

DANIEL'S RESIDENCE – REBUTTAL TO NEIGHBOR'S LETTER

Location: 495 Sea Court, Shelter Cove, California

Prepared by: Thomas Bond, Architect

Date: October 24, 2025

Following is a Rebuttal to the issues raised in the Neighbor's letter of September 29, 2025. The purpose of this Rebuttal is to correct numerous factual errors and set the record straight as to several rather serious exaggerations.

1. Removal of Monterey Cypress

The tree in question is most notably on the 495 Sea Court site and is not particularly close to the bluff, approximately 24 feet to the top of the bluff. While the tree roots may contribute to topsoil stability, the primary contributor to the bluff stability is the rock bed, approximately 4-7 feet below grade (per Soils Report) which extends from the shoreline inland several hundred feet.

Contrary to the neighbor's statements, removal of the tree will not lead to instability of the bluff, poses no fire, flood or erosion hazards and in no way contributes to the destruction of the surrounding area.

The removal of the tree has been on the drawings from the very beginning of the project and has been under review by Coastal & the County with no significant comments other than a permit will be required for its removal which is part of this submittal.

It is clear from the Exhibits 1b & 1c that the tree is clearly on the Daniel's property and has only grown into the neighbor's property in subsequent years. The Exhibits are also misleading as the fence was constructed about 6 inches into the Daniel's property.

2. Grandfathered Property Lines

The current property lines are as recorded by the County and were carefully reviewed during the Boundary and Topographic Survey. They represent the Legal Property Lines and are not proposed to be modified in any way. As noted above, the Survey clearly shows that the neighbor's fence is not within their property.

A Variance has been requested to reduce the front setback due to the odd edge of street configuration of Lower Pacific as it transitions into Sea Court. This creates a hardship for the property which has been addressed in the Variance and all appropriate findings have been made, essentially that were a straight line were to be drawn between the front of the neighboring residences, the Daniel's residence would be behind that line, in no way impacting the neighbors more than any house on any street.

3. Underground Stream

First, it should be noted that both the Soils Report & the Wave Up-rush Report looked at the history of the bluff back to the 1940's and both found no significant evidence of bluff erosion. Photos can be found in the Skelly Report.

The possibility that there might be underground water is not particularly noteworthy although our Soils Investigations found no evidence of water. However, should there be some underground water movement, this project will have no negative impact. Due to the specific directionality of the foundation, any water moving toward the bluff can continue its course. Should significant water be encountered during excavations, the normal course of action would be to immediately inform the Soils Engineer and Structural Designer to determine if there was an issue and if so, how best to resolve. Any conclusions would be reviewed by the County prior to action being taken.

It is understood that the site is at a low point in Lower Pacific. The site drainage has been designed to direct any water around the residence and along the two east-west property lines. Should water off the street reach flood levels, the raised foundation will allow water to flow through the site to the sea.

4. Bluff Hazards & Bed Rock Protection

This statement in the neighbor's letter is patently untrue. The Rock Bed extends from the shoreline well into the interior of the area. The Soils Report found rock at 4-7 feet throughout the site. Further, as per the Soils recommendations, the building footings will be taken down to rock and literally "pinned" to the rock base with heavy reinforcing bars carefully calculated to secure the foundation to the rock. This would ultimately have the effect of improving rock stability rather than diminishing it.

Contrary to the Neighbor's claims, the tree is not supporting the rock based bluff and likely has very shallow roots. Its impact on stabilizing the bluff is minimal at best and it is simply not feasible to retain the tree and construct a residence on the site. In addition, both the Coastal Review and our design assume a minimum 75 year life span and see no reason why that is not a predictable outcome.

5. Soils Report

Again, this statement in the neighbor's letter is not correct. A Soils Investigation and subsequent Report was initiated early in the project and received in June 2022. An additional Report was requested later that year to address foundation conditions near the bluff. Several borings were taken, recorded and analyzed by a licensed Geologist.

The project has been designed incorporating their recommendations and both the complete construction documents and the Geological (Soils) Report have been made available to the County and Coastal Commission in-house geologists for their review. Coastal comments were ultimately incorporated in the final design.

6. Risks to Neighboring Properties

All reasonable due diligence has been done. Having been reviewed by several Engineers for geological ramifications, wave up-rush, seismic stability, botanical, biological and archaeological conditions, and by the County & Coastal Commission for the last 3+ years, we feel that all potential issues have been addressed and all County and Coastal requirements have been met. We do not believe, nor do any of the above entities, that the design and engineering proposed will have a negative impact on the bluff or the neighboring properties.

7. Parking & Right-of-Way

First, Sea Court & Lower Pacific are hardly “narrow” roads. Sea Court is essentially a wide spot along Lower Pacific. We are not removing any width from the existing roadway. The area between the existing edge of road and the property line are being paved, affectively widening the paved area. Therefore, any cars parked in that area will not be in the legal roadway. This approach was specifically required by the County Public Works, and has been followed exactly.

This does not set a precedent, dangerous or otherwise. There will be no “adverse impacts” and is absolutely consistent with County Policy. The number of parking stalls required is set by the County. The only constraint is that the neighbor to the south will not be able to use the 495 Sea Court frontage for their personal parking.

8. Notice of Appeal

We understand that this is exactly what it appears – a threat in the event the Planning Commission approves this project. We have been working with County Planners for over 4 years to develop a meaningful and appropriately designed project. We have been aware from the beginning that the neighbor to the south would attempt to block this project as they clearly do not want the Monterey Cyprus removed and want to maintain a handy vacant lot where they can store old lumber and have a large buffer between them and the neighbor to the north. All of this is understandable, but very self-servicing.

Conclusion

We have worked in good faith with the County and Coastal Planners. We have followed every recommendation made, even when we disagreed. All of our work has been made public. We urge the Planning Commission to disregard these specious comments and approve the project as submitted. Should the neighbor choose to appeal to the Coastal Commission, so be it. The Coastal have reviewed our proposal in detail, and we are confident that they will continue to support the project.

Respectfully submitted,

Thomas Bond, Architect