

SHUTE MIHALY  
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102  
T: (415) 552-7272 F: (415) 552-5816  
www.smwlaw.com

JOSEPH D. PETTA  
Attorney  
Petta@smwlaw.com

March 23, 2023

**Via Electronic Mail Only**

Governing Board  
Tahoe Regional Planning Agency  
128 Market Street  
Stateline, NV 89449

Re: JMA Ventures LLC, et al. Plan to Limit Public Access to  
Homewood Redevelopment Project

Dear Tahoe Regional Planning Agency Governing Board:

On behalf of our client Keep Homewood Public (“KHP”), I am writing to support the concerns raised in Mr. Nielsen’s February 4, 2023 letter to JMA Ventures, LLC (“Developer”), in which TRPA addressed the Developer’s apparent plan to restrict the general public’s future access to Homewood. The Developer’s latest plan would subvert the letter and intent of the 2011 Master Plan. It would conflict with the Project’s designation as a Community Enhancement Project, thus granting the Developer the program’s benefits without its requirements for community engagement and investment. Approval of this plan would require subsequent environmental review under the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”), thus reopening the Environmental Impact Report/Environmental Impact Statement (“EIR/EIS”) that the TRPA certified in 2011 to further review and comment by the public and other state, local, and regional agencies. Perhaps most importantly, allowing the Developer to restrict the public’s future access to Homewood would irreversibly erode the public’s trust in the process agreed to by the Developer and TRPA at the outset of the Master Plan process. KHP urges TRPA staff and the Governing Board to reject the Developer’s fundamentally flawed proposal.

As you know, the 2011 Master Plan is the product of years of negotiations among, and input by, the community, the Developer, TRPA, Placer County, and other state, regional, and local entities. The Master Plan itself acknowledges that it was developed “based on extensive community input.” Master Plan, 2. Today, this visioning document

continues to govern nearly every aspect of the Project's development and future operations. Importantly, it sets forth the following guiding goals for the Project:

- To restore Homewood as a key gathering center for Lake Tahoe's West Shore and maintain the heritage of a ski resort that can be **enjoyed equally by local residents and visitors**. Master Plan, 2.
- To continue to offer a convenient and quality skiing experience to **local, west shore residents**. Id.
- To restore Homewood as the **community center of the west shore of Lake Tahoe**, and preserve Homewood as a small, no-crowds-on-the-slopes, family friendly enclave that can be **enjoyed equally by local residents and visitors alike**. Id.

Furthermore, in developing the Master Plan, the Developer and TRPA agreed to a process that **would serve a broader public base and provide opportunities for the public to inform and affect outcomes**. Master Plan, 4.

The Developer has now put forward a very different plan. Contrary to the agreed-on Master Plan goals above, and the Developer's explicit commitment to the community that a redeveloped Homewood would remain open to all, the Developer now states that the resort will allow the general public only on a "limited basis." Specifically, public access would be restricted to certain times each month which would not include weekends or holidays—currently the busiest days for winter activities at Homewood. KHP fully agrees with the statement in Mr. Nielsen's February 4, 2023 letter that this plan would fundamentally "shift the future vision of Homewood from a four-season resort with a neighborhood commercial village and a ski resort open to the public to a residential neighborhood with a mostly private ski hill and limited local amenities."

The Developer's February 21, 2023 reply to TRPA's request for further explanation of this proposal fails to acknowledge, let alone justify its blatant inconsistency with the 2011 Master Plan. The Developer instead argues that Homewood "is not sustainable as a commuter and locals, day-ticket ski area," and that the resort is "private property" and does not receive "public subsidies." Even if these assertions were true, they are irrelevant to the Developer's obligation to proceed with the Project in compliance with the Master Plan, or else seek a formal amendment to the Master Plan while complying with all applicable federal, state, local, and regional land use regulations, including but not limited to CEQA and NEPA.

TRPA must also consider whether restricting the public's access to Homewood would comply with the Project's coveted CEP status, which grants substantial benefits to the Developer in exchange for ongoing commitments to engage the local community in the Project's development and eventual operations. Among the goals of the CEP program are to ensure that qualifying projects:

- Reflect the **needs of the local community** in which they are proposed to be located.
- Strengthen and create gathering places and economic centers, and improve Lake Tahoe residents' quality of life by providing **new and improved gathering places, community services and cultural centers**.
- Provide **public access and opportunities** to recreational facilities.
- Provide projects that have **clear public benefits with strong public support**.
- Provide projects that are catalysts for **further community revitalization**.

Restricting public access to Homewood is fundamentally inconsistent with each of these central tenets.

In light of the significant changes to the Project that the Developer is proposing – including changes to the current height, density, square footage, and design standards for various Project land-uses – KHP requests that the Developer be required to submit a formal Master Plan Amendment to TRPA before staff and the Governing Board will consider such a far-reaching proposal. KHP also requests that TRPA ensure that the Developer complies with the Project's CEP designation by requiring that the Project continue to provide public access and benefits that generate strong public support—quite the opposite of what the Developer is now proposing.

It is also important to note that the change the Developer is proposing would necessarily subject the Project to subsequent environmental review under CEQA and NEPA, including new opportunities for review and comment by the public and interested agencies. Under CEQA, supplemental review is required when “substantial changes” to a prior approved project would require “major revisions” of the EIR due to “new significant environmental effects” or a “substantial increase in the severity of previously identified significant effects.” Cal. Code Regs., tit. 14 (“CEQA Guidelines”), § 15162(a);

Paul Nielsen  
March 23, 2023  
Page 4

*see also* Public Resources Code § 21166. Altering the 2011 Master Plan to restrict public use of Homewood would involve a new, previously undisclosed significant impact on the public’s access to recreational opportunities—the 2011 EIR/EIS, in contrast, concluded that the current Master Plan would not result in any “decrease [] in the quality of a recreational experience.” Final EIR/EIS, p. 18-12 (finding instead that the Master Plan “would *enhance* recreation facilities and *access to the Project area*[.]”).<sup>1</sup> The Developer’s proposed change would also involve a substantial increase in the *severity* of a previously disclosed substantial Project impact on roadways and intersections. *Id.*, p. 11-68 et seq. Restricting public access on weekends and holidays would offload hundreds of additional day-skier vehicle trips onto other ski destinations every Saturday, Sunday, and holiday, with associated increases in level-of-service (“LOS”) impacts, vehicle miles traveled (“VMT”), air pollution and greenhouse emissions.

Thank you for your consideration of these important issues and for TRPA’s continuing commitment to honoring the community’s investment in the 2011 Master Plan. We would be happy to speak with you further about the group’s concerns.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Joseph “Seph” Petta

Attachment

cc: Placer County Board of Supervisors  
Julie Regan, TRPA Executive Director  
Paul Nielsen, TRPA Special Projects Manager  
Crystal Jacobsen, Asst. Director, County Community Development Resource Agency  
Stacy Wydra, County Senior Planner

---

<sup>1</sup> As noted in the February 4, 2023 letter, the change could also potentially impact access to public lands administered by the U.S. Forest Service.

**Attachment**



**Mail**

PO Box 5310  
Stateline, NV 89449-5310

**Location**

128 Market Street  
Stateline, NV 89449

**Contact**

Phone: 775-588-4547  
Fax: 775-588-4527  
[www.trpa.gov](http://www.trpa.gov)

---

February 4, 2023

Mr. Art Chapman, JMA Ventures LLC  
P.O. Box 3938  
Truckee, CA 96160

RE: Homewood Mountain Resort's Master Plan Update

Dear Art:

Thank you for your letter dated November 8, 2022, regarding the Homewood Resort's Master Plan update. The Master Plan describes the long-range development strategy for Homewood Mountain Resort. TRPA supports redevelopment of the Homewood Resort and appreciates the long and challenging road that you and your team have traversed since our board's project approval. I'd like to take this opportunity to articulate concerns we have that the proposed changes may not be consistent with the Master Plan approved by the TRPA Governing Board in 2011.

Before approving any proposed project at Homewood, TRPA needs to find that the project is consistent with the approved 2011 Master Plan. To determine the consistency of the proposed changes with the Master Plan, please provide additional information addressing how the changes fit within the vision and goals of the adopted Master Plan. A comprehensive list of the Master Plan components of concern is included in the attachment. Below are a few examples that appear to conflict with the proposed changes outlined in your letter.

The following excerpts are from the Executive Summary of the Master Plan:

1. "A central goal of that plan is to restore Homewood as a key gathering center for Lake Tahoe's West Shore and to maintain the heritage of a ski resort that can be enjoyed equally by local residents and visitors."
2. "The Homewood Master Plan has been guided by 3 specific objectives based on extensive community input:
  - 1) Consistency with the scale and character of Homewood.
  - 2) Enhance the lifestyle and property values of west shore residents.
  - 3) Generation of sufficient revenues to support the proposed environmental and fire safety improvements and ensure the continued viability of the ski operations."

Also from the Master Plan:

“The following goals shaped the current master planning efforts and will continue to guide HMR as it strives to become a model for responsible land use and community planning:

- Restore Homewood as the community center of the west shore of Lake Tahoe
- Preserve the character of Homewood by developing new facilities that reflect the existing architectural quality and scale of the community
- Preserve HMR reputation as a small, no-crowds-on-the-slopes, family friendly enclave that can be enjoyed equally by local residents and visitors alike.

“Homewood Mountain Resort is an important winter recreation amenity to the residents, second homeowners, and visitors of the West Shore of Lake Tahoe. It has been considered the locals’ ski hill for several decades.”

The proposed changes outlined in your letter appear to shift the future vision of Homewood from a four-season resort with a neighborhood commercial village and a ski resort open to the public to a residential neighborhood with a mostly private ski hill and limited local amenities.

A final determination regarding the consistency of the proposed changes with the Master Plan will likely be made by the TRPA Governing Board. Before that is scheduled for a Governing Board meeting, I would like to give you the opportunity to respond to our concerns that the changes may not be consistent with the adopted Master Plan.

Also, please let me know of any input received by the USDA Forest Service regarding the proposed limits on public access to public lands within the ski resort.

TRPA invested substantial resources over a decade ago to work through a robust public engagement process on the Master Plan. We recognize that conditions have changed since then, and we appreciate the opportunity to review your proposed updates in light of the questions raised in this correspondence.

Thank you for your patience in this matter,

Paul Nielsen  
Special Projects Manager