

**TOWN OF FAIRFAX  
STAFF REPORT**

**TO: Mayor, Members of the Town Council**

**FROM: Michael Rock, Town Manager**  
**Jim Moore, Director of Planning and Building Services**  
**Mark Lockaby, Building Official** 

**DATE: May 2, 2012**

**SUBJECT: Adoption of Resolution 12-28 declaring the conditions at 6 San Gabriel Drive (APN: 001-173-06) a Public Nuisance and ordering the Town Manager to abate the Nuisance**

**RECOMMENDATION**

Staff recommends the Town Council adopt the attached resolution 12-28 declaring the described conditions on the property to be a public nuisance and specifically:

- 1) Order the Town Manager to cause the abatement of the nuisance by hiring a building contractor to remove the bamboo fencing, remove construction debris, and complete minor landscaping.
- 2) Hire a towing company to remove the two abandoned motor vehicles.
- 3) Prior to abatement by a building contractor and towing company, the owners will be given notice and a final ten day period of time in which to remedy the listed Code violations on the property. Any abatement will be completed in accordance with applicable law.
- 4) Unless written permission is obtained from the property owner, authorize the Town Attorney to seek a warrant to enter the property and abate the nuisance conditions.
- 5) Town staff will return to Council at a future date to report on the abatement and request the costs of abatement be charged to the property owners as a special assessment lien on the property.

**DISCUSSION**

The property located at 6 San Gabriel Drive is a single family residence owned by David McDonald that suffered severe fire damage on January 6, 2003. An application to repair the damage caused by the fire was approved by the Town Council on June 22, 2005. A building permit for construction was issued on December 22, 2005.

After the building permit was issued, reconstruction was sporadic and then stopped sometime in 2008. The building permit has now expired due to a lack of activity for six consecutive months. The status of the property today is that the framing of the house is complete - but work on the plumbing, electrical, mechanical, insulation, drywall, finish work, and fixtures has not started.

On April 17, 2009 Mr. McDonald met with the Planning Director and Building Official, at which time an offer was made to Mr. McDonald to allow for the temporary delay of finishing construction if he would (1) take down the deteriorated bamboo fence and replace it with a four foot high wood one, (2) landscape the yard, and (3) paint the house. Mr. McDonald agreed to complete these tasks.

Unfortunately, Mr. McDonald did not complete the three agreed upon tasks. All that occurred after the meeting was that two old cars were stored / abandoned in the driveway – which only worsened the condition of the property.

At this time, staff is requesting authorization to remove the illegal fencing and replace it with fencing in compliance with the Town Code, and remove the construction materials and debris, overgrown vegetation and the abandoned motor vehicles.

## **BACKGROUND**

The conditions that constitute a public nuisance at 6 San Gabriel Drive have been evident for the last several years and concerned neighbors have been asking staff and council to help abate the situation. The chronology of events that have led to this point in time are as follows:

- On June 22, 2005 the Town Council approved the proposed reconstruction project, after hearing an appeal.
- On December 22, 2005 a building permit is issued for reconstruction of the property.
- On May 3, 2006 project construction starts.
- On January 21, 2007 construction permit expires due to inactivity.
- On February 9, 2007 reissued the construction permit after consultation with the Town Attorney.
- In March 2007 the then Planning Director (Ann Welsh) and Building Official (Mark Lockaby) meet with Mr. McDonald. Mr. McDonald is advised that staff cannot reissue the permit a third time without full fees being paid, and that he must then complete the project in a timely matter. Mr. McDonald agrees to quickly finish the project. Staff reissues the building permit.
- On June 19, 2008 progress stalled, and an "order to start work" was issued.
- On April 17, 2009 Planning Director Jim Moore and Building Official Mark Lockaby met with Mr. McDonald to discuss the lack of progress, and the unsightly conditions. Mr. McDonald states that he is out of the funds required to continue the project. Mr. McDonald is advised that if he completes a few minor items that the Town will not pursue immediate legal action. Mr. McDonald agrees to take down the bamboo fence, complete some minor landscaping and paint the house.
- On April 13, 2010 a citizen complains that they have noticed Mr. McDonald unloading van loads of items into the home. They allege this has been going on for months.
- On April 14, 2010 a notice of violation is sent certified and regular mail to Mr. McDonald demanding that the stored items be removed from the house or administrative citations will be issued.
- On April 16, 2010 the Town Building Official inspects the entire house, garage, attic, and under floor areas. No stored items were found.
- On April 9, 2012 a notice to abate a public nuisance is posted at 6 San Gabriel, sent certified and regular mail.

## TOWN CODE VIOLATIONS:

1. **Unpermitted over height fence:** The temporary chain-link fence exceeds the allowable height within six feet of the front property line and needs to be removed.

### § 17.044.080 FENCES, WALLS, HEDGES AND BULKHEADS.

(A) A fence, wall, hedge or bulkhead, maintained so as not to exceed six feet in height, may be located along side and rear lot lines; provided that, fences, walls, hedges or bulkheads may be maintained at higher heights only after obtaining a variance from the Planning Commission.

(B) Fences, walls and hedges may be located in required yards as follows.

(1) If not exceeding at any point four feet in height above the elevation of the surface of the ground at such point, they may be located in any yard or court.

(2) If not exceeding at any point six feet in height above the elevation of the surface of the ground at such point, they may be located at any point to the rear of the front setback line.

2. **Uncompleted reconstruction & landscaping; and abandoned motor vehicles:** The reconstruction of the damaged home and landscaping improvements have not been completed, and there are two old abandoned motor vehicles being stored in the driveway.

### § 1.12.045 SUBSTANDARD OR DANGEROUS PROPERTY CONDITIONS.

No occupant shall cause or allow any condition on its property, or on an adjacent sidewalk, which unreasonably increases the risks to public safety or public health, or which results in substantial detriment to the property of others in the immediate vicinity thereof. Such conditions include but are not limited to the following:

(A) A building or structure which is structurally unsafe, partially destroyed, **remains in an unreasonable state of partial construction for an unreasonable period of time**, a fire hazard or otherwise dangerous.

(C) A building exterior, wall, **fence**, driveway, sidewalk or walkway which is so defective or deteriorated that it poses a hazard or is otherwise materially detrimental to nearby properties.

(D) A property **maintained so poorly** that it is out of conformity with community maintenance standards as set forth in this Code or otherwise by the town, and which substantially diminishes the use of neighboring properties.

(F) An accumulation of litter, refuse, rubbish, **lumber**, debris, **salvage materials** which are visible from public or private property or otherwise in violation of this Code.

(I) Dead, decayed, diseased or hazardous trees, **weeds or overgrown vegetation** which is likely to harbor rats, vermin or other pests, or which protrudes over or across a city street or sidewalk so as to substantially obstruct the clear passage of vehicles or pedestrians.

(K) The presence of **abandoned**, dismantled, wrecked or **inoperable motor vehicles**, motorcycles, recreational vehicles, trailers, campers, boats or parts thereof, except when such vehicles are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property.

## ATTACHMENTS

Exhibit 1: June 19, 2008 Order to Start Work

Exhibit 2: April 14, 2010 Notice of Town Code Violation

Exhibit 3: April 9, 2012 Notice to Abate

Exhibit 4: April 16, 2012 Letter from Law Offices of Shapiro & Shapiro

Exhibit 5: April 18, 2012 Letter to Law Offices of Shapiro & Shapiro  
Exhibit 6: April 26, 2012 Letter from David McDonald Requesting 90 days  
Exhibit 7: April 26, 2012 Neighborhood petition in support of Mr. McDonald  
Exhibit 8: April 27, 2012 Neighborhood flyer  
Exhibit 9: Photo of rock garden  
Exhibit 10: Photo of property  
Exhibit: Photo of 6 San Gabriel Drive

## RESOLUTION 12-28

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DECLARING THE CONDITIONS AT 6 SAN GABRIEL DRIVE A PUBLIC NUISANCE AND ORDERING THE TOWN MANAGER TO ABATE THE NUISANCE**

**WHEREAS,** the California Government Code sections 38771 *et seq.* and the Fairfax Town Code (“Code”) Chapter 1.12 provide for the declaration of a public nuisance on private property that is being maintained in violation of the Town Code; and

**WHEREAS,** the Town Council may order the Town Manager to abate any public nuisance; and

**WHEREAS,** the property at 6 San Gabriel Drive in Fairfax (Assessor’s Parcel Number (APN) 001-173-06) is being maintained in violation of provisions of the Town Code; and

**WHEREAS,** the specific violations include the following:  
Town Code sections 17.044.080, fence over permitted height, and 1.12.045 (A) a building or structure which remains in an unreasonable state of partial construction for an unreasonable period of time, (C) fence deteriorated, (D) property maintained poorly, (F) lumber and salvage materials visible, (I) overgrown vegetation, and (K) abandoned motor vehicles; and

**WHEREAS,** the property owner has been notified of the violations that constitute a public nuisance and has failed to bring the property into compliance with applicable Codes; and

**WHEREAS,** at this time, the Town is seeking to perform only those abatements the property owner previously agreed to complete, but, to date, has failed to complete. These items are removal of the abandoned motor vehicles, illegal fencing, construction material and overgrown vegetation and replacement of the illegal fencing with fencing in compliance with the Town Code.

**WHEREAS,** the property owner was notified of the Town Council hearing on this matter.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Fairfax as follows:

1. The property at 6 San Gabriel in Fairfax, APN 001-173-06, is being maintained in violation of Town Code sections 17.044.080, and 1.12.045(A), (C), (D), (F), (I), and (K).

2. The listed conditions existing at 6 San Gabriel Drive are hereby declared to be a public nuisance.

3. Owner shall remove the illegal fencing and replace it with fencing in compliance with the Town Code, and remove the construction material and debris, the abandoned motor vehicles and the overgrown vegetation on the property within 15 days.

4. If the owner does not comply by removing and replacing the illegal fencing, removing the construction material and debris, the abandoned motor vehicles and the overgrown vegetation within 15 days of the date of this Resolution, the Town Council authorizes and orders the Town Manager to abate the nuisance by (a) hiring a contractor to remove and replace the fencing and remove the construction materials and debris, and complete the landscaping; (b) hire a towing company to remove the two abandoned cars; and (c) with regards to fence, construction debris, and two vehicles removed from the property, notice the owner that the items will be held for ten days at the contractor's warehouse and the tow company's yard and thereafter disposed of if not retrieved.

5. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was duly passed and adopted at a Regular Meeting of the Town Council of the Town of Fairfax held in said Town on the 2nd of May, 2012 by the following vote, to wit:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Pam Hartwell-Herrero, Mayor

Attest:

\_\_\_\_\_  
Judy Anderson, Town Clerk

DO NOT REMOVE THIS NOTICE

# ORDER TO START WORK

**CAUSE:** Total lack of construction progress due to no one working on project. There have been no electricians, plumbers, carpenters, sheet metal workers, laborers, painters, landscapers, or any other construction workers needed to complete project. Failure to resume work will result in the town abating the situation and placing a lien on the property to cover associated costs.

**6 San Gabriel**

**Town of Fairfax**  
Building Department  
142 Bolinas Road  
(415) 458-2370

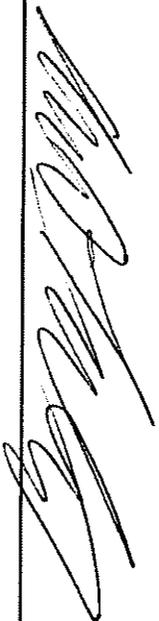
BY:  DATE: 6-19-2008  
TITLE: BUILDING OFFICIAL

EXHIBIT # 1



## TOWN OF FAIRFAX

142 Bolinas Road, Fairfax, California 94930  
(415) 453-1584 / Fax (415) 453-1618

April 14, 2010

David McDonald  
6 San Gabriel Drive  
Fairfax, CA 94930

Certified Letter # 7009 0080 0001 9429 2355

Also sent first class mail

## NOTICE OF VIOLATION

Re: Building Permit 05-471(expired)

Dear Mr. McDonald,

It has come to the attention of the Department of Planning and Building Services by personal observation that the structure located at 6 San Gabriel Drive, Fairfax, CA is being used in violation of the Fairfax Municipal Code and the California Building Code:

**CBC 110.1 Use and Occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.

All the items that have been placed in the structure must be removed completely from the property within twenty (20) days of the date of this letter. Failure to remove all of the items from the property by May 5, 2010, will result in the Town issuing an administrative citation in the amount of \$100.00. Continued failure to comply will result in fines increasing to \$200.00 and then to \$500.00. Once the fine reaches \$500.00 the fines will continue to accrue at the rate of \$500.00 per day until compliance is achieved.

Once the items have been removed please contact the Department of Planning and Building Services 458-2370 to arrange an inspection.

Sincerely,

Mark Lockaby

Building Official

EXHIBIT #

2



## **TOWN OF FAIRFAX**

142 Bolinas Road, Fairfax, California 94930  
(415) 453-1584 / Fax (415) 453-1618

4-9-2012

Sent regular and certified mail # 7010 3090 0001 9562 5996

### **NOTICE TO ABATE PUBLIC NUISANCE**

TO THE OWNER, AGENT OF THE OWNER, LESSEE, OCCUPANT, OR PERSON IN POSSESSION OF THE PROPERTY HEREAFTER DESCRIBED:

6 San Gabriel Fairfax, CA 94930 Lot 001 Block 173 Tract 06

YOUR ATTENTION IS HEREBY DIRECTED to the provisions of Chapter 1.12 of the Code of the Town of Fairfax on file in the office of the Town Clerk. Pursuant to the provisions of said Chapters, you are hereby notified to correct within 20 days of the date of this notice, on the property herein before described, the following public nuisances:

**Unpermitted over height fence.** The temporary bamboo fence exceeds the allowable height within six feet of the front property line and needs to be removed.

#### **§ 17.044.080 FENCES, WALLS, HEDGES AND BULKHEADS.**

(A) A fence, wall, hedge or bulkhead, maintained so as not to exceed six feet in height, may be located along side and rear lot lines; provided that, fences, walls, hedges or bulkheads may be maintained at higher heights only after obtaining a variance from the Planning Commission.

(B) Fences, walls and hedges may be located in required yards as follows.

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(2) If not exceeding at any point six feet in height above the elevation of the surface of the ground at such point, they may be located at any point to the rear of the front setback line.

#### **§ 1.12.045 SUBSTANDARD OR DANGEROUS PROPERTY CONDITIONS.**

No occupant shall cause or allow any condition on its property, or on an adjacent sidewalk, which unreasonably increases the risks to public safety or public health, or which results in substantial detriment to the property of others in the immediate vicinity thereof. Such conditions include but are not limited to the following:

**EXHIBIT #**

**3**

(A) A building or structure which is structurally unsafe, partially destroyed, **remains in an unreasonable state of partial construction for an unreasonable period of time**, a fire hazard or otherwise dangerous.

(C) A building exterior, wall, **fence**, driveway, sidewalk or walkway which is so defective or deteriorated that it poses a hazard or is otherwise materially detrimental to nearby properties.

(D) A property **maintained so poorly** that it is out of conformity with community maintenance standards as set forth in this Code or otherwise by the town, and which substantially diminishes the use of neighboring properties.

(F) An accumulation of litter, refuse, rubbish, **lumber**, debris, **salvage materials** which are visible from public or private property or otherwise in violation of this Code.

(I) Dead, decayed, diseased or hazardous trees, **weeds or overgrown vegetation** which is likely to harbor rats, vermin or other pests, or which protrudes over or across a city street or sidewalk so as to substantially obstruct the clear passage of vehicles or pedestrians.

(K) The presence of **abandoned**, dismantled, wrecked or **inoperable motor vehicles**, motorcycles, recreational vehicles, trailers, campers, boats or parts thereof, except when such vehicles are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property.

Should you fail to correct this violation by the deadline above, a hearing will be held before the Town Council on May 2, at 7:00 o'clock, in the Fairfax Women's Building, 46 Park Road, Fairfax, California.

Please be advised that if you do not abate this nuisance as directed by this notice, or as directed by the Town Council, the Town may enter upon the property to abate the public nuisance and the Town's costs thereby incurred shall constitute a special assessment and a lien against the property.

Date April 9, 2012



Mark Lockaby  
Building Official

EXHIBIT # 3

**LAW OFFICES OF  
SHAPIRO & SHAPIRO  
404 SAN ANSELMO AVENUE  
SAN ANSELMO, CA 94960-2612  
415-453-7611  
415-453-2829 (Facsimile)**

**RECEIVED  
APR 17 2012  
TOWN OF FAIRFAX**

April 16, 2012

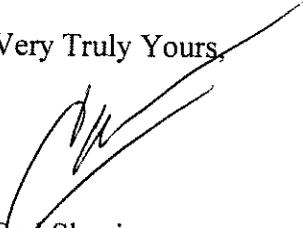
Town of Fairfax  
142 Bolinas Road  
Fairfax, CA 94930

Re: 6 san Gabriel, Fairfax, CA 94930 Lot 001 Block 173 Tract 06

Dear Friends:

I am writing this letter in response to your letter, dated April 9, 2012, to the abovementioned property owner. In your letter, you provided the property owner 20 days in which to abate certain permitting violations. The property owner wishes to comply, but would like more time to do so. Therefore, I am writing today to kindly ask for an extension of the 20 day deadline.

Very Truly Yours,



Carl Shapiro

**EXHIBIT #**

**4**



## TOWN OF FAIRFAX

142 Bolinas Road, Fairfax, California 94930  
(415) 453-1584 / Fax (415) 453-1618

April 18, 2012

Carl B. Shapiro  
Law Offices of  
Shapiro and Shapiro  
404 San Anselmo Ave.  
San Anselmo, Ca 94960

Re: 6 San Gabriel, Fairfax, CA 94930

Dear Mr. Shapiro,

I have reviewed your request for additional time with great care. Mr. McDonald has been wishing to comply with our requests for almost six years. Given the amount of time that has passed without his wishes coming true, it is time for Mr. McDonald to lift even a small finger in his own behalf to complete the several minor tasks. So, unfortunately, I cannot grant any additional time.

However, if Mr. McDonald was to put forth even the slightest effort to complete something, anything, before the Council hearing, I will advocate strongly in his favor for extra time.

If you require additional information regarding this matter, please feel free to contact me.

Sincerely,

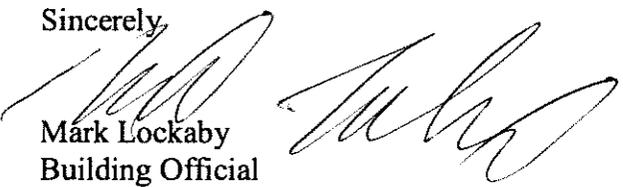
  
Mark Lockaby  
Building Official

EXHIBIT # 5

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APR 26 2012

TOWN OF FAIRFAX / MARK LOCKABY :  
RESPONSE STATEMENTS

TOWN OF FAIRFAX

AS YOU POINT OUT, IT HAS BEEN ALMOST 5 YEARS AGO THAT THE FENCE HAS BEEN IN PLACE THAT YOU REQUESTED BAMBOO CLADING ON. THIS FENCE IS NECESSARY TO SECURE THE PROPERTY AND HAS STOOD THE TEST OF TIME IN FUNCTIONALITY AND REASONABLENESS, THOUGH A FRESH CLADING OF BAMBOO MIGHT BE IN ORDER.

THERE WAS MUCH SLANDEROUS ACCUSATION ABOUT THE **PEACE** HARBORING RATS, WHILE IT IS WELL KNOWN THAT THE ENTIRE UNDERLAYMENT OF THE STRUCTURE IS COVERED WITH AT LEAST 6 INCHES OF CONCRETE!

THERE WERE COMMENTS OF THE STRUCTURE ROTTING AWAY, WHEN IN FACT IT MAY BE THE ONLY HOUSE IN FAIRFAX WITH A 50 YEAR SIDING AND A 50 YEAR ROOF!

AS FOR THE SOUNDNESS OF THE STRUCTURE ITSELF, IT IS EXTRAORDINARILY OVERBUILT AS TO COMPARE WITH VIRTUALLY ANY HOUSE IN MARIN

ALL WEEDS AND VEGETATION ARE TOTALLY UNDER CONTROL, AND CONTINUES TO BE WORKED ON SINCE THE SLANDEROUS NOTICE WAS POSTED **EXHIBIT # 6**

ACCORDING TO AT LEAST 3 OR MORE NEIGHBORS.

NO LUMBER IS VISIBLE, AND WHAT LITTLE THERE IS HAS BEEN TIDILY ORGANIZED FOR A LONG, LONG TIME, AND WOULD HAVE BEEN POINTED OUT ON AT LEAST TWO OF YOUR PRIOR VISITS, WERE THIS NOT THE CASE. AND THE SAME WITH THE DEGREE OF CONSTRUCTION, WHERE IT IS NOT ONLY OVERBUILT, BUT SOUNDLY LOCKED, AND VERY MUCH SECURED.

THE FIRST AUTOMOBILE IS POSTED FOR SALE AT THIS TIME (NEITHER WERE EVER ABANDON) --- (THERE WERE TWO CARS IN A TWO CAR DRIVEWAY WITH COVERS ON THEM)

WORK ON MAINTENANCE, AND THE YARD HAS PROCEEDED AT A REASONABLE PACE ON AN APPROXIMATELY EVERY OTHER DAY BASIS.

EXPOSING THE PROPERTY WITH A LOWER FENCE --- THAT, AS YOU POINT OUT, HAS FUNCTIONED FOR AT LEAST FIVE YEARS, IS NOT LOGICAL OR REASONABLE, AND WOULD EXPOSE THE CITY TO UNEEDED CO-CULPABILITY AT THIS TIME. 4 FT. FENCE ESTIMATE PENDING

AT LEAST 3 OR MORE NEIGHBORS ARE O.K. WITH IT, INCLUDING THE ONE DIRECTLY ACROSS THE STREET. ~~██████████~~ ---

EXHIBIT # 6

LASTLY, I AM SUFFERING FROM A SEVERE HEALTH ISSUE, AND SHOULD NOT BE EXERTING MYSELF TOO STRENUOUSLY AT THIS TIME, WITHOUT THE CITY BEING ADDITIONALLY RESPONSIBLE FOR MY CONDITION.

GIVEN THE WORK THAT HAS BEEN ACCOMPLISHED SO FAR, WORK YET TO BE DONE --- PROGRESSING AT A REASONABLE PACE --- ESPECIALLY IN LIEU OF MY HEALTH SITUATION, AND THE VIRTUALLY MALICIOUS INTENT (HOWEVER UNWITTINGLY) --- OF --- ELIZABETH FRONEBERGER AT #120, SUSAN AND JAMES BLAKELEY AT #100, AND RICHARD AND JANNICE HEGLUND AT #84 (ALL SAN GABRIEL DRIVE) --- EACH AND ALL PARTIES WOULD BE HELD EQUALLY RESPONSIBLE.

WHAT I AM ASKING THE COUNCIL IS FOR 3 MONTHS MORE TIME TO RECEIVE THE MONEY BY WHICH I CAN AFFORD A REPLACEMENT FENCE.

EXHIBIT # 6

P.S. - THE NEWLY INSTALLED ROCK/ART INSTALLATION IS BEING SUBMITTED TO "FINE GARDENING", AND/OR SUNSET MAGAZINE, AS A WATER WISE "IN LIEU OF LAWN SITUATION", AND, THE NEW WALKWAY ADJACENT --- REMAINS EXEMPLARY AS THE ORCHIDS BLOOMING ABOVE IT! THE EXTREME IRONY OF ALL THIS, IS THAT I AM IN THE PROCESS OF WRITING A BOOK, A SERIOUS PORTION OF WHICH --- REVIEWS LANDSCAPE OPTIONS.

EXHIBIT # 6

BUILDING DESIGN EXCELLENT OR AT THE LEAST VERY GOOD,  
DELAY ON FENCE (REPLACEMENT INSTALLATION ALSO O.K.) ---

①

I do not have a problem with the  
The David McDonald at #6 San Gabriel Dr.  
have a little time to reduce fence.

Michael Keelen 49 San Gabriel Dr Fairfax, Va.

MICHAEL KEELLEN  
5/5/12

24 San Gabriel

We have no problem with the work  
at #6 San Gabriel.

Neil Shirley

③

115 Merind - I don't want to see  
David McDonald lose the house and it is  
unreasonable to give him such a short time  
frame as two weeks. Having said that I would  
like to see it completed and, at least, have the appearance  
of being occupied.

Robert Ahera

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APR 26 2012

TOWN OF FAIRFAX

EXHIBIT #

7

MIKE BUTTLER 51 SAN GABRIEL DR. FAIRFAX

I may or may not like a certain style of  
architecture and landscaping. But the concept  
of private ownership and a person's right to select  
what they prefer is the larger issue.

④

5) Henrik Hartz 33 Vista Way

While I look forward to Mr. McDonald completing his project I feel he should be granted the 3 months he is requesting for financial reasons.

6) Heinrich Secker, 17 Vista Way

I FIND THE HOUSE STYLE AND DESIGN ARE ONE WITH THAT OF THE NEIGHBORHOOD. IF WE NEED 3 MONTHS TO GET HIS FENCE DOWN, IT DON'T SEE THE PROBLEM.

THE HOUSE ISN'T HARBORING RATS. IT'S NEW!!

7) TORY JANSON 129 MARINDA DR.

Asking for 3 months to put up the fence seems a reasonable request given how long it might take to put this up.

8) Tringali, 210 Marinda Drive

It's neither here nor there for us. Three months seems reasonable to us. *Mun n*

9) I HAVE NO PROBLEM WITH THE SCHEDULE TIMING FOR FENCE AT HOUSE JOAKS GREAT - @ Mallo -

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APR 26 2012

TOWN OF FAIRFAX

10) Mary Lindbergh 16 San Gabriel CT - 3 MOS OK.

EXHIBIT # 7

#11 25 SAN GABRIEL DRIVE

3 months for improvements is reasonable and acceptable to me.

Robert Pzyg

#12 Edward & Virginia Park --- FENCE O.K.  
39 San Gabriel Rd

#13 - Allison Hatter - 3 more months to fix fence - no problem

#14 - Joanna Brook 12 Vista Way  
I agree with a 3 month allotment to wait on the fence

#15 Corinne Santerio #105 SAN GABRIEL  
OK  $\pm$  3 month allotment to wait for fence

#16 Kevin Daniel, I don't have any problem with allowing a 3 month extension to build a fence.  
SAN GABRIEL DR

#17 3 months seems like a reasonable amount of time to have improvement met *Scott*

#18 We're on the next street over, but it sure seems reasonable to me!

*Mimi M*

MARINDA ST.

(19) Give 3 months to repair the fence.  
Will Nelson 232 Marinda Dr.

(20) PLEASE ALLOW AT LEAST 3 MONTHS:  
John Q. Peterson 6 MARINDA CT.

(21) Give 3 months to repair the fence.  
Natalie Kirk 236 Marinda Dr.

(22) 3 months in construction is NOT unreasonable.  
Michael Jones 256 Marinda Dr., FL

April 25, 2012

City Hall- Town of Fairfax  
Attn: Town Council  
142 Bolinas Road  
Fairfax, CA 94930

RECEIVED

APR 27 2012

TOWN OF FAIRFAX

Re: Public Hearing on 5/2/12/ 6 San Gabriel Drive

To the Town Council:

I have been asked by David McDonald of 6 San Gabriel Drive, Fairfax, to write a letter regarding the timing of his fence being completed. He has been ordered by the Town to replace his 6 foot high fence with a 4 foot high fence and he was given a due date of *4/29/12*

In the interest of being neighborly, I would not object if the Town saw fit to allow an additional 60 day time frame extension for the completion of this project by Mr. McDonald. I feel strongly that the existing fence has to go, but an additional 60 days is ample time for Mr. McDonald to comply with the Town's wishes/ordinances.

Unfortunately I cannot attend the Town meeting on this subject due to a prior commitment; however, if you have any questions, you can reach me at (415) 497-9877 during the day and at (415) 485-0923 in the evenings.

Sincerely,



Maureen O'Connell  
7 San Gabriel Drive

EXHIBIT # 7

**HELLO MARINDA OAKS NEIGHBORS.....**

**After years of neighborhood frustration,  
the Fairfax Town Council  
has set a hearing to decide what should be  
done regarding the long-neglected  
property at #6 San Gabriel Drive.**

**THIS HEARING IS SET FOR  
WEDNESDAY, MAY 2, 7:00 p.m.  
at the FAIRFAX WOMEN'S CLUB**

**Your presence at the meeting is an important  
indicator of the neighborhood concern  
regarding this property.**

RECEIVED

APR 26 2012

*Michael & Martine Curran*

TOWN OF FAIRFAX

*Council member Mr. David Weinsoff has been instrumental  
in having this item placed on the agenda. Please  
thank him for his interest in resolving the matter.*

EXHIBIT #

8

**PUBLIC HEARING ITEM**

**6 San Gabriel Drive**

Request that the Town Council declare the property a nuisance and in violation of Town Code sections 1.12.045(A), (C), (D), (F), (I), and (K) due to the structure remaining in an unreasonable state of partial construction for an unreasonable period of time, a 6 foot construction fence that exceeds the permitted 4 foot fence height limitation and is in a state of disrepair, the storage of two inoperable vehicles, storage of lumber and salvage materials and general poor maintenance of the site such that it renders the property out of conformity with community maintenance standards; Assessor's Parcel No. 001-173-06; Residential Single-family RS 7.5 Zone, David McDonald, owner.