



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: May 16, 2023

Subject

Consider setting a hearing date of July 6, 2023 to declare brush with potential fire hazard a public nuisance and for objections to proposed removal through the Cupertino Brush Abatement Program (Wildland-Urban Interface Fire Area); and consider adopting a resolution declaring properties as having potential fire hazards from brush and authorizing removal.

Recommended Action

Adopt Resolution No 23-___ declaring properties as having potential fire hazards from brush; and set a hearing date of July 6, 2023 to declare brush with potential fire hazard a public nuisance and to hear objections to proposed removal.

Reasons for Recommendation

The Cupertino Brush Abatement Program is a separate program from the County Weed Abatement Program that works to protect the City from wildfire risk by reducing potential fuel, such as brush, for hillside areas. This program is managed by the Santa Clara County Fire Department. 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. All properties in the WUI area are subject to the requirements of the Brush Abatement Program. The Program authorizes the County to remove the brush if the property owner does not and to recover the cost of abatement.

Each year, homeowners are reminded that they must remove brush and vegetation from around their home to comply with the minimum fire safe regulations. On January 13, 2023, County Fire mailed an introductory pre-season letter notifying property owners in designated fire hazard severity zones (Attachment B). On February 27, 2023, County Fire mailed a community wildfire preparedness packet to residents, including the enforced safety regulations (Attachments C-F).

Fire crews begin conducting property inspections in early April of each year. A notice of inspection is delivered to homes in advance (Attachment G). Properties that are found to be out of compliance with the enforced safety regulations are issued a notice of violation requesting corrections (Attachment H). All properties must comply before June 1. After June 1, non-compliant properties are referred for mandatory abatement by an assigned County contractor. The costs associated with the abatement work for that parcel are placed on the homeowner's property tax bill.

To proceed with the annual brush abatement process, staff recommends adopting the draft resolution declaring properties as having potential fire hazards from brush; and setting a hearing date of July 6, 2023 to declare brush with potential fire hazard a public nuisance and to hear objections to proposed removal (Attachment A). If the resolution is not adopted, the County Fire will be unable to authorize abatement work performed by a contractor on properties that are not in compliance with the vegetation clearance requirements.

Sustainability Impact

There are no sustainability impacts.

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 18. 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.

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

Reviewed by: Pamela Wu, City Manager

Attachments:

A - Draft Resolution

B – Pre Season Program Letter

C – Property owner 30' WUI Letter

D - Property owner 100' WUI Letter

E – Wildfire Preparation Brochure

F - Chipping Program Brochure

G – Notice of Inspection

H – Notice of Violation