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Commission and California Coastal Commission*

**NO FEES PURSUANT TO  
GOVERNMENT CODE § 6103**

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

13  
14 **CALIFORNIA STATE LANDS  
COMMISSION and CALIFORNIA  
15 COASTAL COMMISSION, public agencies  
of the State of California,**

16  
17 Plaintiffs,

18 v.

19 **MARTINS BEACH 1, LLC, MARTINS  
BEACH 2, LLC, all other persons unknown,  
20 claiming any legal or equitable right, title,  
estate, lien, or interest in or to that certain  
21 real property constituting that portion of  
Martin's Beach and Martin's Beach Road  
22 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 Defendants.  
26  
27  
28

Case No.

**COMPLAINT FOR QUIET TITLE,  
DECLARATORY RELIEF, AND  
INJUNCTIVE RELIEF**

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 Beach<sup>1</sup>, 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 <sup>1</sup> 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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## **BACKGROUND AND FACTUAL ALLEGATIONS**

14. Martin's Beach is a scenic, wide, crescent-shaped sandy beach located just south of Half Moon Bay, California, in the unincorporated area of the County of San Mateo.

15. The Parcels to which the LLCs claim title make up the land from the ordinary high-water mark at Martin's Beach to the nearest public roadway to the east, Highway One. The tidal and submerged lands lying seaward of the ordinary high-water mark at Martin's Beach belong to the State and are held in trust, by the State Lands Commission, for the benefit of the people of California.

16. Martin's Beach is surrounded by large cliffs extending into the water north and south of the beach. Thus, unlike most beaches in California, Martin's Beach cannot be accessed along the beach from the north or south. There are only two practical ways to get to Martin's Beach: from the ocean to the west, which is extremely difficult in this location, or from Highway One to the east. Access from Highway One is possible only via Martin's Beach Road, which leads from the highway over the Parcels and ends at the sandy beach.

17. The Commissions allege, on information and belief, that William Deeney purchased the land encompassing the Parcels as a single parcel in 1902. Members of the Deeney family resided on or near Martin's Beach from the time of the purchase at least until and perhaps after the family sold the land to the LLCs in 2008.

18. The Commissions allege, on information and belief, that the Watt family started operating a beach store and providing other beach amenities on portions of the land on the Parcels beginning in the 1920s. The Watts lived on and managed the property until they retired in 1991, at which time the Deeneys assumed management responsibility.

19. The Commissions allege, on information and belief, that when the Watt family established and began management of some of the facilities on the Parcels, the public was already openly using Martin's Beach without restriction as if it were a public beach. The Watts sought to capitalize on the public's use of Martin's Beach. They opened and managed a restaurant (which remained open until the end of the 1950s) and a store on the beachfront. They added beach amenities including swings, picnic tables, garbage cans, two sets of permanent restrooms, and

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").  
28

30. The public accepted these offers by using the Subject Property as if it were public land over a period of many decades. Indeed, for roughly 100 years without interruption, far more than a minimum five-year prescriptive period, numerous and diverse members of the public made open, substantial, continuous, and adverse use of the Subject Property, as if it were a public recreation area, for a wide variety of recreational purposes including fishing, swimming, surfing, walking, picnicking, barbequing, camping, playing, hosting family gatherings, and celebrating holidays and other milestones.

31. For about 100 years, far more than a minimum five-year prescriptive period, Defendants and their predecessors were aware that the public was using the Subject Property as alleged in the preceding paragraph and did not object to or interfere with the public's use, and the public did not ask for or receive permission from Defendants or their predecessors, or anyone acting under the authority and direction of Defendants' predecessors. While some users paid a parking fee for convenience, many others parked without paying or parked off-site and accessed the Subject Property without paying a fee.

32. Accordingly, under the common law doctrine of implied dedication, the public has acquired the Public Rights in the Subject Property. Because these rights have already been granted, they cannot be revoked by the current landowner.

33. Defendants took possession of the Parcels subject to the Public Rights, and with full awareness of the public's long history of use of and recreation at Martin's Beach. All claims of Defendants that are in derogation of the Public Rights have no basis in law, and Defendants have no right, title, estate, lien, or interest in the Subject Property except ownership of the underlying fee in the Subject Property, which interest is subject to the Public Rights.

## SECOND CAUSE OF ACTION

## Declaratory Judgment

**(By Both Plaintiffs Against All Defendants)**

34. The allegations in paragraphs 1 to 33, above, are hereby incorporated by reference as though fully set forth herein.

35. There is an actual controversy between the Commissions and Defendants concerning the parties' and the general public's respective rights and duties with respect to the Subject Property.

36. The Commissions contend that the Subject Property is subject to nonexclusive public easements based on the doctrine of implied dedication, as set forth above.

37. Defendants deny that the public holds any easement or title or other rights of access in the Subject Property, and claim they have the right to control access to and use of the Subject Property, including but not limited to the right to exclude people from accessing or using the Subject Property at any time, at their sole discretion.

38. Because Defendants deny the existence of the Public Rights and have deprived the public of its rights to access the Subject Property, it is necessary and appropriate for the Court to render a declaratory judgment that sets forth the parties' and the general public's respective rights and duties with respect to the Subject Property.

### THIRD CAUSE OF ACTION

## Injunction Against Interference with Public Access to and Use of Martin's Beach

**(By Both Plaintiffs Against All Defendants)**

39. The allegations in paragraphs 1 to 38, above, are hereby incorporated by reference as though fully set forth herein.

40. Since approximately 2008, Defendants have, in different manners and to varying degrees, improperly and illegally restricted the public's access to the Subject Property by closing the entrance gate and otherwise taking steps to prevent the general public from using the Public Rights that it has acquired. Such obstruction of the use of Martin's Beach Road and the Sandy Beach has caused and will continue to cause irreparable injury to the public in the lost use of these public resources.

41. Plaintiff Coastal Commission has demanded that Defendants acknowledge the public's access rights and commit to allowing the public to use the Subject Property in the manner in which it has historically been used, but Defendants have refused to do so.

42. Unless and until enjoined and restrained by order of this Court, Defendants will continue to deny, impair, and obstruct the public's right to use the Subject Property. This will continue to cause great and irreparable injury to the public, as it prevents the public from exercising the Public Rights.

43. The Commissions have no adequate remedy at law for the injuries being suffered as a result of Defendants' conduct.

44. The Commissions are entitled to an injunction restraining and preventing Defendants from interfering with the Public Rights.

## PRAYER FOR RELIEF

Wherefore, the Commissions pray for judgment as follows:

1. For an order quieting title in the general public to the following, based on the doctrine of implied dedication:

a. A nonexclusive easement to use Martin's Beach Road to access Martin's Beach, without interference.

b. A nonexclusive easement to use, for recreational purposes and without interference, the sandy beach area at Martin's Beach that lies just landward of the ordinary high-water mark and runs up to Martin's Beach Road, and up to the bluffs on the south portion of the beach (the Sandy Beach).

2. For a declaration that the general public has the nonexclusive easements in the Subject Property set forth in paragraph 1 of this Prayer, based on the doctrine of implied dedication.

3. For a temporary restraining order, preliminary injunction, permanent injunction, and/or other appropriate Court order:

a. Requiring Defendants to remove all signage on or adjacent to the Subject Property that purports to prohibit or require permission for public use of the Subject Property;

b. Requiring Defendants to remove all existing gates on Martin's Beach Road except to the extent permitted by the Commissions; and

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

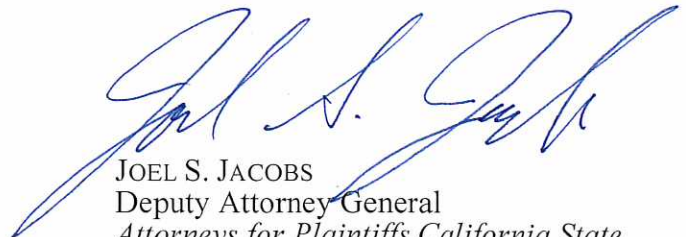
8 4. For the Commissions' costs of suit.

9 5. For such other and further relief as the Court may deem necessary and proper.  
10

11 Dated: January 6, 2020

Respectfully Submitted,

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