



## MEMORANDUM

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**DATE:** July 21, 2021  
**TO:** Honorable Mayor and City Council Members  
**FROM:** Alexis Morris, Community Development Director  
**SUBJECT:** Information on Deer Ridge Landscape Parcels

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The landscaping of certain sites located throughout the Deer Ridge development is currently privately maintained and is not being maintained to City of Brentwood (the “City”) standards.

As the Council is aware, the property owners in the Deer Ridge development are currently considering whether to form a Landscape and Lighting Assessment District No. 21-1 (“LLAD No. 21-1”) to provide funding for the construction and annual maintenance costs associated with fourteen (14) landscape areas. The LLAD would enable the City to assume maintenance responsibility and comply with City standards. If the Deer Ridge property owners do not support the formation of LLAD No. 21-1, the City will not have the required funding to transition these areas from private to City maintenance responsibility areas. (Additional information about LLAD No. 21-1 can be found here:

[https://www.brentwoodca.gov/gov/cd/planning/deer\\_ridge\\_related\\_information\\_central.asp](https://www.brentwoodca.gov/gov/cd/planning/deer_ridge_related_information_central.asp))

Staff has received questions about what enforcement options related to the properties’ landscaping are available if LLAD No. 21-1 is not formed. Staff is not able to share information about cases open with the city’s Community Enrichment Program and, therefore, cannot provide specifics about actions related to these particular parcels. However, staff can provide the following general information about landscaping and property maintenance requirements in the City and what enforcement options are available.

If you have any questions or concerns about any of this information, please do not hesitate to let me know.

### Landscaping-Related Municipal Code Sections

The following municipal code sections are most commonly used to address landscape maintenance issues:

- **BMC 17.630.008 (H) Landscape standards** ([17.630.008 Landscape standards. \(gcode.us\)](#)) requires that “All landscaping shall be maintained in good growing condition. Maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.

- **BMC 8.36.035 Weed abatement** ([8.36.035 Weed abatement. \(qcode.us\)](#)) states that “Weeds are both a fire hazard that may endanger life and property, and an eyesore, leading to the deterioration of property values.”
- **BMC 8.00.030 (O) Unlawful activities** ([8.00.030 Unlawful activities. \(qcode.us\)](#)) states that unlawful activities include “A violation of the municipal code, a city permit, condition of development approval, ordinance, resolution, regulation adopted by the city council, or any condition of property contrary to the public peace, health and safety (see also Section 1.16.010, Code enforcement – General).”

### Code Enforcement Process

Code enforcement in the City is both complaint driven and pro-active. A case is opened when a Municipal Code violation on a subject property is identified. Initially, a notice of violation is sent to the responsible party/property owner along with a deadline of when to correct the violation. How the case proceeds after the notice of violation depends on the responsible party/property owner’s response. If the violation is corrected, the case is closed. If the responsible party/property owner fails to comply, [Section 1.16.010](#) of the Municipal Code authorizes multiple ways to address a violation; including administrative citations, criminal penalties, recording a Notice of Pending Action and abatement.

Landscaping-related code violations are fairly common in the City. For example, there are over a dozen, different landscaping-related code cases open in the Deer Ridge neighborhood. A landscaping-related violation is most often addressed with a notice of violation, and an administrative citation if necessary. The administrative citation, which carries a fine, would be issued to the responsible party (tenant or property owner) after failure to comply with the notice of violation. Continued non-compliance would result in the issuance of multiple administrative citations with increasing fines. A Notice of Pending Action may be recorded against the property. Further, a lien or assessment may be recorded on the property to recover administrative fines and recoverable costs.

While the lien process allows the City to recover costs, it does not compel the property owner to remedy the violation. The City has limited options if a person repeatedly refuses to comply. However, recording a Notice of Pending Action does cloud the title. The notice of pending action, when recorded, is constructive notice of the violation to all successors in interest in the property. If the owner corrects the violation after the notice has been recorded, and has paid the fines and costs due to city, a release or cancellation of the notice of pending action will be provided.