

AMENDED IN ASSEMBLY JUNE 30, 2014

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

(Coauthors: Assembly Members Mullin and Stone)

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: 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 *by purchase, lease, gift, exchange, or condemnation*.

This bill would require the commission to consult, and enter into any necessary negotiations, with the owners of a specified property known as the 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 or the owners do

not voluntarily provide public access by January 1, 2016, the bill would ~~require~~ *authorize* the commission to ~~acquire, by eminent domain,~~ *acquire* a right-of-way or easement for the creation of that public access route to and along the shoreline, including the sandy beach, at 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 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 Martins
19 Beach, an approximately 20-acre sandy beach that is a significant
20 local coastal resource that has been accessible to local residents
21 and visitors for more than 100 years.

22 (f) The unique geography and tidal regime at Martins Beach
23 make it exceptionally valuable for surfing, fishing, and swimming.

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

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

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

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

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

15 6213.5. (a) (1) The commission shall consult, and enter into
16 any necessary negotiations, with the owners of the property known
17 as Martins Beach, consisting of two parcels of land, APN:
18 066-330-230 and APN: 066-330-240, in the unincorporated area
19 of the County of San Mateo, to acquire a right-of-way or easement,
20 pursuant to Section 6210.9, for the creation of a public access route
21 to and along the shoreline, including the sandy beach, at Martins
22 Beach at the South Cabrillo Highway.

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

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

36 (c) The commission shall consult and enter into negotiations
37 with local stakeholders, including, but not limited to, nonprofit
38 entities and local and regional governments and governmental
39 entities, to address the ongoing management and operation of any
40 property acquired pursuant to this section.

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

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