

Letter: Loop road may not be best for SLT

Publisher's note: *This letter was sent to the South Lake Tahoe City Council and city manager. It is published with permission.*

Dear Mayor David, Council Members, and City Manager Kerry:

Once again, thank you for your work and service to the people of South Lake Tahoe. I know that you all want to do what you think is best for South Lake Tahoe.



Dave Jinkens

I am again writing to you as a resident of the city regarding the proposed loop road. The comments and suggestions below are mine alone and are not intended to reflect the opinions of organizations of which I am a member. I write once again because specific answers to important questions I and other concerned residents have raised on this matter in the distant past and recent past have not been answered. While pundits in favor of the project exhort its virtues in the media, sound and informed public policy decisions in favor or against the project cannot be made without these answers.

The City Council needs accurate and complete information about the cost and the environmental and financial impact of the proposed loop road before you are asked to make a decision. Residents of South Lake Tahoe need and deserve the same

information so that they can make an informed judgment on the benefit of the project and how it might affect them. While we have some answers after three years of asking for them, and this is good thing, there are important questions remaining.

In addition, some government officials have recently said that there is little city government can do to decide the fate of the loop road, because the Tahoe Transportation District (TTD) is a separate legal entity. I beg to differ, and I will explain why below.

Important outstanding questions remain

1. Impact on existing city residents and businesses: Loop Road proponents and TTD officials say that hard-working city residents displaced by the destruction of their homes will be helped to find new housing somewhere and that new affordable housing will be constructed for them. The remainder questions are: who will build the housing; when will it be built; where will it be built in the city limits; how will it be financed; and what are the guarantees, not just promises, that it will be built? As you know, affordable housing for working families is a scarce commodity in South Lake Tahoe and many working people already have trouble finding affordable housing.

2. Economic impact of the project on existing businesses in the city and the city economy: The June 7, 2013, Economic Analysis of the US 50/South Shore Community Revitalization Project prepared by EPS is cited by TTD officials as proof that there is substantial benefit to the city economy from the project. However, the analysis did not go far enough. This is not the fault of the EPS, a respected California economic firm. It is because the firm was not tasked by TTD to do a broader and more complete study of the economic impact of the loop road and the attendant development it will support in Nevada on the business community in South Lake Tahoe as a whole. Will the Highway 50 realignment and the linked new Nevada development grow the total economy of the South Shore

or will it simply shift business from the California side to Nevada? We do not know, and we need to know the answer.

An expanded study by EPS should and could be done at a cost of about \$60,000 so that we know the positive and negative impacts of the loop road on South Lake Tahoe. After we have these answers we can then determine how and if negative economic impacts on the entire city business community can be eliminated. Concerned citizens and business organizations examining this proposed project have been asking for this vital information since early in 2013 – March 2013 to be exact. Had this expanded study been done, then we would not still be asking for it. As you might agree, spending \$60,000 to get answers on a proposed \$100,000,000 loop road is a prudent investment.

Loop road advocates and proponents say that we are one South Shore, and while we are in spirit and we should cooperate and collaborate when possible, we live in two very different states with very different revenue streams, taxes, and business opportunities. I always wish our Nevada neighbors and friends success, but I want projects they propose to be in the best interest of the people of South Lake Tahoe if they want our support and our land to build the realignment of Highway 50.

3. Promises made and how they will be kept: As we learned painfully with the convention center project, developers and proponents make promises that sometimes they can't or won't keep. Sometimes projects go bankrupt. Sometimes not all of the promises are known by public officials. The questions are what are those loop road promises made to affected residents and businesses owners and operators in the path of the road to co-opt them into supporting the project, how will these promises be kept, and what guarantees/promises/assurances and binding agreements have been made that will be kept? The general public and public officials need to know the full and complete story in advance of a vote on the project. Let's not have

another hole in the ground and painful results and disappointments it created.

What is city government's role and what can and should it do?

Contrary to what some public officials have recently stated, city government has an important role in determining whether the loop road is built in the city limits, and it has many options it can take in regard to the proposal. While it may not be necessary or even desirable for city government to take all of the actions below, it is possible that they could do so if regional and/or state agencies try to force a loop road on the city of South Lake Tahoe. We have learned from hard lessons of the past. Let's not make the same or similar mistakes.

- The City Council will be required to accept the dedication of a street now part of Highway 50 if the highway is relocated. Dedication of the street is part of the entire project and thus the project needs City Council approval.

- The City Council and Planning Commission must find that the project is consistent with all elements of the city's adopted General Plan and make factual findings in this regard including a finding that it consistent with the City's Housing Element (a part of the General Plan) and state law.

- The City Council has a responsibility and arguably a duty to ensure that existing affordable housing in the city limits is not eliminated by a loop road unless replaced with affordable housing in the city limits for those displaced. The guarantees must be firm, backed up with real money, and enforceable.

- The City Council can affirm once again that it will not use its power of eminent domain to acquire title to land needed to build the realigned highway and that it will oppose the use of eminent domain by any other public entity. (Note 1).

- The City Council should insist and require that a complete, comprehensive and independent economic analysis be undertaken to determine the fiscal impact of the Project that will serve new developed areas in Nevada be evaluated on a citywide basis. An updated EPS study as described previously is essential and must be done.

- The City Council could initiate legal action to prevent TRPA and/or TTD from building the highway unless its information and guarantees are met.

- The City Council could oppose federal and state funds being allocated for this "community displacement" project unless its requests are met.

- The City Council could join in these actions with STPUD to oppose the project and litigate the issue if STPUD is required to relocate utilities to a realigned road costing millions of dollars that will be borne by city taxpayers.

- The City Council could on its own amend the General Plan to eliminate the loop road; however, this approach could take some time and require at least an environmental assessment to be prepared.

- The City Council could decide on its own volition to place the measure on the June or November ballot without the need for an initiative to be circulated. A general plan may be amended by initiative. (See DeVita v. County of Napa, 9 Cal. 4th 763, 777 [1995]). It is not clear that an initiative by the people amending the general plan requires an EIR. Placement on the June ballot would be the best course and cost less because of the June primary election.

- The City Council can and should insist that all guarantees, and promises made to property owners and residents be made public and that a comprehensive financial impact analysis be completed and available to the public before any action on the project is taken by any agency.

- The City Council could vote and direct its representative on TRPA and TTD to oppose the project if it comes up for a vote. The council has the power to so direct its representatives.

- The City Council could request its county supervisor or her alternate to oppose the project at TTD and TRPA unless its demands and requests are met.

- The City Council must be given sufficient time by TTD to get answers to the questions and concerns presented herein before moving forward with Project approvals or City government can and should oppose the project outright including ways defined in this letter.

Conclusion

As a resident of South Lake Tahoe, I want our City Council and city staff to have the best information possible about the loop road before any decision is made about it. I want a bright future and opportunity for all city residents and all existing businesses in town. City officials should insist that TTD and regional officials provide the requested information before actions are taken on the loop road. I remain proud of our Nevada neighbor's efforts to improve their community. I want them to be successful. I just want to be certain that what they are proposing and asking for city cooperation does not harm South Lake Tahoe.

Best wishes and regards. I would like to see a positive outcome for all parties in this matter on the basis of mutual interests and respect. Cooperation, collaboration and respect are the keys. I am available to help in whatever way I can to see an amicable resolution.

Sincerely,

Dave Jinkens, South Lake Tahoe

Note (1) Eminent domain is the power of local, state, and federal government agencies to take private property for public use so long as the government provides just compensation. Arguably, while there are some public benefits to the proposed Project, the proposed Highway 50 realignment is designed mostly to serve a private purpose for property development in Nevada.