

Ramirez, Angelica

Public Comment - Closed Session

From: Jana Zimmer <zimmerccc@gmail.com>
Sent: Monday, September 20, 2021 2:47 PM
To: Williams, Das; Hart, Gregg; Nelson, Bob; Lavagnino, Steve; Hartmann, Joan; sbcob
Cc: Lisa Weinberg; Pettit, Brian
Subject: Board of Supervisors Closed Session 9/20/2021 - Casa Blanca Beach Estates v. County
Attachments: Dr. P. King Final Santa Claus Lane Memo.pdf

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Re: Closed session item: Casa Blanca Beach Estates v County of Santa Barbara and Coastal Commission

Dear Honorable Supervisors:

As you know I represent Love Lambs II, LLC, an individual homeowner in the 7 owner Casa Blanca subdivision. I have been attempting to resolve this dispute on behalf of my client in a fair and reasonable way since I was retained in late December of 2019. Since I first reviewed the record, I have maintained that there has been no permit violation, only a failed expectation/hope on the part of the 1990 County Planning Commission, which was not supported by Parks or Risk Management 30 years ago. Based on the facts as they were known and have evolved, the Board of Supervisors' decision in 1990 to reject the Offer to Dedicate an easement on the revetment was the correct one.

My client purchased her property in 2014, and fully renovated her home in reliance on final CDP and building permits from the County. She is factually, ethically, and legally innocent of any wrongdoing, but she has been facing threats of being held individually and collectively responsible for up to \$20,000,000 in penalties for 4 1/2 years for a permit violation that never occurred, and she has been subjected to illegal demands in direct violation of Section 30212(b)(2) and (3) of the Coastal Act, to consent to a new lateral easement directly in front of her living room, after she reconstructed her home in full compliance with a CDP that your Planning Department issued after the Zoning Administrator found that her property was in full compliance with the coastal zoning ordinance, and which was not appealed by any party.

Despite our firm belief that a court would find that no violation of permit conditions ever occurred, I have suggested both procedural and substantive solutions to resolve the case, including the payment of monies for public access programs through Wilderness Youth- with their support, and /or pursuit of appropriate study of sea level rise in the Carpinteria area through BEACON- with their support, and even to support the County's construction of access improvements on Santa Claus Lane, which I first suggested in January of 2020.

In January of 2017, the County joined the Commission staff in alleging a violation that we have demonstrated simply never occurred. The County joined the Commission staff in alleging that our clients must exhaust administrative remedies which the County and the Commission staff have **refused to provide for an entire year since we filed our Statements of Defense**. The County has failed to clarify for Commission staff the terms of your own County permits, and that under the terms of those permits you understand that you cannot assert a legal right to require

alternative mitigation for the unsafe walkway location that you have rejected time and again, since 1990.

We are very concerned that because of County staff turnover since the initiation of this case, the Board may not have a full understanding of why we have requested that you reassert your jurisdiction over the entire matter. We believe that if you have a full understanding of the facts and legal history, you will conclude that your duty to protect **your right to implement your own LCP**, to stand up for your own constituents against false allegations of violation, and to protect your own County fisc from the inevitable damages claims that you will have to defend, must now prevail over any remaining desire to do the Commission staff's bidding.

Commission enforcement staff simply refuses to engage on the merits of their allegations, and they have failed and refused – for almost a year- to grant our clients the administrative hearing that they, and you have claimed to the court must be exhausted before a court can decide the legal issues. Therefore, as you consider the substance of the CBBEOA's offer of settlement, please ask County Counsel to respond, to the following:

1. Having read the Statements of Defense, do you believe that a court would (a) find that a violation occurred, as a matter of law? (b) if so, *when* do you believe that any such violation occurred? (Didn't the CBBEOA comply precisely with the "joint" County and Commission demand to submit plans for the walkway depicted in 89 DPF 32 cz in 2017? And didn't the Coastal Commission staff refuse to process the very permit application that they had demanded because they knew the walkway would be unsafe for the public?)
2. Since the County rejected the Offer to Dedicate on public safety grounds in 1990, but accepted it 21 years later **without ever informing the homeowners**, and again affirmed in April of 2016 that it did *still* not want the walkway built, and represented that the County, not the homeowners would seek permits when they decided to pursue construction, didn't the County violate its own permit condition? Who should pay damages or penalties for that?
3. If you accept the facts, - which are not reasonably subject to dispute- why should your Board continue to support, let alone defer to the Coastal Commission staff's demands for penalties, or alternative access *at all*?

With regard to your consideration of the value of the alternative mitigation that the HOA has offered, my client engaged Dr. Phil King, the foremost expert on valuation of recreation to provide a scientific basis for the offer. The \$28,200 per year for 20 years is based directly on his reports, which I believe Ms. Weinberg has forwarded to County Counsel.

It is also important for the Board to understand that the HOA is in conversation, separately, with the State Lands Commission regarding their claim for rent for the revetment. Regardless of how the boundary issue is resolved, any payments to the County for alternative access must be eligible to be counted as public benefit for purposes of a new lease. This is the primary reason that the Coastal Commission staff's demands for "penalties" cannot be supported. Finally, please note that Coastal Commission staff summarily rejected consideration of a vertical access in July of 2020, which has since been determined to be legally infeasible.

We respectfully request that you please review all the facts and history of the case, and upon evaluating responses to the questions above, that you direct County Counsel to inform the Commission staff that:

1. **The CBBEOA's terms of settlement of 9/17/2021 are acceptable to your Board; and**

2. The County is prepared to take the matter back to implement the settlement through a County Board of Supervisors public hearing at which you would consider quitclaim of the existing easement in exchange for the access benefits that the CBBEOA has offered; and
3. Dismiss your 'Joint' Notice of Violation of January 5, 2017, with prejudice.

Thank you.

Jana Zimmer, Attorney/
Government Relations Consulting
(805)705-3784

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Memo

September 25, 2020

To: Jana Zimmer, Attorney at Law

From: Dr. Philip King

Re: Recreational Value of Proposed Walkway on existing Revetment between Santa Claus and Sandyland Beaches

I have been asked to evaluate the potential economic (recreational) benefits associated with the creation of a public walkway over an existing revetment at Santa Claus Beach, fronting the Casa Blanca development, within a five foot wide easement recorded in 2011 by the County of Santa Barbara which is located on the revetment. Based on examination of the likely recreational use of the walkway and the accessibility issues, even if the County or another public agency were to accept liability for injury and maintenance, I estimate that the additional recreational benefits provided by this walkway will be minimal, and the liability potentially significant. Therefore I have been asked to estimate a fair and appropriate basis to propose an annual “mitigation” fee to replace the easement requirement, taking into account all the circumstances. My estimate is due to several factors:

- (1) The easternmost reach of Santa Claus beach, especially in the specific location in front of the Casa Blanca subdivision is small, very narrow and often submerged during high or even medium tide—much of the existing recreational area near the existing revetment is “wet beach,” at least 50% of the day
- (2) There is inadequate public parking at Santa Claus Beach, no formal vertical access anywhere from the proposed County access to the west, to the City of Carpinteria boundary to the east, and existing access in the immediate area of the easement is mostly available to local (almost exclusively affluent) residents of the immediate residential enclave.

- (3) Given the long distance between the access point proposed at Santa Claus, and the nearest existing vertical access within the City of Carpinteria, the main improvement in recreational value would be for walkers/joggers wishing to go the full length of Santa Claus Beach plus Sandyland.
- (4) The County has planned a multi-use path near the rail line, which has been approved by the Coastal Commission, and which will likely be a close substitute and safer alternative. This path will be separated from the beach by the El Estero marsh, and will not provide shoreline access, but will be part of the California Coastal trail, and will provide a potentially significant number of users with an equivalent or superior coastal recreational experience.
- (5) The permitting agencies have repeatedly determined that the walkway as originally proposed in the recorded easement will not be safe for the public (the Board of Supervisors rejected the Offer to Dedicate in 1990, and the Coastal Commission staff has again determined that it would be unsafe (Letter to Casa Blanca Homeowners 10/13/2017).
- (6) The access point from Santa Claus Beach over the revetment to Sandyland Beach is particularly subject to wave action; local public agencies have been reluctant/unwilling to assume the liability associated with this revetment because of these safety issues. Under the California Coastal Act, the easement/walkway can only be open to the public if a local agency assumes liability.
- (7) An engineer's examination of the structural integrity of the revetment and potential for wave overtopping indicate substantial risk of injury or fatality.

At the current estimated recreational value, even one death in 100 years would completely negate the value of the walkway.

Project Background

The California Coastal Commission staff has requested that the Casa Blanca Beach Estates Owners Association (CBBEOA) submit plans for the construction of the walkway at the

location of a pre-existing easement on the subdivision's property, as specifically described in the 1990 Final Development Plan approved by the County of Santa Barbara. This project does not concern the revetment itself—which predates the California Coastal Act—but the utility of a *walkway over the revetment*.

The revetment projects seaward between Santa Claus Beach to the west and Sandyland Beach to the east. Santa Claus Beach is open to the public, although there are no formal access points or public amenities, and parking is limited. **Sandyland Beach is inaccessible to the public**, with no vertical access points from the private Sand Point Road. With these access limitations, access to and from the “downcoast” portion of the beach along Sand Point Road—would primarily continue to serve users from a very affluent community—the Padaro Lane/Santa Claus Beach/Sandyland community census tract has what the U.S. Census Bureau determines as an “upper” level income (\$118,899 estimated for 2020)¹, and median home values in the area are upwards of \$6 million². The walkway would primarily function as an extension of the beach path for a privileged community, allowing local joggers and walkers a longer beach path.

Recreational Value.

In order to understand the potential economic value of constructing a walkway on the current easement, I estimated expected use of the walkway and the economic or monetary value of that use. The walkway—if built—would be 5 feet wide with a total area of approximately 2,500 sq ft. It must be noted, however, that this walkway *does not create additional beach area*. Instead, it would be a path over the existing revetment. The proposed walkway connects two beaches, the beach in front of Santa Claus Lane (with public access points approximately 350m West of the revetment) and the beach in front of the Sand Point Road homes (a.k.a. Sandyland), to which there is no public vertical access. I have been informed that as recently as April of 2016, the County confirmed that the Board of Supervisors accepted the Offer to Dedicate in 2011 because it agreed that it was important to accept the

¹ Federal Financial Institutions Examination Council, census data
<https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>

² Zillow estimates

offer before its expiration. The County informed the Coastal Commission, “the lateral easement is an isolated segment with no public connection on either end. The decision was made to accept the easement before it expired and secure it for future use....The county still believes that it would be most prudent to construct the improvements to this easement when there is a possibility of the public receiving benefit from it and not before. ...we would move to construct it ourselves in the future should adjoining public access easements be acquired.” (e mail Claude Garciacelay, County Parks, to Molly Troup, Coastal Commission enforcement, 4/19/2016)

The fact that this ‘segment’ remains unconnected to any other public access also negatively affects its value, even absent the public safety issues.

Because Sandyland beach is a *de-facto* private beach, the project would not provide any increased access for visitors who are not local to the immediate neighborhood. It would potentially enable residents along Sandyland Beach to cross over to Santa Claus beach, but those residents already have beach access. Beyond this, it would not alter the existing access to Santa Claus Beach. Until the County completes the streetscape and public access improvements on Santa Claus Lane, parking at Santa Claus Beach is limited and access requires crossing the railroad via various informal (and unsafe) paths. The County plans, however, to create a formal access crossing, with wash station and restrooms, approximately 350 meters west of the revetment, in a project unrelated to the easement and walkway. These plans will improve access to Santa Claus beach but even with the walkway, access to Sandyland would not be meaningfully increased due to the lack of vertical access on the Eastern side of the revetment.

Does the Walkway provide recreational value?

Constructing the walkway would not substantially alter access to Santa Claus *or* Sandyland Beach due to the limited vertical access points. The walkway would weakly connect the two beaches, but the proposed walkway does *not* provide full access and use of Sandyland beach for the public because of the location of the single vertical access point at Santa Claus Beach. Based on my 25 years of experience with coastal recreation, I can state that few

beachgoers would walk the estimated 500+ meters from Santa Claus Beach to lay their towel down at Sandyland, particularly given that there are bigger and better beaches nearby, with parking and other amenities (e.g., Carpinteria City and State Beaches). Additionally, there is no parking at Sand Point road, and no vertical access. Thus, the walkway would primarily be used by walkers and joggers.

Santa Claus Beach is primarily a local beach, and Sandyland Beach has been *de-facto* private since 1929. Given the exclusive nature of the area, the majority of the walker and joggers who might use this specific walkway would be locals (largely affluent), who already have access to the beach. Furthermore, walkers and joggers will soon have a safer alternative trail. The County plans for Santa Claus lane includes a multi-use path with connection to the Bikeway, reaching all the way to Carpinteria Avenue. This trail, which will have sea views, will be a close substitute for many walkers and joggers, and will have the additional amenity of being safer and (for those who wish) a much longer trail, which will further decrease the recreational value of the walkway.

While the walkway will not create much additional access, it may provide additional consumer surplus and therefore value to those who chose to walk or jog on it by increasing the ability of walkers to go between beaches. Currently, walkers are able to pass in front of the revetment at lower tides.

The walkway would provide passage *over* the revetment, which is necessary during high-tides. However, during high-tide and storm surge conditions, visitors may not be able to access the start of the walkway at Santa Claus beach due to safety concerns. **Unfortunately, the beach area immediately west of the proposed walkway, on the Santa Claus side, is particularly subject to wave run-up and hence is less likely to be accessible at exactly the times when it is most needed—high tides and storm surges.** Consequently this walkway would be useful only during medium-high tides when there is still some beach in adjacent to the revetment (more likely in summer than winter) are there are no storm surges or other conditions that may impact public safety. It's quite possible that there will be no conditions under which this walkway will be useful to the public. Furthermore, the exposure to wave

action creates the dangerous potential for walkway users to be trapped on the revetment or on either side. Table 1 below summarizes these access conditions for high, medium and low tides.

Table 1: Access between Santa Claus Beach and Sandyland Beach During different Tide Conditions

Condition	Access between Sandyland and Santa Claus Beaches without Walkway	Access between Sandyland and Santa Claus Beaches with Walkway
Low Tide	Currently Passable on "wet beach"	Passable on beach or walkway
Medium Tide	May be passable sometimes, more likely in summer	If allowed to open, would improve access somewhat, especially in winter
High Tide	Not currently Passable	Revetment walkway may be unreachable because no beach exists.

According to estimates from Mark Lloyd, the licensed Surveyor who prepared and filed the Subdivision Map authorizing the Casa Blanc subdivision in 1990, and who negotiated with the State Lands Commission over the location of the Mean High Tide Line in 1989-1990, joggers and walkers would only benefit from the walkway approximately 50% of the time—when the tide is sufficiently high so that passage on the sand is impossible. However, if one also accounts for the narrowing/eroding of the beaches (Santa Claus and Sandyland) up to the revetment walkway, then this access may be reduced further. Constructing the walkway would allow visitors to walk from Santa Claus to Sandyland under more conditions and throughout more of the year, *but not all the time*. They would still be unable to pass at high tide, because there would not be access via the beach to the start of the walkway.

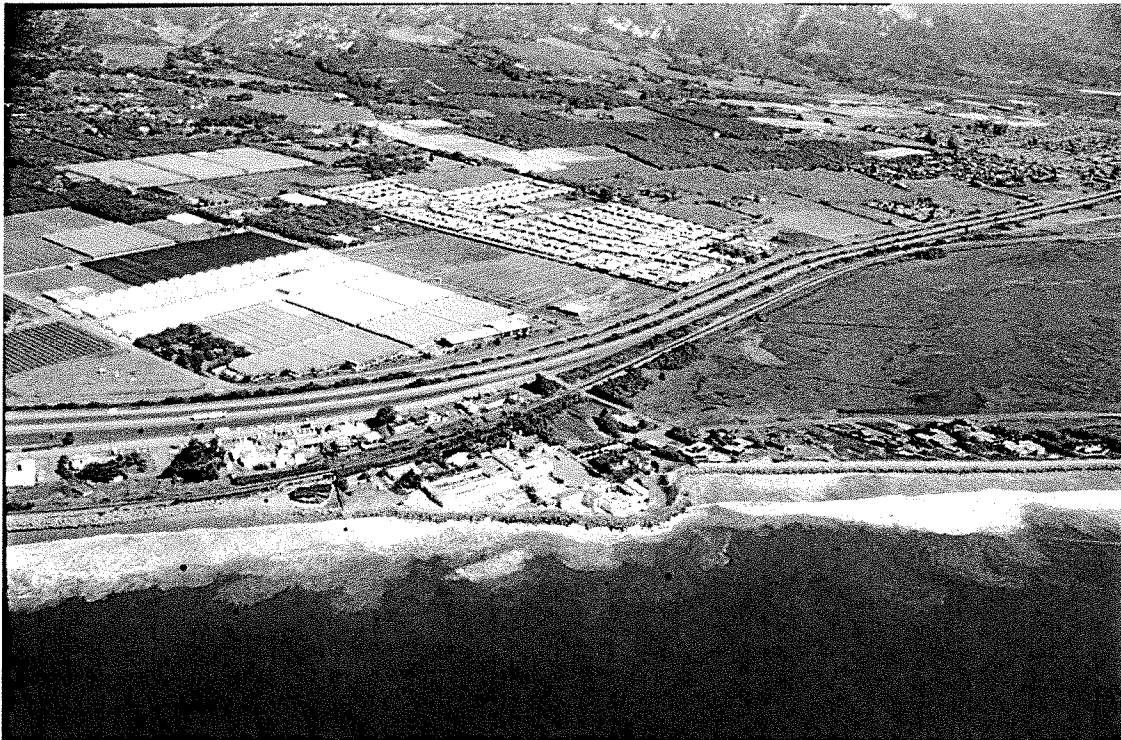


Figure 1: Coastal Commission pre-1990 photo of high tide at the revetment. Note that there is no sandy beach (safe) access to the easement over the revetment

The recreational value of the walkway is directly related to its ability to increase access between Santa Claus Beach and Sandyland Beach. Since Sandyland is *de facto* a private beach³, one might believe that these benefits would be substantial. However, the access provided by this walkway is quite minimal, limited to the increased ability of walkers and joggers to go between Santa Claus and Sandyland beaches by allowing them to pass the revetment more often. The recreational value is derived from the trips taken which would not have happened without the walkway.

In order to estimate the number of trips I utilized Drone footage. The drone counts indicate that beachgoers only walk past the revetment at lowest tide when the point is completely passable. Based on the engineer's report(s), constructing the walkway would not make the revetment passable 100% of the time. Thus, I expect the walkway—were it opened—

³ Sandyland Beach is "private" because there is not public access to the east of Casa Blanca, and therefore there has not been public access since the legal construction of the revetment in 1929 (and 1964 reconfiguration).

to increase usage by a factor of 1.5, suggesting about 3 additional hours of passable revetment (based on the tide patterns, the walkway would not always be accessible). In a given 2-hour window at the lowest tide condition, drone counts indicate an average of 23.5 walkers pass the revetment. Observations took place on Sundays in the summer, the likely busiest time for beach recreation. Based on more in-depth analysis of walking path usage in California⁴, we assume that during the week and in the winter months there would be reduced use of the pathway. Adjusting for the fluctuations in use, this equates to approximately 3,525 additional users per year, because there are likely more walkers in the summer when the beach is wider and therefore safer.

The economic value of these trips is not the same as a full visit to the beach. In this analysis I account for the limited recreational uses available at this site, focusing on walkers and joggers, and thus base my value estimates on the value of recreational at a trail or walking path. While the value of a day at the beach in Southern California averages estimated at \$42/day⁵, the value of walking path is lower, particularly in this case, when walking and jogging opportunities already exist.

I based my estimate for the non-market value of hiking on the beach based on prior studies⁶ of the non-market value or consumer surplus to users from walking trails. Due to

⁴ There is not comprehensive analysis of walking/jogging demand in California, or along the beach. However, recent observations from a long-term study at West Cliff Drive in Santa Cruz suggest patterns in walking and jogging: increased use on weekends and in good weather, as well as in the morning and evening.

⁵ Estimates of day-use value vary by study and by beach with valuations ranging from \$15 to \$119 per consumer surplus per day (2020 dollars). The average is \$51.13 (2020 dollars). However, following Pendleton and Kildow (2006) this study used the median value of \$42.71 per visitor per day (in 2020 dollars) rounded to \$40 per person per day. This method is also consistent with a recent California Coastal Commission decision in Solana Beach (CCC 2017). Several local coastal programs employed this method in determining the non-market value of beaches including: the City of Pacifica, the City of Oceanside, Ventura County, and a study funded by the National Oceanographic and Atmospheric Administration (NOAA) for the California Coastal Commission also recommended this approach. More broadly, economists refer to this approach as “benefits transfer” and it allows one to value different beaches without conducting an expensive study at each beach.

⁶ Siderelis, C., & Moore, R. (1995). Outdoor Recreation Net Benefits of Rail-Trails. *Journal of Leisure Research*, 27(4). pg 355. Betz, C. J., Bergstrom, J. C., & Bowker, J. M. (2003). A Contingent Trip Model for Estimating Rail-trail Demand. *Journal of Environmental Planning and Management*, 46(1), 79-96. doi:10.1080/713676704. Moore, R., Gitelson, R, and Graefe, A. (1994). The Economic Impacts of Rail-Trails. *Journal of Parks and Recreation Administration*, 12(2)

limited data, our estimates are not site-specific but rather based on trails and paths with similar settings and usage characteristics. The value of a path, adjusted for inflation, ranges from \$8/day to \$33/day. Such a wide range exists because the estimate depends heavily on the context of the trail and the demographics of the users surveyed. The consumer surplus a local visitor receives is likely less than that of a tourist—they already have access to the coast, have easy alternatives, and are likely to take the walking path for granted as part of their local environment. Thus, a trail primarily used by locals may have less value in survey work. However, it is important to consider that the ability to walk on the beach may also be factored into the cost of living on the beach, and therefore have a higher implicit value.

Table 1: Estimating the Yearly value of a walking path over the Revetment

Item	Estimate
Average. Drone Count	23.5
Daily Multiplier	1.5
Yearly Multiplier	100
Annual Visitors Benefiting	3,525
Value Per Day	\$ 8 to 33
Total Value	\$ 28,200 to 116,325

According to my analysis, the recreational value of the walking path over the revetment, *were it perfectly safe*, is \$28,200 to \$116,325 per year. Over a ten-year period, without discounting, this would be \$282,000 to \$1,163,250.

How safety concerns alter potential value

My estimate of the walkway’s value does not take into account the potential safety concerns, which may negate the recreational value entirely. The safety issues could significantly alter the recreational value of the walkway in two different ways. First, they may prevent the walkway from being opened. Multiple reports and officials—recent and those dating to the

original 1990 dedication—have noted that at the existing easement the walkway would be unsafe. In order to become operational and open to the public, a public agency must take responsibility for maintenance and assume liability for the walkway⁷, which currently does not look likely. If no agency assumes liability, the walkway cannot be opened, and **thus provides no recreational value.**

Due to this requirement, if no public agency or non-profit assumes liability for any injuries resulting from this walkway, which a number of agencies and experts have deemed unsafe, then there will be no access. With no access, no value. In 1990, there was pushback from the County Parks Department due to the serious safety concerns. A recent engineering study clearly states that “any portion of the existing rock revetment will be ‘very dangerous’ for public beach access” and goes on to recommend against “access and egress to any walkway.”⁸ These recommendations are not only based on the potential for wave overtopping, but also on the “instability of the armor rock layer of the revetment⁹” which makes it structurally unsound to support a pathway. Based on these two issues, it is the engineer’s opinion that “Any Public Access Pedestrian Walkway located on or traversing over the existing rock revetment is unsafe and unsuitable for pedestrian traffic in any and all conditions.”¹⁰ Given that these conditions exist irrespective of tidal/uprush and Sea Level Rise, the liability concerns for the walkway are prohibitive. Even if there were a walkway design that could be deemed “safe”, the cost of said design would far outweigh the potential recreational benefit, and therefore be prohibitive and unfair.

These structural and uprush concerns create a potentially high cost and higher likelihood of injury and accidents, which may also negatively impact the recreational value. Table 3 below illustrates this high cost, with estimates from past incidents and studies as to the cost of death, serious injury, and more minor incidents at a public walkway. Even one death or serious injury significantly reduces the benefits of the walkway, were it to open.

⁷ Pub Res Code §30212 (a).

⁸ Browne. “Coastal Engineering/Alternative Analysis Report Addendum #1,” pg. 2.

⁹ Ibid.

¹⁰ Browne. “Coastal Engineering/Alternative Analysis Report Addendum #1,” pg. 4.

Table 2: Illustrative data on the average costs of injury and fatality from accidents, estimates from Federal Agencies and Personal Injury lawsuits

Type of Injury	Cost	Likelihood
Death	\$7 million to \$9 million ¹¹	Moderate, depending on the type of walkway constructed
Serious	\$75,000 or more	Moderate, especially in storm or winter conditions
Mild Injury	\$3,000 to \$75,000 ¹²	Likely

Comprehensive Value Estimate

Based on the potential cost of injury or death, the walkway may have more risk than benefit. A single accidental death would cost more than twice the value of the walkway in a twenty-year period. A serious injury, more than a single year. Furthermore, an accident on the walkway could result in its closure, in which case it would provide no further value. The potential liability could reduce the economic value of the walkway to zero.

If the goal of the walkway is to create access to Sandyland Beach, the project essentially fails. The walkway would not provide beach recreation or significantly increase access to Sandyland even if it were completely safe, because of the existing barriers to access (lack of parking, vertical public access). Furthermore, the walkway will not be not safe- and likely would never be permitted in the current recorded easement. It is worth noting that if the walkway were built, but liability not assumed, and signs were posted stating it was not open, people would likely still use it. Many of us have seen people ignore warning signs for biological hazard, surf, closure etc., at beaches. In the worst possible scenario, this revetment would be built,

¹¹ Taken from the value of a human life used by various government agencies: Consumer Product Safety Commission (\$8.7 Million), Environmental Protection Agency (\$7.4 M), Department of Transportation (\$9.6 M)

¹² Martindale-Nolo Research, 2019

but be closed most or all of the time, limiting access, but would still present a safety hazard for people who illegally use the walkway. Unfortunately this scenario is quite likely.

Alternatives

While constructing a walkway fails to meaningfully improve access to Santa Claus Beach or create access to Sandyland beach, there are alternatives which would remove the *de-facto* private nature of Sandyland and help a wider range of visitors gain access to these beaches. Constructing the walkway would primarily benefit the relatively affluent community living along this portion of the coast who already have relatively easy coastal access. Currently, even access to Santa Claus beach is limited primarily to local residents due to the lack of formal vertical access, limited parking, and lack of facilities such as restrooms.. The county plans for Santa Claus Lane will help remove some of these barriers to access, however, Sandyland Beach would remain closed to the public.

The Commission staff has previously considered and rejected an alternative which would provide substantially more access, with significantly less risk of injury—creating vertical access to Sandyland Beach. This beach has been *de-facto* private since the original revetment was constructed in 1929, with no public access or parking along the privately-owned road. Vertical access at the eastern edge of the CBBEOA property would create more comprehensive access to this beach. While I cannot provide a precise estimate of the value, based on the many cost and benefit analysis I have performed (including those for the Coastal Commission), the value of vertical access to Sandyland would be significantly greater than lateral access over the revetment. Vertical access would allow the public to visit Sandyland beach and make full use of beach recreation options there. The beach is of a comparable size to Santa Claus, providing sufficient area for many visitors. Furthermore, coupled with County plans to improve parking and access at Santa Claus lane, these efforts could open both beaches up to the public at large and better provide access to those who cannot afford to live on the beach.

The County plans to completely redevelop Santa Claus lane and construct a much safer access to the beach via a formal rail crossing. Included in the project is a multi-use path which will “provide new bicycling and walking opportunities” and plans to connect this trail to “a

proposed Class I bikeway that would extend from Spindrif Lane/Sand Point Road to Carpinteria Avenue in the City of Carpinteria¹³.” This trail provides an excellent alternative to passage over the revetment. It provides locals with a safe recreational trail extending even further than the beach, without risk of blockage by the tide.

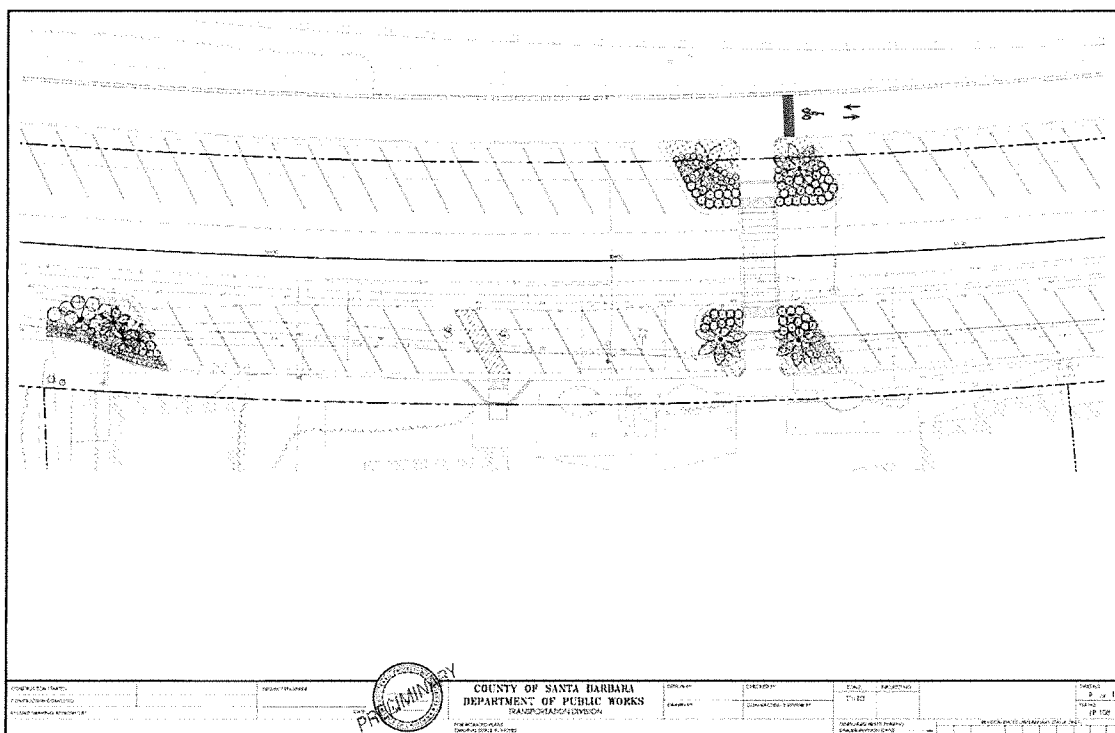


Figure 2: Plans for the proposed rail crossing at Santa Claus Lane, showing the multi-use path immediately adjacent to the crossing, along the beach

Given the access issues in the area—related to the *legal* revetment—I support the use of a reasonable mitigation fee if necessary, to settle the dispute and fund local programs which to provide beach access to BIPOC and economically disadvantaged communities. This could provide *immediate* additional access to hundreds of children. See, for example, Girls Club of Carpinteria, or the existing partnership between Wilderness Youth, an experienced Santa Barbara non-profit, which already provides such access programs to students in Title 1 schools in Carpinteria. Contributions to a program such as this would provide immediate access to

¹³ Santa Barbara County Planning Commission, “Coastal Zone Staff Report: Santa Claus Lane Beach Access and Streetscape Improvements.” September 25, 2019. pg. 5.

thousands of underserved visitors, effective as soon as agreement can be reached, and would not depend on the years long permitting, planning and construction of plainly infeasible and/or unsafe alternatives which may never be opened. The “value” of a beach day for these far greater than the value of traversing the revetment for a jogger or walker. This solution is consistent with the Coastal Act’s goals to provide lower cost recreation, and maximum access for *all*. The chosen mitigation fee should reflect the actual value of the easement.

Concluding Recommendation

In conclusion, the economic value of the walkway at the site of the existing easement can be estimated at approximately \$70,000 per year for the small population of local walkers and joggers it would serve during medium to high tides when access is not available.

Condition	Walkway Value
Walkway Constructed, Public Agency Assumes Liability, no accident	Open to Public, value estimated at 28,200 to \$116,325
Walkway Constructed, Public Agency Assumes Liability, Fatal Accident	Loss of over \$7 million
Walkway constructed, no Agency Assumes Liability	No recreational value, high risk of liability loss

However, this estimate ignores the serious safety concerns with the revetment. **If no agency or non-profit assumes liability then this walkway will effectively be inaccessible but will still pose a safety hazard for walkers and joggers who illegally use it.** I seriously injured my back seriously during a wave run-up on a revetment in South Carlsbad and I know from personal experience how *dangerous* these wave run-ups are.

I fully support the Coastal Act provisions for maximizing public access and the intention to make Sandyland Beach publicly accessible and remove its *de-facto* private status. However, it is my professional opinion that not only will this walkway fail to create meaningful

access to Sandyland, it does not provide substantial recreational value, especially considering the safety concerns.

Philip King, PhD.

A handwritten signature in black ink that reads "Philip G. King". The signature is written in a cursive style with a large initial 'P' and a distinct 'G'.