

Evan Ditmars

From: Cove Britton <cove@matsonbritton.com>
Sent: Tuesday, May 12, 2026 4:32 PM
To: Evan Ditmars
Subject: 303 Beach Drive

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Evan,

Please include the below email correspondence in the administrative record and distribute it to the Planning Commission as late correspondence for the hearing on the completeness appeal for Application 251393.

I previously provided this to Supervisors Koenig and De Serpa as a courtesy because the issues raised extend beyond the particulars of this individual application and implicate broader procedural concerns regarding use of the completeness process.

Thank you,

Cove Britton

Cove Britton <cove@matsonbritton.com>

to Manu, kimberly.deserpa, Jamie, Erik, Chris, Matt, Richard



Hi Manu and Kim:

I wanted to give you both a heads up on this one as it is very concerning on a number of levels.

We appealed the completeness determination because staff is effectively conditioning processing of the application on the applicant accepting staff's substantive legal conclusions.

Specifically, staff is requiring the applicant to:

- treat the proposed debris fence and associated pin piers as a "shoreline protection structure," and
- treat temporary removal of a portion of the garage wall for construction access as a FEMA "substantial improvement."

The applicant's engineer, geotechnical engineers, and geologist disagree with those interpretations.

As I previously indicated to staff, it is the project team's and owner's intent to litigate the issue (Nossaman also disagrees with staffs' stance) of whether the proposed debris fence and pin piers legally constitute a shoreline protection structure. The Coastal Commission previously denied the pin piers specifically because they were treated as shoreline protection structures, and this remains an important unresolved legal and policy issue affecting many similarly situated blufftop properties.

However, refusing to even process the application unless the applicant first accepts staff's interpretation is a very different matter.

These are disputed technical and legal issues for the Planning Commission to resolve during permit review — not threshold determinations staff can require the applicant to concede as a condition of deeming the application complete.

The application already contains plans, engineering, geotechnical analysis, elevations, drainage information, and the core materials necessary to process the permit application.

Importantly, this is not a speculative or optional project. The County has already acknowledged the underlying life-safety hazard conditions affecting the site.

In many other contexts, hazard conditions of this magnitude would trigger immediate governmental concern regarding occupancy and safety. Yet here, instead of moving the application into the normal public review process, staff is using procedural completeness determinations to delay consideration of proposed protective measures unless the applicant first accepts disputed legal interpretations.

Under these circumstances, using the completeness process to prevent the application from moving forward is deeply concerning. It delays review of a critical life-safety structure, increases costs to the owner, and prevents the Planning Commission from reaching the underlying merits issues the Commission is supposed to decide.

The applicant fully understands that staff may ultimately recommend denial on the merits. That is part of the normal process. But those merits determinations should occur through the public hearing process — not through procedural gatekeeping at the completeness stage.

The central issue at the hearing is therefore fairly narrow: whether staff can withhold completeness based on unresolved substantive disagreements regarding project characterization and regulatory interpretation.

If the County ultimately maintains that the application is incomplete unless the applicant accepts staff's legal interpretations, the owner will likely have no practical alternative but to litigate the completeness issue under the Permit Streamlining Act, thus delaying further a critical life safety mitigation.

I appreciate your time and consideration.

Best,

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Cove Britton
Matson Britton Architects

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