

The California Supreme Court rejected a lawsuit Wednesday that sought to declare Martins Beach public property, leaving unsettled the owner's much-disputed campaign to keep the sandy cove near Half Moon Bay as a private preserve.

The suit by a group called Friends of Martins Beach contended the family that owned the beach for more than 70 years had opened it to the public in 1930 by posting a billboard nearby and allowing visitors to picnic, fish and surf at the beach. But a San Mateo County judge and a state appeals court said the fee the owners charged to visitors showed that it was not public property, and the state's high court unanimously denied review Wednesday.

Still pending, however, is a suit by the California Coastal Commission that makes the same argument about the former owners and seeks to present additional evidence about past access to Martins Beach. And in a separate suit by the Surfrider Foundation, state courts have ruled that venture capitalist Vinod Khosla, the current owner, must obtain a permit from the Coastal Commission before closing the gate to the only road to the beach.

Khosla denies he needs a permit and has not applied for one. He bought the beach and surrounding lands from its longtime owners for \$32.5 million in 2008 and closed the public access gate in 2010, citing the cost of maintenance and liability insurance. He has opened it at times, and closed it at others, during the current legal disputes.

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Gary Redenbacher, lawyer for Friends of Martins Beach, said Wednesday's court action was disappointing but not surprising. He said the Coastal Commission may have more success proving historical public access if it can present some of the 29 witnesses who were not allowed to testify in his case.

Khosla's lawyer could not be reached for comment.

Bob Egelko is a San Francisco Chronicle staff writer.

Email: beigelko@sfchronicle.com