

**CALENDAR ITEM  
C04**

A 3, 4  
S 1

08/14/12  
PRC 7901.1  
R. Barham

**REVISION OF RENT**

**LESSEE:**

Donner Pines West Homeowners Association

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

Sovereign land in Donner Lake, adjacent to 15825 Donner Pass Road, near the town of Truckee, Nevada County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing floating boat dock, bridge, gazebo, ramp, and bank protection.

**LEASE TERM:**

10 years, beginning August 21, 2006.

**CONSIDERATION:**

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff has conducted a review of the rent under this lease, and recommends rent be revised from \$98 per year to \$346 per year, effective August 21, 2012.

**OTHER PERTINENT INFORMATION:**

1. On November 21, 2006, the Commission authorized a General Lease – Recreational and Protective Structure Use with Donner Pines West Homeowners Association for the continued use and maintenance of an existing floating boat dock, bridge, gazebo, ramp, and bank protection. The lease will expire August 20, 2016.
2. Lessee is a homeowners association comprised of 35 member lots of which 94 percent of the member lots are owned by natural persons and qualify for partial rent-free status pursuant to Public Resources Code section 6503.5 as originally enacted for the term of the lease. Two member lots are owned by commercial entities and do not qualify for rent-free status. Therefore, the rent for the dock, bridge, ramp, and access

CALENDAR ITEM NO. **C04** (CONT'D)

through the gazebo to the dock was pro-rated according to the number of member lots qualifying for rent-free status. The gazebo does not qualify as rent-free and is subject to full rent.

3. The bank protection mutually benefits both the public and lessee and is therefore not subject to rent.
4. The staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

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

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

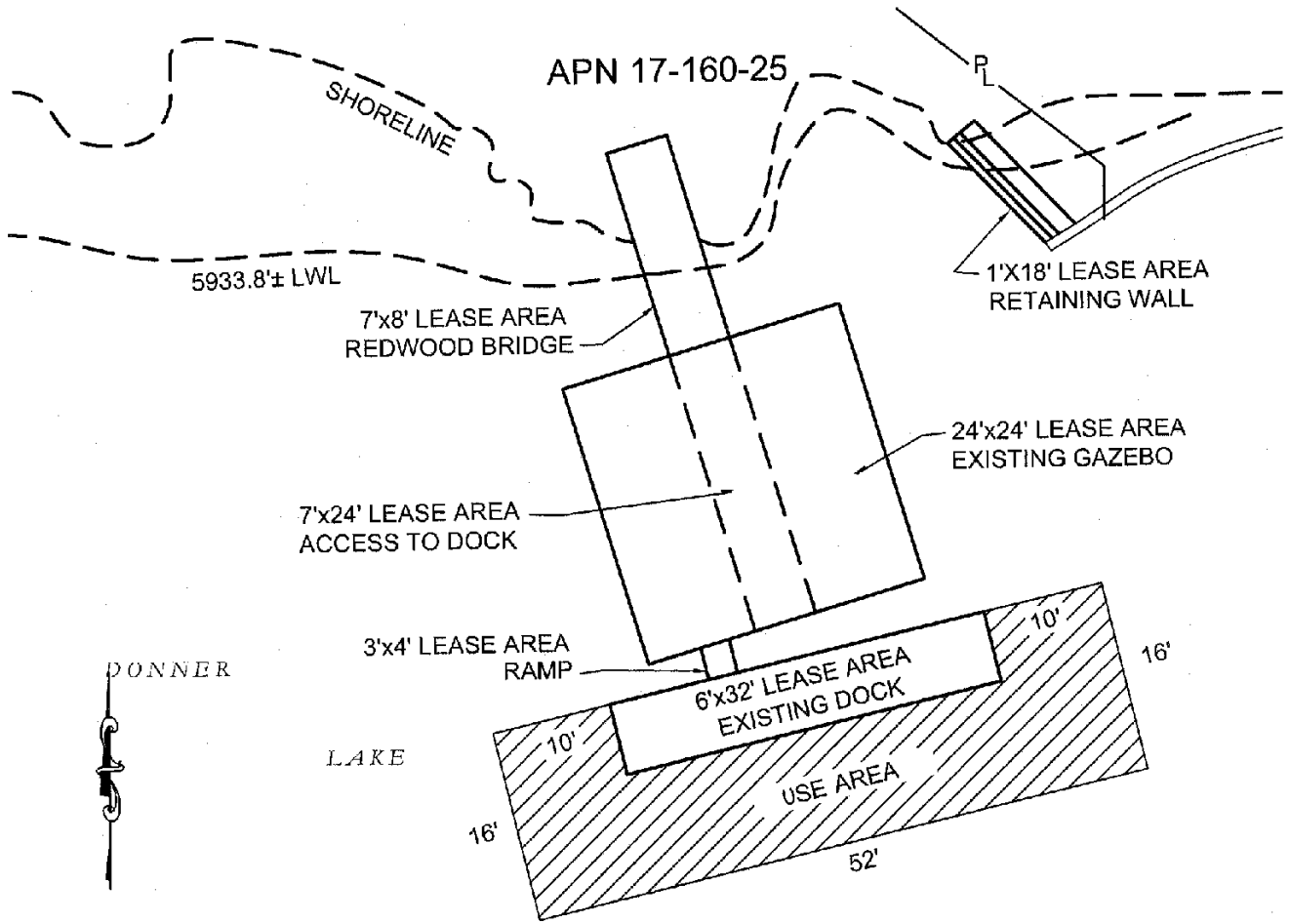
Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations,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

**AUTHORIZATION:**

Approve the revision of rent for Lease No. PRC 7901.1 from \$98 per year to \$346 per year, effective August 21, 2012.

NO SCALE

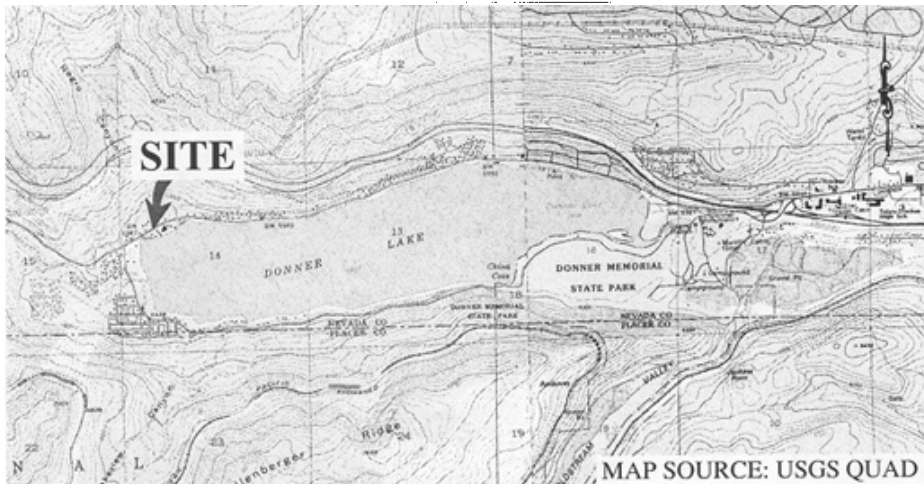
# SITE



15825 DONNER PASS ROAD, TRUCKEE

NO SCALE

## LOCATION



### Exhibit A

PRC 7901.1

APN 17-160-25

DONNER PINES WEST HOMEOWNERS ASSOC.

GENERAL LEASE-RECREATIONAL AND PROTECTIVE STRUCTURE USE

DONNER LAKE

NEVADA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.