

CALIFORNIA COASTAL COMMISSION

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July 24, 2014

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www.coastal.ca.gov

PRESS RELEASE – FOR IMMEDIATE RELEASE**COASTAL COMMISSION INITIATES ACCESS SURVEY AT MARTINS BEACH**

The California Coastal Commission announced today that the agency is taking a significant step toward restoring public access at Martins Beach in San Mateo County.

The beach had been accessible to the public for nearly a century from Pacific Coast Highway via Martins Beach Road. Under the former ownership, the public was charged a nominal fee to park at the end of the road near the beach. The current owner, who bought the property in 2008, closed and locked a gate across the road and posted “No Trespassing” signs the following year, effectively blocking the only available road to the popular beach.

The Commission, which is charged with protecting public access to and along California’s coast, has been working with the current owner and his representatives to comply with the Coastal Act and to again allow for public beach access.

Today the Commission posted a “Prescriptive Rights Survey” on its website, asking anyone who has accessed and used the beach in the past to fill out the questionnaire and submit it to the Commission. Documenting historic public use of the beach, known as “prescriptive use,” is an important part of establishing the nature and extent of historic public use of the road and beach area. Whether they arrived on foot, bicycle, car or kayak, survey participants are asked to provide as much detail as they can recall, and to encourage others who may not know about the survey to participate. The survey is available on the Commission’s website at www.coastal.ca.gov.

“We have been working diligently to assure that public access is protected at Martins Beach,” said Coastal Commission Executive Director Charles Lester, “and we are encouraged by recent discussions with Mr. Khosla and his team about how to resolve the matter in a way that is both consistent with public access policies and his rights as a property owner. In the meantime, we also believe it is important to move forward with this survey today to assure that we are fully carrying out our obligations under the Coastal Act on the public’s behalf.”

“The Commission is very concerned about the closure of this historically popular beach and we want to do the most thorough job we can to protect public access here,” said Commission

Enforcement Chief Lisa Haage. "This survey is an important tool for gathering the information necessary to do that, and it's the one where the public has a significant role to play."

Private groups have sued to re-open the beach in two separate actions, but the Commission is not a party to either suit. The Commission sent a Notice of Violation to the property owner in 2011, and has been engaged in discussions with the owner regarding allowing the public to access the beach again, including a visit to the site in the last month to discuss and identify potential public access provisions, such as parking.

"We would much prefer to resolve this violation by mutual agreement," said Lester. "Although we are initiating this survey, we will continue to work with Mr. Khosla on finding solutions that benefit everyone."

The concept of prescriptive rights has its roots in British Common Law, and is codified in the California Code of Civil Procedures, and supported by existing case law. If it can be shown that the public has been utilizing private property as if it were public land for a period of at least five years, a right to continued public access may be established.

Formally establishing prescriptive use requires first-person, signed declarations, which is why the Commission has posted the survey on its website. "If you remember going there with your grandfather, and he doesn't have internet access, print the survey out and ask him to fill it in," said Haage. "If your sister or best friend from high school has moved out of state, or your cousins came to visit you from back east and you went to Martins, send them the link to the website."

Members of the public who would like to participate can find the survey at www.coastal.ca.gov. The survey needs to be printed and signed, and then either faxed to 415-904-5400, emailed to MartinsBeachPRS@coastal.ca.gov, or mailed to California Coastal Commission, attn.: Peter Allen, 45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219.

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