

**CALENDAR ITEM  
C07**

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S 1

03/25/08  
WP 7937.9  
C. Hudson

**RECREATIONAL PIER LEASE**

**APPLICANTS:**

Jonathan S. Kitchen and Nina Hatvany, Trustees of the Jonathan S. Kitchen and Nina Hatvany Declaration of Trust dated April 29, 1999

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

Sovereign lands in Lake Tahoe, Tahoe City, Placer County.

**AUTHORIZED USE:**

Continued use and maintenance of two existing mooring buoys as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning December 1, 2006.

**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 \$300,000.

Other:

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

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On February 12, 1997, the Commission authorized a Recreational Pier Lease with Michael H. Podell, Trustee of the Podell Qualified Personal

CALENDAR ITEM NO. C07 (CONT'D)

Residence Trust. That lease expired on November 30, 2006. Since then the littoral land was deeded to Jonathan S. Kitchen and Nina Hatvany, Trustees of the Jonathan S. Kitchen and Nina Hatvany Declaration of Trust dated April 29, 1999. The Applicants are now applying for a new Recreational Pier Lease.

3. The Applicants qualify for rent-free use of the two existing buoys because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling pursuant to Public Resource Code 6503.5.
4. 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 (c)(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.

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.

**APPROVAL REQUIRED:**

Tahoe Regional Planning Agency

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF

CALENDAR ITEM NO. **C07** (CONT'D)

REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(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 SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE OF A TEN-YEAR RECREATIONAL PIER LEASE TO JONATHAN S. KITCHEN AND NINA HATVANY, TRUSTEES OF THE JONATHAN S. KITCHEN AND NINA HATVANY DECLARATION OF TRUST DATED APRIL 29, 1999, BEGINNING DECEMBER 1, 2006, FOR TWO EXISTING MOORING BUOYS 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; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.