



AGENDA
Fairview Fire Protection District Special Board
Meeting
Thursday, September 1, 2022, 7:00 P.M.



Because the legal conditions are met for the District Governing Board to conduct its proceedings via teleconference, per California Government Code Section 54953(e), Directors of the Fairview Fire Protection District, as well as the District's Counsel and Fire Chief, General Manager, and other staff, will participate via phone/video conference, and no physical teleconference locations are required.



AGENDA
Fairview Fire Protection District Special Board
Meeting
Thursday, September 1, 2022, 7:00 P.M.
PUBLIC PARTICIPATION



Fairview Fire Protection District encourages public participation in its meetings, in any of the following ways.

OBSERVE:

- To observe the meeting by video conference, at the noticed meeting time in the header above, please click on this link, or input the link into your web browser's URL bar:

<https://us06web.zoom.us/j/88047607120>

Zoom's instructions on how to join a meeting by video conference are available at: <https://support.zoom.us/hc/en-us/articles/201362193>, which is a webpage address that provides a tutorial video entitled "Joining a Meeting."

- To listen to the meeting by phone, please call one of the numbers below at the noticed meeting time:

Dial (for higher quality, dial a number based on your current location):

+1 720 707 2699 or +1 253 215 8782 or
+1 346 248 7799 or +1 646 558 8656
or +1 301 715 8592 or +1 312 626 6799

For each number, please be patient and when requested, dial the following Webinar ID: 880 4760 7120

After calling any of these phone numbers, if you are asked for a participant ID or code, press the pound (#) key.

Zoom's instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage address that provides written tutorial instructions entitled "Joining a Meeting By Phone."

PROVIDE PUBLIC COMMENT: There are three ways to make public comment within the time allotted for public comment on an eligible Agenda item.

- Comment in advance via email. To send your comment directly to the Board and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to Michael Preston at mike.preston@fairviewfiredistrict.org. Please note that submissions close twenty-four (24) hours before posted meeting time. All submitted public comments will be provided to the Directors prior to the meeting, and the District will momentarily confirm during the meeting itself receipt of any timely email comments.

- By Video Conference. To comment by Zoom video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" are available at: <https://support.zoom.us/hc/en-us/articles/205566129>, which is a webpage entitled "Raise Hand In Webinar."

- By Phone. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to "Raise Your Hand" by pressing STAR-NINE ("*9") to request to speak when Public Comment is being taken on a eligible agenda item at the beginning of the meeting. Once it is your turn, you will be unmuted and allowed to comment. After the allotted time, you will be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663>, which is a webpage entitled "Joining a Meeting by Phone."

If you have any questions about these protocols, please e-mail Michael Preston, at mike.preston@fairviewfiredistrict.org.



AGENDA
Fairview Fire Protection District Special Board
Meeting
Thursday, September 1, 2022, 7:00 P.M.



1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ROLL CALL: DIRECTORS DIMIC, CHOI, CLARK, JUSTICE, & McDANIEL**
3. **WELCOME**
4. **PUBLIC COMMENT PERIOD** (The Public Comments Section provides an opportunity for citizens to address the Board on items not listed on the agenda. The Board welcomes your comments under this section but is prohibited by State law from discussing items not on the agenda.)
5. **RESOLUTION TO RENEW FINDINGS AND CONTINUE CONDUCTING MEETING VIA TELECONFERENCE** **INFO/ACTION**
6. **PUBLIC HEARING ON ORDER TO ABATE**, per the "FFPD 2020 Fuels Management and Weed Abatement Ordinance" - 2812 Kelly Street **INFO/ACTION**
7. **ADOPT RESOLUTION TO MAKE FINDING(S) AND ORDER ABATEMENT**, per the "FFPD 2020 Fuels Management and Weed Abatement Ordinance" - 2812 Kelly Street **INFO/ACTION**
8. **ORDER TO ABATE UPDATE**, 2798 D St. **INFO**

ADJOURNMENT

In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the videoconference meeting, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact the General Manager, Michael Preston at (510) 583-4930 for assistance. Notification at least 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids or services.

5. RESOLUTION TO
RENEW FINDINGS
AND CONTINUE
CONDUCTING
MEETING VIA
TELECONFERENCE

INFO/ACTION

BOARD OF DIRECTORS
MELISSA DIMIC
MARK MCDANIEL
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

RESOLUTION 2022-15

RESOLUTION OF THE FAIRVIEW FIRE PROTECTION DISTRICT TO RENEW FINDINGS AND CONTINUE CONDUCTING MEETINGS VIA TELECONFERENCE

WHEREAS, the Fairview Fire Protection District’s (“District”) Governing Board (“Board”) is committed to proceed in full compliance with the State of California’s open meeting requirements codified in the Ralph M. Brown Act, Government Code §§ 54950 – 54963;

WHEREAS, as of March 4, 2020 and continuing through to present day, the Governor of California has proclaimed a state of emergency due to the threat of COVID-19, predicated on the Governor’s express finding that circumstances meet the conditions codified in California Government Code Section 8558(b), relating to the declaration of a state of emergency, and further predicated on the Governor’s authority vested by the State Constitution and the California Emergency Services Act, California Government Code Section 8625;

WHEREAS, and the Governor of California has not discontinued or rescinded the March 4, 2020 proclamation of a state of emergency;

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) recommends to “Protect Yourself and Others” while outside of your home by putting 6 (six) feet of distance (or about 2 full arm lengths) between yourself and people who do not live in your household, particularly for people who are at higher risk of getting very sick from COVID-19;

WHEREAS, the Alameda County Health Care Services Agency (“HCSA”) Director recommended on September 23, 2021 that all full meetings and committee meetings of the Alameda County Board of Supervisors continue to observe social distancing;

WHEREAS, in consideration of the above-specified recommendations by both federal and local health authorities, it is also the recommendation of the District General Manager that the District continue to follow CDC guidelines and to mirror the HCSA Director’s recommendations for the Alameda County Board of Supervisors for maximizing social distancing whenever possible, which includes meetings of the Board;

WHEREAS, in order to continue meeting via teleconference based upon the General Manager’s recommendation, the Board must consider whether to adopt the foregoing recitals as true and correct and renew them as formal Board findings at least every thirty (30) days in accordance with California Government Code section 54953(e), either until the state of emergency related to COVID-19 has been lifted, or the Board finds that the above findings have changed;

WHEREAS, Board meetings are currently scheduled approximately every other calendar month, which may require that in order to satisfy the new thirty (30) day rule, the Board must hold single-purpose special meetings between its regular meetings solely to adopt findings;

NOW THEREFORE, pursuant to California Government Code section 54953(e), the Governing Board of the Fairview Fire Protection District finds and determines that the foregoing recitals continue to be true and correct and hereby adopts and incorporates them into this resolution;

PASSED AND ADOPTED by the Fairview Fire Protection District Board this 1st day of September, 2022, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Melissa Dimic
President of the Board of Directors
Fairview Fire Protection District

6. PUBLIC HEARING
ON ORDER TO ABATE,
PER THE “FFPD 2020
FUELS MANAGEMENT
AND WEED
ABATEMENT
ORDINANCE” - 2812
KELLY ST.

INFO/ACTION

BOARD OF DIRECTORS

MARK MCDANIEL
MELISSA DIMIC
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:

MIKE PRESTON

FIRE CHIEF

GARRETT CONTRERAS

WWW.FAIRVIEWFIREDISTRICT.ORG

NOTICE TO DESTROY WEEDS

08-23-22

RE: Property Address: 2812 Kelly St.
Hayward, CA 94541

YING Q LIANG & SHAO H SONG
564 ACACIA AVE
SAN BRUNO, CA 94066

APN: 417007001900
Inspection Dates: 06-30-22, 07-27-22,
08-05-22

You are invited to a Zoom webinar. September 1 2022, 07:00 PM Pacific Time (US and Canada)

Topic: Special Meeting

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/88047607120>

Dial (for higher quality, dial a number based on your current location): +1 720 707 2699 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 **Webinar ID: 880 4760 7120**

Notice is hereby given that on **August 22, 2022**, the Chief of the Fairview Fire Protection District declared that a public nuisance exists upon the following property **2812 KELLY ST HAYWARD CA 94541 at Assessor’s Parcel Number: 417007001900**, in the Fairview Fire Protection District, and more particularly described in the declaration and that the public nuisance must be abated by its removal, otherwise they will be removed and the nuisance will be abated by the District authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to the enclosed resolution for further particulars. All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the Fairview First Protection District Governing Board, to be held **September 1, 2022**, when their objections will be heard and given due consideration.

THE DISTRICT SHALL CONDUCT THE HEARING VIA “ZOOM” VIDEO CONFERENCE, WHICH IS THE PROPERTY OWNER’S OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT FOR THE DISTRICT TO CONSIDER BEFORE ISSUING AN ORDER TO ABATE THE NUISANCE. FOR ANY QUESTIONS ABOUT ACCESS, EMAIL Mike.Preston@fairviewfiredistrict.org

If after the completion of the hearing, the District issues an Order to Abate, the District will issue an Order to Abate with a deadline for you to comply with the Order, conduct the abatement at your own cost, and consent to the District’s entry onto the property to confirm abatement has been completed. If you do not complete the abatement at your own cost by the deadline, the District will cause the nuisance to be abated. In that case, you will be asked to consent to the District’s entry onto the property to conduct the abatement. While you are not legally required to consent to the District’s entry onto the land, any cost of obtaining a warrant to lawfully enter the property shall be added to the District’s final Demand for Payment.

Once a nuisance has been abated, either by the landowner or by the District, the District may recover the costs it incurred to hold the hearing, issue the order, and enforce the Order to Abate, which is one of the reasons the District always emphasizes voluntary compliance at every stage of this process. If you have any questions regarding this notice, please call (510) 583-4930 within 10 days of your receipt of this notice. Your cooperation will be greatly appreciated.

Miles Massone
Fire Marshal

Encl: FFPD Abatement Standards
Declaration of Public Nuisance
Proof of Service

BOARD OF DIRECTORS
MARK MCDANIEL
MELISSA DIMIC
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

**RESOLUTION OF THE FAIRVIEW FIRE PROTECTION DISTRICT
TO DECLARE A NUISANCE**

WHEREAS, state law codifies the Fairview Fire Protection District’s (“District”) authority to order the abatement of nuisances in the form of fire hazards;

WHEREAS, the District’s 2020 Fuels Management and Weed Abatement Ordinance (“Ordinance”) notifies all parcel owners in the District of this authority and sets forth the process for the District to declare a public nuisance, set a hearing date, consider the issuance of a Notice to Destroy Weeds upon the completion of a hearing, set forth findings, and issue an Order to Abate;

WHEREAS, the District hereby declares a nuisance at the following property, and will cause to be issued a Notice to Destroy Weeds setting a hearing date of September 1, 2022 where the property owner(s) may be heard and the Board shall give any stated objections due weight;

WHEREAS, the District may also consider whether to declare a seasonal nuisance, empowering the District to Order abatement on an annual basis;

THEREFORE, the District makes the following Declaration of Public Nuisance:

A public nuisance consisting of a fire hazard exists at the following property:

Property Address: 2812 KELLY ST HAYWARD CA 94541
APN: 417007001900

The nuisance is described by the Chief or designee as follows:

Violation of “weeds, grass, brush, and dead growth” provision of FFPD Ordinance 1 Abatement Standards. See pictures from inspector in attached Case Summary report.

Inspector Comments:

06-30-2022: Cut all high dry grass/weeds

07-27-2022: Tall dry weeds remain. Boarded up vacant home, evidence of previous house fire.

08-05-2022: Violations of tall dry grass remain at a boarded vacant home.

08-18-2022: Violations of tall dry grass remain.

BASED UPON THE ABOVE-DETAILED DECLARATION, the District hereby directs staff to issue a Notice to Destroy Weeds. The Notice shall comport with the District’s Ordinance and set the following hearing date for the District to consider issuing an Order to Abate: September 1, 2022.

BOARD OF DIRECTORS

MARK MCDANIEL
MELISSA DIMIC
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

By adoption at a meeting of the Board, this Declaration is effective this 22nd Day of August 2022.

AYES: 4
NOES: 0
ABSTAIN: 0
ABSENT: 1

A handwritten signature in cursive, appearing to read 'Melissa Dimic', written in black ink.

Melissa Dimic
President of the Board of Directors
Fairview Fire Protection District

ORDINANCE 1
Fairview Fire Protection District (FFPD)
ABATEMENT STANDARDS

The following standards are considered as a minimum. The Fire District may require additional abatement due to terrain, height of growth, location, use of land, etcetera. **No burning is allowed.**

RUBBISH, TRASH, OTHER UNSAFE CONDITIONS:

- I. ALL PROPERTIES
 - A. All rubbish, trash, trimmings, or litter shall be abated.
 - B. All wood fuel or lumber shall be neatly stacked or removed from property:

WEEDS, GRASS, BRUSH, AND DEAD GROWTH:

- I. RESIDENTIAL AND COMMERCIAL AREAS
 - A. Complete abatement:
 - 1. All weeds, grass, or other vegetation that is dry or will become dry during the months of May - November must be removed or otherwise abated from the entire parcel.
 - 2. This abatement must be maintained whenever growth exceeds 4 inches in height.
- II. CROP LAND AND PASTURELAND (LIVESTOCK GRAZING)
 - A. 30-foot-wide continuous firebreaks (cleared space) shall be installed and maintained around each parcel property line as the terrain allows.
 - B. 30-foot-wide cross breaks (cleared space) intersecting the firebreaks shall be installed:
 - 1. On one side of all obstructions to emergency vehicles such as ditches, creeks, fence lines and the like within parcels.
 - 2. On the top of all ridges, hills, and saddles.
 - 3. On both sides of access roads.
 - C. 30-foot-wide minimum cleared space around all buildings or to property line, whichever is closer.
 - D. Complete abatement (cleared space) extending at least 30 feet beyond the foliage of any trees that would present a hazard to any building or structure.
- III. UNUSED LAND -VACANT PROPERTY (WITHOUT GRAZING OR CROP USE)
 - A. Residential and Commercial areas:
 - 1. Complete abatement (as per "I" above).
 - B. Rural property other than "IIIA":
 - 1. For parcels **5.0 acres or smaller** complete abatement is required.
 - 2. For parcels **5.1 acres or larger** requires firebreaks two times the width of the cleared space specified in "II" above.
- IV. INACCESSIBLE TERRAIN AREAS- (PROPERTY NOT ACCESSIBLE BY ROADWAY).
 - A. Graded fire trails, maintained to provide access for firefighting personnel and equipment may be used in place of firebreaks and cross breaks on an area-by-area basis.
- V. WEED ABATEMENT ENFORCEMENT AND CHARGES:
 - A. A notice to abate will be mailed to those property owners whose property is determined to present a fire hazard per the 2020 Fuels Management, Abatement & Enforcement Ordinance of the Fairview Fire Protection District. Owners will have 21 days from the date of the notice to comply. After which a second inspection will be conducted, a second notice will be mailed if compliance has still not been met giving property owners 7 days from mailing of the notice to comply. No actions or fees will be assessed if the required corrections are satisfactorily completed by the date indicated on any notice.
 - B. If the property has not been satisfactorily abated by the second inspection date, the Fire Chief will request the Board declare a Public Nuisance. A Public Hearing will be held when the Board may make a Resolution of a Public Nuisance and order the abatement of the Public Nuisance. If declared a Public Nuisance, the Board will authorize the Fire Chief to assign a contractor to abate the property. To view the 2020 Fuels Management, Abatement & Enforcement Ordinance of the FFPD please visit our website at www.fairviewfiredistrict.org.
 - C. Per the 2020 Fuels Management, Abatement & Enforcement Ordinance Section 8, the Property owner is responsible for all costs of abatement, which include, but are not limited to, the actual costs to abate, any and all administrative costs, cost of mailing, personnel time, computer retrieval, Investigation, boundary determination, measurement, any directly related costs actually incurred by contractors, and other related costs authorized in writing by the District.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I, Norma Marples, am over the age of 18 and employed by the City of Hayward, 777, "B" Street, Hayward, Alameda County, California 94541.

On 08/23/22, I served the following document(s) on the interested parties in this action by sending true copies as shown below for service as designated below:

1) Notice to Destroy Weeds – Property located at:
2812 Kelly St., Hayward, CA 94542
APN: 417007001900

2) FFPD Weed Abatement Standards

SERVICE BY U.S. MAIL UNDER THE LAWS OF THE STATE OF CALIFORNIA

YING Q LIANG & SHAO H SONG
564 ACACIA AVE
SAN BRUNO, CA 94066

I am familiar with this business' practice for collection and processing of correspondence for mailing, and that correspondence will be enclosed in a sealed envelope with postage fully prepaid and deposited with the U.S. Postal Service on the date herein above in the ordinary course of business at Hayward, California.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on 08/23/22, at Hayward, California.

Norma Marples

Norma Marples
Sr. Secretary
510-583-4930

7. ADOPT
RESOLUTION TO
MAKE FINDING(S) AND
ORDER ABATEMENT,
PER THE “FFPD 2020
FUELS MANAGEMENT
AND WEED
ABATEMENT
ORDINANCE” –
2812 KELLY ST.

INFO/ACTION

BOARD OF DIRECTORS
MELISSA DIMIC
MARK MCDANIEL
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

RESOLUTION 2022-16

RESOLUTION OF THE FAIRVIEW FIRE PROTECTION DISTRICT TO MAKE FINDINGS AND ORDER ABATEMENT

WHEREAS, state law codifies the Fairview Fire Protection District's ("District") authority to order the abatement of nuisances in the form of fire hazards;

WHEREAS, the District's 2020 Fuels Management and Weed Abatement Ordinance ("Ordinance") notifies all parcel owners in the District of this authority and sets forth the process for the District to declare a public nuisance, set a hearing date, and upon the completion of a hearing, make findings and if appropriate issue an Order to Abate;

WHEREAS, on 7/1/22, the District issued an Abatement Notice to the following property after inspecting said property, and no voluntary abatement occurred thereafter;

WHEREAS, on 7/27/22, the District issued a Second Abatement Notice to the following property after inspecting said property, and no voluntary abatement occurred thereafter;

WHEREAS, on 8/22/22, the District declared a nuisance at the following property in violation of the District's Abatement Standards; and issued a Notice to Destroy Weeds setting a hearing date of today, 9/1/22 which notice was mailed via U.S. Certified Mail on 8/23/22;

WHEREAS, having now held a hearing to consider whether to make findings and issue an order to abate, and to provide the property owner with an opportunity to be heard and give any stated objections due weight;

THEREFORE, the District makes the following findings:

The Fire Marshal for Hayward Fire Department ("Fire Marshal") and inspectors reporting to the Fire Marshal ("Inspectors") provide services under contract to the Fairview Fire Protection District ("District") that include, but are not limited to, the inspection and enforcement of the District's published abatement standards on applicable parcels in the District's jurisdiction. These services to the District entail rendering determinations about noncompliance based on the written, verbal, and physical evidence that is gathered through photographs and investigations that are documented.

On or about June 30, 2022, Hayward's Inspectors acting on behalf of the District caused to be inspected the property located at 2812 Kelly St., Hayward, CA 94542, APN: 417007001900

BOARD OF DIRECTORS

MELISSA DIMIC
MARK MCDANIEL
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

("Property"), which is a parcel located in and subject to the District's jurisdiction. The Inspectors found a violation of the District's published abatement standards.

On behalf of the District, on July 1, 2022, the City of Hayward caused to be served a "Fire Suppression Abatement Notice" on the owners of the Property ("Owners") and also enclosed a copy of the District's published abatement standards as well as abatement instructions with a photograph. The Fire Suppression Abatement Notice notified the Owners that unsafe high fire hazard conditions existed on the Property that need to be removed or otherwise abated. The Fire Suppression Abatement notice set a deadline for the Owners to comply with the District's published abatement standards by following the abatement instructions within 21 days of the notice, and further specified that failure to abate would result in a hearing and the District's formal consideration after a hearing to exercise its authority to order mandatory abatement. The Fire Suppression Abatement Notice provided the Fire Marshal's office phone number.

On or about July 27, 2022, Hayward's Inspectors again caused to be inspected the Property and found the same violations of the District's published abatement standards. On behalf of the District, on July 27, 2022, the City of Hayward caused to be served a second "Fire Suppression Abatement Notice" on the Owners of the Property and also enclosed a copy of the District's published abatement standards as well specific abatement instructions with a photograph, which stated: "Tall dry weeds remain. Boarded up vacant home, evidence of previous house fire." On or about August 5, 2022, Hayward's Inspectors again caused to be inspected the Property and reported that "Violations remain". No subsequent progress was made by Owner to correct the violation, and the Owner did not agree to abate in compliance with the District's published abatement standards.

On or about August 18, 2022, Hayward's Inspectors again caused to be inspected the Property and found the same violations of the District's published abatement standards. The Fire Marshal reported to the District on August 22, 2022 that nuisance conditions continue to exist on the Property. Accordingly, the Fire Marshal recommended to the District that it was necessary to declare a nuisance due to the ongoing violation of the District's abatement standards. Based upon the Fire Marshal's report, and the General Manger's recommendation, the Board of the District resolved in open session to declare a nuisance, directed staff to issue a formal Notice to Destroy Weeds, and set a hearing for September 1, 2022, at 7:00 PM. Staff followed the Board's direction, and served the Owners with a Notice to Destroy Weeds with updated abatement instructions via U.S. Certified Mail on August 23, 2022.

The Fire Marshal has confirmed that given his training and experience, it is his belief and judgment that the unabated nuisance on the Property creates a significant fire danger.

A public nuisance consisting of a fire hazard exists at the Property, in violation of the District's

BOARD OF DIRECTORS
MELISSA DIMIC
MARK MCDANIEL
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

published abatement standards. The public nuisance consists of the fire hazards detailed in the Notice to Destroy Weeds and the attachments that were served on August 23, 2022, via U.S. Certified Mail to Owners of the Property.

BASED UPON THE ABOVE-DETAILED FINDING(S), the District hereby directs staff to issue an Order to Abate. The Order shall comport with the District's Ordinance and set an initial deadline for the property owner's compliance by the following deadline: **MONTH DATE, 2022**. If the property is not abated by this deadline, pursuant to the District's authority detailed herein, the Fire Chief or the Fire Chief's designee shall arrange for the District's abatement of the nuisance at the expense of the property owner. The Order shall be accompanied by a request for the property owner to consent to the District's entry onto the property to conduct the abatement, which shall only come into force if the property is not abated by the above-identified deadline. If the abatement is not completed and the consent form is not returned by the deadline, staff are directed to arrange for warranted abatement.

By adoption at a meeting of the Board, this direction and Order are each effective this 1st Day of September 2022.

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Melissa Dimic
President of the Board of Directors
Fairview Fire Protection District

8. ORDER TO ABATE
UPDATE
2798 D STREET

INFO/ACTION

BOARD OF DIRECTORS
MELISSA DIMIC
MARK MCDANIEL
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

ORDER TO ABATE PROPERTY AT APN 416019004900, 2798 D St. Hayward, CA 94541

08-08-22

CARL NICHOLS
2798 D ST
HAYWARD, CA 94541

Pursuant to its authority codified in the California Health and Safety Code and the California Government Code, the Fairview Fire Protection District ("District") hereby orders that, by **6 PM PT on August 22, 2022**, the owner of the property of 2798 D St. Hayward, CA 94541 at Assessor's Parcel Number 416019004900 shall conduct abatement of the fire hazard nuisance identified and documented by the District in its Notice to Destroy Weeds, sent by U.S. Certified Mail on July 26, 2022, as follows:

Violation of "WEEDS, GRASS, BRUSH, AND DEAD GROWTH" Abatement Standard(s)

Per FFPD Ordinance 1, all weeds, grass, or other vegetation that is dry or will become dry during the months of May - November must be removed or otherwise abated from the entire parcel.

04-22-2022: clear all dead/dying tree debris and other debris. limb up any trees with low hanging limbs.

05-26-22: Violations remain.

06-24-22: Violations remain.

07-22-22: Noting the tall weeds and rubbish/debris on the side yard and back yard. Also noting the trees needing to be limbed up.

FAILURE TO COMPLY WITH THIS ORDER BY AUGUST 22, 2022 WILL RESULT IN MANDATORY ABATEMENT BY THE DISTRICT, WITH ALL COSTS TO BE ASSESSED AGAINST THE PROPERTY UNTIL PAYMENT BY THE OWNER.

After August 22, 2022, if the ordered abatement is not conducted to the satisfaction of the Fire Marshall, the District shall assign abatement as ordered to a contractor, which contractor shall conduct the above-identified abatement between August 23, 2022, and September 6, 2022, between the hours of 8am and 6pm, or as warranted by a Court of Competent Jurisdiction.

Once abatement is conducted, the District will send a Demand for Payment for the full cost of abatement actually expended by the District between the time of the hearing and the completion of the abatement. **The cost of the abatement will be assessed upon the property from which the nuisance is removed, and if left unpaid by the owner, may constitute a lien or special assessment upon the property until paid.**

BOARD OF DIRECTORS

MELISSA DIMIC
MARK MCDANIEL
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

Attached hereto, please read and consider executing this consent form for the District to enter the land and conduct abatement if abatement is not conducted by August 22, 2022, without need for obtaining a warrant.

Miles Massone
Fire Marshal

Cc: File

Encl: Property Owner Consent Form
Resolution to Make Findings and Order Abatement
Proof of Service

BOARD OF DIRECTORS
MELISSA DIMIC
MARK MCDANIEL
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

**VOLUNTARY WRITTEN CONSENT TO ENTER PROPERTY, CONDUCT
INSPECTION, AND/OR CONDUCT ABATEMENT OF ANY AND ALL FIRE HAZARD
CONDITIONS**

I, the undersigned, certify that I am the (circle one):

Owner Co-Owner Tenant Property Manager

of the real property located at **2798 D St., Hayward, CA 94541, APN: 416019004900**. As such, I am the person responsible for said property and all fixtures, vegetation and other assets located thereon. I hereby freely and voluntarily **consent to the entry upon said property** by the Fairview Fire Protection District, the Hayward Fire Department, the Fire Marshall, and their officers, agents and designees, including but not limited to any abatement entity authorized by the Fairview Fire Protection District, and/or law enforcement personnel accompanying any of the aforementioned parties **for the purpose of** inspecting said property for compliance with the Fairview Fire Protection District's abatement standards. I also freely and voluntarily consent to abatement of any nuisance, in the form of a fire hazard, documented by the inspectors in the attached materials and subject of the District's Abatement Order.

I GIVE THIS CONSENT AFTER THE INSPECTOR INFORMED ME THAT I HAVE A CONSTITUTIONAL RIGHT TO REFUSE TO PERMIT THE ABOVE-IDENTIFIED PARTIES TO ENTER THE LAND, TO INSPECT, AND/OR TO CONDUCT ABATEMENT. NO PROMISES, THREATS, OR COERCION HAVE BEEN MADE TO INDUCE ME TO RELINQUISH THIS RIGHT, BUT I DO SO FREELY AND VOLUNTARILY. FURTHERMORE, THIS CONSENT EXPIRES AT 6:00 PM ON SEPTEMBER 6, 2022, AND MAY BE WITHDRAWN AT ANYTIME. I UNDERSTAND THAT IF I WITHDRAW CONSENT AFTER INSPECTOR(S) HAVE ENTERED THE PROPERTY SUBJECT TO THIS WRITTEN CONSENT, THEY WILL CEASE ALL INSPECTION AND/OR ABATEMENT AND EXIT THE PROPERTY WITH REASONABLE PROMPTNESS.

Inspection, if authorized, may include the observation of physical conditions, taking of photographs, and questioning of or conferring with persons present on the property privately to obtain information bearing on whether violations of the District's Abatement Standards exist. Any person present may refuse to answer questions.

Abatement, if any is required subject to the Abatement Order, shall include the removal, complete demolition, and/or permanent disposal of all items comprising the following conditions of non-conformity found upon the premises: any fire hazard condition that is deemed by the District to violate the abatement standards, including unlawful accumulations of grass, weeds, and growths on the property. One or more peace officers may accompany the abatement to ensure peaceful

BOARD OF DIRECTORS
MELISSA DIMIC
MARK MCDANIEL
MICHAEL JUSTICE
ROBERT CLARK
SARAH CHOI



FAIRVIEW
FIRE PROTECTION DISTRICT

25862 FIVE CANYONS PKWY
CASTRO VALLEY, CA 94552
(510) 583-4930

GENERAL MANAGER:
MIKE PRESTON

FIRE CHIEF
GARRETT CONTRERAS
WWW.FAIRVIEWFIREDISTRICT.ORG

proceedings.

The Inspection and Abatement shall be conducted between Tuesday, August 23, 2022, and Tuesday, September 6, 2022, which starts the business day after the deadline to voluntarily comply with the Ordered Abatement attached hereto. The Inspection and Abatement shall include the entire property, excluding the interior of any dwelling, and be conducted between the hours of 8:00am and 6:00pm to minimize any intrusion on the normal operations of the property and any adjacent property.

I further certify that I have authority to grant access to said property and that no other person's or entity's authorization is required for the Inspection and/or Abatement herein described. This authorization shall remain valid until revoked in writing by the undersigned.

2798 D St. Hayward CA

Property Address

Signature of Responsible Party

Name of Responsible Party

Telephone Number

Date

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I, Norma Marples am over the age of 18 and employed by the City of Hayward, 777, "B" Street, Hayward, Alameda County, California 94541.

On 08/08/22, I served the following document(s) on the interested parties in this action by sending true copies as shown below for service as designated below:

1) Notice to Destroy Weeds – Property located at:

2798 D St., Hayward, CA 94541
APN: 416019004900

2) FFPD Weed Abatement Standards

SERVICE BY U.S. MAIL UNDER THE LAWS OF THE STATE OF CALIFORNIA

CARL NICHOLS
2798 D ST
HAYWARD, CA 94541

I am familiar with this business' practice for collection and processing of correspondence for mailing, and that correspondence will be enclosed in a sealed envelope with postage fully prepaid and deposited with the U.S. Postal Service on the date herein above in the ordinary course of business at Hayward, California.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on **08/08/22**, at Hayward, California.

Norma Marples

Norma Marples
Sr. Secretary
510-583-4930