

# Coastal Access & Views via Montara Streets

## 4<sup>th</sup> & 5<sup>th</sup> (paper streets)



State Parks promontory – south end of Montara Beach

Midcoast Community Council (MCC)  
10/23/2013 presentation by Lisa Ketcham  
updated 6/2/21



South end of Montara Beach:  
Aerial parcel map shows  
county rights-of-way (ROW)  
& State Parks uplands

4<sup>th</sup> & 5<sup>th</sup> are undeveloped streets,  
but the public ROW is important for  
non-motorized public coastal access  
and must be protected from private  
encroachment.

Private landscaping encroaches  
on 4<sup>th</sup>, 5<sup>th</sup>, and parkland.  
Private gate, installed May 2021,  
closes public access to 5<sup>th</sup>.

Fee title to former railroad ROW  
transferred to private owner, but  
5<sup>th</sup> St ROW has not been  
abandoned. See page 11.

# View from 5<sup>th</sup> St



View from State Parks upland parcel  
between 4<sup>th</sup> and 5<sup>th</sup> Streets



View from 4<sup>th</sup> St



## 5<sup>th</sup> Street

60-ft-wide ROW provides walkable level public access from highway to coastal bluff.



### 2011-2012

Private encroachments installed without permits:  
8-ft-high walls,  
landscaping,  
private/no trespassing signs



5<sup>th</sup> Street

8200

6-ft tall private locked gate installed May 2021

## 4<sup>th</sup> Street:

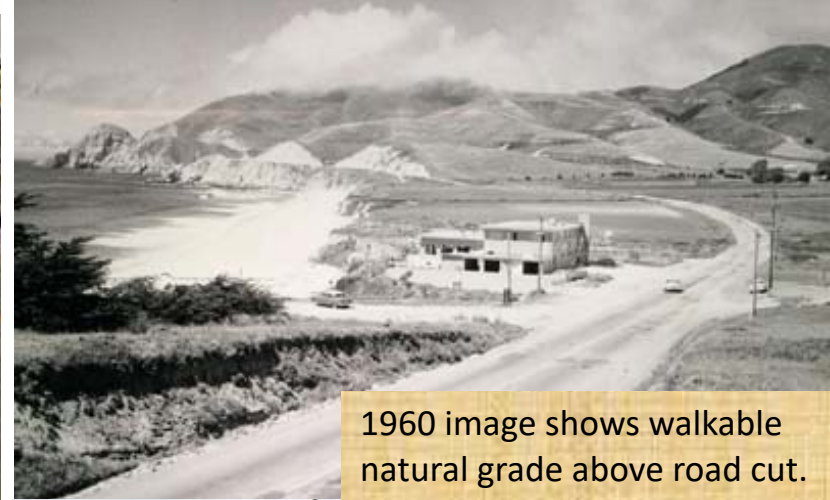
### Coastal Trail opportunity

4<sup>th</sup> to Montara Beach

- Bring hikers up to the ocean view atop the road cut.
- Grade pedestrian trail access at 4<sup>th</sup>, and limb up cypress trees along top of road cut to Montara Beach parking lot.

### Viewing bench opportunity

at 4<sup>th</sup> St



1960 image shows walkable natural grade above road cut.



2016: Potential path obstructed by low branches.



Former railroad cut swerves west south of 4<sup>th</sup>, providing wider at-grade shoulder.



Restore & protect non-motorized public coastal access  
via Montara paper streets.

Legal basis/precedent

Reference documents and more info:

<http://www.midcoastcommunitycouncil.org/montara-coast/>

## 5<sup>th</sup> Street:

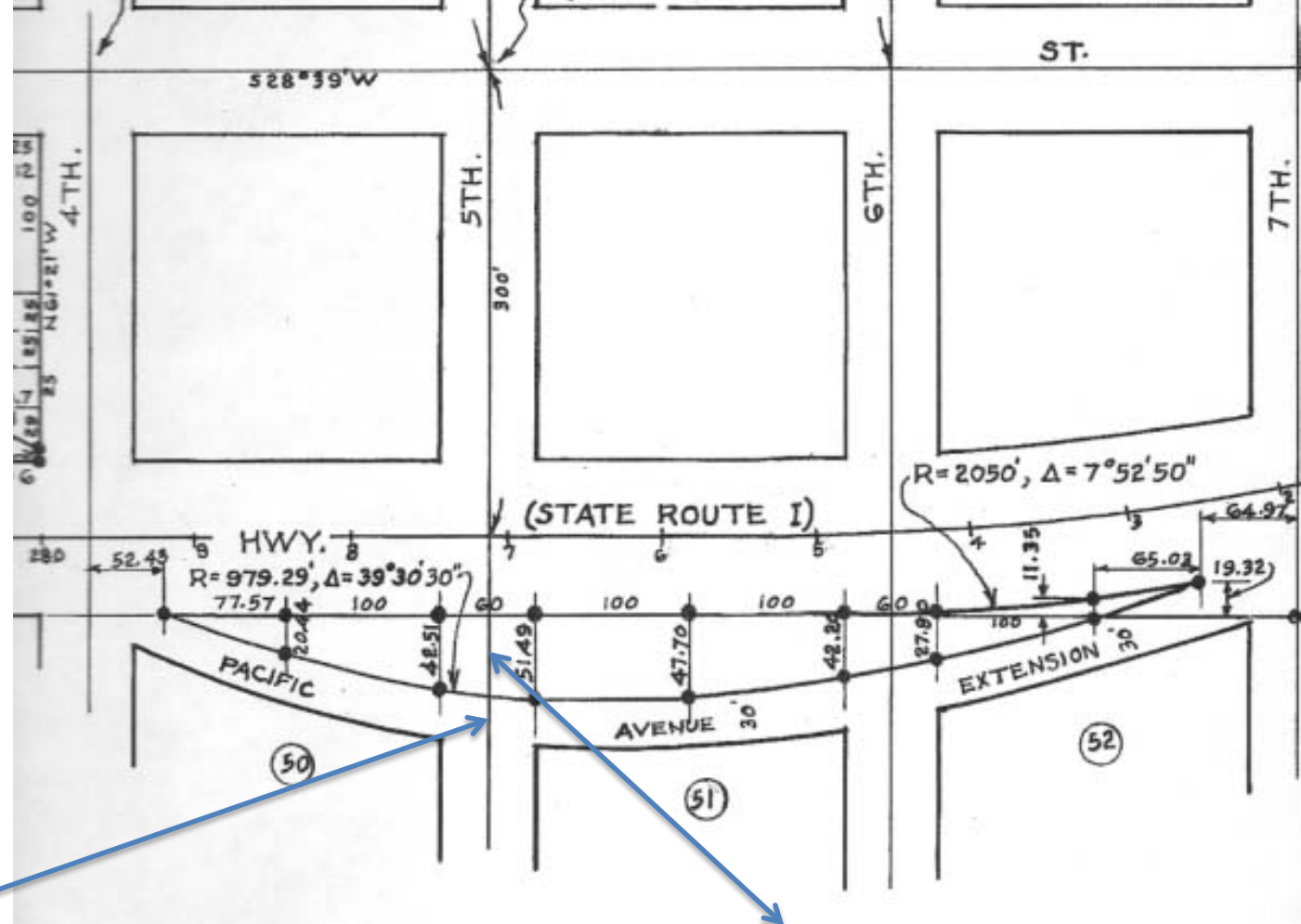
- dedicated to public use
- by the subdivider
- accepted by the County
- by Board Resolution  
5/20/1907
- Only a Resolution of the Board of Supervisors can vacate (abandon) the street.



Portion of 1907 Farallone City subdivision map. Streets dedicated & accepted for public use included 1<sup>st</sup> – 12<sup>th</sup> (13<sup>th</sup> – 18<sup>th</sup> accepted 1908).

## 5<sup>th</sup> Street:

1969 survey of Ocean Shore Railroad property shows details of 5<sup>th</sup> St. across RR property on west side Hwy 1.



Pacific Ave. was vacated (abandoned), except where it coincides with 5<sup>th</sup> St. (Board Resolution 38155, 1/3/1978)

Title to former Ocean Shore Railroad property was transferred to neighboring property owner, but the coinciding 5<sup>th</sup> St. right-of-way has not been vacated.

## County Policy on Vacation of Streets

(adopted Feb 8, 2000)

Legal foundation:

***“The owner of a subdivided lot typically holds fee title to the center of the abutting street, but has no right to possess or occupy that area.”***

Earl v. Dutour 181 Cal. 58 (1919)

No portion of 5th St. has ever been vacated (abandoned), including the former railroad property which 5<sup>th</sup> St crosses to join Hwy 1.

It makes no difference who owns title to the land. It is still subject to the public right-of-way.

Example:

## 1<sup>st</sup> Street

1977: Planning Commission considered Use Permit for beach restaurant which required the use of 1<sup>st</sup> Street for a parking lot.

Staff [erroneously] reported that the County had never accepted the dedication of 1<sup>st</sup> Street and thus had no rights.

[In fact, 1<sup>st</sup> Street was accepted by Board Resolution 5/20/1907.]

Nevertheless --

District Attorney/County Counsel McCracken stated

***“he works on the presumption that the public has the right of access which cannot be taken away.”***

Minutes of County Planning Commission 5/11/77

Example:

## Pedro Mountain Road (access to McNee Ranch)

1992: MCC asked **whether the public has right of access.**  
County Counsel replied --

***“Our conclusion is that they do... This road is still a County owned right-of-way, never having been abandoned... No action taken by [the property owner] can ever extinguish the public status of the roadway... If any obstructions have been placed in the right-of-way, the County could compel removal of these obstructions...”***

***“This segment has never been formally accepted into the County road system ... and apparently has never been maintained by the County...”***

County Counsel letter to MCC 11/12/92

Note the public right of access is unaffected by its development status or lack of acceptance into the County-maintained road system.

Example:

## 8<sup>th</sup> and 9<sup>th</sup> Streets

2012: MCC suggested that coastal access steps be cut into the slope of the landslide restoration project planned next to 8<sup>th</sup> Street. County answered:

*“Existing vertical public access from Hwy 1 to the granitic terrace on Montara State Beach and to the top of the coastal bluff exist within 100 feet of the project area in the adjacent 8<sup>th</sup> and 9<sup>th</sup> Street Corridors...”*

County Planning Dept to MCC, 2/19/13

How do we reconcile this assurance with County Counsel statements in 2013, that because 5<sup>th</sup> Street is not in the County-maintained road system, it is private and that there is no public access? If the County will not protect public coastal access from private encroachment on 5<sup>th</sup> Street, then any undeveloped public street providing coastal access is in danger of being lost to public use on the whim of the neighboring property owners.

Example:

## 13<sup>th</sup> Street

1985 – the portion of 13<sup>th</sup> St. west of Hwy 1 was vacated (abandoned)

**except for a permanent trail easement  
from the highway to the coastal bluff.**

Board Resolution #47293, 9/10/85

Vacating the street allowed the area to be used for house setback requirements only -- not for development.

The only development allowed within a vacated street is driveway, walkway, or similar accessway.

County Policy on Vacation of Streets, 2/8/2000

No one has requested that the County vacate (abandon) 5<sup>th</sup> Street which would be a public process decided by the Board of Supervisors. The adjacent property owner has simply occupied the 60-ft-wide right-of-way and shut out the public without so much as a walking trail to the coastal bluff.