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ITEM 13a

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December 2, 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: Shoreline Protection Priorities and October Updates for 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 continues to believe that the District’s Board of Directors (the “**Board**”) can and should take concrete, near-term steps to protect the Beach Road community from ongoing shoreline erosion.

The Coalition appreciates the District’s continued collaboration with regional stakeholders and related initiatives to advance shoreline protection and coastal resilience strategies. We also recognize the District’s recent October progress on shoreline matters, including: (1) advancing the Miller Coastal Development Permit (CDP) application with City staff and securing a Planning Commission hearing date, and (2) formalizing participation in the South Orange County Beach Coalition to address sediment supply and beach erosion.

CONTINUED MESSAGING AND ACTION ITEMS

In light of the October filings and developments, the Coalition requests that the District continue to prioritize and emphasize the following shoreline protection actions in its engagements with the City of Dana Point (“**City**”), regional partners, and the California Coastal Commission (“**CCC**”):

- (1) **Advance District and Homeowner Protective Efforts that Safeguard Adjacent Critical Public Infrastructure.** Allowing Beach Road homeowners to maintain and construct appropriate shoreline protective devices provides the secondary benefit of protecting adjacent public infrastructure, including the nearby rail corridor and Pacific Coast Highway, thereby reducing the risk of costly future public expenditures and potential relocations. The Board should continue outreach to transportation stakeholders (including OCTA, Metrolink, and Amtrak) to align on coordinated protection strategies that support uninterrupted rail operations and coastal access.

- (2) **Highlight the Fiscal Risk from Managed Retreat.** The District should continue to highlight the material risk that managed retreat poses to the County's property tax base generated by Beach Road homes, and work with the County Assessor and Treasurer-Tax Collector to quantify and memorialize the magnitude of that risk.
- (3) **Assess Regional Project Effects on Local Erosion.** The Board should continue to examine whether regional projects previously approved in the area, including in and around Dana Point Harbor and the San Onofre reef project, have altered littoral processes and exacerbated erosion along Beach Road. If CCC-approved projects contributed to increased erosion affecting the District, Beach Road owners should be permitted to protect their properties.
- (4) **Center the Regional Sediment Deficit in All Shoreline Planning.** The District's participation in the South Orange County Beach Coalition positions the District to argue that South Orange County's beach erosion is driven by a regional sediment deficit, notably from a lack of sand and sediment outflow from the San Juan Creek watershed. This deficit has been attributed to implementation of Clean Water Act requirements, and the District should continue pressing State and Federal partners to support regional beach nourishment solutions and related scientific studies.

OCTOBER PROGRESS AND NEAR-TERM OPPORTUNITIES

- **Miller CDP Application.** The Coalition supports the Committee's plan to meet with Commissioners to walk through the permit details in advance so that they understand the scope of proposed work.
- **Expert Review Supporting Strategy.** The Shoreline Committee engaged Susan McCabe to evaluate the strategy advanced by the District's legal counsel (Stan Lamport) ("**District Counsel**"). Her report supported District Counsel's approach and was approved by the Shoreline Committee on September 23, 2025. This alignment among District Counsel and an experienced coastal practitioner should provide the Board with continued confidence in its interactions with the CCC and City.
- **Regional Coalition Participation.** The Coalition is pleased that the Board authorized execution of the South Orange County Beach Coalition MOU, which provides the District voting status and a seat at the table. This aligns with the District's position that regional sediment supply constraints from San Juan Creek are a principal driver of beach sand loss due to Clean Water Act implementation.
- **Emergency Stabilization and Storm Repairs.** The Coalition notes that October work included emergency seawall repairs at Storm Drain No. 13 (35655) and ongoing organization of storm drain repairs from wave damage at several locations, reinforcing the immediacy of coastal hazards confronting the District's shoreline and public works.

REQUESTED BOARD DIRECTION

To capitalize on this momentum, the Coalition respectfully requests that the Board:

- Direct continued, proactive engagement with City Planning Commissioners ahead of the December 8 hearing on the Miller CDP application, with a focused briefing on shoreline protection needs, project scope, and public infrastructure co-benefits.

- Task staff and consultants to compile and present for Board review a concise dossier for CCC and regional partners that: (a) quantifies Beach Road property tax contributions at risk; (b) summarizes potential causal linkages between prior regional projects and Beach Road erosion; and (c) outlines sediment-deficit evidence and proposed nourishment pathways, including responsibilities of State and Federal actors.
- Utilize the District's voting role within the South Orange County Beach Coalition to advance near-term, fundable pilot nourishment and monitoring efforts along Beach Road, while coordinating with transportation agencies on protective measures that jointly safeguard private property and critical public infrastructure.

The Coalition appreciates the Board's sustained leadership and the progress reflected in the October record.

Sincerely,

A handwritten signature in black ink, appearing to be 'AS' with a long horizontal stroke extending to the right.

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