



A SPECIAL SECTION INSIDE TODAY'S CARMEL PINE CONE — The pros and celebrities, schedules, ticket info, how to get there & more...

# The Carmel Pine Cone

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## Homeowner sues over golf balls in his yard

By KELLY NIX

A CORRAL de Tierra man who lives next to a golf course is so tired of golf balls landing in his yard — including one that nailed him in the shoulder while he was tending

his garden — he's filed a lawsuit against the owner of the course, the realtor who helped him buy the house, and the man who sold it to him, complaining that he was never told about the errant ball problem.



PHOTO/KELLY NIX

This peaceful looking residence off Highway 68 is actually under constant bombardment by golf balls hit from an adjacent driving range, its owner claims. He knew the home was next to a golf course when he bought it, of course, but the number of golf balls is "far beyond what a reasonable person might expect," he says.

In a Jan. 24 lawsuit, Gary L. Olimpia, whose home is adjacent to Corral de Tierra Country Club off Highway 68, said it's not uncommon for more than 100 golf balls per week to land in the yard of his home on Vista Dorado Drive.

Crash landings of the dimpled spheres, he said, are so common that he can't let his 15 grandchildren play outside for fear they'll be injured.

Olimpia is suing the golf and tennis country club, the home's previous owner, Bernard Lantis, and realtor Maria Betts and Shankle Real Estate, alleging they failed to disclose the "golf ball intrusion problem." Among other things, Olimpia wants a judge to order Corral de Tierra to stop the use of its driving range until it's been made safe.

"The amount of golf balls which intrude onto [Olimpia's] property on a regular basis," he contends in his lawsuit, "is far beyond what a reasonable person might expect to occur when living next to a golf course."

As an example, Olimpia said he picked up 122 balls that accumulated in his yard over a five-

See GOLF page 26A

## Voters will decide Cal Am takeover bid

Water board accepts petitions, puts issue on June ballot

By KELLY NIX

THE MONTEREY Peninsula Water Management District board voted Wednesday night to let the people decide the fate of a water group's initiative that seeks a public takeover of privately held utility California American Water.

Though directors had the option of deciding to pursue the public buyout of Cal Am on their own, they decided that voters should make that decision. The group behind the effort, Public Water Now, collected enough valid signatures for the initiative, which was certified by the district Wednesday, and the issue will be added to the June 3 ballot.

The June election will cost the district — and therefore Peninsula water customers — about \$80,000 to \$100,000. If the initiative passes, the "feasibility and acquisition plan" it calls for that will cost "hundreds of thousands of dol-

See TAKEOVER page 21A

## Austin cleared of perjury charges

He lives in town, DA says, so use of fake address wasn't a crime

By MARY SCHLEY

PUTTING TO bed any rumors about where Carmel City Council candidate Lucas Austin lives, and whether he is eligible to vote and run for office in town, the Monterey County District Attorney's Office said this week that its investigation shows that he began renting a house in town last Dec. 1. Assistant DA Berkley Brannon also announced that, even though Austin knowingly listed a fake address, NW Lincoln and Fifth, as his home address on his paperwork to run for election, and swore it was true "under penalty of perjury," prosecutors will not charge him with any crime.

"Although Mr. Austin intentionally provided a false location for his residence, he correctly identified his residence as existing within Carmel-by-the-Sea," Brannon said. "The crime of perjury requires a false affidavit in which the signer

See AUSTIN page 14A

## P.B. academy opens just in time for AT&T

By KELLY NIX

AS THE world's best golfers arrive in Pebble Beach for the AT&T Pebble Beach National Pro-Am next week, they'll find something completely new to help them fine-tune their games.

Just in time for one of the year's biggest events, the P.B. Co. opened an advanced practice facility and academy that employs state-of-the-art technology and good, old-fashioned customer service to help golfers of varying abilities improve their games. It also has a new driving range and new areas to improve their putting, chipping and bunker shots, including greens that resemble the ones on the Pebble Beach Golf Links.

The Pebble Beach Golf Academy & Practice Facility — across Portola Road from the former driving range — offers

See ACADEMY page 14A

## Supes lobbied hard to allow short-term rentals

By CHRIS COUNTS

BACKED BY about 50 people, a new group called the Monterey County Vacation Rental Coalition urged the board of supervisors this week to allow short-term rentals in the unincorporated parts of the county, including Big Sur and Pebble Beach.

And as early as Monday, the draft of an ordinance permitting short term rentals in those areas could be released, county planning official Carl Holm told The Pine Cone.

At the Jan. 28 meeting, Janie Rommel-Eichorn of Big Sur told the supervisors the coalition seeks to work with "the board, county staff and the public" to create "a fair and reasonable system of regulation" for the industry.

Currently, short-term rentals are not permitted in the county's coastal zone, although many are available in Pebble

See RENTALS page 8A

## BIG SUR OCEANFRONT GETAWAY SELLS FOR \$31M

By CHRIS COUNTS

A HOME with stunning views of the Big Sur coast, along with more than 90 acres of rugged land divided among two parcels, sold last week for a staggering \$31,394,000 — one of the largest sale prices for residential real estate in Monterey County history.

The seller was David F. Brubaker, and the buyer took title via a company called Ankle Crisper LLC. Calls to Brubaker and Ralph Arnheim, a Palo Alto businessman who is either the actual buyer or his representative, were not returned.

One of the properties is the site of the distinctive Staude House, which was named for its first occupants, pharmaceutical businessman Tony Staude and his wife, Marguerite, who achieved fame as the designers and

financiers of the Chapel of the Holy Cross in Sedona, Ariz. Tony Staude died in 2006.

Designed by the late architect George Brook-Kothlow of Carmel Valley, the Staudes' Big Sur house was constructed in the late 1960s with reclaimed redwood bridge timbers.

The house was small, just two bedrooms and two baths, with a total living area of 2,234 square feet, according to county records, but was built in a breathtaking location on the edge of the Big Sur coast. Its distinctive circular shape is clearly visible in aerial photographs.

A separate structure on the southern part of the property comprises just 435 square feet, according to county records.

See GETAWAY page 27A



PHOTO/RICHARD OLSEN

Somebody with really deep pockets is the new owner of this amazing home at Highway 1 and Anderson Creek in Big Sur.

# RENTALS

From page 1A

Beach, unincorporated Carmel, Carmel Highlands and Big Sur. The county collects transient occupancy tax from many of those engaged in the business, while some have been threatened with fines after neighbors complained.

Big Sur resident Lloyd Jones asked county officials to stop enforcement actions against those who own or manage short term rentals. He said those actions are fueling neighborhood disputes.

"The coalition is going to insist that the county take prompt action to stop the harassment that is the result of the county's ambiguous ordinance," Jones said. "Those ambiguities have created a vacuum that pits neighbors against neighbors."

In the county's inland areas, short term rentals are allowed, but Jan Leasure of Monterey Bay Property Management told the supervisors the permitting process is lengthy and expensive. She said one property owner spent \$4,500 to register a rental and waited more than a year to get the okay.

Other speakers extolled the variety of benefits short term rentals offer.

Real estate broker Steven Poletti said the popularity of short term rentals is a major selling point for his clients and has given the local real estate market a big boost. "Vacation rentals are a very positive and necessary resource for our

economy," he said.

Sarah Borgonini of Monterey Bay Cleaning, who employs nine people, said short term rentals represent 75 percent of her business.

Several speakers said the increase of the short term rental market is part of an emerging "sharing economy" where people will rent or barter or borrow just about anything — homes, cars, tools, etc. — from their neighbors as well as strangers they meet in cyberspace. Quoting the headline of a Forbes magazine article on the subject that was published last week, supporter Susan Bradley called the new trend "unstoppable."

The coalition members also announced that attorney Gary Patton — the former executive director of LandWatch Monterey County and Santa Cruz County supervisor — will be working for the new group.

Nobody spoke out against short term rentals during the public comment period, but that's likely because opponents had no idea the coalition would be making a presentation. In the past, opponents have argued such rentals increase noise, traffic, trash and fire hazards, have a negative impact on privacy, parking and security, displace long term renters; and

change the "identity" and "character" of neighborhoods.

Dave Potter, who represents the four county areas where the most short term rentals exist, was not present at the meeting.

Afterward, Patton told The Pine Cone he aims to work with county officials to help develop a clear set of regulations that address the concerns opponents have about short term rentals. "In case the place next door turns into a party pad — and that's everyone's worst nightmare — there needs to be something in place to stop it," he suggested.

At the same time, Patton echoed Jones' concerns about enforcement efforts. While short term rentals are not permitted in the county's coastal zone, Patton said they are not clearly prohibited either. "They need to stop enforcing regu-

Continues next page

## City seeking poll workers

THE CITY of Carmel pays an independent contractor to conduct its elections, saving tens of thousands of dollars compared with what Monterey County charges to facilitate them, but that means officials must recruit people to work at the polls while voters cast their ballots April 8.

The city will pay each election inspector \$100 and each poll worker \$80, and they will receive another \$25 for attending mandatory training, as needed.

To be eligible, workers must be at least 18 years old and registered to vote in the State of California. For more information, call (831) 620-2007.

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*From previous page*

lations that don't exist," he said.

Patton said he's confident an ordinance can be created that legalizes and regulates the industry, and protects the concerns and interests of neighbors. He said such ordinances are working in other places.

"Santa Cruz County has developed a system that is paying off for all parties," he added. "This is an opportunity for the county, not a problem."

**Draft ordinance to be unveiled**

Holm said the draft ordinance will be ready for the public to see sometime within the next two weeks — and possibly as early as Monday. He offered The Pine Cone a few of the details.

Using the term "residential rentals" instead of "short term rentals," the draft describes the process people would need to

go through to legally rent their homes. Holm said they would need to obtain a permit from the county's director of planning. That process would be expected to take 30 to 60 days to complete, unless a neighbor were to contest the permit. If there is a complaint, the planning commission or the zoning administrator would conduct a public hearing. Holm said applicants would be charged about \$5,000 to get a permit.

The draft will soon be posted online on the planning department's website and be emailed to everyone on its mailing list.

A separate section of the ordinance will address weddings and special events.

Holm estimated the process to adopt the ordinance will, "in the best case, take six months to complete, but more likely a year."

*Editor's note: The new county ordinance on short-term rentals will have no effect in Carmel, where short-term rentals are banned. See page 4A.*

# Wonderspace contract, Flanders Mansion on council agenda

By MARY SCHLEY

RICHARD TAVENER, creator of Wonderspace Carmel, is set to receive another \$60,000 for his project at the Feb. 4 city council meeting, according to the agenda released late Thursday afternoon. Tavener, who has been working under a \$25,000 contract approved by city administrator Jason Stilwell last August, presented his project last month but failed to convince the council to give him more money then.

Also set for discussion is "a preliminary report on options for establishing a longterm use of the Flanders Mansion Property," the result of lengthy discourse at the January council meeting that had members not mov-

ing toward another public vote on whether to sell the historic house, but instead deciding to examine all possibilities, including keeping it and spending the bare minimum necessary to ensure it doesn't further deteriorate.

Prior to those two items, the council will receive a "water update" and decide whether to authorize the mayor to send a letter of support for ratepayer savings legislation.

And on the consent agenda are several revised contracts, including for IT services, planning department staff, a code compliance officer and for janitorial services at city buildings. The council meeting will be held in city hall on Monte Verde Street, starting at 4:30 p.m. For more information, call (831) 620-2000 or visit [www.ci.carmel.ca.us](http://www.ci.carmel.ca.us).

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