

**CALIFORNIA COASTAL COMMISSION**

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**FOR IMMEDIATE RELEASE****CALIFORNIA COASTAL COMMISSION APPLAUDS  
U.S. SUPREME COURT REFUSAL TO HEAR APPEALS OF CASES  
UPHOLDING PUBLIC ACCESS**

**San Francisco, CA, October 22, 2002**

The Coastal Commission applauds the decision of the U.S. Supreme Court that upholds the public access requirements of coastal development permits. The access requirements were upheld in *Cole v. County of Santa Barbara* and *Daniel v. County of Santa Barbara*. The U.S. Supreme Court denied review of these two cases on Monday, October 21, 2002. "This action is a victory for public access," said Sara Wan, Chairperson of the Coastal Commission. "The decision affirms the law that a property owner cannot accept the benefits of a permit and then go back years later to try to undo the public access easement."

In both cases, landowners sued to prevent the County of Santa Barbara from accepting and opening public accessways across their beachfront property. The landowners claimed that acceptance of the accessways constituted a taking of private property without compensation. The accessways had been offered by prior owners of the property in compliance with coastal development permits that authorized development on the property. The development had been built and the time for challenging the permit requirements had long expired when the current owners acquired the property and sought to block access.

The U.S. Court of Appeals for the Ninth Circuit in the *Daniel* case and the California Court of Appeal in the *Cole* case rejected the landowners' arguments and upheld the public access requirements. In light of the U.S. Supreme Court action, these decisions are now final and the County of Santa Barbara can proceed with plans to open the accessways.

The Supreme Court's action will affect other ongoing litigation in which landowners are attempting to block access that was required by prior coastal development permits, including a lawsuit by David Geffen and the City of Malibu.

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