

# Letter: TRPA members don't speak the truth

**Publisher's note:** *This letter was sent Sept. 3 to the California Senate president pro tem and speaker of the California Assembly.*

**Dear Senator Steinberg and Speaker Perez:**

This letter is in response to the letter dated Aug. 22, 2013, from the California appointees on the Tahoe Regional Planning Agency board addressed to members of the Senate and Assembly. As citizen watchdogs, we are residents, business and property owners and, most importantly, have been deeply engaged in local issues at Lake Tahoe since the formation of the 1987 Regional Plan.

In their letter you are asked to vote for SB630 thereby endorsing the new Regional Plan update. While their rationale for doing so may, at-first-glance sound reasonable, there are serious errors of logic, omissions, and statements that are not grounded in the facts at Lake Tahoe.

Intentional or accidental, their narrative is fiction unsupported by the reality of Tahoe's natural and man-made characteristics.

Supporters of SB630 assert that to preserve the bi-state Compact it must be amended. Yet they insist the amendments don't change the Compact because the amendments are already in existing law and part of established practices.

The two amendments to the Compact are as follows: The first "requires weighing economic factors in decisions," and the second "puts the burden of proof on the party who challenges a decision of TRPA." After chastising the Sierra Club for arguing that these changes will "lead to severe environmental

degradation,” the letter affirms that the provisions already exist in the Compact.

The letter states, “The bi-state Compact already requires TRPA to maintain the social and economic health of the basin. There is no way this recitation of existing policy leads to environmental degradation.” Similarly, regarding the burden of proof change, “This, like the other amendment, is nothing more than a re-statement of existing law.”

Why are the two amendments, described in the letter as “modest” and “restatements of existing law,” so necessary to proponents? The answer is obvious to those of us who have been engaged in the RPU process since its inception. These amendments will be used by the TRPA to prioritize economic considerations above environmental ones, turning the intent and purpose of the bi-state Compact upside down.

The Regional Plan update does not simply “update” or correct practical weaknesses in the 1987 plan; it rewrites the plan using the pretensions of “smart growth” to sanction corporate resort development rather than updating the Plan to fulfill the bi-state Compact’s original purpose.

The evidence and proof of this assertion can be found in the process and outcome of recent TRPA approvals of Boulder Bay Resort, Homewood Mountain Resort, and the Highway 28 lane reduction. All three projects presupposed conformance to smart growth planning principles on the surface, but when applied in the small town Lake Tahoe context became mired in controversy.

The projects have not been built yet, but were intended to inform and guide the RPU. Instead the same misuse of principles that gave rise to them has been carried into the RPU.

The RPU process did not begin in 2011. It began in 2006, with a new agenda initiated by the new executive director of TRPA, John Singlaub. A “new urbanism” vision was imposed on Lake

Tahoe communities by TRPA's new leadership that promised idealistic solutions described in very general but attractive terms.

The concepts, touted as "smart growth" planning principles, including "high density," "mixed-use," and "compact development," aimed at creating "pedestrian friendly, livable, walkable, and sustainable villages," and "gathering places." This "smart growth" lexicon, designed to lure and captivate unknowing progressives, was co-opted, misconstrued, and marketed to portray corporate resort developments as nostalgic and quaint "villages." Such wrapping of environmentally dangerous development in pleasant environmental rhetoric is not new; it is known as "green-washing" and regularly accompanies corporate resort developments from Colorado to California.

"Smart growth" principles originated as a thoughtful alternative to urban sprawl, redirecting such undesirable growth into more efficient and sustainable patterns. While progressive in some locales such as Portland, Oregon, which have large resident populations and suburban sprawl, it doesn't fit Tahoe. Indeed, the 1987 Regional Plan, consistent with the bi-state Compact, ended sprawl development by prohibiting any further subdivisions of land. Therefore, since Lake Tahoe has no sprawl pressures, densifying town centers does not redirect growth, it simply adds population.

Raising building heights and increasing densities immediately clash with the limited road and utility infrastructure, and most importantly, contravene established environmental thresholds.

The term "smart growth" as a description of corporate resort development misleads the public into following only one means of economic redevelopment. Most of the small communities around the lake have historically followed a natural and democratic de facto model of redevelopment known as "Main

Street.” Communities grow at a pace and scale appropriate to local residents, and from the ground up. In 2006, the practice was ended by local jurisdictions (the counties that border the lake) in favor of TRPA’s high-density corporate-owned and Wall Street financed resort developments.

In 2007, Nevada casino/resort developers and the ski resort industry incorporated the phrases associated with “smart growth” into their clever marketing campaign. These interests captured the TRPA and its Board and gave rise to TRPA’s Community Enhancement Program (CEP). The espoused intent was to incentivize projects that promised to embrace these principles when they actually promoted corporate resort development. When the dust settled, however, only Boulder Bay Resort and Homewood Mountain Resort were approved. Still, the TRPA staff continued the vision, and thereby the deception, by codifying CEP provisions into the RPU.

Finally, in 2011, Nevada passed SB271 which threatened Nevada’s pull-out of the bi-state Compact unless an RPU suitable to their demands was passed by TRPA. After the 2011 Tahoe Summit, TRPA intensified the campaign for an RPU that would satisfy development interests using SB271 as the reason for urgency and a very tight timetable. New staff was hired to generate new policy language and write the corresponding code provisions at a pace and in a manner that made it impossible for meaningful engagement by the environmental community and concerned citizens. This intention was clear and the “Update” process was rammed through.

From late October 2011, through February 2012 TRPA staff pushed through countless changes to the Codes and Ordinances. We attended all 15 TRPA Board Committee meetings, commented at every meeting, and asked detailed questions which were mostly ignored. At every meeting, TRPA’s staff presented policy changes already designed and vetted by resort industry lobbyists behind closed doors. After pressing TRPA about the source of the December 2012 deadline, which was not in SB271,

we were finally told it was just an informal and arbitrary deadline.

A bi-state group "consultation process" was initiated at this time ostensibly to hammer out compromises of particular issues. It was comprised of several resort industry proponents and two inexperienced environmentalists who were mostly ignorant of both implementation problems of the 1987 Plan and the history of the RPU process. California's Secretary of Natural Resources Laird arrived late to the scene but just in time, and with orders, to accelerate the campaign and meet the deadline.

The so-called "compromises" were manipulated to appear as compromises; e.g. increasing the level for unilateral local jurisdiction project approvals (in town centers) from 15,000 to 150,000 sq. ft, and then compromising on 90,000 sq. ft. (The largest single story building in Kings Beach is the Safeway Store at only 38,000 sq. ft.) This was hardly a "compromise." Rather, the two young and new environmentalists were manipulated into believing that it was.

The bi-state consultation process ignored entirely the unsustainability of large resort development along with several other central issues because they were not on their agenda for discussion. There was blind faith that local jurisdictions, with their expanded delegation authority over large scale development, would somehow temper their lust for more tax revenue, and willingly sacrifice revenue for accountability to environmental thresholds. The deck was stacked and there was no stopping this freight train. Not surprisingly, therefore, the letter's statement "... these compromises limited the levels of development ...," has only a tiny sliver of truth, just enough to allow clever people to spin what unknowing people want to hear.

The letter refutes Sierra Club statements that the RPU will urbanize Lake Tahoe by calling them "inaccurate," because

there "will be no new tourist accommodation units allocated." But for 11,000 motel units the RPU allows conversion of a 300 sq. ft. motel room into an 1,800 sq. ft. fractional condominium with multiple bedrooms, baths and kitchens. Each unit is considered the same "tourist accommodation unit" (TAU) with the same impacts on the local infrastructure and the environment. Such morphing of TAUs meets the needs of corporate resort developers. The growth is not in number of units but in the allowed size, conversion of entitlements, and transferability of the units.

The letter continues that the RPU will "encourage removal of development from sensitive areas." This provision already exists in the 1987 plan, but it is repackaged to appeal. The more complete truth is that the RPU transfer provisions apply to all property, whether it is developed, pristine forest, sensitive or not. Every tool has been codified to generate additional units for corporate resort developments.

The letter asserts "the RPU is a balanced plan which will facilitate environmental improvement and threshold attainment at Lake Tahoe." The words are what everybody wants to hear, but the evidence undermines it. Achieving environmental thresholds means acknowledging all impacts to physical expansion and staying within the bounds of threshold monitoring. Without objective, consistent, and neutral monitoring of water and air quality indicators, there is no scientific monitoring of over-development.

The TRPA was granted the authority to promulgate laws, enforce the laws, and monitor the results. Unfortunately, however, the RPU does not strengthen threshold monitoring capability or enforcement. Instead, in addition to having no consequences for failing to reach thresholds, the TRPA continues to control measurement procedures for an easy political spin of negative results. This practice has corrupted the process and led to intense controversy.

The letter promises "bonus units are largely intended for affordable housing so workers can live closer to the job, thereby reducing traffic and air pollution." The reality for both Boulder Bay and Homewood Mountain Resort is that only a token portion (less than 10 percent) of such units can be called affordable units. Such a figure represents a very small number of employees compared to the total employees, so there is no perceptible reduction of traffic or air pollution. Increased traffic from visitors/owners using the facility coupled with 90 percent of new employees will dwarf the traffic "reduced" by a few onsite affordable "bonus" units.

Finally, the letter spins Greenhouse Gas (GHG) legislation as the "driver" behind high density development at Lake Tahoe. Again, the purpose of the California legislation (AB32, SB375, and SB575) was to encourage concentrations of new development into major metropolitan areas, which would otherwise sprawl beyond existing suburbs. The legislation was never intended to drive the growth of the tourist accommodation industry throughout the Lake Tahoe Basin.

An often overlooked loophole in the GHG calculation is that the basis of measurements is year-round residents. In metropolitan areas the visitor accommodations comprise a small portion of the economy compared to total year round residents. But the Tahoe basin has an unusually high number (about 60 percent) of second/vacation homeowners who are exempt from GHG contributions at the lake because they have already been counted at their primary residences. The resort development industry, consequently, is able to capitalize on this loophole by converting small motel units into shared vacation condominiums without technically adding any GHG. Summer and winter populations could increase significantly, generating much more GHG, but no violation of state law occurs, and the spin claims a reduction of GHG at Lake Tahoe.

If SB630 passes, thereby endorsing the RPU, and the Compact is amended as TRPA desires, you will see many more very large

corporate resort developments. Locals paying already high costs for utilities will suffer further rate hikes to pay for expanding the capacity of water, sewer, and power required by the corporate resorts. The controversies will intensify as the already approved projects are built, exacerbating traffic congestion, and compounding the violation of environmental thresholds. Actions to correct the continued degradation of the lake will be harder to impose as more money and interests are tied to physical expansion and profits to distant owners. It is not new. It has been happening all across the country and Tahoe is simply the latest target.

In closing, you must ask yourself about the source of your current perception of the RPU. Given your multiple responsibilities and limited time, one would presume that you would have done little personal research regarding this topic. Instead, you have believed "reliable sources" such as Secretary Laird, the TRPA's planning staff, other policy makers, and so on. We all do this. The problem is that this can lead to what political psychologists refer to as "groupthink" whereby a perception of reality expands not due to its merit but rather because of those who support it, whether they understand it themselves or not.

History is replete with such follies from the Bay of Pigs, to Iraq's WMD, to the cause and effect economic beliefs that led to America's recent economic collapse. Sometimes it is an accidental error tied to sloppy science or intelligence and sometimes it is a deliberately manufactured lie.

In this case the groupthink is tied to the general acceptance of a logical fallacy where an underlying assumption goes unquestioned (that "smart growth" principles make up the best template for future growth) in its application to the realities of the Lake Tahoe Basin. The result is that the corporate resort development model ordained by the RPU is inconsistent with the bi-state Compact but few people know it.



The fantasy that sounds terrific becomes believed because reliable people heard it voiced by reliable people. Then cognitive dissonance sets in rejecting any information or science to the contrary.

Indeed, two signatories of the letter are new California TRPA board members, have no direct knowledge of the RPU process or local governmental dynamics in the Tahoe basin surrounding it, yet endorse the letter anyway, evidently to “go along to get along.” That is not the kind of decision making that we want to have governing Lake Tahoe.

Sincerely,

**David McClure, president North Tahoe Citizen Action Alliance**

**Roger Patching, president Friends of Lake Tahoe**

**Ann Nichols, president North Tahoe Preservation Alliance**