



## City Council Agenda Report

**Meeting Date:** March 11, 2025

**Prepared By:** Nick Zornes

**Approved By:** Gabe Engeland

### Subject: Weed Abatement – Chapter 11.06

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#### **COUNCIL PRIORITY AREA**

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

#### **RECOMMENDATION**

Introduce an Ordinance of the City Council of the City of Los Altos Adding Chapter 11.06 Weed Abatement to Title 11 Miscellaneous Property Regulations of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15301(h) of the State Guidelines Implementing the California Environmental Quality Act of 1970.

#### **FISCAL IMPACT**

Not Applicable.

#### **ENVIRONMENTAL REVIEW**

The proposed amendments are exempt from environmental review pursuant to Section 15301(h) of the California Environmental Quality Act (CEQA) Guidelines.

#### **PREVIOUS COUNCIL CONSIDERATION**

Not Applicable.

#### **BACKGROUND**

On June 25, 2024, the Los Altos City Council authorized participation in the County of Santa Clara Weed Abatement Program. As part of the program requirements the City Council adopted the first annual resolution declaring weeds a public nuisance on November 12, 2024. Following the adoption of the public nuisance declaration the County of Santa Clara Consumer and Environmental Protection Agency (CEPA) sent all identified properties in the City of Los Altos with weed abatement violations a notice regarding the status of their property and the potential for inclusion in the program. On January 28, 2025, the City Council considered all objections from property owners to be included in the Weed Abatement program; objections heard were granted

an appeal and were removed from the inclusion of their property in the 2025 Weed Abatement program.

The Los Altos Municipal Code reflects regulations for general public nuisances, however, does not include provisions specific to Weed Abatement. The City of Los Altos could continue to utilize the existing Nuisance Abatement provisions of the Los Altos Municipal Code (Chapter 11.10), but to streamline the process in future years this ordinance was developed.

## **DISCUSSION**

The Santa Clara County Consumer and Environmental Protection Agency works with several cities throughout Santa Clara County on the Weed Abatement Program. The purpose of the Weed Abatement Program is to prevent fire hazards posed by vegetative growth and the accumulation of combustible materials.

The Weed Abatement program is entirely funded from fees charged to residents. Fees will be assessed for any property in the program. This is to cover the cost of the compliance inspection for the property. Properties that fail the compliance inspection will be charged a failed inspection fee, even if the resident completes the weed abatement. If the property requires abatement by the County contractor, the property owner will be responsible for the actual cost of abatement plus an administrative fee. Properties that meet and maintain the minimum fire safety standards will not be charged other than the annual fee.

Santa Clara County program staff annually inspect parcels at the beginning of the fire season, which is typically in March or April depending on the jurisdiction. If the parcel is not in compliance at the time of inspection, the property owner will be charged a failed inspection fee, and the owner will be sent courtesy notice as a reminder to abate the weeds. If the weeds are not abated by the property owner, the work will be completed by the County contractor. The property owner will pay the contractor's fees plus a County administrative fee. All fees will be included in your property tax bill.

When a property is placed in the Weed Abatement Program, it will remain in the program for up to three years for ongoing monitoring, and if after three years no abatement has been required on the site the property will be removed from the program. The intention of the Weed Abatement Program is to achieve Voluntary Compliance. Vegetation must not exceed 6 inches in height any time after the compliance deadline. Maintain grasses and weeds below 6 inches for 10 feet horizontally on both sides of all roadways, including driveways and access routes.

As discovered at the first Weed Abatement Appeal Hearing, the process can be somewhat cumbersome when occurring during a regularly scheduled meeting of the City Council. This is due to the number of objections that could be heard in one even in addition to regular city business which must occur. The draft ordinance was developed after reviewing surrounding city Weed Abatement ordinances, best practices for meeting management, and pertinent legal requirements. The draft ordinance will help to streamline the review process of any objections received annually for participation in the Weed Abatement Program.

## **ANALYSIS**

Based on the draft ordinance the following process would occur for the next annual Weed Abatement Program:

1. Adoption of City Council Resolution
  - a. Declaring Weeds a Public Nuisance
  - b. Will occur in November annually
2. Notification Sent to all identified properties in the Weed Abatement Program
  - a. To be completed by city's authorized agent, the County of Santa Clara
  - b. Notification sets a date and time for all responsible parties to Appeal inclusion in the Weed Abatement Program
3. Appeal Proceedings occur
  - a. The City Council assigns the City Manager or their designee to serve as the Hearing Officer to consider any objections of properties inclusion in the Weed Abatement Program
  - b. Objections of property inclusion must provide:
    - i. Written objection which includes the address and parcel information, property owner names with contact information and sufficient justification to explain the reason for existing non-compliance with the Weed Abatement Program.
    - ii. Printed photographs no smaller than 5" by 7" which clearly show all portions of the subject site.
  - c. The Hearing Officer will determine appropriate inclusion or removal of subject sites from participation in the program at the hearing and will refer the final list to the City Council at the conclusion of the hearing.
4. Adoption of City Council Resolution
  - a. Ordering the destruction of nuisance to be completed by the city's authorized agents.
5. Accounting, Noticing, Confirmation and Assessment
  - a. Following the completion of any nuisance abatement apart of the Weed Abatement Program the City Council will confirm the accounting of costs associated with such destruction that has occurred by the city's authorized agent, and will notice, and confirm the assessment(s) to be collected on the County of Santa Clara's Tax rolls.

The fundamental change that will occur by adoption of this ordinance is Step #3 as described above. The Appeal Proceedings as described above will help to streamline the Appeal process for all those who object to the inclusion of their property in the Weed Abatement Program.

## **ATTACHMENTS**

- 1. Draft Ordinance**
- 2. Appendix A – Chapter 11.06**