



City of Palo Alto

City Council Staff Report

(ID # 3208)

Report Type: Consent Calendar

Meeting Date: 12/10/2012

Summary Title: Weed Abatement Resolution

Title: Adoption of a Resolution Declaring Weeds to be a Public Nuisance and Setting January 14, 2013 for a Public Hearing for Objections to Proposed Weed Abatement

From: City Manager

Lead Department: Fire

Recommendation

Staff recommends that Council:

- 1) Adopt the attached resolution declaring weeds to be a public nuisance and setting January 14, 2013 for a public hearing; and
- 2) Direct staff to publish a notice of hearing in accordance with the provisions of Chapter 8.08 of the Palo Alto Municipal Code.

Background

On March 21, 1977, the City Council approved an agreement with Santa Clara County for the administration of weed abatement within the City of Palo Alto. This agreement has reduced the City's costs and staff time required for administration of weed abatement. For the past 35 seasons, the weed abatement program has been expeditiously carried out by the County Department of Agriculture and Resource Management with results satisfactory to Palo Alto residents.

Discussion

Palo Alto Municipal Code Chapter 8.08 specifies weed abatement procedures. The chapter requires property owners or occupants to remove certain weeds, as defined in Section 8.08.010 that exist upon their premises, public sidewalks, streets or alleys. It also specifies the procedures to be followed to abate weeds, in the event owners do not remove them. These procedures are:

- Resolution of the City Council declaring weeds to be a public nuisance. This resolution sets the time and place for hearing any objections to the proposed weed abatement.
- Public Notice. This notice informs property owners of the passage of the resolution and provides that property owners shall remove weeds from their property, or the abatement will be carried out by Santa Clara County (County). The City then publishes a legal advertisement in the local newspaper announcing the date of the public hearing.
- Public Hearing. The Council must conduct a public hearing, at which time any property owner may appear and object to the proposed weed destruction or removal. After the City Council hearing and considering any objections the Council may allow or overrule any or all objections. If objections are overruled, the Council is deemed to have acquired jurisdiction to proceed, at which point the County will be asked to perform the work of destruction and removal of weeds.

The action taken by the Council at the December 10 meeting will set the public hearing date for January 14, 2013.

Resource Impact

There is no direct fiscal impact of this action to the City. The City of Palo Alto administers the weed abatement program with the County Department of Agriculture and Resource Management with a minimal amount of staff time. All charges for the weed abatement services are included as a special assessment on bills for taxes levied against the respective lots and parcels of land. Such charges are considered liens on these properties.

The Weed Abatement Program is a cost recovery program and does not receive funding from City or County general funds.

Policy Implications

This procedure is consistent with existing City policies.

Environmental Review

The Santa Clara County Counsel has determined the Weed Abatement Program to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15308.

Attachments:

- [Attachment A - Resolution \(PDF\)](#)
- [Attachment B - Property List \(PDF\)](#)

**** NOT YET APPROVED ****

Resolution No. _____
Resolution of Intention of the Council of the City of Palo Alto
Declaring Weeds to be a Nuisance and Setting January 7, 2013 for a
Public Hearing for Objections to Proposed Weed Abatement

RECITALS

A. Weeds, as defined in Section 8.08.010(b) of the Palo Alto Municipal Code, are anticipated to develop during calendar year 2013 upon streets, alleys, sidewalks, and parcels of private property within the City of Palo Alto sufficient to constitute a public nuisance as a fire menace when dry or are otherwise combustible, or otherwise to constitute a menace to the public health as noxious or dangerous.

NOW, THEREFORE, the Council of the City of Palo Alto does RESOLVE as follows:

SECTION 1. Weeds, as defined in Section 8.08.010(b) of the Palo Alto Municipal Code, which are anticipated to develop during calendar year 2013 upon streets, alleys, sidewalks, and parcels of private property within the City of Palo Alto, are hereby found and determined to constitute a public nuisance. Such nuisance is anticipated to exist upon some of the streets, alleys, sidewalks, and parcels of private property within the City, which are shown, described, and delineated on the several maps of the properties in said City which are recorded in the Office of the County Recorder of the County of Santa Clara, reference in each instance for the description of any particular street, alley, or parcel of private property being hereby made to the several maps aforesaid, and, in the event of there being several subdivision maps on which the same lots are shown, reference is hereby made to the latest subdivision map.

SECTION 2. THEREFORE, IT IS ORDERED that the said public nuisance be abated in the manner provided by Chapter 8.08 of the Palo Alto Municipal Code:

IT IS FURTHER ORDERED that a public hearing shall be held on Monday, the 7th day of January, 2013, at the hour of 7:00pm, or as soon thereafter as the matter may be heard, at the Council Chambers of the Civic Center of said City, at which the Council shall hear objections to the proposed weed abatement of such weeds and give any objections due consideration;

IT IS FURTHER ORDERED that the Fire Chief of the City of Palo Alto is directed to give notice of the public hearing in the time, manner and form provided in Chapter 8.08 of the Palo Alto Municipal Code.

SECTION 3. Unless the nuisance is abated without delay by the destruction and removal of such weeds, the work of abating such nuisance will be done by the County of Santa Clara Department of Agriculture and Resource Management Office on behalf of the City of Palo

**** NOT YET APPROVED ****

Alto, and the expenses thereof assessed upon the lots and lands from which, and/or in the front and rear of which, such weeds shall have been destroyed and removed.

SECTION 4. The Santa Clara County, County Counsel has determined the Weed Abatement Program to be categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15308.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Sr. Deputy City Attorney

City Manager

Director of Human Resources

Director of Administrative Services

**2013 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF PALO ALTO**

Situs	APN	EXHIBIT A	CITY/STATE
931	GUINDA ST 003-34-006	GOUYET ALBERT AND CALISA C	931 GUINDA ST PALO ALTO CA 94301-3319
733	RAMONA ST 120-27-063	KODA, ROSS K TRUSTEE	P O BOX 156 SOUTH DOS PALOS, CA 93665
2021	WEBSTER ST 124-03-070	"BEN EFRAIM, AMIR TRUSTEE & ET	2021 WEBSTER ST PALO ALTO CA 94301-0000
128	KINGSLEY AV 124-15-038	"KHAN, ANWAR AND KHAN,	2341 FALLING WATER CT SANTA CLARA CA 95054-1316
2030	PARK BL 124-27-002	"STELL, BRIAN W AND STELL,	2030 PARK BL PALO ALTO CA 94306-1142
790	MONTROSE AV 127-16-028	"TEICHER, ZELMA TRUSTEE	PO BOX 899 PALO ALTO CA 94302-0899
4064	SUTHERLAND DR 127-18-046	"LAWS, LILY M AND LAWS,	4064 SUTHERLAND DR PALO ALTO CA 94303-4728
739	COLORADO AV 127-34-101	"HUANG, HSING YI ET AL	1113 TRINITY LN PALO ALTO CA 94303-0000
780	CLARA DR 127-35-030	BANQUE RAYMOND J	780 CLARA DR PALO ALTO, CA 94303-3905
3101	MIDDLEFIELD RD 127-53-007	ZHANG, LIBIN	3984 WASHINGTON BLVD # FREMONT CA 94538
3085	MIDDLEFIELD RD 127-53-008	WINDY HILL PV 3 LP	1950 UNIVERSITY AV #220 PALO ALTO CA 94303
2785	PARK BL 132-31-042	ESSEX PARK BLVD LLC	925 E MEADOW DR PALO ALTO CA 94043
375	OLIVE AV 132-32-026	"HARRISON, MICHAEL TRUSTEE	375 OLIVE AV PALO ALTO CA 94306-2224
315	OLIVE AV 132-32-029	"SMITH, BOYD C AND SMITH, JILL	3201 ASH ST PALO ALTO CA 94306
	OLIVE AV 132-32-037	SI 43 LLC	10600 N DE ANZA BL STE 200 CUPERTINO CA 95014
2901	PARK BL 132-32-052	HOHBACH REALTY CO LP	29 LOWERY DR ATHERTON CA 94027
195	PAGE MILL RD 132-32-054	HOHBACH REALTY CO LP	29 LOWERY DR ATHERTON CA 94027
3370	PARK BLV 132-33-049	KUMANO, TADAHIKO	486 JAMES RD UNIT 11 PALO ALTO CA 94306
	132-33-050	AT&T COMMUNICATIONS INC.	870 N. McCARTHY BLVD MILPITAS CA 95035-5125
325	FERNANDO AV 132-34-012	REHABILITATION HOUSING	1796 BAY RD EAST PALO ALTO CA 94303
405	CURTNER AV 132-41-072	ELLIS, BESS TRUSTEE ETAL	6223 FRANCISCAN WY SAN JOSE, CA 95120-4420
4035	EL CAMINO WA 132-43-139	4041 EL CAMINO WAY LLC	664 GILMAN ST PALO ALTO CA 94301
4073	EL CAMINO 132-46-107	ETON CAPITAL LLC	2521 SOUTH CT PALO ALTO CA 94301-4241
2120	COLUMBIA ST 137-06-088	HALL LOIS M TRUSTEE	1135 HOPKINS AV PALO ALTO, CA 94301-3435

**2013 WEED ABATEMENT PROGRAM
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Situs	APN	EXHIBIT A	CITY/STATE
3606	EL CAMINO 137-08-080	"ENT LLC,CAMINO REAL DEVELOPM P.O. BOX 60177	PALO ALTO CA 94306
754	MATADERO AV 137-09-059	ONAGA ATSUO & KAZUKO 754 MATADERO AV	PALO ALTO, CA. 94306-2734
3700	EL CAMINO 137-11-078	KSS INVESTMENT LLC 1380 MIRAVALLE AV	LOS ALTOS CA 94024-5744
4031	AMARANTA AV 137-21-034	"HAMLETT, MILDRED 4031 AMARANTA AV	PALO ALTO CA 94306-3103
4197	BAKER AV 137-25-038	"YANG, MICHAEL X AND XU, YING-ZI 4197 BAKER AV	PALO ALTO CA 94306-3908
3460	HILLVIEW RD 142-16-059	"LC,HILLVIEW PALO ALTO L 13155 NOEL RD STE 500	DALLAS TX 75240
3495	DEER CREEK RD 142-16-062	"NIV BOARD,LELAND STANFORD JR 150 PORTOLA RD	PORTOLA VALLEY CA 94025
3500	DEER CREEK RD 142-16-066	"NIVERSITY BOARD OF TR,LELAND 2755 SAND HILL RD STE 100	MENLO PARK CA 94025
262	WHITCLEM DR 148-02-044	VAN ZANT, STEVEN L 262 WHITCLEM DR	PALO ALTO CA 94306-4112
4237	MANUELA AV 175-02-045	"VINCENT, LUC MAURICE ANTONIN 4237 MANUELA AV	PALO ALTO CA 94306-3705
4247	MANUELA CT 175-02-051	"WEAKLAND, JOHN H AND 620 SAND HILL RD APT 300C	PALO ALTO CA 94304
4243	MANUELA CT 175-02-053	"WEAKLAND, ANNA WU TRUSTEE & 620 SAND HILL RD 300 C	PALO ALTO CA 94304
4103	OLD TRACE RD 175-20-078	"SMITHWICK, ALTON D AND PO BOX 60065	PALO ALTO CA 94306
890	MOCKINGBIRD LN 175-20-082	"COLBERT, JAMES L AND COLBERT, 1825 FARDON AV	LOS ALTOS CA 94024
900	MOCKINGBIRD LN 175-20-083	"LIVINGSTON, DANIEL S AND 900 MOCKINGBIRD LN	PALO ALTO CA 94306-3719
910	MOCKINGBIRD LN 175-20-084	"SELKER, EDWIN J AND SHAY, ELLEN 910 MOCKINGBIRD LN	PALO ALTO CA 94306-3719
	OLD ADOBE RD 175-20-092	"GROVE, EVA R AND GROVE, 171 MAIN ST #278	LOS ALTOS CA 94022
3111	ALEXIS DR 182-43-018	RADUCHEL, WILLIAM J TRUSTEE 615 KENTLAND DR	GREAT FALLS VA 22066-1017
	ALEXIS DR 182-43-034	hwa, george & eileen 29 Ventris Rd B-4 9/f, San	Hong Kong China