

The Carmel Pine Cone

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Judge orders landlord to stay away from Dametra — for now

By KELLY NIX

THE OPERATORS of Dametra Cafe can breathe a little easier after a judge last week issued an order barring the restaurant's landlord, who claims she's the rightful owner, from meddling in their business.

On May 28, Monterey County Superior Court Judge Susan J. Matcham granted Dametra founders Faisal Nimri and Bashar Sneeh a preliminary injunction giving them complete control of the restaurant, despite landlord Connie Laub's contention that she's the owner and they merely manage it.

"The preliminary injunction prevents the defendants from interfering with the operation of Dametra Cafe," attorney Crystal Gaudette, who represents the restaurateurs, told The Pine Cone. "We are thrilled."

The judgment is the second victory for Nimri and Sneeh, who also obtained a temporary restraining order against Laub. The court orders followed a May 4 lawsuit the men filed against her alleging she was trying to "abscond" with the restaurant. Laub's business partner, Mark Morris, is also listed as a defendant in the suit. They have denied Nimri and Sneeh's allegations.

Laub's attorney, Susan Goldbeck, minimized the importance of the court order, saying that when the case is likely ordered to go to arbitration, "there will be no doubt" to the arbitrator "who owns this business." She went on to say that Nimri and Sneeh ultimately won't be able to prove they own

Destruction of dam turned into a work of art



PHOTO/JEFFERY JAY LUHN

A local plein air artist has made more than 20 trips to San Clemente Dam over the past year and produced eight paintings to chronicle its removal. Why is she doing it? See page 11A.

Dametra Cafe at Lincoln and Ocean.

"Simply saying they are the owners of this business doesn't make it so," Goldbeck said.

Laub points to the Carmel business license in her name, and cites past comments by Nimri and Sneeh that Laub is the owner and they're managers. But Nimri and Sneeh contend that they're Dametra's true owners since they hire and fire employees, pay

See **DAMETRA** page 30A

FOUR DOWNTOWN BUILDINGS SOLD FOR \$13.5M

By MARY SCHLEY

A LOS Angeles real estate investment company "engaged in the acquisition, development, leasing and management of multi-family, retail and commercial real estate" last week purchased four downtown buildings for a combined total of \$13,586,000.

'Marshall Duncan' rides again — but still won't say who he is

By MARY SCHLEY

NO ONE has come forward to say who he is, including the man (?) himself, but at least one thing is known about Marshall Duncan: He reads The Pine Cone.

On Monday, following the paper's front-page story about his voluminous Public Records Act requests, Duncan requested copies of "the email, text message, phone log or any other record between Mary Schley, Paul Miller or The Carmel Pine Cone organization to or from the City of Carmel-by-the-Sea and any of its officials, officers or employees discussing, requesting or regarding Marshall Duncan or any correspondence, email or Public Records Act Request from Marshall Duncan to the City of Carmel-by-the-Sea."

He also asked for copies of any emails between city

See **DUNCAN** page 31A

The entity that took title to the impressive portfolio — two buildings on Ocean Avenue and two on Dolores Street — is called Carmel Properties LLC, but it's actually Optimus Properties, which has its offices in Century City.

The seller was Casey Silvey, according to broker Michael Schoeder, managing director of DTZ commercial real estate in Ryan Ranch.

"These properties have been in her family since the '40s and '50s," explained Schoeder, and their combined square footage totals about 23,000. Silvey took control of them in 1989.

But Silvey, who lives in Aptos, decided it was time to retire from being a commercial landlady and listed the buildings with DTZ last August.

"It was a decision to sell all the properties at once," he said.

See **SOLD** page 31A

P.G. council nixes 'petty' objections to P.B. housing

By KELLY NIX

A PROPOSED affordable housing project in Pebble Beach that would provide homes for 78 people would not only create "nuisance light," it could further "deteriorate" Pacific Grove's roads and negatively impact the city's parks and library, according to a letter the city's staff has proposed sending Monterey County planners.

But at this week's council meeting, some council members and citizens called those concerns, "petty," and asked for the letter to be revised.

In a six-page draft letter written in response to the EIR for the Pebble Beach Co.'s proposed 24-unit inclusionary housing project off Congress Road, the city's planning staff suggested that the town homes' residents — even though there will be only 78 of them — could overwhelm P.G. parks and its

See **HOUSING** page 10A

Peninsula told to save 8 percent more water

By KELLY NIX

AS IF Monterey Peninsula residents weren't already water-saving champs, they'll have to cut back another 8 percent for the next nine months to comply with an order by Gov. Jerry Brown, the Monterey Peninsula Water Management District announced this week.

While most of the state has been ordered to reduce water use by at least 25 percent, water district general manager Dave Stoldt told The Pine Cone that the Peninsula, because of its longstanding strict conservation rules, was among fewer than two dozen areas in the state required to cut back by only 8 percent.

"The state took all 411 urban water suppliers and ranked them based on water usage per person, per day for July, August and September of 2014," Stoldt said. "They ranked all these urban water suppliers from low to high usage and said, 'OK, the first 23 of you are going to have an 8 percent standard because you are obviously outperforming the rest of the state.'"

Other communities that haven't conserved as much are being required to cut back more, to a maximum of 36 percent.

No indiscriminate watering

In 1995, after state officials decided the Monterey Peninsula had to stop taking most of its supply from the Carmel River, water use on the Peninsula was strictly limited, and most new water connections were prohibited. The restrictions have stayed in place for 20 years, regardless of rainfall.

Those rules include bans on indiscriminate or excessive water use which allows water to run onto sidewalks or streets, waste caused by correctable leaks, hand water-

See **SAVE** page 31A

Cal Am worker finds baby crawling in street

By MARY SCHLEY

THE BABY was on a mission.

That's what California American Water service technician Victor Munguia said of the infant he happened to see crawling through a Carmel intersection last Wednesday afternoon. Munguia had just left a service call at a residence in town and was driving down Valley Way on his way to help a coworker contend with a leak in the Rio Vista neighborhood off of Carmel Valley Road when he "glanced over to Lobos Street and happened to see a little baby crawling in the middle of the street," he told The Pine Cone Thursday.

"As I was traveling on toward Highway 1, I thought, 'Oh, wait a minute, that's not right,' so I reversed, went to Lobos and parked the truck in the middle of the road with my hazard lights on," he recalled.

Munguia asked a couple standing nearby if the child was theirs — they evidently hadn't seen him, as he was blocked from their view by a parked car — when the baby's mother rushed out into the street toward him.



Victor Munguia

See **BABY** page 31A