

**Meeting of the Central Valley Flood Protection Board
March 22, 2013
Staff Report – Encroachment Permit
Carter Family Trust
Residential Dwelling Modifications, Sacramento County**

1.0 – ITEM

Consider approval of Permit No. 17933-1 (Attachment B)

2.0 – APPLICANT

Carter Family Trust

3.0 – LOCATION

The project is located at 3001 Garden Highway, on the left bank of the Sacramento River, in Sacramento.
(Sacramento River, Sacramento County, see Attachment A)

4.0 – DESCRIPTION

Applicant proposes to modify an existing residential dwelling by adding multiple support columns; reconfiguring the front entry porch and adding rear deck stairs (see Attachment D).

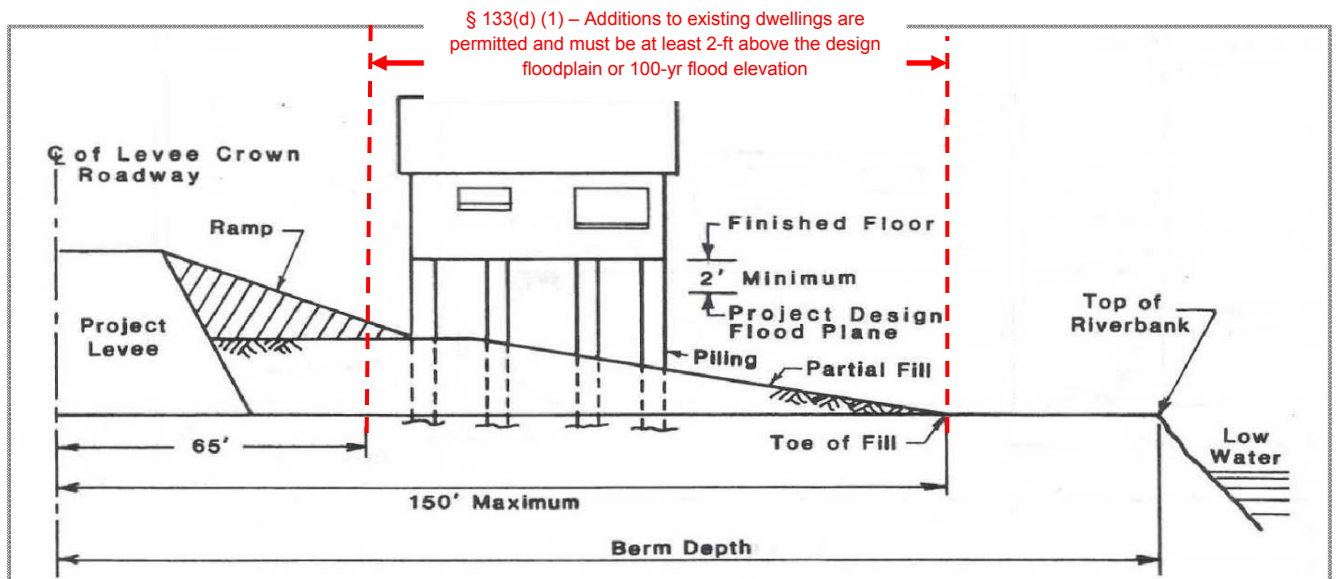
5.0 – PROJECT ANALYSIS

The project will include the modification of the existing dwelling by converting an existing deck into living space, replacing fourteen (14) existing support columns and adding stairs on the west side; converting of existing deck into living space and adding 2 support columns on the north side . The existing dwelling was previously authorized under Permit No. 17933 issued on May 24, 2005 (see Attachment C).

In accordance with California Code of Regulations Title 23, Section 133 (d): within the area beginning at a point sixty-five (65) feet waterward from the center line of the levee and extending waterward to a maximum of one hundred and fifty (150-foot) from the centerline of the levee, the following conditions apply:

- (1) The finished floor level of any addition to an existing dwelling shall be at least two (2) feet above the design flood plane or two (2) feet above the 100-year flood elevation, whichever is higher.

The figure below illustrates the restrictions presented in CCR 23, Section 133 that is relevant to this application.



The modifications to the dwelling, including the stairs, fall within the 150-ft setback. In March 2009, the Central Valley Flood Protection Board (CVFPB) recognized the 2008 hydraulic impact analysis prepared by MBK Engineers for the Natomas Levee Improvement Program (NLIP), which was used to provide a 200-year level of protection. The 200-year water surface elevation at the project site is 34.07 feet (NGVD 29). The finish floor elevation of the existing dwelling is 38.20 feet (NGVD 29), which is approximately 4.13 feet above the design flood elevation. The modifications to the existing dwelling will match existing finish floor elevation (38.20 feet (NGVD 29)) thereby meeting the 2-ft minimum freeboard requirement.

5.1 – Hydraulic Analysis

The hydraulic impacts of the proposed project are considered negligible therefore a hydraulic analysis was not required.

5.2 – Geotechnical Analysis

The scope of work for this project does not require a geotechnical analysis.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- The U.S. Army Corps of Engineers 208.10 comment letter has not been received for this application. Staff anticipates receipt of a letter indicating that the USACE District Engineer has no objection to the project, subject to conditions. Upon receipt of the letter, staff will review to ensure conformity with the permit language and incorporate it into the permit as Exhibit A.
- Reclamation District No. 1000 endorsed the project with conditions. The conditions will be incorporated into the permit as Exhibit B.

7.0 – CEQA ANALYSIS

Board staff has prepared the following California Environmental Quality Act (CEQA) determination:

The Board determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering minor alteration to existing structures and Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction of small structures.

8.0 – SECTION 8610.5 CONSIDERATIONS

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

The proposed dwelling modifications will have no adverse effect on facilities of the State Plan of Flood Control and is consistent with the Central Valley Flood Protection Plan.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

There will be no effects to the proposed project from reasonable projected future events.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt the CEQA findings and approve the permit, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, and direct staff to file a Notice of Determination with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

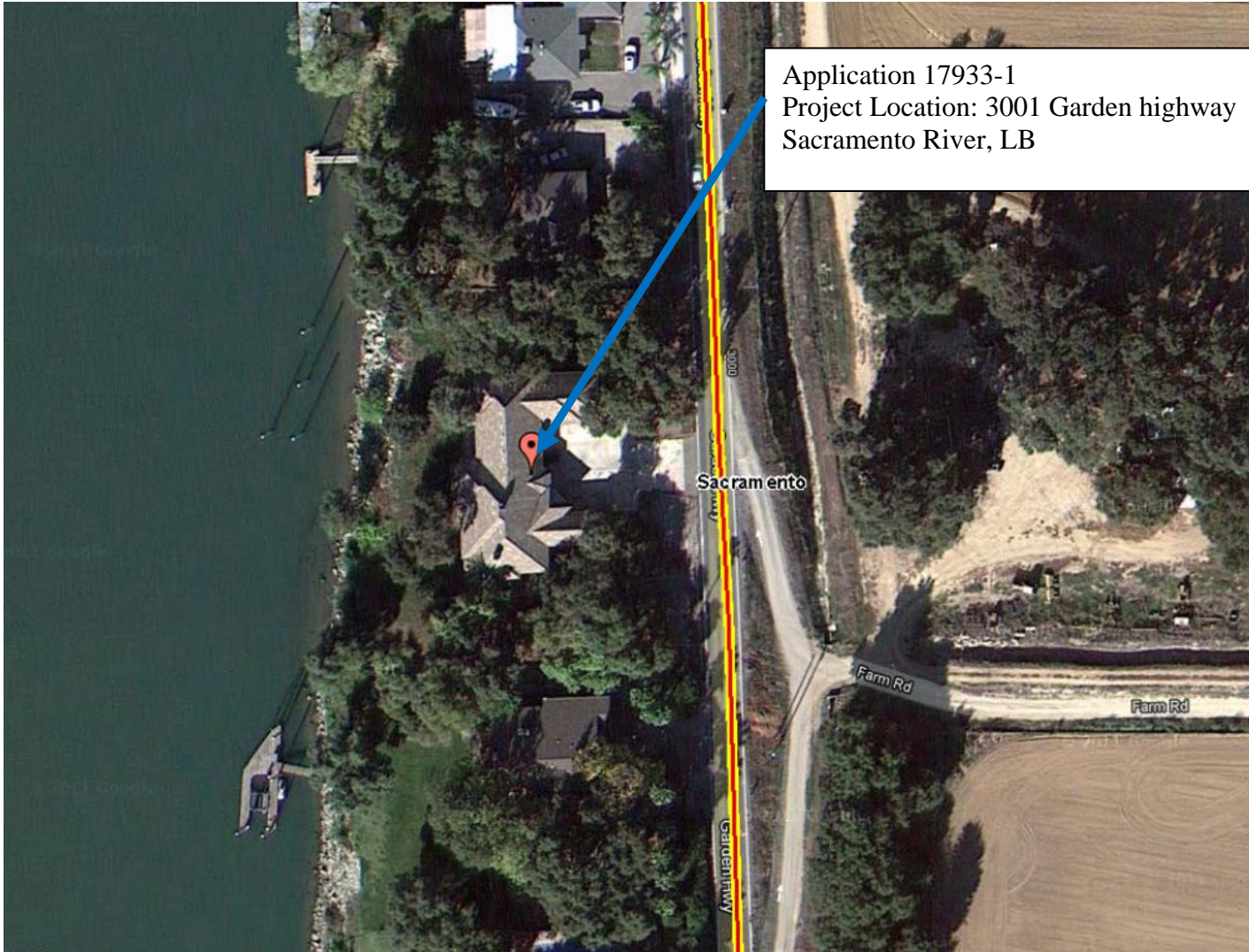
- A. Location Maps and Photos
- B. Draft Permit No. 17933-1
- C. Permit No. 17933 issued May 24, 2005
- D. Design Drawings

Design Review:	Angeles Caliso
Environmental Review:	James Herota, Andrea Mauro
Document Review:	Gary Lemon P.E., Len Marino P.E.

ATTACHMENT A

Project Location

Application 17933-1
Project Location: 3001 Garden highway
Sacramento River, LB



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CARTER REMODEL/ADDITION 3001 GARDEN HWY.

ATTACHMENT A



SHT. 1 OF 2



9/5/12

CARTER REMODEL/ADDITION 3001 GARDEN HWY.

ATTACHMENT A

SHT. 2 of 2



9/5/12

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 17933-1 BD

This Permit is issued to:

Carter Family Trust of 1996
62 Shoreline Circle
Incline Village, Nevada 89450

To modify an existing residential dwelling by adding multiple support columns, reconfiguring the front entry porch and adding rear deck stairs. Proposed work is located at 3001 Garden Highway in Sacramento, on the left (east) bank of Sacramento River (Section 20, T9N, R4E, MDB&M, Reclamation District 1000, Sacramento River, Sacramento County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15

ATTACHMENT B

days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 17933-1 BD

THIRTEEN: The permittee acknowledges that the proposed improvements are located within the Sacramento River Floodway and may be subject to periodic flooding.

FOURTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FIFTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

SIXTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

SEVENTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 1000 shall not be held liable for damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

ATTACHMENT B

EIGHTEEN: No construction work of any kind shall be done during the flood season from November 1st to April 15th without prior approval of the Central Valley Flood Protection Board.

NINETEEN: Upon receipt of a signed copy of the issued permit the permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

TWENTY: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1st to April 15th.

TWENTY-ONE: Stockpiled material, temporary buildings, or equipment shall not remain in the floodway during the flood season from November 1st to April 15th.

TWENTY-TWO: The finished floor elevation shall be at least 2-feet above the 200-year flood plane elevation of 34.07-feet NGVD 29.

TWENTY-THREE: All debris generated by this project shall be disposed of outside the project works.

TWENTY-FOUR: The project site shall be restored to at least the condition that existed prior to commencement of work.

TWENTY-FIVE: If damage to the dwelling exceeds 50 percent of its market value within a 10-year period, the dwelling cannot be rebuilt or replaced without approval of the Central Valley Flood Protection Board. If the dwelling is not repaired or replaced, the remaining portion must be completely removed from the floodway prior to the next flood season.

TWENTY-SIX: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, Reclamation District No. 1000 or any other agency responsible for maintenance.

TWENTY-SEVEN: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-EIGHT: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

ATTACHMENT B

TWENTY-NINE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

THIRTY: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated MONTH XX, 2013, which is attached to this permit as Exhibit B and is incorporated by reference.

THIRTY-ONE: The permittee shall comply with all conditions set forth in the letter from Reclamation District No.1000 which is attached to this permit as Exhibit B and is incorporated by reference.

THIRTY-TWO: Upon completion of the project, the permittee shall submit as-constructed drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.



**RECLAMATION
DISTRICT 1000**

Permit Conditions

Permit Application No. Unnumbered

Location: 3001 Garden Highway—Sacramento River Left Bank (RM 64.56L
Approx)

Applicant: Carter Family Trust (Representative Marcus Chaw)

Description: Modify existing single family residential dwelling

CONDITIONS:

1. Maintenance of all encroaching structures, facilities, vegetation or any other items or matters approved under this permit shall remain the responsibility of the Permittee.
2. Permittee may be required, at the Permittee's sole cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted work if such removal, alteration, relocation or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the encroaching facilities interferes with the District's ability to operate and maintain its flood control facilities or if the encroaching facilities are damaged by any cause.
3. Permittee(s) hereby agree(s) to indemnify and hold and save the District and its employees harmless from any damage, costs or liability, including all costs of defense, which may arise as result of the exercise of this Permit
4. Permittee(s) agree(s) to replace or repair any District property used and/or damaged as a result of the exercise of this Permit
5. Permittee shall obtain all necessary permits and regulatory approvals for the proposed work.
6. This permit is granted for the modifications to the existing single family residence shown on the plans dated 7-5-12 (Modified 8-28-12). Other improvements such as walls, fences, vegetation, or any other encroachments must be approved by an additional permit through the Central Valley Flood Protection Board (CVFPB).
7. Permittee shall notify the District one week in advance of the start of construction.

ATTACHMENT B

EXHIBIT B

8. The Permittee shall remain responsible for any erosion on the waterside levee slope caused by the permitted encroachment and shall repair such erosion prior to the next flood season to the satisfaction of the District and the CVFPB.
9. Permittee acknowledges RD 1000, CVFPB, and other flood control officials or their authorized representatives may access the levee slope and immediately adjacent area as necessary to carry out their flood control responsibilities without restriction.

ATTACHMENT B

EXHIBIT B

Resolution No. 2010-02

WHEREAS, Reclamation District No. 1000 (District) operates and maintains levees under the authority of the California Central Valley Flood Protection Board (CCVFPB) and the California Water Code; and

WHEREAS, the CCVFPB and Title 23 of the California Water Code require any encroachment on or adjacent to the levee or within the designated floodway have an encroachment permit be issued by the CCVFPB with appropriate conditions to insure they do not impede or impair the operations and maintenance of the flood control system; and

WHEREAS, such permit applications are reviewed and endorsed by the local maintaining agency responsible for the operations and maintenance of the levee system where the encroachment is proposed and allows for conditions to be included in the permits to address issues including, but not limited to, operations, maintenance, public safety and flood emergency response; and

WHEREAS, endorsement of the permit applications for levees surrounding the Natomas basin are the purview of the District and various actions through the years by past District Boards have granted authority to the General Manager to endorse permit applications; and

WHEREAS, the Board desires to enumerate a clear policy on how future permit applications are to be reviewed and endorsed by the District

NOW, THEREFORE BE IT RESOLVED:

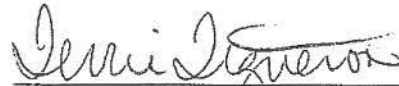
The Reclamation District No. 1000 Board of Trustees desires to delegate their authority to endorse encroachment permit applications to the District General Manager for routine encroachments and those which do not involve District policy issues. A determination as to which permits will be endorsed by the General Manager shall be left to his or her judgment, provided however, that all such endorsements shall be presented to the Board of Trustees at the next scheduled Board meeting.

Those permit applications which are not routine in nature, present policy issues or are likely to be controversial shall be brought to the Board for consideration and action at which time the Board may delegate signature authority to the General Manager if approved. This will include all permit applications where the General Manager is recommending denial to the California Central Valley Flood Protection Board.

ATTACHMENT B
EXHIBIT B

CERTIFICATION

I, Terrie Figueroa, Secretary of Reclamation District No, 1000, hereby certify that the foregoing Resolution 2010-02 was duly adopted by the Board of Trustees of Reclamation District No, 1000 at a regular meeting held January 8, 2010 and made a part of the minutes thereof.



Terrie Figueroa
District Secretary

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

PERMIT NO. 17933 GM

This Permit is issued to:

Dan and Cheryl Lund
3433 Swallows Nest Lane
Sacramento, California 95833

To construct a 20-foot-wide driveway on the waterside slope, a 5,164-square-foot house, and a 5-foot-high masonry retaining wall on the overflow area, and install a 4-foot-high by 170-foot-long gated wrought iron fence with concrete pillars on 20 foot centers parallel to and on the crown shoulder and a 6-foot-high by 150-foot long fence perpendicular to the left (east) bank levee (Garden Highway) of the Sacramento River. The project is located in Sacramento at 3001 Garden Highway (Section 20, T9N, R4E, MDB&M, Reclamation District No. 1000, Sacramento River, Sacramento County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: MAY 24 2005


for General Manager

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

ATTACHMENT C

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Reclamation Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Reclamation Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Reclamation Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SpCon_Note 17933 GM

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of The Reclamation Board.

FOURTEEN: This permit is not valid until the enclosed Agreement Establishing a Covenant Running with the Land has been signed, notarized, and returned to The Reclamation Board.

FIFTEEN: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

SIXTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

SEVENTEEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, The Reclamation Board may remove the encroachment(s) at the permittee's expense.

EIGHTEEN: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District,

ATTACHMENT C

Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

NINETEEN: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the State of California, or any departments thereof, from any liability or claims of liability associated therewith.

TWENTY-ONE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of The Reclamation Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-TWO: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of The Reclamation Board.

TWENTY-THREE: The Reclamation Board, Department of Water Resources, and Reclamation District No. 1000 shall not be held liable for damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

TWENTY-FOUR: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of The Reclamation Board or Department of Water Resources. If the permittee does not comply, The Reclamation Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-FIVE: Debris that may accumulate on the fence shall be cleared off and disposed of outside of the floodway after each period of high water.

TWENTY-SIX: No plantings, fence slats, or other materials that will restrict maximum visibility through the parallel fence shall be placed on or adjacent to the fence.

TWENTY-SEVEN: The levee section shall be restored to at least the same condition that existed prior to commencement of work.

TWENTY-EIGHT: The see-through fence shall be kept clear of vegetation.

TWENTY-NINE: The Reclamation Board and Department of Water Resources shall not be held liable for any damages to the fence, gate, and lock within 10 feet of the levee toe resulting from flood fight, maintenance, inspection, or emergency repair.

THIRTY: Keys shall be provided to the local maintenance agency and the Department of Water Resources for all locks on gates providing access to the floodway, levee ramp, levee toe, and along

the levee crown.

THIRTY-ONE: Excavations in the levee section for fence posts and footings shall be a maximum of 3 feet deep, cleaned of all loose soil, and backfilled with concrete cast against firm undisturbed earth.

THIRTY-TWO: The height of the concrete block portion of the fence between columns shall be limited to 2 feet above the surface of the levee at the location of the fence nearest the levee crown.

THIRTY-THREE: Imported material shall be used when constructing the driveway, and no cuts shall remain in the levee section upon completion.

THIRTY-FOUR: Prior to placement of fill against the levee slope and within 10 feet of the levee toe, all surface vegetation shall be removed to a depth of 6 inches. Organic soil and roots larger than 1-1/2 inches in diameter shall be removed to a depth of 3 feet.

THIRTY-FIVE: Fill on the levee slope shall be keyed into the existing levee section with each lift.

THIRTY-SIX: Any excavations made in the levee section or within 10 feet of the levee toes shall be backfilled in 4- to 6-inch layers with impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Backfill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

THIRTY-SEVEN: Compaction tests by a certified soils laboratory will be required to verify compaction of backfill within the levee section or within 10 feet of the levee toe.

THIRTY-EIGHT: The proposed access ramp shall be graded to direct all surface drainage away from the levee section.

THIRTY-NINE: The driveway shall be surfaced with a minimum of 4 inches of compacted, Class 2, aggregate base (Caltrans Specification 26-1.02A).

FORTY: Aggregate base material shall be compacted to a relative compaction of not less than 95 percent per ASTM Method D1557-91, with a moisture content sufficient to obtain the required compaction.

FORTY-ONE: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.

FORTY-TWO: Above ground structures shall not be constructed within 65 feet or more than 150 feet from the centerline of the levee.

FORTY-THREE: The finished floor elevation shall be at least 2 feet above the design flood plane elevation of 32.5 feet, NGV Datum. Permittee shall provide an elevation certificate indicating compliance with the above elevation requirement prior to completion of the project.

ATTACHMENT C

FORTY-FOUR: Septic tanks, leach lines, domestic wells, and appurtenant structures shall be located 65 feet or more from the centerline of the levee.

FORTY-FIVE: Stockpiled material, temporary buildings, or equipment shall not remain in the floodway during the flood season from November 1 to April 15.

FORTY-SIX: Landscaping, appurtenances, and maintenance practices shall conform to standards contained in Supplemental Standards for Control of Residential Encroachments in Reclamation District No. 1000, Section 133 of The Reclamation Board's Regulations.

FORTY-SEVEN: The State of California shall not be held liable for any damages caused by operation of the flood control project or by releases of water from storage reservoirs.

FORTY-EIGHT: If damage to the dwelling exceeds 50 percent of its market value within a 10-year period, the dwelling cannot be rebuilt or replaced without approval of The Reclamation Board. If the dwelling is not repaired or replaced, the remaining portion must be completely removed from the floodway prior to the next flood season.

FORTY-NINE: The proposed building shall be properly anchored to prevent floatation into the floodway in the event of high water.

FIFTY: The permittee acknowledges that the proposed dwelling is located within the Sacramento River floodway and is subject to periodic flooding.

FIFTY-ONE: Any additional encroachment(s) on the levee section or waterward berm, require an approved permit from The Reclamation Board and shall be in compliance with The Reclamation Board's regulations (Title 23 California Code of Regulations).

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922
April 6, 2006

ATTACHMENT C

Navigation and Flood Control Unit (17933)

General Manager
The Reclamation Board
State of California
3310 El Camino Ave., Rm. LL40
Sacramento, California 95821

Dear General Manager:

We have reviewed an application for a permit by Danny and Cheryl Lund (Reclamation Board Number 17933). These plans include constructing a 20-foot-wide driveway on the waterside slope, a 5,164-square-foot house, a 5-foot-high masonry retaining wall on the overflow area, installing a 6-foot-high by 170-foot-long gated wrought iron fence parallel to and on the crown shoulder and installing a 6-foot-high by 150-foot-long fence perpendicular to the left (east) bank levee (Garden Highway) of the Sacramento River. The project is located in Sacramento at 3001 Garden Highway in Section 20, Township 9 North, Range 4 East, M.D.B. & M. Survey, Sacramento County, California.

The District Engineer has no objection to approval of this application by your Board from a flood control standpoint subject to the following conditions:

- a. That the proposed work shall not be made or remain during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.
- b. That in the event trees and brush are cleared, they shall be properly disposed of outside the limits of the project works.
- c. That the project levee section and levee roadway shall be restored to at least the same condition as existed prior to commencement of the proposed work.
- d. That if a structure is damaged due to any cause, cumulatively to the extent of more than 50 percent of its market value, the structure may not be reconstructed or replaced without the approval of the Board.
- e. That the applicant shall use imported material for developing the proposed driveway and fill.
- f. That the proposed fills shall be placed in 4- to 6-inch layers and compacted to at least the same density of the existing levee.
- g. That no equipment or stockpiling of material shall be placed within a distance of 10-feet from the levee toes.
- h. That the finished floor level of the proposed structure shall be above elevation 33.4-feet MSL Datum, which is 2-feet above flood plane.

-2-

i. That the proposed dwelling and fence must not extend past 150-feet from the centerline of the levee crown. The proposed dwelling must not be within 65-feet from the centerline of the levee crown.

j. Material or equipment stored within the floodway must be securely anchored or removed prior to the flood season.

k. That the proposed retaining wall must be designed by a licensed civil engineer.

l. That with the proposed fence style shown in the design, the piers must be at least 8-feet apart and a maximum of 4-feet-high. The fence between the piers shall be a maximum of 2-feet high.

m. That the proposed fence must not interfere with the integrity of the adopted plan of flood control, easement access, or interfere with maintenance, inspection, and flood fight procedures.

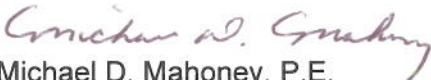
n. That the proposed fence must comply with California Code of Regulations, Title 23, 133 Supplemental Standards for Control of Residential Encroachments in Reclamation District 1000.

o. That the proposed fence and gate shall be cleared of debris following periods of high flow.

Based upon the information provided, no Section 10 or Section 404 permit is needed.

If you have any questions concerning our comments on this permit application, please contact Mr. Mohsen Tavana (916) 557-5282 or Mr. Robert Murakami at (916) 557-6738.

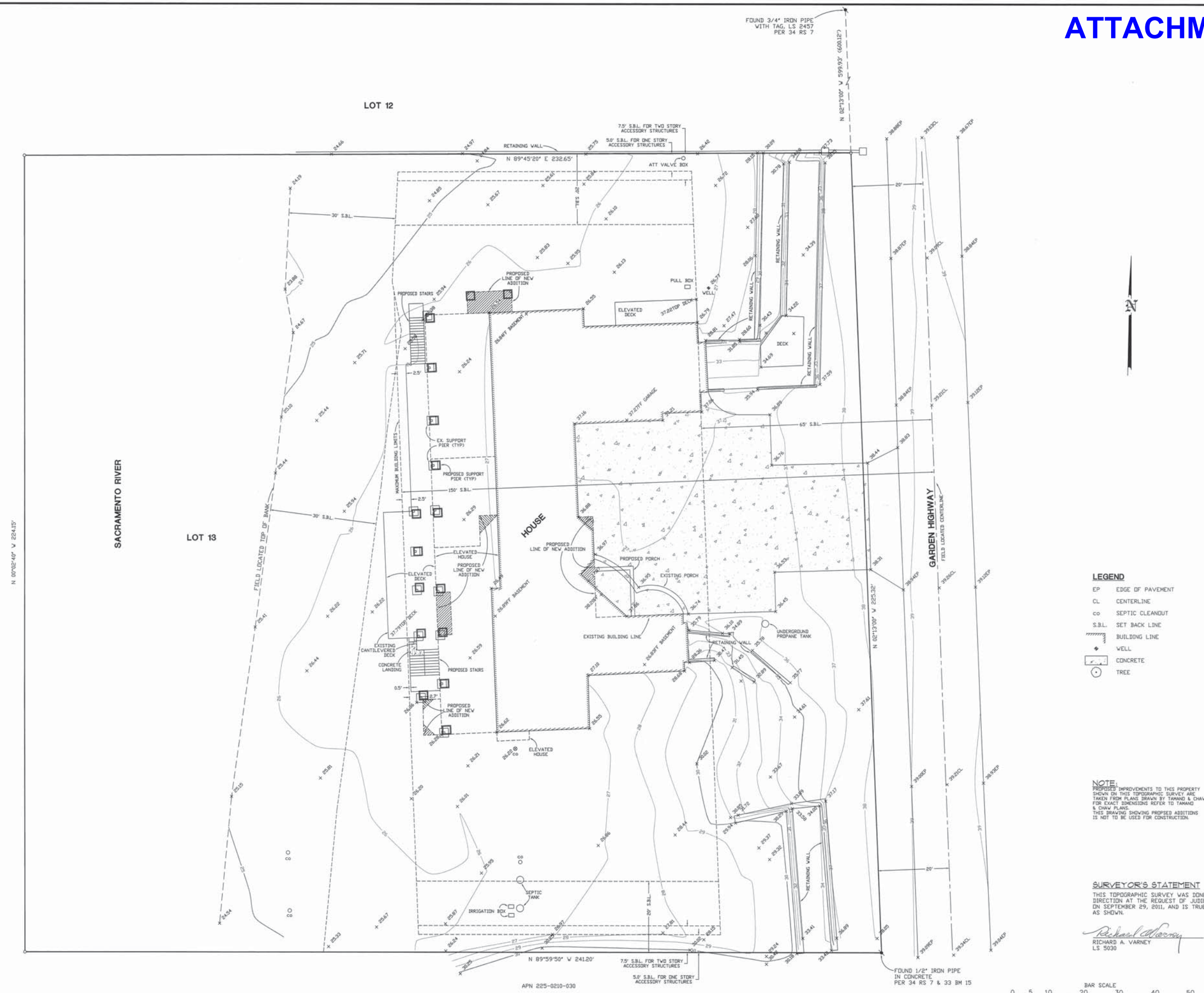
Sincerely,


Michael D. Mahoney, P.E.
Chief, Construction-Operations Division

CF:

Mr. Tirath Pal Sandhu, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Ave., Suite LL30, Sacramento, CA 95821

ATTACHMENT D



- LEGEND**
- EP EDGE OF PAVEMENT
 - CL CENTERLINE
 - co SEPTIC CLEANDOUT
 - S.B.L. SET BACK LINE
 - BUILDING LINE
 - WELL
 - CONCRETE
 - TREE

NOTE:
 PROPOSED IMPROVEMENTS TO THIS PROPERTY SHOWN ON THIS TOPOGRAPHIC SURVEY ARE TAKEN FROM PLANS DRAWN BY TAMM & CHAV. FOR EXACT DIMENSIONS REFER TO TAMM & CHAV PLANS. THIS DRAWING SHOWING PROPOSED ADDITIONS IS NOT TO BE USED FOR CONSTRUCTION.

SURVEYOR'S STATEMENT
 THIS TOPOGRAPHIC SURVEY WAS DONE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF JUDIE CARTER ON SEPTEMBER 29, 2011, AND IS TRUE AND COMPLETE AS SHOWN.

Richard A. Varney
 RICHARD A. VARNEY
 LS 5030



DATE: 9/29/2011
 SHEET **5** OF **16**

TOPOGRAPHIC SURVEY
 LOT 13, AZEVEDO RIVER SUBDIVISION, 33 BM 15
 3001 GARDEN HIGHWAY APN = 225-0200-001
 COUNTY OF SACRAMENTO STATE OF CALIFORNIA

NO	DATE	REVISION	BY
2	6/28/12	RELOCATE PROPOSED STAIRS, SOUTH SIDE OF BUILDING	DRY
1	6/27/12	PROPOSED ADDITION REMODEL (SEE NOTE)	DRY

SCALE: 1"=10'
 JOB NO. 110927
 DRAWING NAME: 110927P

VARNEY LAND SURVEYS
 2785 66TH AVENUE
 SACRAMENTO, CALIFORNIA 95822
 (916) 395-7822

BENCHMARK ELEV. 38.2'
 ELEVATIONS ON THIS SURVEY ARE BASED ON THE FINISHED FLOOR PER ELEVATION CERTIFICATE DATED 1/25/07

N 00°52'40" W 224.15'

SACRAMENTO RIVER

LOT 13

LOT 12

APN 225-0210-030

7.5' S.B.L. FOR TWO STORY ACCESSORY STRUCTURES
 5.0' S.B.L. FOR ONE STORY ACCESSORY STRUCTURES

FOUND 1/2" IRON PIPE IN CONCRETE PER 34 RS 7 & 33 BM 15

FOUND 3/4" IRON PIPE WITH TAG, LS 2457 PER 34 RS 7

