



**OFFICE OF THE CITY CLERK**

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3223 • FAX: (408) 777-3366  
CUPERTINO.ORG

**CITY COUNCIL STAFF REPORT**

Meeting: March 3, 2026

Subject

Public hearing on the abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 25-101.

Recommended Action

Conduct a public hearing for impacted property owners to contest the matter of proposed abatement and adopt the Draft Resolution ordering abatement of public nuisance from weeds or other fire hazards pursuant to provisions of Cupertino Municipal Code Chapter 9.08 and Resolution No. 25-101.

Reasons for Recommendation

The Cupertino Weed Abatement Program is in place to prevent fire hazards and other nuisances posed by vegetative growth (weeds) and the accumulation of combustible materials. This program is managed by the Santa Clara County Department of Agriculture. Cupertino Municipal Code Chapter 9.08 requires property owners to remove or destroy weeds on their property for fire and public health protection. Cupertino Municipal Code Chapter 9.08.020 states the following:

Whenever any weeds are growing upon any private property or properties or in any street or alley within the City. The City Council shall pass a resolution declaring the same to be a public nuisance and order the County Agricultural Commissioner to give notice of the passage of such resolution as provided in this chapter, and state therein that, unless such nuisance is abated without delay by the destruction or removal of such weeds, the work of abating such nuisance will be done by the County Agricultural Commissioner, and the expense thereof assessed upon the lots and lands from which, and/or in the front and rear of which, such weeds have been destroyed or removed. Such resolution shall fix the time and place for hearing any objections to the proposed destruction or removal of the weeds.

The weed abatement process is in place to notify the property owners of this responsibility, authorize the County to remove the weeds if the property owner does not do so, and allow the County to recover the costs of abatement.

#### *How Parcels are Added to the Program*

Parcels are added to the program through requests from members of the public, jurisdictional referrals, or when an inspector identifies a non-compliant property. Newly identified parcels enter an “add year,” which serves as a notification and education period for property owners to understand program requirements or contest inclusion. No fees are applied during the add year. Following the add year, parcels enter a three-year monitoring period during which they must maintain Minimum Fire Safety Standards (Attachment E). Parcels are subject to an annual inspection fee during the monitoring years. If a parcel fails inspection, the monitoring period resets to ensure three consecutive years of compliance. County inspectors conduct inspections multiple times per year, with the primary inspection window running from April 30 through October 31. Properties are expected to remain compliant year-round.

#### *Brush Abatement Program*

The Brush Abatement Program is managed by the Santa Clara County Fire Department and is separate from the Weed Abatement Program. Section 16.40.200 of the Cupertino Municipal Code 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 as required by the fire code official due to steepness of terrain or other conditions. The County is authorized to remove the brush if the property owner does not do so and to recover the cost of abatement from the property owner.

On December 2, 2025, the Council adopted Resolution No. 25-101, declaring the growth of weeds or the accumulation of garden refuse, cuttings and other combustible trash upon private properties to be a potential fire hazard and a public nuisance. These properties are identified on the Weed Abatement Program Commencement Report prepared by the County (Attachment B, Exhibit A in Resolution). If the Council wishes to adopt the Draft Resolution (Attachment A) ordering abatement of public nuisance, property owners on the Report will have until April 30, 2025 to abate any potential fire hazards on their property.

On January 14, 2026, the County mailed a notice to property owners listed on the Weed Abatement Program Commencement Report (Attachment C) indicating that their property must be cleared of hazards according to Minimum Fire Safety Standards (Attachment E), and that the City Council would conduct a public hearing on March 3, 2026 in order to consider all property owners having any objections to the proposed removal. City notices outlining the same information were mailed on February 19, 2026 (Attachment G).

#### *Process for Weed Abatement Program Outlined*

The process consists of nine steps that begin in November/December and go through July of each year, as shown on the following list. At this time the process is at Step No. 4.

The steps in the process are outlined below:

1. County prepares a report of all properties that have been non-compliant in removing weeds in the last three years and provides that report to the City and the City sets a hearing date. The County filed the report on January 14, 2026 (Attachment B, Exhibit A in Resolution). Please note that the City's hearing was scheduled for March, rather than the customary January date, because the County of Santa Clara did not have its 2026 fee schedule approved by the Board of Supervisors until January 6, 2026. This timing required the City to shift the hearing schedule accordingly (November).
2. County sends a notice to the property owners on the report notifying them of the hearing date and explaining that they must remove or destroy weeds by the abatement deadline of April 30, 2026 or it will be done for them, with cost of the abatement plus administrative costs assessed to their property (January).
3. City sends a courtesy letter to property owners listed on the report, notifying them of the hearing and the abatement deadline. (January-February).
4. City Council holds the hearing to consider objections by property owners and adopts a resolution declaring weeds a public nuisance and ordering abatement. (March) Please note that the City's hearing date has been shifted from the typical January timeframe to March to accommodate the revised timeline for Step 1.
5. City sends a courtesy letter to property owners listed on the report, reminding them of the abatement deadline (March).
6. After April 30, the properties are inspected by the County to verify that weeds were removed. The County sends a subsequent letter to property owners listed on the report, after an inspection determines that they are out of compliance; and proceeds with abatement if the property fails the inspection.
7. The County makes a report of all costs associated with the abatement and provides that report to the City (June-July).
8. City notifies the property owners listed on the assessment report, notifying them of the hearing date (July-August).
9. City Council holds a 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 (July).

On November 21, 2023, the Council approved service level reductions defunding the Weed Abatement subsidy of \$8,600 annually. All parcels in the Weed Abatement Program will be subject to a county inspection fee of \$296.00. In previous years, the County administrative fee was waived for any property that was abated before the April 30 deadline. The waived fees would be billed to the City by the County to cover their cost of servicing the property. The City will no longer cover these costs.

Fiscal Impact

There is no fiscal impact at this step in the process. In January, the County Board of Supervisors approved its 2026 fee schedule, including increased service fees for the Weed Abatement Program. The updated program fees will take effect in June. Any costs associated with the program are charged to property owners, as determined at the lien assessment hearing in July. 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.

Sustainability Impact

There is no sustainability impact.

California Environmental Quality Act

Not applicable.

City Work Program (CWP) Item: No

CWP Item Description: N/A

Council Goal: N/A

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Prepared by: Lauren Sapudar, Acting City Clerk  
Reviewed by: Kirsten Squarcia, Deputy City Manager  
Approved for Submission by: Tina Kapoor, City Manager

Attachments:

- A – Draft Resolution and Exhibit A
- B – 2026 Cupertino Commencement Report (Exhibit A)
- C – County Letter to Property Owners to Abate Weeds
- D – County Hearing Notice to Destroy Weeds and Program Fees
- E – Minimum Fire Safety Standards Program Brochure
- F – Return Reply Form (RRF) Sample
- G – City Letter to Property Owners
- H – Approved Resolution No. 25-101