



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/02/2023

ITEM NO: 4

DATE: April 14, 2023
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 20, 2023 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 20, 2023 as a public hearing to consider objections to the proposed removal of the brush.

BACKGROUND:

The Santa Clara County Fire Department implements and manages a hazardous brush abatement program for the Wildland Urban Interface (WUI) areas (hillside areas) within its jurisdictional boundaries, which includes the incorporated areas of Los Gatos, to ensure appropriate defensible space for structures.

The Town annually adopts the Hazardous Vegetation (Brush) Abatement Program and works with the County, which serves as the enforcement agent and conducts their own inspections.

In January of each year, homeowners are reminded that they must remove native brush and vegetation from around their home to create defensible space. The brush abatement program entails inspections of hillside properties by fire crews beginning in early April each year. If properties are found to be out of compliance with the regulations found in the California Fire Code relative to vegetation clearance, they are given notice of the violation. A contractor is authorized by the County to perform the necessary work if compliance is still not achieved by approximately the end of June each year.

PREPARED BY: Meredith Johnston
Administrative Technician

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

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BACKGROUND (continued):

The costs associated with the abatement work are then assessed on the property owner's tax bill for that parcel.

DISCUSSION:

In February of 2023, 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 safety regulations related to flammable vegetation abatement (Attachment 2).

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 (Santa Clara County) to perform the work.

Below is the scheduled outline for the 2023 hazardous brush abatement program:

February 2023	The 2023 Brush Abatement Program letters were mailed to property owners.
April 1, 2023	Santa Clara County Fire Department (SCCFD) began conducting the first property inspections. A door hanger describing the safety regulations is placed at the property and a copy is mailed to the property owner's mailing address.
May 2, 2023	Town Council adopts a Resolution declaring hazardous vegetation (brush) a public nuisance and sets June 20, 2023 as a public hearing to consider objections to the proposed removal of brush.
May/June 2023	SCCFD begins re-inspecting the properties that were out of compliance at the time of the first 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 20 th public hearing. The Town publishes notices of the public hearing at least 10 days prior to the hearing.
June 20, 2023	Town Council conducts a public hearing to consider objections to the proposed removal of hazardous vegetation (brush) of parcels declared non-compliant and orders the abatement of the nuisance by the Town's authorized contractor (Santa Clara County).

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DISCUSSION (continued):

June 2023	After the June 20 th public hearing, an additional inspection of all identified properties listed on the report will be conducted before the Town's authorized contractor performs 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 2023	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 1, 2023	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 2, 2023	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 20, 2023 as a public hearing to consider objections to the proposed removal of the brush.

COORDINATION:

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

FISCAL IMPACT:

The costs associated with abatement work are placed on the property tax bill for that parcel. Funds are provided in the FY 2023/24 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 20, 2023 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.