

**CALIFORNIA COASTAL COMMISSION**

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**Malibu property owners fined millions for blocking public access**

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For more information:

Lent property staff report: <https://documents.coastal.ca.gov/reports/2016/12/th5.3s-12-2016.pdf>

Malibu Beach Inn staff report: <https://documents.coastal.ca.gov/reports/2016/12/th5.1s-12-2016.pdf>

VENTURA, Calif. \_ For the first time since the California Coastal Commission gained the authority to levy fines for public access violations, commissioners approved a \$4.185 million penalty against a Malibu Beach property owner for blocking access to a three mile stretch of coastline for over a decade.

Warren and Henny Lent rented out a beach front home they purchased in 2002 for as much as \$1,000 a night, while blocking the public from accessing Las Flores Beach with a locked gate and an unpermitted private staircase. Renters posted on line reviews praising the exclusivity of the beach.

Commissioners voted unanimously to levy the fine and ordered the property owner at 20802 Pacific Coast Highway to open the pathway.

“You’re either going to let people down your stairs or you’re not,” said Commission Chair Dayna Bochco. “They have been playing very serious games and that’s what led us here.”

A public easement was required as a permit condition when the house was built in 1979. Current property owners were notified of the violation by commission staff in 2007. Over the years, staff logged more than 30 letters, site visits, phone conferences and other attempts to reach a solution. The Coastal Conservancy and Mountain Recreation and Conservation Authority have been working on plans to construct access improvements and manage the area, but could not move forward until the staircase and gate were removed.

An attorney for the property owner argued that his client did not construct the staircase, and removing it would violate property rights. Commissioners were not persuaded.

“I think this is a matter of justice and a matter of what does access mean and what does this mean to Southern Californians and people that want to go to the beach?” said Vice Chair Effie Turnbull-Sanders. “If there was ever a case where penalties should be imposed, it’s likely this case.”

Protecting public access in Malibu, which has some of the most coveted beaches in Southern California, has been a long-standing priority for the Commission. Some residents have resorted

to blocking access with fake “no parking” signs, painting their curbs red, employing security guards to patrol beaches in front of their homes and other methods to keep the public away.

In 2014, the Legislature amended the Coastal Act to authorize the commission to levy fines of up to \$11,250 per day for these types of violations. The commission noted an immediate increase in the willingness of property owners to resolve difficult access violations.

Since July of 2014, Commission staff have resolved at least 50 access violations, resulting in expanded public access. This was the first instance in which staff was unable to reach a mutually acceptable outcome.

“We negotiate creative resolutions whenever possible,” said Coastal Commission Enforcement Chief Lisa Haage. “Our goal is to restore as much access as possible, as quickly as possible. But for those who don’t comply, they need to understand that we won’t back down when it comes to protecting public access to the coast.”

In a second case in Malibu, commissioners also approved a \$925,000 fine in settlement with the owners of the Malibu Beach Inn, which will also result in two new stairways to Carbon Beach. The fines levied against property owners Mani Brothers Real Estate Group were substantially less because they worked cooperatively with the commission immediately after purchasing the Inn in 2015.

“Malibu has some of the most beautiful stretches of the California coast and for the public to be robbed of any part of their beach is a serious violation of the Coastal Act,” said Acting Executive Director John Ainsworth. “I hope this sends a message to other property owners thinking of blocking access that our commission takes this very seriously.”

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