



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225
Courthouse - 255 N. Forbes Street

Item 2
9:15AM
March 9, 2017

STAFF REPORT

TO: Planning Commission

FROM: Robert Massarelli, Community Development Director
Prepared by: Keith Gronendyke, Associate Planner *KG*

DATE: February 27, 2017

SUBJECT: Administrative Appeal of Categorical Exemption CE 16-64
Supervisor District 5

ATTACHMENTS:

1. Vicinity Map
2. Appeal form and submitted attachments from appellant
3. Aerial
4. Site Plan, facilities plan, site photographs
5. Request for CEQA review form
6. Notice of Exemption

I. PROJECT DESCRIPTION

Project Name: Chien-LeValley Administrative Appeal

Application: Administrative Appeal (AA 16-02)

Appellant: Diana Chien-LeValley

Original Project Applicant: Lauri Dohring, the president of the Bell Haven Homeowners Association,

Project Summary: The above noted original project applicant applied to the Community Development Department for a CEQA Lakebed Permit to determine if the removal of the existing boating structure consisting of a long pier with docking facilities at the end and the subsequent construction of a five foot by two-hundred foot walkway, a fifteen and one-half foot by twenty-nine foot covered boat lift, a twenty-four foot by twenty-four foot sitting pavilion, a fifty-eight foot by twenty-four foot floating dock and the driving of twenty-one new pilings into Clear Lake could have significant effects upon the environment. Planning staff determined that the project qualified for a Class 2 California Environmental Quality Act exemption (replacement or reconstruction) and issued a Notice of Exemption for Categorical Exemption (CE 16-64).

Subsequent to this, Diana Chien-LeValley filed an appeal, which is discussed further in this report.

Location:	6460 Soda Bay Drive, Kelseyville CA
APN:	044-030-01, 044-040-01, 044-050-01 and 044-070-01
Parcel Size:	.27 acres (18,295 sq. ft.) total of combined parcels associated with the Bell Haven Homeowners Association
Land Use:	All parcels Public Facilities (General Plan Designation)
Zoning:	All parcels Open Space
Flood Zone:	N/A
Slope:	N/A
Prior Permits:	Prior permits include a Variance (VR01-01) to allow the existing facilities to be constructed eighty-two feet beyond the maximum distance of one-hundred feet past Zero Rumsey as stipulated by the County of Lake's Shoreline Ordinance. This variance was approved by the Planning Commission in 2001. Additionally, a building permit to construct the proposed facilities also has been applied for, but has not been issued because of the appeal filed by Ms. Chien-LeValley.

II. APPEAL BACKGROUND

The appellant, Diana Chien-LeValley appealed staff's environmental determination to issue a Class 2 Categorical Exemption for the Lakebed Encroachment Permit. The appeal states that the proposed project will have a significant effect on the environment and, thus, should require further environmental review in the form of an Initial Study. The appellant cites the large size of the proposed structure and its determined environmental effects as being factors to determine that the project is not categorically exempt from the requirements of CEQA. Ms. Chien-LeValley also cited the high cost of the proposed structure as being an issue, although cost does not apply to CEQA reviews.

III. SHORELINE ORDINANCE SECTION 23-4 PERMIT PROCEDURE

23-4.4 Application Requirements

- (A) Applicants for any permit required pursuant to the terms of this chapter shall submit the application and information required to Lakebed Management. No permit shall be issued unless the application is complete and there is compliance with all the requirements of this chapter.

Provided to Water Resources Department

(B) Information Report

- (1) Applicants for any permit required pursuant to the terms of this chapter shall provide such information and reports as are required by Lakebed Management. In establishing the information and reports that shall be provided, Lakebed Management shall require such information and reports as will demonstrate the applicant's compliance with the provisions of this chapter and as will adequately depict:

- (a) the site;

Provided to Water Resources Department

- (b) The proposed construction or use and the nature thereof;

Provided to Water Resources Department

- (c) Existing conditions on and near the site;

Provided to Water Resources Department

- (d) Probable effects on the environment of the proposed construction or use;

Not provided to the Department of Water Resources.

- (e) Wetlands in the area;

A review of the County of Lake's GIS database indicates that there are no wetlands identified in the project vicinity.

- (f) The location of the property lines relative to the proposed project;

Provided to the Water Resources Department

- (2) Lakebed Management shall require a site water quality plan to be prepared that will detail procedures for containment when control of pollutants and/or erosion is required.

N/A

- (3) Lakebed Management shall submit permit applications to the Community Development Department for CEQA review.

All of the Permit application materials were submitted to the Community Development Department on August 28, 2016. These included the Request for CEQA Review form, a site plan with details of the proposed facilities and other information that is appurtenant to the project. (See attachment 4 of this report).

(4) When the Community Development Department determines that the proposed construction or use, because of its sensitive nature or proposed location, poses potentially significant environmental hazards, it shall require the applicant to provide such scientific analysis and expert opinion as will adequately explore the same.

The existing facilities consist of a long pier/dock, but is not nearly as wide as the proposed facilities (see attachment 3 of this report). The proposed facilities are to consist of a five foot by two-hundred foot walkway, a fifteen and one-half foot by twenty-nine foot covered boat lift and a twenty-four foot by twenty-four foot sitting pavilion, a fifty-eight foot by twenty-four foot floating dock and the driving of twenty-one new pilings into Clear Lake.

Staff determined that the project would not pose a significant hazard to the environment and prepared a Categorical Exemption (16-64 CE) for the project under Section 15302 Replacement or Reconstruction as the structure was being replaced by a structure approximately fifty-five feet wider than what already exists. While the new structure is significantly wider than the existing one, its length is to be the same. As such, the impacts can be expected to be similar.

This determination was made with the assistance of Water Resources and Public Works Department staff along with previous experience conducting analysis of other proposed boating facilities around the perimeter of Clear Lake.

(a) This information may be required in the form of an Initial Study or Environmental Impact Report pursuant to the requirements of the California Environmental Quality Act (CEQA).

As noted above, staff determined that this project was exempt from the requirements of CEQA, as it will not have any significant effects on the environment and thus qualifies for a Categorical Exemption (§ 15302). An initial study nor Environmental Impact Report was determined by staff not to be required.

(b) The Community Development Department may also require other information, feasibility studies, reports or environmental studies consistent with the Lakebed Encroachment Permit Environmental Review Policy as are reasonably necessary to evaluate shore zone applications.

The Community Development Department determined that the application materials contained sufficient information for staff to make a determination as to the possible environmental impacts of the project to the environment. As such, a Categorical Exemption was determined to be appropriate for the proposed boating facilities.

4.5 *Rejection of Application.* Any application for an Administrative Encroachment Permit submitted without sufficient information to adequately review a proposal or use may be

rejected by Lakebed Management Pursuant to Section 65943 of the Government Code. Any such rejection may be appealed to the Planning Commission or the Board of Supervisors pursuant to Section 23-4.10 for a decision on the adequacy of the application.

The Department of Water Resources of the Department of Public Works has not made a determination to reject the Administrative Encroachment Permit.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Based upon staff's review of submitted application materials it was determined that the project falls within a CLASS 2 CEQA exemption (replacement or reconstruction) and staff issued a Notice of Exemption (attachment 6 of this report).

V. RECOMMENDATION

Staff recommends that the Planning Commission deny the Administrative Appeal AA 16-02 with the following findings:

1. This project qualifies for a Class 2 exemption from CEQA, "Replacement or reconstruction of existing structures and facilities where the new structures will be located and will have a substantially the same purpose and capacity as the structure replaced".
2. The project was found to be consistent with the County of Lake's General Plan, the Rivas Area Plan and the Zoning Ordinance.

Sample Motion:

Appeal Denial

I move that the Planning Commission deny the administrative appeal, AA 16-02, of the approval of Categorical Exemption, CE 16-64 with the findings listed in the staff report dated February 27, 2017.

NOTE: The applicant or any interested person is reminded that the Zoning 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 calendar day following the Commission's final determination.

Reviewed by: mo



This map was prepared for
information purposes only.
No liability is assumed for
the accuracy of the data shown.
Source: Lake County GIS





COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

\$373

APPEAL TO PLANNING COMMISSION

Date: 12/17/2016

Project Name (if applicable): Bull Haven Resort New Pier & Dock Project

Appellant's Name: Diana Chien - LeOalley

Appellant's Mailing Address: 5500 Gaddy Lane, P.O. Box 1675

Kelseyville, CA 95451 Phone #: 408)509-3660

Appellant's Representative Self

Phone #: —

Location of Project: 3400 Dillard Ave, Kelseyville, CA 95451

Reference: 3415 White Oak Way, Kelseyville, CA 95451

Assessor's Parcel Number: 044-032-09 (044-032-04)

Previous Action Taken: Dec. 12th 2016, objection to Categorical Exemption for Bull Haven Resort Dock Project Date: 12/12/2016

Reason for Appeal: (Attach extra sheets if necessary)

Please see attached letter, dated 12/17/2016 - 2 pages with Two attachments:

1. Dec 12, 2016 Document Package submitted to Mr. Dedmon - 12 pages
2. Sept. 12, 2016 Document Package submitted to Mr. Webb - 19 Pages

Please call me or email me @ diana.chien2002@yahoo.com

Thank you!

[Signature]
Signature of Appellant/s

RECEIVED

payment CK #2017

\$373.00 - 12/17/2016

DEC 19 2016

FOR OFFICE USE ONLY

Appeal Number: AA-16-02

Fee: \$373

Date Received: 12/19/2016

Related File#: 16-17-0523 LAKE COUNTY COMMUNITY DEVELOPMENT DEPT.

Receipt #: PL16000307

Received By: MGT

ATTACHMENT 2

CR-FE-DR Kill Unit Schmit / Diet + 4 / 1611 Fina / 11/11/16/16

3430 Dillard Ave
Kelseyville, CA 95451
APN:044-032-06

December 17, 2016

County of Lake
Community Development Department
Planning Division
Court House
255 N. Forbes Street
Lakeport, CA 95453

Subject: APPEAL TO PLANNING COMMISSION
Objection to Categorical Exemption for Bell Haven Resort Dock Project -
"Remove existing structure, Construct new pier and boat dock"

Dear Sirs,

I am writing to you to object to the Categorical Exemption (CatEx) issued on November 14, 2016 for the Bell Haven Resort Dock, the proposed project, 3400 Dillard Ave., Kelseyville, CA 95451 further described as APN 044-032-09. Lakebed Sheet Number 082 of 267. I am one of the home owners of the Bell Haven Resort, a member of the Bell Haven Home Owners Association; address 3415 White Oak Way, Kelseyville, CA 95451.

Please see the attached two document packages:

1. **Objection to Categorical Exemption for Bell Haven Resort Dock Project -**
"Remove existing structure, Construct new pier and boat dock", submitted December 12 2016
2. **Objection to Administration Lakebed Permit application from Doug and Laurie Dohring**
"Remove existing structure, Construct new pier and boat dock", submitted September 12, 2016

For you information, the Bell Haven Resort Development Project is now under litigation. The following is the Case information for your reference and research:

SUPERIOR COURT OF LAKE COUNTY, CALIFORNIA, LAKEPORT DIVISION, Dept 2

Honorable Judge: Richard C. Martin

Case No. CV416816, Date Action Filed: November 8, 2016

DIANA CHIEN-LEVALLEY, as individual Plaintiff

Vs.

BELL HAVEN OWNERS ASSOCIATION, a California Mutual Benefit Corporation, as Defendant

LAURIE DOHRING, an individual, as Defendant

Trial Date: None Set

Date Temporary Restraining Order Granted: November 9, 2016

Superior Court of California, County of Lake, 255 N. Forbes Street, 4th Floor, Lakeport, CA

In additions to objecting to Categorical Exemption for Bell Haven Resort Dock Project, I respectfully request the Permit Issue Process to be "Continued" or "Stayed" to allow the legal process to resolve the disputes between the parties.

I further strongly object to this construction project as our current HOA dock is functioning well and we don't need a new dock/pier. Thank you for your consideration, please contact me anytime, by calling 408 509-3660 or email: dianachien2002@yahoo.com.

Best Regards

A handwritten signature in blue ink, appearing to read 'Diana Chien-LeValley', written in a cursive style.

Diana Chien-LeValley

Owner of Kingfisher

Member of Bell Haven Owners Association

Bell Haven Resort

REC'D DEC 12 2016

3430 Dillard Ave
Kelseyville, CA 95451
APN: 044-032-06

December 12th, 2016

Mr. Scott DeLeon
Public Work Director
Water Resources Dept
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

cc: Robert Massarelli
Director of Community Development

Subject: Objection to Categorical Exemption for Bell Haven Resort Dock Project -
"Remove existing structure, Construct new pier and boat dock"

Dear Mr. DeLeon,

I am writing to you to object to the Categorical Exemption (CatEx) issued on November 14, 2016 for the Bell Haven Resort Dock, the proposed project, 3400 Dillard Ave., Kelseyville, CA 95451 further described as APN 044-032-09. Lakebed Sheet Number 082 of 267. I am one of the home owners of the Bell Haven Resort, a member of the Bell Haven Home Owners Association; address 3415 White Oak Way, Kelseyville, CA 95451.

The Clearlake Marine Construction was awarded the new dock/pier Contract, an extensive construction project; please see the detail job proposal (ATTACHMENT A).

This Bell Haven Resort "New Pier and boat dock" is a new construction of a grand scale. It will have significant effect on the environment. There is a need for further research and review by the Planning Department of Community Development of Lake County to assess the impact of the proposed new dock to the environment and surrounding neighborhood.

Categorical Exemption are adopted by the California Secretary for Natural Resources and incorporated into the State CEQA Guidelines. Through Public Resources Code Section 21084, the California Legislature directed the Secretary of Natural Resources to include within the State CEQA a list of the project "classes" which the Secretary determines do not have a significant effect on the environment and therefore shall be exempt from CEQA review.

State CEQA Guidelines Section 15301 through 15333 describes the following 33 "classes" of Categorical Exemptions (referred to as Class 1, Class 2, etc.)

1. Existing facilities;
2. Replacement or reconstruction of existing structures and facilities;
3. New construction or conversion of small structure;
4. Minor alterations to land;
5. Minor alterations in land use limitations;
6. Information collection;
7. Actions by regulatory agencies for protection of nature resources;

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4-2
Objection to Categorical Exemption for Bell Haven Resort Dock Project

DEC 19 2016

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

8. Action by regulatory agencies for protection of the environment;
9. Inspections;
10. Loans;
11. Accessory structures;
12. Surplus government property sales;
13. Acquisition of lands for wildlife conservation purposes;
14. Minor additions to school;
15. Minor land divisions;
16. Transfer of ownership of land in order to create parks;
17. Open space contracts or easement;
18. Designation of wilderness areas;
19. Annexations of existing facilities and lots for exempt facilities;
20. Changes in organization of local agencies;
21. Enforcement actions by regulatory agencies;
22. Educational or training programs involving no physical changes;
23. Normal operations of facilities for public gatherings;
24. Regulations of working conditions;
25. Transfer of ownership of interest in land to preserve existing natural conditions and historical resources;
26. Acquisition of housing for housing assistance programs;
27. Leasing new facilities;
28. Small hydroelectric projects of existing facilities;
29. Cogeneration project at an existing facilities;
30. Minor actions to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of hazardous waste or hazardous substances;
31. Historical resources restoration or rehabilitation;
32. In-fill development projects; and
33. Small habitat restoration projects

For your reference, Attachment B is Page 3 to Page 6 of "Title 14", Section 15301-15303 – The California Environmental Quality Act (CEQA), Title 14. California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, Article 19. Categorical Exemptions, Section 15300 to 15333. The entire Title 14 can be accessed: <http://resources.ca.gov/ceqa/guidelines/art19.html>

Referencing the above Title, the large scale, new construction of Bell Haven HOA new Dock Project, "Remove existing structure, Construct new pier and boat dock" that has a construction cost of \$314,000 **does not fit the 33 "classes" of Categorical Exemption defined in the CEQA Guidelines, this project must be subject to a CEQA review.**

The new construction includes: 1. New 24'x24' fishing pier with hipped roof; 2. A new 250' pier using 170 feet of existing pilings (80' extended length of the pier) and the balance in new 8" 188 wall steel pilings; 3. Two new 3'x24' aluminum gateways; one new 16'x28' covered boat loft; new 1180 sqft U-shape floating dock; install new water lines and new electrical lines for entire length of the pier. This new construction is substantial with expanded length of the pier and expanded size of the floating dock, new functions/features include: fishing pier with hipped roof, two new gateways, a new boat lifts, new water and electrical facilities.

I thus formally request the Planning Department of Community Development Department or other appropriate authority of Lake County to conduct an Initial Study for the assessing the impact to the environment as required by the CEQA guidelines.

Additionally, for the record, I further object to this construction project as the current Bell Haven Resort dock is fully functional, a new costly dock that has an adverse impact to environment is totally unnecessary. Thank you for your consideration, please contact me anytime, by calling 408 509-3660 or email: dianachien2002@yahoo.com.

Best Regards,



Diana Chien-LeValley

CLEARLAKE MARINE CONSTRUCTION, INC.

P.O. BOX 187
Lakeport, California 95453
707-283-7275
Fax 263-3443
Cell 707-245-4323

PROPOSAL AND CONTRACT EFFECTIVE 6/17/2016

Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a contractor may be referred to the register of the board whose address is: Contractors' State License Board, 3132 Bradshaw Road, Sacramento, California 95827. Contractor's License: 479005

The undersigned acknowledge and agree that Clearlake Marine Construction, Inc. (hereinafter referred to as "Contractor") will furnish all materials and perform all labor on the following described real property owned by Bell Haven Association (hereinafter referred to collectively as "Owners"): 3415 White Oak Way, Kelseyville, CA 95451. Mailing: 3000 Cornwall Drive, Glendale, CA 91206.

1. See attached Addendum 1 for scope of work to be completed. This price does not include any permits, surveys, or inspection fees that may be required. Pilings greater than 10 ft will be charged at an additional cost of \$88 per foot. Any pilings that cannot be removed with equipment may require a diver at an additional cost. Any unforeseen obstacles on or below lake bottom may cause an increase in contract price. Property line boundaries are to be determined by the Owners.

All items listed on this document shall be part of this contract.

All of the above work to be completed in a workmanlike manner according to standard practices when the water levels allow Contractor access to the job site for the sum of: Three hundred fourteen thousand seven hundred sixty, \$314,760. Contract price includes \$8000 Dock Factory credit to Contractor.

Payments to follow:

- \$ 40,000 upon signature of contract
- \$ 81,805 after construction of all steel framing is completed at construction yard
- \$ 81,805 when pilings are driven
- \$ 81,805 after installation of steel structures
- \$ 29,345 upon completion

The entire amount of the contract shall be paid the day of completion.

Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing or will not be paid by Owners. This proposal shall be binding upon Contractor for a period not to exceed 30 days, unless earlier revoked by written notice of revocation prior to acceptance, at which time this proposal shall be terminated automatically. No contractual rights arise until this proposal is accepted in writing.

OWNERS' RIGHT TO CANCEL

Owners may cancel this agreement or offer at any time prior to midnight of the third day (excluding Sunday) after the day they signed the agreement or offer. If they cancel and they have already made some payment to the Contractor, the Contractor is entitled to retain out of the payment, as a cancellation fee, 5 percent of the cash price of the goods or services but in no event may the Contractor retain more than fifteen dollars (\$15.00).

Attachment A - 2

DocuSign Envelope ID: 6761CD07-716D-4081-86F8-0F479E6EEC1F

PERMITS

In the event any permit required by Lake County Building Department, Lakebed Management, the State of California, or any other government agency cannot be obtained, this Contract shall be null and void. All permits to be paid by owner.

WARRANTY

Contractor shall warrant all materials and workmanship for a period of one (1) year. If any problem is not resolved within 10 days, Owners may have the problem rectified by another contractor at Contractor's expense.

TIME OF THE ESSENCE

Time is of the essence for each provision of this Contract.

ACCEPTANCE

The above proposal is hereby accepted according to terms thereof and the Owners agree to pay the amounts mentioned in said proposal and according to the terms thereof.

NOTICE TO OWNER

Under the Mechanics' Lien Law, any contractor, subcontractor, laborer, material man or other person who helps to improve your property and is not paid for his labor, services or material, has a right to enforce his claim against your property.

Under the law, you may protect yourself against such claims by filing, before commencing such work or improvements, an original contract for the work of improvements or a modification thereof, in the office of the county recorder of the county where the property is situated and requiring that a contractor's payment bond be recorded in such office. Said bond shall be in an amount not less than fifty percent (50%) of the contract price and shall, in addition to any conditions for the performances of the contract, be conditioned for the payment in full of the claims of all persons furnishing labor, services, equipment or materials for the work described in said contract.

Mark Tanti

6/16/2016

Mark Tanti Contractor

Date

Laurie Dohring

6/16/2016

Laurie Dohring,

Date

Attachment A-3

Addendum 1 to Contract 6/22/2016
3415 White Oak Way, Berkeley, Ca
As prepared by AC Design Group

CLEARLAKE MARINE CONSTRUCTION, INC.

PO BOX 187
Lafayette, California 94501
707-382-7270
Fax 707-382-3643
Cell 707-245-4929

Line Item	Description of Work
1	General Construction
2	24'x24' floating pier with hipped roof
3	250' pier using 170 feet of existing pilings and the balance in 8" 188 wall steel pilings painted black. Decking material to be provided by owner and installed by contractor.
4	Two 3'x24' aluminum gangways. Decking to be grey vinyl provided and installed by contractor.
5	16'x28' covered, electric boat lift. Decking to be grey vinyl provided and installed by contractor.
6	Install four 8" 188 wall steel pilings, painted black.
7	1180 sq ft U-shaped floating dock as specified in new site plan drawing SK3
8	Demolish 170' of existing pier and retaining pilings.
9	Provide handrail on all decks, ramps, pavilion and walkways to be hogwire painted black. Handrail support posts and horizontal members to be tube steel construction per sketch SK3
10	1180 sq ft U-shaped floating dock as specified in new site plan drawing SK3
11	Provide and install Grey Vinyl decking, and install on all gangways, boat lift surfaces and floating dock.
12	Install water line entire length of pier with 3 hose bibs located per owners approval
13	Install electrical line from start of pier at shore to boat lift including boat lift, pavilion, and floating dock. Provide waterproof outlets per code and owners approval, and lighting 1-buses as needed in boat lift and pavilion. 2 1/2-buses with for owner provided pendant lighting or similar. Low voltage lighting located on every other handrail post and one aluminum ladder to be provided.

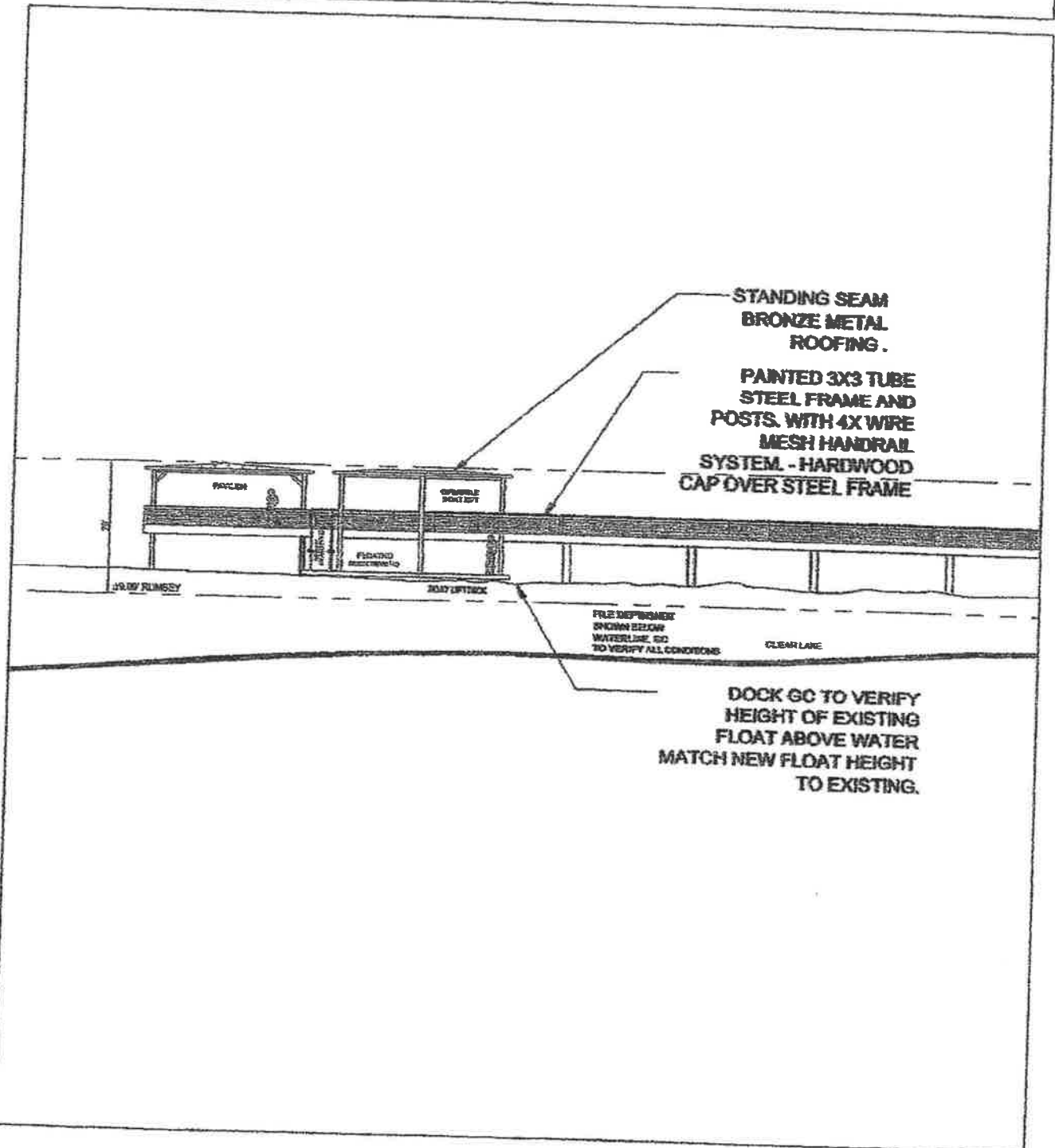
This price does not include any permits, surveys, or inspection fees that may be required. Pilings greater than 10 ft will be charged at an additional cost of \$53 per foot. Any pilings that cannot be removed with equipment may require a diver at an additional cost. Any unforeseen obstacles on or below lake bottom may cause an increase in contract price. Property line boundaries are to be determined by the Owners.

Attachment A - 4

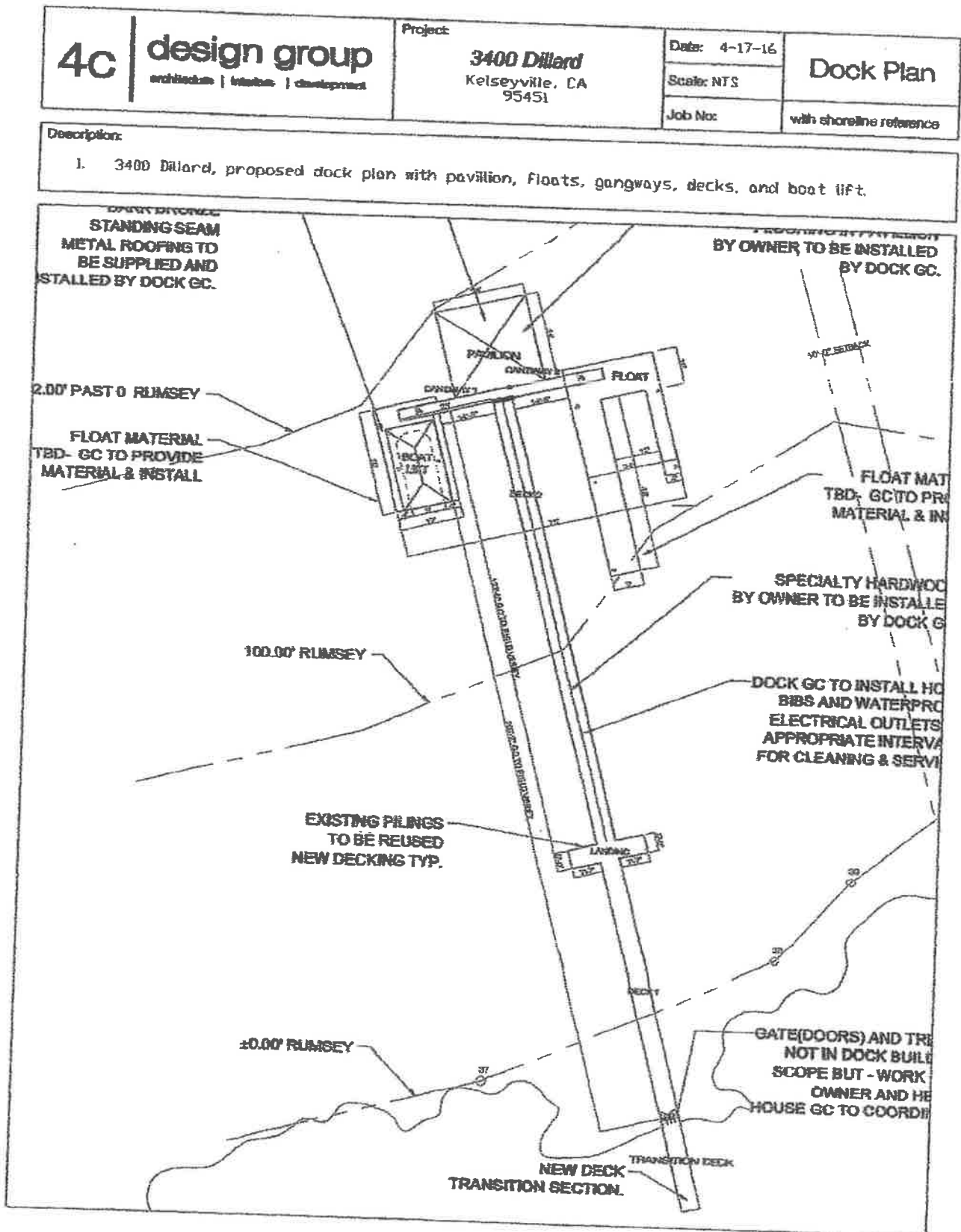
4c design group architecture interior development	Project 3400 Dillard Kelseyville, CA 95451	Date: 4-17-16	Partial Dock Elevation with shoreline reference
		Scale: NTS	
		Job No:	

Description:

1. 3400 Dillard, partial elevation.



Attachment A-5



Attachment B-1

15300.4. Application By Public Agencies

Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:
 - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
 - (2) 10,000 square feet if:
 - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - (B) The area in which the project is located is not environmentally sensitive.

negligible or no expansion of the use existing at the time the exemption is granted. Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2. Accordingly, a project with significant cumulative impacts or which otherwise has a reasonable possibility of resulting in a significant effect does not qualify for a Class 1 exemption.

15302. Replacement or Reconstruction

Class 2 consists of replacement or reconstruction of existing structures and 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, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.
- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.
- (b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.
- (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

Attachment B-4

- (d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21084 and 21084.2, Public Resources Code.

Discussion: This section describes the class of small projects involving new construction or conversion of existing small structures. The 1998 revisions to the section clarify the types of projects to which it applies. In order to simplify and standardize application of this section to commercial structures, the reference to occupant load of 30 persons or less contained in the prior guideline was replaced by a limit on square footage. Subsection (c) further limits the use of this exemption to those commercial projects which have available all necessary public services and facilities, and which are not located in an environmentally sensitive area.

15304. Minor Alterations to Land

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist.
- (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (e) Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc;
- (f) Minor trenching and backfilling where the surface is restored;
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;

3430 Dillard Ave
Kelseyville, CA 95451
APN:044-032-06

RECEIVED SEP 12 2016

4:35 PM

September 12th 2016

Mr. Scott Webb
County of Lake
Water Resources Dept
Court House
255 N. Forbes Street
Lakeport, CA 95453

**Subject: Objection to Administration Lakebed Permit application from Doug and Laurie Dohring
"Remove existing structure, Construct new pier and boat dock"**

Dear Mr. Webb,

I am writing to you to object to the proposed project, 3400 Dillard Ave., Kelseyville, CA 95451 further described as APN 044-032-09. Lakebed Sheet Number 082 of 267. I am one of the home owners of the Bell Haven Resort, a member of the Bell Haven Home Owners Association; address 3415 White Oak Way, Kelseyville, CA 95451. The existing structure belongs to the Bell Haven HOA. It was built on the lakebed leased to APN 044-02-00, Bell Haven Resort in 2001 (see attachment A-1, 2, 3). I have also attached some pages regarding the existing structure from the Lake County Building Dept in 2001 (see ATTACHMENT B).

Later the Bell Haven Resort was subdivided, each lot assigned a -number behind the original APN. According to the Assessor's Office, the lakebed lease must be assigned to the Lakefront Lot, in this case, 044-032-09, so the designated Lot pays the lakebed lease (see ATTACHMENT A-4). The lakebed lease costs are shared by the Bell Haven homeowners as part of the Annual HOA Regular Assessment, per our Bell Haven CC&R, filed in 2004 in Lake County.

On June 15th, 2016, the Bell Haven HOA passed (ILLEGALLY, I have retained attorneys to pursue this matter in court) a Special Assessment totaling \$792K, including \$314K for the new Dock (see ATTACHMENT C), thus the owner of this new dock is Bell Have HOA, not Laurie and Doug Dohring as individual home owners. The name on the application should have been Laurie Dohring, President of HOA, address: 3415 White Oak Way, Kelseyville, CA 95451. The job site address can be 3400 Dillard Ave as it is the house on the lakefront but the owner/applicant must be Laurie Dohring, President of HOA.

The Clearlake Marine Construction was awarded the new dock/pier Contract; please see the detail job proposal (ATTACHMENT D) and the payment to Clearlake Marine Construction proves that the Bell Haven HOA is the owner of the new proposed Dock (see ATTACHMENT E),

I further object to this construction project as our current HOA dock is functioning well and we don't need a new dock/pier. Thank you for your consideration, please contact me anytime, by calling 408 509-3660 or email: dianachien2002@yahoo.com. Best Regards,

Diana Chien-LeValley



RECEIVED

DEC 19 2016

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

Assessor Inquiry - Main
 Asmt: 044-032-040-000 Feeparcel: 044-032-040-000
 Owner: BELL HAVEN GROUP LLC

ATTACHMENT A-1

Site Address		3415 WHITE OAK WY KELSEYVILLE	
Name/Address		BELL HAVEN GROUP LLC DBA BELL HAVEN RESORT DBA BELL HAVEN RESORT 3100 KERNER BLVD SUITE C21 SAN RAFAEL CA 94901	
Status	Date	10/04/2004	
Taxability Code	Descr	001 BUSINESS OWNERSHIP	
TRA	Base Date	055-063	
Creating Doc#	Date	1977/CONVERT	
Current Doc#	Date	2004R0011100 05/03/2004	
Terminating Doc#	Date	2004ISEG 09/27/2004	
Neighborhood C...	Supl Cnt	044 4	
Asmt Description			
Land Use 1	Land Use 2		
Zoning 1	Dwell 1	1	
Acres	SqFt	1.56 67953	
SSN1	SSN2	..	
<input type="checkbox"/> Parcel Desc IN "SODA SPRINGS SUBDIVISION" BLOCK 2 LOT 1			
Section	TownShip	Range	
Description			
IN "SODA SPRINGS SUBDIVISION", BLOCK 2, LOTS 1,2,3,4,5,10,11,12,13 AND ALL THAT			
Map	Notes	Ownership Data	Boundary History
		Map Homes	Attributes
		Value History	Sales
<div> <div>Link and 10/04/2004 4:03:34 PM</div> </div>			

ATTACHMENT A-2

Recorded at the Request of:

97-012598

97 AUG-5 PH 1:30

COUNTY OF LAKE

When Recorded Mail to:

COUNTY OF LAKE
285 North Forbes Street
Lakewood, California 90403

Attention: Department of Public Works

LAKE COUNTY
ASSESSOR-RECORDER
DAN L. IRWIN
NO FEE
CR

ASSESSOR'S PARCEL NO. 044-032-04-00
SHEET NO. 82 of 287

LAKED ENCROACHMENT LEASE

1. THE COUNTY OF LAKE, hereinafter, LESSOR,

and BELL HAVEN RESORT, hereinafter, LESSEE,

hereby agree to lease, demise and let the submerged lands of Clear Lake lying lakeward of and adjacent to:

3415 White Oak Way, Kelseyville
(hereinafter "Lease Premises") for the purpose(s) stated herein.

2. LESSEE's residence address is:

3415 WHITE OAK WAY, KELSEYVILLE, CA 95451
LESSEE shall notify LESSOR within 10 days of any change of this address.

3. LESSEE's mailing address is:

3415 WHITE OAK WAY, KELSEYVILLE, CA 95451
LESSEE shall notify LESSOR within 10 days of any change of this address.

4. USE OF LEASE PREMISES:

The Lease Premises shall be used for the following purpose(s) only:

Recreation Pier, floats, boat ramps

ATTACHMENT A-3

05-

RECORDING REQUEST

County of Lake

ADDRESS WHEREIN RECORDED: TO:

County of Lake
2888 Forbes Street - Room 308
Lakeport, CA 95553

For Recorder's Use Only
DOCUMENT NUMBER

01-010053

RECORDED AT REQUEST

County of Lake
01 MAY 29 PM 4:06

Lake
ASSESSOR - R. L. WARDER
R38 DOUGLAS W. WACKER

note for

Appurtenance to APN: 044-032-04-00

MEMORANDUM OF LEASE

This Memorandum of Lease, made and entered into this 29 day of May, 2001 by and between the County of Lake (hereinafter called "Lessor") and Monterey, Craig E. & Chocoi (hereinafter called "Lessee").

WITNESSETH

1. Lessor and Lessee have entered into a certain Leased Lease Agreement dated as of May 25, 2001, (hereinafter called "Lease") wherein Lessor leased to Lessee and Lessee accepted from Lessor on the terms and conditions stated in the Lease, the premises described as follows:
2. The term of the Lease is from May 25, 2001 to May 25, 2067.
3. This Memorandum of Lease is made for the purpose of giving notice of said Lease and certain of its terms, covenants and conditions, and for no other purpose. The provisions of this Memorandum of Lease shall not in any way change or affect the provisions of said Lease, express reference to which is hereby made and the terms and conditions of which remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the date first written above.

[Signature]
Lessor

State of California
County of Lake) ss

On May 29, 2001 before me, Carol E. Powers, personally appeared Shirley S. Siroka, Clerk Lake Land Coordinator, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his subject capacity, and that by his signature on the instrument the person or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

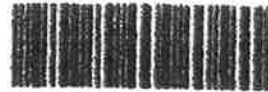
Pam Cochran
County Clerk Auditor
County of Lake, State of California

Signature by: *[Signature]*
Deputy County Clerk



END OF DOC

ATTACHMENT A-4



RECORDING REQUESTED BY:

County of Lake

AND WHEN RECORDED MAIL TO:

County of Lake
Lakebed Management
255 N. Forbes Street - Room 309
Lakeport, CA 95453

Doc # 2010001747
Page 1 of 1
Date: 2/5/2010 04:18P
Filed by: LAKE COUNTY LAKEBED MGMT
Filed & Recorded in Official Records
of COUNTY OF LAKE
DORLAS H. WICKER
COUNTY RECORDER
Fee: \$0.00

Appurtenant to APN: 044-032-090-000

MEMORANDUM OF LEASE

This Memorandum of Lease, made and entered into this 5th day of February 2010 by and between the County of Lake (hereinafter called "Lessor") Mitchell, Thomas A & Sallie D & Hershaw, Michael & Cameron (hereinafter called "Lessee").

WITNESSETH

1. Lessor and Lessee have entered into a certain Lakebed Lease Agreement dated as of January 20, 2010 (hereinafter called "Lease") wherein Lessor leased to Lessee and Lessee accepted from Lessor on the terms and conditions stated in the Lease, the premises described as follows:
2. The term of the Lease is from January 20, 2010 to January 20, 2016.
3. This Memorandum of Lease is made for the purpose of giving notice of said Lease and certain of its terms, covenants and conditions, and for no other purposes. The provisions of this Memorandum of Lease shall not in any way change or affect the provisions of said Lease, express reference to which is hereby made and the terms and conditions of which remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the date first written above.

Pamela Francis
Lessor

State of California
County of Lake }

On February 5, 2010, before me, Karen Bader, Deputy Clerk, personally appeared Pam Francis, Deputy Director -- Water Resources, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Pam Cochran
County Clerk-Auditor
County of Lake, State of California

Signature by: K Bader
Deputy County Clerk

E:\LAKEBED\Billing\Directory\Forms\MemoCoverLease.doc



①
5



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Counthouse - 255 N. Forbes Street
Lakewood, California 95453
Telephone 707/283-2221 FAX 707/283-2225

ATTACHMENT B-1

Item # 4
10:15AM
May 10, 2001

STAFF REPORT

TO: Planning Commission

FROM: Daniel A. Obermeyer, Community Development Director
Penelope Shibley

SUBJECT: Bell Haven Variance VR 01-01, Initial Study IS 01-26 and Lakebed Encroachment Permit

ATTACHMENTS:

1. Vicinity Map
2. Assessor's Parcel map
3. Boat Dock plans
4. Variance approval conditions
5. Lakebed Encroachment Permit conditions

I. SUMMARY:

Applicant proposes to replace an existing pier/dock with a new structure which extends beyond the existing 80 feet beyond zero Rumsey to approximately 182 feet beyond zero Rumsey. This exceeds the 100' length allowed by the Shoreline Ordinance by 82 feet. Therefore, this requires a Variance from the Shoreline Ordinance, and is not eligible for a categorical exemption from CEQA and requires an initial study. Staff recommends adoption of a negative declaration and approval of a variance and Lakebed Encroachment Permit.

II PROJECT DESCRIPTION:

Applicant/Owner: Craig Wooster

Location: Bell Haven Resort, 3415 White Oak Way, Kelseyville

APN: 044-032-04, 044-030-01

General Plan Designation: Suburban Residential (SR)

Zoning: Unclassified ("U")

III. ENVIRONMENTAL SETTING:

Existing Uses and Improvements: Existing seasonal lakefront resort with 10 cottages and boat docking facility

Surrounding Zoning and Land Use:

<u>North:</u>	Clear Lake
<u>South:</u>	Unclassified zone ("U") with Single family residences
<u>East:</u>	Unclassified zone ("U") with Single family residences
<u>West:</u>	Commercial Resort Zone ("CR") with the Edgewater Resort

ATTACHMENT B-2

Bell Haven Resort Variance and Lakebed Encroachment Permit VR 01-01, Initial Study IS 01-26

Parcel Size: Lakefront promenade: (APN 044-030-01) .21 Acres,
Bell Haven Resort: (APN 044-032-04) Approximately three acres

Topography: Flat, sloping towards shoreline

Water Supply: Individual well

Sewage Disposal: Septic tank

School District: Kelseyville Unified School District

Fire Protection: Kelseyville Fire Protection District

Supervisory District: 5

Application Received: 3/1/01 **Application Complete:** 3/14/01

IV. DISCUSSION:

Bell Haven is a locally-owned lakefront resort with 10 existing cottages in the Soda Bay Area of Kelseyville. A seasonal summer resort, clientele consists primarily of out-of-county visitors to Clear Lake who typically stay for a week or a weekend and bring their own watercraft. High season is from April to September, with heaviest activity during special water sporting events such as the Konocti Cup sailboat race in April. Of the visiting boats, most are power boats or personal watercraft. Maximum occupancy of the resort is for 76 guests, and typically there will be anywhere from 9-14 watercraft brought by guests when the resort is full.

Currently, the pier/dock facilities at Bell Haven are full to overcrowding during the high season. Because the existing pier is fixed at 6' above zero Rumsey, the dock is underwater in high water conditions, and subject to water damage. Additionally, the dock is in dangerously low water for boats attempting to land during low water conditions. This is due to the fact that Soda Bay is quite shallow in this area. Greater distances into the bay are needed to achieve adequate depth of water for average watercraft. In this case, constructing a taller dock will solve the problem of flooding of the dock in high water conditions. However, in low water conditions, the shallowness of the lake is prohibitive to watercraft usage and the solution is to extend the dock further into the lake.

Although the applicant owns the 3-acre resort property (APN 044-032-04), the water front "promenade" (044-030-01) is owned by the Soda Bay Homeowners Association. This association allows property owners adjoining the promenade to construct docks there, and many owners have done so.

Bell Haven proposes to replace an existing pier/dock, which currently extends 80 feet lakeward of zero Rumsey, with a new structure. The new dock will extend approximately 182 feet beyond zero Rumsey. This exceeds the 100' length from zero Rumsey allowed by the Shoreline Ordinance by 82 feet. In all other respects, this dock will meet the requirements of the Shoreline

ATTACHMENT B-3

Bell Haven Resort Variance and Lakebed Encroachment Permit VR 01-01, Initial Study IS 01-26

Ordinance, and will not extend beyond the level of where the water depth is 10' at Zero Rumsey, with a maximum water depth of 9.5 feet at the end of the pier at Zero Rumsey.

There is a precedent for this type of dock in the vicinity, as the adjacent Edgewater resort was approved for a dock of 200 feet, nearby Ferndale for 145', Soda Bay Inn for 100' and Jim's Resort for 235'. All of these unusually long docks have been requested by property owners because of the shallowness of Soda Bay in this area.

The Shoreline Ordinance provides for variance and Lakebed Encroachment Permits, as follows:

Sec. 23-16. Variance and Lakebed Encroachment Permits

"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 will not create significant probabilities of harmful environmental consequences. In no case may a variance be granted that will provide the applicant with privileges not enjoyed by other similarly regulated properties."

There are special circumstances applicable to this property. The amount of aquatic plants in the vicinity of the shoreline along the resort impedes boat access. Additionally, the lake bottom drops very gradually in this area. The strict application of the Shoreline Ordinance would result in a hardship on the property. Granting this variance and Lakebed Encroachment Permit would be a minimal departure from the requirements of the Shoreline Ordinance, would facilitate a reasonable use, and would not provide the applicant with privileges that are not enjoyed by other similarly regulated properties.

ENVIRONMENTAL ANALYSIS:

ISSUE: Land Use

Impact/Analysis: The Lake County Zoning Ordinance allows the construction of accessory structures, which includes boating facilities, on "U" zoned parcels. The Bell Haven Resort and the promenade are both in the "U" zone. This project is therefore consistent with the Lake County Zoning Ordinance.

Additionally, the Lake County General Plan says "Increased demand for access to Clear Lake and its shoreline will also result from increased permanent and visitor populations. Development of new park and recreation areas along the lake's shoreline is one method which could be used to meet this demand" (Section IV, p 87). It also states "Clear Lake is the County's most valuable natural resource. It serves as a magnet drawing tourists from all over the state... and as a recreation area for boating, fishing, swimming, and other water-related activities. All of these uses require management and protection of the lake to insure that its value will be sustained and its full economic potential reached".

ATTACHMENT B-4

COUNTY OF LAKE

LAKEBED ENCROACHMENT PERMIT, IS 01-26

Craig Wooster
Bell Haven Resort

Pursuant to the approval of the Lake County Planning Commission on April 26, 2001, there is hereby granted to Craig Wooster, 3415 White Oak Way, Kelseyville, CA 95451, a Lakebed Encroachment Permit to allow construction of a new pier at Bell Haven Resort, 3415 White Oak Way, Kelseyville, CA 95451, being Assessor Parcel Nos. 044-032-04 and 044-030-01, subject to the following terms and conditions:

1. This variance authorizes the removal of existing pier and docks and construction of a new pier and docks extending a maximum of 182 feet lakeward of Zero Rumsey, as shown on plans received by the Community Development Department on March 14, 2001.
2. Prior to the demolition of the existing pier, a demolition permit shall be obtained from the Community Development Department, Building Division.
3. Prior to any construction activity, a Lakebed Encroachment permit shall be obtained from the Water Resources Division of Public Works.
3. If required by the Building Official, a licensed engineer shall prepare plans concerning the structural aspects of the proposed project. All building and electrical permits shall be obtained prior to construction.
4. All hazardous materials associated with the operation of marine vehicles, including but not limited to: gasoline, oil, cleaning fluids, batteries and paints shall be stored in sealed containers which are impervious to water.
5. Only materials having no deleterious effects upon water quality shall be used in the construction of any nearshore or foreshore structure.
6. Fish houses located on docks shall be open on at least one side unless they occupy an area of no greater than 100 square feet.
7. All new structures shall be clearly marked with the street address of the property so the address is visible from the water.
8. All structures will comply with the ten (10) foot required setbacks from side property lines.
9. Construction methods shall minimize disturbance of the underlying lands of Clear Lake and shall eliminate any subsequent siltation or other pollution resulting from the construction operations.

ATTACHMENT C - 1

BELL HAVEN OWNERS ASSOCIATION

AMENDED NOTICE TO OWNERS SPECIAL MEMBERSHIP MEETING

Date: Wednesday June 15, 2016
Time: 6:00 p.m.
Location: 3000 Cornwall Dr., Glendale, California 91206
and by telephonic
conference at: (866) 876-6756 when prompted enter passcode "373944"

Pursuant to order of the Board of Directors, notice is hereby given that the special meeting of the members of BELL HAVEN OWNERS ASSOCIATION to vote on a Special Assessment to be levied June 15, 2016 that was previously scheduled for June 15, 2016 at 12:00 p.m., at 3000 Cornwall Dr., Glendale, California 91206 will be rescheduled for June 15, 2016 at 6:00 p.m. at the same location, Cornwall Dr., Glendale, California 91206 and telephonically at 866) 876-6756 when prompted enter passcode "373944". There will be a vote of the membership on the following issue:

- (1) Approval of a proposed Special Assessment of \$791,493.15 in total, to be levied upon each Lot according to the following schedule:

Heron House (20.4%)	\$161,464.60
Wake Robin (20.4%)	\$161,464.60
Birdwood & Quail's Run (20.4%)	\$161,464.60
Mallard House (16.4%)	\$129,804.88
<u>Kingfisher</u> (14.4%)	<u>\$113,975.01</u>
Vacant Lot (8.0%)	\$63,319.45

On Behalf of *Lauree Dohring*, President
BELL HAVEN OWNERS ASSOCIATION.

ATTACHMENT C-2

BELLHAVEN HOMEOWNERS ASSOCIATION PROOF OF EXPENSES				
Special Assessments Round 1				
Contract	As of Date	Budgeted Amount	Total Spent	Balance left on Budget
Shields Construction (Attachment 1)	8/18/16	\$ 368,284.00	\$127,633.30	\$ 240,650.70
Magnolia	8/18/16	\$ 7,335.31	\$ -	\$ 7,335.31
Deep Valley Security	8/18/16	\$ 2,420.00	\$ -	\$ 2,420.00
Clearlake Marine (Attachment 2)	8/18/16	\$ 314,760.00	\$ 40,000.00	\$ 274,760.00
Airsmiths (Attachment 3)	8/18/16	\$ 5,125.00	\$ 2,500.00	\$ 2,625.00
Wightman Design (Attachment 4)	8/18/16	\$ 44,727.66	\$ 4,293.15	\$ 40,434.51
TOTAL	8/18/16	\$ 742,651.97	\$174,426.45	\$ 568,225.52

CLEARLAKE MARINE CONSTRUCTION, INC.

P.O. BOX 187
Lakeport, California 95453
707-263-7275
Fax: 263-3443
Cell 707-245-4323

PROPOSAL AND CONTRACT EFFECTIVE 6/17/2016

Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a contractor may be referred to the register of the board whose address is: Contractors' State License Board, 3132 Bradshaw Road, Sacramento, California 95827. Contractor's License: 479005

The undersigned acknowledge and agree that Clearlake Marine Construction, Inc. (hereinafter referred to as "Contractor") will furnish all materials and perform all labor on the following described real property owned by Bell Haven Association (hereinafter referred to collectively as "Owners"): 3415 White Oak Way, Kelseyville, CA 95451. Mailing: 3000 Cornwall Drive, Glendale, CA 91208.

1. See attached Addendum 1 for scope of work to be completed. This price does not include any permits, surveys, or inspection fees that may be required. Piling greater than 10 ft will be charged at an additional cost of \$68 per foot. Any piling that cannot be removed with equipment may require a diver at an additional cost. Any unforeseen obstacles on or below lake bottom may cause an increase in contract price. Property line boundaries are to be determined by the Owners.

All items listed on this document shall be part of this contract.

All of the above work to be completed in a workmanlike manner according to standard practices when the water levels allow Contractor access to the job site for the sum of: Three hundred fourteen thousand seven hundred sixty, \$314,760. Contract price includes \$8000 Dock Factory credit to Contractor.

Payments to follow:

- \$ 40,000 upon signature of contract
- \$ 81,805 after construction of all steel framing is completed at construction yard
- \$ 81,805 when pilings are driven
- \$ 81,805 after installation of steel structures
- \$ 29,345 upon completion

The entire amount of the contract shall be paid the day of completion.

Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing or will not be paid by Owners. This proposal shall be binding upon Contractor for a period not to exceed 30 days, unless earlier revoked by written notice of revocation prior to acceptance, at which time this proposal shall be terminated automatically. No contractual rights arise until this proposal is accepted in writing.

OWNERS' RIGHT TO CANCEL

Owners may cancel this agreement or offer at any time prior to midnight of the third day (excluding Sunday) after the day they signed the agreement or offer. If they cancel and they have already made some payment to the Contractor, the Contractor is entitled to retain out of the payment, as a cancellation fee, 5 percent of the cash price of the goods or services but in no event may the Contractor retain more than fifteen dollars (\$15.00).

ATTACHMENT D-2

PERMITS

In the event any permit required by Lake County Building Department, Lakebed Management, the State of California, or any other government agency cannot be obtained, this Contract shall be null and void. All permits to be paid by owner.

WARRANTY

Contractor shall warrant all materials and workmanship for a period of one (1) year. If any problem is not resolved within 10 days, Owners may have the problem rectified by another contractor at Contractor's expense.

TIME OF THE ESSENCE

Time is of the essence for each provision of this Contract.

ACCEPTANCE

The above proposal is hereby accepted according to terms thereof and the Owners agree to pay the amounts mentioned in said proposal and according to the terms thereof.

NOTICE TO OWNER

Under the Mechanics' Lien Law, any contractor, subcontractor, laborer, material man or other person who helps to improve your property and is not paid for his labor, services or material, has a right to enforce his claim against your property:

Under the law, you may protect yourself against such claims by filing, before commencing such work or improvements, an original contract for the work of improvements or a modification thereof, in the office of the county recorder of the county where the property is situated and requiring that a contractor's payment bond be recorded in such office. Said bond shall be in an amount not less than fifty percent (50%) of the contract price and shall, in addition to any conditions for the performances of the contract, be conditioned for the payment in full of the claims of all persons furnishing labor, services, equipment or materials for the work described in said contract.

Mark Tanti

6/18/2016

Mark Tanti, Contractor

Date

Laurie Dohring

6/16/2016

Laurie Dohring,

Date

ATTACHMENT D-3

Addendum 3 to Contract 6/23/2016
3415 White Oak Way, Napa, CA
As shown by 4C Design Group

CLEARLAKE MARINE CONSTRUCTION, INC.

11400 1st St
Napa, CA 94558
707.255.1234
Fax 707.255.1235
Cell 707.445-1235

Line Item	Description of Work
1	24'x24' floating pier with hipped roof
2	250' pier using 170 feet of existing pilings and the balance in 8" x 8" well steel pilings painted black. Decking material to be provided by owner and installed by contractor.
3	Two 3'x24' aluminum gangways. Decking to be grey vinyl provided and installed by contractor.
4	18'x24' covered, electric heat HR. Decking to be grey vinyl provided and installed by contractor.
5	Install four 8" x 8" well steel pilings, painted black
6	1180 sq ft U-shaped floating dock as specified in new site plan drawing S23
7	Demolish 170' of existing pier and retaining pilings.
8	Provide handrail on all docks, ramps, pavilion and walkways to be galvanized painted black. Handrail support posts and horizontal members to be tube steel construction per drawing S23
9	1180 sq ft U-shaped floating dock as specified in new site plan drawing S23
10	Provide and install Grey Vinyl Decking, and installation of gangways, heat HR surface, and floating dock.
11	Install four 8" x 8" well steel pilings with 3 beam piles located per owner approval
12	Install electrical line from start of pier at shore to heat HR including heat HR, pavilion, and floating dock. Provide waterproof outlets per code and owner approval, and lighting (buses as needed in boat lift and pavilion. 2) - buses each for owner provided pendant lighting or similar. Low voltage lighting located on every other handrail post and one aluminum ladder to be provided.

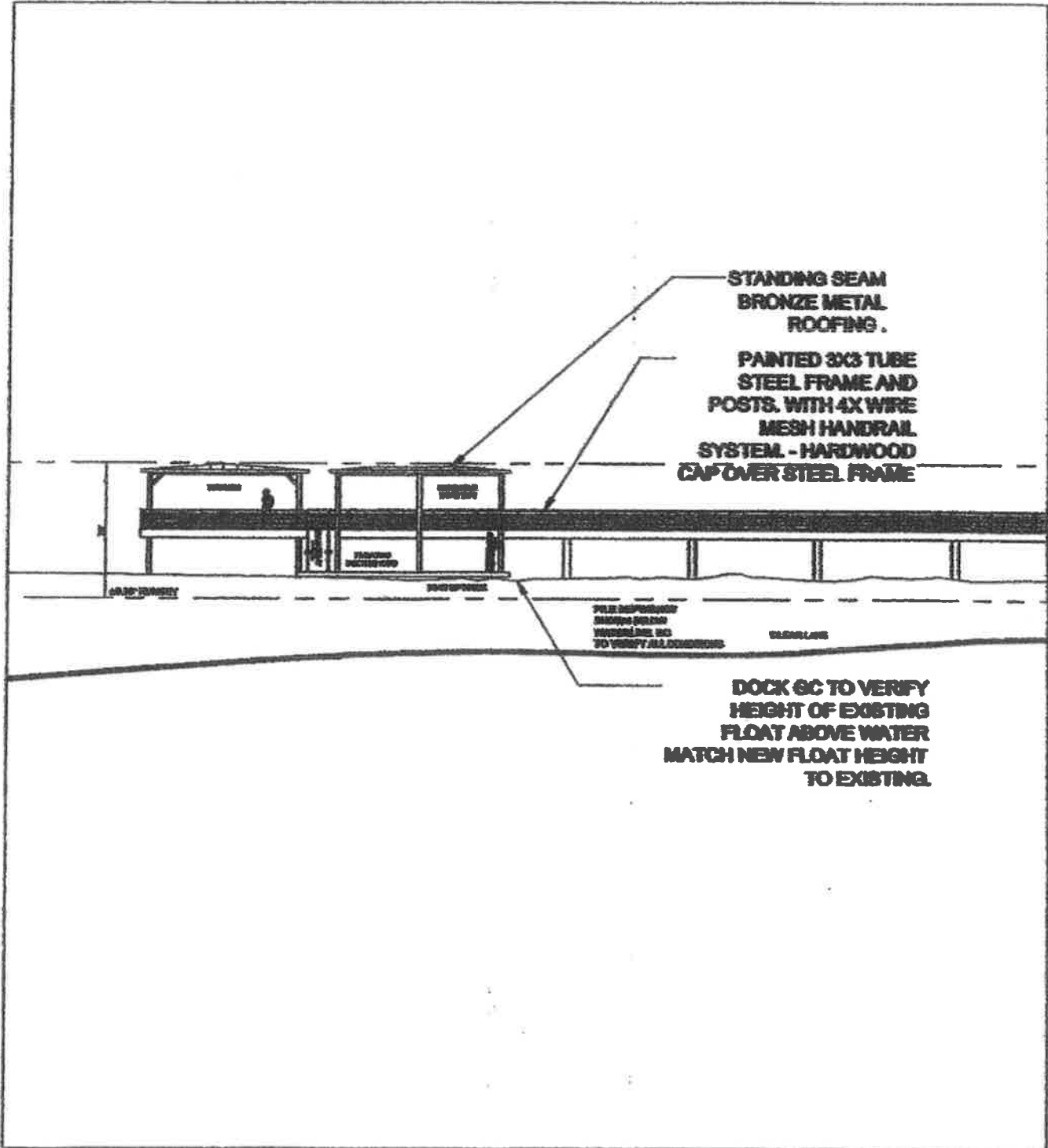
This price does not include any permits, surveys, or inspection fees that may be required. Piling greater than 10 ft will be charged at an additional cost of \$50 per foot. Any pilings that cannot be removed with equipment may require a diver at an additional cost. Any unforeseen obstacles on or below lake bottom may cause an increase in contract price. Property line boundaries are to be determined by the Owner.

ATTACHMENT D-4

4c design group <small>architecture interior development</small>	Project: 3400 Dillard Kelseyville, CA 95451	Date: 4-17-16	Partial Dock Elevation
		Scale: NTS	
		Job No:	with shoreline reference

Description

1. 3400 Dillard, partial elevation.



ATTACHMENT E-1

BELLHAVEN HOMEOWNERS ASSOCIATION PROOF OF EXPENSES Special Assessments Round 1				
Contract	As of Date	Budgeted Amount	Total Spent	Balance left on Budget
Shields Construction (Attachment 1)	8/18/16	\$ 368,284.00	\$ 127,633.30	\$ 240,650.70
Magnolia	8/18/16	\$ 7,335.31	\$ -	\$ 7,335.31
Deep Valley Security	8/18/16	\$ 2,420.00	\$ -	\$ 2,420.00
Clearlake Marine (Attachment 2)	8/18/16	\$ 314,760.00	\$ 40,000.00	\$ 274,760.00
Airsmiths (Attachment 3)	8/18/16	\$ 5,125.00	\$ 2,500.00	\$ 2,625.00
Wightman Design (Attachment 4)	8/18/16	\$ 44,727.66	\$ 4,293.15	\$ 40,434.51
TOTAL	8/18/16	\$ 742,651.97	\$ 174,426.45	\$ 568,225.52

ATTACHMENT E2

Attachment 2

Clearlake Marine								
Category	Date	Vendor	Check Number	Amount	Budget	Amount Spent to Date	Amount Left in Budget	
Dock Replacement	6/22/15	Clearlake Marine	2099	\$40,000.00	\$224,760	\$40,000.00	\$274,760.00	

ATTACHMENT E-3

Clearlake Marine Construction, Inc.

PO Box 187
Lakeport, CA 95453
707-263-7275 phone
707-263-7274 fax

LICENSE #479005

RECEIPT

DATE: June 22, 2016

TO: Bell Haven

PROPERTY ADDRESS: 3400 Dillard, Kelseyville.

PO Box 187

Check 2099 Received

\$40,000

707-263-7275 phone
707-263-7274 fax

LICENSE #479005

THANK YOU

DATE: June 22, 2016

PROPERTY ADDRESS: 3400 Dillard, Kelseyville.

Check 2099 Received

\$40,000

THANK YOU FOR YOUR BUSINESS!!

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2/18/2016



Bank of America | Online Banking | Accounts | Account Details | Account Activity

Online Banking

Business Fundamentals Chk - 8458: Account Activity Transaction Details

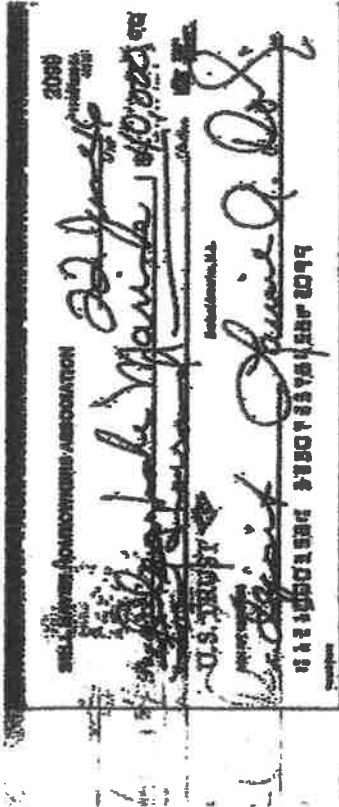
Check number: 00000002099

Post date: 06/24/2016

Amount: -40,000.00

Type: Check

Description: Check



ATTACHMENT E-4

127



ATTACHMENT 3

Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, ICP, swisstopo, and the GIS User Community

4c

design group
architecture | interior | development

Project:

3400 Dillard
Kelseyville, CA
95451

Date: 4-17-16

Scale: NTS

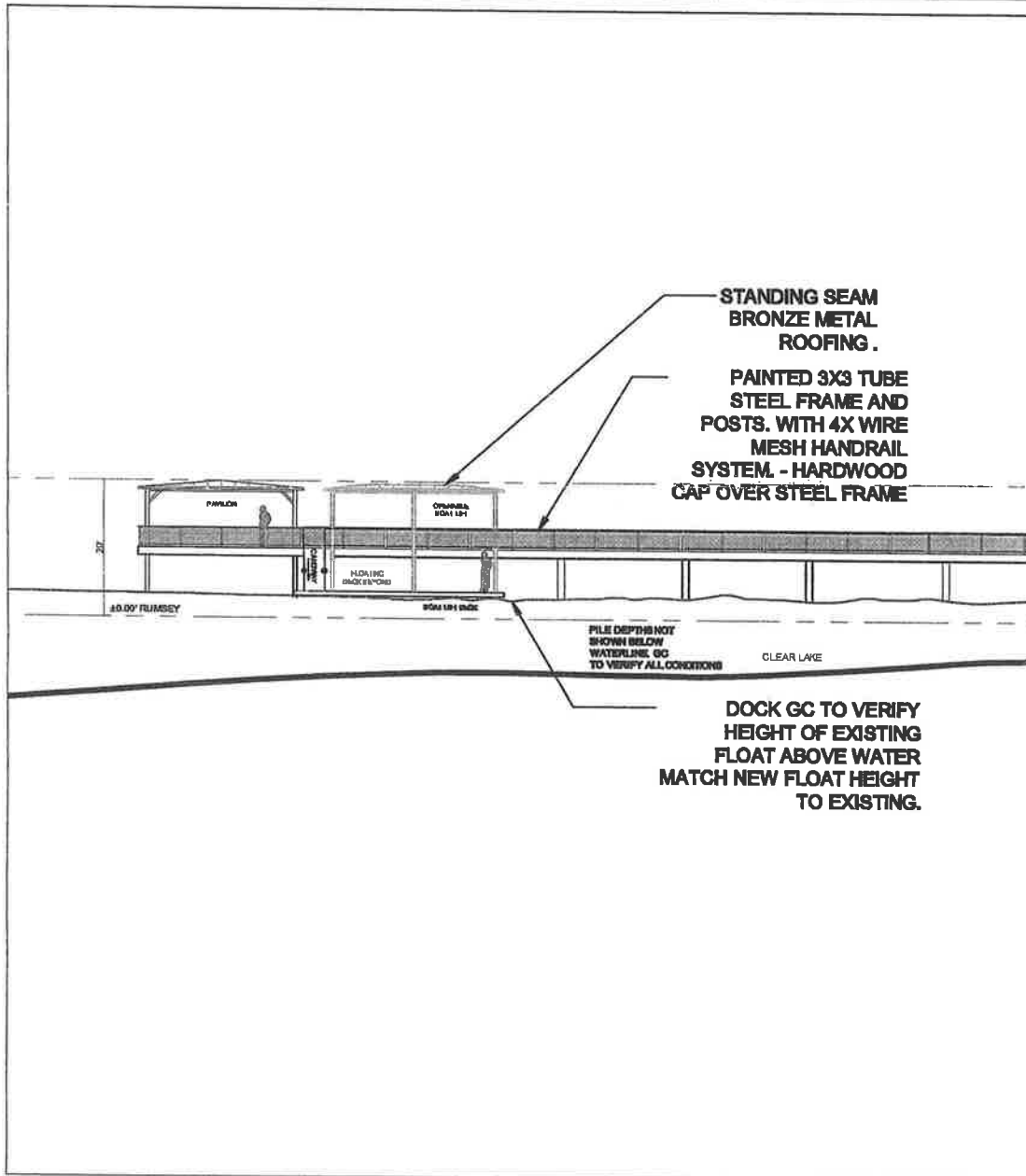
Job No:

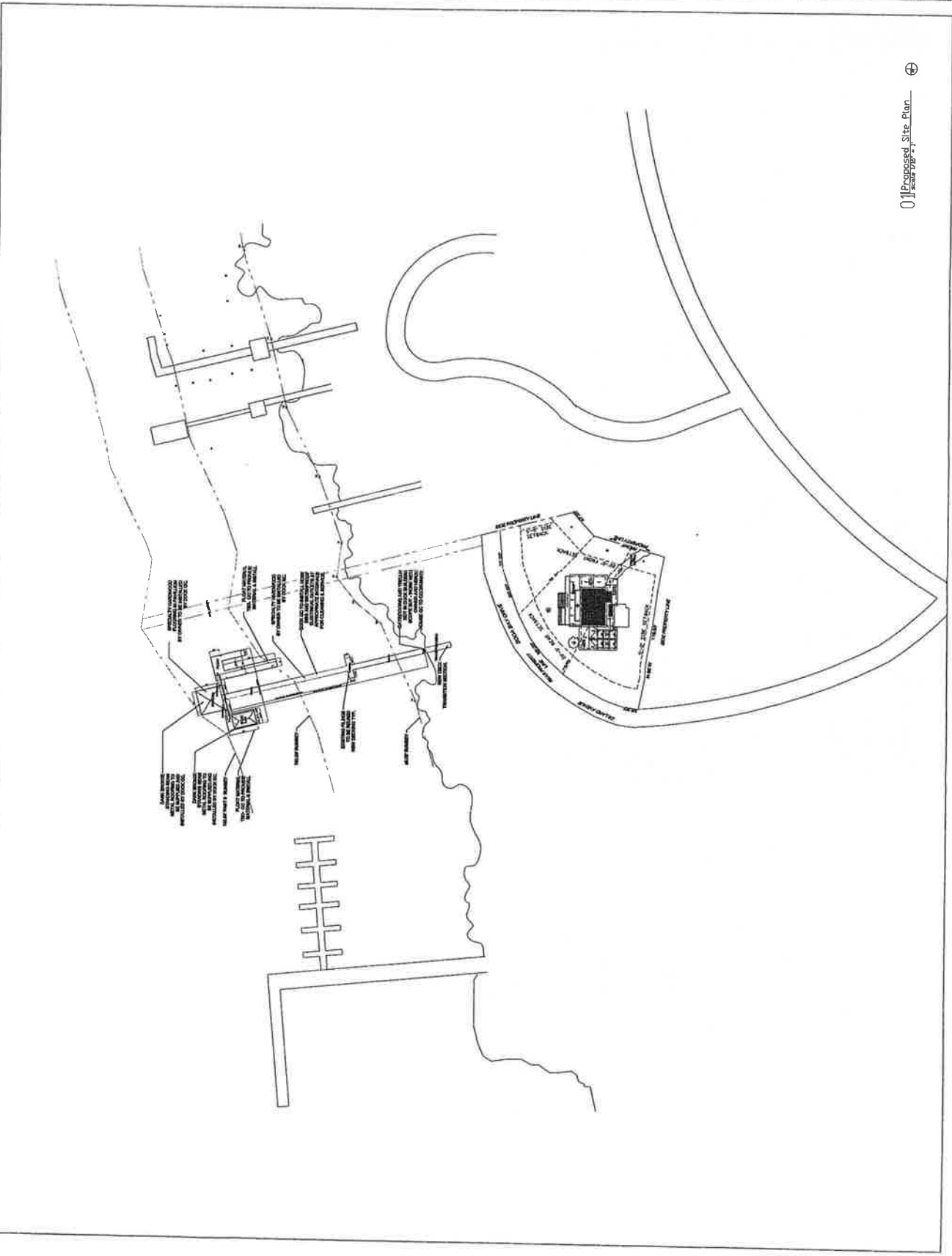
**Partial Dock
Elevation**

with shoreline reference

Description:

1. 3400 Dillard, partial elevation.





01 Proposed Site Plan
 Scale: 1/8" = 1'-0"





COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

CEQA Review # CE 16-64

Date: 11-14-16 Rec: _____

Request for CEQA Review

Request Date: **9/8/2016** Lakebed Permit No: **2016-26** Sheet **82** of 267

Property Owner(s): **Laurie Dohring as President of Bell Haven HOA**

APN: **044-030-01 (appurtenant parcel)**
See Attachment #1 for list of parcels associated with Bell Haven HOA

Project Address: **3400 Dillard Ave, Kelseyville, CA 95451**

Phone No:

Mailing Address: **3000 Cornwall Drive, Glendale, CA 91206**

Description of Project:

Remove existing structure; construct new pier and boat dock that includes 5 x 200 feet walkway, 15.5 x 29 feet covered boat lift, 24 x 24 feet sitting pavilion, and floating dock. Portions of the new dock will be constructed on existing pier foundations. 21 new pilings will be driven. New gate and transition deck will be installed

Contractor: **Clearlake Marine Construction**

Address: **P.O. Box 187, Lakeport, CA 95453**

Phone No: **(707) 263-7275** License No:

Will project require the removal of vegetation?
(If yes, please show on plot plan)

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Has the applicant/ contractor applied for
a Streambed Alteration Agreement from
the Dept. of Fish & Game? (1601 or 1603)

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

All requests for review must be accompanied by a detailed plot plan showing existing and proposed structures and their distances to property lines and location of zero Rumsey if known.

See attached plot plan.

ATTACHMENT 5

BY Amy St Brook
DEPUTY CLERK
NOV 16 2016

Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 222
P.O. Box 3044
Sacramento, CA 95812-3044

County Clerk
County of Lake
Lakeport CA 95453

From: Community Development Department
Planning Division County of Lake
255 North Forbes Street
Lakeport CA 95453

Project Title: Bell Haven Homeowners Association Categorical Exemption 16-64 CE

Project Applicant: Laurie Dohring, as president of Bell Haven Homeowners Association
3000 Cornwall Drive, Glendale CA, 91206

Telephone: (707) 263-7275

APN: 044-030-01

Project Location - Specific: 3400 Dillard Avenue

Project Location - City: Kelseyville

Project Location - County: County of Lake

Description of Nature, Purpose and Beneficiaries of Project: This project consists of the removal of the existing structure and the construction of the following: A five foot by two-hundred foot walkway, a fifteen and one-half foot by twenty-nine foot covered boat lift, and a twenty-four foot by twenty-four foot sitting pavilion and floating dock. The new facilities will also require the driving of twenty-one new pilings into Clear Lake.

Name of Public Agency Approving Project: Lake County Public Works
Department/Water Resources Division and Lake County Community Development
Department/Planning Division.

Name of Person or Agency Carrying Out Project: Lake Marine Construction, 14280
Olympic Drive, Clearlake CA, 95422

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ **Categorical Exemption. State type and section number: Section 15302, Class 2.**

Statutory Exemptions. State code number:

R# 17-11162016-084

ATTACHMENT 6

Posted: NOV 16 2016

To: 12/23/16

Reasons why project is exempt: The Lake County Community Development Department has determined that the project will not have a significant effect on the environment, and is, therefore, exempt from the provisions of CEQA. This project is consistent with the Clear Lake Shoreline Ordinance. There will be no removal of native vegetation. This project will not result in significant adverse environmental effects to wetlands or riparian habitats.

Lead Agency: Community Development Dept. Planning Division

Area Code/Telephone/Extension: (707) 263-2221

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project
Yes ☐ No ☐

Signature:


Keith Gronendyke

Title: Associate Planner

Date: November 14, 2016

☐ Signed by Lead Agency ☐ Signed by Applicant

Date Received for filing at OPR: