

Wall Family
PLF clients

Government abuses permit process to extort beach access from landlocked property owners

PLF fights California Coastal Commission's arbitrary, unlawful permitting—again

WHEN THE WALL FAMILY BOUGHT THEIR LAND in Hollister Ranch, California, in 1990, they began as campers.

— Located in Santa Barbara County, Hollister Ranch is a 14,500-acre working cattle ranch subdivided into smaller private lots, and which, except for 90 homes, remains mostly undeveloped. The ranch also includes 8.5 miles of privately owned coastline.

The Wall property is nearly a mile from the shore, however. And at first, their land was vacant, rugged, and accessible only by a dirt road. Nevertheless, Jack Wall, his wife, and their four kids cherished the getaway from their hectic lives running Al Larson Boat Shop—the last shipyard in the Port of Los Angeles.

The Walls finally built a home in 2004 and a guest house a few years later to accommodate their growing family and to welcome friends.

“We’re there almost every weekend,” explained Jack. “It’s a get-together for the whole family, and our friends love to visit because it is peaceful, quiet, and our nearest neighbors are on the next mountaintop. It’s completely different from the big city.”

With grandchildren and an eye toward retirement at Hollister Ranch, the Walls decided last year to put in a swimming pool and applied for a permit. Santa Barbara County approved the request, but the California Coastal Commission jumped in before a single shovelful of dirt came out of the ground.

"The county said, 'Yes. Go ahead and build the pool.' So did the Commission staff," Jack recalled, stunned at what happened next: "The commissioners themselves actually voted against their own staff members, and said, 'no permit.'"

The reason? The Commission denied the permit because the Walls hadn't agreed to grant public access to Hollister Ranch beaches. To the Walls, such access was an outrageous condition to build a pool so far from the beach, and impossible for them to grant! Though the Ranch includes several miles of oceanfront, the Walls' property is landlocked—nearly a mile inland—and they have no legal right to grant beach access across other Ranch property along the shore.

These facts meant little to the Commission, whose public access feud with Hollister Ranch

goes back decades. When the agency failed to strong-arm access in the 1970s, the legislature amended the state's Coastal Act to require a \$5,000 fee from ranch property owners—to supposedly fund future public access to Ranch beaches.

"That was in the early 1980s, and I don't know what happened to all the money collected since then, but they still don't have funds for access," said Jack. "In any event, we were fully prepared to follow the law and pay the \$5,000, but the Commission decided instead to use my family as leverage to get their way with the entire Ranch."

Indeed, the Commission stated at the Wall hearing that it would deny all coastal development permits within the Ranch—a transparent ploy to punish the Walls and send a message to all Ranch owners: submit to public beach access or get no permits at all. Or, as Jack calls it, extortion.

"The California Coastal Commission's permit process is pure extortion," he said. "Every time you want a permit of some sort, they will either extort cash from you or extort some kind of access issue."

The Commission's tendency to demand public entry on private property is also

purely unconstitutional—something the Commission should know perhaps better than any regulatory agency in California, if not the nation.

That's because in 1987, PLF took the Commission to the U.S. Supreme Court—on a *public beach access issue*—and won.

In *Nollan v. California Coastal Commission*, the Supreme Court ruled that demanding public access in exchange for government permits violates the Constitution

when the proposed construction has no harmful impact on that access.

Not only was this property rights victory PLF's first at the High Court, but every law school in the nation today includes *Nollan* in its curriculum as a landmark property rights case.

The Commission is nothing if not persistent. While the Supreme Court's smackdown has generally stopped the agency from extorting public access in permitting, it apparently cannot restrain itself when it comes to destroying privacy at the Ranch.

So, represented free of charge by PLF, the Walls are taking the Commission back to court.

"The Commission's stated mission to protect coastal resources and ensure adequate public access to the coastline—by lawful means—is perfectly laudable," explained PLF attorney Dave Breemer. "But the agency must respect property rights and treat the Walls and all permit applicants as people, not pawns in a public-access vendetta. We look forward to challenging the Commission's blatant disregard of the Walls' rights."

"I bet when the commissioners denied my permit, they thought I'd go away and hide," Jack added. "But I'm not one to lie down before government when I know it's doing something wrong. Suing the Commission was a no-brainer."

"The California Coastal Commission's permit process is pure extortion."

— Jack Wall, PLF Client



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Government cannot use permits as leverage to violate property owners' rights.

The Supreme Court affirmed government's constitutional obligation to treat permit applicants fairly and according to law. The California Coastal Commission is no exception. The U.S. and California Constitutions protect property owners from unlawful permit conditions and guarantee just compensation when government takes private property for public use.

To Our Donors

Government shouldn't use a family's wish to improve their private property to extort money or gain public access to a beach. By supporting PLF, you give hope and help to Jack Wall—and all Americans—who are forced to give up their constitutional rights or huge amounts of money just to enjoy what's rightfully theirs. Thank you!