

CAPISTRANO BAY DISTRICT
AGENDA REPORT
October 25, 2011

Committee Reports

ITEM I.1

LCP Committee Activity

In August the District received a Notice of Violation of the Coastal Act from the California Coastal Commission (CCC) alleging that members of the public were illegally asked to leave the beach in front of a home near the south end of our community.

In response to the alleged violation, the LCP Committee was asked to get together and review the notice and develop a strategy for a response.

The Committee met and determined that the best course of action was to bring in legal counsel to assist in crafting the most appropriate reply back to the CCC. During the course of three committee meetings, the last of which included Jeff Goldfarb of the Rutan & Tucker LLP law firm, a response letter was agreed upon and subsequently mailed to the CCC on October 14th.

To date there has not been a reply, although it has only been roughly five working days since the CCC has received our letter. The District and the committee will consider its next response based on the nature of the reply letter from the CCC.

The Committee unanimously agrees that violating the public's right to beach access (presuming the District truly committed a violation the Coastal Act) cannot be allowed to occur again. In evaluating solutions to this potentially huge problem for the community, it was agreed that before the Committee's work is complete it will develop an informational handout of some kind and establish a policy that provides direction and instructions for property owners, the District and its security force, the public and the City of Dana Point and local law enforcement.