director of each County department, hereinafter referred as “department head,” is hereby authorized to use the provisions of this Code for the purpose of abating nuisances which exist as the result of violation of this ordinance for which his or her department has primary enforcement responsibility.

B. As used herein the term “department head” shall include the designated representatives of such department head, the fire chief and authorized representatives as concerns Section 16.18.401(O) and the Director of Animal Control and authorized representatives as concerns Section 16.18.401(M). (SCC 1578 § 2, 2015; SCC 0982 § 1, 1995.)
16.18.202 Right of Entry.

To the extent authorized by law, the department head or designated representative may enter on such premises at reasonable times to make inspections authorized by Sacramento County Code or state law. (SCC 0982 § 1, 1995.)


A. Every owner of real property within the unincorporated area of the County is required to maintain such property in a manner so as to not violate the provisions of this Code, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

B. Every occupant, lessee or holder of any interest in property, other than an owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof, shall in no instance relieve those persons herein referred to from the similar duty.

C. Every person or entity causing or creating a public nuisance upon the property of another or upon public property shall be subject to the enforcement provisions set forth in Article II of this Chapter. Where notice would ordinarily be served upon the owner, occupant, lessee or holder of any interest in the subject property, the required notice may be served upon the person or entity causing or creating the nuisance, if the identity of such person or entity can be ascertained. The authority established by this subsection shall be in addition to any other authority or remedy provided by law to address conditions constituting a nuisance. This provision shall not be interpreted to prohibit the County from requiring a property owner to abate a nuisance on his or her property regardless of whether the nuisance is caused by another individual or entity. Nor shall this provision be interpreted to limit any abatement or cost recovery rights of the County authorized by law. (SCC 1578 § 3, 2015; SCC 1572 § 2, 2014; SCC 0982 § 1, 1995.)

16.18.204 Hearing Examiner.

In order to hear cases brought by the department head under the provisions of this Code, the Board of Supervisors hereby establishes for such purpose the Office of County Hearing Officer under authority of and pursuant to Government Code Section 27720 to which Office the County Executive shall appoint one or more hearing examiners. Such examiners shall serve at the pleasure of the Board. A hearing examiner may be a County employee. However, a hearing examiner shall not have interests in any property subject to any hearing at which such examiner presides. The Board of Supervisors hereby delegates to such hearing examiners those powers and duties set forth in Government Code Section 25845. (SCC 1430 § 1, 2009; SCC 0982 § 1, 1995.)

16.18.205 Criminal Penalties.

A. Notice to Appear Citation. Law enforcement agencies and County Code enforcement agencies may issue a notice to appear citation to the property owner and any person occupying or leasing the property or premises of another for violation of this code.

B. Infractions. A property owner and any person occupying or leasing the property or premises of another, who violates any provision of this code shall be guilty of an infraction. Each day, or portion thereof, a violation exists may be a new and separate offense. The first three violations of the same section of this division on the same property within one year may be considered infractions and may be punished as follows:
1. For conviction(s) on the first citation, a fine of up to one hundred dollars ($100.00) for each violation alleged therein, plus any additional penalties assessed by the Court.

2. For conviction(s) on the second citation, a fine of up to two hundred dollars ($200.00) for each violation alleged therein, plus any additional penalties assessed by the Court.

3. For conviction(s) on the third citation, a fine of up to five hundred dollars ($500.00) for each violation alleged therein, plus any additional penalties assessed by the Court. (Pursuant to Government Code Section 25132.)

C. Misdemeanor. If the number of convictions of any section of this code on the same property exceeds three, the property owner and any person occupying or leasing the property or premises of another shall be guilty of a misdemeanor and upon conviction thereof may be punishable as follows:

1. By a fine; or

2. By imprisonment in the County Jail for a term of not more than six months; or

3. By such fine and/or imprisonment as noted in subsections (C)(1) and (C)(2).

D. Notwithstanding subsections A, B and C, the District Attorney may file a misdemeanor for any violation of this code. In addition, County Counsel may take other steps and apply to such court to seek any and all legal or equitable relief as permitted under law. (SCC 1460 § 1, 2010; SCC 1146 § 1, 1999; SCC 1125 § 1, 1999; SCC 1030 § 2, 1996; SCC 0982 § 1, 1995.)

16.18.206 Administrative Penalties—Procedure.

A. Citation. In addition to any other remedies provided by County Code or state law, a violation of any provision of this Code is subject to administrative penalty.

1. Notice. The administrative penalty citation shall be directed to the owner of the property in violation, and shall contain:

   a. the date, approximate time, and location of the violation(s);
   b. the conditions constituting the violation(s) and the code section(s) violated;
   c. a time period for correction/abatement of the violation;
   d. for imminent health or safety violations, a description of the imminent danger;
   e. a statement that failure to correct/abate the violation within the noted correction period will result in imposition of the administrative penalty;
   f. the amount of the penalty;
   g. an advisement of administrative review rights pursuant to this section and the address at which a written request for administrative review must be delivered;
   h. a statement advising the citation recipient the County will seek recovery of administrative costs and attorneys’ fees as authorized by the California Government Code and this Code;
   i. the name, signature, and contact information of the party issuing the citation.

2. Service. The citation, and any amended or supplemental citation, shall be served by personal delivery or certified mail, postage prepaid and return receipt requested, upon the owner. Citations delivered by mail shall be addressed to the owner at the address shown on the last equalized assessment roll, at the address listed on the recorded deed or deed of trust for violations of California Civil Code section 2929.3, or at any other address(es) ascertained to be more accurate. A copy of the citation shall also be posted at the property in violation. Proof of service of the citation shall be retained by the department head until the violation(s) are corrected, abated, or the enforcement case is otherwise closed.
B. Failure to Remedy or Seek Administrative Review. Failure of any person to correct or abate the cited violation(s) within the correction period, or file for administrative review pursuant to this section is a waiver of his or her right therein. The cited penalty shall be imposed and fully due upon the latter of expiration of the correction period or ten (10) business days from citation service, unless correction(s) is/are verified, an extension is granted, or administrative review is requested.

C. Administrative Review Hearing. Any person cited may contest imposition of the administrative penalty by submitting to the department head at the address listed on the citation a written request for administrative review hearing.

1. Time to Contest Citation. A request for administrative review hearing must be received within ten (10) business days from the date the citation was served for violation(s) not cited as an imminent health or safety hazard. For violation(s) cited as imminent health or safety hazard(s), a request must be received within four (4) calendar days from the date the citation was served.

2. Hearing Officer. Upon receipt of a timely and properly filed request for administrative review hearing, the department head shall schedule a public hearing before a County Hearing Officer appointed pursuant to California Government Code section 27720.

3. Notice of Public Hearing. Notice of the time, date, and location for the administrative review hearing shall be served in the same manner as a citation pursuant to this section. Such notice shall be served no later than fifteen (15) calendar days prior to the hearing.

4. Hearing Procedure. At the time set for hearing, the County Hearing Officer shall proceed to hear the testimony and receive evidence of all parties. Formal rules of evidence shall not apply at the hearing. The proceedings may be reported by a tape recorder. Any party may provide a certified shorthand reporter to maintain a record of the proceedings at the party’s own expense. A party may be self-represented, or represented by anyone of their choice.

   a. The County Hearing Officer shall administer an oath or affirmation.

   b. The County Hearing Officer may issue subpoenas to compel the attendance of witnesses.

   c. The County Hearing Officer may take official notice of any matter which would be subject to judicial notice by the courts of this state, or of any matter which may appear in the official records of this County or its departments.

   d. The County Hearing Officer may inspect the property or item(s) involved in the hearing provided that notice of inspection is given prior to inspection, parties are given an opportunity to be present, a statement of material facts observed and conclusions drawn is included in the record, and any party may include in the record a statement rebutting or explaining the Hearing Officer’s facts or conclusions.

5. Continuance. The County Hearing Officer may grant continuances from time to time upon request and for good cause, or upon his or her own motion. Notice of continuance shall be mailed by the department head to the person cited.

6. Decision. The decision of the County Hearing Officer shall be in writing and issued within ten (10) calendar days of the hearing. The decision shall contain findings of fact, a determination to uphold or rescind the issued citation, and advise that the time for judicial review of the decision is governed by the California Government Code Section 53069.4. The decision shall be served upon the cited person by the department head in the same manner as a citation pursuant to this section.

7. Finality. The decision of the County Hearing Officer shall be final upon service.

D. Judicial Review. The manner of contesting the decision of the hearing officer is governed by California Government Code section 53069.4. Service of a notice of appeal authorized by California Government Code section 53069.4 shall be served upon the Clerk of the Board of Supervisors.
E. Collection. Payment of a penalty is due in full the later of: 1) the day after the correction period expires and correction has not been verified, 2) the day after the time to contest the citation expires if no administrative review request is filed, or 3) ten (10) calendar days after service of a County Hearing Officer decision upholding the citation. The County may pursue all reasonable and legal means in collecting sums due. (SCC 1578 § 4, 2015; SCC 1460 § 2, 2010.)

**16.18.207 Administrative Penalties—Opportunity to Correct and Penalty Amounts.**

A. The citation shall provide a correction/abatement period of thirty (30) calendar days for Housing and Building Code violations that are not an imminent health or safety hazard, and violations of California [Civil Code](#) section 2929.3. Housing and Building Code violation(s) cited as imminent health and safety hazard(s) may require correction/abatement within five (5) calendar days. All other code violations will have a reasonable correction period, not to exceed ten (10) business days. The department head may, in writing and served pursuant to this section without property posting, grant an additional period of time for correction/abatement.

B. Penalties.

1. Penalties for violations of building or housing codes shall be assessed as follows:
   a. one hundred dollars ($100) for the first violation;
   b. five hundred dollars ($500) for the second violation of the same ordinance within one year of the first citation;
   c. one thousand dollars ($1,000) for each additional violation of the same ordinance within one year of the first citation.

2. Penalties for violations of all other codes not otherwise specified shall be assessed as follows:
   a. one hundred dollars ($100) for the first violation;
   b. two hundred dollars ($200) for the second violation of the same ordinance within one year of the first citation;
   c. five hundred dollars ($500) for each additional violation of the same ordinance within one year of the first citation.

3. Penalty for violation of California [Civil Code](#) section 2929.3 shall be up to one thousand dollars ($1,000) per day, commencing on the day following expiration of the correction period. In determining the amount of the fine, the department head shall take into consideration any timely and good faith efforts by the legal owner to remed[y](#) the violation. (SCC 1578 § 5, 2015; SCC 1460 § 3, 2010.)

**16.18.208 Separate Offense for Each Day of Violation/Continuing Violation.**

Each person violating this chapter shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted. Any violation which persists for more than one twenty-four (24) hour period is deemed a continuing violation for the purpose of this chapter. (SCC 1460 § 4, 2010.)

**16.18.209 Second or Subsequent Civil or Criminal Judgment.**

Pursuant to [Government Code](#) Section 25845.5, upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this chapter, the Court may order the owner to pay treble the costs of the abatement.
This section does not apply to conditions abated pursuant to Health and Safety Code Section 17980. (SCC 1460 § 5, 2010.)

16.18.210 Attorneys’ Fees.

Pursuant to Government Code Section 25845, attorneys’ fees may be recovered by the prevailing party. However, in no action, administrative proceeding, or special proceeding shall an award of attorneys’ fees to a prevailing party exceed the amount of reasonable attorneys’ fees incurred by the County in the action or proceedings. (SCC 1460 § 6, 2010.)

Article III Definitions

16.18.301 Generally.

For purposes of this code, the following words shall have the following specified meanings:

A. Abandoned buildings: Any building or structure that is vacant, unoccupied or occupied by persons not authorized by the owner or tenant wherein the following indicia of abandonment are present individually or collectively: overgrown and/or dead vegetation; unmaintained pools and spas; broken windows and/or doors; an accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; unauthorized utility hookups; an accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with habitation; signs of camping or other unauthorized habitation; and/or statements by delivery agents, government employees, or neighbors that the property is vacant and/or has been abandoned.

B. Abandoned drive-in enterprises: Any drive-in enterprise which has ceased providing goods and services for at least one hundred eighty (180) days. The term “abandoned drive-in enterprise” shall not include any enterprise, all or a part of which has been lawfully converted to another use permitted by zoning regulations, and for which all necessary permits, licenses and other entitlements have been issued, so long as the premises are occupied and maintained for such use.

C. Department head: The Director of each County department and their designated representatives as defined in Section 16.18.201.

D. Drive-in enterprise: Any commercial enterprise such as a service station or drive-in restaurant upon which enclosed buildings occupy less than twenty-five (25) percent of the lot area and where the primary method of providing goods and services to customers is by means of a drive through service.

E. Junk: Any cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, plaster of Paris, rubber, terra cotta, wool, wood, cloth, canvas, organic matter or other substance, which is ready for destruction or has been collected or stored for salvage or conversion to some use.

F. Junk yard: Any premises on which any junk is abandoned, bailed, bartered, bought, brought, bundled, deposited, disassembled, disposed of, exchanged, handled, kept, packed, processed, scattered, shipped, sold, stored or transported, regardless of whether or not such activity is done for profit.

G. Owner: Owner of record of real property, occupant, lessee, or interested holder in same, as the case may be.

H. Premises: Any real property, or improvements thereon, as the case may be.

I. Property: Premises.
J. Service station: Any premises upon which the improvements are designed and built for the primary purpose of selling to or providing others with fuels for internal combustion engines of motor vehicles, whether or not providing related automotive maintenance and repair services.

K. Vacant building or property: Any building or property that has stood unoccupied or occupied by unauthorized parties for more than thirty (30) days, unless the owner establishes by substantial evidence to the reasonable satisfaction of the department head that one of the following applies:

1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation;
2. The building is vacant due to fire, flood, earthquake, or other form of natural disaster and the owner is actively pursuing assistance for demolition, rehabilitation or restoration of the building and/or premises from local, State or Federal assistance programs or from insurance agencies; or
3. The building or property complies with all codes and is ready for occupancy. (SCC 1578 § 6, 2015; SCC 1530 § 1, 2013; SCC 1459 § 1, 2010; SCC 1146 § 2, 1999; SCC 0982 § 1, 1995.)

Article IV Nuisances Specified

16.18.401 Generally.

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this County to maintain such premises in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist:

A. The keeping, storage, depositing, or accumulation on the premises of any personal property, including, but not limited to, abandoned, neglected or broken equipment or machinery, abandoned, wrecked, dismantled or inoperative vehicles, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, rubbish, and debris, which is within the view of persons on adjacent or nearby real property or the public right-of-way and which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values; provided, however, that wood and building materials being used or to be used for a project of repair or renovation for which a building permit has been obtained may be stored for such a period of time as is necessary to expeditiously complete the project;

B. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials, which constitutes blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values;

C. Landscaping, or the lack thereof, that is detrimental to aesthetic and property values in the neighborhood or otherwise detrimental to the public welfare as evidenced by any one or more of the following conditions:
   1. The accumulation of weeds, trees, debris or other vegetation that is overgrown onto a public right-of-way at least twelve (12) inches, or is completely dead, over twelve (12) inches in height, and covers more than fifty (50) percent of the front or side yard visible from any street; or
   2. The failure to regularly maintain plant materials, including, but not limited to, irrigating, mowing, and trimming in a manner consistent with applicable Sacramento County Code requirements; or
   3. The failure to remove and/or replace any overgrown, damaged, dead, diseased, or decaying plant materials likely to harbor vectors; or
   4. The failure to keep irrigation systems in proper working order to provide water and coverage that is consistent with applicable Sacramento County Code requirements; or
5. The failure to comply with applicable County landscape design plan and permit requirements and development permit requirements for landscaping.

D. The operation of a junkyard or automobile dismantling yard, except in an industrial zone pursuant to a special use permit;

E. Any abandoned drive-in enterprise;

F. Any dangerous, unsightly, or blighted condition which is detrimental to the health, safety or welfare of the public;

G. Any devices, signs, decorations, designs, and/or fences which are visible from the public right-of-way or neighboring properties that are in a state of disrepair and/or create a health or safety hazard;

H. Any condition in violation of Title 4 of the Sacramento County Code (Business License);

I. Any condition in violation of Chapter 6.120 of the Sacramento County Code (Graffiti);

J. Any condition in violation of Chapter 6.20 of the Sacramento County Code (Solid Waste);

K. Any condition in violation of Chapter 6.68 of the Sacramento County Code (Noise);

L. Any condition in violation of Chapter 6.96 or 6.98 of the Sacramento County Code (Hazardous Materials);

M. Any condition in violation of Title 8 of the Sacramento County Code (Animal Control Law);

N. Any condition in violation of Chapter 16.02, 16.04, 16.20 or 16.22 of the Sacramento County Code (Building Code), including, but not limited to, buildings or structures which are abandoned, partially destroyed, or permitted to remain in a state of partial construction or partial demolition; and unpainted buildings causing dry rot, warping and lack of weather protection;

O. Any condition in violation of Chapters 17.04 and 17.12 of the Sacramento County Code (Fire Protection);

P. Any condition in violation of Chapter 6.28 of the Sacramento County Code (Wells and Pumps);

Q. Any condition in violation of Chapter 6.32 of the Sacramento County Code (Sanitary Sewage Systems);

R. Any condition in violation of Health and Safety Code Section 115700, including abandoned excavations, septic tanks and swimming pools;

S. Any condition in violation of the Sacramento County Zoning Code (Zoning Code);

T. Any condition in violation of Chapter 16.36 of the Sacramento County Code (Swimming Pools);

U. Any condition in violation of Chapter 16.38 of the Sacramento County Code (Sign Code);

V. Any condition in violation of Chapter 16.44 of the Sacramento County Code (Land Grading and Erosion Control);

W. Any condition in violation of Chapter 17.12 of the Sacramento County Code (Weed Control) including, but not limited to, overgrown, dead, dry, decayed, diseased or hazardous trees, weeds, and other vegetation, brush or weeds likely to cause a fire hazard to adjacent or nearby improved property or to the public, or which are noxious, dangerous or which cause a health hazard;

X. Any condition recognized in law or in equity as constituting a public nuisance;

Y. The failure to maintain and monitor any vacant building or property so as to constitute a condition detrimental to property values in the neighborhood or otherwise detrimental to the public welfare.

The existence of any one or more of the following property conditions constitutes a violation of this subsection:

1. The property contains overgrown, diseased, dead or decayed trees, weeds or other vegetation that:
a. Constitutes a fire hazard or other condition that is dangerous to the public health, safety, welfare, or
b. Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances, or
c. Substantially detracts from the aesthetic and property values of neighboring properties, or
d. Is overgrown onto a public right-of-way at least twelve (12) inches, or
e. Is completely dead, over twelve (12) inches in height, and covers more than fifty (50) percent of the
front or side yard visible from any street,

2. The property fails to comply with applicable development permit requirements with respect to any
   landscaping requirements,

3. The property contains exterior trash, debris, junk, or graffiti not regularly removed,

4. The property and all building entry points including doorways, windows or other openings are not
   closed, maintained or secured to prevent entry into the property and building by persons or animals,

5. Criminal activity is occurring on the premises, including, but not limited to, use and sale of controlled
   substances, prostitution, criminal street gang activity, loitering or trespassing;

Z. Any unimproved real property which has become a dumping ground for litter, garbage, junk, debris, or
   discarded vehicles, vehicle parts and/or vehicle hulks, and which real property has been subject to
   abatement on one or more occasions by the County;

AA. Any conditions in violation of Chapter 15.12 (Stormwater Management and Discharge Control).
   Once proceedings have been commenced pursuant to this chapter to declare a property to be a public nuisance
   under this subsection, no such property shall be deemed to be in compliance with this chapter solely because
   such property thereafter becomes occupied;

BB. Any condition in violation of Chapter 6.88 of the Sacramento County Code (Marijuana Cultivation);

CC. Any condition in violation of Chapter 6.130 of the Sacramento County Code (Reduction of Single
    Use Plastic and Paper Bags);

DD. Any condition in violation of Chapter 6.90 of the Sacramento County Code (Butane Resale
    Regulation). (SCC 1611 § 2, 2017; SCC 1609 § 12, 2017; SCC 1596 § 3, 2016; SCC 1578 § 7, 2015; SCC
    1576 § 1, 2014; SCC 1572 § 3, 2014; SCC 1563 § 2, 2014; SCC 1561 § 2, 2014; SCC 1530 § 2, 2013; SCC
    1459 § 2, 2010; SCC 1370 § 1, 2007; SCC 1295 § 25, 2005; SCC 1218 § 2, 2002; SCC 1146 § 3, 1999; SCC
    1052 § 1, 1996; SCC 0982 § 1, 1995.)

16.18.402 Complete and Timely Correction Required.

A. Any building for which a notice and order has been issued is not brought into compliance with the
   provisions of the County Code merely by vacating the building and securing it against entry. Such interim
   action does not constitute a satisfactory correction or abatement of violations of State building standards.
   Vacant buildings, even if boarded and fenced, can create a fire hazard, and may contribute to unhealthy,
   blighting and deteriorating influences in the neighborhood. Complete corrective action must be accomplished
   according to a reasonable and feasible schedule for expeditious repair.

B. Any vacant building that is unrepaired after one year from the date a notice of violation and order to
   correct concerning it has been issued by the County under this Chapter, or Chapter 16.20 or 16.22 of the
   Sacramento County Code, may be abated by the County through the actions and procedures established in
   Article V (sections 16.18.501 through 16.18.513) hereof.

C. Notwithstanding any provision of the County Code to the contrary, where the County determines that
   the health, safety and welfare of the public require, the County may, at any time, commence any appropriate
   action or proceeding to correct or abate the violations or nuisance.
D. For purposes of subsection (B) above, a building is “vacant” if, on more than one occasion, during a previous twelve-month period, it has had no lawful occupant present during a consecutive forty-eight hour period.

E. For purposes of subsection (B) above, a building is “unrepaired” if actual work correcting all violations on the premises is not being diligently pursued under a reasonable and feasible schedule of expeditious repair. Securing the property against entry, such as by boarding or fencing the premises, shall not constitute actual work correcting all violations on the premises. Failure to obtain necessary permits and failure to commence actual on-site work to correct all violations shall constitute satisfactory evidence of lack of diligence.

F. In an action or proceeding brought hereunder it shall be presumed that the owner of the subject property has failed to make a timely choice of repairing or demolishing the building under Health and Safety Code Section 17980(b).

G. If unusual or mitigating circumstances warrant, the Department Head or designee may extend the one-year period referenced in subsection (B). In such cases, the Department Head will seek input from the complainant, neighborhood associations, or block watches in the area, area residents, or other staff as appropriate, to assist in making a determination.

H. A building or structure in good repair, or which is actively being offered for sale or rent, or is involved in legal proceedings prohibiting repair, sale or lease may be exempted by the Department Head if the property owner demonstrates that the building or structure does not pose a threat to the health, safety or welfare of any person. (SCC 1578 § 8, 2015; SCC 1146 § 4, 1999; SCC 1031 § 1, 1996.)

Article V Abatement Generally


In addition to the enforcement procedures authorized for abatement of public nuisance and violations pursuant to Section 16.18.205 and Sacramento County Code Chapters 4, 6.20, 6.68, 6.96, 6.98, 6.120, 8, 16.02, 16.04, 16.20, 16.22, 17.04, 6.28, 6.32, the Sacramento County Zoning Code, and Health and Safety Code Section 24400, upon a determination by a department head directed to enforce the provisions thereunder, or the designated representative of such department head, that a violation exists, such department head or designated representative, in their absolute discretion, may elect to employ the alternative enforcement procedures to cause abatement of the nuisance as provided herein. (SCC 1125 § 2, 1999; SCC 0982 § 1, 1995.)


A. Whenever the Department Head has inspected or caused to be inspected any premises and has found and determined that such premises are in violation of this Code, he or she may commence proceedings to cause abatement of the nuisance as provided herein by notifying in writing the owner of the premises indicating the nature of the violation and ordering the action necessary to correct it. The content of such notice shall be as stated in section 16.18.503.

B. A notice of pending enforcement action describing the property and the nature of the claim shall be recorded by the County. When the enforcement action has been fully resolved and all costs associated therewith finally settled, a certificate of compliance describing the property and referencing the recorded notice of pending enforcement action shall be recorded. (SCC 1578 § 9, 2015; SCC 1146 § 5, 1999; SCC 0982 § 1, 1995.)
16.18.503 Hearing Notice.

A. The department head shall issue a notice directed to the owner of record of the premises. The notice shall contain:

1. The street address and such other description as is required to identify the premises.
2. A statement specifying the conditions which constitute the nuisance.
3. An order to the owner to appear before a hearing examiner at a stated time, but in no event less than twenty (20) calendar days after having mailed such notice, to show cause why the premises should not be declared a public nuisance and the same abated in accordance with this code.

4. A statement advising the owner that he or she has the option of voluntarily abating the nuisance prior to the date set for hearing. If the owner chooses voluntary abatement, such abatement must be completed prior to the hearing date. The owner must advise the department head in writing that he or she will abate the nuisance, and the date of completion. The department head will inspect the premises on the completion date, and if the nuisance has been abated, the hearing will be taken off the calendar. The owner may request a continuance of the hearing pursuant to Section 16.18.506.

5. A statement advising the owner that he or she is responsible for all costs incurred by the County for any abatement hearing.

6. A statement advising the owner that, pursuant to Government Code section 25845, the County intends to seek recovery of attorneys’ fees incurred in any abatement hearing, and that attorneys’ fees may be recovered by the prevailing party.

B. The hearing notice, and any amended or supplemental notice, shall be served either by personal delivery or by mailing a copy by certified mail, postage prepaid, return receipt requested, upon the owner of record or his/her/their address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the department head; a copy of the notice shall also be posted on the premises.

C. Proof of service of the hearing notice shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. (SCC 1578 § 10, 2015; SCC 1066 § 2, 1997; SCC 0982 § 1, 1995.)

16.18.504 Hearings—Generally.

At the time set for hearing, the hearing examiner shall proceed to hear the testimony of the department head, the owner, and other competent persons respecting the condition of the premises, and other relevant facts concerning the matter. (SCC 0982 § 1, 1995.)

16.18.505 Record of Oral Evidence at Hearing.

A. The proceedings at the hearing may be reported by a tape recorder. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party’s own expense.

B. Preparation of a record of the proceeding shall be governed by California Code of Civil Procedure Section 1094.6, as presently written or hereinafter amended. (SCC 1578 § 11, 2015; SCC 0982 § 1, 1995.)

16.18.506 Continuances.

The hearing examiner may, upon request of the owner of the premises or upon request of the department head, grant continuances from time to time for good cause shown, or upon his or her own motion. (SCC 0982 § 1, 1995.)
16.18.507 Oaths; Certification.

The hearing examiner or certified shorthand reporter shall administer the oath or affirmation. (SCC 0982 § 1, 1995.)

16.18.508 Evidence Rules.

Government Code of the State of California, Section 11513, subsections (a), (b) and (c), as presently written or hereinafter amended, shall apply to hearings conducted under this chapter. (SCC 0982 § 1, 1995.)

16.18.509 Rights of Parties.

A. Each party may represent themselves, or be represented by anyone of their choice. (SCC 1578 § 12, 2015; SCC 0982 § 1, 1995.)

16.18.510 Official Notice.

In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the County or any of its departments. (SCC 0982 § 1, 1995.)

16.18.511 Inspection of Premises.

A. The hearing examiner may inspect the premises involved in the hearing prior to, during or after the hearing, provided that:

1. Notice of such inspection shall be given to the parties before the inspection is made;
2. The parties are given an opportunity to be present during the inspection; and
3. The hearing examiner shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom.

4. Each party then shall have a right to rebut or explain the matters so stated by the hearing examiner either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record. (SCC 1578 § 13, 2015; SCC 0982 § 1, 1995.)

16.18.512 Form and Contents of Decision; Finality of Decision.

If it is shown by a preponderance of the evidence that the condition of the premises constitutes a public nuisance:

A. The decision of the hearing examiner shall be in writing and shall contain findings of fact and a determination of the issues presented. The decision shall also require the owner to commence abatement of the nuisance not later than fifteen (15) days after the issuance of the decision, and that the abatement be completed within such time as specified by the hearing examiner, or in the alternative, within the time
designated by the department head. The decision shall inform the owner that if the nuisance is not abated within the time specified, the nuisance may be abated by the County in such manner as may be ordered by the department head and the expense thereof made a lien on the property involved.

B. The decision shall also state that the County, as the prevailing party, is entitled to recovery of attorneys’ fees as part of its costs in the nuisance abatement action.

C. The decision shall also inform the applicant that the time for judicial review is governed by the California Code of Civil Procedure, Section 1094.6. Copies of the decision shall be forthwith delivered to the parties personally or sent to them by certified mail. The decision shall be final when signed by the hearing examiner and served as herein provided. (SCC 1578 § 14, 2015; SCC 1066 § 3, 1997; SCC 0982 § 1, 1995.)

16.18.513 Service of the Hearing Examiner’s Decision.

Upon issuance of the decision, the department head shall post a copy thereof conspicuously on the premises involved and shall serve a copy on the record owner, in the same manner as set forth in Section 16.18.503(B), and one copy shall be served on each of the following, if known to the department head or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in the premises. (SCC 1578 § 15, 2015; SCC 0982 § 1, 1995.)

Article VI Special Procedure for Abatement of Certain Vehicles

16.18.601 Purpose of Article.

A. The provisions of this article are intended to provide a procedure for the abatement of abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, and are enacted under the authority granted by the State of California, under Section 22660 of the Vehicle Code.

B. It is the intent of the Board of Supervisors to provide that the abatement of public nuisances consisting of abandoned, wrecked, dismantled and inoperative vehicles may be carried on either concurrently with or separately from the abatement of other conditions, if any, constituting a public nuisance on any premises within the County, as deemed appropriate under the circumstances. (SCC 1578 § 16, 2015; SCC 0982 § 1, 1995.)

16.18.602 Procedure—Same Except as Specified.

The alternative procedure specified in Article VI shall be used in the case of a nuisance which consists solely of abandoned, wrecked, dismantled or inoperative vehicle(s) or parts thereof. (SCC 0982 § 1, 1995.)

16.18.603 Notice.

When the involved department head determines pursuant to his or her inspection conducted according to Section 16.18.202 of this Code, that the conditions existing on the premises constituting a violation of the provisions of this Code are the result of the existence on said premises of any abandoned, wrecked, dismantled or inoperative vehicle(s), or the parts thereof, the department head may do the following:

A. Issue a notice of intention to abate and remove the vehicle(s) or parts thereof as a public nuisance, directed to the owner of the premises on which the vehicle(s) or parts thereof are located and the owner of the vehicle(s) or parts thereof. This notice shall contain:
1. The street address and such other description as is required to identify the premises on which the vehicle(s) or parts thereof is located.

2. The identity of the vehicle(s) or parts thereof to be abated.

3. A statement that the department head has found the vehicle(s) or parts thereof to be a public nuisance as specified in this Code with a special citation to the applicable section hereof, and to other sections of the County Code if applicable, including sufficient detail to provide the owner with information as to the conditions constituting the alleged nuisance.

4. A statement of the action required to be taken as determined by the department head, and that such action is to be completed within ten (10) days after the mailing of the notice.

5. A statement providing for a hearing by the hearing examiner upon written request to the department head by the owner of the premises on which the vehicle(s) or parts thereof are located or by the owner of the vehicle(s) or parts thereof within ten (10) days after the mailing of the notice of the existence of a public nuisance on the premises.

6. A statement that failure either to take the action required or to request a hearing within the applicable ten (10) day period shall be deemed a waiver of such rights, and that the department head may proceed to abate the nuisance.

7. A statement advising that, pursuant to Government Code Section 25845, the County intends to seek recovery of attorneys’ fees incurred as part of the summary abatement costs.

B. The notice shall be sent certified mail, postage prepaid, to the owner of the premises as shown on the latest equalized assessment roll of the County of Sacramento using such address as may be shown by said assessment roll or such other address as may be known by the department head and to the last registered and legal owner(s) of record, unless the vehicle(s) or parts thereof is in such condition that identification numbers are not available to determine ownership.

C. Upon issuance of the notice, the department head may provide additional notice by posting a copy thereof conspicuously on the vehicle(s) or parts thereof to be abated. (SCC 1578 § 17, 2015; SCC 1066 § 4, 1997; SCC 0982 § 1, 1995.)

16.18.604 Same—Right of Owner of Premises to Disclaim Responsibility for Vehicle.

The notice shall include therein the following statement on the copy of the notice sent to the owner of the premises:

“As to any vehicle(s) or parts thereof listed herein, you may file with the hearing examiner a sworn written statement denying responsibility for the presence on your property of the vehicle(s) or parts thereof listed, together with your reasons for such denial.

This statement shall be construed as a request for a hearing by you which you need not attend. At the hearing, your statement will be considered by the hearing examiner in determining whether the cost of removing said vehicle(s) or parts thereof will be assessed against your property as a lien in the event that removal of the vehicle(s) or parts thereof are undertaken by the County.

You need not file a sworn statement if you intend to attend the hearing, but you may do so if you wish. Such sworn statement will be considered only as to vehicle(s) or parts thereof, and will not be considered as to the existence of any other condition on your property which may be found to constitute a nuisance in this or any other proceeding.”

(SCC 0982 § 1, 1995.)
**16.18.605 Hearing Notice.**

Whenever the owner of the premises on which the vehicle(s) or parts thereof is located or the owner of the vehicle(s) or parts thereof requests a hearing (hereinafter called “requesting party”), the department head shall issue a hearing notice to the requesting party allowing that party to appear before a hearing examiner to show cause why the vehicle(s) or parts thereof is not a public nuisance and should not be abated by the County. The hearing notice shall be served upon the requesting party either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, not less than five calendar days prior to the hearing date. (SCC 0982 § 1, 1995.)

**16.18.606 Hearing by Hearing Examiner.**

At the time fixed in the notice required by Section 16.18.605, the hearing examiner shall proceed to hear the testimony of the department head, requesting party, and other competent persons regarding the condition of the vehicle(s) or parts thereof and other relevant facts concerning the matter. (SCC 0982 § 1, 1995.)

**16.18.607 Form and Contents of Decision; Finality of Decision.**

A. If it is shown by a preponderance of all the evidence that the condition of the vehicle(s) or parts thereof constitute a violation of this Code, the decision of the hearing examiner shall be in writing and shall contain findings of fact and a determination of the issues presented. The hearing examiner shall issue an order that the vehicle(s) or parts thereof are a public nuisance and direct the owner to abate the nuisance, and that if the nuisance is not abated, it may be abated by the County in such manner as may be ordered by the department head and the expense thereof may be made a lien on the property involved, unless the hearing examiner has found that the owner of the premises is not responsible for the presence of the vehicle(s) or parts thereof on his property. The order shall identify the abandoned, wrecked, dismantled or inoperative vehicle(s), or parts thereof, to be abated. The order shall require that abatement of the nuisance be physically completed five days after issuance of the order or, in the alternative, within such time as the department head shall determine to be reasonable under all of the circumstances.

B. The decision shall also inform the requesting party that the time for judicial review is governed by California Code of Civil Procedure Section 1094.6. Copies of the decision shall be forthwith delivered to the parties personally or sent to them by certified mail. The decision shall be final when signed by the hearing examiner and served as herein provided.

C. The decision shall state that the prevailing party may seek recovery of attorneys’ fees. (SCC 1578 § 18, 2015; SCC 1066 § 5, 1997; SCC 0982 § 1, 1995.)

**16.18.608 Preventing Rotation of Abandoned, Wrecked, Dismantled and Inoperative Vehicles.**

In the event the department head shall determine that the owner or person in possession of premises which have been declared a nuisance and ordered abated according to the provisions of this Code, in whole or in part because of the existence thereof of any abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, has removed from said premises the vehicle or vehicles or parts thereof specifically identified and ordered abated by the department head in his or her notice issued pursuant to Section 16.18.605, and has caused or permitted another vehicle or other vehicles, or parts thereof, to replace those removed or ordered removed, the department head shall:

A. Notify the owner of the premises that said act is in violation of the notice of the department head, and order the owner to remove such vehicle(s) or parts thereof; and
B. Notify County Counsel of the violation. County Counsel shall have recourse to and is hereby authorized to use every remedy provided by law to prevent the owner of the premises from placing or causing to be placed upon the premises any abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof. (SCC 1578 § 19, 2015; SCC 0982 § 1, 1995.)

16.18.609 Inapplicability to Certain Vehicles.

The provisions of this article shall not apply to any vehicle(s) or parts thereof which:

A. Is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

B. Is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard, provided such business is not unsightly or otherwise detrimental to the public health, safety or welfare. (SCC 1578 § 20, 2015; SCC 0982 § 1, 1995.)

16.18.610 Abandoned Vehicles—Abandonment Prohibited.

No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. Violation of this section shall be a misdemeanor. (SCC 0982 § 1, 1995.)

16.18.611 Costs of Abating Abandoned Vehicles.

Notwithstanding any other provision of this Code, the costs of abating any inoperative, dismantled or abandoned vehicle, or parts thereof, including the actual tow costs, attorneys’ fees, plus an administrative fee covering direct and indirect overhead to be set by resolution of the Board of Supervisors, is the joint and several personal obligation of the property owner and the last registered owner; provided, however, that a property owner who establishes lack of responsibility for the presence of the vehicle or parts on the property as permitted by Sections 16.18.604 and 16.18.607 shall not be personally liable for the costs; and provided, further, that a last registered owner who can satisfy the requirements of Vehicle Code Section 22524(b) shall not be personally liable for the costs. The director shall take the appropriate steps to collect the costs from those who are liable. (SCC 1066 § 6, 1997; SCC 0982 § 1, 1995.)

Article VII Enforcement of Order of Hearing Examiner

16.18.701 Generally.

After any order of the hearing examiner made pursuant to this Code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. (SCC 0982 § 1, 1995.)

16.18.702 Failure to Obey Order.

If, after any order of the hearing examiner made pursuant to this Code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the department head may institute any appropriate action to abate such conditions on the subject premises which constitute the public nuisance. (SCC 0982 § 1, 1995.)

16.18.703 Failure to Complete Work.
A. Wherever the required abatement is not completed within the time so specified in the order, the department head may, in addition to any other remedy herein provided, cause the nuisance to be abated, so as to put the premises in such a condition that no violation of this code exists thereon.

B. The cost of such abatement shall be assessed against the property as a lien or made a personal obligation of the owner thereof as provided in Article X of this chapter. (SCC 1578 § 21, 2015; SCC 0982 § 1, 1995.)

16.18.704 Extension of Date for Completion.

A. Upon receipt of an application from the person required to conform to the order by a date fixed in the order, and an agreement by such person that he or she will comply with the order if allowed additional time, the department head may, in his or her discretion, grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete such abatement, if the department head determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.

B. The authority of the department head to extend time is limited to the physical abatement of the nuisance or for such other purposes as may be reasonably required by the circumstances of the case, but such extension will not in any way affect or extend the time to appeal the order. (SCC 1578 § 22, 2015; SCC 0982 § 1, 1995.)

16.18.705 Interference with Work Prohibited.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of County, or with any person who owns or holds any estate or interest in any premises on which a nuisance exists and which must be abated under the provisions of this code, whenever such officer, employee, contractor or authorized representative of the County, or person having an interest or estate in such premises is engaged in the work of abating any nuisance as required by the provisions of this code, or in performing any necessary act preliminary to or incidental to such work authorized or directed pursuant to this code. (SCC 0982 § 1, 1995.)

Article VIII Removal of Motor Vehicles and Transfer of Title

16.18.801 Generally.

A. In the event the department head must cause to be removed a vehicle ordered abated pursuant to Article VI of this chapter, the department head may cause the vehicle, or parts thereof, to be taken to a licensed scrap yard or automobile dismantler’s yard.

B. Thereafter the licensed dismantler or owner of the commercial enterprise who receives possession of the vehicle from the County shall be deemed to be the sole owner of the vehicle by reason of involuntary transfer made pursuant to law. After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code Section 5004. Licensed dismantlers or commercial enterprises acquiring vehicles removed pursuant to this article shall be excused from the reporting requirements of Section 11520 of the Vehicle Code and any fees and penalties which would otherwise be due the Department of Motor Vehicles are waived pursuant to Section 22660 of the Vehicle Code; provided, that a copy of the order made pursuant to Section 16.18.607, is retained in the business records of the dismantled or commercial enterprise. (SCC 1578 § 23, 2015; SCC 0982 § 1, 1995.)
16.18.802 Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part thereof removed. There shall also be transmitted to the Department of Motor Vehicles any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates. (SCC 0982 § 1, 1995.)

Article IX Summary Abatement

16.18.901 Dangerous Condition.

If, in the opinion of the department head, there exists a condition on any premises which is of such a nature as to be imminently dangerous to the public health, safety or welfare, which, if not abated according to the procedures of this code, would, during the pendency of the proceedings, subject the public to potential harm of a serious nature, the same may be abated forthwith without compliance with the provisions of this code. Notwithstanding the forgoing, a reasonable effort shall be made to notify the owner of the premises in advance of abatement. (SCC 0982 § 1, 1995.)

16.18.902 Lien or Personal Obligation.

The cost of abatement including, attorneys’ fees and all administrative costs of any action taken hereunder shall be assessed against the subject premises as a lien or made a personal obligation to the owner as provided in Article X of this chapter; except, that in the event the courts shall decide the action taken under this article was improper, no lien shall be assessed and attorneys’ fees may be awarded to the prevailing party. (SCC 1066 § 7, 1997; SCC 0982 § 1, 1995.)

16.18.903 Summary Abatement of Graffiti.

A. The Board of Supervisors finds that proliferation of graffiti, especially gang-related graffiti, presents an imminent danger to the public safety and welfare and constitutes a public nuisance. Law enforcement officials and other experts agree that immediate removal of gang-related graffiti is necessary to reduce the risk of violent and other criminal activities associated with gangs and gang territories. The presence of graffiti which is not abated immediately encourages the creation of additional graffiti, resulting in neighborhood blight and increased costs of abatement.

B. Notwithstanding the provisions of Section 16.18.901, the Directors of Community Development and Transportation are hereby authorized to summarily abate graffiti as provided in Chapter 6.120 of this Code. The abatement may be undertaken by County staff or by outside contractors.

C. The costs of summary abatement of graffiti may be assessed against the abated property as a lien or made a personal obligation of the owner as provided in Article X of this chapter.

D. Pursuant to Government Code Sections 38772-38773.6 and 53069.3, if the person or persons responsible for applying the graffiti is/are identified by having confessed to, admitted to, or pled guilty or nolo contendere to, or has been found guilty in a court of law of a violation of Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code, or is a minor convicted by final judgment of a violation of Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code, or is a minor declared a ward of the Juvenile Court pursuant to Section 602 of the Welfare and Institutions Code by reason of the commission of an act prohibited by Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code, costs of summary abatement of the graffiti may be specially assessed against any parcel of land owned by the person responsible for applying the graffiti, or against any parcel of land owned by the parent or guardian having custody and control of the minor responsible for
applying the graffiti. Special assessment proceedings shall occur as provided in Article X of this Chapter.
(SCC 1578 § 24, 2015; SCC 1532 § 2, 2013; SCC 0982 § 1, 1995.)

**Article X Recovery of Cost of Abatement**

**16.18.1001 Costs of Enforcement—Confirmation.**

A. Costs. When proceedings under this Code result in the correction of a violation of this Code or in a final judgment that a violation exists subsequent to the date specified in any notice issued pursuant to the provisions of Sacramento County Code, all costs of such proceedings and abatement incurred by the County may be assessed against the property. Such costs may include, but not by way of limitation, those incurred in inspecting property, publication, mailing and posting of notices, conducting hearings, processing and defending challenges to decisions or actions and pursuing any judicial action. It is the purpose of this section to allow the assessment against property of costs of proceedings if a violation is corrected in any manner.

B. Attorneys’ Fees. Pursuant to Government Code section 25845, attorneys’ fees may be recovered by the prevailing party. However, in no action, administrative proceeding, or special proceeding shall an award of attorneys’ fees to a prevailing party exceed the amount of reasonable attorneys’ fees incurred by the County in the action or proceeding.

C. Accounting of Enforcement Costs. The Director shall keep an account of unpaid administrative and other costs of enforcement proceedings, and shall submit to the Clerk of the Board of Supervisors an itemized written report showing such unpaid costs and their proposed assessment to the respective properties. The report shall be filed with the Clerk of the Board of Supervisors not later than fifteen (15) calendar days in advance of the confirmation hearing required below.

D. Clerk to Schedule Public Hearing to Confirm Report of Costs. Upon receipt of the report of costs, the Clerk of the Board of Supervisors shall schedule a public hearing before a County Hearing Officer appointed pursuant to Government Code section 27720 to receive protests and confirm the report.

E. Notice of Public Hearing to Confirm Report of Costs. Notice of the time, date and place of the hearing proposed assessment, together with reference to the report on file with the Clerk, shall be given to the (i) owner or owners as shown on the last equalized assessment roll available on the date of mailing of the notice, (ii) each party in interest of each parcel of property proposed to be assessed, and to (iii) any party known to be in possession of the property proposed to be assessed.

F. Time for Giving Notice. Such notice shall be served not later than fifteen (15) calendar days in advance of the hearing.

G. Service of Notice.

1. Owner. Notice to the owner or owners of each property proposed to be assessed shall be served by certified mail, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll, or any other address or addresses ascertained to be more accurate. If no address or owner is shown on the last equalized assessment roll, then notice shall be given by publication in a newspaper of general circulation within the County. Notice shall also be posted on the property. The notice published in a newspaper of general circulation shall show the name or names of the owner or owners if known, the assessor’s parcel number, the street address of the property, if the property has an address and the address is known to the Director, the name of the street or road upon which such property abuts, if the property abuts upon a street or road, the amount of the proposed assessment and reference to the report of costs on file with the Clerk. Such publication shall be made not later than fifteen (15) calendar days in advance of the hearing.

2. Party in Interest. Notice to each party in interest of each property proposed to be assessed shall be served by certified mail, postage prepaid, addressed to the party in interest at the address shown on the
instrument of record creating such interest in the property, or any other address or addresses ascertained to be more accurate. If no address for such party in interest is known, then notice shall be given by publication in a paper of general circulation within the County. Such publication shall be made not later than fifteen (15) calendar days in advance of the hearing.

3. Public. Notice of the time, date and place of the public hearing by the County Hearing Officer shall be published once in a newspaper of general circulation published within the County. Such publication shall be made not later than fifteen (15) calendar days in advance of the hearing.

4. Party in Possession. Notice of anyone known to be in possession of the property proposed to be assessed shall be served by certified mail, postage prepaid, to the party known to be in possession to the property address or any other address or addresses ascertained to be more accurate.

5. Service Effective. Service shall be complete and effective as of the date of mailing or publication, as may be appropriate, as herein provided. The failure of any person to receive such notice shall not affect the validity of any proceedings taken pursuant to this section.

H. Proof of Service. Proof of service by mail shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the Director. Proof of posting a copy of the notice shall be certified by written declaration under penalty of perjury executed by the person effecting posting and declaring the time, date and location posting was effected. Proof of service by publication shall be certified by written declaration under penalty of perjury executed by the person authorized to so by the newspaper of general circulation declaring the date the notice was published by a newspaper of general circulation within the County, and a copy of the published notice shall be affixed to such declaration.

I. Protests. Protest or objection to all or part of the report of costs may be in writing or may be given orally at the hearing for confirmation of the report of costs. Written protests or objections to all or part of the report of costs shall specify the hearing date, hour and description of the subject property.

J. Public Hearing by County Hearing Officer; Confirmation of Costs. Upon the day and hour fixed in the notice a County Hearing Officer shall conduct a public hearing to consider and pass upon the report of costs, together with any such protests or objections thereto. The County Hearing Officer may continue the hearing from time to time. The County Hearing Officer may make such revision, correction or modification of the report or the charge as he or she may deem just and shall then confirm the report by written notice to the Director.

1. Personal Obligation. If, after the hearing at which each owner shall have the opportunity to address the issue, the County Hearing Officer orders the charge to be a personal obligation of each owner of the property involved, then he or she shall direct collection of the charge by use of all appropriate legal remedies.

2. Special Assessment. If, after the hearing at which each owner shall have the opportunity to address the issue, the County Hearing Officer orders that the charge shall be assessed against the property, he or she shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien on the property.

K. Service of Confirmed Report of Costs. Promptly following confirmation of the report by the County Hearing Officer, the Director shall serve upon the owner or owners, and all parties in interest, a copy of the confirmed report of costs. The confirmed report of assessment shall include the following items: (i) the amount of the confirmed costs and whether such costs are assessed as a personal obligation or special assessment, (ii) a demand that the same be paid in full to the County within thirty (30) days from the date of service, (iii) a statement that failure to receive payment within the time allotted shall result in the costs either becoming a personal obligation of the owner or a special assessment lien against the subject property, and (iv) a statement identifying the right to appeal to the Board the confirmed report of costs. Service of the confirmed
report of costs shall be effected in the same manner as service of the notice of hearing as set forth above in this section, except for the requirements of posting the property and publication in a newspaper of general circulation unless the last equalized assessment roll does not list the owner(s) or address(es) for the property to be assessed. (SCC 1578 § 25, 2015; SCC 1430 § 2, 2009; SCC 1066 § 8, 1997; SCC 0982 § 1, 1995.)

16.18.1002 Costs-Assessments.

A. Costs Liened if Not Paid within Thirty Days. If the costs as confirmed have not been received by the County within thirty (30) days of the date notice thereof is effective, or an appeal to the Board is final, and costs are ordered to be assessed against the property, the costs shall be assessed against the parcel of land, as authorized by Section 25845 of the Government Code. A notice of abatement lien may be recorded against the subject property and notice thereof shall be transmitted to the tax collector. Collection of the special assessment shall be in the same manner as ordinary county taxes, and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the special assessment.

B. Transfer to Bona Fide Purchaser. If, subsequent to the service of the notice and order, and prior to notice being given to the tax collector for collection as set forth in subsection A above, the property subject to the notice and order is sold, or title otherwise transferred to a bona fide purchaser for value, said costs shall be the responsibility of the owner of record as of the date said notice and order was placed in the United States postal system or posted on the property, whichever is later.

C. Remedies Cumulative. In addition to assessing the unpaid costs as provided in subsection A, above, the Tax Collector or designated representative may pursue any remedy provided by law for collection of the unpaid costs. (SCC 1578 § 26, 2015; SCC 1430 § 3, 2009; SCC 0982 § 1, 1995.)

16.18.1003 Treble Costs.

Pursuant to Government Code Section 25845.5, upon entry of a second or subsequent civil or criminal judgment within a two year period finding that an owner is responsible for a condition that may be abated pursuant to Government Code Section 25845, a court may order the owner to pay treble the costs of abatement. (SCC 0982 § 1, 1995.)

16.18.1004 Appeal.

A. Manner of Appeal. Any person entitled to service of a confirmed report of costs may appeal the County Hearing Officer’s decision to the Board of Supervisors by filing at the office of the Clerk an appeal fee, established by resolution of the Board, and a written appeal. The appeal shall not be deemed filed until payment of the appeal fee is received by the Clerk; provided, however, that the appeal fee required may be waived on the basis of financial hardship.

B. Form of Appeal. The written appeal shall state:

1. The names of all appellants participating in the appeal.
2. A brief statement setting forth the legal interest of each of the appellants in the property described in the confirmed report of costs.
3. A brief statement in ordinary and concise language of the material facts claimed to support the contentions of the appellant(s).
4. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the confirmed report of costs should be reversed, modified or otherwise set aside.
5. The signature of each party named as an appellant and their official mailing address(es).

6. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

C. Failure to Notice Appeal. Failure of any person to properly appeal pursuant to this section shall constitute a waiver of his or her right therein.

D. Processing of Appeal. Upon receipt of any appeal and appeal fee filed pursuant to this section, the Clerk shall immediately transmit a copy of the written appeal to the Director. The Director shall thereafter provide the Clerk a copy of the confirmed report of costs for the property indicated in the appeal.

E. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the copy of the written appeal transmitted by the Clerk, the following shall occur:

1. Date. The Clerk shall fix a date, time, and place for the Board’s hearing of the appeal. Such date shall be within fifteen (15) days of the filing of the appeal and payment of the appeal fee.

2. Notice. The Clerk shall give written notice of the time and place of the hearing at least five days prior to the date of the hearing to each appellant and the Director by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, certified postage prepaid return receipt requested, addressed to each appellant at his or her address shown on the appeal. Notice shall be effective upon personal delivery or five days after mailing.

F. Action by Board. Following its consideration of the confirmed report of costs, the written appeal, and any objections or arguments raised at the public hearing, the Board may make such revision, correction or modification of the report as it may deem just. The report, as submitted, revised, corrected or modified, shall thereafter be confirmed or rejected as set forth in this Article.

G. Form and Finality of Decision. The decision of the Board shall be in writing and shall contain (i) the amount of the confirmed costs and whether such costs are assessed as a personal obligation or special assessment, (ii) a demand that the same be paid in full to the County within thirty (30) days, (iii) a statement that failure to receive payment within the time allotted shall result in the costs either becoming a personal obligation of the owner or a special assessment lien against the subject property, and (iv) a statement that judicial review is governed by California Code of Civil Procedure section 1094.6. A copy of the decision shall be delivered to each appellant personally or sent to him or her by certified mail, postage prepaid, return receipt requested. The decision of the Board of Supervisors on the report and on all objections or protests shall be final and conclusive when served as herein provided. (SCC 1578 § 27, 2015; SCC 1430 § 5, 2009.)

16.18.1005 Assessment for Summary Abatement.

Where the charge to be made is the result of summary abatement pursuant to Section 16.18.901, the County Hearing Officer may determine whether or not the action to abate was proper, and may confirm the charge or not as it may deem proper. (SCC 1430 § 6, 2009; SCC 0982 § 1, 1995.)

16.18.1006 Time for Contest of Assessment.

The validity of any cost confirmation made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the service of confirmed report of costs is effective. (SCC 1430 § 7, 2009; SCC 0982 § 1, 1995.)

16.18.1007 Filing Copy of Report with County Auditor/Controller.
A certified copy of the assessment shall be filed with the County Auditor/Controller on or before August 1st. The descriptions of the parcels reported shall be those used for the same parcels on the map books of the County Assessor for the current year. (SCC 0982 § 1, 1995.)

**Article XI Special Procedure for Abatement of Abandoned Drive-in Enterprises**

**16.18.1101 Purpose of Article.**

The provisions of this article are intended to provide an alternative procedure for the abatement of abandoned drive-in enterprises. (SCC 0982 § 1, 1995.)

**16.18.1102 Definition of Building.**

As used in this article, “building” shall mean any and all physical improvements or structures which are designed, built, or adopted for use as or in connection with a drive-in enterprise, and shall include any and all canopies, tables, pumps, pump islands, tanks, mechanical equipment, storage sheds, wells, foundations, signs and any and all other improvements situated on such drive-in site. (SCC 0982 § 1, 1995.)

**16.18.1103 Abatement.**

Abatement of an abandoned drive-in enterprise may be accomplished in either of the following ways:

A. Occupation by the owner, or any tenant, lessee or other party entitled to possession, and institution of the previously permitted drive-in enterprise.

B. Demolition and removal of all buildings on and in the premises and the filling of all excavations.

C. Conversion of the premises and commencement of ongoing occupancy and maintenance of the premises for another use permitted by the zoning regulations and for which all necessary permits, licenses and other entitlements have been issued. (SCC 1578 § 28, 2015; SCC 0982 § 1, 1995.)

**16.18.1104 Procedure in General.**

Except as otherwise provided herein, the procedure set forth in Article V of this chapter shall be applicable to nuisances abated pursuant to this article. (SCC 0982 § 1, 1995.)

**16.18.1105 Commencement of Proceedings.**

A. When any of the Directors of Public Works, Planning or Environmental Management has reason to believe that a drive-in enterprise is not in use, he or she shall notify the Chief Building Inspector of the location of such enterprise. The Chief Building Inspector may contact the owner of such enterprise and inform him or her generally of the procedures provided by this article for the abatement of abandoned drive-in enterprises.

B. When the Chief Building Inspector has inspected or caused to be inspected any premises and has found and determined an abandoned drive-in enterprise exists upon such premises, proceedings shall commence to abate the nuisance as provided herein. (SCC 1578 § 29, 2015; SCC 0982 § 1, 1995.)

**16.18.1106 Preliminary Notice.**

Preliminary notice shall be provided in accordance with Section 16.18.502. (SCC 0982 § 1, 1995.)
16.18.1107 Voluntary Compliance and Hearing Notice.

Whenever the Chief Building Inspector has given written notice to the owner as set forth in Section 16.18.502, and at least sixty (60) calendar days have passed from the mailing of that notice, and the owner has failed to respond or when in the opinion of the chief the negotiations with the owner to abate the nuisance are unsuccessful or not proceeding satisfactorily, an order shall be issued hereinafter referred to as “the hearing notice.” The hearing notice shall direct the owner to appear before a hearing examiner to show cause why the premises should not be declared a public nuisance and the same abated by the County. The hearing notice shall be served not less than ten calendar days prior to the hearing date. (SCC 0982 § 1, 1995.)

16.18.1108 Hearings and Decisions.

Hearings shall be conducted in accordance with Article V and decisions and notice provided as set forth therein. (SCC 0982 § 1, 1995.)

16.18.1109 Decision.

The decision of the hearing examiner shall be in accordance with Section 16.18.511; provided, however, that abatement shall be commenced and completed within one hundred twenty (120) calendar days. (SCC 0982 § 1, 1995.)

16.18.1110 Time for Abatement—Special Circumstances.

Notwithstanding any other provisions of this Article to the contrary, the hearing examiner in rendering a decision pursuant to Section 16.18.1109 may extend the time for abatement up to one year whenever, due to a bona fide dispute with the United States Federal Energy Administration concerning an allocation of fuel, or due to other special circumstances, it reasonably appears to the hearing examiner that a particular abandoned drive-in enterprise will be reoccupied pending resolution of said dispute or pending settlement of said circumstances.

In extending the time for abatement pursuant to this section, the hearing examiner shall attach such conditions as it deems necessary to ensure proper maintenance of the premises and protect the public health, safety and welfare. (SCC 0982 § 1, 1995.)


The decision of the hearing examiner shall be enforced in accordance with Article VII of this chapter. (SCC 0982 § 1, 1995.)


The costs of abatement performed by the County shall be recovered in accordance with Article X of this chapter. (SCC 0982 § 1, 1995.)

Article XII Pay Telephones

A. No pay telephone shall be installed, located, or maintained on unimproved property.

B. Any existing pay telephone which is located or maintained in violation of subsection A shall be removed within ninety (90) days after the effective date of this ordinance. Notwithstanding the previous sentence, any pay telephone which is the subject of a written contract authorizing its installation which was entered into prior to the enactment of this ordinance and which contains provisions for termination shall be removed by the first date after enactment of this ordinance on which permissive termination of the written contract by either party could take effect, if either party elected to terminate, or within ninety (90) days after the effective date of this ordinance, whichever occurs later.

C. Any pay telephone which is installed, located, maintained, or operated in violation of this section is hereby declared to be a public nuisance. (SCC 1578 § 30, 2015; SCC 0982 § 1, 1995.)

16.18.1202 Pay Telephones—Public Nuisance.

Any pay telephone which is used as an instrumentality for or contributes substantially by its presence to any of the following conditions is hereby declared to be a public nuisance:

A. Selling or giving away controlled substances (as defined in Division 10 of the California Health and Safety Code); soliciting, agreeing to engage in, or engaging in any act of prostitution; or other criminal activity;

B. Consumption of alcoholic beverages on nearby outdoor public or private property except where outdoor consumption of alcoholic beverages is specifically authorized pursuant to a license issued by the Department of Alcoholic Beverage Control;

C. Loitering on nearby public or private property; or

D. Excessive noise.

As used in this section, “loitering” shall mean remaining on any property under such circumstances that a reasonable person would conclude that the person who remains on the property does not have a purpose connected with the usual and ordinary use to which such property is put, does not have bona fide intent to exercise a constitutional right, and is causing public inconvenience or annoyance. (SCC 1578 § 31, 2015; SCC 0982 § 1, 1995.)

16.18.1203 Abatement Generally.

A. Whenever the department head determines that any pay telephone constitutes a public nuisance as defined in Section 16.18.1201 or 16.18.1202, the department head may commence proceedings to abate the nuisance. The abatement proceedings shall conform to Articles V, VII and X of this chapter, except as specified in this Article.

B. No proceedings to abate a public nuisance as defined in Section 16.18.1202 shall be commenced unless the department head first has made a reasonable effort to work with the property owner where the pay telephone is located or the pay telephone vendor to eliminate the conditions described in Section 16.18.1202 by voluntary measures, such as blocking incoming calls, adding lighting, changing the telephone’s location on the parcel, making the telephone temporarily inoperative, or temporarily removing the telephone. (SCC 1578 § 32, 2015; SCC 0982 § 1, 1995.)

16.18.1204 Replacement Prohibited.

If the public nuisance to be abated is one defined in Section 16.18.1202:
A. The hearing notice required by Section 16.18.502 shall specify that abatement shall consist of removal of the pay telephone, and that no pay telephone shall be installed on the same parcel, or on any contiguous parcel owned by the same property owner, to replace the removed telephone for a period of one year from the date of removal; and

B. Any decision of the hearing officer ordering abatement shall specify that no pay telephone shall be installed on the same parcel, or on any contiguous parcel owned by the same property owner, to replace the removed telephone for a period of one year from the date of removal. (SCC 1578 § 33, 2015; SCC 0982 § 1, 1995.)

16.18.1205 Notice to Pay Telephone Vendor.

All notices shall also be sent to the vendor of the pay telephone, if known to the department head. (SCC 0982 § 1, 1995.)

16.18.1206 List of Abated Locations.

The department head shall maintain, and make available upon request, a list of locations where installation of pay telephones is prohibited pursuant to Section 16.18.1204. (SCC 0982 § 1, 1995.)

Article XIII Securing of Unimproved Real Property

16.18.1300 Securing of Unimproved Real Property.

Whenever the department head or his/her authorized representative has found that any unimproved real property within the unincorporated area of the County has reoccurring dumping problems as may constitute a violation of the requirement stated in Section 16.18.401(J, L, N, O, P, S), the department head may order the property owner(s) to secure the property to prevent further dumping on the property by requiring the owner to do any or all of the following:

A. Erect a fence with gate(s) to County specifications;
B. Erect a lockable gate at specified access points;
C. Install barricading to County specifications to reduce or eliminate accessibility to the property; or
D. Establish security patrols at regular intervals to ensure integrity of fence and gates. (SCC 1578 § 34, 2015; SCC 0982 § 1, 1995.)

16.18.1301 Notice to Owner.

A. The owner(s) of any unimproved property which has been found by the department head to require securing shall be notified in writing by either certified mail, postage prepaid, return receipt, or personal service. If the owner, after several attempts, cannot be served by certified mail or personal service, then the department head may make service by publication in a Sacramento newspaper of general circulation.

B. Upon receipt of the notice to secure, or upon ten (10) days after publication of the notice, the owner(s) shall have thirty (30) days in which to secure the property. (SCC 1578 § 35, 2015; SCC 0982 § 1, 1995.)

16.18.1302 Failure to Obey Order to Secure.
Upon expiration of the time period as set forth in Section 16.18.1301, and upon failure of the owner(s) to secure, the department head or his/her authorized representative may issue a hearing notice pursuant to the procedures set forth in Section 16.18.502. Abatement and securement procedures of Articles V, VII and X of this chapter shall apply. (SCC 0982 § 1, 1995.)


The Department Head may require properties containing vacant structures that are in violation of Sacramento County Code Chapters 16.18, 16.20, or 16.22 to be secured against entry as provided in Chapter 16.23. (SCC 1146 § 6, 1999.)

Article XIV Neighborhood Nuisance Code

16.18.1401 Title.

This article shall be known as the “Neighborhood Nuisance Code,” and may be cited as such, and will be referred to herein as “this Code.” (SCC 1102 § 1, 1998.)

16.18.1402 Findings and Purpose.

The Board of Supervisors finds as follows:

A. The behavior of persons, either separately or in combination with physical conditions of properties, may become public and private nuisances, just as the solely physical conditions of properties within the unincorporated areas of the County of Sacramento may become public and private nuisances. Examples of behavior which may constitute nuisances include large and noisy gatherings, noisy activities during late-night hours, use or sale of controlled substances on the premises, the coming and going of persons with the intent to purchase controlled substances, and the use of buildings or public places for the purpose of prostitution.

B. It is as important for the public health, safety and welfare for the County to be able to abate nuisance-creating behaviors as well as abate nuisance-creating physical conditions.

C. The owners of properties within the unincorporated areas of the County have the responsibility to monitor their properties and to take appropriate actions if a nuisance exists thereon, whether that nuisance be created by existing physical conditions or by nuisance-creating behaviors. Such nuisances may be avoided, in whole or in part, with adequate property management. If a property owner does not fulfill his or her responsibilities, it is necessary for the safety, health and welfare of neighborhoods and the County as a whole that the County be able to undertake abatement action. Nuisance-creating physical conditions can be abated pursuant to Sacramento County Code Chapters 4, 6.20, 6.68, 6.96, 6.98, 6.120, 8, 16.02, 16.04, 16.18, 16.20, 16.22, 17.04, 6.28, 6.32, the Sacramento County Zoning Code, and Health and Safety Code Section 24400. A comparable abatement remedy for nuisance-creating behaviors is needed.

D. Neighborhood health and safety must be protected in a way which does not promote housing discrimination or promote evictions based on prejudice, unfounded fears, or personal animosities.

E. Nothing in this ordinance exempts property owners from strict compliance with state housing law on evictions, retaliatory conduct or discriminatory conduct, or invasion of privacy.

F. This ordinance does not supersede state or federal laws with respect to discrimination, evictions, privacy and retaliatory conduct. (SCC 1578 § 36, 2015; SCC 1102 § 1, 1998.)
A. The purpose of this article is to put in place a remedy which will permit the County to take effective, efficient judicial or administrative actions against property owners who permit nuisance-creating behaviors to occur on their properties on a continuing basis, in order to compel such owners to abate the nuisance-creating behaviors.

B. Provisions of this article are intended to be supplementary and complementary to all of the other provisions of the County Code and state law and all remedies set forth herein shall be cumulative to other remedies which may be available under the County Code or state law.

C. Provisions of this article shall apply generally to all property located in the unincorporated areas of the County of Sacramento wherein any of the nuisances hereinafter specified are found to exist; provided, however, that any condition which would constitute a violation of this article, but which is duly authorized under any county, state or federal law, shall not be deemed to violate this article.

The provisions of this article shall not apply to activities which constitute a bona fide exercise of constitutional rights. (SCC 1578 § 37, 2015; SCC 1102 § 1, 1998.)

16.18.1404 Responsibility for Proper Property Management.

A. Every owner of real property within the unincorporated areas of the County is required to use reasonable care in the management of their property in a manner so as not to violate the provisions of this Code, and the owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding the property.

B. Every occupant, lessee, guest or holder of any possessory interest in real property is required to behave in a reasonable manner so as to not create a nuisance on the property, and supervise any guests on the property in a manner so as not to violate the provisions of this Code. (SCC 1578 § 38, 2015; SCC 1102 § 1, 1998.)

16.18.1405 Authority.

The Sacramento County Sheriff, or the Sheriff’s designee (hereinafter “sheriff”) and the Director of the Sacramento County Department of Planning and Community Development, or the Director’s designee (hereinafter “director”), shall administer the provisions of this chapter.

Hearings or appeals of the sheriff’s or director’s orders shall be heard by a hearing officer appointed pursuant to the provisions of Section 16.18.204 of Chapter 16.18. (SCC 1102 § 1, 1998.)

16.18.1406 Violations.

Nothing in this ordinance precludes any party from exercising their rights under other state, federal and local laws. (SCC 1102 § 1, 1998.)

16.18.1407 Generally.

It is hereby declared a public nuisance and a violation of this Code for any person, firm or corporation, whether owner, lessee, guest, sublessor, sublessee or occupant of any premises in this County to maintain those premises in such a manner that any one or more of the activities described in the following subsections are found to occur repeatedly thereon:

A. The illegal sale of controlled substances and other illegal drugs and substances which creates a public nuisance as defined in Civil Code Sections 3479 and 3480, and Health and Safety Code Section 11570.
B. The illegal use of controlled substances, illegal drugs or substances, or substances injurious to health which create a public nuisance as defined in Civil Code Sections 3479 and 3480, and Health and Safety Code Section 11570.

C. The frequent gathering, or coming and going, of people who have an intent to purchase or use controlled substances on the premises.

D. The occurrence of prostitution, as defined in Penal Code Sections 11225 and 11230.

E. The unlawful activities of a criminal street gang, as defined in Penal Code Section 186.22, 186.22a and 186.25, and Health and Safety Code Section 11570.

F. The making or continuing, or causing to be made and continued, of any loud, unnecessary or unusual noise which disturbs the peace and quiet of the neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standards set forth in Sacramento County Code Chapter 6.68 shall be considered in determining whether a violation of this subsection exists.

G. The firing of gunshots or brandishing of weapons by a resident on the premises, or by a guest of a resident. The standards set forth in Sacramento County Code Chapter 9.40 shall be considered in determining whether a violation of this Code exists. (SCC 1578 § 39, 2015; SCC 1102 § 1, 1998.)

16.18.1408 Citation and Order Issued.

A. Whenever the sheriff or director has inspected or caused to be inspected any premises and has found and determined that the premises are in violation of this Code, the sheriff or director may issue a citation and order to abate the nuisance as provided in Section 16.18.1409 herein. Before a citation and order is issued, the sheriff or director shall communicate in writing with the owner to request that the owner voluntarily cooperate with the County to abate the nuisance. Upon receipt of the written communication, the owner shall contact the sheriff or director within fifteen (15) days (unless good cause otherwise shown) for the purposes of acknowledging receipt of the communication and for discussion of resolving the nuisance cited by the sheriff or director. Failure to contact the sheriff or director may result in the issuance of a citation and order pursuant to Section 16.18.1409.

B. No citation and order shall be issued hereunder if the owner is making good faith efforts to abate the nuisance within thirty (30) days of receipt of the initial written communication from the sheriff or director. Indicia of good faith may include, but shall not be limited to: (1) prompt responses to County communications and requests; (2) active professional property management; (3) submitting and implementing a written commitment, in consultation with the sheriff or director, which states what the property owner intends to do to abate the nuisance and sets forth a reasonable time line to accomplish those goals; (4) taking and accomplishing the steps outlined in the written commitment to repair physical or behavioral conditions which contribute to the nuisance in a reasonable time and in compliance with a time line which is approved by the Director and/or the sheriff; or (5) providing the Director and/or the sheriff with weekly progress reports at the time and in the manner requested by the Director and/or sheriff.

C. Notice Requirements.

1. Whenever the sheriff or director sends a written notice to an owner or manager of rental residential property, the written notice shall specifically describe the nuisance alleged, including, when known, the name or names, addresses and unit numbers of the person or persons allegedly causing the nuisance. The director or sheriff shall concurrently give a copy of any written notice to the specific tenant(s) or unit and the Executive Director of the Human Rights Fair Housing Commission as described in subparagraph (3). Notice need not be given to the specific tenant or unit when the sheriff or director determines that doing so would endanger persons or compromise an ongoing police investigation.
2. Whenever the sheriff or director issues a citation and order to abate a nuisance, the citation and order shall specifically describe the nuisance and the County’s remedies under this Code. The citation and order shall also state that tenants may contact the sheriff or director to provide or receive information about their building. The notice or citation and order shall also state that tenants who are served with thirty (30) day eviction notices shall have the right to an informal meeting with the Director of Human Rights/Fair Housing Commission as described in subparagraph (3). The tenant must contact the Director of Human Rights/Fair Housing as described in subparagraph (3) within fifteen (15) days (unless good cause otherwise shown) of receiving the eviction notice for the purpose of appealing the termination. The director or sheriff shall concurrently issue the citation and order to the tenants of the cited property by posting a copy of the notice or citation and order on each of the building(s) located thereon.

3. The Executive Director of the Human Rights/Fair Housing Commission, or the Executive Director’s designee, shall hold an informal meeting pursuant to subparagraphs (C)(1) and (2) no later than five (5) business days after the tenant’s request. At the meeting, the tenant shall be given the opportunity to demonstrate that he or she is not causing a nuisance. The Executive Director, or the Executive Director’s designee, shall mail certified copies of a letter describing the results of the informal meeting to the tenant, the owner, and the Director or sheriff within two business days after the meeting.

The Executive Director will forward to the Director or sheriff each month a statistical summary of all informal meetings held.

4. The sheriff or director shall post all notices of subsequent proceedings and actions pursuant to this chapter on all of the buildings located on the property. (SCC 1578 § 40, 2015; SCC 1102 § 1, 1998.)

16.18.1409 Citation and Order—Content, Service, Fee.

A. The citation and order shall contain:

1. The street address and such other description as required to identify the premises.

2. A statement specifying with particularity the behaviors which constitute the nuisance and the actions which the sheriff or director orders the record owner to take to abate the nuisance.

3. A statement advising the owner to abate the nuisance within sixty (60) calendar days of mailing of the citation and order, or such longer time as the sheriff or director may order. An extension of time to abate the nuisance shall be granted if the owner is making good faith efforts to abate the nuisance and those efforts are delayed due to judicial proceedings relating to the property.

4. A statement advising the owner that he or she has the right to request a hearing to contest the citation and order.

5. A statement advising the owner that an administrative penalty in an amount not to exceed $5,000.00 may be imposed upon the owner and made a lien on the property involved if the nuisance is not abated as required by the citation and order and no written request for hearing is filed within thirty (30) days of receipt of the citation notice.

6. A statement advising the owner that an owner may not retaliate against any tenant, as set forth in Civil Code Section 1942.5.

7. A statement that in responding to the citation and order, the owner should comply with all applicable federal, state, and local regulations relating to evictions and prohibitions against discrimination.

8. A statement advising the owner that when the proceedings under this Code result in the correction of a violation of this Code or in a final abatement order that a violation exists subsequent to the date specified in any notice issued pursuant to this Code, costs of such proceedings incurred by the County may be assessed against the property. Such costs may include, but not by way of limitation, those incurred in inspecting the
property, publication, mailing and posting of notices, conducting hearing, processing appeals and pursuing any judicial action.

9. A statement advising that the tenant(s) have the right to contest the allegations of nuisance at an informal meeting with the Executive Director of the Human Rights/Fair Housing Commission as described in Section 16.18.1408(C)(3).

B. The citation and order shall be served and proof of service shall be made in the same manner as provided in subsection 16.18.1413(B).

C. Recovery of the cost to abatement a nuisance under this Code is governed by Sacramento County Code Sections 16.18.1001 through 16.18.1007.

D. The citation and order shall state that a written abatement plan executed by the owner and director shall be deemed to be a final order of the hearing officer. (SCC 1578 § 41, 2015; SCC 1102 § 1, 1998.)

16.18.1410 Sheriff’s and Director’s Review; Administrative Penalties.

A. After the time for abatement set forth in the citation and order has expired, the sheriff or director shall determine whether the owner has taken the action ordered by the sheriff or director and whether the nuisance has been abated. If the sheriff or director determines that the nuisance has been abated, the owner and any occupants other than the owner shall be notified in writing of such determination and the citation shall be dissolved.

B. If the sheriff or director determines that the nuisance has not been abated, the sheriff or director may seek to impose an administrative penalty of up to five thousand ($5,000) dollars as provided in Sacramento County Code Section 16.18.205. Notice of any administrative penalty shall be served and proof of service shall be made in the same manner as provided in Sacramento County Code Section 16.18.503(B) and (C), herein. The notice shall provide that any administrative civil penalty imposed shall be administratively reviewed by a hearing officer before it is enforced. In addition, the sheriff or director may issue another citation and order to the owner pursuant to Sacramento County Code Section 16.18.1408. (SCC 1578 § 42, 2015; SCC 1102 § 1, 1998.)

16.18.1411 Right to Hearing.

The property owner has the right to request a hearing to contest any citation and order issued by the sheriff or director. (SCC 1102 § 1, 1998.)

16.18.1412 Requests for Hearing.

A. All requests for hearing shall be made to the sheriff or director.

B. A request for hearing to contest a citation and order shall be made in writing within thirty (30) calendar days after mailing of the citation and order.

C. If a request for hearing is not filed within the time period set forth in subdivision (B) above, the citation shall be deemed a final order of the hearing officer. (SCC 1578 § 43, 2015; SCC 1102 § 1, 1998.)

16.18.1413 Hearing Notice.

A. Upon the owner’s request for a hearing, the Director or sheriff shall issue a hearing notice. The notice shall contain:

1. A copy of the citation and order;
2. A copy of the notice of administrative penalty, where applicable;

3. An order to the owner to appear before a hearing officer at a stated time, but in no event less than twenty (20) calendar days after mailing of the hearing notice;

4. A list of the actions which the sheriff or director intends to ask the hearing officer to order the owner to take if the matter is not resolved before the hearing. Nothing shall prevent the hearing officer from ordering other actions not listed in the hearing notice, but the owner shall have the right to ask for a supplemental hearing on such other actions as set forth in Sacramento County Code Section 16.18.1422;

5. A statement that all interested persons may attend and testify at the hearing;

6. A statement advising the owner that he or she may be responsible for all costs incurred by the County for any abatement hearing.

B. The hearing notice, and any amended or supplemental notice, shall be served either by personal delivery or by mailing a copy by certified mail, postage prepaid, return receipt requested, upon the owner of record or his/her/their address as it appears on the latest equalized assessment roll of Sacramento County, or as known to the Director. At the discretion of the sheriff or director, copies of the notice may also be mailed to the owner by first class mail or mailed to any holder of an interest in the property or a mortgage, deed of trust, or other lien or encumbrance of record.

In lieu of personally serving the owner or service by certified mail, service of the notice and any amended or supplemental notice may be made as follows:

1. In the event that the owner refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. In lieu of personal delivery of a copy of the notice, a notice or any amended or supplemental notice may be served by leaving a copy during usual office hours in his/her office with the person who is apparently in charge, and by thereafter mailing by first-class mail a copy of the notice to the owner at the address where the copy was left.

2. In the event the owner refuses to accept certified return receipt mail or cannot be personally served and has a property manager, or rental agency overseeing the premises, substituted service may be made as set forth in (1) above upon the property manager or rental agency.

3. If the owner lives out of state and will not accept certified return receipt mail, then service may be made by first-class mail.

4. If the owner of the property cannot be located after a diligent search, service may be made by publication in a Sacramento newspaper of general circulation which is most likely to give actual notice to the owner.

C. Proof of service of the hearing notice shall be certified by written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner which service was made.

D. Failure to effect service on any person specified herein shall not invalidate proceedings against any person who is properly served. (SCC 1578 § 44, 2015; SCC 1102 § 1, 1998.)

16.18.1414 Hearings—Generally.

At the time set for hearing, the hearing officer shall proceed to hear the testimony of county staff, the owner, any tenants and other persons respecting the nuisance-creating behavior on the premises and the steps necessary to abate the nuisance, or the imposition of an administrative penalty pursuant to Sacramento County Code Section 16.18.205. (SCC 1102 § 1, 1998.)

16.18.1415 Record of Oral Evidence at Hearing.
A. The proceedings at the hearing shall be recorded by a tape recorder. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party’s own expense.

B. Preparation of a record of the proceeding shall be governed by California Code of Civil Procedure Section 1094.6, as presently written or hereinafter amended. (SCC 1578 § 45, 2015; SCC 1102 § 1, 1998.)

16.18.1416 Continuances.

The hearing officer may grant continuances from time to time for good cause shown. (SCC 1102 § 1, 1998.)

16.18.1417 Oaths.

The hearing officer shall administer the oath or affirmation. (SCC 1102 § 1, 1998.)

16.18.1418 Evidence Rules.

Government Code of the State of California, Section 11513, subsections (a), (b) and (c), as presently written or hereinafter amended, shall apply to hearings conducted under this chapter. (SCC 1102 § 1, 1998.)

16.18.1419 Rights of Parties.

A. Each party may represent themselves, or be represented by anyone of their choice.

B. If a party does not proficiently speak or understand the English language, the party may provide an interpreter, at the party’s own cost, to translate for the party. An interpreter shall not have had any involvement in the issues of the case prior to the hearings. (SCC 1578 § 46, 2015; SCC 1102 § 1, 1998.)

16.18.1420 Official Notice.

In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or which may appear in any of the official records of the County or any of its departments. (SCC 1102 § 1, 1998.)

16.18.1421 Inspection of Premises.

A. The hearing examiner may inspect the premises involved in the hearing prior to, during or after the hearing, provided that:

1. Consent is granted by a person with the lawful right to grant consent or an inspection warrant is obtained;

2. Reasonable notice of such inspection shall be given to the parties before the inspection is made;

3. The parties are given an opportunity to be present during the inspection;

4. The hearing examiner shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and the conclusion drawn therefrom; and

5. Each party then shall have a right to rebut or explain the matters so stated by the hearing examiner either for the record during the hearing or by filing a written statement after the hearing for inclusion in the hearing record. (SCC 1578 § 47, 2015; SCC 1102 § 1, 1998.)
16.18.1422 Form and Contents of Decision; Finality of Decision.

If it is shown by a preponderance of the evidence that behaviors occurring on the premises constitute a public nuisance and that the owner of the premises has not taken adequate steps to abate the nuisance as prescribed by the sheriff or director, the hearing officer shall issue a written decision, not later than fifteen (15) days from the hearing date, declaring the premises a public nuisance. The hearing officer may order the owner to take such action it deems appropriate to abate the nuisance. The actions ordered shall be reasonable and may include, but shall not be limited to:

A. Provision of additional exterior lighting;
B. The posting of security personnel on the premises;
C. Installation of appropriate fencing;
D. Posting of signs on the premises, and provisions in rental applications and agreements, which state that illegal use of controlled substances and other nuisance-creating behavior on the premises shall be grounds for eviction;
E. Hiring a competent property management firm to manage the property;
F. Hiring of a competent resident manager who has experience, education, and training in rental property management;
G. Make available to the tenants the telephone number and name of the owner or of a local property manager who is authorized to make decisions relating management of the property;
H. Obtaining education and training in rental property management;
I. Other such reasonable actions as may be deemed appropriate by the hearing officer.

The hearing officer shall not have the authority to order that the owner evict a tenant or any other person from the premises.

If the hearing officer orders the owner to take specified actions to abate the nuisance, the Director or sheriff shall review the owner’s compliance with the hearing officer’s order pursuant to Sacramento County Code Section 16.18.1411.

The decision shall inform the owner that if the nuisance is not abated within the time specified and the owner has not complied with all orders of the hearing officer, and an administrative penalty has not already been imposed, that an administrative penalty in an amount not to exceed five thousand ($5,000) dollars may be imposed upon the owner pursuant to Sacramento County Code Section 16.18.205.

If the decision orders the owner to take any actions which were not listed in the hearing notice, the decision shall specifically designate those actions, and if the owner objects to those actions as unnecessary or infeasible, the owner may request a supplemental hearing before the hearing officer on the subject of the appropriateness of those actions only, by filing a request with the Director within fifteen (15) calendar days after the decision is mailed to the owner. A request for supplemental hearing shall not stay the hearing officer’s order to take actions which were listed in the hearing notice.

The decision of the hearing officer shall be final. The decision shall inform the owner that the time for judicial review of the hearing officer’s decision is governed by California Code of Civil Procedure Section 1094.6.

The decision shall be in writing and shall contain findings of fact and a determination of the issues presented. The decision shall also require the owner to commence abatement of the nuisance not later than fifteen (15) days after the issuance of the decision, and that the abatement be completed within such time as specified by the hearing examiner, or in the alternative, within the time designated by the sheriff or department head.
The decision shall be posted on the premises and served upon the owner by personal delivery or by certified mail return receipt requested, and shall be sent by first class mail to any occupants other than the owner, any holder of any mortgage or deed of trust or other lien or encumbrance of record, the owner or holder of any lease of record, and the holder of any other estate or legal interest of record in the premises. The decision shall be final when signed by the hearing examiner and served as herein provided. Failure to serve the decision on any person specified shall not invalidate proceedings against any person who is properly served. (SCC 1578 § 48, 2015; SCC 1102 § 1, 1998.)

16.18.1423 Enforcement of Hearing Officer Orders.

After any order of the hearing officer made pursuant to this Code shall have become final, no owner to whom any such order is directed shall fail, neglect or refuse to obey such order. The County may commence appropriate judicial action against any owner who fails to abate a nuisance pursuant to the order of the hearing officer. (SCC 1102 § 1, 1998.)


Recovery of costs of abatement are governed by Sacramento County Code Sections 16.18.1000 through 16.18.1007. (SCC 1102 § 1, 1998.)

16.18.1425 Procedures for Collection of Administrative Penalty.

The administrative penalty shall be due and payable within thirty (30) days after the decision of the Director becomes final or within thirty (30) days after the hearing officer’s decision is issued. If the penalty is not timely paid, the County may pursue all reasonable and legal means in collecting those sums authorized and due.

No owner shall pass on to tenants penalties incurred pursuant to this article. Costs of capital improvements and security and safety enhancements may be passed on. (SCC 1102 § 1, 1998.)

16.18.1426 Use of Costs and Penalties.

All costs and administrative penalties received by the County pursuant to this article shall be used exclusively for administration and enforcement of this article. (SCC 1102 § 1, 1998.)

View the mobile version.
Pursuant to the authority granted it by Section 25845 and Section 25845.5 of the Government Code of the state of California, the board of supervisors does enact this chapter which shall be known, and may be cited, as "The Public Nuisance Ordinance."

(Ord. 97-11 § 2 (part), 1997.)

A. It is the purpose of this chapter to protect the health, safety and welfare of the residents of the county through the prevention of public nuisances in the county. It shall be construed liberally to that end.

B. It is the intention of the board of supervisors to minimize the burden placed upon property owners and tax payers in carrying out the purposes set forth in subsection (A) above. Accordingly, those methods of abatement are to be favored which are least costly and which are most directly related to protecting the public health, safety and welfare.

(Ord. 97-11 § 2 (part), 1997.)

This chapter is not the exclusive regulation of public nuisances. It shall supplement and be in addition to the other regulating statutes and ordinances heretofore or hereafter enacted by the state, the county, or any other legal entity or agency having jurisdiction.

(Ord. 97-11 § 2 (part), 1997.)

This chapter applies to all real property owned by an individual, firm, partnership, joint venture, association, corporation, estate or trust. In addition, it applies to any real property owned by the United States and any agency of the United States, the state of California and any agency of the state, any city, and any public district or political subdivision of the state insofar as it is legally possible to enforce this chapter, or any portion thereof, against such entities.

(Ord. 97-11 § 2 (part), 1997.)

Except where the context otherwise requires, the following definitions shall govern the construction of the chapter:

"Board" means the board of supervisors of the county of Del Norte.

"Cost of abatement" means the direct cost to the county of abating a public nuisance.

"Cost of administration" means the cost to the county of performing the various administrative acts required under this chapter with regard to the abatement of a public nuisance, including without limitation, administrative overhead, salaries and expenses incurred by county officers and employees in investigating such nuisance, conducting hearings, and preparation of documents.

"County" means the county of Del Norte, acting by and through the board of supervisors or any county department or official.

"Enforcement Official" means any officer or department head of the county or other public agency charged with the duty of enforcing county ordinances or laws of the state of California.

"Hearing Officer" means a hearing examiner appointed pursuant to section 2.26.020 of this Code.

"Occupier" means the person occupying or otherwise in real or apparent charge and control of the premises affected.
"Owner, means the person in whom is vested the ownership of, dominion over, or title to real property. "Real property" includes all the surface or subsurface areas described in the most recently recorded deed or deeds relating to such property and all improvements on the real property.

(Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 210 - Owners duty

Regardless of whether the owner is in actual possession of his or her real property, it is the duty of every owner of real property within the unincorporated area of Del Norte County to prevent a public nuisance described in Section 7.08.310 of this chapter from arising on, or from existing upon, his or her real property. This duty may include an obligation to take action to evict or otherwise remove an occupier who creates a public nuisance upon the owner’s property.

(Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 220 - Private right of action

Nothing contained in this chapter shall be construed to prohibit the right of any person or public or private entity damaged by any violation of this chapter to institute a civil proceeding for injunctive relief against such violation, for money damages, or for whatever other or additional relief the court deems appropriate. The remedies available under this chapter shall be in addition to, and shall not in any way restrict any other rights or remedies available under law.

(Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 230 - Nuisance abatement by public agencies other than the county

Nothing contained in this chapter shall be construed to impose a duty upon the county or its governing body to take enforcement action or conduct hearings on behalf of any other public agency.

(Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 310 - Declaration of nuisance

The following are declared to be a public nuisance, which may be abated in accordance with the provisions of this chapter.
A. Activities prohibited by California Penal Code, Part 1, Title 10 and Sections 370, 371 and 11225, et seq., as enacted or hereinafter amended, shall be unlawful, constitute a nuisance, and enforcement and abatement shall be undertaken as provided by law.
B. It is declared unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or land in this county to maintain such premises or land such that any one or more of the following conditions or activities exist:
1. Any condition recognized in law or equity as constituting a public nuisance;
2. Any dangerous, unsightly, or blighted condition that is detrimental to the health, safety or welfare of the public;
3. The erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion or demolition, use, occupancy maintenance of any building or structure in violation of the Uniform Building Code, Uniform Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, or Uniform Fire Code that apply to structures or property within Del Norte County;
4. Anything defined as a nuisance pursuant to state and federal law including but not limited to the California Civil Code, Division 4, Part 3;
5. Any condition in violation of the weed and rubbish abatement laws defined at Government Code Sections 39500 et seq. and 39560 et seq. as enacted or hereafter amended and enforced by county ordinance and resolutions;
6. Any vacant, unoccupied or abandoned building or structure that is not reasonably secured against uninvited entry or
that constitutes a fire hazard, or is in a state of unsightly or dangerous condition so as to constitute a blighted condition detrimental to property values in the neighborhood or otherwise detrimental to the health, safety and welfare of the public. For purposes of this chapter, a building or structure is unsecured when it is unlocked or the public can gain entry without the consent of the owner,

7. Any condition that constitutes an attractive nuisance; those objects or conditions that, by their nature may attract children or other curious individuals including, but not limited to, unprotected hazardous or unfilled pools, ponds, ice boxes, refrigerators or excavations;

8. Any condition that constitutes a visual blight. For purposes of this code, visual blight is any unreasonable or unlawful condition or use of real property, premises or building exteriors which by reason of its appearance or smell creates a nuisance as viewed at ground level from the public right-of-way or from neighboring premises, is detrimental to the property of others or to the value of property of others, offensive to the senses, or reduces the aesthetic appearance of the neighborhood. Visual blight includes, but is not limited to, the keeping, storing, depositing, scattering over or accumulation of waste on the premises any of the following:
   a. Junk, trash, debris, scrap metal, rubbish, packing materials,
   b. Abandoned, discarded or unused objects or equipment such as furniture, stoves, appliances, refrigerators, freezers, cans or containers, automotive parts and equipment,
   c. Abandoned, wrecked, disabled, dismantled or inoperative vehicles or parts thereof except inoperative vehicles that are not abandoned, are either registered or are certified pursuant to Section 4604 of the California Vehicle Code, and are in an active state of renovation or restoration,
   d. Abandoned excavations,
   e. Any personal property, object, device, decoration, design, fence, structure or clothesline which is unsightly by reason of its condition or its inappropriate location, and
   f. Overgrown vegetation which is unsightly and likely to harbor rats or other vermin;

9. Property in urban zones that is used for the keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials, for an unreasonable period, which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values; provided, however, that such of the listed materials as are being used or are to be used for a project of repair or renovation for which a permit, including a building permit, has been obtained may be stored for such period of time as is reasonably necessary to expeditiously complete the project. As used in this subdivision, "urban zones" are those designated in the Del Norte County zoning ordinance as: PC, R1, R2, R3, C1, C2, C3, C4, M, MP, MHP, HR, HDR, HDC;

10. The presence of a junkyard or automobile-dismantling yard, except in an industrial zone pursuant to a special use permit;

11. The accumulation on any premises of any abandoned, wrecked, disabled, dismantled or inoperative vehicle or parts thereof; automobile motors, transmissions, and all other auto or accessories, stored or accumulated on any premises or land where they are visible to the public;

12. The maintenance or use of any real property in violation of any provision of the Del Norte County Code, state law, or federal law;

13. Continuous yard, garage or estate sales on property with any residential zoning designation. A sale is deemed to be "continuous" if it occurs more often than three days per calendar quarter;

14. Any building or other structure which by reason of rot, weakened joints, walls, floors, underpinnings, roof, ceilings, or insecure foundation, or other cause has become dilapidated or deteriorated;

15. Property in urban zones that is not kept clean and sanitary and free from unreasonable accumulations of offensive matter including, but not limited to, dead animals, animal parts, and animal feces and urine. As used in this subdivision, "urban zones" are those designated in the Del Norte County zoning ordinance as: PC, R1, R2, R3, C1, C2, C3, C4, M, MP, MHP, HR, HDR, HDC;

16. Property, which is likely to or does harbor rats or other vectors, vermin, feral pets, and other non-domesticated animal nuisances;

17. Conditions which due to their accessibility to the public pose a hazard including, but not limited to, abandoned wells, shafts, cisterns, septic tanks open to the surface, or structurally unsound fences;

18. Property, which is likely to or does harbor rats or other vectors, vermin, feral pets, and other non-domesticated animal nuisances;

19. Any building or structure, wall, fence, pavement or walkway upon which any graffiti is allowed to remain for more than ten days;

20. Failing or ceasing to satisfy or violating any condition associated with or imposed in connection with an approval relating to land, while making use of the special entitlement granted by such permit, including, but not limited to, variances, conditional use permits, subdivision and site plans.

C. Notwithstanding any provision of this Chapter 7.08, agricultural operations that do not constitute a nuisance under Chapter 7.42 shall not constitute a nuisance under this Chapter 7.08.

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 420 - Criminal violation

It is unlawful for any person to permit a public nuisance to exist upon his or her real property.

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 430 - First and subsequent violations of this chapter

Notwithstanding any other provision of this code, any individual having been duly served with notice as prescribed in Article 7 of this chapter, who fails to commence the required abatement within five days or to complete the required abatement within fifteen days, upon conviction thereof, may be punished as follows:
A. Any person so convicted shall be guilty of an infraction offense and punished by a fine not exceeding one hundred dollars for a first violation
B. Any person so convicted shall be guilty of an infraction offense and punished by a fine not exceeding two hundred dollars for a second violation on the same site and perpetrated by the same person
C. The third and any additional violations on the same site and perpetrated by the same person shall constitute a misdemeanor offense and shall be punishable as set forth Section 19 of the California Penal Code.

Notwithstanding the foregoing, the district attorney may charge and prosecute any violation of this chapter as a misdemeanor under Section 19 of the California Penal Code.

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 440 - Civil penalties in addition to abatement costs and administrative costs

In addition to the cost of abatement and cost of administration assessed against the owner of real property upon which a nuisance has been determined to exist, and in addition to any other fee or penalty imposed by this code or by law, any person who permits or causes a nuisance as described in Section 7.08.310 of this chapter to exist may be required to pay up to one hundred dollars per day for each day that the violation exists on the property after the date of mailing or service of the notice of nuisance through its abatement by whatever means; or, in the event that the use or structure in violation may be permitted with an appropriate permit, a minimum of three times and up to a maximum of ten times the amount of the standard fee for such permit.

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 450 - Initial determination of civil penalties

The determination of civil penalties imposed under this article shall, in the first instance, be performed by the enforcement official, or his or her designee. Such determination shall take into account the facts and circumstances of the violation, including, but not limited to, the length of time the violation has existed the culpability of the person in violation or the willfulness of the violation the extent of the violation and its effect on adjoining properties attempts, if any, to comply with the applicable ordinances and any other information which might be relevant to the determination of charges to be imposed by this article.

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 460 - Final determination of civil penalties
The Hearing Officer is vested with sole discretion to determine the amount of civil penalties to be imposed under this article, and shall make such determination at the accounting hearing described in Article 9 of this chapter. Such determination shall take into account the facts and circumstances of the violation, including, but not limited to, the length of time the violation has existed, the culpability of the person in violation or the willfulness of the violation, the extent of the violation and its effect on adjoining properties, attempts, if any, to comply with the applicable ordinances and any other information which might be relevant to the determination of charges to be imposed by this article.

(Ord. 97-11 § 2 (part), 1997.) (Ord. 2009-004 § 8 (part), 2009)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 470 - Civil penalties not applicable

A. The charges imposed by this article shall not apply if the owner establishes that, at the time he or she acquired the property, (1) a violation of this code existed on the property, (2) the property owner did not have actual or constructive notice of the existence of the violation, and (3) within fifteen days after the mailing of the notice of nuisance, the owner initiates and pursues, with due diligence, good faith efforts, as determined by the enforcement official, to meet the requirements of this code. An owner has constructive notice of the existence of a violation if the owner has actual notice of circumstances sufficient to put a prudent person upon inquiry as to a particular fact, and if by prosecuting such inquiry, the person might have learned that a violation existed on the property.

B. The charges imposed by this article shall not apply if the property owner establishes that (1) within fifteen days after the date of mailing or service the notice of nuisance, the owner removed from the property the use or structure which constituted the violation, and (2) the owner had not previously been mailed a notice of nuisance with regard to violation of the same code section, regardless of the parcel on which such violation occupied. (Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 480 - Second or subsequent abatement

As authorized by Government Code Section 25845.5, upon a second or subsequent determination within a two-year period that an owner of property is responsible for a condition that may be abated in accordance with this chapter, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, the owner shall be liable for treble the costs of abatement.

(Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 490 - Attorneys fees

In those cases in which the county, at the initiation of the individual action or proceeding, elects to seek recovery of its own attorneys' fees, the prevailing party in any such action, administrative proceeding, or special proceeding to abate a nuisance shall be entitled to recover attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the county in the action or proceeding.

(Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 510 - Inspection warrant

Where there is a report of the existence of a public nuisance or other reason to believe that a public nuisance exists on certain real property, but the owner or occupier refuses consent to inspect it, or where circumstances justify the failure to seek consent to inspect, the county may proceed to obtain an inspection warrant pursuant to California Code of Civil Procedure Sections 1822.50 et seq. to enter and inspect such real property.

(Ord. 97-11 § 2 (part), 1997.)
A. Any officer or employee of the Del Norte County public health service who is a duly registered environmental health specialist under state law may cite a person without a warrant whenever he or she has reasonable cause to believe that the person to be issued the citation has committed a misdemeanor in his or her presence, which misdemeanor is a violation of any statute or ordinance relating to public health which said sanitarian has a duty to enforce.

B. In addition, no inspection warrant shall be required where there is a clear and present threat or danger to the public health, safety or welfare of the occupants of structures or to the public. Examples of such conditions may be found in cases involving contagious diseases, extreme fire hazard, unwholesome food, or collapsing buildings. In such cases, immediate abatement of a public nuisance is justified as provided in Section 7.08.610 of this chapter and as authorized by California Government Code Section 25845, subdivision (a).

(Ord. 97-11 § 2 (part), 1997.)

Notwithstanding any other provision of this chapter, if it appears to the enforcement official that a public nuisance represents an immediate threat or danger to the public health or safety, the enforcement official may abate such public nuisance to the extent necessary to eliminate such threat or danger to the public health or safety without following the notice and hearing requirements set forth in Articles 7 and 8 of this chapter.

The property owner shall be responsible for the costs of abatement which shall be confirmed in accordance with Article 9 of this chapter within thirty days after the emergency abatement is commenced.

In addition to evidence required to be presented at the accounting hearing as set forth in Article 9 of this chapter, the property owner shall have the right to present evidence to prove that a nuisance did not exist at the time of the emergency abatement; and having provided such evidence satisfactory to the hearing officer, the costs of an emergency abatement shall be a county charge.

(Ord. 97-11 § 2 (part), 1997.)(Ord. 2009-004 § 9 (part),2009)

Whenever the enforcement official determines that a public nuisance described in Section 7.08.310 of this chapter exists upon any real property within the county, the enforcement official shall first notify the owner of the real property of such determination. Notice shall also be provided to any tenant, occupier, or other person legally in possession of the property known, or reasonably believed, by the county to be in legal possession.

(Ord. 97-11 § 2 (part), 1997.)

The notice of nuisance described in Section 7.08.710 of this chapter shall:

A. Identify the owner of the real property upon which the nuisance exists as the name appears on the records of the county assessor.

B. Provide a description of the real property sufficient to give its location.

C. State that the county has determined that a public nuisance exists on the real property, and provide a description of the condition causing the nuisance. Where the enforcement official has determined that the condition causing the nuisance can be corrected or abated by repair thereof, the notice shall state the repairs which will be required.

D. State the facts upon which the determination that a public nuisance exists was based.

E. Where the enforcement official has determined that the condition causing the nuisance is imminently dangerous to human life or limb, or is unsafe, or is detrimental to the public health or safety, he or she may order that the building or structure affected be vacated, pending the correction or abatement of the conditions causing the nuisance. It is a misdemeanor for any person to defy an order of the enforcement official to vacate a building or structure.
F. An order to immediately commence the abatement of the nuisance and to thereafter diligently prosecute and complete the abatement within fifteen days.

G. State that if the required abatement is not commenced within five days or is not completed within fifteen days, the enforcement official may take either or both of the following actions: (1) apply to the hearing officer for an order to abate the nuisance or (2) cause to be issued a citation for an infraction or a misdemeanor under Section 7.08.430 of this Code.

H. State that the cost of abating the public nuisance, including the applicable cost of administration and the civil penalties described in Article 4 of this chapter, will be specially assessed against the real property and collected at the same time and in the same manner as ordinary county taxes are collected pursuant to Government Code section 25845, and shall be subject to the same penalties, interest, and to the same procedures of foreclosure and sale in the case of delinquency as is provided for ordinary county taxes. Additionally, the notice shall state that the lien found by the county hearing officer shall be recorded in the office of the Del Norte County recorder, and that said lien shall be subject to the same priority and methods of collection as a judgment lien, not a tax lien.

I. State that in order for any oral or written evidence or any claim defense or privilege to be considered it must be presented to the board of supervisors at or before the time of the hearing, and that failure to do so will constitute a waiver and may prevent such evidence or claim, defense or privilege from being considered in any later proceeding.

J. A copy of Article 4 of this chapter (commencing with Section 7.08.410 of this chapter), a copy of Section 7.08.830 and Section 7.08.840 of this chapter, related to the conduct of the hearing.

K. State that the county may seek to recover its attorney's fees incurred in any action, administrative proceeding, or special proceeding to abate the nuisance from the owner or occupier.

L. State that if in the course of abating the nuisance the county or its contractors remove personal property having value, that such personal property may be sold and the proceeds of such sale applied to cover the cost of abatement, administrative costs, and attorney's fees incurred in any proceeding to abate the nuisance. The excess proceeds, if any, shall be conveyed to the property owner.

(Ord. 2001-004 §§ 12-15, 2001; Ord. 97-11 § 2 (part), 1997.)

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Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 730 - NoticeRecordation

The enforcement official shall cause a copy of the notice of nuisance to be recorded in the office of the county recorder if the required abatement is not commenced within five days or is not completed within fifteen days.

(Ord. 97-11 § 2 (part), 1997.)

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Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 740 - NoticeMailingPersonal deliveryPosting

Unless otherwise provided, the notices required by this chapter shall be served by personal delivery or registered mail to the person to be served. The owner may be served by mail at his or her address as it appears on the last equalized assessment roll, except that if the records of the county assessor show that the ownership has changed since the last equalized assessment roll was compiled, notice shall be mailed to the new owner. If service cannot with diligent effort be accomplished by personal delivery or by mail, notice may be given by posting copies of the notice along the subject real property not more than one thousand feet apart, but in no event shall fewer than two signs be posted.

(Ord. 97-11 § 2 (part), 1997.)

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Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 810 - HearingNotice of abatement

If, upon the expiration of the time periods specified in Section 7.08.720 of this chapter, subdivisions (F) and (G), action to abate the nuisance has not commenced, or if it has been commenced, it has not been prosecuted with due diligence nor completed within fifteen days, the enforcement official shall cause a notice to abate nuisance and notice to appear to be prepared, and shall serve such notice as provided in Section 7.08.740 of this chapter.

(Ord. 97-11 § 2 (part), 1997.)

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Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 820 - Notice of hearing

Contents

The notice to abate nuisance and notice to appear shall contain the following:
A. A heading entitled "Notice to abate nuisance and notice to appear," in letters of not less than one-half of an inch in height;
B. A notice to appear before the hearing officer at a stated time and place, which time and place shall be not less than fifteen days after service of the notice, to show cause, if any there be, why the conditions described in the notice of nuisance should not be declared to constitute a nuisance, and why such nuisance should not be abated by the enforcement official. (Ord. 97-11 § 2 (part), 1997.) (Ord. 2009-004 § 11 (part), 2009)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 830 - Conduct of hearing

A. At the time and place specified in the notice to abate nuisance and notice to appear, the hearing officer shall review the enforcement official's notice of nuisance and notice to abate nuisance and notice to appear, copies of which shall be admitted into evidence.
B. In addition, the hearing officer shall consider any and all relevant documents and testimony, and such other relevant evidence as shall be presented. The parties may be represented by legal counsel. Testimony shall be taken on oath or affirmation. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues presented even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness; and, to rebut evidence.
C. The hearing need not be conducted according to technical rules relating to evidence. Any evidence may be presented if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but may be rejected if deemed to be unreliable. The rules of privileges shall be effective to the extent that they are otherwise required by statute to be recognized at a hearing. Irrelevant and unduly repetitious evidence shall be excluded.
D. The hearing may be continued from time to time. (Ord. 97-11 § 2 (part), 1997.) (Ord. 2009-004 § 12 (part), 2009)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 840 - Order of Hearing Officer

A. Upon the conclusion of the hearing, the hearing officer shall take one of the following actions:
1. Terminate the abatement proceedings upon a finding that a nuisance does not exist.
2. Confirm the existence of a nuisance, and order the owner or other affected person to abate the nuisance within a reasonable period of time. The order shall provide that, in the event such abatement is not commenced, prosecuted or completed within the terms set by the hearing officer, the enforcement official shall be empowered and authorized to abate the nuisance. Upon the expiration of the time limits set by the hearing officer, the enforcement official shall acquire jurisdiction to abate the nuisance. The enforcement official or his or her designee or agents who are to perform the work may enter upon the real property on which the public nuisance exists for the purpose of abating the nuisance at all reasonable times.
3. Confirm the existence of a nuisance, and order the enforcement official to immediately abate the nuisance.
B. If the final decision of the hearing officer confirms the existence of a nuisance, the owner shall be responsible for paying the county's costs, including, but not limited to, the costs of abatement and the costs of administration, as well as any civil penalty assessed by the hearing officer pursuant to articles 4 and 9 of this chapter.
C. The order of the hearing officer shall be mailed by first class mail, addressed to the owner of the real property at the address specified in Section 7.08.740 of this chapter, unless the owner has otherwise requested in writing.
D. The time, limits, if any, set by the hearing officer shall not commence until five days after the order is mailed as provided herein.
E. The order of hearing officer shall be final, subject to judicial review in accordance with Code of Civil Procedure Section 1094.6.

(Ord. 97-11 § 2 (part), 1997.) (Ord. 2009-004 § 13 (part), 2009)
The enforcement official who abates a public nuisance pursuant to this chapter shall keep an accounting of the cost of each abatement, and shall prepare a report in writing showing the cost of abatement and the applicable cost of administration. The report shall specify:

A. The work done
B. An itemized account of the costs and receipts of performing the work
C. Identify the record owner or possessor of property, an address, legal description or other description sufficient to identify the premises
D. Set forth the date upon which abatement of the nuisance was ordered by the board of supervisors
E. Set forth the date the abatement was complete
F. Set forth the cost of administration
G. Set forth the civil penalty which may be imposed pursuant to Article 4 of this chapter and
H. Set forth the total amount of the assessment proposed to be levied against the premises.

If real property under more than one ownership has been included in an overall abatement project, the account shall show such costs for the property owned by each owner separately.

(Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 920 - Accounting hearing

The enforcement official shall serve a copy of the accounting, and a notice of the date and time that the hearing officer will meet to consider the accounting, which date shall be not less than fifteen calendar days after the date of serving the notice. The notice shall be served as provided in Section 7.08.740 of this chapter, unless the owner has otherwise requested in writing.

(Ord. 97-11 § 2 (part), 1997.)(Ord. 2009-004 § 14 (part),2009.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 930 - Confirmation of accounting

A. At a time fixed by the enforcement official pursuant to Section 7.08.920 of this chapter, the hearing officer shall meet to review the accounting. The owner may appear and be heard on the questions whether the accounting and the costs included are accurate and reasonable.
B. The report of the accounting shall be admitted into evidence. The owner shall bear the burden of proving that the accounting is not accurate or reasonable.
C. The hearing shall be conducted in accordance with the procedures set forth in Section 7.08.830, subdivisions (B), (C) and (D) of this chapter.

(Ord. 97-11 § 2 (part), 1997.)(Ord. 2009-004 § 15 (part),2009.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 940 - Modifications

The hearing officer shall make such modifications in the accounting as it deems necessary based on the evidence at the hearing, and thereafter shall confirm the accounting by resolution. The determination of the hearing officer as to all matters contained therein shall be final and conclusive.

(Ord. 97-11 § 2 (part), 1997.)(Ord. 2009-004 § 16 (part),2009.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 950 - Liability for cost of abatement

The owner of the real property shall be liable for the cost of abatement, including the cost of administration, as determined in the enforcement official’s accounting, as confirmed in the decision of the hearing officer. Upon confirmation by the hearing officer, the enforcement official shall cause to be prepared and recorded in the office of the county recorder a notice of lien. The notice of lien shall contain the following:
A. An address, legal description or other description sufficient to identify the premises;
B. A description of the proceedings under which the special assessment was made, including the resolution of the board confirming the assessment;
C. The amount of the assessment;
D. A claim of lien upon the described premises.

(Ord. 97-11 § 2 (part), 1997.)(Ord.2009-004 § 17 (part),2009)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 960 - LienEffect

Upon recordation of the notice of lien, the amount claimed shall constitute a lien upon the described premises. Such lien shall be both (1) a lien in parity with liens of state and county taxes and (2) a lien described in Government Code Section 95488(c), having parity with a judgment lien.

(Ord. 2001-004 § 17, 2001: Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 970 - LienCollection

The notice of lien, after recordation, shall be delivered to the county auditor who shall enter the amount of the lien on the assessment roll as a special assessment. Thereafter, the amount set forth shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary county taxes, and all laws applicable to the levy, collection and enforcement of county taxes are made applicable to such assessment.

(Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 980 - Abatement costsRevolving funds

The board may create a revolving fund or funds from which may be paid the costs of enforcing the provisions of this chapter, and into which shall be paid the receipts from the collection of costs as hereinafter set forth.

(Ord. 97-11 § 2 (part), 1997.)

Title: 7 - Health and Welfare
Chapter: 08 - Nuisances
Section: 990 - Sale of abated materials

The materials contained in any nuisance abated by the enforcement official may be sold in the same manner as surplus county personal property is sold, and the proceeds from such sale shall be paid into the revolving fund.

(Ord. 97-11 § 2 (part), 1997.)
Chapter 17.72 - COMMUNITY PRESERVATION
Part 1 - GENERAL PROVISIONS
17.72.010 - Purpose.
The purpose of this chapter is to promote the public health, safety and welfare by requiring a minimum level of maintenance of private property to protect the livability, appearance and social and economic stability of the city and to protect the public from the health and safety hazards and the impairments of property values that result from the neglect and deterioration of property.

(Ords. 21973, 26443, 26710.)

17.72.020 - Public nuisance.
Any property upon which there exists property blight as set forth in the provisions of this chapter is hereby declared and determined to be a public nuisance.

(Ords. 21973, 26443, 26710.)

17.72.030 - Prohibition of property blight.
A. No person, whether as owner, agent, manager, operator, lessee, tenant, sublessee, or occupant in possession of a property, shall maintain a blighted property or cause or permit property to be maintained as a blighted property.

B. No person, whether as owner, agent, manager, operator, lessee, sublessee, tenant or occupant of a property, shall take any action or allow any action to be taken at that property in violation of any provision of this chapter or any order issued pursuant to the provisions of this chapter.

(Ords. 21973, 26443, 26710.)

17.72.040 - General conditions.
The presence of any one or more of the following conditions on property constitutes property blight:

A. Any condition that is detrimental to the public health, safety or general welfare or that constitutes a public nuisance as defined in California Civil Code Section 3480;

B. Any condition of deterioration or disrepair that creates a substantial adverse impact on neighboring properties.

(Ord. 26710.)

Part 2 - DEFINITIONS
17.72.200 - Definitions.
Except as otherwise set forth in this chapter, the definitions set forth in this part shall govern the application and interpretation of this chapter.

(Ord. 26710.)

17.72.205 - Boat.
"Boat" means a boat of any kind, whether self-propelled or propelled by any other means, including sailing vessels and all other structures adapted to be navigated on water from place to place for recreational purposes or for the transportation of merchandise or persons.

(Ord. 26710.)

17.72.210 - Camper shell.
"Camper Shell" means a vehicle accessory designed to be mounted upon a motor vehicle and to provide facilities for human habitation, camping purposes or storage.

(Ord. 26710.)

17.72.215 - Decorative landscaping.
"Decorative Landscaping" means decorative non-live materials used to cover dirt in a garden or yard, such as rocks, gravel, or bark and does not include pavement with asphalt, cement or any other impervious surface.

(Ord. 26710.)

17.72.225 - Household item.
"Household Item" means any item, including any part of the item, typically used in the interior of a dwelling. By way of example and not limitation, the term "household item" includes washing machines, sinks, stoves, heaters, boilers, tanks, mattresses, sofas, couches or futons, upholstered chairs, and indoor carpets. The term "household item" excludes furniture expressly designed for outdoor use and refrigerators.

(Ord. 26710.)

17.72.230 - Motor vehicle.
"Motor Vehicle" means a passenger vehicle, truck, recreational vehicle, motorcycle, motor scooter, golf cart, or other similar self-propelled vehicle.
"Motor vehicle" does not mean a motorized wheelchair, bicycle, tricycle or quadricycle.

(Ord. 26710.)

17.72.235 - Parkstrip.
"Parkstrip" means the area between the curb of a street and the sidewalk.

(Ord. 26710.)

17.72.240 - Passenger vehicle.
"Passenger Vehicle" means any motor vehicle designed, used and maintained primarily for the transportation of persons for noncommercial purposes. A passenger vehicle does not include a motor vehicle designed and equipped for human habitation, excepting a motor vehicle to which a camper shell has been attached.

(Ord. 26710.)

17.72.245 - Polluted water.
"Polluted Water" means water that contains any bacterial growth, including algae, remains of rubbish, fecal matter, untreated sewage, refuse, debris, papers, or any other foreign matter or material that, because of its nature or location, constitutes an unhealthy or unsafe condition.

(Ord. 26710.)

17.72.250 - Property.
"Property" means any property not owned by the City of San José, the federal or state government or any political subdivision or agency thereof.
17.72.255 - Recreational vehicle.

"Recreational Vehicle" means a motor vehicle designed and equipped for human habitation.

17.72.260 - Seventy-two hours.

For purposes of this chapter, an item is unlawfully parked, kept or stored on a piece of property in excess of seventy-two hours, when all of the following conditions have been met:

A. The item is located on the front or side yard of the property or on a street immediately adjacent to that front or side yard; and
B. That item is visible from a street; and
C. That item has not been removed from the visible front or side yard of the property or the street immediately adjacent to that front or side yard to an area that is not visible from a public street for at least twenty-four consecutive hours during a seventy-two consecutive hour period.

17.72.265 - Special mobile equipment.

"Special mobile equipment" shall be defined as that term is defined in Section 575 of the California Vehicle Code.

17.72.270 - Storage structure.

"Storage structure" means a prefabricated enclosure that is not required to have a building permit and is not permanently affixed to the ground, but which is not on wheels or mobile.

17.72.275 - Weed block.

"Weed block" means material that is installed over a dirt surface in order to prevent the growth of weeds and that does not prevent the infiltration or passage of water into the dirt surface.

Part 3 - ENFORCEMENT

17.72.300 - Enforcement.

A. The city manager is authorized to administer and enforce the provisions of this chapter. All enforcement officers to whom the city manager has delegated enforcement responsibilities are authorized to inspect property and to take any other enforcement actions as may be required or appropriate to administer or enforce the provisions of this chapter.

B. Any person who violates any provision of this chapter shall be subject to enforcement procedures for each violation through any lawful means available to the city, including without limitation, the administrative citation procedures in accordance with Chapter 1.15 of Title 1 of this Code, the Administrative Remedies procedures in accordance with Chapter 1.14 of Title 1 of this Code, or criminal enforcement in accordance with Chapter 1.08 of Title 1 of this Code.
17.72.310 - Civil actions and penalties.
    Nothing in this chapter shall be construed to limit any right or remedy otherwise available in law or equity to any party harmed by a blighted property, nor shall this chapter in any way limit the city's right to enforcement under any other provision of this Code or create a duty or obligation on the part of the city to enforce this chapter.

Part 4 - ABATEMENT ACTIONS

17.72.400 - Scope.
    Whenever the city manager determines that a property is blighted property, the city manager may require or take any necessary abatement or other enforcement actions to cause the property blight to be abated in accordance with the provisions of this Code, or by any other lawful means. The city manager may determine that temporary corrective measures are required prior to the time that permanent abatement or other enforcement actions are instituted.

17.72.410 - Summary abatement - Imminent danger.
    A. Any condition of property blight which is reasonably believed by the city manager to be imminently dangerous to the life, limb, health or safety of the occupants of the property or to the public may be summarily abated by the city manager, in accordance with the procedures of Chapter 17.02 of this title.
    B. Actions taken to abate imminently dangerous conditions may include, but are not limited to repair or removal of the condition creating the danger and/or the restriction from use or occupancy of the property on which the dangerous condition exists or any other abatement action determined by the city manager to be necessary.

17.72.420 - Restriction from use.
    If there exists on a blighted property any condition reasonably believed to be imminently dangerous to life, limb, health, or safety should such property be occupied or used by human beings, the city manager may order the immediate restriction from use or occupancy of the blighted property in accordance with the procedure set forth in Part 5 of Chapter 17.02. In addition to restricting use or occupancy, the order may require other abatement actions be taken.

17.72.430 - Abatement procedures.
    The city manager may institute procedures for summary abatement or abatement of blighted property. The procedures set forth in Chapter 17.02 of this title shall apply to any such abatement. Costs for any abatement performed by or on behalf of the city shall be recovered by the city pursuant to the provisions of Part 4 of Chapter 17.02.

17.72.440 - Procedures of this chapter - Cumulative.
A. Procedures used and actions taken for the abatement of property blight are not limited by this chapter. Procedures and actions under this title may be utilized in conjunction with or in addition to any other procedure applicable to the regulation of buildings or structures or property.

B. All property blight conditions which are required to be abated pursuant to the provisions and permit requirements of this chapter shall be subject to all provisions of this Code including, but not limited to building construction, repair or demolition and to all of property improvement, zoning and fire code provisions.

(Ords. 21973, 26710.)

Part 5 - DESCRIPTIONS OF PROPERTY BLIGHT

17.72.500 - Property blight.
The existence of any one or more of the conditions or activities described in this part constitutes property blight.

(Ords. 21973, 22283, 24315, 26443, 26710.)

17.72.505 - Unsecured building or structure.
Any building or structure that is unsecured constitutes property blight. A building or structure is unsecured when either of the following conditions exist:

A. The building or structure is inhabited, occupied or used without the consent of the owner or the agent of the owner; or

B. Unauthorized persons can readily gain entry to the building or structure without the consent of the owner or the agent of the owner.

(Ords. 21973, 22283, 24315, 26443, 26710.)

17.72.510 - Abandoned construction.
A partially constructed, reconstructed or demolished building or structure upon which work has been abandoned constitutes property blight. Work is deemed abandoned when there is no valid current building or demolition permit for the work or when there has not been any substantial work on the building or structure for a period of six months or more.

(Ords. 21973, 22283, 24315, 26443, 26710.)

17.72.515 - Attractive nuisance.
Any property that is unsecured and constitutes an attraction to children or a harbor for vagrants, criminals or other unauthorized persons, or is in a condition such that persons can resort thereto for the purpose of committing a nuisance or unlawful act constitutes property blight.

(Ords. 21973, 22283, 24315, 26443, 26710.)

17.72.520 - State of disrepair.
Any building or structure that is in a state of disrepair constitutes property blight. A building or structure is in a state of disrepair when any of the following conditions exist:

A. Exterior walls or roof coverings have become deteriorated, do not provide adequate weather protection, or show evidence of the presence of termite infestation or dry rot; or

B. Broken or missing windows or doors that create a hazardous condition or a potential attraction to trespassers; or
C. Building exteriors, walls, fences, retaining walls, driveways, or walkways that are broken or deteriorated to the extent that the disrepair is visible from a street or neighboring properties.

(Ords. 21973, 22283, 24315, 26443, 26710, 27509.)

17.72.525 - Exterior property conditions.
The existence of any one or more of the following exterior property conditions constitutes property blight:

A. The property contains overgrown, diseased, dead or decayed trees, weeds or other vegetation that:
   1. Constitutes a fire hazard or other condition that is dangerous to the public health, safety, welfare; or
   2. Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances; or
   3. Substantially detracts from the aesthetic and property values of neighboring properties; or
   4. Is overgrown onto a public right-of-way at least twelve inches; or
   5. Is completely dead, over twelve inches in height, and covers more than fifty percent of the front or side yard visible from any street.

B. The property fails to comply with applicable development permit requirements with respect to any landscaping requirements.

(Ord. 26710.)

17.72.530 - Single-family dwelling landscaping requirements.
A. A single-family dwelling subject to a development permit under Title 20 of this code or tract map pursuant to Title 19 of this code shall be landscaped in accordance with the requirements of the development permit or tract map.

B. Subject to the paved surface limitations set forth in Section 20.30.440 of this code and Subsection C. below, all single-family dwellings not subject to a development permit under Title 20 of this code or a tract map under Title 19 of this code shall meet all of the following requirements:
   1. The site of the single-family dwelling shall have landscaping installed in the non-paved portions of the front and side yards that are visible from any street; and
   2. All roof rain leaders and down spouts shall be disconnected from the storm drain system and shall drain to splash blocks that flow to onsite landscaped areas.

   For the purposes of this Subsection B. only, "landscaping" means live trees, shrubs, lawns, other live plant materials or decorative landscaping.

C. Notwithstanding the provisions of Subsection B.2. above, where the building official makes a determination that it is technically infeasible for a particular single-family dwelling to meet the requirements set forth in Subsection B.2. above, the building official may consider equivalent alternatives to those set forth in Subsection B.2. above to prevent flows of storm water to the storm drain system, so long as those equivalent alternatives are consistent with the California Regional Water Quality Control Board, San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, as amended. Such equivalent alternatives can include:
   1. Direct roof runoff to a rain water harvesting system (rain barrels or cisterns) for on-site non-potable use; or
   2. Direct storm water runoff from driveways, walkways, patios, and/or uncovered parking areas to on-site landscaped areas; or
3. Construct driveways, walkways, patios, and/or uncovered parking areas with permeable surfaces.

D. If only decorative landscaping is used to meet the requirements of this section, weed block shall also be used.

E. Failure to meet the requirements of this section constitutes property blight.

(Ords. 26710, 29169.)

17.72.535 - Multi-family dwelling landscaping requirements.

A. A multi-family dwelling subject to a development permit shall be landscaped in accordance with the requirements of the development permit.

B. Subject to the paved surface limitations contained in Section 20.30.440 of Title 20 of this Code, a multi-family dwelling, not subject to a development permit, shall have landscaping installed in the nonpaved portions of the front and side yards that are visible from any street. For purpose of this subsection only, "landscaping" means that:

1. At least fifty percent of the nonpaved portions of the front and side yards that are visible from any street shall be covered with live trees, shrubs, lawns, or other live plant materials; and

2. The remaining portion of the nonpaved portions of the front and side yards that are visible from any street shall be covered with live trees, shrubs, lawns, or other live plant materials or shall have decorative landscaping installed.

C. If decorative landscaping is used to meet the requirements of this section, weed block shall also be used.

D. Failure to meet the landscaping requirements of this section constitutes property blight.

(Ord. 26710.)

17.72.540 - Parkstrips.

A. Any property subject to a development permit that imposes parkstrip landscaping requirements shall have landscaping installed in the parkstrip in compliance with the development permit.

B. Any property not subject to a development permit shall have landscaping installed in the nonpaved portions of the parkstrip. For purposes of this subsection, "landscaping" means live trees, shrubs, lawns, other live plant materials or decorative landscaping, have been installed.

C. If decorative landscaping is used to meet the requirements of this section, weed block shall also be used.

D. Failure to meet the landscaping requirements of this section constitutes property blight.

(Ord. 26710.)

17.72.545 - Inadequate solid waste management.

A. The accumulation of solid waste, as defined in Section 9.10.280, constitutes property blight in the following situations:

1. The accumulation of solid waste is visible from a street or neighboring property and is present for more than seventy-two consecutive hours; or

2. The accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any street, or neighboring property, unless the method of storage or disposal is specifically allowed by this Code.
B. The accumulation of dirt, litter, or debris in vestibules or doorways of buildings constitutes property blight if it is visible from any street or neighboring properties and is present for more than seventy-two consecutive hours.

(Ord. 26710.)

17.72.550 - Hazardous conditions.
Any property upon which there exists a hazardous condition constitutes property blight. A property is considered to have a hazardous condition prohibited by this chapter if any one or more of the following conditions exists on the property:

A. Land having a topography, geology, or configuration that, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems that pose a threat of injury or are injurious to any neighboring property.

B. Any condition or object, including without limitation landscaping, motor vehicles, fencing or signs, that obscures the visibility of traffic, pedestrians, or street intersections in a manner that constitutes a hazard.

C. Items are present that are inadequately secured or protected and, due to their accessibility to the public, may prove hazardous including, without limitation:
   1. Unused or broken equipment or machinery;
   2. Abandoned wells, shafts, or basements;
   3. Unprotected pools, ponds, or excavations;
   4. Structurally unsound fences or structures;
   5. Lumber, or accumulations of lumber or other construction materials; or
   6. Chemicals, motor oil, or other hazardous materials.

D. Any swimming pool, pond or other body of water that is abandoned, unattended, unfiltered, or not otherwise maintained, so that the water has become or is becoming polluted water.

(Ord. 26710.)

17.72.555 - Parking, storing or maintaining certain items on property designed or used as a residence prohibited.
The parking, storing or maintaining of any one or more of the following items on property designed or used as a residence constitutes property blight:

A. Any airplane or other aircraft, or any parts thereof in the front or side yard.

B. Any construction or commercial equipment, machinery, vehicle having a manufacturer’s gross vehicle weight rating of ten thousand pounds or more, or construction materials, except that the construction equipment, machinery, vehicle or materials may be temporarily kept within or upon the property for and during the time that the equipment, machinery, vehicle, or materials are required in connection with the delivery, pick-up, construction, installation, repair, or alteration of improvements or facilities on the property, unless the activity is otherwise prohibited by this Code, by any permit issued pursuant to this Code, or by other applicable law.

C. Any unmounted camper shell, in an area visible from any street.

D. Any refrigerator in an area visible from any street or in an area accessible to the public, except when the refrigerator is set out for bulky goods collection in accordance with Chapter 9.10 of this Code.

(Ords. 26710, 27509.)
17.72.560 - Parking, storing, or maintaining special mobile equipment.
   A. No special mobile equipment shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

   B. The parking, storage, or maintenance of special mobile equipment in a side or rear yard shall either be:
      1. In an accessory building constructed in accordance with the provisions of this Code; or
      2. In an area that provides for a five-foot setback from any property line and which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

   C. No special mobile equipment shall be parked, stored, or kept within five feet of any required building exit, including exit windows.

(Ord. 26710.)

17.72.565 - Parking, storing, or maintaining motor vehicles and boats.
   A. No motor vehicle or boat that has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle that is disabled or may not be operated because of the need of repairs or for any other reason shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

   B. Any parking, storage, or maintenance of either a motor vehicle or a boat in a side or rear yard shall either be:
      1. In an accessory building constructed in accordance with the provisions of this Code; or
      2. In an area that provides for a five-foot setback from any property line and is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet or sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

(Ord. 26710.)

17.72.570 - Storing or maintaining household items.
   A. No household item shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.

   B. The storage or maintenance of a household item in a side or rear yard shall either be:
      1. In an accessory building constructed in accordance with the provisions of this Code; or
      2. In an area that provides for a five-foot setback from any property line and, which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.

   C. No household item shall be stored, or maintained within five feet of any required building exit, including exit windows.

   D. This section does not prohibit the storage, or maintenance of any of the following:
      1. Machinery installed in accordance with the provisions of this Code in the rear or side yard setback areas for household or recreational use, or
      2. Furniture designed and used for outdoor activities, or
      3. Any item stored or kept within an enclosed storage structure.
17.72.575 - Storing or maintenance of boxes, lumber, dirt, and other debris.
A. No boxes, lumber, dirt, or other debris shall be stored or maintained in an area visible from any street for a period of time in excess of seventy-two consecutive hours.
B. The storage or maintenance of boxes, lumber, dirt, or other debris in a side or rear yard shall either be:
   1. In an accessory building constructed in accordance with the provisions of this Code; or
   2. In an area that provides for a five-foot setback from any property line, and which is not visible from any street. In addition to the setback requirement, at least one thousand five hundred square feet, or at least sixty percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.
C. No boxes, lumber, dirt, or other debris shall be stored or maintained within five feet of any required exit, including exit windows.

17.72.580 - Activities prohibited on property designed or used as a residence.
Subject to Section 17.72.585, the following activities on any property designed or used as a residence constitute property blight:
A. Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, or servicing, in any setback area, of any airplane, aircraft, motor vehicle, special mobile equipment, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property.
B. The use of any motor vehicle for living or sleeping quarters in any place in the city, except in a location lawfully operated as a mobilehome park or travel trailer park, subject to the following:
   1. Nothing contained in this section shall be deemed to prohibit bona fide guests of a city resident from occupying a recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two hours; and
   2. Any recreational vehicle so used shall not discharge any waste or sewage into the city's sewer system except through the residential discharge connection of the residential premises on which the recreational vehicle is parked.

17.72.585 - Exclusions.
This chapter shall not prohibit the following:
A. An owner, lessee, or occupant of the property from repairing, washing, cleaning, or servicing personal property that is owned, leased, or rented by the owner, lessee, or occupant of the property so long as any repairing or servicing performed shall be completed within a seventy-two consecutive hour period; or
B. Repairing or servicing of a motor vehicle or part thereof within a completely enclosed building in a lawful manner where it is not visible from the street or other public or private property.

17.72.600 - Parking on unpaved surfaces prohibited.
A. No person shall keep, store or park any trailer, boat or motor vehicle on any portion of a front yard or corner lot side yard facing a street of a property designed or used as a residence, except on an area that is paved.

B. No owner, tenant, manager, or occupant of property used as a residence shall allow or suffer another person to keep, store or park any trailer, boat or motor vehicle on any portion of a front yard or corner lot side yard facing a street, except on an area that is paved.

(Ords. 25014, 26710.)

17.72.610 - Recreational vehicle parking and storage limitations.
A. No person shall park or store any recreational vehicle in the front yard of property designed or used as a residence unless the recreational vehicle is parked or stored perpendicular to the street.

B. An owner or operator of a recreational vehicle parked or stored on property designed or used as a residence shall be an occupant of the property upon which the recreational vehicle is parked or stored, except as set forth in Section 17.72.580 of this chapter.

C. No property owner or tenant shall allow or suffer another person to park or store a recreational vehicle on property designed or used as a residence in a manner prohibited by any provision of this Code.

(Ord. 26710.)

17.72.620 - Other parking restrictions.
Nothing contained in this part is intended to nor shall be construed or interpreted to allow parking that is prohibited or restricted by any other provision of this Code or by any other provision of law.

(Ords. 25014, 26710.)
Chapter 8.24 - PROPERTY BLIGHT

Sections:

8.24.010 - Purpose of chapter.

The purpose of this chapter is to promote the health, safety, and general welfare of the citizens by requiring a level of maintenance of residential, commercial, and industrial property which will protect and preserve the livability, appearance, and social and economic stability of the city and which will also protect the public from the health and safety hazards and the impairment of property values which results from the neglect and deterioration of property.

(Ord. 12046 § 1, 1998: prior code § 15-1.01)

8.24.020 - Blighted property defined.

Any property on which there exists any one or more of the following conditions or activities is a blighted property for the purpose of this chapter:

A. Abandoned Building or Structure.
   1. A building or structure which is not occupied, inhabited, used, or secured. For purposes of this chapter, a building or structure is unsecured when it is unlocked or the public can gain entry without the consent of the owner,
   2. Any partially constructed, reconstructed or demolished building or structure upon which work is abandoned. Work is deemed abandoned when there is no valid and current building or demolition permit or when there has not been any substantial work on the project for six months;

B. Attractive Nuisance. Property which is in an unsecured state so as to potentially constitute an attraction to children, a harbor for vagrants, criminals, or other unauthorized persons, or so as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful act;

C. A Building or Structure Which is in a State of Disrepair.
   1. Any building or other structure which by reason of rot, weakened joints, walls, floors, underpinning, roof, ceilings, or insecure foundation, or other cause has become dilapidated or deteriorated,
   2. Any building or other structure with exterior walls and/or roof coverings which have become so deteriorated as to not provide adequate weather protection and be likely to, or have resulted in, termite infestation or dry rot,
   3. Buildings or structures with broken or missing windows or doors which constitute a hazardous condition or a potential attraction to trespassers. For purposes of this chapter "window" shall include any glazed opening, including glazed doors, which upon a yard, court, or vent shaft open unobstructed to the sky,
   4. Buildings or structures including, but not limited to, walls, windows, fences, signs, retaining walls, driveways, or walkways which are obsolete, broken, deteriorated, or substantially defaced to the extent that the disrepair visually impacts on neighboring property or presents a risk to public safety. For purposes of this chapter "defaced" includes, but is not limited to, writings, inscriptions, figures, scratches, or other markings commonly referred to as "graffiti" and peeling, flaking, blistering, or otherwise deteriorated paint.

D. Property Inadequately Maintained.
   1. Property which is not kept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, weeds or
other vegetation, rank growth, dead organic matter, rubbish, junk, garbage, animal intestinal waste and urine, and toxic or otherwise hazardous liquids and substances and material. For the purposes of this section the term "rubbish" shall include combustible and noncombustible waste materials, except garbage; and the term shall also include the residue from the burning of wood, coal, coke, and other combustible material; and the term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, hay, straw, tin cans, metal, mineral matter, glass, crockery, and dust; and the term shall also include animal feed and the products of and residue from animal quarters. For the purposes of this section, the terms "animal" and "animal quarters" shall be as set forth in Chapter 6.04, Animal Control Regulations Generally, of this code,

2. Property which constitutes a fire hazard or a condition considered dangerous to the public health, safety, and general welfare,

3. Property which is likely to or does harbor rats or other vectors, vermin, feral pets, or other non-domesticated animal nuisances,

4. Property which substantially detracts from the aesthetic and economic values of neighboring properties including, but not limited to, personal property and wares and foodstuffs, premises garbage and refuse receptacles, and commercial and industrial business activities which are inadequately buffered from any street, sidewalk, or other publicly trafficked area or such buffering which is inadequately maintained. For the purposes of this section, "buffered" shall apply to the provisions set forth in Chapter 17.110 of the Oakland Planning Code,

5. Landscaping which is inadequately maintained or which is not installed as required by city codes or any permit issued in accordance with such codes,

6. Matter including, but not limited to, smoke, odors, dust, dirt, debris, fumes, and sprays which is permitted to be transported by wind or otherwise upon any street, course, alley, sidewalk, yard, park, or other public or private property and which is determined to be a violation of federal, state, regional, or local air quality regulations,

7. Property including, but not limited to, building facade, window, doorway, driveway, walkway, fence, wall, landscaped planter or area, sidewalk, curb and gutter, and edge of street pavement on which dirt, litter, vegetation, garbage, refuse, debris, flyers, or circulars have accumulated,

8. Property on which a swimming pool, pond, stream, or other body of water which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. "Polluted water" is defined for the purpose of this chapter, as water which contains bacterial growth, remains of garbage, refuse, debris, papers and any other foreign matter or material which constitutes an unhealthy or unsafe condition,

9. Parking lots, driveways, paths, and other areas used or intended to be used for commercial and industrial business activities including, but not limited to, selling, manufacturing, processing, packaging, fabricating, treating, dismantling, processing, transferring, handling, transporting, storing, compounding, or assembling which are inadequately maintained and pose a risk of harm to public health or safety including, but not limited to, unpaved surfaces which generate fugitive dust and paved surfaces with cracks, potholes, or other breaks,

10. Property on which recyclable materials are openly stored. For the purposes of this chapter, "open storage" means storage on private property other than in a completely enclosed building. Materials shall be deemed to be held in "open storage" even though screened from public view, or view of residents of adjacent property, by a fence or other such partition,

11. Property which is not securely fenced or adequately lighted to prevent illegal access and activity related to the dumping of garbage, waste, debris and litter.
"Recyclable materials" includes any materials, goods, vehicles, machinery, appliances, product or article, new or used, which is suitable for reuse;

E. Property Which Creates a Dangerous Condition.

1. Property having a topography, geology, or configuration which, as a result of grading operations, erosion control, sedimentation control work, or other improvements to said property, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems as to harm or pose a risk of harm to adjacent properties,

2. Property whereon any condition or object obscures the visibility of public street intersections to the public so as to constitute a hazard, including but not limited to, landscaping, fencing, signs, posts, or equipment,

3. Conditions which due to their accessibility to the public pose a hazard including, but not limited to, unused and broken equipment, abandoned wells, shafts, or basements, hazardous or unprotected pools, ponds, or excavations, structurally unsound fences or structures, machinery which is inadequately secured or protected, lumber, trash, fences or debris that may pose a hazard to the public, storage of chemicals, gas, oil, or toxic or flammable liquids;

F. Parking, Storage or Maintenance of the Following in Areas Zoned for Residential Use.

1. Any construction or commercial equipment, machinery, material, truck or tractor or trailer or other vehicle having a weight exceeding seven thousand (7,000) pounds, or recyclable materials, as defined in this chapter, except that such items may be temporarily kept within or upon residential property for the time required for the construction of installation of improvements or facilities on the property,

2. Trailers, campers, recreational vehicles, boats, and other mobile equipment for a period of time in excess of seventy-two (72) consecutive hours in front or side yard areas.
   a. Any parking, keeping or storing of these items in the side or rear yard areas shall be either in an accessory building constructed in accordance with the provisions of this code or in an area which provides for a five-foot setback from any property line.
   b. In addition to the setback requirement, fifteen hundred (1,500) square feet or at least sixty (60) percent of the remaining rear yard area, whichever is less, must be maintained as usable outdoor recreational space.
   c. No item shall be parked, stored or kept within five feet of any required exit, including existing windows,

3. Any motor vehicle which has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle which is disabled or which may not be operated because of the need for repairs or for any other reason for a period of time in excess of seventy-two (72) consecutive hours,

4. Any refrigerator, washing machine, sink, stove, heater, boiler, tank or any other household equipment, machinery, furniture, or other than furniture designed and used for outdoor activities, appliance or appliances, or any parts of any of the listed items for a period of time in excess of seventy-two (72) consecutive hours.

This subsection does not prohibit the following:
   a. Machinery installed in the rear setback areas for household or recreational use,
   b. Furniture designed and used for outdoor activities,
   c. Any item stored or kept within an enclosed storage structure or unit. For the purpose of this subsection, a storage unit is a prefabricated enclosure which is not required to have a building permit and is not permanently affixed to the ground, but which is not on wheels or mobile,
5. Storing or keeping packing boxes, lumber, dirt and other debris, except as allowed by this code for the purpose of construction, in any setback areas visible from public property or neighboring properties for a period of time in excess of seventy-two (72) consecutive hours;

6. No item covered by this section shall be parked, stored, or kept between the front lot line and the front wall of the facility, including the projection of the front wall across the residential property lot line, except where such item is located in an approved driveway or approved parking space.

G. Activities Prohibited in Areas Zoned for Residential Uses.

1. Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing, in any setback area, of any airplane, aircraft, motor vehicle, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property.

This chapter shall not prohibit the following:

a. Any owner, lessee or occupant of residential property may repair, wash, clean or service any personal property which is owned, leased, or rented by such owner, lessee or occupant of such property. Any such repairing or servicing performed in any such area shall be completed within a seventy-two (72) consecutive hour period. The provisions of this section shall apply to any truck, tractor, trailer, or other commercial vehicle weighing more than seven thousand (7,000) pounds.

b. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or

c. A vehicle or part thereof which is stored or parked in a lawful manner or private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard which is a legal nonconforming use. This exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

2. The use of any trailer, camper, recreational vehicle or motor vehicle for living or sleeping quarters in any place in the city, outside of a lawfully operated mobile home park or travel trailer park, subject to the following:

a. Nothing contained in this section shall be deemed to prohibit bona fide guests of a city resident from occupying a trailer, camper, or recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two (72) consecutive hours.

b. Any trailer, camper, or recreational vehicle so used shall not discharge any waste or sewage into the city's sewer system except through the residential discharge connection of the residential premises on which the trailer, camper or recreational vehicle is parked;

H. Permit Requirement. Any use of property which does not have all required permits pursuant to city codes or where such permits have expired or been revoked;

I. General Conditions.

1. Any condition which is detrimental to the public health, safety or general welfare or which constitutes a public nuisance as defined in California Civil Code Section 3480,

2. Any condition of deterioration or disrepair which substantially impacts on the aesthetic or economic value of neighboring properties.

This chapter shall not prohibit the following: any property owned or leased by the city or the Redevelopment Agency which has been designated or acquired for the purpose of redevelopment or rehabilitation.

For purposes of this chapter an item is unlawfully parked, kept or stored in any area for a period of time in excess of seventy-two (72) consecutive hours when:

A. The item has not been removed from such area for an intervening period of time in excess of seventy-two (72) consecutive hours; or

B. The item has been parked, kept or stored during the intervening period of time upon any public street.

8.24.040 - General obligation.

No person, firm, group, or corporation whether as owner, owner's agent or manager of the subject property, or as lessee, sublessee, or occupant in possession of the property shall maintain any property in a blighted condition or shall cause or permit the property to be blighted. No person, firm, group, or corporation shall take any action or allow any action to be taken in violation of any provision of this chapter or order issued pursuant thereto.


The Building Official and his or her designees shall be responsible for the enforcement of this chapter and shall make such inspections and take such actions as may be required to enforce the provisions of this chapter. The Building Official is authorized to establish guidelines and interpretations to enforce the provisions of this chapter.

8.24.060 - Abatement.

A. Any condition set forth in this chapter may be abated by the Building Official, or his or her designee, in accordance with the procedures set forth in Chapter 15.08 of this code.

B. Actions taken to abate conditions set forth in this chapter may include, but are not limited to, assessment of fees, charges, penalties, and interest; and/or repair or removal of the condition; and/or installation and maintenance of physical barriers to deter the recurrence of or illegal access to the condition; and/or any other abatement action determined by the Building Official, or his or her designee, to be necessary.

8.24.070 - Restriction of use or occupancy—Dangerous condition.

Whenever any condition set forth in this chapter is determined by the Building Official, or his or her designee, to be dangerous and imminently hazardous to public health and safety, the use or occupancy of the blighted property may be restricted in accordance with the procedures set forth in Chapter 15.08 of
this code. In addition to restricting the use or occupancy, the Building Official may require other abatement actions to be taken including, but not limited to, immediate repair or removal of the condition.

(Ord. 12046 § 5, 1998: prior code § 15-2.02)

8.24.080 - Abatement procedures.

The Building Official, or his or her designee, may institute procedures for abatement of any conditions set forth in this chapter, except where such conditions are otherwise authorized or permitted by law. The provisions as set forth in Chapter 15.08 including, but not limited to, conditions of compliance which assure expeditious abatement of conditions by the property owner and Chapter 1.28 of this code shall apply to any such abatement. Fees, charges, penalties, and interest assessed for any abatement action performed by, or on behalf of, the city including, but not limited to, costs incurred in relocating occupants of the blighted property shall be recovered by the city in accordance with the provisions set forth in Chapter 15.08 of this code. The Building Official may establish time durations for abating blighting conditions which serve the best interests of the city and may subsequently limit or extend or otherwise adjust such durations for good cause.

(Ord. 12046 § 6, 1998: Ord. 11552 § 3, 1993; prior code § 15-2.03)

8.24.090 - Procedures of this chapter—Cumulative.

A. Procedures used and actions taken for the abatement of property blight are not limited by this chapter. Procedures and actions under this code may be utilized in conjunction with, or in addition to, any other procedure applicable to the regulation of buildings, structures, or property, including, but not limited to, injunctive or other judicial relief, and the impositions of administrative penalties pursuant to the provisions of Chapter 1.28 of this code.

B. All property blight conditions which are required to be abated pursuant to the provisions and permit requirements of this chapter shall be subject to all provisions of this code including, but not limited to, building construction, repair or demolition and to all housing, zoning, traffic and fire code provisions, except that the provisions set forth in Title 12, Streets, Sidewalks, and Public Places, Chapter 16, Improvements Generally, Section 12.16.030 of this code shall not apply.

(Ord. 12046 § 7, 1998: prior code § 15-2.04)

8.24.100 - Violation—Penalty.

Violation of this chapter shall constitute an infraction.

(Prior code § 15-2.05)
DATE: May 17, 2018
TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)
FROM: Kirk Girard, Director, Dept. of Planning and Development
SUBJECT: Illegal Dumping Hotline and Potential Uses of Community Restitution Account Funds

RECOMMENDED ACTION
Receive report from the Department of Planning and Development and provide direction relating to the Illegal Dumping Hotline and potential uses of Community Restitution Account funds.

COMMITTEE RECOMMENDATIONS
At the April 27, 2017 HLUET meeting, Administration presented a pilot program framework for implementing an illegal dumping hotline, whereby residents could call a centralized phone number to report instances of dumping or graffiti in the County’s unincorporated areas. The Department of Planning and Development proposed reporting back to HLUET in the last quarter of Fiscal Year (FY) 2018 regarding the effectiveness of the pilot program.

At the March 15, 2018 HLUET meeting, the committee members reviewed the Department’s overall status report of the Code Enforcement Program and the proposed potential uses of administrative fine revenues in the Department’s Community Restitution Account (CRA) and directed Administration return to the committee with a prioritization of the proposed uses. Specifically, HLUET members agreed that further investment in the Illegal Dumping Hotline be a high priority among the proposed uses of CRA funds.

FISCAL IMPLICATIONS
The Recommended Action to receive the report has no fiscal impact on the General Fund. Expenditure of funds in the CRA could have future impacts to the General Fund.

CONTRACT HISTORY
Not applicable.

REASONS FOR RECOMMENDATION
The dual purpose of this report back to HLUET is: 1) a review of implementation and an assessment of the Illegal Dumping Hotline, and 2) a prioritization of the proposed uses of CRA funds from the collection of administrative fines.

With strong Board support over the last several years, the County of Santa Clara’s Code Enforcement Program has grown and evolved to become more responsive to community complaints, while rewarding compliance and incentivizing cooperative correction of code violations as early in the process as possible. The Department developed an Administrative Warning and Citations Program, including Compliance Orders for nonresponding violators, in 2016 to operationalize the updated compliance process. In August 2016, the Board approved a modification of County Ordinances to codify this Program as well as create the CRA to receive administrative fines and act as a source of funding for supplemental code enforcement and community projects designed to abate or discourage violations. (Please refer to linked legislative file 82617 for detailed background information.)

Among Administration’s proposed potential uses of CRA funds, as presented at the March 15, 2018 HLUET meeting (please refer to linked legislative file 90458 for details on the proposed uses), was an expansion of the County’s Illegal Dumping Hotline Pilot Program. The County implemented the Pilot Program in May 2017, after Administration received Board and HLUET direction, to receive and refer resident phone calls and online submissions of illegal dumping and graffiti reported on County lands. The Department of Planning and Development has hosted the Hotline and refers reports to partner agencies, departments, and jurisdictions as appropriate. In directing Administration to report back with a refined prioritization of proposed uses of CRA revenues, HLUET members expressed clear interest in the County expanding the Illegal Dumping Hotline for FY 2019.

The first part of this report will review and assess the Illegal Dumping Hotline Pilot Program, and the second part of this report will propose prioritization of potential uses of CRA revenues for FY 2019.

Illegal Dumping Hotline Pilot Program

At the November 15, 2016 Board of Supervisors meeting, Supervisor Cortese directed Administration to evaluate the County’s potential responses to illegal dumping (please refer to linked legislative file 83846), and at the February 16, 2017 HLUET meeting, Administration proposed establishment of an illegal dumping hotline as one method to encourage and simplify reporting of dumping and graffiti in County unincorporated areas (please refer to linked legislative file 84550). At the April 27, 2017 HLUET meeting, staff provided a pilot program framework for the Illegal Dumping Hotline (please refer to linked legislative file 86060). Before the County implemented the Illegal Dumping Hotline Pilot Program (Pilot), a reporting party needed to call any one of a handful of phone numbers, depending on when and where the violation took place, and what the violation involved. The Pilot framework consisted of a centralized illegal dumping hotline – consisting of a phone number and an online submission form – hosted by the Department of Planning and Development (Department), a referral system to responsible agencies, an enforcement program for dumping on private property, and capacity for abatement and clean-up.
In creating the infrastructure for the Pilot, the Department updated its Code Enforcement Resources Directory (Attachment A), which was posted on the Department’s website and distributed at community and neighborhood group meetings. The Department trained its customer service staff on the newly consolidated Hotline and created an Intranet collaboration site, which included email response templates and a dedicated tracking log identifying all the required information for receiving and routing illegal dumping and graffiti reports.

Between May 2017 and April 2018, Department staff received and logged a total of 28 resident reports to the Illegal Dumping Hotline, representing approximately one report every two weeks.

Of these 28 reports:

- Twenty (71%) were reports of illegal dumping in the unincorporated County.
- Eight (29%) were reports of illegal dumping that were referred to cities for follow-up.
- Of the eight reports referred to the appropriate city offices, five were for referred to the City of San José and one each referred to the Cities of Milpitas, Palo Alto, and Santa Clara.

Of the 20 reports of illegal dumping in the unincorporated County:

- Nine (45%) were referred to the Consumer and Environmental Protection Agency, whose departments resolve illegal dumping and discharge to the storm drain system in the unincorporated areas, garbage and recycling debris on residential or commercial unincorporated property, and hazardous material releases;
- Seven (35%) were referred to the Roads and Airports Department, which is responsible for illegal dumping on a County road or expressway right of way; and
- Four (20%) potentially involved the resolution responsibility for the Department itself, whose Code Enforcement Division enforces violations of the County Zoning Ordinance Code related to junk and related materials on private property in the unincorporated area.

The individual making the report in the first of four potential cases for the Department’s Code Enforcement Division retracted the request after making it, indicating the Sheriff’s Office responded to the incident and had removed the items. Another report was made regarding dumping in the rural unincorporated area, but neither sufficient identifying information nor an accurate call-back number was provided. The third report was added to an existing, larger code enforcement case, while the fourth and most recently received Hotline report is still being reviewed by the Department.

Notably, 12 of the 28 reports (43%) to the Illegal Dumping Hotline were made during the month the Hotline went live (May 2017), suggesting that awareness of the Hotline was greatest just after implementation, and then decreased in the months thereafter. Only three reports (11%) have been received by way of the Illegal Dumping Hotline in the first four months of calendar year 2018. None of the 28 reports made through the Illegal Dumping
Hotline referred to an incidence of graffiti, and none of the 28 reports were violations in progress (which would be referred to the Sheriff’s Office) or dumping instances on County park land (which would be referred to the Parks and Recreation Department).

The above figures suggest that publicity and promotional efforts for the Illegal Dumping Hotline should be undertaken iteratively and periodically, rather than all at once, or even annually. Hotline reporting figures for the Code Enforcement Division’s area of responsibility also align with the number of reports received in past years for illegal dumping activities on unincorporated private property. Reporting figures for both pre- and post-Pilot Program implementation represent an undercount of the actual number of illegal dumping incidents by an unknown degree. Although the exact number of these violations will always be unknown regardless of efforts to close the gap between reports and incidents, the presence of the Hotline has not had the effect of increased reporting of illegal dumping in the unincorporated County.

Through increased publicity efforts, an expanded program will prioritize making the Hotline more ubiquitous than it currently is. Although the Code Enforcement Resources Directory directs graffiti complaints to the Illegal Dumping Hotline phone number, future promotion of the Hotline will also specifically highlight the graffiti reporting component. To date in FY 2018, the Hotline has generated a minimal effect on the staffing capacity in the Department and among the partner departments. Administration anticipates that Illegal Dumping Hotline Program expansion could have a modest impact on staffing capacity, likely only if increased publicity and promotion were to significantly increase: (a) referrals to partner departments and the municipalities, or (b) the need for staff to research reports or follow up with complainants.

Prioritizing Other Potential Uses of CRA Revenues

Priority #1: Illegal Dumping Hotline Expansion. The report submitted for the April 27, 2017 HLUET meeting specified that, in this one-year report back evaluation, the Illegal Dumping Hotline program would be considered for permanent operational status. In review of the Department’s proposed uses of CRA revenues at the March 15, 2018 HLUET meeting, the committee members favored, over other expenditure options presented, the use of CRA revenues toward expansion of the Illegal Dumping Hotline and related enforcement actions.

The March 15, 2018 HLUET staff report presented possibilities for additional investment in the program to include: (1) community publicity and promotion, (2) creation of a mobile application to ease public reporting, (3) expansion of the program to include graffiti reporting and abatement county-wide, and (4) provision of contracting services for summary abatement litter removal.

With direction from HLUET to expand the Illegal Dumping Hotline program, Administration has begun exploring low-cost alternatives to increase community awareness:

- Information about the Illegal Dumping Hotline was recently added to the “What’s New” section of the Department’s homepage.
- Staff has contacted the County Office of Public Affairs (OPA) to explore posting an informational image on the rotating banner of the County website’s homepage. OPA
provided additional publicity options, including placing awareness-raising content in the County’s unincorporated Nextdoor social network for neighborhoods, as well as potential production of news releases, flyers, and/or requested placements in Board Office newsletters.

- The Department has recently contacted one of its partner departments, the Roads and Airports Department, to discuss adding illegal dumping, graffiti, and other code enforcement complaint types to its popular Mobile Citizen application (app) and web request form. The app’s software consultant is currently creating a testing environment that should be reviewed within the next month, and if testing is successful, Department staff will test the program to ensure it works correctly before full deployment. With integration of the Illegal Dumping Hotline into the Mobile Citizen app, residents would have the ability to report violations while at the violation site, and Department staff would have the ability to receive, create, and manage requests; add documents and photos; and run reports.

With an increased investment in the Hotline, community outreach events could be planned, or compatibly-themed events could be targeted for staff participation. With an even higher level of investment, CRA expenditures could be applied toward translation of Illegal Dumping Hotline materials, targeted promotions, or advertising campaigns. Should the need arise, the Department will also pursue the provision of contracting services for summary abatement litter removal, like the successful contracted graffiti clean-up efforts for the historic Burbank Theater.

**Priority #2: Additional Community Clean-up Initiatives.** HLUET members also expressed interest in the Department supporting community clean-up initiatives in partnership with the San Martin Neighborhood Alliance (SMNA), and similar projects with other neighborhood associations. While expressing gratitude for increased code enforcement activities in the unincorporated South County community in meeting the Department in recent months, the SMNA has drawn attention to the presence of blight conditions that CRA funds could help address. Some of the community issues cited include dilapidated greenhouses, overgrown trees, plastic covered fencing, graffiti, and litter.

Because it has demonstrated the capacity for spearheading clean-up projects like the proposed CRA funding alternatives, the SMNA is an ideal partner with which to pilot community beautification initiatives. The SMNA also has ties to County government through common membership and interest in the work of the San Martin Planning Advisory Committee. Since the Urban Property Blight Ordinance proposal before HLUET focuses on addressing conditions of blight in the County’s urban unincorporated areas (please refer to legislative file 90476), the application of CRA revenues in San Martin and elsewhere in the rural unincorporated County could serve as a supplemental approach to address rural property blight. Such a flexible approach to support rural beautification projects can be tailored to a community’s specific conditions and character, without introducing new regulations or enforcement actions in agricultural lands – a consideration emphasized in the Santa Clara Valley Agricultural Plan.
Priority #3: Rehabilitation of Homes to Address Substandard Housing Violations. While HLUET members expressed cautious interest in the concept of funding to address substandard housing violations, they also expressed concerns about the Department’s proposed use of CRA funds to do so, on two primary fronts:

- The lack of clarity regarding the nexus of funding source, i.e., CRA revenues from collections of administrative fines, and funding use for home rehabilitation projects; and
- The concern that paying for housing improvements from these revenues will consume the dollars too quickly and be spread among too few recipients.

Staff agrees with the concerns raised by HLUET members and the Department will continue to discuss with County Counsel and the Office of Supportive Housing if and how CRA funds could be used to bridge shortfalls in addressing substandard housing violations.

Priority #4: Payments for Costs Associated with Enforcement Proceedings. While County Ordinance Section A37-14 allows for the defrayment of costs associated with Hearing Officer proceedings, those costs have historically been minimal. Staff will continue to monitor the costs and volume of enforcement proceedings during FY 2019.

CHILD IMPACT

Community restitution investments increase the overall safety and livability of the community, with no particular benefit to children and youth.

SENIOR IMPACT

Community restitution investments may benefit seniors, depending on the program. For example, home repair of substandard housing may benefit low and fixed income tenants, which may include members of the senior population. Other programs anticipate general benefits to community safety, livability, and the environment.

SUSTAINABILITY IMPLICATIONS

The recommended action may have sustainability implications. Community clean-up initiatives include litter abatement, which reduces litter loading into water courses consistent with Stormwater Management objectives.

BACKGROUND

At the November 19, 2015 HLUET meeting, the Department provided the committee a status report and specific recommendations for improvements to the County’s Code Enforcement Program.

At the April 21, 2016 HLUET meeting, the Department proposed creation of a Community Restitution fund to serve as a source of funds to conduct specific types of code abatement operations and community clean-up projects.

At the August 16, 2016 Board of Supervisors meeting, the Board approved various County Ordinance Code section amendments to codify the establishment of the Community Restitution Account (CRA). Administrative fines are deposited into the CRA on an annual
basis. Unspent fines do not accrue cumulatively into a fund on a continuous basis; they revert to the General Fund at the end of each fiscal year.

At the November 15, 2016 Board of Supervisors meeting, a Board referral from Supervisor Cortese directed Administration to evaluate the County’s potential responses to illegal dumping. A handful of County departments are responsible for responding to illegal dumping complaints, including the Department of Planning and Development’s Code Enforcement Division.

At the February 16, 2017 HLUET meeting, Administration presented implementation options to HLUET for addressing illegal dumping. One of the options was the creation of a centralized illegal dumping hotline to receive and appropriately refer reports to the responsible agencies.

At the April 27, 2017 HLUET meeting, the Department proposed a pilot program framework for hosting and implementing the Illegal Dumping Hotline, including a report back to HLUET in the last quarter of FY 2018 on the effectiveness of the program.

At the March 15, 2018 HLUET meeting, the Department provided an overview of numerous reforms carried out through the Code Enforcement Program and presented options for use of CRA expenditures. One of the presented options that was favored by HLUET members was an expanded Illegal Dumping Hotline. The committee directed staff to return with a report prioritizing the possible uses of CRA revenues.

**CONSEQUENCES OF NEGATIVE ACTION**

The Department will not receive direction and feedback from HLUET Committee members.

**STEPS FOLLOWING APPROVAL**

Should HLUET accept the staff recommendation to pursue CRA expenditures, the Department will proceed with implementation. The proposed implementation and any proposed budget requests would be subsequently presented to the full Board of Supervisors for approval.

**LINKS:**

- Linked To: 82617: 82617
- Linked To: 90458: 90458
- Linked To: 83846: 83846
- Linked To: 84550: 84550
- Linked To: 86060: 86060
- References: 90476: Receive report from the Department of Planning and Development relating to proposed regulations to address property blight in unincorporated County lands.

**ATTACHMENTS:**

- Attachment A - Code Enforcement Resources Directory (PDF)
<table>
<thead>
<tr>
<th>Specific Complaint</th>
<th>Responsible Department</th>
<th>Phone#</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Animals:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal abuse</td>
<td>Animal Care and Control</td>
<td>(408) 686-3900</td>
</tr>
<tr>
<td>Barking dogs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dead or injured animals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dogs running at large</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licensing and vaccinations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poisoned Animals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possession of fighting animals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Too many animals, unsanitary conditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building without permits</td>
<td>Building Inspection Division</td>
<td>(408) 299-5700</td>
</tr>
<tr>
<td>Dangerous or substandard buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing code violations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile/modular homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cigarette Smoking</strong> in building</td>
<td>Sheriff</td>
<td>(408) 299-2311</td>
</tr>
<tr>
<td><strong>Door-to-Door Solicitation</strong> without a permit.</td>
<td>Sheriff</td>
<td>(408) 299-2311</td>
</tr>
<tr>
<td><strong>Environmental Crimes</strong> Hot Line</td>
<td>District Attorney</td>
<td>(408) 299-8477</td>
</tr>
<tr>
<td><strong>Fire Hazards- Prevention and Inspections</strong></td>
<td>Fire Marshal's Office</td>
<td>(408) 299-5760</td>
</tr>
<tr>
<td>To report fire or medical emergency – Call 911</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building egress or imminent fire/life hazard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire sprinkler, hydrant or fire alarm system impairments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire apparatus access hazards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For hazardous vegetation concerns contact <strong>Weed Abatement Program</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Garbage</strong></td>
<td>Dept. of Environmental Health</td>
<td>(408) 918-3400</td>
</tr>
<tr>
<td>Illegal dumping/trash/debris</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overflowing single family residential, grocery store, or restaurant garbage containers</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Garbage/Recycling Issues</strong></td>
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<tr>
<td>Garbage cans not returned to side or back yard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Missed pick up</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overflowing apartment dumpsters</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Grading – Unpermitted grading on private property</strong></td>
<td>Land Development Engineering Division</td>
<td>(408) 299-5730</td>
</tr>
<tr>
<td>Removal/excavations of soil without permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improper disposal of soil and other materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Graffiti</strong></td>
<td>Code Enforcement, Planning Dept.</td>
<td>(408) 299-5770</td>
</tr>
<tr>
<td><strong>Hazardous Waste</strong></td>
<td>Dept. of Environmental Health</td>
<td>(408) 918-3400</td>
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<tr>
<td><strong>Illegal Dumping Hotline</strong></td>
<td>Code Enforcement, Dept. of Planning</td>
<td>(408) 299-5770</td>
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<tr>
<td><strong>Infestations</strong></td>
<td>Dept. of Env. Health - Vector Control</td>
<td>(408) 918-4770</td>
</tr>
<tr>
<td>Insects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rats</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vermin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category</td>
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<td>Responsible Department</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Land Use</td>
<td>Unpermitted uses on private property</td>
<td>Code Enforcement, Planning Dept.</td>
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<tr>
<td></td>
<td>Detached secondary dwellings without permits</td>
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</tr>
<tr>
<td></td>
<td>Home business complaints</td>
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</tr>
<tr>
<td></td>
<td>Unpermitted uses or expansions of use</td>
<td></td>
</tr>
<tr>
<td>Noise</td>
<td>Abatement</td>
<td>Dept. of Environmental Health</td>
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<tr>
<td>Obstructions</td>
<td>Vegetation/items blocking sidewalks/streets, obstructing signs, or obstructing vehicle sight lines</td>
<td>Roads and Airports Department</td>
</tr>
<tr>
<td>Odors</td>
<td>Bad smells, air quality, smog</td>
<td>Bay Area Air Quality Mgmt. District</td>
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<tr>
<td>Sidewalks/Streets</td>
<td>Conditions or problems</td>
<td>Roads and Airports Dept.</td>
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<tr>
<td>Signs</td>
<td>Illegally posted in public right of way</td>
<td>Traffic Engineer</td>
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<td>Shopping Carts</td>
<td>Retrieval of abandoned carts</td>
<td>All American Carts</td>
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<tr>
<td>Storage</td>
<td>Improper outdoor storage on private property</td>
<td>Code Enforcement, Planning Dept.</td>
</tr>
<tr>
<td></td>
<td>Car canopy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Debris/junk/materials</td>
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</tr>
<tr>
<td></td>
<td>RVs, trailers</td>
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<tr>
<td>Storm Drains/Water Ways</td>
<td>Illegal Dumping Hotline</td>
<td>Dept. of Environmental Health</td>
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<tr>
<td>Trees</td>
<td>Private Property: Removal without permits</td>
<td>Planning Dept. (Rob Salisbury)</td>
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<tr>
<td>Trees</td>
<td>Public Property: Trimming or removal in public right of way</td>
<td>Roads and Airports Department</td>
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<td>Trees in power lines</td>
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<td>P.G.&amp;E</td>
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<td>Vehicles</td>
<td>Private Property: Inoperable Vehicles, Commercial Vehicles stored on private property</td>
<td>Code Enforcement, Planning Dept.</td>
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<tr>
<td>Vehicles</td>
<td>Public Property: Inoperable Vehicles, or illegally parked on public streets or public right of way</td>
<td>Sheriff</td>
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<td>Water Waste</td>
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<td>Santa Clara Valley Water District</td>
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<td>Weeds/Vegetation</td>
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<tr>
<td>Zoning Ordinance</td>
<td>Questions or complaints</td>
<td>Planning or Code Enforcement Staff</td>
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</tbody>
</table>
DATE: May 17, 2018

TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)

FROM: Harry Freitas, Director, Roads and Airports

SUBJECT: Update to the County of Santa Clara’s Airports Business Plan

RECOMMENDED ACTION

Receive report from the Roads and Airports Department relating to the 2018 Business Plan Update for County Airports and forward a favorable recommendation to the Board of Supervisors to accept and approve the Business Plan Update.

FISCAL IMPLICATIONS

The cost to the General Fund of implementation of the updated Business Plan is dependent on the direction from the Board of Supervisors.

CONTRACT HISTORY

None

REASONS FOR RECOMMENDATION

At its December 12, 2017 meeting, the Board of Supervisors directed staff to proceed with the update to the Business Plan for Reid-Hillview Airport and San Martin Airport.

Staff has prepared a draft Business Plan Update for HLUET and the Board’s consideration. As indicated on the attached draft Business Plan Update, key components and goals of the Business Plan Update’s analysis included:

- Analyzing the Airport Enterprise Fund’s (AEF) and the individual airports’ sources of revenue and types of expenses;
- Identifying trends in the piston-propeller segment of General Aviation and their effect on the type of operations occurring at the County airports as well as their effect on the AEF’s longstanding Business Model;
- Developing Long Range Facility Plans (LRFPs) that identify the airports’ maintenance and capital improvement needs and their associated costs;
- Developing a new Business Model for the County airports necessitated by the changing nature of the airports’ operations;
• Outlining the actions needed to execute the new Business Model and the estimated potential revenue to be realized; and

• Examining the historical role of grant funding from the federal Airport Improvement Program (AIP) with respect to development of the airports and the appropriate role of AIP grants going forward.

The analysis described above produced the following key conclusions:

• The AEF’s longstanding Business Model has relied on revenue from aircraft storage spaces (hangars, tie-downs and shelters) for over 75% of total revenue. This Business Model has enabled the AEF to remain financially self-sustaining for many years. Operating revenue has been sufficient to fund operating expenses as well as the local match required for grant-funded capital projects, which have been implemented on a pay-as-you-go basis.

• The piston-propeller segment of General Aviation is in decline, which has negative repercussions on the financial health of the AEF and its ability to remain financially self-sustaining with revenue primarily from aircraft storage. Nevertheless, the number of operations at the County airports is growing due to the demand for professional pilots and the associated flight schools required to train them. These trends dictate that the County change its longstanding business model to a business model with a more diversified and higher-yielding revenue stream.

• The key to generating a more diversified and higher-yielding revenue stream is to put the airports’ real property assets to work by leasing certain parcels for non-aviation commercial development and by restructuring the Fixed Based Operator leaseholds.

• The airports’ infrastructure requires approximately $20 million in investment over the next 10 years, approximately half of which would be eligible for federal funding. The airports had to take a $3 million loan from the General Fund this fiscal year for airfield paving since the AEF could not afford that cost unless it took federal grants. If the County chooses to apply for federal grants in the future, a portion of the cost of the paving project could be eligible for retroactive grant reimbursement.

• Over the long term, the AEF can generate sufficient revenue to fund anticipated operating and capital costs, including the necessary infrastructure investment, by utilizing the airports’ real property assets. The AEF cannot remain financially self-sustaining unless the airports’ real property assets are employed to generate additional revenue.
• Since the process for leasing real property can be lengthy, it will be several years or more before the parcels identified in the Business Plan begin producing revenue. Thus, for the airports to keep up with the necessary infrastructure repairs as identified in the business plan update, the AEF will require a subsidy until the real property assets full value can be realized. The amount of the subsidy required will vary based on the scheduling of infrastructure projects and if federal monies are used to offset the cost of grant-eligible projects.

• In the longer term, if the County continues to not accept Airport Improvements Grants, operating the airports on a self-sustaining basis (by generating additional revenue from the lease of real property) without federal grant assistance going forward would most likely afford the County greater flexibility with respect to future operations beginning in 2031 when the County’s existing federal grant obligations expire.

The public process outlined below and the direction received from the HLUET Committee and the Airports Commission will inform the staff in the preparation of recommendations for the Board of Supervisors. The staff will distill the information received in these venues along with the technical studies attached to this report to develop a recommended business strategy for the future of the airport system.

CHILD IMPACT
The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT
The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.

BACKGROUND
At the May 9, 2017 Board of Supervisors meeting, staff recommended that an update to the Airports Business Plan be commenced. The Board concurred and directed staff to report back at a later meeting with a roadmap to complete the Business Plan Update.

Staff presented a plan to update the Airports Business Plan at the November 16, 2017 HLUET meeting, at the December 5, 2017 Airports Commission meeting, and at the December 12, 2017 Board of Supervisors meeting. The Board approved the process that staff recommended and directed that an update to the Airports Business Plan be brought back to the Board of Supervisors by the end of the 2018 fiscal year.

Since that time staff has entered into contracts with an aviation consulting firm, a facility engineering firm and an appraisal firm to provide much of the necessary data. In addition, staff hosted the following meetings to elicit input from airport users and airport neighbors.
• January 23rd, 2018 County Airport Based Businesses
• January 23rd, 2018 Reid-Hillview Airport Users
• January 25th, 2018 San Martin Airport Neighbors and Airport Users
• March 1st, 2018 Reid-Hillview Airport Neighbors

In addition, the Airports Commission held a special meeting on May 15th to review the draft Business Plan.

Additionally, the following meetings have been planned for next week to allow input on the Business Plan update from all airport stakeholders.

• May 22, 2018, Reid-Hillview Airport Users and Neighbors
• May 23, 2018, San Martin Airport Users and Neighbors.

CONSEQUENCES OF NEGATIVE ACTION
The Board will not receive the updated Airports Business Plan.

STEPS FOLLOWING APPROVAL

ATTACHMENTS:
• Airports Business Plan Update  (PDF)
Santa Clara County
Airports Business Plan
Reid-Hillview and San Martin Airports

May 2018

San Martin Airport

Reid-Hillview Airport

Attachment: Airports Business Plan Update (91403 : Update to the County of Santa Clara’s Airports Business Plan)
# County of Santa Clara Airports Business Plan

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EXECUTIVE SUMMARY

The general objective of updating the 2006 Airport Business Plan for the Reid-Hillview and San Martin Airports is the need to provide a foundation for future policy decisions by the County of Santa Clara Board of Supervisors (BOS) regarding the two County-owned and operated airports. The updated Business Plan addresses the self-sustaining ability of the Airport Enterprise Fund, capital improvement programs, public and private development on the airports, including the use of properties for non-aviation commercial uses not needed for future aviation facilities.

The airports are federally designated reliever airports for the San Jose International Airport and are intended to provide additional capacity, or relief, for San Jose International Airport and to accommodate general aviation activity in the area. The airports primarily serve small, piston and propeller single-engine and twin-engine aircraft with limited use by turboprop and business jet aircraft.

The Airport Enterprise Fund (AEF) budget is currently about $2.5 million per year. Historically, the AEF revenues have been sufficient to fund expenses and provide the local matching funds for Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grants. The number of small, single-engine and twin-engine aircraft has been decreasing on a nationwide basis over many years. There were 777 based aircraft at County airports in 2006. In 2018 County airports had 627 based aircraft. The decreases in based aircraft at the Reid-Hillview Airport in particular have negatively affected the AEF and its ability to remain financially self-sustaining. These trends suggest that the County update its business model, which has historically relied on aircraft storage fees for over 75 percent of the total revenues, to a business model with a more diversified and higher-yielding revenue stream.

The major source of funding for capital improvement projects for the County airports has been from FAA Airport Improvement Program grants plus matching California Department of Transportation, Division of Aeronautics grants. The County has not accepted FAA Airport Improvement Program grants since 2011.
The Airport Enterprise Fund has $6.7 million in long-term debt: $3.7 for the San Martin Airport Hangar Project completed in 2008 and a $3 million loan from the County General Fund in 2017 to fund airfield pavement rehabilitation projects at both airports. The FAA has indicated that a portion of the $3 million pavement projects can be retroactively reimbursed to the County if the County accepts FAA Airport Improvement Program grants. The projected Airport Enterprise Fund has an unencumbered retained earnings balance at the end of fiscal year 2018 of $2.8 million that is equivalent to slightly more than one year of operating expenses.

Generating a more diversified and higher-yielding revenue stream will require putting the airports’ real property assets to work by leasing certain parcels that are not required for aviation use for non-aviation commercial development and by restructuring the fixed base operator leaseholds at the Reid-Hillview Airport. Several parcels have been identified that could be developed for non-aviation commercial activities. It is estimated that developing these properties could add approximately $3 million annually to the Airport Enterprise Fund revenues. FAA approval is required before the County can lease these properties for private development.

In all the report identifies about $5 million in possible new revenue. Although some of the new revenues will items require policy decisions, lease negotiations, and business decisions that may involve risk.

This report identifies approximately $20 million in capital and maintenance needs for both airports. These costs can be programmed over a 10 year period depending on the urgency of the need. Approximately $10.7 million in airfield investment is needed, most of which would be eligible for FAA Airport Improvement Program grants. In addition, an estimated $8.9 million in deferred maintenance needs have been identified for the existing buildings at both airports.

While some items can be deferred to later years, the existing condition of the administration/terminal building at RHV is described as critical in the consultant’s report. Minor maintenance issues were identified for the County-owned hangars at the San Martin Airport.
Over the long term, the Airport Enterprise Fund can generate sufficient revenue to fund anticipated operating and capital costs by leasing the airports’ real property assets. Since it can take several years for the leasing process to begin producing revenue, a subsidy may be required in the short term. The Airport Enterprise Fund cannot remain financially self-sustaining unless the airports’ real property assets are utilized to generate additional revenue.

The FAA Airport Improvement Program grants currently provide 90 percent of eligible project costs, providing leverage for use of Airport Enterprise Fund dollars. However, operating the airports without federal grant assistance going forward may afford the County more flexibility in some areas with respect to future airport operations beginning in 2031 when the County’s existing federal grant obligations expire.

**INTRODUCTION**

The existing Business Plan for Reid Hillview Airport (RHV) and San Martin Airport (E16) was originally developed in conjunction with the Airport Master Plan updates in 2006 (Attachment). The Business Plan provides a comprehensive analysis of the airports’ finances and outlines their respective business strategies.

Since that plan was approved, a number of significant events have transpired that warrant an update to the Business Plan.

- The economy experienced a deep recession and slow recovery;
- Palo Alto Airport was transferred to the City of Palo Alto and is no longer part of the County of Santa Clara’s airport system;
- All nine of the Fixed Base Operator (FBO) leases at RHV were amended to synchronize their expiration dates to December 31, 2021;
- San Jose State University relocated its aviation program to RHV and Gavilan College relocated its aviation program to E16.

In addition, a long-running dispute with the Federal Aviation Administration (FAA) relating to skydiving at E16 was resolved. During the period that the dispute was active the FAA did not grant any federal monies to the County of Santa Clara Airports.
These events alone have enough effect on the Airports business model to warrant an update to the Business Plan. Staff is also concerned about the current state of the Airport Enterprise Fund (AEF).

The AEF by County Policy is required to be a stand-alone, self-sufficient fund that generates enough revenue to pay for all operating expenses. The following two figures compare revenue and expenses at the airports for the past ten years. Figure 1 is inclusive of capital projects and FAA AIP funding while Figure 2 has removed capital projects and FAA AIP funding to more clearly depict the general operating budget.

![Figure 1: Revenue and Expenses Including AIP Funded Projects by Fiscal Year](image1.png)

![Figure 2: Revenue and Expenses Excluding AIP Funded Projects by Fiscal Year](image2.png)

All fees charged for use of the airports are published in the Schedule of Fees and Charges for Santa Clara County Airports. Most of those fees are indexed to the Bay Area Consumer Price Index. The AEF has
benefited from this annual adjustment. In addition, cost savings efforts including staff reductions have kept expenses below revenues.

Forward-looking projections that take into account expected increases in operational costs and continued decrease in demand for aircraft storage however indicate the AEF is quickly reaching the intersection point of revenues and expenses. Figure 3: 2018-2025 Projected Revenues and Expenses by Fiscal Year depicts revenues and expenses projected to 2025 with the following assumptions:

- Annual 3.0% increase in expenses and revenues which is the average annual CPI increase for the preceding 15 years; and,
- New solar revenues (discussed on page 27) begin to accrue in FY 2019; and,
- FY 2020, the AEF begins making $200,000 annual principal payments on the General Fund loan for the 2018 pavement reconstruction project at RHV and E16; and,
- 1.5%\(^1\) annual decrease in based aircraft.

In light of the aforementioned information, the County of Santa Clara Board of Supervisors directed staff to update the Airports business plan and approved the scope to include:

- Performing a fresh analysis of the AEF overall, as well as the individual airport’s finances;

\(^1\) Average annual decrease in county tie-down, hangar and shelter occupancy over the past ten years.
• Examining the interrelationship between the AEF operating budget and capital budget;

• Developing long-range facilities plans (LRFP) for the airports’ infrastructure, including associated cost estimates;

• Reviewing the Airports Capital Improvement Plans (ACIP) including associated cost estimates;

• Determining the additional revenue necessary to fund the airports’ projected operating and capital expenses going forward;

• Identifying ways to diversify the airports’ existing revenue streams as well as identifying potential cost-saving measures;

• Reexamining the airports’ Schedule of Fees and Charges and recommending changes accordingly;

• Determining the optimal re-leasing strategy for the airports’ FBO leasehold areas;

• Determining the optimal leasing strategy for the areas identified in the RHV Master Plan for non-aviation commercial development;

• Determining the appropriate role of federal Airport Improvement Program (AIP) grants to fund eligible capital improvement projects.

**OVERVIEW OF THE 2006 AIRPORT MASTER PLANS**

In 2018, the master planning process sought to define the role of each county airport, in terms of both its purpose with respect to the overall transportation network as well as its function with respect to accommodating the projected growth in the number of airport-based aircraft. Once the airport’s role was defined, the consultant team then determined the facilities necessary to implement that role.

The Board adopted the following principles to guide development of the Master Plan (MP) and Business Plan for each County airport:

• Meet the needs of the aviation community.

• Preserve the quality of life for residents living near the airports.
- Maintain the integrity of the airport safety zones.
- Ensure that the AEF is self-sustaining without subsidy from the County General Fund. (Discussed in more detail below).

Based on existing demand and projected future growth in the San Jose – Gilroy corridor over the Master Plan lifespan, the MP recommended that E16 be developed to accommodate regular use by business jets. E16 was also designated to accommodate the majority of the projected countywide growth in airport-based aircraft.

As a result, the E16 MP proposed that the existing 3,100 foot runway be extended to 5,000 feet on its current alignment and be widened from 75 feet to 100 feet. Corresponding non-airfield improvements included construction of additional aircraft storage hangars\(^2\), more transient aircraft parking and a second FBO as well as a new terminal building, maintenance building and vehicle parking.

With respect to RHV, the MP recommended maintaining the airport’s existing role as serving primarily small piston-propeller aircraft and proposed a minimal increase in basing capacity. The RHV MP focused on airfield improvements that would enhance safety and provide for more orderly aircraft ground movements. Proposed improvements related to these goals included expanding the Runway Safety Areas (RSA) and Object Free Areas (OFA) at the south end of the existing parallel runways to meet current FAA design standards as well as constructing a west side parallel taxiway.

**RECENT TRENDS IN GENERAL AVIATION**

The term “General Aviation” (GA) encompasses a wide range of aeronautical activities and types of aircraft including business jets, piston-propeller aircraft, light sport aircraft, fixed-wing turbine-powered aircraft, rotorcraft, and other similar aircraft\(^3\). The relative strength of these various segments of GA business can differ substantially, thus, when citing GA statistics it is essential to avoid generalizations and to cite statistics appropriate to the particular segment being considered. It is also important to note that local conditions may differ substantially from nationwide trends. Since all but a very small percentage of aircraft based at the County airports are

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\(^2\) In addition to the 100 hangars that were already under construction at the time the Draft Master Plan was completed.

\(^3\) General aviation is defined by the FAA as all civil aviation not classified as air carrier, commuter/air taxi or military.
piston-propeller aircraft, this section focuses on the piston-propeller segment of GA.

By most metrics, the piston-propeller segment of GA has contracted nationwide since the completion of the BP in 2006, which also coincided with the start of the Great Recession:

- Average annual U.S. manufactured GA piston-propeller airplane shipments dropped 60% in the eight-year period between 2009 and 2016 (751 annually) compared to the immediately preceding eight-year period between 2001 and 2008 (1,865 annually).

- The number of total active U.S. General Aviation and On-Demand Federal Aviation Regulations Part 135 piston aircraft declined by 16% from 2008 to 2016 and is predicted to continue to decline by about 1% annually through 2025. According to the FAA Aerospace Forecast Fiscal Years 2017 – 2037, "Unfavorable pilot demographics, overall increasing cost of aircraft ownership, coupled with new aircraft deliveries not keeping pace with retirements of the aging fleet are the drivers of the decline."

- The total number of estimated hours flown by these piston aircraft declined by over 27% during this same time period and is predicted to continue to decline by 1.4% annually through 2025.

- The total number of U.S. General Aviation operations declined by 12% from 2008 to 2016.

- The number of active FAA certificated pilots declined from 827,000 in 1980 to 584,000 in 2016.

- The average number of original private pilot certificates and student pilot certificates issued annually in the seven-year period between 2009 and 2015 dropped by 24% and 14%, respectively, compared to the immediately preceding seven-year period between 2002 and 2008.

These national trends indicate a decline in the GA market and in particularly the piston-propeller segment which is most prevalent at the County of Santa Clara airports.

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4 Source: General Aviation Manufacturers Association (GAMA) 2016 General Aviation Statistical Databook & 2017 Industry Outlook

5 On-Demand FAR Part 135 operations include air taxi (i.e. charter), air tours, and airmedical operations.

6 An active pilot is defined as a pilot who holds a pilot certificate and a valid medical certificate (except for sport pilots, which comprise about 1% of the total number of pilots).
RECENT TRENDS AT COUNTY OF SANTA CLARA AIRPORTS

These overall trends negatively affected the County airports by reducing demand for aircraft parking. Use of County-owned hangars, shelters and tie-downs dropped from 319 in 2007 to 270 in 2017, a 15% decrease.

Conversely, the number of aircraft operations\(^7\) at RHV increased nearly 50% from 2010 to 2017. In 2010 RHV had approximately 110,000 operations and in 2017 it had about 163,000 operations. The significant factor in the increase in aircraft operations, despite a decrease in total based aircraft, is flight training.

The increase in the number of flight training operations has its roots in several commercial aviation trends that have increased demand for commercial and Airline Transport (ATP) rated pilots:

- Domestic commercial passenger enplanements are projected to increase steadily throughout the FAA’s 20-year forecast period from 2017 – 2037; and,
- Airlines are embracing smaller, more efficient aircraft which allow more point-to-point flights; and,
- The number of GA business jets continues to grow; and,
- Use of the GA business jet fleet is projected to grow annually by 3%.

The increase in demand for commercial and ATP-certificated pilots is causing a commensurate increase in the demand for professional flight training. A number of flight training schools operate at RHV and attract students from all over the world, including Japan, China, India and Korea.

The FAA Air Traffic Control Tower (ATCT) tracks and categorizes all operations at an airport during the tower’s operational hours. Of the many metrics used to categorize those flights, the itinerant and local\(^8\) categories are helpful to highlight the effect of flight training

\(^7\) An operation is defined as a single take-off or landing.

\(^8\) (1) Local operations mean operations performed by aircraft which:(i) Operate in the local traffic pattern or within sight of the airport;(ii) Are known to be departing for, or arriving from flight in local practice areas located within a 20-mile radius of the airport; or(iii) Execute simulated instrument approaches or low passes at the airport.
on the operations level at Reid-Hillview Airport. A local flight is one that does not leave the general area around the airport, and thus is most likely the result of pilot training. For calendar year 2017, Reid-Hillview had approximately 163,000 operations with 45% of them categorized as itinerant and 55% of them categorized as local flights.

There are 518 airports nationwide that report operation statistics to the FAA. When ranking airports by the quantity of operations, RHV is ranked No. 73 nationally and No. 12 in California. When the operations numbers are refined to remove military and commercial air-carrier operations, leaving primarily GA operations, Reid Hillview is ranked No. 24 nationally and No. 7 among California airports.

The high number of flight training operations at RHV impacts the number of operations at E16 as well. San Martin airport is a short flight from RHV and provides a convenient location to practice pattern work without the congestion present at RHV and without the pressure of communicating with the Air Traffic Control Tower. This is especially beneficial for newer student pilots.

AIRPORT ENTERPRISE FUND OVERVIEW

AEF Revenues

AEF revenue is approximately $2.7 million and is comprised of several categories whose relative contribution to total revenue has been consistent over time. For many years, approximately three-quarters of total AEF operating revenue has been generated from County-owned aircraft storage spaces (i.e. hangars, shelters and tie-downs). In FY 2017, this revenue source generated $2.1 million (76% of total revenue). Revenue from the ten Fixed Base Operators (FBO) ground leases (nine at RHV and one at E16) comprises 10% of total revenue. All other miscellaneous revenue sources including property rental, fuel flowage fees, transient aircraft fees and interest income collectively generate about 14% of AEF revenues.

(2) Itinerant operations mean all aircraft operations other than local operations. https://definitions.uslegal.com/a/aircraft-operations-aeronautics-and-space/
AEF Expenditures

Salaries and benefits comprise approximately 45% of total AEF expenditures. Debt service on bonds issued to fund the San Martin Airport Hangar project account for 15% of total airport expenses for FY 2018. The interest-only payment on the $3,000,000 loan from the County General Fund to fund airfield pavement rehabilitation projects at both airports comprises 3% of AEF expenditures. Internal County charges account for 17% of total expenditures, facility maintenance 9%, utilities 6% and services/supplies 5%.
RHV vs. E16

Although the AEF captures all airport finances in a single budget unit, the revenue and expenses associated with each of the two airports are tabulated for internal management and accounting purposes. Revenue and expenses directly attributable to each airport such as FBO lease revenue, aircraft storage space rental revenue, operations staff salaries, etc. are easily identified. General and administrative expenses (i.e. overhead) not attributable directly to an individual airport (insurance, management staff salaries, etc.) are captured in an expense pool and allocated to each airport based on a weighted formula that uses cost drivers such as the number of based aircraft, number of aircraft operations and number of major facilities.

RHV revenue generates approximately 72% of total AEF revenue and accounts for 64% of total expenditures (including allocated overhead). San Martin Airport generates approximately 28% of total AEF revenue and accounts for 37% of total expenditures. Thus, RHV currently subsidizes E16 to a slight degree.

AEF Trend

As mentioned above, the Board adopted principles to guide the development of the 2006 Airport Master Plan, including the following:

“The Airport Enterprise Fund should be self-sustaining without subsidy from the General Fund. Revenue from fees and charges, state and federal grants and other sources should be sufficient to fund operating and maintenance costs, capital improvements and an appropriate level of reserves.”

Since the creation of the Roads & Airports Department, the AEF has generated sufficient operating revenue to fund operating expenses. Capital projects have been funded on a pay-as-you-go basis.
County of Santa Clara Airports Business Plan

Using primarily federal and state grants when eligible. (The San Martin Airport Hangar Project mentioned earlier was ineligible for AIP funding and was bond-funded.) Therefore, the AEF had been self-sustaining financially prior to the Board’s formal adoption of such a policy.

Due to a continual softening in demand for aircraft storage, revenue is rising slower than operating expenses, thereby putting pressure on the AEF operating budget. Staff has responded by cutting costs where possible, including reducing staffing to minimal levels. In light of the earlier discussion regarding trends in the piston-propeller segment of GA and RHV’s emerging primary role as a flight training airport, it is clear that the AEF business model must adapt. **The AEF cannot continue to maintain financial self-sufficiency while relying on aircraft storage as its primary revenue source.** Under the current business model, the high number of aviation operations does not translate into revenue for the AEF. A key objective of this Business Plan is to identify a new business model going forward that comports with the airports’ primary use as flight training airports while generating sufficient revenue.

**Retained Earnings**

The unencumbered portion of the AEF Fund Balance, referred to as Retained Earnings (RE) represents the AEF’s “rainy day” fund and is one measure of the AEF’s financial health. RE also serves to dampen the effect of irregular cash flow. A third function of RE is that it provides a place to accumulate an operating surplus, if any, for future capital project expenditures.

The projected AEF unencumbered Retained Earnings balance as of the end of the 2018 Fiscal Year is $2.8 million, equivalent to slightly more than one year of operating expenses.

**Long-term Debt**

The AEF carries $6,710,000 in long-term debt (projected as of June 30, 2018), $3,710,000 of which is attributable to the San Martin Airport Hangar project completed in 2008 and $3,000,000 of which is attributable to a loan from the County General Fund in 2017 to fund airfield pavement rehabilitation projects at both airports. The costs of the current pavement projects are eligible for retroactive reimbursement by the federal Airport Improvement Program (AIP) should the County resume accepting AIP grants, which is discussed in more detail below. The current long-term debt level is approximately 2.5 times annual revenue and 2.4 times the level of unencumbered Retained Earnings.
AIRPORT CAPITAL IMPROVEMENT PLANS AND LONG RANGE FACILITY PLANS

ACIPs

The Roads and Airports Department maintains six-year Airport Capital Improvement Plans (ACIP) for both E16 (Table 1: E16 ACIP) and RHV (Table 2: RHV ACIP). The ACIPs are documents submitted to the FAA each year and generally include only those projects eligible for FAA AIP funding. The main projects featured in the current RHV ACIP and not yet funded are identified as part of the master plan and include expanding the Runway Safety Areas (RSA) and Object Free Areas (OFA) at the south end of the existing parallel runways by shifting the runways 100 feet to the north to meet current FAA standards for airport design. Additional projects include constructing a west side parallel taxiway (estimated to cost $2,480,000) and rehabilitating the perimeter fencing to enhance the airport’s security and appearance (estimated to cost $560,000).

The main projects featured in the current E16 ACIP and not yet funded include constructing an access road between the transient apron and the County-owned hangar area (estimated to cost $720,000), installing a backup generator for the runway lighting and fire protection systems (estimated to cost $110,000) and acquiring property at the south end of the airport for safety zones for the proposed runway extension (estimated to cost $3,100,000).
<table>
<thead>
<tr>
<th>Year</th>
<th>E16 Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Reimbursement for Pavement Rehabilitation</td>
<td>$700,000</td>
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<tr>
<td>2020</td>
<td>ALP update with narrative and AGIS</td>
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<td>2021</td>
<td>Prepare design, and bid documents for construction of access road between transient apron and hangar area</td>
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<td>2022</td>
<td>Install backup generator for runway lighting and fire protection system.</td>
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<td>2023</td>
<td>Prepare design and bid documents for construction of perimeter fencing</td>
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<td>Environmental assessment for property acquisition to protect approach for proposed runway extension</td>
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<td>2024</td>
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<td>Property acquisition for safety zones and encroachment prevention</td>
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Table 1: E16 ACIP
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<td>2020</td>
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<td>2022</td>
<td>Prepare design and bid documents and perform Perimeter Fencing rehabilitation</td>
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<td>2023</td>
<td>Prepare design and bid documents for shift of runways and construction of west side parallel taxiways and run-up areas</td>
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<tr>
<td>2024</td>
<td>Perform shift of runways and construction of west side parallel taxiways and run-up areas</td>
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<td></td>
<td><strong>Reid-Hillview Total</strong></td>
<td><strong>$5,301,667</strong></td>
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</table>

Table 2: RHV ACIP

It must be noted that many of the projects on the ACIPs were originally identified over 12 years ago as part of the 2006 Master Plan process and should thus be reevaluated. For example, the project listed in E16 ACIP (Table 2) to acquire private property outside San Martin Airport to prevent future encroachment was envisioned in conjunction with a project to extend the runway to 5,000 feet. Although the property acquisition is still desirable, its necessity in the short term is questionable.

**Long Range Facility Planning**

The airports' utility and building infrastructure has a significant level of deferred maintenance and repair. In addition, a number of facility improvement projects have been identified as capital improvements.

\(^9\) This work was funded by a loan from the County General Fund but is eligible for reimbursement in the event the County resumes accepting AIP grants.
The County prepared a Long Range Facility Plan (LRFP) that identifies the airports' long-range facilities needs along with associated cost estimates. The LRFP is included in the Business Plan.

Kitchell prepared the LRFP report (page 36) outlining the 10-year Capital Renewal Costs for the RHV Terminal, RHV Swift Avenue office and hangar building and county owned E16 Hangars. They are currently working on an LRFP for RHV hangars/shelters and E16 fire pump. Roads & Airports staff prepared corresponding estimates for the airport pavements.

Similar to the ACIPs, some of the identified costs relate to capital improvements that, although desirable, are not mission-essential and thus can be deferred. For example, nearly $5.5 million of the costs identified for the RHV Terminal Building are for rehabilitating the long-vacant second floor including a new elevator and exterior stairs.

<table>
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<tr>
<th>Uniform Format Code</th>
<th>Reid-Hillview Terminal Building System Class</th>
<th>Current Cost Without Escalation</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1020</td>
<td>Roof Construction</td>
<td>$272,800</td>
</tr>
<tr>
<td>B1080</td>
<td>Stairs</td>
<td>$430,700</td>
</tr>
<tr>
<td>B2020</td>
<td>Exterior Windows</td>
<td>$700</td>
</tr>
<tr>
<td>B3060</td>
<td>Horizontal Openings</td>
<td>$3,300</td>
</tr>
<tr>
<td>C2030</td>
<td>Flooring</td>
<td>$300</td>
</tr>
<tr>
<td>C2050</td>
<td>Ceiling Finishes</td>
<td>$300</td>
</tr>
<tr>
<td>D1010</td>
<td>Vertical Conveying Systems</td>
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</tr>
<tr>
<td>D2010</td>
<td>Domestic Water Distribution</td>
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</tr>
<tr>
<td>D2030</td>
<td>Building Support Plumbing Systems</td>
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<td>D3030</td>
<td>Cooling Systems</td>
<td>$209,800</td>
</tr>
<tr>
<td>D3050</td>
<td>Facility HVAC Distribution Systems</td>
<td>$3,700</td>
</tr>
<tr>
<td>D3060</td>
<td>Ventilation</td>
<td>$4,500</td>
</tr>
<tr>
<td>D5020</td>
<td>Electrical Service and Distribution</td>
<td>$70,800</td>
</tr>
<tr>
<td>D5030</td>
<td>General Purpose Electrical Power</td>
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</tr>
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<td>D5040</td>
<td>Lighting</td>
<td>$223,400</td>
</tr>
<tr>
<td>D7050</td>
<td>Detection and Alarm</td>
<td>$151,000</td>
</tr>
<tr>
<td>F3010</td>
<td>Special Construction and Demolition</td>
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<tr>
<td>G2020</td>
<td>Parking Lots</td>
<td>$24,700</td>
</tr>
<tr>
<td>G2030</td>
<td>Pedestrian Plazas and Walkways</td>
<td>$4,100</td>
</tr>
</tbody>
</table>

**Totals**  $6,463,100

---

10 This item is for construction necessary to convert the RHV terminal building 2nd floor into a warm shell for potential restaurant and office.
Moreover, the expenditure of $2.1 million of AEF resources in the Swift Avenue office building may not be justified given that the facility is tenant-occupied and does not serve a mission-essential function at the airport. The current tenants in this building include San Jose State University and Palmetto Ranch. The Swift leases should be reviewed in light of the LRFP report to ensure the lease rates provide for full cost recovery and that the AEF is not subsidizing the lease.

Table 3: (source: Kitchell)

Moreover, the expenditure of $2.1 million of AEF resources in the Swift Avenue office building may not be justified given that the facility is tenant-occupied and does not serve a mission-essential function at the airport. The current tenants in this building include San Jose State University and Palmetto Ranch. The Swift leases should be reviewed in light of the LRFP report to ensure the lease rates provide for full cost recovery and that the AEF is not subsidizing the lease.

<table>
<thead>
<tr>
<th>Uniform Code</th>
<th>Swift Avenue Office and Hangar Building</th>
<th>Current Cost Without Escalation</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1020</td>
<td>Roof Construction</td>
<td>$502,400</td>
</tr>
<tr>
<td>B2010</td>
<td>Exterior Walls</td>
<td>$4,300</td>
</tr>
<tr>
<td>B2020</td>
<td>Exterior Windows</td>
<td>$500</td>
</tr>
<tr>
<td>B2050</td>
<td>Exterior Doors and Grilles</td>
<td>$600</td>
</tr>
<tr>
<td>B3020</td>
<td>Roof Appurtenances</td>
<td>$1,300</td>
</tr>
<tr>
<td>B3060</td>
<td>Horizontal Opening</td>
<td>$3,300</td>
</tr>
<tr>
<td>C1010</td>
<td>Interior Partitions</td>
<td>$300</td>
</tr>
<tr>
<td>C1030</td>
<td>Interior Doors</td>
<td>$2,100</td>
</tr>
<tr>
<td>C2030</td>
<td>Flooring</td>
<td>$51,900</td>
</tr>
<tr>
<td>C2050</td>
<td>Ceiling Finishes</td>
<td>$6,000</td>
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<td>D2010</td>
<td>Domestic Water Distribution</td>
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</tr>
<tr>
<td>D2030</td>
<td>Building Support Plumbing Systems</td>
<td>$8,100</td>
</tr>
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<td>D2060</td>
<td>Process Support Plumbing Systems</td>
<td>$3,300</td>
</tr>
<tr>
<td>D3030</td>
<td>Cooling Systems</td>
<td>$121,300</td>
</tr>
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<td>D3050</td>
<td>Facility HVAC Distribution Systems</td>
<td>$8,100</td>
</tr>
<tr>
<td>D5020</td>
<td>Electrical Services and Distribution</td>
<td>$45,500</td>
</tr>
<tr>
<td>D5030</td>
<td>General Purpose Electrical Power</td>
<td>$12,900</td>
</tr>
<tr>
<td>D5040</td>
<td>Lighting</td>
<td>$401,400</td>
</tr>
<tr>
<td>D7050</td>
<td>Detection and Alarm</td>
<td>$162,400</td>
</tr>
<tr>
<td>E2010</td>
<td>Fixed Furnishing</td>
<td>$9,300</td>
</tr>
<tr>
<td>F1050</td>
<td>Special Facility Components</td>
<td>$370,300</td>
</tr>
<tr>
<td>G2020</td>
<td>Parking Lots</td>
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</tr>
<tr>
<td>G4050</td>
<td>Site Lighting</td>
<td>$4,100</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td><strong>$2,103,800</strong></td>
</tr>
</tbody>
</table>

Table 4: (source: Kitchell)
Capital maintenance of the hangers at San Martin Airport are estimated to cost about $335,000.

<table>
<thead>
<tr>
<th>Uniformat Code</th>
<th>San Martin County Owned Hangars Building System Class</th>
<th>Current Cost Without Escalation</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1020</td>
<td>Roof Construction</td>
<td>$300</td>
</tr>
<tr>
<td>B2010</td>
<td>Exterior Walls</td>
<td>$700</td>
</tr>
<tr>
<td>B2050</td>
<td>Exterior Doors and Grilles</td>
<td>$3,000</td>
</tr>
<tr>
<td>B3020</td>
<td>Roof Appurtenances</td>
<td>$3,500</td>
</tr>
<tr>
<td>C1010</td>
<td>Interior Partitions</td>
<td>$3,000</td>
</tr>
<tr>
<td>D3060</td>
<td>Ventilating</td>
<td>$40,000</td>
</tr>
<tr>
<td>D5020</td>
<td>Electrical Services and Distribution</td>
<td>$31,300</td>
</tr>
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<td>Lighting</td>
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<td>D7050</td>
<td>Detection and Alarm</td>
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<td>G2020</td>
<td>Parking Lots</td>
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</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td><strong>$335,000</strong></td>
</tr>
</tbody>
</table>

Table 5: (source: Kitchell)

The current ACIP and estimated LRFP costs total approximately $33 million. Staff’s analysis indicates that approximately $20 million of the $33 million will need to be invested over the next 10 years (in current dollars) to fund mission-essential repairs and improvements to the airports’ infrastructure. Of this amount, roughly half would be eligible for AIP funding.

**SCHEDULE OF FEES & CHARGES**

Aries Consultants Ltd. was retained to review the County airports’ existing Schedule of Fees and Charges and recommend adjustments. Aries notes that the County’s current rates for aircraft storage are near the high end of airports surveyed and recommends reductions in the rates for RHV tie-downs and E16 hangars to attract more tenants. The report does not estimate the change in total revenue that might result from the combination of lower prices and the higher occupancy that would presumably follow the price reduction. For total revenue to increase, the increase in occupancy must generate at least enough new revenue to compensate for the reduction in revenue from existing tenants.

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11 Not including line items relating to reimbursement of costs for the 2017/2018 pavement projects, which were funded by a loan from the County General Fund and are thus already included in the calculation of Long Term Debt.
It is also important to note that FAA Grant Assurances place some restrictions on the level of fees charged for aviation services at obligated airports. For instance, fees may not be set at a level that would unjustly discriminate against a class of aviation user. The FAA recognizes the right of airport sponsors to set reasonable fees and charges to offset the cost of operating the airport, however, when a disagreement occurs over a fee, the FAA is the final arbitrator as to what constitutes a fair and reasonable fee.

One source of revenue that is generally not utilized at GA airports is a landing fee. Traditionally found at commercial service airports, a landing fee is levied, based on the aircraft takeoff weight, on a commercial operator once the aircraft lands. Where there are a large number of flight operations at an airport, there is a substantial administrative burden related to tracking and billing landing fees. The cost of administering a landing fee program, when taking into account the market for such fees and the pricing constraints applied through Federal grant assurances, makes the implementation of a landing fee program unpopular for GA airports.

The larger issue is the AEF’s overreliance on revenue from aircraft storage and the aforementioned industry trends that have resulted in both airports having excess basing capacity. The modest growth in based aircraft predicted in the MPs not only failed to materialize, the number of based aircraft in County-owned spaces at RHV dropped by 15% from 2007 to 2017.

A NEW BUSINESS MODEL FOR THE AEF

Given the downward trends in the piston-propeller segment of GA, the South Bay’s high commercial land values, and trends at other airports, it makes sense to put the airports’ available real property assets to work by leasing certain parcels for non-aviation commercial development and thereby generate a more diversified and higher-yielding revenue stream than the current business model. This section explores the following potential sources of additional revenue:

- Leasing RHV parcels suitable for non-aviation commercial development.
- Reconfiguring the existing RHV FBO leaseholds.
- Establishing solar farms at both RHV and E16.
- Reconfiguring the existing E16 FBO Leasehold.
- Leasing the parcel at 12415 Murphy Ave., San Martin.
RHV Non-Aviation Commercial Parcels

The airport MP proposed leasing undeveloped airport parcels for compatible commercial uses to generate revenue to:

- Fund the operation and maintenance of the airport infrastructure;
- Fund projects that enhance the airport’s physical security and compatibility with the surrounding community; and
- Reduce the Airport Enterprise Fund’s reliance on aircraft storage revenue.

The concept of leasing undeveloped property at the airport is also a Board-approved recommendation of the Harvey Rose management audit of the airports conducted in 1999. The audit report states that non-aviation commercial development “is a sound direction for the Department to take. It would provide a new source of revenue for the Fund without increasing air traffic and it would diversify and stabilize the Division’s revenue sources in the event of a downturn in the general aviation market.”

The following parcels have been identified for lease for non-aviation commercial uses:

1. An undeveloped 8.6-acre parcel in the southeast corner of the airport at the Capitol Expressway/Tully Road intersection.
2. A 4.65-acre parcel located at the intersection of Cunningham Avenue and Swift Avenue (currently used for Little League baseball fields).
3. An undeveloped 3.75-acre parcel located on Swift Avenue.
4. An undeveloped 2.4-acre parcel located between the southernmost row of hangars and the Capitol/Tully parcel listed above (currently rented by the Roads Dept. as a material laydown area).

Valbridge Property Advisors was retained to prepare an appraisal for each of the aforementioned parcels. According to the Valbridge appraisals, the AEF could realize a total of approximately $2.3 million annually in ground lease revenue from the four parcels. It is important to note that commercial property leasing can be speculative and that these revenue assumptions may not be realized.

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12 The estimated annual lease revenue reflects market conditions as of early 2018 and is therefore subject to change.
It is essential that the future development of these parcels be compatible with the operation of the airport. It is also essential that the future developments be independent of the operation of the airport. In order to generate the maximum revenue consistent with the above criteria, staff recommends that the marketplace be allowed to determine each parcel’s highest and best use through a Request for Proposal (RFP) process and the parcels leased to the prospective lessee(s) offering the best financial terms. These lease returns may be affected by any business or use conditions the County, FAA, City of San Jose, or Santa Clara County Land Use Commission places on the properties.

Existing RHV FBO Leaseholds

There are nine FBO leaseholds at RHV (Figure 8) occupying a total of 18 acres in the northeast corner of the airport. In 2016, as the FBO master leases approached the expiration of their 50-year terms, they were amended to synchronize their expiration dates to December 31, 2021. Upon expiration of the leases, all leasehold improvements will revert to the County.

Valbridge appraised the annual bare-dirt lease rate for the 18-acre FBO area at $15,246 per acre. By contrast, the appraised annual lease rate for the Cunningham/Capitol parcel and the Tully/Capitol
parcel are $137,258/acre and $139,348/acre, respectively. Therefore, leasing property for non-aviation commercial development has the potential to generate nine times more revenue per acre than leasing property for FBO use.

Given the downward trends in the piston-propeller segment of General Aviation market discussed earlier, the high vacancy rate at the airport and the very large disparity between the expected lease rate for commercial development versus FBO use, staff recommends that the eastern half of the existing 18-acre FBO footprint (bordered by Ocala Ave. to the north, Cunningham Ave. to the south and John Montgomery Dr. to the east) be re-designated for non-aviation commercial development.

Only two of the nine leaseholds at RHV provide a full range of transient aircraft services, such as aircraft parking, aircraft service, fuel, pilots lounge and rental cars. These services are typically characteristic of FBO’s as defined by the FAA. With the current leasehold configuration, RHV leasehold sizes of 1.0 – 2.7 acres are too small to provide transient aircraft parking along with the other services currently provided by the leaseholders.

Most RHV leaseholds are not true FBO’s but are instead Specialized Aviation Service Operations (SASO) which generally provide one or two aviation services (e.g. flight training, fueling, aircraft maintenance, aircraft rental, avionics sales and repair, aircraft sales).

By reducing the number of leaseholds with a corresponding increase in leasehold size, future FBO leaseholders will have the space necessary to provide a full-service FBO. New leases will include “Minimum Standards”, each leaseholder will be expected to provide. Typically this will include a bundle of services, such as flight training, aircraft maintenance, aircraft parking, fueling, etc. It is not expected that the leaseholder provide all of these services independently, as some of these services may be contracted out to existing SASO’s, including the current leaseholders.

Minimum Standards are created to “promote safety in all airport activities, protect airport users from unlicensed and unauthorized products and services, maintain and enhance the availability of ade-

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13 The FAA defines a FBO as “a commercial entity providing aeronautical services such as fueling, maintenance, storage, ground and flight instruction, etc. to the public”. 
FAA Airport Compliance Manual (FAA, 2009)

14 Also known as single service provides or special FBOs.
quate services for all airport users, promote the orderly development of airport land, and efficiency of operations." Staff recommends developing minimum standards that would spell out expectations for all aviation businesses on the airport, including future FBO leaseholders.

With these changes it is expected that each of the leaseholders will be financially secure enough to reinvest in their leasehold as necessary. This will benefit both the aviation community through well maintained facilities, and the surrounding community, by eliminating the gradual decay that otherwise may occur.

To mitigate the loss of FBO area, staff also recommends expanding the remaining half of the FBO footprint by extending the existing western leasehold boundary further west (i.e. toward Runway 13L/31R) and dividing it to create two future FBO leaseholds of approximately seven acres each in place of the existing nine FBO leaseholds, which average two acres each.

Adopting Minimum Standards and re-leasing the reconfigured FBO footprint for two or more FBOs would ensure that a range of high-quality services (e.g. aircraft maintenance and repair, sales,

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15 FAA Advisory Circular 150/5190-6

16 Minimum standards establish criteria for the minimum requirements that must be met by businesses in order to engage in providing on-airport aeronautical activities or services (source: Aries Consultants Ltd.)
flight training and rental aircraft) remain available to based aircraft owners and flight training clients at an adequate level of competition.

The aircraft currently based on the existing FBO footprint could all be accommodated by the new FBOs and/or in vacant County-owned tie-downs.

Finally, the County should consider taking on the responsibility of managing the self-fueling island. The FBO's would retain the right to provide truck-based fueling services. However, by taking over self-service fueling the AEF could realize approximately $100,000 in additional annual revenue.

**RHV/E16 Solar Farms**

Development of solar farms at both RHV and E16 is well under way as part of a larger County-wide effort led by the Santa Clara County Facilities and Fleet Department to promote renewable energy by establishing solar farms on suitable County properties. Annual revenue from the solar farms escalates each year for the duration of the 25-year term of the agreement with the solar provider. Total net AEF revenue expected over the 25-year term is $11,849,618. During the first 14 years of the agreement, average annual income for the AEF will be approximately $160,000. Revenue jumps dramatically in years 15-25 once the installation costs have been amortized, averaging $873,000 annually.

**Existing E16 FBO Leasehold**

The existing FBO leasehold at E16 expires on December 11, 2020. Upon expiration of the lease, ownership of all improvements on the 10.3-acre site will revert to the County, including 56 aircraft hangars and an office/maintenance hangar facility. Appraisals prepared by Valbridge indicate the County could expect $600,000 in annual lease revenue if the 10.3-acre site were to be re-leased in its entirety, and $220,000 in annual lease revenue if just the portion of the leasehold excluding the hangars were leased. In that case, the County would assume management of the hangars and realize the revenue therefrom, which staff estimates at approximately $550,000 annually. Staff recommends this latter scenario, which would result in total annual revenue of $770,000 to the AEF.

**Existing E16 Non-Aviation Parcel**

The 4.64-acre parcel on the west side of Murphy Ave. adjacent to Llags Creek has been leased to the Lions Club for the past several years at $100 per month. The Santa Clara Valley Water District is currently in the process of acquiring, from the County, a 1.87-acre undeveloped portion of this site abutting Llags creek for a flood
control project. An appraisal prepared by Valbridge indicates the County could expect $57,600 in annual lease revenue for the remaining 2.77 acres of the site.

The increase in revenue from the FBO lease, hangars, Murphy Ave. parcel and the solar farm would ensure that San Martin Airport is financially self-sustaining.

Future Considerations for Community Benefitting Parcels

It is understood that the Lions Club use allows for a tangible community benefit. Because the San Martin community lacks a community center, the Lions Club has allowed their facility to be used in that manner, holding various community meetings weekly.

Likewise, Eastridge Little League provides an opportunity for residents of the surrounding neighborhoods to learn sportsmanship, engage with similarly-minded individuals and enjoy an outdoor activity.

However, by Board Policy, the AEF should be self-sufficient. Continuing the use of these properties without fair market financial benefit to the AEF (Eastridge Little League pays $1.00 per year and the Lions Club pays $1,200 per year) hinders the airport’s ability to comply with Board policy.

For example, the County has paid the fair market rent for the St. Francis Assisi animal clinic, which is located on the San Martin Airport property to the AEF. A similar agreement could be considered in which the County make annual rental payments to the AEF for the Lions Club and Little League fields, in recognition of the community benefit these organizations provide.
NEW REVENUE SUMMARY

The following table summarizes the potential new revenue sources outlined in the preceding sections. Figure 10 and Figure 11 Summary are airport maps depicting each of the areas mentioned in the following table.

<table>
<thead>
<tr>
<th>Source</th>
<th>Est. Annual Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. RHV Tully/Capitol Lease (8.6 ac)</td>
<td>$1,198,400</td>
</tr>
<tr>
<td>2. RHV Cunningham/Capitol Lease (4.65 ac)</td>
<td>$638,250</td>
</tr>
<tr>
<td>3. RHV Swift Ave. Lease (3.75 ac)</td>
<td>$285,600</td>
</tr>
<tr>
<td>4. RHV Laydown Yard Lease (2.4 ac)</td>
<td>$205,100</td>
</tr>
<tr>
<td>5. RHV NE Corner Lease</td>
<td>TBD</td>
</tr>
<tr>
<td>6. RHV FBO Leases (14.8 ac)</td>
<td>$280,526</td>
</tr>
<tr>
<td>7. RHV Fuel Sales</td>
<td>$100,000</td>
</tr>
<tr>
<td>8. RHV/E16 Solar Farms (avg.)</td>
<td>$160,000</td>
</tr>
<tr>
<td>9. E16 FBO Lease/Hangars</td>
<td>$770,000</td>
</tr>
<tr>
<td>10. E16 Murphy Ave. Lease (2.77 ac)</td>
<td>$57,600</td>
</tr>
</tbody>
</table>

TOTAL: $3,695,476

It is important to note that it will take a significant amount of time to bring the lease-based revenue sources online. Moreover, the existing grant obligations require the County to obtain approval from the FAA to use airport property for non-aviation commercial development (“property releases”). Under ideal circumstances, if a property release were approved by the FAA, it could take up to two years.

A request to release the Tully/Capitol parcel has been denied previously by the FAA despite the fact that the parcel is identified on the FAA-approved Airport Layout Plan (ALP) for future non-aviation commercial development.
ROLE OF THE FEDERAL AIRPORT IMPROVEMENT PROGRAM (AIP)

Overview

The FAA AIP (codified under Title 49, United States Code) has existed, under various names, since the end of World War II for the purpose of developing a system of airports to meet the nation’s needs. To be eligible for funding, projects must advance the basic goals and objectives of AIP policies, which generally include promoting airport safety, security and capacity, complying with FAA standards, preserving airport infrastructure, protecting the environment, minimizing airport noise impacts, and conducting airport planning.

Currently, AIP-eligible projects approved by the FAA receive 90% federal funding and are also eligible for an additional 5% state match, subject to availability of funds. Therefore, the local match required for AIP projects can be as low as 5%17. Experience indicates, however that limitations on reimbursement for some tasks such as construction inspection, coupled with the Bay Area’s high labor costs typically push the total local contribution closer to 20%.

Generally, most airfield capital improvement and rehabilitation projects are AIP-eligible, including runway/taxiway/apron construction and rehabilitation, as well as airfield lighting, signage and drainage. Thus, all of the airfield projects identified in the current airport Master Plans are AIP-eligible. Moreover, some non-primary airports (such as RHV and E16) are eligible for funding for some other pavement maintenance projects. It is very important to note, however, that this is virtually the only exception to the rule that maintenance work is ineligible for AIP funding, due to the fact that maintenance is not “airport development” as defined by Title 49. Costs related to airport operations are likewise ineligible.

History of AIP Funding and Future Need

Over the last 20 years, the County has received approximately $8.2 million in AIP grants. Of this, $6.4 million was for projects at RHV and $1.8 million was for projects at E16. This equates to an annual average of approximately $400,00018. Relative to the AEF’s small

17 The federal percentage is subject to change whenever the AIP is periodically reauthorized.

18 Beginning in 2012, the County was ineligible for grant funding due to an ongoing disagreement with the FAA over skydiving at E16. For the period between 1998 and 2011, the County was awarded an average of $631,000 annually in grant funding. It is reasonable to expect the
operating budget, the AIP funding was important and enabled the completion of projects that otherwise would not have been possible financially.

When the MP updates were completed in 2006, the prospect of future funding from the AIP was essential to the County’s ability to fund the improvement projects identified in the MPs. Large-scale projects such as extending the runway at San Martin Airport, acquiring surrounding property to prevent encroachment, and constructing a west side taxiway at RHV were deemed not possible without federal financial assistance. Events during the intervening 12 years, however, have reduced the need for some of these projects. Several of the improvement projects identified in the MPs can now be deferred indefinitely.

The need for additional investment of $20 million in the airports’ aging infrastructure over the next 10 years was discussed earlier. Approximately half this need would be eligible for AIP funding. It is anticipated that by carefully planning and applying for federal grants the County would be able to obtain approval for this funding.

**AIP Grants and Santa Clara County Airports**

Both RHV and E16 are currently federally obligated airports, meaning that the County is required to comply with a lengthy list of “Grant Assurances” that are part of the grant agreements the County and FAA executed when the County accepted federal AIP funds. The Grant Assurances regulate virtually all aspects of airport operations and management.

If the County declines to accept new AIP grants going forward, it will most likely be freed from the requirements of many grant assurances and regain some local control of the airport operations when the most recently accepted existing grant assurances expire in September, 2031. At a minimum, the expiration of the Grant Assurances would terminate the FAA’s authority over most aspects of the operation and management of the airports, thus eliminating a regulatory burden on the County.

Over the long term, it is possible for the AEF to generate sufficient revenue to fund anticipated operating and capital costs without subsidy from the federal AIP or the County General Fund provided the County takes maximum advantage of the airports’ real property assets through the recommended leasing strategies. Since it will take several years for the leasing process to begin producing revenue, $400,000 value referenced above would be considerably larger had the FAA not denied several grant requests due to the disagreement on skydiving.
however, a subsidy between $500,000 and $1,000,000 will be required annually in the interim period.

Operating the airports without federal grant assistance going forward would most likely afford the County much greater flexibility with respect to future use of its airport property beginning in 2031 when the County’s existing federal grant obligations expire.

SUMMARY

➢ The AEF has been financially self-sustaining since at least the inception of the Roads & Airports Department. Operating revenue has been sufficient to fund operating expenses as well as the local match required for grant-funded capital projects, which have been implemented on a pay-as-you-go basis.

➢ The piston-propeller segment of GA is in decline, which has negative repercussions on the financial health of the AEF and its ability to remain financially self-sustaining. Nevertheless, the number of operations at the County airports is growing due to the demand for professional pilots and the associated flight schools required to train them. These trends dictate that the County change its longstanding business model, which relies on aircraft storage spaces for over 75% of total revenue, to a business model with a more diversified and higher-yielding revenue stream.

➢ The key to generating a more diversified and higher-yielding revenue stream is to put the airports’ real property assets to work by leasing certain parcels for non-aviation commercial development and by restructuring the FBO leaseholds.

➢ The airports’ infrastructure needs an additional $20 million in investment over the next 10 years.

➢ Over the long term, the AEF can generate sufficient revenue to fund anticipated operating and capital costs by utilizing the airports’ real property assets. Since it can take several years for the leasing process to begin producing revenue, a subsidy will be required in the short term. Under current conditions, the AEF cannot remain financially self-sustaining unless the airports’ real property assets are employed to generate additional revenue.

➢ AIP grants currently cover 90% of eligible project costs and the state provides an additional 5% matching grant, providing leverage for use of AEF dollars. Operating the airports without this federal grant assistance going forward is likely
to afford the County greater flexibility with respect to future operations beginning in 2031 when the County’s existing federal grant obligations expire.
APPENDICES

Appraisals

All appraisal reports may be downloaded from the County Airports website, [www.countyairports.org](http://www.countyairports.org). Use the link below each title to go directly to the report.

- Reid-Hillview Airport FBO Land
  Cunningham Avenue
  San Jose, Santa Clara County, California 95148
  [goo.gl/Sa3Xr4](http://goo.gl/Sa3Xr4)
- Vacant Commercial Land
  Swift Avenue
  San Jose, Santa Clara County, California 95148
  [goo.gl/hncZ5g](http://goo.gl/hncZ5g)
- Little League baseball fields on Cunningham Avenue
  Cunningham Avenue
  San Jose, Santa Clara County, California 95148
  [goo.gl/NuAooz](http://goo.gl/NuAooz)
- NWC of Tully Road and Capitol Expressway
  San Jose, Santa Clara County, California 95122
  [goo.gl/XzyDNg](http://goo.gl/XzyDNg)
- Roads and Airports Laydown Yard
  NWC Swift Avenue and Swift Lane
  San Jose, Santa Clara County, California 95148
  [goo.gl/Lbf55a](http://goo.gl/Lbf55a)
- Lion’s Club
  12415 Murphy Avenue
  San Martin, Santa Clara County, California 95037
  [goo.gl/6WvVvY](http://goo.gl/6WvVvY)
- San Martin Airport FBO
  13030 Murphy Avenue
  San Martin, Santa Clara County, California 95146
  [goo.gl/Z3hqrB](http://goo.gl/Z3hqrB)

Airports Master Plan and Business Plan

- The Master Plan containing the most recent Business Plan can be downloaded from our website ([www.countyairports.org](http://www.countyairports.org)) or by using these links:
  - Reid-Hillview [goo.gl/jN4Ucj](http://goo.gl/jN4Ucj)
  - San Martin [goo.gl/Expq4c](http://goo.gl/Expq4c)
Santa Clara County Airports Business Plan Updates

The report from Aries can be downloaded from our website (www.countyairports.org) or by using the following link. goog.gl/AwirdW

Long Range Facility Plan

The report from Kitchell can be downloaded from our website (www.countyairports.org or by using the following link. goo.gl/kr2YFA

FAA Grant Assurances

The FAA grant assurances can be downloaded from the FAA website (www.faa.gov/airports/aip/grant_assurances/) or by using the following link. goo.gl/Zj1wm5
DATE: May 17, 2018
TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)
FROM: James R. Williams, County Counsel
SUBJECT: Draft Ordinance adding Division regarding Shelter Crisis Declaration

RECOMMENDED ACTION
Receive report and provide direction to Office of the County Counsel relating to draft ordinance adding Division C22 to the County of Santa Clara Ordinance Code regarding the design, development, and operation of homeless shelters.

FISCAL IMPLICATIONS
An adopted ordinance will enable cost savings in projects to develop homeless shelters during a declared shelter crisis by reducing the building, land use, and operational requirements the County would otherwise be required to meet.

REASONS FOR RECOMMENDATION
1. Assembly Bill (AB) 932 Requires Adoption of an Ordinance
AB 932, enacted October 14, 2017, addresses homelessness in the County of Santa Clara, City and County of San Francisco, and the Cities of Berkeley, Emeryville, Los Angeles, Oakland, and San Diego. It authorizes the County to locate homeless shelters on land owned or leased by the County and to suspend housing, health, habitability, planning and zoning, and safety laws during a shelter crisis. Certain landlord-tenant laws and state regulations of special occupancy parks and mobile home parks would also be suspended.

The Board declared a shelter crisis in the County on January 23, 2018, and to suspend compliance with the laws, regulations, and standards enumerated in AB 932, the Board must adopt an ordinance establishing reasonable standards and procedures for the design, site development, and operation of homeless shelters. Before adoption, the California Department of Housing and Community Development (HCD) must review the draft ordinance to ensure it addresses minimum health and safety standards. In addition, the County is required to develop a plan to address the shelter crisis and make annual reports to the State Senate Committee on Transportation and Housing and the Assembly Committee on Housing and Community Development.
The provisions of AB 932 will remain in effect until January 1, 2021. Unless the statute is extended, the County’s ordinance adopted under AB 932 would cease to be effective as of January 1, 2021, and the annual reports would no longer be required after that date.

2. The Draft Ordinance Establishes Standards for Homeless Shelters in Compliance With AB 932

On November 7, 2017, the Board directed County Counsel to draft an ordinance as prescribed by AB 932 and directed Administration to continue developing plans for temporary housing for the homeless. County Counsel has consulted with the Office of Supportive Housing (OSH), the Fire Marshal, Department of Environmental Health, and Department of Planning and Development to bring a draft ordinance forward for review. If the Housing, Land Use, Environment, and Transportation Committee supports the draft ordinance, the Office of the County Counsel will send it to HCD, and HCD will have 30 days to review. After HCD’s approval, the ordinance will be presented to the Board for adoption.

The ordinance being proposed establishes minimum standards for any homeless shelter developed on land owned or leased by the County during a shelter crisis, and it provides specific standards for shelters developed in existing buildings and parking areas for recreational vehicles and microhouses on wheels.

3. The Ordinance Will Assist in the Development of Planned Shelters

The ordinance will assist Administration in responding to Board direction to develop homeless shelters in unconventional structures, including safe parking areas for RVs. In turn, these projects will assist the County in reaching its goal of increasing its emergency shelter and transitional housing capacity to accommodate 500 additional individuals by the end of 2020.

CHILD IMPACT

An ordinance establishing standards and procedures for the design, site development, and operation of homeless shelters will have a positive impact on children and youth who are affected by homelessness.

SENIOR IMPACT

An ordinance establishing standards and procedures for the design, site development, and operation of homeless shelters will have a positive impact on seniors who are affected by homelessness.

SUSTAINABILITY IMPLICATIONS

An ordinance establishing standards and procedures for the design, site development, and operation of homeless shelters furthers the Board of Supervisors’ sustainability goals of social equity and safety, protecting the health and safety of a significant number of residents in Santa Clara County who are currently without the ability to obtain shelter.

BACKGROUND

At the November 7, 2017 meeting of the Board of Supervisors, the Board directed County Counsel to draft a resolution declaring that the problem of sheltering and housing homeless
residents in Santa Clara County is a crisis. The Board also directed County Counsel to draft an ordinance to adopt reasonable local standards and procedures for the design, site development, and operation of homeless shelters and their structures and facilities as is authorized under AB 932 for lands owned or leased by the County. On January 23, 2018, the Board adopted the resolution declaring a shelter crisis in Santa Clara County. Under the resolution, the declared shelter crisis will expire December 31, 2020, unless extended or terminated by the Board prior to that date.

**ATTACHMENTS:**

- Draft Ordinance Adding Division C22 regarding Shelter Crisis Developments (PDF)
ORDINANCE NO. NS-_______

AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA

ADDING DIVISION C22 TO TITLE C OF THE COUNTY OF SANTA CLARA
ORDINANCE CODE RELATING TO THE DESIGN, DEVELOPMENT, AND
OPERATION OF HOMELESS SHELTERS ON COUNTY PROPERTY

Summary

This Ordinance is intended to establish criteria for the design, development, and operation of homeless shelters on County property for use during a declared shelter crisis.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:

SECTION 1. Title C of the Ordinance Code of the County of Santa Clara relating to Construction, Development, and Land Use is hereby amended by adding a new Division to be numbered and titled and to read as follows:

DIVISION C22 – SHELTER CRISIS DEVELOPMENTS

Sec. C22-1 Purpose.

This division sets forth the requirements for the design, development, and operation of Homeless Shelters on land owned or leased by the County during any Shelter Crisis declared by the Board of Supervisors.

Sec. C22-2 Definitions.

For purposes of this Division, the following definitions shall apply:

(a) “Homeless Shelter” means a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared Shelter Crisis. A temporary Homeless Shelter community may include supportive and self-sufficiency development services.

(b) “Mobile Shelter Community” means a development on County owned or leased land used for the short-term parking or placement of Recreational Vehicles and Microhouses on Wheels serving as shelters for homeless persons.
(c) “Recreational Vehicle” or “RV” has the meaning provided in section 18010 of the Health and Safety Code.

(d) “Shelter Crisis” means a crisis recognized and declared by a resolution of the Board pursuant to Government Code section 8698.2.

(e) “Microhouse on Wheels” or “MOW” means a shelter structure on wheels with dimensions no larger than 8.5 feet in width, 13.5 feet in height, and 40 feet in length. Microhouses on Wheels must be compliant with Department of Motor Vehicles requirements including requirements regarding automotive lighting, independent brakes, and connections to towing vehicles.

Sec. C22-3 General Provisions

(a) This Division shall apply only to Homeless Shelters developed and occupied during a Shelter Crisis on land owned or leased by the County.

(b) In addition to complying with State regulations applicable to homeless shelters provided during a Shelter Crisis, Homeless Shelters shall comply with the following requirements:

(1) Homeless Shelters required to be accessible shall comply with the applicable requirements in Chapter 11B of the California Building Code, as amended and adopted by the County, or, if applicable, the U.S. Access Board Final Guidelines for Emergency Transportable Housing.

(2) Homeless Shelters shall be maintained in a safe and sanitary condition, and free from vermin, vectors, and other matter of an infectious or contagious nature. The grounds within Homeless Shelter sites shall be kept clean and free from accumulation of debris, filth, garbage, and deleterious matter. Homeless Shelters shall not be occupied if, as determined by the County, substandard conditions exist, including violations of the requirements of this subsection C22-3(b)(2).

(3) Dangerous materials or materials that create a fire hazard, as determined by the County Fire Marshal, shall not be allowed on the grounds within Homeless Shelter sites.

(4) Homeless Shelters shall be designated by address numbers, letters, or other suitable means of identification.

(5) Potable drinking water shall be provided for all occupants of Homeless Shelters.
(6) Where occupants of dependent units are permitted or required to cook for themselves, a separate area shall be equipped and maintained as a common use kitchen. The kitchen may be used by the staff and occupants of the Homeless Shelter only and shall not be accessible to or used to serve the public. Refrigerated storage shall be provided for safe storage of food.

(7) When dependent units are used as Homeless Shelters, the Homeless Shelter site shall be provided with one toilet and one bathing facility for every 25 occupants of each sex. The County may permit different types and ratios of toilet and bathing facilities. The approval shall be based upon a finding by the County that the type and ratio of toilet and bathing facilities are sufficient to accommodate the anticipated needs and use of the occupants of the Homeless Shelter while maintaining sanitary conditions for the occupants. Bathing facilities shall be provided with heating equipment which shall be capable of maintaining a temperature of 70 degrees Fahrenheit (21.0 degrees Celsius) within such facilities. Lavatories with running water shall be installed and maintained in the toilet facilities or adjacent to the toilet facilities. All toilet and bathing facilities and lavatories must be connected to an approved connection to a public sanitary sewer or an onsite wastewater treatment system in compliance with Chapter IV of Division B11 of this Code.

(8) All garbage, kitchen waste, and rubbish shall be deposited in approved covered receptacles, which shall be emptied on at least a weekly basis or more frequently if required by the County, and the contents shall be disposed of in a sanitary manner acceptable to the County.

(9) Occupancy shall be provided to individual residents for no more than 6 months. Extensions up to a total stay of 12 months may be provided if the operator demonstrates that no alternative housing is available.

(10) Prior to commencing operation, the operator of the Homeless Shelter shall provide a Facility and Supportive Service Plan to the County Office of Supportive Housing for review and approval. The Facility and Supportive Service Plan must include policies and procedures addressing the prevention of vermin infestations, prevention and control of infectious diseases, ratios of staff to residents, separation of residents in any common (dormitory-style) sleeping areas, storage of residents’ belongings, accommodation of transgendered clients according to their gender of identification, and the accommodation of children and infants. The Facility and Supportive Service Plan shall conform to any additional criteria established by the County Office of Supportive Housing. The plan shall
remain active throughout the life of the facility, with any changes subject to review and approval by the Office of Supportive Housing.

(11) The Homeless Shelter shall provide sufficient outdoor lighting to provide visibility at entrances, common outdoor areas, and parking areas and minimum level emergency egress lighting to a public way as required by the County Building Code.

(12) Homeless Shelters shall prohibit smoking and possession or use of illegal drugs and alcohol on the premises.

(13) Homeless Shelters shall prohibit possession of firearms or other weapons by residents at their facilities.

(14) Homeless Shelters shall comply with the applicable noise and vibration control provisions of Chapter VIII of Division B11 of this Code.

Sec. C22-4  Recreational Vehicles and Microhouses on Wheels

(a) Homeless Shelters may include Mobile Shelter Communities.

(b) The Office of Supportive Housing may require RVs or MOWs to undergo inspection prior to or after being parked or placed in a Mobile Shelter Community to assess compliance with applicable laws, regulations, and standards.

(c) Prior to commencement of operation, operators of Mobile Shelter Communities shall establish a plan to address the disposal of sewage from RVs, storage of hazardous materials, solid waste storage and disposal, drinking water supply, and any other topic deemed necessary by the Department of Environmental Health. The plan must be submitted to the Department of Environmental Health with payment of applicable fees for review and approval.

(d) Utility connections to RVs and MOWs, if permitted, must meet the applicable provisions of the County Plumbing Code, County Electrical Code, and any other criteria established by the County, unless an exemption is permitted by the County Building Official and County Fire Marshal.

(e) The blocking, chocking, supporting, leveling, raising, or tying down of an RV or MOW shall comply with any requirements established by the County.

(f) Each Mobile Shelter Community site shall be enclosed with visual screening at its exterior boundaries.
(g) Each RV or MOW occupying a space shall maintain at least a 10-foot setback from any building or other RV or MOW. Each RV or MOW shall be located at least 20 feet from any abutting property or public right-of-way. Clusters of RVs and/or MOWs exceeding 10,000 square feet (100’x100’) shall be separated by fire breaks or roads of not less than 20 feet in width.

(h) Configuration of the Mobile Shelter Community shall be such that fire apparatus can obtain access to within 150 feet of all portions of each RV or MOW for fire suppression purposes. Where on site fire apparatus access is required, such access roads shall be prepared with an all-weather surface capable of supporting the minimum required load of the responding fire jurisdiction.

(i) Streets or paths within a Mobile Shelter Community shall have the following minimum clearance widths:

<table>
<thead>
<tr>
<th>Configuration</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-way with parking permitted on one side</td>
<td>28 feet</td>
</tr>
<tr>
<td>Two-way with no parking on either side</td>
<td>20 feet</td>
</tr>
<tr>
<td>Two-way with parking permitted on one side</td>
<td>28 feet</td>
</tr>
<tr>
<td>Two-way with parking permitted on both sides</td>
<td>36 feet</td>
</tr>
</tbody>
</table>

Adequate roadway space for turn-arounds shall be provided. Turn-arounds on required, dead end fire apparatus access roads that exceed 150 feet shall meet the minimum dimensions specified by County Standard SD-16.

(j) No repairs, restoration or any mechanical maintenance shall be permitted on the premises of a Mobile Shelter Community. Vehicles must be removed from the Mobile Shelter Community for any repairs or maintenance. Repair, restoration, or maintenance materials, including batteries, antifreeze, and other vehicle fluids, may not be stored or disposed of within a Mobile Shelter Community.

(k) Mobile Shelter Communities shall have access to an approved water supply sufficient for manual fire suppression operations. Acceptable methods of compliance shall be as approved by the County Fire Marshal.

(l) Fires shall be allowed only in non-solid-fuel burning stoves and other approved equipment intended for cooking purposes and placed in safe and convenient locations, where they will not constitute fire hazards to vegetation, undergrowth, trees, MOWs, and RVs. No open fires are allowed.

(m) Portable fire extinguishers shall be distributed throughout the site with a rating and spacing as specified by the County Building Code.

(n) On site operational personnel must be trained in and responsible for fire watch and implementation of a prepared emergency plan.
Sec. C22-5 Existing Buildings

(a) Homeless Shelters may include shelters developed within existing buildings owned or leased by the County. Such existing buildings may include buildings that were previously occupied, or are concurrently occupied, by a use other than a Homeless Shelter.

(b) Existing buildings or structures shall be allowed to be used as Homeless Shelters provided that:

(1) the buildings comply with the County Building Code provisions and/or other regulations in effect at the time of original construction;
(2) the buildings are connected to public sanitary sewers;
(3) the buildings are not substandard buildings or substandard or unsafe for use as a Homeless Shelter, as determined by the County Building Official and County Fire Marshal, due to their occupancy classification or use;
(4) alterations to the building for the use of the building as a Homeless Shelter do not create substandard or unsafe conditions for such use, as determined by the County Building Official and County Fire Marshal; and
(5) the building shall be in compliance with the County Fire Code provisions applicable to maintenance of existing facilities.

(c) Sleeping areas shall be provided with smoke and carbon monoxide alarms as required by the County Building Code and County Fire Code. Fire extinguishers shall be provided and maintained as required by the County Fire Code.

(d) If the existing building does not meet the minimum fire protection system requirements for the occupancy proposed, acceptable mitigation thereto shall be as approved by the Fire Marshal.

(e) All sleeping areas shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees Fahrenheit at any point eight feet above the floor.

(f) If the Homeless Shelter provides residents with separate rooms with doors, residents must be able to lock the doors while in their rooms, and staff must have keys to all rooms.

(g) The occupant load assigned to any legally established existing building used as a Homeless Shelter shall not be exceeded for the entire shelter or individual rooms.
used as sleeping areas. If the originally assigned occupant load is not known the occupant load shall not exceed the maximum occupant load as approved by the Building Official and Fire Marshal. Occupant loads of existing buildings may be increased or decreased in accordance with applicable provisions of the County Building Code and County Fire Code when approved by the Building Official and Fire Marshal.

(h) The size, number and arrangement of exits in sleeping rooms shall comply with the County Building Code. All sleeping rooms shall have an exit door or a window that complies with the requirements of the County Building Code for emergency egress from sleeping areas.

Sec. C22-6 Other Homeless Shelter Facilities

Subject to approval by the Board, additional types of Homeless Shelter facilities may be developed in compliance with section C22-3 of this Code and any State regulations applicable to homeless shelters provided during a Shelter Crisis.

Sec. C22-7 Modification or Waiver of Criteria

Modification or waiver of the requirements and standards of this section may be granted by the Board, provided that (a) there shall be no modification or waiver of any requirements of State regulations applicable to homeless shelters provided during a Shelter Crisis and (b) the Board finds that, under the circumstances, compliance with the modified or remaining requirements or standards adequately provides for the health and safety of Homeless Shelter residents and the public.

Sec. C22-8 Enforcement

Enforcement of this Division shall be implemented by the Director of the Department of Planning and Development, Building Official, Fire Marshal, and Director of Environmental Health. Nothing in this Division shall be construed to deprive County departments and agencies of the authority to enforce Code provisions incorporated by reference in this Division.

Sec. C22-9 Sunset Provision

This Division shall become inoperative on the date that Government Code section 8698.4 expires or is repealed. This Division shall remain operative during any period in which Government Code section 8698.4 remains in effect, including periods of extension.
If a Shelter Crisis extends beyond the expiration or repeal date of Government Code section 8698.4, Homeless Shelters developed under this Division may continue to remain occupied, provided that, as of said expiration or repeal date, the Homeless Shelters are in compliance with all laws, regulations, and requirements that would apply in the absence of a Shelter Crisis.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on ______________ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________
S. JOSEPH SIMITIAN, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

______________________________
MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

______________________________
LESLEY PAK
Deputy County Counsel
DATE: May 17, 2018

TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)

FROM: Kirk Girard, Director, Dept. of Planning and Development

SUBJECT: Agricultural Worker Housing

RECOMMENDED ACTION

Consider recommendations relating to Agricultural worker housing development in unincorporated Santa Clara County.

Possible action:

a. Receive report from the Department of Planning and Development relating to Agricultural Worker Housing and recommended Ordinance modifications for permit streamlining.

b. Provide policy direction to the Department of Planning and Development relating to proposed Ordinance modifications for permit streamlining of Agricultural Worker Housing.

FISCAL IMPLICATIONS

There are no impacts to the County General Fund from the HLUET Committee receiving this report. All necessary costs associated with updating the Zoning Ordinance, including staff and any consultant costs, are reflected in the Department’s approved FY 2018 and proposed FY 2019 budget.

CONTRACT HISTORY

Not applicable.

REASONS FOR RECOMMENDATION

This report and recommended Zoning Ordinance amendments address the need to facilitate the creation of additional Agricultural Worker Housing units in Santa Clara County, in support of regional affordable housing needs and the sustainability of the County’s farming industry. The Department recommends the County pursue Zoning Ordinance amendments to streamline permitting of agricultural housing. This need is identified within the County’s Housing Element, the 2018 Santa Clara Valley Agricultural Plan, and recent survey results from local farm industry representatives.
Specifically, the Department is recommending that the County pursue Zoning Ordinance amendments that would eliminate the need for a Special Permit or Use Permit to establish the following types of Agricultural Worker Housing projects within the County’s Agricultural zoning districts (Agriculture, Hillside, Agricultural Ranchland, Rural Residential):

- **Up to Six Agricultural Worker Residential Dwelling Units, or**
- **Agricultural Worker Housing in Dormitories for up to 18 Beds.**

If the proposed Zoning Amendments were adopted, the Agricultural Worker Housing projects described above could be constructed *by right*, without the need for a Special Permit or Use Permit, although construction would still require building permits. The Department recommends applying standards and conditions to ensure the agricultural housing is not converted to another type of residential use. These could include a size restriction, requirement for annual reporting, a deed restriction, and the requirement to remove the housing if the agricultural use or occupancy ceases.

Any larger Agricultural Worker Housing projects would still need to obtain a Special Permit (short term housing) or Use Permit (long term housing) from the County. In order to allow more flexibility and opportunities for agricultural worker housing, the Department recommends additional Zoning Ordinance amendments recognizing that these larger Agricultural Worker Housing units (constructed with a Special Permit or Use Permit) may be occupied by agricultural workers not employed by the onsite farm operator.

Further description of the origin and rationale for the recommended changes, related to the County’s Housing Element, Agricultural Plan, and recent outreach and survey results, is provided below.

**County 2014 Housing Element**

The County’s 2014 Housing Element, adopted by the Board of Supervisors in June 2014 (and certified by the State Department of Housing and Community Development in July 2014) identifies the need for the County to support the creation of additional Agricultural Worker Housing units and proposes three programs to address this need:

**Program 4.09.07 – Reduce Permit Requirements for Agricultural Worker Housing**

*The County will explore the possibility of reducing the permit requirements for long term (permanent) agricultural worker housing, including consideration of allowing such housing to be permitted by right.*

**Program 4.09.03 – Consider Allowing Agricultural Employee Housing to be Occupied by Agricultural Workers that are not Employees of the Housing.**

*Through this program, the County will clarify and explore options for expanding the range and combination of owner / operator / resident / duration allowed by the County, and with which type of permit.*

**Program 4.09.16 – Conduct Farmworker Housing Needs Assessment.**

*A more thorough and local assessment would provide the County with a deeper understanding of the number of farmworkers that are present in the County and at what time...*
of year, the types and conditions of housing in which they live based on how they self-report this information, and an improved ability to address farmworker housing need and potentially create affordable housing options for farmworkers.

This report and the recommended Zoning Ordinance modifications are intended to complete implementation of all three Programs. [Please refer to Attachment A.] With respect to the Farmworker Needs Assessment (4.09.16), the Department has not completed a singular comprehensive Farmworker Housing Needs Assessment, but instead has (a) conducted extensive public outreach and analysis of this issue through the Santa Clara Valley Agricultural Plan preparation process, (b) distributed farmworker housing needs surveys to farm industry representatives, and (c) evaluated related studies from nearby Counties. The Department considers this to be an equivalent process to identify farmworker housing needs in Santa Clara County.

**Santa Clara Valley Agricultural Plan**

On January 9, 2018, the Board adopted the Santa Clara Valley Agricultural Plan. This strategic action plan identifies critical programs, policies and tools essential for sustaining agricultural lands and growing the farming economy in Santa Clara County. Objective 3 within the Valley Agricultural Plan is to “Encourage the Establishment of Infrastructure and Support Uses that facilitate the growth of the regional agricultural economy” and within this Objective the following action is identified: “pursue revisions to County zoning ordinance regulations and development standards to streamline the establishment of farmworker housing...” (page 48).

**Farmworker Housing Roundtable and Survey**

On January 19, 2018, the County Administration, in coordination with staff from the Cities of Morgan Hill and Gilroy, hosted a roundtable discussion with several farm industry representatives to discuss farmworker housing needs in Santa Clara County. The Roundtable discussion focused on general farmworker housing trends within the County, and factors affecting labor contracting for farmworkers, and barriers and obstacles to farmworker housing development.

Subsequent to this Roundtable discussion, the Department distributed a survey to farm industry representatives, requesting feedback regarding the number of farmworkers employed (both seasonal and year around) within Santa Clara County and the need for additional farmworker housing units, including a preference of different housing types. The results from the Roundtable discussion and subsequent survey underscored the acute need for development of additional farmworker housing units within the County to meet demand. The survey results represented feedback from 22 farmers, who collectively farm over 5,000 acres of land and represent the largest “growers” (i.e., farmers with row crop agriculture) in the County. Specifically, survey feedback identified the need to create approximately 1,400 additional seasonal housing units and 700 long term housing units to meet existing agricultural worker housing demand. With respect to housing types, the farming industry representatives indicated a desire to build multiple types of housing,
including both onsite and offsite dormitory (farm labor camp) and family (single family
dwelling) type housing units to meet both seasonal and year-round labor needs.
Both within the Roundtable discussion and in several subsequent individual meetings with
farmers, many expressed an immediate interest in a streamlined permitting approach to
construct up to six additional agricultural worker housing units on land owned or operated by
the farmer.

**County Zoning Ordinance Regulations – Agricultural Employee Housing**
Agricultural Worker Housing is defined within the County Zoning Ordinance as **Agricultural
Employee Housing** as follows:

“Dwellings occupied by employees engaged primarily in direct agricultural operations on
land owned or rented by the agricultural operator. Family members of such agricultural
employees may also live in the same unit.”

Under the Zoning Ordinance, agricultural employee housing that provides exclusive
accommodation for up to six employees is defined as a “residence” and is permitted by right.
Two types of Agricultural Employee Housing projects are identified in the Ordinance:

(a) **Short term** - One or more mobile homes or manufactured homes located on land in
agricultural use. A time limit for use of short-term agricultural worker housing will be
specified on a case-by-case basis at the time of permit issuance, and

(b) **Long term** - Permanent structures located on land owned by an agricultural operator
used by agricultural workers employed by such operator and the families of the workers.

Within the County’s four rural zoning districts that allow agriculture (Agriculture,
Agricultural Ranchlands, Hillsides, Rural Residential), Short-term Agricultural employee
housing can be established with a Special Permit, approved by the County Zoning
Administrator, and Long-term Agricultural Employee housing requires a Use Permit
approved by the County Planning Commission. Typical costs and processing time associated
with these permits range between approximately $3,000 and 2-4 months (Special Permit) to
over $14,000 and 6-9 months (Use Permit). The County has received and approved only one
Agricultural Worker Housing permit (a Special Permit) since 2007.

**State Housing and Community Development**
Agricultural employee housing of five or more employees is classified as employee housing
under the California Employee Housing Act. Construction and operation of “employee
housing” must be permitted by the State Department of Housing and Community
Development (HCD). HCD permitting is intended to ensure the safe living conditions for
employees. The State Employee Housing Act has streamlining provisions for certain types
of agricultural worker housing projects as follows:

17021.6. (a) The owner of any employee housing who has qualified or intends to qualify for a
permit to operate pursuant to this part may invoke this section.

(b) Any employee housing consisting of no more than 36 beds in a group quarters or 12 units
or spaces designed for use by a single family or household shall be deemed an agricultural
land use for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

The County evaluated this streamlining provision within its 2014 Housing Element and determined that Agricultural Worker Housing was similar in nature to more intensive agricultural activities, such as Agricultural Processing, for which a Use Permit is required by the County, and as such did not enact any ordinance modifications to allow agricultural worker housing without discretionary approval. Separately, the 2014 Housing Element incorporated an implementation program to pursue permit streamlining for Agricultural Worker Housing. [Please refer to Attachments C and D for an overview of County and State permit requirements.]

Other Counties

In considering permit streamlining provisions for Agricultural Worker Housing, the Department evaluated Zoning Ordinances and permitting standards used in nearby counties with comparable agricultural resources and farming economy. Counties evaluated included Contra Costa, San Benito, Monterey, Santa Cruz, and San Mateo. In three of these counties (Monterey, San Benito, Contra Costa), the State provisions regarding permit streamlining allowing construction of up to 12 agricultural worker housing units and 36 beds by right (without a Use Permit or similar planning approval) have been incorporated into the Zoning Ordinances. In the other counties (Santa Cruz and San Mateo), Use Permits are required for Agricultural Worker Housing but there are identified programs within their Housing Elements for proposed streamlining.

Several of the Counties surveyed adopted development standards intended to ensure that the Agricultural Housing units are maintained for agricultural workers and not converted to another use. These standards include the requirement to record a deed restriction on the property (San Benito County), submittal of an annual verification form (Contra Costa County), and a limitation on the size of farmworker housing units (capped at 1,500 sq. ft. in Santa Cruz County). [Please refer to Attachment E.]

Rural Housing Development and Resource Conservation / Urban Growth Considerations

Streamlining provisions must be designed to avoid conflict with foundational General Plan policies, which are intended to prevent urban sprawl by maintaining low intensity development within the rural areas. As rural development cannot be supported by municipal sewer and must be supported by an onsite wastewater system, higher intensity development could result in greater impacts on groundwater nitrate concentrations. Higher intensity rural development also could have a greater impact on natural resources, such as open space, agriculture, and wildlife habitat, and result in increased regional traffic congestion.
State HCD permit streamlining provisions allow construction of up to 12 agricultural worker residential dwelling units or 36 dormitory beds by right, which is significantly greater than current rural housing allowances. Under the current General Plan and Zoning standards, prescribed residential development density within the rural areas include one single family house (plus a secondary dwelling unit) per 5 to 120 acres of land. Within the Agricultural Ranchlands zoning district, a third agricultural worker dwelling unit is allowed by right (up to three units total).

Another significant concern is the potential for the agricultural worker housing units to be subsequently converted to non-agricultural related housing. This conversion would undermine the intent of the housing and result in additional challenges for farmers related to non-agricultural land use conflicts. As identified in the Santa Clara Valley Agricultural Plan, one of the main challenges in ongoing farming operations is the interface with incompatible land uses within agricultural areas, such as responding to complaints from rural residents regarding farming operations, and a difficulty in using rural roads to move equipment and crops due to commuter traffic.

During preparation of the 2014 Housing Element, the Valley Agricultural Plan, and in initial meetings of the Agricultural Preservation Task force, environmental groups provided comments and feedback discouraging higher intensity housing development in the rural areas.

**Department Recommendation**

In considering the acute need to create more Agricultural Worker Housing to meet the extensive gap between supply and demand and given potential concerns and issues regarding higher density residential development within the rural areas, the Department recommends a balanced approach of modifying the Zoning Ordinance to **allow the construction of up to 6 agricultural worker units and 18 beds by right within the rural areas.**

This approach responds to feedback received from many farmers who identified a desire to construct up to six additional on-site Agricultural Worker Housing units to meet their labor needs.

In tandem with this proposal, the Department recommends that the County pursue adoption of development standards for Agricultural Worker Housing that would serve to prevent their conversion to a non-agricultural use, including:

- Submittal of an annual verification form demonstrating the units are occupied by agricultural workers.
- Size limitations for the agricultural worker housing units (less than 1,500 sq. ft.).
- Consideration of requiring units to be mobile (e.g., RVs, Modular or Mobile homes).
- Recordation of a deed restriction on the property recognizing that the agricultural worker housing units must be maintained for agricultural workers.
- Other potential regulations include: (a) a requirement to cluster the agricultural worker units together, (b) documentation from the owner/operator of a history of commercial
agricultural production, and (c) a requirement to remove the agricultural worker housing units if the related agricultural use has ceased.

In addition to these proposed Ordinance amendments, the Department recommends that the County also pursue modifications to its Zoning Ordinance to allow more flexibility in the types of agricultural workers to be housed in larger agricultural worker housing projects (i.e., established with approval of a Special Permit or Use Permit). Currently, only agricultural employees primarily engaged in operations on land owned or rented by the agricultural operator may live in the agricultural worker housing. As agricultural workers often work on different farms and with different crops (based on the season), these modifications could make Agricultural Worker Housing more adaptable to regional needs.

**General Plan Consistency**

The proposed Zoning Ordinance amendments described in this report serve to implement programs identified in the County’s Housing Element, which was adopted by the Board as part of the General Plan. Additionally, several specific policies within the General Plan’s Resource Conservation section focus on the need to support Agricultural Worker Housing. These include Sections R-RC 62 and R-RC 63 that prescribe allowing agricultural worker housing in agricultural areas, and Section R-RC 65(c) that identifies the promotion of adequate agricultural worker housing as important to the long term viability of agriculture.

**Alternative Approach**

An alternative approach to streamlined permitting for agricultural employee housing would be to allow up to 12 units and 36 beds to be constructed by right, in reference to the agricultural worker housing permit streamlining standard within State Law. The Department believes that adoption of this more permissive threshold could allow the construction of a much higher development intensity than currently allowed within the County’s rural areas. As construction of these residential units would need to be supported by an onsite wastewater system, this development intensity, with higher volume wastewater flows, could potentially result in increased groundwater nitrate concentrations. The Department recommends that this intensity of development continue to be reviewed through a planning approval process, consisting of either a Special Permit (short term housing) or Use Permit (long term housing), which better allows for an in-depth review of wastewater treatment and any potential groundwater impacts.

**Next Steps**

The Department intends to provide this report and proposed permit streamlining recommendations to both the HLUET Committee on May 17 and the Agricultural Preservation Task Force on May 31.

Based on policy direction and feedback, the Department would prepare draft Ordinance provisions, conduct additional public outreach with stakeholders, and return an Ordinance to the Board (with a Planning Commission recommendation) to consider adoption.

**CHILD IMPACT**

The recommended action will have no/neutral impact on children and youth.
SENIOR IMPACT
The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS
Pursuit of the Zoning Ordinance amendments will have positive sustainability implications by incentivizing the construction of Agricultural Worker Housing units to meet acute affordable housing needs and to support the long-term sustainability of the farming industry. Maintenance of a healthy farming industry increases the long-term sustainability of the region by ensuring food security, preventing urban sprawl, and enhancing ecosystem services provided by agriculture (groundwater and flooding protection), open space character, and greenhouse gas reduction.

CHILD IMPACT
The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT
The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.

BACKGROUND

March 2018 HLUET Report – RV Park Study. Agricultural Worker Housing was discussed as part of a Recreational Vehicle (RV) Park Study presented to the HLUET Committee at its March 15, 2018 meeting. The issue was discussed within the context of policies for RV parks, and the option of providing Agricultural Worker Housing in the form of RVs. In response to comments received from the HLUET Committee, the Department is preparing a supplemental report regarding RV Parks, anticipated to be presented at the June 2018 HLUET meeting. Given the acute need to support development of Agricultural Worker Housing, the Department is recommending moving forward with permit streamlining provisions for onsite Agricultural Worker Housing in advance of Ordinance changes associated with RV Parks.

January 2018 Farmworker Roundtable. On January 19, 2018, staff from the Department of Planning and Development and the Office of Supportive Housing co-hosted a Roundtable discussion with farm industry representatives to discuss farmworker housing needs. The meeting was attended by staff from the County and the Cities of Morgan Hill and Gilroy, and over eight farm industry representatives. The discussion focused on farmworker labor needs within Santa Clara County and the current challenges associated with obtaining a sufficient number of farmworkers, providing housing, and addressing specific farmworker housing needs.

April 2018 Farmworker Housing Survey. As a follow up to the January 2018 Farmworker Roundtable, the Department, in coordination with the Office of Supportive Housing and Agricultural Commissioner’s Office, sent a farmworker housing survey to over 77 farm industry representatives. The survey sought feedback concerning total farmworker demand
in Santa Clara County, farmworker housing needs, the desired types of farmworker housing units, and related questions. A total of 22 respondents completed this survey, whose outcomes are highlighted as follows:

- Total acreage farmed: 5,600 acres
- Total year-round workers: 603 workers
- Total seasonal workers: 1,708 workers
- Total perceived additional agricultural housing units needed: housing for 770 year-round and 1,440 seasonal workers
- Percentage of farmers who use a labor contractor to obtain agricultural workers: 65%
- Percentage of farmers who use the H2A program (certified temporary non-immigrant agricultural workers): 15%
- Desired Types of Housing Units – The survey asked participants to rank (high/medium/low) preference for the following type of housing units: (a) Onsite RV Dormitory; Seasonal (b) Onsite RV Family Unit – year-round; (c) Onsite Manufactured homes Dormitory – seasonal; (d) Onsite Manufactured homes family unit – year around; (e) Offsite farm labor camps – seasonal; and (f) Offsite family units – year-round

Survey results identified a preference for all types of units with a “high” ranking selected by over 40% of survey participants. The highest preferences were for onsite manufactured homes – single family (65% high preference) and onsite RV family units (60% high preference).

**Monterey County Farmworker Housing Needs Assessment.** In order to better assess broader regional Agricultural Worker Housing needs, the Department reviewed a Farmworker Housing Needs Assessment for the Salinas/Pajaro Valley in Monterey County, conducted by the County of Monterey in partnership with several cities and non-profit agencies. The study involved interviews with many farmworkers to evaluate their current housing status and housing needs; it provided an in-depth evaluation of the background and working conditions associated with farmworkers, identifying extensive overcrowding in housing and a lack of affordable housing supply. Study findings included the need to construct up to 47,000 additional housing units to meet farmworker demand.

**CONSEQUENCES OF NEGATIVE ACTION**

If the HLUET Committee will not accept the recommendations contained in the report, the Department will revise the report as directed by HLUET.

**STEPS FOLLOWING APPROVAL**

The Department will work with County Counsel to draft the text amendments to the Zoning Ordinance and RV Development Design Guidelines, conduct public outreach, and provide the proposed amendments to the Planning Commission and Board of Supervisors for consideration.
ATTACHMENTS:

- Attachment A - Housing Element Excerpts (PDF)
- Attachment B - Farmworker Housing Needs (PDF)
- Attachment C - Summary of Employee Housing Act (EHA) (PDF)
- Attachment D - Permit Requirements for Farmworker Housing (PDF)
- Attachment E - Other Counties Farmworker Housing Permit Streamlining (PDF)
FARMWORKER HOUSING NEEDS:
HOUSING ELEMENT EXCERPTS
County of Santa Clara

Housing Element Update 2015-2022

Adopted by the Board of Supervisors

June 10, 2014

Certified by the

California State Department of

Housing and Community Development

July 25, 2014
**Governmental and Non-Governmental Factors/Constraints Evaluation**

Section 3.06 provides a broad review and evaluation of governmental factors that influence housing production and affordability. The section provides an overview of many topics, including land use policies and regulations referred to generally as “land use controls,” impact fees, secondary dwelling provisions, building codes, development and site improvement standards, fees and exactions, processing and permitting procedures, special needs housing, and code enforcement, among other subjects.

The County’s overall conclusions are that in general, the County’s policies, regulations, permit processes, and related factors do not pose an undue burden or constraint on housing development.

However, two areas are identified and discussed to further streamline development review or increase affordable and special needs housing development. The two areas are:

- **Secondary Units:** Three programs will be implemented in the 2015-2022 cycle to reduce permitting requirements and regulatory constraints to the construction of secondary units; and
- **Farmworker Housing:** Two programs will be implemented in the 2015-2022 time period to improve communication between farmers, the planning office, and farmworker housing advocates, with the goal of expanding the creation of farmworker housing.

Section 3.07 describes non-governmental factors influencing the production of housing, such as national and regional economic conditions, land costs, financing and mortgage industry trends, general labor and material costs, and similar information of particular relevance to the region and unincorporated Santa Clara County.

**Compilation of Housing Programs, Projects, Studies, and Activities**

Lastly, the Housing Element provides an overview of the most important housing programs, projects, studies, and activities intended to promote housing supply, rehabilitation, preservation, affordability, and a variety of other related goals and objectives. This compilation is contained in Chapter 4 of the 2015 Update, and is based on the 2009 Update. Two of the more comprehensive programs, the Community Development Block Grant (CDBG) program and the HOME programs, are described independently, due to the great diversity of purposes and objectives involved in each.

The housing programs chapter further documents that the County’s role in providing housing, especially affordable housing, is significant, even though the vast majority of urban housing development does not occur under County land use jurisdiction. The County’s significant involvement in housing-related programs and its long-standing philosophy and commitment to
alleviate the urgent need for additional housing. It was also expressed that increasing the existing square footage allowed for secondary dwelling units in the South County area is needed. Discussions involved the use of an alternative septic system which would result in more buildable area in the South County and not requiring Building Site Approval for any trailer-type in-law quarters or site-built secondary dwelling units.

Response to Feedback: The 2015 Update contains several new programs to facilitate development of secondary dwellings:

- Program 4.09.04 eliminating requirement that Secondary Units on small lots be attached to the main residence.
- Program 4.09.05: Increase maximum allowable size of Secondary Units on small lots.
- Program 4.09.06: Eliminate Owner Occupancy requirement for Secondary Units on rural lots between 2.5 acres and 20 acres.

6. Agricultural employee housing.
   The agricultural community expressed the need for agricultural employee housing programs. Advocates urged relaxation of discretionary review to assist the agricultural community to provide housing for seasonal workers. The Law Foundation and the Planning Commission expressed concern over conditions of agricultural worker housing.

Response to Feedback: The 2015 Update contains two new programs to address farmworker housing constraints (Programs 4.09.07 to explore reductions in permit requirements, and 4.09.03 on allowing agricultural worker housing to be occupied by agricultural workers not employed by the facility operator/owner). The 2015 Update also contains a new program (Program 4.09.16 on farmworker housing needs assessments) designed to improve the County’s ability to assess agricultural worker housing needs, including assessing and improving the conditions of agricultural worker housing. Finally, the objective of Program 4.03.05 (Housing Conditions survey) has been modified to focus on agricultural worker housing.

7. Extreme Low-Income (ELI) housing.
   Housing advocates argued for more programs to aid ELI households housing. The Housing Element should consider the current lack of availability of affordable housing in the County.

Response to Feedback: The 2015 Update raised the priority of Strategy #3 on financial assistance and refocused it to provide assistance for Extremely Low Income Housing.

8. Code Enforcement:
STRATEGY #8: Maintain and Expand the Supply of Farm Worker Housing

Santa Clara County has a long tradition as a producer of agricultural products. Once known as the Valley of Heart’s Delight, the region still produces over $260 million of agricultural products per year\(^2\). The County is proud of its agricultural heritage, and wants to honor this legacy by ensuring its farmworkers and their families have access to affordable and safe housing. The provision of affordable and safe farmworker housing can also promote the continuation of this tradition by making our farms more productive and more competitive.

Farm worker households are considered a special needs household in state planning guidelines. Farm worker households have also been and will remain a significant concern for County government and for communities and institutions countywide. These concerns extend both to individuals who seasonally migrate to the county to jobs on farms and in processing plants, and to a substantial and growing portion of farm workers who are permanent, year round county residents rather than seasonal migrant workers. Year-round crops such as mushrooms and nursery stock naturally need year-round workers. In addition, many farmers strive to provide work for at least some of their employees in the off-season in order to increase the likelihood that their employees will be available for the farm during crucial periods of high labor needs. This is particularly true during times of labor shortage. At the same time, a large supply of seasonal workers is necessary for the labor intensive work of planting and harvesting highly perishable seasonal crops. Migrant and seasonal agricultural workers are more challenged than year-round workers to find adequate housing and are more likely to endure long commutes from their place of residence out to the fields. Santa Clara County agriculture can gain a competitive advantage by ensuring adequate opportunities for agricultural worker housing, especially for seasonal workers and especially when agricultural workers are scarce.

While the urban area is the most suitable location of housing for the majority of low income families, a limited number of year-round affordable farm worker housing is appropriate and necessary in the rural areas. Farmers need opportunities to expand and build new housing for families of agricultural employees and for family members who assist in running the farm, thus improving the likelihood that the farm will stay in operation over generations. With appropriate development standards and policies, the extra density that farmworker housing brings would be in a context and scale appropriate for agricultural production and in support of agricultural workers. Limited amounts of farmworker housing will not significantly change the rural character of the county’s agricultural areas, and would enhance the agricultural community at large.

\(^2\) Source: Santa Clara County 2012 Crop Report
POLICIES

HG 19

Review and identify opportunities to reduce regulatory constraints to, and expedite development of, farmworker housing.

HG 20

The County shall promote and support programs which maintain and expand appropriately located housing suitable for and affordable to farmworker households. Such support shall prioritize the needs of seasonal workers.

IMPLEMENTATION MEASURES

HG(i) 28

Conduct a farmworker housing needs assessment.
(Implementation: County)

Program 4.09.16: Conduct Farmworker Housing Needs Assessment.

HG(i) 29

Explore streamlining of permit processes for agricultural worker housing.
(Implementation: County)

Program 4.09.07: Reduce permit requirements for long term agricultural worker housing.

HG(i) 30

Explore partnership opportunities to build ELI multifamily agricultural worker housing.

(Implementation: County, Cities, Santa Clara County Farm Bureau, OAH, State Office of Migrant Services, U.S. Department of Agriculture)

Program 4.08.09: Arturo Ochoa Migrant Center
4.03.05 Housing Conditions Survey

Program Description:
The Housing Conditions Survey is a regularly conducted windshield survey and evaluation of housing conditions. The Survey is undertaken every few years when it is determined that more data is needed to understand a particular aspect of the local housing market. Both general housing conditions and specific target information are collected. The last Survey was undertaken in May 2009, with a focus on impacts of foreclosed properties on housing conditions in neighborhoods.

Responsible Agency:
Code Enforcement Division, Planning Office

Geographic Service Area:
Unincorporated County

Funding Sources:
County

Program Status:
Ongoing

Program Outcomes, 2007-2012 for the 2007-2014 Housing Element reporting period:
8,223 Parcels surveyed in nine neighborhoods in May 2009

Program Objective, 2015-2022:
At least one Survey is anticipated to take place during the 2015-2022 time period. The next survey will include an examination of Farmworker Housing conditions, with the intent to gain a better understanding of infrastructure constraints and code enforcement challenges.
4.08.09  Arturo Ochoa Migrant Center

Program Description:
The Center provides 100 units of migrant farm worker housing for occupancy during the growing season. From May to October, the Center provides housing for migrant families and onsite medical services offered through a mobile service twice a week and an infant care center. During the off-season, the Center was used by the Emergency Housing Consortium and Saint Joseph Family Center as a shelter for homeless families; however this is no longer authorized.

Responsible Agency:
EAH Housing, Inc.

Geographic Service Area:
Farm workers must have resided together with his/her family outside a 50-mile radius of the Migrant Center for at least 3 months out of the preceding 6 months.

Funding Source:
Proposition 84-State Department of Housing and Community Development, Office of Migrant Services

Project Status:
Ongoing

Program Outcomes, 2007-2012:
The 100 units were preserved and used every growing season of the program outcome period. The facility was also used by homeless individuals and families during the winter season. However, during the program outcome period, the facility stopped providing emergency shelter. HUD Program funds for this purpose were redirected to St. Joseph’s Church in Gilroy.

Program Objective, 2015-2022:
Preservation of 100 units of seasonal farmworker housing.
4.09.03 Consider Allowing Agricultural Employee Housing to be Occupied by Agricultural Workers that are not Employees of the Housing Operator/Owner

Program Description:
There are several combinations of housing facility, operator, and resident that could be useful to farmworker employees and employers. The Zoning Ordinance, however, only speaks directly to allow long term (year round) permanent housing for employees of the housing owner, and to treat structures housing six or fewer farmworkers as a single family residence.

Through this program, the County will clarify and explore options for expanding the range and combination of owner / operator / resident / duration allowed by the County, and with which type of permit.

Responsible Agency:
County of Santa Clara, Department of Planning and Development

Geographic Service Area:
Unincorporated County

Funding Sources:
N/A

Program Status:
Proposed

Program Outcomes, 2009-2014:
N/A

Program Objective, 2015-2022:
Within three years of adoption of this Housing Element, the County will explore and bring to the Board of Supervisors for their consideration options regarding the possibility of allowing agricultural worker housing to be occupied by agricultural workers that are not employees of the housing operator / owner. Such modification would require consideration and adoption of an amendment to the County Zoning Ordinance Provisions covering Agricultural Worker Housing (Sections 2.20.020 and 4.10.040).
4.09.16  **Conduct Farmworker Housing Needs Assessment**

**Program Description:**
In conjunction with advocacy groups, schools, employers, and service providers, and using best practices from other similar jurisdictions such as Napa and Mendocino County, the County will identify methodologies for assessing farmworker housing needs.

Once a methodology suitable for assessing the needs of Santa Clara County farmworkers has been determined, the County shall conduct the farmworker housing needs assessment consistent with the previously identified methodology.

The current Housing Element relies on data from Federal, State, and Regional sources. Local data on farmworker housing is either imperfectly aligned with data needs or exists only in anecdotal form. A more thorough and local assessment would provide the County with a deeper understanding of the number of farmworkers that are present in the County and at what time of year, the types and conditions of housing in which they live based on how they self-report this information, and an improved ability to address farmworker housing need and potentially create affordable housing options for farmworkers.

Portions of this Program may be carried out in conjunction with activities associated with Program 4.03.05 (“Housing Conditions Survey”), to gain a better understanding of infrastructure constraints and code enforcement challenges.

**Responsible Agency:**
County of Santa Clara, Department of Planning and Development, Advocacy Groups, Service Providers, County of Santa Clara Office of Supportive Housing.

**Geographic Service Area:**
Unincorporated County

**Funding Sources:**
To be Determined

**Program Status:**
Proposed

**Program Outcomes, 2009-2014:**
N/A
Program Objective, 2015-2022:

As early as possible within the 2015-2022 planning period, choose a methodology for, and then conduct, a Farmworker Housing Needs Assessment.
ATTACHMENT B

FARM WORKER HOUSING NEEDS:
Policies, Standards & Outreach
Santa Clara County
GENERAL PLAN

Charting a Course for Santa Clara County’s Future: 1995-2010

COUNTY OF SANTA CLARA • PLANNING OFFICE • 70 WEST HEDDING STREET, SAN JOSE, CA 95110
Resource Conservation
Rural Unincorporated Area Issues and Policies

Policies and Implementation

R-RC 59
Sizeable remaining areas of agricultural lands shall be preserved in large parcels in order to:
- stabilize long term land use patterns;
- allow for long term agricultural investment;
- facilitate entry of individuals into agricultural livelihoods; and
- avoid introduction of incompatible residential or other development in agriculture areas.

R-RC 60
Recombining of parcels in agricultural areas should be encouraged.

R-RC 61
Allowable land uses in exclusive agricultural areas shall be limited to
- agriculture and ancillary uses,
- uses necessary to directly support local agriculture, and
- other uses compatible with agriculture which clearly enhance the long term viability of local agriculture and agricultural lands.

R-RC 62
Residential uses in agricultural areas may be allowed for persons directly involved in on-site agricultural operations as an ancillary or supportive use of agriculture.

R-RC 63
Farm worker housing shall be an allowable use in the zoning districts governing agricultural areas.

R-RC 64
As the means and resources become available, agricultural areas of greatest long term viability should be designated for long term or possibly permanent preservation from urban development. Areas such as the lands south and east of Gilroy should be considered for designation and preservation.

Implementation Recommendations

R-RC(i) 22
Maintain existing policies for minimum parcel sizes in areas designated Large- and Medium-Scale Agriculture, 40 and 20 acres respectively.

R-RC(i) 23
Develop criteria by which to scrutinize proposals to expand the type of non-agricultural uses permissible in areas zoned Exclusive Agriculture.

Santa Clara County Agriculture Crop Value, 1993

<table>
<thead>
<tr>
<th>Crop</th>
<th>Total Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vegetable Crops</td>
<td>$72,842,000</td>
</tr>
<tr>
<td>Nursery Crops</td>
<td>24,820,000</td>
</tr>
<tr>
<td>Floral Crops</td>
<td>21,408,000</td>
</tr>
<tr>
<td>Livestock &amp; Poultry</td>
<td>15,428,000</td>
</tr>
<tr>
<td>Fruits &amp; Nuts</td>
<td>11,201,000</td>
</tr>
<tr>
<td>Field Crops</td>
<td>5,715,000</td>
</tr>
<tr>
<td>Bushberries &amp; Strawberries</td>
<td>3,055,000</td>
</tr>
<tr>
<td>Seed Crops</td>
<td>2,310,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$156,779,000</strong></td>
</tr>
</tbody>
</table>

priority should also be given to other local efforts to enhance the economics of agriculture. Despite the vast array of national and international influences on agriculture, the effectiveness of local and regional actions should not be discounted. Eliminating unnecessary regulation and reducing the economic impact of necessary regulations are ongoing objectives of the agricultural community. The County and the farming community should together review the efforts of other jurisdictions in this regard and other measures to enhance the competitiveness of local agriculture.

### Policies and Implementation

**R-RC 65**
The long term economic viability of agricultural activities shall be maintained and enhanced by promoting:

- improved markets for locally-grown products;
- Williamson Act provisions for property tax relief;
- use of innovative, more cost-efficient growing techniques;
- review of the economic impacts of regulation and other means of enhancing competitiveness; and
- adequate agricultural worker housing.

**R-RC 66**
Williamson Act contracts for the preservation of agriculture and agricultural lands should be promoted and maintained. Requests for immediate contract cancellation should be denied except in cases of unusual circumstances or hardship.

### Implementation Recommendations

**R-RC(i) 26**
Explore the use of marketing and other means of enhancing economic viability found successful in other similarly-situated jurisdictions.

**R-RC(i) 27**
Evaluate patterns of annual Williamson Act non-renewal activity for eventual impact upon agricultural lands, utilizing GIS capabilities.

**R-RC(i) 28**
Evaluate economic impacts of federal, state and local regulation of agriculture.

**R-RC(i) 29**
Explore public/private sector efforts to maintain or provide new affordable housing for agricultural workers (see Housing Chapter for Rural Unincorporated Area Issues & Policies).

**R-RC(i) 30**
Establish an agricultural competitiveness task force to:

- identify changing conditions, challenges, and opportunities for for local agriculture;
- identify conditions necessary to maintain the long term viability of agriculture;
- recommend specific actions for enhancing the agriculture’s long term viability.
County of Santa Clara
Housing Element Update 2015-2022

Adopted by the Board of Supervisors
June 10, 2014

Certified by the
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8. **Code Enforcement:**
STRATEGY #8: Maintain and Expand the Supply of Farm Worker Housing

Santa Clara County has a long tradition as a producer of agricultural products. Once known as the Valley of Heart’s Delight, the region still produces over $260 million of agricultural products per year\(^2\). The County is proud of its agricultural heritage, and wants to honor this legacy by ensuring its farmworkers and their families have access to affordable and safe housing. The provision of affordable and safe farmworker housing can also promote the continuation of this tradition by making our farms more productive and more competitive.

Farm worker households are considered a special needs household in state planning guidelines. Farm worker households have also been and will remain a significant concern for County government and for communities and institutions countywide. These concerns extend both to individuals who seasonally migrate to the county to jobs on farms and in processing plants, and to a substantial and growing portion of farm workers who are permanent, year round county residents rather than seasonal migrant workers. Year-round crops such as mushrooms and nursery stock naturally need year-round workers. In addition, many farmers strive to provide work for at least some of their employees in the off-season in order to increase the likelihood that their employees will be available for the farm during crucial periods of high labor needs. This is particularly true during times of labor shortage. At the same time, a large supply of seasonal workers is necessary for the labor intensive work of planting and harvesting highly perishable seasonal crops. Migrant and seasonal agricultural workers are more challenged than year-round workers to find adequate housing and are more likely to endure long commutes from their place of residence out to the fields. Santa Clara County agriculture can gain a competitive advantage by ensuring adequate opportunities for agricultural worker housing, especially for seasonal workers and especially when agricultural workers are scarce.

While the urban area is the most suitable location of housing for the majority of low income families, a limited number of year-round affordable farm worker housing is appropriate and necessary in the rural areas. Farmers need opportunities to expand and build new housing for families of agricultural employees and for family members who assist in running the farm, thus improving the likelihood that the farm will stay in operation over generations. With appropriate development standards and policies, the extra density that farmworker housing brings would be in a context and scale appropriate for agricultural production and in support of agricultural workers. Limited amounts of farmworker housing will not significantly change the rural character of the county’s agricultural areas, and would enhance the agricultural community at large.

\(^2\) Source: Santa Clara County 2012 Crop Report
POLICIES

HG 19

Review and identify opportunities to reduce regulatory constraints to, and expedite development of, farmworker housing.

HG 20

The County shall promote and support programs which maintain and expand appropriately located housing suitable for and affordable to farmworker households. Such support shall prioritize the needs of seasonal workers.

IMPLEMENTATION MEASURES

HG(i) 28

Conduct a farmworker housing needs assessment.
(Implementation: County)

Program 4.09.16: Conduct Farmworker Housing Needs Assessment.

HG(i) 29

Explore streamlining of permit processes for agricultural worker housing.
(Implementation: County)

Program 4.09.07: Reduce permit requirements for long term agricultural worker housing.

HG(i) 30

Explore partnership opportunities to build ELI multifamily agricultural worker housing.
(Implementation: County, Cities, Santa Clara County Farm Bureau, OAH, State Office of Migrant Services, U.S. Department of Agriculture)

Program 4.08.09: Arturo Ochoa Migrant Center
4.03.05 Housing Conditions Survey

Program Description:
The Housing Conditions Survey is a regularly conducted windshield survey and evaluation of housing conditions. The Survey is undertaken every few years when it is determined that more data is needed to understand a particular aspect of the local housing market. Both general housing conditions and specific target information are collected. The last Survey was undertaken in May 2009, with a focus on impacts of foreclosed properties on housing conditions in neighborhoods.

Responsible Agency:
Code Enforcement Division, Planning Office

Geographic Service Area:
Unincorporated County

Funding Sources:
County

Program Status:
Ongoing

Program Outcomes, 2007-2012 for the 2007-2014 Housing Element reporting period:
8,223 Parcels surveyed in nine neighborhoods in May 2009

Program Objective, 2015-2022:
At least one Survey is anticipated to take place during the 2015-2022 time period. The next survey will include an examination of Farmworker Housing conditions, with the intent to gain a better understanding of infrastructure constraints and code enforcement challenges.
4.08.09  Arturo Ochoa Migrant Center

Program Description:
The Center provides 100 units of migrant farm worker housing for occupancy during the growing season. From May to October, the Center provides housing for migrant families and onsite medical services offered through a mobile service twice a week and an infant care center. During the off-season, the Center was used by the Emergency Housing Consortium and Saint Joseph Family Center as a shelter for homeless families; however this is no longer authorized.

Responsible Agency:
EAH Housing, Inc.

Geographic Service Area:
Farm workers must have resided together with his/her family outside a 50-mile radius of the Migrant Center for at least 3 months out of the preceding 6 months

Funding Source:
Proposition 84-State Department of Housing and Community Development, Office of Migrant Services

Project Status:
Ongoing

Program Outcomes, 2007-2012:
The 100 units were preserved and used every growing season of the program outcome period. The facility was also used by homeless individuals and families during the winter season. However, during the program outcome period, the facility stopped providing emergency shelter. HUD Program funds for this purpose were redirected to St. Joseph’s Church in Gilroy.

Program Objective, 2015-2022:
Preservation of 100 units of seasonal farmworker housing.
4.09.03 Consider Allowing Agricultural Employee Housing to be Occupied by Agricultural Workers that are not Employees of the Housing Operator/Owner

Program Description:
There are several combinations of housing facility, operator, and resident that could be useful to farmworker employees and employers. The Zoning Ordinance, however, only speaks directly to allow long term (year round) permanent housing for employees of the housing owner, and to treat structures housing six or fewer farmworkers as a single family residence.

Through this program, the County will clarify and explore options for expanding the range and combination of owner/operator/resident/duration allowed by the County, and with which type of permit.

Responsible Agency:
County of Santa Clara, Department of Planning and Development

Geographic Service Area:
Unincorporated County

Funding Sources:
N/A

Program Status:
Proposed

Program Outcomes, 2009-2014:
N/A

Program Objective, 2015-2022:
Within three years of adoption of this Housing Element, the County will explore and bring to the Board of Supervisors for their consideration options regarding the possibility of allowing agricultural worker housing to be occupied by agricultural workers that are not employees of the housing operator/owner. Such modification would require consideration and adoption of an amendment to the County Zoning Ordinance Provisions covering Agricultural Worker Housing (Sections 2.20.020 and 4.10.040).
4.09.16 Conduct Farmworker Housing Needs Assessment

Program Description:
In conjunction with advocacy groups, schools, employers, and service providers, and using best practices from other similar jurisdictions such as Napa and Mendocino County, the County will identify methodologies for assessing farmworker housing needs.

Once a methodology suitable for assessing the needs of Santa Clara County farmworkers has been determined, the County shall conduct the farmworker housing needs assessment consistent with the previously identified methodology.

The current Housing Element relies on data from Federal, State, and Regional sources. Local data on farmworker housing is either imperfectly aligned with data needs or exists only in anecdotal form. A more thorough and local assessment would provide the County with a deeper understanding of the number of farmworkers that are present in the County and at what time of year, the types and conditions of housing in which they live based on how they self-report this information, and an improved ability to address farmworker housing need and potentially create affordable housing options for farmworkers.

Portions of this Program may be carried out in conjunction with activities associated with Program 4.03.05 (“Housing Conditions Survey”), to gain a better understanding of infrastructure constraints and code enforcement challenges.

Responsible Agency:
County of Santa Clara, Department of Planning and Development, Advocacy Groups, Service Providers, County of Santa Clara Office of Supportive Housing.

Geographic Service Area:
Unincorporated County

Funding Sources:
To be Determined

Program Status:
Proposed

Program Outcomes, 2009-2014:
N/A
Program Objective, 2015-2022:

As early as possible within the 2015-2022 planning period, choose a methodology for, and then conduct, a Farmworker Housing Needs Assessment.
COUNTY OF SANTA CLARA

ZONING ORDINANCE REQUIREMENTS
FOR AGRICULTURAL EMPLOYEE HOUSING
communal open space within a residential development. Private, noncommercial gatherings hosted by residents or property owner(s) shall be considered residential accessory uses.

On lots with no legally established residential use, certain limited structures ancillary to maintenance and security of the land (e.g. fences, gates, well or irrigation hardware) shall be considered permitted accessory structures under this classification.

On lots with no legally established residential use, one limited storage building per lot is permitted under this classification in rural base zoning districts. The floor area of such storage buildings is restricted to 120 square feet maximum. Height shall not exceed 10 feet in height at any point, and such buildings shall comply with all other applicable provisions of Section 4.20.020. Such storage buildings may not include plumbing or electricity in their construction. Any such building in an sr combining district shall be subject to the scenic roads provisions of Section 3.30.030.

Accessory buildings shall be limited to two (2) internal plumbing fixtures except as provided by subsection 4.20.020(I).

**Agricultural Employee Housing.** Dwellings occupied by employees engaged primarily in direct agricultural operations on land owned or rented by the agricultural operator. Family members of such agricultural employees may also live in the same unit. All uses within this classification shall fit within one of the following subcategories:

1. **Short Term.** One or more mobile homes or manufactured homes located on land in agricultural use. A time limit for use of short-term agricultural worker housing will be specified on a case-by-case basis at the time of permit issuance. [Criteria/Findings § 4.10.040]

2. **Long Term.** Permanent structures located on land owned by an agricultural operator used by agricultural workers employed by such operator and the families of the workers. [Criteria/Findings § 4.10.040]

**Caretaker’s Residences.** Dwelling units incidental and subordinate to a significant nonresidential use established by issuance of a use permit. Such units must be necessary for the practical operation of the primary use, and the occupancy of such units shall be limited to owners or employees of the primary use and their families.

**Domestic Animals.** The keeping of domesticated animals for use or enjoyment within the home or premises by the resident occupants, including non-commercial equestrian activities. All uses within this classification shall fit within one of the following subcategories:

1. **Dogs & Cats.** The keeping of dogs and cats.

2. **Small Animals – Limited.** Includes the following small animals: rabbits, guinea pigs, chicken and fowl (but excluding roosters, peafowl, guinea fowl, geese or quacking ducks), and similar species as approved by the zoning administrator.
expansion, improvement or refurbishment of existing agriculture-related uses that will encourage the retention of such use within agriculturally designated areas.

§ 4.10.040  Agricultural Employee Housing

This section refers to uses classified as Agricultural Employee Housing as described in § 2.10.030. Such uses shall be subject to all of the following provisions, depending on the applicable subcategory:

A. Agricultural Employee Housing: Short Term. Mobile homes for use as temporary agricultural employee housing may be established on properties within those zoning districts where such uses are permitted, as set forth in Article 2, subject to all of the following:

1. The primary use of such property shall be agriculture, as defined by the use classification within Chapter 2.10;

2. The occupants of such homes shall be engaged in significant agricultural pursuit on land owned, leased or rented by the agricultural operator. If the home(s) are not located on the same parcel as the principal dwelling, that portion of the parcel of land not occupied by the home(s) shall be used for agricultural purposes;

3. Once the agricultural use of the property has ceased, the agricultural mobile home shall be removed;

4. A time limit shall be imposed;

5. May include one (1) or more living units as approved by the zoning administrator; and

6. Residential setbacks and other development standards of the base district shall apply.

B. Agricultural Employee Housing: Long Term. Dwellings for use as long term agricultural employee housing may be established on properties within those zoning districts where such uses are permitted, as set forth in Article 2, subject to all of the following:

1. There shall be a demonstrated need to provide long-term residences for bonafide agricultural employees based on the nature and intensity of the agricultural operation;

2. The occupants of such units shall be individuals or families engaged in significant agricultural pursuit from actual farming practices including growing, harvesting, tilling, cultivating, and post-harvesting of crops, or the raising of animals, fowl or bees;
3. The occupants of such homes shall be engaged in an agricultural pursuit on land owned, leased or rented by the agricultural operator;

4. The units shall be of an appropriate size and design for the intended use;

5. Residential setbacks and other development standards of the base district shall apply; and

6. Once the agricultural use has ceased, the units must either be demolished, removed from the premises, or converted into a different authorized use.

§ 4.10.050 Agriculturally Related Entertainment & Commercial Uses

This section refers to uses classified as Agriculturally Related Entertainment & Commercial Uses as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Conserving Farmland.** The use should be located on marginal agricultural parcels or marginal portions of non-marginal parcels, and sited to minimize use of productive agricultural soils;

B. **Non-Interference.** The use shall be sited so as to not substantially interfere with existing agricultural operations; and

C. **Positive Marketing.** The proposed use will help to further an image of Santa Clara County as a viable agricultural area and help promote Santa Clara County agricultural products.

§ 4.10.060 Bed & Breakfast Inns

This section refers to uses classified as Bed & Breakfast Inns as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

A. **Occupancy Limitation.** No guest shall occupy the premises more than 14 days within any 30-day period.

B. **Interior Orientation.** Guest rooms shall primarily be accessed through interior entryways. Secondary exterior entryways shall be limited such that the individual guest rooms are not apparent from off the premises.

C. **Cooking Facilities.** With the exception of coffee makers and similar small beverage-warming appliances, no separate cooking facilities shall be provided within individual guest rooms.
FARMWORKER HOUSING OPPORTUNITY
FOCUS GROUP MEETING

We would like to invite you (our local farmers/ranchers) to a Focus Group meeting to discuss potential options, models, and resources for providing agricultural employee housing in Santa Clara County.

Small breakfast items will be provided.

DATE: FRIDAY, JANUARY 19TH, 9:00-11:00 AM
CITY OF MORGAN HILL
Council Chambers
17555 Peak Avenue, Morgan Hill, CA 95037

If you have any questions about this meeting, please feel free to contact us.

PROJECT CONTACTS:

Santa Clara County Planning Office
Valerie Negrete
Valerie.negrete@pln.sccgov.org
408-299-5791

Santa Clara County Division of Agriculture
Joe Deviney
Joseph.Deviney@cep.sccgov.org
408-918-4646

Hosted By: County Planning Department, County Division of Agriculture, the Office of Supportive Housing and the City of Morgan Hill’s Housing Department.

Special thanks to the City of Morgan Hill’s Housing Department for providing continental breakfast and meeting location.
South Santa Clara County  
Agricultural Worker Housing  
Focus Group Discussion  
Date: January 19, 2018, Time: 9:00 a.m. – 11:00 a.m.  
Location: City of Morgan Hill Council Chambers  
17555 Peak Avenue, Morgan Hill, CA 95037

AGENDA

I. Welcome and Introductions - Ice Breaker Question: Who you are and what do you hope to get out of the meeting? (Kirk Girard/Joe Deviney)

II. Purpose of meeting - Why are we here? Why does it matter? What are we trying to achieve? Video (Kirk Girard) – 5 minutes

III. Overview of Housing Models – Seasonal vs. Permanent Models, Density of Models (Valerie Negrete) - 5 minutes

IV. Funding Opportunities (Consuelo) – 5 minutes

V. Facilitated Discussion – (Joe Deviney) - 90 minutes
   a. What is your percentage of seasonal employees vs. permanent employees?
   b. What is the best model type and why?
   c. What is preventing you from providing housing now?

VI. Next Steps (Kirk Girard)
Farm Worker Housing Focus Group meeting
Friday, January 19, 2018, 9am to 11am.
Location: Morgan Hill Council Chambers

ATTENDEES
Stakeholder Community: Paul Mirassou, Chris Borello, Pete Aello, Tim Chiala, Bill Chiala, Don Hortness, Brent McKinsey, Jim Aira, Rocke Garcia
City of Morgan Hill: Christina Turner, Steve Tate, Christie Thomas, and Rebecca Garcia
City of Gilroy: Roland Velasco and Gabe Gonzalez
Gilroy Unified Migrant Program: Jessica Arciga

FEEDBACK AND DISCUSSION AT FOCUS GROUP MEETING
• Bureaucracy is an issue with getting housing for farmworkers
• Housing should be in the farmlands
• Different areas of Santa Clara Valley have different needs. H2A program allows temporary immigrant labor from Mexico - includes standards for work, transportation, housing etc.
• The County has different sized growers and has year around seasonal needs.
• Impacts school kids as they move back and forth between Santa Clara County and other counties and states, where the seasonal worker need may be. Provide for onsite preschools
• Labor needs become critical during peak seasons due to long commutes, competing for available labor, and lack of housing. Some options - engage the schoolkids out in the summer to pick fruits etc.; contract with juvenile hall, such as the Tanamara-Antle model; provide housing opportunities on or close to farms.
• Need depends upon the types of crops - for example for stone fruit picking, there’s a huge demand over 2-3 weeks to pick the fruit.
• Farmworkers are going out to the mid-west to find meatpacking jobs because of lower cost of living.
• Chiala farms employs 300 permanent employees for year around work. For seasonal needs, most field labor is contracted (typically 300-500) through labor contractors. Two types of housing needs - (a) full time year around employees; and (b) seasonal farmworkers, where the family base is elsewhere. Prefer to go through labor contractors who can provide very specialized crews and provide housing for farmworkers. The market for the labor can get very competitive, and workers will go elsewhere where there’s a need.
• Potential solutions could be:
  o To allow temporary mobile homes, tents, and camps onsite. State requirements can be a challenge for RVs/mobile home parks;
  o To have the motel rooms booked out for farmworkers during peak seasons;
  o To use the County fairgrounds to seasonally house the labor (France model);
  o To deregulate small scale RV type seasonal projects;
  o To propose farmer initiated ag worker housing camps.
• Farmers want to shoulder some cost and responsibility, but at this point impossible to know exactly how many we need. Volunteered to help with farmworker surveys.
FARMWORKER HOUSING

EMPLOYEE HOUSING ACT (EHA)

a. LAWS AND REGULATIONS

Law
The State Law governing employee housing is entitled the "Employee Housing Act" and may be found in Division 13, Part 1 of the California Health and Safety Code, commencing with Section 17000. This Act establishes requirements for
- Permits;
- Fees;
- responsibilities of employee housing operators; and
- responsibilities of enforcement agencies, including the Department.

Regulations
Title 25, California Code of Regulations, Division 1, Chapter 1, Subchapter 3 includes specific requirements for the
- construction of housing,
- maintenance of grounds and buildings,
- minimum allowable sleeping space and facilities, sanitation, and heating.

Permanent Buildings: The provisions of the California Building Standards Code (Title 24) govern the construction of permanent buildings used for employee housing. (See also State Housing Law for appropriate building standards.)

Mobilehome and Recreational Vehicle Lots: The construction of mobilehome and recreational vehicle lots within an employee housing facility is subject to provisions in the Mobilehome Parks Act and regulations adopted by the Department for such facilities.

b. DEFINITION OF EMPLOYEE HOUSING

Accommodations maintained in connection with any work or place where work is being performed
- in rural or urban areas
- consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations
- for five or more employees by the employer.

Accommodations or property are not maintained in connection with any work or workplace
- located in any rural area
- accommodations provided by someone other than an agricultural employer
- used by five or more agricultural employees of any agricultural employer or employers for any of the following:
  (i) Temporary or seasonal residency.
(ii) Permanent residency, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.
(iii) Permanent residency, if the housing accommodation is subject to the State Housing Law and is more than 30 years old and at least 51 percent of the structures in the housing accommodation, or 51 percent of the accommodation if not separated into units, are occupied by agricultural employees.

Exemptions:

- Housing maintained in connection with a horse racing facility is not subject to the Act,
- "Employee Community Housing," community of at least 200 single-family dwellings of four or more rooms owned and maintained by the employer
- Properly maintained permanent housing, including manufactured homes and mobilehomes on a dairy farm, may be exempted from the annual permitting requirements of the Act.
- Certain employee housing related to specific religious or educational activities or owned by nonprofit corporations are exempt from the Act.

c. KEY SECTIONS RELATED TO PERMIT STREAMLINING

- Any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone.
- Any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.
- Fee waiver - FWH for 12 units/36 beds - not be subject to any business taxes, local registration fees, use permit fees, State Fire Marshal nor any local public entity shall charge any fee to the owner, operator, or any resident for enforcing fire inspection

d. PERMIT REQUIREMENTS FROM HCD

- Every person operating employee housing shall obtain a permit to operate that employee housing from the enforcement agency
- Permits to operate shall be issued annually by the enforcement agency
- Application for a permit to operate forms shall contain at least the following information:
  (a) The name and address and telephone numbers of the employee housing owner and operator.
  (b) The location of the employee housing.
  (c) Approximate number of occupants to be housed.
  (d) A description of the facilities comprising the employee housing.
  (e) Approximate dates of occupancy.
## PERMIT REQUIREMENTS FOR FARMWORKER HOUSING

### DENSITY THRESHOLD FOR FARMWORKER HOUSING

<table>
<thead>
<tr>
<th>Planning</th>
<th>Development</th>
<th>Planning</th>
<th>Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>County of Santa Clara (current requirements)</td>
<td>County of Santa Clara (streamlining options under Employee Housing Act)</td>
<td>California Housing and Community Development (HCD)</td>
<td>PERMIT REQUIREMENTS</td>
</tr>
<tr>
<td>Farmworker Dwelling under 5 people</td>
<td>not regulated by Employee Housing Act</td>
<td></td>
<td></td>
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<tr>
<td>Farmworker Dwelling 5 or 6 people</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short-term (only mobilehomes/manufactured homes on land in ag use): Special Permit – A, AR, HS, RR, A1</td>
<td>Building Grading Septic Fire</td>
<td>Building Grading Septic Fire</td>
<td>None – not regulated by EHA</td>
</tr>
<tr>
<td>Long Term (permanent structures on land owned by an ag operator used by ag workers):</td>
<td>None – all districts except where use not permitted by right</td>
<td>Permit to Operate renewed annually</td>
<td>1. Permit to Construct or Reconstruct Park Utility Systems, Buildings and Swimming Pools – YES</td>
</tr>
<tr>
<td>Use Permit – A, HS, RR, AR, RS, A1, OS/R</td>
<td>Building Grading Septic/Water Fire</td>
<td>Permit to Operate renewed annually</td>
<td>2. Permit to Operate -NO</td>
</tr>
<tr>
<td>Permitted by Right (second one-family dwelling) - AR – lots 10 acres or more</td>
<td>Use Permit -A, AR, HS, RR, Building Grading Septic/Water Fire</td>
<td>Permit to Operate renewed annually</td>
<td>18862 (b) Notwithstanding subdivision (a), employee housing that has obtained a permit to operate pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000)) and that both meets the criteria of Section 17021.6 and is comprised of two or more lots or units held out for lease or rent or provided as a term or condition of employment shall not be deemed a recreational vehicle park for the purposes of the requirement to obtain an initial or annual permit to operate or pay any fees related thereto required by this part.</td>
</tr>
<tr>
<td>Farmworker Housing Complex for upto 12 units or 36 beds.</td>
<td></td>
<td></td>
<td>1. Permit to Construct or Reconstruct Park Utility Systems, Buildings and Swimming Pools – YES</td>
</tr>
<tr>
<td>Farmworker Housing Centre for more than 12 units or 36 beds.</td>
<td></td>
<td></td>
<td>2. Permit to Operate -NO</td>
</tr>
</tbody>
</table>

### PERMIT REQUIREMENTS

- **No Permits required – APPROVAL SIGNATURES REQUIRED FROM**
  - a. Planning
  - b. Health
  - c. Public Works
  - d. Fire Protection
  - e. Others
- **Govt Agency Approval Form Language:**
  - The applicant listed below is applying to the Department of Housing & Community Development (HCD) to construct a project which is located within (city or county). HCD is the enforcement and permit issuing agency for construction within mobilehome/recreational vehicle parks at this location. Prior to issuing any construction permits HCD must be assured that the project has received all required government approvals. Accordingly, HCD has instructed the applicant to obtain signatures from the agencies which are checked below. Comments and conditions of approval may be attached.

- **From County**
- **HCD**
- **No Permits required – APPROVAL SIGNATURES REQUIRED FROM**
  - a. Planning
  - b. Health
  - c. Public Works
  - d. Fire Protection
  - e. Others

### Special Considerations

- **Swimming Pools – YES**
- **Fire Protection**
- **Public Works**
- **Health**
- **Others**

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**Packet Pg. 223**
### Other Jurisdictions

<table>
<thead>
<tr>
<th>Definition of Agricultural Employee Housing</th>
<th>Zoning Districts that allow Agricultural Employee Housing</th>
<th>Standards / Monitoring Tools / Verification Process</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Monterey</strong> - 11.06.045 Agricultural employee housing. Agricultural employee housing means any living quarters or accommodations of any type, including mobile homes, which comply with the building standards in the State Building Standards Code or an adopted local ordinance with equivalent minimum standards for buildings used for human habitation, and buildings accessory thereto, where accommodations are provided by any person for individuals employed in farming or other agricultural activities, including such individuals’ families. The agricultural employee housing is not required to be located on the same property where the agricultural employee is employed.</td>
<td><strong>F - Farmland (40-160 acres)</strong></td>
<td><strong>R - Resource Conservation District</strong></td>
</tr>
<tr>
<td><strong>Contra Costa</strong> - Zoning text amendment related to Farmworker Housing approved in Sep 2017. The zoning text amendment also includes adoption of a new Farmworker Housing Ordinance.</td>
<td><strong>A-2 - General Ag (5 acres)</strong></td>
<td><strong>T-1 - Mobile Home/Manufactured Home Park District</strong></td>
</tr>
<tr>
<td><strong>San Benito</strong> - 25.20.016 AGRICULTURAL EMPLOYEE HOUSING.</td>
<td><strong>A-8 - Agricultural Neglected (40 acres)</strong></td>
<td><strong>R - Rural (5 acres)</strong></td>
</tr>
<tr>
<td><strong>Santa Cruz</strong> - Farm worker/caretaker housing means any of the three types of dwelling units designed to house people engaged in agricultural labor or security needs as an accessory use to the primary crop and livestock production use or the parcel where they are employed. This housing includes: agricultural caretakers’ mobile homes, farm worker quarters and farm worker camps.</td>
<td><strong>CA Commercial Agriculture (40 acres)</strong></td>
<td><strong>R - Agricultural (50 acres)</strong></td>
</tr>
</tbody>
</table>

### Agricultural Employee Housing

<table>
<thead>
<tr>
<th>Uses Allowed</th>
<th>Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural employee housing consisting of not more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designed for use by a single family or household.</td>
<td></td>
</tr>
<tr>
<td>Agricultural employee housing consisting of thirty-six (36) beds in a group quarters or more than thirty-six (36) beds in a group quarters or twenty (20) units or spaces designed for use by a single family or household.</td>
<td></td>
</tr>
<tr>
<td>Agricultural employee housing provided for the following:</td>
<td></td>
</tr>
<tr>
<td>1. Residences of bona fide full-time employees of the owner or lessee of the land upon which the use is conducted. (Note: Sufficient acreage must exist to meet minimum building site requirements for the dwelling.)</td>
<td></td>
</tr>
<tr>
<td>2. Farm labor. (Note: Sufficient acreage must exist to meet minimum building site requirements for the dwelling.)</td>
<td></td>
</tr>
<tr>
<td>All applications for farm worker/caretaker housing—Mobile homes, farm worker quarters and farm worker camps.</td>
<td></td>
</tr>
</tbody>
</table>

### Standards / Monitoring Tools / Verification Process

**Agricultural Worker Housing**

- **MONITORING TOOLS:**
  - The State Building Standards Code or an adopted local ordinance with equivalent minimum standards for buildings used for human habitation, and buildings accessory thereto, where accommodations are provided by any person for individuals employed in farming or other agricultural activities, including such individuals’ families. The agricultural employee housing is not required to be located on the same property where the agricultural employee is employed.

**Monitoring Tools:**

- Application to obtain any FWH Permit should carry following info below:
  - Housing Type
  - The number of residential units and beds
  - Description of whether the housing will be temp, seasonal or permanent
  - Number of FWH occupying the housing
  - Ag employee for whom the farmworker will work
  - Ag workplace where farmworkers will work
  - Entity responsible for housing maintenance and upkeep

### Farmworker Housing

- **Regulations for all FWH/Caretaker Housing**
  - No permanent farm worker quarters or farm worker camps shall be placed on soils with a U.S. Soil Conservation Service capability rating of Class I or II. No mobile home or travel trailer shall be placed on soils with a U.S. Soil Conservation Service capability rating of Class I or II. No mobile home or travel trailer shall be placed on soils with a U.S. Soil Conservation Service capability rating of Class I or II.

#### Deed Restriction:

- For each instance of employee housing permitted under the State law provision, a deed restriction shall be recorded that states that the building shall be used only as agricultural employee housing as authorized by Cal. Health and Safety Code § 17021.6 and that no other use may be permitted without obtaining county approval for the use.

### Additional Information

- **MONITORING TOOLS:**
  - Farmworker Dwelling — Maximum 1200 sqft. If a secondary dwelling unit is developed as FWH, must comply with 200 sqft.
  - Farmworker housing complexes — Maximum 3500 sqft
  - MONITORING TOOLS:
    - Application to obtain any FWH Permit should carry following info below:
      - Housing Type
      - The number of residential units and beds
      - Description of whether the housing will be temp, seasonal or permanent
      - Number of FWH occupying the housing
      - Ag employee for whom the farmworker will work
      - Ag workplace where farmworkers will work
      - Entity responsible for housing maintenance and upkeep
DATE: April 19, 2018, Regular Meeting
TIME: 10:00 AM
PLACE: Board of Supervisors' Chambers

MINUTES

Opening

1. Call to Order.
   Chairperson Cortese called the meeting to order at 10:06 a.m. A quorum was present.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Wasserman</td>
<td>Vice Chairperson</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Dave Cortese</td>
<td>Chairperson</td>
<td>Present</td>
<td></td>
</tr>
</tbody>
</table>

2. Public Comment. (ID# 91181)
   One individual addressed the Committee.

3. Approve Consent Calendar and changes to the Committee's Agenda.
   Item Nos. 4, 5, 8, 10, 11, 12, and 13 were added to the Consent Calendar.
   Chairperson Cortese requested that Administration include a revenue report in the next
   Renewables for Revenue quarterly report.
   Vice Chairperson Wasserman requested that the Consumer and Environmental
   Protection Agency contact his office relating to moving the weed abatement date from
   April, 2018 to May, 2018.

   3 RESULT: APPROVED AS AMENDED [UNANIMOUS]
   MOVER: Mike Wasserman, Vice Chairperson
   SECONDER: Dave Cortese, Chairperson
   AYES: Wasserman, Cortese

Regular Agenda - Items for Discussion

4. Under advisement from March 24, 2015, Board of Supervisors' meeting (Item No. 8b): Receive quarterly report from the Facilities and Fleet Department relating to Master Purchasing and Services Agreement (formerly under Power Purchase Agreements) for solar photovoltaic systems. (ID# 90864)
   Added to the Consent Calendar at the request of Vice Chairperson Wasserman.
5. Receive report from the Office of the County Executive relating to current drought conditions. (ID# 90868)

   Added to the Consent Calendar at the request of Vice Chairperson Wasserman.

5 RESULT: RECEIVED

6. Receive report from the Office of the County Executive relating to Environmental Stewardship Goal 5: Divert 100 percent of County waste from landfills and convert waste to energy. (ID# 90870)

   RESULT: RECEIVED [UNANIMOUS]

   MOVER: Mike Wasserman, Vice Chairperson
   SECONDER: Dave Cortese, Chairperson
   AYES: Wasserman, Cortese

7. Receive report from the Office of the County Executive relating to moratorium on commercial cannabis activities. (ID# 90939)

   Two individuals addressed the Committee.

   Sylvia Gallegos, Deputy County Executive, presented the Committee with three possible options relating to commercial cannabis activities: Option No. 1 to permanently prohibit commercial cannabis activities; Option No. 2 to permanently prohibit some commercial cannabis activities, while permitting others; and, Option No. 3 to extend the moratorium to September 2019.

   Vice Chairperson Wasserman expressed a preference for Option No. 1, then Option No. 3.

   Chairperson Cortese expressed a preference for Option No. 2, then an amended version of Option No. 3, changing the ending date of the moratorium extension to March, 2019.

   On order of Chairperson Cortese, there being no objection, the Committee forwarded the report to the Board of Supervisors with preferences noted, but no recommendation from the Committee.

7 RESULT: FORWARDED [NO VOTE]

8. Receive report from the Parks and Recreation Department relating to the 2018 Strategic Plan and forward a favorable recommendation to the Board of Supervisors to accept and approve the 2018 Strategic Plan. (ID# 90826)

   Added to the Consent Calendar at the request of Vice Chairperson Wasserman.
8 RESULT:  FORWARD [UNANIMOUS]
MOVER:  Mike Wasserman, Vice Chairperson
SECONDER:  Dave Cortese, Chairperson
AYES:  Wasserman, Cortese

Fiscal Year 2018-2019 Budget Reports

9. Receive report from the Office of Sustainability relating to Fiscal Year 2018-2019 Departmental Budget Proposals.  (ID# 91007)

9 RESULT:  RECEIVED [UNANIMOUS]
MOVER:  Mike Wasserman, Vice Chairperson
SECONDER:  Dave Cortese, Chairperson
AYES:  Wasserman, Cortese

10. Receive report from the Parks and Recreation Department relating to Fiscal Year 2018-2019 Departmental Budget Proposals.  (ID# 90527)

10 RESULT:  RECEIVED

11. Receive report from the Department of Planning and Development relating to Fiscal Year 2018-2019 Departmental Budget Proposals.  (ID# 90841)

11 RESULT:  RECEIVED

12. Receive report from the Consumer and Environmental Protection Agency relating to Fiscal Year 2018-2019 Departmental Budget Proposals.  (ID# 90674)

12 RESULT:  RECEIVED

13. Receive report from the Roads and Airports Department relating to Fiscal Year 2018-2019 Departmental Budget Proposals.  (ID# 90665)

13 RESULT:  RECEIVED

Consent Calendar


14 RESULT:  APPROVED [UNANIMOUS]
MOVER:  Mike Wasserman, Vice Chairperson
SECONDER:  Dave Cortese, Chairperson
AYES:  Wasserman, Cortese
15. Consider recommendations relating to Supportive Housing System of Care reports. (ID# 90709)

Possible action:
- a. Receive monthly report relating to Supportive Housing System Dashboard.
- b. Receive monthly report relating to Rapid Rehousing Programs.

| 15 RESULT: RECEIVED |

Adjourn

16. Adjourn to the next regular meeting on Thursday, May 17, 2018 at 10:00 a.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose.

Chairperson Cortese adjourned the meeting at 10:41 a.m.

Respectfully submitted,

Dave Leon
Deputy Clerk
DATE: May 17, 2018
TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)
FROM: Megan Doyle, Clerk of the Board
SUBJECT: Revised 2018 HLUET schedule

RECOMMENDED ACTION
Approve revised HLUET meeting schedule to incorporate all meetings of the Agricultural Preservation Task Force.

ATTACHMENTS:
- HLUET revised schedule (PDF)
Housing, Land Use, Environment, and Transportation Committee

Revised 2018 meeting schedule

Meetings will be held in the Board of Supervisors Chambers, County Government Center, 70 W. Hedding Street, San Jose

May 31, 2018, 5:30 p.m.*
June 21, 2018, 10 a.m.
June 28, 2018, 5:30 p.m.*
August 16, 2018, 10 a.m.
August 30, 2018, 5:30 p.m.*
September 20, 2018, 10 a.m.
September 27, 2018, 5:30 p.m.*
October 18, 2018, 10 a.m.
October 25, 2018, 5:30 p.m.*
November 15, 2018, 10 a.m.
December 20, 2018, 10 a.m.

*Denotes a meeting of the Agricultural Preservation Task Force
DATE: May 17, 2018
TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)
FROM: Megan Doyle, Clerk of the Board
SUBJECT: Fiscal Year 2018-2019 Work Plans for Commissions that report to HLUET

RECOMMENDED ACTION
Receive report from the Office of the Clerk of the Board relating to Fiscal Year 2018-2019 annual work plans for the following Commissions supported by the Office of the Clerk of the Board, and forward to the Board of Supervisors for approval.

  a. Airport Land Use Commission
  b. Airports Commission
  c. Animal Advisory Commission
  d. Fish and Game Commission
  e. Historical Heritage Commission
  f. Parks and Recreation Commission
  g. Planning Commission
  h. Roads Commission

FISCAL IMPLICATIONS
There is no fiscal impact regarding acceptance of the work plans. However, the work plans reflect activities that may have associated costs. Acceptance of the work plans does not imply authorization for such costs. Commissions will submit separate requests to the Board of Supervisors for authorization of any expenditures.

REASONS FOR RECOMMENDATION
On February 2, 1999, the Board of Supervisors approved the reporting structure for the advisory boards and commissions that receive clerical/administrative support from the Office of the Clerk of the Board of Supervisors. The Board of Supervisors directed that advisory boards and commissions submit annual work plans for each fiscal year through the appropriate board committee for review prior to submittal to the Board of Supervisors. At that time, it was determined that the Airport Land Use, Airports, Animal Advisory, Fish and
Game, Historical Heritage, Parks and Recreation, Planning, and Roads Commissions should report to the Housing, Land Use, Environment and Transportation Committee (HLUET) for review prior to forwarding to the Board of Supervisors for action.

**CHILD IMPACT**

The recommended action will have no/neutral impact on children and youth.

**SENIOR IMPACT**

The recommended action will have no/neutral impact on seniors.

**SUSTAINABILITY IMPACT**

The recommended action will have no/neutral sustainability implications.

**BACKGROUND**

A committee of Board Policy Aides and the Office of the Clerk of the Board developed a standard template for the work plans in 1999. The work plans are based on a fiscal year rather than a calendar year. The commissions were advised that work plans are to be completed and approved at a regular board or commission meeting no later than April 1 of each year. Development of Fiscal Year 2018-2019 work plans has been included on the commission agendas since January 2018.

<table>
<thead>
<tr>
<th>COMMISSION</th>
<th>DATE OF APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Land Use Commission</td>
<td>March 28, 2018</td>
</tr>
<tr>
<td>Airports Commission</td>
<td>April 3, 2018</td>
</tr>
<tr>
<td>Animal Advisory Commission</td>
<td>March 8, 2018</td>
</tr>
<tr>
<td>Fish and Game Commission</td>
<td>April 16, 2018</td>
</tr>
<tr>
<td>Historical Heritage Commission</td>
<td>April 19, 2018</td>
</tr>
<tr>
<td>Parks and Recreation Commission</td>
<td>March 7, 2018</td>
</tr>
<tr>
<td>Planning Commission</td>
<td>April 26, 2018</td>
</tr>
<tr>
<td>Roads Commission</td>
<td>March 12, 2018</td>
</tr>
</tbody>
</table>

The Office of the Clerk of the Board serves as the ex-officio secretary for the Commissions, and this transmittal is forwarded on their behalf.

**CONSEQUENCES OF NEGATIVE ACTION**

Advisory boards and commissions will not be in compliance with the Board of Supervisors' direction and will not have the opportunity to receive feedback and recommendations from the HLUET Committee prior to submitting the work plans to the Board of Supervisors.

**STEPS FOLLOWING APPROVAL**

The Deputy Clerk will notify the Commissions of the Committee action, comments, and recommendations, and the work plans will be forwarded to the Board for approval.
ATTACHMENTS:

- Airport Land Use Commission Fiscal Year 2018-2019 Work Plan (PDF)
- Airports Commission Fiscal Year 2018-2019 Work Plan (PDF)
- Animal Advisory Commission Fiscal Year 2018-2019 Work Plan (PDF)
- Fish and Game Commission Fiscal Year 2018-2019 Work Plan (PDF)
- Historical Heritage Commission Fiscal Year 2018-2019 Work Plan (PDF)
- Parks and Recreation Commission Fiscal Year 2018-2019 Work Plan (PDF)
- Planning Commission Fiscal Year 2018-2019 Work Plan (PDF)
- Roads Commission Fiscal Year 2018-2019 Work Plan (PDF)
COUNTY OF SANTA CLARA
AIRPORT LAND USE COMMISSION
FISCAL YEAR 2019 WORK PLAN
AND
FISCAL YEAR 2018 ACCOMPLISHMENTS

Commissioners
Walter Windus, Chairperson
Paul Donahue, Vice Chairperson
Diego Barragan
E. Ronald Blake
Ralph Britton
Greg Scharff
Glenn Hendricks

Proxy Commissioners
Carl Honaker
Jamil Shaikh
Keith Graham
Frank Sweeney
Jack Morton
Will Willoughby
Russ Melton
MISSION STATEMENT:
The purpose of the Airport Land Use Commission (ALUC) is to create and adopt plans and policies for development of areas surrounding public airports in Santa Clara County. It is also intended to minimize the public’s exposure to safety hazards and excessive noise and to ensure that the approaches to public airports are kept clear of structures that could pose an aviation safety hazard.

The ALUC has three primary responsibilities:
1. To prepare and adopt a Comprehensive Land Use Plan (CLUP) for areas surrounding public airports in Santa Clara County.
2. To review general and specific plans prepared by local agencies for consistency with the ALUC’s (CLUPs) for Santa Clara County Airports.
3. To review, if requested, proposed land use actions for areas surrounding public airports.

The purpose of the CLUP is to provide guidance for the compatible growth of areas surrounding public airports in Santa Clara County. The CLUP is intended to minimize the public’s exposure to safety hazards and excessive noise. In formulating the plan, the ALUC established policies for the regulation of land use, building height, safety, and noise insulation within areas adjacent to each of the public airports in the county. The jurisdiction of the ALUC does not include the operation of any airport in Santa Clara County. Future growth and activity at each of the airports is, however, considered in the ALUC’s Land Use Plans for purposes of determining appropriate land use policies.

Proposals for amendments to general or specific plans and either building or zoning regulations by local agencies must be submitted to the ALUC for a determination of consistency with its Comprehensive Land Use Plans (CLUPs) for Santa Clara County Airports. Airport master plans are also subject to review for consistency with the ALUC’s Comprehensive Land Use Plan (CLUP).

HISTORICAL BACKGROUND:
The Airport Land Use Commission was established in 1971 pursuant to Public Utilities Code Section 21670, which mandates the establishment of an airport land use commission by counties with an airport served by a scheduled airline. The ALUC developed the Land Use Plan (CLUP) as a policy plan and adopted the document in 1973. In order to simplify the 1973 text, to clarify points, and to ensure that current practice is documented in written form, the current plan was updated in 1992. Airport-specific CLUP’s have been adopted for Palo Alto, Reid Hillview, San Martin, Moffett Field and San Jose International Airports.
## FISCAL YEAR 2019 WORK PLAN
July 1, 2018 to June 30, 2019

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>PROPOSED ACTIVITIES</th>
<th>PRIORITY RANKING</th>
<th>TIMELINE FOR COMPLETION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluate referred land use applications and make determinations of consistency</td>
<td>A. Review within 60 days referrals from the Cities of San Jose, Santa Clara, Sunnyvale, Mountain View, Palo Alto and County of Santa Clara, involving proposed rezoning and general plan amendments for project sites/areas located within the ALUC’s referral boundaries.</td>
<td>1</td>
<td>FY 2018-19</td>
</tr>
<tr>
<td>with ALUC Land Use Plans CLUPs for Areas Surrounding Santa Clara County Airports,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>as required under PUC 21674 (a)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adopt amendments to ALUC Land Use Plans for Areas Surrounding Santa Clara County</td>
<td>A. Review options to review height and potentially amend CLUP height policies.</td>
<td>1</td>
<td>FY 2018-19</td>
</tr>
<tr>
<td>County Airports, per PUC 21674 (c) &amp; PUC 21675 (a)</td>
<td>B. Advocate to amend State Legislation to allow ALUC Staff to provide recommendations for DeMinimis projects.</td>
<td>2</td>
<td>FY 2018-19</td>
</tr>
<tr>
<td>C. Review and analyze the ALUC’s authority to draft a heliport specific CLUP for Valley Medical Center (VMC).</td>
<td></td>
<td>2</td>
<td>December 2018</td>
</tr>
<tr>
<td>D. If the Airport Obstruction Study (One Engine Inoperative), is adopted for buildings in the downtown area, by the City of San Jose, the ALUC would adopt the Study into the appropriate CLUP(s).</td>
<td></td>
<td>3</td>
<td>FY 2018-19</td>
</tr>
<tr>
<td>E. If necessary, schedule amendment of respective CLUP to be consistent with any Airport Master Plan Amendment following referral.</td>
<td></td>
<td>3</td>
<td>FY 2018-19</td>
</tr>
<tr>
<td>Coordinate with Cities within Santa Clara County</td>
<td>A. Engage with downtown development groups to ensure compliance with ALUC policies and procedures, or amend them.</td>
<td>1</td>
<td>FY 2018-19</td>
</tr>
<tr>
<td></td>
<td>B. Host webinars to train jurisdictional Staff on ALUC referral procedures and aviation policy (including Palo Alto).</td>
<td>1</td>
<td>FY 2018-19</td>
</tr>
<tr>
<td></td>
<td>C. Staff to attend Cities Association meeting to provide update on elected officials.</td>
<td>2</td>
<td>December 18</td>
</tr>
<tr>
<td>Monitor availability of Grant Funding</td>
<td>A. Monitor State and Federal Grant Funding that may become available and apply for grant funding as it becomes available.</td>
<td>1</td>
<td>FY 2019</td>
</tr>
<tr>
<td>Monitoring of ALUC Fee</td>
<td>A. Present fee options to the ALUC for adoption to enact a CLUP maintenance fee.</td>
<td>1</td>
<td>FY 2019</td>
</tr>
<tr>
<td></td>
<td>B. Present fee options to the ALUC to pay for Heliport specific CLUP preparation.</td>
<td>1</td>
<td>“</td>
</tr>
<tr>
<td></td>
<td>C. Make necessary fee adjustments to maintain cost recovery.</td>
<td>2</td>
<td>“</td>
</tr>
<tr>
<td>Review of Airport Master Plans per PUC 21674 (d) &amp; PUC 21676 (c)</td>
<td>A. Review any Airport Master Plans referred to the ALUC and ensure consistency with respective CLUP, and amend the CLUP if necessary.</td>
<td>1</td>
<td>FY 2019</td>
</tr>
<tr>
<td></td>
<td>B. If SJC Airport declares permanent closure of runway 11-29, amend SJC CLUP as appropriate.</td>
<td>2</td>
<td>FY 2019</td>
</tr>
<tr>
<td></td>
<td>C. Monitor Westside economic development proposals for possible Masterplan referral and amendment to the SJC CLUP.</td>
<td>3</td>
<td>FY 2019</td>
</tr>
</tbody>
</table>
## FISCAL YEAR 2018 ACCOMPLISHMENTS
### July 1, 2017 to June 30, 2018

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>ACTIVITIES SUPPORTING GOAL</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluate land use applications and make determinations of consistency with Land Use Plan for Areas Surrounding Santa Clara County Airports.</td>
<td>A. Acted on 23 (down 1 from prior FY) land use applications, which included 15 Major projects, three (3) Minor projects and five (5) De-minimis projects.</td>
<td>Complete</td>
</tr>
<tr>
<td>Adopt amendments to Land Use Plan for Areas Surrounding Santa Clara County Airports.</td>
<td>A. Adopted Fee Schedule for cost recovery.</td>
<td>Complete 12/17</td>
</tr>
<tr>
<td></td>
<td>B. Adopted county-wide policy for calculating density on Core and Shell development.</td>
<td>Complete 3/17</td>
</tr>
<tr>
<td></td>
<td>C. Established Avigation Easement streamlining process for Moffett Federal Airfield.</td>
<td>Complete mid FY 2018</td>
</tr>
<tr>
<td></td>
<td>D. Worked with the City of San Jose to provide alternatives to the Guadalupe Gardens soccer complex proposal.</td>
<td>Complete Jan-May 2017</td>
</tr>
<tr>
<td></td>
<td>E. Established policy with City of San Jose Planning staff for temporary projects in the Eastridge parking lot.</td>
<td>Complete September 2017</td>
</tr>
<tr>
<td></td>
<td>F. ALUC staff participated in two jurisdictional task forces for Specific Plans to implement aviation policy.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td>G. Staff invited to participate in CalTrans Division of Aeronautics Handbook update.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
## ONGOING PROJECTS

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hold regular Commission meetings and workshops.</td>
<td>Conduct regular business of the Commission, conduct joint meetings with other commissions and local organizations, conduct site visits to project referral locations within the Commission's jurisdiction and hold Commission Workshops when necessary.</td>
</tr>
<tr>
<td>Adopt amendments to all CLUPs to be consistent with Master Plans, as well as monitoring annually the accuracy of the 2009 cost recovery fee schedule and other items as required.</td>
<td>A. As Needed.</td>
</tr>
<tr>
<td>Coordinate with Cities within Santa Clara County.</td>
<td>A. Correspond and meet with Santa Clara County municipalities as needed to facilitate common goals relating to planning for appropriate land use for property surrounding the County's airports.</td>
</tr>
<tr>
<td>Educate jurisdictions and the public at large regarding what the ALUC is and what its duties are, as well as any major projects of regional importance.</td>
<td>A. Provide public presentations on what the ALUC is and current projects. Staff attended a Cities Association meeting and provided the Committee members with background to the ALUC and updated them on current projects. B. Staff to provide an ALUC update to Department of Planning and Development on current projects the ALUC was undertaking. C. Work with the City of East Palo Alto to adopt their portion of the Palo Alto CLUP within the Airport Influence Area.</td>
</tr>
<tr>
<td>Monitor State and Federal legislation relative to airport land use.</td>
<td>A. Pursue implementation of legislation and guidelines that foster ALUC plans and policies and provide more ALUC authority. Also, monitor any changes that affect the ALUC functions as a body.</td>
</tr>
<tr>
<td>Monitor cost recovery fee schedule.</td>
<td>A. Staff to evaluate fees received against cost and proposed appropriate amendments to maintain cost recovery goal.</td>
</tr>
</tbody>
</table>
COUNTY OF SANTA CLARA

Airports Commission

FISCAL YEAR 2018-2019 WORK PLAN

AND

2017-2018 ACCOMPLISHMENTS

Members
Keith Graham - Chairperson
Bud Beacham
E. Ronald Blake
John Carr
Paul Donahue – Vice Chairperson
Gregory Hobbs
Julia Miller
MISSION STATEMENT:

The Airports Commission is an advisory body to the Board of Supervisors. Its purpose is to provide policy guidance to the Board of Supervisors on the planning and operation of General Aviation airports operated by the County of Santa Clara; to provide a public forum for all parties interested in County airport planning and operations, and to establish effective working relationships with the various community and government organizations concerned with airport operations in Santa Clara County.

HISTORICAL BACKGROUND:

The Airports Commission was established by Ordinance No. NS-300.359 (County Ordinance Code Section A6-103 -- A6-111), adopted August 17, 1982 by the Board of Supervisors.
## FISCAL YEAR 2019 WORK PLAN

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>PROPOSED ACTIVITIES</th>
<th>PRIORITY RANKING</th>
<th>TIMELINE FOR COMPLETION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Monitor progress on County Airports business plan</td>
<td>- Impact on budget and operational concerns</td>
<td></td>
<td>2018</td>
</tr>
<tr>
<td>3. Monitor progress on revising “County of Santa Clara License Agreement for General Aviation Aircraft at County Airports: and “ County of Santa Clara Airport Rules and Regulations” documents</td>
<td>- Impact on budget and operational concerns</td>
<td></td>
<td>2018</td>
</tr>
<tr>
<td>4. Monitor progress on Solar Power projects at County Airports</td>
<td>- Impact on budget and operational concerns</td>
<td></td>
<td>2018</td>
</tr>
<tr>
<td>5. Monitor progress on removal of defunct and inoperable aircraft and equipment at County Airports</td>
<td>- Impact on budget and operational concerns</td>
<td></td>
<td>2018</td>
</tr>
</tbody>
</table>
# Prior Year Accomplishments

<table>
<thead>
<tr>
<th>Goal/Objective</th>
<th>Activities Supporting Goal</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Resurfacing efforts at County Airports</td>
<td></td>
<td>To be completed in 2018</td>
</tr>
<tr>
<td>2. Reduction in delinquent accounts</td>
<td></td>
<td>To continue through 2018</td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# ONGOING PROJECTS

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>ACTIVITIES</th>
</tr>
</thead>
</table>
| 1. Review; provide recommendations and follow-up as appropriate regarding various reports, studies, applications, and environmental reviews. | • Budget.  
• Environmental study review.  
• Lead studies (EPA).  
• Federal Aviation Administration (FAA) grant applications.  
• Staff reports. |
| 2. Continue to receive quarterly staff reports regarding operations and property management at the County Airports. | • Encourage enhancement and development of the airport.  
• Advise on issues such as occupancy status, property management policies and ongoing monitoring of revenue streams that are important to the long term viability of the airports system and enterprise fund. |
| 3. Strive to enhance communications with the airport staff and the Board of Supervisors on vital issues. | Vital issues include, but are not limited to:  
• Compatible planning for future economic development.  
• Noise abatement and pilot education programs.  
• Budget and financial issues.  
• Airspace plans and procedures.  
• FBO lease issues.  
• Airport security.  
• Solo energy generation. |
| 4. Monitor activity at other Bay Area airports (e.g. Moffett Field, MTC’s RAPC) | • Impact on Santa Clara County Airports. |
| 5. Monitor Bay Area Land Use Activities. | • Impact on Santa Clara County Airports. |
| 6. Receive and review bi-annual reports from the RHV air quality monitoring system | • Impact on local residential neighborhoods |
COUNTY OF SANTA CLARA

ANIMAL ADVISORY COMMISSION

FISCAL YEAR 2018-2019 WORK PLAN

AND

2017-2018 ACCOMPLISHMENTS

Members:

Sharon Clute
Chris Vigil
Sandra Peterson
Jerry Burge
Katherine Dettmer
Julia Lewis
MISSION STATEMENT:

To promote community awareness of responsible care, humane treatment and respect for ALL animals, through Trap-Neuter-Return and affordable spay/neuter pet population control programs, humane education and other endeavors, of which it will apprise and advise the Board of Supervisors.

HISTORICAL BACKGROUND:

The Animal Advisory Commission was established by Ordinance NS.300.393 on March 26, 1985. The Commission was established for the purpose of advising the Board of Supervisors on matters which relate to animal care, welfare and control. The powers and duties of the commission shall include: (a) to aid in coordinating and promoting pet population control measures; (b) to work with the county Office of Education on curriculum for humane education and responsible pet ownership/guardianship in the schools; (c) to investigate and find alternative ways of achieving an animal shelter at minimum cost to taxpayers; to make suggestions to the staff of the environmental management agency to strengthen the county animal control program; (e) to serve as an information and referral source on animals by working with the public and private animal welfare groups; (f) to educate the public about the seriousness of the animal control problem; (g) to advise the Board of Supervisors on any matters concerning animal control which may be referred to the Commission by the Board; and (h) to render to the Board of Supervisors at least once each calendar year a report or reports of its activities.
## FISCAL YEAR 2018-2019 WORK PLAN

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>PROPOSED ACTIVITIES</th>
<th>PRIORITY RANKING</th>
<th>TIMELINE FOR COMPLETION</th>
</tr>
</thead>
</table>
| 1. Monitor progress/status of proposed county shelter and adjust expectations as required. | - Review regular updates at bi-monthly meetings.  
- Contribute to additional requirements/needs to include funding/marketing methods if needed.  
- Make additional recommendations to the BOS where relevant.                                                                                                                                                                                   | 2                |                         |
| 2. Identify and develop methods to benefit county Animal Care and Control (ACC) Projects. | - Increase public awareness/involvement via social media.  
- Identify POCs and partner with cities in the county.  
- Take the lead in programs that benefit county wide programs.  
- Engage and work with rescue/non-profits when mutually beneficial.                                                                                                                                                                           | 3                |                         |
| 3. Create areas of opportunity to engage the public. | - Identify underserved areas of the community.  
- Utilize social media to seek public comment and involvement.  
- Assure all county residents are afforded the same considerations.                                                                                                                                                                              | 5                |                         |
| 4. Develop additional social media outreach | - Review social media channels currently in place  
- Identify areas of opportunity to increase outreach/feedback communications and promote animal activities.  
- Suggest methods to exploit underutilized communication channels.                                                                                                                                                                              | 4                |                         |
5. Review internal County Shelter/Animal Control (A.C.) policies.

- Reconcile the County ordinance and internal County Shelter/AC policies/procedures with State laws/regulations. Identify, review and evaluate internal County Shelter/AC policies and procedural steps.
- Draft proposed policies/procedures, changes or improvements to procedures/steps for implementation by County Shelter/AC for approval by County Board of Supervisors.
- Adjust Commission ordinance/by-laws as necessary to accommodate changes made to County/AC policies and procedures.
- Set a yearly review of Shelter/AC policies by the Commission.

2017-2018 ACCOMPLISHMENTS AND ONGOING PROJECTS

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>ACTIVITIES SUPPORTING GOAL</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ordinance/By law-Revision</td>
<td>Commissioner’s reviewed/discussed current by-laws that are agreeably outdated creating a chronic open position on the Commission. Requirements for appointed Commissioners and term limit allowances were drafted and sent to County Counsel/BOS for review and approval.</td>
<td>Pending update to revision by the Commission and County Counsel and BOS approval.</td>
</tr>
<tr>
<td>2. New County Shelter project</td>
<td>Held additional working meetings where Commissioners took under consideration two HLUET studies on constructing a new county animal shelter resulting in a strong recommendation to the BOS for approval. Continuing to monitor shelter community information meetings as well as taking public comment at Commission meetings to provide feedback and input to the Board of Supervisor.</td>
<td>Approved by BOS at February 7, 2016 BOS meeting. Pending FY17-18 budget line item approval.</td>
</tr>
</tbody>
</table>
COUNTY OF SANTA CLARA
FISH AND GAME COMMISSION
FISCAL YEAR 2018-2019 WORK PLAN
AND
2017-2018 ACCOMPLISHMENTS

Members:
Joseph Chavez
Vincent Falcone
Mark Grisedale
Howard Hall
Claire Elliott
MISSION STATEMENT:

It is the mission of the Santa Clara County Fish and Game Commission to protect, restore and enhance fish and wildlife resources in Santa Clara County. The Commission considers healthy, natural ecosystems the ideal. Where this is not always possible, the Commission seeks to minimize the effect human intervention while still supporting the goals of protection, enhancement, and restoration of fish and wildlife to the fullest extent. Activities of the Commission will be governed by State Fish & Game Code.

To accomplish this mission, the Commission will support the following to the best of its abilities:

- Support the Federal and State agencies regarding the preservation, conservation or enhancement of fish and game resources.
- Support educational programs related to wildlife resources.
- Support projects that will enhance or protect fish and wildlife resources.

HISTORICAL BACKGROUND:

The Fish and Game Commission was established by the Board of Supervisors in accordance with Santa Clara County Ordinance NS-300.43, adopted April 18, 1960, last amended by Santa Clara County Ordinance NS-300.518 on April 27, 1993. The duty of the Commission shall be to investigate all requests for the expending of the monies in the County Fish and Game Propagation Fund per State Fish and Game Code Sections 13100-13103 and make written recommendations to the Board of Supervisors regarding expenditures. Requests may be initiated by members of the Commission or by any member of the public. Any investigation shall be for the purpose of determining whether the expenditure is in the interest of the propagation and conservation of fish and game within the County.

The Commission is composed of five members appointed by the Board of Supervisors. Each member shall be familiar with fish and game problems within the County of Santa Clara. Term for each member shall be four years.
### FISCAL YEAR 2018-2019 WORK PLAN

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>PROPOSED ACTIVITIES</th>
<th>PRIORITY RANKING</th>
<th>TIMELINE FOR COMPLETION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Provide guidance to the Board regarding fish and game matters that affect the resources of Santa Clara County.</td>
<td>Advise the Board on matters related to fish and game resources; including advocating for hiring Fish and Game Wardens, within the county or that may affect the county.</td>
<td>1</td>
<td>Ongoing</td>
</tr>
<tr>
<td>2. Recommend expenditures from the Fish and Game Preservation fund to support education, conservation and preservation of wildlife resources within the county</td>
<td>Projects will be considered based on proposals submitted to the Commission.</td>
<td>2</td>
<td>Ongoing</td>
</tr>
<tr>
<td>3. Seek state and federal funding to remedy problems related to threatened or endangered species in Santa Clara County and improve overall fish and game resources.</td>
<td>The Commission, from time to time, may recommend that the Board address a letter to a state or federal agency requesting funds.</td>
<td>3</td>
<td>Ongoing</td>
</tr>
<tr>
<td>4. Advise the Board on state or federal issues that may affect fish and game resources in general.</td>
<td>The Commission, from time to time, may request that the Board address a letter to a state or federal agency to express a policy view on a particular topic.</td>
<td>4</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
## PRIOR YEAR ACCOMPLISHMENTS FY2017-2018

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Closed two funding requests from 2014 for the Santa Clara Valley Audubon Society and California Department of Fish and Game Deer Herd Management Plan Implementation Program after no reply from several e-mails sent to the organizations by Deputy Clerk.</td>
<td>Closed requests.</td>
</tr>
<tr>
<td>2. Approved funding Guadalupe River Park Conservancy to underwrite program and transportation costs of watershed field trips for Title One schools.</td>
<td>Guadalupe River Park Conservancy presented to the Commission on June 19, 2017. Commission approved funding, check sent to GRPC from COB in October 2017.</td>
</tr>
</tbody>
</table>
COUNTY OF SANTA CLARA

HISTORICAL HERITAGE COMMISSION

FISCAL YEAR 2019 WORK PLAN

AND

FISCAL YEAR 2018 ACCOMPLISHMENTS

Christopher Manning, Chair
Darek Przygoda, Vice Chair
April Halberstadt
Jennifer Tate
Sue McAllister
Martin Reinders
MISSION STATEMENT:

To advise the Board of Supervisors in the preservation and promotion of the historical and cultural assets of Santa Clara County. To advise the Board of Supervisors in matters related to the National Historic Preservation Act of 1966 (as amended) and to make recommendations regarding districts, sites, buildings, structures and objects worthy of official designation of “historic properties”.

HISTORICAL BACKGROUND:

A Historical Advisory Committee for the County of Santa Clara existed in the 1960s. The National Historic Preservation Act (NHPA: Public Law 89-665:16 U.S.C. 470 et seq) was created in 1966 to preserve historical and archeological sites in America. This legislation was followed by similar statues on the state and local levels.

The Santa Clara County Historical Heritage Commission was established on March 20, 1973 by County Ordinance Code, which prescribes the Commission’s purpose, goals and tasks. On October 17, 2006 the ordinance was updated to reflect the duties of the Commission as they have evolved since the 1970s (Division C17).
## FISCAL YEAR 2019 WORK PLAN (July 1, 2018 through June 30, 2019)

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>PROPOSED ACTIVITIES</th>
<th>PRIORITY RANKING</th>
<th>TIMELINE FOR COMPLETION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage the identification, preservation and rehabilitation of historic resources</td>
<td>Evaluate applications for Historical Heritage Grant Program, consider applicant presentations on project proposals, conduct site visits, and provide funding recommendations to the Board of Supervisors.</td>
<td>1</td>
<td>November 2018</td>
</tr>
<tr>
<td>Maintain a professional, active and educated historic preservation commission for Santa Clara County</td>
<td>Fulfill Certified Local Government requirements by participating in one or more Commissioner workshops / training sessions.</td>
<td>1</td>
<td>June 2019</td>
</tr>
<tr>
<td>Identify, protect, preserve and enhance historic resources</td>
<td>Evaluate and recommend the designation of eligible properties as landmarks to the Board of Supervisors when landmark applications are initiated by property owners. With increased funding, the Commission could start to proactively survey and identify eligible properties rather than waiting for referrals from property owners.</td>
<td>1</td>
<td>ongoing</td>
</tr>
<tr>
<td></td>
<td>Continue to update and maintain the list of County-owned structures with historical significance. Identify, inventory and monitor County-owned historic structures in need of immediate preservation/rehabilitation or restoration.</td>
<td>1</td>
<td>ongoing</td>
</tr>
<tr>
<td></td>
<td>Coordinate with the Santa Clara County Parks and Recreation Department and with the Parks and Recreations Commission to preserve historic structures within County parklands.</td>
<td>2</td>
<td>ongoing</td>
</tr>
<tr>
<td>PROJECT</td>
<td>ACTIVITIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advise the Board on matters of County history and the preservation of</td>
<td>Respond to inquiries from the Board of Supervisors, Department of Planning and Development, Parks and Recreation Department, or other departments as appropriate regarding County history and historic preservation issues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>historic resources</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mills Act Contracts</td>
<td>Consider Mills Act applications as received and make recommendations to the Board.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outreach and Public Relations</td>
<td>Support an active and creative program of public education, maintain and enhance historic preservation web page and develop brochures and other publications related to County history, historic preservation and the Commission, and provide recommendations for County-related historic displays.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support County Archives</td>
<td>Provide a Commission member liaison as requested to participate in the County Archives Committee meetings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Unused Structures Inventory</td>
<td>Provide recommendations to Parks and Recreation Department on documentation of unused structures on County Parklands and treatment of historic resources on County Parklands.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# FISCAL YEAR 2018 ACCOMPLISHMENTS (July 1, 2017 through June 30, 2018)

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>ACTIVITIES SUPPORTING GOAL</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage, through public and private action and collaboration with other organizations, the maintenance and rehabilitation of historic resources</td>
<td>Evaluated applications for Historical Heritage Grant Program (HHGP) and provided funding recommendations to the Board.</td>
<td>Completed January 18, 2018</td>
</tr>
<tr>
<td>Maintain a professional, active and educated historic preservation commission for Santa Clara County</td>
<td>Submittal of Certified Local Government (CLG) Annual Report</td>
<td>April 20, 2018</td>
</tr>
<tr>
<td></td>
<td>Discussed requirements to maintain CLG certification</td>
<td>April 20, 2018</td>
</tr>
<tr>
<td>Identify, protect, preserve and enhance historic resources.</td>
<td>Recommend to the Board of Supervisors the designation of landmark-eligible properties as initiated by property owners.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td>Prepare a list of County-owned Landmarks and identify those in need of immediate preservation/rehabilitation or restoration efforts and forward recommendations to the Board of Supervisors.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td>Identify and recommend updates to historic context statement (per Office of Historic Preservation Guidelines for Historic Context Statement) for Santa Clara County and forward recommendations to the Board of Supervisors.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Promote public knowledge, participation, understanding and appreciation of Santa Clara County’s rich history and sense of place.</td>
<td>Support Historic Preservation Month activities to raise awareness of historic preservation.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td>Grant recipients of the Historical Heritage Grant Program presented to the Commission, the successful completion of restoration / preservation works to historic resources in the Santa Clara Valley.</td>
<td>(FY 2018, completed)</td>
</tr>
</tbody>
</table>
COUNTY OF SANTA CLARA

PARKS AND RECREATION COMMISSION (PRC)

FISCAL YEAR 2019 WORK-PLAN

AND

FISCAL YEAR 2018 ACCOMPLISHMENTS

GREG WEST – CHAIR
JOHN GIBBS – VICE CHAIR
DAN MCCORQUODALE
STEVE MUNZEL
ANN WALTONSMITH
CHRIS KANGAS
VACANT
PRC MISSION STATEMENT:

To advocate, advise, consent, make recommendations to the Board of Supervisors (BOS), and represent the community for the purpose of protecting and preserving regional parklands for the enjoyment, education, and inspiration of this and future generations.

PRC HISTORICAL BACKGROUND:

The BOS established the Parks Commission on August 29, 1956 in accordance with the Santa Clara County Ordinance NS-300.10. The PRC is composed of seven (7) members appointed by the BOS, one from each supervisorial district and two at-large appointees. The term of each member is four years.

The PRC provides an open forum for the public input regarding the land use and recreational opportunities. It also serves as a liaison between the Parks and Recreation Department and the BOS.

Over the years the PRC has acted in an advisory capacity to the BOS in promoting, adding, planning, and developing public parklands. Additionally, the PRC has made recommendations to the BOS on the acquisition, planning, and development of recreation areas and facilities such as, picnic areas, campsites, and trails.

Members of the PRC participate in several ad-hoc committees with focus areas relating to park naming, marketing, funding, acquisition, trails, and master plans. Commissioners are active in serving as liaisons between the Parks and Recreation Department and several public agencies.
# Fiscal Year 2019 Work Plan

<table>
<thead>
<tr>
<th>Goal/Objective</th>
<th>Proposed Activities</th>
<th>Priority Ranking</th>
<th>Timeline for Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Improvement Program (CIP) budget review</td>
<td>To review, consider and endorse recommend CIP budget for FY 2018.</td>
<td>High (1)</td>
<td>Early spring 2018</td>
</tr>
<tr>
<td>Strategic Plan update</td>
<td>Update the Strategic Plan</td>
<td>High (1)</td>
<td>Spring 2018</td>
</tr>
<tr>
<td>Planning projects: (Master Plans, Conceptual Plans, Site Plans, Trail Plans...)</td>
<td>To review, consider and provide input on key milestones in planning projects that have undergone a public review and input process. These milestones include Draft Program Document, Preferred Alternatives, Draft Park Plan, and Final Plan (i.e. Master Plan, Trails Master Plan, Natural Resources Management Plan, Park Use Plan, etc.) Future work plan items for the Commission’s review and input include:</td>
<td>Normal (3)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>* Coyote Highlands-Coyote Canyon Plan</td>
<td>Normal (3)</td>
<td>Summer 2018</td>
</tr>
<tr>
<td></td>
<td>* Park Sign Plan</td>
<td>Normal (3)</td>
<td>Spring 2018</td>
</tr>
<tr>
<td></td>
<td>* Sanborn County Park Master Plan</td>
<td>Normal (3)</td>
<td>Fall 2018</td>
</tr>
</tbody>
</table>
## PRIOR YEAR (FY 2018) ACCOMPLISHMENTS

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>ACTIVITIES SUPPORTING GOAL</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Improvement Program (CIP) budget review</td>
<td>PRC reviewed, considered, and endorsed recommended CIP budget for final Department’s inclusion in the FY 2019 budget approved by the BOS in June 2018.</td>
<td>Completed</td>
</tr>
<tr>
<td>Master Plans, Trails Master Plans, (Feasibility) Studies or Study reports updates</td>
<td>PRC reviewed and considered the following: 1. Recommendations relating to the Department’s proposed fee schedule, February 1, 2017. 2. Renaming of Calero Trail to Lisa Killough Trail at Calero County park, February 1, 2017. 3. Review report on the Ranger Program focusing on the visitor experiences that Rangers support, provide or enhance, April 5, 2017. 4. Review Sanborn County Park Master Plan, April 5, 2017. 5. Strategic Plan Update, February 1, March 1, June 7, August 2, November 1, 2017. 6. Accept Mt. Madonna Park Use Master Plan and forward a favorable recommendation to HLUET and BOS for final approval, May 3, 2017. 7. Receive report from Parks and Recreation Department relating to 2017 Storm Damage, June 7, 2017.</td>
<td>Completed</td>
</tr>
</tbody>
</table>
## Ongoing Projects

<table>
<thead>
<tr>
<th>Goal/Objective</th>
<th>Activities Supporting Goal</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard report review</td>
<td>PRC reviewed the following reports:</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td>1. Environmental impact updates</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Revenue updates</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Special events status updates</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Summary of BOS actions related to Parks and Recreation Department</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Legislative updates</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Oral reports from the Director of Parks and Recreation Department</td>
<td></td>
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<tr>
<td></td>
<td>7. Oral agency and community liaison updates</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. Oral committee updates</td>
<td></td>
</tr>
<tr>
<td>Public recognitions</td>
<td>Staff and/or Commission public recognition of volunteer groups, members of the public, or staff</td>
<td></td>
</tr>
<tr>
<td></td>
<td>for outstanding service and contribution.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
COUNTY OF SANTA CLARA
Planning Commission

Work Plan for Fiscal Year 2019
(July 1, 2018 to June 30, 2019)

and

Accomplishments for Fiscal Year 2018
(July 1, 2017 to June 30, 2018)

Commissioners:

Debra Cauble, Chairperson
Kathy Schmidt, Vice Chairperson
Aimee Escobar
Scott Lefaver
Vicki Moore
Marc Rauser
Aaron Resendez
MISSION STATEMENT:

The Santa Clara County Planning Commission is a seven-member body of community representatives appointed by the Board of Supervisors. It is the primary decision-making authority for certain development applications, and it advises the Board of Supervisors on various land-use policy matters.

HISTORICAL BACKGROUND:

State law and local ordinance prescribe the roles and responsibilities of the Planning Commission. In general, state law defines a planning commission as a committee appointed by the elected legislative body (Board of Supervisors) to review matters related to planning and development and as a general advisory body on land use planning. Santa Clara County ordinances together with applicable provisions of state planning law define the roles and responsibilities of the commission as follows:

- Hold public hearings and make recommendations to the Board of Supervisors regarding proposals to adopt or amend the General Plan and Zoning Ordinance, adoption or amendment of specific plans, change of zoning district, major subdivisions.
- Serve as decision-making authority for conditional use permits and cluster permits.
- Serve as hearing body for appeals of decisions of the Planning Director, the Architecture and Site Approval Committee (abolished as of January 2017), and the Zoning Administrator.
- Provide Zoning Ordinance interpretations.
- One member served as Chair of the Architecture and Site Approval Committee on a rotational basis until this Committee was abolished in January 2017.
- One member serves as ongoing Chair of the San Martin Planning Advisory Committee (typically that member appointed by the District Supervisor to represent South County) and serves on the South County Joint Planning Advisory Committee.
- One member of the Planning Commission serves on the Cordevalle Golf Course Board of Directors.
FISCAL YEAR 2019 WORK PLAN

- Schedule, notice, and conduct monthly meetings (usually held on the 4th Thursday of each month), for the purpose of carrying out the roles and responsibilities described within this Work Plan.

- Conduct workshops, open to the public, (generally on the day of each regularly scheduled monthly meeting) for the purpose of studying, evaluating, and facilitating decision-making regarding items scheduled for public hearings, or with relevance to land use. These workshops serve to educate the Planning Commissioners about County planning policies, legal requirements, department procedures, and work programs. Workshop topics may include the following and other topics as suggested throughout the year.

  - Stanford Community Plan and General Use Permit
  - Tree Ordinance
  - Housing Element Implementation Annual Report and Farmworker Housing
  - Recreational Vehicles (RV) Parks
  - Valley Agricultural Plan, Southern Santa Clara County
  - CEQA/Legislative updates
  - Water quality standards in San Martin
  - Ground Water Quality as related to Cemeteries

- Attend the APA California Conference in October 2018 in San Diego
FISCAL YEAR 2018 ACCOMPLISHMENTS

Forwarded to the Board of Supervisors recommendations on the following:

- San Martin Planning Advisory Committee (SMPAC) Bylaws and related Ordinance Code Amendments.
- Public hearing to consider amendments to County of Santa Clara Zoning Ordinance Section 1.20.060, Zoning Maps, relating to rezoning rural properties with urban residential base districts from R1 to RR for parcels located in the Santa Teresa Hills and from R1E to HS for parcels in the east San Jose hills.
- County of Santa Clara – Zoning Ordinance Amendments to implement Government Code Section 65852.2 Accessory Dwelling Units w/pipeline policy.
- County of Santa Clara – Zoning Ordinance Code Amendment and General Plan relating to allowable uses and minimum lot size requirements for the Roadside Service Land Use Designation and RS, Roadside Services Zoning District.
- County of Santa Clara - Zoning Ordinance amendments relating to the enactment of the proposed -sm San Martin Use Permit Areas Combining Zoning District, including amendments to Chapter 2.20 regarding Emergency Shelters, and amendments to the Official Zoning Maps to rezone parcels within the Use Permit Areas to apply the -sm combining zone and change the base zoning district from A1 to RR.
- County of Santa Clara - Zoning Ordinance amendments to Chapter 2.50 relating to an addition of a Special Conservation Area (SCA) Zoning District and amendments to the Official Zoning Maps to change the base zoning of the subject area from A1 to SCA for parts of Stanford University lands.
- County of Santa Clara – Zoning Ordinance amendments to modify definitions, use classifications, and permitting requirements for Wireless Telecommunications Facilities to conform to applicable federal and state laws.

Accepted required status reports for the following approved uses:

- Considered a 6-month follow-up status report regarding Stevens Creek Quarry, as directed by the Planning Commission at its April 2016 hearing.
- Received report from Planning Office relating to proposed adoption of the State Model Water Efficiency Ordinance.
- Received Annual Report #16 relating to Stanford University General Use Permit conditions of approval compliance for reporting period September 1, 2015 through August 31, 2016.
- Received Annual Status Report No. 5 for the period July 1, 2016 to June 30, 2017 regarding compliance by Lehigh Southwest Cement Company with the 2012 Reclamation Plan Amendment conditions of approval, Mitigation Monitoring and Reporting Program (MMRP), annual SMARA inspections and financial assurance cost estimates for Permanente Quarry.
• Received report regarding Wireless Telecommunication Zoning Updates.
• Received Annual status report, for calendar year 2016, regarding compliance with conditions of approval of the Stevens Creek Quarry Use Permit.
• Received status report for November 1, 2016 through November 1, 2017 regarding condition compliance for the Nestldown Ranch Use Permit.

Decided Appeals of decisions of the Zoning Administrator and ASA Committee:
• Considered an appeal of the Architecture and Site Approval (ASA) Committee decision to grant Building Site Approval with Architectural Review (BA), Variance, Design Review Exemption and Grading to construct a single-family residence on December 1, 2016. File: 4167-16APL; Appellant: Bruce Bowen; Owner: Margaret Pham and Lucas Nguyen.
• Considered an appeal of the zoning administrator's action on June 7, 2016 regarding variance to reduce front yard setback from 20 feet to 11 feet for proposed single-family residence. Appellant: Kenji and Juliet Morita; Owner/Applicant: John Lipka.
• Considered an appeal of issuance of a Grading Official's decision to issue a Grading Permit for work associated with a single-family residential development. File 10212-17APL; Appellant: Cliff Reader; Owner/Applicant: Jamal Laique; Property Address/Location: 14900 Pierce Road, Saratoga; General Plan: Hillsides; Zoning: HS-d1; Supervisorial District: 5; Assessor's Parcel Number 503-45-008.

Decided and made environmental determinations for the following land use projects:
• Adopted addendum to previously adopted Negative Declaration and granted modified Use Permit and ASA. Operation Freedom Paws.
• Considered a Lot Line Adjustment of two lots at 22045 and 22065 Old Santa Cruz Highway. Owner: James L. Beck.
• Considered Antiochian Orthodox Church (of the Redeemer) Modification of Use Permit and ASA and Grading to allow expansion of a religious institution, including a new school and preliminary grading for associated earthwork.
• Public hearing to consider 1) an amendment to the Stanford 2000 General Use Permit (GUP) to reallocate 115,000 square feet of academic square footage from the East Campus Development District to the Quarry District; 2) Architecture and Site Approval (ASA); and, 3) Grading Approval, related to a new approximately 155,000 square foot, 60-foot high academic building (Center for Academic Medicine (CAM)).
• Receive public comment on the Stanford 2018 General Use Permit Draft Environmental Impact Report EIR.
• Public hearing to consider modification to conditions of approval of the Lexington Quarry Use Permit related to turbidity monitoring.

Convened Workshops and Training regarding the following topics:
• Receive report and presentation regarding San Martin Planning and Land Use policies and history.
• Accept presentation by Open Space Authority staff regarding the purpose and activities of the Santa Clara County Open Space Authority.
• Provide an update to the Planning Commission related to the Climate and Agriculture Preservation Program (CAPP).
Attended the following conferences:

- American Planning Association California Conference in September 2017 (Sacramento, California)
COUNTY OF SANTA CLARA  
ROADS COMMISSION  
FISCAL YEAR 2018-2019 WORK PLAN

Members

Herman Wadler, Chairperson  
Barinder Ahluwalia, Commissioner  
Peter Hertan, Commissioner  
Vacant Seat  
Doug Muirhead, Vice Chairperson  
Lorena Cholula, Commissioner  
Mila Zelkha, Commissioner
MISSION STATEMENT:

The purpose of the Santa Clara County Roads Commission is to give advice and make recommendations to the Board of Supervisors on matters generally relating to the planning, policy, and funding of our County’s transportation network, and such other matters as directed by the Board. This includes motor vehicle, pedestrian, bicycle, and transit uses of County expressways and roads as well as efforts to promote city-county-VTA cooperation on traffic issues.

HISTORICAL BACKGROUND:

After the dissolution of the Santa Clara County Transportation Commission, which dealt with all transportation matters including an advisory role on Road Fund issues, the Board of Supervisors in April of 1995 passed an ordinance establishing a citizen’s Roads Commission to advise the Board of Supervisors on matters pertaining to the County’s expressways and roads. County owned roads have generally been considered as being in one of three groups: expressways, rural commuter and intra-county connectors, and local county roads. The Roads Commission has been involved with developing a vision, plans and funding for these facilities that will best serve the public’s needs both now and in the future.

To address the Roads Commission’s most immediate concerns over effectiveness of our expressway system, the Roads Commission lobbied to initiate, then participated in a Comprehensive Expressway Study guided by a Policy Advisory Board. The study’s findings and recommendations were approved by the Board of Supervisors in 2003. A fifth year update of this expressway study was completed in 2008. Its tenth-year update, Expressway Plan 2040 was initiated in October 2013. The Roads Commission has two ex-officio members on the Expressway Plan 2040 Policy Advisory Board, which meets according to the schedule developed for the update of the Expressway plan. At this time, there is no upcoming update planned for the Expressway Plan 2040 after the 2017 Update.

WORKPLAN PURPOSE:

Plans for land use and transportation within Santa Clara County, neighboring Counties, and Counties within the general commute-shed of Santa Clara County are of interest to the Roads Commission because of their interrelation to the multi-modal travel behavior of County citizens, and commuters into the County. This includes city General Plans within the borders of Santa Clara County, and the Counties of Alameda, Merced, Monterey, San Benito, Santa Cruz, San Mateo and Stanislaus. The purpose of this work plan is to develop a basis for providing recommendations on County transportation issues and policies to the Board of Supervisors and/or other committees drawing on a series of influential goals/objectives.

Acronym Key

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BEP</td>
<td>Bicycle Expenditure Plan</td>
</tr>
<tr>
<td>BOS</td>
<td>Board of Supervisors</td>
</tr>
<tr>
<td>BPAC</td>
<td>Bicycle Pedestrian Advisory Committee</td>
</tr>
<tr>
<td>C&amp;M</td>
<td>Circulation and Mobility</td>
</tr>
<tr>
<td>EIR</td>
<td>Environmental Impact Report</td>
</tr>
<tr>
<td>FY</td>
<td>Fiscal Year</td>
</tr>
<tr>
<td>HLUET</td>
<td>Housing, Land Use, Environment and Transportation</td>
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<tr>
<td>LOS</td>
<td>Level of Service</td>
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<tr>
<td>PAB</td>
<td>Policy Advisory Board</td>
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<tr>
<td>TDA</td>
<td>Transportation Development Act</td>
</tr>
<tr>
<td>VTA</td>
<td>Valley Transportation Authority</td>
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<tr>
<td>VTP</td>
<td>Valley Transportation Plan</td>
</tr>
<tr>
<td>GOAL/OBJECTIVE</td>
<td>PROPOSED ACTIVITIES</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>1. Technology and Safety</td>
<td>New Commissioner Orientation</td>
</tr>
<tr>
<td></td>
<td>Annual Transportation Systems Monitoring Report (VTA)</td>
</tr>
<tr>
<td></td>
<td>County Roads Operational Safety Report</td>
</tr>
<tr>
<td></td>
<td>County Deployment of Bicycle/Ped Detection (camera sensing technology)</td>
</tr>
<tr>
<td></td>
<td>Crossroads Safety/Vision Zero Progress in the County</td>
</tr>
<tr>
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<td>Signal Implementation and County ITS Investment</td>
</tr>
<tr>
<td>2. Autonomous Vehicles (AVs)</td>
<td>Introduction to Autonomous Vehicles</td>
</tr>
<tr>
<td></td>
<td>Current Regulatory Environment for Autonomous Vehicles</td>
</tr>
<tr>
<td></td>
<td>AVs in Santa Clara County/Bay Area</td>
</tr>
<tr>
<td>3. Planning</td>
<td>Significant EIRs/ VTA Development Review</td>
</tr>
<tr>
<td></td>
<td>High Speed Rail updates</td>
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<tr>
<td></td>
<td>Legislative Updates as they pertain to County issues</td>
</tr>
<tr>
<td></td>
<td>SB 743 (Vehicle Miles Travelled – Level of Service Transition)</td>
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<tr>
<td></td>
<td>Expressway Plan 2040</td>
</tr>
<tr>
<td></td>
<td>General Plan Circulation &amp; Mobility Element</td>
</tr>
<tr>
<td></td>
<td>MTC planning issues of regional impact</td>
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<td></td>
<td>County Emergency Response/Evacuation</td>
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<td></td>
<td>Road Usage Fees</td>
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<td></td>
<td>Countywide Bicycle Plan Update</td>
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<tr>
<td>4. Funding</td>
<td>2016 Measure B Implementation</td>
</tr>
<tr>
<td></td>
<td>State gas tax/other fees for operations &amp; maintenance (SB 1)</td>
</tr>
<tr>
<td></td>
<td>Grant Progress and Review</td>
</tr>
<tr>
<td></td>
<td>Discussion of Road Charge/Road Usage-Fee programs</td>
</tr>
<tr>
<td></td>
<td>Roads and Airports Department Budget</td>
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<tr>
<td>5. Operations/ Maintenance</td>
<td>Expressway LOS Report (Spring every odd year)</td>
</tr>
<tr>
<td></td>
<td>Pavement Maintenance Program</td>
</tr>
<tr>
<td>6. Outreach</td>
<td>Open Houses/Community Events related to transportation projects</td>
</tr>
<tr>
<td></td>
<td>Outreach with Supervisor aides</td>
</tr>
<tr>
<td>7. Administrative</td>
<td>Revise bylaws regarding standing committees, appointing chair, etc</td>
</tr>
</tbody>
</table>
## PRIOR YEAR (2017-2018) ACCOMPLISHMENTS

<table>
<thead>
<tr>
<th>GOAL/OBJECTIVE</th>
<th>ACTIVITIES SUPPORTING GOAL</th>
<th>STATUS</th>
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<tr>
<td>Advocacy (1), Planning (2), Efficiency (2), Response (3), Commission Stature (4)</td>
<td>New Roads Commission members</td>
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<tr>
<td>Advocacy (1), Funding (1), Planning (2), Efficiency (2), Response (3), Commission Stature (4)</td>
<td>C&amp;M Element/Plan</td>
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<td>HLUET</td>
<td></td>
</tr>
<tr>
<td>Advocacy (1), Funding (1), Efficiency (2), Response (3), Reorganization (3), Commission Stature (4)</td>
<td>Review agendas &amp; list other recommendations to BOS/ HLUET</td>
<td></td>
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<tr>
<td>Advocacy (1), Funding (1), Efficiency (2), Response (3), Reorganization (3), Commission Stature (4)</td>
<td>2016-18 Roads Maintenance Plan/ List</td>
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<tr>
<td>Advocacy (1), Funding (1), Efficiency (2), Response (3), Reorganization (3), Commission Stature (4)</td>
<td>Grants Report</td>
<td></td>
</tr>
<tr>
<td>Advocacy (1), Funding (1), Efficiency (2), Response (3), Reorganization (3), Commission Stature (4)</td>
<td>Legislative Policies &amp; Priorities Report</td>
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</table>
**ONGOING PROJECTS**

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orientation</td>
<td>Group or individual</td>
</tr>
<tr>
<td>BPAC</td>
<td>Attend BPAC meetings and report back to Roads Commission</td>
</tr>
<tr>
<td>Expressway Planning</td>
<td>PAB membership/ attendance and report back to Roads Commission</td>
</tr>
<tr>
<td>BOS/ HLUET Agenda Items</td>
<td>Roads Commission motions directed to BOS via HLUET</td>
</tr>
<tr>
<td>Grants</td>
<td>Review upcoming grant pursuits.</td>
</tr>
<tr>
<td>Annual Pavement Maintenance Plan</td>
<td>Review and comment</td>
</tr>
<tr>
<td>2016 Measure B Program Implementation</td>
<td>Attend stakeholder meetings and report back to Roads Commission</td>
</tr>
<tr>
<td>Legislative Priorities</td>
<td>Advocacy</td>
</tr>
<tr>
<td>General Plan (C &amp; M) and Roads Master Plan</td>
<td>Advocacy</td>
</tr>
<tr>
<td>Upcoming Roads Department Budget</td>
<td>Review</td>
</tr>
</tbody>
</table>
DATE:       May 17, 2018
TO:         Housing, Land Use, Environment, and Transportation Committee (HLUET)
FROM:       Ky Le, Director, Office of Supportive Housing
SUBJECT:    Supportive Housing Reports

RECOMMENDED ACTION
Consider recommendations relating to Supportive Housing System of Care reports.
Possible action:
   a. Receive monthly report relating to Supportive Housing System Dashboard.
   b. Receive semi-annual report relating to Veterans Housing Programs.
   c. Receive annual report relating to the State of the Supportive Housing System.

FISCAL IMPLICATIONS
There are no fiscal implications associated with this informational report.

REASONS FOR RECOMMENDATION
At its meeting on January 12, 2016, the Board of Supervisors directed the Administration to provide the Board with recurring reports or “dashboards” about the capacity and effectiveness of the supportive housing system for homeless individuals and families. The purpose of the reports is to communicate the impact of the County’s and the community’s investment in solutions to prevent and end homelessness. On October 19, 2017 the Housing, Land Use, Environment, and Transportation Committee (HLUET) approved a monthly reporting schedule that includes a Supportive Housing System Dashboard and a semi-annual program type or subpopulation report or annual system report.

Attached are the following reports:
   • Supportive Housing System Dashboard (Attachment A)
   • Veterans Housing Programs Report (Attachment B)
Ending Homelessness – The State of the Supportive Housing System in Santa Clara County – 2017 (Attachment C)

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

The supportive housing system includes Permanent Supportive Housing programs (PSH), Rapid Rehousing programs (RRH), Homelessness Prevention programs (HP) and a Crisis Response system of outreach services, emergency shelter and transitional housing. The backbone to the system of care is a coordinated entry system with a robust Homeless Management Information System (HMIS) and dedicated staff to support performance management, compliance with federal grants and system planning.

This report describes the type, content of and frequency of reports that the Office of Supportive Housing (OSH) would provide to the Board.

Types of Reports

- Supportive Housing System Report – This report describes the overall supportive housing system of care. The report’s primary function is to communicate whether all of the different program types are contributing to an overall reduction in homelessness. For example, the report describes housing placement rates across all programs.

- System Component Reports – The OSH provides four reports, one each for PSH, RRH, HP and Crisis Response strategies. The primary purpose of these reports is to summarize the effectiveness of all programs under each strategy.

- Sub-Population Reports – The OSH provides reports for certain sub-populations. Currently, the only sub-population scheduled for ongoing reporting is homeless veterans. This report provides the Board with a summary of the community’s progress toward ending veteran homelessness. Unlike the System Component Reports, this report summarizes the effectiveness of the entire supportive housing system as it relates to homeless veterans, who can and are served by the full range of supportive housing programs.

Report Content

- Programmatic Capacity – Each report describes the total resources that were available to serve homeless individuals and families. Depending on the program type, the
resources are categorized in different ways. For example, emergency shelter for single homeless individuals is organized into number of “shelter beds” whereas emergency shelter for homeless families is organized into the number of “shelter units.”

- Utilization – Each report provides the current and cumulative utilization rates of applicable programs. As with program capacity, utilization is described differently for different programs. For example, for emergency shelter, utilization is typically limited to how often shelter beds are occupied. However, for PSH programs, utilization reports take into account both enrollment in services and the number of enrolled clients who are housed.

- Performance Measures – As a requirement of the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, the OSH and local stakeholders established performance measures by program type and for the supportive housing system as a whole. Each report includes the relevant programs’ progress toward community-approved performance measures. For example, housing retention after 12 months is a key performance measure for PSH programs.

- Demographic Information – Each report describes program participants’ basic characteristics including, but not limited to, ethnicity, income, gender, income source and last permanent address.

- Funding – Each report provides the total funding and sources of funding for the programs in question.

- Other – Each report includes other information such as expansion opportunities (e.g., new grant opportunities) and development activities (e.g., new permanent supportive housing projects).

**CONSEQUENCES OF NEGATIVE ACTION**

The HLUET committee would not receive the requested reports. In addition, the OSH would continue providing the current reports on a monthly basis.

**ATTACHMENTS:**

- Attachment A - Supportive Housing System Report - May 2018 (PDF)
- Attachment B - Veterans Housing Programs Report - May 2018 (PDF)
- Attachment C - Ending Homelessness - The State of the Supportive Housing System in SCC 2017 (PDF)
May 6, 2018

TO: Board of Supervisors
Housing, Land Use, Environment and Transportation Committee (HLUET) Committee

FROM: Ky Le, Office of Supportive Housing (OSH)

SUBJECT: Supportive Housing System in Santa Clara County

This report describes the overall supportive housing system of care in Santa Clara County. The report’s primary function is to communicate whether all of the different program types are contributing to an overall reduction in homelessness. The supportive housing system includes housing programs that fall into four categories: Emergency Shelter (ES), Transitional Housing (TH), Rapid Rehousing (RRH), and Permanent Supportive Housing (PSH).

Community Plan to End Homelessness
The table in Appendix A reflects the progress made toward the goal stated in the Community Plan to End Homelessness in Santa Clara County: 2015-2020 of increasing the supply of permanent housing for people experiencing homeless by 6,000 housing opportunities. The table states the community’s benchmark data from January 2015 as compared to the inventory at the end of January 2018. In addition, housing opportunities in the pipeline are enumerated. The table reflects opportunities in five categories:

1. PSH via scattered site subsidies to be used within the housing market
2. PSH Housing via dedicated housing units
3. RRH via scattered site subsidies to be used within the housing market
4. RRH via dedicated housing units
5. Dedicated housing units under development where the target program type is to be determined

Programmatic Capacity
The report presented at the June 16, 2016 HLUET meeting includes a description of the target population, typical supportive services, and other considerations for each of the four program types (ES, TH, RRH, and PSH).

The OSH maintains an inventory of permanent and temporary housing dedicated to people who are experiencing homelessness upon entry into that housing type. This inventory, called the Community
Capacity Report (CCR), is updated monthly. Appendix B is a summary of OSH’s CCR as of March 31, 2018. This chart also includes the estimated capacity of Homelessness Prevention programs countywide.

System Performance Measures
As a requirement of the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, the OSH and local stakeholders established system performance measures for the supportive housing system. Appendix C includes the measures that are most relevant in Santa Clara County. The charts describe the following:

1. Total System Entries and Homeless for the First Time – This chart documents two data points. The first, larger number represents the total number of people who utilized an ES, TH, or PH program at any point during the reporting year. The second number reflects the number of people entering the system when homeless who have not been served by the system in the two years preceding their program entry date.
2. Returns to Homelessness – For each supportive housing program type, the percentage of people who exit during the reporting period and returned to homelessness at the six month, one year, and two year points is charted.
3. Percentage of Exits to Permanent Housing Destinations – Excluding PSH, this chart shows by program type the percentage of people who exit to non-temporary housing situations.
4. Permanent Housing Retention – This chart highlights the percentage of people who were enrolled in a PSH program during the reporting period who either: (1) remained in the program at the end of the reporting period or (2) exited to another permanent housing situation.

An essential measure of the supportive housing system is that people are getting housed. The remainder of the dashboard reflects data on housing placements.

Appendix D includes the following charts:

- Total number of people who were housed by the month reported and in the 11 months prior to that month
- Number of households housed each month for 12 months compared to the number of people seeking housing assistance for the first time, defined as the number of people entering the Coordinated Assessment System (CAS) for the first time (note that the people placed in housing each month are generally not the people entering the CAS that month)
- Number of households entering the CAS by the expected level of housing intervention need

Appendix E shows monthly and 12-month cumulative housing placements by program type.
Appendix A: Progress to Community Plan to End Homeless Goal of 6,000 Housing Opportunities

<table>
<thead>
<tr>
<th>Programs</th>
<th>Point in Time Capacity (Units)</th>
<th>Percent Utilization</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSH 1 (Data tracked in HMIS)</td>
<td>1,704</td>
<td>92%</td>
</tr>
<tr>
<td>PSH 2 (Data not tracked in HMIS)</td>
<td>1,153</td>
<td>n/a</td>
</tr>
<tr>
<td>Rapid Re-Housing (RRH) 3</td>
<td>692</td>
<td>77%</td>
</tr>
<tr>
<td>Transitional Housing (TH)</td>
<td>552</td>
<td>83%</td>
</tr>
<tr>
<td>Emergency Shelter (ES)</td>
<td>593</td>
<td>91%</td>
</tr>
<tr>
<td>Domestic Violence (ES/TH)</td>
<td>34</td>
<td>n/a</td>
</tr>
<tr>
<td>Cold Weather Shelter (ES) 4</td>
<td>363</td>
<td>86%</td>
</tr>
<tr>
<td>Inclement Weather Shelter (ES) 4</td>
<td>246</td>
<td>28%</td>
</tr>
<tr>
<td>Grand Total</td>
<td>5,337</td>
<td></td>
</tr>
</tbody>
</table>

| Total Change (Future Total minus Baseline) | 845 | 793 | 648 | 39 | 60 | 2385 |

| Goal | 1400 | 2000 | 1000 | 1600 | n/a | 6000 |

| % to Goal | 60.36% | 39.65% | 64.80% | 2.44% | n/a | 39.75% |

Notes
1. Percent Utilization includes clients who are in housing search and is based on current active program enrollments.
2. PSH programs not tracked in HMIS includes HUD VASH (932 units) and other programs which comprise 218 units.
3. For Rapid Rehousing (RRH), Point in Time Capacity is calculated as half of Annual Capacity. Point in Time Capacity is the estimated number of households who could be served at any given point in time taking into account household turnover, financial resources available, and estimated average cost per household.
4. Two Cold Weather Shelter (CWS) programs began on October 16, 2017 while the remaining CWS programs began on November 28, 2017. Inclement Weather (IW) capacity and utilization is based on the IW locations which served clients during County-declared IW days.
5. Homelessness Prevention capacity is based on the estimated number of households agencies are expected to serve in one year. Percent Utilization is based on programs tracked in HMIS.

Definitions
- PSH: Permanent Supportive Housing (Disability Required)
- RRH: Rapid Rehousing
- TH: Transitional Housing
- ES: Emergency Shelter
- DV: Domestic Violence
- CWS: Cold Weather Shelter

Appendix B: Supportive Housing System Capacity as of 3/31/2018

Office of Supportive Housing
Supportive Housing System Dashboard
April 1, 2017 – March 31, 2018
Appendix C: System Performance Measures

1. Total System Entries and Homelessness for the First Time
   - Blue bars: Persons with Entries into ES, SH, TH, or PH
   - Orange bars: Inflow: People Experiencing Homelessness for the First Time
   - Notes: "First Time" per HUD = no entries in ES, SH, TH or PH in the previous 24 months

2. Returns to Homelessness
   - After exiting to Permanent Housing Destinations, the Percentage of People who Return to Homelessness in less than 6 Months, 1 Year, and 2 Years (N = Exits to PH between 04/2015 to 3/2016)

3. Exits to Permanent Housing Destinations
   - Of Persons in ES, TH, and RRH who Exited, the Percentage of Successful Exits to Permanent Housing

4. Permanent Housing Retention
   - Percentage of People in Permanent Housing Programs (excluding Rapid Rehousing) Retaining Housing during the Reporting Year (Benchmark = 95%)
Appendix D: Housing Placements and System Entries by Month 4/1/2017-3/31/2018

Annual Housing Placement Trend
(Households Housed in Current Month + Prior 11 Months)

Households Entering the Coordinated Assessment System and the Number of Households Housed

- Households who took the VI-SPDAT Assessment for the First Time
- Households Placed in Housing

Number of Households Entering the Coordinated Assessment System at Each Level of Intervention

- PSH (9+ for families and 8+ for singles)
- RRH (4-8 for families and 4-7 for singles)
- Minimal Intervention (0-3 score)

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Appendix E: Housing Placements by Project Type 4/1/2017-3/31/2018

Number of Households Housed Monthly via a Permanent Supportive Housing (PSH) Program

Note: PSH placements include Veterans placed in housing with VASH vouchers

Number of Households Housed Monthly via a Rapid Re-Housing (RRH) Program

Annual PSH Placement Trend (Current Month + Prior 11 Months)

Annual RRH Placement Trend (Current Month + Prior 11 Months)

Number of Households Exiting a Transitional Housing (TH) Program to Permanent Housing (PH), by Month

Annual Housing Placement Trend from TH to PH (Current Month + Prior 11 Months)

Number of Households Exiting an Emergency Shelter (ES) Program to Permanent Housing (PH), by Month

Annual Housing Placement Trend from ES to PH (Current Month + Prior 11 Months)
May 7, 2018

TO: Board of Supervisors

FROM: Ky Le, Office of Supportive Housing

SUBJECT: All the Way Home: The Campaign to End Veteran Homelessness in Santa Clara County

This report describes the efforts to end veteran homelessness in Santa Clara County and includes an analysis on housing placements, housing rate, trends, and changes in programmatic capacity, and program outcomes.

**Goal 1 – Housing Placements:** The first goal of All the Way Home (ATWH) campaign was to house 703 homeless veterans, the estimated number of homeless veterans in Santa Clara County on any given night according to the 2015 Santa Clara County Homeless Census and Survey. As of March 31, 2018, 1042 homeless veterans have been permanently housed. According to the 2017 Homeless Census and Survey, 606 veterans were experiencing homelessness on any given night.

**Goal 2 – Housing Rate:** The second goal of ATWH was to determine the number of veterans who became homeless each month. In implementing the countywide Coordinated Assessment System (CAS), the OSH has determined that, on average, 30 veterans access supportive housing and homeless services for the first time each month.

The housing efforts are supported by a robust landlord outreach and engagement program. The campaign has engaged 614 landlords, 24 faith-based organizations and conducted 110 outreach events. As a result of the campaign and community efforts, only 77 VASH voucher holders are in search of housing and 461 landlords have participated in the incentive program to house veterans. As recommended in the previous veterans report, the OSH submitted a request for ongoing funding for landlord outreach and incentives into the FY 2019 budget to serve veterans and chronically homeless individuals.

**Goal 3 – Determining Needs:** The third goal of the campaign was to develop a by name master list of all veterans experiencing homelessness. OSH staff and the nonprofit service providers serving homeless veterans maintain a by name master list of veterans in the Santa Clara County Continuum of Care, which currently contains 632 names. The OSH has also determined the number of veterans who are likely to resolve their homelessness with minimal intervention (e.g., just emergency shelter), the number of veterans who need rapid rehousing (RRH), and the number of veterans who need permanent supportive housing (PSH).
Current Housing Resources
The following table summarizes the current capacity for PSH and RRH programs for homeless veterans. As mentioned in the last report under recommendations, the OSH supported the Santa Clara County Housing Authority’s (SCCHA) application to the U.S. Department of Housing and Urban Development for additional VASH vouchers. SCCHA was awarded an additional 115 vouchers that will be available in July 2018. This increases the number of VASH vouchers from 932 to 1047. The VA released a Notice of Funding Announcement for SSVF funding in the fall and anticipates decisions to be made public in July 2018. All of the current grantees in Santa Clara County applied for funding and met application requirements. It is anticipated that the overall funding support for SSVF in the county will remain stable. The renovations were completed on Vermont House, a city of San Jose property dedicated to serving 16 chronically homeless veterans using place-based vouchers, and the site is fully occupied.

Permanenent Supportive Housing and Rapid Rehousing Capacity for Homeless Veterans

<table>
<thead>
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<th>November 2017</th>
<th>Anticipated July 2018</th>
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<tbody>
<tr>
<td>County or Continuum of Care PSH</td>
<td>148</td>
<td>158</td>
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<tr>
<td>VASH PSH</td>
<td>932</td>
<td>1047</td>
</tr>
<tr>
<td>SSVF Rapid Rehousing</td>
<td>434</td>
<td>462</td>
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<tr>
<td>County Rapid Rehousing</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1542</strong></td>
<td><strong>1695</strong></td>
</tr>
</tbody>
</table>

Veterans are also able to access other programs in the Supportive Housing System, Veteran enrollment comprises 11% of all other PSH programs. In addition to resources noted above, SSVF programs in Santa Clara County also have the capacity to prevent homelessness for approximately 106 veteran households annually.

Trends Analysis
As reported in the Housing Rate section above, the inflow of veterans experiencing homelessness has decreased by 29% in the last six months. In the previous report the inflow was 42 veterans a month. Data from October 1, 2017 to March 31, 2018 demonstrates an inflow rate averaging 30 a month. This decrease means that the housing placement rate goal could be adjusted, the OSH will continue to monitor this trend and in collaboration with providers determine a new placement rate goal. Housing Retention is higher for Veterans when able to access PSH or RRH programs but lower than general population when only accessing emergency shelter. In analyzing demographic trends, Veterans have a higher percentage of Black or African American clients than non-Veterans, the majority of Veterans are between 55-64 years old and as expected Veterans have a much higher percent of clients in the 65+ age group and are mostly male.

The attached exhibits include data, outcomes and demographics related to veterans during the reporting period.

Exhibit 1: Veteran Housed Chart since Campaign started and 12 Month Housing Placement by Program – the first chart shows the total number of Veterans housed by program type since inception of AYWH campaign. The second chart shows the housing placement rate by program type for the last 12 months
Exhibit 2: Veteran Rapid Rehousing, Transitional Programs Capacity and Enrollment - The first chart shows the annual capacity, point in time capacity, and current utilization.

Exhibit 3: Inflow and Placement, Level of intervention - The first chart shows the number of Veterans entering the coordinated entry system and the number of Veterans placed into housing by month for the last 12 month period. The second chart shows the level of housing intervention needed for the Veterans entering the system.

Exhibit 4: Exits to Permanent Housing Destinations – The first chart shows the exit destinations for veterans enrolled in Rapid Rehousing Programs by agency and program. The second chart shows the destinations for clients who exited rapid rehousing programs prior to being housed. The third and fourth charts show the average monthly income at program entry and exit for veterans and non-veterans enrolled in RRH programs. The fifth chart shows days to housing for all veterans RRH programs and compares the average days to housing for veteran programs and non-veteran programs.

Exhibit 5: Demographics for Enrolled Households – The series of charts shows demographic data for households enrolled in RRH programs, including race, gender, ethnicity, and age.

Exhibit 6: Performance Measures for Veterans Programs and the Homeless System - As a requirement of the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009, the OSH and local stakeholders established system performance measures for the supportive housing system. Exhibit 6 includes the measures that are most relevant in Santa Clara County and compares the data for veterans with system-wide performance. The charts describe the following:

1. **Total System Entries and Homeless for the First Time** – This chart documents two data points. The first, larger number represents the total number of people who utilized an ES, TH, or PH program at any point during the reporting year. The second number reflects the number of people entering the system when homeless who have not been served by the system in the two years preceding their program entry date.

2. **Returns to Homelessness** – For each supportive housing program type, the percentage of people who exit during the reporting period and returned to homelessness at the six month, one year, and two year points is charted.

3. **Percentage of Exits to Permanent Housing Destinations** – Excluding PSH, this chart shows by program type the percentage of people who exit to non-temporary housing situations.

4. **Permanent Housing Retention** – This chart highlights the percentage of people who were enrolled in a PSH program during the reporting period who either: (1) remained in the program at the end of the reporting period or (2) exited to another permanent housing situation.
Veterans Performance Measures – FY 2017-18 (July 1, 2017 to March 31, 2018)

Exhibit 1

Veterans Housed by Program
November 1, 2015 to March 31, 2018

Total Housed = 1042

- Veterans Affairs PSH: 553
- Continuum of Care Permanent Supportive Housing (COC - PSH): 85
- Supportive Services for Veterans & Families RRH (SSVF): 240
- City of San Jose, County/Other Rapid Rehousing (RRH): 40
- From Emergency Shelter (ES) or Transitional Housing (TH) into Permanent Housing (PH) with no subsidy: 124

12-Month Veteran Housing Placement Trend by Program

<table>
<thead>
<tr>
<th>Month</th>
<th>PSH (VASH/COC)</th>
<th>RRH (SSVF/County/Other)</th>
<th>ES/TH in PH (no subsidy)</th>
<th>Total Housed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar-18</td>
<td>17</td>
<td>6</td>
<td>3</td>
<td>36</td>
</tr>
<tr>
<td>Feb-18</td>
<td>15</td>
<td>7</td>
<td>4</td>
<td>36</td>
</tr>
<tr>
<td>Jan-18</td>
<td>14</td>
<td>2</td>
<td>18</td>
<td>37</td>
</tr>
<tr>
<td>Dec-17</td>
<td>13</td>
<td>8</td>
<td>23</td>
<td>23</td>
</tr>
<tr>
<td>Nov-17</td>
<td>21</td>
<td>10</td>
<td>32</td>
<td>38</td>
</tr>
<tr>
<td>Oct-17</td>
<td>18</td>
<td>5</td>
<td>3</td>
<td>26</td>
</tr>
<tr>
<td>Sep-17</td>
<td>20</td>
<td>3</td>
<td>26</td>
<td>32</td>
</tr>
<tr>
<td>Aug-17</td>
<td>41</td>
<td>13</td>
<td>6</td>
<td>60</td>
</tr>
<tr>
<td>Jul-17</td>
<td>7</td>
<td>16</td>
<td>3</td>
<td>38</td>
</tr>
<tr>
<td>Jun-17</td>
<td>21</td>
<td>2</td>
<td>27</td>
<td>39</td>
</tr>
<tr>
<td>May-17</td>
<td>17</td>
<td>9</td>
<td>26</td>
<td>40</td>
</tr>
<tr>
<td>Apr-17</td>
<td>29</td>
<td>9</td>
<td>40</td>
<td>38</td>
</tr>
</tbody>
</table>
### Veterans Performance Measures – FY 2017-18 (July 1, 2017 to March 31, 2018), Cont’d

#### RAPID RE-HOUSING (RRH) PROGRAMS

<table>
<thead>
<tr>
<th>Veterans Rapid Re-Housing Program</th>
<th>Annual Capacity (Households)</th>
<th>Target Point in Time Capacity ¹</th>
<th>Currently Enrolled (as of March 31, 2018)</th>
<th>Currently Housed (as of March 31, 2018)</th>
<th>Utilization (Currently Enrolled/ Target Capacity)</th>
<th>Exited (July 2017 to March 2018)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goodwill of Silicon Valley - SSVF Veterans - Rapid Re-</td>
<td>55</td>
<td>27.5</td>
<td>22</td>
<td>8</td>
<td>80%</td>
<td>36</td>
</tr>
<tr>
<td>HomeFirst - SFLC - Veteran Rapid Rehousing Program (VRRP) - OSH - SCC</td>
<td>28</td>
<td>14</td>
<td>16</td>
<td>11</td>
<td>114%</td>
<td>24</td>
</tr>
<tr>
<td>HomeFirst - SSVF Priority 1 RRH</td>
<td>200</td>
<td>100</td>
<td>74</td>
<td>38</td>
<td>74%</td>
<td>62</td>
</tr>
<tr>
<td>HomeFirst - SSVF Priority 2 RRH</td>
<td>56</td>
<td>28</td>
<td>19</td>
<td>6</td>
<td>68%</td>
<td>14</td>
</tr>
<tr>
<td>Sunnyvale Community Services - SSVF Rapid Rehousing</td>
<td>38</td>
<td>19</td>
<td>9</td>
<td>7</td>
<td>47%</td>
<td>16</td>
</tr>
<tr>
<td>Veterans Resource Center (VRC) - VRC SSVF Rapid Rehousing</td>
<td>85</td>
<td>42.5</td>
<td>18</td>
<td>4</td>
<td>42%</td>
<td>38</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>462</strong></td>
<td><strong>231</strong></td>
<td><strong>158</strong></td>
<td><strong>74</strong></td>
<td><strong>68%</strong></td>
<td><strong>192</strong></td>
</tr>
</tbody>
</table>

¹ While Rapid Re-Housing Annual Capacity is the estimated capacity of households for one year, Target Point in Time Capacity (calculated as half of Annual Capacity) is the number of households who we estimate could be served at any given time taking into account turnover of households, financial resources available, and estimated average cost per household.

#### TRANSITIONAL HOUSING PROGRAMS

<table>
<thead>
<tr>
<th>Veterans Transitional Housing Program</th>
<th>Capacity</th>
<th>Utilization (Person Shelter Days/ Cumulative Capacity)</th>
</tr>
</thead>
<tbody>
<tr>
<td>HVEHF - HVEHF – Bridge Housing</td>
<td>25</td>
<td>71%</td>
</tr>
<tr>
<td>HVEHF - HVEHF – Clinical Treatment</td>
<td>80</td>
<td>88%</td>
</tr>
<tr>
<td>LifeMoves - GPD-LifeMoves-MSI-TH-VA PD THU</td>
<td>12</td>
<td>84%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>117</strong></td>
<td><strong>84%</strong></td>
</tr>
</tbody>
</table>

### Veteran Enrollment as Percentage of Total Enrolled in Each Project Type

- **Permanent Supportive Housing**: 11%
- **Rapid Re-Housing**: 34%
- **Transitional Housing**: 18%

- As a percentage of total enrollments, Veteran enrollments are highest in Rapid Re-Housing programs followed by Transitional Housing Programs.
Exhibit 3

**Veterans Performance Measures – FY 2017-18 (July 1, 2017 to March 31, 2018), Cont’d**

### INFLOW VS. OUTFLOW

*Number of Veterans Entering the Coordinated Assessment System and the Number Placed in Housing*

- Veterans Entering the Coordinated Assessment System
- Veterans Placed in Housing

<table>
<thead>
<tr>
<th>Month</th>
<th>Number Entering</th>
<th>Number Placed</th>
</tr>
</thead>
<tbody>
<tr>
<td>APR-17</td>
<td>33</td>
<td>33</td>
</tr>
<tr>
<td>MAY-17</td>
<td>38</td>
<td>15</td>
</tr>
<tr>
<td>JUN-17</td>
<td>31</td>
<td>8</td>
</tr>
<tr>
<td>JUL-17</td>
<td>26</td>
<td>10</td>
</tr>
<tr>
<td>AUG-17</td>
<td>27</td>
<td>18</td>
</tr>
<tr>
<td>SEP-17</td>
<td>26</td>
<td>19</td>
</tr>
<tr>
<td>OCT-17</td>
<td>36</td>
<td>21</td>
</tr>
<tr>
<td>NOV-17</td>
<td>46</td>
<td>14</td>
</tr>
<tr>
<td>DEC-17</td>
<td>31</td>
<td>16</td>
</tr>
<tr>
<td>JAN-18</td>
<td>27</td>
<td>22</td>
</tr>
<tr>
<td>FEB-18</td>
<td>18</td>
<td>10</td>
</tr>
<tr>
<td>MAR-18</td>
<td>26</td>
<td>7</td>
</tr>
</tbody>
</table>

### VETERAN INFLOW: LEVEL OF INTERVENTION

*Veterans entering the Coordinated Entry System (First Time VI-SPDAT) and Level of Intervention*

- PSH (9+ for families and 8+ for singles)
- RRH (4-8 for families and 4-7 for singles)
- Minimal Intervention (0-3 score)

<table>
<thead>
<tr>
<th>Month</th>
<th>PSH</th>
<th>RRH</th>
<th>Minimal</th>
</tr>
</thead>
<tbody>
<tr>
<td>APR-17</td>
<td>33</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>MAY-17</td>
<td>31</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>JUN-17</td>
<td>33</td>
<td>19</td>
<td>8</td>
</tr>
<tr>
<td>JUL-17</td>
<td>35</td>
<td>21</td>
<td>10</td>
</tr>
<tr>
<td>AUG-17</td>
<td>16</td>
<td>22</td>
<td>7</td>
</tr>
<tr>
<td>SEP-17</td>
<td>48</td>
<td>14</td>
<td>7</td>
</tr>
<tr>
<td>OCT-17</td>
<td>18</td>
<td>21</td>
<td>4</td>
</tr>
<tr>
<td>NOV-17</td>
<td>46</td>
<td>18</td>
<td>3</td>
</tr>
<tr>
<td>DEC-17</td>
<td>31</td>
<td>20</td>
<td>7</td>
</tr>
<tr>
<td>JAN-18</td>
<td>31</td>
<td>17</td>
<td>5</td>
</tr>
<tr>
<td>FEB-18</td>
<td>27</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>MAR-18</td>
<td>32</td>
<td>19</td>
<td>15</td>
</tr>
</tbody>
</table>

- The number of Veterans entering the Coordinated Assessment System has decreased in the last 5 months (Nov 2017 to March 2018) with an average of 30 Veterans taking the VI-SPDAT for the first time compared to an average of 40 Veterans in the previous 5 months (June to October 2017)
- The average number of Veterans housed in the last 5 months is 25 Veterans compared to an average of 33 Veterans housed in the 5 month prior.
- For Veterans entering the Coordinated Assessment System for the first time, an average of 50% are at the Rapid Re-housing level of intervention, and 30% are at the PSH level of intervention.
### Rapid Re-Housing: Exit Destinations by Program

<table>
<thead>
<tr>
<th>Program</th>
<th>Deceased</th>
<th>Jail/Prison</th>
<th>Other</th>
<th>Temporary</th>
<th>Permanent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goodwill of Silicon Valley - SSVF Veterans - Rapid Re-Housing</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td>HomeFirst - Veteran Rapid Rehousing Program (VRRP) - OSH - SCC</td>
<td>33</td>
<td>24</td>
<td>36</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>HomeFirst - SSVF Priority 1 RRH</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>8</td>
<td>14</td>
</tr>
<tr>
<td>HomeFirst - SSVF Priority 2 RRH</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Sunnyvale Community Services - SSVF Rapid Rehousing</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Veterans Resource Center (VRC) - VRC SSVF Rapid Rehousing</td>
<td>6</td>
<td>3</td>
<td>6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- The majority of program exits are to Permanent Destinations
- After being housed, 95% of households exit to Permanent Housing (PH) destinations (remain housed)
- 21% of enrolled households exit their RRH program without being housed
- Most exits for clients exiting RRH programs without being housed are to Temporary or Other exit destinations (see graph on right)

#### Definitions
- "Permanent" destinations include rental by client (with or without subsidy) or staying with family/friends (permanent tenure)
- "Temporary" destinations included emergency shelters, hotel/motel, transitional housing, Substance abuse treatment facility or detox center, staying with family/friends (temporary tenure)
- "Other" destinations include place not meant for habitation, client refused, or no exit interview completed

### Veteran RRH Exit Destinations Without Being Housed

- Staying or living with family, permanent tenure: 1
- Transitional housing for homeless persons: 11
- Emergency Shelter, including hotel or motel paid for with voucher: 4
- Hotel or motel paid for without emergency shelter voucher: 3
- Staying or living with friends, temporary tenure: 2
- Jail, prison or juvenile detention facility: 2
- Substance abuse treatment facility or detox center: 1
- Hospital or other residential non-psychiatric medical facility: 1
- Data not collected/Other/no exit interview: 13
- Place not meant for habitation: 2
- Deceased: 1

Definitions:
- "Permanent" destinations include rental by client (with or without subsidy) or staying with family/friends (permanent tenure)
- "Temporary" destinations included emergency shelters, hotel/motel, transitional housing, Substance abuse treatment facility or detox center, staying with family/friends (temporary tenure)
- "Other" destinations include place not meant for habitation, client refused, or no exit interview completed
INCOME ANALYSIS BASED ON CLIENTS WITH A PROGRAM ENTRY AND EXIT DATE

Average Monthly Income at Entry and Exit Veteran vs. Non-Veteran

- Average cash monthly income varies by project type with Rapid Re-Housing average monthly income being the highest.
- Veterans have a higher average monthly income compared to non-Veterans for all project types.

DAYS TO HOUSING

- For households that were housed between October 2015 and March 31, 2018, the average days to housing for all RRH programs ranges from 31 days to 157 days.
- When comparing Veterans to non-Veteran enrollments in the same time period, Days to Housing for Veterans is lower than for non-Veterans in both PSH and RRH programs.
DEMOGRAPHICS BASED ON VETERANS AND NON-VETERANS ENROLLED IN PSH, RRH, AND TH PROGRAMS FROM JULY 2017 TO MARCH 2018

Veterans Performance Measures – FY 2017-18 (July 1, 2017 to March 31, 2018), Cont’d

By Race

<table>
<thead>
<tr>
<th>Race</th>
<th>Non-Veteran (n=2740)</th>
<th>Veteran (n=662)</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>64%</td>
<td>62%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>15%</td>
<td>23%</td>
</tr>
<tr>
<td>Multi-racial</td>
<td>7%</td>
<td>5%</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>5%</td>
<td>3%</td>
</tr>
<tr>
<td>Asian</td>
<td>3%</td>
<td>4%</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Client Refused/Doesn’t know/data not collected</td>
<td>3%</td>
<td>1%</td>
</tr>
</tbody>
</table>

By Age

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Non-Veteran (n=2740)</th>
<th>Veteran (n=662)</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 to 24</td>
<td>11%</td>
<td>1%</td>
</tr>
<tr>
<td>25 to 34</td>
<td>20%</td>
<td>8%</td>
</tr>
<tr>
<td>35 to 44</td>
<td>19%</td>
<td>11%</td>
</tr>
<tr>
<td>45 to 54</td>
<td>21%</td>
<td>18%</td>
</tr>
<tr>
<td>55 to 64</td>
<td>21%</td>
<td>21%</td>
</tr>
<tr>
<td>65 or Above</td>
<td>19%</td>
<td>7%</td>
</tr>
</tbody>
</table>

By Gender

<table>
<thead>
<tr>
<th>Gender</th>
<th>Non-Veteran (n=2740)</th>
<th>Veteran (n=662)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>47%</td>
<td>52%</td>
</tr>
<tr>
<td>Male</td>
<td>6%</td>
<td>93%</td>
</tr>
</tbody>
</table>

By Ethnicity

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Non-Veteran (n=2740)</th>
<th>Veteran (n=662)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic/Latino</td>
<td>47%</td>
<td>18%</td>
</tr>
<tr>
<td>Non-Hispanic/Non-Latino</td>
<td>53%</td>
<td>81%</td>
</tr>
</tbody>
</table>
Exhibit 6

HUD System Performance Measures – FY 2017-18 (April 1, 2017 to March 31, 2018)

1. Total System Entries and Homelessness for the First Time
   - Persons with Entries into ES, SH, TH, or PH
   - Inflow: People Experiencing Homelessness for the First Time*
   - Inflow: Veterans Experiencing Homelessness for the First Time*
   * "First Time" per HUD = no entries in ES, SH, TH or PH in the previous 24 months

2. Returns to Homelessness
   - After exiting to Permanent Housing Destinations, the Percentage of People Who Return to Homelessness in less than 6 Months, 1 Year, and 2 Years (N = Exits to PH between 04/2015 to 3/2016)

Veterans: Total System Entries and Homelessness for the First Time
- Veterans with Entries into ES, SH, TH, or PH
- Inflow: Veterans Experiencing Homelessness for the First Time*
* "First Time" per HUD = no entries in ES, SH, TH or PH in the previous 24 months

Veterans: Returns to Homelessness
- After exiting to Permanent Housing Destinations, the Percentage of People Who Return to Homelessness in less than 6 Months, 1 Year, and 2 Years (N = Exits to PH between 04/2015 to 3/2016)

- Within the last year, Veterans represent roughly 12% of all persons with entries into ES, SH, TH, or PH
- Veterans have a similar percentage of inflow or first time homelessness compared to the total system results

- With regard to returns to homelessness, Veterans have a similar overall percentage but their returns to homelessness are much higher after Emergency Shelter exits to Permanent Housing and lower after Rapid Re-Housing and Transitional Shelter exits to Permanent Housing

• Within the last year, Veterans represent roughly 12% of all persons with entries into ES, SH, TH, or PH
• Veterans have a similar percentage of inflow or first time homelessness compared to the total system results
### Exhibit 6

#### HUD System Performance Measures – FY 2017-18 (April 1, 2017 to March 31, 2018), Cont’d

#### 3. Exits to Permanent Housing Destinations

**Of Persons in ES, TH, and RRH who Exited, the Percentage of Successful Exits to Permanent Housing**

- **SYSTEM (40% BENCHMARK)**: 30% - 34% - 41%
- **RAPID REHOUSING (95% BENCHMARK)**: 64% - 68% - 71%
- **TRANSITIONAL HOUSING (75% BENCHMARK)**: 53% - 54% - 57%
- **EMERGENCY SHELTER (30% BENCHMARK)**: 15% - 19% - 23%

#### 3. Veterans: Exits to Permanent Housing Destinations

**Of Veterans in ES, TH, and RRH who Exited, the Percentage of Successful Exits to Permanent Housing**

- **ALL VETERANS**
  - 04/01/15-03/31/16: 46%
  - 04/01/16-03/31/17: 55%
  - 04/01/17-03/31/18: 56%

- **RAPID REHOUSING**
  - 04/01/15-03/31/16: 75%
  - 04/01/16-03/31/17: 79%
  - 04/01/17-03/31/18: 78%

- **TRANSITIONAL HOUSING**
  - 04/01/15-03/31/16: 63%
  - 04/01/16-03/31/17: 69%
  - 04/01/17-03/31/18: 54%

- **EMERGENCY SHELTER**
  - 04/01/15-03/31/16: 16%
  - 04/01/16-03/31/17: 18%
  - 04/01/17-03/31/18: 18%

#### 4. Permanent Housing Retention

**Percentage of People in Permanent Housing Programs (excluding Rapid Rehousing) Retaining Housing during the Reporting Year (Benchmark = 95%)**

- **04/01/15-03/31/16**
  - 96.5%
  - 93.1%
  - 97.5%

#### 4. Veterans: Permanent Housing Retention

**Percentage of Veterans in Permanent Housing Programs (excluding Rapid Rehousing) Retaining Housing during the Reporting Year (Benchmark = 95%)**

- **04/01/15-03/31/16**
  - 98.1%
  - 86.9%
  - 98.1%

- **04/01/16-03/31/17**
  - 04/01/17-03/31/18

- **04/01/17-03/31/18**

**Key Points:**
- Veteran exits to Permanent Housing destinations are higher for Rapid Re-Housing and Transitional Housing but slightly lower for Emergency Shelter.
- Permanent Housing Retention is high for Veterans and for the entire system.
- Permanent Housing Retention exceeds the benchmark for Veterans and the system for the last year.

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**Packet Pg. 293**
ENDING HOMELESSNESS

The State of the Supportive Housing System in Santa Clara County 2017
ENDING HOMELESSNESS
The State of the Supportive Housing System in Santa Clara County
2017

Acknowledgements

This report has been prepared by HomeBase, The Center for Common Concerns on behalf of the County of Santa Clara Office of Supportive Housing and was designed by Cesar Ramirez of Gilmore IT Solutions.

The Office of Supportive Housing would like to thank its many partners who generously provided information for this report. Special thanks to the clients who shared their stories.

This report can be downloaded at the Office of Supportive Housing website: https://www.sccgov.org/sites/osh

Cover photo credits (clockwise from top): Parkside Studios, photo by Jeffrey Peters. Photo by Marianna Moles. Monterey Villa, photo courtesy of Eden Housing.
LETTER FROM THE COUNTY EXECUTIVE

In Santa Clara County’s current housing crisis, safe and affordable housing is out of reach for many, especially those with the fewest resources, including the elderly and persons with a disabling condition. As a result, thousands of individuals and families experience homelessness in our county each year. The County, in collaboration with our city, nonprofit, business, and philanthropic partners, is dedicated to making homelessness rare, brief, and non-recurring for residents. The first of ten annual reports, this document highlights countywide efforts to prevent homelessness before it occurs, strengthen the supportive housing system to better serve those with the highest needs, and increase the community’s stock of affordable housing.

As demonstrated in the following pages, our community has made significant progress toward the goals we set in 2015 when we collectively developed and committed to the Santa Clara County Community Plan to End Homelessness. Collaboration is essential to reaching our community goals; we must continue to build upon the strong partnerships that have been critical to our successes thus far.

We thank Destination: Home for its leadership in generating financial and community support for programs serving homeless individuals and families. We thank the City of San José for its commitment to funding both the development of supportive housing and services to support those most in need, highlighted by their multi-million dollar investment in Second Street Studios, the largest permanent supportive housing development in our county to date. We thank the Santa Clara County Housing Authority for its commitment of housing subsidies dedicated to supportive housing systems, such as 134 permanent subsidies for the homeless individuals moving into Second Street Studios this fall. And we thank the outreach workers, case managers, shelter staff, landlords, and hundreds of other partners who work every day toward the goal of preventing and ending homelessness in our county.

Thanks to the deep commitment of leaders from the County and its city, nonprofit, business, and philanthropic partners, our community has built far more than a continuum of services for homeless individuals — we have built a movement to end homelessness. As we look back at all the was accomplished in 2017, we are confident that our collective momentum will continue to push forward collaborative efforts to house those in our community who experience homelessness.

Sincerely,

Jeffrey V. Smith, M.D., J.D. Miguel Marquez, M.P.P., J.D.
County Executive Officer Chief Operating Officer
County of Santa Clara County of Santa Clara

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Gilroy Sobrato Studios. Photo courtesy of Eden Housing
Executive Summary

Each night, thousands of Santa Clara County residents face homelessness. Families with children, seniors, individuals with disabilities, veterans, and youth are all represented in the county's diverse homeless population, with nearly three-quarters going unsheltered – sleeping outside, in cars, or other places not meant for human habitation. Despite the prosperity associated with the region, a lack of affordable housing development and difficulty finding living-wage employment in Santa Clara County has resulted in many economically vulnerable households falling into homelessness, and countless more on the edge.

Data shows that for most, homelessness will be a brief and one-time occurrence, but for some it can last for years or become a repeating cycle. Often individuals who are homeless for longer periods of time make frequent use of emergency medical and psychiatric care, or get caught up in the justice system, resulting in high cost to the public. Home Not Found, a study of the cost of homelessness in Santa Clara County, reported that the County and service providers spend more than $520 million per year on such services.

In 2015, the community came together to create a road-map to guide these efforts to end homelessness. Coordinated by the County of Santa Clara Office of Supportive Housing and nonprofit partner Destination: Home, the resulting Community Plan to End Homelessness set an ambitious goal of 6,000 new housing opportunities, and identified strategies to help the community achieve this shared vision. The community efforts to date represent significant progress toward these goals.

Building Affordable Housing

Responding to the high level of need for affordable housing and the desire to efficiently utilize scarce resources, the County has prioritized funding and development of housing for residents experiencing homelessness and extremely low-income households. Creating affordable housing for these priority populations requires substantial cooperation between the County of Santa Clara, its many agencies, and a range of municipal, nonprofit, philanthropic, and community partners. Key examples of the collaboration necessary to stably house the county’s most vulnerable residents include:

- **Second Street Studios**, an innovative partnership between the County, the City of San Jose, and the Santa Clara County Housing Authority will result in a new service-enriched apartment community in September 2018. The development will improve the health and housing stability of 134 disabled individuals who have experienced long-periods of homelessness.

- **2016 Measure A**, the recently passed $950 million Affordable Housing Bond, will help to fill some but not nearly all of this need, by providing funding for approximately 4,800 units of affordable housing. The County has approved funding for six developments with housing designated for households exiting homelessness, and is working to support more than 100 additional developments over the next ten years.

Santa Clara County’s Supportive Housing System

Affordable housing is a critical tool of the supportive housing system in Santa Clara County, but it must be complemented by individualized services to help clients maintain stable housing and rigorous data evaluation to improve outcomes for families and individuals experiencing homelessness. Santa Clara County’s supportive housing system provides a continuum of programs and services to meet the needs of the county’s most vulnerable residents, including:

- **Homelessness prevention programs** help individuals and families on the verge of homelessness to remain housed and avoid extended shelter or transitional housing stays.

- **Targeted outreach programs** engage with people experiencing homelessness, especially the more than 5,000 county residents living in vehicles, encampments, and other public spaces.

- **Emergency shelters** provide a temporary place to stay, access to services, and other basic needs, for up to 1,146 people across the county each night.

- **Transitional housing programs** offer time-limited housing and services for up to 610 households at a time and are well-suited for populations such as youth or survivors of domestic violence, who may benefit from increased social supports and intensive on-site services.

- **Rapid Rehousing programs**, with a capacity to serve 619 households at a time, quickly move families and individuals into housing and provide financial assistance and services to help households stabilize, increase income, and eventually take over the cost of their rent. Of clients leaving the program in 2017, 72% had obtained permanent housing.

- **Permanent supportive housing programs** couple stable, long-term housing with wrap-around supportive services, such as case management and access to physical and behavioral healthcare, for up to 2,846 households at a time. Of those housed in permanent supportive housing programs by 2017, 90% of clients remained stably housed for at least 12 months.

- **Coordinated Assessment System**, which referred 1,401 households to housing programs in 2017, matches individuals and families experiencing homelessness with the county’s transitional and permanent housing resources, and ensures that the community is serving those with the highest needs.

7,394 Homeless in Santa Clara County

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsheltered</td>
<td>5,448</td>
</tr>
<tr>
<td>Sheltered</td>
<td>1,946</td>
</tr>
</tbody>
</table>

The State of the Supportive Housing System in Santa Clara County 2017

<table>
<thead>
<tr>
<th>Program</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent Housing Retention</td>
<td>3,000</td>
<td>3,400</td>
</tr>
<tr>
<td>Permanent Housing</td>
<td>72%</td>
<td>90%</td>
</tr>
</tbody>
</table>

Obtained Permanent Housing

- **72%** were in permanent housing (884 of 1,232) of clients who exited rapid rehousing programs in 2017
- **90%** remained stably housed for at least 12 months (1,205 of 1,343) of clients housed in PSH between July 2011 and the end of 2016

Cost of providing services to homeless residents in Santa Clara County

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing</td>
<td>$520,000</td>
</tr>
<tr>
<td>Healthcare</td>
<td>$53,000</td>
</tr>
<tr>
<td>Social Services</td>
<td>$13,000</td>
</tr>
<tr>
<td>Justice System (primary and all costs)</td>
<td>$34,000</td>
</tr>
</tbody>
</table>

The universe for this measure (1,681 clients) includes all clients served in a permanent supportive housing program who were housed at least 12 months prior to the end of 2017. The universe is significantly lower than the total system capacity (2,846 households) because it does not include all clients served.
Executive Summary

Innovative — and Cost Effective — Housing Programs

Though the County offers an array of programs and services, current capacity cannot meet the need of the county’s significant homeless population. To efficiently utilize the limited resources available to assist individuals and families experiencing homelessness, the County seeks to target housing resources and close service gaps for its most vulnerable residents. Programs and strategies implemented by the Office of Supportive Housing and its partners include:

- **Re-envisioning the Community’s Approach to Preventing Homelessness** - The Homelessness Prevention System Pilot brings together a network of community partners to provide flexible financial assistance and resources for households in crisis, targeting support to families and individuals most at risk of losing their housing and preventing them from entering the homeless system.

- **Facilitating Public Safety and Justice Housing Services** - County programs enhance public safety by helping homeless individuals overcome past criminal history and find safe and stable housing upon release, allowing them to reintegrate and contribute to the community.

- **Supporting Housing Stability to Promote Family Reunification** - The Bringing Families Home program, a collaboration between the Office of Supportive Housing and the Social Services Agency’s Department of Family and Children Services, helps families involved in the child welfare system to attain housing stability and reunify families.

These innovative programs, and many others that have been implemented or are in development, demonstrate the County of Santa Clara and its partners’ commitment to working strategically and collaboratively to ensure that homelessness is rare, brief, and non-recurring. To achieve the collective goal of 6,000 new housing opportunities for individuals and families experiencing homelessness, the community must shift from relying on the private market to building enough affordable housing to meet the need in Santa Clara County. The Office of Supportive Housing is a leader in this movement, working across the region in a successful Collective Impact framework, as no one entity can address the issues of homelessness and poverty alone. As the many initiatives already in progress show, a community-wide effort to end homelessness requires the cooperation and collaboration of a range of stakeholders from our public/private sectors, including cities, state and county agencies, corporations, philanthropy and nonprofit partners.
HOMELESSNESS IN SANTA CLARA COUNTY

Homelessness affects thousands of Santa Clara County residents each year. Individuals and families, adults and children, people with jobs, and those with severe disabling conditions face challenges to finding and retaining safe and stable housing. Many live without habitable shelter, on streets, in parks, in vehicles, or in sheds or abandoned buildings, while others spend their nights in the community’s emergency shelters and transitional housing programs. (See Appendix A: Defining Homelessness for more information about the definitions of homelessness used in this report.)

Home Not Found, a 2015 study on the costs of homelessness in Santa Clara County, identified 46,225 residents who experienced homelessness over the course of the year in 2012 and received some form of County medical, behavioral health, or other social services, or had contact with the criminal justice system. This population represents some of the county’s most vulnerable residents, in no small part due to the instability, stigma, loss of resources, and physical vulnerability that accompany the experience of homelessness. The Home Not Found study found that the majority of county residents with experience of homelessness between 2007 and 2012 had used the County of Santa Clara’s medical and mental health services or had interacted with the criminal justice system, and many had contact with multiple County of Santa Clara departments or services.

The role of Santa Clara County’s supportive housing system is to implement the most effective strategies to assist individuals experiencing homelessness in overcoming the barriers keeping them from stable housing, and to make homelessness rare, brief, and non-recurring across the county.

46,225 residents experienced homelessness over the course of the year in 2012

The Home Not Found study population was “Persistently Homeless” for 12 months or more, consecutively or in 4 or more episodes, over a 36-month period.

Patterns of Homelessness

The Home Not Found study analyzed six years of data from County homeless, health and justice system service databases, revealing patterns in duration, County service usage, and public cost.

Duration

Out of the more than 100,000 people who experienced homelessness from 2007 through 2012, during those six years:

- 20% were homeless for 1 month
- 32% were homeless for 2-6 months
- 12% were homeless for 7-11 months
- 13% were homeless for 1 year - 23 months
- 12% were homeless for 2 years or more

YEARS OF HOMELESSNESS

While most individuals were able to make lasting exits from homelessness after shorter episodes, some fell into longer episodes or patterns of homelessness. In an average month from 2007 to 2012:

- 13% of the study population was “Persistently Homeless” for 12 months or more, consecutively or in 4 or more episodes, over a 36-month period.

Service Usage and Public Cost

Among the individuals in the Home Not Found study population, County service usage was common:

- 54% Outpatient Healthcare
- 27% Emergency Room}
- 17% Mental Health Services
- 32% Justice System Involvement

Though the type of service usage and costs varied, the study found that mental illness, substance abuse, incarceration, and persistent homelessness all had a strong impact on overall public costs.

On average, Santa Clara County service providers spent $520 million per year providing services for residents in years when they experienced homelessness during the six years covered by this study, with much of the costs accrued by a small number of frequent users. In 2012:

- The highest cost 10% of residents experiencing homelessness accounted for 61% of all costs for these individuals
- The highest cost 5% accounted for 47% of all costs
- About half of individuals in the highest cost 5% were persistently homeless

- 520 Million/year

Attachment: Attachment C - Ending Homelessness - The State of the Supportive Housing System in SCC 2017 (91233 : Supportive Housing System in Santa Clara County)
Homeless Population Change Over Time

Every other year in January, the County of Santa Clara Office of Supportive Housing and the local cities coordinates a countywide point-in-time count of people experiencing homelessness. This biennial Homeless Census and Survey provides the best data available on the size and characteristics of the county’s homeless population over time, including numbers of people sleeping outside, in vehicles, or in structures not intended for human habitation (unsheltered), and in emergency shelters and transitional housing programs (sheltered). For more information about the Homeless Census and Survey, see Appendix B: Data Sources.

A Crisis in Context

Santa Clara County’s housing and homelessness crisis is a local instance of a national epidemic, which is particularly acute in California’s metropolitan areas. As of January 2017, local point-in-time counts similar to the Homeless Census and Survey reveal that the state of California is home to a quarter of the nation’s homeless population. More than two-thirds of people experiencing homelessness in California are unsheltered – over twice the national rate.iii

How Santa Clara County’s Homeless Population Compares to Other Communities

In Santa Clara County, as in much of California and in many high-cost urban areas around the country, homelessness and housing instability are closely tied to the region’s soaring housing costs and economic stagnation for low-income residents.

The Rental Market and Lack of Income are Primary Barriers to Regaining Housing

Top 3 barriers to obtaining permanent housing reported by 2017 Homeless Census and Survey respondents:iv

80% 60% 40% 20% 0%

Can’t Afford Rent
No Job/Income
No Money for Moving Costs

Job Loss and Eviction are Among the Leading Causes of Homelessness

Top 3 primary causes of homelessness reported by 2017 Homeless Census and Survey respondents:

100% 80% 60% 40% 20% 0%

Job Loss
Alcohol or Drug Use
Eviction

The number reporting evictions as the primary cause of homelessness has increased by 11 percentage points between 2011 and 2017 (5% to 16%)


iii U.S. Census Bureau, American Community Survey data, 2016.
THE HOUSING GAP

In Santa Clara County, community-wide efforts have led to a number of robust and successful initiatives, but rates of homelessness remain persistently high. Although the county is among the most prosperous regions in the country, statewide economic trends and a severe housing shortage have left fewer and fewer residents able to afford the high cost of housing. Despite tremendous economic growth overall, median renter income in California declined by seven percent from 2000 to 2014. At the same time, annual median rent increased by 24 percent, overwhelming many renter households’ purchasing power in the housing market.10

Though Santa Clara County sits at the epicenter of the nation’s technology sector, all residents have not shared in the wealth generated by this sector. For low-income households, decades of slow-paced housing development combined with stagnant wages and swiftly rising rents have displaced many and created an exceedingly tight rental market for those who have remained.

These economic and housing market trends have been challenging for many residents and have been particularly catastrophic for those lowest-income households without a financial safety net. In response, the County of Santa Clara is focused on building a supportive housing system to serve these most vulnerable residents. Priority populations for the County include those who are most impacted by the lack of affordable housing – people experiencing homelessness, disabled individuals, and extremely low-income, elderly, and fixed-income households. For these residents, safe and affordable housing is often a critical component to alleviate physical and mental health conditions, maintain housing stability, and mitigate the effects of poverty.

10 California Housing Partnership Corporation, “Confronting California’s Rent and Poverty Crisis: A Call for State Reinvestment in Affordable Homes.” April 2016. Available at: https://www.huduser.gov/portal/datasets/fmr.html#2018

In 2017, annual income for an extremely low-income household earning 30 percent of the Area Median Income (AMI) in Santa Clara County was:

- **Individual:** $25,100
- **2 person household:** $28,650
- **4 person household:** $35,800

Housing costs in Santa Clara County, however, far exceed what would be affordable for extremely low-income households:

- **2017 Fair Market Rent**
  - 20%: $1,776
  - 50%: $2,200
  - 80%: $2,607

An affordable unit for an extremely low-income renter – in which the household pays no more than 30 percent of their income for housing costs – in Santa Clara County would be:

- **Individual:** $628
- **2 person household:** $716
- **4 person household:** $895
Addressing the affordable housing crisis for the county’s most vulnerable residents is no small task. In Santa Clara County, the need for more affordable housing is extremely pressing for all but the highest-income households, and demand for housing for extremely low-income renters is most acute. These households face additional challenges to housing stability, as a larger proportion of their income often goes to rent, and there is a disproportionate lack of affordable housing options at their income level.

This deficiency is nothing new, however. In 2005, a San Jose State University study found that unmet need for affordable housing development for extremely low-income renters far surpassed that of households with higher incomes. The report predicted that an additional local investment of $3.8 billion would be required to create housing for just the county’s extremely low-income households from 2005 to 2024.

Despite this urgent need, investment in and development of affordable housing for these most economically vulnerable households has not kept pace with the current or projected future need, even while development of housing for higher-income households has exceeded demand. Through the state-mandated Regional Housing Need Allocation (RHNA) process, each region projects the total number of housing units necessary to meet the needs of people of all income levels in each county and city. Progress toward these targets is tracked annually based on permits issued.

The trend of overproducing housing for higher-income households, while neglecting development for moderate-, low- and very low-income households, has continued under the county’s new RHNA projections released for 2015-2023. Zero cities in Santa Clara County met their RHNA target for Very Low Income housing and the county as a whole produced just 27% of the goal. In contrast, ten cities exceeded their target for housing for households earning above moderate incomes, and the county as a whole met 139% of the goal.

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### 2007-2014 Regional Housing Need Allocation (RHNA) Progress

- **Very Low-income Household Units**
  - Units Built: 3,798
  - Units Needed: 13,878

- **Low-income Household Units**
  - Units Built: 2,692
  - Units Needed: 9,567

- **Moderate-income Household Units**
  - Units Built: 2,371
  - Units Needed: 11,007

- **Above Moderate-income Household Units**
  - Approximate Units Needed: 25,886
  - Units Built: 35,962

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**Housing Gap**

1. Bay Area Local Initiatives Support Corporation and San Jose State University Institute for Metropolitan Studies, “Housing Silicon Valley: A 20 Year Plan to End the Affordable Housing Crisis,” February 2007. Available at: http://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1016&context=urban_plan_pub
2. Association of Bay Area Governments, “San Francisco Bay Area Progress in Meeting 2007-2014 Regional Housing Need Allocation (RHNA),” Sept. 2015. Available at: https://abag.ca.gov/files/RHNAProgressReport2017-2014_092815.pdf. RHNA does not track need and development of housing specifically for extremely low-income households, instead combining this population with very low-income households with incomes up to 50 percent of AMI. Development of housing affordable for these households likely lags even further. See Appendix D for additional data.
Building Supportive – and Affordable – Housing in Santa Clara County

Currently, the county’s supportive housing system relies heavily on the private market for available housing units, while the system provides rental subsidies to tenants to maintain affordability. This is not enough. An effective and sustainable supportive housing system requires many more units than are available in the private market, necessitating development of significant additional housing, and the cooperation of local, state, and federal partners.

To achieve this goal, the County of Santa Clara, city governments, and residents must make a deliberate shift in affordable housing policy, creating a movement to fund and develop the thousands of units and hundreds of development projects necessary to meet the needs of county residents of all income levels. In 2016, voters took a first and ambitious step toward this goal by passing bond Measure A, investing $950 million in affordable housing development over the next 10 years. Most of the funding will go toward the County of Santa Clara’s key priorities of building housing for extremely low-income households, including permanent housing for people experiencing homelessness.

While the 2016 Measure A Affordable Housing Bond (Housing Bond) will fund development of many new homes, the bond funds alone are not enough to fill the gap left by the dramatic decrease in state affordable housing funding since FY 2008-2009. Moreover, while more housing is being built, the system must also meet the basic needs of the county’s homeless population, which is overwhelmingly unsheltered. Temporary housing interventions, including emergency shelters and transitional housing, that seek to move people experiencing homelessness quickly into permanent housing, are a critical component of the supportive housing system. Meeting the current demand for temporary shelter and housing requires increased capacity and resources as well.

Along with its many partners in the public, private, and philanthropic sectors, the County of Santa Clara seeks to continue the momentum from the Housing Bond by further investing in housing that will support the county’s most vulnerable residents achieve safe, affordable, and stable housing. Each step in the process relies on the collaboration of these stakeholders. Cities must first approve, and local communities must embrace and accept, new developments and the residents they will serve. Developers must engage the community in the development process, and service providers must work to support tenants to become an integrated part of the community.

This report seeks to highlight the many efforts the County and its partners are undertaking to support the county’s most vulnerable residents and achieve the most impact with available resources. Poverty, income inequality, and affordable housing are among the biggest challenges facing residents of Santa Clara County and no single entity has the resources or authority to address these problems alone. As the many innovative and effective initiatives described in this report illustrate, community-wide solutions to ending homelessness require the cooperation and collaboration of a range of stakeholders, including cities, state and county agencies, and nonprofit partners.

A MOVEMENT TO END HOMELESSNESS

The County of Santa Clara and its city, nonprofit, philanthropic, and other community partners share a vision for Santa Clara County in which homelessness is rare, brief, and non-recurring for all residents. This collective mission to prevent and end homelessness drives innovation and investment across public and private sectors, and is outlined in detail in the Community Plan to End Homelessness in Santa Clara County.

The Community Plan to End Homelessness in Santa Clara County

In 2014, the County of Santa Clara Office of Supportive Housing and Destination: Home, a public-private partnership dedicated to collective impact strategies to end homelessness, convened a series of community summits to develop a coordinated strategy to address homelessness across the county. Representatives of local cities, nonprofit advocacy groups, service providers, philanthropic organizations, elected officials, universities, and people with lived experience of homelessness participated in the planning process. The resulting Community Plan to End Homelessness has been formally endorsed by Santa Clara County’s Board of Supervisors, Santa Clara County Housing Authority, Santa Clara Valley Water District, the majority of the county’s 15 cities, and other stakeholder organizations.

The plan provides a roadmap for the community’s work to end homelessness from 2015 to 2020, establishing goals and strategies within a three-part framework:

1. **Disrupt Systems**
   The Community Plan calls for disruptive strategies and innovative programs that transform the systems related to housing homeless people.
   - Deepen partnerships between local governments, nonprofit service providers, and the business sector to improve coordination
   - Use data to implement outcomes-based decisions about the most effective programs and structures to meet community needs
   - Coordinate housing and services through the Coordinated Assessment System to connect each individual with the right housing solution
   - Ensure that all individuals have a plan for housing upon exit from criminal justice or medical institutions and are not discharged into homelessness

2. **Build the Solution**
   To end homelessness, it is essential to secure the full amount of funding needed to provide affordable housing and services to those who are homeless and those at risk of homelessness.
   The Community Plan sets a goal of 6,000 new affordable housing opportunities dedicated to people experiencing homelessness, including new physical homes and apartments and new rental subsidies. Tenants in each of these new housing opportunities will have access to case management, health care, employment programs, and other services to ensure they are able to remain housed.

3. **Serve the Person**
   The Community Plan recognizes the need for client-centered strategies that target resources to each specific individual or household based on their unique and different needs. Goals under this section focus on increasing the system’s capacity to serve the needs of veterans, children and youth, families, people with disabilities who have experienced long-term homelessness, and other specific subpopulations.

Since implementation of the Community Plan began in 2015, the supportive housing system has helped 5,154 people return to safe and permanent housing.

The programs and initiatives described in this report represent significant progress toward Community Plan goals. The community’s stock of affordable housing dedicated to people exiting homelessness has increased by over half (see Closing the Housing Gap on page 22 for more information about progress toward 6,000 new housing opportunities). Innovative partnerships with the community’s healthcare, criminal justice, child welfare, and education systems are in place to disrupt cycles of homelessness for the county’s most vulnerable residents (see Supportive Housing Innovations on page 29 for more information about cross-system partnerships). As it grows to meet the community’s need, the supportive housing system will continue to focus on systemwide coordination and improved crisis response for all families experiencing homelessness (see Crisis Response System on page 47 for more information about system coordination and shelter programs).
SUPPORTIVE HOUSING SYSTEM MAP

Homelessness Prevention
- Helps individuals and families who are about to lose their housing to remain housed where they are or move to new permanent housing
- Acts as an access point to the Coordinated Assessment System

Coordinated Assessment System
- Acts as a front door to the community’s housing resources
- Matches people experiencing homelessness to the community’s transitional housing, rapid rehousing, and permanent supportive housing programs

Outreach
- Engages with people experiencing homelessness on the street, in parks and other public spaces, and in vehicles
- Acts as an access point for the Coordinated Assessment System and for emergency shelter
- Locates people in the Coordinated Assessment System who have been referred to a housing program

Emergency Shelter
- Provides a safe place to sleep for people experiencing homelessness
- Provides meals, showers, other basic needs, and connections to other community resources
- Acts as an access point to the Coordinated Assessment System

Transitional Housing
Provides temporary housing and site-based services for people experiencing homelessness, a program model most effective for specific subpopulations, such as:
- Youth, especially Parenting Youth
- Veterans
- Homeless individuals and families enrolled in a permanent housing program and searching for apartments

Rapid Rehousing
- Provides supportive services and financial assistance to people experiencing homelessness
- Helps individuals and families obtain permanent housing and increase income so that they can remain housed independently
CLOSING THE HOUSING GAP

For most individuals and families experiencing homelessness, affordable housing is fundamental to achieving long-term housing stability. Since implementation of the Community Plan to End Homelessness began in 2015, Santa Clara County has made significant progress toward the central goal of 6,000 new affordable housing opportunities for individuals and families experiencing homelessness.

Under the Community Plan, new housing opportunities include both new housing stock and rental subsidies to assist households in exiting homelessness. This can take the form of new affordable housing development, commitments by property owners of existing housing for use by households exiting homelessness, and new funding streams to increase the community’s capacity to subsidize rent payments for extremely low-income individuals and families.

Progress toward this goal is made possible by ongoing coordination of resources, expertise, and political will by city governments, County agencies, the Santa Clara County Housing Authority, community-based organizations, affordable housing developers, private funders, and other partners. Leaders have stepped up across the community with a shared commitment to building strong relationships, actively seeking out opportunities to work together toward common goals and generating a culture of collaboration that defines a growing movement to end homelessness in Santa Clara County.

Santa Clara County Housing Authority Referral Programs

The Santa Clara County Housing Authority is a key partner in achieving the community’s goal. Since 2015, the Housing Authority has dedicated 1,225 additional Housing Choice Voucher Program subsidies for households exiting homelessness through its Chronically Homeless Direct Referral Program, which serves individuals and families who have been homeless for a year or more and have a disabling condition (see Appendix A: Defining Homelessness for more information about chronic homelessness). In 2018, the Housing Authority and the County will launch the Special Needs Direct Referral program to serve individuals and families with medical or behavioral health needs, who may not meet the federal definition of “chronically homeless.” Permanent supportive housing programs use Housing Choice vouchers to subsidize client rent, in combination with case management and supportive services funded through other sources. The Chronically Homeless and Special Needs Direct Referral Programs will provide increased supportive housing opportunities for the county’s most vulnerable individuals and families experiencing homelessness.

The Housing Choice Voucher Program (formerly known as Section 8) provides rental subsidies funded through the U.S. Department of Housing and Urban Development and administered by local housing authorities. Project-based vouchers subsidize rent in specific housing units, while Housing Choice Vouchers (formerly known as Section 8 Vouchers) can be used in any unit in the community. HUD-VASH vouchers combine HUD rental assistance with case management and medical services provided by the Department of Veterans Affairs.

---

Santa Clara County Housing Authority Referral Programs

| Housing Choice Vouchers Committed to Homeless & Chronically Homeless Populations |
|---------------------------------|----------------|
| Baseline in 2015                | New Vouchers in 2016 & 2017 |
| 646                             | 1,307                      |
| 79                              | 807                        |
| 932                             | 646                        |
| 1,735                           | 75                         |
| 1,225                           | 853                        |
| 500                             | 655                        |
| 87                              | 62                        |
| 25                              | 804                        |
| 50%                             | 655                        |
| 75%                             | 62                        |
| 100%                            | 804                        |
| 0%                              | 655                        |
| 25%                             | 62                        |
| 50%                             | 804                        |
| 75%                             | 655                        |
| 100%                            | 804                        |
| 0%                              | 655                        |
| 25%                             | 62                        |
| 50%                             | 804                        |
| 75%                             | 655                        |
| 100%                            | 804                        |

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The Veranda development’s groundbreaking ceremony in Cupertino on April 19, 2018. Photo courtesy of Charities Housing.
"We look at this as a team, and we're committed to providing an environment that ensures residents are receiving key supportive services," said Kathleen Kiyabu, Director at John Stewart Companies. "This is hard work, probably the hardest job I've ever done. It's a job that needs to be done, and it's the right thing to do."

Second Street Studios: A First-Rate Collaboration in Building Supportive Housing

Drive up South First Street towards downtown San José, and you might mistake the construction for one of many condo complexes springing up across Santa Clara County. In fact, one of the region's most innovative affordable housing developments is currently underway. Set to be completed in September 2018, Second Street Studios will provide 134 units of permanent supportive housing for some of Santa Clara County's most vulnerable residents.

Beginning in 2016, the County of Santa Clara Office of Supportive Housing enlisted several key partners, including the City of San José, the Santa Clara County Housing Authority, housing developer First Community Housing, property manager John Stewart Company, and supportive service provider Abode Services, with the goal of pioneering a new model for building permanent supportive housing. Although the partners were not unfamiliar to each other, in past collaborations there had been an uneasy tension between local governments working to create more affordable housing, developers seeking feasible projects, and service providers who serve a high-needs population. The Second Street Studios project challenged these partners to engage and collaborate in new ways.

Strong Commitment Builds Strong Communities

Like any successful partnership, the Second Street Studios project has required significant commitment and buy-in from all involved: the City of San José committed over $14 million in funding for the project; First Community Housing joined the partnership because it is committed to building high-quality housing that meets the needs of the local community; the Santa Clara County Housing Authority will provide rental subsidies for all 134 units, allowing residents to stay as long as they have need; the County Office of Supportive Housing will provide ongoing funding for supportive services for clients; and, finally, Abode Services and the John Stewart Company, have committed to locate staff on-site to provide wrap-around support to ensure that residents are able to maintain their housing.

Housing First, a Client-Centered Model that Works

At the center of Second Street Studios will be its future tenants — 134 chronically homeless individuals, a vulnerable subset of the homeless population who have a disability and have been living on the streets for a year or more. (See Appendix A for more information about chronic homelessness.) Studies show that stable housing is critical to successful outcomes for chronically homeless individuals, and the Office of Supportive Housing and its Second Street Studios partners have seen first-hand how supportive housing can positively impact clients.

Embracing a Housing First philosophy, which quickly places people in housing and then provides supportive services, Second Street Studios' partners and services are focused on the stability and well-being of each client. From inception, Second Street Studios was envisioned as a safe, nurturing space for residents. The building was designed to minimize isolation while increasing opportunities for positive social interactions. There are shared community spaces, a green terrace for gardening, and a computer lab with free wireless internet. To foster a sense of community, Abode Services, with funding from the County, will offer client-centered programming and services focused on social interactions and celebrating successes. While moving into permanent housing may be a transition for the new residents, many of whom have lived on the streets for years, the project has been a transformative process for the community and the many partners involved.
Villas on the Park is a 100% permanent supportive housing development consisting of 84 apartments on a 0.355-acre site in downtown San José, under development by Affirmed Housing Group Inc. and People Assisting the Homeless (PATH). PATH will provide on-site supportive services such as outreach and engagement, needs assessment, case management, mental health care, substance abuse treatment, life skills education, community building, eviction prevention, green education, and transportation planning.

The Veranda is a 19-unit affordable senior housing development on a vacant 0.57-acre site, located in Cupertino and developed by Charities Housing Development Corporation of Santa Clara County. Six apartments will be reserved as permanent supportive housing units for formerly homeless or special-needs seniors. Catholic Charities will provide a service coordinator for all residents on site, offering a range of supports including referrals and assistance to access community-based services, financial literacy workshops, and organized social activities.

Gateway Senior Apartments is a 75-unit affordable senior housing complex on a 1.86-acre site, developed by Danco Communities. Half of the apartments will be reserved for special needs seniors and the remaining apartments for income-qualifying seniors. LifeSTEPS will provide a service coordinator, who will offer residents referrals and assistance to access community-based services, financial literacy workshops, and organized social activities.

2016 Measure A Affordable Housing Bond

In November of 2016, Santa Clara County voters approved a $950 million Affordable Housing Bond. The County of Santa Clara and its partners have moved quickly to utilize the bond funds, which are projected to fund 120 new affordable housing developments over ten years, including 4,800 new units dedicated to extremely low-income households and individuals, families exiting homelessness, and other underserved populations. A first round of funding has been approved for six developments, each of which includes supportive housing units dedicated to households exiting homelessness.
Quetzal Gardens is a 71-unit affordable housing development, developed by Resources for Community Development (RCD). Twenty-four of the apartments will be set aside for chronically homeless individuals or families, and the remaining units will be allocated to residents who are considered extremely low income and low income. RCD will take the lead in providing services for the family apartments. The building’s service coordinator will offer individualized services to all residents and referrals to local community services.

The Crossings on Monterey is a three-story affordable housing development consisting of 39 affordable housing units in Morgan Hill being developed by Urban Housing Communities. Approximately 20 apartments will be reserved for chronically homeless and homeless individuals and families. Resident services will be provided by Central Valley Coalition for Affordable Housing, including referrals and assistance to access community-based services.

Supportive Housing Innovations

The wide range of permanent housing programs that comprise Santa Clara County’s supportive housing system form the core of the community’s strategy to make homelessness rare, brief, and non-recurring. Embracing a Housing First philosophy, the supportive housing system considers every household ready for and deserving of safe and stable housing and is committed to providing the appropriate level of support for each client to achieve that goal.

Supportive Housing Innovations describes some of the community’s most innovative supportive housing initiatives, each of which pushes the boundaries of cross-system collaboration and reimagines the ways local government, nonprofit, and business partners work together to serve the county’s most vulnerable residents.

Tools of the Supportive Housing System

The supportive housing system relies on three key elements to support participants as they obtain and retain stable housing: affordable housing, case management, and supportive services. Performance measurement is used to evaluate and improve the effectiveness of these tools.

- **Affordable Housing** can take the form of rental subsidies, which cover part or all of a client’s housing costs and may be short-term (1-3 months), medium-term (3-24 months), or long-term (over 2 years) used in physical housing units owned or leased by a housing program, in units that are part of the market-rate housing stock, or in affordable apartments developed and set aside for households exiting homelessness.

- **Case management** involves one or more trained staff members working closely with a client to establish client-driven goals to attain and retain stable housing, including connecting the client to the best resources to help reach those goals.

- **Supportive services** are a diverse array of resources that help clients obtain or maintain permanent housing, including assistance with public benefits applications, medical and behavioral health care, legal services, credit repair, childcare, job training and employment programs, assistance with housing location or rental applications, and help building relationships with landlords.

- **Performance measurement** uses data collected by housing and service providers to evaluate the success of the supportive housing system and to improve outcomes for clients. See Appendix C: Measuring Success for more information about the performance metrics used.
Permanent Supportive Housing

Permanent supportive housing—which provides rental subsidies, medical and behavioral health, and other supportive services—is the most effective strategy for ending homelessness for long-term homeless and disabled individuals and their families. These programs target families and individuals with the highest barriers to finding or retaining housing and the longest time spent homeless. Often these clients are frequent users of County emergency medical, behavioral health services, and justice system services and most will need long-term or permanent support in order to remain stably housed. The County of Santa Clara Office of Supportive Housing partners with the Department of Behavioral Health to ensure that clients in permanent supportive housing have access to essential behavioral health services. The community’s Housing First philosophy prioritizes swift permanent housing placements for these most vulnerable households as a necessary first step to stability.

At the core of Santa Clara County’s permanent supportive housing system is the Care Coordination Project (CCP), a partnership of six permanent supportive housing providers, the County’s Behavioral Health Services Department, and the County’s Office of Supportive Housing. First implemented in 2011, this initiative brought the majority of the community’s permanent supportive housing programs into a collaborative partnership, which agreed to standard data collection, shared performance measures, and a centralized client referral process. As of the end of 2017, Care Coordination Project partners have begun utilizing Continuum, a custom-designed data sharing system that integrates client records from the County’s HealthLink medical services database and the Homeless Management Information System, allowing case managers to better coordinate wraparound services for each client.

With capacity to serve 1,322 households at a given time, representing 46% of the community’s permanent supportive housing inventory, the Care Coordination Project continues to operate as a highly coordinated core of the supportive housing system and a model for systemwide performance measurement.

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Measuring Success

**Permanent Housing Retention**

90% remained stably housed for at least 12 months

(1,205 of 1,343) of clients housed in PSH between July 2011 and the end of 2016[^xviii]

**Returned to Homelessness Within Two Years**

6% returned to homelessness within 2 years

(4 of 65) of clients who exited permanent supportive housing for other permanent housing in 2015

[^xviii]: The universe for this measure (1,681 clients) includes all clients served in a permanent supportive housing program who were housed at least 12 months prior to the end of 2017. The universe is significantly lower than the total system capacity (2,846 households) because it does not include all clients served.

[^xvii]: The Santa Clara County supportive housing system evaluates the overall success and impact of the system using data entered by supportive housing and shelter providers into the Homeless Management Information System. These performance measures are based on the national standards for performance measurement developed by the U.S. Department of Housing and Urban Development. For more information about the performance measures in this report, see Appendix C: Measuring Success.

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[^xviii]: The universe for this measure (1,681 clients) includes all clients served in a permanent supportive housing program who were housed at least 12 months prior to the end of 2017. The universe is significantly lower than the total system capacity (2,846 households) because it does not include all clients served.
The High Cost of Homelessness

The County of Santa Clara Office of Supportive Housing and its many partners have been working diligently to fund and develop permanent supportive housing for the many long-term homeless and disabled residents who need it. However, with limited capacity, these intensive programs must be prioritized for those most vulnerable and with the most severe barriers to housing. This approach also helps to maximize the reach of the County’s many other resources often utilized by long-term homeless and disabled individuals, including costly justice system, emergency psychiatric, and medical services.

Home Not Found, a 2015 study on the public cost of homelessness in Santa Clara County, found significant overlap between individuals who have been homeless for a year or more and those who incurred the highest public costs. In particular, public costs related to homelessness are heavily skewed toward a relatively small number of frequent users of justice system, emergency psychiatric, and medical services. While the average annual cost per person experiencing homelessness in 2012 was $5,148, individuals with costs in the top 5 percent had average costs of over $100,000 and accounted for 47 percent of all costs.¹⁹

To address these cost disparities and ensure available resources and services are utilized most efficiently, the County has developed several programs, described in the following pages, that strategically target key populations that, when unhoused, use a disproportionate amount of county services. These programs recognize that stable housing is a vital component of the continuum of care for individuals with complex medical and behavioral health needs and those with significant justice system involvement. In addition, with an approximate cost of $30,000-35,000 per individual annually, permanent supportive housing for individuals with complex needs results in a significant reduction in the cost of services provided.

Valley Medical Center Permanent Supportive Housing - Whole Person Care

The Santa Clara Valley Medical Center (VMC) Supportive Housing Program, is an innovative cross-system collaboration that provides housing, case management, and high-quality health services to medically fragile individuals identified as high utilizers of County emergency health services. The program leverages California’s Whole Person Care Program funding for medical care coordination and intensive case management provided by the County of Santa Clara Office of Supportive Housing and nonprofit partner Peninsula Healthcare Connections, as well as County funding to provide rental subsidies through Abode Services.¹⁶ Enrollment began in November of 2017, and will serve 70 clients at full capacity. Seeking to serve the highest utilizers of emergency medical and mental health services, clients must be homeless or at risk of homelessness, disabled, between ages 18 and 65, and eligible for Medi-Cal.

Targeting the highest utilizers with the most acute needs

Potential clients are identified by VMC, which determines the highest utilizers of County emergency medical and psychiatric services, and by the Office of Supportive Housing, who confirms that potential clients are homeless or at risk of homelessness. To locate these individuals, the County has developed a highly-specialized multidisciplinary team including a public health nurse and a doctor to conduct targeted outreach for the program.

Bringing collaborative, nontraditional services to the highest utilizers

Combining intensive case management with data sharing between partners allows the program to fill in any gaps between service providers, with the goal of improving health outcomes for clients. Currently, VMC has access to the County’s Homeless Management Information System (HMIS) to help caseworkers coordinate services. Soon this data sharing capacity will be improved by connecting multiple other County departments’ data systems, including Mental Health, and Custody Health, which provides mental health and medical services for incarcerated people.

¹⁶ In 2016, the California Department of Health Care Services awarded funding to 18 communities to implement Whole Person Care Pilots, which provide coordinated medical, behavioral health, and other social services to individuals in the Medi-Cal program who are high utilizers of local medical services. Whole Person Care Pilots require collaboration between local government, medical care providers, housing providers, and other stakeholders to coordinate services and offer integrated care.

Permanent Supportive Housing for Public Safety and Justice

Through programming coordinated by the County of Santa Clara Behavioral Health Services Department, the County seeks to interrupt the complex feedback loop between homelessness and incarceration by connecting high-needs incarcerated individuals who would otherwise exit to homelessness with permanent supportive housing. The program employs a range of medical, behavioral health, and housing-related supports to reduce the rate of reincarceration of individuals with serious mental illness and to address the social and health factors that can lead to further involvement with the justice system.

Commencing in April 2017, the County of Santa Clara Office of Supportive Housing and Behavioral Health Services Department fund and coordinate the program, which serves 90 individuals with serious mental illness and a history of chronic homelessness who would otherwise exit jail to the streets or emergency shelters. To identify participants, clinicians and staff from several county departments work closely with the local courts to ascertain which individuals may be most in need of mental health and housing services. Community Solutions, a nonprofit housing and service provider, supplies case management services, working with each individual prior to release to develop a plan for connecting to medical, behavioral health, and other services in the community and to secure housing upon release.

By connecting seriously mentally ill individuals to permanent supportive housing prior to discharge, the program prevents homelessness for individuals with complex health needs. As of December 2017, the program had already enrolled 35 participants, and placed four in stable housing. Additional components of this innovative approach include the following:

Anticipating Risk Factors to End Cycles of Incarceration and Homelessness

By ensuring that multi-disciplinary clinicians have access to and a consistent presence within the local courts, staff are able to observe and identify risk factors that lead individuals to repeat cycles of incarceration and homelessness to better anticipate how and when to intervene.

Coordinating and Prioritizing Interventions for Most Vulnerable

The program uses evidence-based approaches to coordinate and prioritize participants for permanent supportive housing, by gathering information on individual service utilization and length of time homeless. This ensures that housing and services are connected to individuals most at risk of exiting to homelessness and eventual return to incarceration.

Streamlining Communication to Minimize Gaps in Housing

Through enhanced communication with local courts, case managers are aware of important dates for participants, and are able to arrange a “warm hand-off” where case managers provide transportation to interim housing for newly released participants.

CLIENT STORY

After Four Years on the Streets, Permanent Supportive Housing Provides Jorge a Home

Jorge was homeless until his case manager at Abode Services let him know he would be getting a studio apartment. "I like this place. I wasn’t expecting this nice place. I really like the tub,” said Jorge, sitting in a rolling office chair in his apartment. He leans back, and mentions the medication he’s taking, suggesting that he has struggled with severe depression. Without a pause, he goes on to talk about the interview he has on Friday with a restaurant in Willow Glen. He has always made a point to stay employed, working multiple jobs in downtown Palo Alto while he was homeless.

Jorge explains the importance of remaining employed, sharing that it allowed him to save money while homeless; so he could buy a tent. Unfortunately, it was one of eight tents he obtained that year because they kept getting stolen. Going to and from work, he would sneak around so he wouldn’t be spotted by anyone, often waiting hours before returning to his tent hidden among the bushes. Sometimes when he got back, he’d find everything was gone.

He is no stranger to having his belongings disappear. In fact, the first time it happened was five years ago, when he became homeless at 26 years old. He returned home and found the room he was renting for $800 a month, and he couldn’t unlock the door. His landlord had changed the locks and everything he owned was inside. He says that a few days prior the landlord mentioned she was raising the rent $220 a month, and Jorge told her he couldn’t afford the rent increase. After that, Jorge struggled to find a place he could afford, and when he could no longer stay in the basement of the hookah lounge where he was working, he found himself with nowhere to go but the streets.

Jorge is one of thousands of people who have entered the Coordinated Assessment System, taking a brief survey to assess their immediate needs and prioritize them on a list for housing referrals. Jorge received a referral to a permanent supportive housing program funded by the County and operated by Abode Services.

Now that he is settled in his new home, he recalls the only thing he had to do when he moved into his apartment was sleep. “I hear that from a lot of people,” said Kenya Rawls, Housing Services Coordinator with Abode Services. She’s working with Jorge now that he’s housed. She looks at him and says, “You’ve come so far. I am so proud of you.” Jorge smiles and scratches Buddy behind the ears.
Project Welcome Home is a permanent supportive housing program designed to serve individuals with experience of long-term homelessness who are also among the highest utilizers of emergency medical and psychiatric services in the county. The County of Santa Clara Office of Supportive Housing refers clients to the program by using linked medical and homeless services data to identify clients with long-term homelessness and high rates of hospitalization, emergency department visits, or use of emergency psychiatric services. Clients that are able to remain stably housed through Project Welcome Home's intensive supportive services show dramatically reduced utilization of the County's safety-net services.

Project Welcome Home is the first permanent supportive housing program in California to operate under a Pay For Success model. It received $6.9 million in up-front investments from private funders, including The Sobrato Foundation, The California Endowment, The Health Trust, The Reinvestment Fund, Corporation for Supportive Housing, The James Irvine Fund, Google.org, the Laura and John Arnold Foundation, and Abode Services. As the primary government sponsor, the County of Santa Clara repays those investments as the program demonstrates success by housing and improving the lives of the clients it serves. This innovative funding model ensures that program outcomes are closely tracked and that public funds are only expended when the program fulfills its purpose to stably house the County's highest utilizers.

Enrollment in the program began in May of 2015, and the total capacity will increase from 142 to 145 individuals in 2018. This program’s ground-breaking approach to permanent supportive housing is evident in the following transformative strategies:

**Setting the Standard in Cross-System Data Sharing**

Continuum, the data platform that integrates the County’s medical and behavioral health records with Homeless Management Information System data, was initially implemented as a tool for Project Welcome Home to identify the highest utilizers of crisis medical services with experience of long-term homelessness. Lessons learned through its implementation have laid the foundation for integration and alignment of data between other County, city, and nonprofit partners.

**Offering intensive wraparound supports in an evidence-based treatment model**

Abode Services employs an Assertive Community Treatment model, supporting clients with an interdisciplinary team to offer housing case management, clinical psychiatric services, and counseling services, including alcohol and substance use counseling. Rather than connect clients to essential behavioral health supports through referrals and community-based services, the Project Welcome Home team provides those supports directly in a coordinated and highly responsive manner.

**48% Reduction in Emergency Medical Services Usage**

by Tenants Housed > 12 months

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Funding from Abode Services was in the form of $500,000 in deferred fees for services provided as the primary rental assistance administrator and Assertive Community Treatment provider.
Rapid Rehousing

Rapid rehousing is an evidence-based supportive housing strategy that quickly moves families and individuals who are experiencing homelessness into permanent housing and provides a time-limited rental subsidy and supportive services to obtain and maintain stable housing. This intervention is designed to support families and individuals experiencing episodic, rather than long-term, homelessness. Program staff help each household locate and secure an apartment, and clients typically receive 6 to 24 months of rental subsidy. During this time, clients have access to case management and supportive services, such as employment and training opportunities and childcare, aimed at increasing their income and addressing other barriers to housing stability. Rapid rehousing programs have regular client turnover, meaning that, as one household exits a program, funding can be redirected to help a new household entering the program.

While rapid rehousing offers a promising path to housing stability for large numbers of individuals and families, regional housing market and economic conditions make rapid rehousing program design and implementation challenging in Santa Clara County. For rapid rehousing clients, obtaining living-wage employment and finding an affordable apartment can make the difference between long-term housing stability and a continued risk of homelessness. Over the past six years, the County of Santa Clara has led an effort to increase rapid rehousing capacity and to improve outcomes for rapid rehousing clients through community standards for program design, training for program staff, targeted living-wage employment strategies, and County leadership in affordable housing development.

Total Unit Inventory (point-in-time capacity):
619 households

Measuring Success

Obtained Permanent Housing

72% were in permanent housing

(884 of 1,232) of clients who exited rapid rehousing programs in 2017

Returned to Homelessness Within Two Years

11% returned to homelessness within 2 years

(46 of 406) of clients who were in permanent housing when they exited rapid rehousing in 2015
Rapid Rehousing for Public Safety and Justice

In partnership with the County of Santa Clara Office of Reentry Services, the County of Santa Clara Office of Supportive Housing offers a rapid rehousing program to address a significant risk factor for long-term homelessness in Santa Clara County by providing much needed linkages to housing and case management for persons experiencing homelessness who are reentering society after involvement with the criminal justice system. The program has provided housing search assistance, case management, and time-limited rental subsidies to incarcerated and recently released individuals for the past six years, and in 2017 the program has seen significant expansion and enhanced interagency coordination and collaboration.

Initially implemented in 2012 with capacity to serve 25 clients, the program currently leverages $3.3 million in annual state and federal funding to serve up to 190 clients at a time. The County of Santa Clara Office of Reentry Services dedicates California Assembly Bill 109 (AB 109) funds to the program, which are supplemented by federal and state funding provided to the Office of Supportive Housing. Participants can access the program through the County’s Reentry Resource Center, which acts as a coordinated service hub for formerly incarcerated residents. Multiple County departments and non-profit partners locate staff at the Reentry Resource Center to offer on-site counseling, public benefits application assistance, peer mentoring, medical care, health, housing, and other referrals, and a range of other resources in a one-stop-shop model. If a Reentry Resource Center client indicates housing is a need, the client receives an assessment of vulnerability and is prioritized for housing via the Coordinated Assessment System.

The program leverages collaboration across behavioral health, supportive housing, and criminal justice systems to reduce both homelessness and recidivism among prior serious offenders through the following strategies:

Ending Cycles of Homelessness and Criminal Justice Involvement

The program employs federal and state funding, to break the connection between homelessness and criminal justice involvement, whereby homelessness itself can lead to incarceration and criminal justice involvement can make it more difficult to obtain housing.

Employing Collaborative, One-Stop-Shop Program Design

The County of Santa Clara Offices of Reentry Services and Supportive Housing, in close collaboration with Abode Services, have designed the program to be client-centered, ensuring a clear path from housing needs assessment to connection to housing. By concentrating resources and case management services into one convenient location, the collaboration is maximized to best meet the housing needs of the Reentry participant.

Prioritizing Employment Partnerships

The program connects reentry clients with employment through partnerships with employment programs and referrals to the Destination: Work employment initiative, supporting participants to maintain housing stability and participate fully as members of the community.

Bringing Families Home

A common challenge among families involved in the child welfare system is the issue of housing instability. To be considered for family reunification, parents must be able to provide a safe and stable, though not necessarily long-term or permanent, living environment for the child. Temporary living arrangements, such as emergency shelters, transitional housing, and staying with friends and family, often cannot provide the type of stability that the child welfare system requires. This instability has been shown to cause stress within families, which can persist for at least six months following reunification, and can increase the risk factors resulting in reentry to the child welfare system.

In Santa Clara County, the Bringing Families Home program, a partnership between the Office of Supportive Housing and the Department of Family and Children Services, addresses these risk factors by providing stable housing to promote family reunification. Funded through a state legislative initiative targeted to families with connections to child welfare, the program provides rapid rehousing, including a rental subsidy and housing location services, to families at any point in the reunification process. This includes families with a child currently placed out of the home or families who have recently reunified who may be precariously housed, to assist them in achieving housing stability faster, exiting the child welfare system more quickly, and preventing re-entry.

After beginning enrollment in January 2018, the program will serve 46 families by July 2019. Families are referred to the program through the Coordinated Assessment System, which flags potentially eligible families that are currently experiencing homelessness or are at imminent risk of becoming homeless. After families are identified, the Department of Family and Children Services confirms that the family has a connection to the child welfare system, and a referral is made. Housing navigators from Abode Services work with the families to find housing, while Family and Children Services social workers continue to provide services, working in tandem to support families in their housing stability and reunification efforts. The program leverages the following innovations to aid its goal of providing stability to homeless families seeking reunification.

Enhancing Inter-Departmental Collaboration

County Office of Supportive Housing and Department of Families and Children Services staff work together to better coordinate services to families, respecting the unique roles each has to play in the success of the families’ goals for reunification.

Addressing Causes of Instability with Wraparound Support

Abode Services provides wraparound support to families to address the causes of housing instability, including childcare, transportation, counseling, referral to financial and credit counseling, legal services, and developing individualized housing plans to guide families to permanent housing stability.

Delinking Housing Instability and Family Separation

By ensuring families have a safe, stable place to reunify, the Bringing Families Home program disrupts the cycle of housing instability that heightens the risk that children will experience homelessness in the future.
Rapid Rehousing for School-Age Children

According to the 2017 Homeless Census and Survey, 72 percent of families with children experiencing homelessness in Santa Clara County were residing in shelters or transitional housing programs. This is a significant decrease since 2013 when 95 percent of families experiencing homelessness in Santa Clara County were sheltered. Often, families that do not access shelters or other typical entry points for the County’s supportive housing system, can be more challenging to engage, and risk falling through the cracks.

To reach these families, the Office of Supportive Housing has developed a rapid rehousing program targeting families with school-aged children who are not accessing the system through traditional access points, such as shelters or other community services. For this program, the County partners with the Bill Wilson Center and local school districts’ McKinney-Vento Homeless Education liaisons to identify families experiencing homelessness. Eligible families with school-age children are referred to the program, which can serve 60 families annually, via the Coordinated Assessment System. Innovative approaches utilized by the program include:

Meeting Families Where They Are

To expand access to the program, the County is working to provide training to school liaisons and staff to administer the VI-SPDAT, a vulnerability assessment used by all homeless service providers across the county. Once the assessment is done, school staff can then connect families directly to the Coordinated Assessment System, providing a convenient and trusted access point to the community’s supportive housing resources.

Forging New Partnerships to Better Serve Children and Families

To support clients in the program, the County of Santa Clara Office of Supportive Housing initiated several new partnerships, including with: local school districts; the federal Head Start program, which provides free preschool for low-income county residents and prioritizes services for homeless families; First 5 Santa Clara County, which operates and funds early childhood development programs for children up to 5 years of age; and Kids Connections, which offers access to developmental screening and early intervention services. To reach these families, the Office of Supportive Housing has developed a rapid rehousing program targeting families with school-aged children who are not accessing the system through traditional access points, such as shelters or transitional housing programs. This program began in Silicon Valley. “Life was not meant to be lived alone,” said Amanda. “Knowing the significance of our forever home is power and motivation to keep us putting one foot in front of the other every single day.”

Creating Opportunities for Innovation

The three-year program, which started accepting referrals at the end of 2017, is funded solely by County general funds, which allows the flexibility to try new approaches, test alternative outreach strategies, and learn what works to better serve families with school-aged children in Santa Clara County. Amanda search for jobs and tweak her resume. Downtown Streets Team helped gather home essentials for their first apartment; and Catholic Charities assisted with professional attire. Within three months, Amanda secured full-time work with an accounting firm, where she continues to work today.

In one year, they turned around their new life will be built in the Central Valley, their path to housing stability ground running, all while caring for four kids, and met their goal in just three years.

Abode Services worked with Amanda and Daniel through their rapid rehousing program to secure an apartment with a new landlord who was flexible with the family’s needs. Until they successfully took over the rent, Abode provided financial assistance to cover the deposit, a rental subsidy for the first three months, and nine months of continued support. This financial support helped create a stable environment which allowed them to continue working toward their plans to purchase their own home.

Amanda and Daniel worked with numerous other organizations, including: Employment Connection and CalWORKS, which helped Amanda and Daniel purchase a first-time home loan. While their new life was built in the Central Valley, their path to housing stability began in Silicon Valley. “Life was not meant to be lived alone,” said Amanda. “Knowing the significance of our forever home is power and motivation to keep us putting one foot in front of the other every single day.”

72% of families with children experiencing homelessness in Santa Clara County were residing in shelters or transitional housing programs.

CLIENT STORY Rapid Rehousing—and Hard Work—Helps A Family Buy Their “Forever Home”

Regardless of the situation, this roof is the most important thing in the world,” said Amanda, stretching her arms out, as she sits in her new home in Manteca, California, which she and her fiancé Daniel recently purchased. “I don’t care if we don’t have anything in this home... this roof is all that matters.”

Amanda, Daniel, and their four children, all under the age of 10, know the value of having a stable home after becoming homeless for nine months when a string of events led them to leave their home of four years in San Jose’s Willow Glenn neighborhood. They bounced between family and friends’ homes until they were accepted at Family Supportive Housing’s shelter, where they took budgeting classes and developed a plan to purchase a home within five years. They hit the
Rapid Rehousing for Survivors of Domestic Violence, Sexual Assault, and Human Trafficking

Homelessness itself can be traumatic for individuals and families, and often those experiencing homelessness have coped with other traumatic events in their lives. National studies show that 80 percent of women with children experiencing homelessness have also experienced domestic violence, and one in five of all homeless women report that domestic violence was the immediate cause of their homelessness. In many communities, service providers working with survivors operate independent of the supportive housing system; however, since 2015, the County of Santa Clara Office of Supportive Housing, YWCA of Silicon Valley, The Health Trust, and the City of San Jose have partnered to develop several rapid rehousing programs to support survivors of domestic violence, sexual assault, and human trafficking — who are experiencing homelessness. These programs serve individuals and families coming from the streets, emergency shelters, or directly fleeing domestic violence, and bring together the expertise of domestic violence service providers with evidence-based supportive housing strategies.

The YWCA-SV works with survivors to locate safe and secure housing options, and the programs currently have the capacity to serve 77 households at a time, receiving referrals through a confidential process within the Coordinated Assessment System. The County and the City of San Jose provide local funding for the programs, which is combined with federal dollars. The programs utilize the following evidence-based and effective strategies:

Providing Client-Centered, Trauma Informed Services

YWCA provides trauma-informed and client-driven services to promote healing and empowerment. Initial support is intensive and focused on collaborating with the client to create a housing retention plan and address barriers to attaining housing.

Ensuring Ongoing and Individualized Support

Once housed, clients continue to receive the wraparound support necessary to maintain housing, including regular case management meetings, counseling, childcare, connections to benefit programs, education and employment opportunities, and access to legal services.

80% of women with children experiencing homelessness have also experienced domestic violence.

1 in 5 of all homeless women report that domestic violence was the immediate cause of their homelessness.

Destination: Work

For many individuals and families experiencing homelessness, one or even multiple low- or minimum-wage jobs is simply not sufficient to cover housing costs and other basic necessities in Santa Clara County. Employment that provides a living wage can be the key to long-term housing stability, particularly for families receiving time-limited rental subsidies in rapid rehousing programs.

The new “Destination: Work” employment initiative, coordinated by Destination: Home and the County of Santa Clara Office of Supportive Housing, aims to provide opportunities for long-term employment for individuals and families experiencing homelessness. Through partnerships with programs offering job training, professional certifications, and paid work experience in high-growth industries, Destination: Work supports each client to identify pathways to increasing income and long-term career opportunities.

Destination: Work forges new and more meaningful collaboration between employment and supportive housing programs that prioritize client-led problem solving and continual improvement in system design. Key strategies of this collaborative approach include the following:

Maximizing Impact by Tracking Outcomes

Destination: Work partner organizations use standard outcome measures and a shared data system to evaluate the initiative’s impact and to inform strategic decisions about how it is implemented. Key metrics include rates of job placement and retention, attainment of living wage, and transition into self-sufficiency by program participants.

Deepening Partnerships with Employment Partners

Employment partners and rapid rehousing case managers attend bimonthly meetings to discuss housing and employment opportunities, strategies, and outcomes. Meeting regularly and in person allows Destination: Work partners to operate as a cross-system service team to coordinate resources and address barriers to employment and housing for individual clients.

As of the end of 2017, Destination: Work served 44 individuals:

- 39 completed an employment training program
- 24 obtained full-time employment
- 804 employed
- 932 employed full-time
- 1,307 employed part-time
- 5,154 TOTAL

Health Care Employment Partners**

- LeadersUp
- Silicon Valley Children’s Fund/Teen Force

Building & Construction Trades Employment Partners

- Building Trades Council
- Goodwill of Silicon Valley
- Working Partnerships

Advanced Manufacturing Employment Partners

- Work2Future

Technology & Professional Employment Partners

- Center for Employment Training
- REDF

** All partners are listed alphabetically.

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While supportive housing programs—and building more units to increase the system’s capacity—are central to the community’s mission to end homelessness, the reality remains that individuals currently experiencing homelessness need programs and services that address their immediate needs. The supportive housing system includes a range of crisis response strategies, which help to identify and engage with at-risk or homeless households, prevent homelessness before it begins whenever possible, and provide shelter and other basic needs to individuals and families experiencing homelessness. For many households, these programs are the first step back to stable housing, and each component of this housing crisis response system works in alignment with the community’s supportive housing programs and other permanent housing resources to help clients achieve long-term housing stability.
Homelessness Prevention System Pilot

Under the leadership and coordination of Destination: Home, the Homelessness Prevention System pilot re-envisions the community’s approach to preventing homelessness. With a combined $4.2 million dollars from public and private sources, this 27-month pilot program streamlines access to essential resources for families in crisis, targets resources to those most at risk of homelessness, and uses data to measure the collective impact of the prevention system.

The Emergency Assistance Network, a group of seven nonprofit organizations based in different areas of the county, has long been the community’s primary provider of homelessness prevention services. In contrast with most existing funding sources for prevention, this pilot funding allows the Emergency Assistance Network agencies to provide more than one-time financial assistance, so that case managers can work with clients to identify and resolve immediate crises, including financial, legal, and other service needs. Financial support can be targeted to the needs of each household, ranging from one-time moving costs to multiple months of back-rent or rental assistance. Case managers continue to check in with each household after assistance has been provided to identify ongoing challenges and ensure long-term housing stability. This flexibility allows the agencies to provide the assistance needed to keep families and individuals from entering the homeless system. Since the program started, the average cost of financial assistance provided was $2,913 per household, significantly less costly to the County than an extended shelter or transitional housing stay.

The agencies participating in the Homelessness Prevention System pilot use a standard assessment tool to target resources to households with the highest risk of homelessness. The use of a single intake assessment allows the system to better identify which households are most likely to experience homelessness, and to prevent it. As a coordinated system with standardized data collection requirements, the Homelessness Prevention System pilot will provide a rich source of information about the nature of housing crises in Santa Clara County and which tools are most effective at permanently stabilizing housing for at-risk families.

The seven agencies began serving families at risk of homelessness under the Homelessness Prevention System pilot in July 2017. In the first six months of the pilot, 30 households received prevention services.

- 87% of families and individuals served (26 of 30) remained housed while receiving homelessness prevention services
- 90% of families and individuals served (9 of 10) were stably housed when they stopped receiving homelessness prevention services

Outreach

During the 2017 Homeless Census and Survey, 5,448 people were unsheltered in Santa Clara County. Street outreach teams provide essential resources, information, and service connections for this population and are often the only contact some have with the broader system of care. For individuals experiencing homelessness who are unsheltered, contacts with outreach teams are an essential first step to connecting with housing resources. Outreach by multiple service providers covers the entire geographic area of Santa Clara County, including targeted outreach to veterans, youth, LGBTQ+ populations, and households living in encampments. In addition, the Santa Clara Valley Health and Hospital System’s Valley Homeless Healthcare Program brings healthcare services directly to people living outside.

Coordinated Assessment System

The Coordinated Assessment System, administered by the County of Santa Clara Office of Supportive Housing, is a streamlined system for matching the community’s most vulnerable households to the appropriate housing resources. In Santa Clara County, Coordinated Assessment operates with a “no wrong door” access model, so that a household presenting at any access point across the county will receive the same brief assessment, the Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT), to determine their relative vulnerability and priority for the community’s supportive housing. Access points for Coordinated Assessment include street outreach teams, emergency shelters, County benefits offices, drop-in and community centers, the County’s Reentry Resource Center, community medical clinics, and many other community resources.

Once an individual or family has been assessed, they are placed on a single community queue in the County’s Homelessness Management Information System.

Funding Partners

- City of Morgan Hill
- City of San José
- County of Santa Clara
- The David and Lucile Packard Foundation
- Google.org
- Sunlight Giving

Coordinating Partners

- County of Santa Clara Office of Supportive Housing
- Destination: Home
- Sacred Heart Community Services

Legal Services Partner

- Law Foundation of Silicon Valley

Emergency Assistance Network Partners

- Community Services Agency of Mountain View & Los Altos
- LifeMoves
- Sacred Heart Community Services
- Salvation Army
- St. Joseph’s Family Center
- Sunnyvale Community Services
- West Valley Community Services

xxvi  All partners are listed alphabetically.

xxvii  Beginning in 2018, some households will be prioritized for transitional housing vacancies.

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Attachment: Attachment C - Ending Homelessness - The State of the Supportive Housing System in SCC 2017 (91233 : Supportive Housing System)
Client Engagement Team

The goal of Coordinated Assessment is to connect the community's most vulnerable individuals and families to case management and other housing-focused services as quickly as possible. In 2017, housing providers and the County of Santa Clara Office of Supportive Housing identified one of the primary challenges in the housing process was locating clients to offer them referrals to programs.

To reach and house clients more swiftly, the Office of Supportive Housing committed its Client Engagement Team, an outreach team with expertise in locating and building relationships with individuals experiencing homelessness, to take on this role. Under this novel approach, the Client Engagement Team mobilizes immediately to make contact with households as they are referred through Coordinated Assessment, to explain the available housing opportunity and help put them in contact with the supportive housing program. To further streamline the Coordinated Assessment System, the County’s Client Engagement Team ensures that households meet all eligibility criteria before they attempt to enroll in a housing program.

By centralizing the process of client location and verifying eligibility for the majority of individuals and families referred through Coordinated Assessment, the Client Engagement Team increases the efficiency of supportive housing referrals throughout the county and connects hard-to-reach individuals with scarce housing resources.

CLIENT STORY: Street Outreach Saved Rambo’s Life

Rambo — a nickname Mike earned for wearing camo and a bandana around his head while he was homeless on and off for over 30 years — is relieved to be housed. “I wanted to be a normal, responsible person. I was counting the weeks to get housed,” he said recently.

Prior to being housed last year, Rambo could be found sleeping underneath a tarp in Saint James Park in downtown San José, wearing all five of his coats so they would not be stolen. For most of his life, Rambo has battled addictions and mental illness, suffered from severe hearing impairment since he was a baby, and often felt that people would give up on him. With assistance from the Office of Supportive Housing and its partners, he got sober in February of 2017 and moved into his current apartment in July of that year with help from a rental subsidy funded by the County.

On his first night in his new home, he enjoyed a three-hour long bath, and cooking “meals that really fill me up, like soup,” he said, has become one of his favorite pastimes.

Finding the normalcy Rambo had long desired is the result of a collaborative effort, one that exemplifies the individualized approach clients need to stay successfully housed. Years of consistent street outreach also played a key role in getting Rambo off the streets and into permanent housing. Aiko, the case manager at PATH who reached out to Rambo in October of 2015 can attest to that. To more easily communicate with him, she wrote down her questions and was diligent about making sure he kept important appointments by texting him, rather than calling. Many other organizations have worked with Rambo to help him navigate the judicial system, find counseling services, obtain a reliable phone, and get hearing aids through Medi-Cal.

His current case manager at The Health Trust reports that Rambo receives an essential to him successfully staying housed. Rambo said, “I may be 62 and a half, but I want to be able to enjoy the rest of my life. I feel good, like a normal human being. Got back on my own two feet. I’m happy.”
Emergency Shelters play an essential role in the supportive housing system. Of 7,394 people experiencing homelessness on the night of the January 2017 Homeless Census and Survey, 1,140 spent the night protected from the elements in a bed provided by a shelter program. Santa Clara County’s emergency shelters follow diverse program models, but most provide more than just a place to sleep. When available, on-site services such as showers, laundry, and meals support the health and well-being of shelter guests. Some emergency shelters are able to offer case management services, connecting guests to healthcare, benefits advocacy, employment programs, or other supportive services in the community. All emergency shelters act as access points for the Coordinated Assessment System, administering the standard assessment used to prioritize households for the community’s permanent and transitional housing opportunities. For families and individuals experiencing homelessness, emergency shelter is often the first step in a path to stable housing.

**Emergency Shelter Unit Inventory**
(point-in-time capacity):
1,146 households

**Measuring Success**

- **Obtained Permanent Housing**
  - 19% went to permanent housing
  - (693 of 3,631) of clients who exited emergency shelter in 2017

- **Returned to Homelessness Within Two Years**
  - 20% returned to homelessness within 2 years
  - (133 of 678) of clients who exited emergency shelter for permanent housing in 2015

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**Expansion of the Cold Weather Shelter Program**

During the winter months, the County of Santa Clara opens additional emergency shelters in the community to provide increased capacity and allow more of the county’s unsheltered population to come indoors during cold and inclement weather. In 2017, the County took steps to significantly expand the Cold Weather Shelter Program. Historically operating from the first Monday after Thanksgiving through the end of March, the Cold Weather Shelter Program now runs from mid-October through mid-April, offering shelter during some of the county’s wettest and coldest months. Bed capacity also increased during 2017, with increased funding allowing the North County Winter Shelter in Sunnyvale to welcome 15 additional individuals each night. The County Office of Supportive Housing partnered with the City of Mountain View, Hope’s Corner, and the Trinity United Methodist Church to open a new Cold Weather Shelter location in Mountain View. The Trinity United Methodist Church Winter Shelter will provide warm beds for up to 50 individuals each night during cold weather months and is the city’s first emergency shelter program for residents experiencing homelessness.

HomeFirst operates four Cold Weather Shelter Program locations, including the Gilroy Winter Shelter at the National Guard Armory, the North County Winter Shelter in Sunnyvale, the Boccardo Reception Center in San Jose, and the Trinity United Methodist Church Winter Shelter in Mountain View. St. Joseph’s Family Center operates the Odhoo Winter Family Shelter in Gilroy.

**LGBTQ-Focused Emergency Shelter**

Twenty-nine percent of individuals interviewed during the 2017 Homeless Census and Survey self-identified as LGBTQ, mirroring a national trend of overrepresentation of LGBTQ individuals in the homeless population. In 2017, the County of Santa Clara Office of Supportive Housing and Office of LGBTQ Affairs began conducting outreach and gathering information to support the design of an emergency shelter program focused on LGBTQ-identified residents experiencing homelessness. In January of 2018, the County of Santa Clara Board of Supervisors directed the Office of Supportive Housing to begin work to open the county’s first LGBTQ-focused emergency shelter. The new shelter is expected to open in 2018.

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"The Santa Clara County supportive housing system evaluates the overall success and impact of the system using data entered by supportive housing and shelter providers into the Homeless Management Information System. These performance measures are based on the national standards for performance measurement developed by the U.S. Department of Housing and Urban Development. For more information about the performance measures in this report, see Appendix C: Measuring Success."
Transitional Housing

Transitional housing programs provide time-limited housing for individuals and families experiencing homelessness and can fill specific gaps in a comprehensive supportive housing system. For some experiencing homelessness, longer-term transitional housing (up to 24 months) can offer a uniquely supportive environment. For example, youth who are pregnant or parenting may elect to enroll in a transitional housing program that provides a built-in social network and parenting supports, while individuals or families facing domestic violence or sexual assault may seek out the security of housing with on-site services and trauma-informed programming. Typically, transitional housing clients receive housing assistance in an apartment owned or leased by the program, and, when assistance ends, the individual or family moves out of the program’s housing. During their stay in the program, clients have access to services designed to address barriers to housing, including counseling, financial management training, job and housing search assistance, and connections to medical and behavioral health care.

In Santa Clara County’s competitive rental market, a housing search for a client who is already enrolled in a permanent housing program can take weeks or months. When designed around shorter one- to three-month stays, transitional or interim housing programs offer stability while supporting the client in an active search for permanent housing. Regardless of program design, a primary goal of transitional housing is to support clients in their transition into safe and stable permanent housing.

Integrating Transitional Housing into Coordinated Assessment

In 2017, the County of Santa Clara Office of Supportive Housing worked closely with transitional housing providers for youth and veterans to integrate these housing resources into the Coordinated Assessment System. Through a collaborative process including the Department of Veterans Affairs, LifeMoves, HomeFirst, the Homeless Veterans Emergency Housing Facility, and Bill Wilson Center, the Office of Supportive Housing adopted policies for transitional housing referrals from Coordinated Assessment to be implemented in 2018.

Total Unit Inventory (point-in-time capacity):

610 households

Measuring Success

Obtained Permanent Housing

55% went to permanent housing

(602 of 1,098) of clients who exited transitional housing in 2017

Returned to Homelessness

20% returned to homelessness within 2 years

(94 of 482) of clients who exited transitional housing for permanent housing in 2015

Conclusion

In Santa Clara County, a booming economy and high median income contrast starkly with one of the nation’s largest populations of people experiencing homelessness. In 2017, nearly 7,400 individuals were living on the streets, in shelters or transitional housing across the county. For many more low-income households, Santa Clara County’s high cost of housing and lack of living wage employment opportunities put stable and affordable housing out of reach.

The Santa Clara County supportive housing system provides shelter, supportive housing, and homelessness prevention services in furtherance of the goal of making homelessness rare, brief, and non-recurring. However, the need for affordable housing and services in Santa Clara County far exceeds current capacity.

In 2015, major stakeholders of the county’s supportive housing system established the Santa Clara County Community Plan to End Homelessness, a roadmap to increasing resources and ending homelessness through innovative strategies. Since implementation began in 2015, the County of Santa Clara has made substantial progress, working toward the goal of 6,000 new affordable housing opportunities for individuals and families experiencing homelessness.

The number of people housed each year has increased since 2015. The efforts of the County and its partners have been particularly successful at addressing chronic homelessness and veteran homelessness, two areas in which they have focused resources in recent years. The increased funding and support for Permanent Supportive Housing for people experiencing chronic homelessness lead to an 18% reduction in this population from 2011 to 2017. The focus on ending veterans homelessness has resulted in housing 990 veterans since November 2015.

Though the road to ending homelessness presents numerous challenges, the County of Santa Clara and its many partners are committed to ensuring safe and affordable housing for every household experiencing or at risk of homelessness.

The Santa Clara County supportive housing system evaluates the overall success and impact of the system using data entered by supportive housing and shelter providers into the Homeless Management Information System. These performance measures are based on the national standards for performance measurement developed by the U.S. Department of Housing and Urban Development. For more information about the performance measures in this report, see Appendix C: Measuring Success.
**Appendix A: Defining Homelessness**

Homelessness and housing instability take many forms, and these challenges affect individuals and families with a diversity of life experiences. To understand the scope of the community’s need and to develop the right systemic responses, it is necessary to rely on clear definitions of “homelessness.” This report primarily uses the following components of the definition of homelessness developed by the U.S. Department of Housing and Urban Development (HUD) for its Continuum of Care and Emergency Solutions Grants housing programs. Under this definition, a household who meets all of the following criteria is considered chronically homeless:

I. An individual or family who lack a fixed, regular, and adequate nighttime residence, including household stays; or
II. An individual or family who will imminently lose their primary nighttime residence; or
III. An individual or family who is fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member.

This report also references the definition of homelessness used by the County Office of Education and the public school system. This definition includes a household that lacks a fixed, regular, and adequate nighttime residence, children under 18 waiting for foster care placement, and individuals and families who are living “doubled up” or in hotels.

**Chronic Homelessness**

HUD has defined a subset of households experiencing homelessness as “chronically homeless.” These households are most likely to have intensive medical, mental health, and other service needs that cannot be met while they remain unsheltered and are a priority population within supportive housing systems nationally and locally.

The definition of chronically homeless includes both a disability requirement and a length of homelessness component. Under this definition, a household who meets all of the following criteria is considered chronically homeless:

I. A homeless individual with a disability, who lives in a place not meant for human habitation, a safe haven, or an emergency shelter;
II. Who has been homeless and living in any of the situations described above continuously for at least 12 months or on at least four separate occasions in the last three years, as long as the combined occasions equal at least 12 months.

While a longer stay in an institution such as a jail, hospital, or drug treatment facility will not count as living in a homeless situation, institutional stays of fewer than 90 days do count as time spent homeless. If a family’s head of household, generally an adult family member, but occasionally a minor who is the head of a family with no adults, is chronically homeless under this definition, then the entire family meets the definition of chronic homelessness.

**Appendix B: Data Sources**

The two most common methods for estimating the number of persons experiencing homelessness in a community are point-in-time counts and data collected by housing and services programs. This report draws on both of those methods to establish the scope and characteristics of homelessness in Santa Clara County, and each is described below.

**Homeless Management Information System (HMIS)**

The County of Santa Clara Office of Supportive Housing operates the community’s HMIS, a countywide database used by the majority of programs providing housing or services for homeless populations within the county. Providers request consent from each person they serve to enter standard information into HMIS, including demographic information, services provided, and data about income and housing status. This results in a large set of data that includes nearly all individuals who had contact with outreach teams, emergency shelters, homeless housing programs, and other services. Because HMIS is focused on service data, it does not include individuals who are currently homeless but are not accessing services. It also does not include persons who receive services or housing designed for survivors of domestic violence or housing designed for individuals with disabilities.

**Homeless Census and Survey**

Every two years, the County of Santa Clara and the region’s fifteen cities conduct a Homeless Census and Survey. Trained volunteers tally the number of people observed living or sleeping outside at a single point in time and survey a sample of those counted. To cover the entirety of the county’s extensive geographic area, the count occurs over the course of two days during the month of January, with roughly half of the county enumerated on each day. Data is also collected from emergency shelter and transitional housing programs, as households in shelter and temporary housing are considered homeless for purposes of the count.

The Homeless Census and Survey employs consistent methods from year to year, providing a useful data set for tracking changes in the homeless population. Because the count enumerates people who are currently living outside in vehicles, including those who may not engage in services, it incorporates a population that may not be represented in HMIS data.

Notably, a point-in-time count will only provide a snapshot of homelessness on the nights selected for the count, which is not easily extrapolated to a total annual number of people who experience homelessness. This also means that the number of individuals counted each year is affected by weather conditions, the number of shelter beds open on the night of the count, natural disasters, and other temporary conditions that cause fluctuations in the visibility or size of the homeless population. It is expected that point-in-time methods will undercount individuals and families who shelter in locations that are not visible to volunteer teams, including vehicles, garages, and other structures not built to be lived in.

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### Appendix C: Measuring Success

To ensure that each component of Santa Clara County’s supportive housing system effectively advances the goal of ending homelessness, system stakeholders have identified standard, data-based indicators of success. These indicators track the system’s ability to help individuals and families permanently exit homelessness by obtaining and retaining housing.

These metrics are based on data entered by the community’s housing and shelter programs into the Homeless Management Information System (HMIS), the primary community-wide database for collecting information about homeless housing and services, to evaluate the overall success and impact of the community’s response to homelessness. See Appendix B: Data Sources for more information about the HMIS.

### Permanent Housing Retention

How successful are the community’s housing programs at helping individuals with disabilities who exit homelessness to remain in permanent housing situations that they have obtained for at least 12 months, while they continue to receive support from the housing program?

Program type: Permanent Supportive Housing

**University**: All individuals served by the program who exited the program (stopped receiving services) two years prior to the measurement period, and were in a permanent housing situation when they exited.

**Measure**: The percentage of the universe who were served by another homeless housing or services program whose permanent housing situation was verified standard, data-based indicators of success. These metrics are based on data entered by the community’s housing and shelter programs into the Homeless Management Information System (HMIS), the primary community-wide database for collecting information about homeless housing and services, to evaluate the overall success and impact of the community’s response to homelessness. See Appendix B: Data Sources for more information about the HMIS.

### Returns to Homelessness

How successful are the community’s housing and shelter programs at ensuring that individuals who exit homelessness do not return to homelessness once they stop receiving services?

Program type: Emergency Shelter, Transitional Housing, Rapid Rehousing, Permanent Supportive Housing

**University**: All individuals served by the program who exited the program (stopped receiving services) during the measurement period.

**Measure**: The percentage of the universe who were in a permanent housing situation when they exited.

### Appendix D: Santa Clara County Regional Housing Need Allotment

The Regional Housing Need Allocation (RHNA) is a state-mandated process Bay Area counties use to identify and project the total number of housing units necessary to meet the needs of people of all income levels in each county.

#### 2007-2014 Regional Housing Need Allocation (RHNA) Progress

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Very Low Income up to 50% AMI</th>
<th>Low Income 51% to 80% AMI</th>
<th>Moderate Income 81% to 120% AMI</th>
<th>Above Moderate Income more than 120% AMI</th>
<th>Total</th>
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<tbody>
<tr>
<td></td>
<td>RHNA Permits Issued</td>
<td>% Met</td>
<td>RHNA Permits Issued</td>
<td>% Met</td>
<td>RHNA Permits Issued</td>
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<tr>
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<td>23%</td>
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</table>

**County Totals**: 13,878 | 3,798 | 27% | 9,567 | 2,692 | 28% | 11,007 | 3,771 | 33% | 25,886 | 35,962 | 139% | 60,338 | 44,823 | 74% |
## 2015-2023 Regional Housing Need Allocation (RHNA) Progress as of 2015

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<th>Jurisdiction</th>
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<th>Low Income 51% to 80% AMI</th>
<th>Moderate Income 81% to 120% AMI</th>
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<td>Monte Sereno</td>
<td>23</td>
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<td>13</td>
<td>0%</td>
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<tr>
<td>Morgan Hill</td>
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<td>154</td>
<td>12%</td>
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<tr>
<td>Mountain View</td>
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<td>527</td>
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<tr>
<td>Palo Alto</td>
<td>691</td>
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<td>432</td>
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<tr>
<td>San Jose</td>
<td>9,233</td>
<td>34%</td>
<td>5,428</td>
<td>23%</td>
<td>6,188</td>
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<tr>
<td>Santa Clara</td>
<td>1,050</td>
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<td>695</td>
<td>0%</td>
<td>755</td>
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<tr>
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<tr>
<td>Sunnyvale</td>
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<td>906</td>
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<td>Unincorporated</td>
<td>22</td>
<td>0%</td>
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<td>0%</td>
<td>214</td>
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<tr>
<td>County Totals</td>
<td>16,158</td>
<td>453</td>
<td>9,542</td>
<td>568</td>
<td>6%</td>
</tr>
</tbody>
</table>

DATE: May 17, 2018
TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)
FROM: Jo Zientek, Director
SUBJECT: Report relating to New Animal Services Center Update

RECOMMENDED ACTION
Receive report from the Consumer and Environmental Protection Agency relating to the construction and funding of a new County Animal Shelter.

FISCAL IMPLICATIONS
There is no fiscal impact as a result of receiving this report.

REASONS FOR RECOMMENDATION
At the March 16, 2017, meeting, the Housing, Land Use, Environment and Transportation Committee (HLUET) asked that the Consumer and Environmental Protection Agency (CEPA) provide an update on the status of development of the County’s new Animal Services Center at the Committee’s May, June, and August meetings, and every other month thereafter.

CHILD IMPACT
The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT
The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.

BACKGROUND
The following activities have occurred to support the new Animal Service Center since the last update at the March 2018 HLUET meeting:

- The City of Morgan Hill released its FY19 Recommended Operating Budget on April 27 which included additional on-going funds for expanded services at the County of Santa Clara Animal Shelter.
• County Facilities and Fleet (FAF) staff posted a solicitation for qualifications for a Construction Manager at Risk for the new Animal Center project. This solicitation closed on February 8, 2018. FAF qualified five firms who participated in a pre-proposal conference at the project site on March 20, 2018. Two responsive proposals were received, and the County selection committee conducted interviews on April 25, 2018 with those two firms. FAF is finalizing contract terms with the selected proposer and is planning to bring an agreement to the Board for consideration in summer 2018.

• Staff continues to work on a draft fundraising strategy associated with the new shelter. Meetings have been conducted with experienced fundraisers within and outside the County. CEPA is targeting to complete a draft strategy by fall 2018. In addition, staff is evaluating short-term fundraising efforts including adding significant functionality to the donation component of the website.

CONSEQUENCES OF NEGATIVE ACTION

The Committee will not receive the report.
DATE: May 17, 2018

TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)

FROM: Harry Freitas, Director, Roads and Airports

SUBJECT: Quarterly Delegation of Authority Status Report

RECOMMENDED ACTION
Receive report from Roads and Airports Department relating to Agreements executed by the Director, Roads and Airports Department, pursuant to the authority delegated by the Board of Supervisors on December 13, 2016.

FISCAL IMPLICATIONS
The Department estimated that the cost of preparing and processing a legislative file is approximately $1,600. For the first quarter of Calendar Year 2018, the Department saved an estimated $1,600 (1 item x $1,600/item) in legislative file preparation and processing costs by being able to execute routine agreements that previously required Board approval.

REASONS FOR RECOMMENDATION
On December 13, 2016, the Board of Supervisors adopted a resolution delegating authority to the Director, Roads and Airport Department subject to specified conditions and directed the Department to provide quarterly reports to the Housing, Land Use, Environment and Transportation Committee summarizing the agreements entered into pursuant to the delegation of authority. The attached report covers the first quarter of Calendar Year 2018 (January 1 through March 31).

CHILD IMPACT
The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT
The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.
ATTACHMENTS:

- Summary of Documents signed by the Director - CY 2018 First Quarter HLUET (PDF)
# Delegation of Authority to the Director of Roads and Airports Department Calendar Year 2018

## 1st Quarter 2018

<table>
<thead>
<tr>
<th>Date signed by the Director</th>
<th>Description of Agreement</th>
<th>Entity</th>
<th>Supervisorial District</th>
<th>Dollar Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/25/2018</td>
<td>Maintenance and Indemnification Agreement with SummerHill Lawrence Station, LLC, to install drainage inlet, concrete wall, wire mesh fence, illuminated light bollards, paver sidewalk, and landscaping on the easterly portion of Central Expressway and northern portion of Lawrence Expressway in Santa Clara.</td>
<td>SummerHill Lawrence Station, LLC</td>
<td>Four</td>
<td>$0</td>
</tr>
</tbody>
</table>
DATE: May 17, 2018
TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)
FROM: Harry Freitas, Director, Roads and Airports
SUBJECT: County Airports Quarterly Noise Report

RECOMMENDED ACTION
Receive Quarterly Noise Report from Roads and Airports Department, Airports Division.

FISCAL IMPLICATIONS
There is no fiscal impact to the General Fund or the Airport Enterprise Fund.

CONTRACT HISTORY
None.

REASONS FOR RECOMMENDATION
The HLUET Committee has requested that the County Airports Quarterly Noise Report be agendized for the Committee’s review on a quarterly basis.

CHILD IMPACT
The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT
The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.

BACKGROUND
Staff documents all complaints, and where possible establishes communications with the complainant to secure additional information or to answer specific questions regarding aircraft operations. When sufficient information is available, staff will contact an aircraft operator to determine if the aircraft may have been operating out of normal flight procedures or if corrective action would be warranted.

During the first quarter of 2018, which covers the months of January, February and March there were eighteen noise referrals (attachment 1).
All referrals received during the quarter were related to operations at Reid-Hillview Airport (RHV).

There were a total of 46,782 aircraft operations (takeoffs and landings) during the quarter at the two County airports, with 39,262 at Reid-Hillview. That equated to an average of one referral for every 2,181 operations at Reid-Hillview Airport.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>12,325</td>
<td>398</td>
<td>2,470</td>
<td>80</td>
</tr>
<tr>
<td>Feb</td>
<td>12,038</td>
<td>430</td>
<td>2,530</td>
<td>90</td>
</tr>
<tr>
<td>Mar</td>
<td>14,899</td>
<td>481</td>
<td>2,520</td>
<td>81</td>
</tr>
<tr>
<td>Total</td>
<td>39,262</td>
<td>436</td>
<td>7,520</td>
<td>84</td>
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</tbody>
</table>

*Estimated using recorded E16 Unicom radio calls.

**ATTACHMENTS:**

- First Quarter 2018 Noise Referrals  (PDF)
# Quarterly Noise Referrals

<table>
<thead>
<tr>
<th>Airport</th>
<th>Date</th>
<th>Time</th>
<th>Nature of Complaint</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>RHV</td>
<td>2/5/2018</td>
<td>9:29:00 AM</td>
<td>Ms. V from East San Jose left a message on the County Airports Noise Office voicemail. Ms. V stated that aircraft were flying low over her residence and were following her.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the morning of Monday, February 5th. There were multiple departures at the time of the call. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>2/8/2018</td>
<td>11:32:00 PM</td>
<td>Mr. B from East San Jose left a message on the County Airports Noise Office voicemail. Mr. B stated that there was a departure from RHV Airport post 10:00 pm.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the evening of Thursday, February 8. A single Cessna aircraft conducted a straight-out departure at the time specified by the caller. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>2/12/2018</td>
<td>4:20:00 PM</td>
<td>Mr. W from East San Jose left a message on the County Airports Noise Office voicemail. Mr. W stated that a low-wing aircraft flew over his residence at low altitude while in the RHV traffic pattern.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the afternoon of Monday, February 12. A Piper aircraft was observed in the RHV traffic pattern in the vicinity of the caller's residence. The radar data indicated that the aircraft was at appropriate altitudes for the downwind-to-base turn. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>2/16/2018</td>
<td>4:59:00 PM</td>
<td>Ms. V stated that the planes are waking her up. Yesterday, a jet was flying right at her while she was sitting in her car and then pulled up. She did not provide any identifying characteristics or specific times.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the afternoon of Friday, February 16. There were several aircraft operating in the vicinity of RHV at the time of Ms. V's phone call. All aircraft operations during that time appeared to be normal. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>2/20/2018</td>
<td>9:30:00 AM</td>
<td>Ms. V from East San Jose left a message on the County Airports Noise Office voicemail. Ms. V stated that aircraft were flying &quot;through my window&quot; and that they were following her as she walked in her neighborhood.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the morning of Tuesday, February 20. There were multiple aircraft departures at this time period, and all departures appeared to be at or above normal altitudes. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>2/23/2018</td>
<td>1:45:00 PM</td>
<td>Mr. J from East San Jose left a message on the County Airports Noise Office voicemail. Mr. J stated that a twin-engine jet aircraft was flying low over his residence, and that the aircraft was flying &quot;way below minimums&quot;.</td>
<td>Airport operations observed the FAA flight-check Lear-60 aircraft performing test approaches for the newly installed PAPI approach lights to the RHV runways at the times specified by the caller. Airport staff contacted Mr. J and informed him of the nature of the FAA flight check operation.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/3/2018</td>
<td>11:20:00 AM</td>
<td>Mr. W from East San Jose left a message on the County Airports Noise Office voicemail. Mr. W stated that a white low-wing aircraft was flying low over his residence while performing touch &amp; go's at RHV Airport.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the morning of Saturday, March 3. The only aircraft conducting practice pattern work at the time specified by the caller was a Cessna high-wing aircraft. The radar data did not show other aircraft at that time. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/5/2018</td>
<td>8:20:00 AM</td>
<td>Mr. B from East San Jose left a message on the County Airports Noise Office voicemail. Mr. B stated that a white high-wing aircraft was flying at low altitudes over his residence while in the RHV traffic pattern.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the morning of Saturday, March 5. A single Cessna aircraft was conducting practice takeoffs and landings in the west pattern at the time specified by the caller. The altitudes at the downwind-to-base turn appeared to be normal for that position in the traffic pattern. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/5/2018</td>
<td>10:09:00 PM</td>
<td>Mr. B from East San Jose left a message on the County Airports Noise Office voicemail. Mr. B stated that there was a departure from RHV Airport post 10:00 pm.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the evening of Monday, March 5. A single Cessna aircraft conducted a right downwind departure at the time specified by the caller. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>Airport</td>
<td>Date</td>
<td>Time</td>
<td>Nature of Complaint</td>
<td>Action Taken</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>-------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>RHV</td>
<td>3/9/2018</td>
<td>1:50:00 PM</td>
<td>Ms. V from East San Jose left a message on the County Airports Noise Office voicemail. Mr. V stated that she was being harassed and followed by helicopters and that they were probably the U.S. government.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the early afternoon of Friday, March 9. There was no indication that a helicopter was operating in the vicinity of RHV at the time specified by the caller. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/11/2018</td>
<td>10:34:00 AM</td>
<td>Mr. W from East San Jose left a message on the County Airports Noise Office voicemail. Mr. W stated that an all blue low-wing aircraft with white lettered was very loud while flying in the RHV traffic pattern.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the evening of Wednesday, March 11. A single Yak aerobatic aircraft was conducting practice pattern work at the time specified by the caller. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/14/2018</td>
<td>10:39:00 PM</td>
<td>Mr. B from East San Jose left eleven (11) messages on the County Airports Noise Office voicemail. Mr. B stated that there were departures from RHV Airport post 10:00 pm.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the late afternoon of Wednesday, March 14. A single Cessna aircraft conducted at least eleven (11) takeoffs and landings at the time specified by the caller. Airport staff spoke with the flight school which operated the aircraft and informed them of Mr. B's noise concerns. The operations were in compliance with County and Federal rules and regulations.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/17/2018</td>
<td>12:00:00 PM</td>
<td>Mr. W from East San Jose left a message on the County Airports Noise Office voicemail. Mr. W stated that a blue radial-engined aircraft was circling his residence and was very loud.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the afternoon of Tuesday, March 17. A blue Yak-11 aircraft was operating in the RHV traffic pattern during the time period specified by the caller. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/23/2018</td>
<td>6:48:00 PM</td>
<td>Ms. V from East San Jose left a message on the County Airports Noise Office voicemail. Ms. V stated that aircraft were following and harassing her near her residence, and that they were purposely &quot;playing head games&quot; with her while she was outside of her residence.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the late afternoon of Friday, March 23. There were several aircraft operating in the RHV environment at the time specified by the caller, but all aircraft observed were flying at normal altitudes and within standard RHV traffic patterns. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/26/2018</td>
<td>11:58:00 AM</td>
<td>Ms. V from East San Jose left a message on the County Airports Noise Office voicemail. Ms. V stated that she had walked out of her residence to talk to people and that aircraft were &quot;stalking me outside&quot;. Ms. V added that she observed the pilot looking directly at her.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the late morning of Monday, March 26. There were several aircraft operations at RHV during the time period specified by the caller. No operations appeared to be out of the ordinary. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/27/2018</td>
<td>10:17:00 PM</td>
<td>Mr. B from East San Jose left a message on the County Airports Noise Office voicemail. Mr. B stated that there was a departure from RHV Airport post 10:00 pm.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the evening of Monday, March 27. A single Cessna aircraft conducted a right-downwind arrival at the time specified by the caller. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/28/2018</td>
<td>12:58:00 PM</td>
<td>Ms. V from East San Jose left a message on the County Airports Noise Office voicemail. Ms. V stated that there were aircraft circling her residence and that they &quot;are spying on me through my window&quot;.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the afternoon of Tuesday, March 28. There were several aircraft operating at RHV at the time specified by the caller. All aircraft operations during this time period appeared to be normal. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
<tr>
<td>RHV</td>
<td>3/30/2018</td>
<td>7:00:00 PM</td>
<td>Ms. V from East San Jose left a message on the County Airports Noise Office voicemail. Ms. V stated that aircraft were following her near her residence and were &quot;flying into my window&quot;.</td>
<td>Airport staff reviewed ATC radio transmissions and available radar data for the early evening of Friday, March 30. There were several aircraft in the RHV area at the time specified by the caller. However all aircraft appeared to be operating per normal procedures. The caller did not reference an aircraft operation contrary to County or Federal rules and regulations. No further action was taken.</td>
</tr>
</tbody>
</table>
DATE: May 17, 2018

TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)

FROM: Jo Zientek, Director

SUBJECT: Report from the University of California Cooperative Extension Program

RECOMMENDED ACTION

Receive annual report from Consumer and Environmental Protection Agency relating to the FY18 accomplishments from the University of California Cooperative Extension Program in the County of Santa Clara.

FISCAL IMPLICATIONS

There is no impact to the General Fund as a result of this action.

CONTRACT HISTORY

The County of Santa Clara has contracted with the Regents of the University of California for Cooperative Extension (UCCE) services since 1966. UCCE is under the Division of Agriculture and Natural Resources (ANR) within the University of California. ANR is a statewide network of University of California researchers and educators dedicated to the creation, development, and application of knowledge in agriculture, natural and human resources.

On November 23, 2010, the Board authorized the delegation of authority for the Director of the Department of Agriculture and Environmental Management (now Consumer and Environmental Protection Agency) to enter into the FY11 agreement with the Regents of the University of California.

The Department’s Memorandum of Understanding (MOU) with the Regents of the University of California establishes an annual agreement between UCCE and the County for the County to provide annual funding for the support and maintenance of Cooperative Extension programs in the County of Santa Clara. The support provided under this MOU includes payment by the County for specified services performed by UCCE (i.e. Master Gardner Program), funds for operations, and in-kind contributions such as office space.

Consumer and Environmental Protection Agency will bring the amended agreement for services in FY19 to the Board in June for consideration.
REASONS FOR RECOMMENDATION

The MOU stipulates that UCCE will provide an annual report. Attached to this legislative file is a presentation that highlights deliverables, a report of accomplishments, and a workplan for FY19.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

In the County of Santa Clara, UCCE provides education and research programs in agriculture, gardening, 4-H, natural resources, and nutrition/family/consumer sciences. UCCE receives funding from Federal, State and County governments, as well as grants, donations, and volunteer hours to provide the following services:

1. **Nutrition Education:** Provides the community’s most vulnerable populations with the information they need to make healthier, wiser food choices. Teaches nutrition and/or money management classes to low-income adults. The UCCE Advisor is in regular communication with staff from Public Health to ensure their efforts are complementary and not duplicative. A shared goal is to work together to reach as many needy/vulnerable families as possible. Partners include Santa Clara County Public Health Department, Santa Clara County Social Services Agency, Second Harvest Food Bank, The Health Trust, Sacred Heart Community Services, and school districts in the County.

2. **Agriculture:** Conducts research and extension programs to protect and increase economic contributions of agriculture to the local economy. Partners include Farm Bureau, Open Space Authority, Regional Water Quality Board, Santa Clara Valley Water District and the agricultural growers in the County.

3. **4-H Youth Development:** Provides positive youth development experiences to help young people gain the skills and knowledge they need to succeed through 4-H clubs. Encourages youth to experiment, think independently, and become innovative. Provides day camps in partnership with schools and other youth and community groups during out-of-school hours in partnership with adult volunteers. Partners include school districts (including the cities of San Jose, Cupertino, and Los Altos Hills), various non-profit organizations and local businesses.

4. **Master Gardeners:** Provides research-based horticultural information and educational programs to the residents of the County with the help of certified volunteers. Answers gardeners’ questions through the Master Gardener Hotline. Maintains demonstration gardens located throughout the County with on-site...
workshops and tours (locations include Gilroy, Palo Alto, San Jose, Sunnyvale, Morgan Hill, Los Gatos, Mountain View, Los Altos and Cupertino). Donates produce to local food banks. Reduces the use of conventional pesticides and demonstrates the appropriate use of low toxicity or non-toxic alternative materials. Teaches residents how to conserve water by developing gardens using drought tolerant and native plant species. Partners include Second Harvest Food Bank, The Health Trust, Sacred Heart Community Services, Campbell Adult Education, and Los Altos Adult Education.

5. **Livestock and Natural Resources:** Conducts research on sustainable rangeland/open space conservation stewardship and extends this information to land managers and decision makers. Educates private landowners on rangeland management and invasive species identification and control, as well as grazing management practices to conserve local special status species including the California tiger salamander, Western burrowing owl, California red-legged frog, Bay Checkerspot butterfly, and Golden Eagle. Evaluates sustainable livestock grazing practices. Partners include California Rangeland Conservation Coalition and the Central Coast Rangeland Coalition.

**CONSEQUENCES OF NEGATIVE ACTION**

The UCCE Program’s FY18 annual report will not be received by the Committee.

**ATTACHMENTS:**

- HLUET power point presentation May 2018 compressed (PPTX)
- HLUET FY17-18 Annual Report Accomplishments (DOCX)
- Exhibit B Proposed Work Plan FY19 Agmt Y18-4107 (PDF)
UC Agriculture and Natural Resources delivers healthy food systems, healthy environments, healthy communities and healthy Californians.

- 200 locally based advisors
- 57 local offices
- 130 campus-based specialists
- 9 Research and Extension Centers
- 700 academic researchers in 40 departments
University of California Cooperative Extension
Santa Clara County
Funding Sources FY 2016-17

Total Support for UC Cooperative Extension Programs in Santa Clara County = $2,114,732
UCCE Santa Clara Nutrition Education = Results!

UC CalFresh Nutrition Education

- School-as-hub model delivers nutrition education in schools with 50%+ free/reduced meal rate
- Engaged 8,500 Children and 166 Teachers
- 16 Cafeteria events promoting local fruits and vegetables available in school meals

University of California
Agriculture and Natural Resources
UCCE Santa Clara Nutrition Education = Results!

Expanded Food and Nutrition Program (EFNEP)

- Nutrition & Money Management
  - Total Adult EFNEP Sites: 7 Sites
  - Total Youth EFNEP Schools: 2
- Documented increases in nutrition related skills
- Limited financial resources stretched
- Reduced need for emergency food

University of California
Agriculture and Natural Resources
Agriculture & Integrated Pest Management
Sustainable Agricultural Production for Small Farms and Urban Agriculture

- Managing invasive and endemic pests and diseases such as pepper weevil
- Enhance competitive, sustainable food systems in the region
- Improving water quality, quantity, security and preservation of natural resources
Livestock & Natural Resources
Sustaining working landscapes for open space, recreation, wildlife habitat & livestock production

- Monitoring Rangeland for Conservation Values
- Providing information on Conservation Easements for Habitat and Rangeland Conservation
**Urban Integrated Pest Management**
Manage pests while reducing pesticide use.

- Provide IPM outreach, training and individual consultations to urban pest management professionals, municipalities, schools, urban agriculture practitioners, and UCCE Master Gardeners.

- Conduct research on integrated pest management methods that reduce risks of pesticide exposure and environmental contamination:
  - Outdoor cockroaches in schools
  - Bed bugs in multi-unit housing
  - Subterranean termites in single-family homes

Outdoor nuisance pests, such as these Turkestan cockroaches, are common around schools and other institutional facilities. Research shows that exclusion and baiting are more effective than insecticide sprays in managing pests.
Urban Forestry
Improving tree planting and care.

Research projects:
- Prevalence of impervious front yards and effect on the tree population
- Effect of residential block layout on presence and health of street trees
- Tree growth and condition in street-side storm water facilities
- Assessment of tree failure from wood decay

Presented 4 workshops: on topics related to tree planting, tree health care and tree management during drought

Organized 9 educational meetings: for the Bay Area Landscape Supervisors Forum
Composting Education Program
Diverting organic waste and improving soil health.

- 745 Composting Workshop Attendees
- 12 Schools, 1130 Students contacted
- Tabled 25 Community Events
- 1,626 Hours of Volunteer Service provided to Santa Clara County residents

University of California
Agriculture and Natural Resources
Total Service = 30,835 hours in 2017
$812,193 value to community
4-H Youth Development Program

- 581 youth in 4-H clubs
- 205 youth in 4-H afterschool programs
- 221 adult volunteers
- 164 youth volunteers
- 1.5 staff
- 40 public and private partners
4-H Youth Development Program

PROGRAMS & IMPACTS

- 24 Science Literacy Projects
  - 4-H girls are 2x more likely to participate in science related programs

- 10 Healthy Living Projects
  - 2.8x as likely to report healthy habits

- 8 Civic Engagement & Leadership Projects
  - 4X more likely to contribute to their communities

University of California
Agriculture and Natural Resources
Martial Cottle Park
Program Developments

Master Gardeners: installed habitat gardens for birds, bees and butterflies, and a 60-seat outdoor classroom with stormwater management system with rain barrel storage.

4-H: Pasture market lamb, steer and goat projects, and composting demonstration project.

University of California
Agriculture and Natural Resources
Martial Cottle Park
Program Developments

**Composting Education:** Completed installation of midscale composting demonstration site, including shed, shade structure, and aerated piles.

**Livestock/Natural Resources:** Conducted workshops on soil health, composting, and manure and mud management.

**Small Farms:** 2 high tunnels installed in preparation for grant funded educational hub for “Beginning Farmers”
NUTRITION EDUCATION

Objective: Promote healthy eating behaviors by delivering effective nutrition education to individuals and families and support policy, system and environmental changes that encourage physical activity and healthy eating.

❖ Our Partners: Santa Clara County Public Health Department, Health Trust, Second Harvest Food Bank, Catholic Charities, Community Alliance with Family Farmers, schools and school districts, community-based organizations serving low-income children and families

❖ Our Outcomes and Successes:
- Educated 763 adults in nutrition, physical activity and resource management. Documented increases in skills to:
  - Stretch limited resources
  - Reduce the need for emergency food
  - Increase use of Nutrition Facts label.
- Provided nutrition education to 8,500 youth
- Trained and supported 166 teachers to implement nutrition curricula in Santa Clara County schools where over 50% of the children receive free and reduced price meals.
- Implemented or supported policy, system, and environmental (PSE) changes at 26 settings, reaching an estimated 7,292 individuals
- Jointly presented a poster on the promotion of local or regionally grown produce in school cafeterias with the Santa Clara County Department of Public Health

SMALL FARMS

Objective: Improve productivity, competitiveness and overall viability of agriculture.

❖ Our Partners: USDA; ANR colleagues S. Joseph, R. Smith, S. Koike; Santa Clara County Farm Bureau; Community Alliance with Family Farmers (CAFF); Santa Clara County Agriculture Commissioner; local pepper growers; Chinese Growers Association; Bay Area Chrysanthemum Growers Association (BACGA); California Pepper Commission (CPC), USDA-Natural Resources Conservation Service, Santa Clara County Food System Alliance, Santa Clara University.

❖ Our Outcomes and Successes:
- Enhance Competitive, Sustainable Food Systems:
  - Secured funding for data compilation and analysis of small-scale urban and peri-urban Agriculture in Santa Clara County.
  - Co-organized three extension meetings that included presentations on on-farm food safety, Food Safety Modernization Act updates, third party audits, applying for grant funding through the CA Healthy Soil Initiative Program, and pepper production.
- Managing Endemic and Invasive Pests and Diseases:
  - Secured funding from the California Pepper Commission for a research project on pepper weevil infestation in the County, and the results from the trail will be published shortly.
  - Completed a review, in collaboration with the Santa Clara County Division of Agriculture, of commonly used pesticides by the Asian growers and developed a factsheet on Pesticides labeled for use in Asian Leafy Vegetables (available in English and Chinese).
  - Provided a presentation to farmers on insect pest management in peppers.
• Improving Water Quality, Quantity, Security and Preservation of Natural Resources:
  o Secured funding to conduct a field trial to evaluate the nitrogen and irrigation water uptake in Asian leafy vegetables. The field trial will begin in 2018 and be completed in 2019/20.
  o Submitted a grant proposal to the Santa Clara Valley Water District to provide outreach to Asian growers on irrigation and nutrient management.
  o Presented workshop to farmers on nutrient management in Asian leafy vegetables.

LIVESTOCK AND WORKING RANGELANDS
Objective: Assist public land managers, private landowners, and ranchers to work towards sustainable conservation of open space/rangeland.

❖ Our Partners: Santa Clara County Cattlemen’s Association; Central Coast Rangeland Coalition; California Rangeland Conservation Coalition; Alameda County Resource Conservation District; Mid-Peninsula Open Space District; East Bay Regional Park District; University of California Cooperative Extension colleagues, Cal-Trans; local cattle ranchers.

❖ Our Outcomes and Successes:
  • Conducted workshops with partners on leasing, livestock production, wildlife management, grazing and conservation and ground squirrel management that were attended by 345 resource management professionals, ranchers and open space managers.
  • Initiated two projects on habitat management for special status species:
    o Mapping of stockponds and classifying habitat
    o Assessing grazing impacts for listed species
  • Produced two additional videos for park visitors on the topics of visiting grazed parks with dogs, and a year in the life of a cow.

URBAN INTEGRATED PEST MANAGEMENT (IPM)
Objective: Promote the adoption of and demand for Urban IPM programs and services to reduce unnecessary pesticide applications, pesticide exposure events, and instances of environmental contamination while managing pests.

❖ Our Partners: Santa Clara County Agriculture Department, Santa Clara County Vector Control, the City of San Jose, UC Cooperative Extension colleagues, municipalities, the California Department of Pesticide Regulation, the Structural Pest Control Board (SPCB), California Association of Pest Control Advisers, Pesticide Applicators Professional Association (PAPA), Pest Control Operators of California (PCOC), Target Specialty Products, pest control operator companies, individual pest management professionals.

❖ Our Outcomes and Successes:
  • Published two peer-reviewed articles, one website, and one mass media piece reporting on statewide bed bug IPM research program.
  • Published two peer-reviewed articles about management of white grubs in municipal turf. The City of San Jose participated in this research.
  • Continued evaluation of bait station systems for management of subterranean termites. These systems are alternatives to liquid termiticide applications that are potential contaminants of urban surface water systems. Single-family home research sites are in San Jose and Sunnyvale.
  • Continued extending curricula ‘Providing IPM services to schools and child care centers’. Presentations were made to PCOC’s Santa Clara Valley District in San Jose and to the International Society of Arborists in Saratoga.
  • Developed three new continuing education curricula (approved for one ‘IPM’ CEU by the SPCB) for pest control operators: ‘New trends and techniques for wood-destroying organism management’, ‘IPM for outdoor cockroaches in CA’, and ‘UC IPM: a showcase of resources’. Cockroach IPM class was provided to PAPA in San Jose.
• Provided two workshops for professional landscape managers in San Jose.
• Trained thousands of clients in Santa Clara County; including structural pest control operators, professional landscape managers, pest control advisers, urban agriculture practitioners, municipal staff, UCCE Master Gardeners and the residential public about specific IPM strategies and tactics, invasive pest species awareness and preparation, and urban surface water concerns related to pest management.

**URBAN AGRICULTURE**

**Objective:** Support the development of urban and peri-urban food systems to ensure viability and effectiveness of urban agriculture in improving social, economic and health outcomes.

- **Our Partners:** USDA; Farm Bureau; Community Alliance with Family Farmers (CAFF); Food System Alliance; Santa Clara County Parks; County of Santa Clara Agriculture Division; Garden-to-Table; Sacred Heart Community Services - La Mesa Verde Program; local growers.

- **Our Outcomes and Successes:**
  - Continued to develop and implement an IPM plan for effective and safe control of ground squirrel populations in urban areas including urban agricultural land.
    - Continued to implement IPM plan for Martial Cottle Park including building squirrel euthanization chamber and disposal procedures.
    - Evaluated potential for CO₂ as a ground squirrel control method in the County.
    - Trained park maintenance staff (48) for the City of San Jose on IPM practices for ground squirrel and gopher control.
  - Provided guidance and support to urban farmers in the cultivation, production, and distribution of locally produced foods.
    - Continued outreach to major local urban agriculture organizations in the County.
    - Presented 1 workshop on Soil Health and 2 workshops on Soil Contamination, Testing, & Risk Management to urban gardeners/farmers, community organizations, Master Gardeners and Master Composters, and City of San Jose and County employees.
    - With Small Farms Advisor, developed Transplant Production Workshop focused on small, organic, and urban growers.
  - Assisted municipalities in considering opportunities to create urban agriculture incentive zones.
    - Collaborated with community partners to raise awareness of UAIZ program among property owners and project creators.
    - Fielded phone calls and emails re: UAIZ program from property owners and project creators’ including 2 site visits.
    - Developed online map of UAIZ eligible sites to assist public with site selection, showing parcel size, location, classification as incorporated/unincorporated, and zoning (expected to be “live” summer 2018).
  - Worked to inform policies to support urban agriculture production and processing distribution of food.
    - Supported Santa Clara County Food System Alliance, including assisting on the preparation of a report examining the feasibility of small scale and urban ag in the County.
    - Worked with UCCE Small Farm Advisor to develop a needs assessment for small and urban farms.
    - With a multi-county UC team, developed an online map of urban agriculture in the county showing urban farms, school gardens, demo gardens and community gardens (expected to be “live” summer 2018).
  - Identified and addressed new and emerging urban agriculture issues through applied research and extension.
**URBAN FORESTRY**

**Objective:** Improve environmental management of urban environments, focusing on urban trees, by providing research-based technical advice to city arborists, other municipal and county agency staff, tree care companies and community groups involved in tree planting and care.

- **Our Partners:** Cities of San Jose, Santa Clara, and Campbell; Santa Clara County Agricultural Department; UC Cooperative Extension colleagues; UC Institute for Water Resources; California Department of Forestry and Fire Protection; USDA Forest Service; Western Chapter of the International Society of Arboriculture; consulting arborists; tree care companies; individual landscape management professionals.

- **Our Outcomes and Successes:**
  - Partnered with the City of San Jose for three research projects:
    - Prevalence of impervious front yards and effect on the tree population; study shows extent of paving (about 30 additional hectares of impervious surface across the city) and loss of ecosystem services, and provides suggestions on remediation.
    - Effect of residential block layout on presence and health of street trees study shows that the monolithic sidewalk-curb layout is associated with fewer street trees, proving that such a layout is inferior to the traditional green strip-sidewalk layout.
    - Tree growth and condition in street-side storm water facilities: interim results indicate no long-term waterlogging in winter (which has been a major concern of tree managers); instead, soil moisture data from some bioswales indicates a water shortage during the summer, pointing to the need for appropriate and adequate irrigation.
  - Continued collecting wood decay research samples for tree failure to improve risk assessment; interim results suggest a wide variety of fungi (up to 11 species) in samples of failed wood.
  - Provided 4 presentations on topics related to tree planting, tree health care and tree management during drought to Landscape Professionals and Master Gardeners.
  - Served as urban tree resource for Santa Clara County’s Master Gardener Hotline and for the Santa Clara County IPM program
  - Organized 9 educational meetings for the Bay Area Landscape Supervisors Forum

**COMPOSTING EDUCATION**

**Objective:** Promote landfill waste reduction by providing research-based composting information, educational programs and technical assistance to county residents, school and businesses.

- **Our Partners:** Technical Advisory Committee of the Recycling and Waste Reduction Commission of Santa Clara County; Sacred Heart Community Services, Ann Sobrato High School, Valley Verde, Santa Clara Valley Water District and the Santa Clara County Parks and Recreation, Veggielution Community Farm,

- **Our Outcomes and Successes:**
  - Initiated 2018 composting training program for volunteer recruitment
  - Workshops and outreach:
    - Responded to 510 technical assistance calls by the public to Hotline
    - Hosted 44 workshops with 745 attendees (12.5% increase over previous year)
    - Attended and tabled 25 community events
    - 12 school visits, directly reaching 1,108 K-12 students
    - Established 2 Community Composting Demonstration Sites
    - Trained 28 Master Composter Volunteers to provide researched-based composting principles to the public
HORTICULTURE AND MASTER GARDENERS
Objective: Provide research-based horticultural information and educational programs in the areas of home gardening, landscaping and integrated pest management to county residents.

- **Our Partners:** Friend of Master Gardeners (FOMG); Santa Clara County Consumer and Environmental Protection Agency (CEPA), and many other local community groups.

- **Our Outcomes and Successes:**
  - Provided approximately 1,500 hours of volunteer time to answering urban horticulture questions at the Master Gardener Help Desk (formerly Master Gardener Hotline).
  - Conducted public outreach and answered questions at 34 events throughout the County (13% increase over previous year).
  - Provided approximately 12 continuing education workshops to the Master Gardener volunteers as part of the annual recertification process.
  - Conducted over 170 workshops on pest control strategies including integrated pest management; soil health and water conservation; sustainable low-water landscaping, native gardens, and lawn alternatives; and vegetable and fruit tree production.
  - Maintained 16 UCCE Master Gardener demonstration and educational gardens, that provided over 50 free/low cost public outdoor classes and donated over 1,700 lbs of produce to local community food banks.
  - Maintained the water-wise and edible demonstration gardens in front of the county offices at Building 1, 1553 Berger Drive including adding a new native garden path, upgrading plant identification signage and hosting two “Open Garden” days to engage Berger campus county employees.

4-H YOUTH DEVELOPMENT
Objective: Promote youth development and family well-being in the communities of Santa Clara County.

- **Our Partners:** City of Cupertino, City of San Jose Prusch Park, Gilroy Grange Hall, East Side Union High School District Santa Clara Unified School District, Santa Clara University, Morgan Hill School District, Milpitas Unified School District, Region 5 After School Programs, San Martin Lion’s Club Santa Clara County Parks and Recreation, Santa Clara School District, Sacred Heart Community Services, Sunnyvale Middle School, Tech Museum of Innovation, Third Street Community Center, Toyon Elementary School, Westhope Presbyterian Church, Westwind Riding for the Handicapped.

- **Our Outcomes and Successes:**
  - Created one new 4-H Club in Mountain View
  - Provided positive youth development experiences for 581 youth in the 4-H club program, and 205 youth in out-of-school programs.
  - 1,265 youth participated in agricultural literacy programs at 4-H urban ranches, at summer day camp programs, and in-schools.
  - 916 youth participated in computer science activities at community events and in-school settings.
  - 32 volunteers and two 4-H staff continued to strengthen their intercultural competence.
  - Efficiently managed 221 4-H adult volunteers and 164 youth volunteers who provided science literacy, authentic leadership, community service, and healthy living experiences for youth or younger children.
  - 221 4-H Volunteers donated 115,000 hours of their time to supporting the program, a value of $2,774,169 (Independent Sector, 2017) in volunteer service.
  - Provided 7 county-wide learning/leadership conferences for 4-H youth such as Presentation Day, Fashion Revue, Favorite Foods Day, Leadership Overnight, Youth Leadership Conference, 4-H Computer Science Pathway, and Summer Camp.
- 4-H youth (87%, n=78) reported feeling safe, a sense of belonging, and that their voice counts at county-wide events.
- Provided 7 educational workshops to 4-H adult and youth volunteers on outreach and affirmative action, club management, financial management, service learning, club officer training, new 4-H volunteer orientation, planning the 4-H year, and camp evaluation, and computer science.
- Partnered with Sacred Heart Community Services, Third Street, Toyon Elementary School and Sunnyvale Middle School to implement place-based science literacy and computer science programs with diverse youth, led by four 8th grade mentors and 4-H volunteers.
- Two 4-H staff and 324 volunteers continued to increase their intercultural competence and created more welcoming 4-H club settings.

**MARTIAL COTTLE PARK**

**Objective:** Create an educational center for agricultural literacy and science-based horticulture that will benefit the health of our community and sustain our natural environment.

- **Our Partners:** Santa Clara County Parks Department, Santa Clara County Open Space Authority, 11th Hour Foundation, Santa Clara Valley Water District
- **Our Outcomes and Successes:**
  - Continued development of the park site for UCCE programs for Martial Cottle Park including Master Gardener greenhouse and demonstration gardens, Small Farm Program, 4-H Youth Development and Composting Education programs.
    - Work has begun on the establishment of a “Beginning Farmer” education hub for outreach and education to small and/or beginning farmers in the region.
    - Two high tunnels are currently being installed on Small Farm parcel and progress is being made towards the establishment of an irrigation system on site.
    - Conducted workshops on soil health management, transplant production, composting, and manure and mud management.
    - Demonstrated IPM ground squirrel control methods.
    - Established mid-scale, aerated static pile compost system. Initiated the development of outreach and educational materials associated with these systems.
    - Trained 8 Master Composter volunteers to maintain the demonstration site. Also, began training 4-H Youth in proper manure management using composting.
    - Installed one sign, currently designing another and have plans for future signage.
    - Conducted two successful Garden Markets at Martial Cottle Park providing edible and ornamental gardening workshops and provided on-site interactive advice from Master Gardeners.
    - Continued development of the Master Gardener Community Education Center at Martial Cottle Park, including building a 60-seat outdoor classroom and installing a stormwater management system with rain barrels and a rain garden to absorb excess storm water.
    - Secured grant funding and installed a habitat garden for birds, bees, and butterflies at Martial Cottle Park.
    - Designed a school field trip program at the Martial Cottle Park site to teach gardening and garden-based nutrition to children from the surrounding neighborhood schools and Title 1 schools in San Jose. In conjunction with the UCCE Nutrition program and the Santa Clara County Parks Dept, hosted first 2nd grade class from Del Roble Elementary School in San Jose.
    - Initiated a partnership with San Jose Community Gardens to provide classes in conjunction with community gardens.
    - Continued the 4-H pasture market lamb project, and added a steer, market goat and composting project.
Exhibit B
University of California Cooperative Extension
Agriculture Division and Natural Resources
Santa Clara County
Proposed Work Plan for 2018-2019

Nutrition Education
Objectives: Promote healthy eating behaviors by delivering effective nutrition education to individuals and families. Support policy, system and environmental changes that encourage physical activity and healthy eating.

1) Educate a minimum of 700 adults in nutrition, food safety, and making the most of resources to feed their families.
2) Form collaborations with school personnel to deliver nutrition education programs. Train 150 teachers to implement UC nutrition curricula in Santa Clara County schools with over 50% of children receive free and reduced-price meals.
3) Implement nutrition and garden-enhanced nutrition education curricula with a minimum of 5,000 elementary school and pre-school children.
4) Support policy, system and environmental changes in qualifying schools by encouraging physical activity and healthy eating.
5) Continue to promote locally and regionally grown fruits and vegetables in school cafeterias with over 50% of children receive free and reduced price meals.

Small Farms
Objective: Improve productivity, competitiveness and overall viability of agriculture.

1) Enhance Competitive, Sustainable Food Systems
   a. Continue work on the establishment of a beginning farmer education hub.
   b. Continue identifying emerging issues for small farmers in the region and develop a research and outreach strategy to address these new issues.

2) Managing Endemic and Invasive Pests and Diseases
   a. Publish results of monitoring study to determine whether the pepper weevil pest is established in the Santa Clara-San Benito pepper-growing region, and understand the incidence of pepper weevil adults relative to crop stage.
   b. Provide outreach to Chinese growers on effective pest management technologies.

3) Improving Water Quality, Quantity, Security and Preservation of Natural Resources
   a. Conduct a field trial to evaluate the nitrogen uptake in Asian leafy vegetables.
   b. Conduct a field trial to evaluate irrigation water uptake in Asian leafy vegetables.
   c. Provide outreach to Asian growers on effective irrigation and nutrient management practices to minimize nutrient runoff and leaching.

Livestock and Working Rangelands
Objective: Assist public land managers, private landowners, and ranchers in conserving open space/rangeland.

1) Identify emerging issues for public and private rangeland/open space owners and develop a research and outreach strategy to address these new issues.
2) Conduct workshops for open space managers on subjects such as soil health, livestock waste composting and habitat management.
3) Extend outreach to producers and agencies through quarterly newsletter.
4) Provide information on effective leasing strategies to public agencies.
5) Develop and extend Integrated Pest Management Strategies for ground squirrel control on public lands.
6) Work with CA Department of Fish and Game, California Cattlemen’s Association, Santa Clara Habitat Agency, Santa Clara County Parks and the CA Rangeland Conservation Coalition to find opportunities to improve resource management with livestock grazing.

**Urban Integrated Pest Management (IPM)**

**Objective:** Promote the adoption of and demand for Urban IPM programs and services to reduce unnecessary pesticide applications, pesticide exposure events, and instances of environmental contamination while managing pests.

1) Serve all clientele via extension and applied research programs.
2) Identify and address new and emerging urban pest management issues through applied research and extension.
3) Continue collecting data from San Jose and Sunnyvale termite research sites. Combine with other site data and share results via one trade magazine article and one peer-reviewed article.
4) Conduct regional and statewide research programs, extending findings to clientele and collaborators in Santa Clara County.
5) Serve as the expert and academic resource for colleagues and clients in Santa Clara County for all needs related to urban integrated pest management.

**Urban Agriculture**

**Objective:** Support the development of urban and peri-urban food systems to ensure viability and effectiveness of urban agriculture in improving social, economic and health outcomes.

1) Provide guidance and support to urban ag farmers in the cultivation, production and distribution of locally produced foods.
2) Assist with outreach to community project creators and property owners on Urban Agriculture Incentive Zones.
3) Work to inform policies to support production and processing distribution of food.
4) Conduct at least 2 workshops on production and distribution issues for urban farmers and gardeners.
5) Identify and address new and emerging urban agriculture issues through applied research and extension.
6) Develop and disseminate IPM management techniques for effective and safe control of ground squirrel populations in urban areas including urban agriculture lands.

**Urban Forestry**

**Objective:** Improve environmental management of urban environments, focusing on urban trees, by providing research-based technical advice to city arborists, other municipal and county agency staff, tree care companies and community groups involved in tree planting and care.

1) Identify and address new and emerging urban tree management issues through applied research and extension.
2) Provide information and instruction to UC Master Gardeners based on emerging issues in tree care including planting, pruning, staking, identification and drought stress.
3) Continue collecting samples for the tree failure-wood decay project in partnership with local arborists.
4) Compile 2018 tree data collected from Santa Clara county bioswale research sites.
5) Work with the City of San Jose to further evaluate the tree species for inclusion in bioswales and the specifications for bioswale soils.
6) Collaborate with the Agricultural Commissioner on the Polyphagous shothole borer (and now also Kuroshio shothole borer) education/discussion working group.
7) Investigate new opportunities for Santa Clara county based research projects and share findings with local collaborators.

Horticulture and Master Gardeners
Objective: Provide research-based horticultural information and educational programs in the areas of home gardening, landscaping and integrated pest management to county residents.

1) Manage the 300+ Master Gardener volunteers and provide at least 1,500 hours of volunteer time to the urban horticulture and public advice through Hotline programs and events.
2) Recruit for the Class of 2019, with a special emphasis on increasing diversity of the incoming class and providing hands on training.
3) Provide 12 educational workshops to the Master Gardener volunteers as part of the annual recertification process.
4) Conduct at least 20 public workshops on pest control strategies, sustainable gardening techniques and edible landscaping.
5) Maintain 17 UCCE Master Gardener demonstration and educational gardens throughout the county and start one new garden in Santa Clara, including developing new interpretive signs on sustainable gardening.
6) Maintain the two demonstration gardens in front of 1553 Berger Drive, and develop a regular schedule of class offerings for County employees.
7) Continue to develop the Master Gardener Community Education Center at Martial Cottle Park in San Jose and conduct 12 community classes in urban horticulture topics.
8) Evaluate and pursue strategic partnerships with community organizations in an effort to extend outreach and service to diverse audiences, especially low-income, ethnically, and racially diverse communities.
9) Implement program-wide strategic planning, as well as initiatives to increase program diversity, develop MG skills as teachers, outreach to schools for assistance with gardens, and increase volunteer safety.

4-H Youth Development
Objective: Promote youth development and family well-being in the communities of Santa Clara County.

1) Continue to implement the expansion plan to meet the needs and interests of diverse youth in the 4-H Youth Development Program (4-H).
2) Provide positive youth development experiences for 700 diverse children ages 5 – 18 through the 4-H Community Club program and 100 children in out of school programs
3) Manage 250 4-H volunteers who work in partnership with 4-H members to provide science literacy, civic engagement, leadership and healthy living programs for youth.
4) Provide 5 educational workshops to 4-H volunteers and youth.
5) In partnership with 4-H volunteers and youth serving organizations, create one new 4-H club to serve diverse youth, families and communities.
6) In partnership with 4-H clubs, offer an agricultural literacy program for elementary school aged children at four urban 4-H ranch facilities.
7) Strengthen the intercultural competence of staff and key volunteers in the 4-H Program.
Compost Education

Objective: Promote landfill waste reduction by providing research-based composting information, educational programs and technical assistance to county residents, schools and businesses.

1) Present approximately 40+ Composting Basics workshops. Target residents in multifamily units that lack access to space for backyard composting.
2) Include food rescue and food waste reduction outreach and education information in each workshop.
3) Directly connect with 1,200 Santa Clara County K-12 students.
4) Establish 4 Community Composting Demonstration Sites within the County.
5) Train 20 new Master Composter volunteers in 2018.

Martial Cottle Park

Objective: Provide research-based horticultural information and educational programs in the areas of home gardening, landscaping, composting and integrated pest management to county residents through office consultations, educational exhibits and seminar classes.

1) Enhance and develop UCCE programs for Martial Cottle Park including Master Gardener growing grounds and demonstration gardens, Small Farm Program, Composting Education, and 4-H youth development programs.
2) Support youth in conducting 4-H animal agriculture projects including pasture lambs, beef cattle, goats and chickens.
3) Promote and further initiate opportunities with beginning farmers on the Small Farm site.
4) Improve access to MCP for the elderly and people with disabilities by installing a paved road.
5) Install four ~5,000 gallon rain barrels on teaching pavilion and greenhouse to mitigate flooding, complement rain gardens and demonstrate rainwater harvesting and storm water management to the public.
6) Design and install interpretive signs so garden visitors can learn about creating habitat for birds, bees, and butterflies, using less pesticides, and conserving precious water and soil resources.
7) Continue to teach monthly classes in ornamental and edible horticulture, and gardening to conserve water and build soil health. Continue and improve field trip program with local schools.
8) Work with Friends of Master Gardeners 501c3 to secure additional funding to develop the Master Gardener site at Martial Cottle as planned.
9) Continue to train 4-H youth and Master Composters to steward the Composting Education Program demonstration site.
10) Build community partnerships and host home, worm and mid-scale composting hands-on workshops.
11) Establish a regular compost training and management protocol for 4-H youth, Master Composters and Park Volunteers and Staff.
12) Develop signage leading to a self-guided composting system tour.
13) Install mid-scale composting systems to demonstrate community scale composting.
DATE: May 17, 2018

TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)

FROM: Kirk Girard, Director, Dept. of Planning and Development

SUBJECT: Annual SMARA Program Update Report

RECOMMENDED ACTION
Receive report from Department of Planning and Development relating to status of the County Surface Mining and Reclamation Act Program.

FISCAL IMPLICATIONS
There are no fiscal implications to accepting this report.

CONTRACT HISTORY
There is no contract history regarding this report.

REASONS FOR RECOMMENDATION
The tenth annual report summarizes the County’s Surface Mining and Reclamation Act (SMARA) program for calendar year 2017.

CHILD IMPACT
The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT
The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS
The recommended action will have no/neutral sustainability implications.

BACKGROUND
A status report is prepared and presented annually in the spring to the HLUET Committee regarding the County’s SMARA Program activities for the prior calendar year for each surface mine, and describes the programmatic goals for the upcoming calendar year.

SMARA is a State law that requires all surface mining operators to have an approved reclamation plan which is regulated by the local jurisdiction. The County of Santa Clara is the lead agency under SMARA for six surface mines located in the unincorporated area of
the County. Of these six surface mines, three are actively extracting and processing minerals (Lehigh Permanente, Lexington, and Stevens Creek), two have ended mining operations and are undergoing reclamation (Freeman and Serpa), and one is inactive and subject to an Interim Management Plan (Curtner).

**Surface Mines – Reporting Year Activities:**

1. **Curtner Quarry (State Mine ID 91-43-0001, County File No. 1988)**
   - **Property Owner:** Crayton and Sandra Jones, et al. Trustee
   - **Mine Operator:** DeSilva Gates Construction
   - **Location:** Scott Creek Road, east of Highway 680, Milpitas vicinity
   - **Status:** Idle surface mine

   Curtner is an aggregate quarry operation, located northeast of the City of Milpitas, off of Scott Creek Road. The quarry scaled back production in 2011 and is presently an idle mine. An idle mine, as defined under SMARA, is when mining operations are curtailed for a period of one year or more by more than 90 percent of previous maximum production. An idle mine must have a lead agency approved Interim Management Plan (IMP), which is a temporary plan that addresses the site drainage, erosion control, weed management and site safety. The Architecture and Site Approval Committee (ASA) approved the Curtner Quarry IMP on September 13, 2012, to expire on September 12, 2017. The mine operator requested a five-year extension of approval on April 6, 2017. Pursuant to California Public Resources Code §2770(h)(2)(a), the Planning Division approved the renewal on April 11, 2017. The new expiration date for the IMP is September 12, 2022. Once the IMP expires, the operator must either commence active mining or reclaim the quarry.

   Staff conducted the 2017 SMARA inspection on July 13, 2017, and winterization inspection on January 24, 2018. No violations were observed during either inspection. The mine operator completed a financial assurance cost estimate, calculating the costs to reclaim the mine in its current state, totaled $1,076,828.92. The mine operator had a surety bond held by the Planning Division, dated October 7, 2016, totaling $1,043,966.65. Consequently, the Planning Division requested an increase in the surety bond to match the financial assurance cost estimate. On August 18, 2017, the mine operator provided an increase rider to the existing surety bond in the amount of $32,862.27. This change made the surety bond equal to the financial assurance cost estimate. Thus, the financial assurances are in compliance with SMARA regulations.

2. **Serpa Quarry (State Mine ID 91-43-0002, County File No. 2071)**
   - **Property Owner:** Gokulam LLC, Vijaya Datt, Kishore Nandyala, and assignees
   - **Mine Operator:** Gokulam LLC (owner)
   - **Location:** Old Calaveras Road, Milpitas vicinity
   - **Status:** Actively reclaiming
Serpa is an aggregate quarry, located in the foothills east of the City of Milpitas and contiguous to Ed Levin County Park. Serpa Quarry ceased mining operations in 2010 and commenced reclaiming the mine. In 2014, new owners acquired the property and declared an intent to establish a Hindu temple, dormitories, banquet hall, and child daycare center, and completed a Use Permit pre-application meeting with County staff on March 16, 2016 to discuss this proposal.

During 2015, an amendment to the Reclamation Plan was approved to modify the final grading and contours, change the seed mix to be compatible for livestock grazing, and extended the anticipated reclaimed end date from March 2015 to September 2018. The owners completed the grading and removal of all quarry related structures, including the scales and office building. The owners applied for a Reclamation Plan Amendment on March 16, 2018 to partially close the mine and prepare for the approved end uses of open space, grazing and/or single-family residence(s). The original application for the Reclamation Plan Amendment was deemed incomplete and the Planning Division is waiting for a resubmittal. Full closure is expected to take place by December 2019.

Staff conducted the 2017 SMARA inspection on July 27, 2017, and winterization inspection on January 18, 2018. No violations were observed during either inspection. The financial assurance cost estimate prepared by the owner for 2017 was $8,802.30. The financial assurance mechanism is a cash deposit held by the County in the amount of $98,990.67. The owners requested a refund for the difference of $90,177.34. The Planning Division did not accept the request for a reduction of the assurance mechanism due to the need for additional time to confirm the success of the recent hydroseeding. The County informed the State Division of Mine Reclamation of this situation on November 27, 2017. The financial assurance amount continues to be in compliance with SMARA regulations.

3. Permanente (Lehigh) Quarry (State Mine ID 91-43-0004, File No. 2250)

Property Owner: Lehigh Southwest Cement Company
Mine Operator: Lehigh Southwest Cement Company
Location: 24001 Stevens Creek Boulevard, Cupertino vicinity
Status: Active surface mine

Permanente Quarry, operated by Lehigh Southwest Cement Company (Lehigh), is an active quarry mining limestone used for manufacturing cement. The quarry is located in the foothills, west of the City of Cupertino at the terminus of Stevens Creek Boulevard. On February 2, 2011, the Board of Supervisors determined this quarry is a vested surface mining operation. On June 26, 2012, following several public outreach meetings and public hearings, the Board of Supervisors approved, on appeal, an amendment to the 1984 Permanent Quarry Reclamation Plan and certified an Environmental Impact Report (EIR), including 89 conditions of approval and mitigation monitoring and reporting program.

During 2017, staff prepared the Lehigh Annual Report No. 5 regarding compliance with the Reclamation Plan conditions and presented to the Planning Commission on November 16, 2017. The annual report included status of reclamation activity and mining operations that
occurred between July 1, 2016 through June 30, 2017, and compliance status for each condition of approval.

In accordance with the conditions of approval, Lehigh conducts stormwater sampling and testing throughout the quarry to test for selenium. The discharges for rain seasons from 2014 through June 2017 had exceedances over the adopted water quality Basin Standard of 5 μg/L. To date, the following measures have been completed or are in the process of being implemented in order to reduce selenium levels below the Basin Standard: (a) a vault and pump system were installed during the winter of 2017/2018 to capture all water from Pond 30 and pump it to the water treatment systems; (b) a one foot thick cover of non-limestone materials was installed over the East Materials Storage Area to reduce the interaction of stormwater, air, and limestone with the intent to decrease selenium concentration in stormwater runoff; (c) a Water Treatment Facility designed to treat selenium and other minerals in stormwater and processed water was approved by the Zoning Administrator on May 4, 2017; construction is near completion; and (d) the owners are preparing a water quality report to be presented at the July 2018 Planning Commission hearing.

The annual SMARA inspection was conducted on August 10, 2017, and winterization inspection on January 23, 2018. In addition, County Planning staff conducts monthly field visits with quarry staff to ensure ongoing compliance with the Reclamation Plan conditions. No violations were observed during the inspections. The mine operator completed a 2017 financial assurance cost estimate totaling $54,657,484. As the financial assurance mechanism (surety bonds held by the County) total $54,723,295, the mine operator requested a reduction of the financial assurance mechanism to match the cost estimate. The Planning Division sent a Statement of Adequacy to the California Division of Mine Reclamation with a recommendation to approve the $65,811 reduction of the financial assurances and determined that Lehigh is in compliance with SMARA guidelines.

4. Lexington Quarry (County File 3690) (State Mine ID 91-43-0006)

Property Owner: Edward and MaryAnn Shirhall, trustees
Mine Operator: Vulcan Materials, Company
Location: 18500 Limekiln Canyon Road, Los Gatos
Status: Active surface mine

Lexington is an active aggregate quarry, operating under a Use Permit, and located east of the Lexington Reservoir in the Santa Cruz Mountains above the Town of Los Gatos. At a public hearing on December 21, 2017, the Planning Commission approved modifications to Conditions of Approval #91 through 93 of the 2010 Lexington Quarry Use Permit. These modifications were related to an improved methodology for sampling and monitoring water quality, specifically related to turbidity¹, in stormwater discharged from the quarry.

¹ Turbidity is the cloudiness or haziness of a fluid caused by large numbers of individual particles that are generally invisible to the naked eye, similar to smoke in air.
Staff conducted the 2017 SMARA inspection on August 25, 2017, and winterization inspection on January 31, 2017. No violations were observed at either inspection. The mine operator completed a 2017 financial assurance cost estimate of $1,693,720 and has a surety bond totaling $1,863,409 in compliance with SMARA regulations. The Planning Division sent a Statement of Adequacy to the California Division of Mine Reclamation with a recommendation to approve the $169,689 reduction of the financial assurances and determined that Lexington is in compliance with SMARA guidelines.

5. Stevens Creek Quarry (County File 1253) (State Mine ID 91-43-0007)

Property Owner: Stevens Creek Quarry, Inc.

Mine Operator: Stevens Creek Quarry

Location: 12100 Stevens Canyon Road, Cupertino

Status: Active surface mine

Stevens Creek is an active aggregate and sand quarry, located in the foothills of the Santa Cruz Mountains west of the City of Cupertino. It operates under a conditional Use Permit for the portion of the property identified as Parcel A, which contains the offices, truck scale, recycling concrete and asphalt operation, and City of Cupertino compost distribution facility. The Use Permit was renewed on February 18, 1995 for twenty years, and the owner applied for a renewal on December 29, 2014. The balance of the site containing the quarry operations, referred to as Parcel B, operates under a Board acknowledged Settlement Agreement.

During 2017, the County conducted several inspections and observed on-site conditions on Parcel B that were not in compliance with the conditions of the Use Permit and the Agreement. Issues identified included evidence of erosion and sedimentation entering an adjacent creek due to inadequate stormwater control measures. The quarry manager has since installed numerous stormwater control measures.

Other areas of concern observed during the reporting period related to geological slope stability near the north and west property lines, and a portion of the settling basin and impoundment being located beyond the reclamation plan boundaries. To resolve these issues, the Planning Division has requested that the owner contract with a certified engineering geologist (CEG) to prepare a geology report assessing the evidence of cracks and slope movement.

The Department is also in discussion with the mine operator to extend Use Permit coverage for mining operations on Parcel B.

Given several ongoing issues, the Department of Planning and Development issued a Notice of Violation on September 27, 2017 (Attachment A – Stevens Creek Notice of Violation) and is currently working with the quarry operator towards a Compliance Agreement to a path forward towards compliance with SMARA and County ordinances.

The 2017 SMARA inspection occurred on September 14, 2017, followed by a winterization inspection on January 10, 2018. The 2017 financial assurance cost estimate was $1,911,126.
The financial assurance is a surety bond of $2,304,756.29. Upon receipt of the geology report, the County can certify or adjust the financial cost estimate, if needed.

6. Freeman Quarry (County File 6538) (State Mine ID 91-43-0010)
   Property Owner: Castro Valley Properties
   Mine Operator: Granite Construction Company
   Location: 3201 Monterey Road, west of Highway 101, Gilroy
   Status: Idle mine

Freeman is an aggregate quarry operation, located south of Gilroy, off Highway 101. The quarry scaled back production in 2013 and presently is an idle mine. The ASA Committee approved the IMP in 2014 for a five-year period, renewable for five additional years. The Zoning Administrator approved a minor reclamation plan amendment on May 4, 2017 to allow a faster growing hydroseed mix, a species of tree that is non-toxic to cattle, and the retention of existing infrastructure and certain roads post-reclamation to support cattle grazing, the approved end use in the reclamation plan.

The 2017 SMARA inspection took place on August 31, 2017, followed by a winterization inspection on February 1, 2018. County inspectors observed advanced stages of reclamation, including hydroseeding throughout the site, equipment removed, and perimeter fencing, locked gates and signage. The site was in good condition, and no violations were observed. The 2017 financial assurance cost estimate was $500,844 and the surety bond is $1,593,603.00. The Planning Division sent a Statement of Adequacy to the California Division of Mine Reclamation with a recommendation to approve the $1,092,759 reduction of the financial assurances and determined that Freeman is in compliance with SMARA guidelines.

Financial Assurance and Cost Estimates

SMARA requires that each mining operation have a financial assurance to ensure that reclamation is performed in accordance with the approved reclamation plan. Financial assurances must be payable to the lead agency and the Department of Conservation, and must be in the form of a surety bond, irrevocable letter of credit, trust fund, or cash, and must be adjusted annually to account for increases in labor and equipment rates, and newly mined or reclaimed areas. The following table summarizes the changes to the financial assurances for each quarry for reporting years 2016 and 2017. The ‘2017 Current’ column shows the financial assurances currently held by the County. The ‘2017 Approved’ column shows the minimum financial assurances required to be held by the County. Any differences are due to voluntary delays by quarry operators to reduce their financial assurances to approved amounts.
Activities by Staff

During 2017, staff conducted the following additional SMARA activities:

- **Lehigh Permanente Quarry Interagency Meeting and Public Workshop**: County staff coordinated an inter-agency staff meeting during this reporting period in May 2017. The agencies represented at this meeting included the Bay Area Air Quality Management District; Regional Water Quality Control Board; Santa Clara Valley Water District; US Fish and Wildlife; California Fish and Wildlife; US EPA; County Planning Division; County Department of Environmental Health; and staff from the cities of Cupertino and Sunnyvale.

- **Department staff also helped coordinate and participated in a public information meeting regarding Lehigh Permanente Quarry in February 2018, moderated by Supervisor Simitian. The panel was staffed with representatives from Regional Water Quality Control Board; Santa Clara Valley Water District; County Planning Division; County Department of Environmental Health; County Counsel, and was held in the City of Cupertino.**

- **A workshop for interested Planning Commissioners and new staff was also conducted at Lehigh on March 27, 2018.**

SMARA Program Goals for 2018

The goals for the SMARA program for calendar year 2018 include the following:

- **Conduct SMARA inspections in late summer, and winterization inspections during or following rain events December through February, with timely reporting to the Division of Mines and Reclamation.**
• Provide annual reports to Planning Commission regarding condition compliance for Lehigh-Permanente and Stevens Creek quarries.

• Enter into a Compliance Agreement with Stevens Creek Quarry to ensure violations are addressed.

• Conduct an interagency meeting regarding Lehigh permits and status.

• Participate in the public information meeting regarding Lehigh in the City of Cupertino. Include a panel discussion with staff from the local, state and federal agencies with permitting authority over Lehigh activities.

• Attend SMARA inspection and program training sessions.
DATE: May 17, 2018
TO: Housing, Land Use, Environment, and Transportation Committee (HLUET)
FROM: Harry Freitas, Director, Roads and Airports
SUBJECT: FY 18-19 TDA3 Application San Tomas Widening and Trail project

RECOMMENDED ACTION

Receive report from the Roads and Airports Department relating to allocation of Fiscal Year 2018-2019 Transportation Development Act funding for the San Tomas Widening and Trail Project and forward to the Board of Supervisors for approval.

REASONS FOR RECOMMENDATION

The Transportation Development Act (TDA) was enacted by the California State Legislature in 1972. This legislation imposes a half-cent per gallon tax on gasoline and diesel fuel sold within the State of California, the proceeds from which are dedicated towards transportation purposes. Article 3 of the TDA sets aside a portion of these funds for bicycle and pedestrian projects.

Based on VTA policy, 75 percent of the countywide TDA Article 3 funding is allocated to jurisdictions within Santa Clara County based on population as guarantee funds. Local jurisdictions may bank up to three (3) years of funds to create a larger funding source for a project. The County of Santa Clara’s guarantee allocation is based on the total population in the unincorporated areas of the County and has traditionally been used for unincorporated road pedestrian improvements.

The County will receive approximately $148,011 in TDA Article 3 guarantee funds for FY 2018/19. In addition, previously banked funds from prior years will be combined with these funds for a total amount of $826,945 to provide additional funding for completing the San Tomas Widening and Trail project. The project application is attached. During construction, the project experienced some unanticipated cost increases associated with widening the roadway to accommodate the new trail along the project segment. The additional TDA funds will provide one-time gap funding to complete the project, which will provide new “Complete Streets” elements for bicycle and pedestrian users along the San Tomas Expressway.
The San Tomas Widening and Trail project was initiated in 2014 to construct sidewalk on the east side of San Tomas expressway, construct a multi-use shared trail on the west side of the expressway, and provide an additional travel lane in both directions on the expressway between El Camino Real and Homestead Avenue.

The additional TDA funding will allow the County to complete the following specific elements of the construction phase: complete the curb and gutter installation, complete the lane widening and striping, finish striping the multi-use shared trail. Staff presented the application to the regional Bicycle Policy Advisory Committee (BPAC) at their regular scheduled meeting on May 9, 2018 and the Roads Commission on May 14, 2018. Following the recommendation of the Housing, Land Use, Environment and Transportation Commission, staff will request action from the Board of Supervisors at their regular meeting on June 5, 2018.

ATTACHMENTS:

- TDA3_Application San Tomas (PDF)
TDA Article 3 Project Application Form

Fiscal Year of this Claim: 2018-19  Applicant: County of Santa Clara Roads & Airport Department

Contact person: Ellen Talbo
Mailing Address: 101 Skyport Drive, San Jose CA 95110
E-Mail Address: ellen.talbo@rda.sccgov.org  Telephone: 408-573-2482

Secondary Contact (in event primary not available): Khoa Vo
E-Mail Address: khoa.vo@rda.sccgov.org  Telephone: 408-573-2492

Short Title Description of Project: San Tomas Widening and Trail Project
Amount of claim: $826,945

Functional Description of Project:
This project provides a 10-foot multi-use shared path on the west side of San Tomas Expressway, and sidewalk on the east side of the expressway between El Camino Real and Homestead Road. The project also provides 6 to 8 foot shoulder to accommodate advanced bicyclists and an additional travel lane to improve capacity throughout along the corridor. This project will provide dedicated infrastructure for active transportation users along the Expressway and extend the San Tomas trail south to Homestead Ave. The project was initiated in 2014 and TDA funds were applied to this project in FY 14-15. The application of all TDA monies banked through FY 2019 plus reallocation of existing TDA funds from prior years is intended to contribute toward finalizing the construction of the project by December 2018. The City of Santa Clara is also contributing additional funds toward completion of the project.

Financial Plan:
List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

Project Elements: Engineering and Construction

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>All Prior FYs</th>
<th>Application FY</th>
<th>Next FY</th>
<th>Following FYs</th>
<th>Totals</th>
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<tr>
<td>TDA Article 3</td>
<td>678,934</td>
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<td>826,945</td>
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<td>list all other sources:</td>
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<tr>
<td>Totals</td>
<td>678,934</td>
<td>148,011</td>
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<td>826,945</td>
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</table>

Project Eligibility:

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<th>YES?/NO?</th>
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<tbody>
<tr>
<td>A.</td>
<td>Has the project been approved by the claimant's governing body? (If &quot;NO,&quot; provide the approximate date approval is anticipated).</td>
</tr>
<tr>
<td>B.</td>
<td>Has this project previously received TDA Article 3 funding? If &quot;YES,&quot; provide an explanation on a separate page.</td>
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<tr>
<td>D.</td>
<td>Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If &quot;NO,&quot; provide an explanation). Enter date the project was reviewed by the BAC: December 11, 2013 and May 9, 2018</td>
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<tr>
<td>E.</td>
<td>Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).</td>
</tr>
<tr>
<td>F.</td>
<td>Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) Dec 2018</td>
</tr>
<tr>
<td>G.</td>
<td>Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: )</td>
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