



**Niguel Shores Community Association**

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February 27, 2020

Re: Litigation Status and Coastal Commission Hearing, Meeting of Homeowners

Dear Niguel Shores Homeowner:

I am writing to report that the Coastal Commission denied the application by the County of Orange to rebuild the rock shore revetment at the base of the Breakers Isle slope. A meeting has been scheduled with the Association's Board and legal counsel to allow all Niguel Shores homeowners to learn more about the Commission's decision and ask questions. The date, time, and place of the meeting are as follows:

Date: March 19, 2020  
Time: 6:00 p.m.  
Location: Niguel Shores Clubhouse

By way of background, Niguel Shores Community Association was named in a lawsuit in 2013 regarding the rock shore revetment at the base of the Breakers Isle slope. The revetment is the line of boulders separating the beach from the slope, and extending south from the Salt Creek Beach park area. The beach is owned by the County of Orange, as part of the OC Parks system. The revetment is mostly on County property and the County is responsible for its maintenance and repair. The Association has provided periodic updates about the litigation to all owners, and has published articles in the Sea Shore News.

In 2015, the parties to the lawsuit negotiated a settlement which required the County to rebuild the existing revetment with more and larger boulders. Under the settlement, the revetment was also to include a walkway parallel to the beach, connecting Salt Creek Beach to the walkway along Strands beach. The walkway was requested by the Coastal Commission in response to an earlier application. As a condition of the settlement, the County was required to obtain a coastal development permit to rebuild the revetment from the California Coastal Commission.

With the cooperation of the Association, the County worked with Coastal Commission staff for five years to obtain approval for the revetment. On February 13, 2020, the Commission heard the

application for the revetment and voted unanimously to deny it. The Orange County *Register* reported on the hearing the following morning. A link to the article is available on the Association website and at: <https://www.ocregister.com/2020/02/14/coastal-commission>.

At the Coastal Commission hearing, the Association presented public testimony in support of the revetment, including comments by special counsel retained to assist in pursuing approval. Other members of the public spoke in opposition to the revetment. Commissioners stated the following reasons, among others, for denying the application:

- The revetment would extend further onto the beach, making less sand available for recreation.
- The revetment would prevent the progress of beach replenishment by blocking the natural erosion of the slope.
- The revetment would be paid for by the County but would protect private homes.
- The Association and homeowners whose homes would be protected were not co-applicants to the County application.
- The notice of the hearing provided by the County was not sufficient.

The denial of the application will mean that, at least in the short term, the revetment will not be rebuilt to current engineering standards, so the homes and the Association's bluff top park and parking lot will not have optimal protection against high surf and ocean storms. Some homes in Breakers Isle, Custom Homes, and Shores Garden Homes are particularly affected. The Association has provided additional notice to the owners of those homes. Also, the lawsuit will continue because approval was a condition of the settlement. The Association will work with the County to effect whatever repairs to the revetment may be possible.

The Coastal Commission staff report is a public record, and can be obtained from the Coastal Commission website at [www.coastal.ca.gov](http://www.coastal.ca.gov). The report is extensive. A videotape of the hearing is archived and available at [www.cal-span.org](http://www.cal-span.org).

All Niguel Shores owners are invited to attend the March 19 meeting to obtain further information.

Very truly yours,

  
Richard Kichline, President