

**Meeting of the Central Valley Flood Protection Board
February 24, 2012**

Staff Report – Encroachment Permit

**Lawrence Cassidy
House Addition, Sacramento County**

1.0 – ITEM

Consider approval of Resolution No. 2012-07 (Attachment A) to:

1. Grant a variance to Title 23, Section 113 (b) (1) to allow for the construction of a 25-foot by 40-foot home addition to an existing and permitted dwelling. The addition proposes to encroach on an area of the left bank of the Sacramento River where dwellings are prohibited.
2. Determine the project to be exempt from CEQA.
3. Approve Permit No. 7236-1.

2.0 – APPLICANT

Lawrence Cassidy
1963 Garden Highway
Sacramento, California 95833
APN: 274-0021-010-0000

3.0 – LOCATION

The project is located within the north (left) bank of the Sacramento River at 1963 Garden Highway in Sacramento. The property is bounded by the project levee to the north and Sacramento River to the south. It is upstream of the confluence of the American River and Sacramento River and approximately one mile downstream from the Sacramento Bypass. Figures 1 and 2 show the vicinity and an aerial view of the project location.



Figure 1 – Vicinity Map of 1963 Garden Highway in Sacramento, CA
(Source: Google Earth Pro)



Figure 2 – Aerial Map of 1963 Garden Highway in Sacramento, CA
(Source: Google Earth Pro)

4.0 – APPLICABLE LAWS AND REGULATIONS

The following codes apply to this decision:

CCR Title 23, Waters, Division 1, § 11, Variances. (a) An application for an encroachment permit for a use that is not consistent with the board's standards as outlined in this division requires a variance approved by the board. (b) When approval of an encroachment requires a variance, the applicant must clearly state in the application why compliance with the board's standards is infeasible or not appropriate.

CCR Title 23, Waters, Division 1, § 113(b), Dwellings and structures within an adopted plan of flood control must comply with the following requirements: (1) New dwellings, with the exception of dwellings for seasonal occupancy (nonflood season), are not permitted except as provided in subdivisions (d) and (e) of this section. NOTE: Subdivisions (d) and (e) do not apply to this location.

CCR Title 23, Waters, Division 1, § 133, Supplemental Standards for Control of Residential Encroachments in Reclamation District 1000. These standards apply only to the construction, reconstruction, or repair of dwellings and associated improvements on the left bank waterward berm and waterward levee slope of the Sacramento River between levee miles 0.00 and 18.60, Unit 1, Reclamation District 1000. These standards supplement and, where in conflict with, supersede the standards in section 111 through section 137. While these standards are not specifically for commercial construction, in general, the principles in this section will apply to commercial development.

(c) Within the area located between the waterward levee shoulder and a point sixty-five (65) feet waterward from the centerline of levee, the following conditions apply:

(1) Where the area is less than one (1) foot above the design flood plane, driveways and ramps may be constructed at any orientation to the levee.

(2) Where the area is less than one (1) foot above the design flood plane, fences parallel to the levee must be an open type and constructed to provide for the unobstructed visual inspection of the levee slope and toe from the levee crown roadway.

(d) Within the area beginning at a point sixty-five (65) feet waterward from the centerline of the levee and extending waterward a maximum of one hundred and fifty (150) feet from the centerline of the levee, the following conditions apply:

(1) Securely anchored fences and structures are permitted.

(2) Dwellings are permitted, if the finished floor level is at least two (2) feet above the design flood plane or two (2) feet above the 100-year flood elevation, whichever is higher.

(3) 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.

(e) Within the area beginning at a point one hundred and fifty (150) feet waterward from the centerline of the levee and extending waterward to the top of riverbank, the following conditions apply:

(1) Dwellings and fences are not permitted.

Figure 3 illustrates the restrictions presented in CCR Title 23, Division 1, Section 133 that are relevant to this application:

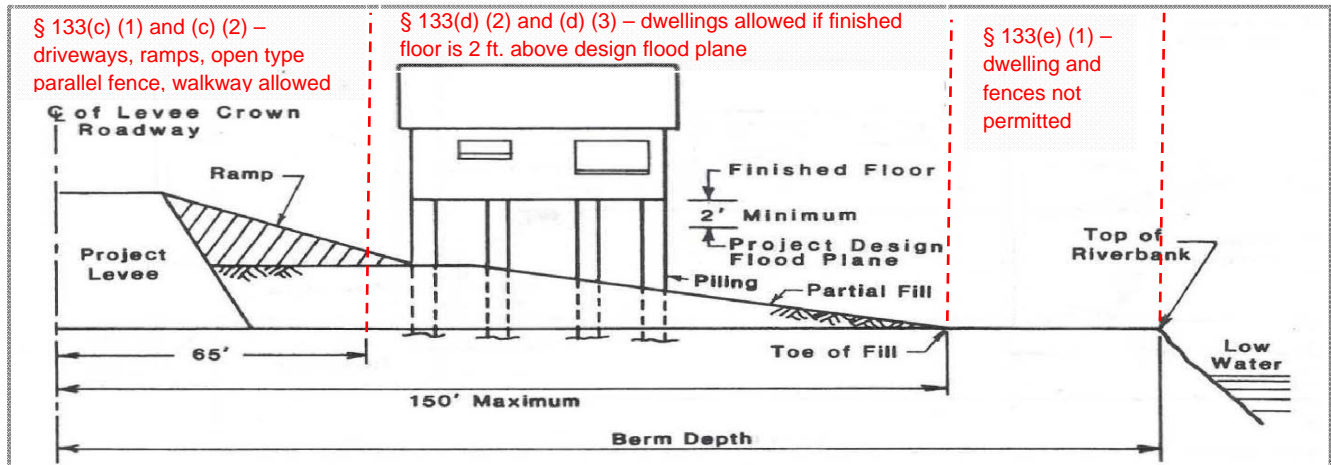


Figure 3. Waterside levee cross section for RD1000; red labels added by CVFPB Staff (Source: Special Encroachment Standards for Reclamation District 1000, Nov. 15, 1985)

5.0 – PROJECT DESCRIPTION

The applicant requests a variance to Title 23 Section 113 (b) (1) for the construction of a 1,000-square-foot home addition to an existing and permitted dwelling on the left (north) bank of Sacramento River. The addition as proposed encroaches on an area of the left bank of the Sacramento River where dwellings are prohibited.

6.0 – PROJECT BACKGROUND

On August 11, 2011, the applicant submitted an encroachment permit application for the construction of a home addition to an existing and permitted dwelling (Board Order 7236). During the application review process, Central Valley Flood Protection Board (CVFPB) Staff discovered that the addition encroached on an area where CVFPB regulations prohibit dwellings. On December 1, 2011, CVFPB Staff met with the applicant at his property to advise him of the insufficient setback.

On December 14, 2011, CVFPB Staff sent a letter to the applicant to notify him that his application will require a variance to Title 23 Division I, Section 113 (b) (see Attachment M). Shortly thereafter, Staff received the applicant's variance request letter dated January 3, 2012 (see Attachment L, Exhibit A). After requesting for additional information, Staff received another variance request letter dated January 23, 2012 (see Attachment L, Exhibit B).

6.1 – Relevant Permits

- On May 22, 1960, Board Order 6529 was approved for the construction of a floating boat shed, dock and ramp at the property (see Attachment F).
- On January 28, 1972, Board Order 7236 was approved for the construction of a dwelling, retaining wall, driveway fill, and septic system at the property (see Attachment G). Condition Nine states that “the proposed dwelling shall be revised so that the east face of the dwelling shall be located at least 55 feet from the centerline of the Garden Highway.”
- On January 18, 1973, Board Order 7236-A was approved for the amendment of plans to Board Order 7236. A new driveway cover, as well as underground water and electric lines were included in the submitted plans (see Attachment H).
- On August 24, 1973, Board Order 7236-B was approved for the addition of landscape ground cover, and fence on the waterward slope of the levee (see Attachment I).
- On May 4, 1994, Permit No. 16197 GM was approved for the construction of a room and deck addition to an existing dwelling (see Attachment J). The submitted plans showed the addition to be set back 65-feet waterward from the levee centerline. The project never took place; and in August 26, 1997, the property underwent ownership change (see Attachment K).

7.0 – PROJECT ANALYSIS

The proposed home addition will be connected to the west end of the existing and permitted dwelling. The addition will be used for year-round human habitation and will be supported by pipe columns on concrete spread footings, giving it a final floor elevation that is 2.44-feet higher than the 200-year water surface elevation (WSEL), as discussed in Section 7.2. Once built, the addition will expand the overall livable space of the property by 1,000-square-feet and add a second master bedroom on the existing first floor.

The existing dwelling was previously permitted under Board Order 7236, which allowed for the construction of the dwelling, driveway and fill. It also allowed the dwelling to be located at least 55-feet from the levee centerline. Because of the location of the existing dwelling, the addition will also be placed with the same setback distance, thus

not meeting the typical 65-foot setback from the levee. As stated in Section 6.0 of this report, additions to existing dwellings within this project reach may be permitted within the area beginning at a point 65-foot from the levee centerline and extending to 150-feet from the levee centerline assuming they meet the 2-foot freeboard requirement.

7.1 – Variance Request

The California Code of Regulations Title 23, Division I, Article 3, Section 11 (a) states that a variance is required for encroachment permit applications for a use that is not consistent with the CVFPB standards. Although the proposed addition meets the 2-foot freeboard requirement, it is set back to only 55-feet from the levee centerline, thus encroaching on an area within the floodway where CVFPB prohibits new dwellings. Specifically, CCR Title 23 Waters, Division I states the following:

Section 113 (b) Dwellings and structures within an adopted plan of flood control must comply with the following requirements: (1) New dwellings, with the exception of dwellings for seasonal occupancy (nonflood seasons), are not permitted except as provided in subdivision (d) and (e) of this section. NOTE: Subdivision (d) and (e) do not apply to this location.

Therefore, the application will require a variance to section 113 (b).

In addition, pursuant to section 11(b), the applicant must clearly state in the application why compliance with the board's standards is infeasible or not appropriate. In order for the proposed addition to be in compliance with Title 23, it would have to be set-back additional 10-feet towards the river. This would place the proposed concrete spread footings directly on top of the existing and permitted septic tank; hence, it may be unfeasible to relocate the proposed addition for compliance.

Under normal circumstances, new structures and additions used for human habitation would not be allowed to encroach on this prohibited area. However, here because the existing dwelling was permitted and allowed the setback to be reduced from 65-feet to, the Board may find it appropriate to allow the home addition to be constructed at the proposed location, and a variance be granted to Section 113 (b).

The applicant also informed CVFPB Staff that the proposed addition will add a second master bedroom and bath at the first level for the applicant, who has health-related issues. Currently, the bedroom is located on the top floor, and has made it difficult for the applicant to access it because of the use of the stairway.

Furthermore, the addition as proposed will have a finished floor elevation that is 1.6-feet higher than the existing dwelling and exceeds the 2-foot freeboard requirement for the 200-year WSEL, as discussed in Section 6.2 of this report. The proposed addition will provide adequate level of flood protection and easier access to the applicant during a 200-year flood event with no adverse effect to the project levee.

7.2 – Hydraulic Analysis

The finish floor elevation of the proposed addition will be at an elevation of 36.5-feet (NGVD29), which is approximately 2.43-feet higher than the 200-year WSEL computed by MBK Engineers for the Sacramento Area Flood Control Agency's (SAFCA) Natomas Levee Improvement Program (NLIP) assuming completion of the NLIP and Folsom Joint Federal Project (JFP) at the project location. The finish floor elevation is in excess of the 2-feet required by regulation, as shown in Table 1. By comparison, the existing dwelling has a finish floor elevation that is only 0.83 feet higher than the 200-year WSEL.

CVFPB Staff also determined that the proposed residential addition blocks less than 1% of the floodway; therefore, a hydraulic analysis is not required.

Location (2000 USACE Comp Study River Mile)	200-year WSEL (NGVD29)	Finish Floor Elevation of New Addition	Change (compared to 200- year WSEL)	Finish Floor Elevation of Existing Dwelling	Change (compared to 200- year WSEL)
Sacramento River @ 1963 Garden Highway (RM 62.3)	34.07*	36.5	+2.44	34.9	+0.83

Table 1. 200-year maximum WSEL at project location. Elevation unit in [feet]

* Source: MBK Engineers, SAFCA NLIP Summary Report on Hydraulic Impact Analyses, December 9, 2008

7.3 – Geotechnical Analysis

It is expected that no ground work shall take place within the levee section; therefore, a geotechnical analysis is not required.

8.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- Reclamation District has endorsed this project on June 14, 2011 with conditions. The conditions will be incorporated into the permit as Exhibit B. Furthermore,

CVFPB Staff received a revised endorsement letter from the RD 1000 dated January 24, 2012, which states that “RD 1000 does not see any negative impact on our ability to operate and maintain the levee should be the variance be granted because of the location of the existing structure previously permitted by the State Reclamation Board...RD 1000 does not object to the CVFPB granting the requested variance” (see Attachment B, Exhibit C).

- The U.S. Army Corps of Engineers (USACE) issued a 208.10 review letter dated February 16, 2012 with conditions to the project. The letter is incorporated into the permit as Attachment B, Exhibit A.

9.0 – CEQA ANALYSIS

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

The CVFPB, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering additions or minor alteration to existing structures.

10.0 – SECTION 8610.5 CONSIDERATIONS

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

The CVFPB is making this 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 of Water Resources or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 Division I have been applied to the review of this permit. In review of this application, CVFPB Staff found no evidence indicating significant adverse effects on the State Flood Control should a variance be granted.

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

The project will have no significant adverse effects on the entire State Plan of Flood Control.

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

The proposed addition as well as the existing dwelling is at risk of flooding due to higher floods caused by changes in the climate.

11.0 – STAFF RECOMMENDATION

The proposed project is located within a reach of Sacramento River that allows for the development of dwellings and appurtenances with certain restrictions. Under normal conditions, new structures and additions used for human habitation are allowed if they are set back to 65-feet from the levee centerline.

However, here because the existing dwelling was permitted and allowed to reduce the setback from 65-feet to 55-feet, CVFPB Staff believes that it is appropriate to allow the home addition to be constructed at the proposed location, and a variance be granted to Section 113 (b). Requiring the applicant to comply with the CVFPB regulations will require him to move the addition 10-feet towards the river, placing the proposed concrete spread footings directly on top of the existing and permitted septic tank; hence it would be unfeasible for the applicant to relocate the proposed addition. Furthermore, CVFPB Staff reviewed the application and found no evidence that the proposed addition would cause an adverse impact to the State Plan of Flood Control.

Staff recommends that the CVFPB adopt Resolution No. 2012-07, which constitutes the written findings and decision in the matter of Permit No. 7236-1. The resolution contains the CEQA findings; Findings of Fact; and approval of Permit No. 7236-1; and directs the Executive Office to take necessary actions to prepare and execute the permit and related documents and to prepare and file a Notice of Exemption with the State Clearinghouse.

12.0 – LIST OF ATTACHMENTS

- A. Resolution NO. 2012-07
- B. Draft Permit No. 7236-1
 - a. Exhibit A – USACE Corps of Engineers 208.10 Review letter (expected before the CVFPB meeting)
 - b. Exhibit B - Page 1 of Application with signed RD1000 endorsement, and 4-page RD1000 Permit Conditions
 - c. Exhibit C – RD 1000 revised endorsement letter dated January 24, 2012
- C. Location Map and Photos submitted by Applicant
- D. Site Plan
- E. Foundation Plan
- F. Board Order 6529 dated May 22, 1969
- G. Board Order 7236 dated January 28, 1972
- H. Board Order 7236-A dated January 18, 1973
- I. Board Order 7236-B dated August 24, 1973
- J. Encroachment Permit No. 16197GM dated May 4, 1994
- K. Title Deed dated August 28, 1997
- L. Applicant Variance Request Letters
 - a. Exhibit A – Variance request letter dated January 3, 2012
 - b. Exhibit B – Revised variance request letter dated January 23, 2012
- M. Variance notification letter dated December 14, 2011
- N. Hearing notification letter dated February 1, 2012

Design Review:	Martin Janolo
Environmental Review:	James Herota / Andrea Mauro
Document Review:	Len Marino P.E., Curt Taras P.E. M.S.C.E, Michael Wright P.E., Debbie Smith

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 2012-07

BOARD FINDINGS, VARIANCE AND DECISION AUTHORIZING ISSUANCE OF
ENCROACHMENT PERMIT NO. 7236-1, LAWRENCE CASSIDY
DWELLING ADDITION
SACRAMENTO RIVER, SACRAMENTO COUNTY

WHEREAS, Mr. Lawrence Cassidy (applicant) is the owner of the property described as Sacramento County Assessor's Parcel No. 274-0021-010 located in Section 27, Township 9 North, Range 4 East, Mount Diablo Base and Meridian; and

WHEREAS, the property is located at 1963 Garden Highway in Sacramento, on the north (left) bank of the Sacramento River; and

WHEREAS, CCR Title 23 Division I, Article 3, Section 11 states that a variance is required for encroachment permit applications for a use that is not consistent with the Board's standards. The applicant must clearly state in the application why compliance with the board's standards is infeasible or not appropriate; and

WHEREAS, the applicant requests a variance to CCR Title 23 Division I, Section 113 (b) (1) for the construction of a 1,000-square-foot home addition to an existing and permitted dwelling on the left (north) bank of Sacramento River. The addition as proposed encroaches on an area of the left bank of the Sacramento River where dwellings are prohibited; and

WHEREAS, the addition will be used for year-round human habitation and will be supported by pipe columns on concrete spread footings, giving it a final floor elevation that is 2.44-feet higher than the 200-year water surface elevation (WSEL). Once built, the addition will expand the overall livable space of the property by 1,000-square-feet and add a second master bedroom on the existing first floor; and

WHEREAS, the existing dwelling was previously permitted under Board Order 7236, which allowed for the construction of the dwelling, driveway and fill. It also allowed the dwelling to be located at least 55-feet from the levee centerline. Because of the location of the existing dwelling, the addition will also be placed with the same setback distance, thus not meeting the typical 65-foot setback from the levee; and

WHEREAS, CCR Title 23 Division I, Section 133 allows for additions to existing dwellings within this project reach to be permitted within an area beginning at a point 65-foot from the levee centerline and extending at a point 150-feet from the levee centerline assuming they meet the 2-foot freeboard requirement; and

WHEREAS, although the proposed addition meets the 2-foot freeboard requirement, it is set back to only 55-feet from the levee centerline, thus encroaching on an area within the floodway where CVFPB prohibits new dwellings; and

WHEREAS, pursuant to CCR title 23 Division I, Section 113 (b), *dwellings and structures within an adopted plan of flood control must comply with the following requirements: (1) New dwellings with the exception of dwellings for seasonal occupancy (nonflood season), are not permitted except as provided in subdivision (d) and (e) of this section.* NOTE: Subdivisions (d) and (e) do not apply to this location; and

WHEREAS, the application will require a variance to Section 113 (b), subject to Board approval; and

WHEREAS, in order for the proposed addition to be in compliance with Title 23, it would have to be set back an additional 10-feet towards the river. This would place the proposed concrete spread footings directly on top of the existing and permitted septic tank; hence, it is unfeasible to relocate the proposed addition for compliance; and

WHEREAS, under normal circumstances, new structures and additions used for human habitation would not be allowed to encroach on this prohibited area. However, here because the existing dwelling was permitted and allowed the setback to 55-feet, the Board finds it appropriate to allow the home addition to be constructed at the proposed location, and a variance be granted to Section 113 (b); and

WHEREAS, the addition as proposed will have a finish floor elevation exceeds the 2-foot freeboard requirement for the 200-year WSEL and is 1.6-feet higher than the existing dwelling. The proposed addition will provide adequate level of flood protection and easier access to the applicant during a 200-year flood event with no adverse effect to the project levee; and

WHEREAS, the finish floor elevation of the proposed addition will be at an elevation of 36.5-feet (NGVD), which is approximately 2.43-feet higher than the 200-year WSEL computed by MBK Engineers for the Sacramento Area Flood Control Agency's (SAFCA) Natomas Levee Improvement Program (NLIP) assuming completion of the NLIP and Folsom Join Federal Project (JFP) at the project location. The finish floor elevation is in excess of the 2-feet required by regulation. In addition, the proposed residential addition blocks less than 1% of the floodway; therefore, a hydraulic analysis is not required; and

WHEREAS, The U.S Army Corps of Engineers (USACE) issued a 208.10 review letter dated February 16, 2012 with conditions to the project. The letter is incorporated into the permit as Attachment B, Exhibit A.

WHEREAS, Reclamation District 1000 has endorsed the project on June 14, 2011 with conditions that will be incorporated into the permit as Exhibit B;

WHEREAS, furthermore, CVFPB Staff received a revised endorsement letter from the RD 1000 dated January 24, 2012, which states that “RD 1000 does not see any negative impact on our ability to operate and maintain the levee should be the variance be granted because of the location of the existing structure previously permitted by the State Reclamation Board...RD 1000 does not object to the CVFPB granting the requested variance;” and

WHEREAS, the Central Valley Flood Protection Board has conducted a hearing on Encroachment Permit Application No. 7236-1 and has reviewed the application, the Staff Report of its staff, the documents and correspondence in its file, and given the applicant the right to testify and present evidence on their behalf;

NOW, THEREFORE, BE IT RESOLVED THAT,

Findings of Fact:

1. The Central Valley Flood Protection Board hereby adopts as findings the facts set forth in the Staff Report.
2. The Board has reviewed all Attachments listed in the Staff Report.

California Environmental Quality Act (CEQA) Determinations

3. The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering additions or minor alteration to existing structures.
4. **Custodian of Record.** The custodian of the CEQA record is Executive Officer Jay Punia at the Central Valley Flood Protection Board, 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

Considerations Pursuant to Water Code Section 8610.5

5. **Evidence Admitted into the Record.** The Board has considered all the evidence presented in this matter, including previous Board permits (AB), past and present Staff Reports and attachments. The Board has also considered all letters and other correspondence received by the Board and in the Board’s files related to this matter.

The custodian of the files is Executive Officer Jay Punia at the Central Valley Flood Protection Board, 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

6. **Best Available Science.** In making its findings the Board has used the best available science relating to the scientific and technical issues presented by all parties. The accepted industry standards for the work proposed under this application as regulated by Title 23 have been

applied to the review of this application. CVFPB Staff found no evidence indicating significant adverse effects on the State Flood Control should a variance be granted.

7. **Effects on State Plan of Flood Control.** The project will have no significant adverse effects on the entire State Plan of Flood Control.
8. **Effects of Reasonably Projected Future Events, including but not limited to changes in hydrology, climate, and development within the affected watershed.** The proposed addition as well as the existing dwelling is at risk of flooding due to higher floods caused by changes in the climate.

Other Findings/Conclusions Regarding Issuance of the Permit

9. This resolution shall constitute the written decision of the Central Valley Flood Protection Board in the matter of Application No. 7236-1.

Approval of Encroachment Permit No. 7236-1

10. Based on the foregoing, the Central Valley Flood Protection Board hereby approves the issuance of Encroachment Permit No. 7236-1, to authorize construction of a 25 ft. x 40 ft. house addition to an existing and permitted dwelling (Board Order 7236) on the left bank overflow area of the Sacramento River at 1963 Garden Highway.
11. The Central Valley Flood Protection Board directs the Executive Officer to take the necessary actions to finalize and execute the permit and related documents.

PASSED AND ADOPTED by vote of the Board on _____, 2012

Benjamin F. Carter
President

Secretary

DRAFT

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

PERMIT NO. 7236-1 BD

This Permit is issued to:

Lawrence Cassidy
700 Leisure Lane
Sacramento, California 95815

To construct a 25 ft. x 40 ft. home addition to an existing and permitted dwelling (Board Order 7236) on the left bank overflow area of the Sacramento River. The proposed project is located at 1963 Garden Highway in Sacramento (Section 27, T29N, 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

Page 1 of 4

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. 7236-1 BD

THIRTEEN: This permit is not valid until the enclosed Agreement Establishing a Covenant Running with the Land has been signed, notarized, and returned to the Central Valley Flood Protection Board.

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: No work authorized by this permit shall be performed until the Department of Water Resources has received, reviewed, and approved in writing, a complete set of final submitted plans, drawings, and specifications for the project. The Central Valley Flood Protection Board shall have up to 30 days after receipt of plans, drawings, and specifications for the review process. The Central Valley Flood Protection Board and/or the Department of Water Resources may extend this review period up to 15 days by written notification.

SIXTEEN: The finished floor elevation shall be at least 2 feet above the design flood plane elevation of 34.07 feet, NGV Datum. Permittee shall provide an elevation certificate indicating compliance with the above elevation requirement prior to completion of the project.

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

EIGHTEEN: The lower story of the structure shall not be used for human habitation.

NINETEEN: Upon receipt of a signed copy of the issued (not approved only) 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: The permittee shall comply with all conditions set forth in the letter from Reclamation District 1000 dated June 14, 2011, which is attached to this permit and is incorporated by reference.

TWENTY-ONE: This permit is not valid until the Central Valley Flood Protection Board has received written notification from the U.S. Army Corps of Engineers (USACE) that the USACE has no opposition to this project. The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated _____, which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee acknowledges that the proposed house addition is located within the Sacramento River floodway and is subject to periodic flooding.

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

TWENTY-FOUR: The levee crown roadway shall be kept clear for vehicular traffic and parking shall be prohibited at all times.

TWENTY-FIVE: Any damage to the levee crown roadway or access ramps shall be promptly repaired to the condition that existed prior to utilization.

TWENTY-SIX: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

TWENTY-SEVEN: 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.

TWENTY-EIGHT: All debris generated by this project shall be disposed of outside the Sacramento River Floodway.

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

THIRTY: 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.

THIRTY-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 Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

THIRTY-TWO: 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.

THIRTY-THREE: 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.

THIRTY-FOUR: Any additional encroachment(s) on the levee section or waterward berm, require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

THIRTY-FIVE: Landscaping, appurtenances, and maintenance practices shall conform to Supplemental Standards for Control of Residential Encroachments in Reclamation District No. 1000, Section 133 of the Central Valley Flood Protection Board's Regulations.

THIRTY-SIX: The permittee shall assume responsibility for protection, relocation, or removal of the permitted project works if required by the Central Valley Flood Protection Board.

THIRTY-SEVEN: If the permittee or successor does not comply with the conditions of this permit and an enforcement by the Central Valley Flood Protection Board is required, the permittee or successor shall be responsible for bearing all costs associated with the enforcement action, including reasonable attorney's fees.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
Real Estate Branch
1416 Ninth Street, Room 425
Sacramento, CA 95814

--- SPACE ABOVE IS FOR RECORDER'S USE ---

No fee shall be charged by the recorder for services rendered to the State (Government Code Section 7383).

**AGREEMENT ESTABLISHING A COVENANT
RUNNING WITH THE LAND**

This AGREEMENT is made and entered into this _____ day of _____, _____.

(Day)

(Month)

(Year)

by and between Lawrence Cassidy, hereinafter referred to as "OWNER(S)", and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", for valuable consideration, the receipt and adequacy of which are hereby acknowledged.

1. This AGREEMENT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by OWNER(S) by grant deed recorded _____, as Document

(Date)

Number _____, Official Records of Sacramento County.

(Number)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the BOARD that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all terms of this AGREEMENT and all conditions of the BOARD'S Permit No. 7236-1 BD, attached as Exhibit A, and any future changes therein, as on file with The Central Valley Flood Protection Board at 3310 El Camino Avenue, Sacramento, California, and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 7236-1 BD are physically attached, and to the REGULATIONS.

Agreement Establishing A Covenant
Running With The Land
Lawrence Cassidy
Page 2

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 7236-1 BD and any future changes therein, as on file with The Central Valley Flood Protection Board at 3310 El Camino Avenue, Sacramento, California, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 7236-1 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 7236-1 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This AGREEMENT shall be recorded in the Official Records of Sacramento County.

The BOARD hereby accepts the covenants set forth above.

OWNER(S):	SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT ACTING BY AND THROUGH THE STATE OF CALIFORNIA
-----------	---

Signature of Property Owner

Jay S. Punia
Executive Officer

Printed Name of Property Owner

Signature of Property Owner

Printed Name of Property Owner



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Flood Protection and Navigation Section (7236-1)

FEB 16 2012

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Dear Mr. Punia:

We have reviewed a permit application by Lawrence Cassidy (application number 7236-1). This project includes constructing a 25 by 40 feet room and deck addition to an existing dwelling located on the left bank overflow area of the Sacramento River. This project is located in Sacramento at 1963 Garden Highway at 38.6030°N 121.5391°W NAD83, 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 performed during the flood season from November 1 to April 15, unless otherwise approved in writing by your Board.
- b. That the proposed work shall not change the channel flow in such a way that may cause damage to the existing levee.
- c. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk management project; easement access; or maintenance, inspection, and flood fighting procedures.
- d. That in the event trees and brush are cleared, they shall be properly disposed of outside the limits of the project right-of-way.
- e. That if the structure is damaged, due to any cause, cumulatively to more than 50 percent of its market value, the structure may not be reconstructed or replaced without the approval of the Board.
- f. That the proposed structure shall be located at least 15 feet from the waterside levee toe.
- g. That the finished floor level of the proposed structure shall meet the conditions set forth in the RD 1000 permit condition, "Finished floor elevation for the proposed

-2-

raised house shall be a minimum of 2 feet above the 200-year water surface elevation," or be at least two feet above the design profile, which is referenced as 34.5 feet COE datum in the Sacramento River Flood Control Project, Levee and Channel Profiles, file number 50-10-3334, sheet 1 of 4, dated March 15, 1957, whichever is higher. The Sacramento District of the Corps of Engineers is currently working to determine the exact relationship between design profiles (which are referenced to a "Corps of Engineers datum" or to a "U.S. engineering datum"), to NAVD88.

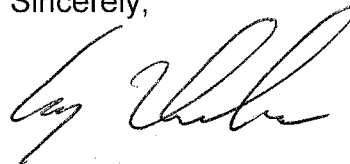
The Board is reminded that it is responsible for ensuring that the Federal Flood Risk Management Project continues to function as designed. If it is found that the existing conditions inhibit the project's ability to pass the design flow with the design freeboard, the Board shall take immediate actions to restore the design capacity or the system will be ineligible for PL 84-99 rehabilitation assistance.

From a human safety, health, and welfare standpoint, the proposed project is located on the waterside of a Federal Flood Risk Management Levee and, therefore, may be subject to flooding and/or flood damage. The Corps of Engineers strongly discourages development within known flood hazard areas. Structures within the floodway increases risk to both property and human lives.

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

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

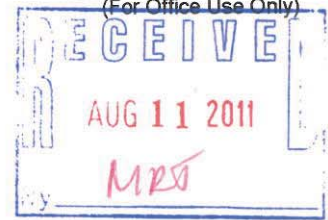
Sincerely,



For Rick L. Poeppelman, P.E.
Chief, Engineering Division

**APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD
ENCROACHMENT PERMIT**

Application No. _____
(For Office Use Only)



1. Description of proposed work:
Entertainment Room Addition in line with the west / south west end of existing house.

2. Location: 1963 Garden Highway County, in Section 27, T9N R4E, M.B.B,
Township: 29 . T9N (N) (S), Range R4E . M B B (W), M. D. B. & M.

3. Larry Afzal of P.O. Box 601417
Name of Applicant Address
Sacramento CA 95860 916 601- 4293
City State Zip Code Telephone Number
916 485-2871
Fax Number

4. Endorsement: (of Reclamation District)
We, the Trustees of Reclamation District 1000 1633 Garden Highway Sacramento, CA 95833
Name and District Number

approve this plan, subject to the following conditions:

☐ Conditions listed on back of this form ☒ Conditions Attached ☐ No Conditions

Paul Afzal 06/14/2011
Trustee Date Trustee Date
Not required by Resolution
2010-02 adopted By the
Board of Trustees January 8, 2010
concurrent

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

Brian Perry 1977 Garden Highway 95833
Name Address Zip Code
Berger Family Trust 1957 Garden Highway 95833



**RECLAMATION
DISTRICT 1000**

Permit Conditions

Permit Application No: Unnumbered

Location: 1963 Garden Highway—Sacramento River Left Bank (RM 66.6L
Approx)

Applicant: Larry Afzal (Lawrence Cassidy owner)

Description: Addition to 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 addition as shown on the plans dated 4-18-11 only. 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.

8. Finished floor elevation for the proposed raised house shall be a minimum of 2 feet above the 200-year water surface elevation. Revised plans must be submitted to the District showing the finished floor elevation meeting this requirement. (The plans dated 11-23-10 and 4-18-11 submitted with the application do not comply with this condition)
9. Permittee shall trim and maintain existing vegetation on the levee to provide visibility over the existing wall to the satisfaction of the District and CVFPB
10. 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.
11. 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.
12. The proposed addition shall be a minimum of 65 feet from the centerline of the existing levee per Title 23 unless a variance is approved by the CVFPB.

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

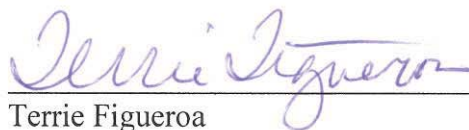
NOW, THEREFORE BE IT RESOLVED:

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.

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



RECLAMATION
DISTRICT 1000

January 24, 2012

Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

Subject: Variance Request for Application No. 7236-1 House Addition at 1963 Garden Highway

Dear Mr. Punia;

On June 14, 2011, our District endorsement the permit application to construct an addition to the house on the waterside of the Sacramento River levee at 1963 Garden Highway. The applicant was requesting a variance from the Title 23 standards to construct the addition closer than 65 feet from the centerline of the existing Sacramento River levee. As part of our endorsement we included the following condition:

12. The proposed addition shall be a minimum of 65 feet from the centerline of the existing levee per Title 23 unless a variance is approved by the CVFPB.

In a January 3, 2012 letter to the Central Valley Flood Protection Board, the applicant reiterated his desire to obtain a variance to Title 23 and build the addition as shown on the plans at a distance of 55 feet from the centerline of the existing levee. Your staff requested the District's position on the applicant's variance request. The permit application and variance request was heard at our January 13, 2012 Board meeting and was attended by the applicant's representative.

After hearing information from the applicant's representative, the Board had a lengthy discussion receiving input from the District's General Manager and Counsel and approved the following clarification to our June 14 endorsement:

The authority to grant or deny a variance from Title 23 standards is vested solely in the Central Valley Flood Protection Board ("CVFPB"). That said, Reclamation District No. 1000 (RD 1000) appreciates the CVFPB's sensitivity to the opinion of RD 1000 as the local maintaining agency. RD 1000 does not see any negative impact on our ability to operate and maintain the levee should the variance be granted because of the location of the existing structure previously permitted by the State Reclamation Board (Board Order 7236); therefore, RD 1000 does not object to the CVFPB granting the requested variance.

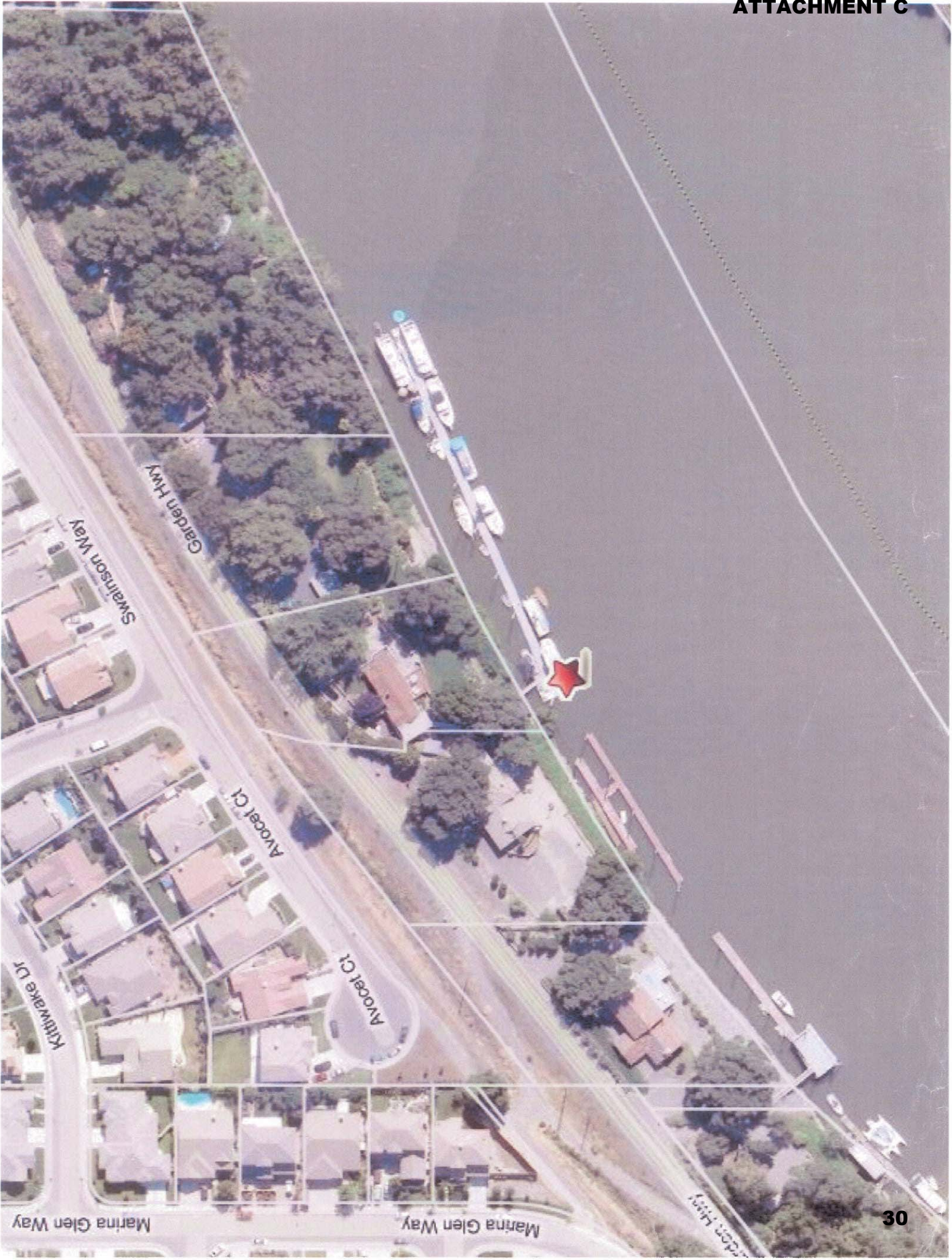
We hope this clarifies the District's position on the application and the applicant's variance request. If you have any additional questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul T. Devereux". The signature is fluid and cursive, with the first name "Paul" being larger and more prominent than the last name "Devereux".

Paul T. Devereux
General Manager/District Engineer

cc Martin Janolo (CVFPB)
 Larry Cassidy (Applicant)
 Larry Afzal (Applicant's Representative)





LARRY CASSIDY-----1963 GARDEN HIGHWAY

1,000 FT ADDITION FOR NEW LIVING ROOM-MASTER BEDROOM
& BATH.





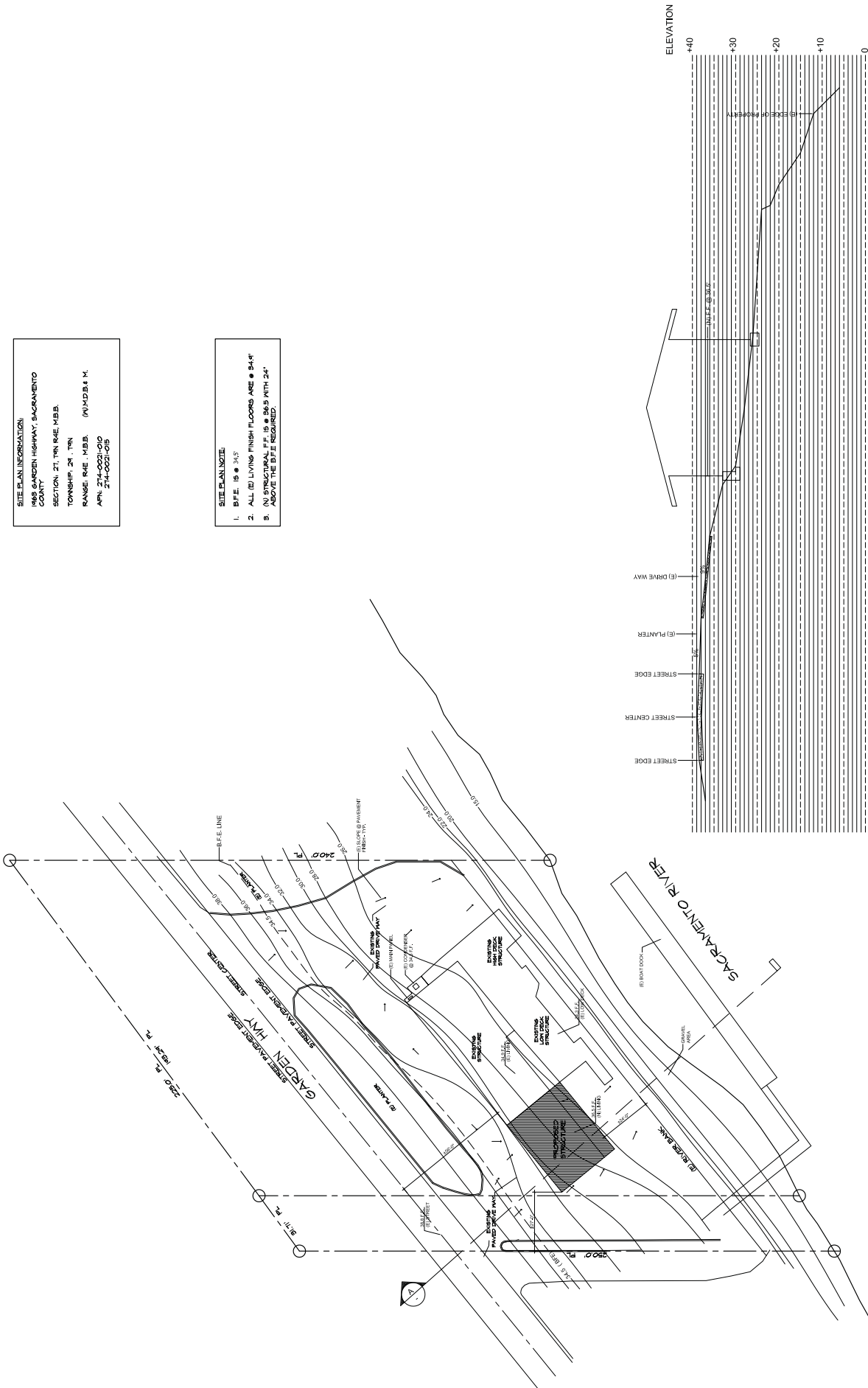












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ZELMER ARCHITECTURE

WILLIAM E. ZELMER

1000 J STREET, SUITE 200

PALM SPRINGS, CA 92262

(951) 300-1777

www.zelmerarchitect.com

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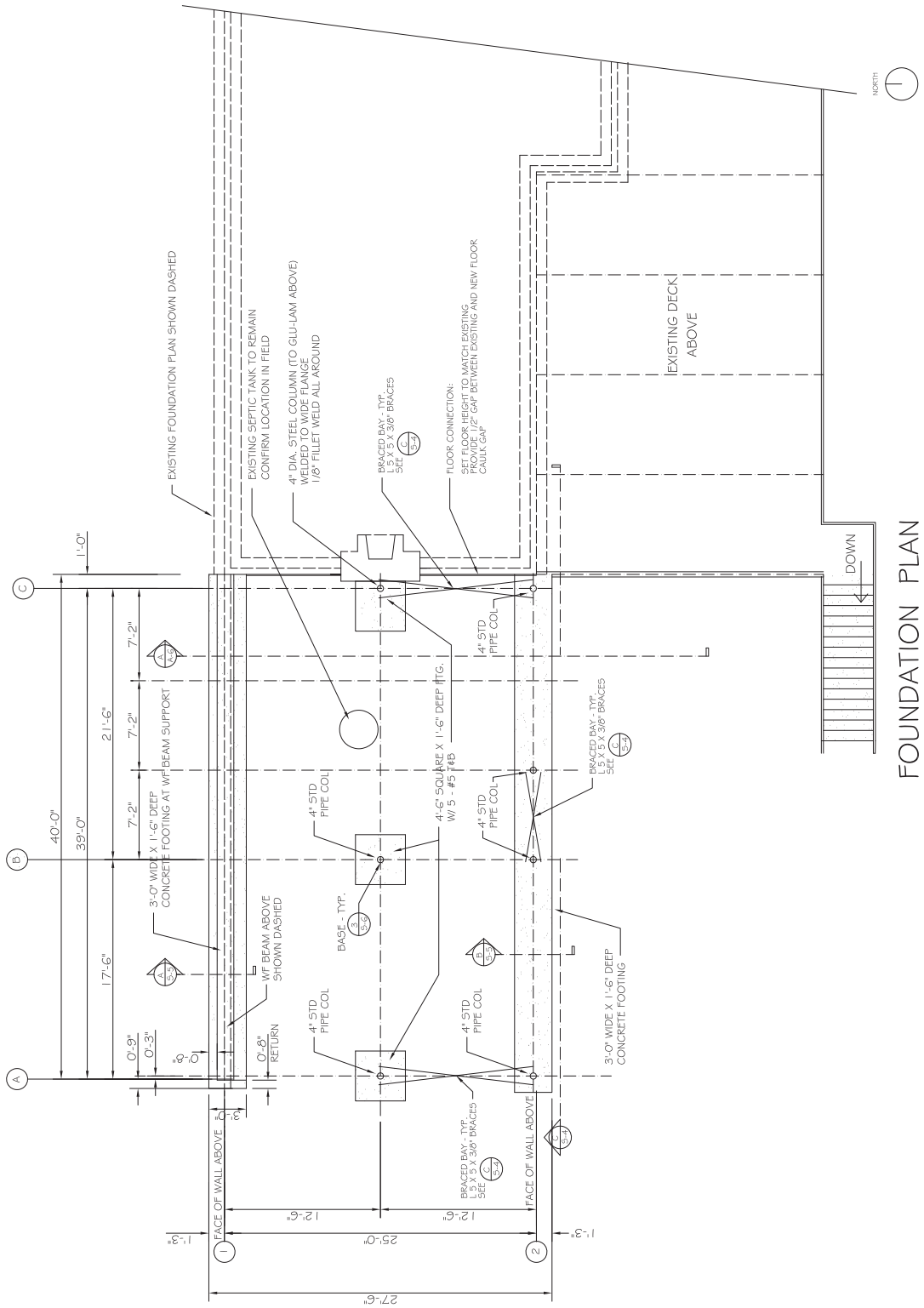
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No.	Revision/Issue	Date

CASSIDY RESIDENCE
1963 GARDEN HIGHWAY
SACRAMENTO, CA 95833

FOUNDATION AND
FIRST FLOOR
FRAMING PLAN
PROPOSED
ADDITION

Project	Sheet
Date	S-1
Scale	11-23-10
	1/4" = 1'-0"



ORDER OF THE RECLAMATION BOARD

3005.70.200

ATTACHMENT F

Application No. 6529

The application of **Mr. Stanley J. Gale**
1214 P Street
Sacramento, California 95814

for approval of plans **for the approval of plans - to construct a floating boat shed, floating dock and ramp left bank levee of Sacramento River, 600 feet upstream from intersection of El Centro Road and Garden Highway, levee mile 17.01, Unit No. 1, Section 27, T. 9 N., R. 4 E., M.D.B.&M., Sacramento County. (Reclamation District No. 1000)**

having been set for hearing on the **16th** day of **May**, **1960**, and said application

having been heard on said day: NOW THEREFORE, IT IS

ORDERED, That said application and said plans be, and the same are hereby approved, and permission to proceed with the work in accordance therewith is hereby granted, subject to the following conditions:

GENERAL CONDITIONS

ONE: That this order, with its terms, conditions, and reservations, shall be null and void and ineffective for any purpose whatsoever until applicant, or the duly authorized agent thereof, shall accept in writing and return this Order to the Reclamation Board not later than 60 days after the date the Board heard and approved said application and plans; and agrees to all the terms, conditions, and restrictions hereof; which said acceptance and agreement shall be endorsed upon a copy of this order, in the form provided therefor, which form is hereby made a part of the substance hereof;

TWO: That this approval of plans does not carry with it permission to construct any works on lands owned by the Sacramento and San Joaquin Drainage District, nor on any other lands whatsoever.

THREE: That the work hereunder shall be accomplished under the direction and supervision of the State Department of Water Resources, and applicants shall conform to all requirements of said Department; and applicant shall notify said Department of Water Resources, P.O. Box 388, Sacramento, phone 445-8458, at least three days prior to commencement of the contemplated work.

FOUR: That applicant shall pay any and all reasonable expenses which the Reclamation Board or the Department of Water Resources shall find it necessary to incur for the purpose of assuring the board or the Department that this order is being and has been complied with by applicant and that the work is performed in conformity with the plans herein approved.

FIVE: That applicant shall at the applicant's sole cost and expense, remove, alter, relocate or reconstruct all of any part of the work herein approved immediately upon the order of the Reclamation Board so to do, and in the manner prescribed thereby, should said work or any portion thereof not conform to the provisions of this order, or should said work or any portion thereof be injurious to or damage any works necessary to any plan of flood control of the Reclamation Board or the Legislature or should it interfere with the successful execution, functioning or operation of any such plan of flood control, or should such removal, alteration, relocation or reconstruction be necessary under or in conjunction with any present or future flood control plans for the area in which the work herein approved is to be accomplished, and in case applicant delays acting upon any such order of the Reclamation Board, the Board may proceed to perform the required work and the cost thereof shall be paid by applicant.

Top Rim = 40.5'
SIX: That the ramp shall be constructed so that it will not be inundated at the flood plane elevation of 34.5 feet, **USED** Datum.

*Levee Crown
 Elev. = 42.0' 'USED*

SEVEN: That as trees and brush are cleared they shall be properly disposed of either by complete burning or complete removal to outside the limits of project works.

EIGHT: That the top of the piling shall be constructed to at least elevation 37.5, **USED** Datum.

STATE OF CALIFORNIA
 COUNTY OF SACRAMENTO } ss.
 Office of the Reclamation Board

I **HOWARD J. SULLIVAN** do hereby certify that the above and foregoing is a true and correct copy of an Order made by said Board at the above indicated meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Reclamation Board, this
22nd day of **May**, 19**60**

HOWARD J. SULLIVAN
Assistant Secretary

(SEAL)

The undersigned and heretofore named applicant, or the applicant's duly authorized agent, hereby accepts the above and foregoing Order subject to all the terms thereof, agrees to abide by the same, and on the applicant's behalf and on behalf of the applicant's successors, agents and assigns, waives all claims arising, directly or indirectly, out of, or in any manner based upon any act, order, regulation, or requirement of the Reclamation Board, the Sacramento and San Joaquin Drainage District, the local district or other maintaining agency, the Department of Water Resources, or the United States of America, the officials, agents or employees thereof, done pursuant to the terms and provisions of the above and foregoing Order, and does for the applicant, the applicant's successors, agents and assigns, agree to hold and save harmless the said Reclamation Board, the Sacramento and San Joaquin Drainage District, the local district or other maintaining agency, the Department of Water Resources, the United States of America and the officials, agents or employees thereof, from any and all claims, damages or liability due to or arising out of this application or any activity in connection therewith.

IN WITNESS WHEREOF, the said applicant, or the applicant's duly authorized agent, has executed this certificate, this _____ day of _____, 19____, at _____, California.

Signature

Title

Signature

Title

ORDER OF THE RECLAMATION BOARD

ATTACHMENT G

3035.70.200

Application No. 7236

The application of Mr. Stanley J. Gale
1214 "F" Street
Sacramento, California 95814

for approval of plans

to construct a dwelling and retaining wall on berm of the left bank levee of Sacramento River, 600 feet upstream from the intersection of El Centro Road and Garden Highway. Section 27, T. 9 N., R. 4 E., N.D.B.M., Sacramento County. (Levee Mile 17.01, Unit No. 1, Reclamation District No. 1000)

having been set for hearing on the 22nd day of January, 1971, and said application

having been heard on said day: NOW THEREFORE, IT IS

ORDERED, That said application and said plans be, and the same are hereby approved, and permission to proceed with the work in accordance therewith is hereby granted, subject to the following conditions:

GENERAL CONDITIONS

ONE: That this order, with its terms, conditions, and reservations, shall be null and void and ineffective for any purpose whatsoever until applicant, or the duly authorized agent thereof, shall accept in writing and return this Order to the Reclamation Board not later than 60 days after the date the Board heard and approved said application and plans; and agrees to all the terms, conditions, and restrictions hereof, which said acceptance and agreement shall be endorsed upon a copy of this order, in the form provided therefor, which form is hereby made a part of the substance hereof;

TWO: That this approval of plans does not carry with it permission to construct any works on lands owned by the Sacramento and San Joaquin Drainage District, nor on any other lands whatsoever.

THREE: That the work hereunder shall be accomplished under the direction and supervision of the State Department of Water Resources, and applicants shall conform to all requirements of said Department; and applicant shall notify said Department of Water Resources, P.O. Box 388, Sacramento, phone 445-8458, at least three days prior to commencement of the contemplated work.

FOUR: That applicant shall pay any and all reasonable expenses which the Reclamation Board or the Department of Water Resources shall find it necessary to incur for the purpose of assuring the board or the Department that this order is being and has been complied with by applicant and that the work is performed in conformity with the plans herein approved.

FIVE: That applicant shall at the applicant's sole cost and expense, remove, alter, relocate or reconstruct all or any part of the work herein approved immediately upon the order of the Reclamation Board so to do, and in the manner prescribed thereby, should said work or any portion thereof not conform to the provisions of this order, or should said work or any portion thereof be injurious to or damage any works necessary to any plan of flood control of the Reclamation Board or the Legislature or should it interfere with the successful execution, functioning or operation of any such plan of flood control, or should such removal, alteration, relocation or reconstruction be necessary under or in conjunction with any present or future flood control plans for the area in which the work herein approved is to be accomplished, and in case applicant delays acting upon any such order of the Reclamation Board, the Board may proceed to perform the required work and the cost thereof shall be paid by applicant.

SIX: That as the trees and brush are cleared they shall be properly disposed of either by complete burning or complete removal to outside the limits of the project works.

SEVEN: That the proposed driveway shall be constructed of imported fill material and not cut into the levee section.

EIGHT: That the proposed buildings, appurtenances, landscaping and maintenance practices shall conform to the "Encroachment Standards for Reclamation District No. 1000", adopted by The Reclamation Board on June 21, 1968.

NINE: That the proposed dwelling shall be revised so that the east face of the dwelling shall be located at least 55 feet from the centerline of the Garden Highway and the west face 30 feet from the edge of the riverbank.

TEN: That the soffit of the cantilevered dwelling floor, waterward of the foundation wall, shall be at least 2 feet above the flood plane elevation of 34.5 feet, USED Datum.

ELEVEN: That the proposed septic tank (and any leach field) shall be located at least 30 feet from the top of the bank and no closer than 10 feet to the waterward toe of the levee.

TWELVE: That the proposed out-buildings shall be adequately anchored so as not to float downstream during high water.

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO } ss.
Office of the Reclamation Board

I **HOWARD J. SULLIVAN** do hereby certify that the above and foregoing is a true and correct copy of an Order made by said Board at the above indicated meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Reclamation Board, this **28th** day of **January** 1971

(SEAL)

HOWARD J. SULLIVAN
Assistant Secretary
Reclamation Board

The undersigned and heretofore named applicant, or the applicant's duly authorized agent, hereby accepts the above and foregoing Order subject to all the terms thereof, agrees to abide by the same, and on the applicant's behalf and on behalf of the applicant's successors, agents and assigns, waives all claims arising, directly or indirectly, out of, or in any manner based upon any act, order, regulation, or requirement of the Reclamation Board, the Sacramento and San Joaquin Drainage District, the local district or other maintaining agency, the Department of Water Resources, or the United States of America, the officials, agents or employees thereof, done pursuant to the terms and provisions of the above and foregoing Order, and does for the applicant, the applicant's successors, agents and assigns, agree to hold and save harmless the said Reclamation Board, the Sacramento and San Joaquin Drainage District, the local district or other maintaining agency, the Department of Water Resources, the United States of America and the officials, agents or employees thereof, from any and all claims, damages or liability due to or arising out of this application or any activity in connection therewith.

IN WITNESS WHEREOF, the said applicant, or the applicant's duly authorized agent, has executed this certificate, this _____ day of _____, 19____, at _____, California.

Signature

Title

Signature

Title

300.70.200

Application No. 7236-A

The application of Mr. Stanley J. Gale
1214 "P" Street
Sacramento, CA 95814

for approval of plans

to amend plan with the addition of a port
cochere over driveway, water and electric
lines buried underground and brick retain-
ing wall on edge of driveway, all on the left
bank levee section of the Sacramento River,
600 feet upstream from El Centro Road,
Section 27, T. 9 N., R. 4 E., M.D.B.&M.,
Sacramento County. (Levee Mile 17.01, Unit
No. 1, Reclamation District No. 1000)

having been set for hearing on the 12th day of January, 1973, and said application

having been heard on said day: NOW THEREFORE, IT IS

ORDERED, That said application and said plans be, and the same are hereby approved,
and permission to proceed with the work in accordance therewith is hereby granted, sub-
ject to the following conditions:

GENERAL CONDITIONS

ONE: That this order, with its terms, conditions, and reservations, shall be null and void and ineffective for any purpose whatsoever until applicant, or the duly authorized agent thereof, shall accept in writing and return this Order to the Reclamation Board not later than 60 days after the date the Board heard and approved said application and plans; and agrees to all the terms, conditions, and restrictions hereof, which said acceptance and agreement shall be endorsed upon a copy of this order, in the form provided therefor, which form is hereby made a part of the substance hereof;

TWO: That this approval of plans does not carry with it permission to construct any works on lands owned by the Sacramento and San Joaquin Drainage District, nor on any other lands whatsoever.

THREE: That the work hereunder shall be accomplished under the direction and supervision of the State Department of Water Resources, and applicants shall conform to all requirements of said Department; and applicant shall notify said Department of Water Resources, P.O. Box 388, Sacramento, phone 445-8458, at least three days prior to commencement of the contemplated work.

FOUR: That applicant shall pay any and all reasonable expenses which the Reclamation Board or the Department of Water Resources shall find it necessary to incur for the purpose of assuring the board or the Department that this order is being and has been complied with by applicant and that the work is performed in conformity with the plans herein approved.

FIVE: That applicant shall at the applicant's sole cost and expense, remove, alter, relocate or reconstruct all or any part of the work herein approved immediately upon the order of the Reclamation Board so to do, and in the manner prescribed thereby, should said work or any portion thereof not conform to the provisions of this order, or should said work or any portion thereof be injurious to or damage any works necessary to any plan of flood control of the Reclamation Board or the Legislature or should it interfere with the successful execution, functioning or operation of any such plan of flood control, or should such removal, alteration, relocation or reconstruction be necessary under or in conjunction with any present or future flood control plans for the area in which the work herein approved is to be accomplished, and in case applicant delays acting upon any such order of the Reclamation Board, the Board may proceed to perform the required work and the cost thereof shall be paid by applicant.

SIX: That as the trees and brush are cleared they shall be properly disposed of either by complete burning or complete removal to outside the limits of the project works.

SEVEN: That the proposed driveway shall be constructed of imported fill material and not cut into the levee section.

EIGHT: That the proposed buildings, appurtenances, landscaping and maintenance practices shall conform to the "Encroachment Standards for Reclamation District No. 1000", adopted by The Reclamation Board on June 21, 1968.

NINE: That the proposed dwelling shall be revised so that the east face of the dwelling shall be located at least 55 feet from the centerline of the Garden Highway and the west face 30 feet from the edge of the riverbank.

TEN: That the soffit of the cantilevered dwelling floor, waterward of the foundation wall, shall be at least 2 feet above the flood plane elevation of 34.5 feet, USED Datum.

ELEVEN: That the proposed septic tank (and any leach field) shall be located at least 30 feet from the top of the bank and no closer than 10 feet to the waterward toe of the levee.

TWELVE: That the proposed out-buildings shall be adequately anchored so as not to float downstream during high water.

THIRTEEN: That the fill for the driveway in front of the house shall be above design flood plane of 34.5 feet, USED Datum.

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
Office of the Reclamation Board

ss.

I **HOWARD J. SULLIVAN** do hereby certify that the above and foregoing is a true and correct copy of an Order made by said Board at the above indicated meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Reclamation Board, this **18th** day of **January**, 19 **73**

(SEAL)

HOWARD J. SULLIVAN
Assistant Secretary
Reclamation District

The undersigned and heretofore named applicant, or the applicant's duly authorized agent, hereby accepts the above and foregoing Order subject to all the terms thereof, agrees to abide by the same, and on the applicant's behalf and on behalf of the applicant's successors, agents and assigns, waives all claims arising, directly or indirectly, out of, or in any manner based upon any act, order, regulation, or requirement of the Reclamation Board, the Sacramento and San Joaquin Drainage District, the local district or other maintaining agency, the Department of Water Resources, or the United States of America, the officials, agents or employees thereof, done pursuant to the terms and provisions of the above and foregoing Order, and does for the applicant, the applicant's successors, agents and assigns, agree to hold and save harmless the said Reclamation Board, the Sacramento and San Joaquin Drainage District, the local district or other maintaining agency, the Department of Water Resources, the United States of America and the officials, agents or employees thereof, from any and all claims, damages or liability due to or arising out of this application or any activity in connection therewith.

IN WITNESS WHEREOF, the said applicant, or the applicant's duly authorized agent, has executed this certificate, this day of, 19, at, California.

Signature

Title

Signature

Title

ORDER OF THE RECLAMATION BOARD

3005.70.200

Application No. 7236-B

The Application of: Mr. Stanley Gale
1214 - F Street
Sacramento, CA 95814

for approval of plans to landscape the waterward slope of the levee with trees and ground cover and construct a fence on the left bank levee of the Sacramento River, 600 feet upstream from El Centro Road. Section 27, T. 9 N., R. 4 E., M.D.B.&M., Sacramento County. (Levee Mile 11.01, Unit No. 1, Reclamation District No. 1000)

having been set for hearing on the 17th day of August, 1973, and said

application having been heard on said day: NOW, THEREFORE, IT IS ORDERED, that Application No. 7236-B and said plans contained therein are hereby approved and permission to proceed with the work in accordance therewith is hereby granted, subject to all the terms, conditions and restrictions attached hereto which are incorporated herein by reference and made a part hereof.

GENERAL CONDITIONS

ONE: This order is issued under the authority of Sections 8700 - 8723 of the State Water Code;

TWO: This order is to be strictly construed and no work, other than that specifically described herein, is authorized hereby;

THREE: This approval of plans does not carry with it permission to construct any works on lands owned by the Sacramento and San Joaquin Drainage District, nor on any other lands whatsoever;

FOUR: The work hereunder shall be accomplished under the direction and supervision of the State Department of Water Resources and applicant shall conform to all requirements of said Department and the State Reclamation Board, and applicant shall notify said Department of Water Resources, P. O. Box 388, Sacramento, telephone 445-8458, at least three days prior to commencement;

FIVE: This order shall be void unless the work herein contemplated shall have been commenced within 1 year after issuance;

SIX: This order shall remain in effect until revoked. This order is revokable on 15 days' notice in the event that any conditions contained herein are not complied with;

SEVEN: It is understood and agreed by applicant that the commencement of any work under this order shall constitute an acceptance of the provisions of this order and an agreement to perform in accordance therewith;

EIGHT: This order is granted with the understanding that this action is not to be considered as establishing any precedent with respect to any other application received by The Reclamation Board;

NINE: The applicant to whom this order is issued shall, whenever the same is required by law, secure the written order or consent to any work hereunder from any other public agency having jurisdiction;

TEN: Upon completion of the work all waste material and debris shall be entirely removed from the site of the work and the site left in as presentable a condition as before the work started;

ELEVEN: The applicant is responsible for all liability for personal injury or property damage which may arise out of failure on the applicant's part to perform his obligations under this order. In the event any claim of liability is made against the State of California or any department thereof, the United States of America, a local district or other maintaining agency and the officers, agents or employees thereof, applicant shall defend, indemnify and hold them and each of them harmless from such claim;

TWELVE: The applicant agrees by the acceptance of this order to exercise reasonable care to operate and maintain properly any work authorized herein and agrees to conform to standards of operation and maintenance prescribed by the State of California;

THIRTEEN: Applicant shall at his sole cost and expense remove, alter, relocate or reconstruct all or any part of the work herein approved immediately upon the order of The Reclamation Board so to do and in the manner prescribed thereby should said work or any portion thereof not conform to the conditions of this order.

SPECIAL CONDITIONS

FOURTEEN: That the landscaping, appurtenances, and maintenance practices shall conform to standards contained in the "Guide for Vegetation on Project Levee", adopted by The Reclamation Board on December 1, 1967, and revised September 5, 1969.

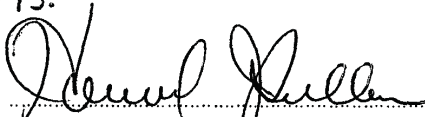
STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
Office of the Reclamation Board

} ss.

I, HOWARD J. SULLIVAN, do hereby certify that the above and foregoing is a true and correct copy of an Order made by said Board at the above indicated meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Reclamation Board, this 24th day of August, 1973.

(SEAL)


HOWARD J. SULLIVAN
Assistant Secretary
Reclamation Board

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

PERMIT NO. 16197 GM

This Permit is issued to:

Mr. Dennis Pulice
1963 Garden Highway
Sacramento, California 95833

To construct a room and deck connected to an existing private residence on the left bank overflow area of the Sacramento River. The project is located north of the City of West Sacramento at 1963 Garden Highway, Section 27, T9N, R4E, M.D.B.&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.

The Reclamation Board, on the _____ day of _____, 19____, approved this application and the plans attached thereto. Permission is granted to proceed with the work described in this application, which is incorporated herein by reference, subject to the following General and Special Conditions.

(SEAL)

MAY 0 4 1994

Dated: _____

Rodney H. Meyer
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.

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 Reclamation 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 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.

SPECIAL CONDITIONS:

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 the prior approval of The Reclamation Board.

FOURTEEN: The permittee shall notify the Department of Water Resources by telephone, (916) 445-6386, at least ten working days prior to start of work.

FIFTEEN: Trees and brush that have been cut down shall be burned or removed from the overflow area, and downed trees or brush shall not be allowed to remain in the overflow area during the flood season from November 1 to April 15.

SIXTEEN: The finished floor elevation shall be at least 2 feet above the design flood plane elevation of 32.5 feet, NGV Datum.

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

EIGHTEEN: 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.

NINETEEN: If damage to the structure exceeds 50 percent of its market value, the structure cannot be rebuilt or replaced without approval of The Reclamation Board. If the structure is not repaired or replaced, the remaining portion must be completely removed from the floodway.

TWENTY: The permittee shall maintain the project works within the utilized area in the manner required and as requested by the authorized representative of Reclamation District No. 1000 or any other agency responsible for maintenance.

TWENTY-ONE: No construction shall take place from March 1 through September 1 to avoid disturbance of Swainson's Hawk unless otherwise approved by the Department of Fish and Game.

RECORDING REQUESTED BY
Spring Mountain Escrow Corp.
AND WHEN RECORDED MAIL TO:
Lawrence H. Cassidy
P.O. Box 13745
SACRAMENTO, CA 95813

Recorded in the County of Sacramento
John Dark, Clerk/Recorder
10.00

604 11001010 11 03
R02 2 01 DTT Paid 7.00 3.00 0.00 0.00 0.00
0.00 0.00

199708290168 08:50am 08/29/97

RESIDENTIAL TITLE INS. CO.

A.P.N.: 274-0031-010

Order No.:

223620

Escrow No.: 6667-L5

GRANT DEED

THE UNINCORPORATED GRANTEE(S) DECI ARPEJ THAT DOCUMENTARY TRANSFER TAX IS: COUNTY \$152.00
computed on full value of property conveyed, or
[X] computed on full value less value of liens or encumbrances remaining at time of sale,
[] unincorporated area; [] City of SACRAMENTO, and

FOR A VALUABLE CONSIDERATION, Receipt of which is hereby acknowledged,
Bankers Trust Company as Trustee
hereby GRANT(S) to Lawrence H. Cassidy, a Single Person

the following described property in the unincorporated area, County of Sacramento State of California;

See Exhibit "A" attached hereto and made a part hereof.

Bankers Trust Company, as Trustee
By: Residential Funding Corporation
as Attorney-in-Fact

By: [Signature], Vice President

Document Date: August 26, 1997

STATE OF CALIFORNIA
COUNTY OF Sacramento
On August 27, 1997 before me,
personally appeared David Gordon

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) I have subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their stipulated capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature



Mail Tax Statements to SAME AS ABOVE or Address Noted Below

Order No. 22362 - A

EXHIBIT "A"**PARCEL NO. 1:**

All that portion of Lot 9, as said Lot is shown and so designated upon the official Map of Natomas Riverside Subdivision No. 1, filed in the office of the County Recorder of Sacramento County, California in Book 15 of Maps, Map No. 26, described as follows:

Beginning at a point in the East line of a 50 foot private road adjoining said Lot 9 on the West, at the point of intersection of said East line with the Northerly line of Reclamation District No. 1000 right of way, as shown upon the aforesaid Map of Natomas Riverside Subdivision No. 1; thence from said point of beginning along the said Northerly right of way line of Reclamation District No. 1000, North $51^{\circ} 28' 30''$ East 193.04 feet; thence leaving said right of way line South a distant of 240 feet, more or less, to the Southerly line of Reclamation District No. 1000 right of way, and the Northerly bank of the Sacramento River; thence along said last named line, meandering the Northerly bank of the Sacramento River, South $51^{\circ} 28' 30''$ West 193.04 feet to the Southeast corner of the aforesaid 50 foot private road, said point being located South from the point of beginning; thence North along the East line of said 50 foot private road a distance of 240 feet, more or less, to the point of beginning.

PARCEL NO. 2:

All that portion of that certain 50 foot private road right of way adjoining Lot 9 on the West, as said road and Lot are shown and so designated upon the official Map of Natomas Riverside Subdivision No. 1, filed in the office of the County Recorder of Sacramento County, California, in Book 15 of Maps, Map No. 26, described as follows:

Beginning at a point in the East line of said 50 foot private road at the point of intersection of said East line with the Northerly line of Reclamation District No. 1000 right of way, as shown upon the aforesaid Map of Natomas Riverside Subdivision No. 1; thence from said point of beginning, along the East line of said 50 foot private road, South a distance of 240 feet, more or less, to the Southerly line of Reclamation District No. 1000 right of way and the Northerly bank of the Sacramento River; thence along said last named line, meandering the Northerly bank of the Sacramento River, South $51^{\circ} 28' 30''$ West 31.96 feet to a point located West a distance of 25.00 feet from the prolongation South of the East line of the aforesaid 50 foot private road; thence North, parallel with and 25.00 feet distant West from the aforesaid East line (and its prolongation South) a distance of 240 feet, more or less, to a point in the aforesaid Northerly right of way line of Reclamation District No. 1000; thence along said last named line North $51^{\circ} 28' 30''$ East to the point of beginning.

Assessor's Parcel No: 274-0021-010

Sent Via U.S. Certified Mail Return Receipt Requested

January 3, 2012

Mr. Mitra Emami, P.E.
Central Valley Flood Protection Board
3310 El Camino Ave Room 151
Sacramento, CA 95821

Subject: Application No. 7236-1 House Addition at 1963 Garden Highway
Request for a Variance to Reduce the Front Setback From 65' to 55'

Dear Mr. Mitra Emami, P.E.

This letter is a request to revise the 65 foot setback to 55 feet at the front of the proposed new room addition; the current house has a 55 foot setback that was required when the house was approved in January 28, 1971. The new requirement is that the house be moved further back toward the river, this will cause a major change in design and further encroach into the flood plain. The design of the house has been change to the new requirement that meets the minimum floor elevation of 2 feet above the 200 hundred year flood plain.

Architectural to redesign the house to meet this request to set the house back will cause a major problem with the design. The addition that is being proposed is to add a second master bedroom and bath at the first level for the owner who needs easier access because of his health and age.

The Reclamation District 1000 required conditions as shown:

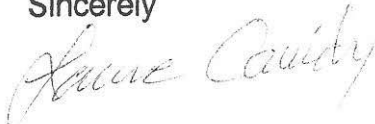
- 8. Finished floor elevation for the proposed raised house shall be a minimum of 2 feet above the 200-year water surface elevation. The plans have been revised and now meet the requirement.
- 12. The proposed addition shall be a minimum of 65 feet from the centerline of Garden Highway the existing levee per Title 23 unless a variance is approved by the CVFPB. The Reclamation Board has no objections to a reduction of the minimum 65 feet if the CVFPB grants a variance to reduce the setback to 55 feet.
- All other conditions of the Reclamation District 1000 are met.

Based on Title Section 113 (Dwelling and Structures within an Adopted Plan of Flood Control) this requirement of CVFPB to move the house back to the 65 foot setback, this requirement should have been required at the time that the original permit was issued. If changes have been made to the code section 113 than any prior permits should be giving an exception, it is infeasible and inappropriate to require that the room addition have a new setback from the original permit, the new addition is in line to the existing house and as stated will comply with the new floor elevation. All other conditions can be met to the satisfaction of the CVFPB.

The Sacramento County Environmental Department has issued a negative declaration letter for this project. Sacramento County Planning department has

determined that the new room addition meets all the planning and set-back requirements, this project is in the Garden Highway Special Planning Area. The Sacramento County building Department has reviewed the plans with the new BFE and has signed off on the building plans and is ready to issue the permit for the room addition. The Sacramento County Water Resources Department is the only agency waiting to receive a letter from the CVFPB stating that the addition is compliant with the requirements of the CVFPB before they will release and give the Sacramento County Public Works department the OK to release the permit, this is the last requirement of Sacramento County.

Sincerely



Lawrence Cassidy
700 Leisure Lane
Sacramento, CA 95815

Cc: Martin Janolo Engineer, W.R
Central Valley Flood Protection Board
Floodway Encroachment and Enforcement Branch
3310 El Camino Avenue Room 151
Sacramento, CA 95821

Michael C. Wright, P.E. Chief
Central Valley Flood Protection Board
Encroachment Control & Land Use Section
3310 El Camino Avenue Room 151
Sacramento, CA 95821

Mr. David Pesavento, Section Chief
Flood Project Integrity and Inspection Branch
Department of Water Resources

Paul Devereux
Reclamation District 1000
1633 Garden Highway
Sacramento, CA 95833

Larry Afzal
P.O. Box 601417
Sacramento, CA 95860

Sent Via U.S. Certified Mail Return Receipt Requested

January 23, 2012

Mr. Mitra Emami, P.E.
Central Valley Flood Protection Board
3310 El Camino Ave Room 151
Sacramento, CA 95821

RECEIVED

JAN 24 2012

Subject: Application No. 7236-1 House Addition at 1963 Garden Highway
Request for a Variance to Reduce the Front Setback From 65' to 55'

Dear Mr. Mitra Emami, P.E.

This letter is in answer to the letter from the Central Valley Flood Protection Board dated January 11, 2012, clarification to questions that were unclear:

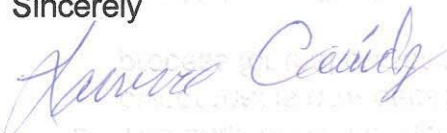
1. The request is not asking to set the existing house back 65 feet but to set the new addition 55 feet from the center line of Garden Highway to conform with the existing home.
2. The original permit Order No. 16197 was issued to another property owner that is now deceased, I do not know who did the application process for that owner and how the set backs were determined.
3. The Natomas Reclamation District 1000 Board has heard the request from your department for a review of the setback from 65' to 55' at the January 13, 2012; a letter will be forth coming from the Natomas Reclamation District 1000 Board meeting with their decision.

The following items have been address and the drawings have been replaced with a new set of drawings and delivered to your office:

- a) Revised variance request letter with the clarifications.
- b) Site Plan with a cross section of the levee through the new addition.
- c) The CVFPB Board Permit No. 16197 can be closed after the requested permit No.7236-1 is issued.

If you have any further question to the above clarifications please contact Larry Afzal at (916) 601-4293 or via e-mail at labuilders4@gmail.com.

Sincerely



Lawrence Cassidy
700 Leisure Lane
Sacramento, CA 95815

Cc: Martin Janolo Engineer, W.R
Central Valley Flood Protection Board
Floodway Encroachment and Enforcement Branch
3310 El Camino Avenue Room 151
Sacramento, CA 95821

Michael C. Wright, P.E. Chief
Central Valley Flood Protection Board
Encroachment Control & Land Use Section
3310 El Camino Avenue Room 151
Sacramento, CA 95821

Mr. David Pesavento, Section Chief
Flood Project Integrity and Inspection Branch
Department of Water Resources

Paul Devereux
Reclamation District 1000
1633 Garden Highway
Sacramento, CA 95833

Larry Afzal
P.O. Box 601417
Sacramento, CA 95860

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151

SACRAMENTO, CA 95821

(916) 574-0609 FAX: (916) 574-0682

PERMITS: (916) 574-2380 FAX: (916) 574-0682

**Sent Via U.S. Certified Mail Return Receipt Requested**

December 14, 2011

Lawrence Cassidy
700 Leisure Lane
Sacramento, California 95815

Subject: Application No. 7236-1 (previously 16197-1); House Addition at 1963 Garden Highway; Sacramento River

Dear Mr. Cassidy:

This letter is in response to your permit application for the construction of a house addition to an existing dwelling at 1963 Garden Highway on the left bank of the Sacramento River. Thank you for your time during the Central Valley Flood Protection Board (CVFPB) staff visit to your property on December 1, 2011.

CVFPB staff has determined that the proposed house addition, as currently designed, is set back approximately 56 feet parallel from the centerline of Garden Highway. The California Code of Regulations (CCR) Title 23 Waters allows only certain types of structures within the area between the waterward levee shoulder and a point 65 feet waterward from the centerline of the existing levee, as stated below:

Section 133, Supplemental Standards for Control of Residential Encroachments in Reclamation District 1000: (c) Within the area located between the waterward levee shoulder and a point sixty-five (65) feet waterward from the centerline of levee, the following conditions apply:

- (1) Where the area is less than one (1) foot above the design flood plane, driveways and ramps may be constructed at any orientation to the levee.*
- (2) Where the area is less than one (1) foot above the design flood plane, fences parallel to the levee must be an open type and constructed to provide for the unobstructed visual inspection of the levee slope and toe from the levee crown roadway.*
- (3) Where the entire area is at least one foot above the design flood plane, no restrictions apply to fences, walls, and similar structures.*
- (4) Elevated walkways and driveways are permitted without elevation restrictions.*

In addition, CVFPB standards prohibit construction of new dwellings for year-round human habitation within an adopted plan of flood control. Specifically, CCR Title 23 Waters, Division 1 states the following:

Section 113(b), Dwellings and structures within an adopted plan of flood control must comply with the following requirements: (1) New dwellings, with the exception of dwellings for seasonal occupancy (nonflood season), are not permitted except as

Mr. Lawrence Cassidy
12/14/2011
Page 2 of 3

provided in subdivisions (d) and (e) of this section. NOTE: Subdivisions (d) and (e) do not apply to this location.

Therefore, the application will require a variance to section 113(b), subject to Board approval. This application is tentatively scheduled for a variance hearing at the February 24, 2011 CVFPB meeting. To obtain a variance, the applicant must clearly state why compliance with the CVFPB standards is infeasible or not appropriate.

Your options regarding this application are as follows:

1. Modify the proposed work such that the proposed house addition is outside the 65-foot setback requirement.
2. Withdraw the application via e-mail notification or in a letter addressed to my attention. If you wish to restart the project in the future a new application will be required with a new timeline.
3. File a written request for a variance explaining why it is infeasible or not appropriate for you to comply with Title 23 Section 113 (Dwelling and Structures Within an Adopted Plan of Flood Control).

Please be aware that the Reclamation District 1000 requires the proposed addition to be set back "a minimum of 65 feet from the centerline of the existing levee," per its endorsement letter for your project.

Please also note that your application is subject to U.S. Army Corps (USACE) review. The USACE may recommend changes, denial or approval of the project for reasons not documented in our review.

Based on additional research, CVFPB staff discovered previous Board permits for the existing boat dock and dwelling at your property. Copies of these permits are attached to this letter.

Please respond to our office within thirty (30) days from the date of receipt of this letter informing us how you wish to proceed. If a response is not received by the mentioned deadline, your application will be administratively closed.

Should you have any questions, please contact staff engineer Mr. Martin Janolo at (916) 574-0685 or via e-mail at mjanolo@water.ca.gov.

Sincerely,



Mitra Emami, P.E.
Chief, Floodway Protection Section

Mr. Lawrence Cassidy
12/14/2011
Page 3 of 3

Attachment:

Board Permit No. 6529 dated May 16, 1969
Board Permit No. 7236 dated January 22, 1971
Board Permit No. 7236A dated January 12, 1973
Board Permit No. 7236B dated August 17, 1973

Cc: Mr. Larry Afzal
P.O. Box 601417
Sacramento, California 95860

Mr. Paul Devereux
Reclamation District 1000
1633 Garden Highway
Sacramento, CA 95833

Mr. David Pesavento, Section Chief
Flood Project Integrity and Inspection Branch
Department of Water Resources

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151

SACRAMENTO, CA 95821

(916) 574-0609 FAX: (916) 574-0682

PERMITS: (916) 574-2380 FAX: (916) 574-0682

**Sent Via U.S. Certified Mail, Return Receipt Requested**

February 1, 2012

Lawrence Cassidy
700 Leisure Lane
Sacramento, California 95815

Subject: Encroachment Permit Application No. 7236-1

Dear Mr. Cassidy:

This letter is in reference to your Encroachment Permit Application No. 7236-1 which was submitted to the Central Valley Flood Protection Board (CVFPB) on August 11, 2011. The application requested authorization to construct a 25-ft. by 40-ft. house addition with deck connected to the existing and permitted dwelling (Board Order 7236) at 1963 Garden Highway on the left bank overflow area of the Sacramento River.

As stated in our December 14, 2011 letter, the northern section of your proposed house addition parallel to Garden Highway is encroaching approximately nine (9) feet within an area that our Regulations prohibit dwellings in. The California Code of Regulations (CCR) Title 23 Waters allows certain types of structures within the area between the waterward levee shoulder and a point 65 feet waterward from the centerline of the existing levee, as stated below:

Section 133, Supplemental Standards for Control of Residential Encroachments in Reclamation District 1000: (c) Within the area located between the waterward levee shoulder and a point sixty-five (65) feet waterward from the centerline of levee, the following conditions apply:

- (1) Where the area is less than one (1) foot above the design flood plain, driveways and ramps may be constructed at any orientation to the levee.*
- (2) Where the area is less than one (1) foot above the design flood plain, fences parallel to the levee must be an open type and constructed to provide for the unobstructed visual inspection of the levee slope and toe from the levee crown roadway.*
- (3) Where the entire area is at least one (1) foot above the design flood plain, no restrictions apply to fences, walls, and similar structures.*
- (4) Elevated walkways and driveways are permitted without elevation restrictions.*

Mr. Lawrence Cassidy
Application No. 7236-1
February 1, 2012
Page 2 of 3

In addition, CVFPB standards prohibit construction of new dwellings for year-round human habitation within an adopted plan of flood control. Specifically, CCR Title 23 Waters, Division 1 states the following:

Section 113(b), Dwellings and structures within an adopted plan of flood control must comply with the following requirements: (1) New dwellings, with the exception of dwellings for seasonal occupancy (nonflood season), are not permitted except as provided in subdivisions (d) and (e) of this section. NOTE: Subdivisions (d) and (e) do not apply to this location.

Therefore, your application will require a variance to section 113(b), subject to Board approval.

On January 3, 2012, you submitted a letter to CVFPB staff requesting for a variance subject to Board approval. Accordingly, this application is scheduled for a variance hearing at the February 24, 2012 Board meeting. To obtain a variance, the applicant must clearly state why compliance with the Board's standards is infeasible or not appropriate. CVFPB staff plans to recommend approval of your application at the February 24, 2012 Board meeting, requesting the Board grants a variance to allow the construction of the proposed house addition.

The Friday, February 24, 2012 variance hearing for this application will be held at:

State of California
Resources Building Auditorium, First Floor
1416 Ninth Street
Sacramento, California 95814

The time of the hearing will be provided when the Agenda is finalized. In addition, a staff report will be provided to you by mail and e-mail prior to the hearing. If you have any additional documents you wish CVFPB staff to consider you may send them to our office 15 days prior to the hearing. You may also present them to the Board in person at the hearing. Computer presentation equipment will be available for USB drives to show photos or exhibits to the hearing audience. A printable version of CCR Title 23 Board regulations can be obtained at <http://www.cvfpb.ca.gov>.

If you have any questions or need further information, please contact Martin Janolo at (916) 574-0685, or by e-mail at mjanolo@water.ca.gov

Sincerely,



Mitra Emami, P.E.
Chief, Floodway Protection Section

cc: (Please see attached list)

Mr. Lawrence Cassidy
Application No. 7236-1
February 1, 2012
Page 3 of 3

cc: Mr. Larry Afzal
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Sacramento, California 95860

Ms. Meegan Nagy
Flood Protection and Navigation Section
U.S. Army Corps of Engineers
1325 J Street, 14th Floor (CESPK-CO-OR)
Sacramento, California 95814-2922

Mr. Paul Devereux
Reclamation District 1000
1633 Garden Highway
Sacramento, CA 95833

Mr. David Pesavento, Section Chief
Flood Project Integrity and Inspection Branch
Department of Water Resources