

STAFF REPORT

SUBJECT: CONSIDER FOR APPROVAL A RESOLUTION DECLARING SEASONAL WEEDS A PUBLIC NUISANCE

RECOMMENDATION

1. That the Board of Directors accept the report as presented.
2. That the Board of Directors approve a Resolution Declaring Seasonal Weeds a Public Nuisance.

BACKGROUND/DISCUSSION

Each year, the District surveys the District for parcels, usually undeveloped lots or unmaintained properties, which have the potential to become fire hazards when the seasonal weeds dry out during the summer months. A list of these locations is established each year and presented to the Board to be declared a public nuisance and fire hazard.

A list of locations and property owner's addresses is included with the attached Resolution indicating the parcels that need to be declared a public nuisance due to overgrown weeds. The parcels identified on the list are undeveloped lots, so a proper street address is not known. A San Mateo County Assessor's Parcel Number has been referenced for each parcel.

The Resolution the Board is requested to approve on September 22, 2021 declares the weed-filled parcels a public nuisance and requires property owners to clean up, cut, or remove the seasonal weeds. After approval of this Resolution, the District will send a notice to abate the public nuisance and thereby eliminate the fire hazard no later than November 15, 2021. Property owners will be allowed a chance to address the Board at the October meeting, if they feel their properties do not constitute a public nuisance. If properties remain on this list and the weeds are not removed by November 15, 2021, the District will proceed to abate the hazard using a predetermined weed abatement contractor.

FISCAL IMPACT

If the District is required to abate the public nuisance for the property owner, the District will pass the actual cost of the weed abatement contractor on to the property owner plus an administrative fee set in accordance with the District's fee schedule. Property owners are only charged if the District must correct the public nuisance. Cost recovery

is provided through a property tax lien and collected through the San Mateo County Tax Assessor's Office.

ATTACHMENTS

- A. Resolution of the Board of Directors of the Coastside Fire Protection District Declaring Public Nuisance

Respectfully submitted,

JONATHAN COX
Deputy Fire Chief

RESOLUTION NO. 2021-49

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COASTSIDE FIRE PROTECTION DISTRICT DECLARING SEASONAL WEEDS A PUBLIC NUISANCE

WHEREAS, the Board of Directors received a report from the Fire Chief requesting that the Board of Directors declare seasonal weeds a public nuisance; and

WHEREAS, the Board of Directors accepts the report as submitted; and

WHEREAS, the Board of Directors finds and determines as follows:

(a) The District is a public agency organized under the Fire Protection District Law of 1987 (Health & Safety Code Sections 13800 et seq.). Under Health and Safety Code Section 13879, the District is empowered to abate hazardous weeds and rubbish pursuant to the provisions of Part 5 (commencing with Section 14875) of Division 12 of the Health & Safety Code.

(b) As more specifically described hereafter, "Weeds", as defined in Health & Safety Code Section 14875, exist upon or in front of certain lands within the District. The Weeds are seasonal and recurrent.

(c) The Weeds represent flammable materials and they endanger public safety by creating a fire hazard. Good cause exists, therefore, to declare such Weeds to be a public nuisance and to cause them to be abated in accordance with the applicable provisions of law.

(d) Commencing on January 22, 2014, and annually thereafter, the Board of Directors has adopted Resolutions, each of which was identified as a "Resolution of the Board of Directors of the Coastside Fire Protection District Declaring Public Nuisance", and by which Resolutions the Board of Directors identified certain lands within the District as being subjected to a seasonal and recurrent public nuisance due to the

existence of Weeds and as to which abatement was required. Copies of the several Resolutions are contained in the records and files of the District and are incorporated by reference.

(e) Since the adoption of the Resolutions referred to above, additional lands have been identified as requiring abatement action, and this Resolution is adopted for the same purposes as the earlier Resolutions. Likewise, certain parcels of land previously identified in the earlier Resolutions no longer constitute nuisances and do not require abatement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Coastside Fire Protection District that:

1. Weeds growing upon or in front of certain lands within the District, as hereafter specified, are declared to be a seasonal and recurrent public nuisance and they shall be abated as provided herein.

2. The parcels of real property to which this Resolution applies and the streets upon which they abut are those described in Exhibit A annexed hereto.

3. A public hearing shall be conducted by the Board of Directors to hear and consider all objections or protests, if any, to the proposed abatement of the public nuisance. The public hearing shall be conducted at the Board of Directors' meeting room located at 1191 Main Street, Half Moon Bay, California, and shall take place at the hour of 6:00 p.m. on October 27, 2021.

4. The District's Fire Chief is designated as the person to give the "Notice to Destroy Weeds" as required by Health & Safety Code Section 14892.

5. The "Notice to Destroy Weeds" shall be in the form annexed hereto as Exhibit B and such notice shall be given in the manner required by Health & Safety Code Sections 14893-14896.

6. At the conclusion of the public hearing and after final action is taken to dispose of any protests or objections, an order shall be made to abate the nuisance and to cause the Weeds to be removed. The expenses of abatement shall be determined, noticed, heard, reported and collected in accordance with the provisions of Health & Safety Code Sections 14905 et seq., 14910 et seq., and 14915 et seq and such other provisions of law as may be applicable.

7. The actions and proceedings provided for in this Resolution are exempt from the application of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Sections 21080(b)(10) and 21084 and the State CEQA Guidelines at Section 15304 having to do with minor alterations of land.

PASSED AND ADOPTED as a Resolution of the Coastside Fire Protection District at the regular meeting held on the 22nd of September 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Burke, President

ATTEST:

Deputy Chief Jonathan Cox, District Secretary

EXHIBIT A
LIST OF PROPERTIES

APN	Street	Community
047-162-530	Highland Ave	El Granada
047-173-150	San Pedro Rd	El Granada
037-320-270	Etheldore St	Moss Beach
047-142-280	Ave Portola	El Granada
047-143-270	Ave Portola	El Granada
047-143-280	Ave Portola	El Granada
047-143-370	Ave Portola	El Granada
047-143-450	Ave Portola	El Granada
047-144-050	Ave Portola	El Granada
047-144-070	Ave Portola	El Granada
047-144-080	Ave Portola	El Granada
047-144-460	Ave Portola	El Granada
047-144-470	Ave Portola	El Granada
047-152-310	Lewis Ave	El Granada
047-161-110	Highland Ave	El Granada

EXHIBIT B

NOTICE TO DESTROY WEEDS

(Property Owner)
(Address)

Parcel # 000-000-000

Re: Parcel Location _____

NOTICE TO DESTROY WEEDS

Notice is hereby given that on the 22nd day of September 2021, the Board of Directors of the Coastside Fire Protection District passed a Resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on, or nearest to certain Streets (or Roads) in said District, and more particularly described in said Resolution and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by District authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said Resolution for further particulars.

All such property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the Board of Directors of Coastside Fire Protection District, to be held at the Board's meeting room, located at 1191 Main Street, Half Moon Bay, California, commencing at the hour of 6:00 p.m. on October 27, 2021 when their objections will be heard and given due consideration.

We strongly encourage property owners to remove weeds themselves, or obtain a qualified landscaper or weed abatement contractor. Weeds shall be removed no later than November 15, 2021. If the fire hazard still exists after November 15, 2021, the District will remove the hazard at the property owner's expense.

Dated this 1st day of October 2021.

COASTSIDE FIRE PROTECTION DISTRICT

Jonathan Cox
Deputy Fire Chief