

CAPISTRANO BAY DISTRICT
AGENDA REPORT
September 24, 2024

Shoreline Advisory Committee

ITEM 7b

Casa Mira HOA v CCC/Amicus Brief Filing

Amicus Brief definition:

A legal document that provides outside information and expertise to a court in a case they are not directly involved in. The purpose of an amicus brief is to help the court make a decision that protects the interests of those who are not parties to the case, but whose interests could be affected by the outcome.

The Casa Mira HOA in coastal Northern California has taken the Coastal Commission to court over the issue of the interpretation of the term *Existing Structure* as referenced in the Coastal Act of 1977.

The trial court sided with Casa Mira when it handed down its ruling in January 2023. The Coastal Commission is appealing. The appeal is expected to be heard sometime in the Spring of 2025.

At issue with the court is the interpretation of the term *Existing Structure* as used in the Coastal Act. From 1977 to 2015, the CCC interpreted *Existing Structure* as any structure that is existing at the time an owner submitted an application for a Coastal Development Permit, and the issue that Casa Mira HOA is arguing for. In 2015, the CCC did an about-face and changed their interpretation to exclude those structures built after 1977.

How does this impact Beach Road property owners? The Coastal Act stipulates the following:

“Revetments Seawalls, and other such construction that alters natural shoreline processes shall be permitted when required to . . . protect existing structures . . . in danger from erosion . . .”

If the appeal court rules in favor of the CCC’s new interpretation, it means that any home on Beach Road that was built after January 1977 is NOT ENTITLED to have protection.

The Capistrano Bay District has been the driving force in preparation of multi-party Amici Curiae briefs that were filed on September 5th in support of Casa Mira HOA, with the salient point being the interpretation of *Existing Structure* as any structure that is in existence at the time of a CDP application. *The full text of the two Amici filings can be found on the District’s website at www.capobay.org under the heading REGIONAL SHORELINE PROJECTS.*

It’s not difficult to understand the gravity of the Appellate Court’s ruling on this next year, and hence, the urgency of the Amici Curiae filings.