

# The Carmel Pine Cone

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## Seals set free in Pebble Beach



PHOTO/KERRY BELSER

While Marine Mammal Center volunteers who helped rehabilitate them look on, harbor seals exit their crates and head toward the Pacific Ocean in Pebble Beach Tuesday.

### Rehabbed back to health and home

By KELLY NIX

THE FIVE harbor seal pups and three California sea lions were known to their human caregivers as Bobbyfelix, Maeday, Rapper and other silly names, but the animals' months-long rehabilitation, and their monikers, came to an end this week when they were released back to the ocean.

On Saturday during a ceremony in Pebble Beach, the Marine Mammal Center released the pinnipeds — who were found in poor

See SEALS page 15A

## Trash enclosure fight ends amid acrimony

By MARY SCHLEY

THE FEUD between restaurateur David Fink and the city over the trash enclosure in Picadilly Park appears to be coming to an end with the city council's approval Tuesday of an encroachment permit for the enclosure. In exchange, Fink promised permanent public access for the park's restroom he built in 2006.

Fink and city officials have been at odds over the trash enclosure since the planning commission considered and ultimately approved plans in November 2017 for a condo he wants to build above the restaurant. Although the city signed off on the 2006 plans for the restaurant, Fink never obtained an encroachment permit for the trash area on public property, so the planning commission decided he should get one now.

### Ordered it be torn down

But when Fink applied for the permit for the 110-square-foot trash area in February, the city council denied it, ordering that the enclosure be torn down.

So he sued. A court hearing set for late April was postponed while they discussed possible settlements, at which point, Fink made the trash enclosure smaller and applied for another encroachment permit.

But opposition at the city council continued at this week's meeting, starting with complaints from city administrator Chip Rerig about what he called Fink's "negative rhetoric and revisionist history." A letter from Fink's attorney received the day before the meeting was "deeply offensive" and placed "unconscionable" blame on the city's staff, Rerig added.

Planning director Marc Wiener recommended that the enclosure be no bigger than 8 feet by 3 feet, with a 6-foot height, based on the dimensions of three large cans.

But Fink argued that would be too small, since the cans are 6 feet high with the lid open and are nearly 3

See TRASH page 16A



David Fink

## City gets authority to enforce code, levy fines

By MARY SCHLEY

AFTER DECADES of having no teeth, the Carmel Municipal Code is getting a whole new section that will allow city officials to enforce it — and levy fines up to \$2,500 per day per violation, with a maximum penalty of \$100,000. On Tuesday, the city council adopted rules and procedures for citing offenders and holding hearings when they appeal.

City attorney Glen Mozingo said the California Government Code requires cities to have clear administrative procedures that govern the imposition, enforcement, collection and review of fines and penalties, which for decades, the city has not.

"How did we get along without this for 30 years?" Mozingo asked. "We concluded that someone would just

voluntarily pay a fine. The other conclusion we drew was that we never filed action in court to support any compliance orders or citations for 30 years."

A Monterey County Superior Court search revealed that in the past three decades, the city didn't file a single action to enforce its laws governing signs, yard waste, noise issues, selling on the sidewalk and hundreds of other activities, as well as zoning and building codes, according to Mozingo.

And, he observed, if it had, any judge would have tossed out the complaint because the municipal code provides no due process for citations and appeals.

"But that circumstance will now change," he said.

### Fines from \$100 to \$100,000

Mozingo said he conferred with numerous city attorneys in other jurisdictions to draft the 22-page document, "City of Carmel-by-the-Sea Municipal Code and Ordinance Enforcement," which empowers officials to use "traditional criminal prosecution, civil action, and nuisance abatement" to enforce the city's codes and ordinances.

Under the "administrative citation process," fines for minor, nonrecurring violations of the municipal code, like illegal signs and making too much noise, start at \$100 per day and are due within 21 days from the time a citation is issued. Anyone who receives a citation can demand a hearing and can also file an "advance deposit hardship waiver" asking the city to delay imposing a fine

See FINES page 17A

## WITNESS HELPS NAB BURGLARS AT CONSTRUCTION SITE

By MARY SCHLEY

A NEIGHBOR who noticed a pair of suspicious men at a building site on the former Panattoni property at the north end of Carmel Beach provided the information that helped police identify the suspected burglars, one of whom has been arrested, according to Carmel Police Cmdr. Luke Powell. Officers are still searching for the other.

Carl Panattoni sold three homes at the north end of Carmel Beach for a total of \$51 million in late 2015 and early 2016, and the planning commission subsequently approved plans for new residences that are now under construction.

It wasn't until Carmel Police detective Rachelle Lightfoot responded to a report of a burglary at one of the houses June 25 that the witness came forward, Powell said. The job foreman discovered the break-in when he arrived for work Mon-

day morning and found the lock on the main gate cut, a shipping container open, tool boxes in the garage pried open, and numerous tools taken — along with a white Ford F-350 flatbed panel truck. The losses were estimated at \$44,000.

The property lacks security cameras, but Lightfoot collected evidence and tracked down a witness on a neighboring property who told her he had noticed two people at the worksite two days earlier "and immediately became suspicious due to the fact that the men did not appear to be working," Powell said. Instead, they stood and

See BURGLARS page 17A

## Frightened feline rescued from Big Sur redwood

By CHRIS COUNTS

IT'S NOT just an urban legend that firefighters rescue cats from trees, as the Big Sur fire department proved when they saved a gray tabby from a redwood last week.

Volunteers from Big Sur Fire received a call June 25 at about 11 a.m. for "a cat in a tree." The location was near Pfeiffer Big Sur State Park.

Nobody had any idea how long it had been up there, but when they arrived on the scene, firefighters Trey Kropp and Marcus Foster found a frightened feline about 40 feet up a redwood. Because of the height involved, they called in one of their colleagues, Fabian Perez, with tree climbing experience.

"When Fabian arrived, he was fashioned with a safety harness and rope and climbed about 40 feet up a nearby tree, got the rope around the tree where the cat was, and the folks on the ground pulled on the rope which allowed the tree to bend over so the cat could walk from



PHOTO/COURTESY BIG SUR FIRE

A Big Sur cat has been reunited with its owners after climbing up a redwood and getting rescued by firefighters.



Joe Ramirez



Jordan Gonzalez

See CAT page 15A

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