COMMUNITY INPUT ON VILLAS AT HARBORSIDE PROJECT
ADDITIONAL PUBLIC COMMENTS TO ACCOMPANY STAFF SUMMARY

Since the initial hearing on the Villas at Harborside project by the TRPA Governing Board on November 15, 2006, public comments concerning the project have continued to come into the Agency. Staff recognizes the Board has reviewed numerous public comments, but many of the comments and correspondence here are based on continued information sharing with the community. Staff is continuing its commitment to the concerned citizens who provided their input that their comments would be shared with the Board.

Comments opposing the project focus on the following issues and make specific claims:

• Scale and character of the proposed development does not blend with the surrounding community.
• The parking plan is inadequate.
• The applicant has not complied with prior permit conditions and appears to circumvent land use regulations.
• Scenic quality will be degraded and views of the lake will be blocked.
• A 1999 TRPA permit conditioned 20’ view corridors between lots. That has been reduced to 15’ without proper noticing.
• A 1995 Settlement Agreement between TRPA and the property owner limited future development on the proposed lots to single-family dwellings.

Comments in support of the project focus on the following and make specific claims:

• The proposed development reflects old Tahoe charm consistent with the character and scale of the West Shore.
• Well planned redevelopment is needed in Homewood. The proposed redevelopment will contribute to the revitalization and sustainability of Homewood. The proposed project is appropriate for the commercial core of Homewood.
• There is a need in the area to attract more visitors to help the economy and small businesses.
• The project maintains public lake access and respects the large trees
• The project demonstrates a balance between a sustainable environment, a vibrant economy and thriving local community, which is at the core of TRPA’s Pathway 2007 initiative.
• Large, empty single-family dwellings, while appealing to the second homeowner, will not contribute to the community as the Villas at Harborside would.
• Private property rights dictate that any project that complies with all applicable regulations should be allowed and does not require support from the community.

TRPA staff from the Legal, Environmental Review Services, and Communications & Customer Service departments responded to many requests for information from concerned citizens and held an informal meeting with representatives to engage the community and keep them informed as the review process moved along. Questions from concerned citizens have continued to enhance the review process by helping TRPA identify critical issues germane to project review.
COMMENTS IN SUPPORT
February 23, 2007

Mr. Allen Biaggi, Chairman
Tahoe Regional Planning Agency
PO Box 5310
Stateline, NV 89449

RE: Villas at Harborside in Homewood

Dear Mr. Biaggi,

As a fourth-generation Homewood property owner, I am writing to you in support of Nate Topol’s proposed Harborside Villas.

Given my family’s extensive history on the West Shore, it is of utmost importance to us that we do what we can to maintain the special character and quality of life that we have been privileged to enjoy since 1905. When we remodeled our circa 1911 Tahoe cabin several years ago, we went to great lengths to consider its history and context to create a home that was appropriate to and respectful of place. In 2003, our efforts were rewarded when TRPA recognized our project as the best residential remodel in the Tahoe basin.

The small cabin-like designs of the Harborside Villas are also in keeping with the scale and history of the neighborhood, and fit with the surroundings much better than oversized single family homes, or any of the other commercial uses the land could be developed into. Their design is a significant aesthetic improvement in place of the ailing Homewood Marina Lodge; they allow a better viewshed to the lake than one large building; and the shared ownership will help buoy local businesses, which we have seen come and go often through the years.

One can see from the first phase of Harborside as well as the newly opened West Shore Café that Mr. Topol’s work is of the highest quality and is a great contribution to our neighborhood. I strongly support the proposed Harborside project and urge the board to make a decision for the West Shore community at large on February 28.

Sincerely,

Bryan F. Turner
November 14, 2006

Mr. Allen Biaggi, Chairman
Tahoe Regional Planning Agency
Board of Governors
PO Box 5310
Stateline, NV 89449

Honorable Members of the Board,

I am writing in support of the project known as The Villas at Harborside. I believe this project is set for review by your board on November 15, 2006. I urge you to vote in favor of allowing Mr. Topol to make the changes to his property.

As owner of property at Lake Tahoe, I am deeply concerned with the economic condition of our community. If we are to keep up with other resort areas, we must continue to improve what we offer to visitors, as well as what is appealing to the neighbors.

I believe a property owner has the right to develop his/her property as he wishes, as long as it conforms to the law. Mr. Nate Topol has presented a plan for development that is the best solution for this property. His plan for building clusters of smaller homes will compliment the “old town” ambiance of downtown Homewood.

In addition, the “time-share” quality will increase visitor-ship to the Homewood area, thus helping to invigorate an otherwise slowing economic area.

Mr. Topol has demonstrated the planned quality of this proposed project with the construction of both the beautifully designed West Shore Café and the three cluster cottages on the adjacent property.

This project will do nothing but improve our community and I urge you to vote in favor of allowing it to continue.

Thank you,

Bill and Barbara Loveless
Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, Ca. 89449  

November 15, 2006  

Dear Sirs,  
This letter is being sent to you to express our support for the Villas at Harborside project owned by Mr. Nate Topol. We ask that the TRPA vote in favor of the continuation for this project.  

We own a home on the lake in Tahoma and we feel that this project would enhance the community lifestyle and improve the appearance because of the top quality workmanship. Our family has enjoyed having the West Shore Café nearby also.  

We appreciated the informative workshop that Mr. Topol presented at the end of summer, and we heartily support the Villas at Harborside project. We believe that this will be a very positive addition to our community.  

Best Regards,  
James and Sue Ellen Calcagno  

[Signature]  
Sue Ellen Calcagno
Hi John,

Gail and I have to miss today’s Governing Board meeting. We have a strong interest in commenting favorably on the proposed Villas at Harborside Project. We agree with Staff’s recommendation to the Board to make the required findings and conditionally approve the Project. We believe from the Staff report that Theresa is the senior planner assigned to this project, so we are copying Theresa on this email.

When a property owner has complied with both TRPA’s land use regulations and Staff has concluded that the project will not have a significant effect on the environment, it is important for TRPA and for the Board to be clear and consistent in making a decision on the permit application. Here, in the case of the Villas at Harborside, private property rights plus a good proposed project which meets all the rules and does not adversely affect the environment constitutes project approval, as Staff has recommended.

Investment by the private sector to improve the Basin is the only way to achieve the triple bottom line. If we sustain our community and our economy, we will have the resources to match our resolve to protect and sustain our environment. But the investment must be sustainable as well. It must be self-renewing through a continuing reinvestment of private capital. Whether that occurs will be based on investors’ perceptions of Staff’s competence and the Board’s decisions.

Investors deploy their capital based on a risk adjusted return analysis, not based on emotion. Because there are so many other attractive opportunities for investors to pursue outside of the Basin, Tahoe must be competitive and investor friendly. To attract capital investment, there needs to be confidence in the timeliness and wisdom of the TRPA review process. Decisions must be based on science and compliance with what the Code actually says, versus with what some might wish the Code said. Here, for example, although there were many reasons stated for the bases of objections to the project, Staff reviewed each of the opposition issues raised and found all of them to be either without merit or has conditioned the project accordingly.

There is one point in Staff’s recommendation which appears to cross the line into the terrain of regulatory excess. There is concern with the owner’s failure to date to satisfactorily complete certain scenic improvements to the West Shore Café and Marina parcels. For this 9 unit project, the proposed solution is to allow the applicant to build 3 units while he completes the scenic improvements, and then allow him to build the remaining 6 units in a second phase. From a cost stand point, building 9 units in two phases is less efficient and more costly than building 9 units in one phase. It seems there would be a variety of better alternatives to fully secure and condition the successful completion of the scenic mitigation improvements without increasing the project cost through required phasing. Staff always asks, “will this element of the project hurt the Lake?” A true triple bottom line approach would also compel Staff to ask, “will our decision hurt the investor?” By asking BOTH questions, conflicts can be resolved through the pursuit of cost-effective alternatives which protect the Lake AND the investor, and which are perceived by the investor to be fair and reasonable.

This principle is very important. Project conditions are a necessary part of protecting the Basin and of assuring that what is approved is what is built. A triple bottom line approach would consider the cost
implications of proposed conditions and more efficient alternatives to protecting the Lake and complying with the Code. Good projects solve problems. Excessively burdening a good project with unnecessary costs eventually destroys investor incentive. When a project is unnecessarily burdened, TRPA is telling the investor to go way. This prevents the achievement of the triple bottom line because the public sector does not have enough resources to do the job alone.

We request that the Board carefully review this situation, apply good science and reach a solution to the concern which is consistent with both the Code AND the triple bottom line. Thank you for consideration of our views. Best regards, Steve

Cc Theresa Avance & Joanne Marchetta & Gail Jaquish

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Maureen & Bob Nolan
Lincoln & Tahoma, California
mobonolan@sboglobal.net

February 26, 2007

Ms. Julie Motamedi, Chairperson
Tahoe Regional Planning Agency Board of Directors
PO Box 5310
Stateline, NV 89449

Ref: Villas at Harborside Project Review

Dear Ms. Motamedi Members of the Board,

We are long-time residents of the West Shore, as a matter of fact our families have lived in Meeks Bay, Tahoma and Homewood for six generations! We spend summers at our home in Tahoma, and winter in Lincoln. We couldn't imagine living anywhere else but Lake Tahoe and the warmth, charm, beauty and vitality of Tahoe's West Shore.

We want to express our support of Mr. Topol's Villas at Harborside project. We are impressed with the quality of design of the West Shore Café & Inn, which was completed this past summer, and of the three cottages built two years earlier. Both of these projects are high quality, beautifully built, and well designed. They definitely "fit" into the surrounding area; there is a definite sensitivity to the environment and the "Old-Tahoe" neighborhood feeling.

The Villas at Harborside will be a tremendous asset to the community. This area was in need of redevelopment and Mr. Topol has carefully and methodically transformed an otherwise rundown area. The interval ownership quality of the vacation homes will help bring back the vibrancy of old Homewood, there will be folks using our local services and facilities, which in turn will provide more employment. So many of our services on the West Shore have been lost as there are less people here to use them.

As services are lost, as small businesses close, residents and visitors will be forced to drive to Tahoe City, thus contributing to traffic and emissions.

We must be prepared to accept change, but also to exercise control over that change, and encourage well-planned projects that contribute positively to our community, ones that work to enhance our small town. We understand that some people are opposed to this project. We can only think that their concerns are personal and very short-sighted.

We are urging our West Shore neighbors to show their support as well, and urge the TRPA to vote in favor of The Villas at Harborside project.

Sincerely,

Bob and Maureen Nolan

[Signature]

[Signature]
To: TRPA Board of Directors
From: Melissa Senicka
Date: February 20, 2007
Re: Villas at Harborside

Honorable Directors,

I am full-time, year-round resident, a single mom raising my kids on my own. I have a small house keeping business with clients on the West and North shores. I have a strong interest in the success of our community. I am writing to support The Villas at Harborside in Homewood.

I have seen many changes over the years that we have lived here, most of them positive. I know that there are a few people who are against this project because they don't want change on the West Shore. I say to those people, “how naive can you be?” Change is what keeps things vibrant. If we didn't allow change, Mr. Topol's property would still be a parking lot with a seaplane port and gas tanks!

Mr. Topol's project, The Villas at Harborside takes into consideration the need to provide good change that will stimulate the local economy.

We need to control change. Protecting the environment is a good thing, but it must be done with consideration for ALL the people who live here. Not just a few.

Another ridiculous claim expressed by the few who oppose this project is that it will have a “negative impact” on West Shore beauty and block lake views. Give me a break! These people have too much time on their hands.

The design for the Villas at Harborside is in keeping with the overall feeling of the West Shore. It preserves many old-growth trees, it maintains lake views and lakeshore access, and will add to the beauty of the community because it maintains that “old Tahoe” flavor of the West Shore.

The West Shore Café is a gorgeous building, totally in keeping with what the West Shore should look like, and you can hardly see the existing timeshare cottages either from the road or the lake, with plenty of “views” between them. That should give you an idea of how the new timeshares will impact the area.

I suggested to my lakefront clients that perhaps they would consider not having a building on their property so the rest of us could see and have access to the lake. I’m sure you know what they said!

Please vote to approve this project

Most Sincerely,

Melissa Senicka

[Signature]
Ms. Susan Smith  
PO Box 578  
Tahoma, CA 96142  
530-525-9272  

February 23, 2007  

Ms. Julie Motamedi, Chairperson  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449  
Fax: 775-588-4527  

Ref: Villas At Harborside  

Dear Ms. Motamedi,  

I am outraged. I recently received a letter from the so-called “opposition” to the Villas at Harborside project. It purports a long list of miss-stated facts, but the most egregious is the audacity of them to suggest that your board to vote to keep Mr. Topol’s property as open space! And, then ask for money to support their cause!  

Expecting you to force Mr. Topol to keep his land as open space for their personal enjoyment is no different than asking any homeowner to tear down their lakefront house so the rest of us could enjoy a lake view when they come before you to build a deck or addition. “GIVE ME A BREAK!”  

I would dare say that most of the opposition is ignorant of the facts of this project. Based on the errors and magical thinking presented in Ms. Cresses communiciqué it’s no wonder people are confused, as they certainly have been miss-led.  

There are over 300 property owners in Homewood; only a fraction are members of the Homewood Homeowners Association. Of that membership, only 55 voted against the project when presented with a very slanted set of facts. When Mr. Topol was finally allowed to present the real facts before their body, many folks were relieved to know the truth and changed their minds and offered support. Unfortunately, some of them have been intimidated into keeping their feelings personal and are afraid to speak up in public.  

Multiple ownership, timeshare units, which replace existing units, TAU’s, will not create more traffic. As the hotel units have been used, so will the timeshare units be used! The fact that they are charming, Craftsman-style cottages instead of a cinder-block hotel are something we should all be cheering, not striving to maintain the old!  

Their density myth is also unsupported... The Villas, three cottages per parcel, is much less coverage than what is allowable for a single family home.
I, nor do any of my neighbors want to see yet three more three story giant mansions blocking the lake and looming empty statistically 90% of the time. Besides, in order to build them the precious environment of large old trees would be destroyed. The cottages preserve many, many more of the trees.

Exactly whom are we preserving the lake for anyway? Only the rich who can afford mansions and NIMBY-ers with selfish, single-minded and shortsighted ideals of what is the “right”. Or are we protecting the lake and our environment for ALL who live here and visit here? I would vote for the latter.

The Villas at Harborside is a beautifully designed, well-planned, environmentally sensitive, redevelopment project ideally suited for the mixed residential/commercial setting of the West Shore in Homewood.

Please vote to move this project ahead — within the guidelines of the TRPA, of course!

Sincerely,

Susan Smith
To: Tahoe Regional Planning Agency

From: Remmel Wilson

Date: March 26, 2007

Ref: Villas at Harborside Project, Homewood, California

I have am a full-time resident with a home on the West Shore near Homewood. I am a professional musician and music teacher. I make my living performing for visitors and locals alike.

Our neighborhood is very busy at peak vacation times throughout the year. Living in a highly trafficked tourist area has its challenges. To indicate that Homewood is a "sleepy" little community is at times a grossly exaggerated understatement.

With that said, however, Homewood is in dire need of a "shot in the arm." Much of the infrastructure is old, passed its time. Mr. Topol has taken it upon himself to rise to the challenge of doing something about redeveloping Homewood.

The Villas at Harborside (phase two) will continue to enhance our West Shore community as does the West Shore Cafe® and the existing Villas cottages (phase one). When the Villas at Harborside project is completed Homewood and the entire West Shore community will benefit.

I would like other property owners to rise to the challenge and begin restoring Homewood to the visually and economically vibrant community deserving of its historic fame. With the support and guidance of TRPA our community can successfully embrace the future through well-planned, well-designed projects like the Villas.

Sincerely,

Remmel Wilson

Homewood, California
Letter to the Editor, Sierra Sun,

The following letter was sent to TRPA Governing Board. I ask that you print it in the Sierra Sun.

To: Mr. Allen Biaggi, Chairman
    Tahoe Regional Planning Agency
From: Chris Price
Date: February 23, 2007
Ref: Villas at Harborside

The Villas at Harborside redevelopment project in Homewood is a beautifully designed and carefully planned project. It takes into consideration all the elements that would contribute to the success of such a project in our community.

Scenic Corridor – These clusters of small homes provide several lake view corridors between them and the trees from the highway. This staggered arrangement allows for the trees to screen much of the view of the buildings from the lake, reminiscent of Old Tahoe.

Environment – Because these homes are small (less than 1800 sq ft) their locations can work around the older standing trees on the property. The ornamental fencing is tasteful and totally unobtrusive.

Design – The craftsman-style design of these small homes clustered “randomly” suggests an old fashioned village. The attention to quality and detail is evident when one views the three existing homes that are part of the first phase and the four-star West Shore Cafe.

Parking – Always at issue in any commercial area, parking in Homewood is everyone’s concern. The Villas meets and exceeds regulatory agency requirements for off-street parking. The Marina requires its patrons to keep boat trailers racked or in storage, not on the street, and Villas will require the same of its homeowners.

Economic Effect – The Villas by nature of the shared ownership and rental program will infuse the local economy. The nature of this homeowner (and renter) is to utilize local resources when using their vacation home, i.e., ski and bike rentals, restaurants, shops, even other lodging facilities.

The NIMBY Effect – A handful of neighbors have voiced some concerns, most of which have been graciously mitigated by Mr. Topol. My sense is that the most vocal critics of this project fall into the category of “no change or growth or development of any kind is good”. They have their lakefront or family vacation home, and to “heck” with everyone else.

I urge community members to express their support of this project to the TRPA. It will only serve to benefit the West Shore residents and businesses. Phone: 775-588-4547, or visit the site for individual board members’ e-mail addresses: www.trpa.org.

I urge the TRPA to vote in favor of the Villas at Harborside. I trust that when you review this project you will judge it on all of its good merits.

Sincerely,
Chris Price
Full-timeTahoma resident and property owner
FROM
Diane M. Pang

DATE
March 26, 2007

TO
Ms. Julie Montamedi, Chair
Tahoe Regional Planning Agency Board of Directors

REFERENCE
Villas at Harborside

Honorable Board members,

I am a West Shore home owner, and have lived my entire adult life at Lake Tahoe. I have seen many changes over the years as our communities have evolved. The saddest change is witnessing the demolition of the charming old Tahoe lakefronts to make way for over-sized mansions, which stand empty the majority of the time.

I am in support of The Villas at Harborside. This project is sensitive to the architectural tastes and style of the surrounding neighborhood. It is respectful of the environment, preserving old-growth trees and maintaining view corridors.

This is a well-designed, carefully planned and researched redevelopment project in an area of Homewood suffering from a tired commercial core. We should encourage those like Mr. Topol to do more of this type of redevelopment.

It has provided resolution to concerns of neighbors and the community by providing more than adequate parking and established restrictions for boat trailers

The Villas at Harborside is the type of project that should be encouraged and applauded by the TRPA. I urge you to do so.

Respectfully submitted,
Diane C. Malven-Pang
Ms. Julie Montamedi, Chair  
Board of Governors  
Tahoe Regional Planning Agency  
PO Box 5310  
South Lake Tahoe, CA 89449

Dear Ms. Montamedi and Honorable Board members,

I have had the opportunity to photograph the first phase of the Villas at Harborside timeshare cottages, as well as the West Shore Café & Inn. This is a beautifully designed and constructed property.

I know there are some folks who are against the continuation of the Villas at Harborside, and over the past few months have expressed a variety of reasons. It is my experience that most of the reasons given are a lot of hot air.

One of the biggest criticisms is that this project is not going to “fit in”… On the contrary! The proposed architecture (along with the existing facilities) is exactly the type and style of project that should be built in Homewood, in this commercial area.

The trend at Tahoe has been to tear down the historic homes and build over-sized mansions that loom empty as you pass by. I have seen many of these and they are often empty. It is unfortunate that we have lost so many of our old-time visitor accommodations to this avarice. The visitors that will stay at the Topal cottages will eat in our restaurants, buy food in our stores, rent boats, buy gasoline, buy clothes and use many other services that is vital to the economy of our West Shore Lake Tahoe region on a year round basis.

The Villas at Harborside timeshare cottages will provide quality tourist accommodations we need to sustain our tourist-dependent economy. And their design compliments the feeling of “Old Tahoe” which is so important to maintain. These are in fact beautiful, eye pleasing well constructed structures.

I support this project and I urge you to vote your support as well.

Sincerely,

Ron Richman
Sharon Buss  
PO Box 18  
Homewood, CA 96141  

March 26, 2007  

Ms. Montamedi, Chairperson  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449  

Re: Villas at Harborside  

Dear Ms. Montamedi and Members of the Board,  

I have been employed by Nate Topol for 21 years and will be retiring this June. I have also been a year round resident on the West Shore since 1973, and a Homewood Homeowner since 1977. It was my intention to speak at the last meeting which was canceled due to weather. I hoped to be at the meeting on March 28th, however I will be unable to attend due to medical reasons.  

For nineteen years Nate Topol generously donated the commercial zoned property now known as Villas at Harborside to the Lake Tahoe Summer Music Festival and Arts for the Schools as a venue for their performances and fund raisers. He donated a large sum of money to construct the Topol Pavillion which enhanced the quality of those performances for the entire Lake Tahoe Community.  

Yes there are parking issues in Homewood and the entire West Shore Area. Nate Topol is diligently working on parking related issues pertaining to his properties. Furthermore Mr. Topol has taken great care to satisfy most reasonable issues brought to his attention by neighboring property owners. However, with each meeting there seems to be another set of requirements in his path. To my knowledge Nate is willing to addresses valid issues relating to the project. The public accessibility on the property has been increased beyond the requirements.
This commercial zoned property has been owned by Nate Topol for twenty eight years. I believe a property owner has the right to develop his/her property as they wish as long as it conforms to the rules and regulations that are applicable to the property. Nate Topol has proposed a plan for development that is a good solution for this commercial zoned property. Yes, we will all miss the music on the lawn, but the decision to develop this commercial zoned property is not unreasonable. Most commercial property owners would not of waited this long!

In closing I would urge the board members to make their decision based on the facts, codes, and regulations that govern this project rather than the comments and demands of an very emotional group of homeowners.

Sincerely,

Sharon Buss
DR. GWEN MAZOUJIAN
902 SHOREBREEZE
SACRAMENTO, CALIFORNIA 95831

To: Tahoe Regional Planning Agency Board of Directors
Date: March 8, 2007
Ref: Villas at Harborside

Dear TRPA Board of Directors,

I am writing to offer my support for the Villas at Harborside project and the request that the TRPA Board of Directors votes in favor at this upcoming hearing.

Although I fully support the rights of property owners to voice objection to development and/or commercial activities that would in any way threaten their real investment. I take great exception to the negative dialog that I have read regarding this project. It is based on distortions, misconceptions, and some outright falsehoods, expressed in a spirit of personal attack.

The Village at Harborside project is beautifully designed with great attention to detail. Quality construction and design integrity are important elements that determine the success of a project. One has only to visit the newly completed West Shore Café, and tour the Phase One time-shares of the Villas adjacent to the Café, to realize that Mr. Topol builds fine, quality, well-designed projects worthy of their important location in Homewood's commercial center on Tahoe's West Shore.

What is particularly noticeable is that neither project is over-built. The homes reflect the Old-Tahoe charm for which the West Shore is noted; The West Shore Café & Inn is a high quality restaurant/lodging facility representative of true mountain elegance quality tourism crave.

I strongly support Mr. Topol's Villas at Harborside redevelopment project. This project reflects what Homewood and the West Shore is truly all about.

Sincerely,

Dr. Gwen Mazoujian
Sacramento & Tahoe
March 17, 2006

Bruce Kranz, Supervisor
District 5
175 Fulweiler Avenue
Auburn, CA 95603

RE: The Villas at Harborside

Dear Supervisor Kranz,

I would like to speak in favor of this project. I own a home on the water several hundred yards south of Mr. Topols' project at 5620 West Lake Blvd. I used to stay at the Huff’s Homewood Resort from 1955 to 1963 after which we built our lakefront home. The Homewood commercial area from Swiss Lakewood Restaurant to Obexer’s has been in a state of decline for 30 years. No one has invested any money in the region to improve this commercial corridor and no one will if a few “not in my backyards” are the only ones heard. Well, I vote and I cannot wait until Mr. Topal completes this project. Maybe this will spur the Obexer family to do something with their falling down buildings. The density of this project is what the “Blueprint” for smart growth dictates and Placer agreed to, calls for. It’s the way we need to deal with the growth in all areas; denser and better quality.

Last, but not least, this project will enhance the taxable value of my lakefront home and that’s fine with me. As to the visibility of the lake from this section of 89, it never existed until Mr. Topal cleared the property to build. And, since our bike trail is right on 89 at this point creating a visual of the lake for cars will end up killing someone on a bike.

Sincerely,

Michael Lyon
5620 West Lake Blvd.
Homewood, CA
February 22, 2006

TRPA Board of Supervisors

Dear Sirs,

I have written before to express my support for the Villas. Some have expressed concern that this project is too large, or not in keeping with the feeling of the West Shore. I contend that this can be no further from the truth.

I own Bruce Massie's Creative Kitchens & Baths, in Tahoma, on Tahoe's West Shore, and am a Director of the Meeks Bay Fire Protection District (elected).

As responsible citizens of this community we must concern ourselves with what it will take to keep our environment clean, to keep our economy flourishing, and to provide the services residents and visitors alike require.

With the seasonal nature of our economy, we certainly see ups and downs with the varying influx and departure of visitors and second (or third!) homeowners. We have also noticed a somewhat downward economic trend in our community and feel that some of it can be attributed to folks who only visit their vacation homes once or twice a year.

Many of us here on the West feel that there are obvious advantages to building a "cluster" of nine cottages. With multiple owners, it stands to reason that more people will be using these homes and more often, and more people means use is scheduled and staggered, not with more people at a time as the opposition would have you believe! The same nine families will use these timeshares as those using the hotel that is being torn down!

Please help to reverse this downward trend that has already claimed our hardware store and two much-loved restaurants by approving Mr. Topol's project.

Sincerely,

Bruce Massie
Creative Kitchens & Baths, Inc.
To: Ms. Julie Motamedi, Chair  
**Tahoe Regional Planning Agency Board of Directors**

From: John Hyche

Date: March 25, 2007

Ref: Villas at Harborside

Dear TRPA Board of Directors,

I am one of the former owners of a long time thriving family business on the West Shore called the Tahoe Tree Company. We are long time residents having lived on the West Shore and Tahoe City for most of our lives and raised our family here.

We urge you to please support Nate Topol and his Villas at Harborside project.

Maintaining the fragile balance between a sustained environment, a vibrant economy and a thriving local community is at the core of TRPA’s Pathway 2007 initiative and the Place-Based Planning Process. Lake Tahoe communities can only survive as long as the amenities we offer are enticing to visitors. The Villas at Harborside project is beautifully designed and will help to revitalize the declining commercial area in Homewood and the West Shore.

Mr. Topol has demonstrated with the well received and locally acclaimed recently completed West Shore Café & Inn, his commitment to quality building and sensitivity to the Homewood “old Tahoe” style.

The Villas at Harborside will provide a much needed boost to the local economy with jobs during construction, service jobs when completed, and regular turnover of visitors to the property, in turn utilizing local business. The Villas will enhance the local property values affecting our home as well as others.

My family and I encourage your support of this project.

Sincerely

John Hyche

West Shore Property Owner
TRPA Board of Directors  
Auburn, California  

February 21, 2007  

Gentlemen,  

I am TRULY a West Shore resident. My home here is my FIRST home. I do not live in Sacramento or the Bay Area.  

My wife Mary and I have lived here for most of my life and raised our three children here. I was the Postmaster at Homewood and now own Hatton Construction, Inc. My wife Mary is the manager of the PDQ Market in Tahoma.  

I know that some people are opposed to the proposed construction project in Homewood called the Villas at Harborside. Some of these people are newcomers to the area, and although they are entitled to their opinions I am offended by these people who don’t really live here, but because they can afford to hire a high-priced lawyer from “the big city”, they think they can push around REAL locals.  

I am writing to you to show my support for The Villas, which I feel will generate much needed business activity for the West Shore. We lost our hardware store recently and now have to drive 16 miles round trip to Tahoe City to the closest alternative. That generates more traffic and uses expensive gasoline. We also lost two restaurants that were favorites of both locals and visitors.  

We need more stable business on a year-round basis, and I think having nine smaller homes with a constant flow of owners/users will have a positive effect on the economy here on the West Shore. Also, the quality of design and construction will be an asset to the look of Homewood and the value of all property.  

Thank You,  

Chris Hatton  
Hatton Construction, Inc.
Heidi Doyle  
PO Box 90  
Tahoma, CA 96142

March 25, 2007

Tahoe Regional Planning Agency  
Governing Board  
PO Box 5310  
Stateline, NV 88449

Ref: Villas at Harborside

Dear TRPA Board members,

I am in support of the Villas at Harborside project. I believe that this project will help to stimulate the declining visitation to the West Shore.

My family and I have been summer residents for many years. Recently we have moved here full time while my husband serves in the military. My interest is in environmental and historic preservation, and the revitalization of the West Shore.

“Downtown” Homewood has traditionally been an area frequented by seasonal visitors. The property designated for the Villas at Harborside was sprinkled with old rental cabins that unfortunately fell into disrepair. Mr. Topol has taken great care to design 21st century facilities that are totally reflective of Homewood’s old Tahoe charm.

Utilizing this commercial property for private “mansions” that would statically be unused the majority of the time may have great appeal to some second homeowners in the vicinity. This is a very self-serving and short-sighted view. Visitor accommodations that have been removed on this property and on that of others nearby need to be replaced in order to meet the needs of our tourist dependent economy.

The Villas at Harborside time-share cottages offer first-class, quality accommodations that our Lake Tahoe visitor demands. I urge you to consider the long-range, big-picture, and keep the commercial core commercial, and support this well-designed and appropriate facility.

Sincerely,

[Signature]

Heidi Doyle
To: Supervisor Bruce Kranz

Subject: Harborside Villas

Mr. Kranz, we ask that you vote for the Harborside Villas project.

We are a small business located on the Westshore of Lake Tahoe. Our business depends on visitor and second homeowner traffic patronizing our business as they pass by on their way to and from towns like Homewood.

We need any development that will bring more potential customers by our front door. It is a constant struggle to keep a small business viable at Lake Tahoe. We need your help to sustain our business.

We have seen the first phase of this project and concur that it is of the high quality appropriate for the area. Please help all small businesses on the Westshore by approving the Harborside Villas project.

Thank you,

Henry & Corrine Bardelli

Henry Bardelli

Corrine Bardelli
December 2, 2005

Placer County Board of Supervisors
175 Fulweiler Ave.
Auburn, CA 95603

To the Board of Supervisors,

This letter is sent to you as a show of support on behalf of my wife and I of the Villas at Harborside. We have looked at the project and see it as an asset as well as benefit to the economic development of our West Shore community. My wife and I have observed the quality of this project so far and approve.

With the size of some of the homes being built on lakefront property over the past several years we feel this project to be more in line / size from an aesthetic, scenic, functional value to our community.

As full time residents here in Homewood for over thirty years my wife and I urge your support of this project.

Sincerely,

Gary W. Chaney      Lori Chaney
To: Tahoe Regional Planning Agency Board of Directors

From: Sharon Coolidge

Date: March 13, 2007

Ref: Villas at Harborside

Dear TRPA Board of Directors,

I am a long-time local property owner; both my residence and income properties are on the West Shore in Homewood. I support Mr. Topol's Villas at Harborside project.

The Villas at Harborside project is well planned and beautifully designed, it will help to revitalize and stimulate the commercial area in Homewood, setting an example for future projects.

I find this project to be sensitive to the surrounding environment and am particularly impressed by the concerns expressed by Mr. Topol to ensure adequate Lake access for the neighbors and to preserve some of our older Homewood trees.

The Villas at Harborside time-share cottages will provide a much-needed boost to the local economy with jobs during construction and service jobs when completed. These homes will be used at a more regular rate than the many empty over-sized homes standing empty most of the time.

I encourage your support of this project.

Sincerely,

Sharon Coolidge
December 2, 2005

Placer County Board of Supervisors
175 Fulweiler Drive
Auburn CA 95603

Gentlemen:

We are property owners, year-round residents and business owners on the Westshore. We want you to vote for approval of the Villas at Harborside project.

Several non-resident second homeowners have objected to this project and one has appealed the Planning Commission approval action. They do not understand the project and their actions are based on misinformation. This project complies with the Westshore General Plan and the TRPA Regional Plan and should be allowed to go forward.

Mr. Topol has done a good job of planning his project to make it a very nice development. He should be allowed to continue his project since he meets all the required rules.

Regards,

[Signature]

Jeanne Druuslaw
February 2, 2007

Theresa Avance
Tahoe Regional Planning Agency
128 Market Street
PO Box 5310
Stateline, NV 89449

Re: Villas at Harborside; TRPA File No. 20050823

Dear Theresa:

This letter and enclosures will respond to the request of certain Governing Board members for additional information on aspects of the Villas at Harborside project, as expressed at the Governing Board meeting on November 15, 2006. We understand that you will be preparing a supplemental staff report for the Board and ask that you include this information with that report. According to your email message to Angela Silva of Midkiff and Associates of January 16, 2007, the Board wanted more information for the scheduled February 28, 2007, hearing on six items:

1. Snow storage and removal plan
2. Buoy Field
3. B&P’s on Marina parcel
4. ADA compliance for proposed units
5. Traffic and parking compliance for emergency services

1. **Snow Storage and Removal Plan.** The applicant asked engineers at Gary Davis Group to take another look at the parking and circulation plan proposed for the Villas at Harborside. Given their long experience in the Tahoe basin and surrounding Sierra area, the Davis firm is well qualified to advise the owner on snow removal issues that might affect the ability of owners of the proposed Villas units to use the parking spaces and to safely exit the project onto the public highway. Enclosed please find a letter dated January 26, 2007 to Mr. Nate Topol from Gary
Davis Group that makes recommendations leading to the conclusion that all of the planned
parking spaces will be useable and the on-sit circulation plan will work as shown. The important
fact is that the snow removal plan discussed, the use of vehicle mounted snow blowers to clear
parking and access areas and the hauling away of excess snow if it accumulates to the point that
it would interfere with parking and circulation, is precisely the snow removal plan that is used at
our client’s neighboring West Shore Café parking area. It is the same plan that would be used at
the Villas in the future. Obviously, owners of interests in the Villas, through their association,
would insist that an effective snow removal program be maintained, as it directly affects the
convenient use of their unit.

A question as raised whether the parking lot can be used (including, when necessary, stacked
parking) as outlined by the applicant. The second enclosed letter from Gary Davis Group gives the
result of further analysis of the parking and circulation and concludes that it will work.
Again, the owners will insist that their association enforce the parking plan so that all of the
spaces are useable. As is apparent from the supplemental traffic generation study discussed
below, the likelihood of there ever being a need to park more than six cars on any one of the lots
at any one time is very low. However, if the stacked parking use is needed, it can be managed by
the owners to be effective.

2. Buoy Field. Enclosed please find a letter dated January 27, 2007 from attorney Gregg Lien to
our client summarizing the permit status of the buoy field at the Homewood marina. The bottom
line is that the buoy field has an U. S. Army Corps of Engineers permit for 125 buoys, and that
the applicant applied to TRPA and California State Lands Commission for a permit and lease for
the same size buoy field 15 years ago. Those agencies have refused to process the applications
solely for reasons of TRPA policy and shorezone ordinance amendment delay, not because of
any act or inaction of the owner. Essentially, the buoy field is as permitted as circumstances
allow it to be, and has been for a very long time. A question was raised at the last hearing about
people seeing buoys being dropped in recent years. The explanation is that in a large buoy field
like this, buoys, chains and anchor blocks need to be replaced for maintenance and safety
purposes at times and at other times buoys need to be moved, or the size adjusted, because of the
change in the size or type of boat that will use it.

3. BMPs on Marina Parcel. Mr. Merrill asked whether or not there was containment facility
within the marina. There is. Enclosed is a letter dated January 22, 2007, from Dave Antonucci
to Mr. Topol describing the existing containment facility.

4. ADA Compliance. Although this is not really a TRPA issue, Mr. Kranz asked about the need
for ADA compliance in the project design. An attorney in our firm, Mr. John McKinsey, is very
experienced in the field of ADA compliance and has advised dozens of business owners and private parties on such matters. He reviewed the proposed plan for the Villas. In his opinion ADA does not apply because the Villas will not be a public facility. It is a privately owned development that is not to be operated as a hotel or motel. ADA does not apply.

5. **Traffic and Parking Compliance from Emergency Services.** In addition to the parking analysis letter from Gary Davis Group mentioned above, the North Tahoe Fire Protection District has confirmed to Mr. Antonucci that it reviewed the proposed design of the entry, access and parking areas of the Villas and is comfortable that, as designed, it meets their standards for emergency access. Enclosed is a letter confirming one conversation with the NTPFD in which that fact was confirmed. We are also informed that certain members of the public who questioned the emergency access for the project have met with senior officers at the NTPFD and were informed of these facts.

Mr Merrill and others also questioned the traffic analysis and asked for further study. Enclosed is a traffic generation analysis dated January 26, 2007, by LSC Transportation Consultants. It finds that there is insignificant new traffic generated by the project and that the alternative of developing the lots with single family homes, leaving in place the tourist units that would be removed under conditions of the project, generates more new traffic.

6. **Notification of Neighboring Property Owners in 2003.** Enclosed please find a copy of the notice that was given by TRPA of the Hearings Officer proceeding regarding the plan to develop Lot 5 of the Harborside at Homewood subdivision with three time share units. Attached to it is a copy of the mailing list showing the parties to whom notice was mailed. That list includes many property owners other than persons or entities related to the applicant, including some who have appeared and commented on this project. Also, we enclose a copy of a letter from an attorney for unnamed “owners of property” in the neighborhood that was received by TRPA before the hearing and we assume was considered by the Hearings Officer.

7. **Additional Scenic Mitigation.** The applicant proposes to add to the scenic impact mitigations of the project a relocation of many of the boat racks and additional screening vegetation of areas around the Homewood Marina buildings. Enclosed are copies of a site plan that illustrates the proposal to move about half of the boat racks that are now close to the lake front and highly visible from Lake Tahoe back from the Lake, and move the ones that remain near the Lake back far enough that an additional area to plant screening vegetation can be added to the landscape plan. The current location of the boat racks is shown by the red, broken lines. The additional plantings on the east side of the boat racks remaining near the Lake would be in good soil on the west side of the sea wall. We also enclose an enlargement of part of the site plan that better
shows the plantings that would screen view of the boat racks from the Lake. You will receive a revised landscape plan that details the additional mitigation proposed.

The boat racks changes and additional landscaping on the marina parcel are difficult and expensive propositions for the applicant and are proposed only if the Villas’ application is approved as now being considered by the Governing Board. They would involve removal of the Homewood Marina Lodge, relocation of fuel tanks and grading and preparation of the land for relocation of boat racks. Also enclosed is a blow up of the affected area nearest the Lake with more detail of the landscape plan proposed to screen the boat racks from view. The result of this additional scenic mitigation would be to bring the scenic rating of the marina parcel up to a score of 27. You will also receive a copy of a revised scenic scoring for the project that includes the impacts of this additional mitigation.

Given the certainty of the permanent effect of the proposed additional scenic mitigation, including the likelihood of the vegetative screening growing successfully to accomplish its intended purpose, our client asks that the earlier proposed condition that the application be granted in two stages, with the second phase of the approval not being effective until the scenic mitigation previously proposed prove to be successful, now be dropped.

Brent Thrams, the project’s consultant for scenic mitigation matters, is preparing high quality, 11” by 17” copies of additional photo simulations that will depict the marina area if this additional mitigation is implemented. He plans to send those directly to you to include in the Board packets by February 9, 2007. He will also include a CD or DVD with the images for you to incorporate into your PowerPoint presentation, if you are going to again make one at the next hearing. He also offered to make and send to you high quality color prints for distribution to the Board at or before the meeting. Please let me know how many copies of those should be sent.

8. 1995 Settlement Agreement. Finally, there was some confusion at the last hearing about the impact of the 1995 Settlement Agreement between TRPA and our client. The question appeared to be whether that Agreement somehow restricted the use of the property involved in this application from uses other than single family residences. A copy of the Agreement is enclosed, although we assume you have it to include in the Board packet. As you see, there is nothing in the Agreement restricting otherwise allowed uses of the property. As we believe will be confirmed by TRPA legal counsel, neither that Agreement, nor any permit previously issued for development of portions of the Harborside at Homewood subdivision, restricts our client from applying, as it has done, for a use allowed by the applicable Plan Area Statement for the Homewood Commercial area.
The enclosed information should answer the Governing Board's questions on these issues with the result that the conclusions and recommendations of TRPA staff, and the justification for the findings recommended by staff, in its prior report on this matter are ratified. If you believe any additional information is needed, please call me at your earliest convenience.

Very truly yours,

[Signature]

Randall M. Faccinto

cc: Homewood Marina
February 26, 2007

Governing Board
Tahoe Regional Planning Agency
128 Market Street
P.O. Box 5310
Stateline, NV 89449-5310

Re: The Villas at Harborside-1995 Settlement Agreement and Continued Hearing

Dear Governing Board Members:

At the November 15, 2006, hearing on the application for the Villas at Harborside timeshare project, members of the Governing Board asked for more information on several issues. In response, the applicant, Mr. Topol, has provided additional information to TRPA staff, much of which is included in the Memorandum staff report dated February 20, 2007, which you have received. On Mr. Topol's behalf, we submit the following information and documents to supplement the staff report, and to respond to a large amount of misinformation you have received from project opponents. Whether intentional, or just due to being misinformed, opponent's frequently repeated statements that the project should be rejected because of Mr. Topol's failures to meet TRPA requirements on past projects are just plain wrong. Your staff has looked into these allegations and found them to be without substance. We ask that such allegations be given no more attention by the Board than they deserve, and that the hearing on February 28, 2007 spend its limited time on the details of the project itself.

We also hope you can focus on the fact that this project is one in a series by which Mr. Topol has been redeveloping his holdings in the Homewood Commercial area for the last ten years. In 1995 the land involved held 21 different commercial and residential structures and over 100,000 sq ft. of impervious coverage, and had for many decades before that been the location of the Homewood Lodge. Many of those structures were becoming decrepit and some held environmentally dangerous seaplane base uses that TRPA wanted very much to see gone. The nine Villas at Harborside timeshare units are not (as argued by project opponents who prefer to see nothing rebuilt there) out of place in this location.

1. The 1995 Settlement Agreement. A “1995 Settlement Agreement” was referenced during the earlier hearing. Attached under Tab No. 1 is a copy of that document, entitled “Settlement Agreement Re: Homewood Resorts dated February 22, 1995” (“Agreement”). The
Agreement was settlement of potential litigation between TRPA and Homewood Resort Properties ("HRP"). It was approved by the Governing Board at its February 1995 meeting. Our investigation of the background and content of the Agreement revealed the following:

HRP was made up of Topol family members and was the predecessor owner of the land now constituting the Harborside at Homewood subdivision ("Subdivision") and the Homewood High and Dry Marina ("Marina"). The Villas site is Lots 2, 3 and 4 of the Subdivision. At the time, there were a number of issues that had been brought up by TRPA in a “correction notice” dated March 30, 1990, with which Homewood disagreed. In addition, HRP believed that TRPA was in violation of its own Ordinances by refusing to process HRP’s application for a TRPA permit of the Marina’s buoy field that had been filed over four years prior. Each party believed it had legitimate defenses against all claims of the other.

As stated in the recitals of the Agreement, it was agreed to settle all disputes by HRP providing consideration including that all future permits it would obtain for a redevelopment of the Subdivision area would assure unobstructed public beachfront use, stay within TRPA tree removal requirements, avoid large walls or solid fences, and would provide a bike path, public lake access, overlook area and signage (Agreement Sections (3) - (7)). In Section (1), HRP agreed to and then did apply for resubdivision of the structures existing on the property into a mixed residential/commercial subdivision. That is, the land underlying the then existing commercial and residential structures within the area (not including the Marina) was resubdivided into eight lots as shown in Exhibit A to the Settlement Agreement. New Lots 1-5 were called residential lots, as existing residential allocations were assigned to them. By doing so, HRP established that residential use would be allowed on the lots, which otherwise would have needed a special use permit under the zoning for this Homewood Commercial area (under zoning of Plan Area Statement (PAS) 159, "Homewood Commercial"). At the time, Mr. Topol’s plan was to cluster the commercial uses on the south end and build residences on the north end of the subdivision. However, and this point can not be made too strongly, he was not asked to and did not make any agreement or binding commitment to use Lots 1-5 only for single family residential use. Such a restriction on future use of the Subdivision lots is not in the Agreement, nor is it in the resulting 1996 resubdivision permit. Neither changed the zoning of the land. The land is zoned by PAS 159 for uses Placer County and TRPA determined were proper by their land use planning for the area. Those include tourist accommodation uses, one of which is residential type timeshare.

The Agreement also resolved a dispute over existing, grandfathered land coverage. In Section (2), it was agreed that the total amount of coverage to be utilized under all permits granted within the area, the Marina and Lots 1-8 of the Subdivision, can not exceed a total of 77,781 square feet.
Unused amounts of that coverage are allowed to be moved between lots in the subdivision, so long as the total is not exceeded. The current application for the Villas describes that the agreed total amount of coverage will not be exceeded by the proposed project. Mr. Topol has removed about 30,000 sq. ft of coverage that existed on the property as of 1995.

As TRPA staff has confirmed, HRP has met all of its obligations under the Agreement. The Agreement itself was not a permit for any particular use. Rather, it recognized that HRP planned to redevelop the area over time and would be coming in with a resubdivision and then project applications. The resubdivision was approved in 1996 in TRPA File No. 950182. That application was a fully public process with all required notices given an opportunity for the Homewood community to comment.

By the Agreement, HRP, and now Mr. Topol, did not waive the right to propose any allowed use, just as any other owner in the Homewood Commercial area can do. Individuals opposed to this project have tried to say that the Agreement somehow prevents the applicant from applying for the Villas project. It does not. We are confident you can see that and that your counsel agrees.

2. **Community Character/Density.** One need only go to the property and look around to see that timeshare use makes clear sense in this part of Homewood. In this part of the Homewood Commercial area, the hugely dominant use that affects the Villas site is the Homewood Ski Area, directly across the street. Applicant has shown the Board the ski area’s commercial uses, including, of course, ski area parking, snowmaking and commercial uses in the winter and various parking, recreation and special events in other seasons. After a very expensive single family residence (“SFR”) was built on Lot 1 of the Subdivision, it was apparent that SFR use even closer to the ski area and Marina operations was not as consistent with the neighborhood as a tourist accommodation use. To test an alternative, in 2003 three timeshare units were proposed for Lot 5, next to the West Shore Café. During processing of the TRPA application for that project in 2003, TRPA staff agreed that three smaller detached structures for timeshare use were preferable to one large house, in many ways. They were less bulky, allowed more light and air through the Lot could be designed to avoid having to remove as many trees and were a good transitional use between full commercial use on the south and residential use on the north. The same factors support approval of the Villas today.

   a. **Hearing Notice.** The hearing on this Lot 5 application was properly noticed and held before a TRPA Hearing Officer. Project opponents first claimed that notice was not given. More recently, after TRPA staff corrected them on that, they have argued that a typographical error in the listing of the Assessor’s Parcel Number on the public notice of the hearing (giving the number of the immediately adjacent lot in the same subdivision) invalidates it. However, the
error was not misleading. The notice correctly stated that the project location was “Lot 5 of the Harborside at Homewood development”. A copy of the notice is attached as Exhibit B to the recent Staff Report. Anyone with an interest in the area could not have been misled by the minor APN error.

b. Density. Under applicable zoning, Lots 2, 3 and 4 have density for timeshare (residential type) use of a total of 23 units. The project proposes only 9 units. The 9 proposed timeshare units are not new density being added to the Homewood area. They are replacing units at the Homewood Marina Lodge and Grubstake Lodge (in Homewood, about 1000 feet to the south of the project), with possibly one unit needing to be transferred in from another plan area. Some project opponents may have caused Board members to misunderstand the effect of the fact that Mr. Topol at one time planned to build SFR’s. They see the Villas as a "density increase" of 9 over 3, without considering the fact that the 9 are the relocation of existing Lodge units and that, if SFR’s were built on these lots, the Lodge units would not be removed, causing the three new homes to be true added total density in Homewood, with net increase in traffic greater than if the project is built and the lodge units retired.

3. Scenic Impact. As stated in the Staff Report, the project is required to and does meet all TRPA scenic standards, with the design and mitigations included in the project as presented at the November 15, 2006 hearing. Those scenic mitigations improved the Scenic score for the subdivision to 25. However, in order to make it even more certain that the scenic improvement will more than meet TRPA requirements, Mr Topol is now offering as an new, additional scenic mitigation to move most of the boat racks at the Marina farther off of the Lake and double the vegetative screening, all in stable soils that are certain to allow successful tree growth. Attached under Tab No. 2 are copies visual simulations showing the impact on the view of this part of Homewood from Lake Tahoe if this mitigation is in place. This additional visual mitigation can only further improve the scenic condition of Homewood. Project opponents are wrong to argue that this project is harming that condition. As recognized by your staff, the baseline scenic condition of the project site is not as it looks today, after Mr. Topol has removed the old structures in preparation for this project. Redevelopment of the Subdivision with the Villas results in very significant improvement over how the area looked before Mr. Topol’s efforts and investment. To, in effect, hold against him that he has performed the structures and coverage removal anticipated by the 1996 permit to allow redevelopment of the area would be extremely unfair. Even an attempt to do so would discourage other landowners or persons with interest in investing in areas in the Tahoe basin that are desperately in need of redevelopment.

4. Buoy Field. Allegations that the Marina’s buoy field is “illegal” and that should be held against this project are also without substance. As the letter dated January 27, 2007 from
Mr. Gregg Lien explains (see attached under Tab No 3), the Marina’s buoy field is permitted, to the full extent allowed under TRPA’s own current procedures and policies. The buoy field has a U.S. Army Corps of Engineers permit for 125 buoys and has not exceeded that number of buoys since that permit was issued. The Marina applied for both TRPA and State Lands Commission permits for the same 125 buoy field in 1990, but TRPA has not processed that application for its own reasons, in no way because of any action or inaction by the Marina, ever since. It is assumed that, once the new shorezone ordinance is adopted, a process will be in place for this buoy field application to be completed. It must be understood that Mr. Topol has done all he can to try to get the buoy field fully permitted. The fact that it is not as of today is because of TRPA’s own decisions. It would be extremely unfair, and, as explained below, a breach of the Agreement, for the buoy field permit status to be used as reason to deny the Villas application.

Some persons have expressed an opinion that resolution of the buoy field permit should be tied to the Villas’ application. That is neither possible, given that the application will not be processed until at least after a shorezone ordinance is in place, nor is it permitted by the 1995 Agreement. At page 6, Section (10), the Agreement includes that resolution of the buoy field issue was agreed to be “a separate and distinct matter which shall be processed and resolved separately by TRPA, and shall not otherwise affect or be tied to the implementation of this Agreement...” (emphasis supplied). The buoy field issue has to be resolved once there is a process in place to resolve it. It is not to burden applications for permits implementing the Agreement (the resubdivision, or subsequent project applications). In accordance with the Agreement, it has not been an issue in the four prior Harborside at Homewood applications (1996 resubdivision, 1997 Lot I house, 1999 West Shore Café or 2003 Lot 5 units). It should not now be an issue in TRPA’s consideration of the Villas application, particularly since there is absolutely no change in the buoy field proposed by, or would result from, the Villas project. The Agency has a contractual commitment that must be honored.

5. Traffic Impacts. The Villas project would result in insignificant, if any, new traffic in the Homewood community. Attached to your Staff Report as Exhibit A is a copy of an additional traffic generation analysis done by LSC Transportation Consultants dated February 13, 2007, which studies traffic that would be generated by the Villas units and the net effect given the offsetting removal of Homewood traffic by retiring existing lodging units in Homewood. It also addresses a question raised at the last hearing on whether there is a significant difference between traffic generated by one bedroom lodge TAU’s and three bedroom timeshare units such as those proposed for the Villas. LSC’s conclusions include that trip generation for units such as those proposed at the Villas is not increased over average levels by the fact that the units would to have three bedrooms. LSC finds that there would be insignificant new traffic generated by the project. A LSC representative will be available at the hearing to explain its findings. The bottom
line is, however, that there is no valid reason to deny this project based on need to avoid new traffic generation.

6. **Parking.** Questions were also raised at the last hearing about the practicality of use of the parking and circulation areas on the project site. Further study has been done and we attach three reports on these issues. Study by engineers at the Gary Davis Group has found that the parking and circulation as proposed by the applicant will work as planned, and that snow removal techniques planned to be used at the project will increase the likelihood that such use can continue even in time of heavy snow fall. (See Gary Davis Group letters dated January 26, 2007, attached under Tab No. 4). Additionally, LSC studied in detail the adequacy of the proposed parking for the Villas and prepared a report that is also attached, under Tab No. 5. Based on extensive research on actual parking demands of various sized timeshare units, this report concludes that ‘The Villas at Harborside proposed parking is expected to be more than adequate.” LSC recommends 1.5 parking spaces per Unit, Applicant is offering 2.0 spaces per unit without using stacked parking, and 2.67 spaces per unit with stacked parking. In addition, if the project is approved, the old Homewood Marina Motel will be removed, taking demand for on street parking off of West Lake Blvd. immediately in front of the project area. The overall parking impact of adding the off-street spaces within the Villas and reducing the motel demand is positive for the Homewood area. Additionally, the Governing Board should consider that the unit owners will have the strongest and most direct desire and ability to assure that the parking and circulation plan works. It is their convenience that is first affected if the parking and driveway areas are not used as planned. They will have the ability under the project’s CC&R’s to require the owners association to enforce parking rules and there is no reason not to expect them to do so. Parking impact is certainly not a reason to reject the project.

7. **Past Project Conditions.** Project opponents have been attempting to argue to the Board that past permit conditions on projects in the Subdivision have not been completed as required. There are about 190 conditions altogether on the four TRPA permits previously received. Mr. Topol believes strongly that they have all been met. However, if the Governing Board has any doubt of that, TRPA staff has recommended a condition on the Villas permit that covers this question well and with which the applicant agrees. The condition requires the property to be in conformance with the 1995 Agreement, “and all previous TRPA approvals” (as well as new ones to be included in the recommended permit). All of the specific issues raised by the opponents of which we are informed have been responded to. We believe your staff will cover those facts for you.

8. **Tree Removal.** One item recently raise by the project’s opponents is to question the applicant’s tree removal practices within the Subdivision. There have been no violations of
TRPA tree removal policies. In fact, an advantage of the Villas design over other possible uses of the site is that the smaller structures proposed were sited to avoid large tree removal. Back when Mr. Topol was considering using the three lots now involved for single family residences, TRPA approved a "Homewood Resort Tree Removal Plan", dated December 3, 1998. Under that plan, a total of 18 trees of over 6" in diameter, of which 6 are of over 30", would be removed for 3 SFR's. For the Villas' three smaller structures on each Lot, located to avoid large tree removal to the fullest extent possible, only a total of 1 tree of over 30" is to be removed in the entire project, and only a total of 14 trees of over 6" would be removed. The proposed project is superior to the SFR use advocated by the opponents on this issue and all other environmental impacts that have been raised. Attached under Tab No. 6 is a copy of a confirming letter received by Mr. Topol from Dave Antonucci, concerning this issue.

9. Project Opponents. At the prior hearing, most of the project opponents took the position that the project, despite meeting all TRPA Ordinance requirements, should be rejected in favor of using the three lots for SFR's. We recently asked to meet with representatives of the opponents to explain the fact that the environmental impacts of the Villas project are actually better than those of substituting 3 SFR's, but they did not accept that offer. In fact, in the important areas of traffic generation, scenic impact and tree removal, both the detached smaller timeshare buildings and the fact that eight or nine existing old tourist accommodation units would be retired result in a better environmental outcome than using the lots for SFR's.

10. Conclusions. The Villas at Harborside is a tourist accommodation use to be located in an area intended by its land use planning for decades to be used for just that. Over time, Mr. Topol found that his earlier plan to build three SFR's on these lots was not their best use due to surrounding commercial uses. He has proposed a better plan, with less negative environmental impact and more in tune with the zoning for the Homewood Commercial area.

This is a project that completes a privately funded redevelopment of an area that TRPA wanted to see improved. In 1995, TRPA encouraged Mr. Topol to remove the objectionable uses from the area and invest in this redevelopment. TRPA has a responsibility to follow up with a fair consideration of this project, certainly not to reject it as if it was a proposal to develop previously unused or open space property. This is an area with almost 100 years of commercial use history. To now deem it good only for SFR use is in conflict with the long time and current land use planning for this "Commercial" area by TRPA and Placer County.

This application is being closely watched by many persons who care about Lake Tahoe. The outcome of this matter will affect TRPA's credibility with the public, especially with all who
need to know if the Agency’s Ordinances and procedures are to be consistently applied and followed. Such parties include potential investors in redevelopment and improvement of the deteriorating older developed areas around the Lake. Mr. Topol is asking only that TRPA respect the 1995 Agreement’s intent to promote this redevelopment and that it not reject a project that meets all TRPA requirements and is supported by its staff. Doing otherwise brings into question the ability of anyone to rely on fair, consistent application of the TRPA’s published criteria for a project. That could discourage new investment in the Tahoe Basin that is badly needed to help fund environmental improvements and costs of managing the enforcement of rules intended to maintain the environmental condition of the Lake. This project meets all TRPA requirements and justifies your support.

By copy of this letter to Theresa Avance and Governing Board Secretary Judy Nikkel, we ask that this letter and its attachments be made a part of the record in this proceeding.

Thank you for your attention to this matter. If you have any question about any of the issues discussed above, please let me know. I will be happy to try to assist.

Sincerely,

[Signature]

Randall M. Faccinto

RMF:tlc

Enclosures

cc: All Governing Board Members
Larry Severson
Homewood Marina (via e-mail)
John Singlaub (via e-mail)
Joanne Marchetta (via e-mail)
Theresa Avance (via e-mail)
Gary Midkiff (via e-mail)
Judy Nikkel
COMMENTS OPPOSED
The Villas project is inconsistent with PAS 159 Requirements for Special User Permit: TRPA Code 18.1.B

This project does not meet the conditions necessary to allow this Board to approve the required “Special Use” permit, and the limited environmental review that has been conducted thus far is insufficient to demonstrate that the Villas will have no significant Environmental Impacts in this already impacted area of the Tahoe Basin.

The Villas Timeshare Project: is Out of Scale with the existing Community of Homewood

- inconsistent with the Plan Area Statement for Homewood
- PAS 159 encourages Tourism and Recreation Uses, but ONLY so long as they are “Compatible with the West Shore Scale of Development.”
- Although “timeshare” is listed as a permissible use in PAS 159, it is a “Special Use” that requires Agency approval.

As a “special use”, Timeshares use may only be allowed if it:
1. it is of such a: Nature – Scale – Density - Intensity and Type to be an appropriate use for the parcel on which, and “Surrounding Area in which”
- it will be located.

This development fails that finding: Homewood has been and is composed of Single family residences: especially between Highway 89 and the Shores of Tahoe.
- Lot 5 was unfortunately a creation of TRPA & Topol's dubious work.
- TRPA Legal Counsel John Marshall & Jordan Kahn as well as Topol's Midkiff & Assoc. and Larry Hoffman, all discussed timeshares on lots 2 - 5 as timeshares with nightly rentals.
- Why wasn’t the Public Aware?
- One Single Family Home, would not = 4 couples in one timeshare, then triple the numbers for 3 – Timeshares per each LOT! Density, Scale – Intensity and Nature not compatible with Homewood!

Environmental Analysis of the conversion of the Homewood Resort Project Area has been impermissibly piece-mealed; Analysis of the Villas Proposal should encompass the Cumulative Impact of the Project Area as a whole; Cafe, Addition of TAU's to the Inn, Conversion of Lot 5 and the proposed conversion of Lots 2-4

2. TRPA Code 18.1.B This project must have the finding that it will not be injurious or disturbing to the health, safety, enjoyment of property in the neighborhood.

- SAFETY, the increase in traffic always affects the safety of a community, the speed is 40 miles per hour!
- We have spoken about the buoy’s that you won’t talk about, they are a navigational hazard.
• If lots 2-4 are developed, with Lot 5, we are talking about 12 – Timeshares, 8 people per timeshare, would equal close to 100 new people plus all the Employees for the Inn and Timeshares, will be traveling on this road
• There is no safety to cross the street, to go to the beach as we have been able to for years.
• Will 12 Timeshares with 100 people coming and leaving every couple days including all of the employees; have a negative affect the enjoyment of our property, YES! The peacefulness of life!

TRPA Code 18.1.B
3. This project will not change the character of the neighborhood is the most important. Definitely: Yes, where do you find gated communities in Homewood!
• A Community is not about buildings, it is all about people
• A community of people, living in the same area with the similar concerns.
• We see each other at the cafe or Obexers or at Homewood Ski in winter
• We know each other for decades, generations, parents, grandparents and grandchildren.
• There are no gated communities in Homewood, it would change our character!
• These transient commercial timeshares will never be part of our community.
• You are changing the INTEGRITY of our COMMUNITY, not tourism!

WE can and do say:
Our Community does not want Timeshares of transient commercial renters as advertised.
• You don’t have the findings that allows a Special Use permit for Lots 2-4
• Our Community is too important to SWAP for tourism!
• Do not take the HOME our of HOMEWOOD.

Susan R. Gearhart
5520 Sacramento Ave
Homewood CA 96141
530.525.0360

Or
PO Box 3442
Fremont, CA 94539
510.525.0368
March 3, 2007

Dear TRPA Governing Board:

My family has owned a home Tahoe Swiss Village since 1958 (475 Grimsel Pass Rd). I have recently heard about the proposed land development, Villas at Harborside, in Homewood. I am writing you to express my disapproval of this development, as well as any future developments of similar nature.

The 1995 agreement with TRPA zoned this area to be used for single-family residences. Mr. Topol’s Villas at Harborside do not conform to this agreement, as they are time-share homes. I strongly feel that bringing in time-share homes into this area will dramatically change the look, feel, and nature of the area, taking it from a relaxed, spacious, non-commercial community to something void of these elements.

I also appose this development because the views from the road and surrounding land will be compromised due to location and land density. I find this objectionable as a land owner for this is not what the current community “bought into” when they settled here. The views of the lake and the general small-community feel of the area are what draw people to the West side, not developments. I also fear that with this development, public access to the waterfront will be hampered.

The Tahoe area is known for its environmental awareness. It is my understanding that Mr. Topol’s Villas at Harborside has not undergone an adequate environmental evaluation. Allowing this development to proceed without a proper review (scenic, traffic, environmental) is going against something central to Tahoe.

I appreciate your time and would like to be apprised of future action taken on this matter.

Sincerely,

Michelle L. Kientz
mlkientz@hotmail.com
10101 162nd Ave NE
Redmond, WA 98052
425-895-0040
The undersigned homeowners wish to offer our objections to the development of the Villas at Harborside based on all of the matters previously set forth in a letter dated November 15, 2006, sent to Tahoe Regional Planning Agency by The League to Save Lake Tahoe. We concur with all items set forth in said letter.

Furthermore, we are at a loss to understand TRPA'S indecision in the matter, when other property owners who violate the rules, regulations and ordinances of TRPA and the County, receive a notice of any violations and are subject to a very large fine if the violations are not corrected within a specific short period of time. Any established rules should apply to all property owners with no exceptions.

Emmett F. Rhoads, Dorothy S. Rhoads, Ruth Rippon.
February 24, 2007

TRPA Governing Board
Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, NV 89449

Re: Villas at Harborside (Homewood) Nathan Topol, Conversion of Eight Hotel/Motel TAU to Timeshare TAU, One New TAU, 5120 West Lake Boulevard, Placer County, APNs Nos. 097-130-27, -028 and -029, File No. 20050823

Dear Members of the Governing Board:

This letter is being submitted on behalf of James and Susan Gearhart, Tahoe Area Sierra Club and many other residents and homeowners in the Homewood community in which the Villas at Harborside project is proposed to be located, as well as throughout the Tahoe Basin.\(^1\) We appreciate the opportunity to comment on the above referenced project, and to register our deep concern and opposition to the proposal as currently presented.

**The Villas project is inconsistent with PAS 159 Requirements for Special Use Permit:**

This project does not meet the conditions necessary to allow this Board to approve the required special use permit, and the limited environmental review that has been conducted thus far is insufficient to demonstrate that the Villas will have no significant environmental impacts in this already impacted area of the Tahoe basin. The Villas Timeshare Project is out of scale with the existing community attributes of Homewood, inconsistent with the Plan Area Statement for Homewood, PAS 159,\(^2\) and should be denied in its current form.

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\(^2\) PAS 159 encourages tourism and recreation uses, but only so long as they are “compatible with the west shore scale of development.” Although “timeshare” is listed as a permissible use in PAS 159, it is a “special use” that requires Agency approval. As a special use, timeshare use may only be allowed if it:  (cont'd on next page)
The Villas project is inconsistent with 1995 Settlement Agreement:

The Villas proposal must be understood in the historical context of the applicant's over-development in the project area. A dozen years ago, and only after this Agency threatened enforcement action for persistent violations that had been in existence for at least five years prior to that, the applicant entered into a Settlement Agreement with the Agency that set out permissible development and commitments for remediation of the violations. The Settlement Agreement covered future development of the "Homwood Resort Project Area," (Homwood RPA”) which included the High and Dry Marina, the West Shore Café, and parcels 1 through 5 (as now identified).

Under the provisions of the Settlement Agreement, the applicant has, incrementally, expanded the capacity of the West Shore Café, intensified the use of the West Shore Lodge by adding six new tourist accommodation units, and tripled the density on one of the homesites mentioned in the Settlement Agreement. All of this has been accomplished without any analysis of the cumulative impact of such development, despite the foreseeability in 2003 that all of the residential parcels were intended to be converted to time-share use.\(^3\)

There is no question that when the Settlement Agreement was executed, both the applicant and the Agency interpreted it as allowing only residential units on parcels 2 through 5.\(^4\)

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3/ August 4, 2003 letter from applicant's engineer, Midkiff & Associates: "The owner would like the flexibility to also build out the four vacant lots within the project area with these small quarter-share cottages. . . . We are planning three timeshare cottages on Lot 5, each to be sold in 1/4 intervals and maintained for nightly rentals when the owners are not in residence." “The amendment [to the Settlement Agreement] will allow timeshare use on the four lots that are currently designated as residential parcels.”

4/ Settlement Agreement, ¶2: "Homewood agrees to design its proposed project so that a single driveway will serve each pair of side-by-side homesites, (e.g. three driveways serving six homesites)."

January 16, 1996 TRPA Staff Summary for Harborside at Homwood (the first project proposed pursuant to the Settlement Agreement): “The proposed project is partially a result of a negotiated settlement between TRPA and the applicant (Nathan Topol) which was approved by the TRPA Governing Board on February 22, 1995. . . . There are six existing residential units within the project area. The project includes the relocation of three of these existing residential units and the addition of two new residential units.”

July 30, 2003 letter from applicant's attorney, Larry Hoffman (who drafted the Settlement Agreement): “I think it is true that at that time [the Settlement Agreement was approved] the proposal was to build single family homes, and the Agreement reflects that.”

October 2, 2003 Hearing Officer's Summary: “The settlement agreement anticipated that Lots 2 through 5 would be developed as residential uses.”
In fact, prior to a new and dubious interpretation of the Settlement in 2003, both applicant and Agency believed an amendment would be necessary to allow time-share development of any of the parcels.\(^5\) Relying on a 2003 reinterpretation of the Settlement Agreement, the TRPA Hearing Officer allowed the construction of three time-share multi-bedroom “cabins” of 1800 square feet each – a tripling of the density from the single-family residential use previously approved by the Agency in the Settlement Agreement.

_Engironmental analysis of the conversion of the Homewood Resort Project Area has been impermissibly piece-mealed; analysis of the Villas Proposal should encompass the cumulative impact of the resort project as a whole: Café, Addition of TAUs to the Inn, Conversion of Lot 5 and the proposed conversion of Lots 2-4._

The applicant’s incremental, piece-meal approach to development of the Homewood Resort Project Area will, if successful, have resulted in a wholesale change in the character of the Homewood community, from residential to transient commercial. It will have significantly aggravated already unacceptable conditions related to traffic congestion\(^6\), parking\(^7\), beach access and scenic impairment.\(^8\) And it will have accomplished all of this without the conscious, deliberate consideration that would have come from analysis of the change. This will have been made possible only by the TRPA staff’s myopic and disjointed analysis of each element in isolation from the large-scale alteration of the Homewood Resort Project Area as a

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\(^5\) _August 4, 2003 letter from applicant’s engineer, Midkiff & Associates:_ “The amendment [to the Settlement Agreement] will allow time-share use on the four lots that are currently designated as residential parcels.”

\(^6\) _January 16, 1996 Staff Summary of the Recessubdivision, Café Relocation:_ “The proposed project will result in an increase of 83 additional daily vehicle trip ends, which is defined by the TRPA Code of Ordinances as a minor increase.”

TRPA Staff Report for the Villa Project noted the erroneous conclusion, in the approval of Lot 5 conversion to time-share use, that there would be no increase in daily vehicle trips. The corrected increase was stated to be 30.3 dve. (see Agenda Item X.A., at 77.)

The Staff Summary of the current proposal is that it “will result in an increase of 10.1 daily vehicle trip ends.” (Agenda Item X.A., at 80.)

\(^7\) _1996 Staff Summary of West Shore Café relocation:_ “As a condition of approval, the applicant will be required to provide evidence that the ski area agrees with the over-flow parking agreement.”

\(^8\) _October 2, 2003, minutes of the Agency:_ “The Hearing Officer knows that parking is tight in the Homewood area and his response is that he is dealing specifically with this lot at this time and not the entire project area.”

\(^9\) _March 29, 2006 letter from Homewood Mountain Resorts:_ “We do not have off-site parking agreements or arrangements of any kind with Villas at Harborside, West Shore Café, and Homewood Marina or any other property owners.”

\(^8\) _The Homewood Resort Project Area is already in a scenic non-attainment status due to lack of lakeview from Highway 89._ (See _October 2, 2003 Hearing Officer Staff Summary, p. 1_)
whole, without regard for the signs and expressions of the applicant from the outset that the entire area was planned to be transformed. This project serves as an example and warning of the piece-meal analysis that both the National Environmental Policy Act and the California Environmental Quality Act forbid.

The Staff Summary for this project repeatedly offers justifications and recommendations based on the “maximum density permissible” level of development for timeshares within PAS 159. The rationale misses the point. The project does not currently have an entitlement to erect any timeshare units on the lots in question. If it did, the issue of maximum permissible density might play a role. However, in order to gain an entitlement to convert the lots to tourist accommodation, a special use permit must be obtained. And before issuing such a permit, the Board must be satisfied that the proposed project meets a standard far more stringent than maximum permissible density.” It must find that it is consistent with the scale and density of the current community, does not impose burdens on its neighbors and does not change the character of the neighborhood. It is telling that the Staff Summary’s proposed findings bases its draft consistency findings solely on consistency with the applicant’s three existing timeshare units on Lot 5, not on consistency with the surrounding community at large.

Traffic congestion will be significantly increased.

The ultimate increase in traffic from development of the Homewood Resort Project Area is 123.4, if calculated at 1:45 for the conversion of each motel TAU to a time-share “cabin.” However, it is highly suspect to use such a conversion factor. The motel rooms that furnished the TAU’s were approximately 300 square feet, single bedroom units; each TAU on the receiving property will be (and has been, for Lot 5) a multi-bedroom and loft unit accommodating up to four couples. The traffic implications of the greatly increased intensity of use for these transferred TAU’s have never been considered.

Parking impacts in this already impacted area have been understated and are significant.

As noted by the Hearing Officer in the 2003 approval of the Lot 5 conversion, “parking is tight.” However, the Hearing Officer refused to consider the cumulative aggravation of the parking problem, limiting himself to the overly-narrow question of whether Lot 5, alone, would worsen the problem. In determining that the Lot 5 conversion would not, he based his conclusion on the notion that parking for one motel TAU was the same as parking for a multi-bedroom plus loft time-share TAU. For the reasons noted above, this is a false assumption, and one that the Agency should closely reconsider for this and future TAU reallocations.

The Villas project is owned by the same owner as the West Shore Café and the High and Dry Marina. The West Shore Café expansion was conditioned on providing evidence

9 / See attached advertisement for existing Villa time-share property. It states that it sleeps 6-8 people for $500 per night.
of off-site parking at the ski area. As noted, the ski area has submitted a letter to the Agency refuting the notion that its parking can be relied on to alleviate parking problems. Before this Agency approves another dubious “no-impact” finding on parking, it should require the applicant to assure adequate parking for his other enterprises in the HRPA. Further, it should conduct a parking evaluation of the Lot 5 time-shares to properly assess whether the assumptions about time-share parking adequacy are based in reality. For example, the recently completed visitor survey showed that the vast majority of visitors traveled in one-person or two-person parties in a vehicle.

**Loss of important scenic values from Highway 89 will be significant and unmitigated.**

In addition to the traffic and parking congestion the Villas proposal will create for the local community, even more important is the loss of scenic values of statewide, or even national, importance. Visitors from around the world come to Lake Tahoe for the singular beauty of the lake; as this Agency has recognized, lake views from the vantage point of Highway 89 are of significant value and importance. The Homewood area is already in a non-attainment status for scenic values; the lack of views to the lake from the highway was cited as the reason for non-attainment.

Under applicant’s proposal, the lake will be all but completely obscured by a wall of nine two-story structures. In 1999, the lack of lake view was considered by the Agency to be of such importance that it imposed a condition requiring a 20’ view corridor between applicant’s Lots 1-4, a condition that was formally accepted by the applicant. Even a 20’ “view corridor” would not provide more than a split second of lake view opportunity to the occupant of a vehicle traveling along Highway 89. Under the current application, however, even this minimal view corridor is proposed to be further diminished by lessening the space between structures to 15″! The highway traveler will have NO opportunity to see the lake from the highway.

The November 7, 2006 Staff Summary of the project notes that, because Scenic Roadway Unit 11 is not currently in attainment, “any project proposed for the area must improve the aesthetics of the man-made environment to be compatible with the natural environment.” (at p. 76.) While this statement is true, it completely fails to address the reason that the unit is in non-attainment. It is in non-attainment due to lack of lake view opportunities. Agency staff gives this fundamental deficiency lip service (“Other significant considerations are maintaining

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10 / October 2, 2003 Hearing Officer Staff Summary: “[The project] is located in Scenic Roadway Unit 11, Homewood, a non-attainment area. Views to the lake from the roadway were cited as reasons for the non-attainment.”

11 / Permit for File 990322, dated October 13, 1999, Special Condition R: “the permittee shall submit a recorded set of CC&Rs for the subject project area for TRPA review and approval. The CC&Rs shall be revised to include provisions for the establishment and maintenance of 20 foot wide view corridors between lots 1 & 2, lots 2 & 3, and lots 3 and 4 consistent with the visual simulations and narrative (Acanthus, September 1999) prepared for this report.” (emphasis added.) The permit was accepted by Nathan Topol on October 14, 1999. The condition was apparently not enforced by Agency staff, for the existing CC&Rs make no mention at all of any view corridor.
the view of Lake Tahoe from the roadway . . .”), but no actual effect. Because the project approval sought by the applicant is a discretionary action of the Agency, the Agency has an opportunity to improve scenic values, rather than further degrade them. We urge the Agency to condition any discretionary approval of development on improvement of opportunities for roadway view of the lake, rather than allow further degradation of this important statewide treasure.

The conditions imposed for protection of scenic resources issue should be further considered in light of the loss on each lot of over one-third of the trees that existed in 1996.\textsuperscript{12} The importance of this issue is highlighted by the fact that it was expressly dealt with in the 1996 Settlement Agreement, which provided “existing mature trees on the site shall be retained and protected.”

Virtually all of the unacceptable effects of the proposed project stem from the applicant’s desire to crowd as many money-making structures as possible onto these small lots. While we do not fault him for his ambition, we believe it is this Agency’s obligation to the public to provide the check for that impulse, to the extent that it would unduly erode the environmental, scenic and social values of the area.

The incremental, death-by-inches deterioration of the prized unique ambience and character of the Homewood area, the aggravation of the traffic and parking situation which already limits public access to the shore, and the loss of scenic views of the lake available to visitors to the area should be halted until a full evaluation of the cumulative impacts of the Homewood RPA development can be completed and this Governing Board is in a better position to make a considered decision whether the current proposal should be approved, conditioned, or denied.

Thank you for the opportunity to present these comments.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation

Janet K. Goldsmith

JKG/1/1

852711.1 11746.002

\textsuperscript{12} TRPA Staff conducted a tree count and reported, in a February 12, 2007 e-mail to L. Cress, on the diminished number of trees on each lot.
Dear Governing Board Members,

Please read the letter attached relating to TRPA's - John Hitchcock's direction to Melissa Shaw and Brian Judge on September 12, 2003 prior to the approval of Lot 5.

What right does Kjirsten Frank as an Associate Planner for Midkiff & Associates have in demanding, since they enlarged the West Shore Cafe & Inn in 1999, Homewood Motel had no parking because the Marina Hi & Dry was parking boats racks on lots people could use for the Motel, and with the proposal of Lot 5 only a month away, that a score of 42 for Lots 2 - 5 was absurd! To actually say TRPA can simply add the condition to the permit or as a addendum to the settlement agreement regarding the scenic score. Of course this wasn't done, there was no addendum to the Settlement Agreement and so why are we accepting a score of 25 for scenic impact when actually 42 is required by TRPA for these Lots.

I've asked TRPA Jeff Cowan questions concerning this letter and never received an answer, and this is why a piece-by-piece development of the project area is unacceptable, the lot by lot death of this project area is detrimental to Homewood Community. This is inappropriate. What any regional government under NEPA or CEQA would accept this multiple lot development? I guess that if your only consider a composite scenic score of 25 for each lot then you never have to consider the over-all project score since you have approved several eye sores in this project area in the past.

Please deny this poor final build out of Homewood Community, Topol's project area. Why would you be receiving so many responses, why are families paying for an expensive Lawyer if you as the TRPA Governing Board could just see what we are trying to protect? This is our Tahoe home for our children and grandchildren. We know the community, we bump into each other in the summer at Obexers, on the water, in the restaurants and renting bikes. In the winter, we ski at Homewood Ski, know each others family and care. Many of us donate time to the Lake of the Sky Garden Club and have put in countless hours in Tahoe City with projects for the community.
With Timeshare-rentals for a couple days, these transient renters will crowd our roads making our drive from May to September even slower than four inches at a time from Homewood to Tahoe City starting at Sunnyside. Or take our parking places in front of our homes and not care when we see them, the very wonder of Homewood is gone. Yes, there is commercial, and we all love it, but Timeshare renters on Lots 2 - 5, for a total project area of 12 timeshares with four couples in each or 96 people in all, would bring the number of employees to care for them - maids, cleaners, maintenance - servants, even higher and yet no one is tallying this. Then of course you have the enlarged West Shore Cafe & Inn (six rooms - however three are duplexes for nine bedrooms) There is no Traffic Analysis - your guessing a trips generated and not taking the rentals and employees per into account, nor parking or even the Scenic View. But worse of all, you believe you can judge what is good for our Community, that someone can say, "the shoe fits". Please take a minute to just believe we know our Community!

You as the Governing Board need to know this development of Timeshares is of a nature, scale, density, intensity and type to be an inappropriate use for the parcel on which it will be located, it will be injurious and disturbing to the health, safety, enjoyment of property in the neighborhood and will change the character of the neighborhood. TRPA staff says it fits, look at Lot 5, the dubious lot. Then again Topol has Lot 1, with a single family residential, similar to all the homes north of Lot 5 between SR 80 and the Lake. We can't do anything about Lot 5 but we sure didn't realize that in 2003 those individuals in TRPA Legal Counsel knew that nightly rentals were being proposed in the future on Lots 2 - 5; I wonder if you knew. Please, don't make Topol's prediction of a black festering sore for Homewood a community disgrace.

I'm counting for the justice for Lake Tahoe, that only you can provide,

Susan R. Gearhart
September 12, 2003

Melissa Shaw
Brian Judge
TRPA
PO Box 5310
Stateline, NV 89449

RE: Harborside at Homewood, Proposal for future project area scenic mitigation.

Dear Brian and Melissa,

I understand that John Hitchcock has directed you that our project area needs to meet a contrast rating score of 25, even though it is part of a baseline approval established by litigation and settlement, with an approved baseline score of 17.

This is an enormous gap to overcome, particularly when the undeveloped parcels make up such a small percentage of the project area facade. The marina, West Shore Café, and Lot 1 house are all existing structures that are only required to meet the terms of the settlement agreement. These mitigation measures are underway, as per the settlement agreement schedule we have submitted. The only projects that TRPA may further regulate are the projects to be proposed on the vacant lots 2 - 5. These can never bring the entire project area up to the score of 25. Each of the four lots would have to achieve a score of 42 to accomplish this incredible goal, which is beyond any reasonable expectation.

Our proposal, therefore has to include additional scenic mitigation for the already approved buildings, particularly for the Marina, which makes up over 40% of the project area’s facade area. We put forward the following measures for your approval:

- The vegetative screening of the boat racks will extend all the way over to the end of the racks, a distance of 45 feet and a height of 15 feet. By reducing 55 feet of visible perimeter, we bring the visible perimeter into the 40% - 50% range and raise the perimeter score to 6.
- We will screen the boats from the lake with a dark green/black windscreen, which will raise the color score of the boats to at least 15.
- We will paint the marina building a darker color. Please refer to “Cocoon” on the enclosed paint color card. This paint color, with a value of 2 - 3, will achieve a score of 15.

With these proposed changes we can raise the contrast rating of the marina to 24. Please see the enclosed contrast rating sheet for our calculations. In addition to this change, the applicant will commit that the future development on the vacant lots will match or surpass the rating of our current project.
All development on Lots 2-4 will achieve a score of 27.4 or better to be approvable.

By these measures we can reach a score of 25, as shown on the enclosed project area composite calculation sheet. Our efforts will require time and additional permits, particularly for the vacant lots. The applicant will bond for the marina improvements, on the condition that the bond can be reduced as each improvement is accomplished through the settlement agreement schedule.

TRPA does not need a bond since the settlement agreement already requires that the lots be built out according to the schedule, referenced earlier. TRPA can simply add the condition to the permit or as an addendum to the settlement agreement regarding the scenic score requirement.

Please contact our office with any questions.

Sincerely,

Kjirsten Frank
Associate Planner

cc: Nate Topol
    John Hitchcock
VIA EMAIL TO trpa@trpa.org

February 27, 2007

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Dear TRPA Governing Board:

My family has been a homeowner on the West Shore of Lake Tahoe for over 25 years at 5596 Lagoon Road in Homewood, CA. I am writing to you to express my family’s concern regarding the proposed time-share development, the Villas at Harborside.

We understand that The League to Save Lake Tahoe has submitted specific comments and critiques related to the proposed time-share development, and we are in agreement for the most part with their position. As such, we urge the TRPA Governing Board to vote against approval of the Villas at Harborside Project at this time.

If you have any specific questions or comments regarding my family’s opposition to the Villas at Harborside proposed development, please do not hesitate to contact me directly at my office at 707-963-3542. Thank you for your time and consideration.

Sincerely,

Kathleen Heitz Myers
The Heitz Family

KHM: tme
February 26, 2007

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Re: TRPA Governing Board decision on the Villas at Harborside proposed development

Dear TRPA Governing Board,

I am a property owner at 4495 Interlaken Road (180 Furka Pass) Tahoe City, CA 96145 and am writing to express my objection to the proposed time-share development, Villas at Harborside, for the village of Homewood.

I object to this planned proposal for a number of reasons; however the 2003 modification to the 1995 settlement agreement with the TRPA that called for single-family residences and was changed to approval of 3 time share homes is my biggest objection. I feel this change goes against the TRPA mission to lead the effort to preserve, restore and enhance the unique natural and human environment of the Lake Tahoe region. Not to mention it does very little to maintain the scale and character of the West shore. I believe that if more timeshare development occurs in this area we are in grave danger of causing deterioration of the lake and this development will create excessive congestion in the Homewood/West Shore Area.

The applicant for these time share developments has a history of non-compliance as it relates to the TRPA board and requested actions. I see no reason to approve further development with this applicant when we are most surely guaranteed a similar outcome for future development.

I urge you to please vote NO on the Villas at Haorborside development project.

Best Regards,

Bruce A. Westphal
Concerned Lake Tahoe Homeowner

sr/baw
February 27, 2007

Dear TRPA Governing Board:

The League to Save Lake Tahoe shares the many concerns of Homewood residents, who overwhelmingly oppose the proposed Villas at Harborside timeshare construction project. The proposal should be revised with alternatives that have less scenic, coverage and traffic impacts for the TRPA Governing Board to consider. There are many reasons why this project application should be denied, including:

1. **The timeshare development will produce considerably more traffic than exists in the area today. A full traffic analysis is needed before this project is considered for approval.**

The developer is being allowed to trade 9 motel rooms for 9 houses (each 1700 sq ft. with 3 bedrooms), with a “trip generation analysis” commissioned by the developer concluding that traffic won’t increase. The assumption is that the timeshare/vacation houses will attract no more people – and therefore cars – than small motel rooms. This doesn’t pass the common sense test, and is contradicted by typical usage of vacation rental homes in the Tahoe Basin compared with single-family residences.

An advertisement posted to “Vacation Rentals by Owner” for the existing 3-bedroom, 3-bath timeshare on Lot 5 in the project area advertised the “Luxury Lakefront Villa” as “sleeping 6-8 people.” It is common for vacationers to pack as many people as possible into vacation rentals/timeshares to bring down the cost per couple. It is also common to see vacation rental driveways and street fronts filled with cars, as friends often arrive from multiple locations, and most couples want the freedom to come and go independently in their own car. Small motel rooms, on the other hand, rarely sleep more than 2 adults.

If each proposed timeshare unit in the Village at Harborside project houses 8 people, each arriving in a 2-person carload (which is consistent with TRPA statistics for average carload size for Basin visits), then each timeshare could quadruple the number of cars coming to the project area compared with current uses.

The following scenarios would each result in the addition of more than 200 “Daily Vehicle Trip Ends” (DVTE) per day, which is considered a “significant increase” in Chapter 93 of the TRPA Code of Ordinances. An increase of more than 200 DVTE requires a full traffic analysis.

1. 9 time-share units, each housing four couples arriving in four cars, produces 31 additional vehicles into the project area per day (36 new vehicles, minus 5 vehicles offset by the transfer of 5 TAU's from existing motel rooms within the project area). Assuming each vehicle makes 10.1 one-way trips per
day, consistent with TRPA’s trip table for timeshares “per unit”, then the timeshares will produce 313.1 additional DVTE.

2. 9 time share units, each housing three couples arriving in three cars, produces 22 additional vehicles into the project area per day (27 new vehicles, minus 5 vehicles offset by the transfer of 5 TAU’s from existing motel rooms into the project area). Assuming each vehicle makes 10.1 one-way trips per day, consistent with TRPA’s trip table for timeshares “per unit”, then the timeshares will produce 222.2 additional DVTE.

The following scenario would exceed 100 additional DVTE, which would exceed the level considered to be an “insignificant increase” in Chapter 93 of the TRPA Code of Ordinances

3. 9 time-share units, each housing two couples arriving in two cars, produces 13 additional vehicles into the project area per day (18 new vehicles, minus 5 vehicles offset by the transfer of 5 TAU’s from existing motel rooms in the project area). Assuming each vehicle makes 10.1 one-way trips per day, consistent with TRPA’s trip table for timeshares “per unit”, then the timeshares will produce 131.3 additional DVTE.

The traffic generation analysis performed for the project developer by LSC Transportation Consultants, Inc. rejected tying trip generation rates to the number of bedrooms per TAU because “a review of the professional literature yielded no pertinent information on the relationship between trip generation and number of bedrooms for lodging or timeshare units.”

Instead of investigating typical travel and vehicle use patterns associated with other time-share and vacation rental houses in the Basin, the analysts used data for three bedroom single-family residences to conclude that “trip generation is not increased over average levels by the fact the units are proposed to have three bedrooms.”

Equating 3 bedroom single-family residences with 3 bedroom time-share vacation homes that advertise sleeping up to 8 adults is obviously flawed, and not a credible basis to conclude that significant new traffic impacts will be avoided.

A letter sent by TRPA staff to the development project consultant on January 5, 2006 requested that the applicant describe total trips generated within the project area since the adoption of the 1995 Settlement Agreement. The letter also requested information on the “change in traffic patterns and trips created with the development of tourist accommodation units versus single family residential as calculated with the subdivision permit.” Information on these two important items related to cumulative traffic impact is missing in the staff report, and should also be secured before project approval is considered.

2. Villas at Harborside, which allows small motel rooms to be converted into 1700 sq ft. timeshare vacation homes for “6 to 8” people, could help accelerate similar out-of-scale development around the lake.

There is big money to be made in time-share and vacation rental construction. If developers are able to convert small, low margin motel rooms into luxury party homes around the Basin, without having to offset the significant new traffic and other impacts, the Villas project may become common practice. If The cumulative environmental impacts of this type of conversion in the Basin would be substantial.
3. The project developers have a long history of non-compliance with TRPA requirements.

The 1995 Settlement Agreement found Homewood Resort Properties, Nathan L. Topol was found to be non-compliant with “certain TRPA’s regulations regarding land coverage, structures, placement of buoys, and related matters,…first raised by TRPA in 1989.” Seventeen years after significant issues were identified in the project area by TRPA, significant non-compliance remains, including removal of un-permitted buoys, scenic mitigation requirements, etc.

The project developer is currently not in compliance with TRPA scenic mitigation requirements for the Marina and West Shore Café properties. A letter sent by TRPA to the developer on 1/5/06 stated “previous approvals within the project area included scenic mitigation requirements that have not been implemented. In addition, a number of trees intended to provide screening were damaged during construction and removed.”

The un-permitted buoy field and other unfulfilled obligations must be resolved before any new development is permitted. If a developer who has been out of blatantly out of compliance with TRPA rules for 18 years is rewarded with a new development permit, what message does that send to the public being told to install BMPs at home?

In many ways, Villas at Harborside is a test case for TRPA. For many on the west shore who have invested thousands of hours without pay in opposing this project, Villas represents the ability of those with resources to get around the rules that others in the Basin are asked to play by.

4. The timeshare development would allow coverage on an undeveloped parcel in an already over-covered project area, without adequate evidence that proposed BMPs or mitigation measures will be sufficient to offset projected impacts.

The project area is already over-covered by nearly 50% (24,000 sq ft). New watershed science indicates stream degradation at 10% coverage in a watershed. Additional coverage in this project area – adjacent to the Lake Tahoe shorezone – should be avoided or minimized. The project should be revised with alternatives that have less scenic, coverage and traffic impacts for the TRPA Governing Board to consider.

5. The dense time-share development will largely block views of Lake Tahoe from Highway 89.

A convincing case has not been made that adding nine time-share units on undeveloped land with a full view of Lake Tahoe will improve attainment of scenic threshold standards.

Thank you for consideration of these comments.

Sincerely,

John Friedrich
League to Save Lake Tahoe
Theresa Avance

From: Jeff Cowen
Sent: Tuesday, February 27, 2007 4:44 PM
To: Theresa Avance
Subject: FW: Oppose Villas at Harborside in Homewood

JEFF COWEN
COMMUNITY LIAISON
TAHOE REGIONAL PLANNING AGENCY
JCOWEN@TRPA.ORG
(775) 589-5278

From: Angela Moniot
Sent: Tuesday, February 27, 2007 4:43 PM
To: Jeff Cowen
Subject: FW: Oppose Villas at Harborside in Homewood

I oppose the Villas at Harborside as currently planned because:

1. it will add to the already crowded parking conditions and congestion in that area, especially during peak periods,

2. it will significantly reduce public lake views that have been enjoyed in that area for many years,

3. it will create a less appealing view of that area's shoreline from the lake

4. it feels like a "bait & switch" maneuver to get single family housing approved, then switch to higher density/usage time-share model which is inconsistent with the style of living in that area which tends toward single family dwelling ownership (which will also increase traffic and noise on the lake).

Please encourage the developer to revert back to his more limited original single family dwelling development plan and away from the more dense/excessive use time-share model.

Woody Shackleton
80 Logan Lane
Atherton, CA 94027

Lake Tahoe:
4000 West Lake Blvd
Homewood, CA 96141

cell: 408-420-7044
home: 650-780-9152
fax: 650-780-5614

2/27/2007
From: Tiffany Egan [mailto:TEgan@heitzcellar.com]
Sent: Tuesday, February 27, 2007 11:28 AM
To: Angela Moniot
Cc: Kathleen Heitz Myers
Subject: Opposition to Proposed Time Share Development: Villas at Harborside

Dear TRPA Governing Board:

As a homeowner on the West Shore of Lake Tahoe, I have attached a letter to express my family’s concern regarding the proposed time-share development, the Villas at Harborside. We urge the TRPA Governing Board to vote against approval of the Villas at Harborside Project at this time. We would appreciate your review of the attached letter.

If you have any specific questions or comments, please do not hesitate to contact me directly at my office at 707-963-3542. Thank you for your time and consideration.

Sincerely,

Kathleen Heitz Myers
The Heitz Family
VIA EMAIL TO trpa@trpa.org

February 27, 2007

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

Dear TRPA Governing Board:

My family has been a homeowner on the West Shore of Lake Tahoe for over 25 years at 5596 Lagoon Road in Homewood, CA. I am writing to you to express my family’s concern regarding the proposed time-share development, the Villas at Harborside.

We understand that The League to Save Lake Tahoe has submitted specific comments and critiques related to the proposed time-share development, and we are in agreement for the most part with their position. As such, we urge the TRPA Governing Board to vote against approval of the Villas at Harborside Project at this time.

If you have any specific questions or comments regarding my family’s opposition to the Villas at Harborside proposed development, please do not hesitate to contact me directly at my office at 707-963-3542. Thank you for your time and consideration.

Sincerely,

Kathleen Heitz Myers
The Heitz Family
Ms. Susan Smith  
PO Box 578  
Tahoma, CA 96142  
530-525-9272  

February 23, 2007  

Ms. Julie Motamedi, Chairperson  
Tahoe Regional Planning Agency  
PO Box 5310  
Stateline, NV 89449  
Fax: 775-588-4527  

Ref: Villas At Harborside  

Dear Ms. Motamedi,  

I am outraged. I recently received a letter from the so-called "opposition" to the Villas at Harborside project. It purports a long list of miss-stated facts, but the most egregious is the audacity of them to suggest that your board to vote to keep Mr. Topol’s property as open space! And, then ask for money to support their cause!  

Expecting you to force Mr. Topol to keep his land as open space for their personal enjoyment is no different than asking any homeowner to tear down their lakefront house so the rest of us could enjoy a lake view when they come before you to build a deck or addition. “GIVE ME A BREAK!”  

I would dare say that most of the opposition is ignorant of the facts of this project. Based on the errors and magical thinking presented in Ms. Cresses communiqué it’s no wonder people are confused, as they certainly have been miss-led.  

There are over 300 property owners in Homewood; only a fraction are members of the Homewood Homeowners Association. Of that membership, only 55 voted against the project when presented with a very slanted set of facts. When Mr. Topol was finally allowed to present the real facts before their body, many folks were relieved to know the truth and changed their minds and offered support. Unfortunately, some of them have been intimidated into keeping their feelings personal and are afraid to speak up in public.  

Multiple ownership, timeshare units, which replace existing units, TAU’s, will not create more traffic. As the hotel units have been used, so will the timeshare units be used! The fact that they are charming, Craftsman-style cottages instead of a cinder-block hotel are something we should all be cheering, not striving to maintain the old!  

Their density myth is also unsupported... The Villas, three cottages per parcel, is much less coverage than what is allowable for a single family home.
I, nor do any of my neighbors want to see yet three more three story giant mansions blocking the lake and looming empty statistically 90% of the time. Besides, in order to build them the precious environment of large old trees would be destroyed. The cottages preserve many, many more of the trees.

Exactly whom are we preserving the lake for anyway? Only the rich who can afford mansions and NIMBY-ers with selfish, single-minded and shortsighted ideals of what is the “right”. Or are we protecting the lake and our environment for ALL who live here and visit here? I would vote for the later.

The Villas at Harborside is a beautifully designed, well-planned, environmentally sensitive, redevelopment project ideally suited for the mixed residential/commercial setting of the West Shore in Homewood.

Please vote to move this project ahead – within the guidelines of the TRPA, of course!

Sincerely,

Susan Smith
February 22, 2007

Tahoe Regional Planning Agency  
Post Office Box 5310  
Stateline, Nevada 89449

RE: TRPA File # 20050823

Dear Board of Directors,

This is the second letter I am writing about the proposed project located at 5120 West Lake Blvd., in Homewood California. Because of it’s importance to our community I am taking the time to write you again.

As a home owner living down the street from the proposed project I take great objection to the type of homes being built. This is not what I was told was being built when we bought our property. I would never have wanted a home next to multi-units. I was told single family homes were being built. I feel like this project got brought in through the back door. We already have a parking problem and litter problem in the area around the street and even at the lake. This will only increase. It is too many units.

The next problem in the buoy field in the lake in front of these properties. I witness the noise and pollution that comes from the over crowding. Not to mention the danger. Many boats do not adhere to the no wake zone. I can’t tell you the number of “near misses” I have seen over the past few summers. You have an obligation to the safety of the public to remove these buoys that are not permitted.

We are counting on you as a government agency to protect the interest of the public at large and the integrity of the lake and not just one individual.

Sincerely,

Julie Wallunas  
(925) 743-8579  
5080 W. Lake Blvd.  
Homewood, Ca.
To: TRPA Board of Directors  
From: Melissa Senicka  
Date: February 20, 2007  
Re: Villas at Harborside

Honorable Directors,

I am full-time, year-round resident, a single mom raising my kids on my own. I have a small house keeping business with clients on the West and North shores. I have a strong interest in the success of our community. I am writing to support The Villas at Harborside in Homewood.

I have seen many changes over the years that we have lived here, most of them positive. I know that there are a few people who are against this project because they don't want change on the West Shore. I say to those people, "how naive can you be?" Change is what keeps things vibrant. If we didn't allow change, Mr. Topol's property would still be a parking lot with a seaplane port and gas tanks!

Mr. Topol's project, The Villas at Harborside takes into consideration the need to provide good change that will stimulate the local economy.

We need to control change. Protecting the environment is a good thing, but it must be done with consideration for ALL the people who live here. Not just a few.

Another ridiculous claim expressed by the few who oppose this project is that it will have a "negative impact" on West Shore beauty and block lake views. Give me a break! These people have too much time on their hands.

The design for the Villas at Harborside is in keeping with the overall feeling of the West Shore. It preserves many old-growth trees, it maintains lake views and lakeshore access, and will add to the beauty of the community because it maintains that "old Tahoe" flavor of the West Shore.

The West Shore Café is a gorgeous building, totally in keeping with what the West Shore should look like, and you can hardly see the existing timeshare cottages either from the road or the lake, with plenty of "views" between them. That should give you an idea of how the new timeshares will impact the area.

I suggested to my lakefront clients that perhaps they would consider not having a building on their property so the rest of us could see and have access to the lake. I'm sure you know what they said!

Please vote to approve this project

Most Sincerely,

Melissa Senicka

[Signature]
John Singlaub  
TRPA Executive Director  
PO Box 5310  
Stateline, Nevada  89449  

RE: Opposition to the Villas at Harborside- Cumulative Effect  

Dear Mr. Singlaub:  

I am writing in opposition to the Topol development of The Villas at Harborside in Homewood. Instead of reiterating the arguments presented in other letters sent by my neighbors, I would like to just focus on one aspect: the Cumulative Effect of the parking congestion caused by the (1) Proposed Timeshare Project; (2) Restaurant and (3) Marina.  

Typically, when a developer submits plans for a development, the plan is presented as a whole. The reason for submitting a plan as a whole is so the developer can address concerns of a project at the outset. This presentation is beneficial because it is efficient, both time wise and economically.  

In fact, the 1995 Settlement Agreement addressed the Harborside project as a whole. Mr. Topol submitted five single-family residences and the Homewood Homeowners’ Association approved such a plan.  

But in 2003 this Settlement Agreement was modified (disregarding for now the issue about adequate notice). Either by intent, neglect or happenstance, the development of the Harborside changed and the proposed project is being presented and developed piecemeal without giving adequate attention to the project as a whole, especially in light of parking needs.  

Currently, there are a total number of 43 parking spaces: 37 for the restaurant and lodge and 6 from the existing timeshare. At first glance, or if presented piecemeal, these parking spaces could appear adequate. The Restaurant accommodates 120 diners maximum. 37 parking spots could adequately accommodate these diners. The Lodge has 9 bedrooms. The 37 parking spots could accommodate these guests. And the Marina, with its 128 buoys and access ramp, could accommodate these boaters. And then, of course, the existing Timeshare with its existing 6 spaces could accommodate its tenants.  

However, when reviewed in total, are these 43 parking spaces really adequate? I argue they are not and that it would be unrealistic to believe they would be. On two of the busiest holidays in the summer, July 4th and Labor Day, this resort expects to be operating at capacity and 43 parking spaces would not sufficiently accommodate diners, boaters, hotel guests, time share tenants and the employees needed for this
resort to run. And where will these extra cars go? In the past, overflow parking is located across the street at the ski resort and along Highway 89. Not only do these cars junk up the area, but also contribute to highway congestion and safety hazards.

The problem in the existing parking is already systemic. This parking problem was not an issue when the 1995 Settlement Agreement was approved and only became an issue because of the 2003 modification. And now with the addition of these last 9 timeshares, the final piece of this project (or so we think) will expand the insufficient parking problem. Mr. Topol asserts that parking is adequate for these additional 27 units. But looking at the current total parking inadequacies of the Villas, Restaurant, Lodge and Marina as a whole, is it really? By analogy, I argue that the way this project was presented is like looking at one spore but when pulling back and reviewing the project as a whole, you're really seeing a biomass.

I don't think this project when viewed in its entirety is in keeping with the West Shore General Plan “to maintain the scale and character of the West Shore.” Additionally, although PAS 159 encourages tourism and recreation uses, it only permits such uses as long as they are “compatible with the west shore scale of development.” Lastly, a timeshare may only be allowed if it “is such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located” will not be disturbing to the health, safety, enjoyment of property in the neighborhood and will not change the character of the neighborhood. TRPA Code 18.1B (emphasis added). Again, when viewing each development within the Villas independently, a violation does not occur and seems to be within the character of the neighborhood. A restaurant is fine. A marina is fine. A lodge is fine. But taken as a whole, including the development of timeshares within a confined space, the whole effect is cramped and the current parking scenario as presented is not sufficient. In fact, a consultant employed by TRPA to review this project submitted similar observations about the parking inadequacies.

Right now, you have the opportunity to correct a deficient situation. You have the opportunity to stop and reevaluate. I urge you (1) to stand back, (2) review the Villas (restaurant, marina, lodge and timeshares) as a whole (3) look at the neighborhood surrounding this development (4) review their compatibilities, together with an eye for density and safety and (5) vote “No” on this project.

Thank you.

Respectfully submitted,

Carole Gray
Dear Governing Board Members and TRPA Staff, Homewood and West Shore homeowners have not supported this project and this is my attempt to explain how this Project Area is an abandonment of issues we believe true.

A. The 1995 Settlement Agreement and the Conditions for the Permit

The Settlement Agreement under the “Recitals” was an attempt for both TRPA and “Homewood” (Nathan L. Topol) to reach a legally binding agreement. In the past several years TRPA had previously advised Homewood that the property was Unapproved/Unauthorized Construction/Illegal buoys collecting a sizeable income. One such letter written 2/7/91 even states by TRPA Environmental Compliance Chief, Steve Chilton: “The buoy field shall be limited to 66 buoys. All additional buoys in excess of that amount (128 currently exist) shall be removed by June 30, 1991”. Homewood continues to be non-compliant.

In 1987 the Homewood/Commercial Plan Area 159 was available and included Timeshare/Residential, Motel and Hotel according to TRPA Staff. However when drafting the 1995 Settlement Agreement, Larry Hoffman (Topol’s attorney), admits he specifically wrote Single Family Residential. Words he selected in 1995 even though Timeshares were an alternative. The Contract was made legally binding in 1996. 159 Plan Area would have allowed 15 units on 42,560 square feet; however it was not made part of the contract between TRPA and “Homewood”.

In 1999 West Shore Café was relocated and six (6) rooms for rent were added, not originally declared to be part of the contract; to be Homewood’s first three story building. Special Conditions: R) The CC&Rs shall be revised to include provisions or the establishment and maintenance of 20 foot wide view corridors between lots 1 & 2, lots 2 & 3, lots 3 & 4 consistent with the visual simulation and narrative (Acanthus, September 1999) prepared for this project. I wonder if these rooms rented to the public are ADA compliant, the West Shore Café & Inn.

B. In 2003 the Project Area certainly went through a period of collusion and conspiracy by certain individuals in TRPA and individuals retained by “Homewood”. I realize these are incredibly sensitive words to use. However what do you call it when the will of the people, the residents in Homewood most affected, the Hearings Officer in 2003 and the Governing Board of TRPA are without the complete facts which dramatically changed
the 1995 Settlement Agreement with full knowledge by the TRPA Legal Counsel and the Developer?

Letters of Importance: August 4, 2003 A letter from Midkiff & Associates to TRPA Counsel John Marshall: "Per discussions last week with Jordan we will be able to amend the Topol-Homewood Settlement Agreement for approval at the August Governing Board. The amendment will allow timeshare use on the four lots that are currently designated as residential parcels." "In our proposal, we are planning three timeshare cottages on Lot 5, each to be sold in 1/4th intervals and maintained for nightly rentals when the owners are not in residence." There was never an Amendment to the 1995 Agreement.

Did TRPA Governing Board ever tell the public what was being considered and known by the TRPA Legal Counsel that parcels 2-5 were going to be Timeshares and open for nightly rentals?

We have many more letters illustrating that both John Marshall and Jordan Kahn from the TRPA knew all about the proposals.

July 29, 2003 TRPA Legal Counsel Jordan Kahn to John Marshall, "Supposedly Larry Hoffman is working on a one-page amendment to the Settlement Agreement for our review (that will enable the project they have proposed)"

Larry L. Hoffman, the author for the 1995 Settlement Agreement on July 30, 2003 to Mark Kubinski, Nathan Topol Group. "I have reviewed the earlier Settlement Agreement regarding the Homewood Resort, and refreshed my memory. Yes, I think it is true that at the time the proposal was to build single-family homes, and the Agreement reflects that. Hoffman continues, "If TRPA does need to amend the Agreement, hopefully they can simply do this by a Staff Report "process on the Consent Calendar"; recommending the insertion of this simple one-sentence, a Resort Timeshare Cabins on Lots 2, 3, 4 and 5."

Sept. 12, 2003 Midkiff & Assoc. to Melissa Shaw & Brian Judge. "I understand that John Hitchcock has directed you that our project area needs to meet a contrast rating score of 25, even though it is a part of a baseline approval established by litigation and settlement, with an approved baseline score of 17." The only projects that TRPA may further regulate are the projects to be proposed on the vacant lots 2-5. These can never bring the entire project area up to the score of 25. Each of the four lots would have to achieve a score of 42 to accomplish this incredible goal which is beyond reasonable expectation." "TRPA can simply add the condition to the permit or as an addendum to the Settlement Agreement regarding the scenic score requirement." Incredible tenacity, so we change a legally binding contract to fit Homewood's non-compliancy and be sure not to let anyone know!

Hearings Officer on October 2, 2003: No public attendance, as our responses have suggested, they where not notified of the plan for timeshares on Lot 5, if they had been, they would have been present. The Hearings Officer clarified that these units are coming from within the project pursuant to the 1996 Settlement Agreement. Mr. Midkiff stated that the hotel/motel on the
highway will be demolished and three units will come out and the balance of
the units will be banked for possible future use or transfer. However, as
Homewood seems not to be compliant again, the Motel still stands. When
asked about the project being a subdivision Mr. Faccinto stated that it is a
single-lot timeshare; which is fee simple undivided interest in the entire project;
it is not subdivided. It is not three separate units; it is one property with three
units on it. I don’t understand? It was approved. However did anyone know
this was to be a precedent for three more lots?

C. In attempt to clarify this issue. TRPA Legal Counsel (John Marshall &
Jordan Kahn) knew the entire Project Area in 2003, at least on paper but not
with respect for the environment or the community that had to comply with
these concepts. The project in 2003 was for Lots 2 -5 meant to have a total of
12 Timeshares, to include nightly rentals if the owners were not in residence. Is
this consistent with the 1996 Settlement Agreement? Was the public informed?
Were all the local residences able to evaluate this proposal? Why didn’t the
TRPA Legal Counsel enlighten the Governing Board and us?

Our recommendation is to institute the composite score of 25 for the Project
Area. No more piece-by-piece development, the final build out of the Project
Area, a composite score of 25 is required. The Scenic View is gone from lots 5 –
9, there is nothing to visualize from either SR 89 or the Lake. The impacts have
never been evaluated for what “Homewood” and the TRPA Legal Counsel
understood. So as a Governing Board do not vote for the Project until an
evaluation of the Projects impacts are complete.

Parking: Evaluate twelve (12) timeshares with nightly rentals (remember ADA
compliance). The need for parking for the Marina and that would include trailer
with auto. Please do not evaluate a TAU from the Homewood Motel and say
that there is nightly rental there and transfer it to a Timeshare/Residential.
This isn’t an equal exchange for one hotel room to one timeshare with three
rooms; maybe the TAUs should be further evaluated if this is what staff believed
to be compliant.

Traffic: The developments have been piecemealed together all the lot’s, and
significant amounts of trips have not been evaluated. Their previously
approved three timeshares on Lot 5 allows an additional 28 trips plus there are
additional trips associated with the expanded West Shore Café & Inn. There
needs to be an adequate traffic analysis, it should not be evaluated by trips
generated, i.e. from one motel room to one TAU.

Scenic Impacts: The Project Area will have significant negative impacts. This
is the most significant issue with this project, all visual is lost. Lake Tahoe
should not be visualized through a keyhole! If approved as submitted, the
project would negatively affect the rating of the shoreline and roadway. We
were told by TRPA the 20 foot distance between all Lots in the Special
Conditional Use Permit in 1999 when the Café and Inn was built was discarded
in the Permit in 2003. Why? The reason was given that due to the existing
large trees and in an attempt to protect them, they reduced the spacing of the
Lots. Well, the trees died; therefore keep the 20 foot lot separation and make the buildings smaller.

Given the multiple areas of Environmental Impacts, TRPA must reassess the FONSI check list. Go back to the composite score of 25 for the total build out of the Project Area. Make the development fit the area, to be part of the Community. Only now do we all understand the purpose of the development, now let the cumulative impacts be identified by TRPA and direct your concerns to Placer County.

This Project Area started with the best of intentions by TRPA in 1995, and only through the dishonesty of some to covert the public and governing bodies has it become a despicable scar of development, one which removes the Lake to everyone and especially to those that live in Homewood, the view of Tahoe.

So in our final request, DENY this Project! Then TRPA Staff needs to have a refresher course in divulging documents to the public and Governing Board and supporting only the projects allowable uses. TRPA must not be perceived as self preserving instead of preserving Lake Tahoe. Secondly, all evaluations such as this one, need environmental review at the final Project Area and maintain the composite score of 25, to be sure the intent of the project coincides with the awareness of TRPA and the public. Then finally to realize that any development, especially one of such immense change as an addition of the Timeshares and Inn on a nightly rental situation instead of Single Family Residence, needs to have a more precise look at NEPA, FONSI Score and communication to Placer County for an adequate EIR. The Luxury Villas at Harborside will be a marvelous money maker; but what will it do to include the needs of the disabled or elderly, the responses of the local homeowners, to be able to be part of the neighborhood, and meet the needs of the community. We all enjoy Lake Tahoe, let us SEE it, able to be in it and enjoy the beauty of Lake Tahoe.

Hoping to urge your response,

[Signature]

“Friends of the West Shore”
James and Susan Gearhart
PO Box 3442
Fremont, CA 94539
510-656-7703
Or
5520 Sacrament Ave.
Homewood, CA 96141
530-525-0368
February 1, 2007

TO: Honorable TRPA Governing Board Members

FROM: Lorie & Paul Cress
Residents at 5250 West Lake Boulevard, Homewood, Lake Tahoe

RE: February 28th Hearing—Proposed Villas at Harborside

The TRPA Governing Board is scheduled to hear testimony and make a decision about the proposed Villas at Harborside project on February 28th, 2007. We are asking the TRPA Governing Board to deny approval of the proposed project and we will cite some of the reasons below:

#1. The 1995 Settlement Agreement between TRPA & Mr. Topol is legal and binding. The intent of the Agreement included the approval of Single Family Residential/Commercial Subdivision including single family homes, a restaurant, motel and marina.

We obtained, from the TRPA offices copies of letters between TRPA staff and Mr. Topol’s consultants/attorneys that affirm the intent of the Agreement. In fact, it was clear from the correspondence that Mr. Topol’s attorney, Lawrence Hoffman, drafted the Settlement Agreement. The Homewood Homeowner’s Association wrote a letter of approval of the Settlement Agreement which was read at the Governing Board Hearing in 1996. Rochelle Nason of the League to Save Lake Tahoe spoke in approval of the Settlement Agreement at that 1996 Hearing. Their approvals were based on Single Family Residential zoning. The Governing Board approved the Agreement based on the zoning classifications outlined in the Settlement Agreement. The Settlement Agreement states “this Agreement shall not be amended or modified except in writing signed by each of the parties affected by such amendment or modification”.

If the intent of the Settlement Agreement was to include a broader zoning classification, as Mr. John Marshall’s September 15, 2003 Memorandum states (See Exhibit #1), those classifications should have been included in the 1995 Settlement Agreement.
Perhaps Mr. Marshall was mislead or confused by the correspondence he received from TRPA Staff and Topol consultants prior to Marshall's drafting of the Memorandum. For example, Mr. Jordan Kahn's email to Mr. Marshall dated July 29, 2003, refers to the change from Single Family to Timeshare Units as a “minor deviation” (See Exhibit #2). A letter to Mr. Marshall from Midkiff & Associates, Topol's Consulting Firm, (dated August 4, 2003 See Exhibit #3) calls the proposed project “three small, interval-ownership/quarter-share cabins....the owner would like the flexibility to also build out the four vacant lots within the project area with these small quarter-share cottages”. Clearly Mr. Marshall was not aware of the size and density of the project. He relied on his colleague’s description of the project and pressure from the project owners to get the project through the approval process.

Please refer to a letter dated July 30, 2003 from Lawrence Hoffman, Mr. Topol's attorney, to Mark Kubinski at Nathan Topol Group, (Exhibit #4). In the letter Hoffman states “the proposal was to build single-family homes and the Agreement reflects that. To confirm our argument that Mr. Hoffman drafted the Settlement Agreement we are including (Exhibit #5) dated April 22, 1994.

The pertinent, irrefutable fact is that the Settlement Agreement is a valid contract, and specifically defines the zoning as “single family residential/commercial subdivision” and was written by Mr. Lawrence Hoffman. The Homewood Residents, the League to Save Lake Tahoe and the Governing Board approved the Settlement Agreement contract based on the zoning classification stated in the Agreement.

#2. The Cumulative Effects of the entire Homewood Resort Project should be studied prior to granting permits. Based upon the Governing Board approval of the 1995 Settlement Agreement, a Conditional Permit was drafted and signed by Mr. Topol on January 31, 1996. The Permit granted the re-subdivision of the Homewood Resort. The Permit included a number of key requirements including elements that affect the entire Homewood Resort parcels.

The 1996 Permit addressed non-compliance issues such as illegal buoys, piers, screening boats & buildings, colors of buildings, scenic mitigation, BMP’s, etc, etc. Since 1996, each subsequent permit has cited the same non-compliance issues which deal with the entire project, yet TRPA did not require a study of the cumulative effects, both environmentally and to the community, of each additional permit. The non-compliance issues have been going on for over 17 years or more. Permit after permit has been granted, seemingly ignoring the non-compliance issues. By granting permit after permit in a piece meal fashion, TRPA chose to ignore the cumulative effect of each new phase and has allowed the project to slip through the cracks of proper environmental reviews. Should the last remaining lakefront parcels in Homewood be given such little consideration as to use?

If the project was approved in its entirety an EIR document should be required. The EIR would prepare the Governing Board to make an educated decision on Topol's entire development and the cumulative effect this development has on Lake Tahoe and the community of Homewood.
Parking and its cumulative effect on the community is an extremely important policy decision. The 1996 Permit required Topol to provide a lease agreement with Homewood Ski area for overflow parking. I questioned TRPA staff and there does not appear to be any such lease agreement. I asked the TRPA Staff about a current agreement and the replay from TRPA staff was: "...Brian Judge, who was then planner for the project, remembers it specifically. The permit did not condition that the agreement be upheld in perpetuity. It is important when we write such permit conditions that we aren’t requiring one property owner to be held permanently responsible for what happens on another’s." Well how does that work? An agreement was required but not really required because TRPA did not want to bind another party. I completely agree, why should another party be involved? Why isn’t Mr. Topol held responsible for his parking problems? The required parking agreement never materialized and once again Mr. Topol is not bound to provide adequate parking for his entire development yet permits continue to be granted.

Referring to the November 7th 2006 Staff Report, Section 2. Scenic Impact, the TRPA staff is requiring the Total Scores of the entire Homewood project for Scenic Impact be met. These requirements, like a broken record, address the screening of the boats, marina and West Shore café based on the 1995 Settlement Agreement. The staff acknowledges many non-compliance issues are still unresolved yet they are recommending approval of the project. The report then states under #5. Traffic & Parking: "The traffic and congestion associated with the already existing uses, but outside the scope of the current project, would need to be addressed separately...". With regard to the traffic/congestion issues, the TRPA staff says sorry our hands are tied. Permit after Permit is granted, many of the requirements of prior permits have not been met and yet TRPA staff is recommending another permit be granted. The Governing Board has the power to denying any additional permits for the Homewood parcels until the cumulative effects are studied and all non-compliance issues fixed completely.

3. View Corridors are insufficient and go against the 1995 Settlement Agreement. Another requirement in the 1996 Permit was: "views between approved structures of Lake Tahoe from Highway 89 shall in no way be blocked through use of fences, vegetation, or any other means."

The 1999 TRPA Permit granting approval for construction of the West Shore Café, Item #R states: The permittee shall submit a recorded set of CC & R’s the subject project area for TRPA review and approval. the CC & R’s shall be revised to include provisions for the establishment and maintenance of 20 foot wide view corridors between lots 1 & 2, lots 2 & 3 and lots 3 & 4 consistent with the visual simulations and narrative prepared for this project”. I have included only the page that includes #R section. If you want to see the entire Permit I’ll be happy to mail it to you. Topol signed the Permit and the West Shore Café & Inn is up and running.
The November 7th 2006 Staff Report for the proposed project only requires a 15' wide view corridor. The simulations provided by the applicant would make you believe that there are very good views to the lake, I would argue that those simulations are very distorted. If you have time to drive by the existing 3 units on Lot 5 you can better understand our concerns. **Why should the 1999 TRPA Permit requirement be ignored?** We received an answer via email from TRPA staff to this question: “we are fully aware that the view corridors between lots 5 through 1 were stipulated to be 20” in the 1999 permit. When the 2003 permit was written, that number was reduced to 15’ in order to protect some of the large trees on lot 5. The building foundations were going to cut too close to some of the older trees and the setback between lots was reduced to shift the building footprints around to be further from the bases of these trees.” **Why should the view corridor be compromised?** It is the proposed project that should be changed to meet both the TRPA Code Section 71.2 for tree preservation and the 20’ view corridor. It is obvious that the project is too dense for the parcels. In addition many trees on Lot 5 and Lots 2, 3, & 4 have subsequently died and been cut down. If TRPA Staff has historical records of the tree population on the parcels, a present study should be conducted to verify the status of the old growth trees.

Finally, I submit a copy of a letter to Lyn Barnett & Theresa Avance from Melissa Douglas (Exhibit 6). Because Topol wanted to fast track the project, he offered to pay for an outside consultant to review the project. Melissa Douglas use to work at TRPA, and I was told, was considered an excellent planner, however she has moved away. She was hired to review and make recommendations to staff on the Villas project. Her letter reiterates our concerns about Scenic Impact, Parking and Traffic. You should be aware that after reading Ms. Douglas letter, Mr. Faccinto, Mr. Topols’ attorney, wrote to TRPA to have her removed from the job. That firing makes me wonder who is conducting the review, TRPA or Mr. Topol?

The intent of this letter was to educate the TRPA Governing Board with documents that you might not have knowledge of. We have spent countless hours trying to figure out what has transpired since the 1995 Settlement Agreement. Hopefully the information provided will convince you that the proposed project should not be approved. It should not be approved because it goes against the intent of the 1995 Settlement Agreement because the cumulative effects of the entire development have not been studied and presented to the Governing Board and because the view corridors are insufficient and go against the 1995 Settlement Agreement. It is hard to imagine that the framers of the TRPA compact and the Governing Board who approved the Settlement Agreement ever envisioned that nine large timeshare units would be constructed on three small parcels in such a way that a panoramic view of the lake and distant mountains would be limited solely to a few owners, to the exclusion of thousands of visitors and basin residents.
MEMORANDUM

September 15, 2003

To: Project Review Division

From: John L. Marshall, Agency Counsel

Re: Settlement Agreement for Homewood Resort

The Project Review Division is processing an application for the construction of several tourist accommodation units (TAUs) at the Harborside at Homewood resort. The parcels upon which the TAUs will be located are subject to a 1995 settlement agreement between TRPA and the owners of Harborside. That settlement agreement contemplates, but does not mandate, that the owners of the resort would develop these parcels for residential use. Therefore, the proposed development with TAUs may proceed without amendment to the 1995 settlement agreement as long as such development is consistent with other applicable law.
John:

Homewood has a project in that calls for a **minor deviation** from the Settlement Agreement signed by us & them in 1995 (PR & I are comfortable that this change is within the spirit of the original SA and are willing to help facilitate its change). Legal has a Homewood lateral file that includes the Settlement Agreement. We told Homewood that staff was OK making this change but it would likely require GB approval (perhaps only on consent calendar). Supposedly Larry Hoffman is working on a one-page amendment to the Settlement Agreement for our review (that will enable the project they have proposed). I'm giving you a "heads-up" because:

1. **If we get the proposed amendment in August, you will have to review and approve it; and**
2. **You will need to make a call concerning whether the Board will need to approve the amendment and if so the appropriate process.**

Thanks, Jordan
August 4, 2003

John Marshall
TRPA
PO Box 5310
Stateline, NV 89449

RE: Harborside at Homewood, Rationale for Amendment of Settlement Agreement, Project APN 097-130-29

Dear John,

Per discussions last week with Jordan we will be able to amend the Topol - Homewood Settlement Agreement for approval at the August Governing Board. The amendment will allow timeshare use on the four lots that are currently designated as residential parcels. I’ve written up our rationale for your review and use as to why the Topol Settlement Agreement should be amended to allow timeshare use. We’ve also included a letter from Larry Hoffman on the amendment language. Jordan had not decided if the amendment would be on Consent Calendar or a part of the Executive Director’s Report.

We’ve been working with project review staff on a timeshare project for Lot 5, which is designated as a residential parcel in the Homewood Settlement Agreement. The settlement agreement project area encompasses the Homewood Marina, the West Shore Café, which is being rebuilt, and a total of five single family lots, one of which has been built on. Our project proposes three small, interval-ownership/quarter-share cabins, where the original plan was to create a single large home. The owner would like the flexibility to also build out the four vacant lots within the project area with these small quarter-share cottages. Under the guidance of Paul Nielsen and John Hitchcock we have redesigned the Lot 5 site plan to save all of the existing trees at the property, provide adequate parking and improve the scenic character of the site with smaller structures and landscaping. Based on our most recent meeting with staff, the site design can be reviewed and approved, pending the amendment of the allowable uses.

Our rationale is as follows:

Tourism will be a better use in this area than single family residences, given the makeup of the surrounding neighborhood and the need for increased Lake access. The parcels are located along Highway 89, which can be very busy in the summer months. Across the highway is the Homewood Mountain Ski Resort. Immediately to the south, within the Topol project area, are a café, small hotel, and the Homewood Marina. To the north are privately owned residences. The parcels are located in PAS 159 - Homewood Commercial PAS. Special Policies #6 mentioned that these lots may be more appropriate in a residential land use classification than in commercial in the future. This whole issue would be avoided by developing the lots with timeshares, a special use in this PAS.

While there are existing single family residences interspersed through Homewood, they are beset by the congestion, noise, and other inconveniences common to development along
the highway. The change from single family use to timeshare will not create additional traffic, based on residential trip rates/DVTE versus timeshare trip rates/DVTE - they are the same rates. Where the resident would grow more and more unhappy with the highway inconveniences, the tourist is happy to have quick and easy access - within walking distance - to recreation and dining opportunities in downtown Homewood.

In these surroundings the creation of timeshares rather than single family homes will enhance visitor’s experience of the community, providing frequent visitors to the nearby recreation amenities. Where a residence will provide Lake and recreation access to one family, the timeshares will provide that same Lake access to a greatly increased number of visitors. In our proposal, we are planning three timeshare cottages on Lot 5, each to be sold in 1/4th intervals and maintained for nightly rentals when the owners are not in residence. At a minimum, these cottages will bring at least 12 families in to the area each year. Clearly, more visitors will be able to use the cottages than single family residences by converting the allowed use on Lots 2 through 5 to timeshares.

This rationale should be useful for you to put together this amendment. Also, please take a look at the attached letter from Larry Hoffman, who suggests a one-sentence change to be inserted into the existing document. Jordan’s directions were to “keep it simple.”

We need TRPA action on this, either by the Governing Board or staff in August, since the owners need to start grading and construction this season. Thanks for your help in addressing this project while Jordan is away. Please contact our office with any questions.

Sincerely,

[Signature]

Kirsten Frank
Associate Planner

cc: Nate Topol
Mark Kubinski
David Antonucci
Melissa Shaw
Project File #20030154
July 30, 2003

Mr. Mark Kubinski
NATHAN L. TOPOL GROUP
6155 Plumas Street
Commons Building
Reno, NV 89509

Re: Potential Amendment to Homewood Settlement Agreement

Dear Mark:

I have reviewed the earlier Settlement Agreement regarding the Homewood Resort, and refreshed my memory. Yes, I think it is true that at that time the proposal was to build single-family homes, and the Agreement reflects that. Hopefully, TRPA will agree with you that it is not necessary to process an amendment to the Agreement, but rather to simply make a staff interpretation that "cabins" are O.K. But, on the assumption that they do want an amendment to the Agreement, it seems to me it can be achieved by a simple one-sentence insertion in paragraph 1 on page 2 of the Agreement immediately following the first sentence. That sentence would read:

"Alternatively, Homewood shall have the right to develop "Resort Timeshare Cabins" on Lots 2, 3, 4 and 5 shown on Exhibit A, subject to demonstrating that it has assigned to it the requisite "tourist accommodation units."

Unless I have missed something, it doesn't look to me like anything else needs to be changed within the Settlement Agreement, other than the insertion of the single sentence. If TRPA does need to amend the Agreement, hopefully they can simply do this by a Staff Report processed on the Consent Calendar recommending the insertion of this single sentence.

If you have any other questions, give me a holler.

Sincerely,

[Signature]

Lawrence L. Hoffman

LLHjr
April 22, 1994

Mr. Steve Chilton
Chief Enforcement Division
TAHOE REGIONAL PLANNING AGENCY
Post Office Box 1038
Zephyr Cove, NV 89448-1038

Re: Homewood Resort

Dear Steve:

Since Gregg Lien and I met with you and other key staff several weeks ago regarding a proposed resolution of the Homewood Resort matter, we have obtained the approval of our client, the Homewood Resort Partnerships, to proceed in the manner we discussed with you. Accordingly, the purpose of this letter is to set forth the outlines of the agreement we discussed which is intended to resolve the Agency's current enforcement matters applicable to the Homewood Resort, while at the same time providing our client the opportunity to proceed with the reasonable use of its property in an orderly way. If you concur that this letter accurately sets forth our understanding, I will then incorporate these key points into an appropriate final Letter of Understanding or Agreement (as we shall agree) to be executed by TRPA and by our client. If, any adjustments need to be made, let me know, and we can then discuss those revisions.

In spite of my brief delay in getting this letter to you, which was caused by the press of other matters, we are still quite anxious to reach closure and to get on with the program summarized below.

The following are the key components of our proposed understanding:
1. Application for Resubdivision:

A. Resubdivision. Homewood, within 30 days following the approval of both parties of the final agreement, will complete and submit to the Agency an application to "resubdivide the structures" currently existing on its property into a single family residential/commercial subdivision as generally depicted in the drawing we provided to you. Based on our analysis of TRPA's Subdivision Ordinance and your discussions with Agency Counsel, we believe this is a proper resubdivision under the existing provisions of the Ordinance and can be processed accordingly.

B. Land Coverage. It is understood that TRPA recognizes 77,781 sq. feet of "allowed coverage" for the entire Homewood Resort and High and Dry Marina parcels. In undertaking the foregoing resubdivision, up to that amount of allowed coverage will be reassigned to the parcels involved, and coverage in excess of that amount will be removed. As part of the approval process for the resubdivision, a mechanism will be agreed upon for the relocation of the coverage to the various parcels involved, for the removal of excess coverage, and for insuring that the total project when completed meets the allowable coverage of 77,781 sq. ft.

C. Beach Access. In undertaking the resubdivision, it is understood that our client will agree to requirements to ensure that the existing beachfront, from the highwater line lakeward, will continue to be open for access to the public, and will not be blocked or fenced to prevent such access.

D. Fencing, Walls, and Landscaping. In undertaking the resubdivision and associated improvements, it is understood that every effort will be made to ensure minimum tree removal on the site; that no large walls will be used to block off or enclose the subdivision; and that the subdivision will be undertaken in a way to meet TRPA's scenic, design, landscaping, and other applicable requirements.

2. Buoy Field:

It is understood that TRPA has continuing concerns about the "legality" of the existing buoy field. According to TRPA records, only a portion of the existing buoy field of approximately 120+ buoys has previously received TRPA permits. Homewood, however, currently has a permit authorizing 120 buoys from the U.S. Army Corps of Engineers (see attached), and is in the process of seeking
a similar permit from the State Lands Commission. In connection with the foregoing, the Agency will proceed in a timely way to process Homewood's application to "legalize" the 120-buoy field, generally consistent with the existing U.S. Army Corps Permit.

3. **Enforcement:**

TRPA has been pursuing enforcement against Homewood in connection with certain alleged violations of the Agency's rules. It is understood that the proposed resubdivision of the property and the permitting of the buoy field is intended in part to address those concerns. Accordingly, in order to allow time to complete the processing of the resubdivision and permitting of the buoy field, TRPA will hold their current enforcement matters in abeyance for the period it takes to process the foregoing applications, provided Homewood is moving forward with the permit process with due diligence. At such time as the application processing has been completed and the anticipated approvals granted by TRPA, then Homewood agrees to pay to TRPA, in addition to the other securities and related fees required for those approvals, the additional sum of $25,000 as a "fine" in settlement of the enforcement matters.

Further, Homewood agrees to waive the applicable statute of limitations from the date of the anticipated final Agreement during the period that the enforcement matter is held in abeyance. Homewood reserves the right to assert any statute of limitations defense it may already have due to the passage of time in the event that the foregoing approvals are not obtained or the enforcement action is re-instituted.

4. **Final Agreement:**

If you concur that the foregoing key points are agreeable to the Agency, we will then prepare an appropriate Agreement in the format to be agreed upon between us. We are ready to prepare that final agreement document as soon as I have heard back from you as to the content of this letter and have reached an understanding as to the format of that final agreement (i.e., Letter of Understanding signed by staff, more formal Settlement Agreement, etc.) As soon as we reach closure on the final agreement, we will then move forward expeditiously with the application and permit process with both TRPA and Placer County.
Mr. Steve Chilton
April 22, 1994
Page 4

I look forward to hearing from you at your earliest convenience.

Sincerely,

Lawrence L. Hoffman

LLH:lk
Enclosure
cc: Client
   Gregg Lien
Lyn Barnett  
Theresa Avance  
TRPA  
PO Box 5310  
Stateline, NV 89449  

Re: Villas at Harborside, 5120 West Lake Boulevard, Place County, APN 097-130-28,  
TRPA File Number 20050823  

Dear Lyn and Theresa:  

As I discussed on the telephone yesterday with Theresa, I have completed my initial  
review of the additional information submitted by Midkiff and Associates for the next  
phase of the Villas at Harborside project. Three timeshares had been previously  
approved by TRPA on Lot 5. The original application was for three timeshare units on  
Lot 4. We asked the applicant to revise the application to include all remaining proposed  
units (a total of nine units, three each on Lots 2, 3 and 4) so that the overall impacts of the  
development could be appropriately evaluated.  

Review of the application is complicated by the previous settlement agreement and  
subdivision permit. The settlement agreement and subdivision permit assumed single-  
family residential development of the vacant lots within the project area. TRPA counsel  
later made a determination that a change in use from single-family to tourist  
accommodation/residential design timeshares was permitted under the Plan Area  
Statement and settlement agreement. While I cannot offer an opinion on that  
determination from a legal perspective, I believe that the impact of the additional density  
permitted with the change in use (15 units per acre versus one residence per lot) was not  
considered from either a scenic or traffic perspective. In any case, the settlement  
agreement and subdivision permit certainly created an expectation on the part of nearby  
property owners that new uses would be single-family residential.  

I believe that there are significant impacts associated with the proposed project and that  
substantial modifications are required before the project should be approved. These  
impacts include:  

**Scenic impacts.** The settlement agreement required that development comply with  
TRPA’s scenic requirements. Since there was an intervening ordinance change, John  
Hitchcock made a determination that the overall project area would need to achieve a  
composite score of 25 including the marina and the West Shore Café, both of which do  
do not comply with previous permit requirements.  

After reviewing the scenic evaluation submitted for the proposed project, I do not believe  
that the project area can achieve a composite score of 25. I have a number of technical
issues with the proposed scoring, and I need to further evaluate the proposed building materials, but the major issues include:

- Proposed vegetative screening for the marina boat racks and the deck of the West Shore Café from the shoreline scenic unit. The location of the plantings is in the sandy backshore between the boat racks and the high water line. Given current high water conditions, the proposed planting locations are unrealistic. Even absent current water conditions, the success of the plantings is questionable given the soil conditions and use of the area. The planting plan anticipates growth rates for species which would be difficult to achieve under ideal growing conditions. The scoring used for the visible area and perimeter need to be revised accordingly.

- Tree impacts. The scoring for the proposed timeshare units assumes minimal impacts to existing large trees that provide screening from the shoreline scenic unit. The applicant provides a discussion of tree preservation methods during construction including hand digging and bridging foundations. These same methods were proposed unsuccessfully for the West Shore Café, and I hesitate to rely on them again based on past results.

- Roadway unit. The proposed units block views of the lake from the roadway. Some loss of views would be unavoidable with development of these lots, but the number of buildings proposed for each lot minimize remaining view corridors. The applicant also failed to clarify the issue of the proposed 6-foot fence along Highway 89 which is prohibited by the settlement agreement.

Traffic. The applicant provides a trip generation analysis that indicates that the remaining nine units would generate 88 trips per day, less than the 100 trip significance threshold. I would argue that they avoided showing a significant amount of trips by piece-mealing the project. The previously approved three timeshares would add at least another 28 trips plus there are additional trips associated with the expanded West Shore Café. The traffic analysis is also limited to trip generation and does not evaluate driveway locations, intersections or turning movements. These issues may be more appropriately evaluated by the County, but it is my opinion that it is not accurate to say the proposed development will not impact traffic in the area.

Parking. The proposed project does meet the minimum parking standards (one per unit) for Placer County, which have been adopted for this location by TRPA. However, one parking space for a three-bedroom unit of this type would not be adequate based on my experience. The applicant attempts to address this issue by showing a stacked parking configuration that would allow parking for up to nine cars. This scheme, though, would require coordination between all three units and seems unrealistic to me. Given that the proposal meets the minimum requirements, I am not sure there is any avenue to address this issue further at the regional level.
The most significant issue with this project remains the scenic impacts. If approved as submitted, it is my opinion that the project would negatively affect the rating of the shoreline and roadway units. Options that may address the scenic issues would be to relocate the boat racks, at a minimum out of the backshore to the extent that the proposed vegetative screening would be in the upland. However, screening for the West Shore Café would remain an issue. To reduce the scenic impact to the roadway corridor, the number of units for each lot could be reduced from three to two to widen view corridors and reduce tree impacts. Also, I would recommend phasing the approval to the initially requested timeshare units on Lot 4 and withholding permits on Lots 2 and 3 until mitigation measures for the marina and West Shore Café have been installed and evaluated.

I hope this letter provides the information that you require. If you have any questions, please call.

Sincerely,

Melissa Douglas, AICP
CALL TO ACTION

Dear Lake Tahoe Homeowner and Neighbor,

We are a group of West and North Shore homeowners who are concerned about a major time-share development (Villas at Harborside) proposed for the village of Homewood. This proposal by Nate Topol would develop 3 lakeside lots with 3 homes on each lot for a total of 9 homes (each with 3 BRs and 3 BAs). There would be 4 owners for each home (25% ownership each) totaling 36 owners. A fourth lakeside lot has already been approved by the Tahoe Regional Planning Agency (TRPA), with three additional time-share buildings already built on that lot.

For this property, the original 1995 settlement agreement with the TRPA called for single-family residences with no mention of time-shares. In 2003, without proper public notice and with very little publicity, TRPA approved the now-existing 3 time-share homes. In 2005, Mr. Topol proposed building 9 more time-share homes on the remaining three lots. We are opposed to this timeshare development for reasons which include:

1. **1995 Agreement** The 1995 agreement should be the deciding agreement. The 2003 modification did not provide proper notice to the Homewood community. Most of the property within 300 ft. of the project was either owned by Mr. Topol or another commercial property. Thus, only a handful of homeowners received notice. And of those who received the notice, most were confused about what property was being re-zoned.

2. **Tourist Accommodation Units** Justification for the timeshares is based on a 1 BR tourist accommodation at the Homewood Marina motel being equivalent/transferred to a 3 BR, 3 BA home. This is illogical. Total bedrooms will increase from 9 to 27 (9 time-share homes x 3 bedrooms each), not including the 3 timeshares on the 4th lot. This will produce many more occupants and cars than 9 motel rooms.

3. **Time-shares/Density/Parking** The Topol project would set a precedent on the West Shore for multiple time-share homes on one lot and open the door for more multiple timeshares and density on the West Shore. The three lots are narrow (88 ft. wide) and would each have 3 homes. Each home would have about 1800 sq ft of living space with at least 2 parking spots. Parking is very tight with some tandem parking and very little maneuverability. There may not be sufficient parking for 27 bedrooms. Visually, the project would produce a cramped look and a density unique to the West Shore, not in keeping with the West Shore General Plan to “maintain the scale and character of the West Shore”.

4. **Traffic** The new development will have a total of 27 bedrooms vs the current 9 one-bedroom motel units. With the unit owners and their guests, this will produce many more
cars, boats, boat trailers and much more general traffic congestion. Even now, there are many boat trailers parked on Hwy 89 during the summer. If you think the West Shore traffic to Tahoe City is already heavy in the summer, wait until these time-shares are built. Driving through Homewood will be much more congested.

5. **Environmental/Lack of EIR Report**  There is concern with the environmental impact from potential new buoys & boats. In fact, placement of dozens of illegal buoys at High & Dry Marina has still not been resolved. These buoys interfere with one of the West Shores’ best water ski areas, causing boaters to turn away from shore to avoid the mass of boats moored there. The buoy field should be taken back to the 300 ft. off-shore limit as set by State Plans. Surprisingly, an EIR report has not been done and compliance with many other TRPA mitigation requirements (scenic, traffic & environmental) has not been met. These regulations are intended to improve the community & lake environment. Mr. Topol should be in compliance with all violations before going forward.

6. **Lake Views & Access**  Currently, from the roadway, there is a lovely expansive view of Lake Tahoe when passing by this property. The density of this development will severely impair this public scenic water view as well as the pleasant village quality of Homewood. There will also be a fence surrounding the property. Public access to the Lake will be minimal. Stairs providing access over the pier are underwater, except for periods of low lake levels. At high lake levels, it is impossible to walk along the lakefront. We are concerned that the Homewood beachfront will end up being exclusionary and not easily available to the public, especially during times of high water.

This development will negatively impact all of us. It will cause deterioration of the lake and a lot of congestion in the Homewood/West Shore area. We all need to preserve the beauty of Lake Tahoe and its surrounding environment for future generations. We can’t let the ambiance of the Lake be destroyed forever. The Homewood Homeowners Assn members were polled and 90% were against this development. TRPA’s mission is to lead the effort to preserve, restore and enhance the unique natural and human environment of the Lake Tahoe region now and in the future. Their potential approval of this time-share project is failing that mandate.

We are asking for your support to revert this development to its original agreement - to build single family homes on the lots. What can you do?

1. Send a letter of protest to the Governing Board of the TRPA soon (attached is a letter to the TRPA from The League to Save Lake Tahoe noting important issues). TRPA’s phone number is (775) 588-4547, website is [www.trpa.org](http://www.trpa.org) and e-mail is trpa@trpa.org. You can also e-mail a personal note to Governing Board members (their personal e-mail addresses are listed on the website) requesting a “no” vote on this time-share development.
Also, please try to do one or more of the following:

2. Please try to attend the TRPA Governing Board hearing set for Wednesday, 2/28/07 at 9:30 am at the TRPA office - South Shore (128 Market St., Stateline, NV). Please check with the TRPA the week before to confirm the date and time.

3. Pass the word around to your Tahoe family and friends to also encourage their support.

4. Let us know the names & addresses of homeowners/groups to whom we can mail letters.

5. We need advice from a land-use attorney. If you have any contacts, please advise us.

6. While we have volunteers who have each devoted over 100 hours to this opposition (researching, writing letters, appearing at hearings and meetings), we have now hired a consultant, experienced in working with the TRPA, to assist us in preparing for the February 28 hearing. As a result, we will be incurring expenses for this consultant and other experts. We have established a bank account with Bank of America to collect funds to help pay these costs. Please help us by making a donation. Make your check payable to “Friends of the West Shore” and send it to P O Box 6961, Tahoe City, Ca. 96145. Since we are not a formal 501(c)(3) tax-exempt organization, your donation will not be tax deductible.

Thanks for your consideration of this. Please contact Lorie Cress at the e-mail address listed below if you have any comments or questions.

Lorie Cress lcress7199@aol.com
Susan and James Gearhart Grasslandladyvrn@aol.com
Ron and Sally Grassi ronsallygrassi@mac.com
Judi Tornese and Jerry Winters jmtornese@aol.com
November 15, 2006

Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449

RE: Comments for TRPA Governing Board decision on the Villas at Harborside proposed development.

Dear TRPA Governing Board:

The League to Save Lake Tahoe appreciates the opportunity to provide comments to help inform the TRPA Governing Board on the proposed Villas at Harborside development.

Based on a large number of issues that have not been satisfactorily resolved, and insufficiently mitigated impacts, the League urges a vote against approval of the Villas at Harborside Project at this time. The applicant must demonstrate compliance with all existing scenic, land transfer, traffic and other mitigation requirements; and provide better evidence that significant new impacts will be avoided, before permits are granted for any new development.

A detailed set of comments and critiques is provided below. Reasons for our opposition to approval of the Villas at Harborside project include:

1. The project developers have a long history of non-compliance with TRPA requirements, which continues to this day. Issues which remain unresolved include:

   ♦ Scenic mitigation requirements for the Homewood High and Dry Marina and West Shore Café have not been fulfilled

   ♦ The developer failed to transfer TAU’s to a timeshare development on the project site in 2003, as required in the TRPA permit

   ♦ The 1995 Settlement Agreement identified a large illegal buoy field at the development in 1995 and this issue has yet to have been resolved 11 years after the Agreement. There may have been additional buoys added to the field during this period. The placement of illegal buoys must be resolved before any new development is permitted.
2. There are substantial environmental impacts associated with the project area, including the time-share development under consideration:

- There is no analysis of actual current traffic impacts versus expected future impacts. A TRPA staff request (1/5/06) to analyze expected traffic impacts of the TAU development compared with single-family residential development was not completed. Before this project is approved, an analysis of ACTUAL traffic (trips and miles) associated with current motel needs to be compared with projected vehicle trips and miles for the new timeshare proposal.

- While the staff report mentions that future development will be tied to “successful implementation of tree protection measures,” it does not specify which trees are protected or types of specific measures required.

- A letter sent to TRPA from the developer’s consultant on 2/8/06 states that “the 35 inch pine on lot 4 and 40 inch fir on lot 3 are the only trees greater than 30” proposed to be removed.” TRPA Code Section 71.2 allows trees greater than 30” in an urban area to be removed only if reasonable alternatives are not feasible. Clearly, there are reasonable alternatives to developing the timeshare units where the old-growth trees are located, including smaller or no development.

- The project developer is currently not in compliance with TRPA scenic mitigation requirements for the Marina and West Shore Café properties. A letter sent by TRPA to the developer on 1/5/06 stated “previous approvals within the project area included scenic mitigation requirements that have not been implemented. In addition, a number of trees intended to provide screening were damaged during construction and removed.”

- Given previous poor record of non-compliance with permit conditions, relocated coverage credit must be secured required BEFORE the permit is granted, by removal and revegetation of existing coverage – including the Homewood Motel and coverage under the boat racks at the Homewood High and Dry Marina.

- The time-share development would allow coverage on an undeveloped parcel in an already over-covered project area, without adequate evidence that proposed BMPs or mitigation measures will be sufficient to offset projected impacts.


1. Air Quality/Traffic

A letter sent by TRPA staff to the development project consultant on January 5, 2006 requested that the applicant describe total trips generated within the project area since the adoption of the 1995 Settlement Agreement. The letter also requested information on the “change in traffic patterns and trips created with the development of tourist accommodation units versus single family residential as calculated with the subdivision permit.” Information on these two important items related to cumulative traffic impact is missing in the staff report, and should be secured before project approval is granted.
There is no analysis of actual current traffic impacts versus expected future impacts. Before this project is approved, an analysis of ACTUAL traffic (trips and miles) associated with current motel needs to be compared with projected vehicle trips and miles for the new timeshare proposal.

2. Noncompliance with TRPA requirements

- The 1995 Settlement Agreement found Homewood Resort Properties, Nathan L. Topol was found to be non-compliant with “certain TRPA’s regulations regarding land coverage, structures, placement of buoys, and related matters….first raised by TRPA in 1989. Seventeen years after significant issues were identified in the project area by TRPA, significant non-compliance remains, including removal of un-permitted buoys, scenic mitigation requirements, required TAU transfers, etc.

- The property owner was required to transfer 3 TAU s from Homewood Motel to 3 new TAU s on Lot 5. This was required as a condition for approval. However, these TAU s were never transferred, yet the timeshares were constructed without consequence. While that issue is being resolved within the new permit application, this is further evidence that no new permits should be granted for future construction until ALL required permit conditions are verified as complete and satisfactory.

3. Impervious coverage issues

- Given previous poor record of non-compliance with permit conditions, relocated coverage credit must be secured required BEFORE the permit is granted, by removal and revegetation of existing coverage – including the Homewood Motel and coverage under the boat racks at the Homewood High and Dry Marina.

- The project area is already over-covered by nearly 50% (24,000 sq ft). New science, as represented by TRPA’s new proposed soil conservation system -- indicates stream degradation at 10% coverage in a watershed. Additional coverage in this project area – adjacent to the Lake Tahoe shorezone – should be avoided or minimized.

4. Legitimate timeshare designation?

- What is the rationale for allowing time-shares vs. single-family homes, as required in the 1995 Settlement Agreement?

- 1995 Settlement Agreement: “Within 30 days following the effective date of this Agreement, Homewood will submit to TRPA an application to “subdivide existing structures” currently existing on its properties (hereafter “application”) into a single family-residential/commercial subdivision.”

Since the agreement clearly and unambiguously stipulates single-family home residential/commercial -- not time-shares, did the Villas at Harborside go through the proper procedure with the TRPA Governing Board to change allowable land use from single-family homes to time-shares? Is the plan change legitimate?
5. Trees

The 1995 Settlement Agreement requires that “to the extent possible the existing mature trees on the site shall be retained and protected.” The 1/5/06 TRPA letter to the developer’s consultant stated: “Please clarify the location, size and species of these trees and whether they will be removed during construction.” A response letter sent to TRPA from the developer’s consultant on 2/8/06 states that “the 35 inch pine on lot 4 and 40 inch fir on lot 3 are the only trees greater than 30” proposed to be removed.” TRPA Code Section 71.2 allows trees greater than 30” in an urban area to be removed only if reasonable alternatives are not feasible. Clearly, there are reasonable alternatives to developing the timeshare units where the old-growth trees are located, including smaller or no development.

- While the staff report mentions that future development will be tied to “successful implementation of tree protection measures,” it does not specify which trees are protected or types of specific measures required.

6. Water Quality

Insufficient detail about proposed mitigation measures and BMPs has been provided to credibly support a finding that that proposed mitigation measures/BMPs will be sufficient to offset the water quality impacts of over 18,000 square feet of new coverage on the currently undeveloped project site in an already over-covered area, adjacent to Lake Tahoe.

Why are there no alternatives that propose a reduction in overall coverage and impact? The project should contain such an alternative for the TRPA Governing Board to consider.

Plan Area Statement (PAS) 159 states “there are no runoff containment facilities at the marinas…” The TRPA Marina Master Plan states that “any petroleum products, chemicals and soil coming off them should be intercepted by slotted drains directed into sumps which can be pumped and possibly equipped with absorbent material.” Has the Homewood High and Dry Marina installed such a system, and is it working? This finding should be tied to new development permission in the project area.

7. Scenic

The project developer is currently not in compliance with TRPA scenic mitigation requirements for the Marina and West Shore Café properties. A letter sent by TRPA to the developer on 1/5/06 stated “previous approvals within the project area included scenic mitigation requirements that have not been implemented. In addition, a number of trees intended to provide screening were damaged during construction and removed.”

Nonetheless, TRPA has now “approved in concept the scenic mitigation plan,” despite concern that “implementation of the proposed scenic mitigation may prove infeasible.” Further, staff notes that individual lot scores “depend on maintaining the large majority of existing mature trees on each lot.”

Staff recommends as a solution that a phased approach be used, with permission for Lot 4 granted while a determination is made about whether scenic mitigations for the Marina and West Shore Café prove successful. The applicant must demonstrate compliance with all existing scenic mitigation requirements before permits are granted for any new development. Further, evidence has not been
provided that the development plans will in fact “maintain the large majority of existing mature trees on each lot.”

The TRPA Staff Report states: “The project is located in Scenic Roadway Unit 11, which is not currently in attainment, which means that any project proposed for the area must improve the aesthetics of the manmade environment to be compatible with the natural environment....other significant considerations are maintaining the view of Lake Tahoe from the roadway and reducing the visual impact of structures as viewed from the roadway.

Until required scenic mitigation measures have been proven successful, a finding can not be made that aesthetics of the manmade area have been improved. Further, the proposed timeshare development will clearly obstruct views of Lake Tahoe from the roadway. A convincing case has not been made that adding nine time-share units on undeveloped land with a full view of Lake Tahoe will improve attainment of scenic threshold standards.

8. Illegal buoys

The 1995 Settlement Agreement identified a large illegal buoy field at the High and Dry Marina and this issue has yet to have been resolved 11 years after the Agreement. There may have been additional buoys added to the field during this period. The placement of illegal buoys must be resolved before any new development is permitted.

9. Parking

The TRPA Staff report states: “The proposed project meets all traffic and parking limits for the project, and does not materially add to the already congested existing conditions.” Further analysis is needed of parking impacts and related issues before project approval is granted.

Thank you for consideration of these comments.

Sincerely,

John Friedrich
Program Director
MEMORANDUM                          February 19, 2007

To: Board of Governors, Tahoe Regional Planning Agency

From: Myron B “Mike” Hawkins

Subject: Hearings regarding the Villas at Harborside Project

Honorable Board Members,

As you are well aware, on February 28 you will be hearing arguments for and against the Villas at Harborside Project in Homewood, CA. The references to ordinances, agreements, previous decisions, mitigations, etc. will be complex, contradictory and seemingly endless. In my opinion, the review and approval process for this as well as other projects has become more complicated than necessary and therefore more inappropriate.

As members of the TRPA Board of Governors your mandate and mission is simply to “preserve, restore and enhance the unique natural and human environment of the Lake Tahoe region now and in the future”. This statement is the essence of your responsibilities. Consequently, the basic, and perhaps only, question you must answer when reviewing the Villas, or any other, project is:

“Will this project fulfill and implement the substance of my mandate, or will it contribute in any way to the degradation of the Lake Tahoe Basin’s environment?”

If you determine or judge that the project is in conflict in any manner with the substance and intent of your mandate, you have no choice but to disapprove the project.

I wish you well in your deliberations.

Mike Hawkins

mbh1@inreach.com

530/581-2812

From: Dan Higgins [mailto:4homewood@sbcglobal.net]
Sent: Saturday, February 17, 2007 7:33 PM
To: Jeff Cowen
Subject: The Villas at Harborside

February 17, 2007

Re: The Villas at Harborside

Honorable Members of the Governing Board
Tahoe Regional Planning Agency

In the 1994, Placer County developed Design Standards and Guidelines for the Tahoe City Community Plan, Tahoe City Area General Plan and the West Shore Area of Placer County. According to the 1994 design standards, time sharing, (residential design) falls under the minimum parking demand requirements
of tourist accommodations, motel and hotel use. Thus, the 1,800 square foot, fractional interest ownership dwellings at Harborside, are required to have only one off-street parking space per guest room or unit though they bear no resemblance, in form, nature or size to the older motel units from which the dwellings derive their entitlements or TAU’s.

It is important to note that Melissa Douglas, AICP, (a consultant employed by TRPA to review the project) submitted the following observation to Lyn Barnett and Theresa Avance in a letter dated July 21, 2006. "I believe that there are significant impacts associated with the proposed project and substantial modifications are required before approval." Ms. Douglas goes on to say "The proposed project does meet the minimum parking standards (one per unit) for Placer County, which have been adopted for this location by TRPA. However, one parking space for a three-bedroom unit of this type would not be adequate based on my experience. The Applicant attempts to address this issue by showing a stacked parking configuration that would allow parking for up to nine cars. This scheme, though, would require coordination between all three units and seems unrealistic."

A recent internet offering indicates that each Harborside dwelling can accommodate 6 to 8 residents which translate to at least three cars, maybe four, not including casual callers, longer-stay visitors, service and delivery vehicles or emergency vehicles. The intensity of use and parking requirements of an 1,800 square foot, 3-bedroom residential dwelling, timeshare or not, is greater than the parking demand of a 1 room, occasional use motel unit. While Placer County may choose to call these timeshare dwellings, Tourist Accommodations, they are not, and never will be, motel or hotel rooms. They are not similar in size or design, and more importantly, they are not similar in frequency of use or length of stay. Pursuant to Placer County Code Section 17.54.310, Timeshare Projects, if these same timeshare dwellings were constructed anywhere in Placer County, other than the West Shore of Lake Tahoe, they would be required to have 4.5 off-street parking spaces per dwelling. One must conclude that the framers of the 1994 Design Standards, for the West Shore area, did not anticipate the construction of 1,800 square foot, 3-bedroom, 2.5-bathroom, single-family dwellings as timeshare units, or Tourist Accommodations, thereby placing them in the minimal parking requirement category of motel and hotel rooms.

The project developer has stated that he has about 2.5 to 3 parking spaces per dwelling, through the feature of stacked parking. However, Chapter 12 (page 12-4) of the Design Standards, states that all maneuvering shall be accomplished on-site. Backing out onto a public street is not allowed. The current parking lot design lacks adequate access and turn-around areas for emergency vehicles such as fire trucks. There is so little maneuvering area onsite that upon departure from the parking lots, the only option a driver may have, is to back out onto highway 89, which could endanger pedestrians and bicyclists and impede the flow of traffic.

The stacked parking feature is also deficient in circulation which is the pattern of movement of pedestrians and automobiles within the parking lot area. The parking lot design does not provide adequate area, for concurrent use by pedestrians or bicyclists and automobiles, through and within the stacked parking spaces.

In conclusion, I think we are confronted with a substance over form issue. That is, you can call these detached, single-family dwellings, Tourist Accommodations, Timeshare Units, or Fractional Interest Ownership Housing but the fact remains, 2.5 off-street parking spaces per 1,800 square foot dwelling, through the feature of stacked parking, is simply not realistic. The provision of Code Section 17.54.310, applied to the building characteristics and design of this project, indicate a far more appropriate requirement of 4.5 off-street parking spaces per dwelling, without the feature of stacked parking.
Let's not allow a parking requirement design standard, developed in 1994 that did not anticipate the use of single-family dwellings as timesharing units, impact public safety, the quality of life and general welfare of the Homewood environment today.

I thank you for your consideration, and your time and attention devoted to this matter of critical concern.

Dan Higgins
4homewood@sbcglobal.net

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From: Sgnorts@aol.com [mailto:Sgnorts@aol.com]
Sent: Friday, February 16, 2007 4:56 PM
To: Jeff Cowen
Subject: Villas at Harborside

My parents built in Homewood in 1963. The cabin we enjoy each year is being threatened by the tainting of Mr. Topol. Homewood has maintained its charm for so many generations and now fast becoming a not so quiet place in the woods. I am writing to tell you that our family expresses nothing but disdain for the tactics that have been put into action. We are sincerely hoping that you will take action with this matter and vote to stop Mr. Topol's activities on the West Shore of beautiful Lake Tahoe. Thank you for your time and consideration regarding this matter.

Sincerely,

Sue Strong
3600 19th Street
Sacramento, CA 95818

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From: alan matthews [mailto:alanlisamatt@sbcglobal.net]
Sent: Tuesday, February 13, 2007 9:45 PM
To: Jeff Cowen
Subject: Villas at Harborside

Governing Board of TRPA:

I strongly support by The League to Save Lake Tahoe views regarding the Villas at Harborside Hearing on February 28th.

There is no value in my repeating the views but they are also mine. I'm refering to the e-mail I received from them on February 11, 2007 and other communications from them have supported those views. Briefly, the Villas at Harborside proposed development will be a blight in the area because of the concentration of construction in a very limited space with very limited parking available. The buoy field has many more buoys - illegal buoys possibly - that have been permitted by you I understand.

I have a lakefront cabin at Homewood, and belong to both the League to Save Lake Tahoe and the Homewood Homeowners Association. The cabin property has been in our family since 1905 and I have been vacationing at Tahoe since 1940. Homewood is a very special place in my mind and the Villas are out of place as presently proposed.

Thank you for your consideration of these comments. Alan H. Matthews
From: DEE4940@aol.com [mailto:DEE4940@aol.com]
Sent: Monday, February 19, 2007 6:14 PM
To: Angela Moniot
Subject: Villas at Harborside

This email is to provide our complete support for the position taken by the Friends of the West Shore in opposition to the Villas at Harborside project as presently proposed. This apparent manipulation of the TRPA planning process by the developer is very disappointing in view of the very vocal positions taken by TRPA management and staff in supposed support of the environmental objectives we all desire for the Lake Tahoe basin. Please see that all proper review procedures are followed in this case and that all concerned parties have an opportunity to participate in the review process. Don't be rushed into a decision that may not be in the long term interests of the Lake Tahoe community by one money hungry developer!

David & Susan Elliott
P.O. Box 6503
Tahoe City, CA 96145
530-581-2607
Gentlemen:
My name is David Craig.
Since the summer of 1979 I have owned a second home at Lake Tahoe located at 5105 Silver Street, Homewood.
I am 100% in opposition to the proposed timeshare development being foisted upon the neighborhood by Mr. Nathan Topol.
The on going, continual, relentless assault on public views of Lake Tahoe resulting from the extravagant and ostentatious buildings constructed by Mr. Topol, in conjunction with the approval of TRPA and the Tax Assessor, is not fair. Just because someone has wealth should not be used as influence with civic authorities.
Bulldozing old cabins to the ground to be replaced with multistory view blockers is typical of the cancerous culture that has seemingly been embraced by planning/tax officials who delight in seeing more revenue in the coffers stemming from these disgraceful buildings.
We in Homewood do not need more projects, gobbling up each centimeter of ground, the ONLY beneficiary of which is ONE person who will sell time shares...I repeat timeshares...I don't care what name they put on it, such as the use of the term "shared ownership," the term originally used by Mr. Topol and Mr. Antonucci as they attempted to execute a smokescreen to cover their greed and ugly, raw use of political influence.... not to mention Mr. Topal's blatant lies with respect to the original room capacities at the so called Lodge.
Give us all a break will you and just leave the Lake views as they are before the entire circumference of the Lake is rimmed with Mr. Topol like view blockers.
The whole thing stinks.
Sincerely,
DAVID CRAIG
APN # 097-130-003

david craig
dcysss@earthlink.net
Why Wait? Move to EarthLink.

-----Original Message-----
From: gjbb@cox.net [mailto:gjbb@cox.net]
Sent: Tuesday, February 13, 2007 8:46 PM
To: Jeff Cowen
Subject: West shore development

As a property owner in Homewood, I am vehemently opposed to the proposed time-share development. The increase in vehicle and boat traffic would absolutely forever tarnish the peaceful feeling that the West Shore boasts.
The additional pollution from people, boats and cars would further damage what is considered to be a treasured location of Lake Tahoe.
Please VOTE NO on the time-share development.
Sincerely,
Dear TRPA Governing Board:

We have a single-family home at 5075 Westlake Boulevard in Homewood, which would be about one-half a block distance from the above referenced development proposal. We would like to go on record as being opposed to this development proposal by Mr. Topol. The reasons we are opposed are numerous:

1) I was of the understanding that this property was to be developed with three single-family homes, not the higher density use Mr. Topol has proposed.

2) This high density is going to bring more density and more traffic to our area. We would like to see the area stay with more of a single-family home flavor rather than a higher density, more commercial feel. The higher density proposed is just going to bring more traffic, more environmental concerns, and lake view/access issues.

Mr. Topol's ongoing and ever-changing development proposals for his property always seem to be money and profit driven rather than trying to do what is best for the neighborhood and the lake and its environment. One of the things I do not understand is the fact that the lake is public land and people in the neighborhood have trouble getting approval for a buoy. As I understand it, single-family water front homes in the area are usually allowed to have (2) buoys, but yet Mr. Topol has a huge buoy field. I have never attempted to count his buoys, but there must be a 100 of them! He charges a large rent for them and makes a huge profit by renting out public area. I find it hard to believe that all of these buoys are legal and I think that issue should be looked at as well!

Thanking you for your time to review this and I hope you deny this proposed timeshare project in our neighborhood.

Best regards,

Stephen R. Elliott
Elliott Real Estate, Inc.
1600 Tennessee Street
Vallejo, CA 94590
(707) 552-8400
(707) 552-0881 Fax

-----Original Message-----
From: CHJCrocker@aol.com [mailto:CHJCrocker@aol.com]
Sent: Mon 1/1/2007 4:29 PM
To: Shelly Aldean; Mara Bresnick; Allen Biaggi; Dean Heller; Bruce Kranz; Norma Santiago; Steve Merrill; jmotamedi@tahoo.com; Tim Smith; Mike Weber; Jerome Waldie; Stuart Yount; John Singlaub
Subject: Buoys at Homewood
We live three piers north of Mr. Topol's buoy field and are very cognizant of how the buoy field has expanded in recent years. While lakefront homeowners are limited to 2 buoys per lakefront lot this in no way seems to limit what Mr. Topol has done. His buoy field now constitutes a hazard to water skiing and boating in that the field juts out abruptly at the north end of the so-called buoy field. I am most definitely opposed to any farther expansion of Mr. Topol's commercially driven buoy field.

Thank you very much, Charlotte H.

——Original Message——

From: Earl Koberlein [mailto:ewkdds@sbcglobal.net]
Sent: Friday, January 19, 2007 11:40 AM
To: Shelly Aldean; Allen Biaggi; Mara Bresnick; Dean Heller; Bruce Kranz; Steve Merrill; Julie Motamedi; Tim Smith; mikeweber@sbcglobal.net; Jerome Waldie; Stuart Yount; John Singlaub; Nancy McDermid
Subject: Opposition to the Villas at Harborside

TRPA Governing Board,

My wife and I have a home at 5090 West Lake Blvd, less than 100 yards from the proposed additional 9 timeshare units, The Villas at Harborside. As the closest neighbor to this proposed project, we urge you not to approve it. There are many problems with this project and we strongly object to all of them. The lack of adequate parking, lack of space for emergency vehicles and snow removal, non-compliance to past TRPA Agreements, a huge ill-legal and offensive buoy field, change from previously granted single family residences to timeshares without proper public hearings just to name a few. We feel this project is too dense for lake front parcels. It will stress Homewood's sensitive environment and corrupt the visual and aesthetic characteristics of our beautiful, tranquil neighborhood. It will change the west shore of Lake Tahoe forever.

We appreciate your time and attention to review this development. Thank you for your consideration. Please help us save Homewood.

Sincerely,
Earl and Barbara Koberlein

From: Colleen Connell [mailto:colleen.connell@sbcglobal.net]
Sent: Saturday, February 10, 2007 4:42 PM
To: Jeff Cowen; Angela Moniot
Subject: Villas At Harborside Hearing on February 28

February 10, 2007

To Members of the TRPA Governing Board

We are writing this email in support of the letters from the League to Save Lake Tahoe, members of the Homewood Homeowners as well as other interested North shore residents of Lake Tahoe. There is no need to reiterate the facts presented by the others, save to say, that we agree with the arguments made against the approval of the Villas at Harborside.

It is time to hold people accountable for managing the development of the lake in an environmentally responsible manner.
If you read the arguments made, you will certainly arrive at a no vote on the timeshare project as well as assuring that the developer comply with the previous TRPA requests.

Respectfully,
Curtis and Colleen Connell
4995 Westlake Blvd.
Homewood, Calif. 96141

Significant Negative Scenic Impact that effects the roadway corridor view.

The Scenic Corridor from the roadway to the Lake is severely hampered by the Special Condition stated in the November Staff report that only a 15' wide corridor be required between parcels. There should be a 20' wide corridor required between Lots 1 & 2, 2 & 3, 3 & 4, 4 & 5 as stated in the 1999 Permit. The 1999 Permit, for parcel # 97-130-31, dated 10/14/1999, allowed for the construction of the West Shore Cafe and Inn. That building is complete and the applicant executed the Permit and now must adhere to the Special Condition #R of that Permit. The November Staff Report requested 15' wide view corridors. The Staff Report needs to be corrected to reflect the Special Conditions of the 1999 Permit. The presentation made by the applicant at the November GB hearing shows view corridors between the parcels that were extremely misleading and deceptive. The 20' wide view corridor SHOULD BE required. TRPA should not make concessions to the project just because there are too many buildings on a small lots.

---Original Message-----
From: Ned Engle [mailto:nedengle@earthlink.net]
Sent: Monday, February 12, 2007 11:21 AM
To: Jeff Cowen
Cc: Icress7199@aol.com; steve glazer
Subject: The Topol "Villas"

Our family has had our little place at Homewood for 60 years. During this time, we’ve watched at Homewood a sharp deterioration in water and air quality, environmental values, views, public access and general quality of life. This Topol plan will further degrade everything.

What little we have left can't be retrieved.

Please put a stop to it......make that your legacy.

E. T. Engle
Mill Valley, California

I've lived and played on west shore for 17 years. It doesn't
matter if you've been here for one day, for 50 years or never. Lake Tahoe (west shore in particular) is a "rare" and "unique" treasure that should be protected for the good of "all"!!!!! Life isn't about ownership it's about stewardship. West shores rare and unique qualities are best used as a place to heal the human spirit. Not as a place to execute "get rich quick schemes". If any rare and unique place on earth is to be protected it is up the people who know the difference! and who are motivated by love and compassion. I've heard people claim special rights and privileges to Lake Tahoe based on two different arguments 1. "I have been here for ___ # of years" and 2. "I OWN a house here and pay taxes. If you "own" a "usually vacant" piece of one of the 50 or so miles of "fortress like" concept called "ownership" consider yourself lucky!!! If you feel you are "owed" special rights and privileges based on this "ownership", that is the ego speaking. Lies need explanations and people to believe them. Truth will be here long after each and every one of us is dead and gone. As humans, our methods need to be sustainable. Egocentric conquer and destroy is not! Protecting rare and unique places so we can "heal" ourselves to the point of seeing our motives through love and compassion IS!!!!!! They say "the meek shall inherit the earth". Probably so.... But not until the EGO runs us all over!!! There is a change occuring as our unique place in history is suggesting and the "meek" are gaining an advantage...It's called TRUTH!!! Who and what are making our decisions for us???? Ego? or truth? Save yourself... save us all! Do what's right. LOVE and TRUTH to all!!! Ps.. The photo I have attached is a reflection of the moon on the West Shore of Lake Tahoe's calm water. The "heart" in the photo is nature's way of giving us love. Let's be responsible and show we are worthy. The "digital signature" is made from "moon reflections". PS.. Please ask my permission if you would like to use any of this e-mail for any purpose.

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From: Robert Kronkhyte [mailto:rob252@mindspring.com]
Sent: Saturday, February 10, 2007 2:32 PM
To: Jeff Cowen
Subject:

TRPA: I live on the West Shore and oppose any type of new development on the West Shore. Please include me in your current mail list.

Robert Kronkhyte

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From: William Kelly [mailto:williamkelly@sbcglobal.net]
Sent: Friday, February 09, 2007 10:22 AM
To: Jeff Cowen
Subject: Another development

We do not need a development this large. as well as get the bouys outta there. Lets see the TRPA grow some balls and do something good for the enviroment instead of running hte fence and siding with developers.

William Kelly
Kelly Brothers Painting, Inc.
P.O. Box 6512
Tahoe City, CA 96145
c 530-308-4874
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-----Original Message-----
From: Ron [mailto:ronsallygrassi@mac.com]
Sent: Thursday, January 11, 2007 9:12 AM
To: Theresa Avance; John Singlaub
Cc: Lori Cress; Grasslandladyvrm@aol.com; Judy and Jerry Winters
Subject: Documents/Direction

Hello Ms. Avance: First, thank you for sending (most of) the Topol file to the Dollar Hill office for my review. That saved me a couple of hours driving back and forth from your main office. Next, I wanted to mention that in my opinion, several documents were missing from the file. For example, Melissa Douglas's letter/report that resulted in Mr. Faccinto's uncalled for criticism and Ms. Douglas's discharge from the project. I also identified several docs re the buoy issue, but none were copied. Finally, and having reviewed dozens of lawyer's files over 35 years of litigation and as a pro tem judge, and as a Bar Association fee dispute judge, I noted a surprising lack of inter-office memos on key issues. (One of many examples would be John Marshall's out of the blue "opinion memo" in '03. What prompted it? Almost for sure, he was contacted by an agent on behalf of Mr. Topol and I have a right to see what the letter or telephone message says. You and I both know attorneys don't wake up 8 years later and somehow on their own remember a file almost a decade old that contains-in his opinion- a vague or implied term. that needs to be corrected.)

Yes, there were a few memos, but not nearly what one would expect given all the staff people working on this file, and the multitude of issues. I am asking you to advise me in writing if certain documents, including the Douglas report, the lead up to the Marshall letter, and several inter office memos were withheld.

I also want to take this opportunity to remind you that we're supposed to be on the same side. And yet I have a memo from one of your staff working on this project, where she is coming on board and says she assumes you want her to recommend approval. That suggests
to me that TRPA was just dotting its "i"s and crossing its "t"s. On the one hand, I can't blame TRPA for tiring of this matter: Mr. Topol is relentless, I can see that. And TRPA needs to work on other matters, so it would be nice to put this matter behind it. I know the feeling, having successfully handled a particularly difficult class action case as well as an anti-trust case (to the Calif. Supreme Court twice). Defendants seem to have great tenacity and unlimited resources. But I truly feel Mr. Topol's project goes too far and it's TRPA's job to say NO. And yet I'm advised that TRPA's lead attorney is drafting a legal opinion letter in support of Mr. Topol's project. I'm frankly dumbfounded. Sincerely, Ron Grassi

-----Original Message-----
From: Grasslandladyvrn@aol.com [mailto:Grasslandladyvrn@aol.com]
Sent: Tuesday, December 05, 2006 3:07 PM
To: John Singlaub; Allen Biaggi
Subject: Transparency in Government; the 1995 Settlement Agreement

Mr. Singlaub, TRPA Executive Secretary

I just finished talking on the phone with Theresa Avance about my concern about the failure to inform the Governing Board, who requested this time to be familiar with the 1995 Settlement Agreement, about the TRPA permit issued in March of 1996. The Permit doesn't mention the West Shore Cafe and Inn. T. Avance stated she wanted me to listen closely- 3 units were taken from the Motel and 3 from the Grubstake. I remarked an Inn was not part of the 1996 permit process. I also stated that the Hearings Officer, when making the decision in 2003 was told by Gary Midkiff the units (3) were coming from within the project and that the Homewood hotel/motel on highway will be demolished, the balance of the units will be banked (there would only be 2 left via the staff mins. in Nov. 2006 TRPA G.B. meeting). T. Avance stated that this might be true in the report but it wasn't part of the TRPA permit, so she doesn't need to address this to the Governing Board. Presently, TRPA is assisting Mr. Topol find 3 TAU's to utilize for Lot 5 built in 2003. I stated, I thought this should be part of the process of understanding the Settlement Agreement to be given to the Governing Board of TRPA. T. Avance disagreed, Mr. Topol is talking about Lots 2-3 and 4. When I mentioned that the TRPA Governing Board was studying all the permits in view of the Settlement Agreement and should be given the total project Mr. Topol is developing in relation to permit that accompanied the final 300 days that TRPA issued in March of 1996. T. Avance stated she disagreed again. Then she said, "Are you part of that email group in Homewood?" and she said, "well, send me an email and I'll look at it".

I have mostly talked with Jeff Cowan who is a tremendous help. However I need to have constructive dialogue with the TRPA staff/Villas at Harborside. I'm afraid not only for the very defensive attitude of this person towards the public; but also her assistance to block communication to the Governing Board of TRPA! This whole project should be looked in relation to what the 1995 Settlement Agreement stated, the permitting process, and not double dip, as they were into the Homewood Motel that was suppose to be demolished in 2003; to change the permit of what the Hearings Officer agreed to; and now be helping Mr. Topol be compliant is questionable conduct of the TRPA staff member.

Please respond, Sincerely
Susan R. Gearhart
Jeff,

It was good to see you and Julie again yesterday. The results of the meeting were certainly satisfactory to me, although I would have preferred that the Board had been the ones to have directed the reconsideration. It will be interesting to see if Mr. Topal actually revises the project, or if he merely attempts to improve his justification and acceptance of it by the community.

I sincerely hope that TRPA Staff takes the time to closely examine all of the loopholes that were used by Mr. Topal et al to obtain Staff approval to identify those elements of the Ordinances that need to be tightened up if TRPA is to fulfill its directives to preserve and protect the Lake and Basin. An obvious one is the "interpretation" TAU's are transferable on a one-on-one basis, whereas, a 250 sq. ft, one bedroom motel unit is not a 2,000 sq. ft., three bedroom residence. The maximum number of persons that can, and will be, accommodated is vastly different, as is the number of vehicles that need parking. An example of this exploitation is Tonapalo in Tahoe Vista. TRPA has the capability to control this sort of manipulation of its Ordinances by modifying them to eliminate the loopholes. To postpone such revisions until Pathways 2007 is completed is inexcusable.

Other loopholes that became obvious in the Villas "saga" are in the mitigation processes, the means of obtaining public participation, the "in the box" legal interpretations and the absence of oaths to "tell the truth..."

If any one wants to talk about these abuses, I am available.

Sincerely,

Mike Hawkins

P.S. I really appreciated the effort and consideration that Board Member Waldie put into developing his comments. I feel the snide comment made by TRPA Counsel was inappropriate.
in Mr. Faccinto's uncalled for criticism and Ms. Douglas's discharge from the project. I also identified several docs re the buoy issue, but none were copied. Finally, and having reviewed dozens of lawyer's files over 35 years of litigation and as a pro tem judge, and as a Bar Association fee dispute judge, I noted a surprising lack of inter-office memos on key issues. (One of many examples would be John Marshall's out of the blue "opinion memo" in '03. What prompted it? Almost for sure, he was contacted by an agent on behalf of Mr. Topol and I have a right to see what the letter or telephone message says.

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Please respond, Sincerely
Susan R. Gearhart

From: Myron Hawkins [mailto:mbh1@inreach.com]
Sent: Thursday, November 16, 2006 5:16 PM
To: Jeff Cowen
Cc: Allen Breuch; Bruce Kranz; Julie Regan
Subject: Hearing Results, Villas at Harborside

Jeff,

It was good to see you and Julie again yesterday. The results of the meeting were certainly satisfactory to me, although I would have preferred that the Board had been the ones to have directed the reconsideration. It will be interesting to see if Mr. Topal actually revises the project, or if he merely attempts to improve his justification and acceptance of it by the community.

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TRPA ONLINE COMPLAINT FORMS
Based on the Hearings Officer's minutes,

"Lorie Cress

per the Hearings Officer's minutes,

use them on the property in the West Shore Café? In either case, Mr. Topol or anyone else should not be allowed to own an entire unit.

Mr. Topol is going to show all the 

Per the Prosecutor's letter, the TAU's for Lot 5 were never transferred from the Motel. Therefore, the TAU's for Lot 5 were never transferred from the Motel, the Model is still standing. In addition, in a letter from Bryce E. Keller of the North Tahoe Fire Protection District to Lori Lawrence, dated September 4, 2003, referring to Lot 5 in Homewood, from that date, the developer is required to meet or exceed Placer County Road Standards. Any TAU for Lot 5 should come from the Model, if Mr. Topol wants to get some TAU's from outside the development then let it be for another unapproved project.

By allowing the TAU's to come from outside, that is a breach of the 1995 Settlement Agreement, therefore, does that make the Settlement Agreement null & void?

Recently I've been brought to my attention that the TAU's for Lot 5 were never transferred from the Motel, the Model is still standing.

However, with the project presently in the 1995 Settlement Agreement, "any TAU's for Lot 5 should come from the Model, if Mr. Topol wants to get some TAU's from outside the development then let it be for another unapproved project.

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To: TRPA Board of Governors

Re: Villas at Harborside, Homewood Ca

Jan 1, 2007

Carolyn Willette

To: TRPA Board of Governors

Re: Villas at Harborside, Homewood Ca

Jan 1, 2007

I would like to add my objections with the countless others expressed against the proposed project.

Specifically the following:

1. Hwy 89 is a Scenic Roadway Limit and the built environment should not be the dominant visual feature. The proposed mitigation
   Transfer of vehicles from the single room motel units would clearly impact the parking of this project. As the TRPA believes it's role is to
   preserve, protect and enhance the unique natural environment...” I believe it should do that. To

2. The statement that “There are no significant impacts to transportation. Eight of the existing tourist accommodation units are being
   relocated within the project area and therefore will in no way increase daily vehicle trips.” Thinking that 3 adult couples would stay at a
   three bedroom villa and would all arrive in their private vehicles would certainly impact the parking and traffic of this project. The

TRPA should not make concessions to the project just because there are too many buildings on a small lot.

The Scenic Corridor from the roadway to the Lake is severely hampered by the Special Condition stated in the November Staff report

The November Staff Report requested 15’ wide view corridors. The Special Condition stated in the November Staff report

The 1999 Permit, for parcel # 97-130-31, dated 10/14/1999, allowed for the construction of the West Shore Cafe and Inn. That building is incomplete and the applicant executed the Permit and now must adhere to the Special Condition # R of that Permit. The November Staff report

The presentation made by the applicant at the November GB hearing shows view corridors between the parcels that were extremely misleading and deceptive. The 20’ wide view corridor SHOULD BE required.

THANK YOU

Lorie Cress