TAHOE REGIONAL PLANNING AGENCY

Governing Board Meeting

September 23, 2026

AGENDA ITEM 8.A.

Appeal of Verification of Existing Land Coverage, Land Uses, and Recreation Capacity; Lakeside Park Association — 4041 Lakeshore Blvd., South Lake Tahoe, California; APNs 029-601-001 and 029-601-002; TRPA Project File No. VBOC2025-0203, TRPA Appeal File No. ADMIN2026-0012

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Governing Board Meeting

September 23, 2026

Agenda Item 8.A

STAFF PRESENTATION

Lakeside Park Association Appeal of Verification of Existing Land Coverage, Land Uses, and Recreation Capacity

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Lakeside Beach and Marina: Property Location

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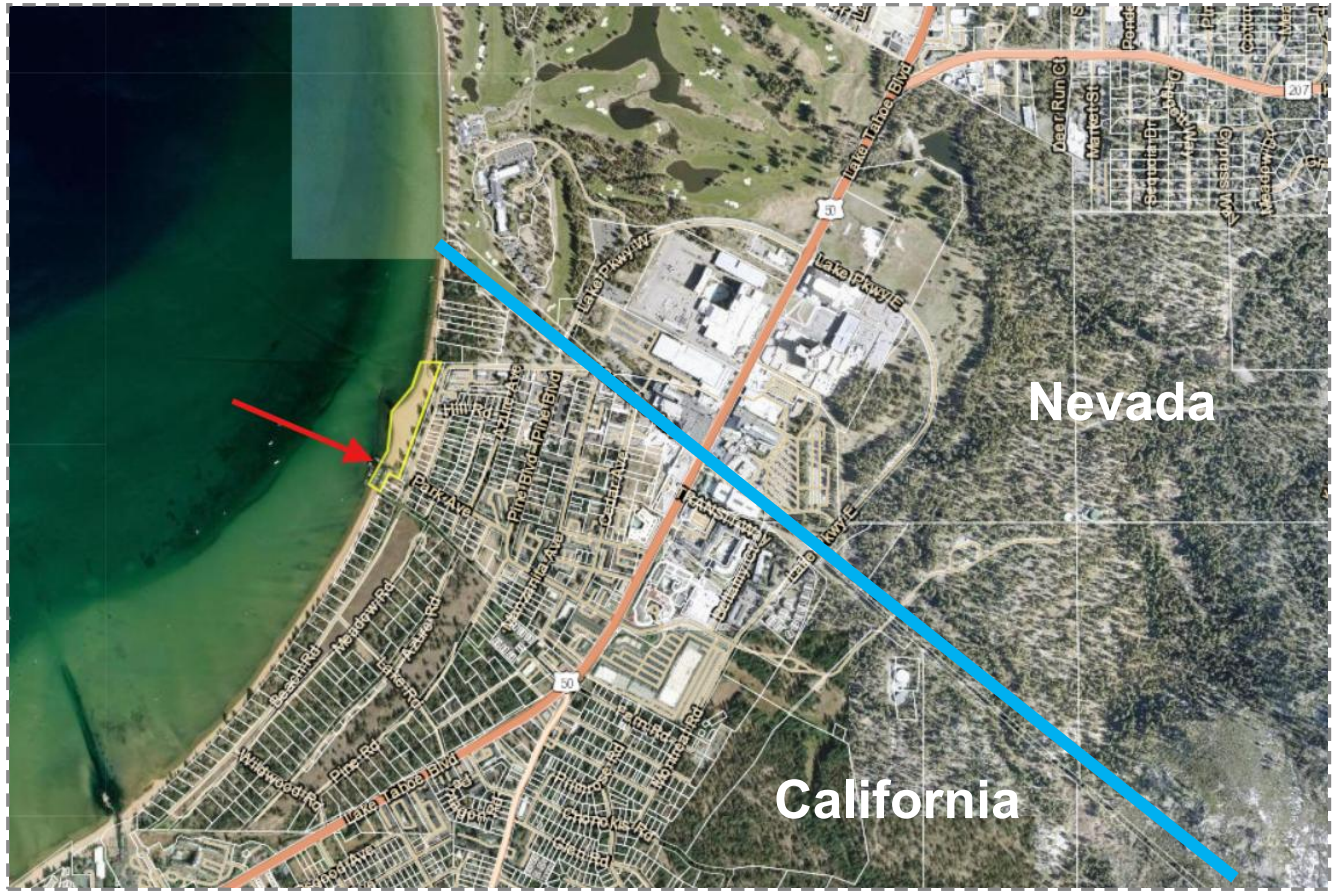
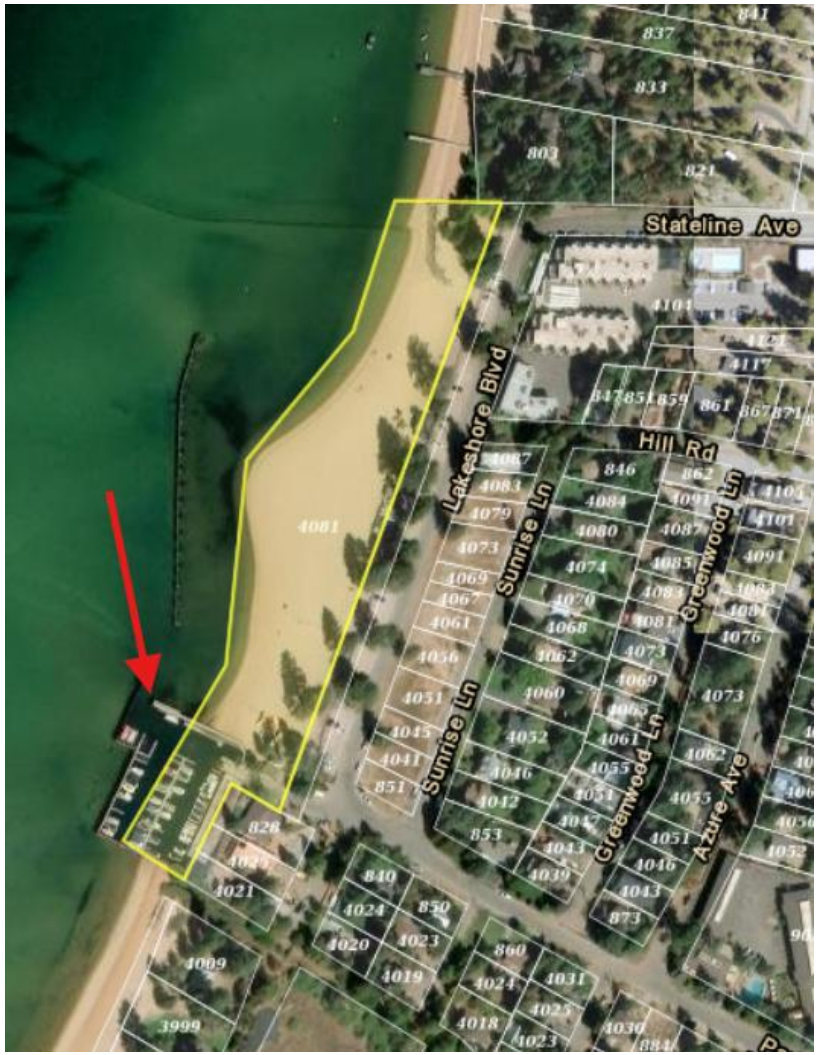
Lakeside Beach and Marina: Property Location





LPA's Verification

- Appellant Lakeside Park Association (LPA) applied for TRPA **verification** of existing land coverage, land uses, and recreation capacity at Lakeside Beach and Marina on February 19, 2025.
- **Verification**: TRPA staff's administrative determination of what land coverage, land uses, and recreation capacity are **legally recognized** as **existing** on a parcel. **Verification does not approve anything new**.

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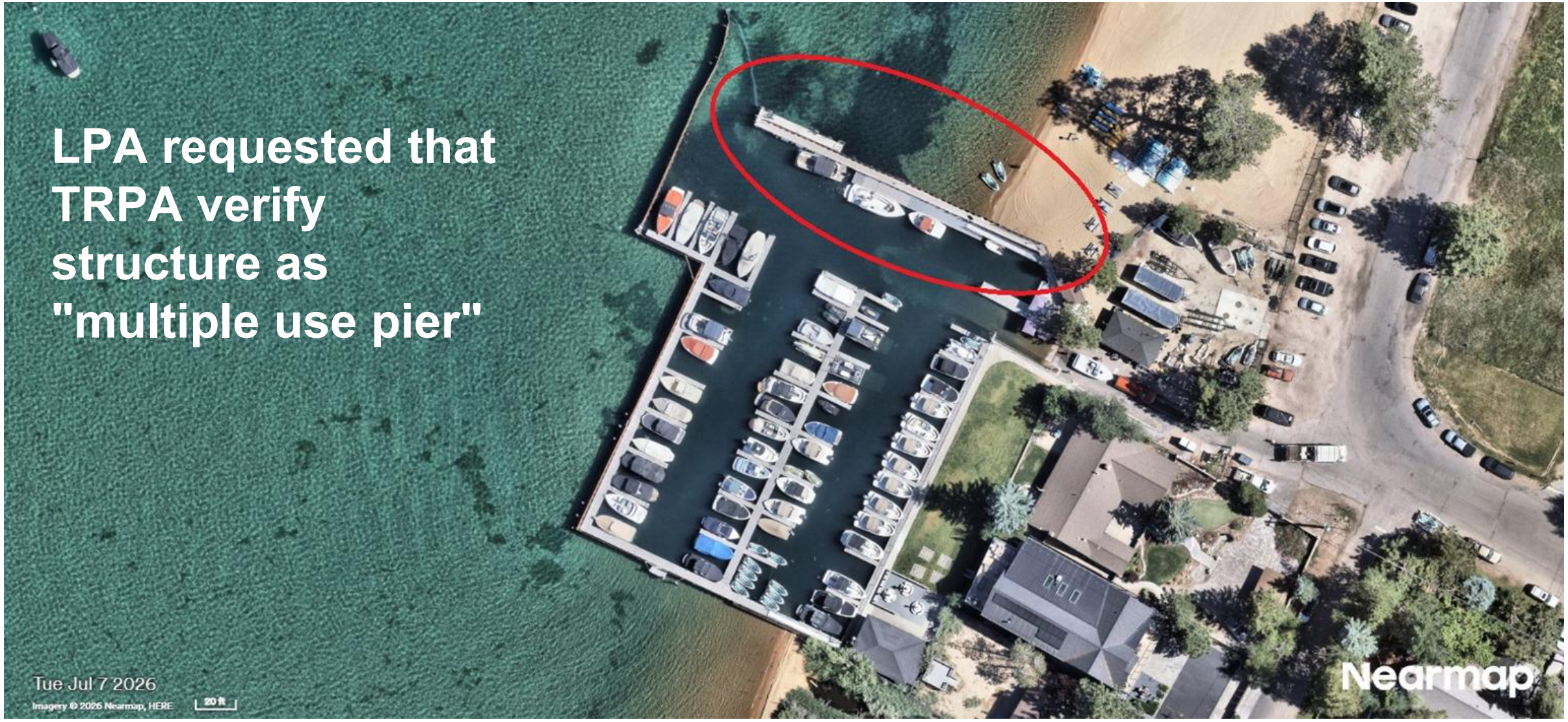
Disputed Structure



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Appeal Summary and Issue

- On January 29, 2026, TRPA verified the legally existing land coverage, land uses, and recreation capacity for Lakeside Beach and Marina — including the marina use itself.
- **The Verification also found: "There is no pier associated with these parcels."**
- LPA **appeals only** that finding. The remaining land coverage, five other recognized land uses, and 73-PAOT recreation capacity are not in dispute.
- ***Issue: Does the record establish a legally existing pier associated with these parcels?***
- ***Staff Recommendation: Staff recommends the Board uphold the verification and deny the appeal.***

Two-Part Test for a Legally Existing Pier

- **To grant the appeal,** the record must establish that the disputed structure **legally exists as a pier** under TRPA Code 90.2 by showing either:
    - **(1)** The structure was **authorized as a pier by a TRPA permit** or other applicable approval, **or**
    - **(2)** If no such permit exists, that the structure was **legally present as a pier before February 10, 1972**, when TRPA's shoreline permitting authority attached.
- *The Board is not being asked to approve a new pier or determine future development. The question is only whether the record supports verification of a legally existing one.*

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Relevant Code Definitions

- **Pier**: "A fixed or floating structure **intended** as a landing or temporary mooring for watercraft and either extending from the backshore to at least 10 feet beyond the line marking the high water elevation of a lake, or extending into Lake Tahoe to a depth of 6,226.1 feet Lake Tahoe Datum..."
- **Breakwater**: "A man-made structure that diminishes the force of waves."
- **Jetty**: "A man-made barrier in the water that is usually but not always perpendicular to the shoreline."
- **Catwalk**: "Also referred to as a finger pier. A fixed or floating narrow dock or walkway that provides access to a vessel. A catwalk is an accessory structure to a pier."
- **Marina**: "Establishments providing water-oriented services ... Marinas contain water-oriented facilities and structures that are regulated and defined in Chapter 84."

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Significance of Pier Status

- A legally existing pier is a recognized shoreline development right under TRPA Code Chapter 84.
- Existing piers carry a transferable development right
  - Code 84.4.3.G: A **legally existing pier** may be **relocated** on the same parcel, or **transferred** to a different parcel (in exchange for deed restriction extinguishing pier development potential on sending parcel).
- Existing piers dictate future development potential
  - Code 84.4.2.A.1-2: A parcel qualifies for **additional pier** only if "**no pier exists** on the parcel" and "pier development potential on the parcel is not restricted via a deed restriction."
- Verifying LPA's disputed structure as a "pier" would not simply attach a label to an existing structure—it would recognize a **development right** on the parcel pursuant to Chapter 84.4's entitlements and restrictions.

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Question 1

Has TRPA **authorized** the structure **as a pier** pursuant to a **permit** or other applicable approval?

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Previous Marina Layout (July 25, 1973 Photo)

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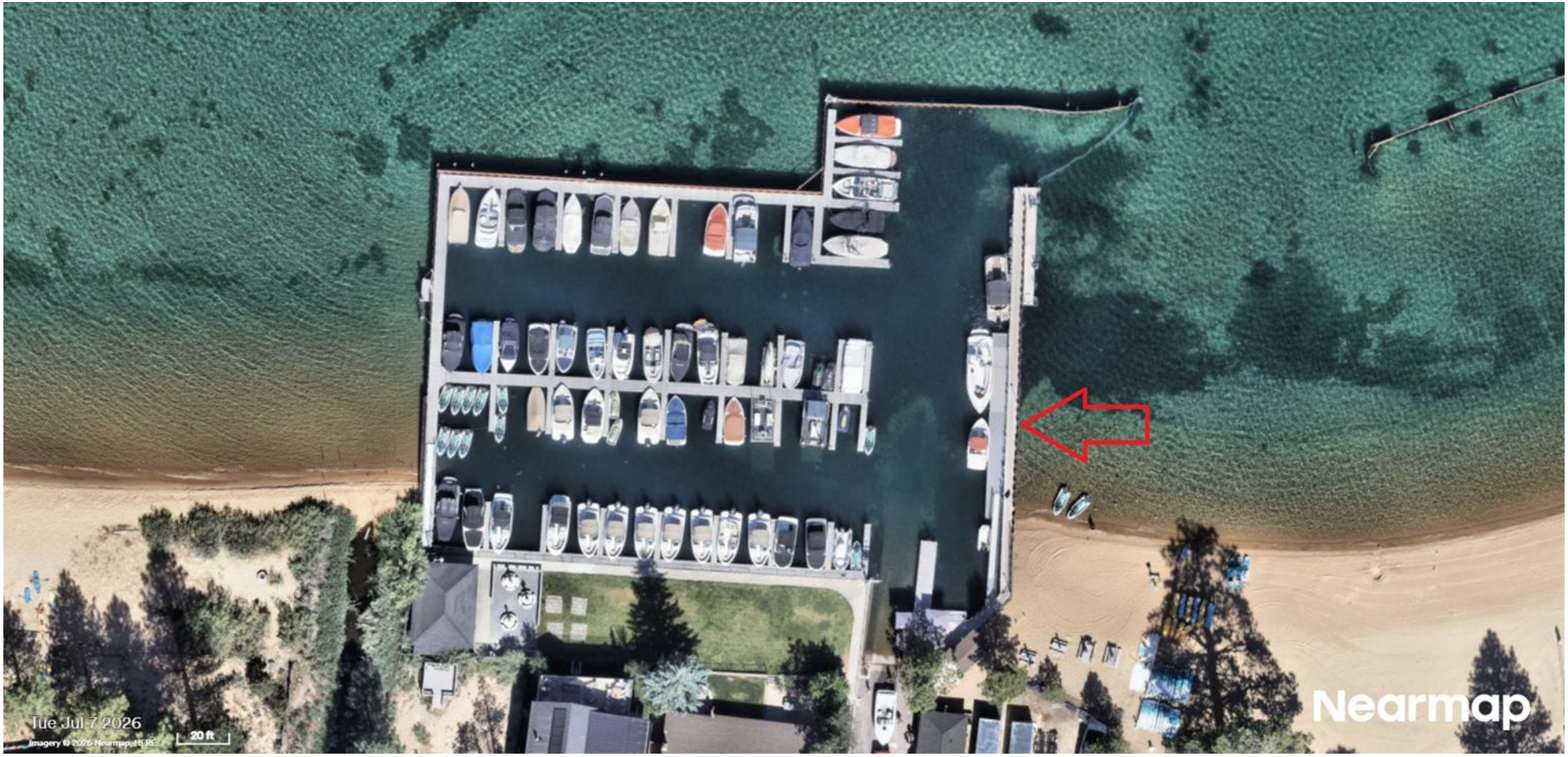
Current Marina Layout (July 6, 2026 Photo)



2004 Reconfiguration: "Breakwall" Description / No Pier Authorization

*"An existing eight-foot wide dock attached on both sides of the **sheetpile breakwall** of the marina will be replaced to facilitate berthing by waterborne transit and transit boat traffic."*

2004 CSLC Lease (Calendar Item C13)

*"…the proposed four foot floating dock inside the **northern breakwall**, the eight foot wide dock on top of the **breakwall**…"*

2004 TRPA Temporary Permit, File No. 20040132

Critically, the TRPA permit stated that the legality of the marina and breakwater structures **"has not been verified or authorized as part of this permit."**

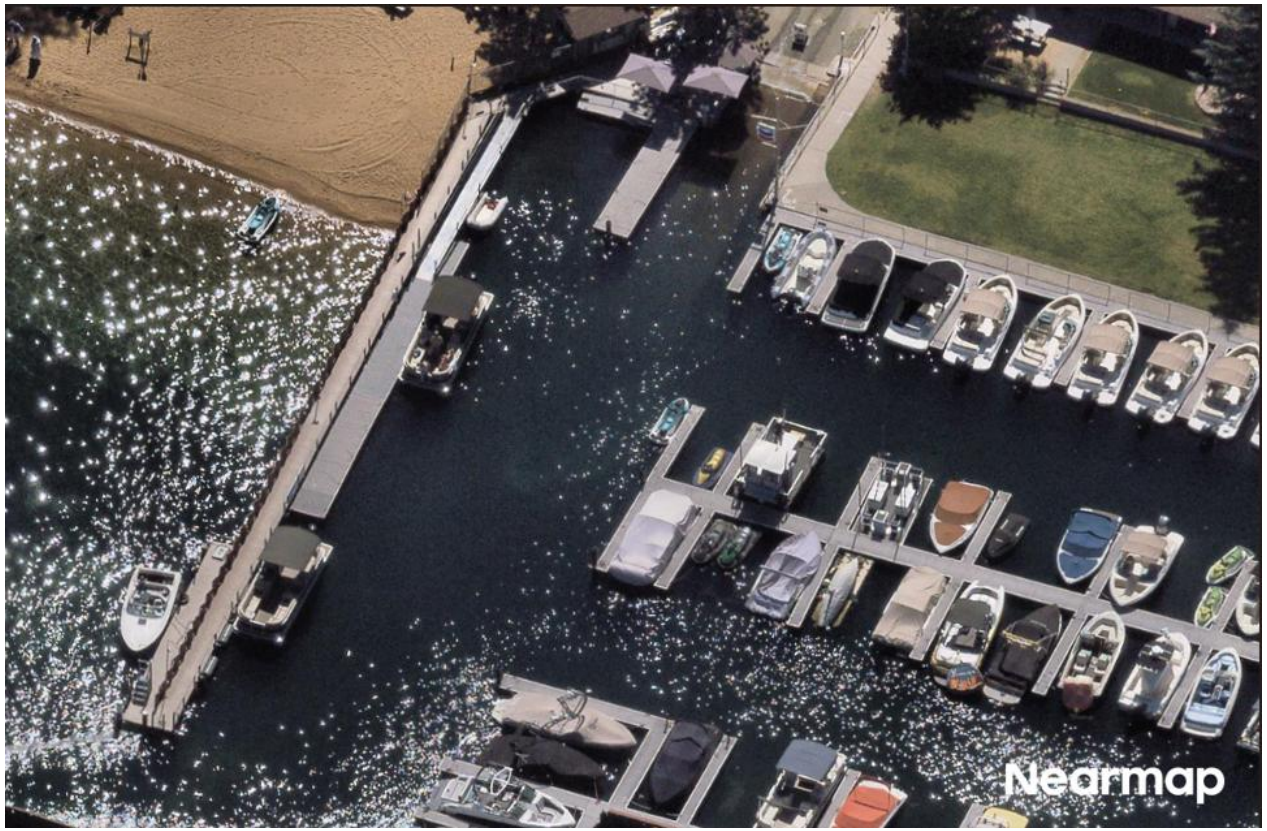
2006–2024 Record: Continued “Breakwall” Description / No Pier Authorization

*“This permit also temporarily authorizes the proposed four-foot floating dock inside the **northern breakwall** for the loading and unloading of passengers.”*

2006 TRPA Temporary Permit, File No. 20041334

2024 CSLC Lease Renewal / Staff Report:

No description of structure as a ‘pier’; no ‘pier’ lease issue for Lakeside Beach and Marina



- **<u>Answer to Question 1</u>: No. No TRPA permit or other approval authorized or verified the disputed structure as a pier.**

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Question 2

Since no pier permit exists, was the structure **legally present as a pier** prior to **February 10, 1972**?

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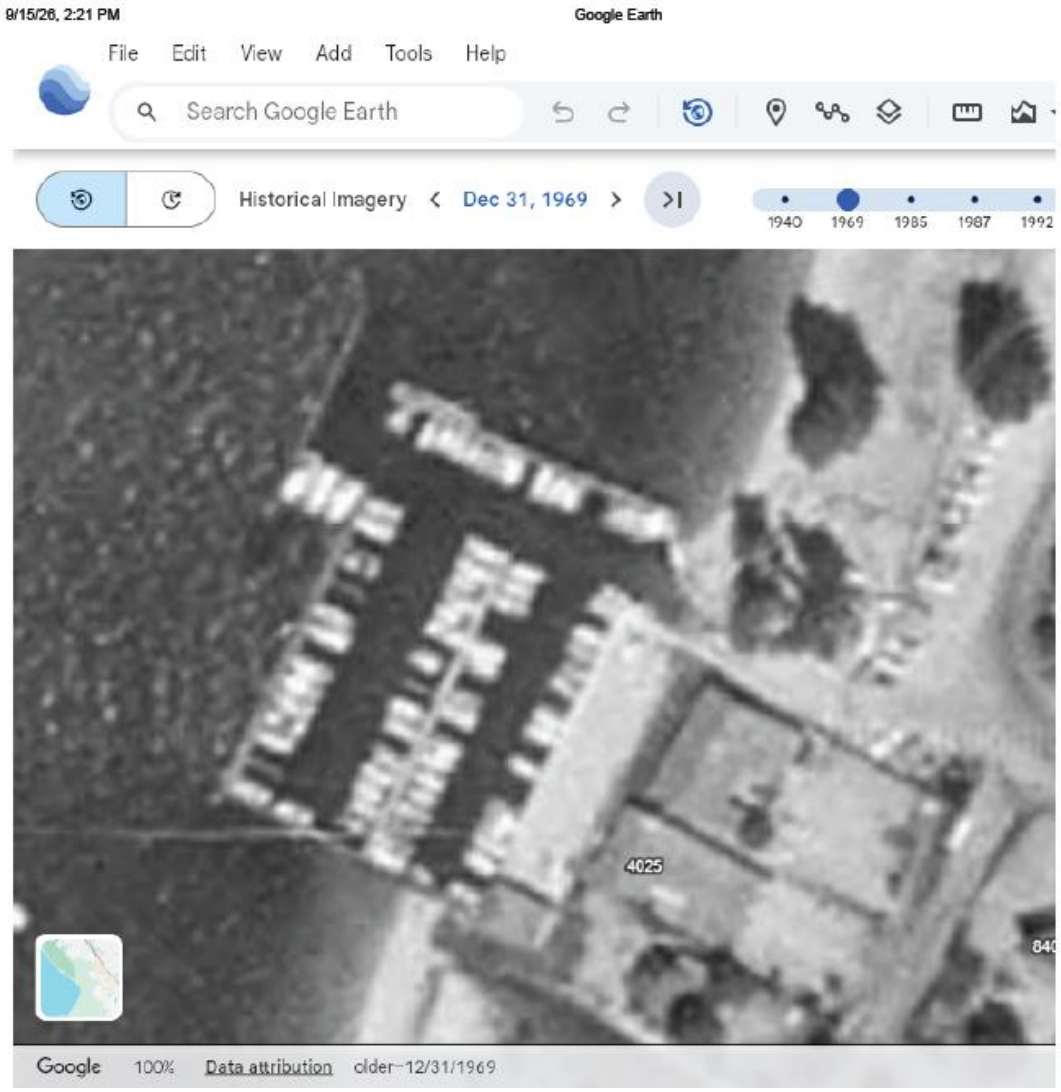
1969 Photo



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Previous Marina Layout (July 25, 1973 Photo)

Intent = wall to protect marina

Permanent (boat slips) rather than temporary (pier) mooring

The Record Does Not Establish a Legally Existing Pier

- **To grant the appeal,** the record must establish that the disputed structure **legally exists as a pier** under TRPA Code 90.2 by showing either**:**
  - **(1)** The structure was **authorized as a pier by TRPA permit** or other applicable approval, **or**
    - **No—the record contains no TRPA permit, verification, or other parcel-specific determination authorizing the disputed structure as a pier.**
  - **(2)** if no such permit exists, that the structure was **legally present as a pier before February 10, 1972**.
    - **No**—the **pre-1972 historical record** shows the structure functioning as **part of the marina's enclosure and slip system—not as a separately established pier.**

Conclusion: The record does not establish a legally existing pier under TRPA Code Section 90.2.

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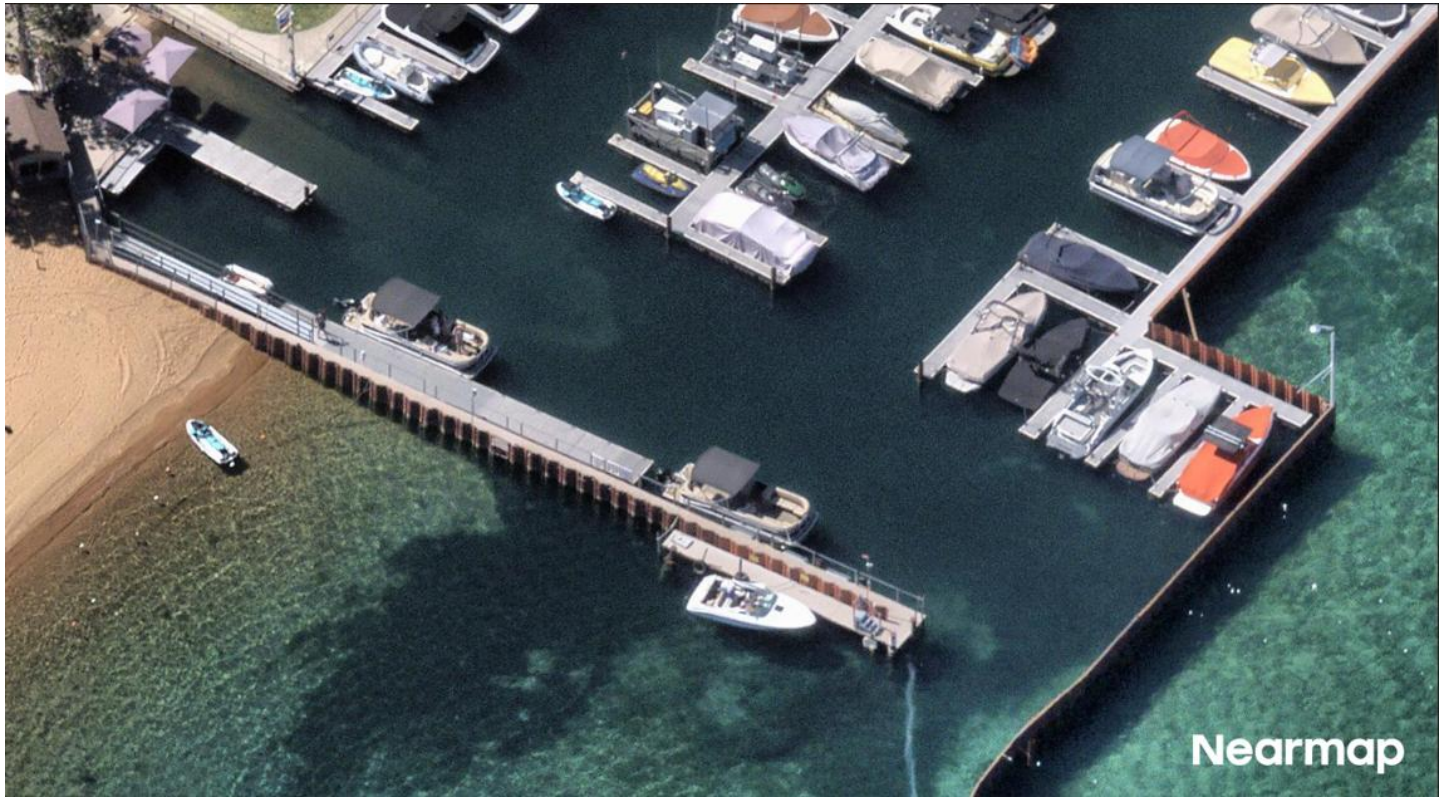
Appellant's Contentions

Pier-Like Use Does Not Establish a Legally Existing Pier

- Code § 90.2 defines a pier as a 'structure **intended** as a landing or temporary mooring.'
- LPA describes the structure as also serving as a **breakwater** and '**simultaneously meeting the definition of a jetty**.'
- That description is consistent with the historical record showing the structure as part of the **marina wall, breakwater/jetty system, and permanent slip configuration**.
- **A structure does not become a legally existing pier merely because vessels can temporarily land, load, or moor there.**



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The EIS Dataset Does Not Verify a Pier

- EIS Dataset created for 2018 Shoreline Plan; resulted in a map that marks structure as a "pier" on both the Shoreline Plan Draft EIS and online Shoreline Permitting Map.
- The EIS Dataset is **not representative of regulatory determinations or parcel-specific verifications.**
- It was generated for lake-wide planning purposes and is expressly caveated as "**for reference purposes only… subject to field verification**."

The Tahoe City Marina Materials Do Not Control This Verification

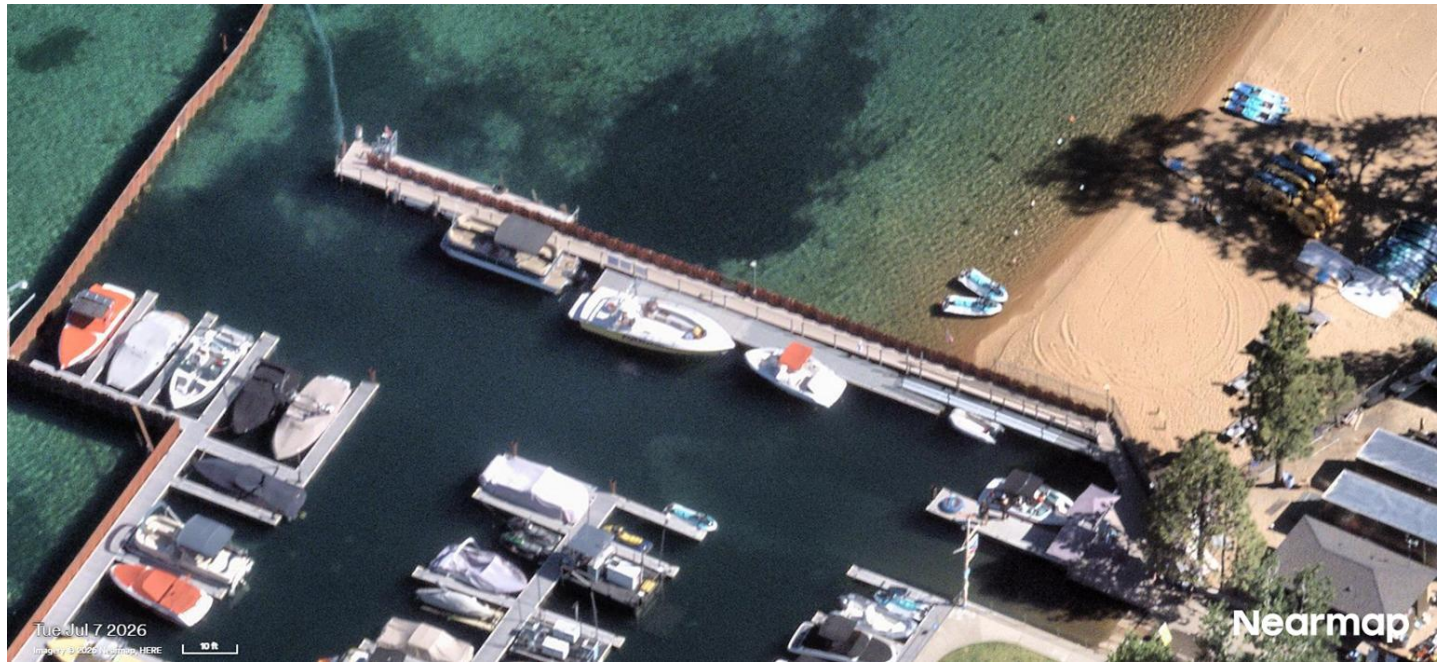
- TRPA has never conducted a verification of an existing pier development right at Tahoe City Marina.
- References to “pier” in TCM permitting materials therefore do not constitute a TRPA verification of a legally existing pier.
- Terminology used in a different permit record, for a different property, does not control verification of structures on the Lakeside parcels.

728-foot structure described as ‘public pier’ in 2008 permit materials

**Nothing in the staff report or presentation should be understood as determining whether Tahoe City Marina has, or does not have, a legally existing pier.*

The Catwalk and Marina Definitions Do Not Establish a Pier

- The Code defines a catwalk as an **accessory structure to a pier**. That relationship does **not establish that every structure to which a catwalk or floating dock is attached is itself a pier**.
- The floating dock here was authorized for temporary loading associated with waterborne transit, not as part of any approval or verification of a pier.
- The Code's marina definition recognizes that marinas may contain structures regulated under Chapter 84, including piers. It does **not mean every marina contains a pier or that any particular marina structure is a pier**.



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Granting the Appeal Would Have Consequences Beyond This Structure

- The marina includes breakwater/jetty structures on the north, south, and west sides — not just the one at issue.
- If incidental mooring or an attached floating dock were sufficient to establish a pier, similar arguments could be asserted as to comparable structures lakewide.
- **A legally existing pier is a significant shoreline development right — not merely a descriptive label.**

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Staff Recommendation

- The property-specific record **does not establish a legally existing pier** associated with these parcels.
- Instead, the historical and permitting record shows a marina wall, breakwater/jetty, and former slip-support structure that has been treated as part of the marina facility.
- **Staff recommends that the Governing Board deny the appeal and uphold the Executive Director's verification decision.**