

# The Carmel Pine Cone

Volume 102 No. 53

On the Internet: [www.carmelpinecone.com](http://www.carmelpinecone.com)

December 30, 2016 - January 5, 2017

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## P.B. short-term rental case headed to Appeals Court

By KELLY NIX

THE PEBBLE Beach residents who sued Monterey County last January, challenging the county's rules prohibiting them from using their oceanfront home for short-term rentals and weddings, may have lost their case in Monterey County Superior Court, but Judge Thomas Wills' decision was so critical of the county, the Lewises are probably optimistic that their appeal to the California 6th District will prevail.

Wills ruled in September, and the appeal was filed this week.

William and Duncan Lewis brought suit against the county following the county's determination — after an administrative hearing on the matter — that they had violated county ordinances by renting out their multi-million dollar house on a short-term basis. The county fined the couple \$100,000.

The Lewises asked Wills to overturn the decision and the fines, and to declare that the county's short-term rental rules in their neighborhood were invalid.

But in an eight-page decision filed Sept. 7, Wills said the county's ordinances regulating such rentals are valid, and he upheld the earlier administrative hearing officer's determination that the Lewises had violated the ordinances. He also said the Lewises "are not

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## \$107,000 price tag for centennial events

By MARY SCHLEY

THIS YEAR'S centennial celebration, which culminated with an elaborate parade, lunch and street dance on Oct. 29, cost taxpayers \$107,808.78, as of mid-December, according to city records. Revenues for the various events and programs were \$105,662.69, while expenses were \$213,471.47. The city councils that approved the 2015/2016 and 2016/2017 budgets autho-

rized a total of \$100,472, about \$7,000 short.

The parade alone cost \$97,596, while donations to offset the expenses — principally, money contributed by the sponsors of the professionally built floats — totaled \$51,350. Carmel Rotary contributed \$15,000, Carmel Realty and the Price Family Philanthropic Fund each contributed \$10,000, Carmel Plaza gave \$8,000, and several others donated smaller amounts.

Other revenues came from beer and wine sales at the street dance (\$1,928) and a \$300 reimbursement for the wine glasses at that event. Merchandise sales so far total a little over \$37,000.

### Signs, banners and stickers

The breakdown of expenses spans from Oct. 29, 2015, to Dec. 19, 2016, and includes payouts for everything from graphic design, signs, banners, advertising, stickers and pins, to catering, bleachers, shuttles, golf carts and photography.

Paige Johnson Design was paid \$11,779.75 for work on signs and banners, the centennial book, logos and other graphics, while Doug Thompson received \$500 for each of the 10 monthly columns the centennial committee ran in *The Pine Cone*.

Upbeat Productions was paid \$8,500 to help produce the parade, and the bleachers along the route cost \$7,489. Fiesta Parade Floats, the award-winning company that built the six floats, has received \$36,428.20 so far. Ziona Goren got \$1,500 for costume services for the parade walkers.

The Preserve charged \$9,195.67 to cater the lunch at Sunset Center, and The Money Band was paid \$1,500 to play at the street dance that evening.

Merchandise emblazoned with the centennial logo, including wine openers, coffee mugs, T-shirts, vests, dog bowls and other souvenirs, cost \$36,132.17, according to executive assistant Leslie Fenton, who handled much of the recordkeeping for the centennial costs and revenues. As of Dec. 2, total revenues from those items, as well as the ban-

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## Steelhead group: No more 'emergencies' at lagoon

By CHRIS COUNTS

HOPING TO end a practice that some say is an excuse to evade permit requirements, the Carmel River Steelhead Association is threatening to sue Monterey County and other agencies for repeatedly using emergency declarations to justify doing flood control work on the Carmel River Lagoon sandbar without enough oversight.

"We're sincerely motivated to solve this problem once and for all — for the benefit of the homes and the lagoon," Frank Emerson of the steelhead group told *The Pine Cone*. "We're encouraged by the progress we see being made by the county, and hopefully, we won't have to sue."

The nonprofit steelhead group made its threat in an Oct.

24 letter to the Monterey County Board of Supervisors, the United States Army Corps of Engineers, the National Marine Fisheries Service and others.

Nearly every winter, the Carmel River Lagoon fills up with water and threatens to flood nearby homes. In response, county officials declare an emergency just before they send in bulldozers to cut a channel in the lagoon's sandbar to lower the water level in the lagoon.

The work does prevent flooding, but the steelhead group said it also harms the environment.

### 'Highly predictable'

According to the letter, the county and other agencies have "improperly relied upon" an emergency consultation process in the Endangered Species Act, "because there is no true emergency circumstance."

"The flooding that happens at the Carmel River Lagoon is a highly predictable yearly event," reads the letter, which was written by William Parkin, an attorney representing the steelhead group. "The county's actions do not warrant reliance on an emergency consultation and any past, present, and future reliance on emergency consultation for mechanical breaching of the Carmel River Lagoon is unlawful."

### Breached on its own

Last week, with little fanfare, the Carmel River quietly made its way to the ocean.

"The river breached the sandbar on its own," Monterey County spokesperson Maia Carroll reported. "It's been opening and closing since."

This year, the river has migrated to the south end of the sandbar, which should make Scenic Road residents feel safer. In past years, when the river has migrated to the north end of the sandbar, it has threatened Scenic Road, and even undermined the parking lot at Carmel River State Beach and damaged the restrooms there.

But Emerson contends the river is moving so far to the south because the beach has been altered from so many



PHOTO/KERRY BELSER

It cost \$545.12 to dress someone up in a Dennis the Menace costume for the city's centennial parade in October. But it was worth it.

## Visit with pig topped Christmas wish list

By KELLY NIX

THE PACIFIC Grove family that nearly six months ago was ordered to move their pet pig, Bruiser, after a neighbor complained about his smell spent Christmas with the animal, presenting him with some new toys and a stocking full of fresh fruit.

Lisa and Mark Hanes and their two children, who live on

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## Carmel Point diver dies despite rescue efforts

By MARY SCHLEY

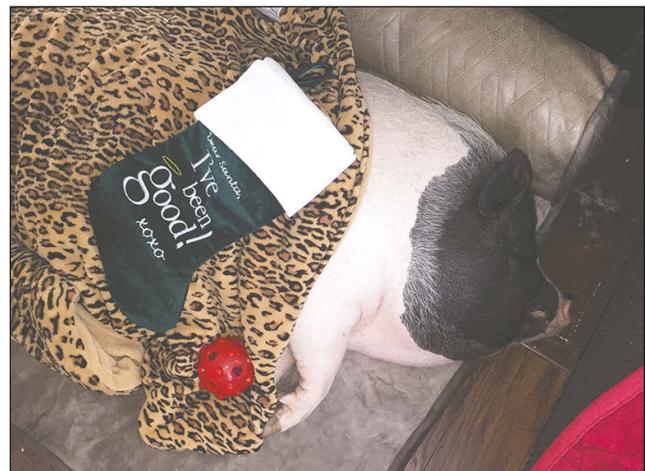
A 33-YEAR-OLD San Jose man died late Tuesday morning after losing consciousness while swimming out for a dive near Carmel Point, according to Cal Fire Battalion Chief Nate Armstrong, while the friend who tried to help rescue him was unharmed.

Shortly after 11 a.m. Dec. 27, a passerby dialed 911 to report a diver about 20 yards offshore near Scenic Road and Stewart Way yelling for help, triggering an extensive scrambling of emergency resources, including a Cal Fire engine and rescue swimmer, Monterey Fire, Carmel P.D., Carmel Fire Ambulance, and sheriff's deputies. Cal Fire also sent its rescue boat from Whalers Cove in Point Lobos and a jet ski from Stillwater Cove in Pebble Beach.

"Our engine got to the scene and found a diver being swum into shore by a friend," Armstrong said. "Our swimmer

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PHOTO/COURTESY MARK HANES

Bruiser, the famous pig who no longer lives in Pacific Grove, sleeps soundly under a cheetah blanket (which is not from a real cheetah).