

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 9, 2014

SENATE BILL

No. 968

Introduced by Senator Hill

February 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 amended, Hill. Public lands: ~~Martin's~~ *Martins* 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~~ *Martins* Beach property, as described, in the unincorporated area of the County of San Mateo, to acquire a right-of-way or easement for the creation of a specified public access route to and along the shoreline, including the sandy beach. If the commission is unable to reach an agreement to acquire that right-of-way or easement ~~and~~ *or* the owners do not voluntarily provide public access by January 1, 2016, the bill would require the commission to acquire, 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~~ *Martins* 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~~ *Martins* 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 *Martins* Beach, an approximately 20-acre sandy beach that is a
- 20 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~~ *Martins*
- 23 Beach make it exceptionally valuable for surfing, fishing, and
- 24 swimming.

1 (g) From early in the 20th century until 2008, public access to
2 ~~Martin's Martins~~ Beach via Martins Beach Road off of Highway
3 1 south of Half Moon Bay had been allowed for recreational use.

4 (h) Generations of families have enjoyed public access to
5 ~~Martin's Martins~~ Beach, which has contributed to the local
6 economy.

7 (i) The recent sale and subsequent closure of ~~Martin's Martins~~
8 Beach eliminated this historic access and has cut off a large sandy
9 beach that had for decades been open to visitors, including families,
10 surfers, fishermen, tourists, and beach goers.

11 (j) The closure of beach access at ~~Martin's Martins~~ Beach is
12 now the subject of two separate lawsuits filed in San Mateo County
13 Superior Court.

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

16 6213.5. (a) (1) The commission shall consult, and enter into
17 any necessary negotiations, with the owners of the property known
18 as ~~Martin's Martins~~ Beach, consisting of two parcels of land, APN:
19 066-330-230 and APN: 066-330-240, in the unincorporated area
20 of the County of San Mateo, to acquire a right-of-way or easement
21 pursuant to Section 6210.9 for the creation of a public access route
22 to and along the shoreline, including the sandy beach, at ~~Martin's~~
23 ~~Martins~~ Beach at the South Cabrillo Highway.

24 (2) This section does not prohibit the owners of the property
25 from voluntarily providing public access to and along the shoreline
26 at ~~Martin's Martins~~ Beach upon terms acceptable to the
27 commission.

28 (b) If the commission is unable to reach an agreement to acquire
29 a right-of-way or easement ~~and~~ or the owners do not voluntarily
30 provide public access pursuant to subdivision (a), by January 1,
31 2016, the commission shall acquire, by eminent domain, a
32 right-of-way or easement pursuant to Section 6210.9 for the
33 creation of a public access route to and along the shoreline,
34 including the sandy beach, at ~~Martin's Martins~~ Beach at the South
35 Cabrillo Highway, in accordance with the procedures set forth in
36 Title 7 (commencing with Section 1230.170) of Part 3 of the Code
37 of Civil Procedure.

38 (c) The commission shall consult and enter into negotiations
39 with local stakeholders, including, but not limited to, *nonprofit*
40 *entities and* local and regional governments and governmental

1 entities, to address the ongoing management and operation of any
2 property acquired pursuant to this section.

3 SEC. 3. Due to the unique circumstances and features of the
4 ~~Martin's~~ *Martins* Beach property, the Legislature finds and declares
5 that a general statute cannot be made applicable within the meaning
6 of Section 16 of Article IV of the California Constitution.
7 Therefore, the special legislation contained in Section 2 of this act
8 is only applicable to that property in the County of San Mateo.

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