



COUNCIL AGENDA: 1/10/12  
ITEM: 4.3

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** December 6, 2011

Approved

Date

12/14/11

**SUBJECT: ADOPTION OF A RESOLUTION OVERRULING OBJECTIONS TO THE 2012-2013 HAZARDOUS VEGETATION COMMENCEMENT REPORT AND DIRECTING THE DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT TO CAUSE THE REMOVAL OF WEEDS OR REFUSE.**

## RECOMMENDATION

Conduct a public hearing and adopt a resolution:

- (a) Overruling any and all objections to the 2012-2013 Hazardous Vegetation Commencement Report (Report); and
- (b) Directing the Santa Clara County Department of Agriculture and Resource Management to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.

## OUTCOME

Adoption of this resolution will enable the City's contractor to commence a Weed Abatement Program in compliance with an existing contract agreement. The program will result in the abatement of weeds and dangerous dry vegetation on vacant parcels.

## BACKGROUND

On December 13, 2011, Council adopted a resolution accepting the 2012-2013 Hazardous Vegetation Commencement Report (Report), compiled by the Santa Clara County Department of Agriculture and Resource Management, which declared that certain noxious or dangerous

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seasonal and recurrent weeds and refuse identified in the Report were a public nuisance, and directed the County Department of Agriculture and Resource Management to notify owners of real properties identified in the Report of this public hearing. This hearing is the opportunity for property owners to object to the inclusion of their property in the Hazardous Vegetation Management Program, as well as the proposed removal of weeds and refuse from their property, as provided in Chapter 9.12.190 of the San José Municipal Code.

### **ANALYSIS**

The Department of Planning, Building and Code Enforcement has reviewed the Report. It is our recommendation that any objections from property owners to the inclusion of their property identified in the Report in the Hazardous Vegetation Management Program or the proposed removal of the seasonal and recurrent weeds and refuse from the property be overruled. Historically, few property owners appear to raise objection to their parcels being included in the program. Property owners that appear generally have recently purchased the property and seek clarification regarding the weed abatement program or wish to advise Council that they will comply in removing the hazardous vegetation within the guidelines as set forth in the program. Even though a parcel is included in the Report, property owners have been notified of minimum fire safety standards and still have the option of abating hazards themselves.

Further, Council should direct the Director of Planning, Building and Code Enforcement to notify the Santa Clara County Department of Agriculture and Resource Management to abate the public nuisances on properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City and the County of Santa Clara.

### **PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach.

On December 14, 2011, the County Department of Agriculture and Resource Management mailed a notice to owners of all parcels in the Hazardous Vegetation Management Program. The notice will advise property owners of the requirement to remove seasonal and recurrent weeds and refuse, of the minimum fire safety standards by which parcels must be maintained, and the costs that would be incurred should the County Department of Agriculture and Resource

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Management have to abate the public nuisance created by the weeds and refuse. The notice will also advise owners of the date, time and place of this public hearing during which they may object to the placement of their property in the program.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the Santa Clara County Department of Agriculture and Resource Management.

### **CEQA**

Exempt, File No. PP08-245.

/s/

JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions, please contact Code Enforcement Official Michael Hannon at 535-7826.