



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: June 21, 2022

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. 22-055.

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. 22-055 (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 is a separate program from the County Weed Abatement Program and 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 19, 2022, Council adopted Resolution No. 20-055 declaring brush to be a public nuisance and potential fire hazard and setting a hearing date of June 21, 2022 to hear property owners having any objections to the proposed removal of brush (Attachment F). 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 25, 2022 (Attachment C). This letter notifies owners of their responsibilities and the inspection dates for compliance, and requires owners to return an information card indicating the status of their property before April 1, 2022. After this deadline, property owners not in compliance are notified of what work needs to be completed to comply with the Enforced Safety Regulations (Attachment D). On May 24 and May 26, 2022, County Fire conducted re-inspections of the properties that were out of compliance at the time of the first property inspection. The attached Brush Hearing Letter is sent only to those properties that did not comply with the WUI Enforced Safety Regulations upon inspection (Attachment E). The letter was mailed to property owners on June 9, 2022.

Sustainability Impact

None

Fiscal Impact

None

Prepared by: Kirsten Squarcia, City Clerk

Approved for Submission by: Jim Throop, City Manager

Attachments:

A - Draft Resolution

B – Brush Parcel Abatement List

C – WUI Letter Sent to All Property Owners

D – Follow-up Letter to Non-Compliant Owners

E – Brush Hearing Letter Sent to Non-Compliant Owners

F – Approved Resolution No. 20-055