

**Meeting of the Central Valley Flood Protection Board  
June 22, 2012**

**Staff Report – Encroachment Permit**

**Daniel and Laura Pellissier**

**Variance Request, Residential Addition and Appurtenances, Sacramento County**

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**1.0 – ITEM**

Consider approval of Resolution No. 2012-22 (Attachment A) to:

- 1) Grant a variance to Title 23, Section 133 to authorize:
  - a) An existing 10-foot by 16-foot gazebo,
  - b) An existing five (5) foot high wrought iron pool security fence.
- 2) Determine the project to be exempt from CEQA.
- 3) Approve Permit No. 3914-A

**2.0 – APPLICANT**

Daniel and Laura Pellissier

**3.0 – LOCATION**

The project is located at 7021 Garden Highway on the waterside of the left (east) bank levee of the Sacramento River.

(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:***

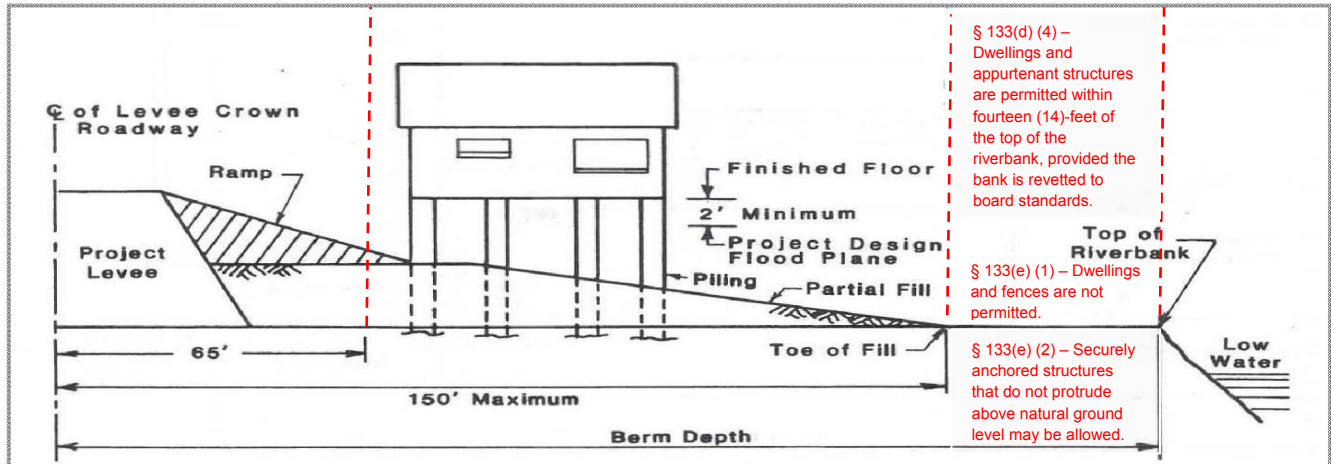
- (1) Securely anchored fences and structures are permitted.*
- (2) Dwellings are permitted, if the finished floor level is at least two (2) feet above the design flood plane or two (2) feet above the 100-year flood elevation, whichever is higher.*
- (3) The finished floor level of any addition to an 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 an existing 10-foot by 16-foot gazebo and an existing five (5) foot high wrought iron pool security fence. The applicant also proposes to construct a 2,400 square-foot home addition, an attached garage, a new driveway, a concrete driveway entrance platform, retaining walls, a column and panel iron fence, a new leach field, a geothermal heat pump system, new landscaping, and to import approximately 590 cubic yards of fill on the left (east) bank of the Sacramento River.

## **6.0 – PROJECT ANALYSIS**

The finished floor elevation of the proposed 2,400 square-foot home addition will be constructed at an elevation of 41.2-feet (NGVD29) which is 5.7 feet above the Corps' 1957 project design profile (38.5-feet NGVD29) and 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 Reclamation District No. 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 Reclamation District No. 1000.

All encroachments being considered for Permit No. 3914-A are conforming to Title 23 Standards with the exception of the non-conforming encroachments listed below that conflict with Title 23, Section 133 (d) (4) and Section 133 (e) (1) and (2):

1. An existing 10-foot by 16-foot gazebo that is located on the riverbank – conflicts with (d) (4) and (e) (2),
2. An existing five (5) foot high wrought iron pool security fence – conflicts with (e) (1).

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 provide a 14-foot clear zone along the riverbank so maintenance equipment can access the bank to place or manipulate rock rip-rap if necessary. In addition the standard prevents damage to the bank that may be caused by excessive loading conditions.

The 10-foot by 16-foot gazebo is constructed of redwood and is attached to telephone poles that are buried in three feet of concrete. The structure is located approximately 4-feet from the edge of the river bank that has been previously rocked. The relatively small size of the gazebo will not prevent maintenance equipment from accessing the bank if necessary. Furthermore the loading conditions resulting from the wood gazebo are negligible and bank damage as a result of the gazebo is not expected to occur. Negative hydraulic impacts caused by the gazebo are not expected to occur due to the open construction of the structure and the roof of the gazebo being above the project design flood water surface elevation.

Section 133 (e) (1) specifies that fences are not permitted past 150-feet from the centerline of the levee, the pool security fence extends approximately 30-feet past the 150-foot mark. In addition, the existing gazebo conflicts with (e) (2) as it is constructed above the natural ground. The intent of these standards is to keep the overflow area clear of obstructions that could have a negative hydraulic impact on the Sacramento River Flood Control Project (SRFCP). A hydraulic analysis was done that shows no measurable increase to the water surface elevation as a result of the proposed encroachments. The gazebo was not specifically included in the analysis but due to its small size and open design MBK Engineers have concluded that the gazebo will have no impact to the design or 200-year water surface elevation, board staff concurs with this determination.

Staff has concluded that the 10-foot by 16-foot gazebo and five (5) foot high wrought iron pool security fence have negligible impacts to the SRFCP. The gazebo is securely



anchored to the bank and the security fence around the pool is required by Sacramento County Code to meet pool safety standards (SCC 1475 § 15, 2011). In addition the applicant has agreed to remove portions of the fence that are perpendicular to flow to ensure the fence will not cause an obstruction to flood flows. All other encroachments being considered for Permit No. 3914-A are conforming to Title 23 standards.

## **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 7021 Garden Highway to the 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 Pellissier residence is located at approximately Comp Study River Mile 72.74. The nearest hydraulic model cross-section to the study site is located at River Mile 72.75. To determine the hydraulic impact of the proposed improvements, a model simulation was executed with the model cross-section at River Mile 72.75 modified to represent the existing structure (pre-project). A second simulation was made with the cross-section modified to represent the proposed improvements (post-project). The hydraulic impact of the proposed improvements is the difference in the results of the two simulations.

To be conservative the fill used to elevate the house in the post-project condition was twenty (20) feet wider than the proposed house addition (100-feet vs. 80-feet). Additionally, the raised driveway was assumed to be 100% fill with no bridge expanse (approximately 20-feet).

The computed 200-year design criteria water surface elevation at the project location is 39.2-feet (NGVD 29), with a corresponding flow of 117,000 cfs. The SRFCP design flood plane (1957 profile) elevation at this location is 35.4-feet (NGVD 29), with a corresponding flow of 107,000 cfs. The computed pre-project and post-project maximum water surface elevations in the vicinity of the project are shown below:

Table 1. Project Impact on 200-year Design Condition Water Surface Elevation			
Location (Comp Study River Mile)	Computed Maximum Water Surface Elevation (ft. NGVD29)		Difference (ft.)
	Pre-project	Post-project	
73.25	39.45	39.45	0.00
73	39.29	39.29	0.00
72.75 (project location)	39.19	39.19	0.00
72.5	39.01	39.01	0.00
72.25	38.87	38.87	0.00

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

## 6.2 – Geotechnical Analysis

Geotechnical specifications will be followed for the construction of the driveway platform retaining wall. All remaining construction work is setback from the levee sufficiently to not impact the levee.

## 6.3 – Permits associated with 7021 Garden Highway

- **Permit No. 3914:** Issued on April 5, 1962, to clear land, construct a dwelling with garage, fill, drill well, and install septic tank and swimming pool, and grade driveway.

## 7.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- Reclamation District No. 1000 endorsed the project with conditions on August 12, 2011. The conditions will be incorporated into the permit as Exhibit A.
- The U.S. Army Corps of Engineers 208.10 comment letter has not been received for this application. Staff anticipates receipt of a letter indicating that the USACE District Engineer has no objection to the project, subject to conditions. Upon receipt of the letter, staff will review to ensure conformity with the permit language and incorporate it into the permit as Exhibit B.

## **8.0 – CEQA ANALYSIS**

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

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.

## **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.

Board staff 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 event. Maintenance of the existing rock rip-rap on the river bank can be accomplished despite the existing 10-foot by 16-foot gazebo. Loading of the bank due to the gazebo is not considered excessive and bank damage is not expected. The pool security fence is required by Sacramento County Code (SCC 1475 § 15, 2011) and the applicant has agreed to remove the sections of the fence that are perpendicular to flow during flood flow events. In conclusion, impacts to the SRFCP from all of the encroachments being considered for Permit No. 3914-A 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. 2012-22, which constitutes the written findings and decision in the matter of Permit No. 3914-A. The resolution contains the CEQA findings; Findings of Fact; and approval of Permit No. 3914-A; 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 2012-22
- B. Location Maps and Photos
- C. Draft Permit No. 3914-A
- D. Project Drawings
- E. Applicants variance request statement
- F. Hydraulic Reports
- G. Permit No. 3914

Design Review:

Gary W. Lemon P.E.

Environmental Review:

Andrea Mauro, James Herota

Document Review:

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

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STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 2012-22

BOARD FINDINGS, VARIANCE AND DECISION AUTHORIZING ISSUANCE OF  
ENCROACHMENT PERMIT NO. 3914-A, Daniel and Laura Pellissier  
DWELLING ADDITION AND PARCEL IMPROVEMENTS  
SACRAMENTO RIVER, SACRAMENTO COUNTY

**WHEREAS**, Daniel and Laura Pellissier (applicants) are the owners of the property described as Sacramento County Assessor's Parcel No. 201-026-13 located in Section 26, Township 10 North, Range 3 East, Mount Diablo Base and Meridian; and

**WHEREAS**, the property is located at 7021 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) and to CCR Title 23 Division I, Section 133 (e) (2) for the authorization of an existing 10-foot by 16-foot gazebo; 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**, CCR Title 23 Division I, Section 133 (e) (2) does not allow structures that protrude above natural ground; and

**WHEREAS**, the existing 10-foot by 16-foot gazebo is closer than 14-feet from the riverbank and protrudes above natural ground; and

**WHEREAS**, the applicant requests a variance to CCR Title 23 Division I, Section 133 (e) (1) for the authorization a five (5) foot high pool security fence on the left (north) bank of Sacramento River; and

**WHEREAS**, CCR Title 23 Division I, Section 133 (e) (1) restricts dwellings and fences 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; and

**WHEREAS**, Application No. 3914-A will require a variance to Section 133 (d) (4) and Section 133 (e) (1) and (2), subject to Board approval; and

**WHEREAS**, a hydraulic analysis was performed by MBK Engineers dated August 8, 2011; that indicates that all existing and proposed encroachments for Application No. 3914-A will have no measurable impact to the maximum water surface elevation 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 gazebo and pool security fence 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**, Sacramento County Code Chapter 16.36, Swimming Pool Code (SCC 1475 § 15, 2011), in part requires residential pools to be enclosed by a barrier to safeguard life, limb, health, property and public welfare; and

**WHEREAS**, The U.S Army Corps of Engineers (USACE) issued an Encroachments review letter dated June xx, 2012 with conditions to the project. The letter is incorporated into the permit as, Exhibit A.

**WHEREAS**, Reclamation District 1000 endorsed the project on August 12, 2011, their endorsement will be incorporated into the permit as Exhibit B; and

**WHEREAS**, the Central Valley Flood Protection Board has conducted a hearing on Encroachment Permit Application No. 3914-A 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;

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 that would indicate the existing and proposed encroachments would have significant adverse effects to the State Plan of Flood Control.
7. **Effects on State Plan of Flood Control.** A hydraulic analysis was performed that shows there will be no measurable impact the water surface elevation for the State Plan of Flood Control or to the Sacramento River.
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. 3914-A.

#### **Approval of Encroachment Permit No. 3914-A**

10. Based on the foregoing, the Central Valley Flood Protection Board hereby approves the issuance of Encroachment Permit No. 3914-A 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) (1) and (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.

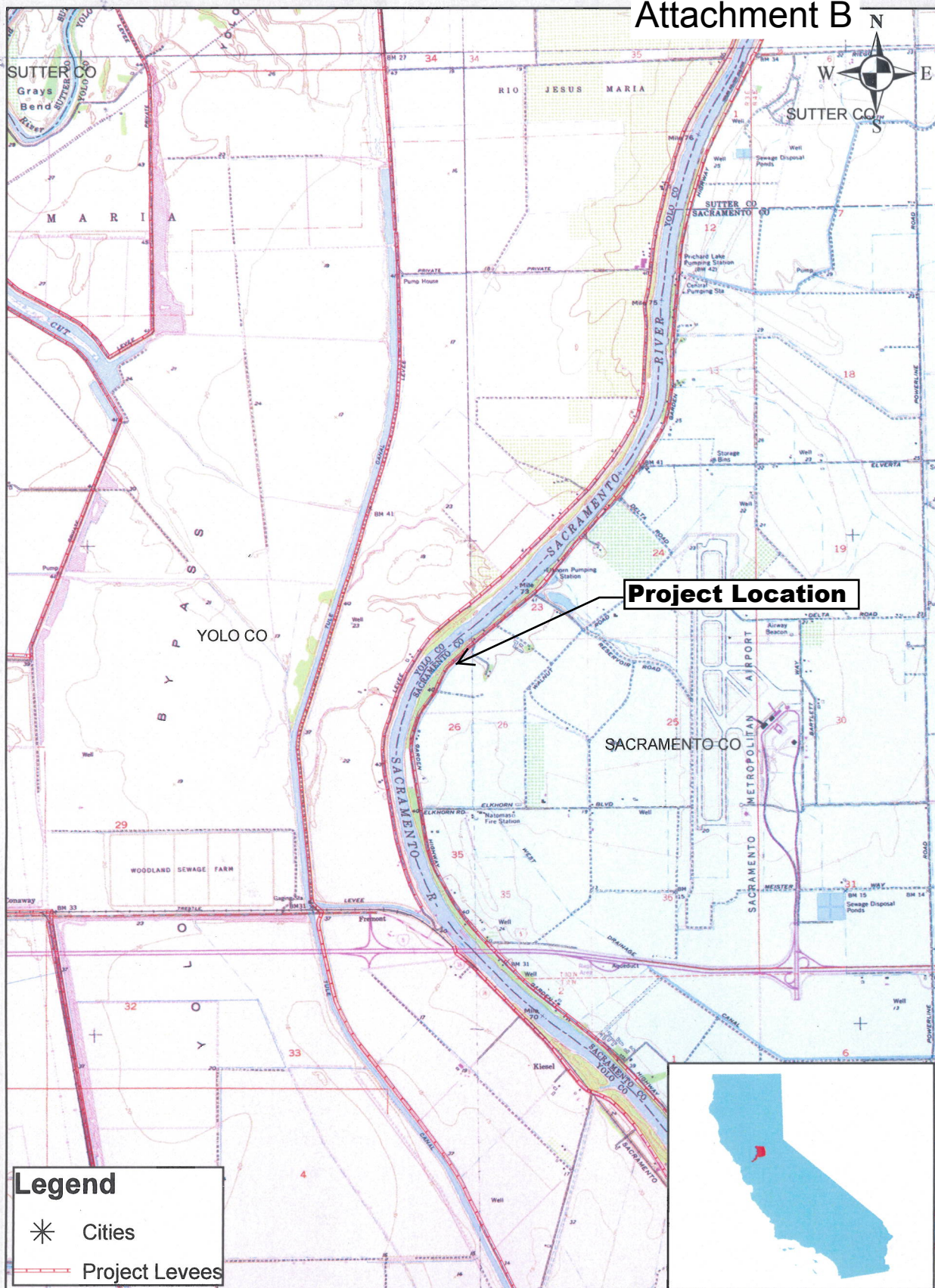
PASSED AND ADOPTED by vote of the Board on \_\_\_\_\_, 2012

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William H. Edgar  
President

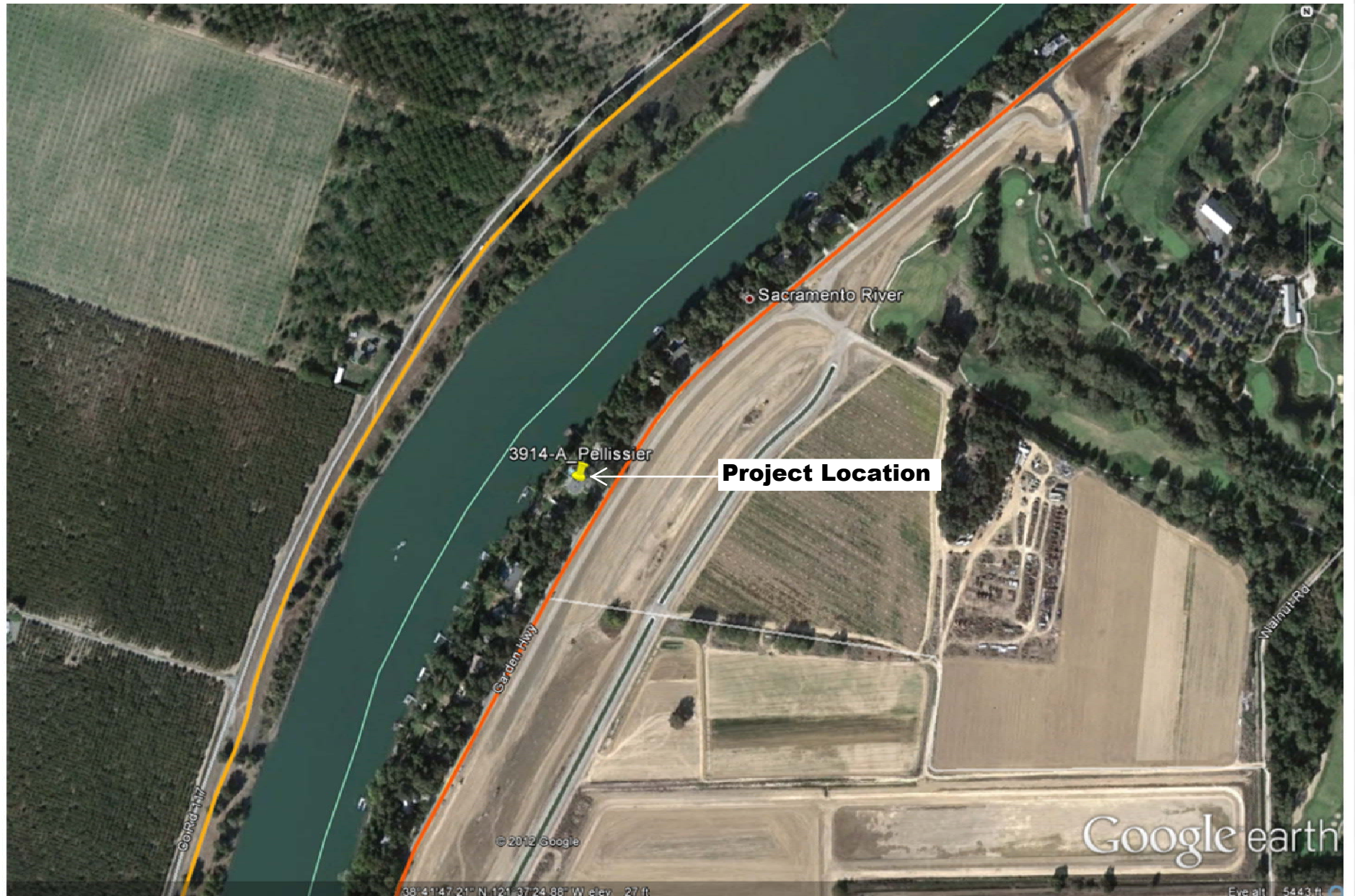
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Jane Dolan  
Secretary





Vicinity Map

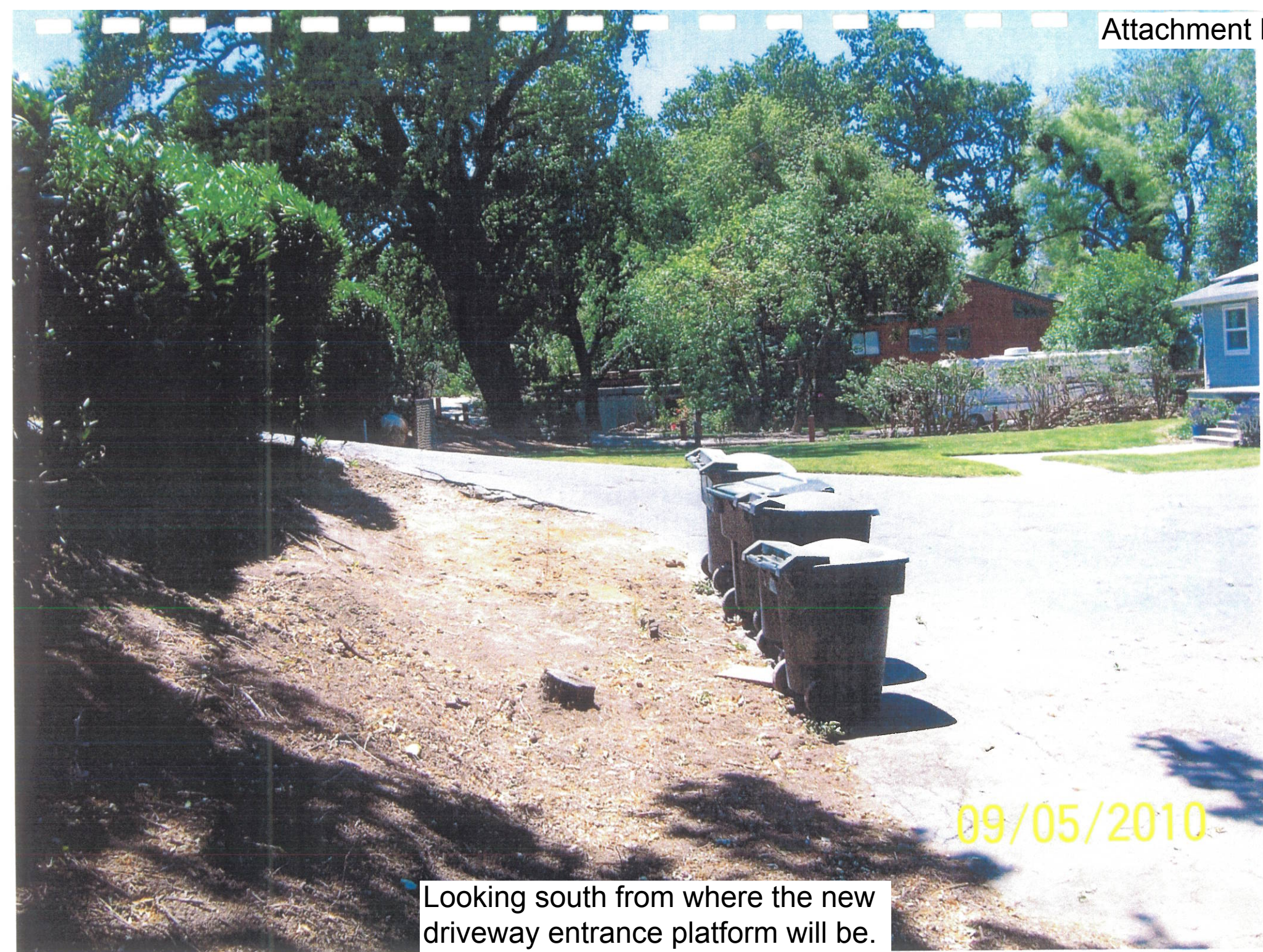






Looking west at the front of the house.





Looking south from where the new driveway entrance platform will be.





North side of the house looking west.





Existing Gazebo

09/05/2010

South side of the house looking west





Looking east across the Garden Highway



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**DRAFT**

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

**PERMIT NO. 3914-A BD**

**This Permit is issued to:**

Daniel and Laura Pellissier  
7021 Garden Highway  
Sacramento, California 95837

To authorize an existing gazebo and a pool security fence; To construct a 2,400 square-foot home addition, an attached garage, a new driveway, a concrete driveway entrance platform, retaining walls, a column and panel iron fence, a new leach field, a geothermal heat pump system, new landscaping, and to import approximately 590 cubic yards of fill. The project is located at 7021 Garden Highway in Sacramento on the left (east) bank of the Sacramento River (Section 26, T10N, R3E, 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

Page 1 of 4

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. 3914-A 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 of 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 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: Fill material for the platform and driveway shall be placed in 4- to 6-inch layers and compacted at or above optimum moisture content to not less than 90 percent relative compaction per ASTM Method D1557-91.

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

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

TWENTY-SIX: The finished floor elevation shall be at least 2-feet above the 200-year flood plane elevation of 39.2-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: 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.

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

THIRTY-ONE: 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-TWO: 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-THREE: 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-FOUR: 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.

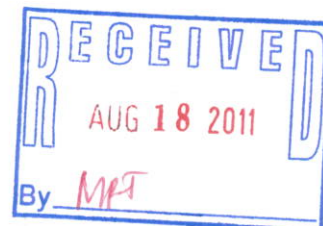
THIRTY-FIVE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

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

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

THIRTY-EIGHT: The permittee shall comply with the removal of the sections of the pool security fence that are perpendicular flow as set forth in the letter which is attached to this permit as Exhibit C 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.

RECLAMATION  
DISTRICT 1000Permit Conditions

**Permit Application No:** Unnumbered

**Location:** 7021 Garden Highway—Sacramento River Left Bank (RM 72.7L  
Approx)

**Applicant:** Cynthia Easton (Dan Pellissier 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 7-15-11 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.
9. Permittee shall trim and maintain existing vegetation on the levee to provide visibility 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.



Daniel Pellissier  
7021 Garden Highway  
Sacramento, CA 95837

March 26, 2012

To: Gary Lemon  
Central Valley Flood Protection Board

From: Daniel Pellissier  
Laura Pellissier

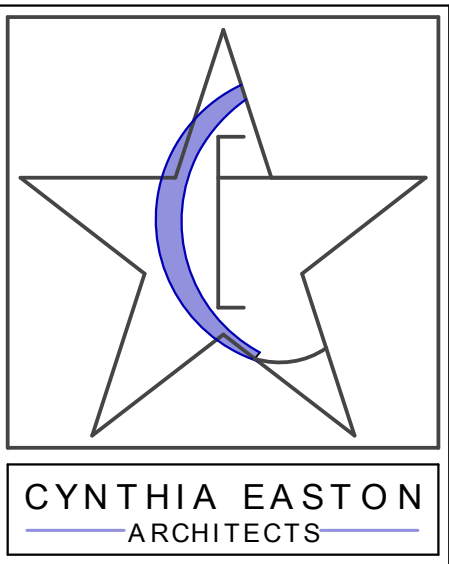
A handwritten signature in black ink, appearing to be 'D Pellissier', with a long horizontal flourish extending to the right.

Re: 7021 Garden Highway  
Permit Agreements

This memo shall confirm the agreements we have as part of the CVFPB permitting process.

1. In order to reduce river flow restrictions during flood events, the pool fence panels running perpendicular to the river flow will be removed when the river elevation is one foot below the bottom of the fence panels, approximately when the Verona gage reads 35 feet.
2. There will be no irrigation lines place upon or buried in the levee face or ten feet from its toe. All irrigation for these areas will be from sprinklers located outside the prohibited zone.
3. We will maintain clear visibility for levee inspection through our fence, hedge and landscaping during the November 1st through April 15th flood season.

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CYNTHIA EASTON  
Project Architect

4532 FREEPORT BLVD. SACRAMENTO, CA 95822  
PHONE (916) 453-1505 FAX (916) 453-0843  
www.eastonarchitects.com

DAN & LAURA  
PELLISSIER  
7021 Garden  
Highway  
Sacramento, CA  
95837  
916.922.2047

Revisions
△ REVISIONS ###

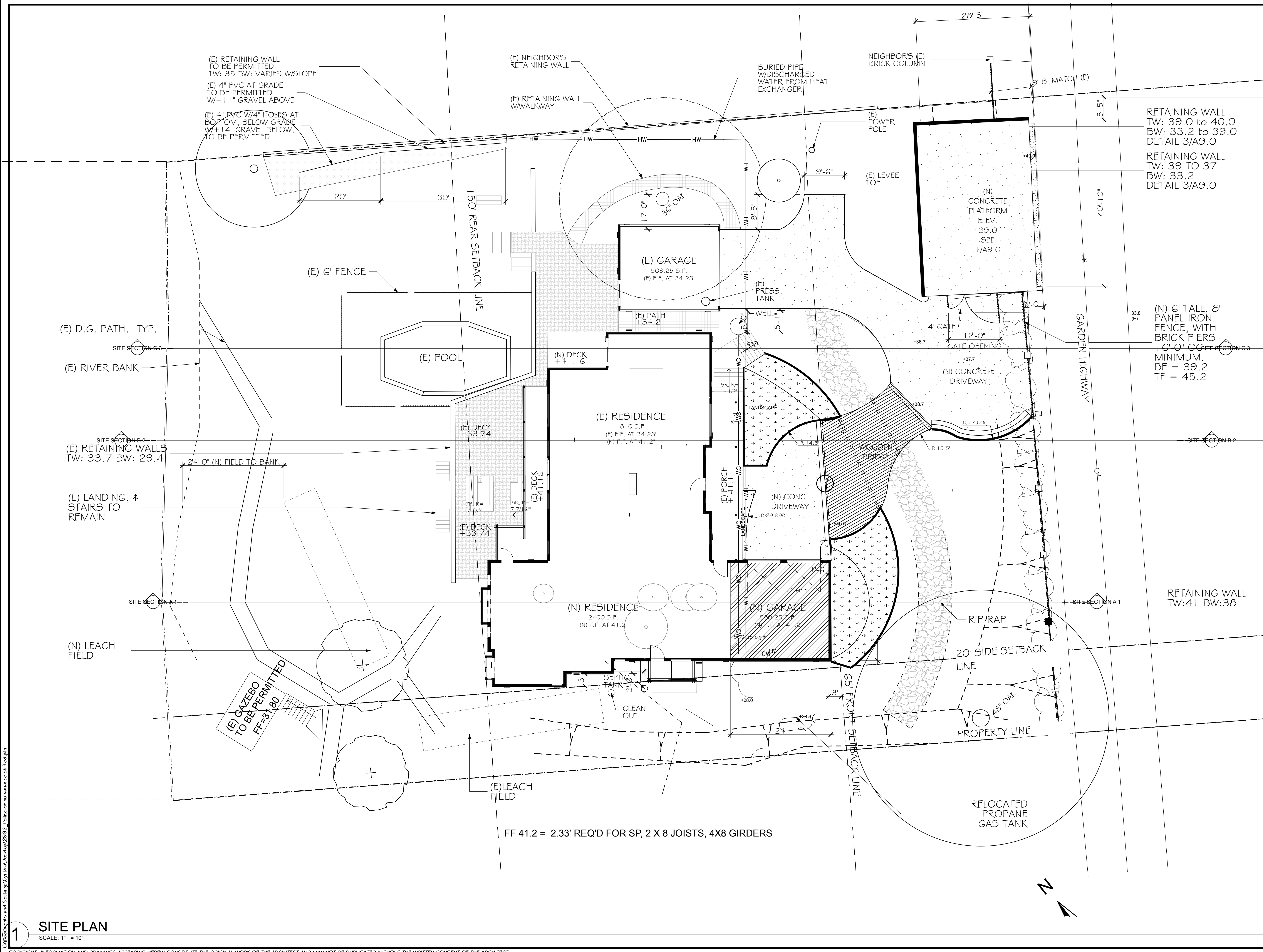
Description
SITE PLAN

Drawn: KC Ckd: CE

Date: 3/30/2012 Job No: 2932

1" ACTUAL Sheet

A1.0



1 SITE PLAN  
SCALE: 1" = 10'

C:\Documents and Settings\Cynthia\Desktop\2932 Pellissier no variance shifted.pln



1. PLANS ARE DIAGRAMMATIC. CONTRACTOR/OWNER SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL EXISTING CONDITIONS AND ADJUST PLAN ACCORDINGLY.
2. ALL PLANTING AREAS SHALL BE GRADED AND PLANTED FOR POSITIVE DRAINAGE AWAY FROM STRUCTURES, WALLS AND FENCES. WHERE NEGATIVE DRAINAGE MAY OCCUR, INSTALL AREA DRAINS AND CONNECT TO EXISTING DRAINAGE.
3. CONTRACTOR/OWNER SHALL PROVIDE ADEQUATE SURFACE DRAINAGE SO THAT WATER DOES NOT POND WITHIN PLANTING OR HARDSCAPE AREAS.
4. NO DRAINAGE SHALL CROSS PROPERTY LINES.
5. ALL STRUCTURES ON PLAN ARE DIAGRAMMATIC. CONTRACTOR/OWNER SHALL BE SOLELY RESPONSIBLE FOR THE SIZING OF THE PATIO COVER AND AC UNIT ENCLOSURE STRUCTURAL AND NON-STRUCTURAL MEMBERS.
6. PROVIDE "HEAD TO HEAD" COVERAGE FOR ALL LAWN AREAS. HEADS SHALL BE RAINBIRD 1800 SERIES OR EQUAL. PROVIDE CHECK VALVES TO PREVENT LOW HEAD DRAINAGE. USE 6" POP-UPS FOR LAWN AND 12" POP-UPS FOR PLANTING. TRENCHES TO BE 6" DEPTH MIN.
7. ANTI-SIPHON VALVES SHALL BE PLACED 12" ABOVE THE HIGHEST HEAD TO INSURE PROVISION OF BACKFLOW PREVENTION. VALVES SHALL BE RAINBIRD DVF SERIES.
8. LOCATION OF IRRIGATION CONTROLLER AS PER OWNER. CONTROLLER TO BE RAINBIRD ESP-LX PLUS OR EQUAL.
9. PROVIDE SLEEVING (2X) TWO-TIMES THE DIAMETER OF THE PIPE FOR ALL IRRIGATION, DRAINAGE, ELECTRICAL, NATURAL GAS, AND OTHER UTILITY LINES. MINIMUM COVER DEPTHS SHALL BE THE DEPTH TO MEET ALL CODES.
10. CONTRACTOR/OWNER SHALL ABIDE BY ALL LOCAL, STATE AND FEDERAL LAWS, CODES AND ORDINANCES.
11. ALL DRAINLINE TO HAVE MIN. COVER OF 6"
12. ALL WET UTILITIES, INCLUDING GAS, WATER, SANITARY, DRAINAGE & IRRIGATION MUST BE IN SEPARATE TRENCHES AND SEPARATED ACCORDING TO CODES.
13. DRY UTILITIES MAY BE CONSTRUCTED IN A JOINT TRENCH.
14. CONTRACTOR/OWNER IS RESPONSIBLE FOR OBTAINING ALL BUILDING, PLUMBING, ELECTRICAL AND OTHER PERMITS AND APPROVALS. LANDSCAPE DESIGNER SHALL NOT BE HELD LIABLE FOR THE CONTRACTOR/OWNER FAILING TO OBTAIN PERMITS.
15. LANDSCAPE DESIGNER SHALL NOT BE HELD RESPONSIBLE FOR ANY REVISIONS OR DEVIATIONS TO THESE DRAWINGS.
16. ALL REVISIONS MUST BE INITIALED AND DATED BY THE LANDSCAPE DESIGNER. FAILURE TO DO SO RELEASES LANDSCAPE DESIGNER FROM LIABILITY.
17. ALL LANDSCAPE SITE IMPROVEMENTS TO BE INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS.
18. SCREEN SHRUBS TO BE TRIMED PER OWNER'S ATTACHMENT SPECIFICATIONS.
19. PERMANENTLY INSTALLED IRRIGATION PIPES MAY BE NO DEEPER THAN 8" INTO THE LEVEE SLOPE.
20. THE SHUTOFF VALVE OR CONTROL VALVE FOR IRRIGATION MUST BE LOCATED A MINIMUM OF 10' LANDWARD OF THE LEVEE TOE AND MUST BE CLEARLY IDENTIFIED FOR LEVEE MAINTENANCE OR FLOOD FIGHT PERSONNEL.

Legend	botanical	common	quantity	size
HEM	Heimerocallis 'Black-Eyed Stella'	Hybrid Daylily	3	1 Gallon
SIS	Sisyrinchium bellum	Blue eyed Grass	12	1 Gallon
SED	Sedum	Stonecrop	12	1 Gallon
VER	Verbena peruviana	Verbena	5	1 Gallon
PEN	Pennisetum Setaceum 'Rubrum'	Purple Fountain Grass	11	1 Gallon
			43	
NAN	Nandina domestica 'Harbour Dwarf'	Dwarf Heavenly Bamboo	4	5 Gallon
ELO	Euonymus japonica 'Golden'	Golden Euonymus	11	5 Gallon
LOR	Loropetalum chinese	Loropetalum	5	5 Gallon
AZA	Azalea	Azalea	2	5 Gallon
GAR	Gardenia jasminoides 'Little Gem'	Cape-jasmine	7	5 Gallon
CAM	Camelia	Camelia	2	5 Gallon
AUR	Aurinia saxillilis	Basket of Gold	4	5 Gallon
PHO	Photinia fraseri 'Red Robin'	Red Robin Photinia	3	5 Gallon
CYC	Cycas revoluta	Sago Palm	1	5 Gallon
POD	Podocarpus gracilior (std)	Fern Pine	6	5 Gallon
			45	
LAG	Lagerstroemia 'Tuscarora'	Crape Myrtle	6	15 Gallon
ACP	Acer palmatum 'Bloodgood'	Bloodgood Japanese Maple	1	15 Gallon
CER	Cercis occidentalis	Western Redbud	1	15 Gallon
COR	Cornus nuttalli	Western Dogwood	2	15 Gallon
			10	

Note that Contractor/Owner is solely responsible for proper runoff, drainage and irrigation of all landscape areas. Contractor/Owner is also responsible for field verifying all existing conditions and adjust accordingly. All Landscape Site improvements to be installed as per Manufacturers specifications.

1. Drainage shall be direct water away from back fence and from house and connect to existing drain outlet.
2. All planting areas to have positive drainage. Where negative drainage may occur install area drains and connect to existing drainage.
3. Contractor/Owner shall provide adequate surface drainage so that water does not pond within planting or hardscape areas.
4. No drainage shall cross property lines.
5. All downspouts are to be connected into the drain lines.
6. Contractor/Owner shall adjust or increase of sprinklers required in order to provide "head to head" irrigation coverage for all lawn areas.
7. All flower bed areas shall have designated valves with drip or spray emitters.
8. All PVC pipe shall be Sch. 40, run from valves to planter areas.
9. Antisiphon valves shall be placed 12" above highest sprinkler.
10. All plants, shrubs, and trees shall have drip irrigation using drip emitters or spray heads as needed to provide guaranteed coverage.
11. All new trees planted shall have perforated Sch. 40 PVC, 3" pipe to a depth of at least two feet.
12. Provide sleeving (2x) two times the diameter of the pipe for all irrigation, drainage, electrical, natural gas or other utility lines run under any hardscape areas.
13. Contractor/Owner is responsible for obtaining all building, plumbing, electrical and other permits and approvals. Landscape Designer/Architect shall not be held liable for the Contractor/Owner failing to obtain permits. Nor is the Landscape Designer/Architect to be held responsible for any revisions or deviations to these drawing.
14. Contractor/Owner shall abide by all local, state and federal laws, codes and ordinances.



## DISCLOSURES

HM Design is not responsible for any modifications or adjustments of the Design concept that may be necessary by the homeowner or contractor to execute this design.

Tel (916) 718-8125

howardma2@aol.com  
www.hmdesign.biz



DAN & LAURA PELLISSIER  
7021 GARDEN HIGHWAY

SACRAMENTO, CA 95837  
(916) 922-2047 ; CELL: (916) 715-5703  
capitolhack@netscape.net

JAN 30, 2012

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DATE

$$\frac{1/8'' = 1'-0''}{\text{SCALE}}$$

## LANDSCAPE PLAN

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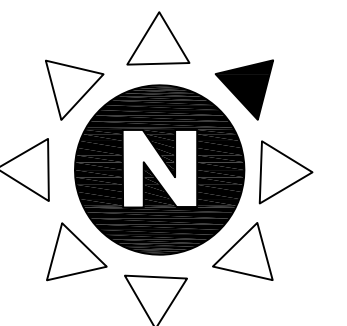
### AREA OF SCOPE

SHEET 1 OF 1

---

SHEET NUMBER

HOWARD MA  
DESIGNER





Daniel Pellissier  
7021 Garden Highway  
Sacramento, CA 95837

April 23, 2012

RECEIVED

APR 24 2012

To: Gary Lemon  
Central Valley Flood Protection Board

From: Daniel Pellissier  
Laura Pellissier

Re: 7021 Garden Highway  
Request for Variances

As part of permitting an addition to our Garden Highway home, we would like to request two variances from Title 23 regulations for features already on the property.

First, we request a variance for a redwood gazebo near the southwest corner of our property built by our landscaper using my design in October 2008, shortly after buying the home. Telephone poles buried in three feet of concrete were used to withstand the water flow and the roof structure is above the levee elevation to ensure it would never be exposed to the flow. Very heavy duty waterproof materials were used to ensure its structural integrity and durability. The design is similar to a number of top-of-bank structures found on the Garden Highway, including those used to anchor dock gangways. Unfortunately, we were not aware of the Title 23 regulation limiting such structures when we built the project to provide visual access to the upstream river.

We believe a variance is warranted because MBK Engineers confirms the open structure does not have an impact on design flood flows or surface elevations; it is built to withstand high water conditions; and the violation of regulations was inadvertent. While we have worked with you and other CVFPB staff to eliminate the need for variances for things we will build, this variance for a safe, substantial structure already in place seems appropriate and within the board's discretion.

Second, we request a variance for a five foot pool fence we also installed in 2008. It was one of several projects the property needed to meet safety standards, this one decades overdue. The fence has masonry pillars and removable steel panels.

We believe a variance is warranted because complying with the standards is not appropriate. A pool fence is essential to promote personal safety and minimize legal liabilities. In addition, the pool was previously permitted by county and state agencies, so a safety fence should have been included in that permit. To eliminate any obstruction to flood flow, we commit to removing the fence panels once the Verona gage reaches 35 foot elevation.

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*Water Resources • Flood Control • Water Rights*

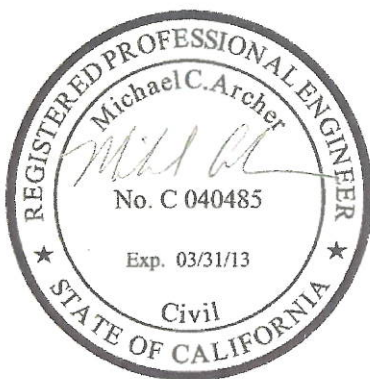
## TECHNICAL MEMORANDUM

**DATE:** August 8, 2011

**SUBJECT:** Hydraulic Impact Analysis of Pellissier Residence Improvements

**Prepared by:** Michael Archer, P.E.

**Reviewed by:** Don Trieu, P.E.



The Pellissier residence is located at 7021 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. Plans have been made for an addition to the house (see architectural plans provided in Attachment 1) and to raise the house from its current finished floor elevation of 38.9 ft. (NGVD29) to a finished floor elevation of 41.2 ft. (NGVD29). The proposed project also includes a raised driveway between the house and Garden Highway. This Technical Memorandum documents a hydraulic impact analysis performed to determine the potential hydraulic impacts of the proposed additions.

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. The extents of the hydraulic model are shown in Figure 3. The impact analysis was performed for the design condition used for the Natomas Levee Improvement Project [MBK 2008], which conforms to the design criteria outlined in the draft Interim Levee Design Criteria being developed by the Department of Water Resources [DWR 2010]. The design event was the 200-year flood event based on hydrology developed for the UNET model by USACE.

The computed 200-year design criteria water surface elevation at the project location is 39.2 ft. (NGVD29), with a corresponding flow of 117,000 cfs. The Sacramento River Flood Control Project design flood plane (1957 Profile) elevation at this location is 35.4 ft. (NGVD29), with a corresponding flow of 107,000 cfs.



The Pellissier residence is located at approximately Comp Study River Mile 72.74, as shown in Figure 4. The nearest hydraulic model cross-section to the study site is located at River Mile 72.75. To determine the hydraulic impact of the proposed improvements, a model simulation was executed with the model cross-section at River Mile 72.75 modified to represent the existing structure (pre-project). A second simulation was made with the cross-section modified to represent the proposed improvements (post-project). The pre-project and post-project cross-sections are shown in Figure 5. The hydraulic impact of the proposed improvements is the difference in the results of the two simulations.

It should be noted that the post-project condition was conservatively represented in the model. The house raise was assumed to be accomplished with solid fill that is twenty feet wider than the house structure (the fill was assumed to be 100 ft. wide, whereas the proposed house addition width is approximately 80 ft.). Additionally, the raised driveway was assumed solid for its entire length, whereas the project proposal shows an approximately 20 foot long open section crossed by a wooden bridge.

## **Results**

The computed pre-project and post-project maximum water surface elevations in the vicinity of the project are shown in Table 1. The analysis shows no measurable impact to the maximum water surface elevation. Therefore, it is concluded that the proposed improvements to the Pellissier property at 7021 Garden Highway in Sacramento, California would have no impact on the 200-year water surface elevation.

Table 1. Project Impact on 200-year Design Condition Water Surface Elevation			
Location (Comp Study River Mile)	Computed Maximum Water Surface Elevation (ft. NGVD29)		Difference (ft.)
	Pre-project	Post-project	
73.25	39.45	39.45	0.00
73	39.29	39.29	0.00
72.75 (project location)	39.19	39.19	0.00
72.5	39.01	39.01	0.00
72.25	38.87	38.87	0.00

## **References**

California Department of Water Resources (DWR). Interim Levee Design Criteria for Urban and Urbanizing Areas in the Sacramento-San Joaquin Valley, Version 4. December 10, 2010.

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

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



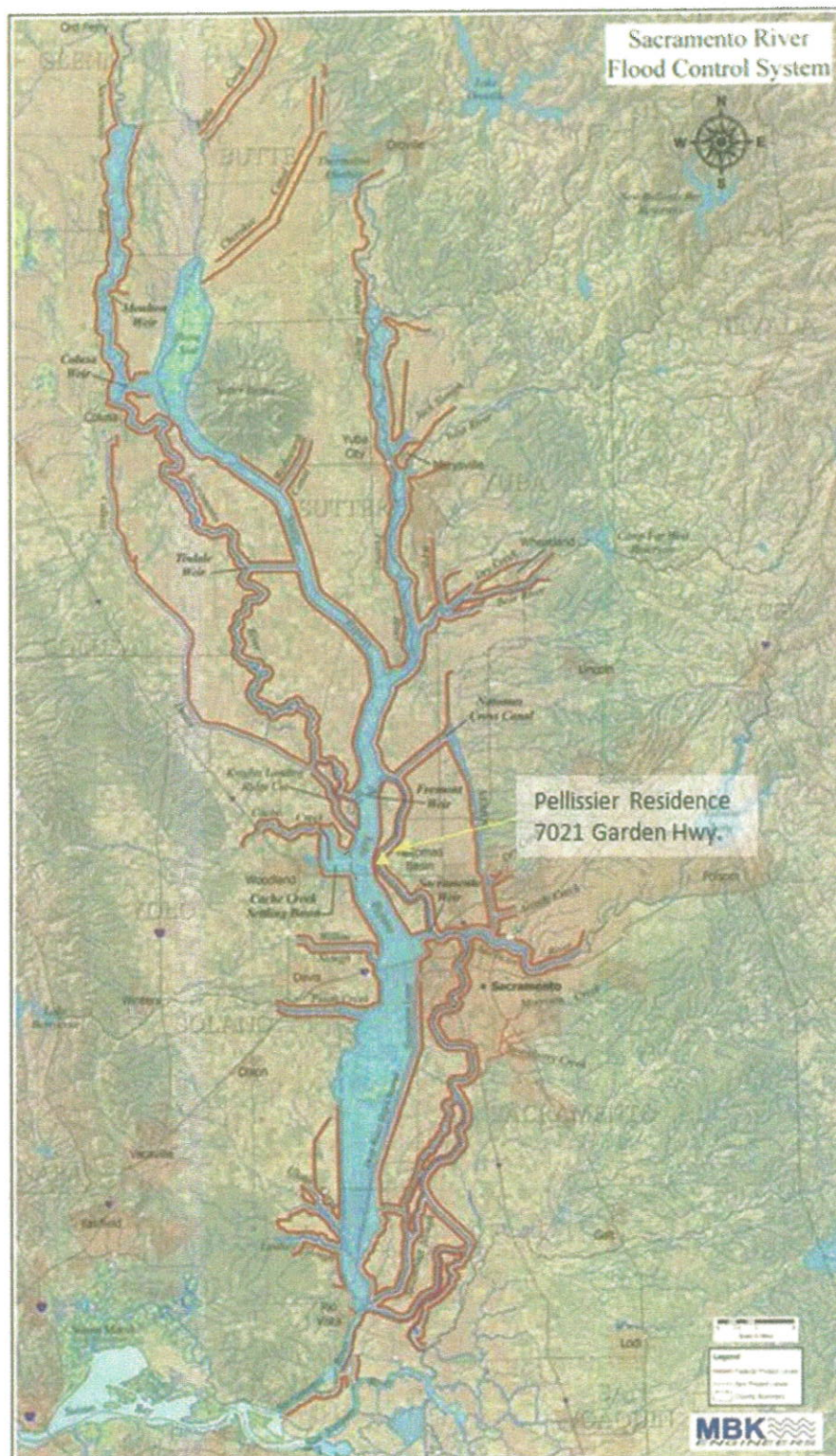


Figure 1. Location Map





Figure 2.Site Map

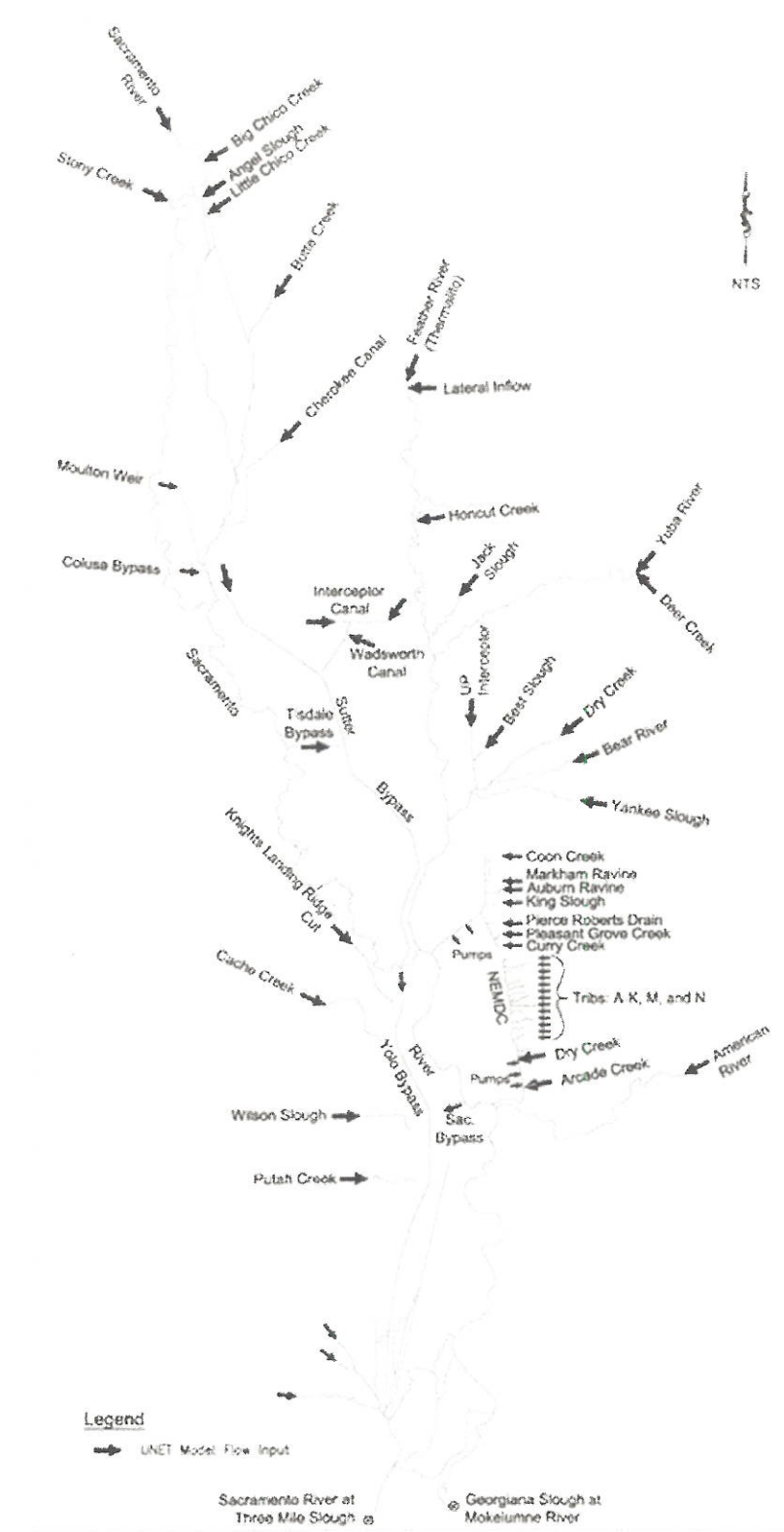


Figure 3. Hydraulic Model Extents





Figure 4. Hydraulic Model Cross-section Locations at Project

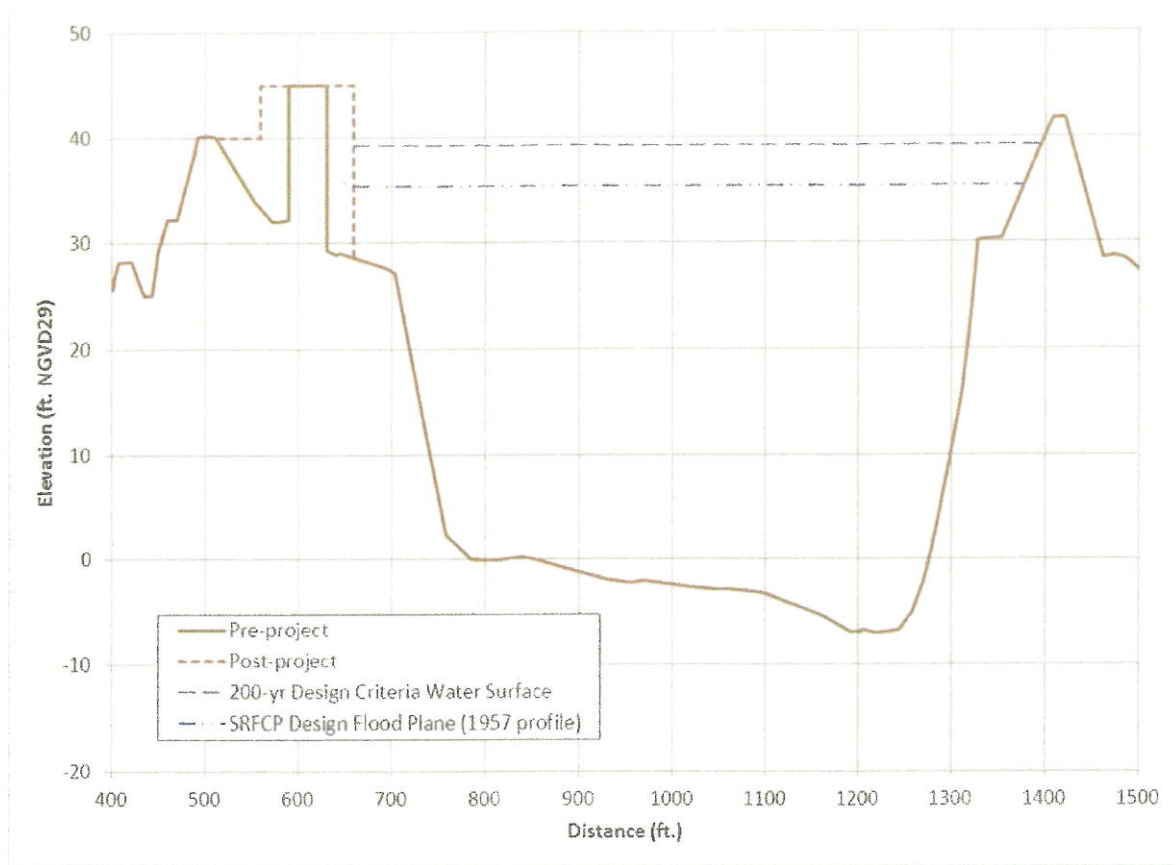


Figure 5. Model cross-section 72.75, Pellissier residence location (looking downstream)

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Water Resources ♦ Flood Control ♦ Water Rights

JOSEPH D. COUNTRYMAN, P.E.  
 GILBERT COSIO, JR., P.E.  
 MARC VAN CAMP, P.E.  
 WALTER BOUREZ, III, P.E.  
 RIC REINHARDT, P.E.  
 GARY KIENLEN, P.E.  
 DON TRIEU, P.E.

ANGUS NORMAN MURRAY  
 1913-1985

CONSULTANTS:  
 JOSEPH I. BURNS, P.E.  
 DONALD E. KIENLEN, P.E.

March 23, 2012

Cynthia Easton  
 Cynthia Easton Architects  
 4532 Freeport Boulevard  
 Sacramento, CA 95822

Dear Ms. Easton:

A hydraulic impact analysis of proposed improvements to the Pellissier residence, located at 7021 Garden Highway in Sacramento, California, was performed by MBK and documented in a Technical Memorandum, dated August 8, 2011, with the subject "Hydraulic Impact Analysis of Pellissier Residence Improvements". The Central Valley Flood Protection Board (CVFPB) noted the existence of an unpermitted gazebo on the property (see Figure 1), and expressed the need for assurance that it would not have any impact on flood flows and water surface elevations.

The gazebo is an open structure (see photographs attached as Figures 2, 3 and 4) and would not significantly impede the flow of water when submerged. Based on the very small encroachment area of the gazebo, and the negligible impact of the relatively large encroachment of the house improvement, as documented in the August 8, 2011 Technical Memorandum; it is my professional opinion that the gazebo structure will have no impact on the Sacramento River Flood Control Project design flood or the DWR proposed Urban Levee Design Criteria flood water surface elevations.

Sincerely,  
 MBK ENGINEERS

Michael Archer, P.E.



MA/ps  
 2442/CYNTHIA EASTON 2012-03-23.DOCX









Figure 2.



Figure 3.



Figure 4.

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## ORDER OF THE RECLAMATION BOARD

Application No. 3914The application of Herman G. and Violet H. Schultz  
Name5705 San Marcos Way  
AddressNorth Highlands, California  
City and State

for approval of plans to clear land, construct a dwelling with garage,  
fill, drill well, install septic tank and swimming pool and grade  
drive on the left bank Sacramento River, Lot 137, National Tikhona  
Subdivision, Sacramento County

having been set for hearing on the 5th day of April, 1962, 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:

**ONE:** That this order, with its terms, conditions, and reservations, shall be ineffective for any purpose whatsoever until  
 applicant, or the duly authorized agent thereof, shall accept in writing, and agree 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, phone HIckory 5-4711, local 5574, at least three days prior to commence-  
 ment 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 the floor of the dwelling shall be placed at least 2'  
 above flood plane elevation which is 38.5' USND Datum.

**SEVEN:** That any trees or brush cleared from the area shall be com-  
 pletely burned or otherwise disposed of outside the overflow area of  
 the Sacramento River.

**EIGHT:** That no construction of any nature shall be done within 30'  
 of the top of the river bank.

**NINE:** That the applicant shall erect no fences or structures upon  
 any portion of the levee.

**TEN:** That no material or equipment shall be stored on the levee  
 crown or slopes.

(OVER)

ELEVEN: That any proposed power pole shall be located a minimum of 5' from the waterward toe of the levee.

TWELVE: That the applicant shall, when developing the driveway and fill, use imported material.

THIRTEEN: That no trees or shrubs shall be permitted on the levee section unless a specific application is submitted for this purpose.

FOURTEEN: That the applicant shall maintain the project works in the utilized area in the manner required and as requested by the authorized representative of Reclamation District 1000, or any other agency responsible for maintenance.

FIFTEEN: That the applicant shall conform with the standards which were adopted by the Reclamation Board for the "Sacramento River, American River to Hatoma Canal".

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 10th day of April, 19 62

  
HOWARD J. SULLIVAN  
Assistant Secretary

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 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 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.

Norman C. Schultz

Signature

Title

Violet M. Schultz

Signature

Title