

AGENDA BILL

Subject: Annual Fire Hazard Abatement

Initiated by: Chase Beckman, Fire Marshal
Traviss Crumpacker, Fire Prevention Officer

BACKGROUND

The Fire Department is continuing its annual fire hazard abatement program. This program seeks to remove weeds, rubbish, litter or other flammable material from private properties where such flammable material endangers the public safety by creating a public nuisance and a fire hazard. Most property owners voluntarily abate these hazards without Fire Department involvement. Ideally 100% of the property owners would do so. Experience in prior years suggests most will comply. Any property owners that do not comply will have the District do the work and place the costs on their tax bill.

ANALYSIS/DISCUSSION

The Fire Hazard Abatement process under the direction of the Fire Department should proceed according to Health and Safety Code Sections 14875 et seq which specify the following:

1. The El Cerrito Fire Department on behalf of the Kensington Fire Protection District has determined hazards that must be abated. Pursuant to these code sections, hazards are defined as weeds, rubbish, litter or other flammable materials which create a fire hazard or are otherwise noxious or dangerous and which exist on specific parcels of property within the boundaries of the District.
2. Notice was sent by mail that the Fire District has determined the existence of a public nuisance which must be abated and that a hearing will be held to consider any objections prior to ordering the Fire Chief or his designee to perform abatement.
3. At the June 19, 2024 meeting, the Board of Directors shall hear and consider all objections to the proposed removal of weeds, rubbish, litter or other flammable material. At the conclusion of the hearing, the Board of Directors shall by resolution allow or overrule any objections and order the Fire Chief or his designee to abate some or all of the public nuisance conditions on any remaining parcels which have not been voluntarily cleared by that time. The costs for abatement shall be assessed against the property as a lien and special assessment.
4. At the conclusion of the June 19, 2024 hearing, a second and final notice shall be sent to each property owner prior to abatement. This notice will order the immediate abatement of nuisance conditions. This notice will clearly state that if nuisance conditions are ignored, the Fire District shall cause abatement and costs for removal will be assessed against the property as a lien and special assessment. It will also indicate that if the conditions are voluntarily abated, the property shall be removed from the process.

5. Sometime between July 17, 2024 and August 1, 2024, if the hazardous conditions are not removed prior to the arrival of the hazard abatement crew, the Kensington Fire Protection District shall cause the weeds, rubbish, refuse, and other flammable material to be removed and shall keep an account of the cost of abatement for each parcel or land where such work is performed.
6. At the August 21, 2024 Board meeting, the Fire Chief or his designee shall submit to the Board of Directors of the Fire District for confirmation an itemized written report showing the cost of abatement work performed. A copy of this report shall be posted for at least three days prior to its submission to the Board of Directors. Each property owner upon whose property abatement work was performed shall be sent written notice by mail of a hearing by the Board of Directors to consider the cost of abatement work performed on their property.
7. At the Board meeting on August 21, 2024 the Board of Directors of the Fire District shall receive and consider the written staff report on abatement actions taken by the District and shall hear any objections from the property owners liable to be assessed for the abatement. The Board of Directors may modify the staff report if deemed appropriate and then confirm the report by motion or resolution.
8. After the Board of Director's confirmation of the report, a certified copy of the report shall be filed with the county auditor who shall add the amount of the assessment to the next regular tax bill levied against the parcel.

FINANCIAL CONSIDERATIONS

The abatement program will be administered by Fire Department staff with minimum costs expended for printing and mailing. Abatement work will be completed by private contract labor as appropriate. Program costs will be recovered through the special assessment and lien process.

LEGAL CONSIDERATIONS

The Fire District's Attorney has reviewed and approved the process. The Fire Hazard Abatement Program is exempt from California Environmental Quality Act (CEQA) pursuant to sections 15304 and 15308 or the CEQA Guidelines. Therefore, no further CEQA review is required.

RECOMMENDATION

Staff recommends that the Kensington Fire Protection District authorize through the adoption of Resolution 2024-01 the initiation of the abatement process by declaring weeds, rubbish, litter, and other flammable material on specific parcels of property within District boundaries as public nuisances, which must be abated.

Reviewed by: _____
Chase Beckman, Fire Marshal

ATTACHMENTS

Resolution 2024-01

Exhibit A of Address's and APN #'s

Initial Fire Hazard Letter from the Fire Marshal

Fire Hazard Abatement Inspection Form - Example

Kensington Vegetation Management Standards Checklist

Fire Marshal's Letter of Declared Fire Hazard to be mailed 6/20/24



RESOLUTION 2024-01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE KENSINGTON FIRE PROTECTION DISTRICT DECLARING THAT WEEDS, RUBBISH, LITTER OR OTHER FLAMMABLE MATERIAL ON DESIGNATED PRIVATE PROPERTIES CONSTITUTES A PUBLIC NUISANCE AND PROVIDING FOR NOTICE THAT THE FIRE CHIEF OR DESIGNEE SHALL ABATE SUCH PUBLIC NUISANCE CONDITIONS IF NOT ABATED BY THE PROPERTY OWNER

WHEREAS, Health and Safety Code Sections 14875 et seq provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the Fire Marshal for the Kensington Fire Protection District has identified in Exhibit A to this resolution those private properties, by street name, lot and block number, on which the presence of weeds, as defined in Health and Safety Code Section 14875, constitute a public nuisance; and

WHEREAS, Health and Safety Code Sections 14890 through 14899 provide that notice shall be provided to each person to whom the properties identified in Exhibit A is assessed informing those persons that unless the property owner abates those nuisance conditions, that the Fire District shall abate the public nuisance. The notice shall further state that if the Fire District must abate the public nuisance, then the cost of abatement shall be assessed against the property as a special assessment. The notice shall also specify a date for a hearing at which property owners may present objections to the designation of their properties as public nuisances or to the proposed removal of the weeds by the Fire District; and

WHEREAS, Health and Safety Code Section 14900 provides that after the hearing, the local legislative body may, by motion or resolution, order the Fire Chief or designee to abate the public nuisance. After further proceedings, these abatement costs may be assessed against the property as a special assessment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Kensington Fire Protection District that the properties listed in Exhibit A to this resolution are declared a public nuisance and such nuisance conditions shall be ordered abated because the presence of weeds, rubbish, litter or other flammable material on those properties create a fire hazard, a menace to the public health or are otherwise noxious or dangerous.

BE IT FURTHER RESOLVED that the notice shall state that a public hearing shall be held on August 21, 2024 at 7:00 p.m. at a location to be publicly noticed 72 hours prior to the meeting in accordance with the Brown Act. At this hearing, the Board shall receive a written staff report on abatement actions and any objections shall be heard from the property owners identified in Exhibit A liable to be assessed for the abatement.

The foregoing resolution was duly adopted at a regular meeting of the Kensington Fire Protection District on the 19th day of June 2024 by the following vote of the Board.

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel Levine, President

Rick Artis, Secretary

EXHIBIT A1

As of 6/19/24

Kensington Fire Protection District
List of Real Property Constituting Public Nuisances

APN	Street Address
571-190-010-9	657 COVENTRY RD
572-231-010-8	18 HIGHGATE RD
570-251-019-8	298 LOS ALTOS DR
570-251-018-0	Los Altos LOT



EL CERRITO-KENSINGTON FIRE DEPARTMENT

Fire Prevention Office

10900 San Pablo Avenue, El Cerrito, CA 94530

(510) 215-4457 FAX (510) 232-4917 fpo@ci.el-cerrito.ca.us



May 8, 2024

Parcel Number: «APN»

Property Address: «Parcel_Address» «Parcel_Street», Kensington, CA 94708

Property Owner: «Legal_Property_Owner»

Property Owner's Address: «Mailing_Address», «Mailing_City», «Mailing_State» «Mailing_Zip»

Dear Kensington Property Owner:

With the State's winter rain, the community is facing unprecedented vegetation growth as we head into peak fire danger season. To reduce the fire danger on private property and provide greater community safety, the Fire Department has been inspecting properties and checking for fire hazards. Recently your property listed above was found that it **does not comply** with the Vegetation Management Guidelines set forth in the Kensington Fire Protection District Vegetation Management Standards. You are being notified now so that you may, if you have not already done so, take steps to remove those fire hazard conditions found on your property.

Enclosed is a copy of the Fire Hazard Reduction Inspection form specifying those areas that are not in compliance as well as the Fire Hazard Reduction Guidelines and Fire Hazard Reductions Checklist that can assist you in bringing your property into compliance. More information on the Vegetation Management Standards and Guidelines may be found on the Fire District's website at: www.kensingtonfire.org under Vegetation Management Standards. Additional information is also available at www.readyforwildfire.org or www.cafiresafecouncil.org as well as many others.

If you have recently completed the work to meet these standards, no further action is required. If not, your property is required to be brought into compliance no later than June 7, 2024. There is no need to contact Fire Department upon completion as we will be re-inspecting all properties. When the Fire Department has cleared your property, it will be dropped from our list and no further action will be taken at that time.

On June 19, 2024 at 7:00PM the Kensington Fire Protection Board of Directors will hold a public hearing to declare those properties still not in compliance as a public nuisance. Your property is at risk of being declared a public nuisance and subject to further abatement actions. In accordance with the Government Code, you may appear before the Board at this public hearing to dispute this declaration.

If you have not done so already, please take immediate action to remove those fire hazard conditions and we thank you for your cooperation in helping us make Kensington a more fire safe community.

Sincerely,

Chase Beckman

Chase Beckman
Fire Marshal



**EL CERRITO FIRE DEPARTMENT
KENSINGTON FIRE PROTECTION DISTRICT**



**10900 San Pablo Avenue, El Cerrito, Ca. 94530 (510)215-4450
Fire Hazard Reduction Inspection**

Owner/Tenant	Site Address	City	State	Zip Code
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Legal Propety Owner	Mailing Address	City	State	Zip Code
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APN # _____

**YOUR PROPERTY IS NOT IN COMPLIANCE WITH THE FIRE CODE.
YOU MUST COMPLETE THE FOLLOWING REQUIREMENTS:**

ZONE 1

Zero to 30 feet from buildings, structures, decks,etc. in all portions within El Cerrito and Kensington

- ____ 1. Remove all dead plants, grass and weeds.
- ____ 2. Remove dead or dying leaves and pine needles from your yard, roof and rain gutters.
- ____ 3. Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- ____ 4. Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter.
- ____ 5. On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3 of their height up to 6' above the ground, but in no case less than 18" from the ground.
- ____ 6. Relocate wood piles to Zone 2 if applicable.
- ____ 7. Remove or prune flammable plants and shrubs near windows.
- ____ 8. Remove vegetation and items that could catch fire from around and under decks.
- ____ 9. Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials.
- ____ 10. Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line.

ZONE 2

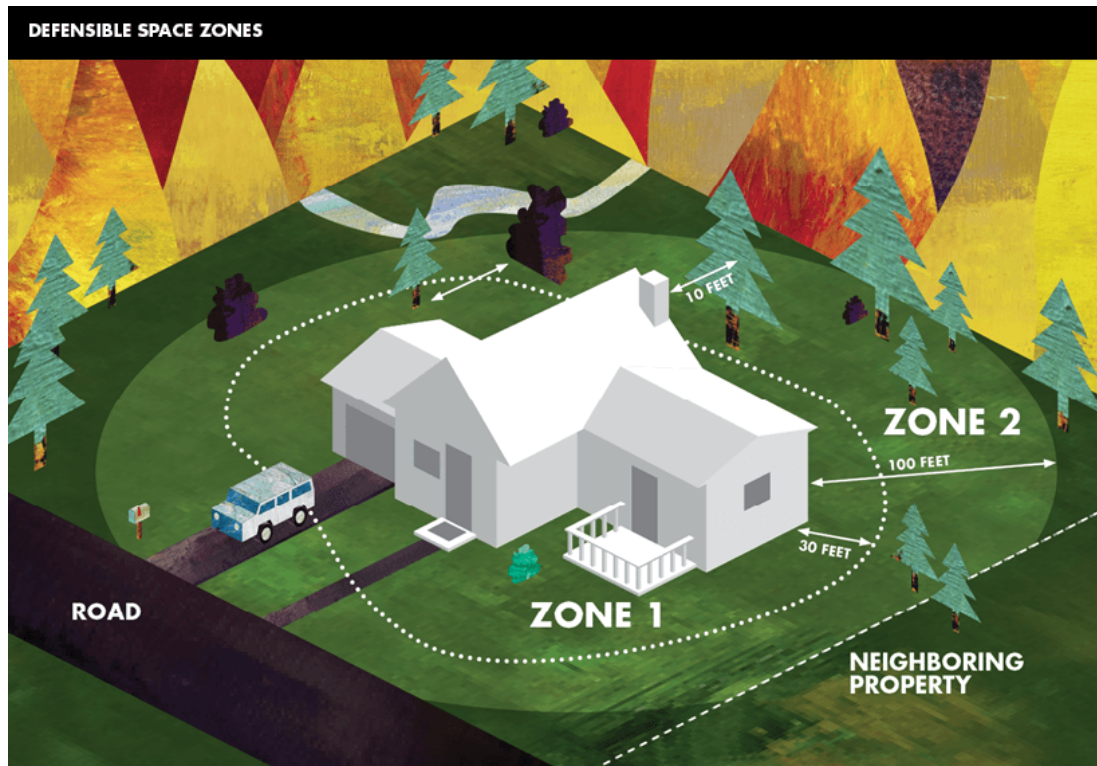
Thirty to 100 feet from buildings, structures, decks, etc. for all parcels within the Very High Fire Hazard Severity Zone. Zone 1 requirements shall be followed in addition to Zone 2 requirements.

- ____ 1. Cut or mow weeds and grass to a maximum height of 6 inches.
- ____ 2. All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.
- ____ 3. Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line.

COMMENTS:

Inspected by	Inspection #	Date	Time
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Kensington Fire Protection District Fire Hazard Reduction Guidelines



Zone 1

Zone 1 extends 30 feet from buildings, structures, decks, etc. in all portions within the community of Kensington including the designated Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line.

- Remove all dead plants, grass and weeds (vegetation).
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark.
- On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18 inches from the ground.
- Relocate wood piles to Zone 2 if applicable.
- Remove or prune flammable plants and shrubs near windows.
- Remove vegetation and items that could catch fire from around and under decks.
- Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials.

Zone 2

Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the community of Kensington designated as the Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line. NOTES: (1) All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements: (2) The vast majority of the entire community of Kensington is in the VHFHSZ.

- Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches.
- All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.



Fire Hazard Reduction Checklist



Zone 1 Requirements

Definition: Zone 1 extends 30 feet from buildings, structures, decks, etc. in all portions within the community of Kensington including the designated Very High Fire Hazard Severity (VHFHS) Zones

- Remove all dead plants, grass and weeds within 30 feet of buildings, structures, decks, etc.
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters
- Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening
- Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark
- On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18" from the ground
- Relocate wood piles to Zone 2 if applicable
- Remove or prune flammable plants and shrubs near windows
- Remove vegetation and items that could catch fire from around and under decks
- Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials
- Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line

Zone 2 Requirements

Definition: Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in those areas within the community of Kensington designated as the Very High Fire Hazard Severity (VHFHS) Zones. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements

- Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches
- All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground
- Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line

To find out if your property is located within the Very High Fire Hazard Severity Zone, go to : <https://egis.fire.ca.gov/FHSZ/> On the upper left hand side, click on the bottom icon for Address Search.



KENSINGTON FIRE PROTECTION DISTRICT

c/o El Cerrito Fire Department

10900 San Pablo Avenue

El Cerrito, CA 94530

(510) 215-4450

FAX (510) 232-4917

June 20, 2024

Parcel Number: xxxxx

Property Address: xxxxx , Kensington, CA 9470x

Property Owner: xxxxxx

Property Owner's Address: xxxxxx

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND OTHER FLAMMABLE MATERIAL

On **June 19, 2024**, the Kensington Fire Protection District Board of Directors declared that your property in the Kensington community, designated above by address and parcel number, constitutes a public nuisance because of the presence of weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health, or is otherwise noxious or dangerous.

A previous notice was sent to you informing you of the June 19, 2024 hearing and further informing you of your obligation to remove the weeds, rubbish, refuse and other flammable material from your property. **If you do not immediately abate these nuisance conditions, the District will do so and the costs for removal of the weeds, rubbish, refuse and other flammable material will be assessed against your property as a lien and special assessment.** These removal costs shall then be collected in the time and manner of ordinary municipal taxes.

You will not receive any further notices from the District prior to this removal. The District shall perform this removal either through its own staff or through private contract sometime between **July 17, 2024 and August 1, 2023**. It is impossible to predict what it will cost the District to remove these nuisance conditions from your property. The costs depend on the severity of those conditions. In past years these abatement costs have sometimes exceeded \$8,000 per parcel for those parcels with severe nuisance conditions.

The Kensington Fire Protection District Board of Directors will hold a public hearing on **August 21, 2024 at 7:00 p.m.** At this hearing, the Board will receive the staff report and cost of abatement for your property. Objections to the abatement costs can be heard at this public hearing. Contact the Fire Department for the location of the meeting or go to the Kensington Fire Protection District website at <https://www.kensingtonfire.org/meetings> for meeting information.

If you have any questions, contact the Fire Department at 10900 San Pablo Avenue, El Cerrito, CA 94530. The phone number is (510) 215-4457.

Chase Beckman

Chase Beckman

Fire Marshal