

CAPISTRANO BAY DISTRICT
AGENDA REPORT
July 25th, 2017

Old Business

ITEM 9b

City Council – Flood Zone Changes

In following up on last month's discussion, the attorney for the homeowner who was denied his permit application with the City to perform interior improvements on his older non-conforming Beach Road home, has asked the District to participate with the homeowner in their lawsuit against the City. The grounds for the legal action stem from the belief, by the attorney, that the City acted illegally in effecting the zoning change without providing for the public to participate in the process. Zone changes require lengthy public involvement, mailed notices, hearings, opportunities for the public to support or oppose the measure, etc. None of this was done by the City.

In polling the Board on whether or not the District should join a class action lawsuit, Director Clark expressed support and agreed the District should participate now. Board President Masto, on the other hand, indicated he wanted to know more and wanted to hear from the District's legal team, who is working with the District on the Shoreline Protection Committee project.

The Board may hear from the attorney at the meeting during closed session since this is part of a legal matter, in which case the Directors may be able to take action. If so, then any action would have to be reported when the Board convenes in open session.