

# SLT council to tackle public beach access



Timber Cove Pier is private, but the beach is public and private. Photo/LTN file

**By Kathryn Reed**

The beach by Timber Cove Marina is not as public as some would like it to be and is too public for the hotel-pier owners.

This stretch of sand in South Lake Tahoe is going to be the subject of discussion by the City Council when it meets Nov. 18 at 9am at Lake Tahoe Airport. City Attorney Tom Watson, who will be making the presentation Tuesday, was not available for comment.

Public access has been a battle for decades. And the state Supreme Court has been involved.

Problems arose again this summer and continued into the fall as the Beach Retreat & Lodge cut off access to parking at the

marina and therefore the beach while some construction was taking place on the property.

Owners believe the beach is for their guests. And the public parking spaces they believe can be used by their employees.

City staff has done extensive research to sift through the legalities, to know who owns what, and when the public gets to play there without being a guest of the lakefront hotel.

Connolly Beach, which is the official name, was open to the public – including the pier – before South Lake Tahoe incorporated in 1965. It was in 1972 that a 261-room hotel was proposed.

“Initially the city’s Architectural Review Committee approved the project, requiring only a 15-foot wide pedestrian easement along the beach, measured from the high water mark,” the staff report says. “This decision was approved on a 2-1 vote. John Cefalu and Larry Muston in favor, Patricia Lowe against.”

The council at the time changed things a bit to accommodate concerns of local residents. Added were 18 public parking spaces and free use of the beach by the public. HKM, the owners of the property, sued the city in 1974 because of the public access.

The case languished in the court system for 11 years. South Lake Tahoe and the Tahoe Regional Planning Agency were the defendants.

In April 1975, the state Lands Commission decided it had a vested interest in the shoreline of Lake Tahoe. Then the state Attorney General’s Office took over as well. The case was now about public access to the beach and the state’s interest in the shoreline.

Eventually the state Supreme Court got involved. The justices ruled in August 1985.

## **The final outcome:**

- The state of California owns the land below the historic low water mark. The public has the right to be on that section at any time.
- Property owners may use the beach for commercial purposes by temporarily sectioning off part of the beach in the 100-foot mark from high water, but cannot exclude the public from the entire beach. The state is the only entity that can enforce this provision.
- The public can use 100 feet of beach during daylight hours from June through September.
- The state owns a public trust easement that allows access for the public year-round between the high water mark (6,229 feet) to low water mark and below.
- There must be 18 parking spaces for the public.