



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/04/2021

ITEM NO: 5

DATE: April 28, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Declaring Hazardous Vegetation (Brush) a Public Nuisance, Ordering Abatement, and Setting June 1, 2021 as a Public Hearing to Consider Objections to the Proposed Removal of Brush

RECOMMENDATION:

Adopt a resolution (Attachment 1) declaring hazardous vegetation (brush) a public nuisance, ordering abatement, and setting June 1, 2021 as a public hearing to consider objections to the proposed removal of brush.

BACKGROUND:

The Santa Clara County Fire Department implements and manages a hazardous brush abatement program for the Wildland Urban Interface (WUI) areas within its jurisdictional boundaries, which includes the incorporated areas of Los Gatos, to provide defensible space for structures. Early each year, property owners are reminded that they must remove flammable vegetation from around their home and other structures on their property to create defensible space. The Town annually adopts the Hazardous Vegetation Abatement Program and works with the County who serves as the enforcement agent and conducts their own inspections.

If properties are found not to be in compliance with the California Fire Code relative to vegetation clearance, the owners are given notice of the violation. If compliance is still not achieved by approximately the end of June each year, a contractor is authorized to perform the necessary work. The costs associated with the abatement work are then placed on the property tax bill for that parcel.

PREPARED BY: Stefanie Hockemeyer
Executive Assistant

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

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BACKGROUND (continued):

In March of 2021, the Santa Clara County Fire Prevention Division notified property owners located within the designated Wildland Urban Interface (WUI) area of the requirement to comply with the enforced safety regulations related to flammable vegetation abatement (Attachment 2). The letter also referenced the Town's recently enacted Municipal Code amendments which further enhance the safety of WUI residents.

At the time of the notice, property owners were given the option to complete the required work themselves, hire their own contractor, or elect to schedule the Town of Los Gatos' authorized contractor to perform the work.

DISCUSSION:

Below is the scheduled outline for the 2021 hazardous brush abatement program:

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| March 2021 | The 2021 Brush Abatement Program letters are mailed to property owners. |
| April 1, 2021 | Santa Clara County Fire Department (SCCFD) begins conducting the first property inspections. A door hanger describing the enforced safety regulations is placed at the property and a copy is mailed to the property owner's mailing address. |
| May 4, 2021 | Town Council adopts a Resolution declaring hazardous vegetation (brush) a public nuisance and sets June 1, 2021 as a public hearing to consider objections to the proposed removal of brush. |
| May 2021 | SCCFD begins conducting re-inspections of the properties that were out of compliance at the time of the first property inspection. Property owners who are not in compliance at the time of re-inspection will be identified and notice will be sent to the property owners providing information about the June 1 st public hearing. The Town publishes notices at least 10 days prior to the public hearing. |
| June 1, 2021 | Town Council conducts a public hearing to consider objections to the proposed removal of hazardous vegetation (brush) of declared non-compliant parcels and orders the abatement of the nuisance by the Town's authorized contractor. |

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DISCUSSION (continued):

- June 2021 After the June 1st public hearing, an additional inspection of all identified properties listed on the report will be conducted prior to the Town's authorized contractor performing any abatement work. If the property is found to be in compliance at the time of the re-inspection or upon the arrival of the abatement contractor, no work will be performed, and no charges will be imposed.
- July 2021 The County provides the Town with an assessment list of charges for work that ultimately was performed by the contractor. If there are no proposed charges, no additional public hearing is required.
- August 3, 2021 In the event a list of assessed charges is provided to the Town in July, the Town Council will conduct a public hearing on the hazardous vegetation (brush) abatement charges and adopt a resolution confirming or modifying assessments.
- August 4, 2021 The Town submits a list of charges as a special assessment to the County Tax Collector.

CONCLUSION:

Adopt a resolution (Attachment 1) declaring hazardous vegetation (brush) a public nuisance, ordering abatement, and setting June 1, 2021 as a public hearing to consider objections to the proposed removal of brush.

COORDINATION:

This program is coordinated with the Santa Clara County Fire Department.

FISCAL IMPACT:

Funds are provided in the FY 2020/21 Budget (Program 5101) to cover the cost of publishing the legal notice for the June public hearing.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

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Attachments:

1. Resolution declaring hazardous vegetation (brush) a public nuisance, ordering abatement, and setting June 1, 2021 as a public hearing to consider objections to the proposed removal of brush (includes Exhibit A).
2. Letters sent to property owners within the Wildland Urban Interface (WUI) area.