

‘AN AWFUL YEAR’

SAN RAFAEL

Couple heads anxiously into winter as landslide threat looms

By **Keri Brenner**

kbrenner@marinij.com @KeriWorks on Twitter

For 16 years, Stacy and Vince Clark and their two children enjoyed a more or less idyllic lifestyle in the Bret Harte neighborhood of San Rafael, tucked in against the hillside and removed from the bustle of downtown and the light industrial district just minutes away.

But their peace and serenity ended in the heavy rains Jan. 10, when a culvert failed on Irwin Street atop the hillside and directly above their home, collapsing a chunk of roadway and sending a swath of mud and debris down on their backyard.

Now, 10 months later, as the rainy season again approaches, the landslide is a terraced monolith of industrial gray tarps dotted with sandbags — a reminder that it’s not over yet.

“It’s been an awful year,” said Stacy Clark, a commercial real estate broker. “I’m looking forward to 2018.”

With the help of Greenbrae attorney Len Rifkind, the Clarks are working with the city to find both short-term and long-term fixes — and the money to pay for them. If all goes as planned, the slide should be repaired by next spring, meaning the family will need to endure a second winter of living in potentially risky and unstable conditions.

“The Clarks recognize

the city is trying to make good faith efforts to repair the slide,” Rifkind said on Thursday. “It’s very expensive to repair a landslide — I understand the city can only do what the city can do.”

He added, however, that the Clarks are “very concerned that when we get major storm events, they

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— *Len Rifkind, Greenbrae attorney*



Stacy Clark eyes the tarp-covered slide zone behind her San Rafael home Friday. The hill in the Bret Harte neighborhood gave way last January.

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The landslide behind the Clark residence occurred when a culvert failed on Irwin Street.

the city on July 10. A 45-day window for the city to respond after that has expired, meaning the claim is considered to be rejected, Rifkind said.

Under city statute, the Clarks have six months after rejection to file a lawsuit against the city — but that period can be extended if circumstances, such as a construction schedule, merit it, Rifkind said. In this

might consider going to a hotel, and not risk their safety.”

Meanwhile, both City Attorney Rob Epstein and Public Works Director Bill Guerin say they understand the urgency of the Clarks’ plight and are doing everything they can to come up with a solution.

“I went up there and looked at it immediately after the slide,” Epstein said. “It’s really scary for the folks involved — and we recognize that.” Once the Federal Emergency Management Agency — which is involved because the president declared a federal disaster area in California after the winter storms — approves a completed final design, Guerin anticipates the slide repairs and reconstruction work will start next spring.

“The city has been working with FEMA to create an acceptable solution to shore up Irwin Street and repair the slide area,” Guerin said. “FEMA has approved our geotechnical report and has also approved the city to proceed with the design of repairs.”

Meanwhile, the city has “winterized” the area with tarps and sandbags — and is discussing a possible “catchment” fence to hold off any debris that may come down the hill this winter. The fence would likely be installed atop a shelf below Irwin Street that was created by city contractors who removed a lot of the debris immediately after the slide.

“The city is doing the best it can under difficult circumstances,” Rifkind said. “We’re appreciative of all the winterization efforts that have gone on.”

Other efforts will include clearing and relining the culvert on Irwin Street and likely closing the road to traffic on a temporary basis — the latter something Rifkind said he supports.

“I prefer not to have a truck fall down the hill into their house,” he said.

On the financial end, the Clarks filed a tort claim for damages with

case, contractors must wait until the rains stop in the spring to do the repairs, so an extension may be appropriate and necessary, he said.

“We’re not looking to file a lawsuit,” Rifkind said. “We’re just looking get the problem resolved.”

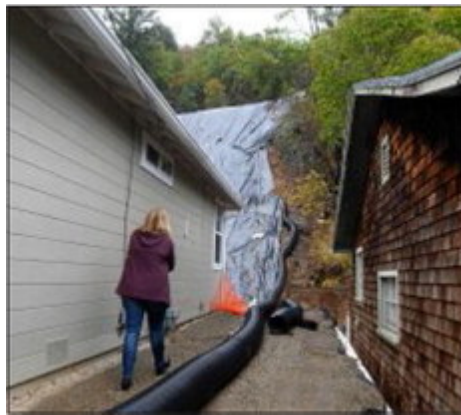
Nonetheless, the Clarks say they don’t want the city to forget about them.

The couple appeared in person last Monday before San Rafael City Council to state their case publicly and for the record, Stacy Clark said.

“We want to work with (the city), and we don’t want to throw them under the bus,” she said, in explaining their appearance before the council. “But you know, you have to be a squeaky wheel — that was our goal.”

They also wanted their neighbors to know what was going on so that the community could gain some clarity on what was happening, Stacy Clark said.

“It’s been really nice (living in Bret Harte),” she said. “Hopefully (the city) will do the right thing, and it will continue to be nice.”



San Rafael resident Stacy Clark heads toward the landslide area behind her home in the Bret Harte neighborhood on Friday. The hillside has been in disrepair for 10 months.

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