

**Introduced by Senator Hill**

February 10, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 968, as amended, 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~~ *a right-of-way or easement* for the creation of a specified public access ~~road~~ *route* 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 that right-of-way or easement~~ by January 1, 2016, the bill would require the commission to acquire ~~all or a portion of that property, as described, by eminent domain,~~ *by eminent domain, a right-of-way or easement for the creation of that public access route to and along the shoreline, including the sandy beach, at Martin's Beach*, as prescribed. *The bill would require the commission to consult*

*and enter into negotiations with local stakeholders, as described, to address the ongoing management and operation of any property acquired pursuant to these provisions.*

(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  
5 right-of-way to coastal waters of the state whenever it is required  
6 for 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~~ *an approximately 20-acre* sandy beach that is  
20 a significant local coastal resource that has been accessible to local  
21 residents and visitors for 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.

1 (i) The recent sale and subsequent closure of Martin’s Beach  
2 eliminated this historic access and has cut off a large sandy beach  
3 that had for decades been open to visitors, including families,  
4 surfers, fishermen, tourists, and beach goers.

5 (j) The closure of beach access at Martin’s Beach is now the  
6 subject of two separate lawsuits filed in San Mateo County Superior  
7 Court.

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

10 6213.5. (a) ~~Notwithstanding any other law, the~~ *The* commission  
11 shall consult, and enter into any necessary negotiations, with the  
12 owners of the property known as Martin’s Beach, consisting of  
13 two parcels of land, APN: 066-330-230 and APN: 066-330-240,  
14 in the unincorporated area of the County of San Mateo, to acquire  
15 ~~all or a portion of that property~~ *a right-of-way or easement*  
16 *pursuant to Section 6210.9* for the creation of a public access ~~road~~  
17 *route* to and along the shoreline, including the sandy beach, at  
18 Martin’s Beach at the South Cabrillo Highway.

19 (b) If the commission is unable to reach an agreement to acquire  
20 ~~all or a portion of the Martin’s Beach property,~~ *a right-of-way or*  
21 *easement* pursuant to subdivision (a), by January 1, 2016, it shall  
22 ~~acquire all or a portion of that property,~~ *by eminent domain, a*  
23 *right-of-way or easement pursuant to Section 6210.9* for the  
24 creation of a public access ~~road~~ *route* to and along the shoreline,  
25 including the sandy beach, at Martin’s Beach at the South Cabrillo  
26 Highway ~~by eminent domain,~~ in accordance with the procedures  
27 set forth in ~~Article 2 (commencing with Section 1245.210) of~~  
28 ~~Chapter 4 of Title 7 (commencing with Section 1230.170) of Part~~  
29 ~~3 of the Code of Civil Procedure.~~

30 (c) *The commission shall consult and enter into negotiations*  
31 *with local stakeholders, including, but not limited to, local and*  
32 *regional governments and governmental entities, to address the*  
33 *ongoing management and operation of any property acquired*  
34 *pursuant to this section.*

35 SEC. 3. Due to the unique circumstances and features of the  
36 Martin’s Beach property, the Legislature finds and declares that a  
37 general statute cannot be made applicable within the meaning of  
38 Section 16 of Article IV of the California Constitution. Therefore,

- 1 the special legislation contained in Section ~~1~~ 2 of this act is only
- 2 applicable to that property in the County of San Mateo.

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