

**CALENDAR ITEM  
C21**

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06/01/09  
WP 4330.1  
R. Barham

**GENERAL LEASE - RECREATIONAL USE**

**APPLICANTS:**

Brendan Joseph Cassin and Isabel B. Cassin, Trustees of the Cassin Family Trust U/D/T dated January 31, 1996

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in Lake Tahoe, adjacent to 5486 North Lake Boulevard, near Carnelian Bay, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing pier, boat lift, sundeck with stairs, and one mooring buoy, as previously approved by the Commission and the retention of a small boat lift, as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning December 13, 2008.

**CONSIDERATION:**

**Pier, Boat Lift, Small Boat Lift and One Mooring Buoy:** No monetary consideration pursuant to Public Resources Code section 6503.5.

**Sundeck with Stairs:** \$359 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

Other:

1. This lease contains a provision which requires the Applicants to obtain authorization from the Tahoe Regional Planning Agency for the mooring buoy within two years after the adoption of the Lake Tahoe Shorezone Amendments-Final Environmental Impact Statement (FEIS) and approval of the ordinances based on the FEIS.

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2. The lease contains provisions that the existing sundeck with stairs, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing sundeck cost more than 50% of the base value of the sundeck, then the sundeck must be removed from the lease premises.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland property adjoining the lease premises.
2. On September 3, 1999, the Commission authorized a Recreational Pier Lease with Brendan Joseph Cassin and Isabel B. Cassin, Trustees of the Cassin Family Trust U/D/T dated January 31, 1996. That lease expired December 12, 2008. Applicants are now applying for a new General Lease – Recreational Use.
3. Applicants are natural persons who own the littoral land that is improved with a single-family dwelling. The small boat lift has not been previously authorized by the Commission, but has been there for many years. The existing pier, boat lift, small boat lift, and one mooring buoy are exempt from consideration pursuant to Public Resources Code section 6503.5. The sundeck and stairs do not qualify for rent-free status because they are not constructed for the docking or mooring of boats.
4. **Pier, Boat Lift, Sundeck, Stairs, and One Mooring Buoy:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

**Retention of Small Boat Lift:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

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Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15303.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVALS REQUIRED:**

Buoy: Tahoe Regional Planning Agency

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**PIER, BOAT LIFT, SUNDECK, STAIRS AND ONE MOORING BUOY:**  
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

**RETENTION OF SMALL BOAT LIFT:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303.

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

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**AUTHORIZATION:**

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE TO BRENDAN JOSEPH CASSIN AND ISABEL B. CASSIN, TRUSTEES OF THE CASSIN FAMILY TRUST U/D/T DATED JANUARY 31, 1996, BEGINNING DECEMBER 13, 2008, FOR A TERM OF TEN YEARS, FOR CONTINUED USE AND MAINTENANCE OF A PIER, BOAT LIFT, SUNDECK, STAIRS, ONE MOORING BUOY, AS PREVIOUSLY APPROVED BY THE COMMISSION AND THE RETENTION OF A SMALL BOAT LIFT AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$359 FOR THE SUNDECK AND STAIRS, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5 FOR THE PIER, BOAT LIFT, SMALL BOATLIFT, AND ONE MOORING BUOY; AND LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.