

**RESOLUTION NO. 34/2019**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA  
DETERMINING THAT THE PROPERTY CONDITIONS LOCATED AT 23 BUENA  
VISTA AVENUE CONSTITUTE A PUBLIC NUISANCE**

**WHEREAS**, the property at 23 Buena Vista Avenue in Corte Madera ("the Property") is in a Wildland-Urban Interface zone designated by the Corte Madera Town Council on March 18, 2008; and

**WHEREAS**, the Fire Marshal inspected the Property on June 6, 2019 and found it to be in violation of the Municipal Code's provisions requiring property owners within a WUI zone to keep their property clear of flammable vegetation and to maintain "defensible space" around structures on their property in order to reduce the risk of a catastrophic urban wildfire in Corte Madera, specifically California Fire Code Section 304.1.2, including Section 307(b) of Title 19, Division 1 of the California Code of Regulations, adopted by Municipal Code Section 15.02.010, California Fire Code Section 4907.2, amended by Municipal Code Section 15.02.110, and Wildland-Urban Interface Code Section 603.2, amended by Municipal Code Section 15.04.070; and

**WHEREAS** by letter of June 6, 2019 transmitting the June 6, 2019 inspection report, the Fire Marshal informed the property owners of the violations, the specific steps necessary to abate the violations, and the deadline of June 21, 2019 for completing the abatement; and

**WHEREAS**, the Fire Marshal re-inspected the Property on July 8, 2019 and determined that the Property's owners had not abated the violations; and

**WHEREAS**, in accordance with Municipal Code Section 9.04.050, staff prepared a notice to the owners of the Property informing them that a public hearing would be held on August 6, 2019 to determine whether the Property constitutes a public nuisance subject to abatement; and

**WHEREAS**, staff served and posted the notice of public hearing, in accordance with Municipal Code Section 9.04.060, on July 26, 2019; and

**WHEREAS**, the Town Council conducted the hearing on August 6, 2019 to consider whether a public nuisance exists at the Property in accordance with Section 9.04.070 of the Corte Madera Municipal Code. The Town Council considered all of the evidence presented by the Fire Marshal and Town Staff, the Staff Report (including Attachments), and other evidence and comments made at the hearing, and based on that evidence, determined that a public nuisance exists at 23 Buena Vista Avenue under Corte Madera Municipal Code Sections 9.40.030(A), 9.40.030(B)(10), and 9.40.030(B)(12)(b);

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council for the Town of Corte Madera hereby finds and declares that the property conditions at 23 Buena Vista Avenue constitute a Public Nuisance, and orders the owners of the Property to completely abate the nuisance on or before August 23, 29019 in accordance with the inspection report of June 6, 2019 by:

1. Cutting all dry grasses on the property to 3 inches or less, raking and removing clippings, and maintaining the property in this condition during fire season;
2. Removing all dead tree limbs, and any branch within 10 feet of the ground on mature trees and removing tree limbs 1/3rd the height on trees less 30 feet in height;
3. Removing all dead branches, leaves, and foliage from trees, bushes, and ground cover, and removing all dead vegetation and brush piles on the ground; and
4. Removing all of the bamboo on the property; and be it

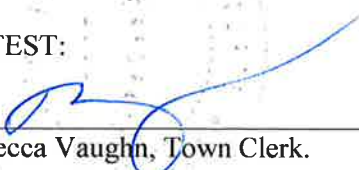
**FURTHER RESOLVED** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304 (Minor Alterations to Land) for fuel management activities within 100 feet of a structure.

PASSED AND ADOPTED at a regular meeting of the Town Council held on this 6th day of August 2019, by the following vote:

AYES: Councilmembers: Andrews, Beckman, Kunhardt  
NOES: Councilmembers: - None -  
ABSENT: Councilmembers: Bailey  
RECUSED: Councilmembers: Ravasio

  
James H. Andrews, Mayor

ATTEST:

  
Rebecca Vaughn, Town Clerk.

This order of the Town Council is final. Judicial review of this order is governed by Section 1094.6 of the California Code of Civil Procedure.