

TOWN OF SAN ANSELMO  
RESOLUTION NUMBER 3301

A RESOLUTION OF THE TOWN OF SAN ANSELMO DECLARING THE PROPERTY LOCATED AT ASSESSOR'S PARCEL NUMBER 00611708 SAN ANSELMO, CALIFORNIA, 94960, TO BE A PUBLIC NUISANCE AND ORDERING THE REHABILITATION OF THE PROPERTY THEREOF

WHEREAS, violations of the San Anselmo Municipal Code, have been documented in the March 13, 1995 letter to the property owner, Richard Wendell,

WHEREAS, the property owner of record has been duly notified of the problems associated with the property according to Municipal Code procedures, and has received the abovementioned document,

WHEREAS, the health and life safety violations outlined in the above notices have not been corrected within the specified time frame; the property is in a potentially dangerous condition, and to constitute a public nuisance as set forth in the San Anselmo Municipal Code,

WHEREAS, the following documents were introduced and made part of the official record as follows:

Exhibit "A"	March 13, 1995 letter
Exhibit "B"	March 31, 1995 permission letter
Exhibit "C"	April 10, 1995 Engineer's Report
Exhibit "D"	April 14, 1995 Notice of Hearing

WHEREAS, the following persons were duly sworn in and testified: Wayne Bush, Chief Building Official of the Town of San Anselmo, the above individuals testified that the building and premises are a health and safety hazard to the public because of the condition of the premise,

THEREFORE, IT IS HEREBY RESOLVED:

(1) The property located at Assessor's Parcel Number 00611708 in San Anselmo, in the Town of San Anselmo, by reason of its safety hazards as delineated in the above documents is a public nuisance;

- Property damage has been sustained as a result of the mudslide. The passable street has been reduced to less than 8 feet.
- The mudslide on and/or adjacent to the subject property has not been repaired.
- Without sufficient evidence to the contrary, the mudslide must be considered a risk to the public as additional sliding may occur.

- The roadway must be stabilized.
- The property owner has failed to show evidence of progress towards removing the hazard.

(2) The Property owner is directed to cause repairs to the mudslide to be completed in a timely manner, commencing with submittal of construction design no later than June 20, 1995. Failure to provide said design by above date will result in the Town causing the design to be performed and the slide repaired at the owner's expense.

In the event the owner fails to abate the nuisance as directed by the Council and the Town is required to abate the nuisance, either directly or through judicial process, the expense of the abatement thereof shall constitute a personal obligation of the property owner(s), and the Council may assess the costs of such abatement as a special assessment against the land. The cost of such abatement shall include all costs, whether directly or indirectly incurred, including staff time and litigation expenses related to the abatement.

(3) The Town Administrator is directed to cause to be conspicuously posted a copy of this Resolution on the subject property and to mail a copy of the Resolution to the owner;

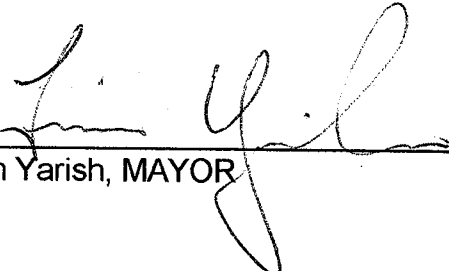
(4) The owner or other interested person wishing to contest the validity of these proceedings in a court of law must do so within thirty (30) days after passage of this Resolution or all objections shall be deemed waived and all legal actions thereafter barred.

I hereby certify that Resolution Number 3301 was duly passed and adopted at a regular meeting of the Town Council held on April 25, 1995 by the following vote:

AYES: Breen, Chignell, Hodgens, Kroot, Yarish

NOES: (None)

ABSENT: (None)

  
\_\_\_\_\_  
Tim Yarish, MAYOR

ATTEST:

  
\_\_\_\_\_  
Caroline M. Foster, Town Clerk

EXHIBIT "A"

## TOWN OF SAN ANSELMO

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
525 SAN ANSELMO AVENUE, SAN ANSELMO, CA 94960



March 13, 1995

Mr. Richard Wendell  
517 Christopher Way  
Windsor, CA 95492  
re: APN 006-117-08

Dear Mr. Wendell:

On Thursday morning March 9, 1995 a mudslide occurred on Sequoia Drive, from either on or adjacent to property which is owned by you.

A concerned neighbor has taken steps to stabilize the site by contacting the construction contracting firm of W.J. Forde. Site drainage was diverted away from the slide and the scarp was partially covered with plastic tarp to prevent additional rains from affecting the slide.

This is to advise you that this slide appears to be your responsibility, and that public safety must be ensured immediately. As you know, Sequoia Drive is an unaccepted right-of-way, and as such, adjacent property owners are responsible for right of way maintenance.

You are requested to take all necessary steps to stabilize the area, and provide a report from a licensed engineer which rationally assesses the stability of the slide area, particularly the stability of the adjacent roadway, and any potential hazards to downhill properties. You are to provide this report as soon as possible. Any remedial recommendations made in this report must be performed in a timely manner. Failure to provide a professional assessment of the risks to the public will result in the matter being scheduled for a Public Hearing by the Town Council for formal declaration of a Public Nuisance pursuant to San Anselmo Municipal Code Section 1-2.04.

I await your prompt response.

Sincerely,

Wayne T Bush,  
Director of Public Works/Town Engineer

THOMAS C. NELSON (1892-1975)  
THOMAS P. BOYD (1914-1985)  
D. K. MACDONALD  
PETER E. MITCHELL  
TERREL J. MASON  
TODD C. HEDIN

# EXHIBIT "B"

NELSON, BOYD, MACDONALD, MITCHELL,  
MASON & HEDIN  
ATTORNEYS AT LAW  
COURTHOUSE SQUARE  
1000 FOURTH STREET, SUITE 375  
SAN RAFAEL, CALIFORNIA 94901-3188

AREA CODE 415  
TELEPHONE 453-0534

FAX 453-0441

March 31, 1995

Town of San Anselmo  
Town Hall  
525 San Anselmo Avenue  
San Anselmo, CA 94960

VIA FAX (415) 454-4683  
ORIGINAL VIA U.S. MAIL

Attention: Wayne Bush, Public Works

Re: Unimproved Lot on Sequoia Drive, San Anselmo  
A.P. No. 6-117-08

Dear Mr. Bush:

This letter will serve to confirm the statements made to the Town Counsel at its meeting of March 28, 1995 that the owners of the above-referenced lot, Richard and Wendy Wendell, hereby consent and authorize the Town of San Anselmo and their authorized representatives to enter upon the vacant lot on Sequoia Drive (A.P. No. 6-117-08), located across from 300 Sequoia Avenue. This authorization and consent is given for the purposes for the Town of San Anselmo and its duly authorized representatives to conduct soils testing and to allow a soils engineer to conduct and prepare a site evaluation.

We would request that the Wendells be contacted prior to any repair work being commenced on the property, unless in the event of an emergency or public safety otherwise dictates that you take immediate action.

Because of the short time frame involved, I am unable to obtain the Wendells' signature on this letter, however, I do have their authorization to grant this consent for access to the subject property. Should you require a signature by the Wendells', please advise.

Thank you for your anticipated cooperation and attention to this matter.

EGLEVL

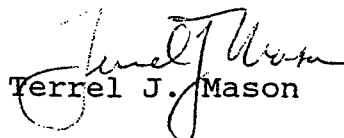
APR - 3 1995

TOWN OF SAN ANSELMO

Very truly yours,

NELSON, BOYD, MacDONALD, MITCHELL,  
MASON & HEDIN

By

  
Terrel J. Mason

TJM:eh

cc: Mr. and Mrs. Richard Wendell

# EXHIBIT "C"

10 April 1995



SALEM HOWES ASSOCIATES INC.  
GEOTECHNICAL CONSULTANTS

Mr. Wayne T. Bush, P.E.  
Director of Public Works  
Town of San Anselmo  
826 San Anselmo Avenue  
San Anselmo, CA 94960

RECEIVED

APR 14 1995

TOWN OF SAN ANSELMO  
File: 300SEQUO.LT1  
Job : 9504029-H

Subject: Preliminary Report  
Landslide  
vic. 300 Sequoia Drive  
San Anselmo

To date we have made several topographic sections, mapped the local geology and drilled six test borings in the area of the landslide below 300 Sequoia Drive. Based on these data we have arrived at these preliminary conclusions and recommendations.

## Public Safety and Road Closure

At present there is a seven foot scarp below the usable roadway. The material in the scarp is dry and hard. Ground water is seeping out of the slope at the base of the scarp. We have not observed any further deterioration in the slope since our initial visit on 29 March. We judge that the road is safe for normal car and light truck traffic (less than ~~one tone~~ <sup>2000 lb</sup> GVW) for the present; no concrete, lumber or other heavy trucks should be permitted. To maintain this status, we recommend a routine weekly evaluation and a special inspection following any period of heavy rain. In an emergency it is passable for fire; however, they should not use a type one engine for drills or hydrant testing as the road may not withstand multiple passes of a 33,000 pound vehicle.

## Causes of Slope Failure

Based on the investigation to date our best judgment of the cause of the slope failure is excess ground water pressure on an oversaturated slope. During our soils investigation our borings filled with water to the surface as soon as we finished the drilling. We checked the road camber and

observed that a portion of the road above the drop inlet and the area in front of #300 Sequoia directs surface water into the slide area. However, we are very familiar with the previous condition of the roadway and judge that the removal of the crown and new paving did not significantly change the distribution of the surface runoff and would not, in itself, be a contributing factor to the slope failure.

Slopes weather and change with time. Periods of drought and rain affect the subsurface water ways and surface weathering changes the composition of the soil layer. Due to the intensity and repetitive nature of the rain storms this season we have experienced an abnormal number of slope failures in Marin. All of these failures obviously survived the 1982 and 1986 record winter before succumbing to this one. Most of these failures have occurred in similar locations where old right-of-ways were developed across drainage swales without engineering supervision. Basically the cause of the failure was an uncontrolled man-made fill slope which was placed at too steep of an angle and forming a dam across an old drainage swale.

#### Recommended Remedial Action

Considering the data developed during our geotechnical investigation and the intent to minimize the truck traffic on Sequoia Drive we considered the following options:

- \* A retaining wall below #300
- \* A reinforced earth buttress from the road below
- \* A rockfill rip-rap buttress from the road below
- \* A gabion (rock in wire cages) wall below the upper roadway

We dismissed the first three for construction costs, aesthetics, and volume of export and import material. The last option which is shown on the attached sketch requires the least amount of imported material and presents a 'soft' plantable surface. While we did not perform any engineering calculation on the wall design, we judge from empirical data that this indicated design is very close to the engineered version. The

construction of this type of wall would not place any load on the lower wall and would not require a deep keyway above the lower roadway.

#### Estimate Costs

We only had the chance to run this design by one engineering contractor who has the equipment and expertise to construct this type of wall. His 'back of the envelope' estimate, based on sketches and photographs, was between \$60-80,000 to place the indicated gabion wall and over \$100,000 to do a reinforced buttressed fill.

#### Conclusion

Based on the data developed to date our preliminary recommendation is to repair the road using a gabion wall. We judge that subject to any additional rain the road is safe for car and light truck traffic. We recommend a weekly observation program to evaluate road safety until the remedial work is completed.

We trust this provides you with the information required for your evaluation of this property. If you have any questions or wish to discuss this further please give us a call.

Very truly yours,

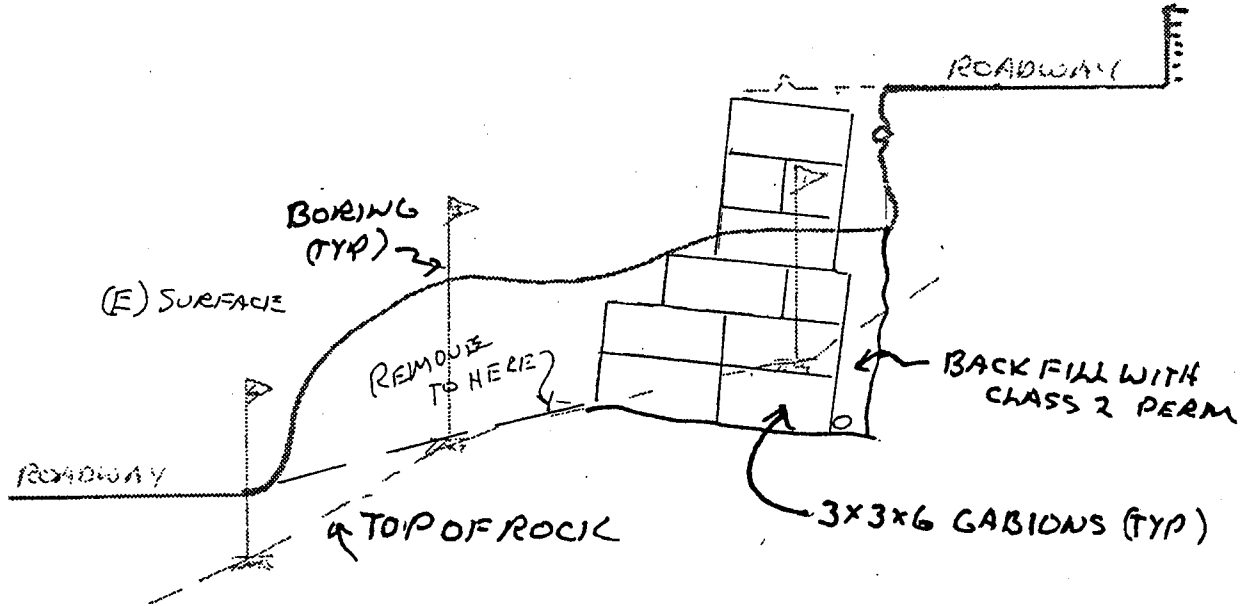
For SalemHowes Associates, Inc

  
E Vincent Howes

Geotechnical Engineer  
Engineering Geologist  
GE #965 exp. 3/31/98  
CEG #1252 exp. 8/31/95



Attachment: Sketch, recommended slide repair



EXPORT - 350 yd<sup>3</sup> SLUMP MATERIAL  
IMPORT - 280 yd<sup>3</sup> ROCK FILL  
▲

SKETCH RECOMMENDED SLIDE REPAIR.  
1" = 10'

REV 1



**EXHIBIT "D"**

**TOWN OF SAN ANSELMO**

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
525 SAN ANSELMO AVENUE, SAN ANSELMO, CA 94960



**TOWN OF SAN ANSELMO**  
**NOTICE OF HEARING**

**DATE:** April 14, 1995

**TO:** Property Owner, Sequoia Drive

**FROM:** Town of San Anselmo Public Works

**Re:** Assessor's Parcel Number 00611708

Notice is hereby given that a public nuisance exists on the abovementioned property and that the Town Council will be considering abatement proceedings. You, as the property owner shown on the last equalized assessment roll, are directed to appear before the Council and state why the nuisance shall not be abated.

**HEARING DATE:** April 25, 1995.

**TIME:** 8:00 P.M.

**PLACE:** Town Council Chambers, 525 San Anselmo Ave, San Anselmo.

**DESCRIPTION:** S.A.M.C. Section 1-2.03 Public Nuisance  
(Mudslide on property)