



COUNTY OF LAKE
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Item 6a
9:05 AM
May 14, 2026

TO: Planning Commission

FROM: Mireya G. Turner, Community Development Director; Pawan Upadhyay, Water Resources Director; Todd Abbott, Water Resources Program Coordinator; and Michelle Irace, Senior Planner

DATE: May 14, 2026

SUBJECT: Consideration of Lakebed Encroachment Permit and Variance for the Spina Floating Dock Project (PL 25-294), located at 8435 Palace Dr, Kelseyville (APN 044-501-25).

EXECUTIVE SUMMARY

Action Requested: The Planning Commission will consider a request for Lakebed Encroachment Permit and Variance from the County’s Shoreline Ordinance for the Spina Floating Dock Project. The Project proposes the removal of the existing floating dock and gangway, replaced with a 3 ft x 18 ft gangway and an 8 ft x 48 ft floating dock, which requires a Lakebed Encroachment Permit from the County of Lake Water Resources Department, in accordance with Chapter 23, Clear Lake Shoreline Ordinance, of the Lake County Municipal Code (“Shoreline Ordinance”). The current existing structure is a deck, gangway, and a 10 ft x 40 ft floating dock secured by two wooden pilings. Section 23-6.2(B) requires 10 ft offsets from the property lines to the lakebed structures. The structure is non-conforming because there are not adequate property line offsets. To support the continued use of an existing floating dock, the applicant seeks a Variance from the following section of the Shoreline Ordinance. Please refer to the Project Description and Staff Analysis portions of this Staff Report for more information. Application materials are included in Attachment 1.

Per Section 23-4.6(C) of the [Shoreline Ordinance](#), Planning Commission Review, the Planning Commission is the discretionary approval body for Lakebed Encroachment Permits where an applicant requests a variance.

Project Overview and Background: The project site is developed with a single-family home and dock. The parcel is similar to a ‘flag lot’, meaning that it is located along Palace Drive, and not directly adjacent to the lake. However, there is a 10 ft wide strip of land that goes from the main part of the property to the lake. The current existing structure consists of a deck, gangway, and 10x40 ft floating dock secured by two wooden pilings that are on the property lines with a zero (0) to one (1) ft setback. There is no permit history or inventory of the lakebed structure. However, the lakebed maps are annotated with “83” indicating that the structure has been in place since around 1983.

Section 23-6.2(A) requires 10 ft offsets from lakebed structures to property lines. Portions of the Shoreline Ordinance was originally adopted in 1976 and the entire code was amended in 1983. The portion of the Ordinance regulation the noted setback was adopted in 1999 and amended in 2003. As such, because the existing dock was constructed prior to 1999 it is considered an existing nonconforming structure.

Figure 1- Project Location



Source: Lake County GIS Portal

PROJECT SUMMARY

The project proposes the following:

- Demolition of the existing 10 ft x 40 ft gangway and dock.
- Construction of a 3 ft x 18 ft gangway.
- Construction of an 8 ft x 48 ft floating dock.
- Two existing pilings will be used to secure the structures.

Construction is anticipated to take up to two weeks. Construction activities will take place Monday through Friday, 8:00 a.m. to 5:00 p.m. Equipment utilized for construction would include a boat to remove the existing structure and to float new floating dock into place. All work would be conducted from a boat and/or the existing dock.

The owner proposes to replace the floating dock with a new floating dock of similar footprint, using existing pilings. Section 23-14.2 allows repairs to non-conforming structures. Section 23-14.2(A)(2) imposes a 50% rule:

“When the cost of necessary repairs of a non-conforming structure exceeds fifty percent (50%) of the total current replacement cost of the existing structure...the structure shall be repaired or re-constructed to conform with the provisions of this chapter...”

The structure could be repaired and stay within the 50% threshold. However, the owner would prefer to replace the floating dock and gangway. That level of work would exceed the 50% threshold.

Variance Request

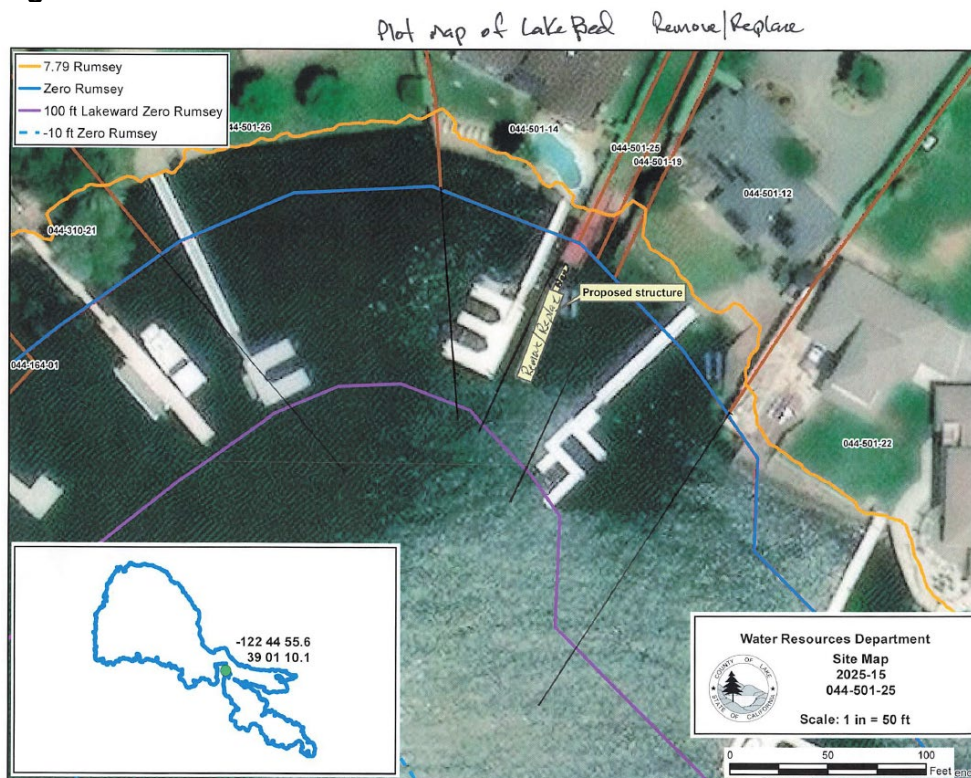
To support the development, the applicant seeks a Variance from the following section of the Shoreline Ordinance as a part of their Lakebed Encroachment Permit. The applicant is requesting that the new lakebed structure remain in the location of their existing structure (although they are proposing an 8 ft wide structure), which is existing nonconforming. The applicant’s property lines are angular and narrow (+/-10 ft), making it impossible to meet the 10ft setbacks on either side. See *Staff Analysis* section of the Staff Report for more information.

Section	Regulation	Proposal
Section 6.2(A) Placement of Piers, Docks, Buoys, Boat Ramps, etc.	The placement of all piers, docks, buoys, boat ramps or launching facilities shall be permitted only within an area and to a depth defined as follows: (A) An area within lines extended parallel to and ten feet (10') inward of property lines extending lakeward from the high water mark (7.79 feet Rumsey) into the foreshore and nearshore.	Replacement of current floating dock with a floating dock with a 1 ft side setback from the east and west parcel lines.

Figures 2 and 3- Existing Dock Facilities



Figure 4- Site Plan



Source: Application Materials

STAFF ANALYSIS

County of Lake General Plan and Zoning Ordinance

The parcel carries a General Plan Land Use designation of Low Density Residential (“LDR”) and a Zoning Designation of Single-Family Residential-Floodway Fringe-Waterway Combining-Special Lot Size/Density (“R1”-“FF”-“WW”-“B3”).

Accessory structures (dock, in this case) are allowed as a use ‘by right’ to an established residential use in the R1 zoning District. The General Plan also supports single family residential development in the LDR designation and access to/recreation opportunities on the lake.

Shoreline Ordinance- Lakebed Encroachment Permit and Variance

Development within the shoreline and lakebed is subject to a Lakebed Encroachment Permit from the County Water Resources Department, in accordance with Chapter 23, Clear Lake Shoreline Ordinance, of the Lake County Municipal Code ([“Shoreline Ordinance”](#)).

The purpose of the Shoreline Ordinance is to, “Improve and protect the public's interest in the waters and the bed of the waters in and around Clear Lake, and to insure that the lands would be used for general statewide interests in furtherance of commerce, navigation, fishery, recreation and, wherever possible and appropriate, preservation of the land and waters in their natural state by establishing minimum standards for the construction, alteration, removal and maintenance of structures or other prescribed activities in the nearshore and foreshore of the lake.” Section 5.2

of the Shoreline Ordinance contains findings related to navigable waters, commerce, recreation, protection of natural resources, etc. for issuance of an administrative encroachment permit.

According to subsection 23-16, *Variances*, of the Shoreline Ordinance,

“16.1 The Planning Commission may grant variances from the terms of this chapter only if it is found that because of special circumstances or unique conditions applicable to the property involved, a strict application of the provisions of this chapter works a hardship (other than economic) on the property. Where such conditions are found, the variance permitted shall be the minimum departure from existing regulations necessary to avoid such hardship, to facilitate a reasonable use, and which would not create significant probabilities of harmful environmental consequences. In no case may a variance be granted that would provide the applicant with privileges not enjoyed by other similarly regulated properties.”

Section 16.2 notes that before granting any variance from the terms of this chapter, the Planning Commission shall find that the proposed use, operation, alteration, construction, or activity would: further a general statewide interest; be consistent with the public rights of commerce, navigation, fishery, recreation and preservation of the project site in its natural state; would not result in substantial interference with public use of the lake's navigable waters; and does not violate any other provision of law.”

The current existing structure is a deck, gangway, and a 10 x 40 ft floating dock secured by two wooden pilings. The applicant is proposing replacing the structure with a 3 x 18 ft gangway and an 8 x 48 ft floating dock in the same location. Section 23-6.2(A) of the Shoreline Ordinance requires 10 ft offsets from lakebed structures to property lines. Portions of the Shoreline Ordinance was originally adopted in 1976 and the entire code was amended in 1983. The portion of the Ordinance regulation the noted setback was adopted in 2003 (Ord. No. 2664). As such, because the existing dock was constructed prior to 1999 it is considered an existing nonconforming structure.

The project parcel presents unique circumstances due to its shape and size. Specifically, the portion of the project parcel that extends to the lake, is approximately 10 ft wide, making it impossible to meet a 10 ft setback on either side. While the proposed dock would be nonconforming with the setbacks, the applicant proposes an 8 ft dock that is two feet (2 ft) narrower than the existing 10 ft wide dock. Enforcement of the setbacks to the parcel would prevent any development of the shoreline for the applicant and their access to recreation. Based on a review of aerial imagery and Lakebed Management records, there are also examples of similar allowances exist on the lake, and in the general area. Note that the parcel configuration of having a narrow strip of land to provide lake access is not unique. For example, the adjacent property also has a 10 ft strip of land that goes from the main part of the property to the lake and has a boat ramp. There are also other properties similarly configured that have lakebed structures.

As proposed, the repair and replacement of the floating dock would not be incompatible with surrounding uses, and would not result in substantial interference with public use of the lake's navigable waters. The applicant is required to submit a site plan with surveyed parcel lines and the proposed structure prior to issuance of the building permit to ensure the facilities do not encroach onto neighboring property. The dock would not be incompatible with existing nearshore and foreshore uses or structures on or in the immediate vicinity of the littoral parcel. Construction of the dock would be completed from a barge on the water and no land disturbance would occur. The applicant is required to obtain a Lake and Streambed Alteration Agreement from CDFW and will

abide by all conditions contained therein. As such, the project would not significantly impact the fish, wildlife, or the lake. See *Environmental Review* section below for more information.

Based on the aforementioned, the Water Resources Department, Lakebed Management, has determined that the above findings can be made to grant issuance of the Lakebed Encroachment Permit and Variance.

ENVIRONMENTAL REVIEW

Pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15303, Replacement or Reconstruction. These exemptions allow for the new construction of primary and accessory structures, as well as replacement of existing facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Examples listed include but are not limited to: construction of new homes, pools, decks, garages, and replacement or reconstruction of existing schools and hospitals, commercial structures, existing utility systems and/or facilities involving negligible or no expansion of capacity. Consistent with this section, the project includes construction of a small accessory structure (dock) to a parcel developed with a single-family home.

Lakebed disturbance has the potential to impact Tule habitat and the Clear Lake hitch. According to the Habitat Evaluation completed by the Department of Water Resources for the Encroachment Permit (Attachment 2), Tules are present on the adjacent (east) parcel; however, none are located on the project parcel and they would be avoided. To further avoid any potential impacts to the Clear Lake Hitch, all activities resulting in lakebed disturbance of Clear Lake shall be conducted between October 15 and December 31. The applicant is also required to obtain a Lake and Streambed Alteration Agreement from California Department of Fish and Wildlife. Lastly, based on a query of the California Department of Fish and Wildlife's Natural Diversity Database (CNDDDB), there are no documented occurrences of special status species or habitat on the project parcel. As such, no biological resources would be significantly impacted.

There are no known recorded cultural resources on-site. Lastly, a request for review and opportunity to comment was provided to all Lake County Tribes, but no adverse comments were received.

The project and site do not contain any of the exceptions listed in Section 15300.2 of the CEQA Guidelines that would result in the project qualifying for Categorical Exemption. These include the presence of hazardous waste sites, damage to scenic highways, substantial adverse change to a historical resources, and significant cumulative impacts.

The Lake County Community Development Department has determined that the project will not have a significant effect on the environment and the project can be exempt from further review under Section 15303.

RECOMMENDATIONS

Staff recommends the Planning Commission take the following actions:

- A. Find that the Spina Floating Dock Project (PL-25-294) can be categorically exempt from further CEQA review pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15303, Replacement or Reconstruction with the following findings:
 1. Consistent with the criteria within this exemption, the project includes construction (replacement) of a small accessory structure (dock) to the single-family residence that is developed on the parcel.
 2. The project was routed to departments and agencies (including local tribes) with jurisdiction or interest over the project, and no adverse comments were received. All regulatory permits will be obtained.
 3. Construction would be temporary and performed from the water, avoiding impacts to the shoreline and vegetation.
 4. In accordance with CDFW and Water Resources Department regulations, all work would be performed outside of the 'Hitch Window', unless otherwise authorized by CDFW.
 5. The project and site do not contain any of the exceptions listed in Section 15300.2 of the CEQA Guidelines that would result in the project qualifying for Categorical Exemption.

- B. Approve the Spina Floating Dock Project (PL-25-294) which includes the Lakebed Encroachment Permit and Variance allowing relief from the setbacks noted in Section 6.2(A) of Chapter 23, "Shoreline Ordinance", of the Lake County Code, with the following findings.

The Project would:

1. Further a general statewide interest; and
 2. Be consistent with the public rights of commerce, navigation, fishery, recreation and preservation of the project site in its natural state; and
 3. Not result in substantial interference with public use of the lake's navigable waters; and
 4. Not violate any other provision of law.
- C. Approve Lakebed Encroachment Permit for the Spina Project (PL-25-294), in accordance with Sections 5.1 and 5.2 of the Shoreline Ordinance, based on the following findings:
 1. That the project would not cause significant harm to:
 - A. The water quality of the lake, including but not limited to its clarity, temperature, color, taste and odor.
 - B. The nearshore and foreshore.
 - C. The land underlying the lake.
 - D. Fish and other aquatic forms of life, their habitats, their breeding and spawning grounds.
 - E. The natural beauty of the area.
 - F. Navigation, safety, or health.
 - G. The long-term preservation of the project site in its natural condition.
 - H. Archeological or historical resources of state-wide significance.
 - I. The wetlands.

 2. That the project would:

Spina Variance and Lakebed Encroachment Permit (PL-25-294)

- A. Be in furtherance of general statewide interest.
- B. Not be inconsistent with the public rights of commerce, navigation, fishery, recreation, and preservation of the project site in its natural state.
- C. Not result in substantial interference with public use of the lake's navigable waters.
- D. Be supported by sufficient accessory uses to accommodate the proposed construction or use.
- E. Not violate any other provision of law.
- F. Not be incompatible with existing nearshore and foreshore uses or structures on or in the immediate vicinity of the littoral parcel.

SAMPLE MOTIONS

Categorical Exemption

I move that the Planning Commission find that the Spina Floating Dock Project (PL-25-294) located at 8435 Palace Dr, Kelseyville (APN 044-501-25), can be categorically exempt from further CEQA review pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15303, Replacement or Reconstruction, based on the findings in the staff report dated May 14, 2026, and subject to the conditions in Attachment 3.

Lakebed Encroachment Permit

I move that the Planning Commission approve the Lakebed Encroachment Permit for Spina Floating Dock Project (PL 25-294), located at 8435 Palace Dr, Kelseyville (APN 044-501-25), based on the findings in the staff report dated May 14, 2026, and subject to the conditions in Attachment 3.

Lakebed Encroachment Permit Variance

I move that the Planning Commission approve the Variance for the Spina Floating Dock Project (PL 25-294), located at 8435 Palace Dr, Kelseyville (APN 044-501-25), based on the findings in the staff report dated May 14, 2026, and subject to the conditions in Attachment 3.

NOTE: *The applicant or any interested person is reminded that the Lake County Municipal Code (Chapter 23, Shoreline Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh day following the Planning Commission's decision on this matter.*

ATTACHMENTS:

1. Application Materials
2. Habitat Evaluation Prepared by the Lake County Water Resources Department
3. Draft Conditions of Approval
4. Agency Comments