



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 06/01/2021

ITEM NO: 10

DATE: May 21, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Brush Abatement Program Public Hearing to Consider Objections to the Proposed Removal of Brush on Parcels Listed on the 2021 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List and Order Abatement of the Public Nuisance and Potential Fire Hazard Pursuant to the Town of Los Gatos Municipal Code (Chapter 9) Regarding Defensible Space

RECOMMENDATION:

Conduct a public hearing to consider objections to the proposed removal of brush on parcels listed on the 2021 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List (Attachment 1) and order abatement of the public nuisance and potential fire hazard pursuant to the Town of Los Gatos Municipal Code (Chapter 9) regarding defensible space.

BACKGROUND:

The Brush Abatement Program is a different, but complimentary program to the Weed Abatement Program, that works to protect the Town from wildfire risk by reducing potential fuel, such as brush, for hillside areas.

The Brush Abatement Program is managed by the Santa Clara County Fire Department. The Town of Los Gatos Municipal Code Section 9.20.025 et seq 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, based on the locally adopted Fire Codes. It also authorizes the County to remove the brush if the property owner fails to do so and to recover the cost of abatement through an assessment on the property tax bill for each parcel.

PREPARED BY: Stefanie Hockemeyer
Executive Assistant

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

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BACKGROUND (continued):

The WUI area is the part of the Town at greatest risk for wildfire and primarily consists of the hillsides and immediately adjacent areas. Los Gatos has over 1800 parcels in the WUI area. County Fire categorizes the parcels into zones and rotates zones every 3 years to allow for inspections in the 5-6-week inspection time frame (April-June), as they cannot feasibly inspect every parcel every year.

Early each year, property owners are reminded that they must remove flammable vegetation from around their home and other structures on their property to create defensible space. The Town annually adopts the Hazardous Vegetation Abatement Program and works with the Santa Clara County Fire Prevention Division who serves as the enforcement agent and conducts the inspections.

DISCUSSION:

The following is a timeline of the program:

FEB/MARCH	The Santa Clara County Fire Prevention Division notifies property owners located within the designated WUI area of the requirements and timeline to comply with the enforced safety regulations based on the California Fire Code (Attachment 2). At the time of the notice, property owners are given the option to complete the required work themselves, hire their own contractor, or elect to schedule the Town of Los Gatos' authorized contractor to perform the work.
APRIL	County Fire begins conducting inspections of the properties identified in February/March. As a result of these inspections, letters and door-hangers are provided for those who are not yet compliant.
MAY	Town Council adopts a resolution (Attachment 3) declaring hazardous vegetation (brush) a public nuisance, ordering abatement, and setting a June public hearing to consider objections to the WUI Area non-compliant parcel list (Attachment 1) and authorizing the abatement.

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DISCUSSION (continued):

MAY/JUNE	County Fire conducts re-inspections of the properties that were out of compliance at the time of the first property inspection and provides the Town with the WUI area non-compliant list (Attachment 1) which will be brought to Council at the June public hearing.
JUNE	Town Council holds a public hearing to consider objections to the WUI area non-compliant list and orders the abatement to be completed by the Town's designated contractor. Prior to the abatement work being performed by the Town's contractor, if properties remaining on the list are found to be in compliance at the time of a final re-inspection or upon the arrival of the abatement contractor, no work will be performed, no charges imposed, and it will be removed from the list. Properties that requested or required the Town's contractor to perform the abatement will remain on the list and be included in the August public hearing to consider assessment.
AUGUST	Town Council holds a public hearing to consider assessments on properties which required abatement by the Town's contractor.

The timeline for the final inspections runs very close to the date of the June public hearing, which means that properties on the WUI area non-compliant list (Attachment 1) may ultimately comply prior to the date that the public hearing takes place. Periodically, all properties are compliant, which eliminates the need for a public hearing. Staff will provide the final status of the list on the day of the public hearing by way of a Desk Item. This Council action authorizes the County to remove the brush if the property owner does not, and to recover the cost of abatement through an assessment on the property tax bill for each parcel.

CONCLUSION:

Staff recommends that the Council conduct a public hearing to consider objections to the proposed removal of brush on parcels listed on the 2021 Wildland Urban Interface (WUI) Area Non-Compliant Parcel List and order abatement of the public nuisance and potential fire hazard pursuant to the Town of Los Gatos Municipal Code (Chapter 9) regarding defensible space.

COORDINATION:

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

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FISCAL IMPACT:

Funds allocated in the adopted Operating Budget cover the cost of publishing the legal notices for the program. The County's cost to administer the abatement are recovered through the tax roll assessment charges levied against the affected properties.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. 2021 Wildland Urban Interface (WUI) Area non-compliant list.
2. Letter to Property Owners.
3. Resolution Declaring Hazardous Vegetation a Public Nuisance (May 4, 2021).