

**Meeting of the Central Valley Flood Protection Board
May 25, 2012**

Staff Report – Encroachment Permit

Josh Harmatz

Variance for Residential Addition and Appurtenances, Sacramento County

1.0 – ITEM

Consider approval of Resolution No. 2012-18 (Attachment A) to:

- 1) Grant a variance to Title 23, Section 133 to authorize:
 1. An existing 20-foot by 42-foot elevated concrete patio with wood arbor,
 2. An existing play-set structure,
 3. An existing 4-foot high wrought iron fence,
 4. A proposed cantilevered breakfast nook,
 5. A proposed swimming pool, to include access steps and security fence.
- 2) Determine the project to be exempt from CEQA.
- 3) Approve Permit No. 10566-B

2.0 – APPLICANT

Josh Harmatz

3.0 – LOCATION

The project is located in Sacramento at 4171 Garden Highway.
(Waterside of the Sacramento River Levee, Sacramento County, see Attachment B)

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, § 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.

(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:*

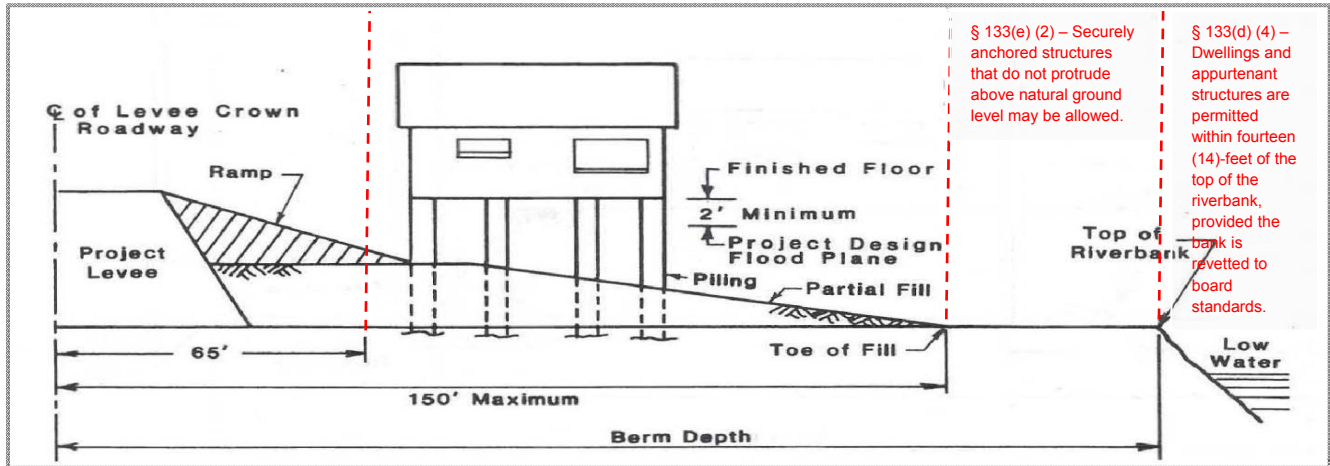
- (1) Securely anchored fences and structures are permitted.*
- (2) Dwellings are permitted, if the finished floor level is at least two (2) feet above the design flood plane or two (2) feet above the 100-year flood elevation, whichever is higher.*
- (3) The finished floor level of any addition to an 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.*
- (4) *Dwellings and appurtenant structures are permitted within fourteen (14) feet of the top of the riverbank, provided the riverbank is revetted to board standards.***
- (5) Dwellings and appurtenant structures are not permitted within thirty (30) feet of the top of an unrevetted riverbank.*

(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.*
- (2) *Securely anchored structures that do not protrude above natural ground level may be allowed.***
- (3) Additions may be made to existing dwellings if the addition extends no farther into the floodway than the original dwelling.*

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

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



5.0 – PROJECT DESCRIPTION

The applicant requests the authorization of the following existing items: a retaining wall topped with a wrought iron fence, two driveway gates, a water tank shed, a play-set structure and a basketball court enclosed by a 4-foot high wrought iron fence, and a 20-foot by 42-foot elevated concrete patio with wood arbor. The applicant also proposes to construct: a 2,500 square-foot home addition, a concrete driveway, a garage, a covered patio, a rock retaining wall, and a swimming pool all on the left (east) bank of the Sacramento River.

6.0 – PROJECT ANALYSIS

The finished floor elevation of the proposed 2,500 square-foot home addition will be constructed at an elevation of 37.7-feet (NGVD 29) which two-feet above the 200-year water surface elevation. In 2008 MBK engineers performed a hydraulic impact analysis for the Natomas Levee Improvement Program. The results of that study were used to design the set-back levee along RD-1000 that will ultimately provide the Natomas area with a 200-year level of protection. The Board recognized the MBK study in March of 2009 as being the best available information with regard to setting finished floor elevation standards for homes that are located on the waterside of the levee in RD-1000.

All encroachments requesting to be authorized and all proposed encroachments will be consistent with Title 23 Standards with the exception of the encroachments listed below that are in conflict with Title 23, Section 133 (d) (4) and Section 133 (e) (2):

1. An existing elevated 20-foot by 42-foot concrete patio with wood arbor – conflicts with (d) (4) and (e) (2),
2. An existing play-set structure – conflicts with (e) (2),
3. An existing 4-foot high wrought iron fence – conflicts with (e) (2),
4. A proposed cantilevered breakfast nook – conflicts with (e) (2),
5. A proposed swimming pool, to include access steps and security fence– conflicts with (e) (2).

Specifically, Section 133 (d) (4) specifies that “Dwellings and appurtenant structures are permitted within fourteen (14) feet of the top of the riverbank, provided the riverbank is revetted to board standards.” The intent of this standard is to not allow dwellings and appurtenant structures within 14-feet from the top of the riverbank to allow sufficient space and clearance to safely operate maintenance equipment and to prevent damage to the bank caused by excessive loading conditions near the edge of the riverbank. The elevated 20-foot by 42-foot concrete patio with wood arbor is less than 14-feet from the riverbank. Rock rip-rap was placed on the bank in 1985 and 1996 under Permits No. 14129 and 16549. The relatively small size of the concrete patio will not unduly prevent maintenance equipment from accessing the bank.

It is not known when the elevated concrete patio was constructed but it would be highly unlikely that the patio was constructed with solid concrete due to the excessive cost. Therefore assuming a typical four to six-inch thick slab the loading from the patio would be approximately 70-pounds per square foot, this loading is not considered excessive as the weight is spread out over a large area. It should be noted that the elevated concrete patio also serves as the anchor point for the gangway that provides access to the permitted boat dock (#16549). If necessary the applicant has agreed to place additional rock rip-rap to protect the concrete patio and subsequently the boat dock.

Section 133 (e) (2) specifies that only “Securely anchored structures that do not protrude above natural ground may be allowed.” All of the above listed encroachments protrude above the natural ground. The intent of this standard is to keep the overflow area clear of obstructions that could have a negative hydraulic impact on the. A hydraulic analysis was done that shows no measurable increase to the water surface elevation as a result of the encroachments.

6.1 – Hydraulic Analysis

A hydraulic impact analysis was conducted by MBK Engineers to determine the potential hydraulic impacts of the existing and proposed additions at 4171 Garden Highway to the Sacramento River Flood Control Project (SRFCP). The MBK version of the Sacramento and San Joaquin River Basins Comprehensive Study (Comp Study) Sacramento River UNET model, which was originally developed by the United States Army Corps of Engineers (USACE) [USACE 2002], was used for this analysis. This model was originally used to determine the design water surface elevations for the Natomas Levee Improvement Project [MBK 2008a] and the West Sacramento Levee Improvement Project [MBK 2008b].

The Harmatz residence is located at Comp Study River Mile 66.82. The nearest hydraulic model cross-section to the study site is located at River Mile 66.75. A cross-section was added to the model at the residence location. This new cross-section was a copy of cross-section 66.75 modified with project site survey and structure information from McHenry & Associates and Swift Engineering. The cross-section was then modified for the post-project condition to include the house addition and the swimming pool. There is also an existing raised patio deck with wood arbor located on the property at the top of river bank. For this analysis, the patio deck was assumed to be absent in the pre-project condition and assumed to be a complete blockage in the post-project condition.

The impact analysis was performed for two scenarios:

1. **Sacramento River Flood Control Project (SRFCP) design flood.** The SRFCP design flood discharge at the project site is 107,000 cubic feet per second (cfs) [USACE 1957].
2. **200-year Urban Levee Design Criteria [DWR 2011].** DWR 2011 specifies that the design water surface for urban levees be determined with the following assumptions: All levees protecting urban areas have minimum top elevation equal to the 200-year water surface plus 3 feet of freeboard, non-urban Federal Project levees satisfy the authorized design height (1957 Profile), and all levees act as weirs without breaching if overtopped. Comp Study hydrology was used for the analysis.

The results of the analysis show that the existing and proposed encroachments have no measurable impact to the water surface elevation and therefore will not have a significant impact to the SRFCP flood capacity.

6.2 – Geotechnical Analysis

The scope of the project does not require a geotechnical analysis because all construction work is setback from the levee sufficiently to not affect the levee itself or the soil conditions adjacent to it.

6.3 – Permits associated with 4171 Garden Highway

- **Permit No. 10566:** Issued on May 23, 1975, for the placement of fill on the berm and to construct a dwelling, driveway, swimming pool, septic tank, leach lines, well, and fence on the fill.
- **Permit No. 10566-A:** Issued on January 26, 1979, to grant a variance for a chain link fence on the overflow area past the 150-foot mark from the centerline of Garden Highway.
- **Permit No. 14129:** Issued on July 09, 1985, for the placement of approximately 260-feet of rip-rap along the left bank of the Sacramento River.
- **Permit No. 14685:** Issued on July 24, 1987, for the construction of a floating debris deflector for a boat dock on the left bank of the Sacramento River.
- **Permit No. 16549:** Issued on April 29, 1996, for the construction of a boat dock, gangway, and rip-rap on the left bank of the Sacramento River.

7.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- Reclamation District 1000 endorsed the project on May 16, 2011 and amended their endorsement on April 13, 2012 to reflect proposed project changes. Their endorsement will be incorporated into the permit as Exhibit A
- The U.S Army Corps of Engineers' (Corps) review letter is anticipated prior to the May 25, 2012 Board Meeting. The Corps has informed board staff that the District Engineer will have no objection to approval of the application by the Board from a flood control standpoint, subject to conditions. When received, the letter will be incorporated into the permit as Exhibit B

8.0 – CEQA ANALYSIS

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

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

9.0 – SECTION 8610.5 CONSIDERATIONS

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

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

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

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 that would indicate the existing and proposed encroachments would have significant adverse effects to the State Plan of Flood Control.

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

A hydraulic analysis was performed that shows there will not be a measureable impact to the State Plan of Flood Control or to the Sacramento River floodway.

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

Future changes in hydrology due to global climate change may result in higher Sacramento River flows which may result in a higher flood risk to the property.

10.0 – STAFF RECOMMENDATION

The proposed project is located within a reach of the Sacramento River along the Garden Highway within Reclamation District 1000. The land between the Garden Highway and the Sacramento River was subdivided into individual lots and sold as future home sites in the early 1930's. In 1968, formal standards were adopted by the Board for Reclamation District 1000 which, in part, set floor level elevations for dwellings, and required the home site location to be adjacent to the levee road. The main objectives of these standards are to control development or activity that could possibly reduce the flood flow carrying capacity of the Sacramento River, or could adversely affect the operation of the flood control project.

Staff's analysis has concluded that all encroachments will be securely anchored to prevent flotation into the floodway and will not create a measurable rise to the water surface elevation for the project design flow or the 200-year flood. Maintenance of the existing rock rip-rap can be accomplished despite the existing 20-foot by 42-foot elevated concrete patio with wood arbor. Loading of the bank due to the concrete patio is not considered excessive and bank damage is not expected. Furthermore, the finished floor elevation of the 2,500 square foot home addition including the cantilevered breakfast nook will be constructed 2-feet above the 200-year water surface elevation. In conclusion, impacts to the SRFCP from all of the encroachments being considered for Permit No. 10566-B are considered to be insignificant and they will not interfere with the maintenance responsibilities of Reclamation District No. 1000.

Based on the submitted information Staff recommends that the CVFPB adopt Resolution No. 2012-18, which constitutes the written findings and decision in the matter of Permit No. 10566-B. The resolution contains the CEQA findings; Findings of Fact; and approval of Permit No. 10566-B; 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.

11.0 – LIST OF ATTACHMENTS

- A. Resolution 2012-18
- B. Location Maps and Photos
- C. Draft Permit No. 10566-B
- D. Hydraulic Report
- E. Project Drawings

- F. Applicants statement of why compliance with the board's standards is infeasible or not appropriate
- G. Permit No. 10566
- H. Permit No. 10566-A
- I. Permit No. 14129
- J. Permit No. 14685
- K. Permit No. 16549

Design Review:

Gary W. Lemon P.E.

Environmental Review:

Andrea Mauro, James Herota

Document Review:

Curt Taras, P.E., Mitra Emami P.E., Len Marino P.E.

This page intentionally left blank.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 2012-18

BOARD FINDINGS, VARIANCE AND DECISION AUTHORIZING ISSUANCE OF
ENCROACHMENT PERMIT NO. 10566-B, JOSH HARMATZ
DWELLING ADDITION AND PARCEL IMPROVEMENTS
SACRAMENTO RIVER, SACRAMENTO COUNTY

WHEREAS, Mr. Josh Harmatz (applicant) is the owner of the property described as Sacramento County Assessor's Parcel No. 225-090-28 located in Section 8, Township 9 North, Range 4 East, Mount Diablo Base and Meridian; and

WHEREAS, the property is located at 4171 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 133 (d) (4) for the authorization of an existing 20-foot by 42-foot elevated concrete patio with wood arbor; and

WHEREAS, CCR Title 23 Division I, Section 133 (d) (4) restricts dwellings and appurtenant structures from being closer than 14-feet from the riverbank; and

WHEREAS, the existing 20-foot by 42-foot elevated concrete patio with wood arbor is closer than 14-feet from the riverbank; and

WHEREAS, the applicant requests a variance to CCR Title 23 Division I, Section 133 (e) (2) for all listed encroachments on the left (north) bank of Sacramento River; and

WHEREAS, the applicant requests a variance to CCR Title 23 Division I, Section 133 (e) (2) for the authorization of an existing 20-foot by 42-foot elevated concrete patio with wood arbor, on the left (north) bank of Sacramento River; and

WHEREAS, the applicant requests a variance to CCR Title 23 Division I, Section 133 (e) (2) for the authorization of an existing play-set structure, on the left (north) bank of Sacramento River; and

WHEREAS, the applicant requests a variance to CCR Title 23 Division I, Section 133 (e) (2) for the authorization of an existing wrought iron fence around the existing play-set structure and existing basketball court on the left (north) bank of Sacramento River; and

WHEREAS, the applicant requests a variance to CCR Title 23 Division I, Section 133 (e) (2) for the authorization of a proposed cantilevered breakfast nook that is included in the design of the proposed 2,500 square foot home addition on the left (north) bank of Sacramento River; and

WHEREAS, the applicant requests a variance to CCR Title 23 Division I, Section 133 (e) (2) for the authorization of a proposed in-ground pool, to include pool access steps and security fence, on the left (north) bank of Sacramento River; and

WHEREAS, CCR Title 23 Division I, Section 133 (e) (2) restricts structures beyond 150-feet from the centerline of the levee unless they are securely anchored and they do not protrude above natural ground; and

WHEREAS, all of the encroachments listed above are or will be beyond 150-feet from the centerline of the levee and they will protrude above natural ground; and

WHEREAS, Application No. 10566-B will require a variance to Section 133 (d) (4) and Section 133 (e) (2), subject to Board approval; and

WHEREAS, a hydraulic analysis was performed by MBK Engineers dated January 25, 2012; that indicates that all existing and proposed encroachments for Application No. 10566-B have no measureable hydraulic impacts for the Sacramento River Flood Control Project design flood water surface elevation and the 200-year Urban Levee Design Criteria [DWR 2011] water surface elevation; and

WHEREAS, staff has found no evidence that would suggest that the existing 20-foot by 42-foot elevated concrete patio with wood arbor would be injurious to or interfere with the successful execution, functioning, or operation of any facilities of an adopted plan of flood control; and

WHEREAS, Reclamation District 1000 endorsed the project on May 16, 2011 and amended their endorsement on April 13, 2012 to reflect proposed project changes. Their endorsement will be incorporated into the permit as Exhibit A; and

WHEREAS, The U.S Army Corps of Engineers issued a project review letter dated May xx, 2012, with no objections to the approval of Permit No. 10566-B subject to conditions. The letter is incorporated into the permit as Exhibit B; and

WHEREAS, the Central Valley Flood Protection Board has conducted a hearing on Encroachment Permit Application No. 10566-B and has reviewed the application, the staff report, the documents and correspondence in its file, and given the applicant the right to testify and present evidence on their behalf; and

WHEREAS, the applicant has indicted that compliance with the board's standards for the 20-foot by 42-foot elevated concrete with wood arbor is inappropriate as the structure was constructed by the previous owner, is firmly secured, provides an anchor point for the permitted gangway, creates no hydraulic impacts, and removal may damage the bank; and

WHEREAS, the applicant has indicted that compliance with the board's standards for the existing play-set structure is inappropriate because the play-set is attached to a tree and is constructed with pressure treated lumber; and

WHEREAS, the applicant has indicted that compliance with the board's standards for the 4-foot high wrought iron fence is inappropriate as the fence is needed to protect his family and it has not been effected by past flooding; and

WHEREAS, the applicant has indicted that compliance with the board's standards for the proposed cantilevered breakfast nook is inappropriate as the breakfast nook will not impact the flow of water; and

WHEREAS, the applicant has indicted that compliance with the board's standards for the proposed swimming pool, to include access steps and security fence is inappropriate as a pool was authorized by Permit No. 10566 and the pool will be above existing ground level,

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 existing structures and Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction of small accessory 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.** A hydraulic analysis was performed that shows there will be no measureable hydraulic impact to the State Plan of Flood Control or to the Sacramento River floodway.
8. **Effects of Reasonably Projected Future Events, including but not limited to changes in hydrology, climate, and development within the affected watershed.** Future changes in hydrology due to global climate change may result in higher Sacramento River flows which may result in a higher flood risk to the property.

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. 10566-B.

Approval of Encroachment Permit No. 10566-B

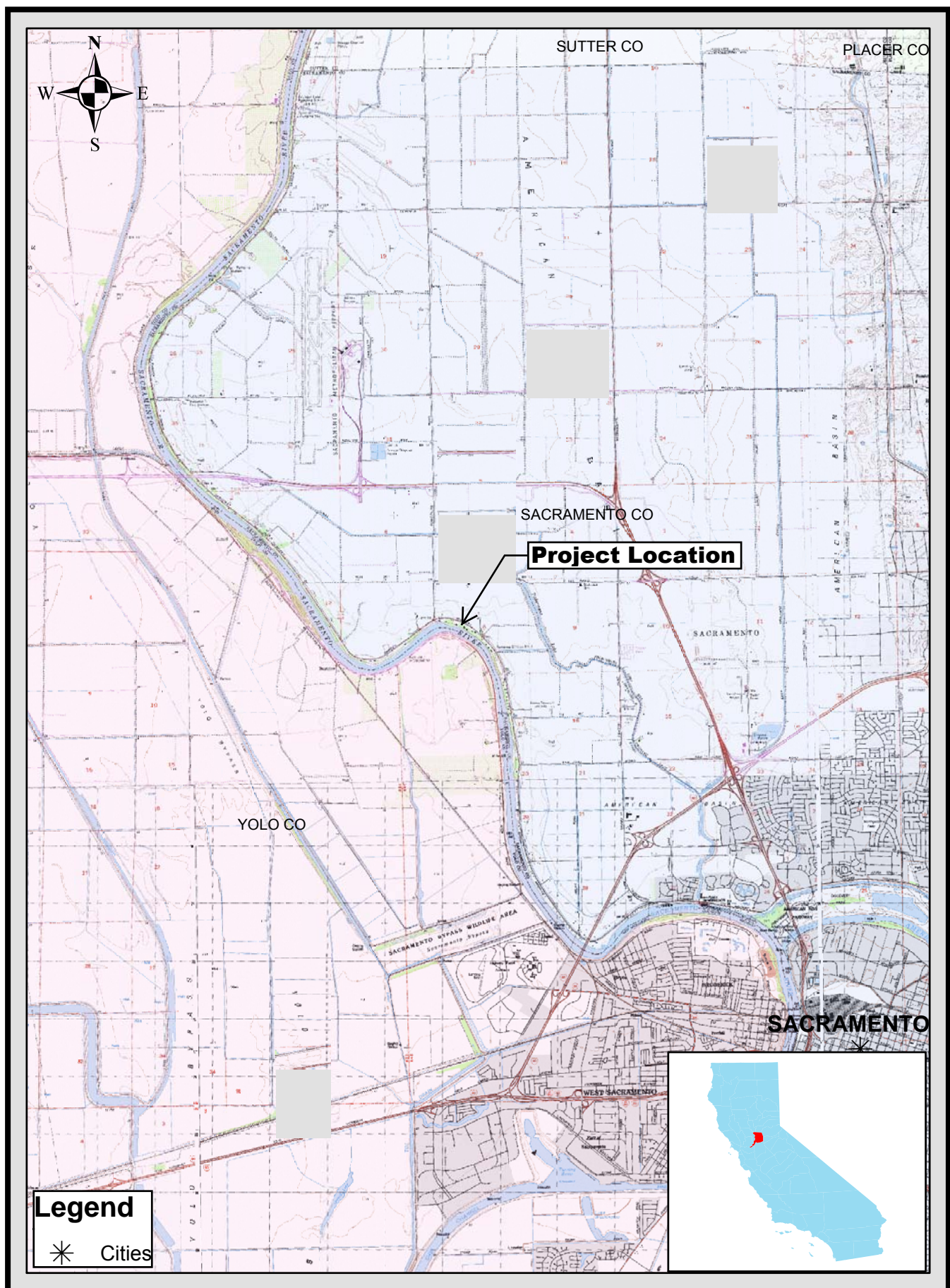
10. Based on the foregoing, the Central Valley Flood Protection Board hereby approves the issuance of Encroachment Permit No. 10566-B to include a variance for the items listed above that are not consistent to CCR Title 23 Division I, Section 133 (d) (4) and CCR Title 23 Division I, Section 133 (e) (2) on the left bank overflow area of the Sacramento River at 4171 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 file a Notice of Exemption with the State Clearinghouse.

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

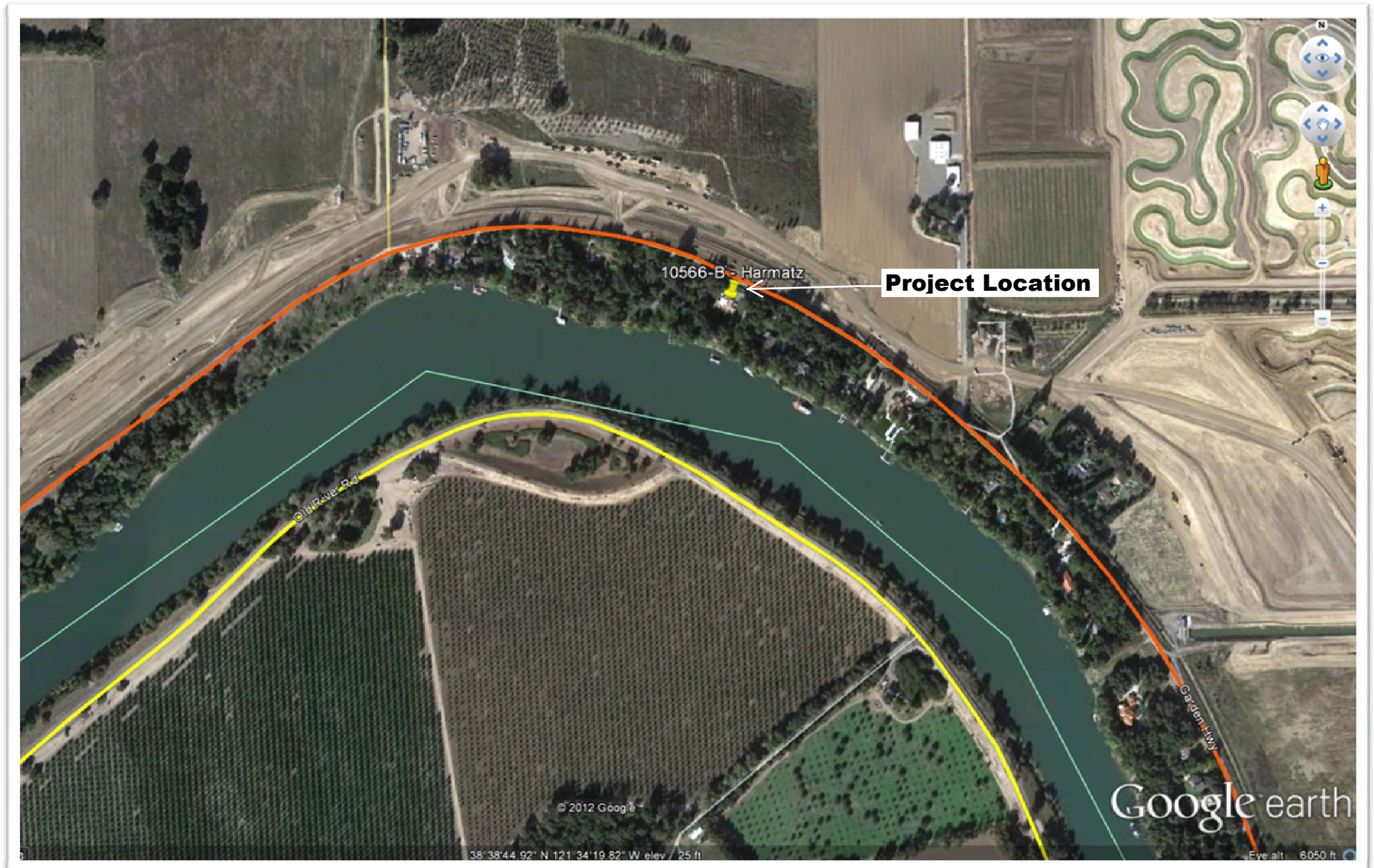
Bill Edgar
President

Jane Dolan
Secretary

Regional Map



Vicinity Map

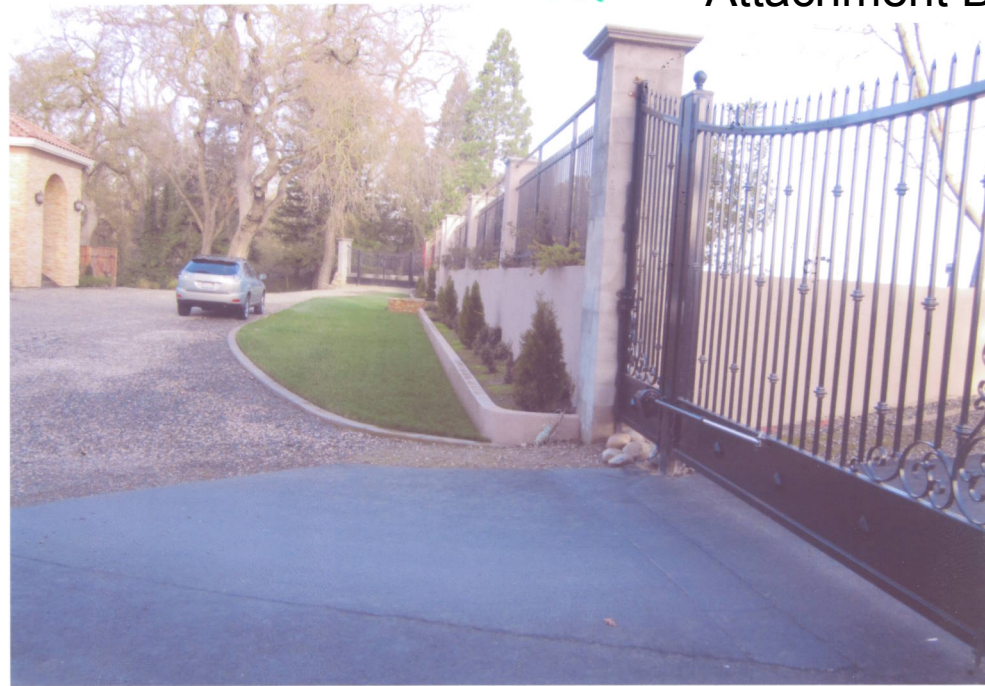


Garden Hwy



Front Wall

Attachment B



Left side of House



Right side of House

(R) Side - Shed -



Rear Deck Attachment B



Back of House



Rear Stairs

DRAFT

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

PERMIT NO. 10566-B BD

This Permit is issued to:

Josh Harmatz
4171 Garden Highway
Sacramento, California 95834

To authorize: an existing retaining wall and wrought iron fence, two driveway gates, a water tank shed, a play-set structure and a basketball court enclosed by a 4-foot high wrought iron fence, and an elevated concrete patio with wood arbor.
To construct: a 2,500 square-foot home addition, a concrete driveway, a garage, a covered patio, a rock retaining wall, and a swimming pool all on the left (east) bank of the Sacramento River. The project is located in Sacramento at 4171 Garden Highway on the left (east) bank of the Sacramento River (Section 8, T9N, R4E, MDB&M, Reclamation District 1000, Sacramento River, Sacramento County).

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

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

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

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 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. 10566-B 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: The permittee acknowledges that the proposed improvements are located within the Sacramento River Floodway and may be subject to periodic flooding.

FIFTEEN: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

SIXTEEN: 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.

SEVENTEEN: 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.

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

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

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

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

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

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

TWENTY-FOUR: The driveway shall be sloped to direct all surface drainage away from the levee section.

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

TWENTY-SIX: The finished floor elevation shall be at least 2-feet above the 200-year flood plane elevation of 35.7-feet, NGV Datum. Permittee shall provide an elevation certificate indicating compliance with the above elevation requirement prior to completion of the project.

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

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

TWENTY-NINE: The landscaping, appurtenances, and maintenance practices shall conform to standards contained in Section 131 of the Central Valley Flood Protection Board's Regulations.

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

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

THIRTY-THREE: 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-FOUR: If the encroachment(s) create an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

THIRTY-FIVE: 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-SIX: 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-SEVEN: The permittee shall comply with all conditions set forth in the letter from Reclamation District No. 1000 dated April 13, 2012, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY-EIGHT: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated May xx, 2012, which is attached to this permit as Exhibit B and is incorporated by reference.

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



Water Resources • Flood Control • Water Rights

TECHNICAL MEMORANDUM

DATE: January 25, 2012

SUBJECT: Hydraulic Impact Analysis of Proposed Addition to Harmatz Residence, 4171 Garden Highway, Sacramento, California

Prepared by: Michael Archer, P.E.

Reviewed by: Don Trieu, P.E.



The Harmatz residence is located at 4171 Garden Highway in Sacramento, California, as shown in Figure 1. Garden Highway is on top of the Sacramento River levee at this location and the residence is located on the waterside of the levee, as shown in Figure 2. An addition to the residence is planned, along with a swimming pool, as shown in Figure 2. This Technical Memorandum documents a hydraulic impact analysis performed to determine the potential hydraulic impacts of the proposed additions to the Sacramento River Flood Control Project design flood water surface and to the 200-year Urban Levee Design Criteria [DWR 2011] water surface.

The MBK version of the Sacramento and San Joaquin River Basins Comprehensive Study (Comp Study) Sacramento River UNET model, which was originally developed by the United States Army Corps of Engineers (USACE) [USACE 2002], was used for this analysis. This model was used to determine the design water surface elevations for the Natomas Levee Improvement Project [MBK 2008a] and the West Sacramento Levee Improvement Project [MBK 2008b]. The extents of the hydraulic model are shown in Figure 3.

The Harmatz residence is located at Comp Study River Mile 66.82, as shown in Figure 4. The nearest hydraulic model cross-section to the study site is located at River Mile 66.75. A cross-section was added to the model at the residence location. This new cross-section was a copy of cross-section 66.75 modified with project site survey and structure information from McHenry & Associates (Figure 2) and Swift Engineering (Figure 5). The cross-section was then modified for the post-project condition to include the house addition and the swimming pool, as shown in Figure 6. There is also an existing raised patio deck with wood arbor located on the property at the top of river bank (see Figure 7), for which there is some uncertainty regarding its permit status with relation to the Sacramento River Flood Control Project. For this analysis, the patio deck was assumed to be absent in the pre-project condition and assumed to be a complete blockage in the post-project condition, as shown in Figure 6.

The impact analysis was performed for two scenarios:

1. **Sacramento River Flood Control Project (SRFCP) design flood.** The SRFCP design flood discharge at the project site is 107,000 cubic feet per second (cfs) [USACE 1957].
2. **200-year Urban Levee Design Criteria [DWR 2011].** DWR 2011 specifies that the design water surface for urban levees be determined with the following assumptions: All levees protecting urban areas have minimum top elevation equal to the 200-year water surface plus 3 feet of freeboard, non-urban Federal Project levees satisfy the authorized design height (1957 Profile), and all levees act as weirs without breaching if overtopped. Comp Study hydrology was used for the analysis.

Results

The computed pre-project and post-project maximum water surface elevations at and near the project site are shown for the SRFCP design flood discharge scenario in Table 1 and for the 200-year urban levee design criteria in Table 2. The results of the analysis show that the proposed project would have no measurable impact on the SRFCP design flood water surface elevation or the 200-year urban levee design criteria water surface elevation.

Table 1. Project Impact on SRFCP Design Flood Event			
Location (Comp Study River Mile)	Computed Maximum Water Surface Elevation (ft. NGVD29)		Project Impact (ft.)
	Pre-project	Post-project	
67.25	33.70	33.70	0
67	33.59	33.59	0
66.82 (Project Site)	33.34	33.33	-0.01
66.75	33.28	33.28	0
66.5	33.06	33.06	0

Table 2. Project Impact on 200-year Water Surface Elevation			
Location (Comp Study River Mile)	Computed Maximum Water Surface Elevation (ft. NGVD29)		Project Impact (ft.)
	Pre-project	Post-project	
67.25	36.04	36.04	0
67.00	35.94	35.94	0
66.82 (Project Site)	35.69	35.68	-0.01
66.75	35.65	35.64	-0.01
66.50	35.43	35.43	0

References

California Department of Water Resources. DRAFT Urban Levee Design Criteria. November 15, 2011. (DWR 2011)

MBK Engineers. Supplemental Report for the Design Water Surface Profile for the Natomas Levee Improvement Program. June 17, 2008. (MBK 2008a)

MBK Engineers. Supplemental Report for the City of West Sacramento Levee Alternatives Hydraulic Analysis. December 4, 2008. (MBK 2008b)

United States Army Corps of Engineers. Sacramento River Flood Control Project Levee and Channel Profiles, Sheet No. 1. March 15, 1957, revised August 1969. (USACE 1957)

United States Army Corps of Engineers. Sacramento and San Joaquin River Basins Comprehensive Study. December 2002. (USACE 2002)

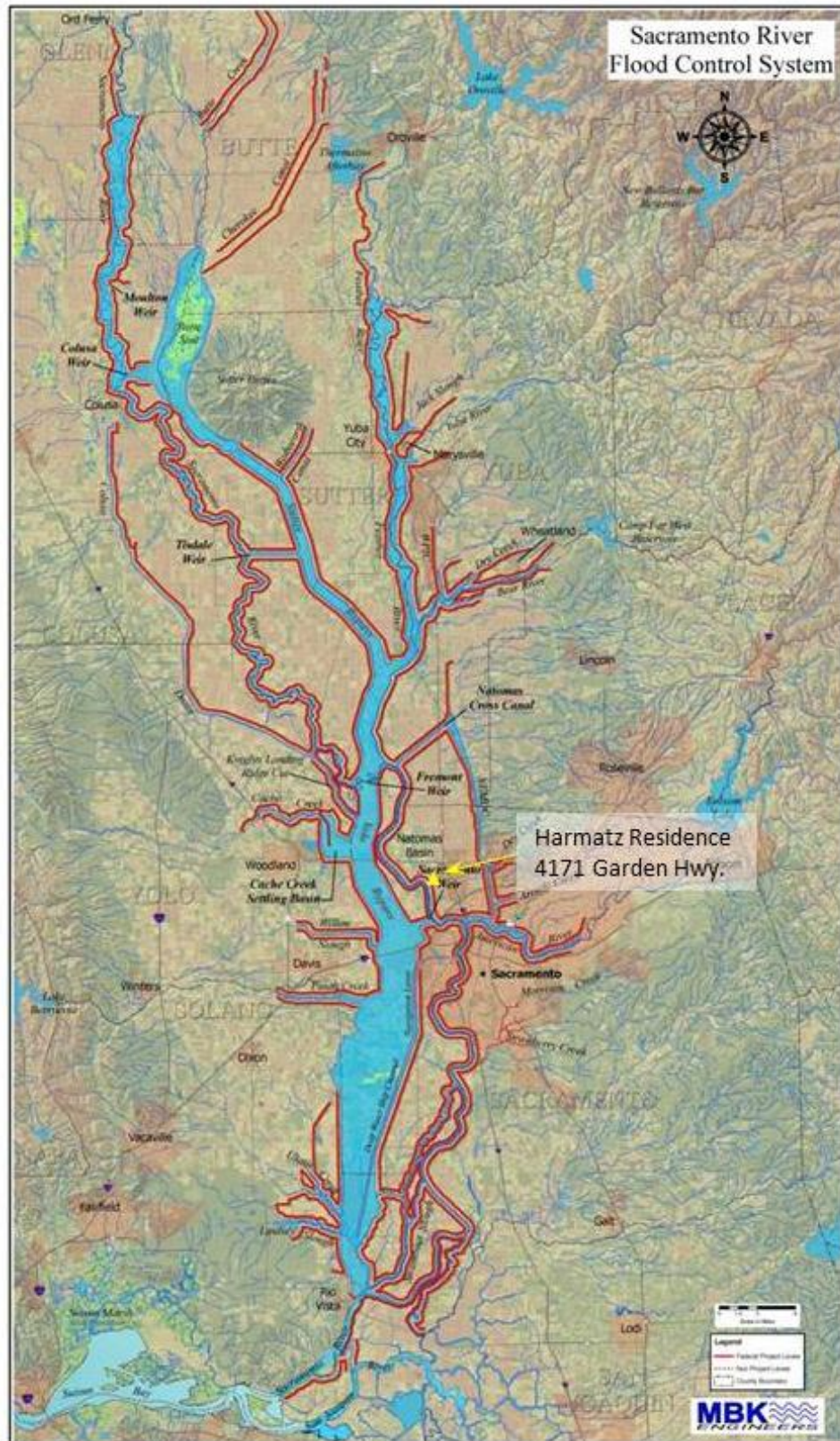


Figure 1. Location Map

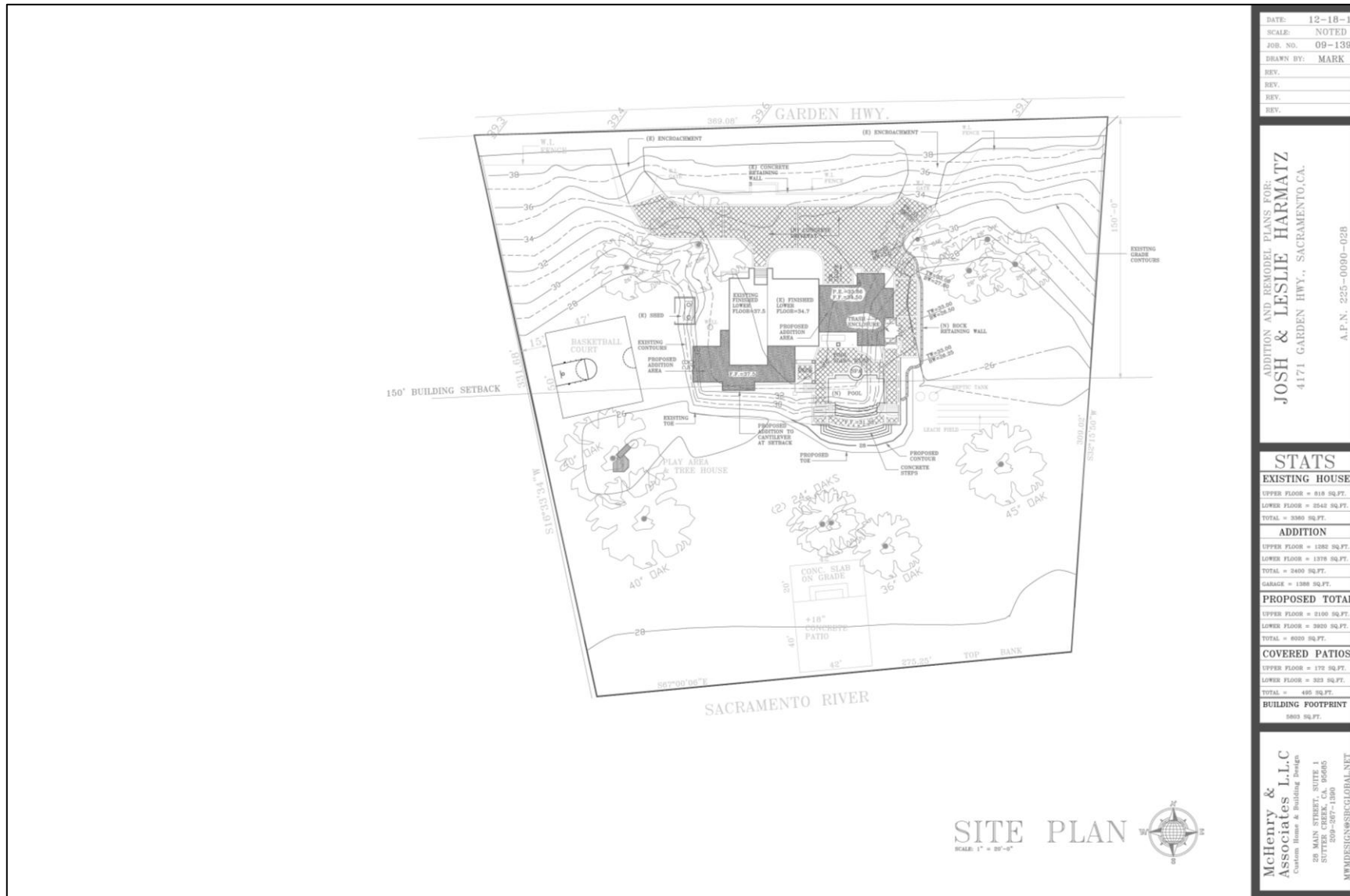


Figure 2.Site Map

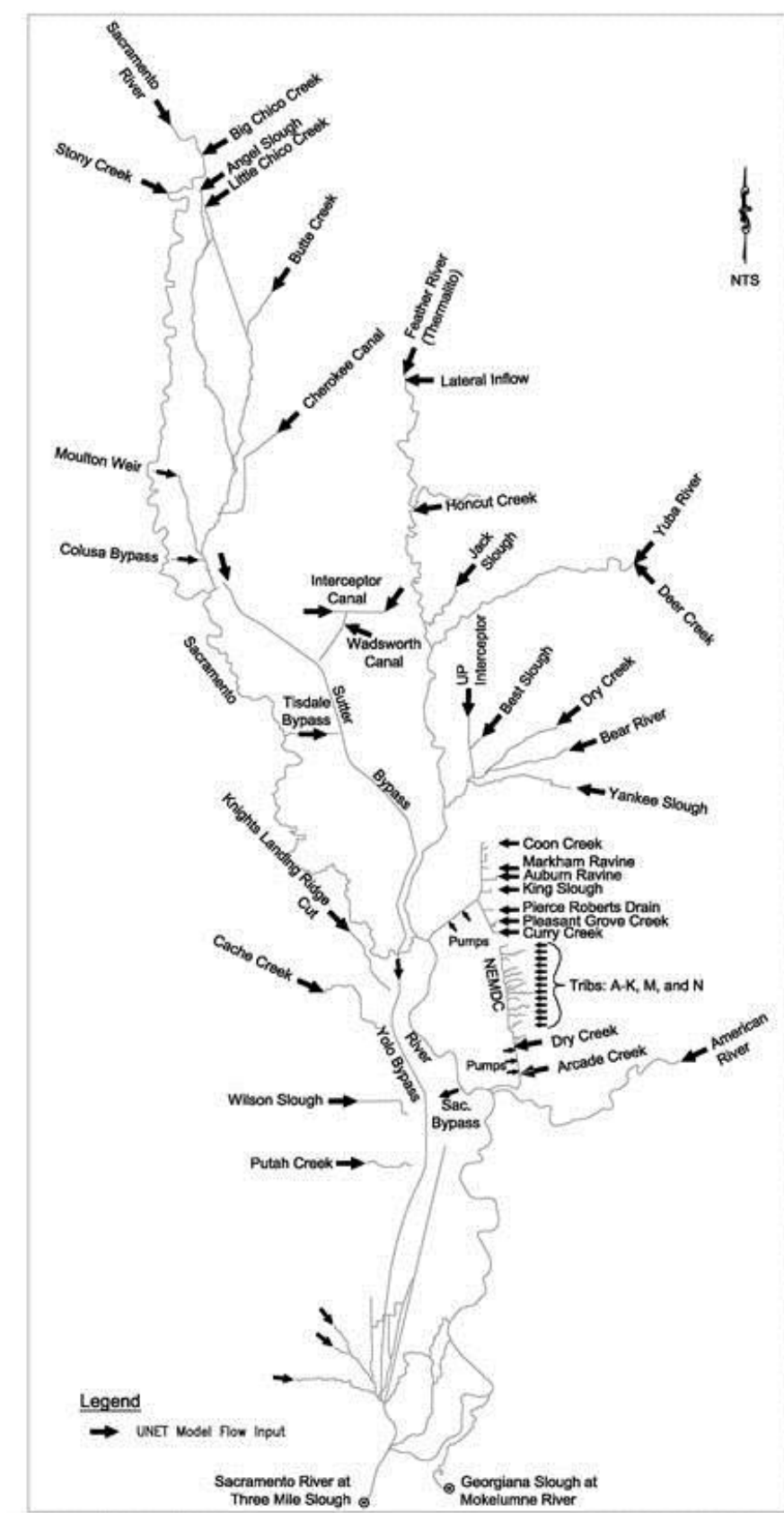


Figure 3. Hydraulic Model Extents

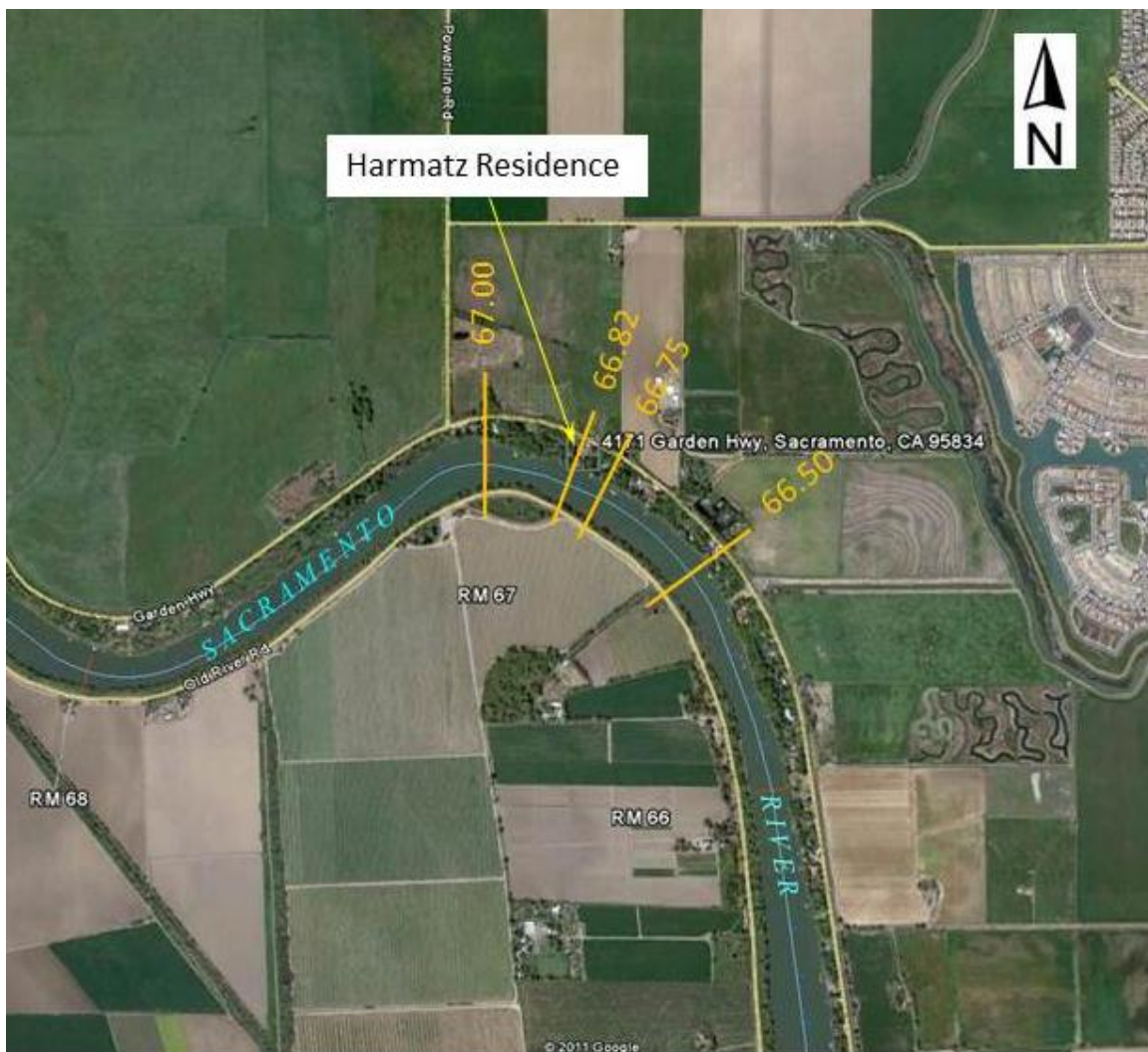


Figure 4. UNET Model Cross-section Locations At and Near Harmatz Residence

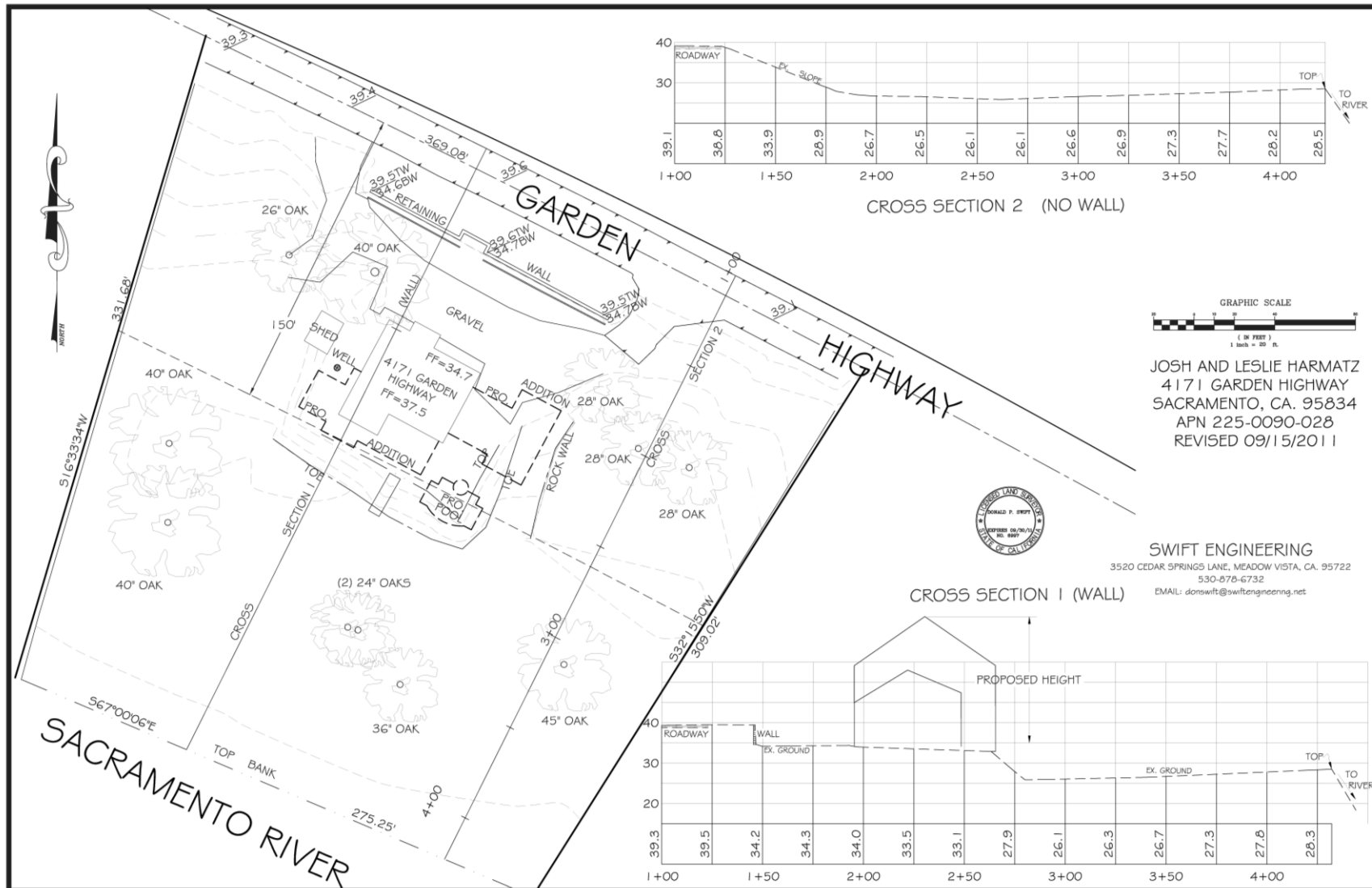


Figure 5. Project Site Survey Sections, Swift Engineering

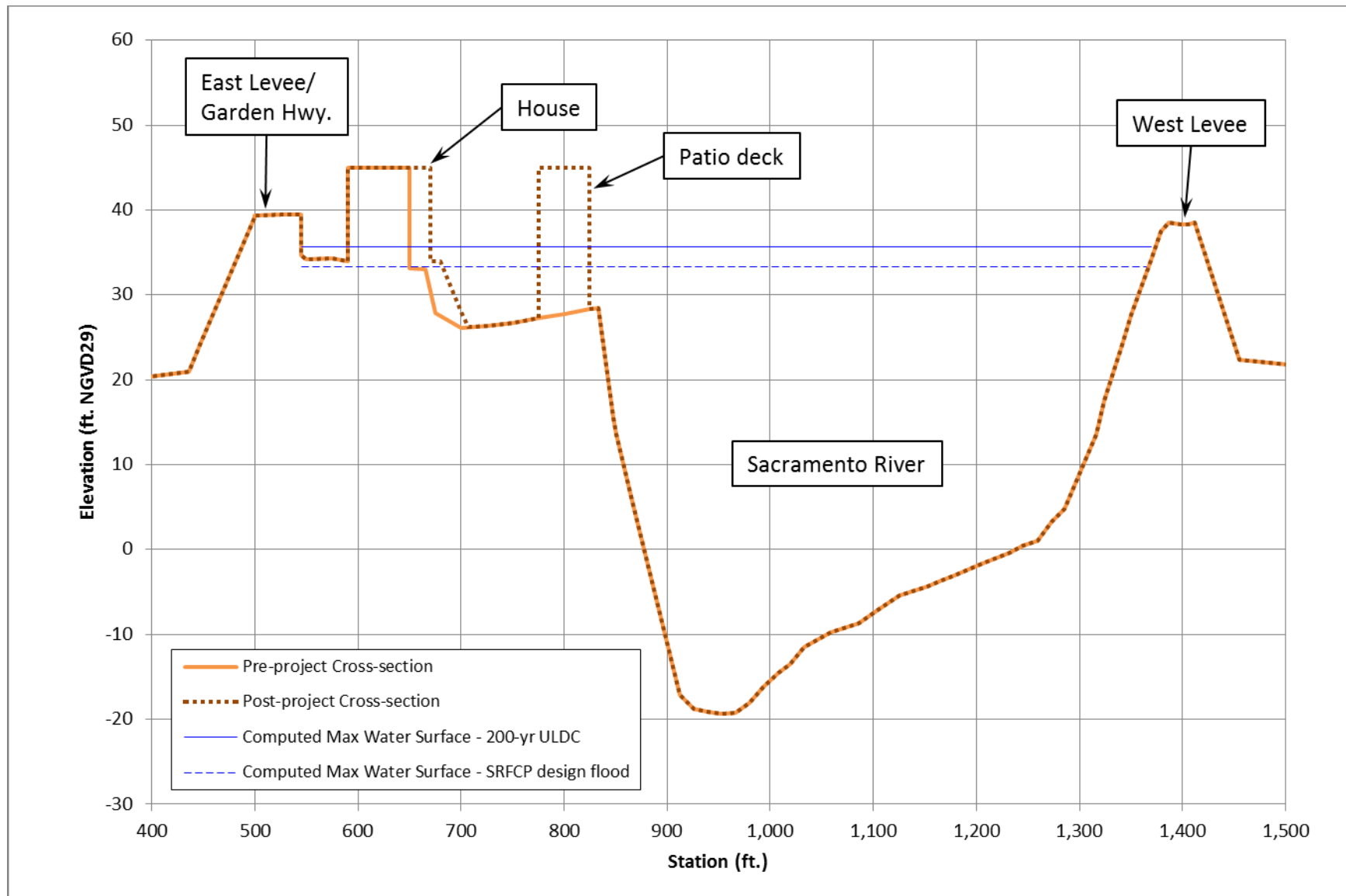
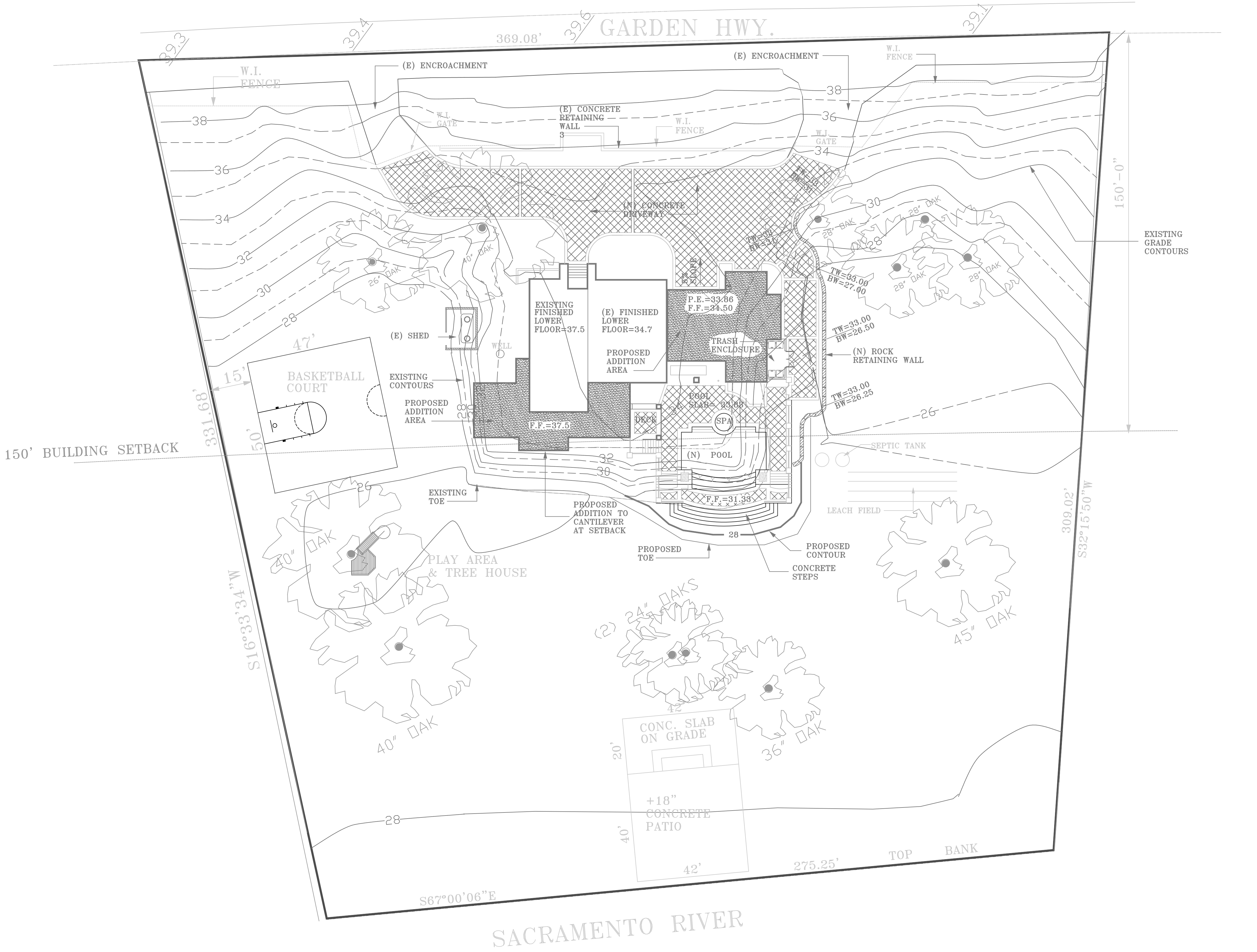


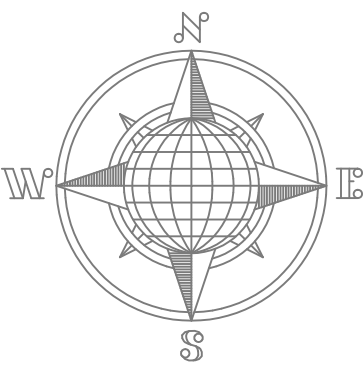
Figure 6. Cross-section 66.82, Location of Harmatz Residence (looking downstream)



Figure 7. Patio Deck



SITE PLAN
SCALE: 1" = 20'-0"



DATE:	12-18-1
SCALE:	NOTED
JOB. NO.	09-139
DRAWN BY:	MARK
REV.	
REV.	
REV.	
REV.	

ADDITION AND REMODEL PLANS FOR:
JOSH & LESLIE HARMATZ
4171 GARDEN HWY., SACRAMENTO, CA.

A.P.N. 225-0090-028

STATS

EXISTING HOUSE

UPPER FLOOR = 818 SQ.FT.
LOWER FLOOR = 2542 SQ.FT.
TOTAL = 3360 SQ.FT.

ADDITION

UPPER FLOOR = 1282 SQ.FT.
LOWER FLOOR = 1378 SQ.FT.
TOTAL = 2400 SQ.FT.
GARAGE = 1388 SQ.FT.

PROPOSED TOTAL

UPPER FLOOR = 2100 SQ.FT.
LOWER FLOOR = 3920 SQ.FT.
TOTAL = 6020 SQ.FT.

COVERED PATIOS

UPPER FLOOR = 172 SQ.FT.
LOWER FLOOR = 323 SQ.FT.
TOTAL = 495 SQ.FT.

BUILDING FOOTPRINT

5803 SQ.FT.

McHenry &
Associates L.L.C
Custom Home & Building Design
28 MAIN STREET, SUITE 1
SUTTER CREEK, CA. 95685
209-267-1390
MWMDESIGN@SBCGLOBAL.NET

SHEET:

1

OF:

DATE:	12-18-1
SCALE:	NOTED
JOB. NO.	09-139
DRAWN BY:	MARK
REV.	
REV.	
REV.	
REV.	

ADDITION AND REMODEL PLANS FOR:
JOSH & LESLIE HARMATZ
4171 GARDEN HWY., SACRAMENTO, CA.

A.P.N. 225-0090-028

STATS

EXISTING HOUSE

UPPER FLOOR = 818 SQ.FT.
LOWER FLOOR = 2542 SQ.FT.
TOTAL = 3360 SQ.FT.

ADDITION

UPPER FLOOR = 1282 SQ.FT.
LOWER FLOOR = 1378 SQ.FT.
TOTAL = 2400 SQ.FT.
GARAGE = 1388 SQ.FT.

PROPOSED TOTAL

UPPER FLOOR = 2100 SQ.FT.
LOWER FLOOR = 3920 SQ.FT.
TOTAL = 6020 SQ.FT.

COVERED PATIOS

UPPER FLOOR = 172 SQ.FT.
LOWER FLOOR = 323 SQ.FT.
TOTAL = 495 SQ.FT.

BUILDING FOOTPRINT

5803 SQ.FT.

McHenry &
Associates L.L.C
Custom Home & Building Design

28 MAIN STREET, SUITE 1
SUTTER CREEK, CA. 95685

209-267-1390

MWMDESIGN@SBCGLOBAL.NET

SHEET:

2

OF:



NORTH ELEVATION
SCALE: 3/16" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"

DATE:	12-18-1
SCALE:	NOTED
JOB. NO.	09-139
DRAWN BY:	MARK
REV.	
REV.	
REV.	
REV.	

ADDITION AND REMODEL PLANS FOR:
JOSH & LESLIE HARMATZ
4171 GARDEN HWY., SACRAMENTO, CA.

A.P.N. 225-0090-028

STATS

EXISTING HOUSE

UPPER FLOOR = 818 SQ.FT.
LOWER FLOOR = 2542 SQ.FT.
TOTAL = 3360 SQ.FT.

ADDITION

UPPER FLOOR = 1282 SQ.FT.
LOWER FLOOR = 1378 SQ.FT.
TOTAL = 2400 SQ.FT.
GARAGE = 1388 SQ.FT.

PROPOSED TOTAL

UPPER FLOOR = 2100 SQ.FT.
LOWER FLOOR = 3920 SQ.FT.
TOTAL = 6020 SQ.FT.

COVERED PATIOS

UPPER FLOOR = 172 SQ.FT.
LOWER FLOOR = 323 SQ.FT.
TOTAL = 495 SQ.FT.

BUILDING FOOTPRINT

5803 SQ.FT.

McHenry & Associates L.L.C
Custom Home & Building Design
28 MAIN STREET, SUITE 1
SUTTER CREEK, CA. 95685
209-267-1390
MWMDESIGN@SBCCGLOBAL.NET

SHEET:

3

OF:



DATE:	12-18-1
SCALE:	NOTED
JOB. NO.	09-139
DRAWN BY:	MARK
REV.	
REV.	
REV.	
REV.	

ADDITION AND REMODEL PLANS FOR:
JOSH & LESLIE HARMATZ
4171 GARDEN HWY., SACRAMENTO, CA.

A.P.N. 225-0090-028

STATS

EXISTING HOUSE

UPPER FLOOR = 818 SQ.FT.
LOWER FLOOR = 2542 SQ.FT.
TOTAL = 3360 SQ.FT.

ADDITION

UPPER FLOOR = 1282 SQ.FT.
LOWER FLOOR = 1378 SQ.FT.
TOTAL = 2400 SQ.FT.
GARAGE = 1388 SQ.FT.

PROPOSED TOTAL

UPPER FLOOR = 2100 SQ.FT.
LOWER FLOOR = 3920 SQ.FT.
TOTAL = 6020 SQ.FT.

COVERED PATIOS

UPPER FLOOR = 172 SQ.FT.
LOWER FLOOR = 323 SQ.FT.
TOTAL = 495 SQ.FT.

BUILDING FOOTPRINT

5803 SQ.FT.

McHenry & Associates L.L.C
Custom Home & Building Design

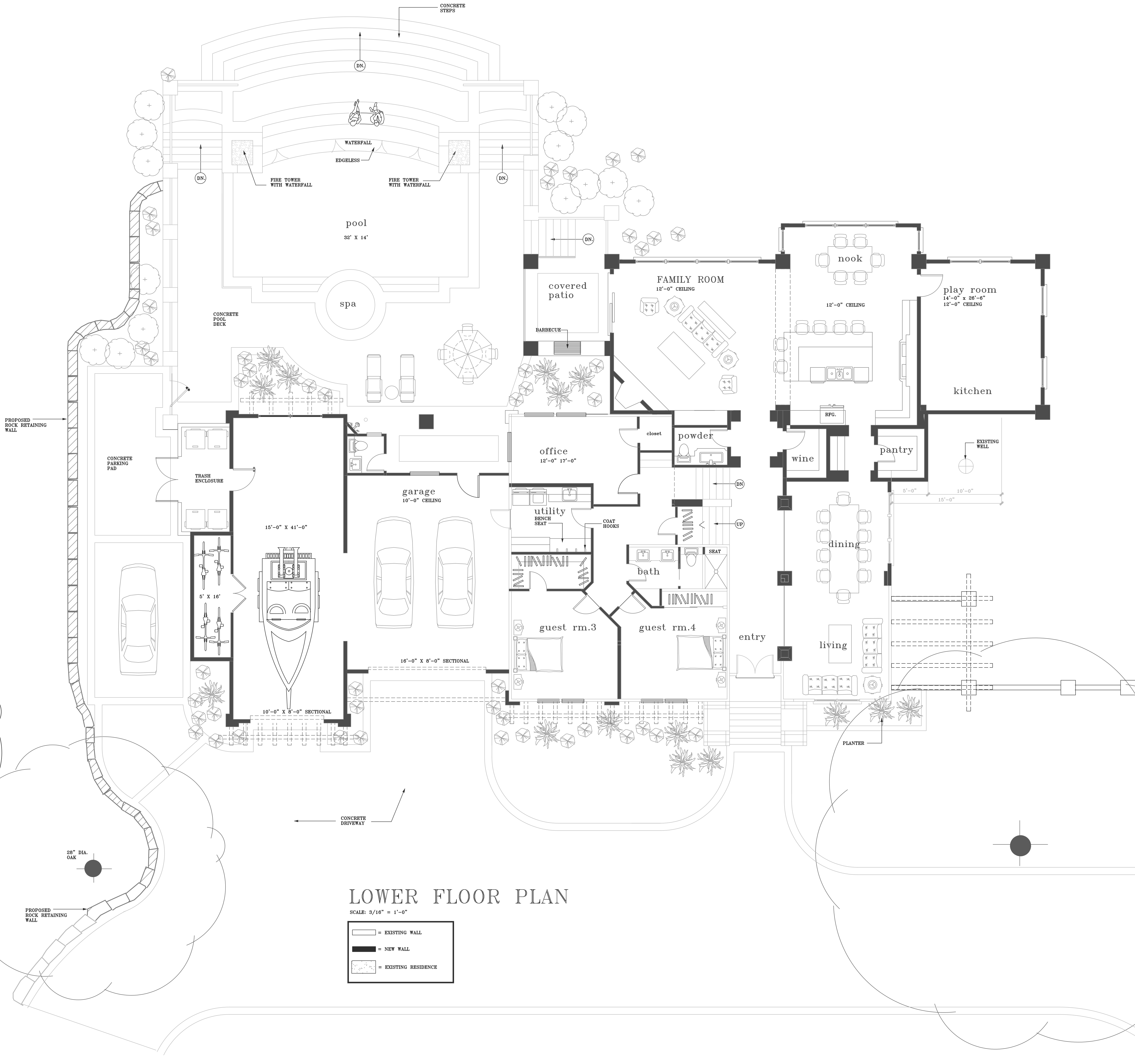
28 MAIN STREET, SUITE 1
SUTTER CREEK, CA. 95685
209-267-1390

MWMDESIGN@SBCCGLOBAL.NET

SHEET:

4

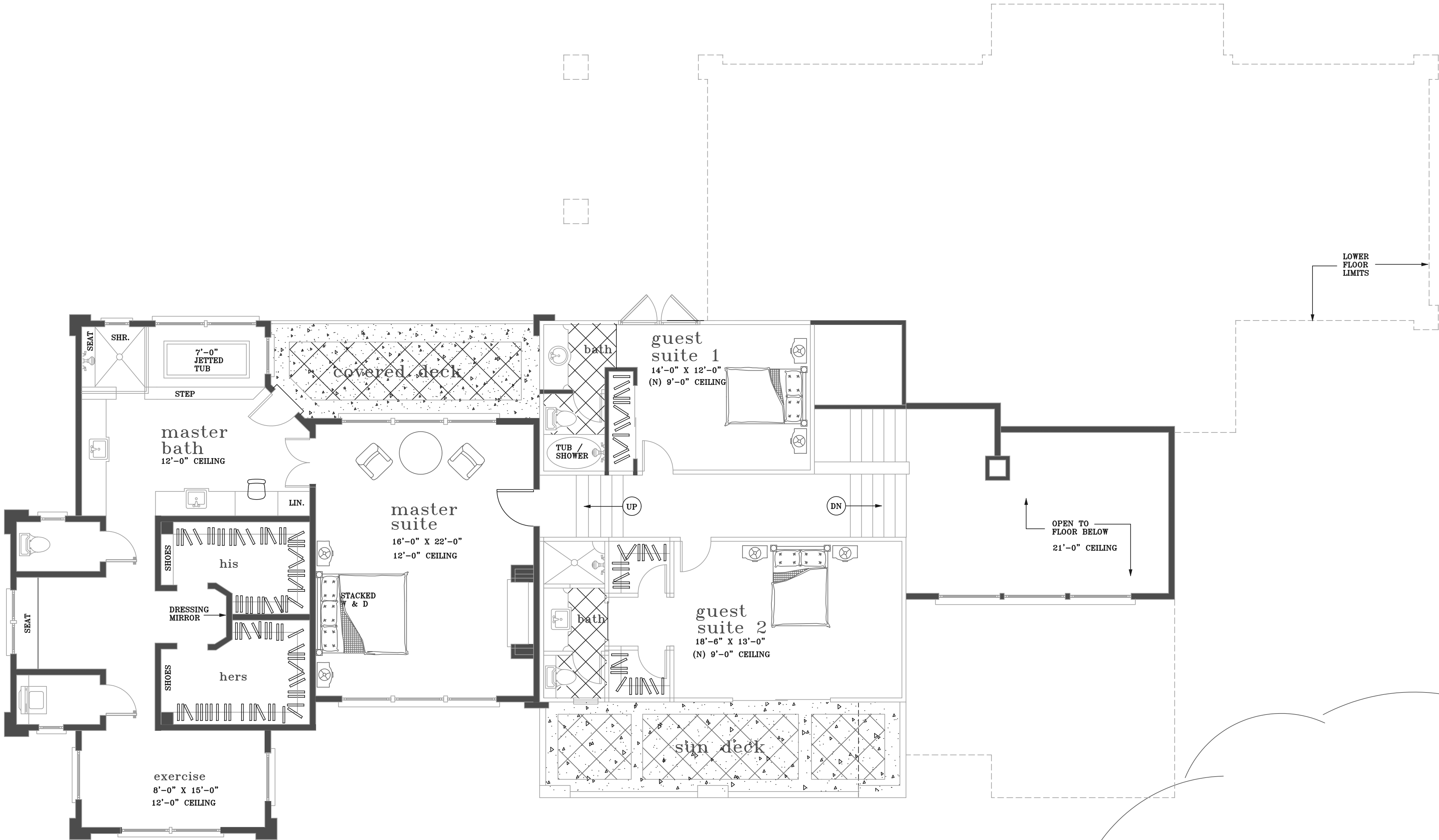
OF:



LOWER FLOOR PLAN

SCALE: 3/16" = 1'-0"

	= EXISTING WALL
	= NEW WALL
	= EXISTING RESIDENCE



UPPER FLOOR PLAN

SCALE: 3/16" = 1'-0"

= EXISTING WALL

= NEW WALL

= EXISTING RESIDENCE

DATE:	12-18-1
SCALE:	NOTED
JOB. NO.	09-139
DRAWN BY:	MARK
REV.	
REV.	
REV.	
REV.	

ADDITION AND REMODEL PLANS FOR:
JOSH & LESLIE HARMATZ
4171 GARDEN HWY., SACRAMENTO, CA.

A.P.N. 225-0090-028

STATS

EXISTING HOUSE

UPPER FLOOR = 818 SQ.FT.
LOWER FLOOR = 2542 SQ.FT.
TOTAL = 3360 SQ.FT.

ADDITION

UPPER FLOOR = 1282 SQ.FT.
LOWER FLOOR = 1378 SQ.FT.
TOTAL = 2400 SQ.FT.
GARAGE = 1388 SQ.FT.

PROPOSED TOTAL

UPPER FLOOR = 2100 SQ.FT.
LOWER FLOOR = 3920 SQ.FT.
TOTAL = 6020 SQ.FT.

COVERED PATIOS

UPPER FLOOR = 172 SQ.FT.
LOWER FLOOR = 323 SQ.FT.
TOTAL = 495 SQ.FT.

BUILDING FOOTPRINT
5803 SQ.FT.

McHenry & Associates L.L.C.
Custom Home & Building Design
28 MAIN STREET, SUITE 1
SUTTER CREEK, CA. 95685
209-267-1390
MWMDESIGN@SBCCGLOBAL.NET

SHEET:

5

OF:

This page intentionally left blank.

April 26, 2012

Re: Request for Approval and Variance by the CVFPB

From: Josh Harmatz, Property Owner
4171 Garden Hwy

Dear Board Members,

Being a long time resident of Sacramento, my dream has always been to live on the river. In 2008 that dream came true as my wife and I were able to afford a foreclosed home on Garden Hwy. However, our "As Is" purchase turned into a permitting nightmare. When we purchased, in 2008, there were not any covenants or deed restrictions that made me aware of any regulatory issues with buying on the waterway, nor we warned in any way by the agents involved. We had no idea what we were in for. Over the last three years, I have spent considerable time and expense trying to do the right thing and get the prior work done by old owners up to code, permitted, and approved, so we can raise our children at this home within the law.

At the same time I am asking for approval for the existing attributes of our home, I was advised to request approval for any future work that we plan to complete so that the three year process does not have to be repeated. I am well aware that work not started within the year will need re-approval as code's can change. So I am requesting prior approval for improvements to my home, several of which require variances by your board.

Existing Attributes of Home

Fence

I would like a variance to allow my steel fence to stay in place. A portion of it extends beyond the 150ft mark, near the tree house in the kids play area, and it is affixed to the property. Every 4-5 years the property floods and this fence is in great shape, never being effected by flood or needing maintenance. The most important aspect of this fence to me is that it protects my family. I have three small kids, 6mos, 2yrs, and 4yrs old and keeping them in our property is very important. Moreover, there are neighbors that have dogs and I would not want them entering my property and potential biting my children.

Back deck

The gangway that connects the dock to the backyard has an existing 20ft X 40ft raised concrete deck. I do not know how long this has been here as it was existing when I purchased the home from the bank. It is built out of concrete and steel with a pressure treated wood arbor bolted together and sunk in the

concrete. I would like to request a Variance to permit this deck with arbor to stay in place. It is firmly secured, and been through several floods proving it's resilience to floodwaters. My belief is that the concrete will prevent further erosion of the bank, much like the slurry wall does for the levy. The fact is that every residence on the river has a concrete/steel structure of some size to connect permitted ganways (Permit#16549) like mine. While this deck is larger than what was needed to connect the gangway, it has been proven with Hydraulic Analysis to not have any impact whatsoever to the waterway. Finally, it is infeasible to remove this large deck not only for the cost, but the damage it would do the surrounding tree's and bank. There is no telling just how deep the concrete goes and removing this would negatively impact the surrounding area and the equipment needed to haul this away would be working within the tree line's and could damage the large oaks.

Work To Be Completed

While we were going through the permitting process with the County Building Department, I asked if a tree house would be a problem. I asked the same question at the preliminary meeting we had with the Army Corps and both confirmed that an Attached Tree house would not be a problem and would not require a permit. I was told that if we had to put in supports in the ground it must be weather proofed such as using pressure treated lumber, which I did. I don't believe that this needs to be reviewed by the board or permitted.

We would like to construct a pool, access steps, and the required fencing around the pool, and are requesting a variance to build this as we would be beyond the 150ft line needed. There was a permit granted for a pool and fence already (Permit #10566), and we would like a re-approval by this board. We will bring in fill and build a retaining wall so that this pool is above ground. We will not be digging into the existing ground level at all. In addition, to access and connect the raised pad of the house to the ground level, we will need to construct steps and a fence. I am requesting a variance to be granted to allow this.

The 150 line from the center of Garden Hwy to my lot is where we would like to extend the house to. I have completed hydraulic analysis to show that this will not impact the flow of water. I am requested a variance to Cantilever over the 150ft line a breakfast nook. This is a very small area and will not impact the waterway in any way.

Please let me know if any further clarification is needed and thank you for your consideration.

Josh Harmatz

ORDER OF THE RECLAMATION BOARD

3005.70.200

Application No. 10566

The Application of: **Mr. Bill W. Tyson**
5831 Bell Hill Drive
Sacramento, CA 95842

for approval of plans. **To place a fill on berm and construct a dwelling, driveway, swimming pool, septic tank, leach lines, well and fence on the fill, on the left bank of the Sacramento River, approximately 1/3 mile downstream from Power Line Road. Section 8, T. 9 N., R. 4 E., M.D.B.&M., Sacramento County. (Levee Mile 12.53, Unit No. 1 Reclamation District No. 1000)**

having been set for hearing on the **23rd** day of **May 1975**, and said

application having been heard on said day: NOW, THEREFORE, IT IS ORDERED, that Application No. **10566** 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 work shall conform with the State Reclamation Board Standards for Reclamation District No. 1000, which are made a part of this Board Order.

FIFTEEN: That the proposed well shall be drilled no closer than 10 feet to the waterward toe of the levee or 30 feet to the top of the riverbank.

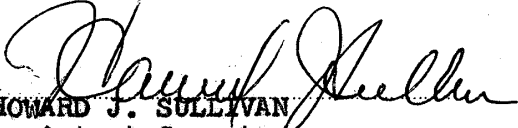
STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
Office of the Reclamation Board

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 30th day of May, 1975

(SEAL)


HOWARD J. SULLIVAN
Assistant Secretary
Reclamation Board



DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT, CORPS OF ENGINEERS
650 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814

REPLY TO SPKCO-O (10566)
ATTENTION OF

14 May 1975

The Reclamation Board
State of California
1416 - 9th Street, Room 335
Sacramento, California 95814

Gentlemen:

Reference is made to your letter dated 5 May 1975, inclosing copy of application submitted by Bill W. Tyson (Reclamation Board No. 10566), for approval of plans. These plans cover the construction of a fill, well, septic tank, leaching field, house, fence, and swimming pool, all within the left bank overflow area of the Sacramento River. The location of this proposed work is near River Mile 66.5 in Section 8, T. 9N., R. 5E., M.D.B.&M., County of Sacramento.

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

a. That the proposed fill under the proposed house shall be constructed to at least elevation 37.2 CofE datum and the toe of the fill shall be not more than 150 feet from the centerline of the levee nor less than 30 feet from the top of the riverbank.

b. That the proposed well, fence and septic tank shall be located at least 10 feet from the project levee toe.

c. That the leach lines from the proposed septic tanks shall be installed at least 30 feet from the project levee toe and not closer than 30 feet to the edge of the riverbank.

d. That the applicant shall use imported material for developing the proposed driveway and fill.

SPKCO-O (10566)
The Reclamation Board

14 May 1975

e. That in the event trees, prunings, and brush are cleared, they shall be properly disposed of either by complete burning or complete removal outside the limits of the flowage area.

Sincerely yours,

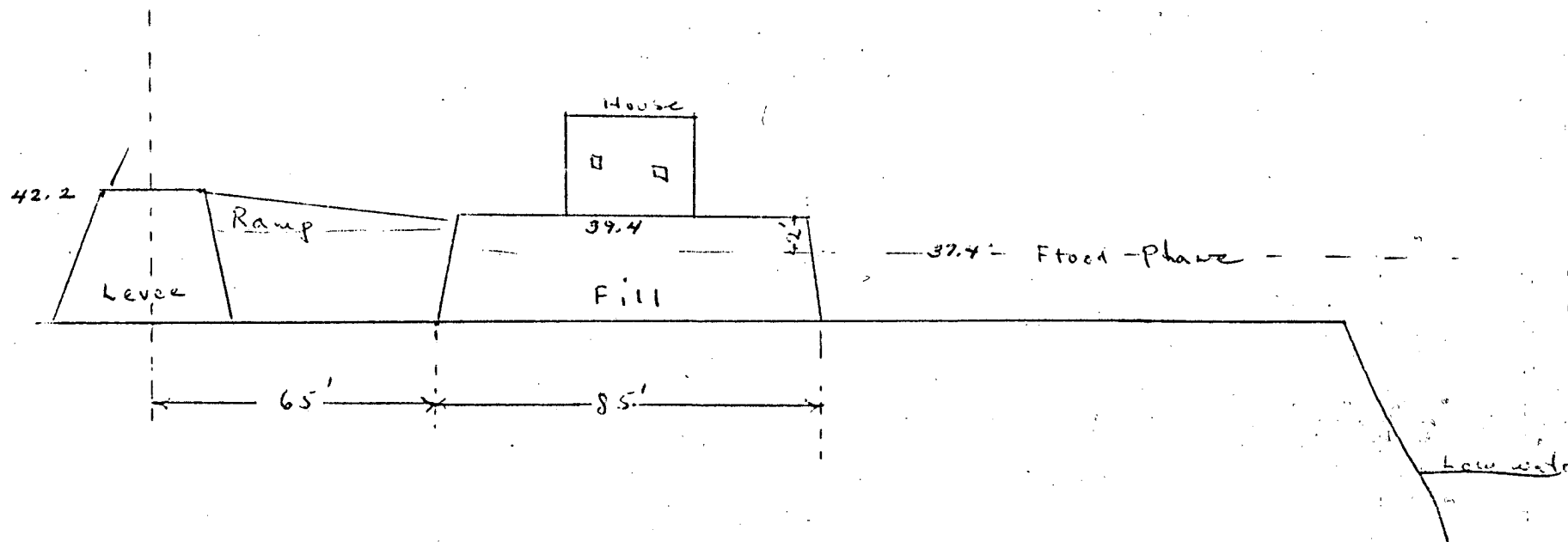
G. W. PROBASCO
Chief, Construction-Operations
Division

Copy furnished:
DWR, ATTN: John Wright

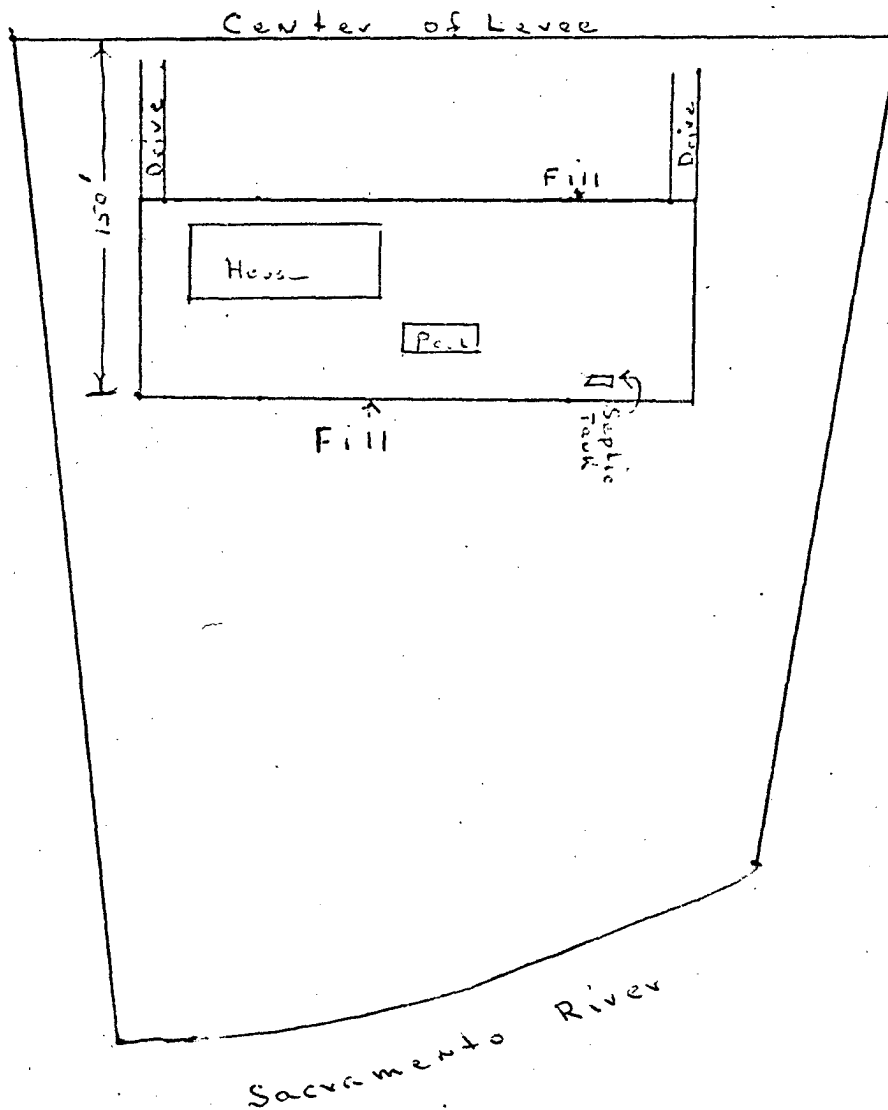
Parcel H 225-090-28

Bill Tyson

APPLICATION NO. 10566



Parcel # 225-090-28
Bill Tyson



Scale $\frac{1}{3}'' = 10'$

APPLICATION NO. 10566

House + pool
not scale
unknown at time

Attachment H

STATE OF CALIFORNIA
THE RECLAMATION BOARD
APPROVAL OF PLANS

Application No. **10566-A CM**

The Application of: **Mr. Bill W. Tyson**
4171 Garden Highway
Sacramento, CA 95834

for approval of plans

Request for variance on Condition FOURTEEN of Approval of Plans No. 10566 to authorize existing 4-foot-high chain-link fence, located on the left bank levee and overflow area of the Sacramento River, Levee Mile 12.53, Unit No. 1. Section 8, T. 9 N., R. 4 E., M.D.B.&M. (Reclamation District No. 1000) Sacramento River, Sacramento County.

On the _____ day of _____, 19____, The Reclamation Board or its General Manager pursuant to delegation from the Board, has considered this application: Now, therefore, it is ORDERED that this application and plans attached therein are hereby approved and permission to proceed with the work in accordance therewith is hereby granted subject to all terms, conditions, and restrictions attached hereto which are incorporated herein by reference and made a part hereof.

GENERAL CONDITIONS

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

TWO: This approval 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 160088, Sacramento, CA 95816, telephone (916) 445-3942, at least three days prior to commencement;

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

SIX: This approval shall remain in effect until revoked. This approval 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 approval shall constitute an acceptance of the provisions of this approval and an agreement to perform in accordance therewith;

EIGHT: This approval 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 approval 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 approval. 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 each of them harmless from such claim;

TWELVE: The applicant agrees by the acceptance of this approval 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;

(OVER)

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 approval.

SPECIAL CONDITIONS:

FOURTEEN: That the work shall conform with the State Reclamation Standards for Reclamation District No. 1000, which are made a part of this Approval of Plans, unless otherwise exempt by any of the following special conditions. ✓

FIFTEEN: That the proposed well shall be drilled no closer than 10 feet to the waterward toe of the levee or 30 feet to the top of the river bank. ✓

SIXTEEN: That within 90 days of the issuance of this Approval of Plans, the applicant shall modify that portion of chain link fence which extends riverward of the fill on the upstream lot, in such a manner as to be readily removable. ✓

SEVENTEEN: That no further construction shall be done in the area without the prior approval of The Reclamation Board.

(SEAL)

Dated:

JAN 26 1979

Original signed by
Eldon E. Rinehart

GENERAL MANAGER

Application No. 14129 GM

The Application of:

Morning Star Co.
712 Main Street
Woodland, CA

for approval of plans

To place riprap along approximately 260 feet of the left bank of the Sacramento River to provide erosion control. The project is located northwest of the City of Sacramento at 4171 Garden Highway. Section 8, 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.

On the _____ day of _____, 19____, The Reclamation Board or its General Manager pursuant to delegation from the Board, has considered this application: Now, therefore, it is ORDERED that this application and plans attached therein are hereby approved and permission to proceed with the work in accordance therewith is hereby granted subject to all terms, conditions, and restrictions attached hereto which are incorporated herein by reference and made a part hereof.

GENERAL CONDITIONS

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

TWO: This approval 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 160088, Sacramento, CA 95816, telephone (916) 445-3942, at least three days prior to commencement;

XXXXXX FIVE. This approval shall be void unless the work herein contemplated shall have been commenced within one year
XXXXXX of the date hereof.

SIX: This approval shall remain in effect until revoked. This approval 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 approval shall constitute an acceptance of the provisions of this approval and an agreement to perform in accordance therewith;

EIGHT: This approval 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 approval 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 approval. 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 each of them harmless from such claim:

TWELVE: The applicant agrees by the acceptance of this approval, 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;

(OVER)

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 approval.

SPECIAL CONDITIONS:

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

FIFTEEN: That all trees and brush cleared shall be completely burned or otherwise removed from the overflow area and no downed trees or brush shall be allowed to remain in the floodway during the flood season between November 1 and April 15.

SIXTEEN: That the proposed shot rock revetment shall be uniformly placed and transitioned into the natural bank at both ends. ✓

SEVENTEEN: That the proposed shot rock revetment shall not contain any reinforcing steel, floatable or objectionable material. ✓

EIGHTEEN: That the material excavated from the riverbank shall not be spoiled beyond 150 feet waterward of the levee centerline.

NINETEEN: That the applicant 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.

(SEAL)

Original signed by
Raymond E. Barsch

Dated: JUL 09 1985

GENERAL MANAGER

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

PERMIT NO. 14685 GM

This Permit is issued to:

Chris Roofer
4171 Garden Highway
Sacramento, CA 95834

To construct a floating debris deflector for a boat dock on the left bank of the Sacramento River. The project is located northwest of the City of Sacramento at 4171 Garden Highway. Section 8, T9N, R4E, N.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)

JUN 24 1987

Original signed by
Raymond E. Barsch

Dated: _____

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: That the applicant shall receive the endorsement of the Board of Trustees of Reclamation District No. 1000, prior to commencement of work.

FOURTEEN: The permittee shall notify the Department of Water Resources by telephone, (916) 445-3942, at least three (3) working days prior to start of work.

FIFTEEN: The proposed floating facilities shall be properly anchored at all times to prevent flotation into the floodway in the event of high water.

SIXTEEN: That debris that may accumulate on the debris deflector shall be cleared off and disposed of outside of the floodway of the Sacramento River.

SEVENTEEN: That the channel and riverbank shall be restored to at least the same condition that existed prior to commencement of work.

EIGHTEEN: That the applicant 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.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

PERMIT NO. 16549 GM

This Permit is issued to:

Melodie and Chris Rufer, Trustees for
the MKG Trust
4171 Garden Highway
Sacramento, California 95834

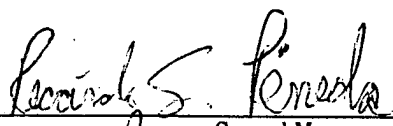
To construct a floating boat dock anchored by ~~five~~⁶ steel piles, install a gangway, and place riprap on the left bank of the Sacramento River. The project is located northwest of the City of Sacramento at 4171 Garden Highway, Section 8, T9N, R4E, M.D.B.&M. (Reclamation District No. 1000), Sacramento 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)

Dated: APR 29 1996


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

SIXTEEN: The gangway shall be a maximum of 4 feet in width and the hinge point on the levee section shall be at least 2 feet above design flood plane elevation of 33.6 feet, NGV Datum.

SEVENTEEN: The proposed floating facilities shall be properly anchored at all times to prevent flotation into the floodway in the event of high water.

EIGHTEEN: No materials or equipment shall be stored on the levee section.

NINETEEN: Debris that may accumulate on the boat dock and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

TWENTY: The revetment shall be uniformly placed and transitioned into the natural bank at both ends.

SPECIAL CONDITIONS FOR PERMIT NO. 16549 GM (Continued)

TWENTY-ONE: The revetment shall be quarry stone or cobbles, laid at least 12 inches thick, and shall meet the following grading:

Quarry Stone

<u>Size Rock (Screen Size)</u>	<u>Percent Finer by Weight</u>
15"	100
8"	60-95
6"	40-70
4"	15-40
2"	0-5

Cobbles

<u>Size Rock (Screen Size)</u>	<u>Percent Finer by Weight</u>
15"	100
10"	55-95
8"	35-65
6"	10-35
3"	0-5

TWENTY-TWO: If quarry rock is used, the riverbank and fill slopes shall be 2 horizontal (or more) to 1 vertical. If cobbles are used, these slopes shall be 3 horizontal (or more) to 1 vertical. Stone protection shall extend from the elevation of the low-water channel of the stream to elevation 33.6 feet, NGV Datum. (OR USGS.)

TWENTY-THREE: The revetment shall not contain any reinforcing steel, floatable, or objectionable material.

TWENTY-FOUR: 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-FIVE: To ensure the protection of valuable riparian habitat, no trees, shrubs, or other woody vegetation, greater than 6 inches in diameter measured at the base, shall be removed.

TWENTY-SIX: To provide protection for the State-endangered and federal-threatened winter-run chinook salmon, in-water construction or encroachment activities on the Sacramento River will only be permitted between June 1 and September 15, unless otherwise permitted in writing by the California Department of Fish and Game and the National Marine Fisheries Service with evidence provided to The Reclamation Board.

SPECIAL CONDITIONS FOR PERMIT NO. 16549 GM (Continued)

TWENTY-SEVEN: The permittee shall assume all responsibility for protection, relocation, or removal of the permitted project works if required by The Reclamation Board.

TWENTY-EIGHT: 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.

TWENTY-NINE: The permittee should contact the Corps of Engineers at telephone (916) 557-5250 for the necessary regulatory coordination/permit application.