



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** COUNTY MANAGER

**File #:** 16-289

Board Meeting Date: 6/27/2017

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**Special Notice / Hearing:** None

**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Supervisor Don Horsley

**Subject:** Tunitas Creek Beach

**RECOMMENDATION:**

Adoption of an ordinance adding Section 3.69 to the San Mateo County Code, respecting Tunitas Creek Beach, previously introduced on June 6, 2017, and waive the reading of the ordinance in its entirety.

**BACKGROUND:**

Tunitas Creek Beach is a large, but hard-to-reach sandy beach along Highway 1 south of Half Moon Bay. While most Coastsiders experience Tunitas Creek Beach merely as a view from the bridge over Tunitas Creek, there is a pull-out parking area on the ocean side of Highway 1 south of the bridge. From there, a path leads to the bluff where a steep, difficult and eroded trail descends to the beach. A creek runs generally east-west underneath Highway 1 to the beach, where the creek enters the Pacific Ocean. The property above the mean high tide line at the beach is privately owned, to the north of the creek by a limited partnership called Tunitas Beach LLC, and to the south by a private trust called V Trust. The State of California owns the right-of-way where Highway 1 is located.

Unfortunately, the same topographical and vegetative features that make Tunitas Creek Beach a remote and secluded daytime retreat for beachgoers has also made it an attractive spot for less welcome beach activities, particularly at night. The fact that the property is in private ownership has led some to erroneously conclude that Tunitas Creek Beach is a place where the public is allowed to do things that are generally forbidden on public beaches. What was once a rugged beach known only to a few fishermen and the most intrepid day hikers has, in a few short years, become a popular spot for overnight camping and, on some occasions, full-blown parties with bonfires, amplified music, electric stage lights and even illegal fireworks displays. The total absence of visitor amenities such as trash receptacles and restrooms means that beachgoers who visit Tunitas Creek Beach with the intention to stay overnight instead make use of the natural environment for toilet functions and trash disposal.

This recent change in public use of the Beach has severely impacted the coastal resources. An

example is the party held by several hundred people on the Fourth of July last summer. As noted in the news media, "As the hung-over revelers trudged back up the coastal bluffs to Highway 1 the next day, they left behind a shocking assortment of garbage: beer cans and bottles, spent fireworks, coolers, barbecue grills, condom wrappers, cigarette butts, food containers and much more." Aaron Kinney, "Half Moon Bay: Shocking amounts of trash mar beautiful beach," San Jose Mercury News, July 7, 2016.

A daytime visitor to Tunitas Creek Beach can see the impact of the night visitors after only a few short seasons of this new form of Beach use. Trash bags, human refuse and even the charred remains of barbecued pigs mar the natural setting.

San Mateo County and Caltrans took several steps last year to curb this behavior by posting no-parking signs at the intersection of Highway 1 and Tunitas Creek Road and picking up some of the trash bags that visitors dump by the roadside.

### **DISCUSSION:**

County staff believe that a more comprehensive set of regulations is needed to strike the best balance between maintaining this precious natural resource with minimal human impact and preserving the rights of responsible beachgoers to access the beach in a safe manner. I therefore recommend the introduction of the attached ordinance, which accomplishes several things:

1. It forbids the most dangerous and environmentally destructive activities on the property, which as mostly associated with the use of the Beach by large, coordinated crowds on summer weekend nights, by closely hewing to the rules in effect in County parks;
2. It forbids any form of overnight camping, in recognition of the fact that there are no sanitary facilities, and that forms of toileting by wilderness campers are inappropriate for this Beach setting and sensitive environment;
3. It manages access in a way that permits nearly all the uses engaged in by daytime beachgoers, while acknowledging the lack of amenities must keep the visit of each beachgoer relatively short;
4. It has no effect on the rights of private landowners and tenants at Tunitas Creek to utilize their property as before.

The County and the private property owners are engaged in discussions about other measures to protect and restore the Beach and the access trails to best protect the natural resources. The proposed ordinance is only one part of a comprehensive approach to the problems created by partygoers.

Our Local Coastal Program Policy 9.15 waives the requirement for obtaining a Coastal Development Permit to allow immediate action by a person or public agency performing a public service to protect life and public property from imminent danger. An after-the-fact legalization Coastal Development Permit will be brought forward when other elements of the County's comprehensive approach are finalized.

### **FISCAL IMPACT:**

The additional responsibilities for enforcement may result in unbudgeted expenditures by the Sheriff's Department and the Parks Department, in an undetermined amount.