

CAPISTRANO BAY DISTRICT
AGENDA REPORT
June 27th, 2017

New Business

ITEM 10a

City Council – Flood Zone Changes

From a verbal report provided by homeowner Dave Gutierrez, it would appear that the City Council, in their meeting on May 16th, passed a resolution that effectively moves the high-hazard flood zone in a landward direction that now encompasses ALL the homes on Beach Road.

In the past the City has honored the FEMA flood maps which, when overlayed onto a Beach Road map, clearly shows that some homes are outside of the flood zone. A home sitting outside of the flood zone is exempt from the development limitations that are placed on structures that are within the flood zone.

The minutes of that council meeting make interesting reading. The document is posted on their website danapoint.org and can be found under the heading CITY COUNCIL then click on agendas and minutes then open the May 16 minutes document.

According to the City Attorney, the City is liable for a \$15,000 fine for non-compliance with FEMA regulations yet those regulations indicate that some homes are outside of the flood zone.

Our Shoreline Protection Committee has been notified of what seems like an illegal action by the City in failing to provide a due public-review process for the action taken at the May 16 meeting.

Additionally, the impacted Beach Road homeowner, whose permit application was denied due to this unusual City action, is planning to sue the City or may have already began that process.