



Niguel Shores Community Association

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July 20, 2021

Re: Litigation Status and Coastal Commission Hearing

Dear Niguel Shores Homeowner:

The County of Orange has submitted a new plan to the California Coastal Commission to repair the rock shore revetment at the base of the Breakers Isle slope. The Association has posted the Orange County video explaining this submittal on the Niguel Shores website for your convenience. A meeting has been scheduled with the Association's Board and legal counsel to allow all Niguel Shores homeowners to learn more about the new submission and ask questions. The date, time, and place of the meeting are as follows:

Date: August 4, 2021
Time: 6:00 p.m.
Location: Niguel Shores Clubhouse

By way of background, Niguel Shores Community Association was named in a lawsuit in 2013 regarding the rock shore revetment at the base of the Breakers Isle slope. The revetment is the line of boulders separating the beach from the slope, and extending south from the Salt Creek Beach park area. The beach is owned by the County of Orange, as part of the OC Parks system. The revetment is mostly on County property and the County is responsible for its maintenance and repair. The Association has provided periodic updates about the litigation to all owners, and has published articles in the Sea Shore News.

In 2015, the parties to the lawsuit negotiated a settlement which required the County to rebuild the existing revetment with more and larger boulders. Under the settlement, the revetment was also to include a walkway parallel to the beach, connecting Salt Creek Beach to the walkway along Strands beach. As a condition of the settlement, the County was required to obtain a coastal development permit to rebuild the revetment from the Coastal Commission.

With the cooperation of the Association, the County worked with Coastal Commission staff for five years to obtain approval for the revetment. On February 13, 2020, the Coastal Commission held a public hearing on the application. The Association presented public testimony in support of the revetment, including comments by special counsel retained to assist in pursuing approval. Other members of the public spoke in opposition to the revetment. At the conclusion of the hearing, the Commission voted unanimously to

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deny the application for the revetment. The Association's February 27, 2020 letter to owners reported some of the reasons for the denial stated by Commissioners at the hearing.

Since February of last year, the County and its consultants have continued to work with Coastal Commission staff to develop a plan to repair the revetment that will increase the effectiveness of the revetment while addressing the Commission's concerns. On June 30, 2021, the County submitted a revised revetment plan to the Commission, based on extensive input from Commission staff. Commission staff will now confirm that the submission is complete, will likely have additional questions and input, and will create a report for the Commission to consider. The application will be placed on the Coastal Commission agenda at a future date. Niguel Shores owners will be advised of that date when it is set.

The Coastal Commission staff reports are public record, and can be obtained from the Coastal Commission website at www.coastal.ca.gov. A videotape of the February 13, 2020 hearing is archived and available at www.cal-span.org.

All Niguel Shores owners are invited to attend the August 4 meeting to obtain further information.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Bob Russell", with a long horizontal flourish extending to the right.

Bob Russell, President