

Introduced by Senator HillFebruary 10, 2014

An act to add Section 6213.5 to the Public Resources Code, relating to public lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 968, as introduced, Hill. Public lands: Martin's Beach property: access road.

(1) Existing law establishes the State Lands Commission in the Natural Resources Agency and prescribes the functions and duties of the commission. Under existing law, the commission has jurisdiction over various state lands, including coastal lands. Existing law authorizes the commission to acquire a right-of-way or easement across private land in certain circumstances.

This bill would require the commission to consult, and enter into any necessary negotiations, with the owners of a specified property known as the Martin's Beach property, as described, in the unincorporated area of the County of San Mateo, to acquire all or a portion of that property for the creation of a specified public access road on the property, including the sandy beach. If the commission is unable to reach an agreement to acquire all or a portion of the Martin's Beach property by January 1, 2016, the bill would require the commission to acquire all or a portion of that property, as described, by eminent domain, as prescribed.

(2) The bill would declare that due to the unique circumstances and features of the Martin's Beach property, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Section 4 of Article X of the California Constitution
- 4 mandates that no individual shall be permitted to exclude the right
- 5 of way to coastal waters of the state whenever it is required for
- 6 any public purpose.
- 7 (b) Section 4 of Article X of the California Constitution further
- 8 mandates that “the Legislature shall enact such laws as will give
- 9 the most liberal construction to this [beach access] provision, so
- 10 that access to the navigable waters of this State shall be always
- 11 attainable for the people thereof.”
- 12 (c) The California Coastal Act of 1976 (Division 20
- 13 (commencing with Section 30000) of the Public Resources Code)
- 14 was enacted, in part, to maximize constitutionally protected public
- 15 access to and along the coast.
- 16 (d) Martins Beach Road transects a 53-acre property at 22325
- 17 Cabrillo Highway in San Mateo County.
- 18 (e) Martins Beach Road is the only terrestrial access to Martin’s
- 19 Beach, a 200-acre sandy beach that is a significant local coastal
- 20 resource that has been accessible to local residents and visitors for
- 21 more than 100 years.
- 22 (f) The unique geography and tidal regime at Martin’s Beach
- 23 make it exceptionally valuable for surfing, fishing, and swimming.
- 24 (g) From early in the 20th century until 2008, public access to
- 25 Martin’s Beach via Martins Beach Road off of Highway 1 south
- 26 of Half Moon Bay had been allowed for recreational use.
- 27 (h) Generations of families have enjoyed public access to
- 28 Martin’s Beach, which has contributed to the local economy.
- 29 (i) The recent sale and subsequent closure of Martin’s Beach
- 30 eliminated this historic access and has cut off a large sandy beach
- 31 that had for decades been open to visitors, including families,
- 32 surfers, fishermen, tourists, and beach goers.
- 33 (j) The closure of beach access at Martin’s Beach is now the
- 34 subject of two separate lawsuits filed in San Mateo County Superior
- 35 Court.

1 SEC. 2. Section 6213.5 is added to the Public Resources Code,
2 to read:

3 6213.5. (a) Notwithstanding any other law, the commission
4 shall consult, and enter into any necessary negotiations, with the
5 owners of the property known as Martin’s Beach, consisting of
6 two parcels of land, APN: 066-330-230 and APN: 066-330-240,
7 in the unincorporated area of the County of San Mateo, to acquire
8 all or a portion of that property for the creation of a public access
9 road to and along the shoreline, including the sandy beach, at
10 Martin’s Beach at the South Cabrillo Highway.

11 (b) If the commission is unable to reach an agreement to acquire
12 all or a portion of the Martin’s Beach property, pursuant to
13 subdivision (a), by January 1, 2016, it shall acquire all or a portion
14 of that property for the creation of a public access road to and
15 along the shoreline, including the sandy beach, at Martin’s Beach
16 at the South Cabrillo Highway by eminent domain in accordance
17 with the procedures set forth in Article 2 (commencing with Section
18 1245.210) of Chapter 4 of Title 7 of Part 3 of the Code of Civil
19 Procedure.

20 SEC. 3. Due to the unique circumstances and features of the
21 Martin’s Beach property, the Legislature finds and declares that a
22 general statute cannot be made applicable within the meaning of
23 Section 16 of Article IV of the California Constitution. Therefore,
24 the special legislation contained in Section 1 of this act is only
25 applicable to that property in the County of San Mateo.

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