

CAPISTRANO BAY DISTRICT
AGENDA REPORT
September 30, 2014

New Business

ITEM K.1

Protecting Beach Front Properties with Seawalls

As recently as six months ago, the City has been allowing homeowners to perform maintenance on their seawalls. The operative term here has always been 'maintenance.' Others may have also been permitted to pull maintenance on their walls since then but I only know of the one from six months ago.

If you or your contractor are replacing existing boards, timbers, piles, nuts/bolts/screws/spikes, etc. with similar materials in an effort to renew the condition of an existing seawall then the City will permit you to perform that scope of work or at least has done so in the recent past.

This is good news for homeowners with seawalls who have watched with high anxiety as the ocean has eroded the beach all the way back to their wood bulkheads/seawalls. In a recent beach front inspection, the upper 4 to 6 feet of most seawalls are now fully exposed. This condition makes 'maintenance and repairs' much more accessible so the time is at hand for anyone thinking about renewing an old seawall.

There is, however, some disturbing new developments here in coastal California regarding existing seawalls that could impact your future ability to legally repair your seawall.

Attorneys from the Pacific Legal Foundation (PLF) are weighing in on this matter and have commented that they feel the Appellate Court ruling is misguided and are now representing the affected property owners in a petition for a rehearing, asking the Court of Appeals to reconsider.

The final outcome could have a very negative impact on seawall maintenance and repairs by homeowners. The full scope of the impact of this ruling is not yet clear – the District will be watching the progress closely and will be reporting the developments.

As for homeowners with no pre-existing seawall, it is not clear if you would be permitted to construct a new seawall. The District has recently posed several seawall-related questions to the City as a first step in a fact-finding effort to learn how the City interprets the zoning code and development standards on beach front homes. No answers on this issue yet from DP.

Also, in talking with an engineering contractor who specializes in seawall construction in California, it is believed that one can obtain permits for protecting their homes but maybe not with new seawalls. This remains to be sorted out as we pursue answers and solutions.

There is a supplemental report (PLF Liberty Blog) that goes with this agenda item, on the next several pages.