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NO FEES PURSUANT TO
GOVERNMENT CODE § 6103

FILED
SAN MATEO COUNTY

JAN 06 2020

Clerk of the Superior Court
By *A. Ben*
DEPUTY CLERK

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN MATEO

14 CALIFORNIA STATE LANDS
COMMISSION and CALIFORNIA
15 COASTAL COMMISSION, public agencies
of the State of California,
16
17 Plaintiffs,
18
19 v.
20 MARTINS BEACH 1, LLC, MARTINS
BEACH 2, LLC, all other persons unknown,
21 claiming any legal or equitable right, title,
estate, lien, or interest in or to that certain
22 real property constituting that portion of
Martin's Beach and Martin's Beach Road
described in the Complaint adverse to the
ownership thereof and the interests therein
23 held or protected by plaintiffs, or any cloud
upon said plaintiffs' title and interests
24 therein; and Does 1 to 50 inclusive,
25
26 Defendants.

Case No. **20CV00052**
COMPLAINT FOR QUIET TITLE,
DECLARATORY RELIEF, AND
INJUNCTIVE RELIEF

FILE BY FAX

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1 The California State Lands Commission and the California Coastal Commission, public
2 agencies of the State of California (collectively, “the Commissions”), allege as follows:

3 **INTRODUCTION**

4 1. For more than a century, starting at least as far back as the early 1900s, members of
5 the public traveled from near and far to use Martin’s Beach¹, a scenic sandy beach just south of
6 Half Moon Bay. They came to fish, swim, surf, picnic, camp, play, and celebrate. Many families
7 used the beach over multiple decades and even generations. For as far back as can be historically
8 documented, the public has used and treated the beach as a public beach, and the previous owners
9 knew of that public use and did not interfere with such use.

10 2. In 2008, new owners (the named defendants in this action) purchased the property
11 and subsequently upended this long history of public use by blocking the beach access road and
12 closing off all public access to Martin’s Beach. These new owners deny that the public has any
13 right to set foot on the beach or the beach access road.

14 3. The new owners are wrong. The public’s extensive and continuous use of Martin’s
15 Beach (via the access road) as a public beach, without any interruption since at least the 1920s
16 and for about a century, establishes that the public has rights to access and use Martin’s Beach
17 under the doctrine of implied dedication. In fact, a few beach users have even stated their family
18 used the beach in the 1800s, which is also reflected in a photograph obtained by the State. The
19 Commissions have filed this lawsuit to quiet title and enjoin defendants from imposing improper
20 restrictions on use, so that the public may once again enjoy its right to use Martin’s Beach free
21 from barriers or threat of expulsion.

22 **THE PARTIES**

23 4. Plaintiff State Lands Commission is a public agency of the State of California, and
24 consists of the Lieutenant Governor, the State Controller, and the Director of the Department of
25 Finance. It has exclusive authority to administer and control the lands in which the State holds an

26 _____
27 ¹ The area has been referred to both as “Martin’s Beach” and “Martins Beach” (without an
28 apostrophe). The Commissions will use the apostrophe when referring to the actual land at issue
(which was named after Nicholas Martin), and no apostrophe when referring to the Martins Beach
LLC defendants (which do not use an apostrophe).

1 interest or that are under the State's control, including but not limited to tidelands, submerged
2 lands, swamp and overflowed lands, and beds of navigable waterways within the State of
3 California. (Pub. Resources Code, §§ 6216, 6301.) It must manage these lands subject to the
4 Public Trust. (Pub. Resources Code, § 6009.) It also has authority to obtain a right-of-way or
5 easement over privately-owned land to allow access to public land. (Pub. Resources Code, §§
6 6210.9, 6213.5.) It has authority to represent the State in litigation on quiet title matters relating
7 to State lands, and is a necessary party in any proceeding involving title to or boundaries of
8 tidelands or submerged lands. (See, e.g., Pub. Resources Code, §§ 6308, 6461-6464.)

9 5. Plaintiff California Coastal Commission is a public agency of the State of California,
10 created pursuant to Public Resources Code section 30300. The Coastal Commission has the
11 authority and responsibility to implement and enforce the provisions of the California Coastal Act
12 of 1976. (Pub. Resources Code, § 30000 et seq.) A primary purpose of the Coastal Act is to
13 “[m]aximize public access to and along the coast and maximize public recreational opportunities
14 in the coastal zone consistent with sound resources conservation principles and constitutionally
15 protected rights of private property owners.” (Pub. Resources Code, § 30001.5, subd. (c).)
16 Furthermore, section 30211 mandates that development not interfere with the public's right of
17 access to the sea “*where acquired through use or legislative authorization.*” (Pub. Resources
18 Code, § 30211, emphasis added.) The Commission has broad authority to take action in support
19 of the public access provisions of the Coastal Act, and has the power to initiate lawsuits. (See,
20 e.g., Pub. Resources Code, §§ 30820, 30821, 30334.)

21 6. The Commissions are informed and believe, and thereupon allege, that defendant
22 Martins Beach 1, LLC is a California limited liability company with its principal place of
23 business in San Jose.

24 7. The Commissions are informed and believe, and thereupon allege, that defendant
25 Martins Beach 2, LLC is a California limited liability company with its principal place of
26 business in San Jose.

27 8. The Commissions are informed and believe, and thereupon allege, that defendants
28 Martins Beach 1, LLC and Martins Beach 2, LLC (collectively, “the LLCs”) claim title to two

1 parcels of land located at approximately 22325 Cabrillo Highway (Highway One)—a 49-acre
2 property (APN 066-330-230) and a 39-acre property (APN 066-330-240) (collectively referred to
3 as the “Parcels”).

4 9. Defendants named and designated herein as “all other persons unknown, claiming any
5 legal or equitable right, title, estate, lien, or interest in or to that certain real property constituting
6 that portion of Martin’s Beach and Martin’s Beach Road described in the Complaint adverse to
7 the ownership thereof and the interests therein held or protected by plaintiffs, or any cloud upon
8 said plaintiffs’ title and interests therein,” are unknown to the Commissions. These unknown
9 defendants, and each of them, claim some right, title, estate, lien, or interest to the property that is
10 adverse to the public’s rights and interests asserted by the Commissions, or that is or may be a
11 cloud on said rights and interests.

12 10. The true names and capacities, whether individual, corporate, associate, or otherwise,
13 of defendants sued herein as defendants Does 1 through 50, inclusive, are presently unknown to
14 the Commissions, who therefore sue said defendants by such fictitious names. The Commissions
15 will seek leave to amend this Complaint to allege the true names of Does 1 through 50 when they
16 have been ascertained. The Commissions are informed and believe, and thereupon allege, that
17 each of the fictitiously named defendants participated in some or all of the acts alleged herein.

18 11. As used herein, the term “Defendants” means the defendants and each of them, and
19 any reference to an act of a Defendant means that such act was done by all Defendants and each
20 of them, unless otherwise specifically stated.

21 12. Each Defendant committed the acts, caused or directed others to commit the acts, or
22 permitted others to commit the acts alleged in this Complaint. Additionally, some or all of the
23 Defendants acted as the agents of the other Defendants, and all of the Defendants acted within the
24 scope of their agency when acting as an agent of another.

25 VENUE

26 13. Venue is proper in this Court because the property is located in the County of San
27 Mateo. (Code Civ. Proc., § 392.)

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1 portable restrooms at the south end of the beach. Signs advertising Martin's Beach to the public
2 were posted over the years along Highway One and Highway 92.

3 20. Members of the public used Martin's Beach and Martin's Beach Road repeatedly,
4 continuously, and extensively throughout the decades, using and treating the beach and road as if
5 they were both public. The public came to Martin's Beach from far and wide to fish, swim, surf,
6 walk, picnic, barbeque, camp, play, and enjoy other forms of recreation. They had large family
7 gatherings there, and they celebrated holidays and other milestones. They used the beach and
8 road on weekdays and on weekends, during the day and night, in summer, winter, spring, and fall.

9 21. Throughout the decades, Martin's Beach was not only used and treated as public by
10 the public at large, but was also described in numerous newspaper articles and official documents
11 as being open to the public and without any restrictions on use.

12 22. Martin's Beach was a popular destination for visitors of all types, many of whom
13 returned regularly year after year. Indeed, the beach was often visited by generations of family
14 members over multiple decades.

15 23. Over multiple decades, Martin's Beach and Martin's Beach Road have provided
16 coastal access to the public in a region that lacks other meaningful access points.

17 24. Although parking fees were occasionally collected in the years before the Deeneys
18 took over in 1991, these fees did not amount to a restriction on public use. From the 1920s or
19 even earlier decades through at least the mid-1960s or 1970s, collection of a parking fee was
20 either nonexistent or inconsistent and lax, and members of the public continued to access Martin's
21 Beach without paying a parking fee in subsequent decades, including the years after the Deeneys
22 took over. The Watts previously capitalized on the public's use of Martin's Beach through the
23 store and restaurant, and only starting around the mid-1960s or 1970s did they begin consistently
24 collecting any fee. Furthermore, on information and belief, the public understood that the fee was
25 for parking only, was collected on a per-car basis, and was not a fee to access or use the beach
26 itself.

27 25. In 2008, the Deeneys sold the two Parcels at issue to the LLCs. After this change of
28 ownership, the LLCs closed the gate to Martin's Beach and blocked the public from accessing the

1 beach or Martin's Beach Road. They largely prohibited the public's use of Martin's Beach from
2 approximately 2009 until 2017, when a Court of Appeal ruling upheld a trial court order
3 mandating that the LLCs keep Martin's Beach open until they obtain a coastal development
4 permit that allows closure. Nonetheless, the LLCs continue to limit access and assert that the
5 public has no right to access the beach.

6 **FIRST CAUSE OF ACTION**

7 **Quiet Title Based on Implied Dedication**

8 **(By Plaintiff State Lands Commission Against All Defendants)**

9 26. The allegations in paragraphs 1 to 25, above, are hereby incorporated by reference as
10 though fully set forth herein.

11 27. Plaintiff State Lands Commission brings this action to quiet title and otherwise assert
12 its rights to certain portions and uses of Martin's Beach that the public has acquired by the
13 common law doctrine of implied dedication. Specifically, Plaintiff State Lands Commission
14 seeks to quiet title to and otherwise assert the following rights for:

- 15 a. A nonexclusive easement to use Martin's Beach Road to access Martin's
16 Beach, without interference. Martin's Beach Road runs from Highway One
17 over the Parcels owned by the LLCs, and ends at the sandy beach area that
18 borders the tidelands at Martin's Beach.
- 19 b. A nonexclusive easement to use, for recreational purposes and without
20 interference, the sandy beach area at Martin's Beach that lies just landward
21 of the ordinary high-water mark and runs up to Martin's Beach Road, and up
22 to the bluffs on the south portion of the beach (the "Sandy Beach").

23 28. Martin's Beach Road and the Sandy Beach shall be referred to collectively as "the
24 Subject Property."

25 29. Defendants' predecessors in interest, through their actions and inactions, and by
26 implication, offered to the public the easement rights in the Subject Property alleged in paragraph
27 27 above (the "Public Rights").

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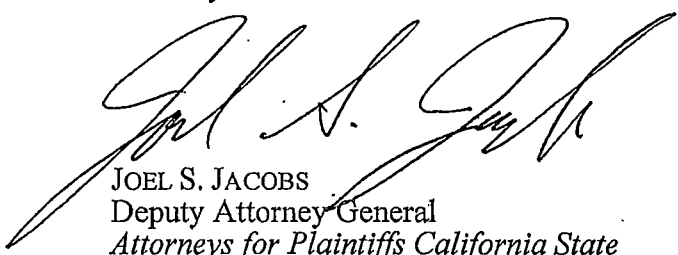
c. Restraining and enjoining Defendants and their agents, representatives, employees, vendors, and any others acting on their behalf, from constructing, erecting, using, or maintaining any signage, gates, structures, or other items, or taking any other actions that would foreseeably inhibit, interfere with, prohibit, or require permission of public use of the Subject Property except as may be permitted by a properly-obtained coastal development permit.

- 4. For the Commissions' costs of suit.
- 5. For such other and further relief as the Court may deem necessary and proper.

Dated: January 6, 2020

Respectfully Submitted,

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