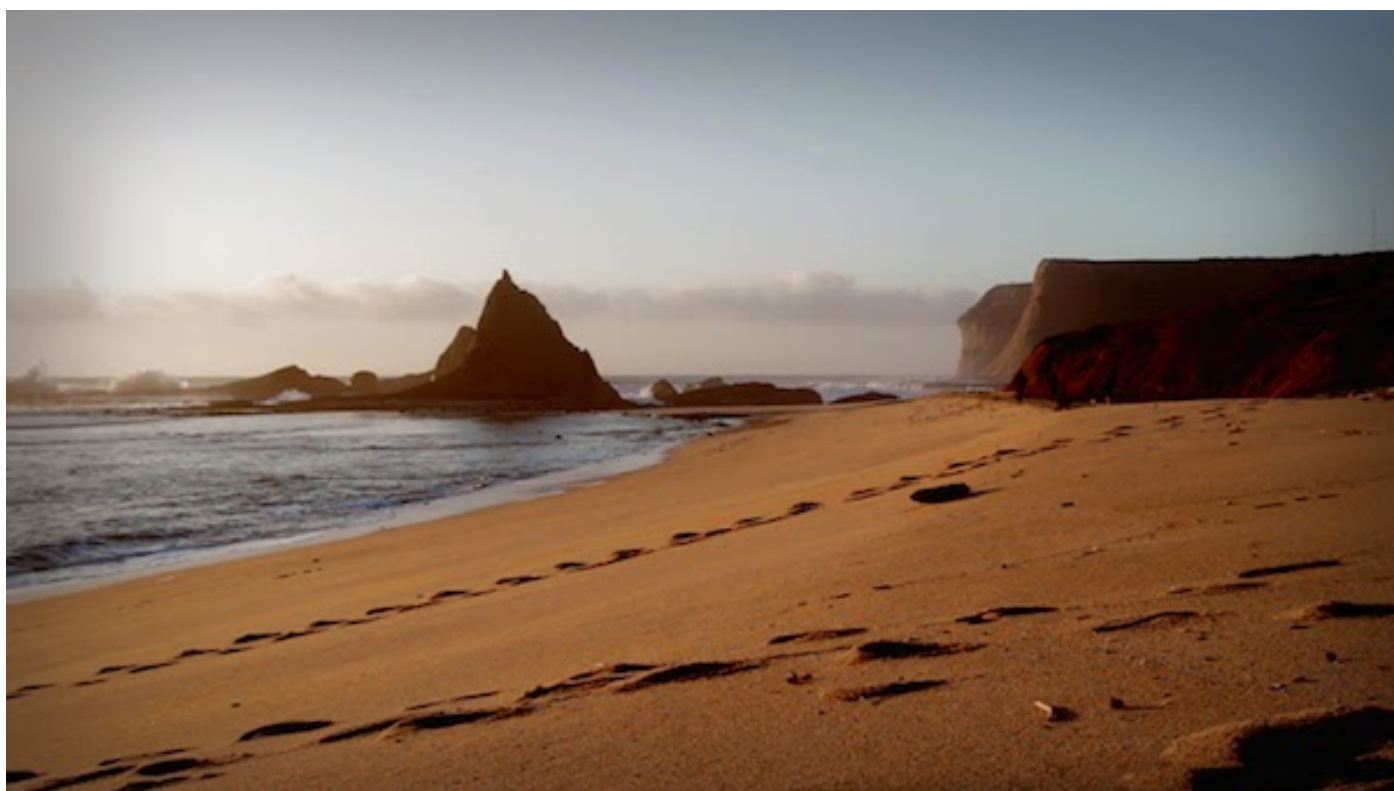


Report On Restoring Public Access to Martin's Beach



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Acknowledgments: We would like to thank all the local community members who have volunteered their time to help reestablish public access at Martin’s Beach. Special thanks to the representatives from the California Coastal Commission and California State Lands Commission for speaking at a community forum held on July 20, 2015 to help the public understand the current situation at Martin’s Beach. We would also like to thank Senator Jerry Hill for authoring legislation (SB 968) that requires the landowner to negotiate permanent public access. Finally we would like to thank Governor Jerry Brown for signing SB 968 into law.

The **Surfrider Foundation** is a non-profit grassroots organizations dedicated to the protection and enjoyment of the world's oceans, waves and beaches through a powerful activist network. Today, we have 84 chapters, plus 30 high school and college clubs, and more than 250,000 supporters, volunteers and activists around the country. We are currently working on about 100 different campaigns in four core areas: beach access, clean water, coastal preservation and ocean protection.

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Introduction

The public has accessed Martin’s Beach for several generations—dating back at least 100 years. The previous owners of the property facilitated public access by allowing people to reach the beach via Martin’s Beach Rd. In 2008, Vinod Khosla purchased the property under the name of two Limited Liability Companies (“LLCs”)—Matins Beach I and Martins Beach II. Prior to purchasing the property, the manager of the LLCs contacted the County to inquire about public access and was told that public access would need to be maintained.

Limited public access was allowed for a short period after purchase, until late summer of 2010, when the gate was permanently locked to the public, the beach access advertisement billboard painted over, armed guards were hired, and “no trespassing” signs were posted.



The once welcoming billboard, now painted over

Shortly after the gate was closed, concerned citizens contacted Surfrider Foundation regarding the closure of access. After meeting with community members and reviewing the facts, Surfrider Foundation San Mateo Chapter as supported by Surfrider Foundation staff (hereinafter “Surfrider”) began a campaign to restore access to Martin’s Beach. The campaign started with a simple, cordial letter to Mr. Khosla asking to begin a dialogue about restoring public access. One of Mr. Khosla’s lawyers responded to the letter by informing Surfrider that they were “waiting for the court to decide this matter.”

Surfrider responded to the correspondence by asking for reconsideration of a meeting. After receiving another “no” response, we moved on to other tactics, which have included: working to involve the Coastal Commission and the County; involving and informing the community; filing a lawsuit; letter-writing campaigns where over 1,000 cordial letters were sent to Khosla requesting dialogue; and letters being sent to the state legislature and Governor supporting legislation that would require Mr. Khosla to negotiate reestablishing public access.

Members of the community have also taken independent action, such as starting and contributing to a Facebook group called Friends of Martin’s Beach and exercising their right to access the beach by using the road (most notably the “Martin’s 5” surfers whose use of the road for access to the beach became a highly publicized case of alleged trespassing) and the sea (swimmers).

Surfrider Foundation filed a lawsuit against the property owner in 2013, alleging

that by closing/locking the gate, painting over the advertisement billboard, hiring armed security guards to deter public access, and therefore, changing the intensity of use of the beach and of the use and access to the water, the owner has engaged in “development” without a required Coastal Development Permit from the California Coastal Commission. In November of 2014, Surfrider won a major legal battle when the San Mateo County Superior Court ruled that Mr. Khosla will be required to seek a permit from the California Coastal Commission for the locked gate, signage and other development designed to block public access at Martin’s Beach.

Public sentiment and media coverage has been very favorable for beach access advocates. Since the beginning of this campaign, over 120 news stories have covered the access closure at Martin’s Beach. Notable outlets covering this issue include Reuters, AP, Forbes, Wall Street Journal blog, CNN, Washington Post, Christian Science Monitor, NPR, and Huffington Post, in addition to regionally important outlets such as the SF Chronicle, LA Times, San Jose Mercury News, Sacramento Bee, San Francisco Magazine, NBC, ABC, and CBS.

Methodology

In order to ascertain how the public would like to see access restored, Surfrider held a community workshop to solicit public opinion. The intent of the workshop was to garner public input in order to help inform negotiations between the California State Lands Commission and property owner, Vinod Khosla, to reach an agreement to restore public access to Martin’s Beach, as required by California Senate Bill 968, as signed into law.¹

The workshop consisted of updates on efforts to restore access to Martin’s Beach and roundtable discussions of various aspects of access such as: hours and days of operation, accessibility, amenities, allowable uses, and access fees.

Participating members were asked to write down and submit their opinions on these subjects. Representatives from both the State Lands Commission and Coastal Commission were present at the workshop to provide updates to public regarding their agencies’ roles in restoring public access. Approximately 55 people attended the workshop.



Attendees of the July 20, 2015 Community Workshop



Executive Director of Coastal Commission (left) and Executive Officer for State Lands Commission (right) Attend Workshop to Listen to the Public

In addition to the workshop, Surfrider also offered an online survey. 63 individuals completed the survey. The results from both the workshop and the online survey are combined in the below sections. Because we received over 100 responses from participants, we have chosen the top-10 common thread by pulling direct quotes from cards submitted at the workshop, and the answers submitted for the online survey. Please note, responses were not edited and therefore this report reflects some grammatical errors made by participants.

In order to protect privacy of participants, we have not attributed names to quotes. Upon request, an addendum is available to review *all* comments provided by the public. Please note, if requested, the 26 pages addendum will be emailed and not physically mailed, in order to save paper.

Key Findings

Most individuals reported:

- They are willing to pay a nominal fee to access the beach;
- They want safe parking near the main gate, an accessible footpath to the beach, and parking available near the beach for the elderly, children and handicapped;
- Preferred hours of operation should be one hour before and after sunset;
- While visiting the beach, individuals want access along the entire shoreline in order to utilize dry and wet sand to enjoy swimming, fishing, surfing, sunbathing, beach-combing, picnicking, etc;
- Most people are *not* particular about installing elaborate amenities (in fact, most people want to maintain a rustic atmosphere).

Vertical Access

Question Posed about Vertical Access:

What is the desired means of vertical access (access from Highway 1 down to the beach)? Please consider your means of travel (i.e. if you require parking) and accommodation of special needs.

The majority of individuals said they seek an unimpeded access path from the main gate to the beach (i.e. an unlocked gate). Those who wish to walk-in prefer a safe place to park near the gate. Those who cannot walk down to the beach would like a small parking area and a “drop off area” near the beach.

Quotes from Participants Regarding Vertical Access:

1. "Access to the beach by road. At least a place to let folks off who are elderly or disabled. Parking for a modest fee and free access for walk-in with parking at hwy 1."
2. "I would like to see access by road to at least a drop off zone. I used to longboard there regularly but the thought of carrying it in is daunting now! I don't expect owner to provide parking, but it would be great to look at other options."
3. "Public access defined as access that allows for families, elderly, and individuals with disabilities to get to the beach safely. Need full road to allow pass-safe by vehicle not just a foot path which does not address all of the public. Perhaps a turn around at bottom for drop offs."
4. "Access road is essential. I'd like to be able to drop off stuff at bottom of road (10min loading zone). Handicap Access- my now 91 yr old mother needs to be able at least drop her off with a support person, at the bottom of the hill."
5. "Walking path alongside access road and mid-level parking. Allow beach drop for elderly and handicapped."
6. "A road from hwy 1 to the beach- parking for cars. Access for all ages 1yr old to 100 yr old ... + disabled folks. Also a foot path for the healthy and young."
7. "Access should be as close to the beach as possible so family members, young and old can have access. Deliberately placing parking at 101 would deter use. In addition, when the Beach was in use, you park close to the beach. That was how the public used the beach. And my memory goes back to the 1960ies."
8. "Car access down the existing road to the terrace above the beach where parking should be provided as it was historically."
9. "We need to be able to drive down to the level of the beach at least to drop off food, picnic supplies, and especially older. I found the current (new to us as of July 2015) parking lot, which is about 2/3 of the way down from the highway to the beach, gave reasonable access. I am 68 and was able to walk down and up the good-quality (improved) road from beach to parking. I also witnessed and photographed a young family taking a baby in stroller up from the beach to this parking lot. (I will append some pictures to this if possible), so access was adequate even for laden families. I felt the moderate size of the lot (I'm guessing it would hold about 15 cars) and the charge of \$10 levied on us in July to be reasonable. Many more cars were parked up at the highway, presumably to avoid the charge, which is also fine with me--the lot doesn't need to hold everyone who wants to use the beach, since many young people and surfers will prefer and be able to walk down, leaving the parking lot for those who really need it, like older or handicapped or heavily laden people."
10. "Parking would be desired down on the beach parking lot. as in the past. Much easier for children and the elderly and picnic gear."

Lateral Access

Question Posed about Lateral Access:

What type of shoreline access should be offered? Please consider the activities you engage in at the beach; and how/if you plan on using the shoreline to access the ocean. Please consider navigating dry/wet sand, armoring/rock revetment, high tides, etc.

The majority of respondents said they want to be able to access wet and dry sand. Several mentioned the current rock revetment as an impediment.

Quotes from Participants Regarding Lateral Access:

1. "Lateral access essential (only access to the northern beach), especially to beach area north of Martins Beach (north of stream). This northern beach/bay- beautiful for walking, beach hanging out, swimming (northern portion), surfing. Current revetment appears to be damaging to Martins Beach."
2. I support maximum lateral access, to support full public enjoyment of surf, tides, sand and cliffs
3. Plan to walk along sand carrying picnic materials. Plan to walk there with my 3yr old grandson, so NOT in water or on rocks. Our picnics and wildlife viewing and building temporary teepees from drift wood (with kids) requires dry sand. Need to be able to walk along beach above water to get to picturesque norther cove to observe birds and seals there... a favorite activity.
4. Full later access along the beach at beach front. Remove rock armoring. Sany beach access is important, not all beach goers surf or go in the water.
5. Some level of dry sand for public use should be included in the plan moving forward. Take away all non-sanctioned revetment!!!
6. I think there should be wet and dry sand access to the shoreline, and especially to the broader parts of the beach to the south, to the neighboring beach where the shark-fin rock is located. Since the beach is quite eroded near the revetment, it might be necessary to have a path above the revetment for use at higher tides, to access the south beach. Alternatively, there also could be road access to the south beach from somewhere above, ie, a lateral from the pre-existing road that would branch off to the south.
7. You should be able to explore the tide pools on the north side of the beach and walk around to the other beach north of Martins Beach.
8. Access all along the coastline below high water line is the legal standard. No ifs ands or buts about that..
9. I liked it as it was before access was closed. Walking in wet/dry sand. Signage for tides is fine, but please don't fence anything off.

10. The entire beach & shoreline should be accessible to the public.

Hours of Operation

Question Posed Regarding Hours of Operation:

Please indicate your opinions as to the hours and days that access to the beach should be open. Please include your opinion of seasonal closures. Please also consider how often you used the beach in the past, and how you see yourself using the beach in the future.

The majority of participants said they would like to see access open one hour before and after sunset.

Quotes from Participants Regarding Hours of Operation:

1. As a public beach it should be opened from sunrise to sunset, like it used to be. I'm 92 years I have come to the beach from Mission San Jose, regularly for decades.
2. "We began coming in 1973 and continued to 2007, because access came to be unreliable for a long trek from the East Bay. Need regular schedule, days and hours and time of year (we come from East Bay once a year). Suggest spring and fall very best times. 9 to sunset OK by me, weeks crucial, between Memorial Day to Labor Day likely. 7 days a week."
3. We have used Martins Beach in early morning (8-9am) to mid afternoon in October and November on weeknds in groups of kids (2yrs + up) and adults, for decades. Every year since 1981, we drive for 1/2 hr to come. More recently went during midsummer for whole afternoon... so beautiful! Minimal open times should include: dawn to dusk (say 1hr to sunset) when open. Everyday from May to October. Weekends all year.
4. Hours of 'opening' 6am to 8pm; everyday and holidays
5. 7 days, sunrise to sunset
6. Daylight hours (1hr before sunrise until 1 hr after sunset); should be open everyday. The incredible public asset that is Martins Beach doesn't know weekdays from weekends, holidays, etc. It is always an incredible place, worthy of visiting.
7. Beach should be open 24 hours a day, seven days a week. If other residents within the area can use it within this time frame, so should the general public.
8. Beach should be open for night fishing when the smelt are in season and then daily in sync with state beaches.
9. 7 days per week 6AM to 8pm
10. From dawn to dusk (or regular State Beach hours). Only emergency closures determined by state officials.

Access Fee

Question Posed Regarding Access Fees:

Please indicate if you think access fees would be appropriate and, if so, for what purposes (i.e. parking or all uses), and what you would consider to be a reasonable fee.

Most participants would pay a fee to access the beach. The prices ranged from \$2-20. Several people mentioned wanting an annual pass if they use the beach a lot. Other individuals suggested discounts for students, military members, handicapped and seniors. There was a clear distinction between walking and driving down access road. Many individuals do not believe those accessing beach by foot should be charged a fee.

Quotes from Participants Regarding Access Fees:

1. Would like to see a small parking lot near entrance with no access fees
2. I would consider an all day fee of no more than 8.00(More than 4 hours). 1-4 hours 6.00.
3. I think an access fee is appropriate and have no idea what it should be. Perhaps it should be two tiered. A general access fee to support the cost of maintaining restrooms and waste management and an additional fee per car for the use of the road and parking.
4. Small parking fee equal to state parks, with discount for Seniors and Handicapped
5. Well I remember when my Dad would pay \$2.00 to park. Maybe \$10.00 per car and \$2.00 per person.
6. Fee for parking down below - \$2.50/hour (or less :) seems reasonable to me. Parking above and walking down should be free.
7. Parking fees similar to State Park fees (currently \$8 for day use) which goes to offset management fees (ie: garbage pick up, maintenance of bathrooms, etc)
8. OK with \$5 or \$10 per day per car parking fee for maintaining lot part way down road + maintaining drop-off space at bottom of road. Would like to see a reasonable priced annual pass for those who come frequently, say \$5/hr. There should be free parking at top of road off highway so people who really can't afford even \$5 can still use the beach, with a greater effort
9. Parking fee- absolutely acceptable, parking is not a right, but a privilege. \$10 seems reasonable for the day. A longer-term more economical pass for frequent users also seems a good idea. Model after CA state parks annual pass? Be sure to reserve some parking for people with mobility issues. Access fee (as opposed to parking)- NO. After all, Martins Beach is a public asset.

10. \$7 day parking fee; free for bicycles and off-site parkers; \$40 annual parking pass; NO access fee

Amenities

Question Posed Regarding Amenities:

What types of amenities do you feel should be offered at the beach? Please consider past amenities you have used and/or those you hope to see in the future (i.e. restrooms, waste disposal, etc.)

The majority of people do not want to change the character of the area by adding too many additional amenities. The most common recommendations were to have a bathrooms and trashcans.

Quotes from Participants Regarding Amenities:

1. I would like to emphasize keeping a very low entrance/access free in order to maximize access for all income levels. Keep facilities simple (bathroom, parking lot, trash regime)- at a safe distance from the water.
2. Trash and recycling cans; porta potties or bathrooms
3. Bathrooms, covered trashcans and recycling (including maintenance); some parking, including some reserved for disabled; no store needed; keep it simple; foster respect; easier access onto beach (hard to get across current rock wall except at very ends)
4. I like the fairly undeveloped nature of the beach. Need **toilets** near beach, otherwise people will pee and poo. Pit toilets OK. I think either we need to be able to drop off picnic stuff (portable tables) or need a few picnic tables there. Actually prefer no table. No water tap needed! Keep it primitive but allow access for drop off at beach level, and bridge over slope, so **elderly** can get onto beach.
5. Clean restrooms are essential- should be near the beach, well sited and maintained, older folks/kids won't climb hill to pee or poop; Garbage, recommend animal proof recycling bins that are frequently serviced to avoid overflow (hornet proof)
6. Parking above the beach, restrooms, snack bar- as was provided historically.
7. Garbage cans, picnic tables and restrooms (even just port-a-potties would be ok).
8. Bathrooms with flush toilets and outdoor shower to remove sand (I noticed previously that the sinks would always get clogged with sand). Picnic tables, BBQ pits and adequate waste disposal. During the summer we used the small store to buy food, rent nets, and buy things like sunscreen, drinks and souviouners.

9. Simple bathrooms are essential, in the approximate location of the former bathrooms, to keep people from contaminating the beach or the hill areas. A small bridge or steps to allow people with some mobility problems to get down the small sandy slope at the bottom of the road onto the level sand would be helpful. Otherwise, I'm against installing infrastructure. Trash disposal would be useful say at the parking lot or the foot of the road. However, I am against trash cans on or right at the beach: it detracts from the pristine natural scene. People should be explicitly instructed and requested to carry out their trash by signs at the gate and at the parking area. That's what we have always done for our picnics for the last 30 years. Do NOT need running water, sinks, food vendors, or picnic tables. This small beach would be sullied by such intense usage! Keep the beach pristine and primitive!
10. Restrooms and trash are essential. I would not object to a small concession, such as a snack truck or taco stand.

Allowable Uses

Question Posed Regarding Allowable Uses:

What types of activities should be allowed/not allowed at the beach? Please be clear about which you feel should be allowed (or not allowed). Please consider uses you have and/or would like to engage in at this beach, such as: surfing, fishing, sunbathing, picnicking, swimming, camping, dog walking, etc.

Once again, participants want to keep the feel of Martin's Beach the same—simple and relaxing. Many of the participants said there should be *no* camping. The majority of people simply want to access the dry sand for walking, swimming, surfing and 'beach-combing'.

Quotes from Participants Regarding Allowable Uses:

1. Allowed: surfing, fishing, sunbathing, picnicking, swimming, dog walking.
Not allowed: Camping, motorized vehicles.
2. All uses, except overnight camping. Dogs on leash should be allowed.
3. Surfing, fishing, picnics, swimming, family activities, no dogs please.
4. ALLOWED: Surfing, fishing, sunbathing, dogs, picnicking, swimming, beach walking, playing , fire pits, etc NOT ALLOWED: overnight camping, motorized water craft
5. Allowed: surfing, fishing, sunbathing (with clothes), picnicking, swimming, dogs only if owners pick up after them. Not allowed: campfires, camping, ATVs
6. Our historic uses: picnicking, beach walking, beachcombing for stones, shells and kelp (to be left at the beach, for sure!), bird watching, photography, wading, surfing, swimming, wildlife viewing, building temporary driftwood-

- and-beach blanket shelters, playing toss games similar to horse-shoes, sand castle building are the things we have done. Fishing is definitely an appropriate use--it's fun to see what people catch, if anything. I am opposed to having dogs on the beach, especially birds, because they are a hazard to wildlife and even to young children.
7. Surf Fishing (I've been surf fishing there since the 1960's), picnicking, dog walking, scuba diving, no music, it's not fare to have loud music interfere while others are trying to enjoy.
 8. Fishing, sunbathing, picnicing, sitting, walking, surfing, anything we used to do before the gate closed.
 9. Yes: surfing, fishing, beachcombing, tide pooling, sunbathing, picnicing, swimming, bonfires (not with driftwood). No: motorized anything, camping, disrespecting of beach/ocean creatures. Maybe: dogs- if not allowing dogs cut down on maintenance costs/issues a lot, I would consider banning pets.
 10. No camping; all other surfing, swimming, fishing, picnicing, etc. dogs with leashes.

Recommendations

Our recommendations focus specifically on how the State Lands Commission and Mr. Kholsa can productively negotiate restored access. The majority of our recommendations illustrate practical ways restore access, while other suggestions are purely based on policy and legal recommendations.

It is important to note that some individuals who lease homes on the disputed property attended the community workshop. Some individuals noted they are fine with people accessing the beach as long as they “clean up after themselves” and are respectable. Other leasees stressed that they want distinct hours of operation. A common theme from leasees focused on keeping the area quite and not highly trafficked.

All the concerns raised by the leasees are reasonable and do not contradict what beach goers want. It is abundantly clear that all individuals who use this beach, or those who lease from the property, want the environment to remain tranquil, rustic, and well managed.

Practicable Recommendations for Restoring Access:

- Per the ruling of the San Mateo County Superior Court, and requirements of the Coastal Act, we recommend the gate be permanently open as soon as possible. We suggest operating hours be “one hour before and one hour after sunset”, year round, with no seasonal closures.
- The access road should be accessible by foot and vehicle during “operating hours.”

- Safe parking should be available at the top of the access road, and a smaller parking lot near the beach that will accommodate those dropping off “beach/picnic supplies”, the elderly, children, and those with special needs.
- A nominal fee can be considered for those parking near the beach. We strongly recommend individuals walking to the beach are not charged fees.
- The fee should be set between \$2 and \$10. And annual passes should be provided for purchase as well.
- In addition to unimpeded vertical access, lateral access along the beach must be preserved.
- Beach-goers favor the following uses: surfing, fishing, sunbathing, beach walking, wildlife watching, and walking with dogs on a leash (as long as owners’ are conscientious about waste). Nudity and camping were mentioned several times as *unpermitted* uses.
- Simple amenities such as trashcans, toilets and a few picnic tables will suffice. The majority of beach users do not want anything elaborate—in fact, many were very adamant about keeping the atmosphere rustic.
- Mr. Kholsa should prepare plans to remove and relocate the rock revetment. It is abundantly clear the revetment is exacerbating erosion. There is very little dry sand surrounding the revetment, and during high tide, many safety concerns arise for those exiting the ocean onto the rocks. We urge the California Coastal Commission to work with Mr. Kholsa to remedy this situation promptly.

Policy and Legal Recommendations:

- We urge Mr. Kholsa to withdraw his appeal of the Surfrider Foundation lawsuit. Surfrider Foundation strongly believes that compliance with the Coastal Act, and a lawful permit following a legal application and public review, should provide the basis for any further development, and remediate unpermitted development, at Martin’s Beach.
- Surfrider is hopeful negotiations will be successful and eminent domain can be avoided. However should negotiations languish, and Mr. Kholsa refuses to comply with the Coastal Act, then Surfrider urges SLC to undertake eminent domain proceedings to establish legal, safe access to Martin’s Beach.
- We urge the State to analyze all methods to raise capital for purchase of easements. One potential source of funds, among a great many, could come from the Coastal Commission levying fines against Mr. Kholsa for noncompliance with the Coastal Act.
- We strongly urge the State Lands Commission (SLC) to continue to work with Mr. Kholsa in order to arrange an easement in which SLC would hold the title and lease it to a local entity to manage, which would be considered a “no-cost” lease.

Endnotes

¹ <http://www.surfrider.org/press-center/entry/public-workshop-announced-seeking-public-input-on-access-to-martins-beach>