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## Ruling halts granting of sea wall permits

By: ADAM KAYE - Staff Writer

SOLANA BEACH ---- A Superior Court judge has ruled that the city may not issue permits for sea walls until it revises a section of its municipal code.

In a 23-page ruling released late last week, Judge Michael M. Anello wrote that it was "impossible to reconcile" conflicts in the code and a city-certified environmental study.

The ruling stems from lawsuits filed by the Surfrider Foundation that challenged the city's review and approval of sea wall projects along its 1.7-mile coastline. It stopped short of endorsing other allegations submitted by the environmental group.

Anello rejected Surfrider's allegations that the city has "a pattern and practice" of skirting environmental review of sea walls. He also upheld the city's granting of a controversial permit for a sea wall beneath Las Brisas condominium complex.

A Surfrider attorney, however, said the judge's moratorium on sea wall applications represented a victory.

Anello noted that a 2002 environmental impact report explained that sea walls cause the width of the beach to decrease, but the municipal code prohibits "shoreline defense structure(s) [that] adversely affect adjacent public or private property, natural resources or public use of the beach."

In other words, sea walls reduce the size of the beach, which the municipal code prohibits.

CalBeach Advocates, a Solana Beach environmental group that opposes sea walls, joined Surfrider in the lawsuit.

"The city has been playing fast and loose with its review of seawalls for years," said Scott Williams, an attorney and cofounder of CalBeach. The city must "come to grips with the harm caused to the public beach when sea walls are built to protect private, bluff-top homes built too close to the edge."

The municipal code language that concerned Anello was under review before his ruling was published and is the topic of a City Council discussion scheduled for Wednesday, City Attorney Jim Lough said Monday.

"We're not surprised on that portion of the ruling," Lough said. "We were working in that direction anyway."

Lough said he did not know of any sea wall permit applications that would be delayed by Anello's ruling.

Lough noted that the legal victory for Surfrider and CalBeach was only partial.

He denied Surfrider's request to invalidate a 2002 city environmental report that analyzed problems with the 75-foot-tall sea cliffs and the narrow beach beneath them.

Surfrider had objected to the report because it did not identify proposed projects.

Anello upheld the city's approval of an emergency permit for a sea wall beneath the Las Brisas condominium complex,

which Surfrider had sought to overturn.

"It's heartening to see that the opinions of our own engineers were upheld and determined to be a legal emergency," said Bob Trettin, a consultant representing the Las Brisas homeowners association.

Todd Cardiff, an Encinitas attorney representing the Surfrider Foundation, said Monday he did not know whether the organization would appeal claims in the lawsuit that Anello denied.

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