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16

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **COUNTY OF SANTA BARBARA, ANACAPA DIVISION**

19 TOM PAPPAS, et al.,  
20 Plaintiffs,  
21 v.

22 CALIFORNIA COASTAL  
CONSERVANCY, et al.,  
23 Defendants.  
24

25 GAVIOTA COASTAL TRAIL  
ALLIANCE,  
26 Defendant Intervenors.  
27  
28

Case No. 1417388

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION FOR LEAVE TO  
INTERVENE BY GAVIOTA  
COASTAL TRAIL ALLIANCE**

Date: August 20, 2018  
Time: 9:30 a.m.  
Dept.: 5

The Hon. Colleen K. Sterne

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**PRELIMINARY STATEMENT**

By this motion, the Gaviota Coastal Trail Alliance seeks leave to intervene as a defendant in support of ensuring that this action protects the right of public access to the coast that has long been a fundamental attribute of California constitutional and statutory law. The proposed settlement between Plaintiffs, Tom Pappas *et al.*, and State Defendants, California Coastal Commission and State Coastal Conservancy does not ensure public access to the coast mandated by state law. Instead, the settlement would enshrine a limited and dangerous route to the beach that could only be attempted by an extremely small group of exceptionally fit and/or wealthy people. For those who do attempt it, access by sea poses a real threat of injury or even death. The limited, managed land access for school children and select nonprofit groups, while admirable in its intent, represents little if anything more than the current and historical amount of access for these groups, does not approach the level of access recognized in the original Offer to Dedicate and would be funded with public money that should go to providing greater coastal access at Hollister Ranch. In exchange for these exceptionally limited access rights, State Defendants would relinquish the right to enforce public rights of access at other areas of Hollister Ranch, in contravention of Article 10, Section 4 of the California Constitution and Public Resources Code sections 30210, 30211, 30212, 30214 & 30610.8.

As recognized by this Court in its May 21 ruling, the public has the right to object to terms of the settlement on the grounds that it does not represent a fair settlement and is not in the public interest. The Alliance consists of environmental and environmental justice groups and coastal and trail advocates dedicated to ensuring safe public access to the coast in northern Santa Barbara County. Because the proposed settlement will substantially affect the interests of the public and members of the Alliance, these interests are not adequately represented by the State Defendants, and thus this Court should grant the motion for intervention and find that the settlement is not a fair resolution of this action.

**STATEMENT OF FACTS**

Hollister Ranch includes an extraordinary coastline that stretches between Gaviota

1 State Park and Cojo-Jalama Ranch, spanning about 8 ½ miles of beach frontage. However,  
2 public access to this beach frontage has been strictly limited and currently only available  
3 for exclusive use by the private residents of Hollister Ranch. California’s Constitution Art.  
4 X, § 4 guarantees a right to access waters of the state, including the ocean. The California  
5 Coastal Act, enacted by popular initiative in 1972 and further refined legislatively in  
6 subsequent years, established a statewide goal, *inter alia*, to “[m]aximize public access to  
7 and along the coast.” (Pub. Res. Code § 30001.5(c).)

8         Since the early 1980s, California has recognized the importance of providing public  
9 access to the coast at Hollister Ranch. In 1981, the Coastal Commission and Coastal  
10 Conservancy adopted the Hollister Ranch Access Plan which set forth a comprehensive  
11 plan to provide pedestrian and bicycle access to the beach. (Declaration of Marc Chytilo  
12 [“Chytilo Decl.”], attached as Exhibit E; Order After Hr’g 4, Sept. 6, 2016 [9/6/16 Order]).  
13 In 1982, California adopted Public Resources Code section 30610.8, which established an  
14 in-lieu fee to implement access at Hollister Ranch as expeditiously as possible. (Pub. Res.  
15 Code § 30610.8). After adoption of section 30610.8, the Coastal Commission updated the  
16 Hollister Ranch Access Plan, and continued to call for extensive pedestrian access at  
17 Hollister Ranch. (*See* Chytilo Decl.; 9/6/16 Order at 4.) Although fees have been collected  
18 over the years, the plan has not been implemented and access to the Ranch today consists  
19 of a small program for school students and whatever access people can accomplish by  
20 boat.

21         In 1980, the Young Men’s Christian Association of Metropolitan Los Angeles  
22 (“YMCA”), which owned a parcel in fee as well as an easement for access to and along  
23 Cuarta Canyon beach, sought a coastal development permit from the South Central Coast  
24 Regional Commission. As a condition of approval, the Commission required and the  
25 YMCA executed and recorded an “Irrevocable Offer to Dedicate And Covenant Running  
26 With The Land” (“YMCA OTD”). (9/6/16 Order at 3.) On April 18, 2013, the California  
27 Coastal Conservancy accepted the YMCA’s OTD. (9/6/16 Order at 5.) On May 31, 2013,  
28 the Hollister Ranch Owners’ Association (HROA), a California non-profit mutual benefit

1 corporation, filed a Complaint for Quiet Title, Declaratory and Injunctive Relief and Other  
2 Relief in the Superior Court of the State of California for Santa Barbara County against the  
3 state in *Pappas, et al. v. State of California, et al.*, Case no. 1417388. HROA’s complaint  
4 asserted that the YMCA License is “void *ab initio*.” (Verified Second Am. Compl. for  
5 Quiet Title, Declaratory and Other Relief 2, Mar. 11, 2014.)

6 In 2015, this Court denied HROA’s first motion for summary adjudication and  
7 declared that the California Coastal Commission and Coastal Conservancy had met their  
8 burden in opposing summary adjudication of showing that the OTD was not void. (9/6/16  
9 Order at 11.) In denying the motion, this Court determined that although YMCA only held  
10 an easement over the beach and road parcels, it could convey an irrevocable license to the  
11 public to use the easement. (Tentative Ruling, April 13, 2015.) As later determined by this  
12 Court, “[t]he OTD provides an irrevocable offer ‘to dedicate to the People of California an  
13 easement in perpetuity for the purposes of public access and public recreational use’ of  
14 beach access, beach lateral access, beach vertical access and blufftop access trail by the  
15 Rancho Real Road Easement, the Cuarta Canyon Road Easement, the 10 foot Footpath  
16 Easement, the 3880 foot Beach Easement, and Blufftop Trail Area Easement.” (9/6/16  
17 Order at 3.) However, the Court denied both parties’ motions for summary adjudication  
18 regarding the scope and effect of the irrevocable license, finding there were limited triable  
19 issues of fact. (9/6/16 Order at 12.)

20 In 2017, Plaintiff and the State Defendants entered into a settlement agreement  
21 whereby Plaintiff would grant a license for limited ocean-only access to the Cuarta Canyon  
22 beach easement area, subject to various restrictions. The proposed settlement also allows  
23 for a limited number of restricted access visits to the Ranch through a Tidepool School  
24 Program for K-12th grade children and a non-profit access program for approved non-  
25 profit organizations. (Stipulation And Agreement Of Settlement Between Hollister Ranch  
26 Owners’ Association And Defendants State Of California Coastal Conservancy, California  
27 Coastal Commission And Rancho Cuarta 9, 2017 [“Settlement Agreement”].) In exchange,  
28 the State Defendants would abandon any claim of rights underlying the OTD and would

1 lose the limited access rights provided by the proposed settlement if “any public entity”  
2 were to exercise its power to acquire public access at any area of Hollister Ranch in the  
3 future. (*See* Settlement Agreement ¶¶ 3.1, 4.7; Public Access License Agreement at 5, ¶ 13  
4 attached as Exhibit B to Settlement Agreement.)

5 On May 21, 2018, this Court granted preliminary approval of the Settlement  
6 Agreement but, recognizing the significance of the proposed settlement and its impact on  
7 public access at Hollister Ranch, required further public notice of the settlement to grant  
8 sufficient time for members of the public to file a motion to intervene. (Tentative Ruling,  
9 May 21, 2018 at 4.) Although the Court determined that further public notice was not  
10 legally necessary:

11 the court is concerned that the procedural posture of this case has limited  
12 knowledge of this action by the public, and more specifically knowledge of the  
13 settlement terms, so that affected members of the public would not have sufficient  
14 knowledge of the existence of this action and settlement to exercise rights to request  
15 intervention should any affected member of the public want to do so.

16 (Tentative Ruling, May 21, 2018 at 3.) Thus, this Court determined that “a more prudent  
17 course is to provide generalized public notice so that anyone who would otherwise intend  
18 to request intervention may do so prior to final approval of the settlement,” where the  
19 Court will conduct a full inquiry into the fairness of the settlement. (Tentative Ruling, May  
20 21, 2018 at 3.)

21 The Gaviota Coastal Trail Alliance (“Alliance”) is an ad-hoc alliance of  
22 organizations including the Gaviota Coast Conservancy (“GCC”), California Coastal  
23 Protection Network (“CCPN”), Coastwalk/California Coastal Trail Association  
24 (“Coastwalk”), and the Santa Barbara County Trails Council (“SBCTC”). The Alliance is  
25 committed to effectuating a continuous Coastal Trail from Gaviota State Park to Jalama  
26 Beach County Park, and appropriate vertical access to Hollister Ranch beaches to provide  
27 safe and appropriate coastal access for members of the public. Members of the Alliance  
28 organizations include residents of Santa Barbara County who currently use and enjoy the  
ocean and beaches of Santa Barbara County for a variety of recreational purposes. Like the  
public at large, members of the Alliance organizations are excluded from accessing



1 Hollister Ranch’s beaches by virtue of physical barriers and Hollister Ranch’s zealous  
2 efforts to exclude the public from accessing Hollister Ranch Beaches including Cuarta  
3 Canyon beach. Most members of the Alliance organizations lack either the physical ability  
4 and/or the financial resources necessary to access and enjoy Cuarta Canyon beach via the  
5 ocean, as provided for in the proposed Settlement Agreement. Moreover, the Alliance  
6 organizations are very unlikely to be considered for the non-profit access program since  
7 they do not specifically serve children, disabled, or underserved populations, and due to  
8 HROA’s unfettered discretion in selecting non-profits for participation. For these reasons,  
9 individual members of the Alliance organizations, including members of GCC, CCPN,  
10 Coastwalk, and STCTC have a direct and immediate interest in the action that will be  
11 adversely affected if the Settlement Agreement is effectuated. (Proposed Answer in  
12 Intervention ¶¶ 1-2.)

13 By its motion to intervene, the Alliance seeks to enforce the YMCA license for  
14 overland access to Cuarta Canyon beach, to reserve the Coastal Conservancy’s  
15 accumulated in-lieu access fees for effectuating a true public access program at Hollister  
16 Ranch as provided by the legislature in Public Resources Code § 30610.8, and to prevent  
17 the abandonment of the State’s right to enforce public access at Hollister Ranch in the  
18 future.

## 19 ARGUMENT

### 20 I. The Alliance Meets the Requirements for Intervention in this Matter to Protect 21 the Public Interest in Public Access to the Beach at Hollister Ranch.

22 The Court’s May 21, 2018 ruling found that any party seeking to intervene for the  
23 purpose of objecting to the settlement agreement, must show that intervention is  
24 appropriate under the relevant legal standards. Pursuant to Code of Civil Procedure section  
25 387(d)(2), “[t]he court may, upon timely application, permit a nonparty to intervene in the  
26 action or proceeding if the person has an interest in the matter in litigation, or in the  
27 success of either of the parties, or an interest against both.” (Civ. Proc. Code § 387(d)(2).)  
28 “[S]ection 387 should be liberally construed in favor of intervention.” (*Simpson Redwood*

1 *Co. v. State of California* (1987) 196 Cal.App.3d 1192, 1200.)

2 A third party may intervene in an action if (1) the party has a direct and immediate  
3 interest in the action, (2) the intervention will not enlarge the issues in the litigation, and  
4 (3) the reasons for the intervention outweigh any opposition by the parties presently in the  
5 action. (*Truck Ins. Exch. v. Superior Court* (1997) 60 Cal.App.4th 342, 346.) Because the  
6 Alliance easily satisfies all three requirements and has filed a timely application, it may  
7 intervene in this action.

8 **A. The Alliance Has a Direct and Immediate Interest In this Action.**

9 The courts of appeal have adopted a broad interpretation of the “interest” necessary  
10 for a party to intervene pursuant to Section 387. Although the interest must be “direct, not  
11 consequential, . . . [¶] the intervener need neither claim a pecuniary interest nor a specific  
12 legal or equitable interest in the subject matter of the litigation.” (*Simpson Redwood*, 196  
13 Cal.App.3d at 1199-1200.) Nor must the intervener show that any adverse impact to its  
14 interest is inevitable:

15 [I]t is not necessary that [intervener’s] interest in the action be such that [it]  
16 will *inevitably* be affected by the judgment. It is enough that there be a  
17 substantial *probability* that [its] interests will be so affected. ‘The purposes  
of intervention are to protect the interests of those who may be affected by  
the judgment. . . .’

18 (*Timberidge Enters., Inc. v. City of Santa Rosa* (1978) 86 Cal.App.3d 873, 881 (citation  
19 omitted; emphasis in original).) Finally, the courts have held that “section 387 should be  
20 liberally construed in favor of intervention.” (*Simpson Redwood*, 196 Cal.App.3d at 1200.)

21 The Coalition readily meets these requirements. Organizational members of the  
22 Alliance include and represent coastal and trail advocates in Santa Barbara County and  
23 throughout California who will be adversely affected by the proposed settlement.

24 Alliance member California Coastal Protection Network (CCPN)’s mission is to  
25 uphold and advance the core tenets of the California Coastal Act, including public access  
26 to our beaches for all. The stringent limits on public access in the Settlement Agreement  
27 (described comprehensively in the Alliance’s Objections) would effectively prohibit nearly  
28 all members of the public, including members of the CCPN and other Alliance member

1 groups, from accessing the beach at Hollister Ranch. (Proposed Answer in Intervention  
2 ¶¶1-2.)

3 Alliance member organizations Santa Barbara County Trails Council and  
4 Coastwalk are have long advocated for public access to Hollister Ranch, including the  
5 extension of the California Coastal Trail and Juan Bautiza de Anza National Historic Trail  
6 through the Ranch property, which generally follows the Ranch Road easement that would  
7 be abandoned by the Settlement. (Proposed Answer in Intervention ¶1.) The Settlement  
8 Agreement’s stringent limits on public access would severely hamper the ability of  
9 members of the Trails Council and Coast Walk, from accessing the beach at Hollister  
10 Ranch. The requirement that accumulated in-lieu access funds earmarked for effectuating  
11 the public access program at Hollister Ranch be spent on the limited Managed Access  
12 Program, and the provision deterring the State’s exercise of its power of eminent domain,  
13 would all but eliminate prospects for extending the Coastal Trail through the Hollister  
14 Ranch property. (Proposed Answer in Intervention ¶¶1-2.)

15 The Gaviota Coast Conservancy (GCC) has also long advocated for public access to  
16 the coast at Hollister Ranch, and effectuation of a continuous Coastal Trail from Gaviota  
17 State Beach to Jalama County Beach Park and throughout the Gaviota Coast. Members of  
18 the GCC include coastal recreationalists who would not be able to enjoy access to Hollister  
19 Ranch under the Settlement Agreement because they are not physically able to access the  
20 beach by boat and are not members of the small class of intended beneficiaries of the  
21 Managed Access Program. Furthermore, members of the GCC would also be harmed by  
22 the inability to extend the Coastal Trail through Hollister Ranch. (Proposed Answer in  
23 Intervention, ¶¶1-2.)

24 Because the Alliance and its members would be harmed by the Settlement  
25 Agreement’s limits on public access, surrender of overland access rights, and improper use  
26 of State funds for public access at Hollister Ranch, the Alliance has an interest sufficient to  
27 justify intervention in this matter.

28 **B. Intervention Will Not Enlarge the Issues in the Litigation.**

1 As shown in the accompanying Proposed Answer in Intervention, the Alliance does  
2 not seek to enlarge the issues in this litigation. The Answer in Intervention does not state  
3 any cause of action not alleged in the original complaint or answer. The sole issue in the  
4 case is, and will remain, the scope of public access granted under the YMCA license and  
5 whether the settlement adequately protects the public’s interest in this access. (*People ex*  
6 *rel. Rominger v. County of Trinity* (1983) 147 Cal.App.3d 655, 664-65 [Sierra Club’s  
7 complaint in intervention, which describes the adverse effects of pesticides, did not  
8 introduce new issues for litigation; the only issue before the court was the validity of the  
9 county pesticide ordinances in the face of state pesticide regulations].)

10 If permitted to intervene, the Alliance will object to the proposed settlement and  
11 seek to defend the license to ensure overland public access to Hollister Ranch. The issues  
12 are encompassed within the complaint and answer and would not be expanded by the  
13 Alliance’s participation in this litigation.

14 **C. The Reasons in Favor of Intervention Outweigh Any Opposition to It.**

15 In their briefing in this action, both the State Defendants and Plaintiffs argued there  
16 was no need for public notice of the proposed settlement agreement. (See Defendants’  
17 Supplemental Brief Re: Preliminary Approval of Settlement, April 26, 2018 [“Defendants’  
18 April 26 Brief”]; Plaintiffs’ Supplemental Brief Re: Preliminary Approval of Settlement,  
19 April 30, 2018.) Presumably the basis upon which the current parties objected to public  
20 notice of the settlement will form the basis of their objection to intervention in this action.  
21 Among the arguments raised by the State Defendants are that the State Defendants are  
22 capable of protecting the public interest in coastal access and that public agencies have the  
23 authority to settle litigation. (Defendants April 26 Brief at 9, 11.) No one disputes that the  
24 State Defendants have the power to settle litigation. However, members of the public have  
25 a right to intervene in litigation that will affect important public rights. (*Simpson Redwood*,  
26 196 Cal.App.3d at 1203-04 [court granted motion for intervention given that “appellant’s  
27 own substantial interests probably cannot be adequately served by the State’s sole  
28 participation in the suit, since it here seeks merely to protect its fee interest in the property”

1 and may “choose to settle the case [...] in exchange for relinquishment of its claims of title  
2 to the land.”].) The right of the public to defend public access to the coast is well  
3 established. (*Gion v. City of Santa Cruz* (1970) 2 Cal.3d 29 [public may bring an action to  
4 enforce a public right to use a beach access route]; (*Morse v. E. A. Robey & Co.* (1963)  
5 214 Cal.App.2d 464 [members of the public may defend a quiet title action by asserting  
6 the right to use a public right of way through private property].)

7 As set forth below, the settlement will have substantial impacts on public access to  
8 Hollister Ranch that are not consistent with state law. The Alliance has the right to  
9 intervene to protect these interests on behalf of its members and the public more broadly.  
10 (*See People ex rel. Rominger*, 147 Cal.App.3d at 662-663 [court granted motion for  
11 intervention to nonprofit organization, given that a state statute existed specifically “to  
12 protect the public from a hazard to its health and welfare that would allegedly occur  
13 without such statute,” and “members of the public have a substantial interest in the  
14 protection and benefit provided by the statute.”].)

## 15 **II. The Alliance’s Motion for Leave to Intervene Is Timely.**

16 An application for intervention must be “timely.” (Civ. Proc. Code § 387(d)(2).)  
17 Intervention is timely where any delay caused by the proposed intervention would not  
18 materially impair the rights of the existing parties. (*Truck Ins. Exch.*, 60 Cal.App.4th at  
19 350-51.) Leave to intervene may be granted at any time—even after judgment—so long as  
20 it is appropriate under the circumstances. (*See Mallick v. Superior Court* (1979) 89  
21 Cal.App.3d 434, 437 [members of a class may intervene in class action after judgment].)  
22 To determine the timeliness of intervention, the court must “make a factual finding  
23 regarding the date in which Movants knew or should have known their interests in [the]  
24 litigation were not being adequately represented,” rather than the “date on which Movants  
25 knew or should have known about the litigation.” (*Ziani Homeowners Ass’n v. Brookfield*  
26 *Ziani LLC* (2015) 243 Cal.App.4th 274, 282.)

27 In this case, the Alliance’s motion to intervene is clearly timely. First, it is made  
28 within the time period established in the notice published by order of the court in the Santa

1 Barbara News Press. Prior to the publication of this notice, neither the Coastal  
2 Commission or the Coastal Conservancy provided any public notice of its proposed  
3 settlement of this litigation or of the substantive terms of the settlement. (See Chytilo  
4 Decl., Exh. A-C [minutes of Coastal Commission and Coastal Conservancy meetings do  
5 not provide any indication that a settlement was discussed or approved].) Although some  
6 members of the public may have known of the existence of the litigation, they reasonably  
7 expected the Coastal Commission and Coastal Conservancy would vigorously defend the  
8 public’s right to access. (See Pub. Res. Code § 30600 [establishing the Coastal  
9 Commission as the state agency charged with implementing the Coastal Act]; Pub. Res.  
10 Code § 31104.1 [establishing the Coastal Conservancy as the agency that holds lands for  
11 public access to the coast].) It was not until the public received notice that the State  
12 Defendants were on the verge of relinquishing public rights to access to the beach at  
13 Cuarta Canyon and also the right to ensure future access at Hollister Ranch in exchange for  
14 the limited rights under the settlement, that the need to intervene became apparent. Prior to  
15 that time, members of the public had been under the impression that the state defendants  
16 were vigorously defending plaintiffs’ attempt to avoid public access under the YMCA  
17 license.<sup>1</sup>

18 In any event, “timeliness is hardly a reason to bar intervention when a direct interest  
19 is demonstrated and the [plaintiff has] not shown any prejudice other than being required  
20 to prove [his] case.” (*Truck Ins. Exch.*, 60 Cal.App.4th at 351 [intervention timely even  
21 though on eve of default judgment].) Here, the Alliance’s intervention will simply require  
22 Plaintiffs to prove their case, an obligation that the Settlement Agreement would foreclose.

23 Finally, equity favors intervention, as implied by this Court’s order that public  
24 notice and an opportunity for intervention be allowed. Public participation is a cornerstone

25 \_\_\_\_\_  
26 <sup>1</sup> Ironically, the state defendants point to their vigorous defense of this litigation as a  
27 reason to avoid public notice of the settlement. (Defendants Supplemental Brief Re:  
28 Preliminary Approval of Settlement 9:15-18, April 26, 2018). While state defendants may  
have vigorously defended the litigation prior to settlement, the proposed settlement  
substantially affects public rights to public access at Hollister Ranch. When this fact  
became apparent, the Alliance promptly sought to intervene.

1 of the Coastal Act. Public Resources Code § 30006 [“the public has a right to fully  
2 participate in decisions affecting coastal planning . . . [which] should include the widest  
3 opportunity for public participation.”] As evidenced by over 1,400 emails sent to the  
4 Coastal Commission, an hours-long, after-the-fact Commission hearing on the settlement  
5 agreement, and widespread media coverage on local, regional and national news outlets,  
6 the proposed relinquishment of rights of access without public process represents a matter  
7 of paramount public interest. (*See* Chytilo Decl., Exh. D, F; Declaration of Katherine  
8 Anderson, Exhibit A.) The Alliance formed from that groundswell of public concern, and  
9 should be allowed to intervene to protect the public rights that have been denied up to this  
10 time.

11 **III. The Proposed Settlement Is Contrary to State Law and Would Unreasonably**  
12 **Deny Public Access to Hollister Ranch.**

13 As detailed in the Objections to the Settlement Agreement filed simultaneously with  
14 this motion, the proposed Settlement would relinquish the right for overland access to any  
15 beach in Hollister Ranch in exchange for boat access to Cuarta Canyon beach and a very  
16 restricted managed access program. Neither element of the Settlement satisfies the  
17 requirements of the Coastal Act for public access to the coast general or to Hollister Ranch  
18 specifically. The boat access does not provide any meaningful benefit over what is already  
19 available to the public through the public trust doctrine, which already permits the public  
20 the right to access and pass along tidelands below the mean high water mark. (*Marks v.*  
21 *Whitney* (1971) 6 Cal.3d. 251; cf. *Gion v. Santa Cruz* (1970) 2 Cal.3d 29, 42 [superseded  
22 by statute on other grounds].) Even if it did marginally expand the public right to use  
23 Cuarta Canyon beach, access by boat is dangerous and unavailable to all but the most well-  
24 conditioned and experienced boater.

25 The extremely limited public access program, which at its height will support fewer  
26 than 1,000 people, cannot possibly make up for the loss of the YMCA OTD which would  
27 allow access for up to 18,000 per year. Most members of the public would never be able to  
28 visit Hollister Ranch under this managed access program in violation of the Coastal Act’s

1 mandate that coastal access be available to all of the public. Intervenor's seek to defend the  
2 public's right to coastal access at Hollister Ranch and to ensure that any resolution of this  
3 case benefit the public and not, as the current Settlement would have, a few select  
4 homeowners at Hollister Ranch and an exceptionally small number of nonprofit  
5 organizations.

6 **CONCLUSION**

7 For all of the foregoing reasons, the Gaviota Coastal Trail Alliance respectfully  
8 requests that the Court grant this motion for leave to intervene in the above-captioned case.

9 DATED: July 23, 2018 SHUTE, MIHALY & WEINBERGER LLP

10  
11 By:           /s/ Ellison Folk            
12 ELLISON FOLK

13 Attorneys for Defendant Intervenor's  
14 GAVIOTA COASTAL TRAIL ALLIANCE

15 DATED: July 23, 2018 LAW OFFICE OF MARC CHYTILO, APC

16  
17 By:           /s/ Marc S. Chytilo            
18 MARC S. CHYTILO  
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22 DATED: July 23, 2018 LAW OFFICE OF TODD T. CARDIFF

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24 TODD T. CARDIFF

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