



TOWN OF FAIRFAX

STAFF REPORT

September 4, 2013

TO: Mayor and Town Council

FROM: Mark Lockaby, Building Official *ML*

SUBJECT: Discussion/consideration of the status of the clean up of property located at 159 Willow

RECOMMENDATION

1. Open/close public hearing
2. Direct staff to continue to monitor the clean up of 159 Willow and take actions as appropriate, including the use of the nuisance abatement process, to gain compliance of the owner.

DISCUSSION

The property located at 159 Willow is a single family residence owned by Gina Longo that has an accumulation of miscellaneous items located on the property. These items consist of, but are not limited to: plywood, old newspapers, sheet metal ductwork, cardboard boxes, plastic tarps, plastic storage cabinets, ropes, metal wire, coffee pots, miscellaneous spray cans, old stereo components, wood shelving, electrical wire, electrical cords, electric fans, old tires, old television sets, wood scraps, bicycle tires, bicycle wheels, metal scraps, plastic gas cans, gas powered mini bike, gas powered go-cart, non-operational vehicles, and many other salvaged items. The items are haphazardly strewn around the property.

The conditions on the property violate Town code. Specifically, Municipal Code Section 1.12.045 (D), (F), (G), (K), (N), (R). These violations which constitute a public nuisance have been going on and off many years. The concerned neighbors have periodically asked the Town to help with abating the situation. The following is a brief history of the code compliance issues facing the property:

- On May 10, 2006 Town Staff requests access to the property to inspect for illegal 2nd and 3rd living units in the basement and exterior shed. Access was granted shortly after the request, and no other living units were found.
- On June 6, 2008 a notice was sent requesting that the property be cleaned of litter around the exterior of the property. The litter was removed within a short time after the notice.

AGENDA ITEM # 18

- On August 13, 2009 a notice was sent requesting that the property be cleaned of litter around the exterior of the property. The litter was removed within a short time after the notice.
- On August 21, 2012 a notice was sent requesting that the property be cleaned of litter around the exterior of the property. Most of the litter was removed shortly after the notice.
- On July 24, 2013 a notice was sent requesting that town staff be allowed to inspect the property to determine if 2nd and 3rd living units are located in the basement and exterior shed. The notice also requested that litter be cleaned up. Some of the litter was cleaned up but access to check for 2nd and 3rd units had not been granted.
- On August 21, a notice was sent and posted notifying the owner that this issue would be discussed at the upcoming council meeting to be held September 4, 2013. At the time of posting the property, most of the litter had been placed in a large dumpster. Vehicles have been removed. However, access to check for 2nd and 3rd living units has not yet been granted.

The owner appears to be making process in cleaning up the site over the past week. Staff will report on the owner's progress at the Council meeting. At this time, staff is recommending we continue working with the owner to remedy the code violations. If staff reaches an impasse, the possibility exist that the property will then be subject to the nuisance abatement process.

FISCAL IMPACT

Many hours of staff time have been spent over the years dealing with issues at 159 Willow

ATTACHMENTS

Exhibit 1: Notice requesting an inspection to check for illegal living units May 10, 2006

Exhibit 2: Notice to remove litter June 6, 2008

Exhibit 3: Notice to remove litter August 9, 2009

Exhibit 4: Notice to remove litter August 21, 2012

Exhibit 5: Notice to remove litter and to allow an inspection to check for illegal living units July 24, 2013

Exhibit 6: Notice to owner of council meeting to discuss the conditions at 159 Willow

Exhibit 7: Photo of 159 Willow



TOWN OF FAIRFAX

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

5-10-2006

Roy Murrin
159 Willow
Fairfax, CA 94930

Sent: Certified mail #7002 0860 0008 7718 0448

Re: Construction and Site Improvements
At: 159 Willow Ave
APN: 001-192-06

Dear Mr. Murrin:

The Town of Fairfax Building Department has had several complaints regarding construction activities at 159 Willow Ave.

After reviewing the file for 159 Willow Ave, and reviewing the resale report from 2-7-2000, it appears that a significant amount of work has been done without the proper permits, engineering or planning approval. Satellite pictures confirm structures other than one single-family residence built in 1949. Additionally there have been no permits issued for construction since 1957, for a kitchen addition.

Please contact this office no later than **6-10-2006** to arrange a site inspection. If tenants currently occupy the allegedly occupied structures, please arrange access to allow the inspector to determine the scope of work performed without planning or permits. Failure to contact this office and arrange an inspection by **6-10-2006** will result in the Town of Fairfax seeking an inspection warrant from the Superior Court.

I can be reached at (415) 458-2370 during normal working hours.

Sincerely,

Mark Lockaby
Building Department

EXHIBIT #

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TOWN OF FAIRFAX

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

June 6, 2008

SENT BY REGISTERED MAIL
7002 0860 0008 7718 0363

Copy sent first class mail

Gina Longo
159 Willow Avenue
Fairfax, CA. 94930

NOTICE TO REMOVE LITTER

RE: 159 Willow Avenue; Assessor's Parcel No. 001-192-06; Litter Violations of Town Code

Dear Ms. Longo,

The Town has received several complaints about this property and the accumulating garbage, boxes, bottles, suitcases and other household items being stored in and around the property. Town staff has also verified this by visual inspection and has determined that the litter is a danger to the public health, safety and welfare. This is a violation of Section 8.12.120 of the Town Code, which requires owners to maintain property free of litter [see enclosed].

Please remove the litter, and when it has been removed please contact the Fairfax Building Official to schedule an inspection by calling the inspection schedule line at (415) 453-2263.

While we prefer to gain compliance with the Town regulations voluntarily, if we have to, we will take steps to force your compliance in accordance with Section 8.12.150 of the Town Code.

THEREFORE, YOU ARE HEREBY NOTIFIED that should you fail to clean up the property within fifteen (15) days of your receipt of this notice, [or thirty (30) days after the date of this notice if it is returned to the Post Office because of its inability to make delivery (December 13, 2007),] the Town will begin proceedings in accordance with Town Code Section 8.12.150 to

EXHIBIT #

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clean up your property. Under Town Code Section 8.12.160, the costs of such clean up, plus accrued interest, shall become a charge added to your property tax bill. [See enclosed copies of code sections.]

Sincerely,

Mark Lockaby
Building Official

A handwritten signature in black ink, appearing to read 'Mark Lockaby', is written over the typed name and title.



TOWN OF FAIRFAX

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

August 13, 2009

SENT BY REGISTERED MAIL
7007 2680 0002 3557 1791

Copy sent first class mail

Gina Longo
159 Willow Avenue
Fairfax, CA. 94930

NOTICE TO REMOVE LITTER

RE: 159 Willow Avenue; Assessor's Parcel No. 001-192-06; Litter Violations of Town Code

Dear Ms. Longo,

The Town has received several complaints about this property and the accumulating garbage, boxes, bottles, suitcases and other household items being stored in and around the property. Town staff has also verified this by visual inspection and has determined that the litter is a danger to the public health, safety and welfare. This is a violation of Section 8.12.120 of the Town Code, which requires owners to maintain property free of litter [see enclosed].

Please remove the litter, and when it has been removed please contact the Fairfax Building Official to schedule an inspection by calling the inspection schedule line at (415) 453-2263.

While we prefer to gain compliance with the Town regulations voluntarily, if we have to, we will take steps to force your compliance in accordance with Section 8.12.150 of the Town Code.

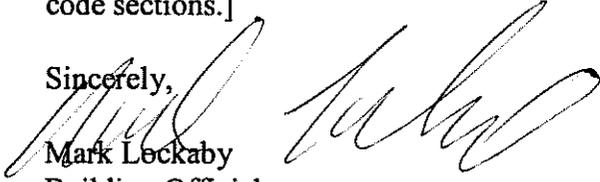
THEREFORE, YOU ARE HEREBY NOTIFIED that should you fail to clean up the property within fifteen (15) days of your receipt of this notice, [or thirty (30) days after the date of this notice if it is returned to the Post Office because of its inability to make delivery (August 13, 2009),] the Town will begin proceedings in accordance with Town Code Section 8.12.150 to

EXHIBIT # 3

clean up your property. Under Town Code Section 8.12.160, the costs of such clean up, plus accrued interest, shall become a charge added to your property tax bill. [See enclosed copies of code sections.]

Sincerely,

Mark Lockaby
Building Official

A handwritten signature in black ink, appearing to read 'Mark Lockaby', is written over the typed name and title.



TOWN OF FAIRFAX

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

August 21, 2012

SENT BY REGISTERED MAIL
7011 1150 0000 8062 1290

Copy sent first class mail

Gina Longo
159 Willow Avenue
Fairfax, CA. 94930

NOTICE TO REMOVE LITTER

~~RE: 159 Willow Avenue; Assessor's Parcel No. 001-192-06; Litter Violations of Town Code~~

Dear Ms. Longo,

The Town has received several complaints about this property and the accumulating garbage, boxes, bottles, suitcases and other household items being stored in and around the property. Town staff has also verified this by visual inspection and has determined that the litter is a danger to the public health, safety and welfare. This is a violation of Section 1.12.045 of the Town Code, which requires owners to maintain property free of litter [see enclosed].

Please remove the litter, and when it has been removed please contact the Fairfax Building Official to schedule an inspection by calling the inspection schedule line at (415) 453-2263.

While we prefer to gain compliance with the Town regulations voluntarily, if we have to, we will take steps to force your compliance in accordance with Section 1.12.055 of the Town Code.

THEREFORE, YOU ARE HEREBY NOTIFIED that should you fail to clean up the property within fifteen (15) days of your receipt of this notice, [or thirty (30) days after the date of this notice if it is returned to the Post Office because of its inability to make delivery (August 13, 2009),] the Town will begin proceedings in accordance with Town Code Section 1.12.115 to clean up your property. Under Town Code Section 1.12.130, the costs of such clean up, plus accrued interest, shall become a charge added to your property tax bill. [See enclosed copies of code sections.]

Sincerely,

EXHIBIT #

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Mark Lockaby
Building Official

§ 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.
- (B) A building or structure having dry rot, warping or termite infestation or one on which the paint or finish has become so deteriorated as to permit dry rot, warping or termite or similar infestation as to render the building or structure in a state of disrepair.
- (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.
- (E) A building or structure which because of obsolescence, dilapidated condition, deterioration, damage, electrical wiring, gas connections or other cause is in such a condition as to constitute a fire hazard.
- (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.
- (G) Abandoned, discarded or unused furniture, bedding, appliances, sinks, machinery, toilets, cabinets, or other fixtures or equipment stored in a place visible from public or private property.
- (H) An attractive nuisance to children, including but not limited to equipment, machinery, pools, ponds or excavations which may be hazardous to children.
- (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.

(J) Pooled oil or hazardous or toxic material or substance, as so defined by any federal, state or local law, stored or accumulated in an unapproved container or in violation of any federal, state, or local law; or a substance other than clear water flowing onto a public right-of-way or adjacent properties; or excessive accumulation of grease or oil on paved surfaces, buildings, walls, fences or other structures.

(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.

(L) Parking of a vehicle, trailer, camper, or storage of other personal property on private property for an unreasonable period of time on other than a surface of asphalt, concrete, interlocking paving stones, brick, flagstone or other similar all-weather material which would prevent the accumulation of weeds and other conditions which constitute a hazard.

(M) Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of animal excrement.

(N) Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of stagnant water which acts as a mosquito or other insect or disease breeding ground; rotting produce; or a substance which produces a noxious odor; provided, however, that this section shall not be construed to prohibit composting of reasonable amounts of yard waste.

(O) The presence of stagnant water, unrefilled excavations, eroded or eroding earth or sand which flows onto adjoining sidewalks or street, or eroded or eroding earth or sand which in normal weather conditions can be carried off or blown from the property as dust.

(P) The accumulation of any kind of combustible material.

(Q) Any defective wiring, switches, gas lines, valves, pipes or any other component parts of the electric, gas, water, or plumbing systems.

(R) Violation of any provision of the Fairfax Town Code.

(S) Any condition recognized in law or in equity as constituting a public nuisance.

(Ord. 734, passed 6-18-2008)



TOWN OF FAIRFAX

142 Bolinas Road, Fairfax, California 94930

(415) 453-1584 / Fax (415) 453-1618

July 24, 2013

Certified letter # 7013 0600 0002 2501 1925

Also sent 1st class mail

Gina Longo
159 Willow Avenue
Fairfax, CA. 94930

NOTICE OF ZONING ORDINANCE AND CALIFORNIA BUILDING CODE VIOLATIONS

RE: 159 Willow Avenue; storage of non-operational vehicles, possible unpermitted uses of accessory structures, possible multiple living units and litter

Dear Ms. Longo,

The Town has received a complaint that possible Zoning Ordinance and Building Code violations exist on the property you own at 159 Willow Avenue. Please contact Mark Lockaby, the Fairfax Building Official, to arrange a time for staff to inspect the entire property, including the interior of all buildings, as soon as possible. An inspection will allow the Town to determine if any Zoning and/or Building Code violations exist. After the inspection we will provide you with written notification of any corrections that need to be made to bring the property into compliance with both the Fairfax Zoning Ordinance and the California Building Code.

If you have any questions regarding this matter, please contact the Department of Planning and Building Services.

Sincerely,

Linda Neal
Senior Planner

cc. Garrett Toy, Town Manager
Jim Moore, Director of Planning and Building Services

EXHIBIT # 5



TOWN OF FAIRFAX

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

August 21, 2013

Sent regular and certified mail #7013 0600 0002 2501 1901

Gina Longo
159 Willow Ave.
Fairfax, CA 94930

NOTICE TO ABATE PUBLIC NUISANCE

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

Lot 001 Block 192 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 14 Days of the date of this notice, on the property herein before described, the following public nuisance:

1.12.045 Substandard or Dangerous Property Conditions.

(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.

(G) Abandoned, discarded or unused furniture, bedding, appliances, sinks, machinery, toilets, cabinets, or other fixtures or equipment stored in a place visible from public or private property.

(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.

(N) Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of stagnant water which acts as a mosquito or other insect or disease breeding ground; rotting produce; or a substance which produces a noxious odor; provided, however, that this section shall not be construed to prohibit composting of reasonable amounts of yard waste.

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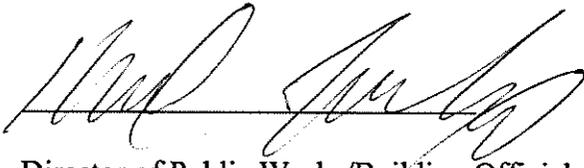
(R) Violation of any provision of the Fairfax Town Code.

1. Use of accessory structure(s) and/or basement area for living space

Should you fail to correct this violation by the deadline above, a hearing will be held before the Town Council on **September 4, 2013**, at **7 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 August 21, 2013



Director of Public Works/Building Official

Town of Fairfax



EXHIBIT # 7