

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
December 7, 2021

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*Old Business*

**ITEM 9a**

Shoreline Protection Progress/Homeowner Group

The following is a list of the homeowners who have been working recently in an effort to bring together/organize a plan to guide the community toward some success with shoreline protection, independent of District involvement (at least for the time being):

Lee Maddocks	Bill Fox	Dave Gutierrez	John Hansen	Nate Holiday
Karen Morris	Bill Nassour	Steve Reid	Will Wiersig	Jack Tarr

These homeowners represent a good cross-section of the community from Lee Maddocks at 067 all the way south to Jack Tarr at 841 and with every type of home classification from older pre-coastal slab-on-grade construction to very recent elevated caisson construction, with a variety of seawalls and existing shoreline protection in between.

The District has assigned the group a temporary title of *Shoreline Advisory Committee 2021* so we can keep track in the District files and have asked the committee to settle on a preferred title going forward. The committee will also need to select a chairman to simplify the dissemination of information, and establish a bank account and accountability for contributions and expenses.

From what I have seen so far in emails from this homeowner group, it appears that there has been some concerted effort and energy put into organizing and forming a preliminary plan of action, with the group seeking support and an endorsement from the Board of Directors. On that note, I have provided Nate Holiday's preliminary draft plan (from 11-30-21) on the next two pages that outlines the salient points of what the group has discussed and developed to date.

The Board has the authority to form committees as long as such committees serve some District-related purpose for which the District was formed. In this particular case, there is an obvious link between shoreline protection of the homes and the subsequent protection of the District's roadway infrastructure that would result from the committee's efforts.

I think it will be more functional for this Advisory Committee to not necessarily have to answer to the Board of Directors but instead, to operate more freely outside the District's limitations that would have to be set for a District-assigned committee. This arrangement may allow for more rapid movement and progress while the District provides some oversight, input and support as needed.

Another item of importance that needs discussion and a solution is that of coastal law counsel. Rather than go into that business here, I've reserved that topic for Agenda Item 10. Briefly stated, Steve Kaufmann at Nossaman LLP, has been contacted numerous times by various homeowners for help and guidance but has had to decline legal consulting services due to conflict of interest with the District – *read more in the report under Agenda Item 10.*

The following summarizes the advisory committee's work to date and preliminary draft plan:

GOALS:

- **Rebuild a vibrant beach** to enjoy with our families, loved ones and the community
- **Protect all homes** from future storms and tides for the community (protect it as needed with shoreline protection)
- **Maintain and Restore all homeowner rights** to their land and personal representation for their property (do not give up rights or land to any agency, including our Board on Beach Road)

Parties to Support

- The **Board** should proactively protect our road, community and utilities (waiting for homes to get washed out or encroaching on private land between homeowners and the road is insufficient and possibly negligent).
- The **Board** should work with this group to form a sub-committee (if possible) to deliver this program
- The **Board** and the **Sub-Committee** should proactively deliver communication and outline the program and enlist the support of as many **Beach Road Homeowners** as possible.
- The **City of Dana Point** should be enlisted to support the beach rejuvenation program and assist in cooperating with government agencies, corporations and other committees
- The **Railroad Company** should be enlisted to support the beach rejuvenation program to protect their assets
- The **Utility Company** should be enlisted to support the beach rejuvenation program to protect their assets
- And, the **CCC** should be enlisted to support the beach rejuvenation program to enabling a vibrant beach ecosystem for the entire Capo Beach community and citizens of the State.
- Other entities should be enlisted to support the program as deemed necessary by the **Board** and the **Sub-Committee**
- Enlisted would include the intent to raise required funding to deliver the **beach rejuvenation program** over a multi-year period prior to reassessment (say 5 years to start for example).

In order to achieve this:

- The **Board** to support the program and determine alignment of a **Sub-Committee** ASAP
- Participation in the upcoming County Meeting by a selected representation acting in the best interest of the Beach Road Homeowners

- We need seed money now from **Homeowners**, the first checks to come from some of us with the intent it is applied toward Homeowner allocations in the future.
- Lawyers, Organizations, Committees, etc. need to be set up at the direction of the **Sub-Committee** and in alignment with the **Board**.
- A **Homeowner** needs to run a permit process on an original home in order to set precedence to maintain property rights

The Plan would consist of six (or more) parts:

1. Multi-year (funded) plan to bring sand in to build back the beach
2. Engineering and shoreline ecosystem development to ensure a vibrant beach, sea life and community experience
3. Ability to place shoreline protection on a Homeowner's property, as desired
4. Removal of all shoreline protection fines and legal engagements from all government agencies
5. City of Dana Point to take governance oversight moving forward (instead of the CCC)
6. Property rights on Beach Road maintained and restored to Homeowners from any prior CCC building and shoreline protection interactions