

RESOLUTION NO. 21-13

**A RESOLUTION OF THE MORAGA-ORINDA FIRE DISTRICT
DECLARING THAT FIRE HAZARDS ON SPECIFIED PROPERTIES
CONSTITUTE SEASONAL AND RECURRENT PUBLIC NUISANCES AND
DIRECTING THE FIRE CHIEF TO ABATE THESE NUISANCES AT THE
PROPERTY OWNERS' EXPENSE**

WHEREAS, on July 15, 2020, under the authority of Section 13869 of the California Health and Safety Code, the Moraga-Orinda Fire District adopted Ordinance 20-01 adopting and amending the California Fire Code, 2019 Edition, and by reference, the International Fire Code, 2018 Edition; and

WHEREAS, section 304.1.2 of the Fire Code requires all property owners and occupants in the District to clear their property of weeds, grass, vines, leaves, brush, diseased or dead trees, combustible growth, debris, or rubbish in accordance with the standards set forth in Section 325 of the Fire Code; and

WHEREAS, section 325 of the Fire Code was intended to identify and eliminate fire hazards to decrease frequency and severity of fires that may threaten life, overwhelm fire suppression capabilities, and result in property loss; and

WHEREAS, MOFD staff inspected the specified properties and observed violations of Sections 325.6.2.1, 325.5.1, 325.3, 325.6.3.5, and 325.6.3.2 of the Fire Code that constitutes fire hazards; and

WHEREAS, MOFD staff sent the specified property owners a Notice to Abate alerting the property owner to the violations, directing the property owner to remedy the violations within 15 days, and stating that if the property had to be abated by the MOFD, the cost of the abatement and an administrative fee would be assessed and a lien might be placed on the property; and

WHEREAS, after MOFD re-inspected the specified properties and observed no apparent mitigation efforts; and

WHEREAS, MOFD staff mailed the specified property owner a Lien Hearing Notification letter on May 4, 2021, stating that the MOFD Board was preparing to process the property for abatement by the District and that the Board would hold a lien hearing on May 19, 2021; and

WHEREAS, by letter of May 7, 2021, MOFD staff notified the property owner that the May 19 lien hearing had been canceled and would be rescheduled; and

WHEREAS, on June 1, 2021, MOFD staff mailed the specified property owner a Lien Hearing Notification letter stating that that the MOFD was preparing to process the property for abatement by the District and that the Board would hold the lien hearing on June 16, 2021; and

WHEREAS, on June 7, 2021, MOFD staff re-inspected the specified properties and determined that the Fire Code violations were still present on the specified properties; and

NOW, THEREFORE, BE IT RESOLVED that the Moraga-Orinda Fire District hereby finds and declares that the fire hazards existing on the properties specified properties set forth in "Exhibit A" attached hereto and made a part hereof constitute seasonal and recurrent public nuisances; and be it.

FURTHER RESOLVED that the Chief of the Moraga-Orinda Fire District is directed to abate the nuisances on each of these specified properties; and be it.

FURTHER RESOLVED that the Chief shall keep a record of the costs of abating the nuisance on each specified property, and those costs, including an administrative fee and attorney's fees, may constitute a special assessment against the property and a lien 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, APPROVED, and ADOPTED this 16th day of June 2021 at the regular meeting of the District Board of Directors held virtually due to the COVID-19 pandemic, on motion made by Director Danziger and seconded by Director Jex, and duly carried with the following roll call vote.

AYES: DIRECTORS, DANZIGER, DONNER*, JEX, AND JORGENS
NOES: NONE
ABSENT: BATIX
ABSTAIN: NONE

*Director Donner did not participate in, and was not present for, the hearing or the vote on the Board's motion related to the specified property located at 56 Orchard Road.

Dated: June 16, 2021


Craig Jorgens (Jun 23, 2021 19:07 PDT)
Craig Jorgens, President
Board of Directors

ATTEST:


Marcia Holbrook, District Clerk

APPROVED AS TO FORM:


Jon Holtzman, District Counsel

APPROVED AS TO CONTENT:


Dave Winnacker, Fire Chief

<p>Code Enforcement Case: CE-20-0491 Entered on: 06/19/2020 11:23 AM Printed on: 06/07/2021</p>	<p>#01</p>
-------------------------------------------------------------------------------------------------------------------------------------------	------------

Topic: Weed Abatement Due Date: 06/15/21 Initiated by: Inspection Hearing Date: 06/16/2021	Status: Open Assigned To: Gorden Graham Hearing Time: 7:00 pm
-----------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

<i>Permit</i>		
Permit #:	Business name:	License #:
<i>Property Location</i>		

Occupant Name:
 Address: 231 RHEEM BLVD , 94556
 Phone: Cell #:
 APN : 255072003

<i>Owner Information</i>

Owner Name: REICHICK LANA H TRE
 Address: XXXXXXXXXX
 MORAGA, CA 94556-2005
 Phone: Cell #:

<i>Actions</i>						
Action	By	Date	Time	Hours	Note/Observation	

Action	By	Date	Time	Hours	Note/Observation	
Inspection	Tiffany Walls	06/19/2020	11:23 am	0.00		
Case Notes	Tiffany Walls	06/19/2020	11:25 am	0.00	Attempted to speak to resident. No answer at the door. Home seems to be vacant yet full of items. This was a complaint from 11/2019 I responded to and no luck with speaking with owner about hazards and risks.	
Case Notes	Gorden Graham	06/19/2020	12:16 pm	0.00	Case assumed by Graham, 6/19	
Absentee Landowner Letter	Gorden Graham	06/19/2020	1:22 pm	0.00	Send to (Owner)	
Inspection	Gorden Graham	07/06/2020	1:22 pm	0.00	Inspected 7/6, no apparent mitigation efforts have taken place	
Case Notes	Gorden Graham	07/06/2020	3:38 pm	0.00	Property owner called and spoke with Chief Winnacker, property owner was granted a 30 day extension effective 7/2.	
Case Notes	Tiffany Walls	08/03/2020	11:21 am	0.00	Updated pictures for 8/3 have been added. Work has been done and trees have been cut. However, still remain in piles on the parcel.	
Inspection	Tiffany Walls	09/02/2020	11:46 am	0.00	Tree logs and debris still have not been removed.	
Notice to Abate	Tiffany Walls	09/02/2020	11:47 am	0.00	Send to (Owner)	
Inspection	Tiffany Walls	09/15/2020	10:16 am	0.00		
Pre Lien Notification	Tiffany Walls	09/15/2020	10:17 am	0.00	Send to (Owner)	
Inspection	Tiffany Walls	10/28/2020	1:42 pm	0.00	Partial piles of cut trees removed. Quite a bit still remains and requires removal.	
Inspection	Gorden Graham	11/06/2020	8:50 am	0.00	Piles still remain, multiple dead trees, photos updated	
Notice to Abate	Gorden Graham	11/09/2020	11:09 am	0.00	Send to (Owner)	
Inspection	Scott Call	02/09/2021	3:26 pm	0.00	Dead trees and debris still remain.	
Pre Lien Notification	Gorden Graham	04/29/2021	1:12 pm	0.00	Send to (Owner)	
Inspection	Gorden Graham	05/03/2021		0.00	Inspected, no change is status of property. No answer at door. Added updated photos.	
Lien Hearing Notice	Gorden Graham	05/04/2021	8:35 am	0.00	> Date post card was mailed:04/24/2020, > Violations fixed within:15 days, > Agenda Item #:See agenda , > Zoom	

URL:https://us02web.zoom.us/j/87209619931, > Zoom Phone #:1 669 900 6833, > Webinar ID:872 0961 9931, Send to (Owner)

Case Notes	Mona Berestka	05/07/2021 6:41 am	0.00	Cancellation of Lien Hearing Letter was mailed to owner today via USPS regular mail. Attached letter - Document 28.
Lien Hearing Notice	Gorden Graham	06/01/2021 2:56 pm	0.00	> Date post card was mailed:04/28/2021, > Violations fixed within:30 days, > Agenda Item #:See agenda , > Zoom URL:https://us02web.zoom.us/j/89686567414, > Zoom Phone #:1 669 900 6833 , > Webinar ID:896 8656 7414, Send to (Owner)
Inspection	Gorden Graham	06/07/2021 3:44 pm	0.00	No change in status / Photos updated

Violations

#	Violation Type	Due Date	Status	Closed Date
1	20.01 Clearance of Hazardous Vegetation Parcels < 1 acre Corrections Required:Remove all dead or dying trees, combustible material, hazardous vegetation, and/or rubbish from entire parcel.		Open	
2	20.01 Hazardous Vegetation / Combustible Material Removal Corrections Required:Remove all weeds, dead trees, or rubbish from the parcel.		Open	
3	20.01 Public Nuisance Corrections Required:Combustible Material and Hazardous Vegetation are available fuel for wildfires and must be removed and maintained year round.		Open	
4	20.01 Tree 6 ft. from Roof Corrections Required:Remove all tree branches that are within 6 feet of roof and maintain the 6-foot clearance.		Open	
5	20.01 Tree Dead Material Corrections Required:Remove and maintain any dead limbs, branches, or combustible material.		Open	
6	20.01 Seasonal and Recurrent Nuisance Corrections Required:Properties identified by the fire code official as a seasonal and recurrent nuisance will be abated by the Fire District.		Open	

Inspection Notes

Date: _____ Time: _____

Findings: _____

Photographs



Cut grass/weeds shorter than 3 inches.



Remove fallen dead trees in back yard.



Cut grass. Remove dead vegetation from undercarriage of trees and bushes. This will reduce the climbing/ladder fuels from transitioning into the tree canopies.



Cut back tree branches overhanging rooftop to provide 6 ft clearance.



Remove dead/dying trees



Remove weeds and cut grass to reduce climbing/ladder fuels.



B083C829-DC76-4577-83A7-0817993F843B.jpeg



7.1A



Remove piles of cut trees



Please continue to abate and remove the cut trees from your parcel. Thank you.



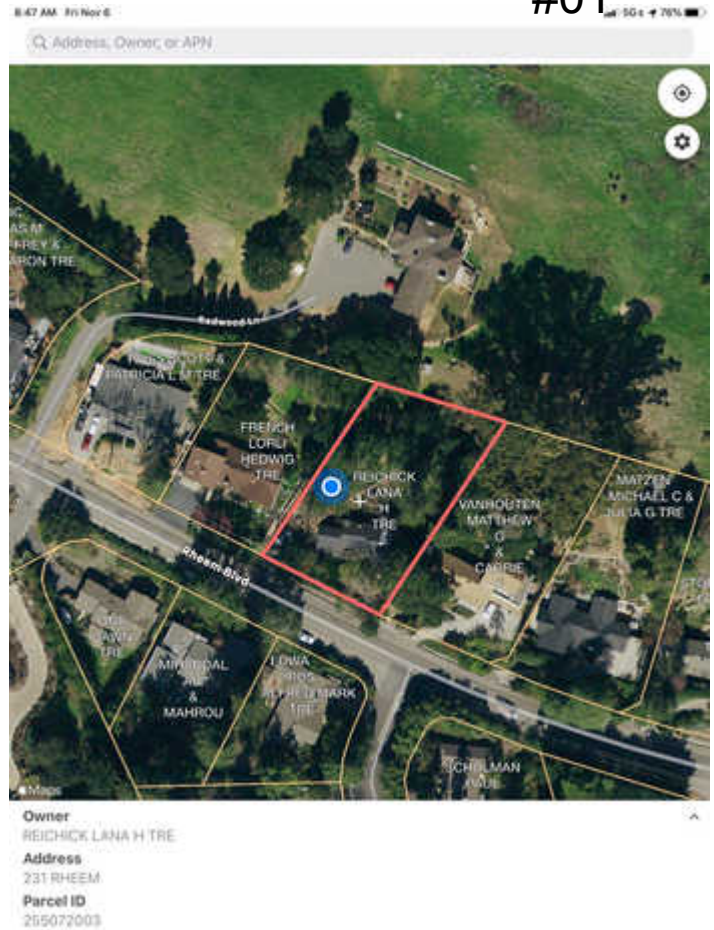
Please remove all cut tree and tree debris from entire parcel.



As of 8/3.



As of 10/28. Piles located in the back yard still need to be completely cleared. Please maintain 100ft defensible space around home. Clearing all dead trees. Thank you.



231 Rheem



11/6 Please remove all cut tree and tree debris from entire parcel.



11/6 Please remove all cut tree and tree debris from entire parcel.



11/6 Please remove all cut tree and tree debris from entire parcel.



11/6 Please remove all cut tree and tree debris from entire parcel.



11/6 Remove Dead Trees



11/6 Remove Dead Trees



5/3/2021



5/3/2021



5/3/2021



5/3/2021



5/3/2021



5/3/2021



5/3/2021



06/07/2021



06/07/2021



06/07/2021



06/07/2021



06/07/2021



06/07/2021



06/07/2021



06/07/2021



06/07/2021



Code Enforcement Case: CE-20-2891

Entered on: 10/28/2020 10:45 AM

Printed on: 06/07/2021

Topic: Weed Abatement
 Due Date: 06/15/21
 Initiated by: Fire
 Hearing Date: 06/16/2021

Status: Open
 Assigned To: Gorden Graham
 Hearing Time: 7:00 pm

Permit

Permit #: _____ Business name: _____ License #: _____
Property Location

Occupant Name:

Address: 56 ORCHARD RD , 94563

Phone:

APN : 269040007

Cell #:

Owner Information

Owner Name: DEMARA PHILLIP L & KEITHA TRE

Address: [REDACTED]

Phone: [REDACTED]

Cell #:

Actions

Action	By	Date	Time	Hours	Note/Observation
Inspection	Mike Nazario	10/28/2020	10:45 am	0.00	
30-Day Assessment	Mike Nazario	10/28/2020	10:46 am	0.00	Send to (Owner)
Inspection	Mike Nazario	11/30/2020	2:20 pm	0.00	Some work has been done but additional work is needed. Knocked on door with no answer.
Notice to Abate	Mike Nazario	11/30/2020	2:20 pm	0.00	Send to (Owner)
Inspection	Gorden Graham	12/16/2020	11:59 am	0.00	No change in status of property, photos updated. No answer at the door. Left my business card on door.
Pre Lien Notification	Gorden Graham	12/16/2020	12:05 pm	0.00	Send to (Owner)
Case Notes	Gorden Graham	01/04/2021	11:28 am	0.00	Received voice message from Mrs Demara, forwarded to Mike Nazario to make contact
Case Notes	Mike Nazario	01/05/2021	4:43 pm	0.00	Called Mrs. Demara on 1/4/20, She did not answer so I left a message. I inspected property on 1/5/20, work still needs to be completed. I knocked on door with no response.
Inspection	Scott Call	02/09/2021	3:39 pm	0.00	No noticeable work has been completed.
Inspection	Gorden Graham	05/03/2021	1:53 pm	0.00	Inspected, No noticeable work has been completed , no answer at door. Updated property photos.
Lien Hearing Notice	Gorden Graham	05/04/2021	8:49 am	0.00	> Date post card was mailed:04/24/2020, > Violations fixed within:15 days, > Agenda Item #:See agenda , > Zoom URL:https://us02web.zoom.us/j/87209619931, > Zoom Phone #:1 669 900 6833, > Webinar ID:872 0961 9931, Send to (Owner)
Case Notes	Mona Berestka	05/07/2021	6:58 am	0.00	Cancellation of Lien Hearing Letter was mailed to owner today via USPS regular mail. Attached letter - Document 17.
Case Notes	Benjamin Reikes	05/20/2021	2:11 pm	0.00	No noticeable progress made.
Lien Hearing Notice	Gorden Graham	06/01/2021	3:02 pm	0.00	> Date post card was mailed:04/28/2021, > Violations fixed within:30 days, > Agenda Item #:See agenda , > Zoom URL:https://us02web.zoom.us/j/89686567414, > Zoom Phone #:1 669 900 6833 , > Webinar ID:896 8656 7414, Send to (Owner)
Case Notes	Marcia Holbrook	06/01/2021	7:45 pm	0.00	Email correspondence received from Sandra Gardiner. See Document #23
Case Notes	Gorden Graham	06/02/2021	3:16 pm	0.00	Received email from Mona: Keitha DeMara called. She said she will be home today or Friday. Please call her at [REDACTED] She left no other message.

Case Notes	Gorden Graham	06/02/2021	3:18 pm	0.00	I attempted to return Mrs.DeMara's call, twice. Could not leave voice message due to full voice mail box. Sent following text message to number provided: Keitha, It's Gorden Graham with Moraga Orinda Fire District in regards to the property of 56 Orchard, Orinda Ca. I have tried to return you call twice and can't leave a voice message because your mailbox is full. I believe that you said you could meet at the property on Friday June 4. What time could we meet there ? 10:00 am ?
Phone Call	Gorden Graham	06/04/2021	8:53 am	0.00	Received phone call from Mrs DeMara this morning. Schedule meeting with her and Fire Marshall Isaacs today 6/4 at 10:30 on the property.
Phone Call	Gorden Graham	06/04/2021	9:25 am	0.00	Received phone call Mrs. DeMara who advised that she would be unable to make meeting today at 10:30. She stated that she has misplaced her car keys. We rescheduled for Monday 6/7 at 1:00pm.
Case Notes	Gorden Graham	06/07/2021	1:04 pm	0.00	Met with owner and son on property. Ethan DeMara son [REDACTED]. Ethan advised that he does mitigation work and will begin on this property ASAP.

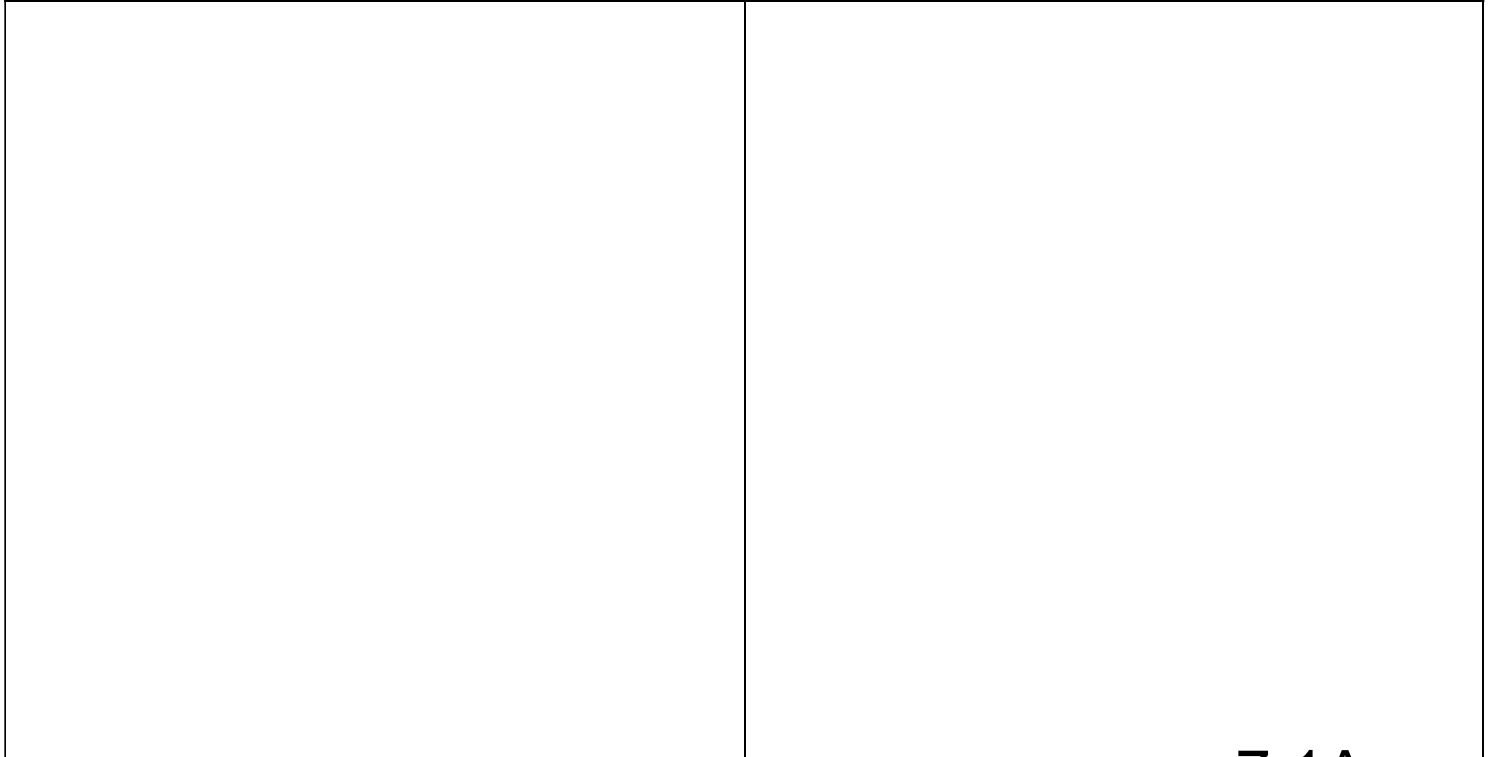
<i>Violations</i>				
#	Violation Type	Due Date	Status	Closed Date
1	20.01 Clearance of Hazardous Vegetation Parcels < 1 acre Corrections Required:Remove all dead or dying trees, combustibile material, hazardous vegetation, and/or rubbish from entire parcel.		Open	
	20.01 Tree 6 ft. Air Gap		Open	
2	Corrections Required:Remove all dead vegetation from under the tree. Remove live vegetation that comes within 6' (measured vertically) of the lower portions of the tree branches.			
3	20.01 Tree 6 ft. from Roof Corrections Required:Remove all tree branches that are within 6 feet of roof and maintain the 6-foot clearance.		Open	

Inspection Notes

Date: _____ Time: _____

Findings: _____

Photographs





Remove branches in contact with roof



Remove all dead material and vegetation growing into trees to create a 6 ft air gap



Remove all dead and overgrown vegetation



Remove dead material and separate tree from roof



12/16/20



12/16/20



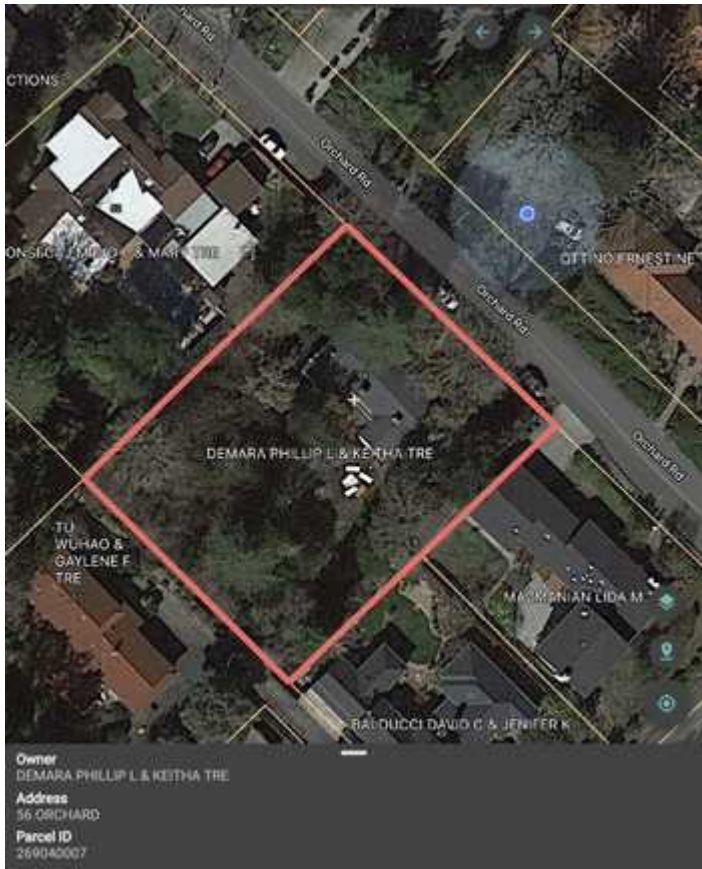
12/16/20



12/16/20



5/3/2021



5/3/2021



5/3/2021



5/3/2021



5/3/2021



5/3/2021



5/3/2021



5/3/2021



5/24/21



5/24/21



5/24/21



5/24/21



5/24/21



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



Code Enforcement Case: CE-21-0193

Entered on: 03/09/2021 11:23 AM

Printed on: 06/07/2021

Topic: Weed Abatement
 Due Date: 06/15/21
 Initiated by: Neighbor
 Hearing Date: 06/16/2021

Status: Open
 Assigned To: Gorden Graham
 Hearing Time: 7:00 pm

Permit

Permit #: _____ Business name: _____ License #: _____

Property Location

Occupant Name:

Address: 106 TAPPAN LN , 94563

Phone:

Cell #:

APN : 266380009

Owner Information

Owner Name: SIU FREDERICK & DORA TRE

Address: 106 TAPPAN LN

ORINDA, CA 94563-1014

Phone: [REDACTED]

Cell #: [REDACTED]

Actions

Action	By	Date	Time	Hours	Note/Observation
Inspection	Gorden Graham	03/09/2021	11:23 am	0.00	Inspected upon receipt of complaint
30-Day Assessment	Gorden Graham	03/09/2021	11:27 am	0.00	Send to (Owner)
Inspection	Gorden Graham	04/13/2021	4:26 pm	0.00	No change in status of property
Notice to Abate	Gorden Graham	04/13/2021	4:27 pm	0.00	Send to (Owner)
Notice to Abate	Gorden Graham	05/03/2021	1:13 pm	0.00	Send to (Owner)
Inspection	Gorden Graham	05/18/2021	4:09 pm	0.00	No change in status of property. No Answer at door.
Pre Lien Notification	Gorden Graham	05/18/2021	4:12 pm	0.00	Send to (Owner)
Case Notes	Mona Berestka	05/24/2021	9:50 am	0.00	Frederick Siu called because he is requesting 10 days extension to clear the brush on his property. He will do his best to clear the downside because it is steep and for mudslide issues. The driveway is all cleared. He will sign up for the Wood Chipping Program to have the wood chipped. His cell phone number is [REDACTED]
Case Notes	Mona Berestka	05/24/2021	10:24 am	0.00	Spoke to Fred Siu and advised him that Fuels Mitigation Manager said that he should contact the office to request an inspection before his hearing date of June 19th, after he has abated the hazard; and upon inspection, if compliant, his property will be removed from the hearing list. I advised him that the hearing date is more than his 10-day extension request. He said ok.
Inspection	Gorden Graham	05/24/2021	2:55 pm	0.00	No noticeable change to property status
Lien Hearing Notice	Gorden Graham	06/01/2021	2:45 pm	0.00	> Date post card was mailed:04/28/2021, > Violations fixed within:30 days, > Agenda Item #:See agenda , > Zoom URL:https://us02web.zoom.us/j/89686567414, > Zoom Phone #:1 669 900 6833 , > Webinar ID:896 8656 7414, Send to (Owner)
Inspection	Gorden Graham	06/07/2021	2:33 pm	0.00	Some roadside grasses have been cut. No further mitigation noticed. Photos have been updated.

Violations

#	Violation Type	Due Date	Status	Closed Date
1	20.01 3' & 15' EVA Corrections Required:Tree branches that overhang the road need to be trimmed to allow for a minimum of 15 feet of vertical clearance, and all vegetation on the ground (grass, weeds, etc.) needs to be removed within 3 feet from the edge of the road.		Open	

- 2 20.01 Clearance of Hazardous Vegetation Parcels < 1 acre Open
 Corrections Required: Remove all dead or dying trees, combustible material, hazardous vegetation, and/or rubbish from entire parcel.

- 3 20.01 Tree 6 ft. Air Gap Open
 Corrections Required: Please trim tree canopy to create 6' (measured vertically) air gap from ground.

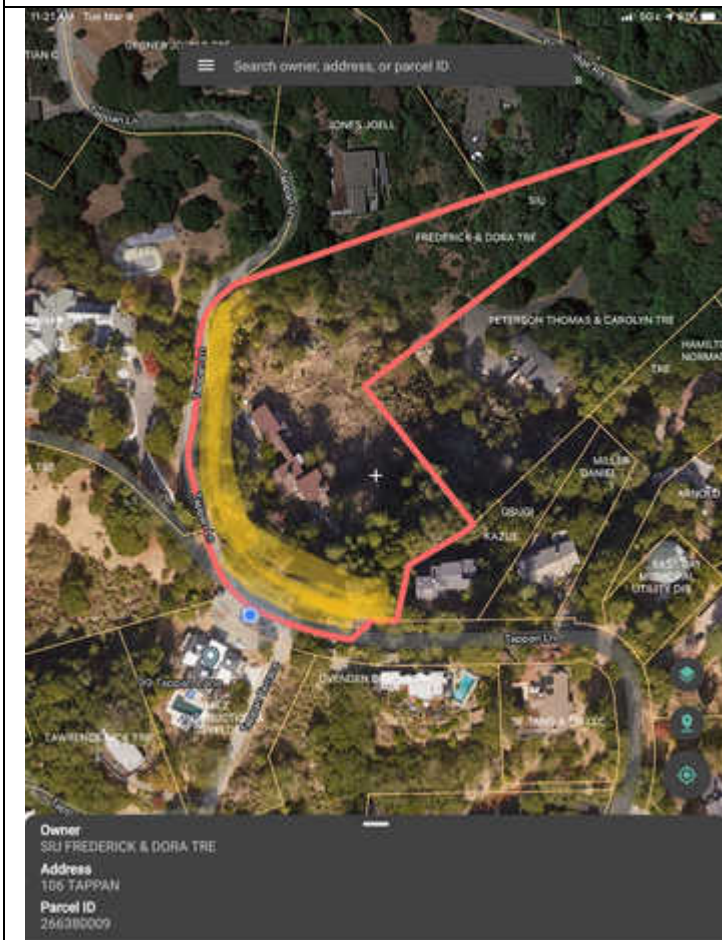
- 4 20.01 Maintain 100 ft. Open
 Corrections Required: Measure 100 feet from the building to any direction and mark the 100-foot zone. Remove all dead material such as tree branches, dry grass, brush, and dead trees from this zone. If 100 feet is not practical due to lot size, property line will be used.

Inspection Notes

Date: _____ Time: _____

Findings: _____

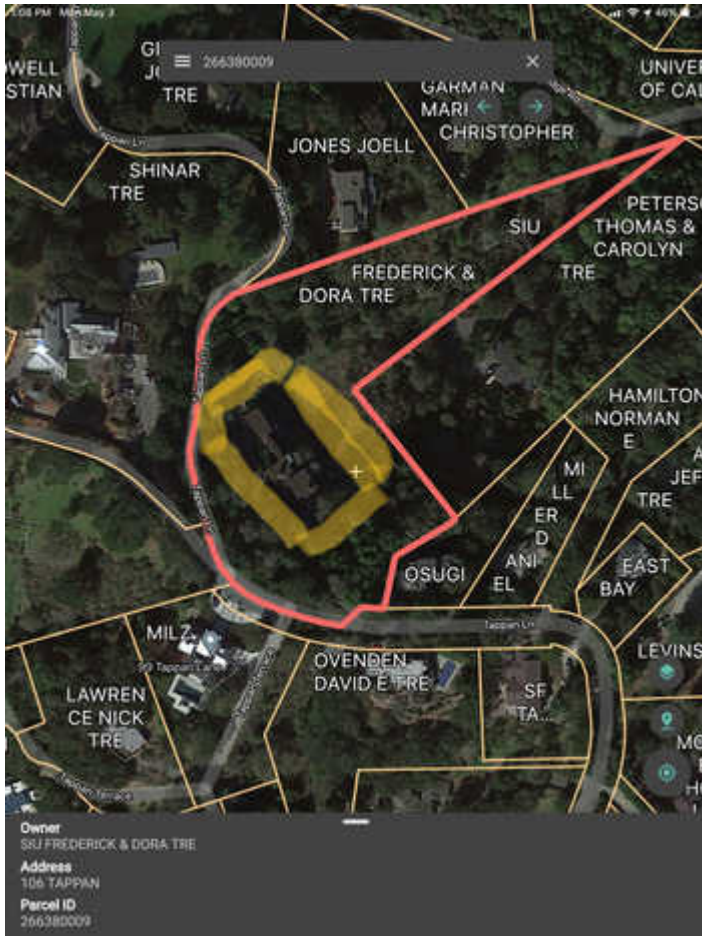
Photographs



Please remove combustible vegetation and limb trees to 6 feet in highlighted area



Please create 100 foot fuel break, remove combustible vegetation, and limb trees to 6 feet in highlighted area



6/7/2021

Please create and maintain 100 feet of defensible space around habitable structure



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021



6/7/2021