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A \$4.2 million fine against a Malibu homeowner for blocking beach access was allowed by an appeals court to stand.



The Lents' house is at center, with the green awning.
(Google image)

The ruling filed Monday concerns the Las Flores Beach home owned by Beverly Hills plastic surgeon Warren Lent and his wife, Henny.

The house, on the Pacific Coast Highway, was built in the early 1980s under a permit that required a five-foot-wide public-access easement. The first owner, however, built a deck and stairway over the easement and installed a gate that blocked access to the beach. That gate was still in place when the Lents purchased the house in 2002 for \$2.25 million.

The Lents resisted numerous requests from the California Coastal Commission to remove the gate, even when they were warned they faced fines of more than \$11,000 a day.

They said the gate was necessary for safety. At the time, they were renting the property to vacationers, advertising it as being on “a private beach” and charging as much as \$9,000 a week.

In a 2016 hearing, the commission imposed a fine of \$4.185 million, which its staff had advised was half the allowable maximum.

The Lents argued the fine was unconstitutional, both because of the process and the amount, which they called excessive.

In a ruling that granted a partial victory to each side, a lower court set aside the penalty and directed the coastal commission to allow the Lents to submit additional evidence. Both the commission and the Lents appealed the decision.

The appeals court reversed the judgment, stating:

“We conclude substantial evidence supported the Commission’s decision to issue the cease-and-desist order. We also conclude the Commission did not violate the Lents’ due process rights by imposing a \$4,185,000 penalty.”

The fine has been seen as a warning to other owners who are blocking access to beachfront property. In the Bay Area, the coastal commission has been battling Silicon Valley billionaire Vinod Khosla over his restriction of access to Martins Beach, south of Half Moon Bay.

The Lents’ house is currently on the market for \$5.75 million.