



M E M O R A N D U M
DEPARTMENT OF PUBLIC WORKS
AND FACILITIES
PARKS DIVISION
County of Placer

TO: Board of Supervisors DATE: April 19, 2016
FROM: Ken Grehm, Director of Public Works and Facilities
By: Mark Rideout, Deputy Director; Andy Fisher, Senior Planner
SUBJECT: Parks / Presentation / Speedboat Beach Planning

ACTION REQUESTED

Receive a presentation on Speedboat Beach at Lake Tahoe, and provide staff direction on proposed next steps. One way restrictions are not being recommended by staff as part of this process.

BACKGROUND

Speedboat Beach is located at the base of the Brockway Vista neighborhood of Kings Beach adjacent to the Nevada State Line. The beach is a relatively small area (approximately 1,000 feet of shoreline) and its boulder strewn shoreline makes Speedboat Beach one of the most picturesque locations around Lake Tahoe. Placer County maintains a 40-foot wide easement, a mapped extension of Harbor Avenue, from Lake Street to the low-water line of Lake Tahoe, which provides public access to the beach via a pathway and stairs as depicted in the attached Speedboat Beach Map. Along the beach, to the east and west of this 40-foot easement area, the public is afforded access and beach use between the high-water and low-water marks of Lake Tahoe by virtue of the Public Trust doctrine administered by the California State Lands Commission, as depicted in the attached Public Trust at Lake Tahoe. The North Tahoe Public Utility District (NTPUD) provides beach maintenance under contract with Placer County. Funding for this maintenance is derived from Transient Occupancy Tax (TOT) revenue.

Speedboat Beach has historically presented management challenges due to the limited parking and narrow roadways in the adjacent neighborhood, and the last, four years of drought lowered the lake level and exposed more useable beach than in average rain years. In April 2015, the beach area (high-water elevation to current water elevation at that time) comprised about 1.8 acres and an average beach width of about 65 feet, but is narrower in years where the lake level is higher. Social media, the internet, and coverage by publications such as Sunset Magazine have also increased awareness of Speedboat Beach.

In response to this increased use, and the associated parking and behavioral problems, staff initiated a planning effort to address these issues and improve the supporting infrastructure. The goal of this planning work is to improve the existing conditions, and not to encourage expanded use. To support the plan, in 2015, the North Lake Tahoe Resort Association (NLTRA) approved \$50,000 in TOT revenue from its Capital Investments Project Program. The work to date, and this presentation to your Board, are considered the final product of the NLTRA funded planning. As described below, this process resulted in a path forward for Speedboat Beach.

To date, staff has held three public workshops at the North Tahoe Event Center to discuss ideas and receive input on improvements to the existing conditions at Speedboat Beach and in surrounding neighborhood. These well-attended meetings attracted both residents of Brockway Vista and individuals from other neighborhoods. Input received from the community has focused planning efforts on the following topics:

- A. Parking and Circulation
- B. Signage
- C. Facility Improvements
- D. Public Recreation

Below is a discussion of the community input, progress to date, and staff recommendations for each topic moving forward.

A. Parking and Circulation

Patrons access the beach area via a series of narrow county roads. Vehicle and pedestrian beach traffic in the summer can cause congestion on these narrow roads, particularly Speedboat and Harbor Avenues which vary in width but are generally 17 to 18 feet wide. Several years ago, Placer County enacted parking restrictions on portions of one or both sides of Dip St, Lake St, Speedboat Ave, and Harbor Ave, in an effort to make the roads more passable especially during busy summer periods, as shown in the Current No Parking Map. With the growing beach popularity and relatively low violation fee, illegal parking has increased over time.

County staff has both observed parking circulation conditions and received feedback from the public on the current parking situation. County staff acknowledges the need to modify existing roadway operations to help minimize roadway congestion and enhance public safety in the Brockway neighborhood. Options considered include both physical and program operation changes.

A summary of options for improving parking and circulation conditions is described below with the pros and cons of each, and the options are categorized with respect to the relative levels of viability and observed public support.

Parking/Circulation Options with High Viability and Public Support		
Improvement	Pros	Cons
Increase parking violation fee from \$25 to \$100	<ul style="list-style-type: none"> • Acts as deterrent to illegal parking • Regulates roadway use to reduce congestion • Helps maintain vehicular access to residences and roadway network 	<ul style="list-style-type: none"> • Relies on consistent parking enforcement presence and action
Establish formal loading/unloading zone at intersection of Speedboat and Harbor	<ul style="list-style-type: none"> • Reduces roadway congestion by organizing vehicles wishing to drop off patrons and beach supplies • Minimizes illegal parking, and blocking of driveways and roadway intersections 	<ul style="list-style-type: none"> • Relies on consistent parking enforcement presence and action

Parking/Circulation Options with Moderate Viability and/or Public Support		
<u>Improvement</u>	<u>Pros</u>	<u>Cons</u>
More restricted parking on Speedboat and Harbor, and adding parking restriction on White Cap Lane	<ul style="list-style-type: none"> • Helps maintain vehicular access to residences and roadway network 	<ul style="list-style-type: none"> • Provides less parking opportunities for residents and visitors • Potential for 'overspill' parking onto other narrow roads • Relies on consistent parking enforcement presence and action
Residential permit parking program	<ul style="list-style-type: none"> • Provides certain parking areas for residents only 	<ul style="list-style-type: none"> • Reduces parking opportunities for visitors to access public beach • Relies on consistent parking enforcement presence and action

Parking/Circulation Options with Low Viability and/or Public Support		
<u>Improvement</u>	<u>Pros</u>	<u>Cons</u>
Convert a portion of Speedboat and Harbor to one-way vehicular travel	<ul style="list-style-type: none"> • Improves safety of vehicular mobility where road has maximum width of 18 feet and numerous blind spots • Only option that organizes and dedicates formal on-street parking • Provides residential 'entryway' opportunity 	<ul style="list-style-type: none"> • Requires more travel time for residents at Brockway Springs and Wave Ave. • Creates difficult RH turning movement onto Wave Ave. • Produces more vehicular travel on Yacht Ave.
Develop public shuttle bus program for beach patrons	<ul style="list-style-type: none"> • Reduces parking demand on narrow roadway network • Minimizes illegal parking, and blocking of driveways and roadway intersections 	<ul style="list-style-type: none"> • Significant cost to operate and maintain • Uncertain funding source – user fare would cover approx.. 20% of cost • Likely shuttle pickup/drop off in Kings Beach with limited park and ride opportunities
Off-site day use parking facility for beach patrons	<ul style="list-style-type: none"> • Reduces parking demand on narrow roadway network • Minimizes illegal parking, and blocking of driveways and roadway intersections 	<ul style="list-style-type: none"> • No certainty at this time of a viable location • Unknown costs and source of funding

With the above summary, department staff recommends the parking/roadway circulation improvements we conclude have high viability and public support be considered for implementation along with further road parking restrictions that may only have moderate public support, and assuming your Board concurs, plan to present these recommended improvements as a separate action item subsequent to this item.

These recommendations are summarized below:

- Increase parking violation fee from \$25 to \$100 (includes applicable regulatory signage) on certain county roads including Speedboat Avenue, Harbor Avenue, Lake Street, Dip Street, White Cap Lane and Lake Street.
- Demarcate a 'clear zone' and a loading/unloading zone on Harbor Ave near Lake Ave (includes applicable regulatory signage and pavement markings).
- Modify and extend parking restriction areas on Speedboat Ave, Harbor Ave and White Cap Lane (includes applicable regulatory signage).

In the subsequent and publically noticed item requiring a public hearing, the above recommendations will be presented to your Board to consider for county ordinance adoption that will include new ordinances along with modifying certain existing ordinances.

B. Signage

Both regulatory and informational signage has accumulated along the Speedboat Beach easement over time as needs have arisen. Signage has also been placed by lakefront property owners in an effort to delineate private property and the high water line. To implement a new comprehensive wayfinding plan, with clear and engaging information, Parks retained Fallon Multimedia of Reno to design interpretive and regulatory signage. Fallon attended two of the workshops to receive input, before refining the Main Interpretive Panel for your consideration. Fallon is now in the process of using these color and style themes to create a suite of additional signage and panels as follows. Staff will work with the neighborhood and proceed with design, potential TRPA review, and installation.

1. Welcome Sign – Located at the beach entrance near Lake Street, this sign will identify Speedboat Beach and have simple welcoming language.
2. Informational Sign – Located partway along the easement, this sign will provide general information with a map, and clearly state rules and regulations with enforceable citations.
3. Main Interpretive Panel – Located at the stairs down to the beach, this interpretive panel will give a general orientation, and use a map to depict public and private property.
4. Supplemental Interpretive Panels – Located along the easement in a way that does not impose on the scenery, this suite of interpretive panels may be displayed on a rotating basis to interpret natural and human history. Topics may include:
 - a. Natural History (e.g.: geology, native plants & animals, trees)
 - b. Cultural History (e.g.: Native American habitation, historical figures)
 - c. Current Research at Lake Tahoe (e.g.: Lake Tahoe clarity, UC Davis programs)
5. Lakefront Signage – Located on the beach, these signs can delineate the public trust area and describe rules to beachgoers. With the input and consent of lakefront owners, these signs would replace the existing signs placed over time, and provide aesthetic continuity with the other proposed signage.

C. Facility Improvements

Proposed improvements to the facilities that serve Speedboat Beach include replacement of the aging stairs, improvements to the pathway, and the potential for a permanent restroom. The wooden stairs providing pedestrian access to the beach are near the end of their serviceable life. Staff recommends the wooden stairs be replaced with more durable metal or masonry stairs, and portions of the pathway be improved to delineate access. Parks retained PR Design of Kings Beach to evaluate topographic constraints in the 40 foot wide easement, and to identify feasible alternatives. PR Design will also consider integrating an accessible ramp with the stairs, if it can conform to Americans with Disability Act standards.

Each spring two portable restrooms are placed in the 40-foot easement above Speedboat Beach, and then removed at the end of the summer season. Several years ago, members of the community expressed an interest in discontinuing this practice, in favor of a permanent restroom facility. During the three workshops, staff gathered input on the community's preference for rustic styling, and that any restroom be locked each evening. Initial reconnaissance indicates utilities in the area may support flush restrooms, and final site selection may be challenging due to drainage swales, rocky soils, tree protection, and aesthetic concerns. PR Design will evaluate these constraints and prepare a schematic design that may enable Staff to seek funding for permitting and construction.

D. Public Recreation

The 40-foot wide easement extending from Lake Street to the low water line of Lake Tahoe is defined as Speedboat Beach, a Public Recreation Area (PRA) per Chapter 12.24 of the Placer County Code (Parks Ordinance). The Parks Ordinance provides specific regulation of alcohol, glass containers, campfires, smoking, motorized vehicles, hours of operation, designated entry points, and a prohibition of dogs. In addition, ordinances of general applicability apply to this area, including disrobing, restricting free passage, trespassing, littering, and disorderly conduct. The Public Trust area adjacent to Speedboat Beach is not regulated as a PRA under the Parks Ordinance and, therefore, is regulated only by the narrower set of regulations that apply Countywide. Note that laws found in the California Penal Code, such as public nudity, drunk and disorderly conduct, among others, apply equally to both the PRA and the Public Trust areas.

One of the four lakefront homeowners adjacent Speedboat Beach requested the County regulate the Public Trust with rules similar to the PRA, and Staff asked for attendees' opinions at the first public workshop. Polling showed 40% in favor of regulation and 60% opposed. Following the meeting, Staff contacted each of the four adjacent lakefront property owners and asked for their position on increased regulation. Of the four owners, one expressed support and three expressed opposition. Given the divergent desires of lakefront owners, the Placer County Sheriff's Office considered the practicalities of enforcing a potential Public Trust Ordinance on only one property. This evaluation determined the resulting patchwork of regulations would be confusing for the public and infeasible to efficiently enforce.

Staff subsequently met with attorneys of the requesting lakefront property owner, and discussed the County's position and potential steps forward. In past years, individuals in the Brockway Vista neighborhood independently provided funding for increased patrol of Speedboat Beach and the Public Trust Area. This effort was pursued through off-duty Sheriff Deputies; non-enforcement presence of North Tahoe Public Utility District staff provided additional information regarding rules. Some residents indicated a willingness to continue this funding for additional patrol. At this time, staff is not recommending additional regulation of the Speedboat Beach Public Trust area. Rather, staff of the Sheriff's Office and Department of Public Works and Facilities are reviewing methods and funding options for increased enforcement of existing laws.

Next Steps

Given the information gathered during public outreach and the subsequent staff analysis, Public Works and Facilities is prepared to take the following proposed next steps toward implementation and requests your Board's input:

- A. Parking and Circulation - Consider parking restrictions and raising parking fines in the Brockway Vista neighborhood, as detailed in a subsequent item before your Board today.
- B. Signage - Provide input on the draft Main Interpretive Panel and direct staff to finalize stylistic and content standards for interpretive and regulatory signage. Direct staff to work with lakefront owners and the Brockway neighborhood on signage standards for the beach front and entrance to Speedboat Beach.
- C. Facility Improvements - Authorize staff to proceed with the design and permitting for new stairs, and a potential ramp and restroom facility, and to seek funding for this work.
- D. Public Recreation - Direct staff to work with the community and Sheriff's Office to identify the revenue and methods for increased patrol and enforcement at Speedboat Beach and in the Brockway Vista neighborhood.

ENVIRONMENTAL IMPACT

Staff is seeking input on specific aspects of the Speedboat Beach master planning process to allow for continued refinement of the scope and description of future improvements. As such, this action is exempt under California Environmental Quality Act Guidelines Section 15306, "Information Collection".

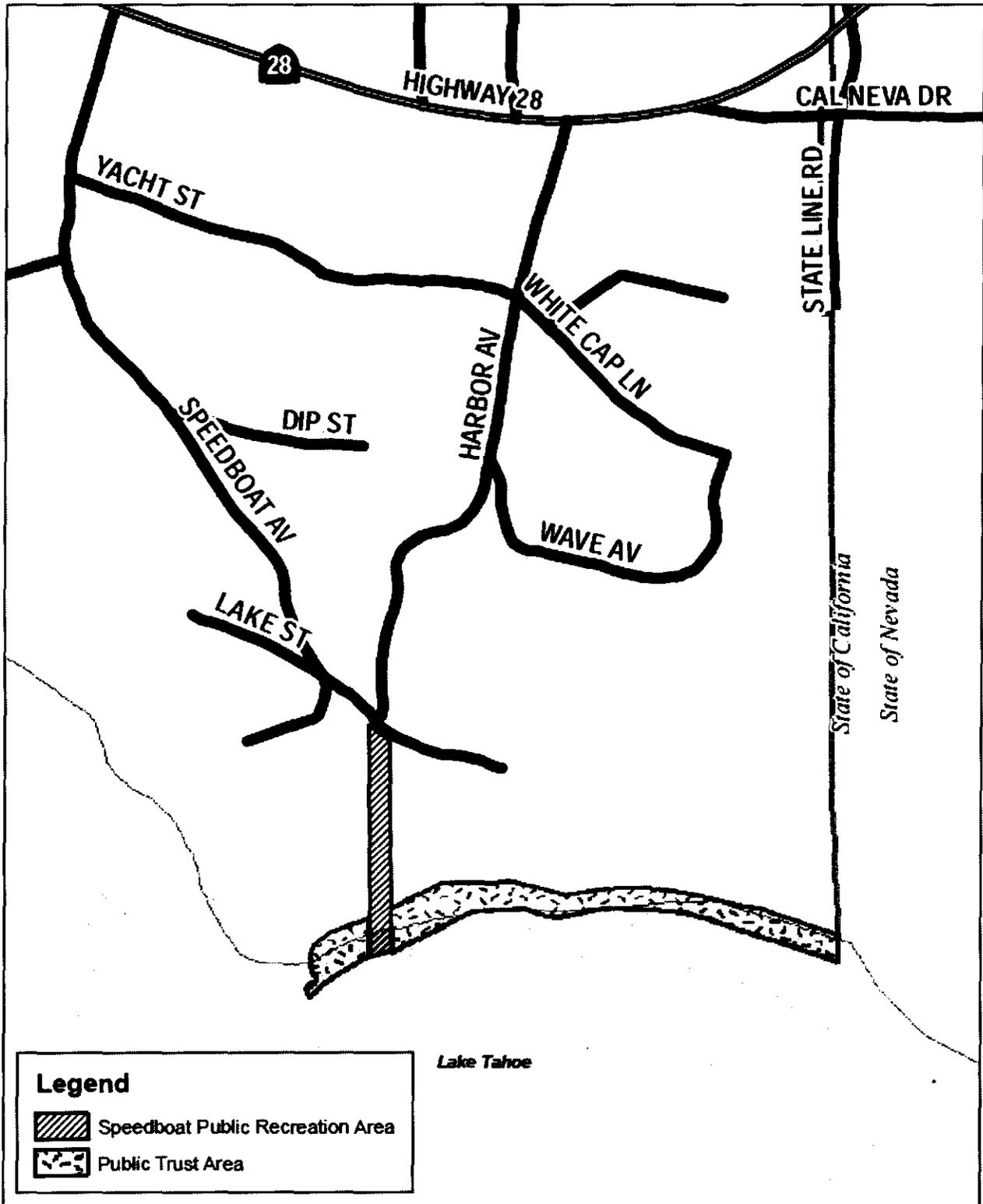
FISCAL IMPACT

The Speedboat Beach master planning efforts are being funded through an allocation of TOT Capital Investment/Transportation Fund and previously budgeted staff time of the supporting Departments. Once the design is completed for any amenity improvements, staff will return to your Board with a recommendation for implementation funding.

ATTACHMENTS

Speedboat Beach Map
Public Trust at Lake Tahoe
Current No Parking Map
Proposed No Parking Map
Proposed Loading Zone Map
Existing Regulations

Speedboat Beach Map





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October 9, 2003

North Tahoe Regional Advisory Council
County of Placer
P.O. Box 1238
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RECEIVED
OCT 28 2003
DAE

VIA FACSIMILE AND U.S. MAIL

PLANNING DEPT.

Re: *Public Trust Doctrine at Lake Tahoe*

Dear Council Members:

Thank you for inviting us to attend the North Tahoe Regional Council's October 16, 2003, meeting to talk about the application of the public trust doctrine to Lake Tahoe. Unfortunately, we will not be able to attend in person. We would, however, like to provide you with the following information that we hope you will find useful.

1. On the California side of Lake Tahoe, lands located between the low water mark of 6,223 feet above sea level, Lake Tahoe datum, and the high watermark of 6,228.75 feet above sea level, Lake Tahoe datum, "are owned by their littoral owners [that is, the owners of land adjacent to the shoreline] subject to a 'trust' interest held by the State of California for the benefit of the public." (*Fogerty v. State of California* (1986) 187 Cal.App.3d 224, 229.)

2. Public trust uses include "commerce, navigation, fishing, recreation, and [the] preservation of the land in its natural state." (*Fogerty* at 229.)

3. The State has an "absolute" right to chose one trust use over another. (*Colberg, Inc. v. State of California ex rel. Dept. Pub. Wks.*, (1967) 67 Cal.2d 408, 416-422.)

4. Where the State has not exercised its discretion to limit public trust uses, anyone - - including an individual, a local organization or local government - - can seek judicial relief in order to enforce the public trust. (*Marks v. Whitney* (1971) 6 Cal.3d 251, 260 - 261 [private individual has standing].)

5. Local government has the authority to enforce the somewhat related right of the public to use navigable waterways. (*Baker v. Muck* (1971) 19 Cal.App.3d 1040 [at district attorney's request, trial court enjoined, as a nuisance, property owners' placement of wires and cables across a navigable river; court of appeal affirmed].)

6. Local government can exercise its police power to regulate public trust uses in areas subject to the public trust, as long as the regulation is consistent with the public trust and is not contrary to any public trust determinations of the State. (*Personal Watercraft Coalition v. Marin County Board of Supervisors* (2002) 100 Cal.App.4th 129, 146.)

7. Where the State or local government takes any affirmative steps that impact an area subject to the public trust - - such as approving a pier or an activity in that area - - the steps must be consistent with the public trust. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419.)

8. If private property owners are required to remove lawfully constructed docks, piers or other structures in the shorezone, because the uses are inconsistent with the public trust, the owners must be compensated for those improvements. (*Fogerty v. State of California* (1981) 29 Cal. 3d 240, 249.)

9. The bi-state compact establishing the Tahoe Regional Planning Agency incorporates the recreational and ecological values that are reflected in the public trust doctrine.

The above leads to two basic conclusions. First where any governmental body in California authorizes an activity in an area subject to the public trust, the activity must be consistent with the public trust. Second, multiple parties can affirmatively enforce public trust rights. Assuming that the State has not acted, then TRPA, local governments, or private citizens can enforce the trust - at least through court actions. Moreover, at the State level, depending upon the situation, various entities can potentially seek to protect public trust values. These including administrative bodies such as the California State Lands Commission and the State Water Resources Control Board. In addition, in appropriate cases, the Attorney General may act, either on behalf of other state bodies, or independently as the State's chief law officer.

I hope you find this outline of public trust principles helpful.

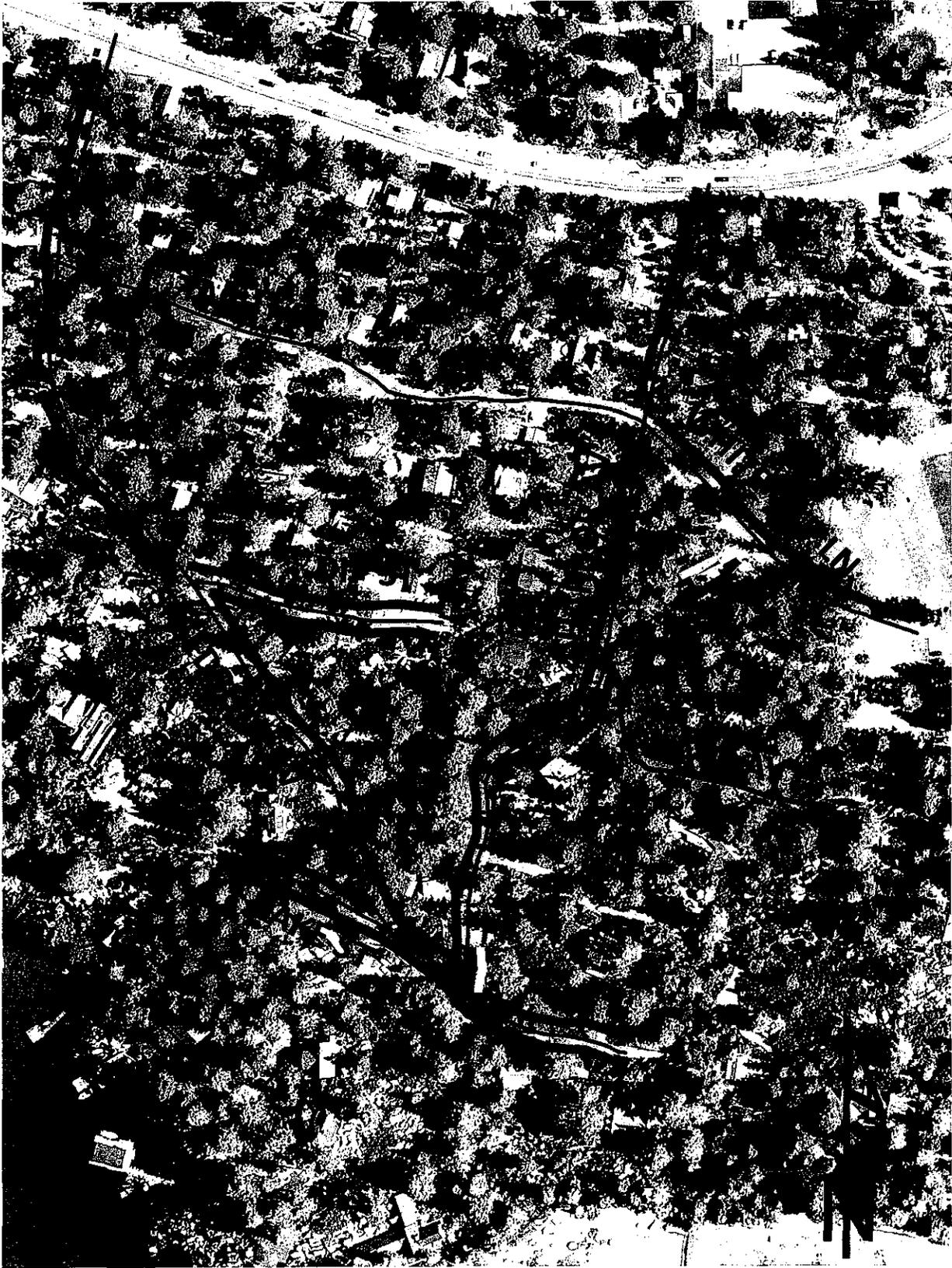
Sincerely,



DANIEL L. SIEGEL
Supervising Deputy Attorney General

For BILL LOCKYER
Attorney General







Public Trust Area

County Code

- PCC 12.28.120 - Disrobing
 - PCC 370 - Obstructions to Free Passage or Use of Lake
 - PCC 9.12.020 - Trespassing
 - PCC 374.3 - No Littering
 - PCC 6.08.010 No dogs at large (dogs must be leashed)
- All of the applicable laws set forth in the Penal Code (public intoxication, etc.)

Speedboat Beach (Easement Area Only)

Park Ordinance

- PCC 12.28.120 - Disrobing
 - PCC 370 - Obstructions to Free Passage or Use of Lake
 - PCC 9.12.020 - Trespassing
 - PCC 12.24.101B - No Littering
 - PCC 6.08.010B - No Dogs
 - PCC 9.08.010B - No Alcohol Consumption
 - PCC 9.08.010B - No Glass Containers
 - PCC 12.24.010M - No Loud Noise
 - PCC 9.08.010 - Fires
 - PCC 12.24.010E.5 - No Camping
 - PCC 12.24.010E - Vandalism, Damage Or Destruction Of Improvements
 - PCC 12.24.010A - No Motorized Vehicles
 - PCC 12.24.030B.1 - Park Closed ½ Hour After Sunset to ½ Hour Before Sunrise
- All of the applicable laws set forth in the Penal Code (public intoxication, etc)

