

Date: September 29, 2025

To: Humboldt County Planning Commission
825 Fifth Street
Eureka, CA 95501

Re: Opposition to Daniels Coastal Development Permit, Special Permit, and Variance (PLN-2023-18280) – APN 111-121-037

Dear Commissioners,

We, the undersigned neighboring property owners, respectfully submit our opposition to the proposed Daniels Coastal Development Permit, Special Permit, and Variance for the construction of a new residence at 495 Sea Court in Shelter Cove.

Our opposition is based on substantial environmental, geological, and legal concerns that directly implicate the California Coastal Act and threaten the long-term stability of adjacent parcels.

1. Removal of Established Monterey Cypress

The proposal seeks removal of a mature Monterey Cypress Tree. This tree is not ornamental—it is a structural anchor for the bluff and property at 501 Sea Ct. Its extensive root system binds the soil, reduces surface erosion, and absorbs water from storm runoff and underground streams.

- **Scientific Support:** Studies in coastal geomorphology (e.g., [Stokes et al., Ecological Engineering, 2009]; [Danjon et al., Plant and Soil, 2005]) show that trees with large lateral root systems significantly enhance slope stability and reduce shallow landslides. Monterey Cypress (*Cupressus macrocarpa*), in particular, has been documented as providing exceptional windbreak and soil-binding properties along California's coast.
- **Legal Support:** The removal conflicts with California Coastal Act §30253(1)-(2), which requires new development to “minimize risks to life and property in areas of high geologic, flood, and fire hazard” and to “assure stability and structural integrity while neither creating nor contributing significantly to erosion, geologic instability, or destruction of the site or surrounding area.”
- **Bowman v. California:** The court found that an EIR failed to properly evaluate impacts to root systems of old-growth redwood trees adjacent to a roadway. This proposal similarly fails to analyze root-zone impacts, and mitigation can't be buried as an afterthought.
- **California Coastal Commission Tree Planting and Removal Policy (Policy C-1.16)** treats tree removal as “development” requiring a more stringent permit review process, not a “peripheral” permit condition.

Exhibit 1a

Exhibit 1b

Exhibit 1c

2. Concerns Over Grandfathered Property Lines and Fencing

This parcel sits among long-established boundary markers and fencing. Redrawing or encroaching upon these areas would conflict with historic lot usage and risk setting an adverse precedent for other Shelter Cove property owners.

3. Geologic Instability and Underground Stream Erosion

The parcel is at the natural low point of Lower Pacific Drive. It is undercut by an active underground stream that accelerates erosion and destabilizes the bluff. We will submit video evidence of these conditions into the record.

- Legal Support: This directly invokes California Coastal Act §30253(2), which prohibits development that would contribute to geologic instability. Granting the requested variance without addressing these hazards would be inconsistent with the statute.
- Lindstrom v. California Coastal Commission. The court upheld the Commission's authority to require, as a condition of coastal development permit, compliance with geotechnical recommendations.

Exhibit 2a

Exhibit 2b

4. Coastal Bluff Hazards and Lack of Rock Bed Protection

Unlike other lots, this site lacks a rock bed to dissipate wave energy. Removal of the Cypress, as requested in the project proposal, would leave the bluff and neighboring properties unprotected against storm surge and coastal flooding, increasing risks to adjacent properties.

- California Coastal Act §30235 allows shoreline protective structures only when necessary to protect existing structures, and requires that natural protective features (like established trees) be preserved wherever feasible. Removing the tree eliminates the only natural safeguard in place.
- Martin v. California Coastal Commission (2021). The court affirmed the requirements to include a safety factor (often 1.5) over the life of the project and that the geotechnical report must justify that safety factor. Any approval must show not only present stability,

but future erosion (e.g. 75-year horizon) and demonstrate a factor-of-safety analysis over time.

5. Requirement for Soil and Foundation Report

At present, no soil report or geotechnical evaluation appears in the record. This omission is a critical flaw. California law and best engineering practice require that development on coastal bluffs—particularly those known to be geologically unstable—must be supported by substantial evidence demonstrating long-term stability and safety.

Under **California Coastal Act §30253(1)–(2)**, new development must:

- *“Minimize risks to life and property in areas of high geologic, flood, and fire hazard,”* and
- *“Assure stability and structural integrity while neither creating nor contributing significantly to erosion, geologic instability, or destruction of the site or surrounding area.”*

To comply with these mandates, we therefore request that a comprehensive Geotechnical/Soils and Foundation Report be conducted by a licensed California geotechnical engineer prior to any further consideration of this permit. This report must:

- Evaluate the structural role of the Monterey Cypress and the consequences of its removal on bluff stability;
- Analyze the impact of the known underground stream activity that is actively undermining the parcel;
- Assess risks associated with coastal erosion, storm surge, and projected sea-level rise under current climate models;
- Provide a factor-of-safety analysis over the expected life of the structure (typically 75 years), consistent with California case law and Coastal Commission precedent.

Furthermore, the findings of this report must be made fully available to the public before any decision is rendered.

Without such an evaluation, approving this development would be **inconsistent with the Coastal Act**, would expose the County to foreseeable liability, and would undermine the Commission’s duty to ensure that new development does not compromise the safety and stability of neighboring properties.

Exhibit 5a
Exhibit 5b

Exhibit 5c
Exhibit 5d

6. Cumulative Risks to Neighboring Properties

This proposal does not only impact the applicant's parcel. It threatens the safety, stability, and property rights of multiple neighbors who rely on the integrity of the bluff and protective vegetation. Approving this project without full environmental due diligence risks exposing the County to liability and undermines the Coastal Act's mandate for resource protection.

California Coastal Act Chapter 3. Article 6 §30253 states:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

The risks associated with the approval of this proposal easily fit into any of the five conditions therefore a denial of the proposal is necessary.

7. Parking and Public Right-of-Way Concerns

The proposal relies on one off-site parking stall located in a Public Works–approved lane on Sea Court, in addition to two small on-site stalls. This approach raises several issues:

- **Public Safety:** Sea Court and Lower Pacific are narrow coastal roads used by residents, service vehicles, and emergency responders. Removing public roadway capacity for private parking jeopardizes safe access during emergencies, including fire evacuation or storm response.
- **Inconsistency with Coastal Act:** Under §30253(3), new development must not “create or contribute significantly to adverse impacts... in the surrounding area.” Using public right-of-way as permanent private parking shifts the project's impacts onto the neighborhood.
- **Precedent Risk:** Allowing off-site parking in the public right-of-way sets a dangerous precedent for future developments, effectively privatizing shared community space.
 - Previous development proposals (and subsequent permits for building) for neighboring properties required additional off-street parking be included in development plans

- **Inadequacy for Full-Time Use:** The structure proposed is a two-story residence. For long-term occupancy or vacation rental use, three stalls are insufficient, leading to overflow parking on already constrained streets.

We urge the Commission to require that **all parking be contained on the applicant's property**. If this is not feasible without variances, it further illustrates that the site is unsuitable for the proposed development. We request that the variance be amended to not allow short term rentals as a condition of variance approval.

Exhibit 7a

8. Formal Notice of Appeal

If the Planning Commission approves this proposal at its October 2, 2025 session, we hereby provide notice that we will immediately and formally file an appeal to the California Coastal Commission pursuant to California Public Resources Code §30600(a) and a review of the SUBSTANTIAL ISSUE THRESHOLD be completed.

Conclusion

For these reasons, we urge the Commission to deny the Coastal Development Permit, Special Permit, and Variance. We believe that the risks presented by the development proposal present a **substantial issue** of conformity with Coastal Act policies with regards to bluff stability, erosion, habitat and access. We believe that pushing through these variances will negatively impact the neighborhood by allowing the project to go forward on a lot that should have been declared unbuildable. At a minimum, the project should not proceed until a comprehensive **Soils and Foundation Report** and a review of the **Substantial Issue threshold** are completed as well as a full evaluation of environmental hazards and conditions of New Development in compliance with the California Coastal Act.

As of this letter, there has been no disclosure of plans, drawings or renderings of the structure, the impact to the surrounding properties, or proposed parking arrangements.

If the Planning Commission approves this proposal at its October 2, 2025 session, we will immediately and formally file an appeal to the California Coastal Commission under PRC §30600(a).

We request that this letter and all supporting documentation (including scientific references, legal statutes, photos, and video evidence) be entered into the official record.

Respectfully,

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Appendix

Bowman v. California Coastal Commission.

<https://www.manatt.com/insights/newsletters/real-estate-and-land-use/bowman-v-california-coastal-commission>

California Coastal Act (Chapter 3, Article 6)

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=30253.

Lindstrom v. California Coastal Commission.

<https://climatecasechart.com/case/lindstrom-v-california-coastal-commission/>

Martin v. California Coastal Commission

<https://caselaw.findlaw.com/court/ca-court-of-appeal/2137644.html>



Exhibit 1a. Photo shows 501 Sea Ct., Cypress and foliage from 495 Sea Ct. property.



Exhibit 1b & 1c. *Photo showing tree position of Monterey Cypress between 501 and 495 Sea Ct.*



Exhibit 2a. Photo shows greenery from property indicating adequate subterranean fresh water source supplying growth.



Exhibit 2b. Evidence of fresh water stream leading to ocean under property. Photo shows pooling of fresh water and a dog drinking from pooled water. Dogs do not drink salt water.



Exhibit 5a. Photo taken September 2025 showing erosion occurring below property at 495 Sea Ct.



Exhibit 5b. Photo taken September 2025 showing erosion and water pooling occurring below property at 495 Sea Ct.



Exhibit 5c. Photo taken July 2024. Presence of fresh water and moss growth. Moss does not grow in salt water. Evidence of underground water source under property.



Exhibit 5d. Photo taken June 2022 from deck of 501 Sea Ct. Presence of fresh water and moss growth. Moss does not grow in salt water.



Exhibit 7a. Photo taken September 2025. Shows subject property as well as risk posed by vehicles in public roadways taken during short term rental occupancy of 485 Lower Pacific Drive