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9 *Hollister Ranch Owners Association*

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 HOLLISTER RANCH OWNERS
13 ASSOCIATION,

14 Plaintiff,

15 v.

16 XAVIER BECERRA, in his official
17 capacity as Attorney General for the State
18 of California, JOHN AINSWORTH, in
19 his official capacity as Executive Director
20 of the California Coastal Commission,
21 JENNIFER LUCCHESI, in her official
22 capacity as Executive Officer of the State
23 Lands Commission, SAM SCHUCHAT,
24 in his official capacity as Executive
25 Officer of the California Coastal
26 Conservancy, LISA MANGAT, in her
27 official capacity as Director for the
28 California Department of Parks and
Recreation,

Defendants.

Case No.: 2:20-cv-00453

**COMPLAINT FOR VIOLATION
OF FEDERAL CIVIL RIGHTS
(42 U.S.C. § 1983)**

**DECLARATORY AND
INJUNCTIVE RELIEF**

1 1. Arising under 42 U.S.C. § 1983, and 28 U.S.C. § 1331, this lawsuit
2 challenges the enactment of California Assembly Bill 1680 (AB 1680), a statute that
3 authorizes the State of California to create and implement public access on the
4 private Hollister Ranch (Ranch) subdivision. As part of its mandate, AB 1680
5 authorizes state agents to enter and search structures and curtilage within the Ranch
6 without permission or a warrant, at the discretion of state officials. It also imposes
7 severe financial penalties on anyone who takes an “action” “to impede, delay, or
8 otherwise obstruct” the implementation of “public access” on the Ranch. The statute
9 is attached to this complaint as Exhibit 1.

10 2. Hollister Ranch is a 14,400 acre subdivision located in an isolated,
11 unique, and environmentally sensitive area of the Southern California coastline,
12 approximately 25 miles north of Santa Barbara. The Ranch is an operating cattle
13 ranch divided into 136 lots of 100+ acres each. About three-quarters of these lots are
14 developed with one ranch home and accessory structures, but the vast majority of
15 the land is used for ranching and other common uses. The only vehicular entrance
16 to the Ranch is gated, and access is highly controlled, to protect the cattle operation,
17 the owners’ privacy, and the natural environment. A basic map of the Ranch is
18 attached to this complaint as Exhibit 2.

19 3. Plaintiff Hollister Ranch Owners Association (“Plaintiff”) is an
20 association of people who own property within Hollister Ranch. Plaintiff represents
21 Ranch property owners in internal and external affairs affecting the Ranch and
22 controls and maintains certain commonly owned areas on the Ranch, including
23 roads, beach cabanas, a gatehouse, historic structures, offices, and ranch buildings.

24 4. On January 1, 2020, AB 1680 went into effect. In part, the state law
25 declares that officials and agents of the California Coastal Commission and three
26 other state agencies “shall have access” to all common areas within the Ranch for
27 the purpose of searching for “resources” and potential ways for the public to traverse
28 Plaintiff’s land.

1 5. AB 1680 also declares that an “action by a private person or entity to
2 impede, delay, or otherwise obstruct the implementation of the public access”
3 program is a violation of the California Coastal Act, Pub Res. Code § 30000, *et seq.*
4 Such a violation is punishable by a fine of \$22,500 for each day the violation persists.
5 AB 1680 does not define what constitutes a prohibited “action” that “impedes,”
6 “delays,” or “obstructs” the implementation of a Ranch public access program.

7 6. The provision in AB 1680 authorizing access to Ranch common areas
8 for search purposes violates the Fourth Amendment’s prohibition on unwarranted
9 searches and the Fifth Amendment’s prohibition on uncompensated takings of
10 private property. The statute’s ban on “actions” that “impede,” “delay,” or “obstruct”
11 the implementation of public access on the Ranch is unconstitutionally vague and
12 overbroad and violates the Due Process Clause and First Amendment of the United
13 States Constitution.

14 7. Plaintiff now seeks prospective, equitable relief against state officials
15 under 42 U.S.C. § 1983. The suit seeks to clarify the parties’ rights and obligations
16 and to enjoin the ongoing and unconstitutional search and taking of private Ranch
17 property. It further seeks to halt enforcement of a provision that imposes severe
18 penalties without giving affected Ranch owners and employees adequate prior notice
19 of the type of “actions” that trigger Coastal Act penalties.

20 **THE PARTIES**

21 **PLAINTIFF**

22 8. Plaintiff Hollister Ranch Owners Association represents those who own
23 property within the Ranch in internal and external affairs affecting the Ranch.
24 Plaintiff is explicitly subject to the provisions of AB 1680.

25 9. Plaintiff is comprised of a five-member, elected Board of Directors and
26 133 voting members who represent 133 privately owned parcels within the Ranch.

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1 10. Plaintiff's mission is to maintain Hollister Ranch in a manner that
2 protects the traditions and beauty of the area for those who acquire property there,
3 while allowing access to select education, conservation, and scientific groups.

4 11. As part of its mission, Plaintiff and its Board of Directors monitors and
5 enforces covenants, conditions, and restrictions (CC&R's) and other Ranch rules
6 that govern and limit the ownership and use of land within the Ranch. Plaintiff also
7 communicates and works with state and county government officials, on behalf of
8 the Ranch owners, in matters that affect the Ranch as a whole.

9 12. Plaintiff's Board of Directors has power to conduct, manage, and
10 control the affairs and business of the Ranch Owners Association, to provide for
11 security and access, fire protection, and such other common services and utilities as
12 it deems necessary and advisable, to maintain the roads, common areas, and
13 recreational facilities of the Association, and to make necessary and lawful rules and
14 regulations regarding the foregoing concerns.

15 13. Plaintiff and its members have engaged in actions, and would like to
16 take additional actions, to protect the Ranch's natural environment and private
17 character, including lobbying, litigation, video-recording, oral and written advocacy,
18 and the posting of notices and other publications, in and outside of the Ranch,
19 notifying the public of the special and private nature of the Ranch, and the benefits
20 of access restrictions.

21 **DEFENDANTS**

22 14. Defendant Xavier Becerra is Attorney General for the State of
23 California. In this capacity, Mr. Becerra is charged with enforcing state laws. Mr.
24 Becerra is sued here in his official capacity as the state's chief law enforcement
25 officer.

26 15. Defendant John Ainsworth is the Executive Director of the California
27 Coastal Commission. Mr. Ainsworth administers and enforces provisions of the
28 California Coastal Act, Cal. Pub Res. Code § 30000, *et seq.*, and oversees the staff

1 and employees of the Coastal Commission, including in their dealings with the
2 Ranch. Mr. Ainsworth oversees the Commission’s enforcement of AB 1680 and has
3 authority to recommend administrative penalties for a violation of the Coastal Act,
4 including for a violation of the prohibition in AB 1680 on “action[s]” that “impede,”
5 “delay,” or “obstruct” the implementation of public access at the Ranch.
6 Mr. Ainsworth is sued here in his official capacity.

7 16. Jennifer Lucchesi is the Executive Officer of the State Lands
8 Commission. In that capacity, Ms. Lucchesi oversees the staff and employees of the
9 State Lands Commission, including in their dealings with the Ranch under authority
10 of AB 1680. Ms. Lucchesi is sued here in her official capacity,

11 17. Sam Schuchat is Executive Officer of the California Coastal
12 Conservancy. As such, Mr. Schuchat oversees the staff and employees of the Coastal
13 Conservancy, including in their dealings with the Ranch under authority of AB 1680.
14 Mr. Schuchat is sued here in his official capacity.

15 18. Lisa Mangat is Director for the California Department of Parks and
16 Recreation. As such, Ms. Mangat oversees the staff and employees of the
17 Department of Parks and Recreation, including in their dealings with the Ranch
18 under authority of AB 1680. Ms. Mangat is sued here in her official capacity.

19 **JURISDICTION AND VENUE**

20 19. Plaintiff asserts that AB 1680 violates the Fourth Amendment, the Fifth
21 Amendment’s Takings Clause, and the First Amendment of the United States
22 Constitution, all incorporated against the states by the Fourteenth Amendment to the
23 Constitution. The Court has jurisdiction under 28 U.S.C. § 1331 and 42 U.S.C.
24 § 1983 and *Ex parte Young*, 209 U.S. 123 (1908). A remedy is sought under 42
25 U.S.C. § 1983, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

26 20. Venue is proper in this Court because this action concerns private
27 property located in Santa Barbara County, within the jurisdiction of the Central
28 District of California.

FACTS

THE HISTORY AND GENERAL CHARACTER OF THE RANCH

21. The Ranch is a 14,400 acre area of land located just south of Point Conception, at the northern edge of the area commonly known as “Southern California.” The Ranch is a cattle ranch that is sparsely developed with homes on large, agriculturally zoned, 100 minimum acre parcels. The Ranch contains approximately 8.5 miles of Pacific Ocean shoreline, an area characterized by empty points and coves, rolling hillsides, and beach bluffs.

22. The Ranch was part of the 1794 Rancho Nuestra Señora del Refugio Spanish land grant to José Francisco Ortega. This was the only land grant under Spanish rule in Santa Barbara County, California. The grant encompassed much of the Gaviota Coast existing north of the City of Goleta, California, including the Ranch property.

23. In 1869, William Hollister and his family acquired the Ranch property, and began using it for cattle ranching. It has been a working cattle ranch ever since. On average, approximately 500,000 pounds of beef are shipped annually from the Ranch.

24. In 1971, the Ranch was subdivided into 136 separate, approximately 100 acre parcels, and some common areas. 133 of the parcels are privately owned. The other three lots (Parcels 104, 49, and 70) are commonly owned by Plaintiff and used for administrative, cattle ranching, and other common purposes.

25. The land located to the west of the Ranch is privately owned and includes the Dangermond Preserve, owned by the Nature Conservancy. The Santa Ynez mountains lie along the northern boundary of the Ranch.

26. The Pacific Ocean lies along the Ranch’s southern boundary. The Ranch owns the land along its coastline out to the mean high water line, an area of ownership that includes much of the “dry sand” portion of the beach. The State owns

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1 the tidelands, sometimes known as the “wet beach,” lying seaward of the mean high
2 water line.

3 27. A narrow, private, paved two-lane road (main road) winds through the
4 Ranch from east to west. This paved road is located approximately a quarter mile to
5 a half mile inland from the shore.

6 28. Unpaved roads branch off to the south and north from the main Ranch
7 road at various points, providing access to the various Ranch parcels. All of the roads
8 are commonly owned and maintained by Plaintiff.

9 29. Railroad tracks controlled and used by the Union Pacific Railroad lie
10 between the main Ranch road and the beach. Like the main road, the tracks run east
11 to west through the Ranch, more or less parallel to the road.

12 **PRIVATE DEVELOPMENT AND COMMON AREAS**

13 30. The development potential of Ranch parcels is extremely limited due
14 to an agricultural zoning classification applicable to the land under Santa Barbara
15 County law, the Ranch’s own covenants, conditions, and restrictions, and the
16 California Coastal Act.

17 31. Each 100 acre Ranch parcel has a maximum building envelope of only
18 two acres, which allows for construction of one house and a few accessory structures.
19 Fences are generally allowed on the 100+ acre Ranch parcels only around the small,
20 two-acre building area.

21 32. Approximately 100 of the 133 private parcels on the Ranch contain a
22 home. There are accordingly about 100 private homes spread out across the entire
23 14,400 acre Ranch, along with a few employee housing structures. Most of the
24 structures are landward of the main road and cannot be seen from the beach. No
25 homes are on the sandy area of the beach, immediately adjacent to the sand, or
26 seaward of the railroad tracks.

27 33. Along the Ranch’s 8.5 mile shoreline, there are three small, historic
28 beach cabanas that include a small picnic area, bathrooms, and showers. These

1 structures are spaced more than a mile apart on the bluffs near the shore. These
2 cabanas are common areas for the use of Ranch owners and guests and are controlled
3 and maintained by Plaintiff.

4 34. A number of employee houses and administrative and agricultural
5 buildings exist on Parcel 70, located about a half-mile inland of the shoreline. Parcel
6 70 specifically supports a number of employee houses, several maintenance barns,
7 a fire station barn, several pole barns used for storage, and several others small
8 buildings used for various administrative and ranching purposes. All of these
9 buildings and their curtilage are part of the common areas of the Ranch and are
10 controlled and maintained by Plaintiff.

11 35. Parcel 70 also includes the historic Hollister House, the original, 19th
12 century Victorian house built and owned by William Hollister soon after he acquired
13 the property. The Hollister House is a common area maintained by Plaintiff.

14 **THE GATEHOUSE AND CONTROLLED ACCESS**

15 36. The eastern boundary of the Ranch is adjacent to Gaviota State Beach,
16 which is itself adjacent to Highway 101 and open to the public.

17 37. To enter the Ranch property, one must exit Highway 101, drive past the
18 Gaviota State beach entrance, and onto the beginning of the narrow Ranch road.
19 Plaintiff owns and controls a security gate located close to the Gaviota State Park
20 property/eastern Ranch boundary. Plaintiff periodically closes this gate, but usually
21 keeps it open for the convenience of Ranch owners and guests seeking to travel
22 further into the Ranch.

23 38. A separate Ranch-owned and operated gatehouse blocks the road about
24 a half of a mile west of the eastern Ranch boundary. Manually controlled gates
25 extend horizontally from the gatehouse across both sides of the road. These gates
26 block all vehicle access into and out of the Ranch. The gatehouse is staffed on a 24
27 hour basis by Ranch security employees who operate the gates, turn away
28 unauthorized traffic, and generally control access to the Ranch. The gatehouse is a

1 common area that is run and maintained by Plaintiff. A photo of the gatehouse taken
2 from the eastern side—which vehicles encounter when approaching the Ranch—is
3 attached to this complaint as Exhibit 3.

4 39. To enter the Ranch, one must stop at the gatehouse and show proper
5 owner credentials, or establish that the vehicle’s passengers are on a pre-approved
6 Ranch guest list.

7 40. “No Trespassing” and other signs notifying the public of the private and
8 exclusive nature of the Ranch and absence of general access are posted near the
9 gatehouse and along all of the Ranch’s boundaries.

10 41. There is no way for vehicles to access the Ranch other than by
11 permission through the gatehouse blocking the main Ranch road. There is no access
12 into the Ranch from the large, private parcels existing to the west of the Ranch nor
13 from the north, where the Santa Ynez mountains rise. People can and sometimes do
14 use boats to access the state-owned “wet beach” along the Ranch’s southern
15 boundary. The Ranch does not attempt to stop this activity.

16 42. There has never been general public access into or through the Ranch.
17 The only vehicle and pedestrian access allowed is that which occurs by permission
18 of Plaintiff or its members. All vehicles, including that for government officials,
19 must check in at the gatehouse, and validate permission to pass through, before
20 traversing into the Ranch on the Ranch road and otherwise accessing the Ranch
21 property.

22 **THE BENEFITS OF THE CONTROLLED ACCESS SYSTEM**

23 43. The restrictions on development, access, and other activities at the
24 Ranch create natural scenery, enable “free range” cattle ranching, and keep the
25 Ranch’s historic and natural environment intact.

26 44. Hunting is not allowed at the Ranch, nor are motorcycles or similar
27 vehicles. Fencing is generally allowed only around residential development. The
28 resulting, large undisturbed expanse of land and habitats allow a wide-range of

1 species, such as black bear, mountain lion, deer, bobcats, and raptors, to thrive in the
2 Ranch. Due to minimal human activity on the shore, tide pools and beaches adjacent
3 to the Ranch are in the most undisturbed condition of any remaining in Southern
4 California.

5 45. Many of the beaches along the Ranch shoreline are difficult to access
6 from land due to adjacent unstable cliffs, significant undisturbed vegetation, and the
7 action of the tides.

8 46. To help preserve and protect the Ranch environment, the Ranch created
9 the Hollister Ranch Conservancy.

10 47. Among other duties, the Conservancy administers a managed access
11 program, begun in the mid-1970's, which provides access to the Ranch to scientific
12 and educational groups, including various university and private institutional
13 researchers. The Ranch Conservancy regularly hosts tours by the Santa Barbara
14 Natural History Museum, the Santa Barbara Botanical Garden, various historical
15 societies, the Audubon Society, and other groups, free of charge.

16 48. Each year, the Conservancy brings hundreds of Santa Barbara-area
17 grade school children into the Ranch to participate (at no cost to the schools) in the
18 Conservancy's "Tidepool Classroom," an experience that allows students to observe
19 intertidal life forms not readily found elsewhere along the coast.

20 **ENACTMENT OF AB 1680**

21 49. In the past, the California Coastal Commission and other agencies have
22 pressured the Ranch to grant a public access easement or other means of general
23 public access to the Ranch, without compensation to the Ranch or clarity on the
24 mechanics of such access, potential liability, or the effect of a larger human presence
25 on the Ranch environment. The Ranch has resisted this pressure through legal means
26 such as lobbying and litigation, while also increasing controlled access opportunities
27 to the Ranch for educational and research groups.

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1 50. In 2019, the State of California passed AB 1680 and that law went into
2 effect January 1, 2020. AB 1680 purports to amend, update, and replace a prior,
3 1980’s-era Coastal Act provision that directed the Coastal Commission to implement
4 a public access program for the Ranch. That program was never fully implemented.
5 AB 1680 mandates the creation and implementation of a new public access program
6 at the Ranch that secures public access to the shoreline adjacent to the Ranch across
7 land privately owned by the Ranch.

8 51. AB 1680 specifically directs State agencies to “develop a contemporary
9 public access program for Hollister Ranch” by April 1, 2021. The program must
10 include “[a] list of public access options to the state-owned tidelands at Hollister
11 Ranch. Each option shall, at a minimum, include options for public access *by land*
12 and shall include a description of the scope of access as well as an assessment of
13 implementation costs and ongoing operation.” Exhibit 1, AB 1680 § 3(a)(2)(A), Cal.
14 Pub. Res. Code § 30610.81(a)(2)(A) (emphasis added).

15 52. The public access program mandated by 1680 also requires “[a]
16 description of the physical environment at Hollister Ranch, including the shoreline,
17 beach areas, coastal and marine habitat, existing land uses, and cultural and historical
18 resources.” Exhibit 1, AB 1680 § 3(a)(2)(B), Cal. Pub. Res. Code
19 § 30610.81(a)(2)(B).

20 53. AB 1680 further mandates “[a] program that implements specified
21 portions of the program providing land access that includes a first phase of public
22 access to the beach *by land controlled by the Hollister Ranch Owners Association*.
23 On or before April 1, 2022, the State Coastal Conservancy shall fully implement the
24 first phase of the public access to the beach.” Exhibit 1, AB 1680 § 3(a)(3)(C), Cal.
25 Pub. Res. Code § 30610.81(a)(3)(C) (emphasis added).

26 54. To facilitate the State’s new public access mandate, AB 1680 finds that
27 “[a]ccess to Hollister Ranch for state officials and their designated representatives is
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1 critical to enable development of a contemporary public access program.” Exhibit 1,
2 AB 1680 § 1(f).

3 55. AB 1680 further states that “[t]he [coastal] commission, the State
4 Coastal Conservancy, the Department of Parks and Recreation, and the State Lands
5 Commission, or their designated representatives, *shall have access to the common*
6 *areas within Hollister Ranch in order to evaluate resources and determine*
7 *appropriate public access opportunities* and to fulfill implementation of the public
8 access program identified in this section.” Exhibit 1, AB 1680 § 3(b), Cal. Pub. Res.
9 Code § 30610.81(b) (emphasis added).

10 56. AB 1680 also declares that “[a]n action by a private person or entity to
11 impede, delay, or otherwise obstruct the implementation of the public access
12 pursuant to subparagraph (C) of paragraph (3) or other provisions of the public
13 access program constitutes a violation of the public access provisions of” the Coastal
14 Act. Exhibit 1, AB 1680 § 3(a)(4), Cal. Pub. Res. Code § 30610.81(a)(4).

15 57. On belief and knowledge, under the Coastal Act’s enforcement
16 provisions, a violation of the Act’s public access provisions, including AB 1680, is
17 punishable by a fine of up to \$22,500 for each day a violation exists. Such a penalty
18 can be administratively imposed, without court order, by the Coastal Commission.
19 Cal. Pub. Res. Code § 30821.

20 58. AB 1680 does not define the type of “actions” that might be deemed by
21 state officials to “impede,” “delay,” or “obstruct” state officials in the creation and
22 implementation of a new public access mission at the Ranch, constituting a violation
23 of the Coastal Act.

24 **DECLARATORY RELIEF ALLEGATIONS**

25 59. Plaintiff has a right, under the Fourth Amendment to the United States
26 Constitution, to require a warrant or pre-compliance review before government
27 agents enter, evaluate, and search the common areas of the Ranch.

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1 60. Plaintiff also has a right, under the Fifth Amendment, to be free of laws
2 that take its private property without a guarantee or promise of just compensation.

3 61. The Ranch and its members have a right, under the Due Process Clause,
4 to be apprised and notified beforehand of the type of behaviors and actions that
5 violate the Coastal Act and trigger penalties.

6 62. Plaintiff and its members have a right under the First Amendment to
7 lobby, speak, write, advocate, and litigate in defense of their privacy and property
8 rights, even if doing so might be deemed by state officials to “impede” or “delay”
9 government planning, without penalties or fear of penalty.

10 63. Defendants are charged with enforcing a statute that authorizes an
11 unwarranted search of private property, a taking of property without compensation,
12 and severe financial penalties for undefined “actions,” in conflict with Plaintiff’s and
13 its members’ due process and First Amendment rights.

14 64. Defendants have a legal obligation under state and federal law to obtain
15 a warrant or provide pre-compliance review before entering private property to carry
16 out an administrative search. They also have a duty to provide compensation when
17 taking private property and to provide prior notice of the type of individual actions
18 that violate the Coastal Act and incur penalties, and to refrain from penalizing free
19 speech.

20 65. There is a justiciable controversy in this case as to whether AB 1680
21 violates the Fourth Amendment, Fourteenth Amendment, Due Process Clause, First
22 Amendment, and the Fifth Amendment’s Takings Clause.

23 66. A declaratory judgment as to whether AB 1680 allows state officials to
24 search the common areas of the Ranch without a warrant or pre-compliance review,
25 and a judgment on the meaning and scope of the provision prohibiting “action[s]”
26 that “impede,” “delay,” or “obstruct” the creation and implementation of a state-
27 mandated public access program at the Ranch will clarify the legal relations between
28 Plaintiff and its members and Defendants.

1 67. A declaratory judgment as to whether AB 1680 allows state officials to
2 unconstitutionally invade and take Ranch property without compensation will clarify
3 the legal relationship of the parties.

4 68. A declaratory judgment as to whether AB 1680 chills protected speech
5 and violates the First Amendment will clarify the legal relations between the parties.

6 69. A declaratory judgment as to the constitutionality and legality of
7 AB 1680 will give the parties relief from the uncertainty and insecurity giving rise
8 to this controversy.

9 **INJUNCTIVE RELIEF ALLEGATIONS**

10 70. Plaintiff has no adequate remedy at law to address the immediate,
11 ongoing violation of it and its members' Fourth Amendment, Due Process, First
12 Amendment, and Fifth Amendment rights occurring under AB 1680.

13 71. There is a substantial likelihood that Plaintiff will succeed on the merits
14 of its claim(s) that AB 1680 violates the Fourth Amendment, Due Process Clause,
15 First Amendment, and Takings Clause of the Fifth Amendment.

16 72. Under the challenged statute, and without injunctive relief, Plaintiff is
17 immediately subject to unwarranted and unlawful search and invasion of its private
18 property.

19 73. Under the challenged statute, and without injunctive relief, Plaintiff and
20 its members and employees may not take action to assert and defend the exclusive,
21 private, and constitutionally protected nature of the Ranch property without
22 incurring severe financial penalties.

23 74. Under the challenged statute, and without injunctive relief, Plaintiff and
24 its members' right to engage in protected, First Amendment activity in defense of
25 their property rights is chilled and subject to financial penalty.

26 75. Under the challenged statute, and without injunctive relief, Defendants
27 will acquire and take an easement on Ranch common areas of indefinite scope,
28 without a guarantee of just compensation.

1 76. Plaintiff and its members will suffer irreparable injuries absent a
2 permanent injunction restraining Defendant from enforcing the Ordinance. When
3 AB 1680 went into effect as state law on January 1, 2020, Plaintiff became legally
4 obligated to allow state agents to enter the Ranch and to use and search all common
5 areas, when they desire, for indefinite periods, and without any limit on the scope or
6 method of the search.

7 77. Further, as of January 1, 2020, when AB 1680 went into effect, Plaintiff
8 and its members and employees became unable to lobby, litigate, or publish in
9 defense of the Ranch's property rights and private nature, and in opposition to forced
10 public access, or to video-record and otherwise follow and monitor governmental
11 activity on the Ranch, without potentially "impeding" AB 1680 and incurring
12 massive fines for constitutionally protected behavior.

13 78. The immediate and unconstitutional prohibition on Plaintiff's Fourth
14 Amendment right to be free of an unreasonable search, and the infringement of its
15 Due Process, free speech, and Fifth Amendment rights outweighs any harm the
16 injunction might cause Defendants.

17 **COUNT I**

18 **FACIAL VIOLATION OF THE FOURTH AMENDMENT**

19 79. Plaintiff hereby incorporates all factual allegations in this complaint in
20 this count.

21 80. The Fourth Amendment protects against unwarranted and unreasonable
22 searches. This protection applies to searches carried out in the civil context,
23 including administrative searches.

24 81. The common areas of the Ranch include occupied and unoccupied
25 structures, such as employee homes, offices, historical structures, a gatehouse, beach
26 cabanas, and these structures' curtilage.

27 82. The vast majority of the common areas of the Ranch cannot be viewed
28 from the sea, or any other publicly owned or accessible area. Signs at the Ranch

1 entrance and all its boundaries make clear that the area is wholly private and
2 inaccessible. The Ranch and its members have a legitimate expectation of privacy
3 in, and a right to exclude others from, the Ranch common areas, including all the
4 structures and their curtilage located on the common areas.

5 83. AB 1680 allows state officials and agents to immediately access and
6 search all of the Ranch's common areas, including structures and their curtilage, for
7 the purpose of evaluating resources, collecting data, and surveying potential ways
8 for the public to enter and access the beaches and tidelands at the Ranch over land
9 owned by the Ranch.

10 84. The statute further allows state officials to use private Ranch roads
11 maintained at Ranch expense for the purpose of collecting information pertinent to
12 the state's plans to impose public access on Ranch land.

13 85. On its face, AB 1680 does not require a warrant or any kind of pre-
14 compliance review before State officials have access to Ranch common areas for
15 search purposes.

16 86. On its face, AB 1680 does not include any limits on the number of
17 officials that may access Ranch common areas, the amount of times they may enter
18 those areas, the length of time in which they may stay in common areas, the type of
19 data they can collect, instruments or vehicles they may use, nor does it include any
20 kind of reasonable notice requirement for the exercise of the common area access
21 right granted to state officials by AB 1680.

22 87. The provision in AB 1680 granting access to state officials for
23 evaluation and search purposes authorizes an unreasonable and unconstitutional
24 search of the Ranch common areas.

25 88. Defendants are subject to this Fourth Amendment claim,
26 notwithstanding sovereign immunity, under *Ex parte Young*, 209 U.S. 123 (1908),
27 and its progeny.

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COUNT II

**VIOLATION OF THE DUE PROCESS
CLAUSE (VOID FOR VAGUENESS)**

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3
4 89. Plaintiff hereby incorporates all factual allegations in this complaint in
5 this count.

6 90. The Due Process Clause prohibits laws that impose penalties without
7 adequately defining the prohibited behavior. Due Process requires that a law provide
8 sufficient notice about what it prohibits, so that a reasonable person can know,
9 beforehand, the nature of the actions that violate the law.

10 91. AB 1680 penalizes “actions” that “delay,” “impede,” or “obstruct” the
11 implementation of public access at Hollister Ranch, without defining what class or
12 type of “action” qualifies as one that illegally “impedes,” “delays,” or “obstructs”
13 the creation and implementation of a public access program at the Ranch.

14 92. On the face of AB 1680, the law does not give Plaintiff, Ranch officials,
15 owners, and everyday employees sufficient notice of the type of individual actions
16 that might be deemed to illegally “impede,” “delay,” or “obstruct” the
17 implementation of public access pursuant to AB 1680. The law does not clarify
18 whether normal and traditional Ranch operations, such as requiring permission for
19 access, blocking traffic that lacks permission at the gatehouse, closing the eastern-
20 most gate near Gaviota State Park, or telling those who do not have permission to be
21 at the Ranch to leave, violates AB 1680, thus triggering civil penalties under the
22 Coastal Act.

23 93. The vagueness of the terms “action,” “delay,” “impede,” and obstruct”
24 invites arbitrary enforcement of AB 1680 and the Coastal Act.

25 94. The AB 1680 provision penalizes any “action” that “delays,”
26 “impedes,” or obstructs” the implementation of a public access program and chills
27 and potentially penalizes the exercise of constitutional rights, including the

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1 fundamental right to exclude trespassers and strangers from private property, and to
2 require a warrant or other protections prior to investigatory administrative searches.

3 95. The AB 1680 provision penalizing any “action” that “delays,”
4 “impedes,” or obstructs” the public access program at the Ranch is void for
5 vagueness.

6 96. Defendants are subject to this Due Process vagueness claim,
7 notwithstanding sovereign immunity, under *Ex parte Young*, 209 U.S. 123 (1908),
8 and its progeny.

9 **COUNT III**

10 **VIOLATION OF THE FIRST AMENDMENT**

11 97. Plaintiff hereby incorporates all factual allegations in this complaint in
12 this count.

13 98. The First Amendment prohibits laws that are so vague or so broad that
14 they sweep in, chill, and potentially penalize First Amendment activity.

15 99. Plaintiff and its members engage in and want to continue to engage in
16 First Amendment activity related to the protection of their private property rights,
17 including orally telling trespassers to leave (when necessary), filing of lawsuits (as
18 necessary), advocating in the public sphere by oral or written means, lobbying in the
19 political arena, video-recording government and other activities on the Ranch, and
20 posting signage on the Ranch that notifies non-owners of the private and exclusive
21 nature of the Ranch.

22 100. The provision in AB 1680 that penalizes “actions” that “delay,”
23 “impede,” or “obstruct” the implementation of public access at Hollister Ranch chills
24 and penalizes the exercise of the Ranch’s First Amendment rights.

25 101. The provision in AB 1680 that penalizes “actions” that “delay,”
26 “impede,” or “obstruct” the implementation of public access at Hollister Ranch
27 AB 1680 is overbroad and vague and violates the First Amendment.

28 ///

1 102. Defendants are subject to this First Amendment claim, notwithstanding
2 sovereign immunity, under *Ex parte Young*, 209 U.S. 123 (1908), and its progeny.

3 **COUNT IV**

4 **FACIAL VIOLATION OF THE TAKINGS CLAUSE**
5 **OF THE FIFTH AMENDMENT**

6 103. Plaintiff hereby incorporates all factual allegations in this complaint in
7 this count.

8 104. The Fifth Amendment to the United States Constitution prohibits the
9 government from taking property without paying just compensation. This
10 requirement applies to the States through the Fourteenth Amendment's Due Process
11 Clause.

12 105. The government effects a physical taking of property that categorically
13 requires compensation to render it constitutional when it physically invades or
14 occupies private land.

15 106. The imposition or creation of an access easement across private land is
16 a physical taking of property requiring provision of compensation.

17 107. AB 1680 requires the Ranch to allow an undefined number of state
18 officials and their agents to invade, traverse, investigate, and occupy the common
19 areas in the Ranch, at their discretion, for an indefinite period, without any promise
20 or payment of compensation.

21 108. AB 1680 gives state officials an access easement across the Ranch
22 common areas including, but not limited to, an easement allowing state officials to
23 use the approximately eight mile main Ranch road, and all unpaved side roads. This
24 access easement takes a property interest from Plaintiff and its members without any
25 guarantee or payment of compensation.

26 109. On its face, the AB 1680 provision allowing officials to invade and
27 access the Ranch's private common areas eviscerates Plaintiff's fundamental right
28 to exclude others.

1 110. AB 1680 causes an ongoing, unconstitutional taking of private property
2 on its face.

3 111. This facial claim seeks equitable relief only.

4 112. Defendants are subject to this First Amendment claim, notwithstanding
5 sovereign immunity, under *Ex parte Young*, 209 U.S. 123 (1908), and its progeny.

6 **RELIEF REQUESTED**

7 Plaintiff requests the following relief:

8 1. A declaration that the provision in AB 1680 stating that state officials
9 “shall have access” to Ranch common areas authorizes an unconstitutional search
10 and violates the Fourth Amendment to the Constitution;

11 2. A declaration that the AB 1680 provision that penalizes any “action”
12 that “delays,” “impedes,” or obstructs” the implementation of a public access
13 program is void for vagueness under the Due Process Clause of the Fourteenth
14 Amendment to the Constitution;

15 3. A declaration that the AB 1680 provision that penalizes any “action”
16 that “delays,” “impedes,” or obstructs” the implementation of a public access
17 program is overboard and vague and violates the First Amendment to the
18 Constitution;

19 4. A declaration that the provision in AB 1680 granting access to state
20 officials to Ranch common areas without any mechanism or guarantee of
21 compensation amounts to an unconstitutional taking of Ranch property in violation
22 of the Fifth Amendment to the Constitution;

23 5. Entry of judgment declaring that AB 1680 violates the Fourth
24 Amendment, Due Process Clause, First Amendment, and Takings Clause of the
25 Constitution and 42 U.S.C. § 1983;

26 6. Entry of judgment declaring the challenged provisions of AB 1680 are
27 invalid and unenforceable;

28 ///



STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 1680

CHAPTER 692

An act to amend Section 30610.8 of, and to add Section 30610.81 to, the Public Resources Code, relating to coastal resources.

[Approved by Governor October 9, 2019. Filed with Secretary of State October 9, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1680, Limón. Coastal lands: public access program: Hollister Ranch.

The California Coastal Act of 1976 (coastal act) requires any person wishing to perform or undertake any development in the coastal zone, as defined, to obtain a coastal development permit, except as provided. The coastal act requires every person receiving a coastal development permit or a certificate of exemption for development on any vacant lot within specified designated areas, prior to commencement of construction, to pay to the California Coastal Commission (the commission), for deposit in the Coastal Access Account, an in-lieu public access fee, with the amount of the fee determined by specified costs of acquisition, as provided. The coastal act, for purposes of those provisions governing the in-lieu public access fee amount and with respect to the Hollister Ranch public access program in the County of Santa Barbara, requires that the Hollister Ranch in-lieu fee for public access be \$5,000 for each permit. The coastal act also requires that all in-lieu public access fees received pursuant to those provisions be deposited in the State Coastal Conservancy Fund and be available for appropriation to the State Coastal Conservancy for specified conservancy purposes.

This bill would require the commission, in collaboration with the State Coastal Conservancy, the Department of Parks and Recreation, and the State Lands Commission, by April 1, 2021, to develop a contemporary public access program for Hollister Ranch that will replace the existing coastal access program for Hollister Ranch that the commission adopted in 1982, and would require that the public access program include specified components, as provided, including the first phase of public access to beach by land controlled by the Hollister Ranch Owners Association to be implemented by April 1, 2022. The bill would provide that a private person or entity impeding, delaying, or otherwise obstructing the implementation of the public access or other public access program requirements constitute a violation of the public access provisions of the coastal act. The bill would require the commission, in collaboration with the conservancy, the department, and the State Lands Commission, to submit a prescribed report to the Legislature within 30 days of missing a public access program deadline. The bill would require that all past, present, and future in-lieu fees

received, as well as other moneys received by the conservancy for providing public access at Hollister Ranch from public and private sources, including nonprofit sources, be deposited in the Hollister Ranch Access Management Subaccount, which the bill would create in the State Coastal Conservancy Fund. The bill, upon appropriation by the Legislature, would require moneys in the subaccount to be used for any action necessary to implement the public access program for Hollister Ranch.

This bill would increase the amount of the Hollister Ranch in-lieu public access fee to \$33,000 for each permit, adjusted annually for inflation.

Existing law states the intent of the Legislature that the State Coastal Conservancy and the State Public Works Board use their authority to implement the public access policies and provisions of the coastal act at Hollister Ranch.

This bill would instead require the conservancy and the State Lands Commission to use their full authority to implement the public access policies and provisions of the coastal act at Hollister Ranch.

This bill would make legislative findings and declarations as to the necessity of a special statute for Hollister Ranch.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The California coast is a public resource of enduring significance. It embodies natural and cultural resources, scenic beauty, public access, recreation and enjoyment, coastal dependent and related land uses, and vibrant and sustainable coastal communities and economies.

(b) California is a world leader in protecting its coast and advancing the right of all people to access and enjoy its beaches and ocean, as guaranteed by Article X of the California Constitution.

(c) Hollister Ranch is a 14,500-acre subdivision that includes 8.5 miles of publicly owned shoreline in the County of Santa Barbara, with no land-based coastal access for the public.

(d) The Gaviota Coast, of which Hollister Ranch is a significant part, is the least accessible stretch of coast in California, with fewer than two miles of publicly accessible shore in more than 60 miles of coastline.

(e) In 1982, the California Coastal Commission adopted the coastal access program for Hollister Ranch, which the Legislature expected to be implemented “in a timely fashion” and “as expeditiously as possible” pursuant to Section 30610.8 of the Public Resources Code.

(f) Access to Hollister Ranch for state officials and their designated representatives is critical to enable development of a contemporary public access program.

(g) In March 2019, the Director of the California Coastal Commission, the Director of the State Coastal Conservancy, the Director of the Department of Parks and Recreation, and the Director of the State Lands Commission signed an interagency collaboration agreement to establish a framework for

effective and efficient communication and collaboration to develop a contemporary public access program for Hollister Ranch that is informed by meaningful and comprehensive public outreach and stakeholder engagement in a timely manner.

(h) The Legislature supports and encourages the efforts delineated in the collaboration agreement to provide meaningful, safe, equitable, and environmentally sustainable public access to the coast at Hollister Ranch.

(i) The public policy of protecting, expanding, enhancing, and promoting equitable public access to the state's coast, tidelands, and waterways is embodied in the California Constitution, numerous statutes and regulations, and common law.

(j) Multiple barriers have prevented the public from accessing and enjoying an 8.5-mile stretch of the coast at Hollister Ranch for over three decades.

(k) The limits on coastal public access at Hollister Ranch contradict the clear legislative intent that a coastal public access program be implemented as expeditiously as possible at that property.

(l) The Legislature strongly encourages the ongoing process for all stakeholders to work together to develop a contemporary public access program for Hollister Ranch that will provide equitable public access consistent with the California Coastal Commission's environmental justice policy.

SEC. 2. Section 30610.8 of the Public Resources Code is amended to read:

30610.8. (a) The Legislature hereby finds and declares that a dispute exists at the Hollister Ranch in the County of Santa Barbara with respect to the implementation of public access policies of this division and that it is in the interest of the state and the property owners at the Hollister Ranch to resolve this dispute in an expeditious manner. The Legislature further finds and declares that public access should be provided in a timely manner and that in order to achieve this goal, while permitting property owners to commence construction, the provisions of this section are necessary to promote the public's welfare.

(b) For purposes of Section 30610.3 and with respect to the Hollister Ranch public access program, the in-lieu fee shall be thirty-three thousand dollars (\$33,000) for each permit, adjusted annually for inflation pursuant to the consumer price index. Upon payment by the applicant for a coastal development permit of this in-lieu fee to the State Coastal Conservancy for use in implementing the public access program, the applicant may immediately commence construction if the other conditions of the coastal development permit, if any, have been met. No condition may be added to a coastal development permit that was issued before the effective date of this section for any development at the Hollister Ranch.

(c) The State Coastal Conservancy and the State Lands Commission shall use their full authority provided under law to implement, as expeditiously as possible, the public access policies and provisions of this division at the Hollister Ranch in the County of Santa Barbara.

SEC. 3. Section 30610.81 is added to the Public Resources Code, immediately following Section 30610.8, to read:

30610.81. (a) (1) To ensure public access to Hollister Ranch in the County of Santa Barbara, the commission shall, in collaboration with the State Coastal Conservancy, the Department of Parks and Recreation, and the State Lands Commission, by April 1, 2021, develop a contemporary public access program for Hollister Ranch that will replace the existing coastal access program for Hollister Ranch that the commission adopted in 1982.

(2) The public access program for Hollister Ranch shall be informed by a public outreach and stakeholder engagement process and shall include, at a minimum, all of the following:

(A) A list of public access options to the state-owned tidelands at Hollister Ranch. Each option shall, at a minimum, include options for public access by land and shall include a description of the scope of access as well as an assessment of implementation costs and ongoing operation.

(B) A description of the physical environment at Hollister Ranch, including the shoreline, beach areas, coastal and marine habitat, existing land uses, and cultural and historical resources.

(C) A description of the current level of public access to the state-owned tidelands at Hollister Ranch.

(D) Educational and scientific research opportunities along the Hollister Ranch coast associated with the natural, cultural, and historical resources.

(E) Provisions to protect and preserve sensitive natural, cultural, and historical resources.

(3) In addition to the components required by paragraph (2), the public access program shall include all of the following:

(A) A summary of permits needed to implement the program.

(B) An implementation strategy.

(C) A program that implements specified portions of the program providing land access that includes a first phase of public access to the beach by land controlled by the Hollister Ranch Owners Association. On or before April 1, 2022, the State Coastal Conservancy shall fully implement the first phase of the public access to the beach. Implementation of this subparagraph is subject to appropriation of funding to provide for the specified land access.

(4) An action by a private person or entity to impede, delay, or otherwise obstruct the implementation of the public access pursuant to subparagraph (C) of paragraph (3) or other provisions of the public access program constitutes a violation of the public access provisions of this division.

(b) The commission, the State Coastal Conservancy, the Department of Parks and Recreation, and the State Lands Commission, or their designated representatives, shall have access to the common areas within Hollister Ranch in order to evaluate resources and determine appropriate public access opportunities and to fulfill implementation of the public access program identified in this section.

(c) If a public access program deadline required under subdivision (a) is not met for any reason, the commission, in collaboration with the State

Coastal Conservancy, the Department of Parks and Recreation, and the State Lands Commission, shall submit a report to the Legislature within 30 days of missing the deadline. The report shall include an explanation for why the public access program has been delayed, a proposed completion date, and any other relevant information pertinent to the completion of the full implementation of the public access program for Hollister Ranch. A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(d) Notwithstanding provision 2 of category (2) of Item 3760-490-721 of the Budget Act of 1984, all in-lieu fees received pursuant to subdivision (b) of Section 30610.8 before, on, or after January 1, 2020, as well as other moneys received by the State Coastal Conservancy for providing public access at Hollister Ranch from other public or private sources, including nonprofit sources, shall be deposited in the Hollister Ranch Access Management Subaccount, which is hereby created in the State Coastal Conservancy Fund. Moneys in the subaccount, upon appropriation by the Legislature, shall be used for any action necessary to implement the public access program for Hollister Ranch.

SEC. 4. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances regarding Hollister Ranch in the County of Santa Barbara.

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Exhibit 3
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