



City of San Clemente Engineering

Art G. Johnson, Senior Public Works Inspector
Phone: (949) 361-6123 Fax: (949) 361-8316

Tuesday, December 22, 1998

Ms. Mimi E. Meyers
119 Avenida Valencia
San Clemente, CA 92672-4241

Subject: Drainage Problem

Dear Ms. Meyers:

In response to your request and also at the request of your neighbor, Mrs. Cariker, I made an inspection of the drainage problem at the rear of your property. I recommended that the property owners of 124 Avenida Princesa, 126 and 128 Avenida Princesa, get together with you and try to solve the problem. The existing V-ditch could be lined with plastic and held in place with sandbags for a temporary repair, but the ditch should be extended and be constructed with concrete for a long term solution.

Please find attached a handout that might be helpful.

Very truly yours,

Art G. Johnson
Senior Public Works Inspector

cc: Mr. and Mrs. Richard Cariker
126 Avenida Princesa
San Clemente, CA 92672

Mrs. M. Johnson
124 Avenida Princesa
San Clemente, CA 92672

c:\letters\150aj



City of San Clemente Engineering

William E. Cameron, City Engineer

Phone: (949) 361-6120 Fax: (949) 361-8316

December 1, 1998

Mr. Raymond E. Johnson
[REDACTED]

Subject: Slope and Drainage System Damage Behind 926 and 928 Avenida Salvador, STAT No. 33685

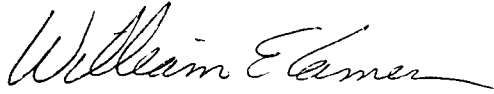
Dear Mr. Johnson:

This is to provide a status report of the City Engineering Division's investigation of your request that the public storm drain and erosion of the slope supporting your property be immediately repaired. As both Art Johnson, Senior Construction Inspector, and I have stated to you in telephone conversations, the City of San Clemente does not have easements over, own or maintain the V-ditch and splash wall at the lower end of your property. The City's records indicate no easements ever being granted to, or maintenance responsibility accepted by the City for the area in question. The grading plan for your tract shows that the V-ditch is located on the properties of the owners fronting Avenida Salvador. If your next door neighbor is draining runoff water through a pipe onto your property, that is a private property owner issue between you and your neighbor.

As further information, the City has received a letter from a representative of the owner at 605 Avenida San Juan, which is directly below your property, raising concerns about the drainage system and slope. City staff has recommended that the owner of 605 Avenida San Juan immediately make repairs to the slope and drainage system and, at a minimum, at least cover the slope with plastic. It is recommended that you contact your neighbors at 926 Avenida Salvador and 605 Avenida San Juan to cooperatively develop a plan and make repairs to the privately-owned drainage system and slopes.

If you should have any further comments or questions, please feel free to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Cameron". The signature is fluid and cursive, with a long horizontal stroke at the end.

William E. Cameron
City Engineer

cc: Art Johnson, Sr. Public Works Inspector
File 11.12

c:\letters\063wec.doc



104-336-85

October 25, 1998

Mike Parness, City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, CA. 92672

RE: Repair of Public Storm Drain - - In back of
926 and 928 Ave. Salvador, San
Clemente, CA

Dear Mr. Parness,

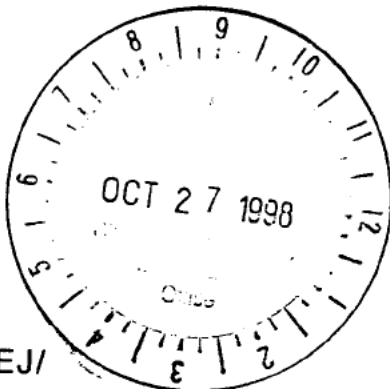
I want to bring to your attention damage to a public storm drain that needs repair. This public storm drain carries the storm water flows from the homes on the West side of Ave. Salvador north of Ave. San Juan. The heavy rainfall during last February's storms caused this public storm drain to overflow from upslope drainage resulting in extensive erosion damage to the down slope property on Ave. San Juan and to the public storm drain in back of my property at 928 Ave. Salvador and adjoining upstream property. The enclosed four copies of photographs show this damage. The sand bags were put in place last March by the San Juan property owner.

To prevent further devastating damage from this winter's storms to the San Juan property, the public storm drain and erosion of the slope supporting my property, the City needs to take immediate action to repair the public storm drain.

Please call if you need additional information and/or to let me know when the repairs will be made.

Thank you for your prompt attention to this matter.

Sincerely yours



Raymond E. Johnson
Raymond E. Johnson

REJ/

Enc: Copies of four photographs



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER
(714) 498-2533 FAX (714) 361-8281

February 13, 1996

Mr. Ralph Rodrigues
1211 Avenida Buena Suerte
San Clemente, CA 92672

Subject: **Clean-Up of Slopes Between Avenida Buena Suerte and Avenida Salvador -
STAT No. 9756**

Dear Mr. Rodrigues:

In response to your request last week, our Senior Construction Inspector, Art Johnson, did a quick inspection of the slopes between Buena Suerte and Avenida Salvador. He agreed that property owners owning the slopes need to do some maintenance of their slopes and drains. Attached is a copy of a letter from Mr. Johnson to the property owners reminding them of the need to properly maintain their slopes. He also recommended that the property owners get together and form some type of slope maintenance association to perform regular maintenance of the slopes. We have again sent a letter to property owners on both streets as a courtesy to those concerned property owners at the bottom of the slopes. The City has no obligation to do any inspections or maintenance of slopes in this area since they are privately owned.

Sincerely,

William E. Cameron
City Engineer

cc: Art Johnson, Senior Construction Inspector
File 11.12 and STAT No. 9756

c:\letters\017.wec



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-8281

February 13, 1996

Mr. Arthur Schleger
914 Avenida Salvador
San Clemente, CA 92674

Subject: Abatement Order of December 22, 1993 for 914 Avenida Salvador

Dear Mr. Schleger:

On January 5, 1996 I made an inspection of your property to determine if the repairs required by the Abatement Order of December 22, 1993 were completed.

In my opinion, the repairs made are adequate and the unsafe condition of the abatement order has been corrected

Sincerely,

Art Johnson
Senior Construction Inspector

cc: William E. Cameron, City Engineer
Lynn Hughes, Marine Safety Captain

c:\letters\50.aj

CITY OF SAN CLEMENTE

WRITTEN ORDER TO ABATE PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN, PURSUANT TO SECTIONS 16A-1(C) OF THE CODE OF THE CITY OF SAN CLEMENTE, THAT THE FOLLOWING MATTER HAS BEEN DECLARED TO BE A PUBLIC NUISANCE:

SUBJECT: Unsafe slope condition at 914 Avenida Salvador, San Clemente, CA 92672.

DETERMINATION: The unsafe slope condition has been determined to be a public nuisance.

ABATEMENT PERIOD: Nuisance to be abated by January 14, 1994.

METHOD OF ABATEMENT: The owner shall repair the slide that filled the concrete V-ditch as the result of the January 1993 storm by removing and recompacting the slide area. Additionally, the horizontal railroad ties shall be further supported with vertical metal pipes at intermediate points between the vertical railroad ties. The owner shall contact Frank Smith, of the City Engineers' office, upon completion of work. A City Inspector will review the repairs and if the repairs are found to be adequate, the City Engineer may write the owner a letter confirming that the owner has complied with this order. Lastly, it is recommended that the owner obtain a copy of the City Recommendations with regard to slope repairs and follow the suggestions it provides.

NOTICE IS FURTHER GIVEN THAT if above nuisance is not abated by time, date and manner set forth as the "Abatement Period", City Code Section 16A-11 will apply, which reads as follows: Section 16A-11. Abatement by City. If the property owner does not completely abate the nuisance in the manner required by the written order within the Abatement Period, the City Manager shall cause the nuisance to be abated by City forces or private contract, and the City Manager is authorized to pursue any and all legal means necessary to enter upon the premises for such purpose. BE FURTHER ADVISED THAT the cost of abating the nuisance may constitute a special assessment against the property and may be recorded in the County recorders office as a lien against the property.

DATED: December 23, 1993


HEARING OFFICER (name)



CITY OF
SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-8281

cc: Art

February 7, 1996

Property Owners

904, 906, 908, 910, 912, 914, 916 and 918 Avenida Salvador
1211, 1213, 1215, 1217 Avenida Buena Suerte
San Clemente, CA 92672

Dear Property Owner:

On January 5, 1996, an inspection of the slope behind your property was made by this office. We found mud, vegetation and debris blocking portions of the terrace drain. We also discovered a disconnected 6" plastic pipe in the lower terrace drain and cracks in the upper and lower terrace drains.

I urge you to clean the terrace drains and connect the 6" pipe and repair the cracks as soon as possible. The terrace drains should be inspected by the property owners after each rain and maintained as necessary. A final solution to this on-going problem would be the formation of a slope maintenance association. Please consider this and discuss with your neighbors.

Sincerely,

Art Johnson

Senior Construction Inspector

cc: William E. Cameron, City Engineer
File 11.12

c:\letters\200.aj

CITY OF SAN JOSE
AND COUNTY OF SANTA CLARA
SAN JOSE, CALIFORNIA

1/10/10

TO: Mike [illegible]
FROM: [illegible]

YOUR OFFICE REQUESTED AN INSPECTION OF THE TELLER
DRAIN ON THE BANK BEHIND THE RESIDENCE OF JOY AND
JIM AVE. SAN JOSE. YOU WILL FIND PICTURES ATTACHED
SHOWING THE PRESENT CONDITION AND
THE PROPOSED IMPROVEMENTS TO THE PROPERTIES IN THESE
AREAS.

THESE ARE THE CULVERTS THAT RUN UNDER THE
DRAINAGE DITCHES USED TO PHYSICALLY MONITOR AND MAINTAIN
AND ALSO REPAIR THE CULVERTS THAT NEED ATTENTION.

THE LAST HEAVY RAIN THAT HIT THIS HILLSIDE, THE
CULVERTS WERE NEVER MAINTAINED, DAMMED UP THE
WATER FLOW AND CAUSED THE GUSHING WATER TO LEAVE
THE CONSTRUCTED CULVERTS AND FORM NEW PATHS
DESTROYING GOOD HILLSIDE GROWTH THAT'S
NEEDED TO PROTECT THIS HILLSIDE & THUS CAUSING
MUCH GRIEF AND HEAVY EXPENSE THAT SHOULD
OF NEVER HAPPENED. TO THE RESIDENCES BELOW
THEM.

EACH YEAR THIS AREA DETERIORATES, THEREFORE,
CREATING A VERY HAZARDOUS SITUATION FOR THOSE

Bill

Ralph Rodriguez

1211
Buena Suerte

Water running down
eroding property above him.

drains
plugged
up
above

Ch. St. Drain
Check tree
Across St.

Due Report

Ralph Rodriguez

1211 AVE. BUENA SUERTE
SAN CLEMENTE, CA 92672

NY QUESTIONS —

714/492-9542

Fax 714/498-5421

12/5/95 1600

HILLSIDE PICTURES TAKEN

914

904

906

908

910

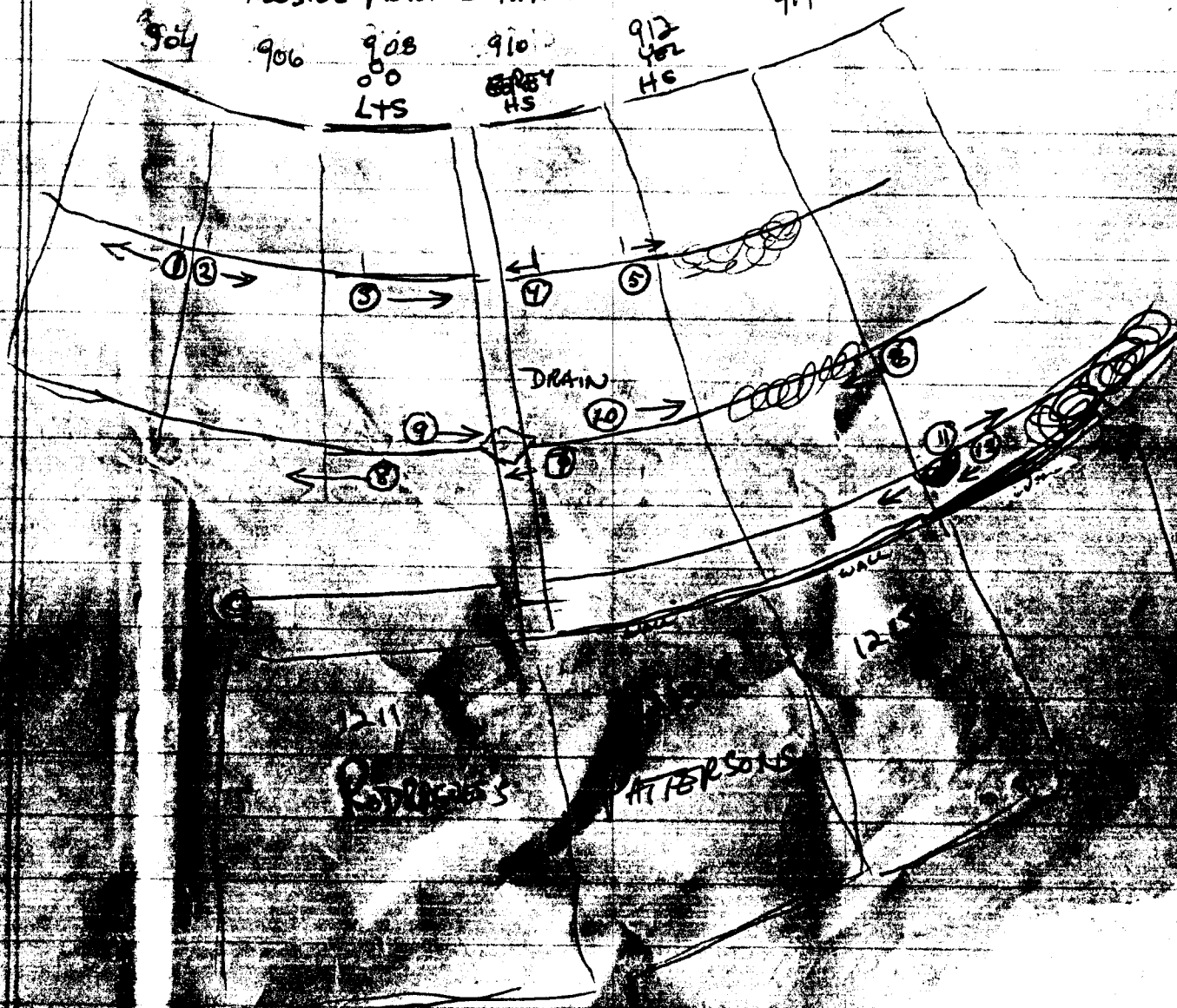
912

914

H6

LTS

HS



RODRIGUES

PATTERSON

BUELL SUEVIE



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-9376

January 19, 1995

Property Owner

904, 906, 908, 910, 912, 914, 916 & 918 Avenida Salvador

1211, 1213, 1215, 1217 Avenida Buena Suerte

San Clemente, Ca 92674

Dear Property Owner:

On January 10, 1995, an inspection of the slope behind your property was made by this office. We found mud and some debris blocking portions of the terrace drains.

I urge you to clean the mud and debris from the terrace drains as soon as possible after each rain. The terrace drains should be inspected and maintained as necessary. A final solution to this ongoing problem would be the formation of a slope maintenance association. Please consider this and discuss with your neighbors.

Please do not hesitate to contact me if you have any questions or I can be of assistance.

Very truly yours,

Art Johnson

Senior Construction Inspector

c:\letters\19.aj



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-9376

January 19, 1994

Property Owner
1217 Avenida Buena Suerte
San Clemente, CA 92672

Dear Property Owner:

On January 14, 1994, an inspection of the slope behind your property was made by this office. We found debris and plant material blocking a portion of the terrace drain above your property.

I urge you to clean the debris and vegetation from the terrace drain as soon as possible. After each rain, the terrace drain should be inspected and maintained as necessary.

Very truly yours,

Art Johnson
Senior Construction Inspector
Tel. (714) 498-2533 ext. 3422

c:\letters\11.aj

Ralph Rodriguez
1211 Buena Vista
W 361-9235
h 492-9542

1-31-96

RECEIVED

FEB - 2 '96

City of San Clemente
Engineering Div.

CC: Bill

ART

Please call ART
Schlegel 914 Salvador
ASAP

He never got abatement order
release on slope problem.

I thought you were going to contact
him to tell him what to do to finish
the work so he can get his release.

Please call today
& report back to me.

Bill

1-31-94

cc: Bill

ART —

Please call ART

Schleger 9/4 Salvador

ASAP

[REDACTED]

He never got abatement order
release on slope problem.

I thought you were going to contact
him to tell him what to do to finish
the work so he can get his release.

Please call today
& report back to me.

Bill

Bill, I called him a few times. Can
never catch him home. I left message when
(OVER



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-9376

January 19, 1994

Property Owner
1217 Avenida Buena Suerte
San Clemente, CA 92672

Dear Property Owner:

On January 14, 1994, an inspection of the slope behind your property was made by this office. We found debris and plant material blocking a portion of the terrace drain above your property.

I urge you to clean the debris and vegetation from the terrace drain as soon as possible. After each rain, the terrace drain should be inspected and maintained as necessary.

Very truly yours,

Art Johnson
Senior Construction Inspector
Tel. (714) 498-2533 ext. 3422

c:\letters\11.aj

City of San Clemente
NOTICE TO CORRECT / STOP WORK

Community Development Department
Engineering Division
910 Calle Negocio, Suite 100
San Clemente, CA 92673
714/498-2533 X 3421

PROJECT NO: LAURA CAULK

JOB NAME: [REDACTED]

JOB ADDRESS: 904 SALVADOR

OWNER/CONTRACTOR: UNKNOWN

INSPECTOR: MIKE ST. CLAIR DATE: 1-14-94

IN THE COURSE OF YOUR SLOPE
REPAIR, YOUR CONTRACTOR PUSHED
THE LOOSE DIRT DOWN THE
SLOPE. WHEN I SPOKE TO HIM,
HE ASSURED ME HE WOULD PICK
UP ALL THE LOOSE DIRT. NOW,
ALL THE V-DITCHES AND CROSS-GUTTERS
ARE FILLED WITH YOUR DIRT. PLEASE
CLEAN UP ALL THE LOOSE DIRT ON
THE SLOPE & IN THE CONCRETE GUTTERS
BEFORE ANY FURTHER ACTION IS
REQUIRED

Mike St. Clair



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-9376

1-28

ART-

Please confirm whether
owner has adequately
"winterized."

B:11

January 13, 1994

Mr. Arthur Schleger
914 Avenida Salvador
San Clemente, CA 92672

Re: Abatement Order of Dec. 22, 1993 for 914 Avenida Salvador

Dear Mr. Schleger:

Pursuant to the above referenced abatement order, Art Johnson, Senior Construction Inspector, has inspected your property at 914 Salvador to see if you have complied with the order.

Art Johnson reports that you have not recompacted the slide area as required by the order but that you have taken steps to protect it by covering it with plastic. In order to be in compliance with the order, the above repairs must be made and the additional vertical supports added to the railroad tie retaining structures.

Due to the rainy season, which is the present time, Art Johnson feels that protecting the slope with plastic to protect it is probably the best measure to take.

We concur that it would be unwise to get in the middle of a slope repair and have it rain. For this reason we shall allow the slope to remain in its present condition, protected with plastic until the rainy season ends. You are also advised that you must keep the drains clean and maintain protection during the rainy season.

The required repairs must be completed by April 1, 1994. This should be adequate time to make the repairs and comply with the order. If you have any questions regarding this matter, you may call me at (714) 498-2533 ext. 3407.

Mr. Arthur Schleger

Page 2

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank Smith".

Frank Smith
Senior Civil Engineer

cc: William E. Cameron, City Engineer
Art Johnson, Senior Construction Inspector
Lynn Hughes, Marine Safety Captain

c:\letters\108.fs



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-9376

January 13, 1994

Mr. Arthur Schleger
914 Avenida Salvador
San Clemente, CA 92672

Re: Abatement Order of Dec. 22, 1993 for 914 Avenida Salvador

Dear Mr. Schleger:

Pursuant to the above referenced abatement order, Art Johnson, Senior Construction Inspector, has inspected your property at 914 Salvador to see if you have complied with the order.

Art Johnson reports that you have not recompact the slide area as required by the order but that you have taken steps to protect it by covering it with plastic. In order to be in compliance with the order, the above repairs must be made and the additional vertical supports added to the railroad tie retaining structures.

Due to the rainy season, which is the present time, Art Johnson feels that protecting the slope with plastic to protect it is probably the best measure to take.

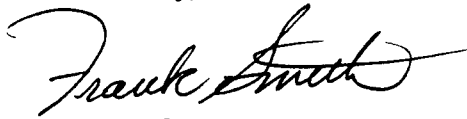
We concur that it would be unwise to get in the middle of a slope repair and have it rain. For this reason we shall allow the slope to remain in its present condition, protected with plastic until the rainy season ends. You are also advised that you must keep the drains clean and maintain protection during the rainy season.

The required repairs must be completed by April 1, 1994. This should be adequate time to make the repairs and comply with the order. If you have any questions regarding this matter, you may call me at (714) 498-2533 ext. 3407.

Mr. Arthur Schleger

Page 2

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank Smith".

Frank Smith
Senior Civil Engineer

cc: William E. Cameron, City Engineer
Art Johnson, Senior Construction Inspector
Lynn Hughes, Marine Safety Captain

c:\letters\108.fs

CITY OF SAN CLEMENTE

WRITTEN ORDER TO ABATE PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN, PURSUANT TO SECTIONS 16A-1(C) OF THE CODE OF THE CITY OF SAN CLEMENTE, THAT THE FOLLOWING MATTER HAS BEEN DECLARED TO BE A PUBLIC NUISANCE:

SUBJECT: Unsafe slope condition at 914 Avenida Salvador, San Clemente, CA 92672.

DETERMINATION: The unsafe slope condition has been determined to be a public nuisance.

ABATEMENT PERIOD: Nuisance to be abated by January 14, 1994.

METHOD OF ABATEMENT: The owner shall repair the slide that filled the concrete V-ditch as the result of the January 1993 storm by removing and recompacting the slide area. Additionally, the horizontal railroad ties shall be further supported with vertical metal pipes at intermediate points between the vertical railroad ties. The owner shall contact Frank Smith, of the City Engineers' office, upon completion of work. A City Inspector will review the repairs and if the repairs are found to be adequate, the City Engineer may write the owner a letter confirming that the owner has complied with this order. Lastly, it is recommended that the owner obtain a copy of the City Recommendations with regard to slope repairs and follow the suggestions it provides.

NOTICE IS FURTHER GIVEN THAT if above nuisance is not abated by time, date and manner set forth as the "Abatement Period", City Code Section 16A-11 will apply, which reads as follows: Section 16A-11. Abatement by City. If the property owner does not completely abate the nuisance in the manner required by the written order within the Abatement Period, the City Manager shall cause the nuisance to be abated by City forces or private contract, and the City Manager is authorized to pursue any and all legal means necessary to enter upon the premises for such purpose. BE FURTHER ADVISED THAT the cost of abating the nuisance may constitute a special assessment against the property and may be recorded in the County recorders office as a lien against the property.

DATED: December 22, 1993

[Signature]
HEARING OFFICER (name)



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-9376

January 12, 1994

Mr. Wayne A. Patterson
783 Avenida Salvador
San Clemente, CA 92672

Subject: **STAT #87 - Concerns About Slopes Below 900-918 Salvador**

Dear Mr. Patterson:

This is in response to your December 22, 1993 letter that was received by our staff after the holiday season furlough on January 3, 1994. Along with the letter was a VHS video recording that you made of the slopes. This recording was reviewed by our staff. You indicate that you videoed the slopes on December 17, 1993, three days after the nuisance abatement hearing. As I recall, the 914 Salvador property owner was going to do additional work on his slope after the date of your video taping. According to our Inspection staff, some plastic has been placed on the slope to lessen the potential for erosion and other slope damage if we get any significant rainfall.

The City's Hearing's Officer, Lynn Hughes, declared a nuisance and required repair on only one property. That property is 914 Salvador. Our Inspection staff recently walked the slope at 914 Salvador and determined that some additional work had been done, but that more needs to be done before the nuisance order can be lifted. It is our intent to send the property owner a notice that he is to protect the minor slope failure with plastic if he does not get it repaired before the winter rains. If he delays the repair, he will need to keep it covered with plastic as well as clean the ditches to keep them clear during the winter. He will also be required to reinforce the railroad tie walls with additional vertical supports. If the property owner at 914 Salvador and other property owners along the slope provide continuous maintenance and cleaning of V-ditches, the drainage system should fulfill its intended purpose. With the interim work discussed above being done and proper maintenance occurring over the winter, the threat to public safety should be minimal from surficial problems.

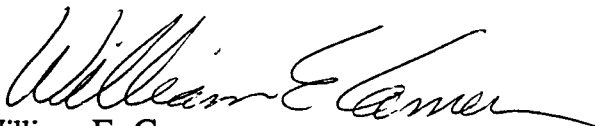
Your wife had mentioned that there was a significant concern about a specific drain and whether it was properly working. If you do have this concern it would be appreciated if you could send me a photograph and description of that problem so that we can further investigate it.

You continue to ask for answers to questions you have posed about the 1980 slope restoration project by the Hillside Alliance. The drainage system plan and grading plan were part of a grading permit issued by the Engineering Division. As you know, our staff has indicated on several occasions that the grading plan was not originally signed off because the engineer had not been paid for all of his work. He did not originally provide the necessary statements that staff believed were necessary to accept the work. Several years later, a statement was received from the civil engineer which was acceptable to our staff. At that point, the grading plan was "signed off". I have had further discussions with Art Johnson, our Senior Construction Inspector, about the irrigation plan and landscape plan for the project. These were not reviewed or administered by the Engineering Division, but by the Parks Department. It was the Engineering Division's practice at that time to require some erosion control during the first winter. That was basically the involvement of the Engineering Division with the slope repair. We have reviewed our Engineering Division files concerning this project and have provided you all the information that we have available.

It is difficult, if not impossible, to deal with a situation that took place 14 years ago especially when there have been changes of property ownership and City staff who were involved in the project. To the best of our knowledge, the grading and drainage improvements were built in accordance with the plans that were part of the grading permit. Our Engineering staff efforts are focused on trying to deal with the existing situation in a manner that will lessen the potential for a significant public safety problem. As was stated earlier, the emphasis of the property owners needs to be to keep their terrace and down drains in good repair and cleaned out so that they don't overflow. Letters have been sent from City staff to Neighborhood Alliance property owners over the past couple of years notifying them of the need to properly maintain their slopes and improvements. Significant efforts to make repairs have been made by most of the Neighborhood Alliance property owners.

Art Johnson has attempted to call you so that you can show him the specific areas that are a potential public safety hazard. Engineering staff has reviewed your video tape and have visited the site. You have presented documentation that there does exist some debris that should be cleaned up. The 914 Salvador property owner has covered some areas with plastic and the remaining debris is of a minor nature that can be handled by routine maintenance done by property owners. The Engineering Division will continue to monitor the property and work with the property owner to complete his work. At this point, Engineering staff's main concern is that property owners maintain their properties and drains throughout the winter.

Sincerely,



William E. Cameron
City Engineer

Mr. Wayne A. Patterson

Page 3

cc: Mike Parness, City Manager
James S. Holloway, Community Development Director
Michael L. Sorg, Public Works Director
Frank Smith, Senior Civil Engineer
Art Johnson, Senior Construction Inspector
Lynn Hughes, Marine Safety Captain
File 11.12 and STAT #87

c:\letters\746.wec

WAYNE A. PATTERSON
783 Avenida Salvador
San Clemente, California 92672

Ant
RECEIVED

JAN - 3 '94

December 22, 1993

City of San Clemente
Engineering Div.

Mr. William E. Cameron
City Engineer
City of San Clemente
910 Calle Negocio
San Clemente, California 92673

Dear Mr. Cameron:

Re: Your December 16th, 1993 Letter: Inquiry No. 87

This is in response to subject letter. My insinuation and assumptions are a direct result of a lack of communications from you and your staff members.

My telephone conversation with Frank Smith documented in my October 26th letter states that Mr. Smith suggested he update me weekly regarding the slopes beneath 900 to 918 Salvador. This commitment has no been fulfilled. Had I been updated as Frank Smith offered to do, then my letter of December 15th may not have been necessary.

This Salvador hillside issue has been a long frustrating battle. Initially, we were told that it was a "civil matter" and "that the City could not be involved". When Frank Smith told my wife this, he said it was on "private property" and there was nothing the City could do. She then inquired about Fire Hazard and Weed Abatement, and that the City has Codes to cover such issues. When pressed further he said he did not know the mechanics of how to handle it under City Code. She even asked for copies of the codes, and procedures regarding the Nuisance Abatement Process. They were promised on two occasions and in a letter from Frank Smith on August 18th, 1993, "to be sent under separate cover". Nothing was received. My wife researched the Codes at the library (16A, referencing water run-off problems). She also got the complaint forms to submit regarding the Nuisance Abatement, completed them and submitted them, without any further assistance.

I believe we have progressed to this stage only through persistence. I am still extremely concerned with the obvious hazardous conditions existing on the Salvador Slope, yet you and your staff consider the conditions satisfactory for the exception of 914 Salvador.

I admit that you are trying to respond to our concerns, however, your resistance in responding has resulted in too little...to late.

As stated in your subject letter, "in order to address concerns, we must have specific items rather than general discussion in order to deal with what might be serious problems". My specific concerns were revealed when Frank Smith and Art Johnson walked the slopes of 900-918 Salvador with Ron Chavarria and myself on October 4th, 1993. I find it curious that neither staff member carried a note pad making notes of my specific concerns. Further, I retained the services of G.A. Nichols and Associates to conduct a detailed study which I submitted for your review. How much more specific need I be? In spite of this, I will look forward to hearing from Mr. Johnson so we may inspect those areas of concern.

For your information, I walked the slopes once again between 900-918 Salvador on December 17th, 1993, video recording and thus documenting the existing conditions after the December 14th, 1993 Nuisance Abatement Meeting. As evidenced in this video, we have a much different picture, than yours, of the conditions on that hillside. You commented at the December 14th, 1993 meeting "a lot of progress had been made over the past several weeks, and the conditions, therefore had improved". This video will substantiate my concerns that these slopes remain to be an obvious threat to the properties on Buena Suerte and Cayente.

As to the 1980 repair project, simply answer each of my questions formerly posed: That is, was the 1980 project completed to the plans and specifications, and was the project completed in ALL PHASES? Were the following plans signed off? These plans are of City Record..

- 1) Drainage System Plan
- 2) Irrigation Plan
- 3) Landscape Plan
- 4) The Grading Plan was signed off 7 years AFTER the project completion, which remains curious to me.

I realize the project took place over 10 years ago. Regardless of this time frame, I know the City maintains accurate records. By reviewing these records, I assure you that an explanation for the actions of the City staff for those years prior to your arrival at your position as City Engineer will be ascertained.

In summary, we are in agreement of one thing, which is, "we have a difference of opinion on what action should be taken and apparently, we are still not in agreement".

I'm sure with our continued effort and communication, that we can reach an agreement and resolve this matter.



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-9376

December 16, 1993

Mr. Wayne A. Patterson
783 Avenida Salvador
San Clemente, CA 92672

Subject: Your December 15, 1993 Letter Concerning Slopes Below 900 to 918 Avenida Salvador

Dear Mr. Patterson:

This is in response to your letter of December 15, 1993 where you make certain assumptions and insinuations concerning the Engineering Division and the City Engineer. Our staff has done its best to interact with you on an honest and straight forward basis. Your suspicion that I may have planned it so that you did not receive the mail in a timely manner is absolutely untrue. When the hearing date was set, I sent you a letter as quickly as possible because of your interest and concern about the situation on the slopes. The letter left our office in a timely manner and I cannot explain why you did not receive it until December 13th.

Our staff has not chosen to ignore what you call the "hazardous conditions that exist above Avenida Buena Suerte and Cayente". Exception is also taken to your statement about being "appalled that you failed to reinspect, in detail, the slope as you committed to do in our October 28th telephone conversation". Our Senior Construction Inspector, Art Johnson, did do an inspection of the slopes and developed a list of specific items of specific concern that needed to be dealt with by individual property owners. Letters were sent to those property owners as well as nuisance abatement action initiated against the owners of 914 and 916 Avenida Salvador.

We realize that you and your wife have become increasingly frustrated over the past ten plus years about the slopes above your home at 1213 Buena Suerte. We are trying to respond to your concerns about the current situation and have tried to determine potential problem areas on the slopes and make the property owners aware of them. Much progress has been made by almost every property owner along Salvador. We have had a nuisance abatement hearing for the two properties we believe to potentially pose the most problem to public health and safety.

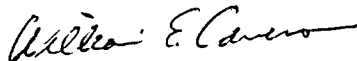
In order to address concerns, we must have specific items rather than general discussion in order to deal with what may be serious problems. I will have Art Johnson contact you to inspect areas of concern you have identified. In addition, you may want to submit written documentation of specific serious areas of concern.

You also requested certain information concerning the 1980 repair project and marked some paragraphs in your July 2, 1993 letter. As for the items in your letter, we have had a discussion on them several times and letters have been written to you. The grading work was done over ten years ago and the grading work was approved by the City. As for the landscaping work, it was handled by a different department and that staff is no longer with the City. As to whether the landscaping was an absolute requirement of the City at that point in time, we have been able to find no documentation to state whether it was or was not required. As I have also previously stated to you, even when I started working for the City in late 1986 the City was not requiring landscaping as part of the work performed on individual properties. The current City codes allow the City Engineer to require certain types of erosion control as part of the grading permit. This code was adopted by the City in 1982, well after this project was constructed. The City Engineer may require erosion control landscaping as part of the grading permit. I cannot explain the actions of City staff more than six years before I started working for the City. Apparently, City staff must have been satisfied since we can find no record of any action being taken by the City.

As for your holding the City responsible for any further damage to your 1213 Avenida Buena Suerte property, all of the property above yours is private property and the City has no ownership that would contribute to any damage that could occur to your property.

The Engineering staff is proceeding with what it believes to be a reasonable action to minimize the potential for further damage on the slopes. Our Engineering staff and you have had a difference of opinion on what actions should be taken and apparently we are still not in agreement.

Sincerely,



William E. Cameron
City Engineer

cc: Mike Parness, City Manager
James S. Holloway, Community Development Director
Michael L. Sorg, Public Works Director
Frank Smith, Senior Civil Engineer
Lynn Hughes, Marine Safety Captain
Jay Delcamp, Public Works Technician
Art Johnson, Senior Construction Inspector
File

c:\letters\742.wec

WAYNE A. PATTERSON
783 Avenida Salvador
San Clemente, California 92672

December 15, 1993

Mr. William E. Cameron
City Engineer
City of San Clemente
910 Calle Negocio
San Clemente, California 92673

Dear Mr. Cameron:

Thank you for your December 8th letter informing me of the December 14th Nuisance Abatement Hearing. Your letter, however, was delivered Monday December 13th, and was not opened by me until I arrived home from work that evening. I suspect you may have planned it that way, as six days for mail within the same city to be delivered is questionable, especially since your December 13th letter arrived December 14th.

In any event, your letter did not inform me that this would be my only opportunity to present any evidence, information, and pictures supporting my complaint regarding the properties at 914 and 916 Salvador. As I run my own business out of the area and received less than 16 hours notice regarding this Hearing, I was unable to attend. Consequently, my wife, Terry attended this Hearing ill-prepared because she was not the photographer of the pictures presented. As I took the pictures, I could give you detailed explanations of each one.

In addition to my frustrations regarding this matter, I am appalled that you choose to ignore the hazardous conditions that exist above Avenida Buena Suerte and Cayente. I am also appalled that you failed to reinspect, in detail, the slope as you committed to do in our October 28th telephone conversation (documented by my November 9th letter).

G. A. Nichol and Associates Geotechnical evaluation substantiates my concerns. May I once again invite you and your staff to physically walk the slopes, below Salvador so I may specifically point out these areas which include clogged drains, loose, uncompacted soil, debris, broken and cracked drains, etc. You indicated to my wife, you were especially interested in locating the clogged drains. Please let me know when I can show you and, or your staff. In addition, when Frank Smith, Art Johnson and myself walked the slope October 4th, there was also another gentleman by the name of Ron Chavarria that accompanied me. He might also be useful as a witness as he is in the construction

field, and quite knowledgeable (as documented in my October 26th letter).

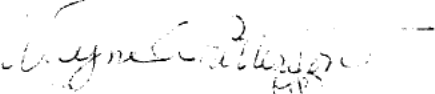
Apparently, you and your staff are satisfied with the conditions of the slope repairs, for the exception of 914 Salvador, per your Nuisance Abatement Hearing.

It is also apparent, that you and your staff want to ignore my warnings of the hazardous conditions of the slope above my property. As long as those conditions exist, and as you and your staff remain derelict in enforcing City Code, I will continue to hold the City responsible for any further damage to my 1213 Avenida Buena Suerte property.

Furthermore, in numerous letters I have requested certain information regarding the 1980 repair project (again enclosing a copy of my July 2nd, 1993 letter, please respond to those paragraphs as marked.) Mr. Cameron, you continue to ignore my requests, as you do my warnings, placing the City in a very vulnerable position. I suggest you govern yourself wisely.

I will look forward to your timely response.

Yours truly,



Wayne A. Patterson

Mr. Mike Parness, City Manager
Mr. James S. Holloway, Community Development Director
Mr. Michael Sorg, Public Works Director
Mr. Frank Smith, Senior Civil Engineer
Mr. Jay Delcamp, Public Works Technician
Mr. Art Johnson, Senior Construction Inspector
Mr. Lynn Hughes, Nuisance Abatement Hearings Officer

WAYNE A. PATTERSON
783 Avenue Salvador
San Clemente, California 92672

July 2, 1993

William E. Cameron
City Engineer
CITY OF SAN CLEMENTE
100 Avenue Presidio
San Clemente, California 92672

Re: Slope Failures
Hillside Bordered by Buena Suerte,
Salvador, Cayante, and Avenue San Juan

Dear Mr. Cameron:

Thank you for your letter of June 11, 1993, under cover of which you transmitted the "Final Grading Release" for the Neighborhood Alliance #2 slope repair.

We find it quite surprising that the "Final Grading Release" was "signed off" by the City of San Clemente on September 4, 1987, when the grading was actually completed in early 1981. It appears that the "Final Grading Release" was based upon Mr. Holman's letter of February 9, 1981.

It is our understanding that the complete slope repair project ("Project") required the following:

1. A Grading Plan;
2. A Drainage System Plan;
3. An Irrigation Plan; and
4. A Landscape Plan.

Although the Grading Plan was signed off by the City, were the remaining portions of the Project signed off by the City? That is, was the Project complete in all phases?

Furthermore, once a permit is issued by the City for a

William E. Cameron
City Engineer
CITY OF SAN CLEMENTE
July 2, 1993
Page Two

project and the project is commenced, is it not incumbent upon the City of San Clemente to insure that it is completed in accordance with all of the plans and specifications and the permit which was issued for the project?

Your response to this letter within ten days will be greatly appreciated.

Very truly yours,

WAYNE A. PATTERSON



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-9376

December 13, 1993

Mr. Wayne A. Patterson
783 Avenida Salvador
San Clemente, CA 92672

Subject: **Slope Concerns - 900 to approximately 918 Avenida Salvador**

Dear Mr. Patterson:

Thank you for your December 9, 1993 letter and copy of the November 2, 1993 G.A. Nichol report. On December 8, 1993 a letter was sent informing you of a nuisance abatement hearing for 914 and 916 Salvador on Tuesday, December 14, 1993 at 10:30 a.m. That letter briefly describes the status of the situation. Ultimately, it is the responsibility of the property owners to properly maintain and repair their slopes. The City may decide to initiate nuisance abatement proceedings when there is a danger to public health and safety. That is the reason the nuisance abatement hearing will be held December 14th for these two properties.

If you have any further comments or questions, please feel free to contact my office.

Sincerely,

William E. Cameron Jr.

William E. Cameron
City Engineer

cc: Mike Parness, City Manager
James S. Holloway, Community Development Director
Michael L. Sorg, Public Works Director
Frank Smith, Senior Civil Engineer
Jay Delcamp, Public Works Technician
Art Johnson, Senior Construction Inspector

c:\letters\741.wcc

12-12

URGENT

To: FRANK CC: ART

RE: [REDACTED] - GA Nicoll Report
(Attached)

Please review the attached report & letter
before Tuesday's Nuis. Abate. Hearing.

We need to be ready to respond at the
Pub. Hearing.

Examples - Does our City code require ^{gutters &} downspouts?
When didn't get in code? Do we know if this was req'd when homes built?

When slope rebuilt in 1980, ~~was~~ did
drainage & grading plan handle yard & roof drainage
or require downspouts, gutters & drain it
to the street?

Can we require downspouts, gutters ^{etc} ~~&~~ now
to drain to street, & if so, is it physically
possible?

For ^{the} Hearing, a list of short-term
& long term requirements should be ready
for our recommended action.

Thanks - Bill
=> let's discuss first thing Tues morning

Wayne A. Patterson
783 Avenida Salvador
San Clemente, California 92672

December 9, 1993

Mr. William E. Cameron
City Engineer
City of San Clemente
100 Avenue Presidio
San Clemente, California

Re: Your Letter to the Salvador Residents

Dear Mr. Cameron:

It has been over a month since your letter dated October 27, 1993 went out to the Avenida Salvador property owners. To date, I have not received a copy of the follow-up letter you committed to write, so I am assuming that the follow-up inspection of the hillside, that you committed to make, has not been done, as well.

May I remind you the conditions have not improved on the slope area above my Buena Suerte residence. I, therefore, find you and the City of San Clemente negligent for not enforcing City Codes to alleviate the hazard this area poses to my property after three previous slides. I have followed the City's outlined procedure for filing a formal complaint, which you are aware, to no avail.

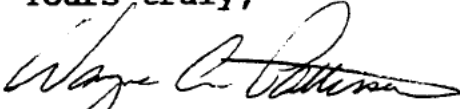
Interestingly enough, I clipped the enclosed copy of the San Clemente Municipal Report received several weeks ago. It discusses "Code Enforcement" and "Site inspections from Code Enforcement and maintenance staff". On the same page it talks about "Repair and Protection of Slopes", and discusses drainage from your property should not be allowed to drain freely down slopes. Chapter 16A (page 120.7) of the City Code under "Nuisances" describes, water run-off and erosion as potentially being injurious to public health, safety, and welfare.

I feel, with the numerous letters I have written to you and others, our phone conversations, completing all of the complaint forms for each of the Avenida Salvador homeowners, physically walking the hillside with City staff members, etc., I have exhausted every avenue to alert you of the potential hazard which rests above my Buena Suerte home.

I view of the above, let this correspondence serve as the instrument for placing the City of San Clemente "ON NOTICE" for any future damage that my 1213 Avenida Buena Suerte residence may sustain due to your inaction in this matter.

I have, also, enclosed a copy of G. A. Nicholl and Associates Geotechnical evaluation to substantiate my concerns.

Yours truly,

A handwritten signature in cursive script, appearing to read "Wayne A. Patterson".

Wayne A. Patterson
[REDACTED]

Mr. Mike Parness, City Manager
Mr. Jim Holloway, Community Development
Mr. Mike Sorg, Public Works Director
Mr. Jay Delcamp, Community Development Technician
Mr. Art Johnson, Engineering

San Clemente Newsline

SAN CLEMENTE MUNICIPAL REPORT

WINTER 1993



NEIGHBORHOOD PRIDE PROGRAM STARTS FIVE-WEEK PROJECT

On October 27, 1993, the City Council approved the establishment of a five-week Neighborhood Pride Community Services Project headquartered at Max Berg Park. The project includes four weekends of events and the provision of information and services from a Police Services mobile unit located at the park Thursdays, Fridays and Saturdays between October 28 and December 4, 1993.

Information and services from the mobile unit include:

- Educational materials on nuisance, vehicle and parking codes and ordinances
- Acceptance of code enforcement and maintenance service complaints from residents
- Site visits and inspections from code enforcement and maintenance staff
- Meetings with parent and resident groups
- Recycling demonstrations and information
- Bulky item pick-ups
- Crime prevention information and services, including: fingerprinting, bike licensing, drug abuse and gang prevention information, DARE videos, registration for C.A.T. (Combat Auto Theft)
- Police Services Foot Patrols
- Enhanced enforcement of penal codes, vehicle and parking violations

City staff lead by Leslie Davis, Neighborhood Pride Coordinator, (498-2533, ext. 3316) and Sargent Jim Thomas from Police Services (361-8220) are available to answer any questions about the five-week project and to work with residents to continue to improve central city neighborhoods. Community Services Officers, Jan Sener and Janet Dunford can also be called to schedule Joint Neighborhood Watch/Neighborhood Pride meetings, (361-8213 or 361-8386).

REPAIR AND PROTECTION OF SLOPES

Last winter's storms damaged numerous slopes within the City. Many property owners have repaired and relandscaped their slopes. The City is reminding owners that there is not much time left for them to take the necessary precautions to ensure the stability of their property. It is the property owners responsibility to repair damaged slopes and ensure their property will not sustain damage or cause damage to other properties.

City Engineering staff has prepared guidelines for repairing damaged slopes and determining whether grading permits are required. These guidelines can be obtained from the Engineering Division at 910 Calle Negocio, or by calling the Engineering Division.

For those property owners who have not yet completed repairs, City staff have the following suggestions:

1. Where significant slope damage has occurred, property owners may want to retain a civil engineering firm, landscaping company, construction contractor and/or geotechnical firm to prepare plans and perform repair work.
2. All barren slopes should have erosion control provided whether through landscaping, hydroseeding or a material similar to jute matting. Erosion control devices can be installed such as sand bags, drainage pipes and concrete ditches.
3. For those property owners who cannot complete slope repairs before the winter rains, consideration may be given to filling cracks to prevent water penetration and/or covering the slopes with plastic sheeting.
4. All property owners should clean and maintain terrace and down drains, clean all catch basins, flush out all on-site drainage systems, and connect roof drains to drainage systems flowing to the street or piped to an acceptable outlet. Drainage from building pads, roofs and yards should not be allowed to drain freely down the slope.
5. Property owners may want to consider obtaining emergency supplies such as sand bags, sand, tires, stakes, plastic sheeting, etc. in advance of the winter rains. Most of these items can be obtained from a building supply store.

If you need assistance or have any questions, please contact the Engineering Division at (714) 498-2533, ext. 3416 or at 910 Calle Negocio.

G.A. Nicoll

and Associates, Inc.

November 2, 1993
Project 4860-05

Mr. Wayne A. Patterson
783 Avenida Salvador
San Clemente, California 92672

Subject: Site Evaluation of Hillside Slopes Above
1213 Avenida Buena Suerte and Below the
Addresses of 900-918 Avenida Salvador
San Clemente, California

Dear Mr. Patterson:

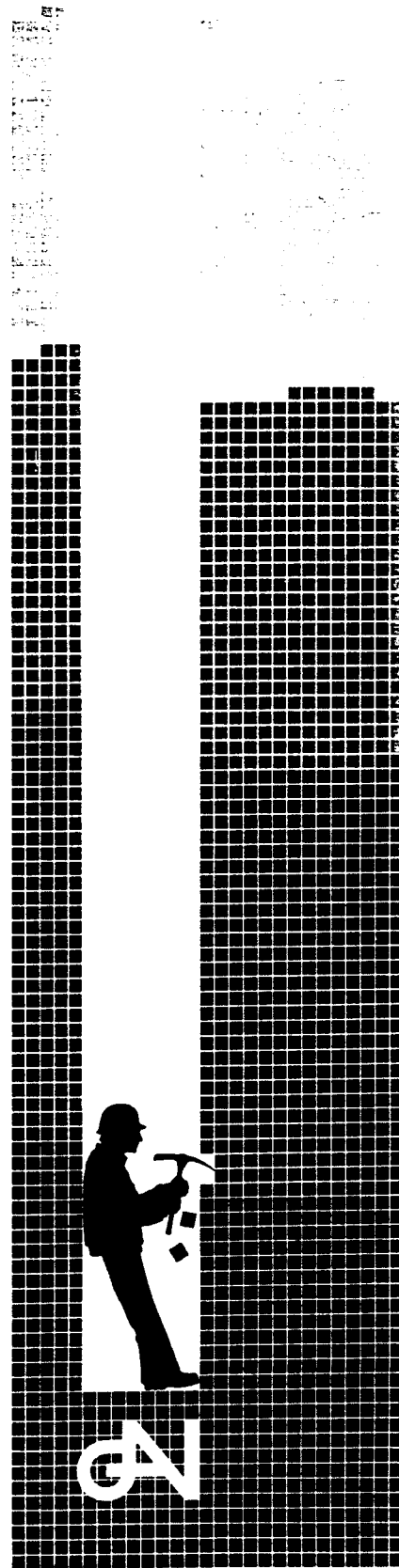
1. INTRODUCTION

We have performed a geotechnical evaluation of the subject real properties, as you have requested, with respect to:

- a) The cause of the slope failures of the hillside slope above 1213 Avenida Buena Suerte during the January 1993 rains;
- b) Identifying present conditions of the slope areas which could result in future hillside slope failures;
- c) To make recommendations with respect to the elimination of adverse conditions on the slope area which could result in future slope failures.

2. OBSERVATIONS

- a) The project site is located at 1213 Avenida Buena Suerte in the City of San Clemente, California ("Buena Suerte Site"). The improvements on the Buena Suerte Site consist of a two-story single family dwelling with an attached side-winder garage on a pad which rises about 6± feet above the street. In the rear of the Buena Suerte Site, there exists a 6-foot wall at the toe of a 150± foot west-facing ascending slope with an average gradient of 1.5:1 (horizontal:vertical). Another partial retaining wall exists on the slope approximately 40± feet above the lower wall. The slope ascends for a height of 110± feet to residential pads located on Avenida Salvador. Located on these pads are single family dwellings ("Salvador Residences").



- b) The Salvador Residences which affect the slope bear the addresses of 900 through 918.
- c) The Salvador Residences are situated below street level on Avenida Salvador.
- d) The slope below each of the Salvador Residences, 900 through 918, faces west and descends approximately 110± feet to the property lines of residences on Buena Suerte, including the Buena Suerte Site ("Salvador Slope"). The Salvador Slope contains three concrete V-ditch drains running horizontally across the entire Salvador Slope, approximately equally spaced. There are a number of concrete downdrains running vertically on the Salvador Slope. The vertical and horizontal drains intersect at various points, constituting the Salvador Slope drain system. There are three concrete V-ditch drains which are above the Buena Suerte Site. The basic drain system for the Salvador Slope funnels into the main outlet which is directly above the Buena Suerte Site. This outlet consists of a 18-inch drain which descends underground to the Buena Suerte Site and empties into a V-ditch on the Buena Suerte Site.
- e) It appears that the basic drain system for the Salvador Slope is for the purpose of draining the water accumulating on the Salvador Residences and contiguous areas in that the Salvador Residences sit below Avenida Salvador itself and there is no apparent means of draining the water from the residences and contiguous areas to the street gutters on Avenida Salvador.
- f) In addition to visually inspecting the Buena Suerte Site, we also inspected the Salvador Slope and numerous photographs of the Salvador Slope and the Buena Suerte Site taken shortly after the January 1993 slope failure.
- g) During our on-site inspection, we also observed that the Salvador Slope contained considerable debris consisting of loose and uncompacted soil. Additionally, we found clogged drains and little deep-rooting vegetation.
- h) During our site inspection, we observed that some of the Salvador Residences lacked proper installation of gutters and downspouts. The residences at 906 and 908 do not have any gutters or downspouts whatsoever. The residence at 910 has a partial gutter system, but this is in disrepair and downspouts are missing.

- i) During our inspection, we observed that dirt and debris create an obstruction which would restrict the proper flow of water into the main drain described in Paragraph d) above.
- j) All of the Salvador Residence slopes have an effect on the water flow onto the Buena Suerte Site in that a common drain system is utilized. Those Salvador Residences which have the most significant effect on the Buena Suerte Site are at 908, 910, 912, and 914.
- k) Some of the Salvador Residences and slopes have been repaired, with the exceptions being 904, 914, and 916. These unrepaired properties present an existing hazard which could result in slope failure and further damage to the Buena Suerte Site during the rainy season.
- l) It is noted that the repair effort at 910 Avenida Salvador has been attempted with railroad tie material. This is not a recommended method of repair. Not being aware of the depth of the vertical tie, or if it is encased in concrete, the system appears to be inadequate and is leaning away from the slope as if in a failure mode at this time. It appears that no effort has been made at 910 Avenida Salvador to complete the repair to the toe of the slope property. It further appears that 912 Avenida Salvador has been cosmetically repaired. However, there has been no method to retain this area when compaction is questionable. Also, repairs are not completed to the toe of the slope at 912 Avenida Salvador. 914 Avenida Salvador has not been repaired at all and poses an extreme hazard to the Buena Suerte Site and other properties below. This portion of the slope is full of weeds, and therefore, it is difficult to determine the extent of the damage to the slope. However, there are clogged drains, loose and uncompacted soil, and no deep-rooting vegetation on this portion of the slope.

3. CONCLUSIONS

- a) The damage to the Buena Suerte Site was as a result of a slope failure which was caused by obstructions in the drain system on the Salvador Slope, inadequate drainage on the Salvador Slope, extraneous debris on the Salvador Slope, improperly maintained drains on the Salvador Slope, and the non-existence of erosion-control vegetation on the Salvador Slope, which was further exacerbated by an overabundance of water from the Salvador Residences which cascaded down the slope rather than being channeled to and deposited in the street gutters on Avenida Salvador itself.

- b) In addition to the damage caused to the rear slope of the Buena Suerte Site, there was damage to the slab-on-grade of the garage of the Buena Suerte Site as a result of the heaving of the expansive subgrade soils. We understand that during the heavy rains the water cascaded down the slope and ponded near the garage due to the improper drainage conditions. The water infiltration into the subgrade soils may have caused the garage floor of the Buena Suerte Site to raise at the center. This cracking pattern we regard as expansive soil aggravated by excessive moisture. A horizontal crack was also observed in the garage foundation. We suggest that these cracks to be patched up and monitored for any future damage. In addition, we have observed the slab is pushing the vertical columns upward causing pressure onto the upper structure of the garage.
- c) Any blockage or obstruction in the drain system will result in water exiting the drain system and cascading down the slope, causing damage to the slope and resulting in a possible slope failure.
- d) The gross stability of the entire slope cannot be evaluated without detailed exploration, laboratory testing, and a slope stability analysis. If requested, we will be pleased to submit a proposal for these geotechnical services.

4. RECOMMENDATIONS

In order to prevent future slope failures, we recommend:

- a) That all loose debris and uncompacted soil from the entire Salvador Slope be removed;
- b) That the existing drainage system on the Salvador Slope be completely cleaned and a regular maintenance system established to eliminate possible clogging of all drains;
- c) The installation of proper deep-rooting vegetation on the entire slope and a proper irrigation system for the vegetation; and
- d) The installation, refurbishment, and cleaning of rain gutters and downspouts on the Salvador Residences in order to channel rainwater on the residences to the gutters on Avenida Salvador and thereby preventing the excess rainwater from the residences from cascading down the slope.

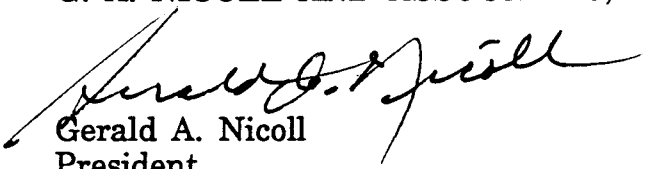
Mr. Wayne A. Patterson
November 2, 1993
Project 4860-05
Page 5

- e) There is a question whether the drainage system on the Salvador Slope is adequate in view of the fact that it appears that the drain system is for the purpose of draining all water from the Salvador Residences and contiguous areas. In this respect, we recommend a hydrologist's inspection and evaluation.


The opportunity to be of service is sincerely appreciated. If you have any questions or if we can be of further assistance, please call.

Very truly yours,

G. A. NICOLL AND ASSOCIATES, INC.



Gerald A. Nicoll
President
CEG 34
(Exp. June 30, 1994)



Mohan B. Upasani
Vice President, Engineering
RCE 41196
(Exp. March 31, 1995)

GAN/MBU:cs

Wayne A. Patterson
783 Avenida Salvador
San Clemente, California 92672

December 9, 1993

Mr. William E. Cameron
City Engineer
City of San Clemente
100 Avenue Presidio
San Clemente, California

Re: Your Letter to the Salvador Residents

Dear Mr. Cameron:

It has been over a month since your letter dated October 27, 1993 went out to the Avenida Salvador property owners. To date, I have not received a copy of the follow-up letter you committed to write, so I am assuming that the follow-up inspection of the hillside, that you committed to make, has not been done, as well.

May I remind you the conditions have not improved on the slope area above my Buena Suerte residence. I, therefore, find you and the City of San Clemente negligent for not enforcing City Codes to alleviate the hazard this area poses to my property after three previous slides. I have followed the City's outlined procedure for filing a formal complaint, which you are aware, to no avail.

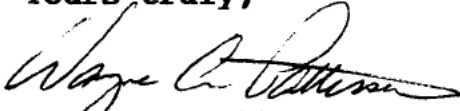
Interestingly enough, I clipped the enclosed copy of the San Clemente Municipal Report received several weeks ago. It discusses "Code Enforcement" and "Site inspections from Code Enforcement and maintenance staff". On the same page it talks about "Repair and Protection of Slopes", and discusses drainage from your property should not be allowed to drain freely down slopes. Chapter 16A (page 120.7) of the City Code under "Nuisances" describes, water run-off and erosion as potentially being injurious to public health, safety, and welfare.

I feel, with the numerous letters I have written to you and others, our phone conversations, completing all of the complaint forms for each of the Avenida Salvador homeowners, physically walking the hillside with City staff members, etc., I have exhausted every avenue to alert you of the potential hazard which rests above my Buena Suerte home.

I view of the above, let this correspondence serve as the instrument for placing the City of San Clemente "ON NOTICE" for any future damage that my 1213 Avenida Buena Suerte residence may sustain due to your inaction in this matter.

I have, also, enclosed a copy of G. A. Nicholl and Associates Geotechnical evaluation to substantiate my concerns.

Yours truly,



Wayne A. Patterson


Mr. Mike Parness, City Manager
Mr. Jim Holloway, Community Development
Mr. Mike Sorg, Public Works Director
Mr. Jay Delcamp, Community Development Technician
Mr. Art Johnson, Engineering

San Clemente Newsline

SAN CLEMENTE MUNICIPAL REPORT

WINTER 1993



NEIGHBORHOOD PRIDE PROGRAM STARTS FIVE-WEEK PROJECT

On October 27, 1993, the City Council approved the establishment of a five-week Neighborhood Pride Community Services Project headquartered at Max Berg Park. The project includes four weekends of events and the provision of information and services from a Police Services mobile unit located at the park Thursdays, Fridays and Saturdays between October 28 and December 4, 1993.

Information and services from the mobile unit include:

- Educational materials on nuisance, vehicle and parking codes and ordinances
- Acceptance of code enforcement and maintenance service complaints from residents
- Site visits and inspections from code enforcement and maintenance staff
- Meetings with parent and resident groups
- Recycling demonstrations and information
- Bulky item pick-ups
- Crime prevention information and services, including: fingerprinting, bike licensing, drug abuse and gang prevention information, DARE videos, registration for C.A.T. (Combat Auto Theft)
- Police Services Foot Patrols
- Enhanced enforcement of penal codes, vehicle and parking violations

City staff lead by Leslie Davis, Neighborhood Pride Coordinator, (498-2533, ext. 3316) and Sargent Jim Thomas from Police Services (361-8220) are available to answer any questions about the five-week project and to work with residents to continue to improve central city neighborhoods. Community Services Officers, Jan Sener and Janet Dunford can also be called to schedule Joint Neighborhood Watch/Neighborhood Pride meetings, (361-8213 or 361-8386).

REPAIR AND PROTECTION OF SLOPES

Last winter's storms damaged numerous slopes within the City. Many property owners have repaired and relandscaped their slopes. The City is reminding owners that there is not much time left for them to take the necessary precautions to ensure the stability of their property. It is the property owners responsibility to repair damaged slopes and ensure their property will not sustain damage or cause damage to other properties.

City Engineering staff has prepared guidelines for repairing damaged slopes and determining whether grading permits are required. These guidelines can be obtained from the Engineering Division at 910 Calle Negocio, or by calling the Engineering Division.

For those property owners who have not yet completed repairs, City staff have the following suggestions:

1. Where significant slope damage has occurred, property owners may want to retain a civil engineering firm, landscaping company, construction contractor and/or geotechnical firm to prepare plans and perform repair work.
2. All barren slopes should have erosion control provided whether through landscaping, hydroseeding or a material similar to jute matting. Erosion control devices can be installed such as sand bags, drainage pipes and concrete ditches.
3. For those property owners who cannot complete slope repairs before the winter rains, consideration may be given to filling cracks to prevent water penetration and/or covering the slopes with plastic sheeting.
4. All property owners should clean and maintain terrace and down drains, clean all catch basins, flush out all on-site drainage systems, and connect roof drains to drainage systems flowing to the street or piped to an acceptable outlet. Drainage from building pads, roofs and yards should not be allowed to drain freely down the slope.
5. Property owners may want to consider obtaining emergency supplies such as sand bags, sand, tires, stakes, plastic sheeting, etc. in advance of the winter rains. Most of these items can be obtained from a building supply store.

If you need assistance or have any questions, please contact the Engineering Division at (714) 498-2533, ext. 3416 or at 910 Calle Negocio.

G. A. Nicoll

and Associates, Inc.

November 2, 1993
Project 4860-05

Mr. Wayne A. Patterson
783 Avenida Salvador
San Clemente, California 92672

Subject: Site Evaluation of Hillside Slopes Above
1213 Avenida Buena Suerte and Below the
Addresses of 900-918 Avenida Salvador
San Clemente, California

Dear Mr. Patterson:

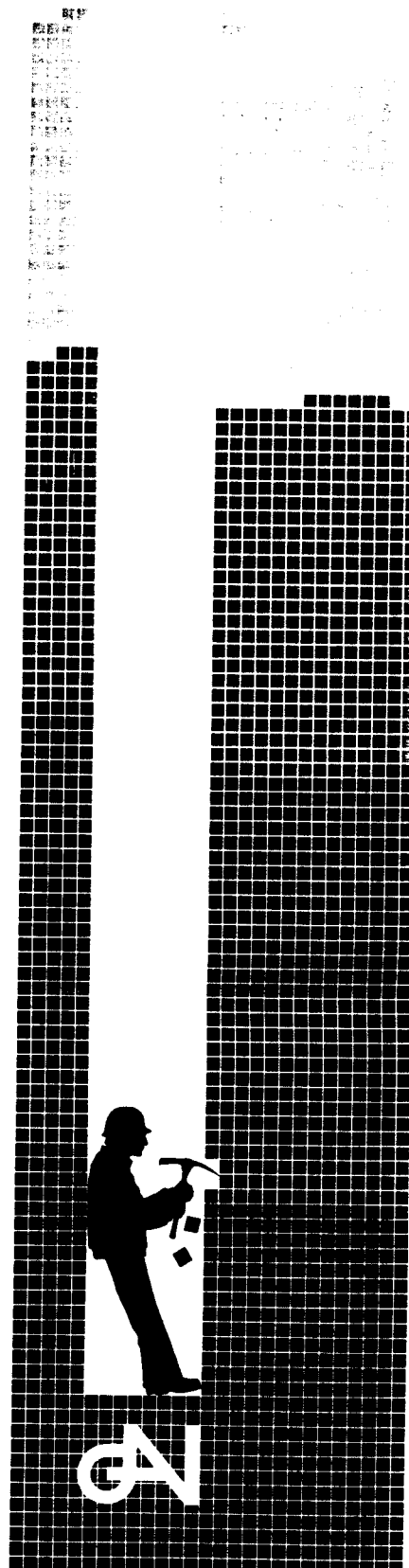
1. INTRODUCTION

We have performed a geotechnical evaluation of the subject real properties, as you have requested, with respect to:

- a) The cause of the slope failures of the hillside slope above 1213 Avenida Buena Suerte during the January 1993 rains;
- b) Identifying present conditions of the slope areas which could result in future hillside slope failures;
- c) To make recommendations with respect to the elimination of adverse conditions on the slope area which could result in future slope failures.

2. OBSERVATIONS

- a) The project site is located at 1213 Avenida Buena Suerte in the City of San Clemente, California ("Buena Suerte Site"). The improvements on the Buena Suerte Site consist of a two-story single family dwelling with an attached side-winder garage on a pad which rises about 6± feet above the street. In the rear of the Buena Suerte Site, there exists a 6-foot wall at the toe of a 150± foot west-facing ascending slope with an average gradient of 1.5:1 (horizontal:vertical). Another partial retaining wall exists on the slope approximately 40± feet above the lower wall. The slope ascends for a height of 110± feet to residential pads located on Avenida Salvador. Located on these pads are single family dwellings ("Salvador Residences").



- b) The Salvador Residences which affect the slope bear the addresses of 900 through 918.
- c) The Salvador Residences are situated below street level on Avenida Salvador.
- d) The slope below each of the Salvador Residences, 900 through 918, faces west and descends approximately 110± feet to the property lines of residences on Buena Suerte, including the Buena Suerte Site ("Salvador Slope"). The Salvador Slope contains three concrete V-ditch drains running horizontally across the entire Salvador Slope, approximately equally spaced. There are a number of concrete downdrains running vertically on the Salvador Slope. The vertical and horizontal drains intersect at various points, constituting the Salvador Slope drain system. There are three concrete V-ditch drains which are above the Buena Suerte Site. The basic drain system for the Salvador Slope funnels into the main outlet which is directly above the Buena Suerte Site. This outlet consists of a 18-inch drain which descends underground to the Buena Suerte Site and empties into a V-ditch on the Buena Suerte Site.
- e) It appears that the basic drain system for the Salvador Slope is for the purpose of draining the water accumulating on the Salvador Residences and contiguous areas in that the Salvador Residences sit below Avenida Salvador itself and there is no apparent means of draining the water from the residences and contiguous areas to the street gutters on Avenida Salvador.
- f) In addition to visually inspecting the Buena Suerte Site, we also inspected the Salvador Slope and numerous photographs of the Salvador Slope and the Buena Suerte Site taken shortly after the January 1993 slope failure.
- g) During our on-site inspection, we also observed that the Salvador Slope contained considerable debris consisting of loose and uncompacted soil. Additionally, we found clogged drains and little deep-rooting vegetation.
- h) During our site inspection, we observed that some of the Salvador Residences lacked proper installation of gutters and downspouts. The residences at 906 and 908 do not have any gutters or downspouts whatsoever. The residence at 910 has a partial gutter system, but this is in disrepair and downspouts are missing.

- i) During our inspection, we observed that dirt and debris create an obstruction which would restrict the proper flow of water into the main drain described in Paragraph d) above.
- j) All of the Salvador Residence slopes have an effect on the water flow onto the Buena Suerte Site in that a common drain system is utilized. Those Salvador Residences which have the most significant effect on the Buena Suerte Site are at 908, 910, 912, and 914.
- k) Some of the Salvador Residences and slopes have been repaired, with the exceptions being 904, 914, and 916. These unrepaired properties present an existing hazard which could result in slope failure and further damage to the Buena Suerte Site during the rainy season.
- l) It is noted that the repair effort at 910 Avenida Salvador has been attempted with railroad tie material. This is not a recommended method of repair. Not being aware of the depth of the vertical tie, or if it is encased in concrete, the system appears to be inadequate and is leaning away from the slope as if in a failure mode at this time. It appears that no effort has been made at 910 Avenida Salvador to complete the repair to the toe of the slope property. It further appears that 912 Avenida Salvador has been cosmetically repaired. However, there has been no method to retain this area when compaction is questionable. Also, repairs are not completed to the toe of the slope at 912 Avenida Salvador. 914 Avenida Salvador has not been repaired at all and poses an extreme hazard to the Buena Suerte Site and other properties below. This portion of the slope is full of weeds, and therefore, it is difficult to determine the extent of the damage to the slope. However, there are clogged drains, loose and uncompacted soil, and no deep-rooting vegetation on this portion of the slope.

3. CONCLUSIONS

- a) The damage to the Buena Suerte Site was as a result of a slope failure which was caused by obstructions in the drain system on the Salvador Slope, inadequate drainage on the Salvador Slope, extraneous debris on the Salvador Slope, improperly maintained drains on the Salvador Slope, and the non-existence of erosion-control vegetation on the Salvador Slope, which was further exacerbated by an overabundance of water from the Salvador Residences which cascaded down the slope rather than being channeled to and deposited in the street gutters on Avenida Salvador itself.

- b) In addition to the damage caused to the rear slope of the Buena Suerte Site, there was damage to the slab-on-grade of the garage of the Buena Suerte Site as a result of the heaving of the expansive subgrade soils. We understand that during the heavy rains the water cascaded down the slope and ponded near the garage due to the improper drainage conditions. The water infiltration into the subgrade soils may have caused the garage floor of the Buena Suerte Site to raise at the center. This cracking pattern we regard as expansive soil aggravated by excessive moisture. A horizontal crack was also observed in the garage foundation. We suggest that these cracks to be patched up and monitored for any future damage. In addition, we have observed the slab is pushing the vertical columns upward causing pressure onto the upper structure of the garage.
- c) Any blockage or obstruction in the drain system will result in water exiting the drain system and cascading down the slope, causing damage to the slope and resulting in a possible slope failure.
- d) The gross stability of the entire slope cannot be evaluated without detailed exploration, laboratory testing, and a slope stability analysis. If requested, we will be pleased to submit a proposal for these geotechnical services.

4. RECOMMENDATIONS

In order to prevent future slope failures, we recommend:

- a) That all loose debris and uncompacted soil from the entire Salvador Slope be removed;
- b) That the existing drainage system on the Salvador Slope be completely cleaned and a regular maintenance system established to eliminate possible clogging of all drains;
- c) The installation of proper deep-rooting vegetation on the entire slope and a proper irrigation system for the vegetation; and
- d) The installation, refurbishment, and cleaning of rain gutters and downspouts on the Salvador Residences in order to channel rainwater on the residences to the gutters on Avenida Salvador and thereby preventing the excess rainwater from the residences from cascading down the slope.

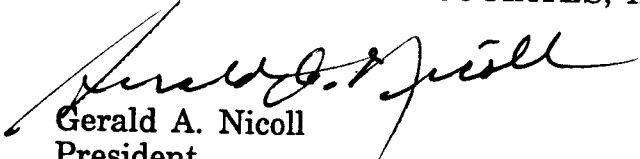
Mr. Wayne A. Patterson
November 2, 1993
Project 4860-05
Page 5

- e) There is a question whether the drainage system on the Salvador Slope is adequate in view of the fact that it appears that the drain system is for the purpose of draining all water from the Salvador Residences and contiguous areas. In this respect, we recommend a hydrologist's inspection and evaluation.


The opportunity to be of service is sincerely appreciated. If you have any questions or if we can be of further assistance, please call.

Very truly yours,

G. A. NICOLL AND ASSOCIATES, INC.



Gerald A. Nicoll
President
CEG 34
(Exp. June 30, 1994)



Mohan B. Upasani
Vice President, Engineering
RCE 41196
(Exp. March 31, 1995)

GAN/MBU:cs



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER
(714) 498-2533 FAX (714) 361-9376

December 8, 1993

Mr. Wayne A. Patterson
783 Avenue Salvador
San Clemente, CA 92672

Subject: **900 Block of Salvador Slope Concerns**

Dear Mr. Patterson:

This is to inform you that Engineering Division staff have sent another letter to property owners who have not completed repairs to their slopes. We are scheduling a nuisance abatement hearing in the City Council Chambers at **10:30 a.m. on December 14, 1993** for 914 and 916 Avenida Salvador. A request will be made of the City Council at their December 15th meeting to approve \$10,000 for temporary repairs at these two addresses if the property owners fail to make satisfactory progress. In the meantime, if you should have any questions, please feel free to contact Frank Smith.

Sincerely,

William E. Cameron
City Engineer

cc: Frank Smith, Senior Civil Engineer
Art Johnson, Senior Construction Inspector
File

c:\letters\740.wec

CITY OF SAN CLEMENTE
ENGINEERING
November 3, 1993

TO: Frank Smith, Senior Civil Engineer
Art Johnson, Senior Construction Inspector
Benjamin R. Villa, Assistant Engineer

FROM: William E. Cameron, City Engineer *WEC*

SUBJECT: Neighborhood Alliance Slopes, 900-918 Salvador

COPIES: File 11.12

Attached is a November 3, 1993 memo to the City Manager concerning the Neighborhood Alliance slopes from 900-918 Salvador. A staff meeting is scheduled for **1:30 p.m. Wednesday, November 10, 1993** to discuss the Neighborhood Alliance situation and other properties in the City where we may need to start a nuisance abatement process. I would like Development and Inspection staff to review our records and complaints to provide a listing of areas we believe may constitute a hazard to public safety. A report is being prepared by Building and Engineering Division staff for the City Manager and the City Council that will identify areas where the City may want to start nuisance abatement proceedings. As for the definition of public safety, initially it is to be considered situations where public right-of-ways, facilities, etc. may be at significant risk or where a slope instability problem may affect more than just the property it is located on. Three specific examples are:

1. **Neighborhood Alliance slopes** - these slopes are about 150 feet high and involve several properties above and below that could be damaged if proper repairs and maintenance work is not performed.
2. **407 Arlena** - this situation could affect houses on both sides of 407 Arlena as well as impact the public right-of-way below if a major failure occurs.
3. **Cristianita Pageant Site** - there is a significant potential for mud flows this winter that will affect homes and storm drains below the pageant site.

We also need to provide, if possible, ball park estimates of repair costs or winterization costs depending upon the level of effort that the City may wish to perform if it does go through the nuisance abatement procedure and the property owners do not comply with the order given by the City.

As for the Neighborhood Alliance and Wayne Patterson situation, Inspection staff needs to provide more detailed information on what repairs, winterization, etc. need to be performed on specific properties within the Neighborhood Alliance area so that letters can be sent to

property owners listing specific items needing attention. Also, notes should be taken about our opinions of Mr. Patterson's concerns that are listed in my November 3, 1993 memo to the City Manager.

In addition, Mr. Patterson is still going to pursue issues in his earlier letters and conversations with us. I would like to have staff prepare final responses to some of his claims concerning the grading, landscaping and irrigation completed. If we do not have the answer, state it that way. Also, Development staff needs to make copies of plans, permits, etc. for Mr. Patterson on the previously performed repairs that he will pay for.

c:\memos\338.wcc

CITY OF SAN CLEMENTE
ENGINEERING
November 3, 1993

TO: Mike Parness, City Manager

FROM: William E. Cameron, City Engineer *WEC/gh*

SUBJECT: Neighborhood Alliance Slopes 900 to 918 Salvador

COPIES: Michael L. Sorg, Public Works Director
Frank Smith, Senior Civil Engineer
Trang Huynh, Building Official
Art Johnson, Senior Construction Inspector
File 11.12

This is a summary of events on October 28, 1993, concerning Mr. Patterson's October 26, 1993 letter, my conversation with you, a conversation with Engineering Staff and one with Wayne Patterson. As for our discussions about the situation, I talked to Jeff Oderman today to determine what exposure the City might have if it performed any maintenance or rehabilitation work on the neighborhood alliance slopes. It is Jeff's opinion that the City has no liability for performing interim or permanent repairs. He suggested we document with photos, etc. any work we do so that we can later prove our efforts did not contribute to some future problem. This obviously would not preclude a property owner from suing us later if a problem does occur.

Other issues are that we are talking mainly about maintenance type work and not a complete fix of the slope. When it rains during the winter, there will need to be continued efforts to keep the "V" ditches cleaned. Also, the City has no money budgeted for nuisance abatement. You requested that Engineering Staff look at other areas where we should consider taking action, prioritizing them and estimating the cost. By copy of this memo, I am requesting that Frank Smith provide me a list of other property that might be appropriate for the nuisance abatement process. There are situations where future failures could affect other properties or public facilities.

As for the statements that Mr. Patterson quoted our staff on in the second paragraph, both Frank Smith and Art Johnson said that they did not make these exact statements or they were taken out of context. Frank says that he might have stated that it was a public nuisance, but the bottom line was that there was probably no way the City would declare a public nuisance. He told Mr. Patterson that the best we could do would be writing another letter similar to Art Johnson's in 1991. Frank emphasized that it would not be a strong letter. As for his quote of Art Johnson, Art had indicated that we almost had to take an older couple out of the house when the mud was flowing. Art believes that he had a general conversation that was taken out of context.

When I talked to Wayne Patterson on October 28, it was mentioned that our staff believed they did not make these exact statements and that some of the information could have been taken out of context. He disagreed. I informed Mr. Patterson that only the Building Official, City Engineer and Fire Marshal would be recommending condemnation, but that we were considering having people leave one of the homes because of the mud flows that were occurring during the storm. This was in case it got worse during that specific point in time. Mr. Patterson was unwilling to accept this explanation. The conversation took a more positive direction when Mr. Patterson was asked to address his specific concerns. They are:

1. The homes from 900 to 918 Salvador are below street grade. Water comes down the slope. The houses do not have downspouts and gutters.
2. That in 1980, when repairs were made, the slope was not completed. He has no problem with the grading. He claims that the owners did not do the landscaping and irrigation in accordance with plans and specifications. The landscaping work done was shoddy.
3. He wanted more action taken on the recommendations made in Art Johnson's 1991 letter to the property owners. Apparently, some property owners were dumping unsuitable materials on the slopes, not maintaining their ditches and did not have adequate landscaping in Mr. Patterson's opinion.
4. There has been a lot of dirt rearranged and hand-compacted. Some attempts were made to build retaining walls with railroad ties at 910 Salvador. Railroad ties have too much weight and are not approved as a repair method by the City. I informed him that we did not issue permits on any of the work currently being performed by the property owner and that there was no prohibition of railroad ties for non-permitted work.
5. Mr. Patterson claimed that grading permits were required because over 50 yards of earth was imported or exported by property owners. I told him that we did not have any information on his claim.
6. There is loose debris and trash at the toe of some property owner's slopes that needs to be removed. Our staff agrees that the material needs to be removed so that it does not clog the drain or wash down to other properties.
7. At 910 and 912 Salvador, directly above him, the property owner repaired the largest portion of the slopes, except the lower 30 to 40 feet. These areas need to be repaired and cleaned up.

Mr. Patterson claims that we have not been responsive to his letters and concerns. He was informed that our staff has spent significant amount of time over the past nine months reviewing his requests, claim, etc. We have also responded orally and I wrote him a letter dated June 11, 1993. He is unhappy with my letter because it lacks the specifics he wants, plus the action he wants the City to take. I told him he was fortunate to get the information he did have since the City's records were not that good back in 1980. Fortunately, Art Johnson was here when that work was performed and knew what had gone on during that time period. Mr. Patterson was also informed that the City's current Grading Ordinance did not take effect until 1982, which was after the original neighborhood alliance work was performed. As for his claims about landscaping requirements and the property owners not meeting those requirements, I will have Art Johnson review our records and ordinances from that period of time. When I started with the City in 1986, the City was not always requiring landscaping of slopes immediately in areas that were mass graded. We will try to find out what the City's practice was concerning landscaping requirements in 1980. In 1986, the City was not even requiring bonds for completion of landscaping so it is questionable that the City was requiring landscaping when grading permits were issued in 1980.

Mr. Patterson has requested that we provide him with copies of all plans, permits, etc. and that he will pay for them. We will provide him with that information and then meet with him, as appropriate, to discuss specifics.

He seemed somewhat satisfied by the end of our telephone conversation. We will probably be meeting with him or writing him one final letter shortly.

By copy of this letter I am also requesting that Frank and Art provide a list of specific repairs that need to be done on individual properties so that another letter can be sent to the property owners next week.

WEC:vld

CITY OF SAN CLEMENTE
ENGINEERING
November 3, 1993

TO: Mike Parness, City Manager

FROM: William E. Cameron, City Engineer *WEC/JS*

SUBJECT: Neighborhood Alliance Slopes 900 to 918 Salvador

COPIES: Michael L. Sorg, Public Works Director
Frank Smith, Senior Civil Engineer
Trang Huynh, Building Official
Art Johnson, Senior Construction Inspector
File 11.12

This is a summary of events on October 28, 1993, concerning Mr. Patterson's October 26, 1993 letter, my conversation with you, a conversation with Engineering Staff and one with Wayne Patterson. As for our discussions about the situation, I talked to Jeff Oderman today to determine what exposure the City might have if it performed any maintenance or rehabilitation work on the neighborhood alliance slopes. It is Jeff's opinion that the City has no liability for performing interim or permanent repairs. He suggested we document with photos, etc. any work we do so that we can later prove our efforts did not contribute to some future problem. This obviously would not preclude a property owner from suing us later if a problem does occur.

Other issues are that we are talking mainly about maintenance type work and not a complete fix of the slope. When it rains during the winter, there will need to be continued efforts to keep the "V" ditches cleaned. Also, the City has no money budgeted for nuisance abatement. You requested that Engineering Staff look at other areas where we should consider taking action, prioritizing them and estimating the cost. By copy of this memo, I am requesting that Frank Smith provide me a list of other property that might be appropriate for the nuisance abatement process. There are situations where future failures could affect other properties or public facilities.

As for the statements that Mr. Patterson quoted our staff on in the second paragraph, both Frank Smith and Art Johnson said that they did not make these exact statements or they were taken out of context. Frank says that he might have stated that it was a public nuisance, but the bottom line was that there was probably no way the City would declare a public nuisance. He told Mr. Patterson that the best we could do would be writing another letter similar to Art Johnson's in 1991. Frank emphasized that it would not be a strong letter. As for his quote of Art Johnson, Art had indicated that we almost had to take an older couple out of the house when the mud was flowing. Art believes that he had a general conversation that was taken out of context.

When I talked to Wayne Patterson on October 28, it was mentioned that our staff believed they did not make these exact statements and that some of the information could have been taken out of context. He disagreed. I informed Mr. Patterson that only the Building Official, City Engineer and Fire Marshal would be recommending condemnation, but that we were considering having people leave one of the homes because of the mud flows that were occurring during the storm. This was in case it got worse during that specific point in time. Mr. Patterson was unwilling to accept this explanation. The conversation took a more positive direction when Mr. Patterson was asked to address his specific concerns. They are:

1. The homes from 900 to 918 Salvador are below street grade. Water comes down the slope. The houses do not have downspouts and gutters.
2. That in 1980, when repairs were made, the slope was not completed. He has no problem with the grading. He claims that the owners did not do the landscaping and irrigation in accordance with plans and specifications. The landscaping work done was shoddy.
3. He wanted more action taken on the recommendations made in Art Johnson's 1991 letter to the property owners. Apparently, some property owners were dumping unsuitable materials on the slopes, not maintaining their ditches and did not have adequate landscaping in Mr. Patterson's opinion.
4. There has been a lot of dirt rearranged and hand-compacted. Some attempts were made to build retaining walls with railroad ties at 910 Salvador. Railroad ties have too much weight and are not approved as a repair method by the City. I informed him that we did not issue permits on any of the work currently being performed by the property owner and that there was no prohibition of railroad ties for non-permitted work.
5. Mr. Patterson claimed that grading permits were required because over 50 yards of earth was imported or exported by property owners. I told him that we did not have any information on his claim.
6. There is loose debris and trash at the toe of some property owner's slopes that needs to be removed. Our staff agrees that the material needs to be removed so that it does not clog the drain or wash down to other properties.
7. At 910 and 912 Salvador, directly above him, the property owner repaired the largest portion of the slopes, except the lower 30 to 40 feet. These areas need to be repaired and cleaned up.

Mr. Patterson claims that we have not been responsive to his letters and concerns. He was informed that our staff has spent significant amount of time over the past nine months reviewing his requests, claim, etc. We have also responded orally and I wrote him a letter dated June 11, 1993. He is unhappy with my letter because it lacks the specifics he wants, plus the action he wants the City to take. I told him he was fortunate to get the information he did have since the City's records were not that good back in 1980. Fortunately, Art Johnson was here when that work was performed and knew what had gone on during that time period. Mr. Patterson was also informed that the City's current Grading Ordinance did not take effect until 1982, which was after the original neighborhood alliance work was performed. As for his claims about landscaping requirements and the property owners not meeting those requirements, I will have Art Johnson review our records and ordinances from that period of time. When I started with the City in 1986, the City was not always requiring landscaping of slopes immediately in areas that were mass graded. We will try to find out what the City's practice was concerning landscaping requirements in 1980. In 1986, the City was not even requiring bonds for completion of landscaping so it is questionable that the City was requiring landscaping when grading permits were issued in 1980.

Mr. Patterson has requested that we provide him with copies of all plans, permits, etc. and that he will pay for them. We will provide him with that information and then meet with him, as appropriate, to discuss specifics.

He seemed somewhat satisfied by the end of our telephone conversation. We will probably be meeting with him or writing him one final letter shortly.

By copy of this letter I am also requesting that Frank and Art provide a list of specific repairs that need to be done on individual properties so that another letter can be sent to the property owners next week.

WEC:vld

cc:art



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, CITY ENGINEER

(714) 498-2533 FAX (714) 361-9376

October 27, 1993

To: **Neighborhood Alliance Property Owners**

Subject: **Completion of Slope Repair Work**

City Engineering staff made a recent inspection of the slopes involved in the original Neighborhood Alliance slope repair work performed in the early 1980's. Some damage occurred to those slopes earlier this year. Many of you have made some slope repairs and performed clean up work. Our staff's observation is that some of the "V" ditches remain clogged with earth and debris and some of the lower portions of slopes have not received as much attention. As you all know, a team effort is necessary to provide adequate protection to the properties above and below the slopes in your neighborhood. The rainy season has officially started. In order to minimize the potential for future slope damage, property owners should immediately complete the repair work. These items of work include:


1. Repairing broken "V" ditches and cleaning out the earth and debris so that the "V" ditches properly function.
2. Providing some type of erosion control protection in barren areas to minimize erosion and clogging of "V" ditches and drains. Options available include relandscaping, installation of a material such as jute matting and installation of sand bags to slow down storm runoff and help keep debris from entering the drainage system.
3. Property owners should monitor their slopes and drainage systems during and after storms, do maintenance and repair as necessary to protect the integrity of the slopes and drainage systems.

Completion of Slope Repair Work

Page 2

Attached for your information is a copy of the "Guide for Homeowners Emergency Slope Repair" prepared by Engineering staff to assist property owners. If you should have any questions, please feel free to call Frank Smith or Ben Villa at (714) 498-2533, extensions 3407 or 3416.

Sincerely,


William E. Cameron *for*
City Engineer

c:\letters\730.wec

WAYNE PATTERSON
783 Avenida Salvador
San Clemente, California 92672

RECEIVED

OCT 27 '93

October 26, 1993

City of San Clemente
Engineering Div.

Mr. Frank Smith
Mr. Art Johnson✓
City of San Clemente
910 Calle Negocio
San Clemente, California 92672

Re: Our Meeting at 1213 Avenida Buena Suerte
October 4, 1993

Gentlemen:

Thank you for meeting with me and Ron Chavarria on Monday, October 4, to walk the slopes between the addresses of 900 to 918 Avenida Salvador.

As you, Mr. Smith, stated on that date, "there is no doubt in my mind, this is a serious nuisance". I am also in agreement with Art Johnson's statement, "this is a very bad situation, in fact, it was a consideration of ours, after the January slide, to condemn both your property and the Lazarus' property because of the potential hazard of loss of life and property damage."

Now that we all agree that this area poses a great threat, not only to the four residences on Buena Suerte, but it poses a potential hazard to Avenida Cayente.

It is my impression, from our meeting, that three things hinder our progress to mitigate a potential hazard of both public and private property. Those three things are City money, the City's willingness to mitigate further damage, and the mechanism to declare this area a public nuisance and, or geologic hazard abatement district. Mr. Smith, your insistence, along with Mr. Cameron, that this "is a private or civil matter" is unacceptable. As you will note in Exhibit A, that the City was considering implementing provisions of the City Code to alleviate water runoff problems at our property in March of 1979, when the conditions did not present the potential hazard as of January 1993. As you can see, each year as we ignore the problem, the conditions are intensified to the degree where the potential hazard becomes greater. May I remind you, that these hazardous conditions will not go away with your "ostrich approach".

In review of our file which dates back to 1978 (the first of now, three slides), I have attached the following correspondence and, or, procedures regarding City Code Enforcement (Exhibit B and Exhibit C) that may help to expedite matters. Apparently, Mr. Smith, you are having trouble locating a copy of the Code as you still have not forwarded my wife a copy as promised in your August 18th, 1993 letter, and as I reiterated the request in my September 22nd letter, and we still have received nothing. Hopefully, by sending you a copy that we obtained, we may expedite matters so the City may move promptly to initiate necessary action to mitigate any further damage as we feel that paying three times to remove our neighbors dirt and debris from our yard and restoring it is quite enough. We do not intend to bear this burden a fourth time. May I remind you that the rainy season is again upon us, "time is of the essence". Please read the enclosed article dated, Friday October 22nd, 1993, of The Orange County Register.

To sum things up, there has been alot of rearranging of soil on this slope above us, without any City inspection. Methods of repair have been done without any approval. Some methods of repair, such as using railroad ties to retain soil, are not a recommended means of repair per City instructions passed out after the January slides. I believe that there should be a compaction test in this aftermath of repair, that a Soils Engineer should be consulted and a comprehensive hydraulics study of the slope area to determine if the existing drainage system can handle the run off.

The purpose of this letter is to document our meeting, and may I remind you, we are still requesting answers to the letter of February 5th, March 24th, May 24th, July 2nd sent to Mr. Cameron, and the September 22nd letter to you, Mr. Smith. As you have mentioned previously, you and Mr. Cameron have collaborated on replies to these letters, however, we still have not had our questions specifically answered.

May I also remind you that you committed to having the letter for corrective action to the Avenida Salvador Residents ready to mail from the City by October 8th. My wife has attempted to contact you twice in this regard, to no avail. Per our phone conversation, September 22nd, you also offered to update me weekly on your progress on matters we discussed, and you have not fulfilled this committment.

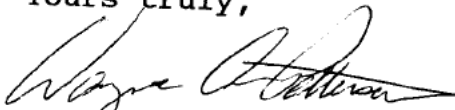
In our most recent conversation, Thursday, October 21st, you stated that you had discussed this matter that morning with Mr. Cameron, and that you would page me that afternoon when the letter was ready. When you did not page me, I left a recorded message Friday morning, October 22nd, and again Friday afternoon, for you to

return my calls. I waited until 2:00 p.m. the following Monday for your return call. At this time I left another message.

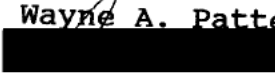
The City of San Clemente has specific codes to enforce matters of this nature. We complied with this procedure and filed the necessary complaint forms, as did our neighbors (Exhibit D). As you will note, the procedure states a five day response time by the City. We have not yet received any acknowledgement of these forms at this time. Consequently, it would appear that your inaction makes the City culpable in this matter.

Unless I have in my possession, by this week of November 1st, 1993, the letter you committed to write to the residents on Salvador (with me carbon copied); and all my other requests specifically addressed, I will have no other alternative but to place the City of San Clemente on notice, and will, therefore, also hold the City responsible for any further damage to my property, due to the existing conditions below Avenue Salvador.

Yours truly,



Wayne A. Patterson



cc: Mr. Mike Parness, City Manager
Mr. William E. Cameron, City Engineer
Mr. Jim Holloway, Community Development
Mr. Mike Sorg, Public Works Director
Mr. Jay Delcamp, Community Development Technician

Copies To:

1
2
3

City of San Clemente
INTER-OFFICE MEMORANDUM
Date **March 12, 1979**

AGENDA: **3-21-79**
TIME: **7:30 P.M.**
ITEM NO: **6-1**

FOR	
	ACTION
	INFORMATION
	COMMENT
	FILE
	RETURN TO:

To: City Council
From: City Manager
Subject: **Nuisance Abatement**

Reply Requested: Yes ☐ No ☐

OBJECTIVE

To implement provisions of City Code, Chapter 16-A, Nuisance Abatement, to alleviate run-off water problems at 1213 Avenida Buena Suerte.

FACTS

The City Council has indicated interest in utilizing the nuisance abatement procedure to solve property damage problems to Mr. Patterson's residence at 1213 Avenida Buena Suerte.

The Engineering Department has surveyed the area, and suggests the abatement proceeding be invoked against eight lots which have overgrown weeds and/or poorly maintained drains. These lots run from 900 to 914 Avenida Salvador.

City Code Section 16A-3 requires the City Council to adopt a resolution declaring its intent to conduct a public hearing on the alleged public nuisance. Following adoption of the resolution, notice is given to the property owners regarding the proposed public hearing.

RECOMMENDATION

Direct the City Attorney to prepare a resolution declaring the City Council's intent to conduct a public hearing.

ACTION REQUIRED

Adopt recommendation by minute motion.

GCW.ME
Attachments

(Ex. A-10/93)

CHAPTER 16A.

NUISANCES.

- § 16A-1. Maintenance of property.
- § 16A-2. Abatement procedure.
- § 16A-3. Declaration of nuisance.
- § 16A-4. Abatement--Hearing notice.
- § 16A-5. Posting; serving notice.
- § 16A-6. Form of proper service of notice.
- § 16A-7. Hearing.
- § 16A-8. Action by city council.
- § 16A-9. Immediate hazard.
- § 16A-10. Service of abatement order.
- § 16A-11. Abatement by city.
- § 16A-12. Record of cost for abatement.
- § 16A-13. Report; hearing; proceedings.
- § 16A-14. Assessment of costs against property; lien.
- § 16A-15. Alternates.

Sec. 16A-1. Maintenance of property.

It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this city to maintain such premises in such manner that any of the following conditions are found to exist thereon:

(a) Buildings or structures which are structurally unsafe or which are not provided with adequate egress so as to constitute a fire hazard; or which are otherwise dangerous to human life; or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment;

(b) Buildings or structures maintained in violation of the Uniform Building Code as adopted by the city;

(c) Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, causes erosion, subsidence, or surface water run-off problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties;

(d) Premises maintained so as to constitute a fire hazard by reason of woods, rank overgrowth or accumulation of debris;

(e) Buildings which are abandoned, boarded up, partially destroyed or left unreasonably in a state of partial construction;

(EX. B-10-93)



A CITIZEN'S GUIDE TO PROCEDURES FOR:

CODE ENFORCEMENT

City of San Clemente

CODE ENFORCEMENT 910 Calle Negocio, San Clemente, CA 92672-7144/98-2533

PURPOSE

Code Enforcement is intended to further the stated goals of the City of San Clemente, and protect the citizens and their property. The goal of Code Enforcement is to provide a high level of service to the general public and ensure compliance with the City's Zoning, Sign and Nuisance Ordinances along with various sections of the Municipal Code.

PROCESS

Filing a Complaint:

- 1) City complaints can be filed with forms provided at the Community Development Department, 910 Calle Negocio or by personal letter.

Note: The complainant's name, address and telephone number should be included. This information is kept strictly confidential and is used only for follow-up purposes.

Response Time:

Initial inspection of a complaint should take place within five (5) working days of receiving a written complaint.

Notification Procedures:

Upon verification of a violation, the responsible party and/or property owner will be notified of the violation in person or through written notice. Time-frame for compliance is dependent upon the nature of the violation.

Legal Action:

In most cases, after proper notification from the Code Enforcement Section, the violation will be corrected. In some cases the City Attorney's office will be asked to initiate legal action against violators who fail to comply with City codes. If the violation is a Public Nuisance, the City may initiate Public Nuisance Abatement proceedings against the violator.

El Nino might mean winter of rain for O.C.

WEATHER: Forecasters say the climate condition is building, which could result in more heavy storms.

BY GARY ROBBINS

The Orange County Register

El Nino is regaining strength, possibly heralding a return of the heavy rains that destroyed homes throughout Orange County last winter and jammed Coast Highway in Dana Point with tons of mud that have yet to be removed.

"The conditions we're seeing mean that the kind of storms that delivered over Orange County last January could appear again," said Wilfredo Sanchalera, a meteorologist at the National Weather Service in San Diego.

The rain we received this morning came from the subtropics — a fingerprint of El Nino. So was the low-pressure system that gave us a cool summer. And the water in the eastern Pacific is getting warmer."

El Nino is a poorly understood climate change that occurs when

the trade winds in the equatorial Pacific change direction and blow east, toward South America. Some of the warm currents head toward Southern California. Storms can ride those currents here. El Nino also can cause the northern and subtropical jet streams to mix, unleashing heavy rain.

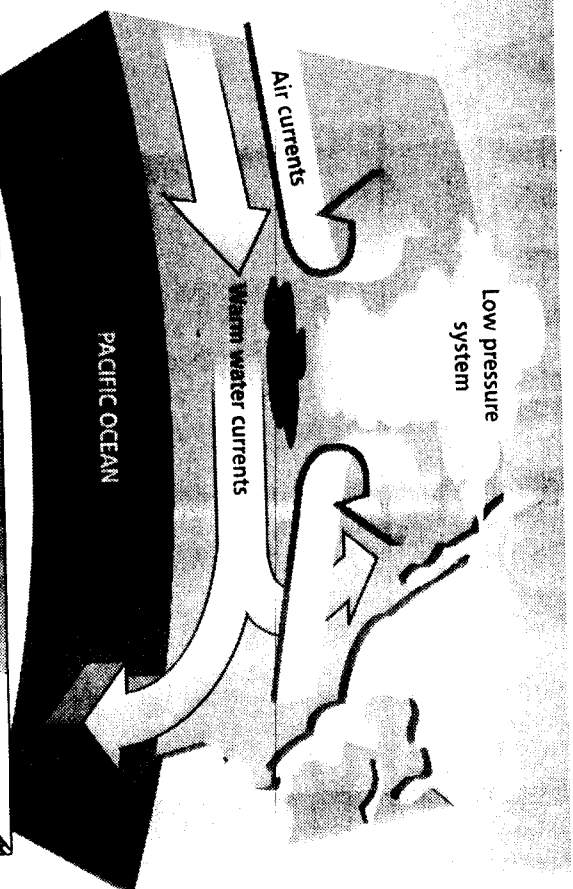
The federal Climate Analysis Center has confirmed that El Nino is gaining strength. However, center officials are not sure what will happen as a result.

Last winter, forecasters say, El Nino caused the subtropical and northern jet streams to converge over Southern California, resulting in heavy storms. Orange County received more than 21 inches of rain, about 6 inches more than normal. In January, it rained for 14 consecutive days.

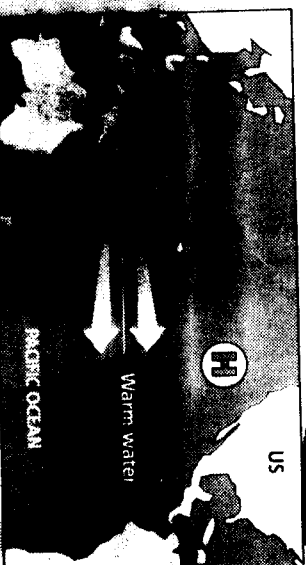
The downpour ended the drought, but it caused landslides in Anaheim Hills, Laguna Beach and San Clemente, damaging and destroying homes and forcing evacuations. The rains also damaged county land, leading the county to seek \$20 million in federal disaster relief.

EL NIÑO

The ocean current known as El Niño occurs when westward winds in the equatorial region of the eastern Pacific fade and are replaced by eastward winds. The winds push warm water toward South America. As it approaches land, the warm water splits; some heads south, the rest goes north toward Mexico and California.



Normal weather: A high-pressure system over the eastern Pacific causes trade winds to blow toward a low-pressure system over Indonesia, inducing a westward-setting current. Warm water builds up in the west Pacific.



During El Niño: The low moves eastward and the high weakens. Trade winds falter and are replaced by east-blowing winds. This causes the surface current to reverse, and warm water surges toward South America.

Source: National Geographic Magazine

FORM MUST BE SIGNED AND DATED

BUILDING DIVISION - COMPLAINT FORM

1 form filled out for each address)
ADDRESS OF VIOLATION (902-918 Salvador - Completed & hand)
PROPERTY OWNER (delivered to the above address by the)
CURRENT OCCUPANT (Patterson, Rodrigues & Lazaurus homeowners)
(Note: That is a total of 48 forms)
(not responded to !)

Please state the issue including all information regarding the alledged violation (addresses, names, dates, etc). Use the back of this form if additional space is needed.

Code Violation regarding "Cross Lot Drainage"...The drains below subject address must be CLEANED OUT, weeds removed and their individual slope areas be repaired so that our property can be protected from future damage. The blockage of the drains with mud, allowed water to overflow the drains on to my property as well as my neighbor's properties causing major damage and a serious hazard to public safety. If the repair is not undertaken immediately, the hazard to our property and our neighbors will be certainly increased, and could possibly lead to destruction of the four homes on Buena Suerte.

Have you filed a complaint with any other agency? YES NO

If so, which agency, name and telephone of the individual you were in contact with _____

Do you wish your name to be kept confidential? YES NO

Are you willing to appear in court if necessary? YES NO

COMPLAINANT - Print Name _____

COMPLAINANT - Signature _____

COMPLAINANT ADDRESS _____

() _____
COMPLAINANT TELEPHONE NO. _____

DATE OF COMPLAINT _____

FOR CITY USE ONLY

DATE RECEIVED _____ CASE NO. _____
REFERRED TO _____ RECEIVED BY _____

TO BILL CAMERONAT CITY ENGR.

SUBJECT

900 BLOCK OF SALVADOR SLOPE REPAIRDATE 3-8-93

BILL, WE DO HAVE THE GRADING PERMIT PLEASE SEE
ENCLOSED. THE PERMIT HAS NO PLACE FOR A SIGN-OFF
AND BONDS FOR THE JOB WERE NOT REQUIRED.

THE NEIGHBORHOOD ALLIANCE IS NOT IN VIOLATION OF
THE GRADING ORDINANCE. THEY MIGHT HAVE A CODE
VIOLATION PROBLEM BECAUSE OF LACK OF MAINT. CLEAN UP

PLEASE REPLY TO

SIGNED

Art Johnson6-15

ART- Thanks for Info.
You should keep this handy.
I'm sure this will come up
again very soon.

Bill

DATE

SIGNED

REDIFORM. 4S 469

PLY PAK (50 Sets) 4P 469

SEND PARTS 1 AND 3 INTACT. -
PART 3 WILL BE RETURNED WITH REPLY.

RECEIVED

FEB 16 '93

City of San Clemente
Engineering Div.

February 8, 1993

February 5, 1993

Mr. Bill Cameron
City Engineer
City of San Clemente
100 Ave. Presidio
San Clemente, California 92672

Dear Mr. Cameron:

Re: Slope Failures
Hillside bordered by Buena Suerte,
Salvador, Cayente and Avenue San Juan

This letter will serve to confirm our conversation of February 2nd regarding the above.

The information I would like from you is as follows:

1. A copy of the City Permit for the slope repair for Neighborhood Alliance II.
2. I would like to know if this Permit was ever "signed off" by the City of San Clemente?
3. If the Permit was not "signed off"...is Neighborhood Alliance II in violation of any City Ordinances?

As you are well aware, we are not out of the rainy season yet, the homeowners on Salvador need to mitigate any further damages on this hillside immediately. We are not only concerned about property damage, but the safety of those who occupy the four homes at the bottom of this mess. If you could assist in instigating the Salvador Homeowners to remove their mud from out of our drains and encourage them to plan a resolution to this nightmare, we would appreciate it. In addition, if you should make a personal inspection, you might observe that many of the

Salvador Homes do not have rain gutters and downspouts, and many that do are in disrepair. You will note in the enclosed letters on atleast two occasions, these people were told of the possible disasters of not following through with gutters and downspouts as well as maintaining their drains and slopes. They were given specific information for the best results from both the Developer that did the grading project, H & R Land Developers, and another very specific letter from your Senior Construction Inspector, Arthur Johnson. That was as recent as March 21st, 1991. They still did not make any attempt to protect their property or ours by following any of these instructions.

We feel that it is once again, necessary to designate this area as a Geological Hazard and form a Geological Hazard Abatement District as was done in 1981. The degree of destruction in this most recent slide is many, many times greater than occurred in 1980 with a much more serious danger to structures and persons on Salvador, as well as, Buena Suerte. We can provide you with pictures of both slides.

Some drastic and specific steps need to be taken as soon as possible. We hope that you will read the enclosed letters. They document our concerns.

Thank your for your attention to this matter, we look forward to a reply at your earliest convenience.

Sincerely,



Mr. and Mrs. Wayne Patterson

Property Owners at: 1213 Avenida Buena Suerte

Mailing Address: 783 Avenida Salvador

Phone: 

CC: Mr. Trueman Benedict, Mayor
All Council Members
Mr. Jack Stubbs, Fire Department



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, P.E., CITY ENGINEER

March 21, 1991

Current Occupants:

902, 904, 906, 908, 910, 912, 914, 916 & 918 Avenida Salvador
San Clemente, California 92672

Subject: Neighborhood Alliance #2 - Slope Repair

Dear Homeowner:

On October 1, 1980, a major slope reconstruction project was required on the hillside at the rear of your home. This very expensive project was necessary due to damage caused by heavy rain.

On March 15, 1991, a request was made by one of your neighbors that the City inspect the current condition of the slope. We found a small failure had occurred and that the drains contain large amounts of debris. We also discovered large areas of the slope that were not planted or the plant material has died. It is very important that periodic inspections and maintenance be performed to prevent another slope failure.

I strongly recommend that the small, superficial failure be repaired as soon as possible and that the following suggestions be followed:

1. Slope planting should consist of deep rooting vegetation requiring little watering.
2. Irrigation pipe should be anchored to slope faces and slope irrigation should be minimized.
3. Periodic inspections of slope landscaping should be made and measures taken to control weeds and replant bare areas.
4. Terrace and downdrains should be inspected and maintained free of debris.
5. A preventative program should be established to control burrowing animals.

NEIGHBORHOOD ALLIANCE #2 - SLOPE REPAIR

Page 2

I urge you to contact your neighbors and get this matter resolved as soon as possible. If you have any questions or require additional information, please call me at 498-2533, Ext. 3422.

Very truly yours,



Arthur G. Johnson
Senior Construction Inspector

AGJ:lls

cc: City Engineer
Wayne Patterson, 783 Avenida Salvador

C:\LETTERS\14.AGJ



CITY OF
SAN CLEMENTE

August 7, 1981

Attachment 4
COPY

Mr. Dave Holman
H&L Land Development
Post Office Box 1630
Escondido, CA 92025

RE: Avenida Salvador Slope Repair
Neighborhood Alliance #2 - Slope Repair Permit

Dear Mr. Holman:

This letter is a follow up to your conversations with our Senior Construction Inspector, Art Johnson.

The work on the slopes of the Neighborhood Alliance #2 is incomplete and presents a serious safety problem if it is not completed prior to the rainy season. The incompleted work represents a real liability to those responsible for seeing that it is completed.

I am writing you because the grading permit was taken out in your name and you are the engineer of record. If the work is not completed and the slopes remain hazardous, each individual slope owner could face serious financial liability for the completion of the work and any future damage that may occur. If emergency aid loan money was used for the reconstruction of the slopes, the failure to complete the work under the permit could jeopardize those loans.

I urge you to contact your clients and get this matter resolved as soon as possible. Please do not hesitate to contact me if I can help to resolve this matter.

Very truly yours,

Edward T. Putz
City Engineer

P.S. I am sending a copy of this letter to your clients so that they will realize the seriousness of this matter.

EPT:11c

cc: Homeowners Alliance No. 2

Art Johnson

Art. 314 Code Enforcement



LAND DEVELOPMENT
Surveying - Perc Tests - Lot Splits
Grading Plans & Compaction Tests

July 30, 1981

Richard Abblitt, Chairman
Neighborhood Alliance #2
912 Avenida Salvador
San Clemente, Calif., 92672

Dear Dick:

On July 24 I was contacted by Art Johnson, Senior Construction Inspector for the City of San Clemente, concerning the slope repair project on your lots. He was concerned about the condition of the toe of the slope repair, as well as conformance to the City approved landscape and irrigation plan for the project.

Art contacted me because I signed the grading permit as your authorized agent. As your agent and as a concerned Civil Engineer, I must agree with the City's concerns in the final stages of this project. As you recall, my last visit and inspection of the project was in February, 1981, as the drainage ditches were completed. It was my understanding at that time that the slopes would be covered with plastic until the rainy season was over, then the irrigation systems would be constructed and the slopes landscaped. The final cleanup of the toe of slope would be achieved after the initial landscaping was complete.

In February, when I last inspected the project, there was a substantial quantity of uncompacted dirt and debris covering the well-compacted toe of slope. A labor crew was in the process of placing this dirt into bags, which were to be used to hold down the plastic slope covering. I was under the impression that you were aware of the extent of the uncompacted material, and that it had to be removed prior to final acceptance by the City.

The compaction tests and report on the quality of the slope reconstruction applied to the reconstructed slope itself, not to the excess material which rolled down the slope as construction progressed. It is accepted, standard practice to require cleanup of slopes after construction. Because Neighborhood Alliance #2 acted as their own contractor after terminating the services of Gene's Tractor Service, then it is your responsibility to complete the slope cleanup to the satisfaction of the City. The homeowner's group is also responsible for following the approved landscape plan, or submitting an alternate, acceptable plan to the City.

I have been placed in a position by Neighborhood Alliance #2 which I do not like. As your Engineer and Agent, I must answer to the City Engineer for any deficiencies in meeting the City's ordinances and specifications. My phone conversation with you last week concerning these problems resulted in your statement that you felt the slope cleanup was satisfactory, that the various homeowners were installing their own irrigation and landscape systems without regard to the approved plan, and that you were not going to expend any more funds that might be necessary to resolve these problems with the City. May I strongly suggest that all the members of Neighborhood Alliance #2 meet to arrive at a sensible solution to these concerns.

cc: all members of
Neighborhood Alliance #2
City Engineer, City of
San Clemente

Very Truly Yours

David F. Holman RCE 25865

CIVIL ENGINEERING

LAND SURVEYING

2-2- Jay-
Please see me
or ART. This man is requesting
info. on old grading permit
Art may have inspected when you get
info ready. I'd like to go over w/you + ART
2-2-93
Bill

Wants
copy of permit

Page 1

TK 3980 Wayne Patterson
Neighborhood Alliance.
Area regraded. Understand
permits never signed off.
Neighborhood Alliance - what type
of organs were they in
violation. was declared
Red Haz. 12 yrs ago by CC &
as bad as worse than there

neighborhood asked for permit, no
completes, 1979, + lands
had over 2 yrs
to get them
off

2/4/93 BILL -

THIS IS THE INFORMATION I FOUND IN TRACT FILE
3981 REGARDING THE NEIGHBORHOOD ALLIANCE.
THERE IS RECENT (1991) CORRESPONDENCE REGARDING
SLOPE MAINTENANCE. A GRADING PERMIT WAS ISSUED
TO THEM 9/12/80. THERE WAS AN APPROVED
LANDSCAPE PLAN 10/27/80. THERE IS ALSO
A SURVEY OF ~~SO~~ DAMAGE 10/8/79 DONE BY PETER
& ASSOC.

I SPOKE WITH ART + HE SEEMED TO REMEMBER
THE JOB. PLEASE LET ME KNOW WHEN YOU WANT
TO MEET.

JAY

CC: ART

XIV. WATER

1992 REAL ESTATE LAW

§14.72. In general

Traditionally, in California there have been two primary problems with water—either too much or too little. The latter situation relates primarily to value of land; the former situation will affect the rights and duties of adjoining owners.

§14.73. Diversion of waters

Before 1966, cases held that an owner cannot without liability divert surface or storm waters onto the lands of another over which they would not naturally have flowed nor can he accumulate surface waters on his land and precipitate them on a neighbor's land in larger quantities than, or in different amounts from, those which they would have taken in the course of nature. The rule regarding surface waters is relaxed somewhat as to city lots, and the owner may make changes in the surface of his land, but he may not cause an accumulation of storm waters that would injure adjoining property.

EXAMPLE

In one case,⁸⁷ the California Supreme Court modified the rule followed since 1876 regarding the liability of an upper owner for discharge of water in an unnatural manner. In reviewing the California law with respect to surface waters, the court recognized that California had followed the so-called civil law rule to the effect that there exists a "servitude" of natural drainage between adjoining parcels, so that the lower owner must accept the surface waters that naturally drain onto his land. Correlatively, the rule denies to the upper owner any privilege to alter the natural system of drainage so as to increase the burden. Recognizing that the civil law rule had a tendency to discourage the improvement of land, since almost any use of property is likely to cause a change in drainage, the court abandoned the strict civil law rule and adopted what it calls a "modified civil law rule." Not every interference with natural drainage injurious to the land of another is now actionable. It must also be unreasonable. In its decision, the court stated:

What is, in any particular case, reasonable use or management has been held to be a mixed question of law and fact to be submitted to the jury under proper instructions.

Failure to exercise reasonable care may result in liability by an upper to a lower landowner. It is equally the duty of any person threatened with injury to his property by the flow of surface waters to take reasonable precautions to avoid or reduce any actual or potential injury.

On the other hand, if both the upper and lower landowners are reasonable, then the injury must necessarily be borne by the upper landowner who changes a natural system of drainage, in accordance with our traditional civil law rule.

XV. LATERAL AND SUBJACENT SUPPORT

§14.74. In general

Lateral support is that support which one tract of land receives from an adjoining tract separated from it by a vertical plane. At common law, an owner of land was entitled to have it supported in its natural condition by the adjoining land. Liability for infringing this right was not dependent on any lack of care or skill by a person who caused the removal of support of land, but was absolute. Although a landowner may



CITY OF
SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, P.E., CITY ENGINEER

March 28, 1991

Mr. & Mrs. Ralph Rodriques
1211 Avenida Buena Suerte
San Clemente, CA 92672

Subject: Neighborhood Alliance #2 - Slope Repair

Dear Mr. & Mrs. Rodriques:

Your letter, regarding the slope behind your home, was forwarded to me by the City Engineer, Bill Cameron, for reply.

Please find attached a letter from this office, which was mailed to all the members of the Neighborhood Alliance #2, regarding many of the concerns mentioned in your letter to the City Engineer.

I discussed with the City Code Compliance Officer, Beverly Butler, the trash and waste disposal problem occurring on the slope. She will make an inspection of the slope to determine if there are any code violations.

If you have any questions or require additional information, please call me at 714/498-2533, ext. 3422.

Very truly yours,

Arthur G. Johnson
Senior Construction Inspector

AGJ:vld

Enclosure

cc: City Engineer
Code Compliance Officer

c:\letters\03.AGJ



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, P.E., CITY ENGINEER

March 21, 1991

Current Occupants

902, 904, 906, 908, 910, 912, 914, 916 & 918 Avenida Salvador
San Clemente, California 92672

Subject: **Neighborhood Alliance #2 - Slope Repair**

Dear Homeowner:

On October 1, 1980, a major slope reconstruction project was required on the hillside at the rear of your home. This very expensive project was necessary due to damage caused by heavy rain.

On March 15, 1991, a request was made by one of your neighbors that the City inspect the current condition of the slope. We found a small failure had occurred and that the drains contain large amounts of debris. We also discovered large areas of the slope that were not planted or the plant material has died. It is very important that periodic inspections and maintenance be performed to prevent another slope failure.

I strongly recommend that the small, superficial failure be repaired as soon as possible and that the following suggestions be followed:

1. Slope planting should consist of deep rooting vegetation requiring little watering.
2. Irrigation pipe should be anchored to slope faces and slope irrigation should be minimized.
3. Periodic inspections of slope landscaping should be made and measures taken to control weeds and replant bare areas.
4. Terrace and downdrains should be inspected and maintained free of debris.
5. A preventative program should be established to control burrowing animals.

I urge you to contact your neighbors and get this matter resolved as soon as possible. If you have any questions or require additional information, please call me at 498-2533, Ext. 3422.

Very truly yours,



Arthur G. Johnson
Senior Construction Inspector

AGJ:lls

cc: City Engineer
Wayne Patterson, 783 Avenida Salvador

C:\LETTERS\14.AGJ



CITY OF
SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, P.E., CITY ENGINEER

March 28, 1991

Mr. & Mrs. Ralph Rodriques
1211 Avenida Buena Suerte
San Clemente, CA 92672

Subject: Neighborhood Alliance #2 - Slope Repair

Dear Mr. & Mrs. Rodriques:


Your letter, regarding the slope behind your home, was forwarded to me by the City Engineer, Bill Cameron, for reply.

Please find attached a letter from this office, which was mailed to all the members of the Neighborhood Alliance #2, regarding many of the concerns mentioned in your letter to the City Engineer.

I discussed with the City Code Compliance Officer, Beverly Butler, the trash and waste disposal problem occurring on the slope. She will make an inspection of the slope to determine if there are any code violations.

If you have any questions or require additional information, please call me at 714/498-2533, ext. 3422.

Very truly yours,


Arthur G. Johnson
Senior Construction Inspector

AGJ:vld

Enclosure

cc: City Engineer
Code Compliance Officer

c:\letters\03.AGJ



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, P.E., CITY ENGINEER

March 21, 1991

3-25
ART -
Your letter re: slope
maint. is very good.
How are you dealing with
trash & debris complaint?
Bill

Current Occupants

902, 904, 906, 908, 910, 912, 914, 916 & 918 Avenida Salvador
San Clemente, California 92672

Subject: Neighborhood Alliance #2 - Slope Repair

Dear Homeowner:

On October 1, 1980, a major slope reconstruction project was required on the hillside at the rear of your home. This very expensive project was necessary due to damage caused by heavy rain.

On March 15, 1991, a request was made by one of your neighbors that the City inspect the current condition of the slope. We found a small failure had occurred and that the drains contain large amounts of debris. We also discovered large areas of the slope that were not planted or the plant material has died. It is very important that periodic inspections and maintenance be performed to prevent another slope failure.

I strongly recommend that the small, superficial failure be repaired as soon as possible and that the following suggestions be followed:

1. Slope planting should consist of deep rooting vegetation requiring little watering.
2. Irrigation pipe should be anchored to slope faces and slope irrigation should be minimized.
3. Periodic inspections of slope landscaping should be made and measures taken to control weeds and replant bare areas.
4. Terrace and downdrains should be inspected and maintained free of debris.
5. A preventative program should be established to control burrowing animals.

I urge you to contact your neighbors and get this matter resolved as soon as possible. If you have any questions or require additional information, please call me at 498-2533, Ext. 3422.

Very truly yours,



Arthur G. Johnson
Senior Construction Inspector

AGJ:lls

cc: City Engineer
Wayne Patterson, 783 Avenida Salvador

CA\LETTERS\14.AGJ



CITY OF SAN CLEMENTE

ENGINEERING DIVISION

WILLIAM E. CAMERON, P.E., CITY ENGINEER

March 21, 1991

Current Occupants

902, 904, 906, 908, 910, 912, 914, 916 & 918 Avenida Salvador
San Clemente, California 92672

Subject: Neighborhood Alliance #2 - Slope Repair

Dear Homeowner:

On October 1, 1980, a major slope reconstruction project was required on the hillside at the rear of your home. This very expensive project was necessary due to damage caused by heavy rain.

On March 15, 1991, a request was made by one of your neighbors that the City inspect the current condition of the slope. We found a small failure had occurred and that the drains contain large amounts of debris. We also discovered large areas of the slope that were not planted or the plant material has died. It is very important that periodic inspections and maintenance be performed to prevent another slope failure.

I strongly recommend that the small, superficial failure be repaired as soon as possible and that the following suggestions be followed:

1. Slope planting should consist of deep rooting vegetation requiring little watering.
2. Irrigation pipe should be anchored to slope faces and slope irrigation should be minimized.
3. Periodic inspections of slope landscaping should be made and measures taken to control weeds and replant bare areas.
4. Terrace and downdrains should be inspected and maintained free of debris.
5. A preventative program should be established to control burrowing animals.

I urge you to contact your neighbors and get this matter resolved as soon as possible. If you have any questions or require additional information, please call me at 498-2533, Ext. 3422.

Very truly yours,

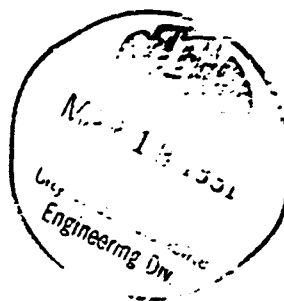


Arthur G. Johnson
Senior Construction Inspector

AGJ:lls

cc: City Engineer
Wayne Patterson, 783 Avenida Salvador

C:\LETTERS\4.AGJ



Mr. Bill Cameron
City Engineer
City of San Clemente
100 Ave. Presidio
San Clemente, CA 91672

March 12, 1991

Dear Mr. Cameron:

We are extremely concerned about the slope behind our home on 1211 Avenida Buena Suerte. We have learned that the slope has been unstable in the past and due to the condition of the slope at the present time a heavy rainfall could be devastating to our home and our neighbor's homes as well.

It was brought to our attention that the slope has been regraded by Neighborhood Alliance Two, a group of residence on Ave. Salvador. Upon inspection of the slope, we found excess soil left near the toe of the slope near the top of our drains.

Upon our walk/inspection of the slope we found that some of the homeowners responsible for maintenance of their slopes are using them for trash and hazardous waste disposal. There is a tire, a "Thompson's Waterseal" (5 gal size) can full of oil (no lid), tin cans, oil filters etc. strewn on the hillside. There is debris and soil in the upper culverts leading to our drains. If these culverts remain uncleared heavy rainfall could cause runover which in turn would cause mudslide or earth slippage into our backyards and possibly into our homes.

We would be appreciative if you could enforce cleanup of the hillside and drainage areas and encourage the homeowners to maintain them periodically.

Sincerely,

Ralph and Elizabeth Rodrigues
1211 Avenida Buena Suerte
San Clemente, CA 92672

BEV, 3-28-91
I WROTE THEM
A LETTER YOU
WILL BE GETTING
A COPY.

AKET

Final Grading Release

PERMIT NUMBER

N/A

DATE

9-4-87

TRACT

3981

LOCATION

AVE. SALVADOR SAN CLEMENTE

LOTS APPROVED

900-918 AVE. SALVADOR

OWNER

NEIGHBORHOOD ALLIANCE #2

Owner's Address

SAME AS ABOVE

Special Requirements

FINAL GRADING RELEASE

AS PER DAVE HOLMAN REPORT DATED

Grading

Grading

FEB 9 1981

Inspector

Supervisor

F-0250-274

1525 S. Escondido Blvd.
P.O. Box 1630
Escondido, CA 92025
741-0533

LAND DEVELOPMENT
Surveying - Perc Tests - Lot Splits
Grading Plans & Compaction Tests

Feb. 9, 1981

To Whom It May Concern:

Our firm was retained by Neighborhood Alliance #2 to design and monitor the quality of a major slope repair project in the above block of Avenida Salvador, San Clemente. Ten residential lots are involved, as well as a tennis court at the North end of the project.

The entire slope reconstruction was treated as a single project, with the required earthwork balanced over the entire length. Earthwork began on Nov. 10, 1980, and continued through Jan. 15, 1981. Dave Holman, a Registered Civil Engineer, was present during every day of earthwork construction. A total of 43 compaction tests were performed as the slope reconstruction progressed, all tests were 90% relative compaction or higher.

Starting at the toe of the damaged slope, the earthwork contractor benched into the existing ground at least eight feet. As the reconstructed slope proceeded upward, the contractor continually benched into solid existing ground, from eight feet minimum to sixteen feet maximum at the benches. Existing material was continually cut, moved, and recompacted during the slope reconstruction process.

The new slope was constructed slightly "fatter" than the old slope. As a result, it was necessary to import some additional material to complete the reconstruction. The existing slope material is a mixture of sandy loam, sandy clay, and light clay. The material was thoroughly mixed as it was recompacted. The import material consisted mostly of a clayey sandy loam, with less clay than the native material. A small amount of decomposed granite was also imported.

The overall quality of the reconstructed earthwork is very good. Water hoses were used to supply an optimum amount of water to the compacted material. Compacted horizontal lifts were limited to no more than six inches.

The original design for the reconstruction specified the construction of french drains with concrete ditches on top, across the back of each yard. The cross drains would then empty into concrete downdrains at the south end of each yard. All of the owners elected to reconstruct their own backyard drainage, eliminating the french drain and concrete cross drains at this time. All of the downdrains were constructed according to our plan.

The concrete drainage system was constructed from February 3, 1981 through February 6, 1981. Dave Holman was present during the entire concrete operation, verifying that the drainage system was constructed according to our design and specifications.

Very Truly Yours,

Dave F. Holman
LAND SURVEYING



1525 S. Escondido Blvd.
P.O. Box 1630
Escondido, CA 92025
741-0533

LAND DEVELOPMENT

Surveying - Perc Tests - Lot Splits
Grading Plans & Compaction Tests

Nov. 3, 1981

Neighborhood Alliance #2
c/o Richard Abblitt
912 Avinida Salvador
San Clemente, Calif.

Gentlemen:

Yesterday (Nov. 2, 1981) I inspected the final cleanup work being done at the bottom of your re-constructed slope. The labor crew, under the direction of Ron Connerley, is doing an excellent job. I met with Art Johnson, Senior Construction Inspector for the City. He also feels that the final cleanup is progressing nicely, and that the project can be signed off with the City in the near future.

The overall slope reconstruction project looks very good. There is some minor settling on the low side of some of the terrace ditches, which is to be expected. Even though the entire slope was constructed and compacted properly, the outer six inches is difficult to compact, and remains somewhat loose. This is a normal, acceptable condition, which allows new slope plantings to root.

There is one minor erroded area on the slope behind Paul Finn's house, 916 Avinida Salvador. The problem is strictly surface errosion, and, in my opinion, was caused when Paul's irrigation system failed. The errosion is about 6 inches deep, and a 6 inch pile of material has formed below the errosion. The area is so minor that it could be left alone, if the City did not have to give the whole job a final inspection. Art Johnson indicated that the City would like to have the area repaired prior to final sign-off. Once Paul repairs the slope, he will have to properly repair his irrigation system so that this problem does not occur again.

The enclosed invoice reflects the time necessary to revise the grading plan to an as-built condition (revised drainage system, elimination of back yard french drains), as well as the trips I have had to make to San Clemente to coordinate, hassle, and inspect the final slope clean-up that is necessary and required by the City.

Very Truly Yours,

David F. Holman RCE 25865

cc Paul Finn



CITY OF SAN CLEMENTE

August 7, 1981

Mr. Dave Holman
H&L Land Development
Post Office Box 1630
Escondido, CA 92025

RE: Avenida Salvador Slope Repair
Neighborhood Alliance #2 - Slope Repair Permit

Dear Mr. Holman:

This letter is a follow up to your conversations with our Senior Construction Inspector, Art Johnson.

The work on the slopes of the Neighborhood Alliance #2 is incomplete and presents a serious safety problem if it is not completed prior to the rainy season. The incompleted work represents a real liability to those responsible for seeing that it is completed.

I am writing you because the grading permit was taken out in your name and you are the engineer of record. If the work is not completed and the slopes remain hazardous, each individual slope owner could face serious financial liability for the completion of the work and any future damage that may occur. If emergency aid loan money was used for the reconstruction of the slopes, the failure to complete the work under the permit could jeopardize those loans.

I urge you to contact your clients and get this matter resolved as soon as possible. Please do not hesitate to contact me if I can help to resolve this matter.

Very truly yours,

Edward T. Putz
City Engineer

P.S. I am sending a copy of this letter to your clients so that they will realize the seriousness of this matter.

ETP:llc

cc: Neighborhood Alliance #2 Homeowners.

September 17, 1980

Dear Neighbor,

Approximately October 1st the reconstruction project on our hillside will begin and the homeowners listed below want you to be informed. Plans have been prepared by H & L Land Development Co., reviewed by the City Engineer, discussed with the homeowners involved, and they are now being finalized with the City of San Clemente.

A qualified, licensed contractor will be performing the reconstructive "bench and key" grading, beginning about October 1st, for approximately 30 days under the supervision of H & L Co. Following grading, a new drain system will be installed for those homes participating in the project and this phase should take 3 to 4 weeks - until the end of November.

As landscaping the hill will take place next Spring, after the rainy season, we plan to protect the new slopes with plastic.

The complete details of the project are available from any of the homeowners listed below, and we suggest you contact one of us if you have questions.

We look forward to the end-results, and anticipate not only "peace-of-mind" but know that the work will insure the property integrity and the property value for all of us.

Russ Nettleton	902 Avenida Salvador	498-0071
Bob Connerly	904	492-3468
Roger Ellert	906	492-5724
Vince Whelan	908✓	492-7471
Jerry Manning	910✓	498-5677
Dick Abblitt	912✓	492-0789
Jean Spain	914	492-1216
Paul Fin	916	492-1909
Keith Chase	918	492-2910



CITY OF SAN CLEMENTE

August 7, 1981

Attachment 4
COPY

Mr. Dave Holman
H&L Land Development
Post Office Box 1630
Escondido, CA 92025

RE: Avenida Salvador Slope Repair
Neighborhood Alliance #2 - Slope Repair Permit

Dear Mr. Holman:

This letter is a follow up to your conversations with our Senior Construction Inspector, Art Johnson.

The work on the slopes of the Neighborhood Alliance #2 is incomplete and presents a serious safety problem if it is not completed prior to the rainy season. The incompleted work represents a real liability to those responsible for seeing that it is completed.

I am writing you because the grading permit was taken out in your name and you are the engineer of record. If the work is not completed and the slopes remain hazardous, each individual slope owner could face serious financial liability for the completion of the work and any future damage that may occur. If emergency aid loan money was used for the reconstruction of the slopes, the failure to complete the work under the permit could jeopardize those loans.

I urge you to contact your clients and get this matter resolved as soon as possible. Please do not hesitate to contact me if I can help to resolve this matter.

Very truly yours,

Edward T. Putz
City Engineer

P.S. I am sending a copy of this letter to your clients so that they will realize the seriousness of this matter.

EPT:llc

cc: Homeowners Alliance No. 2



CITY OF SAN CLEMENTE

August 7, 1981

Mr. Dave Holman
H&L Land Development
Post Office Box 1630
Escondido, CA 92025

RE: Avenida Salvador Slope Repair
Neighborhood Alliance #2 - Slope Repair Permit

Dear Mr. Holman:

This letter is a follow up to your conversations with our Senior Construction Inspector, Art Johnson.

The work on the slopes of the Neighborhood Alliance #2 is incomplete and presents a serious safety problem if it is not completed prior to the rainy season. The incompleting work represents a real liability to those responsible for seeing that it is completed.

I am writing you because the grading permit was taken out in your name and you are the engineer of record. If the work is not completed and the slopes remain hazardous, each individual slope owner could face serious financial liability for the completion of the work and any future damage that may occur. If emergency aid loan money was used for the reconstruction of the slopes, the failure to complete the work under the permit could jeopardize those loans.

I urge you to contact your clients and get this matter resolved as soon as possible. Please do not hesitate to contact me if I can help to resolve this matter.

Very truly yours,

Edward T. Putz
City Engineer

P.S. I am sending a copy of this letter to your clients so that they will realize the seriousness of this matter.

ETP:11c

cc: Neighborhood Alliance #2 Homeowners.

MEMO

PUBLIC WORKS DEPT.

JUL 31 1981

To: _____
Dir. _____
Engr. _____
Water _____
Civ. _____
P. _____

H&L

705 E. 17th Ave.
P. O. Box 1630
Escondido, CA 92025
741-0533

TO Edward Putz, City Engineer

City of San Clemente

100 Avenida Presidio, San Clemente, Ca. 92672

File:

LAND DEVELOPMENT
Surveying - Perc Tests - Lot Splits
Grading Plans & Compaction Tests

SUBJECT Avinida Salvador slope repair (Neighborhood Alliance #2) DATE 7/30/81

Ed:

Enclosed is a list of the homeowners involved in the above slope repair project. By the time you receive this, you should have received copies of all the compaction tests I performed, as well as a report on the satisfactory slope repair work and drainage work. The last time I was on the project, which was in February, 1981, the homeowners were going to cover the slopes with plastic, and resume cleanup and landscape work after the rainy season. After talking with Art Johnson, I contacted Richard Abblitt, the spokesman for the group, and reminded him that he needed to complete the cleanup of the toe of the repaired slope, and that they had an approved irrigation and landscape plan which they were supposed to follow. His reaction was that they had done all the cleanup they were going to do, and that they would landscape as they pleased. I have enclosed a copy of my letter to the homeowners with my reaction. I hope we can reach a reasonable solution!

Thanks

SIGNED

Dave Holman

Neighborhood Alliance #2
914-918 Avenida Salvador
San Clemente, Calif. 92672
May 22, 1980

H & L Land Development
P. O. Box 1630
Escondido, California 92025

Gentlemen:

With reference to your letter of April 29, 1980 addressed to Bob Connerly, et al., (Neighborhood Alliance #2) of San Clemente, we are pleased to accept your offer to prepare a soils engineering-grading and drainage improvement plan covering the following properties in San Clemente:

902 Avenida Salvador,	Russ Nettleton	(714) 498-0071
904 " "	Robert Connerly	492-3468
906 " "	Roger Ellert	492-5724
908 " "	Vince Whelan	492-7471
910 " "	Jerry Manning	498-5677
912 " "	Richard Abblitt	492-0789
914 " "	Jean Spain	492-1216
916 " "	Paul Finn	492-1909
918 " "	Keith Chase	492-2910


CHAIRMAN OF
GROUP }

Access has been granted by Paul Girard, 900 Avenida Salvador, (714)492-3996, to the above project site, but he does not wish to be involved in the actual study or reconstruction of the hillside. The properties belonging to Peter Wolenty, 1211 Avenida Buena Suerte (714) 492-7866 and Wayne Patterson, 1213 Avenida Buena Suerte (714) 498-3884 should also be included in this study due to the drainage problems from above. They have indicated a desire to join our group.

We are enclosing a check for \$1500.00 to initiate the survey and will remit approximately \$1500.00 additional upon completion of the survey and topographical study. We would also request a written confirmation from your organization regarding your fees for preparation of the grading and drainage improvement plan covering the above properties as well as the estimated costs for supervision of drainage improvements and grading operations. We would also like you to consider developing a % for each of the above properties that can be used as a figure for calculating individual property owners shares of the reconstruction costs.

We are working against a time table governed by our summer season and we expect that your organization will initiate the survey work at the earliest possible date.

Thank you for attending our business meeting the other night and for giving us a very thorough and informative description of your services.

Very truly yours,
NEIGHBORHOOD ALLIANCE #2
By 
Richard E. Abblitt

COPY FOR YOUR
INFORMATION
H&L



1525 S. Escondido Blvd.
P.O. Box 1630
Escondido, CA 92025
741-0533

July 30, 1981

Richard Abblitt, Chairman
Neighborhood Alliance #2
912 Avenida Salvador
San Clemente, Calif., 92672

LAND DEVELOPMENT
Surveying - Perc Tests - Lot Splits
Grading Plans & Compaction Tests

Dear Dick:

On July 24 I was contacted by Art Johnson, Senior Construction Inspector for the City of San Clemente, concerning the slope repair project on your lots. He was concerned about the condition of the toe of the slope repair, as well as conformance to the City approved landscape and irrigation plan for the project.

Art contacted me because I signed the grading permit as your authorized agent. As your agent and as a concerned Civil Engineer, I must agree with the City's concerns in the final stages of this project. As you recall, my last visit and inspection of the project was in February, 1981, as the drainage ditches were completed. It was my understanding at that time that the slopes would be covered with plastic until the rainy season was over, then the irrigation systems would be constructed and the slopes landscaped. The final cleanup of the toe of slope would be achieved after the initial landscaping was complete.

In February, when I last inspected the project, there was a substantial quantity of uncompacted dirt and debris covering the well-compacted toe of slope. A labor crew was in the process of placing this dirt into bags, which were to be used to hold down the plastic slope covering. I was under the impression that you were aware of the extent of the uncompacted material, and that it had to be removed prior to final acceptance by the City.

The compaction tests and report on the quality of the slope reconstruction applied to the reconstructed slope itself, not to the excess material which rolled down the slope as construction progressed. It is accepted, standard practice to require cleanup of slopes after construction. Because Neighborhood Alliance #2 acted as their own contractor after terminating the services of Gene's Tractor Service, then it is your responsibility to complete the slope cleanup to the satisfaction of the City. The homeowner's group is also responsible for following the approved landscape plan, or submitting an alternate, acceptable plan to the City.

I have been placed in a position by Neighborhood Alliance #2 which I do not like. As your Engineer and Agent, I must answer to the City Engineer for any deficiencies in meeting the City's ordinances and specifications. My phone conversation with you last week concerning these problems resulted in your statement that you felt the slope cleanup was satisfactory, that the various homeowners were installing their own irrigation and landscape systems without regard to the approved plan, and that you were not going to expend any more funds that might be necessary to resolve these problems with the City. May I strongly suggest that all the members of Neighborhood Alliance #2 meet to arrive at a sensible solution to these concerns.

cc: all members of
Neighborhood Alliance #2
City Engineer, City of
San Clemente

Very Truly Yours

David F. Holman
David F. Holman RCE 25865

CIVIL ENGINEERING

LAND SURVEYING

*COPY FOR
YOUR INFORMATION
D.F. Holman*



1525 S. Escondido Blvd.
P.O. Box 1630
Escondido, CA 92025
741-0533

LAND DEVELOPMENT
Surveying - Perc Tests - Lot Splits
Grading Plans & Compaction Tests

July 30, 1981

Richard Abblitt, Chairman
Neighborhood Alliance #2
912 Avenida Salvador
San Clemente, Calif., 92672

Dear Dick:

On July 24 I was contacted by Art Johnson, Senior Construction Inspector for the City of San Clemente, concerning the slope repair project on your lots. He was concerned about the condition of the toe of the slope repair, as well as conformance to the City approved landscape and irrigation plan for the project.

Art contacted me because I signed the grading permit as your authorized agent. As your agent and as a concerned Civil Engineer, I must agree with the City's concerns in the final stages of this project. As you recall, my last visit and inspection of the project was in February, 1981, as the drainage ditches were completed. It was my understanding at that time that the slopes would be covered with plastic until the rainy season was over, then the irrigation systems would be constructed and the slopes landscaped. The final cleanup of the toe of slope would be achieved after the initial landscaping was complete.

In February, when I last inspected the project, there was a substantial quantity of uncompacted dirt and debris covering the well-compacted toe of slope. A labor crew was in the process of placing this dirt into bags, which were to be used to hold down the plastic slope covering. I was under the impression that you were aware of the extent of the uncompacted material, and that it had to be removed prior to final acceptance by the City.

The compaction tests and report on the quality of the slope reconstruction applied to the reconstructed slope itself, not to the excess material which rolled down the slope as construction progressed. It is accepted, standard practice to require cleanup of slopes after construction. Because Neighborhood Alliance #2 acted as their own contractor after terminating the services of Gene's Tractor Service, then it is your responsibility to complete the slope cleanup to the satisfaction of the City. The homeowner's group is also responsible for following the approved landscape plan, or submitting an alternate, acceptable plan to the City.

I have been placed in a position by Neighborhood Alliance #2 which I do not like. As your Engineer and Agent, I must answer to the City Engineer for any deficiencies in meeting the City's ordinances and specifications. My phone conversation with you last week concerning these problems resulted in your statement that you felt the slope cleanup was satisfactory, that the various homeowners were installing their own irrigation and landscape systems without regard to the approved plan, and that you were not going to expend any more funds that might be necessary to resolve these problems with the City. May I strongly suggest that all the members of Neighborhood Alliance #2 meet to arrive at a sensible solution to these concerns.

cc: all members of
Neighborhood Alliance #2
City Engineer, City of
San Clemente

Very Truly Yours

David F. Holman
David F. Holman RCE 25865

CIVIL ENGINEERING

LAND SURVEYING

December 8, 1980

Mr. H. Keith Chase
918 Avenida Salvador
San Clemente, California 92672

Re: Lot 22, Tract 3981

Dear Mr. Chase:

Please be advised that the City requires that slope repairs being made shall conform to City ordinances. In order to issue a permit for slope repairs in accordance with City ordinances, plans shall be submitted and approved by the City. It is recommended that all the work be done under the supervision of a soils engineer.

If there are any questions regarding this matter, please feel free to contact us at this office.

Very truly yours,

Edward T. Putz
Public Works Director-City Engineer

ETP:bfs

**RALPH
STONE**

ASLA

PUBLIC WORKS SHEET	
Date	OCT 21 1980
To	City of San Clemente
Dir.	Warren Uounis
Engr.	Warren Uounis
Water & WW	
Streets	
Prop. Mgm.	
WARNER	
File:	

DATE October 21, 1980

JOB NO. 00809

TO City of San Clemente Engineer's Office

P. O. Box 3368

San Clemente, CA 92672

ATTENTION Warren Uounis

SUBJECT Avenida Salvador Slopes

SUBMITTED HEREWITH Two sets blackline prints of Avenida Salvador Slopes Planting and Irrigation plan for your approval

BY Steven Hove

P.O. BOX 584 • SOLANA BEACH, CA 92075 • PHONE (714) 755-3188
MEMBER AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS

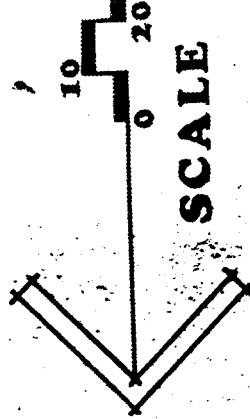
*process in
conjunction with
Les Brown and
George agreement.*

*Approved by
Les Brown, Park pt
Don't agree George
Hove*

also refer

CEANOETHUS
 ALAND CHRISTMAS TREE
 GOLDEN WATTLE

WILLOW LEAFED PEPPERMINT
 ISLAND PINE
 COYOTE BUSH



WELL ROOTED CUTTINGS, GOOD COLOR, PLANT 18" O.C.

PRIVATE

H & L L
 1525 SOUTH
 ESCONDIDO
 TELEPHONE

SHEET

CITY OF

Grading Plans For

Recommended for Approval

Subdivision

Engineer of work

R C E

AVENIDA SALVADOR SLOPES

PLANTING PLAN

SENIOR LANDSCAPE ARCHITECT

Description: 10.27.80
 Location: 10.27.80
 Record From: 10.27.80
 Date: 10.27.80

APPROVED CHANGES

Description	Approved By	Date

September 17, 1980

Dear Neighbor,

Approximately October 1st the reconstruction project on our hillside will begin and the homeowners listed below want you to be informed. Plans have been prepared by H & L Land Development Co., reviewed by the City Engineer, discussed with the homeowners involved, and they are now being finalized with the City of San Clemente.

A qualified, licensed contractor will be performing the reconstructive "bench and key" grading, beginning about October 1st, for approximately 30 days under the supervision of H & L Co. Following grading, a new drain system will be installed for those homes participating in the project and this phase should take 3 to 4 weeks - until the end of November.

As landscaping the hill will take place next Spring, after the rainy season, we plan to protect the new slopes with plastic.

The complete details of the project are available from any of the homeowners listed below, and we suggest you contact one of us if you have questions.

We look forward to the end-results, and anticipate not only "peace-of-mind" but know that the work will insure the property integrity and the property value for all of us.

Russ Nettleton	902 Avenida Salvador
Bob Connerly	904
Roger Ellert	906
Vince Whelan	908✓
Jerry Manning	910✓
Dick Abblitt	912✓
Jean Spain	914
Paul Fin	916
Keith Chase	918



GRADING PERMIT APPLICATION
CITY OF SAN CLEMENTE

No. 27-80

JOB ADDRESS: 900 BLOCK AVENIDA SALVADOR Lot 22-31 Block — Tract 3981
OWNER: NEIGHBORHOOD ALLIANCE #2 ADDRESS: 50 BOB CONNERY, AVE. SALVADOR
CONTRACTOR: GENES TRACTOR SERVICE ADDRESS: SAN CLEMENTE VISTA CALIF.

Purpose of Work: RESTORE SLOPE DAMAGED BY HEAVY RAIN

Scale Plans Prepared By H & L LAND DEVELOPMENT Title PRINCIPAL ENGINEER License No. 25865
Soil Testing Agency H & L LAND DEVELOPMENT Address 1525 S. ESCAMIDO A. Phone 741-0533
ESCONDIDO, CA. 92025

Excavated material to be taken to: USED ON SITE

Proposed fill to be taken from: TAKEN FROM SITE

Maximum Depth of Fill: 60' Feet. Maximum Depth of Cut: 60' Feet

Estimated Date for Starting Work: 10/1/80

Estimated Date for Completion of Work: 12/1/80

Amount of Proposed Excavated Material: 21,000 cu. yds. FEE
Amount of Proposed Fill Material: 21,000 cu. yds. \$ 222.34
(Fee based on the greater of the above quantities) Plan Check 42.63
TOTAL FEE \$ 264.97

I hereby certify that to the best of my knowledge and belief the above application is complete and correct and that the above described work will comply with all applicable laws, regulations and the requirements of the Grading Ordinance of the City of San Clemente.

Date Application filed:

9/12/80

David F. Holman ENGR/16801
Signature of Owner of the Property
or his Authorized Agent

PUBLIC WORKS DEPT.			
Date: SEP 15 1980			
To:	Init	Inf	Ac
Dw.			
Engr.			
Water & WW			
Streets			
Prop. Mgm.			
<u>WARNER</u>			<input checked="" type="checkbox"/>
File:			

PERMIT APPROVAL

Special Provisions:

Date: 9-29-80

APPROVED:

Charles J. Fritz
City Engineer

PETER & ASSOCIATES
ENGINEERS, GEOLOGISTS
CIVIL, MUNICIPAL, MINING
GEOLOGICAL, FOUNDATIONS

Copy Engr
1519 Calle Valle
SAN CLEMENTE, CALIFORNIA 92672

(714) 492-3735

Tract 3981

October 8, 1979

City of San Clemente
Dept. of Public Works
100 Presidio
San Clemente, Calif. 92672

Att'n: Mr. Ed Putz
Acting City Engineer

PUBLIC WORKS DEPT.			
Date: OCT 9 1979			
To:	Init	Inf	Ac
Dir.	<i>EP</i>		
Engr.			
Water & WW			
Streets			
Prop. Mgm.			
FIRE MARSHAL			<input checked="" type="checkbox"/>
File:	<i>ENGR</i>		

Dear Mr. Putz:

Enclosed is a map of our survey of the damaged storm drain ditch in Tract 3981. Our survey shows that 80.05% of the broken storm drain lies on Lot 28 Tract 3981 and 19.95% lies on Lot 27, Tract 3981. This breakdown is based upon our estimate of repairs dated September 6, 1979, addressed to Mr. Gary Carmichael, Fire Marshall.

If we can be of further service, please contact us.

Yours truly,

Philip W. Peter

Philip W. Peter

PWP/lj

PETER & ASSOCIATES
ENGINEERS, GEOLOGISTS
CIVIL, MUNICIPAL, MINING
GEOLOGICAL, FOUNDATIONS

1519 Calle Valle
SAN CLEMENTE, CALIFORNIA 92672
(714) 492-3735

October 1, 1979

City of San Clemente
100 Presidio
San Clemente, Ca. 92672

Att'n: Mr. Gary Carmichael
Fire Marshal

Gentlemen:


PUBLIC WORKS DEPT.			
Date: OCT 9 1979			
To:	Init	Inf	Ac
Dir.			
Engr.			
Water & WW			
Streets			
Prop. Mgm.			
File:			

In response to a request by acting City Engineer, Mr. Ed Putz, we propose to survey the damaged section of the side hill drain on Tracts 3980 - 3981 and provide a map showing its location with regard to the property boundaries affected by the broken section. This survey will provide data as to which properties are involved with repair of the ditch. Our proposal is as follows:

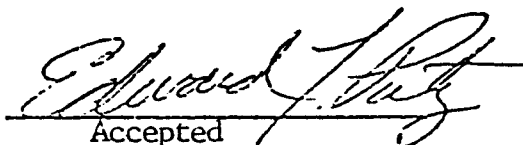
Survey two man crew \$70/hr. Estimated 3 hrs.	\$210.00
Data collection and mapping at \$40/hr.	
Estimated 2 hrs.	<u>80.00</u>
	\$290.00
Office overhead 20%	<u>58.00</u>
	\$348.00

We estimate two day's time after notice to start work. Should you wish us to procede, please acknowledge below.

Yours truly,


Philip W. Peter

PWP/lj


Accepted

PETER & ASSOCIATES
ENGINEERS, GEOLOGISTS
CIVIL, MUNICIPAL, MINING
GEOLOGICAL, FOUNDATIONS

1519 Calle Valle
SAN CLEMENTE, CALIFORNIA 92672
(714) 492-3735

October 8, 1979

City of San Clemente
100 Presidio
San Clemente, Calif. 92672

PUBLIC WORKS DEPT.			
Date: OCT 9 1979			
To:	Init	Inf	Ac
Dir.	EP		
Engr.			
Water & V&W			
Streets			
Prop. Lim.			
FIRE MARSHAL			
File: TERRACE DRAIN REPAIR			

STATEMENT

Survey of broken storm drain - Tract 3981

Per attached proposal

\$348.00

Peter and Associates

Engineers, Geologists, Contractors, Inc.
Civil, Municipal, Mining
Geological, Foundations

1519 Calle Valle
San Clemente, CA 92672
(714) 492-3735

February 4, 1980

City of San Clemente
100 Presidio
San Clemente, CA 92672

PUBLIC WORKS DEPT.			
Date: FEB 05 1980			
To:	Init	Inf	Ac
Dir.			
Engr.			
Water & WW			
Streets			
Prop. Mgm.			
GARY CARMICHAEL			
File: WEED ABATEMENT			

Statement

Survey of broken storm drain - Tr 3981

Total Due \$348.00

*Duplicate sent for
payment by Feb.
March 1st for
Feb. 1st register.*

August 26, 1965

Property Owner
912 Avenida Salvador
San Clemente, California

Dear Property Owner:

Your attention is invited to Article 8.17, Maintenance of Protective Devices of the Grading Ordinance No. 315 of the City of San Clemente. Said Article is quoted below for your convenience:

"The owner of any property on which an excavation or fill has been made pursuant to a permit granted under this chapter, or any other person or agent in control of such property, shall maintain in good condition and repair all retaining walls, cribbing, drainage structures, planted slopes and other protective devices shown in the approved plans or drawings submitted with the application for the grading permit."

We wish to point out that the City is aware that protective devices have as yet not been sufficiently planted nor maintained. The Developer is making preparations for the installation of protective devices in the early part of the coming year during the rainy season. However, your specific attention is invited to the maintenance of the drainage structures and/or other protective devices. You are hereby instructed to clean debris, weeds, etc. from said drainage structures and maintain them at all times free from debris.

Very truly yours,

Philip W. Peter
City Engineer

PWP:jmh

Applied Risk Management

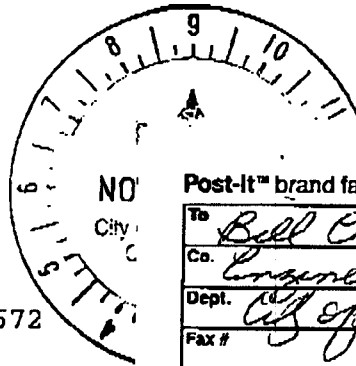
1537 Grand Ave.
San Marcos, CA 92069

(760) 471-2042

FAX (760) 471-9128

DIRECT LINE (619) 989-9837

Office of The City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, California 92672



Post-It™ brand fax transmittal memo 7671		# of pages > 2
To	Bill Emerson	From
Co.	Engineering	Co.
Dept.	City of SC	Phone
Fax #		Fax #

Dear Sir:

Re: Slope Failure - Evelyn & Daniel Parker Property
605 E. San Juan, San Clemente, CA

RECEIVED

NOV 20 '98

We represent the interests of Evelyn and Daniel Parker regarding the slope failure experienced at the rear of the residential lot at the above referenced municipal address.

A preliminary examination has determined that the slope failed due to as "super saturation" of the soil within the embankment resulting from the inability of the drainage swale to perform as required. This swale is located on property adjacent to the Parker residence owned by others. The maintenance of this swale has been determined to be the responsibility of the City of San Clemente pursuant to a Subdivision Agreement dated November 1963 and recorded in the Office of the Recorder, Orange County on December 10, 1963 as Instrument No. 8322.

City of San Clemente
Engineering Div.
11-20
Chen - Please try
to get a copy.
I don't know
if Marsh or
C. Clark may
have a copy.
Bill

An investigation conducted by Applied Engineering Group revealed that the slope failure extends 30' across the back of the property. A Geological Reconnaissance revealed that the major contributor to the slope failure was the defective condition of the swale. This swale is located at the top of the slope and is designed to transport surface water into the drainage system. This swale is part of the drainage system dedicated to and accepted by the City of San Clemente in the above reference agreement. The investigation determined that the swale was fractured and separated at the point of primary slope failure. The subsequent super saturation of the underlying soils resulted in the failure as the soil was unable to support the added hydrostatic weight.

11-23
Bill will
attach.
C.

It is our position that the City of San Clemente is liable for any and all damages caused by its failure to properly maintain the public drainage system and in particular the said swales.

This is a tender to the City of San Clemente and its underlying liability insurance carrier of the above referenced claim. It is requested that you act promptly in order that losses may be kept at a minimum. This slope must be repaired immediately as the seasonal rains would cause more significant damage.

Thank you for your attention to this matter. Please advise at your earliest convenience of the transmission of this tender to the appropriate liability insurance representative.

Should you have any questions or matters in need of clarification pertaining to the above please feel free to contact the undersigned at the San Marcos, CA address.

Yours truly,

APPLIED RISK MANAGEMENT

per:


D. Richard Mantz

DRM/dv

A G R E E M E N T

This Agreement made and entered into this 6th day of November 1963, by and between the CITY OF SAN CLEMENTE, a municipal corporation, hereinafter called "City", and R. J. CARRINGTON, BY JOHN KNIGLES, ATTORNEY IN FACT, JAMES F. TEMPLE, AND MIDWAY HARBOR, INC., A CALIFORNIA CORPORATION, hereinafter called "Subdivider".

W I T N E S S E T H:

THAT WHEREAS, said Subdivider has undertaken to subdivide certain real property in the City of San Clemente, designated as Tract (or Parcel) No. 3981, Orange County, California, and in connection therewith does propose to perform certain works of improvement as specified on the final map, and in addition thereto, any special works of improvement as required by the City Council as may be set forth hereinafter in Item Number 7; and

WHEREAS, the Subdivider has caused to be delivered to City the plans and specifications for said works of improvement, which are to be constructed in accordance with the standard specifications of City, together with a final map of said Tract (or Parcel) No. 3981, and City has caused said plans and map to be examined by authorized City officials and found to be satisfactory to said City; and

WHEREAS, the Subdivider has by certification shown on and made a part of said map, offered for dedication for public use the streets shown on said map and also offered for dedication for use by City all drainage, water, sewer, or other easements as may be shown on said map; and

WHEREAS, City desires to accept said offers of dedication providing that all of said works of improvement shall be completed in accordance with said plans and specifications;

NOW, THEREFORE, it is herein and hereby agreed by and between the parties hereto as follows:

1. City shall pass a resolution accepting said offers of dedication and authorizing the City Clerk to execute the certification made a part of said map regarding said acceptance.

2. The Subdivider shall, at their sole expense, within one year after the date of this Agreement, complete to the satisfaction of the City Engineer of said City, all works of improvement as shown on said map and in accordance with specifications and ordinances of said City.

3. The Subdivider shall deliver herewith a Faithful Performance Subdivision Improvement Bond in the amount of \$80,000.00 to guarantee the completion of all the works of improvement to be paid for by said Subdivider.

4. That in the event the subdivider shall fail or neglect to complete all of said work within one year after the date of this Agreement, the City shall have the right at any time thereafter to complete the same by contract or force account, or both, and thereupon recover from said Subdivider or the bonding company, the full cost and expense thereby incurred by the City; except that the City Council may extend the completion period for an additional six months upon written request of the Subdivider, based on justifiable construction delays.

5. The City shall instruct the City Engineer to cause any and all necessary inspections to be made during the course of construction to assure City that all of said works of improvement and other requirements shall be performed in accordance with said plans and specifications, and in accordance with specifications and ordinances of said City.

6. The Subdivider shall compensate the City for its ordinary costs incurred in having its authorized representatives make the usual and customary inspections of the improvement work hereinbefore mentioned. It is agreed that said representatives shall have the authority to stop any and all work not in accordance with or which does not meet the standards established by said plans and specifications.

7. Additional conditions:

Prior to completion and acceptance of the final works of improvement, the Subdivider agrees to pay to the City of San Clemente the sum of \$8,074.30, as their prorated share of the cost of the High Level Water System.

The Subdivider agrees to install underground electrical and telephone utilities and an ornamental street lighting system, and perform all other conditions, in accordance with the recommendation and conditions outlined by the Planning Commission.

8. As each of said works of improvement is completed the City Engineer shall cause to be delivered to the Subdivider a report in duplicate stating that all necessary inspections thereof have been made and that said work has been completed in accordance with said plans and specifications.

9. Upon completion of all of said works of improvement and upon final approval by the City Engineer, the Subdivider shall deliver to the City one copy of each report by the City Engineer together with a letter wherein the Subdivider shall offer all of said works of improvement for acceptance by the City.

10. Upon receipt of said reports and letter, the City shall pass a resolution accepting said works of improvement and releasing the said Faithful Performance Subdivision Improvement Bond sixty-five (65) days following recordation of a Notice of Completion by the Subdivider, provided that no liens have been filed.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed on the respective dates set forth opposite their signatures.

CITY OF SAN CLEMENTE, a municipal corporation

by W. E. Wrightman Mayor

Attest: J. P. Carrington City Clerk

J. P. Carrington BY JOHN KNIGLES, ATTORNEY IN FACT,
JAMES F. TEMPLE, AND MIDWAY HARBOR, INC., A
CALIFORNIA CORPORATION
SUBDIVIDER

11-7-63

(date)

11-7-63

(date)

(date)

11-21-63

(date)

(date)

Midway Harbor, Inc.

by: Jack Adams

Attorney in fact

- 919 Salvador - Erosion is occurring along north edge of driveway. Suggest construction of concrete flume to keep water in driveway.
- 920 Salvador - S.W. corner of house is located 5' from top of slope. Suggest construction of concrete berm at top of this slope to prevent erosion and undermining of house. Rear yard should be graded to provide more positive drainage toward existing drain flume as there is evidence of tunneling of water toward rear slope.
- 921 Salvador - No major problem.
- 924 Salvador - South side of house is not graded to provide positive drainage and there is evidence water is seeping under existing retaining wall and eroding slope on south side. Suggest construction of concrete flume to carry water to front or rear of lot, whichever is more feasible.
- 927 Salvador - Water is ponding at S.E. corner of house. Suggest grading to provide positive drainage along south side of house to front.
- 929 Salvador - Water is draining over slope @ S.W. corner of pad due to fact that existing concrete berm at top of slope is located too close to house, and water from eaves drains on the south side of the concrete berm and thence over the slope. Eave gutters should correct this situation. Also, water is ponding at S.E. corner of house. If this is not corrected, saturation of the soil here is liable to cause collapse of existing retaining wall here which is located at top of slope. Suggest grading to provide positive drainage to front along south side of house.
- 932 Salvador - Water is ponding at S.E. corner of house. Suggest re-grading or concrete flume along south side of house to provide positive drainage to rear.
- 933 Salvador - Both south and north edges of driveway have a considerable amount of erosion. Suggest concrete flumes to keep water in driveway. Also large amount of water ponding at rear of lot. Suggest major re-grading here to provide positive drainage to front.
- 617 San Juan - No major problem.
- 609 San Juan - Slight erosion along north edge of driveway. Suggest concrete flume to correct.
- 610 San Juan - Existing patio at rear drains over rear slope causing moderately serious erosion. Suggest construction of concrete flume at top of slope to intercept this water and carry it around north side of house to front.
- 605 San Juan - House has an existing retaining wall with a concrete flume behind it which extends from rear of house to front. At present some of the water from this existing flume is discharging over front slope eroding it. Suggest construction of concrete berm at top of front bank to prevent. House has an existing catch basin located at N.W. corner of house which intercepts majority of yard drainage. Evidence indicates this basin is overflowing and eroding slope. Suggest either installation of larger pipe or building walls of the basin higher to prevent overflow.

August 26, 1965

Property Owner
605 East Avenida San Juan
San Clemente, California

Dear Property Owner:

Your attention is invited to Article 8.17, Maintenance of Protective Devices of the Grading Ordinance No. 315 of the City of San Clemente. Said Article is quoted below for your convenience:

"The owner of any property on which an excavation or fill has been made pursuant to a permit granted under this chapter, or any other person or agent in control of such property, shall maintain in good condition and repair all retaining walls, cribbing, drainage structures, planted slopes and other protective devices shown in the approved plans or drawings submitted with the application for the grading permit."

We wish to point out that the City is aware that protective devices have as yet not been sufficiently planted nor maintained. The Developer is making preparations for the installation of protective devices in the early part of the coming year during the rainy season. However, your specific attention is invited to the maintenance of the drainage structures and/or other protective devices. You are hereby instructed to clean debris, weeds, etc. from said drainage structures and maintain them at all times free from debris.

Very truly yours,

Philip W. Peter
City Engineer

PWP:jmh

City Eng.

RESOLUTION NO. 1788

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RESCINDING MINUTE ORDER AND REPEALING RESOLUTION NO. 1782 REGARDING ACCEPTANCE OF WORKS OF IMPROVEMENT IN TRACT NO. 3981

WHEREAS, James F. Temple, Consolidated Contractors, Inc., by letter dated June 19, 1965, requested that the City accept the works of improvement in Tract No. 3981, and

WHEREAS, the City Engineer at the Council meeting of July 21, 1965, erroneously certified that all required fees had been paid, and recommended acceptance of the works of improvement subject to the filing of a \$750.00 Planting Performance Bond, the payment of \$625.00 for tree planting and \$150.00 for erection of a barricade, and

WHEREAS, the Council thereupon proceeded to accept said works of improvements subject to the filing of a \$750.00 Planting Performance Bond, the payment of \$625.00 for tree planting and \$150.00 for erection of a barricade, by passing a minute order and adopting Resolution No. 1782, and

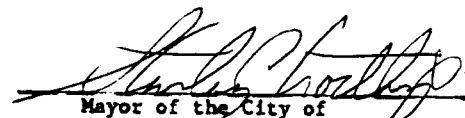
WHEREAS, it has since been determined and reported that the high level water charges, as required by Resolution No. 1311 (as amended by Resolution No. 1769), and as further agreed to and set forth in the executed Subdivision Agreement Dated November 6, 1963, by the subdivider, have not and had not on July 21, 1965, in fact been remitted to the City as per Agreement, and

WHEREAS, had the City Council been correctly informed of the fact that this certain payment had not been made as mistakenly represented to the Council, said Council would not have approved said acceptance of the works of improvement and passed said Resolution, and

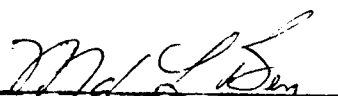
WHEREAS, immediately following the passage of the approving Resolution, City officials were made aware of the mistake, and, therefore, no formal notice thereof of the passage of said Resolution was provided to the developer,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Clemente that due to misinformation and non-conformance of the Subdivision Agreement by the subdivider the minute order and Resolution No. 1782 of July 21, 1965, which accepted said works of improvement be and the same are hereby rescinded and repealed.

ADOPTED, SIGNED, and APPROVED this 4th day of August, 1965.


Mayor of the City of
San Clemente, California

ATTEST:


City Clerk of the City of
San Clemente, California

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE) ss.
)
CITY OF SAN CLEMENTE)

I, MAX L. BERG, Clerk of the City of San Clemente, California, hereby
certify that the foregoing is a true and correct copy of a Resolution of the City
Council of said City numbered 1788, adopted by the City Council of said City on the
4th day of August, 1965, and was so passed and adopted by the following stated vote,
to wit:


AYES: Councilmen - GORDON, LOWER, MASSIE, AND NORTHRUP

NOES: Councilmen - NONE

ABSENT: Councilmen - EYRE

and was thereafter on said day signed and approved by the Mayor of said City.

ATTEST:


City Clerk of the City of
San Clemente, California

Art Johnson

914 Schlegel Ave

Art Schlegel

X 221

- Railroad ties -

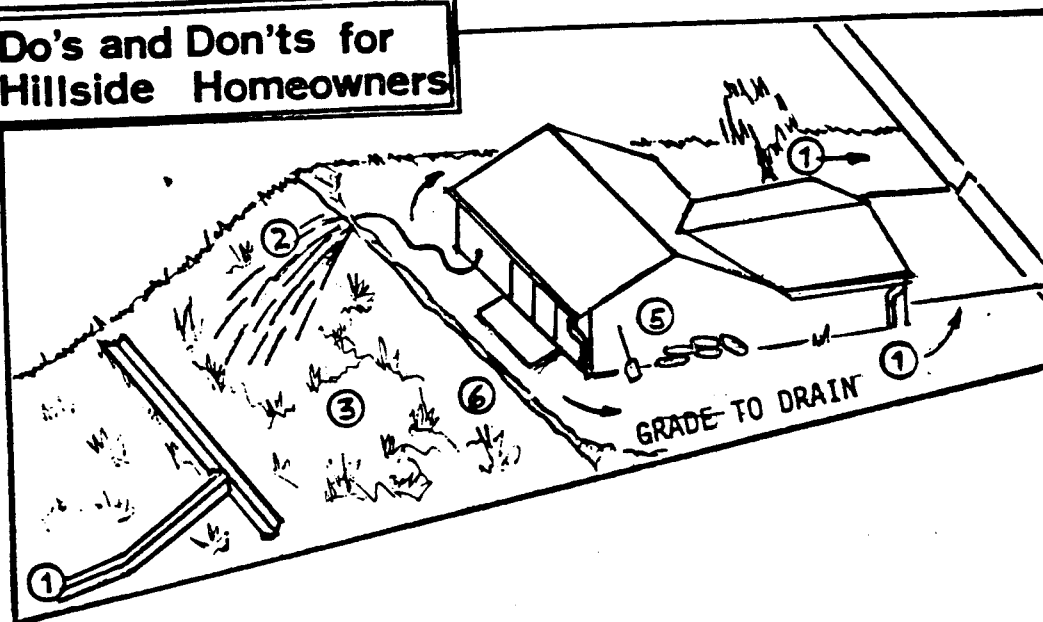
Edge of R @ middle
of bottom slope -

will be working this
weekend and clearing
out ditch, will be
covering w/ plastic

4:00 Monday

Meeting w Mr. Schlegel
at his house

Do's and Don'ts for Hillside Homeowners



DO'S

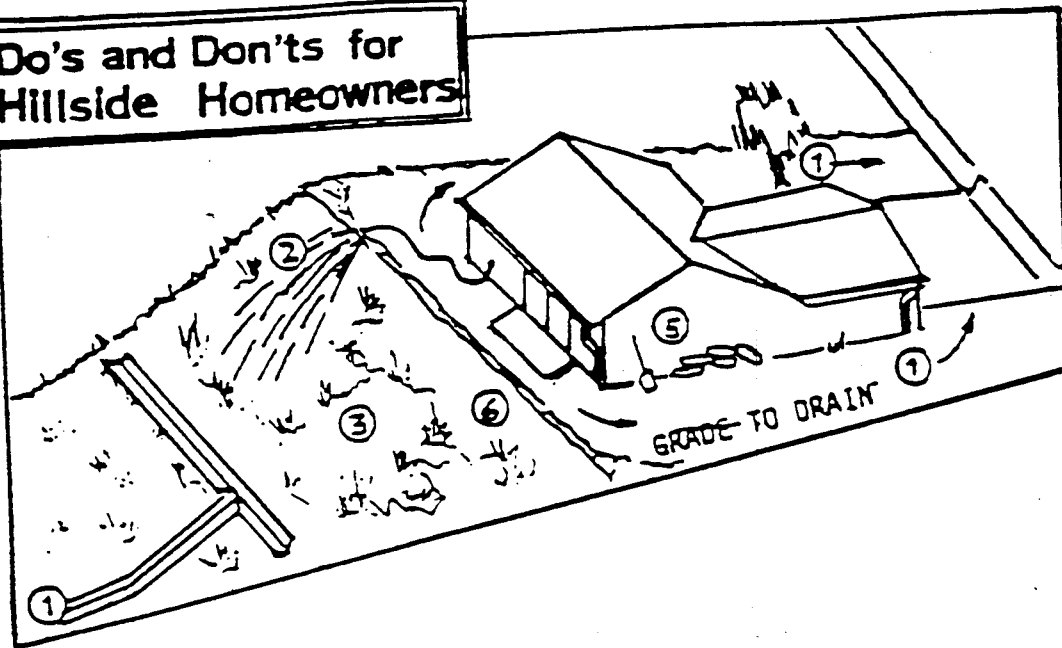
1. Check drainage. Make sure your slopes drain properly so that water cannot collect or cause gullies. Make sure all drainage devices, including gutters and downspouts, are not broken or clogged. Check and correct.
2. Budget your watering. Use least possible water needed to maintain plant life. You'll be surprised how little you need.
3. Plant bare slopes. Use fast-growing grass seed for immediate protection. Watch for gullying, and correct.
4. Make inspection during rains. That's when problems show up. Check and correct as soon as possible.
5. Keep on hand shovel, sandbags, sheets of plastic for slope and runoff protection.
6. Consult an expert if unusual cracks or settling or land slippage start. Don't wait. Consult a qualified foundation engineer or geologist.

DON'TS

7. Don't let water run wild. Tame it with proper gutters, proper channels, proper drainage!
8. Don't pass your problems downslope to your neighbor. Make sure your water drains to the street. If this is not possible, submit proposed alternate methods to Building Department for approval prior to installation. Remember, if your neighbor has problems they will affect your property also. Be a good neighbor and work with him.
9. Don't change your slopes or drainage without expert advice. There's a right way and a wrong way. For the right way, contact a civil engineer.

FOR FURTHER INFORMATION, PLEASE CONTACT THE DEPARTMENT OF BUILDING AND SAFETY, CITY OF SAN CLEMENTE.

Do's and Don'ts for Hillside Homeowners



DO'S

1. Check Drainage. Make sure your slopes drain properly so that water cannot collect or cause gullies. Make sure all drainage devices, including gutters and downspouts, are not broken or clogged. **Check and correct.**
2. Budget your watering. Use the least possible water needed to maintain plant life. You'll be surprised how little you need.
3. Plant bare slopes. Seek advice from a landscaper or nursery. For immediate protection, cover with plastic or jute.
4. Make inspections during rains. That's when problems show up. Check and correct **as soon as possible.**
5. Keep on hand: shovel, sandbags, and sheets of plastic for slope and runoff protection.
6. Consult an expert if unusual cracks or settling or land slippage start. **Don't wait.** Consult a qualified foundation engineer or geologist.
7. Eliminate rodents and fill in holes.

DON'TS

8. Don't let water run wild. Tame it with proper gutters, proper channels, proper drainage!
9. Don't pass your problems downslope to your neighbor. Make sure your water drains to the street. If this is not possible, submit proposed alternate methods to the Engineering Division for approval **prior to installation.** Remember, if your neighbor has problems, they will affect **your** property also. Be a good neighbor and work with him/her.
10. Don't change your slopes or drainage **without expert advice.** There's a right way and a wrong way. For the right way, contact a civil engineer.

**FOR FURTHER INFORMATION, PLEASE CONTACT THE DEPARTMENT OF
PUBLIC WORKS, CITY OF SAN CLEMENTE AT (949) 361-6000.**

922 SAL. CLEAN TERRACE (TIRES ETC.)

920 SAL. (FOR SALE) CLEAN TERRACE R.R. RETAINS FAILING COVER SLOPE?

916 SAL. CLEAN TERRACE TRIM LOOSE MATL'S JUTE COVER

914 SAL. REMOVE LOOSE MATL'S CLEAN TERRACE COVER

908 SAL. REMOVE LARGE AMOUNTS OF LOOSE MATL'S BELOW 2ND TERRACE COVER

906 SAME AS ABOVE

904 SAL. REMOVE LOOSE MATL'S BELOW 2ND TERRACE (WORKING ON)











