

# Final Decision Entered in Favor of CPM Client Plaintiff Surfrider Foundation to Open Martin's Beach

Defendants found to have violated California's Coastal Act  
11.12.2014

The billionaire owner of the property adjacent to Martin's Beach has been ordered to allow the public to access Martin's Beach. Judge Barbara Mallach of San Mateo County Superior Court issued a Final Statement of Decision today, November 12, 2014, in favor of plaintiff Surfrider Foundation. The final decision largely adopts the court's Tentative Decision from September 24, 2014.

The court found that the owner's "desire to change the public's access to and use of the water, beach and coast at Martin's Beach constitutes development under the California Coastal Act." The court ruled that the defendants had changed the public's access to Martin's Beach by closing and locking the gate across Martin's Beach Road, changing the billboard along Highway 1, adding signs to the gate, and hiring security guards to deter the public from reaching the coast. Judge Mallach held that all of those actions constituted "development" and were completed in violation of the Coastal Act because the defendants did not seek or receive a permit.

The court also ordered the owner to both cease preventing the public from accessing Martin's Beach and to obtain a Coastal Development Permit before changing the public's access to Martin's Beach. The defendants are required to apply to San Mateo County and/or the California Coastal Commission if they wish to change the public's access to Martin's Beach. Judge Mallach also confirmed her prior decision declining to issue fines and penalties.

Cotchett, Pitre & McCarthy, on behalf of Surfrider Foundation, battled against the defendants in a bench trial which began May 8, 2014, and ended with closing arguments on July 16, 2014.

## Practice Areas

Environmental Law

Land Use and Coastal Public Access