

After CPM's Two-Year Fight, Judge Orders Vinod Khosla to Open the Gates to Martin's Beach Immediately

Defendants found to have violated California's Coastal Act
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Practice Areas

Environmental Law

Land Use and Coastal Public
Access

The owner of the property adjacent to Martins Beach has been ordered to allow the public access to Martins Beach. A Final Order was issued today, December 5, 2014, by Judge Barbara Mallach of San Mateo County Superior Court ordering Vinod Khosla to open the gates to the way it was when he bought the property.

The court found that the owner's "desire to change the public's access to and use of the water, beach and coast at Martins Beach constitutes development under the California Coastal Act" and to deny access to the beach "without a Coastal Development Permit constitutes a violation of the California Coastal Act." The Court ruled that Defendants had changed the public's access to Martins Beach by **closing and locking the gate across Martins 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 illegally taken in violation of the Coastal Act.

The Court also ordered the owner to both **cease preventing the public from accessing Martins Beach, and, to obtain a Coastal Development Permit before changing the public's access Martins Beach.** 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 Martins Beach.

Joe Cotchett and **Eric Buescher**, on behalf of Surfrider Foundation, battled against Khosla for the past 2 years. The trial began in May, and finished in July, 2014. Cotchett said, "It has been a long struggle, but the public access has been preserved thanks to our judicial system."