

CAPISTRANO BAY DISTRICT
AGENDA REPORT
December 10, 2024

Advisory Committee

ITEM 7a

Miller CDP Application Status

We're getting closer to the finish line for submitting the application package and corrections back to the City. There is no solid date for resubmittal but we might have a more realistic date before the Board meeting.

ITEM 7b

Casa Mira HOA v Coastal Commission

While the Appellate Court has issued their Tentative Opinion which overturns the lower court's ruling, the final opinion won't actually be heard until tomorrow, Wednesday December 11th. Our Counsel says there's always the chance that the final decision may differ from the tentative opinion but we'll need to wait until the hearing and oral arguments are presented.

Should the Appellate Court's final ruling overturn the lower court the next step would be to solicit the State Supreme Court to take on the case. This is a matter for another time but if counsel for Casa Mira decides to appeal to the highest state court, then the District has one last opportunity to weigh in as we did with the Amicus Curiae briefs. If the District chooses to join in this last effort, the price tag for our counsel to encourage the Supreme Court (in the form of a support letter) to take the case would be a not-to-exceed cost of \$10,000. The Board could make that decision at this meeting in preparation for the eventual outcome of the Appellate Court's final ruling tomorrow. If the State Supreme Court chooses to not take on the case, then the issue is done at the Appellate level and we don't spend \$10,000.

ITEM 7c

Addition to the MHTL Survey Program

The District has an opportunity to expand on the Mean High Tide Line data collection by creating an expanded beach profile survey. Currently we measure sand elevation from the back beach (by the homes) out to the water line and create a profile of how much the beach slopes down to the waterline. An expanded survey would take that profile further out into the water to a depth of about 35-40 feet to give a more comprehensive picture of the sand in the near-shore zone where it can't be seen. The usefulness here is that we get a better understanding of how much sand would actually need to be pumped onto our beach to keep it replenished. The District is currently getting cost estimates.