



North Tahoe Citizen Action Alliance

October 24, 2008

Tahoe Regional Planning Agency
Board of Governors
128 Market St.
Stateline, NV 89449

RE: Regional Plan Community Workshops on October 28 & 29, 2008

Board of Governors:

The North Tahoe Citizen Action Alliance (NTCAA) is dedicated to ensuring the integrity and veracity of the process that formulates public policy in the Tahoe Basin. The new "Regional Plan Update" will define the Tahoe Regional Planning Agency (TRPA) regulatory future in the Tahoe Basin, so NTCAA is very concerned that the TRPA staff fully accounts for several substantial issues that have been overlooked so far in the plan update process. Our aim and desire is for a plan that is practical, workable, equitable and wise.

The private consulting firm, Regional Planning Partners, began one of their recent workshops stating that *"no one really knows whether or not the strict TRPA regulations were the reason for the lack of redevelopment in the Basin"*; and that the lack of a comprehensive vision was the reason for the Place-Based Workshops to be integrated into the Regional Plan Update, as they provide community input. This fundamental premise is not true, and anyone who has tried to redevelop their property, develop their vacant land, or add to their home has discovered the regulatory complexity and cost is the major deterrent against the project.

The stringency of regulations in the current Regional Plan was intended to control development and it succeeded. Now it is generally agreed that the existing plan also prevented much needed redevelopment, but instead of lightening the regulatory load the approach of staff leadership was to offer visioning exercises.

In a tightly-controlled agenda the Place-Based Workshops led the community in a vision of pedestrian-village orientation with "gathering places" which was seen favorably by most attendees. Never was there any discussion of how to lighten the regulatory load for all property owners which would have addressed the actual cause of so little redevelopment. The visioning process asked questions about where one likes to go and what they enjoy doing the most. This focus amounted to a wish list without any specific projects to demonstrate how the vision would translate into reality.

These musings were further directed by Regional Planning Partners toward "smart growth" principles (the absence of which implies dumb growth) and "New Urbanism" theory. TRPA's white paper on land use is replete with the lexicon of this movement. Regional Planning Partners specializes in this type of vision and took most participants with them, but only on a very general conceptual level. The virtues of "mixed use" zoning were discussed, and density increases justified by affordable living quarters above the commercial areas and occupied year round. The textbook models were the guide. Their write up of the workshops expanded this theme further than what was even discussed at the workshops creating a dreamlike narrative.

This was the filter that the public input of the Place-Based planning process went through. Never was there any serious dialogue about specific projects, resource limitations, or how thousands of existing property owners would have equal treatment of any relief from existing TRPA regulations. There was no discussion of Lake Tahoe's brand of "smart growth" that was embedded in the existing Regional Plan.

Finally, there was no discussion of numerous substantial issues that have now become evident with the Community Enhancement Program (CEP) projects. These substantial issues must be addressed in the Regional Plan Update, particularly when increased density is currently being encouraged.

The CEP, presumably a product of the Pathway 2007 Program, the core of the Regional Plan Update, is aimed to identify and approve "Special Projects" to move the Lake Tahoe Basin toward attainment of environmental thresholds, and social and economic benefits through mixed-use development projects on existing disturbed and/or underutilized sites.

The CEP original intent was to "demonstrate" these principles and inform the new plan. However, the response to the program from developers was two of the largest destination resort developments ever conceived for North Tahoe. The response from the TRPA staff was full acceptance into the CEP, as well as seven other development/redevelopment projects to prove the viability of the CEP approach. After one year, none of these projects can illustrate a reduction in the environmental thresholds, bringing them into compliance. Therefore, the CEP projects should have been delayed until the Regional Plan Update was completed, and not used to define the Regional Plan Update.

Substantial Issues

The following list represents major points of contention as real projects are being processed and proposed within the vogue "New Urbanism" model.

1. Tourist Accommodation Units (TAUs) are the mechanism which enables a developer to use a unit from a one bedroom motel as an entitlement and apply that to build a new residential fractional/timeshare unit many times larger. This policy has come under very critical scrutiny from NTCAA and all major environmental and community organizations in the Tahoe Basin. In addition, California Lt. Governor John Garamendi has also expressed his dissatisfaction of the policy's negative effect on the Lake Tahoe environment.
2. Water Rights are limited by Federal law to total diversions from Lake Tahoe and groundwater in the Basin to 34,000 acre feet per year. Recent research by the Sierra Club revealed that existing permitted rights from Lake Tahoe are 37,237 acre feet and pending applications are 46,920 acre feet. The big questions are 1) how much water is currently being used under these rights and 2) how much more are the water utilities going to need for "first in time" existing vacant lots built out in accordance with current Community Plans? These numbers can be determined, but there has not been any analysis to date. Water use is ultimately limited in the Basin, and the new high density growth model of the CEP may not be a feasible plan.
3. Traffic is a concern due to its direct relationship to increased densities. Much like water use, the roadway infrastructure is geographically limited and some growth in vehicle use due to redevelopment within existing Community Plan zoning as well as existing vacant lots is inevitable. The problem is that the high density model points to the Park Place redevelopment project at South Lake Tahoe as an example of redevelopment that reduced vehicle trips. But this development displaced about 1000 motel units and that is an anomaly in the Tahoe Basin. Nearly all proposed

redevelopment projects on the North and West Shores produce incremental increases in vehicle trips due to transferring in of TAUs and new Commercial Floor Area (CFA) allocations. Even if busing and alternative transportation methods reduced vehicle trips by 20% that still produces an 80% increase of vehicle trips per project on existing roadways.

4. Affordable housing is a required part of redevelopment, but only in a token volume. The large CEP projects may include 20 units but would create low paying jobs for several times that number of employees. In short, the existing problem is exacerbated by high-density projects that do not provide owner/employee housing above the commercial area. The residential component of the CEPs is dominated by fractional units and condominiums well in excess of \$1 million each. Lake Tahoe is so unique compared to cities outside the Tahoe Basin that developers want to take advantage of the most profitable building configuration. This is one practical reality in the Tahoe Basin that negates the applicability of “smart growth” principles and the high-density mixed-use model.
5. Scale and character of the immediate proximity is an explicit principle in all the Community Plans around the Tahoe Basin. In “smart growth” principles the term used often is “context sensitive.” The large CEPs are not consistent with how the scenic thresholds have been interpreted historically. Any concession begins a slippery slope to reducing the quality of life. The high density models outside the basin do not have as sophisticated a scenic threshold as does Lake Tahoe, and further supports the smaller scale of structure that simply fits in.
6. Social and Regulatory Justice refers to how the Regional Plan Update would distribute the special public entitlements (TAUs, CFA) and applies relaxed height, density, and coverage changes. Are the gains spread among thousands of owners of improved property or given to only a few developers leaving existing property owners under the existing Regional Plan? As the CEPs again demonstrate, do these few developers gain these benefits at the expense of adjacent property owners who may now be “in the shadows” of a four-story parking garage all winter? If to accommodate the high density pedestrian dominated model, there is a proposed modification of transportation route, does this change occur at the expense of another segment of the town (e.g. the lane reduction proposal that causes traffic to divert through residential neighborhoods)? Social justice has evolved much further than the utilitarian principles of the 19th century (the best for the most).

Today the refined concept states that instead of maximizing the gain for some to the detriment of any, the truly just course will reduce the gain (still retaining some gain), but to the detriment of none. That way all will gain to some extent rather than some losing and some winning. There is no justification for the loss of liberty or freedom so that others maximize their personal gain.

Include in the Regional Plan Update

NTCAA would like to see all the substantial issues either incorporated in the Regional Plan Update, or discussed in a dialogue style workshop. Instead of spending time on a “Walkability Index” a more appropriate index would be a “Social Justice and Truth Index” that could stand up to the most rigorous public scrutiny. The platitudes and talking points need to be replaced with clear definitions and substantial evidence to support analogies and comparisons.

In striving for straight thinking there is no substitute for accuracy and depth. Lake Tahoe planning is well ahead of any smart growth concepts applied outside the Tahoe Basin because of the existing thresholds, years of public lands purchases, and limited resources within which to work. There are many successes of new development infill and redevelopment in the Tahoe Basin. These are the examples to use to guide future development.

The new "Regional Plan Update" will define the regulatory future in the Tahoe Basin, so NTCAA is very concerned that the TRPA staff fully accounts for substantial issues, including those mentioned, that have been overlooked to date in the Regional Plan Update process. NTCAA's aim and desire is for a plan that is practical, workable, equitable and wise.

Sincerely,
NORTH TAHOE CITIZEN ACTION ALLIANCE

A handwritten signature in blue ink that reads "David R. McClure". The signature is written in a cursive style and is positioned above a light blue rectangular background.

David R McClure, Vice President
for the NTCAA Board of Directors

Cc: TRPA Staff & APC
Placer County Board of Supervisors & Planning Department
League to Save Lake Tahoe
Sierra Club
Friends of Crystal Bay/Brockway
Citizens Alliance for Responsible Government
Kings Beach Business Citizen Alliance
Lt. Governor John Garamendi
Senator Dave Cox
Assemblyman Ted Gaines
NTCAA Members
Interested Community Members