



11100 Santa Monica Blvd., Suite 780
Los Angeles, California 90025

Telephone: 424.259.1878
Facsimile: 424.208.1153
www.schwadalaw.com

Writer's Email Address:
alex@schwadalaw.com

ITEM 13a

August 24, 2025

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

Re: Capistrano Bay Community Services District (the “**District**”)

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 is happy to hear that the District continues to collaborate and coordinate with regional stakeholders, including working with Orange County to evaluate the County's regional coastal resilience program.

In addition to working with County and other regional stakeholders, the Coalition requests that the District continue to emphasize the following points in its discussions with regional partners and the California Coastal Commission (“**CCC**”):

- (1) **Allow Beach Road Residents to Protect Adjacent Critical Public Infrastructure.** Beach Road is adjacent to the rail line and Pacific Coast Highway (PCH). Neither the State nor the Federal government will ever allow these vital public infrastructure components to be submerged due to shoreline erosion and sea level rise. The protection of this critical public infrastructure will require substantial governmental spending (and likely require tax increases or additional governmental debt to finance the same). Accordingly, the Coalition believes that there is a compelling argument that by allowing private property owners along Beach Road to construct protective barriers to safeguard their homes, there will be a secondary beneficial effect of protecting PCH and the railroad line. To be clear, OCTA, Metrolink, and Amtrak all have a vested interest in making sure that their public infrastructure is protected. This is a common-sense solution that would protect the homes in the District and allow the rail line to continue operating in its current location, thereby avoiding the need for a costly relocation of the rail line inland. The District and its homeowners, the OCTA, Metrolink and Amtrak

and the taxpayers of California would all benefit from such a proposed arrangement. The Coalition urges the Board to continue its outreach to regional partners, including Amtrak, OCTA and Metrolink.

- (2) **Potential Loss of Property Tax Revenue.** The private homes in the District generate a substantial amount of property tax revenue for the County. The CCC's proposed policy of managed retreat would eventually lead to the loss of homes along Beach Road. This would have a material, adverse impact on property tax collections, which constitute an important funding source for the County. The Board should highlight this issue in any conversations with the CCC, and work with the County Assessor and Treasurer-Tax Collector to quantify the amount of property taxes generated from the Beach Road community.
- (3) **CCC Prior Actions May Have Caused Alterations to Current.** The Board should examine Dana Point Harbor, the San Onofre reef project and other projects along the coast, as these projects may have affected the natural current in the vicinity of the District, thereby increasing shoreline erosion in the Beach Road Community. If the CCC has approved other projects in the region that adversely impacted the shoreline in the District, it is only logical that the Beach Road property owners should be permitted to protect their homes. To be clear, the CCC cannot approve protective devices that cause increased shoreline erosion in the District on the one hand and simultaneously deprive the District's homeowners the right to protect their property from such erosion.
- (4) **Coastal Erosion and Beach Nourishment.** As the Board and its counsel have mentioned previously, and as noted in the South Orange County Regional Coastal Resilience Strategic Plan (2024), the South Orange County coastline is experiencing regionwide beach erosion due to a significant regional sediment deficit largely attributable to the lack of sand reaching the beach from the San Juan Creek, which has historically been the main source of sediment nourishing the region's beaches. This appears to be caused by the implementation of the Clean Water Act rule adopted by the CA Water Quality Control Board in 2013. Accordingly, this needs to be highlighted in any discussion regarding the renourishment of the beaches in the region, including Beach Road, as the State and Federal governments should be responsible for and should directly contribute to such beach nourishment efforts since the lack of runoff and natural resupply of beach sediment is due to State and Federal actions. Moreover, additional scientific studies should be commissioned to further confirm the above.

The Coalition looks forward to the District reviewing the above.

Sincerely,



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