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August 30, 2023

***VIA ELECTRONIC MAIL***

Board of Directors  
Capistrano Bay Community Services District  
35000 Beach Road  
Capistrano Beach, CA 92624  
Attn.: Donal S. Russell, General Manager  
Email: [drussell@capobay.org](mailto:drussell@capobay.org)

Re: Capistrano Bay Community Services District (the “**District**”) Special Tax for Shoreline Protection

Dear Members of the Board:

As you know, this firm represents the Coalition to Protect Capistrano Beach (the “**Coalition**”). The Coalition believes that the District’s Board members (the “**Board**”) can take action to protect the Beach Road Community from continuing shoreline erosion.

The Coalition has reviewed the Notice of Public Hearing regarding a proposal for a special tax for shoreline protection activities. **The Coalition strongly supports the proposed tax because it will raise revenues for the purpose of shoreline protection, which is the most pressing issue facing the District and the Beach Road Community.** The Coalition was pleased to see that approximately 93% of those homeowners who responded to a survey from the District agreed that the tax should be implemented. By marshalling the collective resources of the Beach Road Community with a dedicated stream of funding, the District will be better equipped to implement community-wide solutions to address shoreline protection.

As of the date of this letter, additional information regarding the proposed tax measure has not yet been made available. The Coalition looks forward to those additional details about how the tax revenues will be used to further the cause of shoreline protection. The District indicated in prior meetings that one potential use of such tax revenues would be to fund legal challenges against the California Coastal Commission (“**CCC**”) by several Beach Road homeowners (*i.e.*, test cases would be used for 1) a home that is alleged to have a post-1977 violation, 2) a home that is alleged to have a pre-1977 violation, and 3) a ground up construction candidate). The Coalition believes it is important to challenge the CCC, and that the use of tax revenues for such a purpose is wise. We look forward to learning what other avenues the District will pursue to further shoreline protection in the Beach Road Community.

The Coalition has outlined numerous other potential avenues for shoreline protection in prior correspondence to the District. Examples include the following:

1. Current Analysis. The Coalition believes that the Board should be examining the effect that alterations along the coast may have on coastal erosion in the Beach Road Community. The Board should examine the Dana Point Harbor, the San Onofre reef project and other projects along the coast. These projects may have affected the natural current in the vicinity of the District, thereby increasing the erosion in the Beach Road Community.
2. Sand Replenishment/Beach Nourishment. The Coalition believes that the District should seek to become part of a regional solution to provide for sand nourishment and retention along the coastline.
3. Cooperation with Local Partners. The District needs to engage with its regional partners to address the issue of shoreline erosion. As we have previously noted, the Southern California Regional Rail Authority, Amtrak and Orange County Transportation Authority are all natural partners because the District is located immediately adjacent to a rail line.
4. No Managed Retreat. The District's geographic location renders managed retreat a severely misguided policy and it must be avoided at all costs in connection with the Local Coastal Plan and any amendments thereto (collectively, the "LCPA"). The railroad is located just east of the District and therefore Metro Link, Orange County Transportation Authority, and Amtrak each have a vested interest in protecting their rail line operations from coastal erosion. Pacific Coast Highway is also a vital part of the transportation network in Southern California and is located just east of the District as well – Cal Trans has a vested interest in protecting this asset. The Coalition believes that the State and Federal governments will never allow these key transportation assets to be submerged by elevated seal level rise, and therefore the District needs to take the position with the CCC that managed retreat is inapplicable to the Beach Road Community.

**To reiterate, the Coalition strongly supports the proposed special tax and looks forward to the District's continue attention and dedication of resources to the issue of shoreline protection in the Beach Road Community.**

Sincerely,



Alexander W. Schwada  
of Schwada Law, P.C.