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City’s strict rules conflict with wildfire plan

By MARY SCHLEY

WHILE PUBLIC safety representatives lined up at last Monday’s Carmel City Council meeting to describe how well the community is protected from wildfires like those that devastated large areas of Southern California, one document at the heart of their assurances contains



PINE CONE FILE

Better forest management to help prevent trees from falling onto power lines is part of a wildfire protection plan adopted by Peninsula cities.

numerous directives that contradict the city’s tree-protection rules and its refusal to allow some metal roofs.

“When I sat through the presentation on the community wildfire protection plan and read through that whole document, one of the things that really jumps out at you is we have not as a city reconciled that document with any of our design guidelines and forestry documents,” councilman Hans Buder observed last week.

His comments came after the Feb. 3 presentation by Police Chief Paul Tomasi, Monterey Fire Chief Andrew Miller and representatives from the city’s forestry, planning and public works divisions, who covered everything from how emergency responders work together during a disaster and the forest and public spaces are maintained, to inspections for defensible space and maintenance of fire hydrants.

What the plan says

The community wildfire protection plan, a joint effort of the cities of Carmel, Pacific Grove and Monterey developed with the help of a consultant and adopted last year, says “hardening” home exteriors and creating vegetation-free defensible space around houses are critical in reducing the spread of wildfires. City administrator Chip Rerig said the existence of

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VISTRA FIRE LAWSUIT CITES ‘CATASTROPHIC EFFECTS’

State releases soil test results

By KELLY NIX

THE FIRST lawsuit over the Jan. 16 fire at a Moss Landing battery storage plant has been filed by several people who say their health was damaged by the accident.

Los Angeles law firm Singleton & Schreiber announced late last week that it had filed a complaint on behalf of four plaintiffs against Vistra Corp., the owner of the Vistra Moss Landing Battery Energy Storage System facility, and LG Energy Solution, the Korean company that provided the batteries, and numerous other defendants.

“The Vistra fire released significant amounts of smoke,

particulate matter, toxic gases, including hydrogen fluoride, carbon monoxide, and other hazardous compounds associated with lithium-ion battery combustion,” the lawsuit says. “The fire and the associated toxic chemical plume had a catastrophic effect on communities surrounding the facility, disrupting life and business.”

Not just physical

The plaintiffs, Mary-Eliza Schmidt, Austin Walker, Sheryl Renee Davidson and Bruce F. Thomas, say the fire “caused and continues to cause them and others health issues, including nose and eye irritation, difficulty breathing, headaches, nosebleeds, fatigue, congestion, burning lungs, dizziness,” and other problems, such as “unexplained discharges of blood.”

They allege the fire did not solely affect their physical health.

“Plaintiffs’ mental health has been adversely impacted by the injury to the peaceful enjoyment of the property

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Longtime restaurateur Pierre Bain dies at 83

By MARY SCHLEY

PIERRE BAIN, a man who personified graciousness and hospitality as he presided over his famed restaurant in Pacific Grove, died Jan. 31. He was 83.

Dressed in a coat and tie as he worked the floor of Fandango, which he owned with wife Marietta, Bain was known to be warm and engaging, greeting guests in his hallmark French accent and ensuring everything about their visit was perfect.

“He had a gift for making people feel special and welcome, treating everyone with the same kindness and respect,” the family’s obituary succinctly states, and he shared that gift first as maitre d’ and general manager at the Pebble Beach Lodge’s former high-end restaurant, Club XIX, for 20 years, followed by another nearly four decades at Fandango.

‘Couldn’t wait’

“I don’t think he ever had a cup of coffee at home in the morning, because he couldn’t wait to go to the restaurant and have his coffee there,” Marietta Bain told The Pine Cone Thursday from their home in Monterey. “I’ve never met anybody like him who was so dedicated. And it didn’t

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Hit movie recreates 1963 folk scene at fairgrounds

By CHRIS COUNTS

FOUR YEARS before the Monterey Pop Festival introduced the world to Jimi Hendrix and Janis Joplin,



PHOTO/GR8IMAGES

Monica Barbaro and Timothee Chalamet recreate a 1963 performance by Joan Baez and Bob Dylan at the Monterey Folk Festival.

No charges in Monte Verde police shooting

By MARY SCHLEY

THE OFFICERS involved in the fatal shooting of Monte Verde Street resident James Marshall in October 2024 did not violate any laws and were justified in their actions, according to the Monterey County District Attorney’s Office investigation provided to Carmel P.D. last Thursday.

“Officers are forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary



SCREENSHOT/CARMEL P.D. BODYCAM

Bodycam footage shows the final moments during which James Marshall was shot by a police officer during a confrontation.

in a particular situation,” the Feb. 6 report addressed to Carmel Police Chief Paul Tomasi reads.

“When a person has a genuine belief that using force in self-defense, or defense of others, is immediately necessary, a person is not guilty of a homicide unless that belief was unreasonable at the time.”

The district attorney’s office, which investigates all officer-involved shootings in the county, “determined

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the Monterey Folk Festival quietly brought a relatively unknown folksinger named Bob Dylan to California for the first time.

Dylan’s debut in Monterey was just a footnote in his rise to becoming one of the world’s most famous songwriters, but the recent success of the Dylan biopic, “A Complete Unknown,” has put the festival back in the spotlight.

Played four songs

The musical gathering kicked off May 17, 1963, at the Monterey Fairgrounds and wrapped up two days later. Besides featuring headliners like Peter, Paul and Mary and folksinger Joan Baez — who enjoyed considerable commercial success in the early 1960s — the festival showcased Dylan, along with two other virtually unknown talents: Joplin, and singer and multi-instrumentalist Jerry Garcia, who later co-founded the Grateful Dead.

Marking perhaps the last time he faced an audience that didn’t know him, Dylan took the stage in the fairgrounds’ Pattee Arena May 18, 1963, performing “Talkin’ John Birch Paranoid Blues,” “A Hard Rain’s A-Gonna Fall” and “Masters of War.” Baez joined him when he played an

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