

CALIFORNIA COASTAL COMMISSION

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NEWS EVENT

What: Announcing a new public path to Malibu's Carbon Beach

When: July 7 at 1 p.m. PST

Where: 22466 Pacific Coast Highway in Malibu

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LOS ANGELES -- Just in time for summer, the California Coastal Commission is pleased to announce the opening of a new public pathway down to one of Malibu's most hard-to-reach beaches, nicknamed "Billionaire's Beach."

The opening of this new accessway comes after a decade long legal dispute between the commission and a Malibu couple required to provide public access as part of a permit for a new beach house.

"This new public path has been a long time coming," said Charles Lester, the commission's executive director. "Families can finally walk straight down to this beach instead of having to walk a half mile from the next nearest accessway."

The new Carbon Beach path will be open an hour before sunrise to an hour after sunset and will provide a third public walkway to one of the most exclusive stretches of California coast. The next closest is the Zonker Harris accessway, which was opened in 1983 and named for a character in the comic strip *Doonsbury*, and the Carbon Beach East path, opened in 2005 after a lengthy legal battle with David Geffen.

These paths resulted from Coastal Commission permit conditions and are part of a plan for at least 19 future accessways in Malibu. California's Coastal Act of 1976 protects public access but opening up those pathways has been particularly challenging in Malibu where some residents violate coastal rules by posting unofficial "no parking" and "private beach" signs.

Graham Hamilton, chairman of the West LA/Malibu chapter of the Surfrider Foundation, called the opening significant.

"Keeping beaches free and open is always going to be something we have to fight for," he said. "If we can teach beachgoers they have a right to access the beach, hopefully that will inspire them to appreciate it and protect it for future generations."

In the 1980s, the commission issued two permits to Malibu residents Lisette and Norman Ackerberg to develop their beach front lots, allowing for the construction of a house, pool, tennis

court, and a 140-foot long seawall. But, as a requirement of the permits, the couple was supposed to provide a public pathway to the beach.

Instead, they paved over the easements with a 9-foot-high wall, large boulders, a fence and landscaping, violating both the Coastal Act and the permits. For the next decade, the commission and Ackerbergs were stuck in a legal dispute.

The Ackerberg family and an adjacent neighbor filed separate lawsuits against the commission challenging the requirement to open the pathway. The Court of Appeals upheld the commission's action, ruling in 2012, that the Ackerbergs were legally obligated to remove the unpermitted development blocking the easement. The California Supreme Court declined to review the matter.

Finally, in 2013 the commission was able to bring the legal wrangling to a close and reached a historic agreement with the Ackerberg family that opened up the path to public access. The agency approved a settlement requiring Lisette Ackerberg, whose husband died in 2004, to pay more than \$1.0 million for Coastal Act violations and to pay for the construction and operation of the accessway.

Some of the fine went to the Mountains Recreation and Conservation Authority which now holds the easement and operates and maintains the pathway. The rest is being used to provide or improve public access elsewhere in Malibu. The settlement also provided for reimbursing the Attorney General's office for \$170,000 in legal fees.

Ackerberg's attorney Diane Abbitt, said her client has since embraced the public path beside her home, and offered to construct a wheelchair accessible path from Pacific Coast Highway down to the beach.

In a statement, Ackerberg said she and her husband, one of the founding members of the environmental group the Santa Monica Baykeeper, cared deeply for the environment and the rights of the disabled.

"I am especially proud," she said through her attorney, "to give people with disabilities a safe and efficient way to access and enjoy the magnificent beauty of Malibu."

Assembly Speaker Toni G. Atkins (D-San Diego) said the new path will make for an even better summer. Atkins was instrumental in passing legislation in 2014 that would allow the commission to fine those who block public access \$11,250 a day per violation.

The law has prompted such an overwhelming level of compliance from property owners that so far the commission has not had to fine anyone.

"I applaud the Coastal Commission's 40-year commitment to public access to our beaches," Atkins said in a statement. "Now that we've given the commission the enforcement tools they needed for so long, I hope we will see even more accessways opening in the future."