



OFFICE OF THE CITY CLERK

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CITY COUNCIL STAFF REPORT

Meeting: June 17, 2025

Subject

Brush Abatement Program hearing to consider objections to proposed removal of brush and order abatement of the public nuisance; and consideration of a resolution ordering abatement of potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.200) regarding Defensible space (brush) and Resolution No. 25-029.

Recommended Action

- 1.) Conduct Brush Abatement Program hearing to note objections of property owners having their name on the list of properties that have been non-compliant in removing brush; and
- 2.) Adopt the Draft Resolution ordering abatement of public nuisance and potential fire hazard pursuant to Cupertino Municipal Code (Section 16.40.200) regarding defensible space (brush) and Resolution No. 25-029 (Attachment A).

Discussion

Cupertino Municipal Code Section 16.40.200 requires property owners in the locally adopted Wildland-Urban Interface Fire Area (WUI) to maintain effective defensible space by removing brush, flammable vegetation and combustible growth when required by the Fire Code official due to steepness of terrain or other conditions. The Cupertino Brush Abatement Program - a separate program from the County Weed Abatement Program - authorizes the County Fire Department to remove the brush if the property owner does not, and to recover the costs of abatement. Notice of the brush abatement program and hearing was sent to the property owners on the notification list as prepared by the Santa Clara County Fire Department (County Fire).

On May 20, 2025, Council adopted Resolution No. 25-029 declaring brush to be a public nuisance and potential fire hazard and setting a hearing date of June 17, 2025 to hear property owners having any objections to the proposed removal of brush (Attachment E). The attached Parcel Abatement List is a report of non-compliant properties with Wildland Safety Regulations provided by County Fire after inspections (Attachment B).

The initial letter regarding Wildland Urban Interface (WUI) Enforced Safety Regulations related to flammable vegetation abatement was mailed to all Cupertino property owners on February 14, 2025 (Attachment C). This letter notified owners of their responsibilities and the inspection dates for compliance, required owners to return an information card indicating the status of their property before April 1, 2025, and stated that properties must comply with the Enforced Safety Regulations before June 1, 2025 to avoid abatement by the City's authorized contractor. After this deadline, property owners not in compliance were notified of what work needs to be completed to comply with the Enforced Safety Regulations. Between May 13 and June 3, 2025, County Fire conducted inspections of the properties that were out of compliance. The Brush Hearing Letter (Attachment D) was sent to those properties that did not comply with the WUI Enforced Safety Regulations. The letters were mailed to property owners on June 3, 2025.

Sustainability Impact

None

Fiscal Impact

There are no fiscal impacts at this step in the process. Any costs associated with the program are charged to property owners, as determined at the lien assessment hearing on July 15. The City Council holds the hearing, considers any disputes, and adopts a resolution placing a lien assessment on the properties to allow the County to recover the cost of weed and/or brush abatement.

City Work Program Item/Description

None

Council Goal

Quality of Life

California Environmental Quality Act

Weed abatement activities are exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15304 (minor alteration to land).

Prepared by: Kirsten Squarcia, City Clerk

Approved for Submission by: Tina Kapoor, Acting City Manager

Attachments:

A - Draft Resolution

B – 2025 Non-Compliant Properties List

C – WUI Letter Sent to All Property Owners

D – Brush Hearing Letter Sent to Non-Compliant Owners

E - Approved Resolution No. 25-029