

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
October 26, 2021

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Old Business

## ITEM 9a

### MHTL Issue/CCC Staff Comments

In a letter from CCC staff to a CDP applicant here on Beach Road earlier this year, the following language was used in reference to the Mean High Tide Line that the District surveys every June:

*“We (the CCC) understand that you have provided a survey (MHTL survey) to demonstrate that the unpermitted shoreline armoring is not within the deed-restricted area (here they are referring to a deed restriction for public access the owner was required to record back in 1979 for a CDP). Initially, we point out that the surveys were conducted on one day in the summertime, when the beach would be at its widest and the MHTL furthest seaward. In the winter, the MHTL would be expected to be located much closer to the home and potentially landward of the shoreline protection.”*

It appears the Coastal Commission is challenging the MHTL data, citing the surveys conducted in the summer do not accurately represent the actual location of the Mean High Tide Line. Our survey data indicates the CCC has this summer/winter comparison backwards, as evidenced by the survey chart on the following page, from 2002 through 2007. During this time period, the District was surveying the beach twice each year. The data on the chart indicates that the beach actually builds up in the winter, thus moving the MHTL further seaward, rather than closer to the homes, as claimed by the CCC.

Keep in mind when reading the chart that the MHTL survey points are all located out on the beach side of the homes and typically out at the seaward edge of that home’s patio or seawall – this is the point where the distance to MHTL is measured from.

In 2008 the Board decided to cut the surveys to once per year so there hasn’t been any winter surveys conducted since then. It is recommended that the District order a survey this winter, in early January, to provide current data on how the MHTL is moving from summer to winter.

The MHTL surveys are running about \$6000, so the Board is being asked to approve this additional expense for this coming winter. The Board can then make a more informed decision in June of next year as to the need to increase the number of MHTL surveys every year.

MEAN HIGH TIDE LINE (8/26/08)

MEAN HIGH TIDE LINE (09/18/02)

ITEM NO. **9a**

(PT#1075)  
EARLY LINE

35431 BEACH ROAD (PT#53)  
BRASS TAG IN EPOXY ON TOP OF  
STONE WALL 8.9' NORTH OF  
END OF WALL @ SE CORNER OF LOT.  
ELEV.: 16.85'

S - summer  
W - winter

35491 BEACH ROAD (PT#1088)  
ON THE SOUTHWESTERLY LINE  
OF LOT 29.  
ELEV.: 15.61'

35527 BEACH ROAD (PT#54)  
BRASS NAIL & TAG ON TOP OF  
WOOD DECK AT SW CORNER OF  
CONC. PATIO, SW CORNER OF LOT.  
ELEV.: 15.82'

DISTANCE FROM CONTROL POINT TO MEAN HIGH TIDE LINE

CONTROL POINT	ADDRESS	S		W		DATE OF SURVEY		S		W		S		W		▲	▲
		05-01-01	09-18-02	01-13-03	06-02-03	09-02-03	02-02-04	06-07-04	12-07-04	6-13-05	1-23-06	6-16-06	12-15-06	06-19-07	12-19-07		
PT. #47	35051 BEACH RD	188.20'	148.83'	217.48'	159.98'	158.05'	191.76'	118.01'	138.85'	149.27'	186.18'	140.17'	147.95'	136.87'	161.24'	124.86'	119.18'
PT. #242	35067 BEACH RD	183.36'	152.94'	216.60'	171.24'	156.82'	183.49'	130.43'	144.68'	139.26'	179.61'	136.17'	147.87'	140.36'	149.13'	132.81'	127.36'
PT. #244	35101 BEACH RD	234.69'	203.86'	245.33'	224.99'	198.99'	229.67'	192.83'	175.83'	113.18'	222.34	186.54'	162.85'	185.05'	194.01'	170.33'	157.15'
PT. #246	35135 BEACH RD	211.89'	193.14'	207.45'	198.21'	168.62'	201.70'	181.56'	170.26'	173.82'	197.52'	171.83'	144.59'	167.56'	172.34'	158.47'	143.76'
PT. #1036	35167 BEACH RD	-	-	-	-	-	-	-	-	-	-	-	-	-	-	156.88'	141.56'
PT. #48	35197 BEACH RD	202.90'	188.94'	239.40'	191.57'	182.42'	216.96'	184.25'	173.50'	180.63'	228.14'	187.71'	173.20'	178.21'	183.04'	176.56'	151.58'
PT. #1048	35245 BEACH RD	-	-	-	-	-	-	-	-	-	-	-	-	-	-	176.26'	139.43'
PT. #252	35285 BEACH RD	200.05'	191.06'	212.45'	203.41'	204.59'	218.55'	204.86'	191.68'	190.02'	207.64'	202.91'	193.79'	195.56'	193.91'	190.62'	157.55'
PT. #1063	35321 BEACH RD	-	-	-	-	-	-	-	-	-	-	-	-	-	-	173.45'	153.34'
PT. #50	35361 BEACH RD	174.90'	157.46'	176.17'	173.06'	170.16'	173.81'	166.50'	149.57'	155.07'	164.91'	166.32'	153.10'	164.57'	153.31'	154.08'	138.64'
PT. #1076	35401 BEACH RD	-	-	-	-	-	-	-	-	-	-	-	-	-	-	159.90'	121.10'
PT. #53	35431 BEACH RD	199.20'	186.09'	203.20'	204.22'	173.41'	197.31'	179.21'	174.96'	182.99'	187.09'	185.09'	181.14'	188.77'	169.79'	184.42'	171.50'
PT. #1088	35491 BEACH RD	-	-	-	-	-	-	-	-	-	-	-	-	-	-	158.34'	134.46'
PT. #54	35527 BEACH RD	192.80'	178.21'	159.04'	192.80'	177.65'	169.58'	181.03'	157.16'	158.72'	156.47'	177.26'	154.47'	173.34'	143.86'	164.12'	155.52'
PT. #1101	35571 BEACH RD	-	-	-	-	-	-	-	-	-	-	-	-	-	-	118.95'	97.89'
PT. #258	35625 BEACH RD	121.95'	99.58'	109.97'	117.44'	85.07'	120.42'	111.16'	96.94'	99.96'	112.28'	99.30'	87.48'	92.93'	85.84'	81.84'	73.20'
PT. #1115	35661 BEACH RD	-	-	-	-	-	-	-	-	-	-	-	-	-	-	74.13'	62.69'
PT. #56	35687 BEACH RD	113.10'	103.47'	104.31'	112.98'	103.24'	104.78'	100.06'	98.00'	95.39'	91.93'	89.85'	86.32'	86.43'	91.37'	87.52'	83.25'
PT. #1126	35737 BEACH RD	-	-	-	-	-	-	-	-	-	-	-	-	-	-	84.95'	69.51'
PT. #58	35781 BEACH RD	90.50'	106.60'	81.29'	91.62'	93.74'	83.06'	83.25'	87.21'	81.13'	78.90'	81.43'	75.96'	75.32'	78.77'	84.56'	75.26'
PT. #1134	35821 BEACH RD	-	-	-	-	-	-	-	-	-	-	-	-	-	-	106.82'	103.93'
PT. #60	35851 BEACH RD	96.60'	108.05'	90.11'	94.86'	98.20'	94.36'	99.19'	93.12'	95.63'	86.16'	90.44'	81.38'	87.44'	89.67'	94.68'	97.39'

CAPISTRANO BEACH  
MEAN HIGH TIDE SURVEY  
REFERENCE POINTS

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