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**OFF-AGENDA MEMORANDUM**

DATE: October 23, 2020

TO: Honorable Board of Supervisors

FROM:  Jacqueline R. Onciano, Director, Department of Planning and Development

SUBJECT: Applicability of Community Preservation Ordinance to the New Almaden Historic District

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This memorandum intends to update to the Board of Supervisors on the Administration's analysis of the Community Preservation Ordinance's applicability in the New Almaden Historic District located south of San José. After careful review of the Community Preservation Ordinance and multiple site visits assessing conditions in the community, it is the Department's professional judgment that the Community Preservation Ordinance not be applied to the New Almaden Historic District.

**BACKGROUND OF THE COMMUNITY PRESERVATION ORDINANCE**

A November 14, 2017 Board of Supervisors referral (Yeager) directed the Administration and County Counsel to review the Ordinance Code and County of Santa Clara Zoning Ordinance ("Zoning Ordinance") and develop regulations to address property blight on urban unincorporated lands. After integrating feedback from the Housing, Land Use, Environment and Transportation (HLUET) Committee, the Administration proposed a unified Ordinance based on the City of San José's Community Preservation Ordinance. To address the types of urban blight conditions described in the 2017 referral while avoiding adverse impacts to rural farming and ranching operations, the Administration proposed limiting the Community Preservation Ordinance's scope of application to urban unincorporated areas designated residential and commercial.

Among the conditions defined to constitute property blight in the Community Preservation Ordinance—Division B38 of the County Ordinance Code—include:

- Property conditions that pose dangers to public health or safety;
- Unsecured and/or abandoned buildings or structures;
- Deteriorating buildings or those with broken windows or doors;
- Overgrown or decayed trees or vegetation posing fire or infestation danger;
- Stored or accumulated garbage or refuse in violation of existing code restrictions;
- Storage of cargo containers for longer than temporary use;
- Storing, dismantling, or maintaining vehicles in violation of the Zoning Ordinance; and
- Graffiti.

During community outreach for the proposed Community Preservation Ordinance, several residents of the New Almaden Historic District suggested expanding the scope of the Ordinance to include their rural community, which is zoned Rural Residential and Hillside. Comments received from the residents identified the need to preserve the community's historic character by devoting more enforcement attention to properties that contain illegal dwelling units, illegal businesses, hoarded junk, substandard septic systems, and excessive vehicles parked in the road ways. In unanimously adopting the Ordinance on Consent, the Board approved a referral from Supervisor Wasserman to the Administration to consider modifying the Community Preservation Ordinance in the future to include the community of New Almaden.

## **BACKGROUND OF NEW ALMADEN**

The New Almaden Historic District is situated in a canyon along Alamos Creek, about five miles south of the City of San José's Almaden neighborhood. The historic community is home to historic houses and the Hacienda Hotel, which served as a boarding house for quicksilver miners in the mid 1800s and today is the site of La Foret French restaurant. The mining history and character still holds influence over the core community of around 100 homes, essentially lining two parallel streets—Almaden Road and Betram Road. The community is bounded by Almaden Quicksilver Park to the west and predominantly abuts hillsides to the east and south. The area to the north of the community core area is rural in nature, characterized by larger parcels and farm- or ranch-style homes (some of which include historic or active agricultural operations).

## **ASSESSMENT OF CONDITIONS IN NEW ALMADEN**

In June 2020, Code Enforcement and Planning staff made two independent site visits by automobile to the New Almaden community core area and nearby outskirts—each visit lasting about an hour. Staff observed a few potential code compliance issues related to outdoor storage and potentially abandoned vehicles. Staff noted some unpermitted construction and different types of front yard landscaping. The potential code compliance issues observed can be addressed through enforcement of current regulations within the County’s Building and Zoning Ordinance. For the other issues observed, staff did not see instances of “blight,” such as homes in disrepair or abandonment, and instead observed differing aesthetic preferences on landscaping and housing adornment.

In conclusion, the Administration does not recommend amending Division B38 of the County Ordinance Code to include the New Almaden Historic District within the scope of the Community Preservation Ordinance. As a relatively isolated but unique historic mining village, the community’s character is rural residential, and not an urban unincorporated pocket for which the County’s Community Preservation Ordinance was designed. Staff concluded that the identified issues within the Community related to abandoned vehicles and excessive outdoor storage can be addressed by Zoning Ordinance Sections 4.20.070 and 4.20080, respectively. Other issues raised by residents including illegal dwelling units, illegal businesses, and substandard septic systems can be addressed by existing County-adopted codes apart from Division B38.

On October 14, 2020, Department staff met with residents from the New Almaden Historic District to explain the Department’s recommendation. Those in attendance concurred with the Department’s recommendations and requested the Department provide more information to New Almaden residents on the code enforcement standards and process, to help address any existing code enforcement issues in the community. The Department is currently scheduling this presentation with the New Almaden community.

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