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COURT OF APPEALS UPHOLDS COASTAL COMMISSION ACTION TO PROVIDE NEW PUBLIC BEACH ACCESS IN MALIBU

Los Angeles, CA, August 29, 2012 – A California Court of Appeals has upheld an action by the California Coastal Commission that will ultimately provide new public access to Carbon Beach in Malibu. The 2nd District Court of Appeals has affirmed a Superior Court decision that the Commission properly ordered the Lisette Ackerberg Trust to remove unpermitted development blocking a public access easement on Ackerberg's property including a 9-foot-high wall across the accessway, large boulders, a concrete slab and generator, fence, and more. Removing this unpermitted development will create a new public accessway from Pacific Coast Highway to Carbon Beach.

The Commission originally issued two permits for development on two beach-front lots in the Carbon Beach area of Malibu that approved construction of a large house, pool, tennis court, and a 140-foot long seawall. As required by the permits, the property owners recorded two public access easements across the property. One accessway across the edge of the property from Pacific Coast Highway to the beach was intended to provide public access to get to the beach. The other accessway runs across the full width of the beachfront side of the property from the mean high tide line to the seawall and is to provide public access on the beach itself. But the property owner has blocked both public access areas, making it impossible to open and use the easements. For multiple years the Commission attempted to work with the land owner to resolve the Coastal Act violations, but these efforts were not successful. Instead the Ackerbergs sued the Commission in an attempt to avoid opening the easement. This week's decision confirms that the land owner is legally obligated to remove all encroachments and clears the way for public use.

"This property owner has enjoyed the benefits of their coastal development for many years, while blocking the beach access lawfully required by the Coastal Commission on behalf of the public," said Charles Lester, the Coastal Commission's Executive Director. "We are grateful that the court agrees the time has come to open this new access way for public use. It's a great stretch of beach, and a tremendous resource for current and future generations."

When opened, the new Carbon Beach path will provide a third accessway to a 1.5 mile stretch of sand halfway between the Zonker Harris Accessway and the Carbon Beach East Accessway. Both accessways resulted from earlier Coastal Commission permit conditions.

"We hope this decision sends a strong message that the Coastal Commission is fully committed to protecting beach access for all Californians and vigorously enforcing development permit conditions to do so," said Lester.