

CALENDAR ITEM

C27

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06/23/11

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WP 7335.9

B. Terry

TERMINATION AND ISSUANCE OF A RECREATIONAL PIER LEASE

LESSEES:

Margery J. Hanson, as Trustee of the Survivor's Trust Established under the Dale W. Hanson and Margery J. Hanson Trust Agreement dated February 13, 1980; and Margery J. Hanson, as Trustee of the Family Trust Established under the Dale W. Hanson and Margery J. Hanson Trust Agreement dated February 13, 1980

APPLICANTS:

Simon Cassidy and Sukhinder Singh Cassidy, Trustees of the Simon Cassidy Revocable Trust dated October 4, 2004 as amended November 3, 2008 and Sukhinder Singh Cassidy and Simon Cassidy, Trustees of the Sukhinder Singh Cassidy Revocable Trust dated October 4, 2004 as amended November 3, 2008

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3255 West Lake Boulevard, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and one mooring buoy as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning February 16, 2011.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$500,000.

Other:

The proposed lease contains a provision requiring the Applicant(s) to obtain authorization from the Tahoe Regional Planning Agency (TRPA) for

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the mooring buoy(s) within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On October 30, 2007, the Commission authorized a Recreational Pier Lease with Margery J. Hanson, as Trustee of the Survivor's Trust Established under the Dale W. Hanson and Margery J. Hanson Trust Agreement dated February 13, 1980; and Margery J. Hanson, as Trustee of the Family Trust Established under the Dale W. Hanson and Margery J. Hanson Trust Agreement dated February 13, 1980. That lease will expire on September 22, 2017.
3. On February 16, 2011, the ownership of the upland parcel was transferred to Simon Cassidy and Sukhinder Singh Cassidy, Trustees of the Simon Cassidy Revocable Trust dated October 4, 2004 as amended November 3, 2008 and Sukhinder Singh Cassidy and Simon Cassidy, Trustees of the Sukhinder Singh Cassidy Revocable Trust dated October 4, 2004 as amended November 3, 2008. Applicants are now applying for a new Recreational Pier Lease.
4. Applicants qualify for a Recreational Pier Lease because they are natural persons who own the littoral land that is improved with a single-family dwelling.
5. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

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6. **Issuance of a New Lease:** 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 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.

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of Existing Lease: Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

Issuance of New Lease: Find that the activity is exempt from the requirements of 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).

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 section 6370, et seq.

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AUTHORIZATION:

1. Authorize termination, effective February 15, 2011, of Lease No. PRC 7335.9, a Recreational Pier Lease, issued to Margery J. Hanson, as Trustee of the Survivor's Trust Established under the Dale W. Hanson and Margery J. Hanson Trust Agreement dated February 13, 1980; and Margery J. Hanson, as Trustee of the Family Trust Established under the Dale W. Hanson and Margery J. Hanson Trust Agreement dated February 13, 1980.

2. Authorize issuance of a 10-year Recreational Pier Lease to Simon Cassidy and Sukhinder Singh Cassidy, Trustees of the Simon Cassidy Revocable Trust dated October 4, 2004 as amended November 3, 2008 and Sukhinder Singh Cassidy and Simon Cassidy, Trustees of the Sukhinder Singh Cassidy Revocable Trust dated October 4, 2004 as amended November 3, 2008, beginning February 16, 2011, for the continued use and maintenance of an existing pier and one mooring buoy as shown on Exhibit A attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$500,000.