



The Carmel Pine Cone

Volume 98 No. 28

On the Internet: www.carmelpinecone.com

July 13-19, 2012

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Water groups ask for \$1.3M ride on CPUC money train

■ \$450 per hour attorneys' fees would be added to local water bills

By KELLY NIX

EIGHT GROUPS that want to participate in hearings before the California Public Utilities Commission about a new water supply for the Monterey Peninsula also want to be compensated for their advocacy.

Various hospitality and environmental groups are seeking a combined amount of more than \$1.3 million, all of which would be added to local water bills, according to documents filed this week with the CPUC. State law provides that "intervenor" status can be granted to groups that have something substantial to contribute to the CPUC's consideration of utility projects and rates.

The biggest request is for a whopping \$334,000 from WaterPlus, a group with a long history of trying to get the public to buy Cal Am, and which is now backing a desal project proposed by Nader Agha. WaterPlus said its expenses include \$150,000 for two attorneys and \$160,000 for experts and advocates.

Lots and lots of money

The Coalition of Peninsula Businesses, a group whose membership includes chambers of commerce, realtors, commercial property owners and hospitality interests, asked for the second highest amount at \$290,000, including \$150,000 in attorneys' fees (at rates as high as \$400 per hour). Another \$125,000 will pay for various experts and advocates, according to the coalition, which has favored Cal Am's water project proposal, which includes a desalination plant in Marina.

The CPUC will determine how much each group is eligible to receive. The money will come from Cal Am and will likely be placed on cus-

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City hall getting its new look



PHOTO/MARY SCHLEY

The grounds in front of city hall don't look very idyllic at the moment, but they will. With a hefty donation, the Carmel-by-the-Sea Garden Club is re-landscaping the area, including new walkways and railings. The work is in honor of Connie Ridder, a former garden club member who died last summer.

Court rules senior project doesn't have to remove beds

By CHRIS COUNTS

UPHOLDING THE developer's and the county's contention that a graywater irrigation system was never a permit condition for a Carmel Valley senior housing project, Monterey County Superior Court judge Lydia Villarreal has rejected a lawsuit from a local activist seeking to have the facility limited to 56 beds.

The 78-bed Cottages of Carmel — which opened in the summer of 2011 — is located on a 4.5-acre property at 26245 Carmel Rancho

Blvd.

Represented by attorney Richard Rosenthal and operating under the name, Save Our Peninsula Committee, activist Ed Leeper filed a lawsuit in June 2011 challenging the project's permit.

Rosenthal argued Monterey County officials illegally removed the requirement of a graywater irrigation system — as well as a landscaping plan — from the conditions of the project's approval.

Because the complex is limited

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Commission withdraws OK of beach bathrooms

By MARY SCHLEY

THEY WERE approved — for a month. After the Carmel Planning Commission in June finally OK'd plans to build permanent bathrooms above the beach at Scenic and Santa Lucia, commissioners voted Wednesday to rescind their approval and ask for a litany of changes that could send architect Rob Carver back to the drawing board.

At their July 11 meeting, planning commissioner Michael LePage and chair Jan Reimers requested reconsideration of the project they approved last month.

"I was concerned after the last meeting on several levels," Reimers explained. "We had two brand new commissioners, and one commissioner was absent, and I thought there were ways we could address some of the issues."

"Several citizens came forward and had some serious concerns about it," LePage said. "And I felt a public building like this is such a significant place there was sufficient reason for it; there was no reason not to."

After the commission voted 4-1 to reconsider the bathroom plans, with commissioner Steve Dallas dissenting, Carver outlined the history of the project, which started a decade ago with discussions of where a permanent building should go. His stone-fronted, low-profile design was inspired by the public restrooms at the foot of Ocean Avenue, and throughout the course of the hearings, the plans were downsized in scope and floor area.

Now, he said, "I'm getting conflicting direction from the citizenry ... pretty much this getting arrows from all

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Third EIR on sale of Flanders released

By MARY SCHLEY

JUST TWO people spoke during the Carmel Planning Commission's hearing on the revised environmental impact report exploring the city's plans to sell Flanders Mansion Wednesday, and only one offered criticism of the new report.

The latest EIR for the long-sought sale considers additional options, including selling just the building or cutting the lot size by a third.

Skip Lloyd, whose request that the previous EIR further analyze alternative options for selling the historic Tudor-style mansion on a smaller parcel led a Monterey County Superior Court judge to find the EIR inadequate and overturn a public vote to sell the house, said the new EIR doesn't do the job, either.

Don't harm the park

The report should determine the option that will have the least impact on the adjacent Mission Trail Nature Preserve, he said, and considering the small lots in Carmel that command high prices, the size of the parcel on which the mansion sits could be further reduced from its 1,252 acres.

"We don't need a whole lot of land for Flanders Mansion to come up with a salable option that will achieve the objective but have the least measurable impact on the park," he said.

The city has now spent about \$1.1 million on environmental review and legal work for the proposed sale.

In addition to alternatives explored in the EIRs drafted

See **FLANDERS** page 27A

Downtown merchants skeptical about outdoor market

Commission's violation of Brown Act requires rehearing

By MARY SCHLEY

BECAUSE IT didn't take any public comment Tuesday morning before voting to establish a committee that would oversee a proposed weekly outdoor market downtown, the Carmel Community Activities & Cultural Commission will have to discuss the matter and vote on it again at a new meeting scheduled for July 17 at 2 p.m.

And, while the cultural commission's discussion was largely about how the farmers market might be run, some merchants are doubting whether it should exist at all and are raising strong objections to having it on Ocean Avenue.

Cart before horse?

At the July 10 meeting in the city council chambers, several merchants showed up to express their views on the farmers market concept but left after being advised they wouldn't be able to say anything until a later meeting. After they left, cultural commissioners began their discussion of four pages of detailed guidelines for the proposed

farmers which were developed by a committee headed by council member Victoria Beach.

Dubbed the "Carmel Artisan Food Experience," the market would be held from the lunch hour to the dinner hour on

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Film fest fee waiver on the agenda — again

By MARY SCHLEY

AFTER VOTING Tuesday to waive more than \$8,000 in city fees for the Carmel Art & Film Festival without taking public comment on the waiver, the Carmel Activities & Cultural Commission will have to hold another hearing on the issue July 17, city attorney Don Freeman confirmed Wednesday. The special meeting will begin at 2 p.m.

Because the Oct. 10-14 festival, which its founder, Tom

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