

## Evan Ditmars

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**From:** Cove Britton <cove@matsonbritton.com>  
**Sent:** Tuesday, March 21, 2023 3:59 PM  
**To:** Evan Ditmars  
**Subject:** PC hearing Application 211316

**\*\*\*\*CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Hi Evan-

Please provide the below for the hearing tomorrow.

Dear Planning Commissioners:

Our office has been, or are, currently responsible for over 30 projects at the top of Rio Del Mar Bluffs or at the base of which about a dozen are currently in process of some sort. Many of these include some sort of landslide mitigation, while others rely on access to their homes in shoreline protection structures, located on the ocean side of Beach Drive and Las Olas. At no point have any of the landslide mitigation measures on our projects been considered "shoreline protection structure".

In my experience, the interpretation presented to you in the County staff report that these sort of landslide mitigation measures are shoreline protection structures appears to be an interpretation brought on by Ms. Burke.

Rather than argue the matter, I respectfully suggest the County provide substantiation that the interpretation of "shoreline protection structure" is long standing, by providing documentation of the permitted existing landslide mitigation measures in this area; and in particular projects prior to her tenure as the head of Environmental Planning.

I also suggest (not only for this project but future landslide mitigation measures that are not a result of wave action) that consistent with 16.10.070 (h) #3 Shoreline protection structures (vii), that a properly qualified licensed County engineer provide the appropriate documentation that any supposed proposed shoreline protection structure is one based on engineering principles.

I.e. It is typically accepted that if something is not engineered to be a shoreline protection structure, it is not one and it will fail. Merely being subject to coastal processes does not make a sand castle a shoreline protection structure, let alone a structure well away from the shoreline that would fail if and when waves should reach it.

This has been communicated to the County staff repeatedly by appropriately qualified professionals. Yet to date there has been no response consistent with County Code requirements.

Regardless, first and foremost, life safety is of paramount importance to my clients. And in addressing that issue that legitimate clear, consistent, and sound direction is provided.

Towards that end I request that the Planning Commission ask the following questions so I can appropriately inform current and future clients:

1. How far inland does County staff believe the shoreline is?
2. If a shoreline protection structure is not engineered to resist wave action, is it a shoreline protection structure?

3. May applicants expect stamped and signed opinions from County technical staff (Geologist, Geotechnical Engineer, and Professional Engineer as appropriate) what is a shoreline protection structure? That opinion is required and consistent with 16.10.070 (h),#3 "shoreline protection structures" (vi) requiring County staff to make the determination based on engineering principles.

Thank you for your consideration.

Cove Britton  
Matson Britton Architects

O. (831) 425-0544

## Evan Ditmars

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**From:** ELAN SCHEINMAN <elanscheinman@comcast.net>  
**Sent:** Tuesday, March 21, 2023 9:28 PM  
**To:** Evan Ditmars; Maureen Murphy  
**Subject:** 266 Cliff Court Aptos

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Dear Mr. Ditmars,

I am the owner of 303 Beach Dr. Aptos. My property is directly below 266 Cliff Court. Needless to say my wife (copied on this email) and I are very concerned about the hillside above us and below 266 Cliff Court. We feel strongly that not only our property but our lives and the lives of our guests are at stake with the stability of that hillside. So we would like to share our hopes that the approval process for this hillside stabilization can be expedited, streamlined, and allowed to be cost effective.

I will echo the questions I know that have been asked of you:

1. How far inland does the shoreline go inland?
2. What exactly is a shoreline protection and what is not? Please provide examples and explanation.

This a critical life safety issue and clear information based on that issue is critical to myself and my neighbors. Anything that hampers the approval process for such projects is not supported. I would like to reiterate that is this not hypothetical for us. We are in danger if the property above us can not be stabilized and we fear that we will also be significantly restricted in our ability to stabilize the hill that is within our property lines.

Thank you

Elan Scheinman and Maureen Murphy  
303 Beach Dr. Aptos.

