

American River Flood Control District
Central Valley Flood Protection Board Permit Application
Fence at Levee Toe – 5119 Teichert Avenue (James)
Staff Report

Discussion:

The homeowner at 5119 Teichert Avenue in River Park, Ms. Aileen James, submitted an encroachment permit application to permit an existing chain-link fence at the landside levee toe.

There is an existing permit associated with encroachments at this location that recognize the existence of stairs, terracing, and vegetation. The permit was originally issued to a previous resident in 1969. The current homeowner, Ms. James, applied for a name change from the Central Valley Flood Protection Board and was approved in November 2020.

The CVFPB noted that there is an existing unpermitted chain-link fence at this location that was not approved under the original permit or the name change. Ms. James submitted the attached encroachment permit application to retain the existing fence at the toe of the levee.

The District noted the presence of this fence in their 1999 property boundary survey of River Park. All neighbors along the levee were notified in writing at that time if there were unpermitted encroachments associated with their parcel extending onto the levee parcel. A notification letter was sent to the resident of 5119 Teichert Avenue indicating the fence was approximately 5-feet encroached onto the levee parcel.

The District updated the property boundary survey in 2011. The newer survey indicates that the fence is 4.9-feet encroached at the upstream corner of the parcel and 5.2-feet encroached at the downstream corner.

The Board of Trustees has worked with homeowners in the past to place fences at the property line. When an existing encroached fence needs to be replaced, the District has offered to split the cost of the new fence if it is located at the property line. Any new fences being constructed are required to be placed either on the property line or on the resident's side of the parcel boundary.

The CVFPB typically requires that all fences must be no closer than 10-feet from the levee toe. The CVFPB can consider granting a variance but the applicant must submit an encroachment permit application for the encroachment to be considered for the variance.

The current fence at 5119 Teichert Avenue touches the levee toe and does not allow for a walking path at the toe for levee maintenance. If the fence were located on the property line, a maintenance path could allow for better access to maintain the levee.

Recommendation:

The General Manager recommends that the Board of Trustees seek to have the fence placed on the property line. This location would be approximately 5-feet off the levee toe and would need an encroachment permit from the CVFPB. This recommendation includes endorsement of a 'to be revised' permit application that would have the fence placed on the property line.

**Aileen James Name Change Request
CVFPB Permit # 6504-1**

**Property Address: 5119 Teichert Avenue
Sacramento, CA 95819**

Tim Kerr and Justin Logan

Email: tkerr@arfed.org; justin.logan@cvflood.ca.gov

DEAR TIM KERR AND JUSTIN LOGAN,

Regarding Variance Approval Re: Original Permit #6504-1 Name Change Request:

- Metal fencing around current retaining wall area

I am requesting a variance approval of an existing metal fence, which was established when the original retaining wall was built in 1969. Since a name change permit is being processed to move the name from the original owner, Garnet M. Rusch Revocable Trust to mine, I am told by Justin Logan that the language of the original permit does not cover this structure, and it requires a variance be granted. I would like to request that this structure remain intact as a variance for the following reasons:

1. It provides full visibility for inspections down to the ground floor since it is chain linked.
2. It provides safety to the public from the outside by safe-guarding walking areas that could cause tripping, such as plants, stones and steps that are used as both a rock garden and dog run.
3. It provides safety from the south end of the encroachment facing upwards towards the levee for dogs and the resident.
4. It prevents unnecessary loitering and trespassing and deters interest by preventing the public from walking down onto the wall.
5. It facilitates maintenance of fruit trees, ornamental trees, plants and shrubs as it forms a border to debris brought in by wind.
6. It deters erosion by allowing ground cover such as erodium to be planted.
7. It slows snakes and other wildlife from moving onto lower property.
8. It is a solid structure and in great shape – it withstands natural forces and will not shift and move in a flood event.

It is understood that if future maintenance and repair is needed, I am responsible for those repairs and/or necessary improvements and potential upgrades; good visibility will be maintained through the fence.

As the name change is nearing the signature/approval phase, please approve the stay of this structure as part of the current name change permit which has been in existence for over 30 years and is still in great shape.

Sincerely,

Aileen Donna James, Nov. 5, 2020

Aileen Donna James, Home Owner
Enclosure

APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMIT

Application No. _____ (For Office Use Only)

1. Description of proposed work being specific to include all items that will be covered under the issued permit.

The purpose of this form is to approve an existing metal fence that was installed when permit #6504-1 was granted in 1969, but not mentioned in the permit. It is a sound structure (see photos). As the current homeowner, I commit to its maintenance, repair, and upgrade as needed. It will remain visibly open in view to allow ease in inspections.

2. Project Location: 5119 Teichert Avenue County, in Section Sacramento Township: Sacramento (N) (E) (S), Range: (W), M. D. B. & M. Latitude: Longitude: Stream: , Levee : Designated Floodway: APN: 005-0041-010-0000

3. Aileen D James of 5119 Teichert Avenue Name of Applicant / Land Owner Address Sacramento CA 95819 916-451-7878 City State Zip Code Telephone Number adjames@comcast.net E-mail

4. N/A of Name of Applicant's Representative Company City State Zip Code Telephone Number E-mail

5. Endorsement of the proposed project from the Local Maintaining Agency (LMA):

We, the Trustees of _____ approve this plan, subject to the following conditions: Name of LMA

- Conditions listed on back of this form Conditions Attached No Conditions

Trustee Date Trustee Date Trustee Date Trustee Date

APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMIT

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

Name	Address	Zip Code

7. Has an environmental determination been made of the proposed work under the California Environmental Quality Act of 1970? Yes No Pending

If yes or pending, give the name and address of the lead agency and State Clearinghouse Number:

SCH No. _____

8. When is the project scheduled for construction? existing

9. Please check exhibits accompanying this application.

- A. Regional and vicinity maps showing the location of the proposed work.
- B. Drawings showing plan view(s) of the proposed work to include map scale.
- C. Drawings showing the cross section dimensions and elevations (vertical datum?) of levees, berms, stream banks, flood plain,
- D. Drawings showing the profile elevations (vertical datum?) of levees, berms, flood plain, low flow, etc.
- E. A minimum of four photographs depicting the project site.


 Signature of Applicant

11/5/20
 Date

Include any additional information:





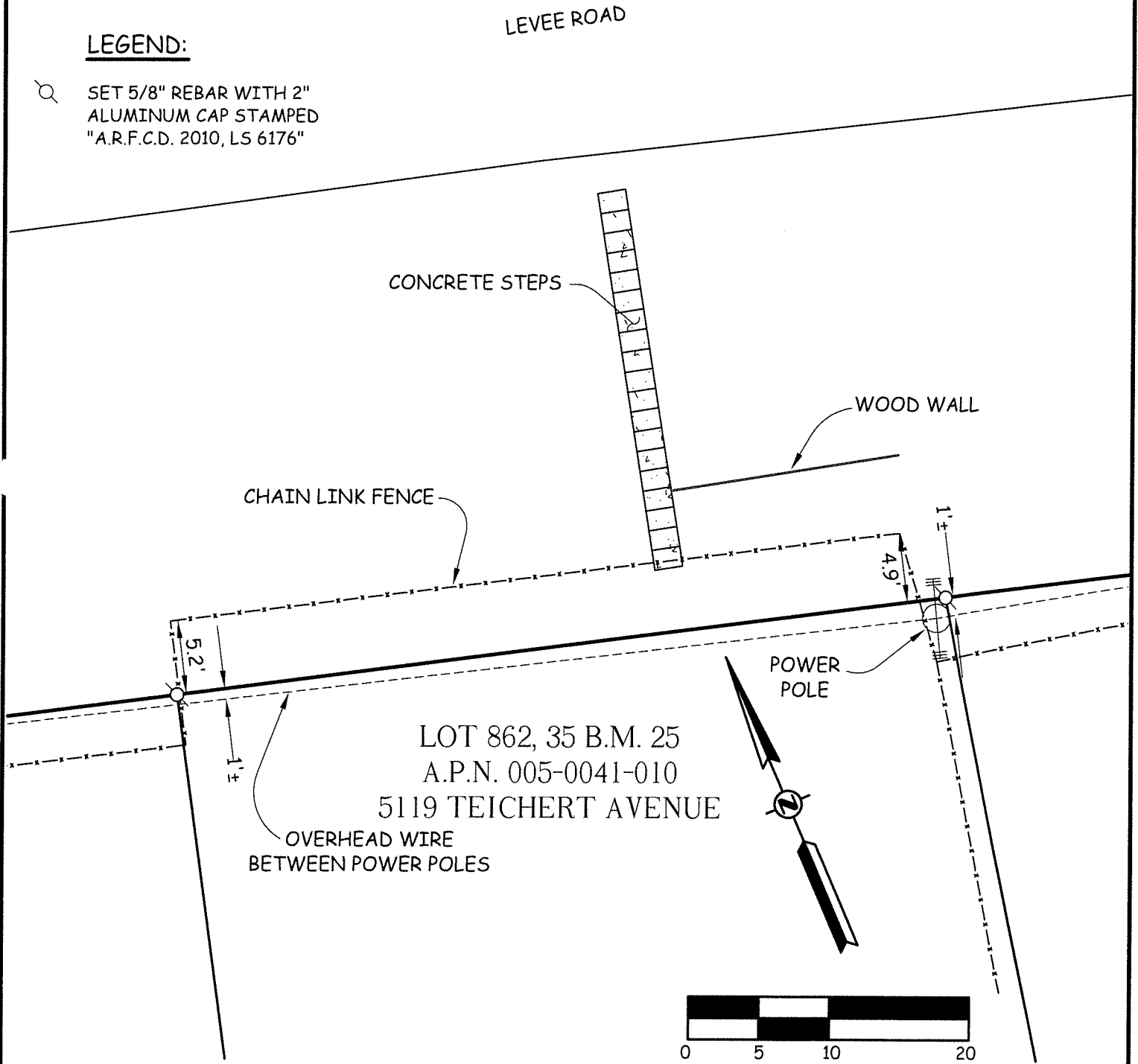


NOTE:

REFER TO RECORD OF SURVEY PER
81 R.S. 9 FOR COURSE AND RECORD
INFORMATION.

LEGEND:

⊙ SET 5/8" REBAR WITH 2"
ALUMINUM CAP STAMPED
"A.R.F.C.D. 2010, LS 6176"



K.S.I. Kindle Surveying, Inc.
7844 Madison Avenue, Suite 108
Fair Oaks, CA 95628
PH: 916-966-5500 FAX: 916-966-5503



ENCROACHMENT EXHIBIT
LOT 862
RIVER PARK UNIT NO. 6, 35 B.M. 25
SACRAMENTO, CALIFORNIA
A.P.N. 005-0041-010 5119 TEICHERT AVENUE

SHEET NUMBER
23
Page 1072 SHEETS