



# DEPARTMENT OF PUBLIC WORKS

Quality, Excellence, Innovation

Rosemarie R. Gaglione  
DIRECTOR

March 22, 2023

Administration  
PO Box 4186  
San Rafael, CA 94913-4186  
415 473 6528T  
415 473 3799 F  
415 473 3232 TTY  
CRS Dial 711  
www.marincounty.org/pw

Subject: San Anselmo Response Letter

David P. Donery, Town Manager  
525 San Anselmo Avenue  
San Anselmo, CA 94960

Dear David,

Accounting  
Administrative Services  
Airport

I am writing in response to your letter dated January 13, 2023, in which you asked for consideration of three options that might lead to continued use of the BB2 structure as a public space for the Town of San Anselmo.

Building Maintenance  
Capital Projects  
Certified Unified Program Agency (CUPA)

The County is appreciative of the Town's willingness to work collaboratively with the County and the Marin County Flood Control District (District) towards reducing flooding in the Ross Valley. We understand that the pedestrian plaza was a great benefit to businesses during the pandemic and that the termination of that use is a loss to the Town.

Communications  
Maintenance  
Disability Access  
Engineering & Survey

The structure was closed to public use because in my capacity as the County Engineer I have deemed it to be unsafe for that purpose. Another important clarification to make is that the District, which purchased BB2, is a separate agency from the County and can only use its funds for flood control purposes.

Fleet Operations  
Flood Control & Water Resources  
Land Development  
Procurement  
Real Estate  
Reprographic Services

Assuming that the structure could be reinforced so as to be safe for public use, any reinforcement of the structure would require forensic investigation of its construction because the plans are not available. Exploratory excavation would require permits and would need to be performed during the dry season; plans would have to be prepared and then permits obtained for construction during the next dry season in 2024, which is when the structure is scheduled to be demolished. The District has a grant from DWR to help pay for removal of the structure, and that expires at the end of 2024.

Road Maintenance  
Stormwater Program  
Transportation & Traffic Operations  
Waste Management

I have discussed the options you proposed with staff and now have the following responses.

**1. County Repair and Town Lease: Consider making repairs to BB2 structure to allow for public use and lease the property to the Town.**

The District purchased the property with District and DWR grant funds for the sole purpose of removing the structure in order to reduce flooding in San Anselmo. The District cannot justify spending additional funds on the repair of a structure that is slated to be demolished. Zone 9 funds are only to be used for flood control purposes, and not to attempt to repair an obstacle to creek flow. Reinforcing the structure would also mean that the District's demolition plans would have to be modified to deal with removal of those reinforcements and it would cost the District more money to remove the structure.

**2. Town Repair and Town Lease: Consider allowing the Town to make agreed upon repairs to the BB2 structure and lease the space back to the Town for public use. If the County is willing to pursue this potential approach, Town staff would seek the Town Council's support for funding for the repairs and indemnifying the County for liabilities related to the use of the property.**

The District is the owner of BB2 and it was purchased with Zone 9 and DWR grant funds for the purpose of removal. In my capacity as County Engineer I have deemed the structure to be unsafe for public use. In fact, it is being regularly monitored for evidence of movement that could potentially necessitate emergency removal. Even assuming that the structure could be repaired, those repairs would be extensive. They would also take one dry season of forensic excavation and testing, plans drawn up, permits acquired and then any construction in Summer of 2024, which is when the District anticipates demolishing the structure. Even if the District were open to this idea, there is not enough time remaining. And even if there was time, allowing such work would make the demolition more expensive to the District which would not be an acceptable use of District funds. But indemnification is not complete protection and the District, and potentially the County, could be subject to all losses that exceed the Town's capacity to absorb.

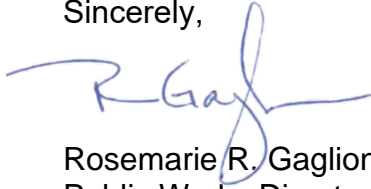
Most importantly, this is about public safety – human life – much more than it is about financial liability. Further, even if the Town were to accept all liability and fund repairs, the District purchased BB2 for the sole purpose of removing the structure to alleviate flooding in the Ross Valley. The District is committed to seeing this project to completion and therefore finds that any repairs to the structure are not in the District or the public's best interest.

**3. Sell the Property to Town: Consider the potential sale of the property to the Town with the agreement that the Town sell the property back to the County once construction of the SAFRR project is imminent. If the County is willing to entertain this possible approach. Town staff would seek input from the full Town Council before pursuing a purchase.**

Construction of the SAFRR project is imminent. The structure will be demolished no later than October 15, 2024. The DWR grant to the District expires at the end of 2024, and the bridge demolition and removal must be completed by then.

Although this may not be the response you were hoping for, the District is committed to completing the flood mitigation project in San Anselmo and the County and District look forward to continuing to work collaboratively with the Town towards that effort.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Gaglione". The signature is fluid and cursive, with a large initial "R" and a long horizontal stroke extending to the right.

Rosemarie R. Gaglione, P.E.  
Public Works Director

CC: Katie Rice, Board of Supervisor, Marin County  
Matthew Hymel, CAO Marin County  
Jenna Brady, County Council, Marin County  
Berenice Davidson, Assistant Director, Marin County  
Brain L. Colbert, Town of San Anselmo  
Alexis Fineman, Town of San Anselmo  
Megan Acevedo, Town of San Anselmo  
Sean Condry, Town of San Anselmo  
Bruce Ackerman, Town of Fairfax