



CITY OF DEL REY OAKS

Staff Report

DATE: September 26, 2023

TO: Honorable Mayor and City Council

FROM: John Guertin, City Manager

SUBJECT: Appeal of Building Official Determination Regarding 121 Calle Del Oaks

CEQA: This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an administrative activity of the City that will not result in direct or indirect physical changes in the environment.

Recommendation

Conduct an appeal hearing of City Building Official Joe Headley's determination regarding 121 Calle Del Oaks, and uphold the appeal or deny it.

Summary & Discussion

Authority for Appeal

The California Building Code, at Section 1.8.8.1 provides, in relevant part, "[e]very city... shall establish a process to hear and decide appeals of orders, decisions and determinations made by the enforcing agency relative to the application and interpretation of this code and other regulations governing construction, use, maintenance and change of occupancy. The governing body of any city... may establish a local appeals board and a housing appeals board to serve this purpose." And that, "[w]here no such appeals boards or agencies have been established, the governing body of the city... shall serve as the local appeals board..."

Factual and Procedural Background

In May of 2023, the new owners (Owner) of 121 Calle Del Oaks (Property) applied for a business license from the City to operate an automotive restoration facility. Shortly thereafter, the Owner submitted plans to modify the existing structure at the Property (Building).

On June 9, 2023, the City's Building Official, Joe Headley, provided Plan Review Comments that included, in relevant part, a determination that the plans incorrectly stated the Building's square footage. The June 9, 2023, Plan Review Comment document is attached hereto as Exhibit A.

Shortly thereafter, the Owner's counsel submitted a letter dated June 16, 2023, to the City arguing that Mr. Headley's determination regarding the Building's square footage was incorrect for a variety of reasons. The letter is attached hereto as Exhibit B.

In response, Mr. Headley issued another Plan Review Comment document dated July 11, 2023, which clarified and augmented the June 9, 2023 Plan Review Comment document. The July 11, 2023, Plan Review Comment document is attached hereto as Exhibit C.

After meeting with Mr. Headley and City Manager Guertin, the City Attorney sent a letter dated July 13, 2023, to the Owner's counsel. In the response letter, the City Attorney stated the City disputed the contention made by the Owner's counsel, and outlined the reasons for its decision. The July 13, 2023, City Attorney's letter is attached hereto as Exhibit D.

Thereafter, the Owner filed an appeal of Mr. Headley's determination.

Appeal

In many jurisdictions, a separate hearing board is established to hear appeals of building decisions and interpretations. Here, the City has no such hearing board and therefore, as noted above, the Council is the appropriate body to hear this appeal.

This appeal hearing before the City Council is *de novo*, meaning the Council does not defer to Mr. Headley's determination. Rather, the Council must hear the Owner's appeal, the City's response, and consider the evidence presented by both parties at the hearing. From there, the Council has the authority to deny the appeal (and therefore uphold Mr. Headley's determination), or grant the appeal (and therefore reverse Mr. Headley's determination).

Whether the Council upholds the appeal or denies it, it must make specific findings on the record at the hearing to support its decision.

Fiscal Impacts

There will be no direct financial impact as a result of this action.

ATTACHMENTS:

- As noted.

Respectfully Submitted,

John Guertin
City Manager

Exhibit A

City of *Del Rey Oaks*

Plan Review comments

Address: 121 Calle Del Oaks
APN: 012-601-015-000
Tennant: Finaldi
Scope of work: T.I.

Date: 6-9-23
Plan checker: Joe Headley
Phone: 920-1815

-
- 1) Records provided on sheet T2 for “square footage validation” are not records of the AHJ (Authority Having Jurisdiction). For this project the City of Del Rey Oaks records are the AHJ, along with “Water Management district”, with overlay authority per State of California legislation. Water management district is a validating regulator for all development within the jurisdiction.
Commentary A) Non-jurisdictional records provided include unpermitted square footage, as these kinds of errors are common in non-AHJ records, this is why they are not acceptable validating records.
Commentary B) AHJ records are clear, previous unpermitted work was removed in accordance with plan submitted by architect of record Al Saroyan for permit #B16-38. The records clearly identify stairs to the area were removed, and subsequent pages clearly show the roof of the offices labeled as a mezzanine with a Large X crossing out that square footage. A ships ladder was installed as a typical roof top access for equipment to non-occupied space
Commentary C) Subsequent plans by Architect of record “WRD” shows occupied space totaling 9604 square feet. The plans submitted on sheet A-3 also show the existing unoccupied space with access to this by ships ladder only
 - 2) Should water credit be made available through regulatory action, proper plans would be required showing compliance with the California building Code. Current plans do not provide analysis for compliance with building area limitations or occupancy separation walls.
 - 3) Per ALL previous communication, project plans are required to be prepared by a California licensed professional per CBC section 107.1
 - 4) Complete attached ADA compliance form for resubmittal

Exhibit B

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

June 16, 2023

VIA HAND DELIVERY AND EMAIL

Our File No: 5568.000

John Guertin, City Manager
City of Del Rey Oaks
650 Canyon Del Rey Blvd.
Del Rey Oaks, CA 93940
jguertin@delreyoaks.org

Re: 121 Calle Del Oaks, Del Rey Oaks, CA 93940: Tenant Improvements/Plan Review; Notice of Claim for Damages and Declaratory Relief.

Dear John:

I represent Mr. Vince William Finaldi, Esq., and Cairati Monterey, Inc., who is purchasing property in the City of Del Rey Oaks ("City") located at: 121 Calle Del Oaks, Del Rey Oaks, California, 93940 (the "Premises"). My client, Mr. Finaldi, is purchasing the Premises from the Davi Family Trust, who has owned and managed it for several decades, for the price of \$4,200,000.00. Mr. Finaldi's company, Cairati Monterey, Inc., is currently leasing the premises and will be the sole tenant upon completion of the real estate transaction.

Background Regarding the Premises

The building on this site was constructed in 1978. It was first operated as an ice cream distribution warehouse (from 1978-1985 as McDonald Refrigeration; from 1986-1987 as New Produce Development; and from 1988-2002 as Frank Dreyer's, Ben & Jerry's, and Frank Enea's Dairies). Then, it was operated as a tile and countertop manufacturing business and automotive storage facility (until 2017), and most recently, from 2019 to the present, it operated as a cannabis extraction facility.

As the City knows, the cannabis extraction facility on the premises has had financial difficulties for several years. The building has fallen into disrepair and its exterior appearance is in considerable need of attention. Mr. Finaldi intends to use the Premises for an automotive restoration business and plans to renovate the building into a facility that the City can be proud of, and which would bring substantial tax revenue to the City.

RECEIVED

JUN 20 2023

CITY OF DEL REY OAKS
CITY CLERK

John Guertin, City Manager
 City of Del Rey Oaks
 June 16, 2023
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Dispute Regarding Tenant Improvements on the Premises

In May of 2023, my clients applied for and received a business license from the City of Del Rey Oaks (for Cairati Monterey, Inc.), License Number CAI001, to run a low-volume, high-end automotive restoration facility. Since March my clients have been in communication with the City regarding a building permit for tenant improvements to the Premises, which are required for the intended business use. Currently, the footprint of the building on the Premises is 9,600 square feet. There is also a 1,600 square foot mezzanine atop the internal office in the southwest corner of the building that was constructed when the building was first built in 1978, and which has been in continual usage since then, which brings the total square footage of the building to 11,200 square feet.

We have consulted with the Monterey County Tax Assessor's Office, and their records confirm that the Premises is assessed as a 11,200 square foot building. The owners of the building have been paying property taxes on the building, predicated on this building size, since 1978—for over 40 years. We also consulted with the Monterey Peninsula Water Management District, who confirms they list the building size as 11,200 square feet with applicable water credits and rights for a building that size. We also consulted with the City's records on the building. The sole document in the City's file that lists the size of the Premises is a MetroScan printout, which also states the building size is 11,200 square feet. *The City's file is devoid of the original 1978 building permits or plans for the building.* Lastly, we have consulted with the current and prior owners of the Premises, all of who confirm that the mezzanine above the office has been in continual usage since 1978.

Not only do the records of multiple municipalities and the testimony of prior owners and tenants support our position regarding the true buildable square footage of the building—the building *itself* also yields important clues as to its square footage and usage since 1978. First, the second-floor mezzanine area above the office is built using 2 x 12 inch floor joists spaced at 16 inches on center. This evidences the fact that it was not merely built as a ceiling to the offices below, it was constructed as usable square footage. It was also finished with thick plywood for this very purpose. Otherwise, the office would have simply had a drop ceiling, not structural flooring based on simple economics. Second, the mezzanine area was constructed with six windows and a door (which are clearly original construction, evident from their age, material, condition, and the original framing which are all consistent with the remaining portions and fixtures of the building) to the exterior, which provide light and ingress/egress to/from the mezzanine area and which are not present, and have never been present, on any other area of the building. Also, the building had a set of stairs to this mezzanine space, for access (see more about these stairs below). This construction is clear evidence that this area was intended to be and used as a part of the building they weren't windows, doors and stairs to nowhere. Additionally, the plywood floor on the mezzanine area shows clear signs of its age, usage and wear, evidencing that it has been in continual use for many decades.

Mr. Headley's June 9, 2023, Plan Review Comments and Denial of Permit

On June 9, 2023, Mr. Headley, the City's outside Plan Checker/consultant, produced a one-page set of Plan Review Comments with 4 separate comments regarding the project. (6/9/23 Plan

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Review Comments attached hereto as Exhibit "A"). Comments 2-4 have been addressed and incorporated into the current revised plan set that are being submitted concurrently with this letter. (See 6/16/23 Letter from Bradley Green, Hastings Construction, Regarding Plan Changes and Statement of Access Compliance dated 6/16/23 attached hereto collectively as Exhibit "B"). As we read Comment 1, Mr. Headley appears to effectively deny the permit application to improve the 1,600 square foot mezzanine.

Mr. Headley takes issue with the square footage validation records (of the Monterey County Tax Assessor's Office, Water Management District, and MetroScan from *the City's own file*), stating they are not records of the Authority Having Jurisdiction ("AHJ"), apparently ignoring the fact that the CityScan records are contained *within the AHJ's (City of Del Rey Oaks) own file*. He further concedes that the "[w]ater management district is a validating regulator for all development within the jurisdiction," *but he ignores the fact that the WMD's records list the building is indeed 11,200 square feet.*

In the comments under Commentary A, Headley states: "*non-jurisdictional records provided include unpermitted square footage, as these kinds of errors are common in non-AHJ records, this is why they are not acceptable validating records.*" First, Mr. Headley leads with the assumption that the mezzanine was "*unpermitted*" when first built, but in fact he has no authority nor evidence to support his position because the City is not in possession of any of the original building permits or plans for the Premises. Following his logic to its reasonable conclusion should lead him to deny the permit for the *entire* building, because there is no original permit in the City's records for the remainder of the building either. And further, it stands to reason that if this mezzanine was constructed when the building was first built in 1978—which it indeed was—then the mezzanine must have been part of the original building permit. Second, Mr. Headley concludes that these non-AHJ records must be incorrect because "*these kinds of errors are common.*" However, he has presented no evidence that, in fact, these non-AHJ records are in error, and importantly, the fact that multiple municipal sources *dating back several decades all list the building as 11,200 square feet* stands as considerable, strong evidence that they are, in fact, correct.

In the comments under Commentary B, Headley states:

"AHJ records are clear, previous unpermitted work was removed in accordance with plan submitted by architect of record Al Saroyan for permit #B16-38. The records clearly identify stairs to the area were removed, and subsequent pages clearly show the roof of the offices labeled as mezzanine with a Large X crossing out that square footage. A ships ladder was installed as a typical roof top access for equipment to non-occupied space."

What Mr. Headley fails to include in this comment is that it was he—as the plan checker—who directed that the changes be made to the plans and building by the former tenant in order to deny them the use of the mezzanine. It was Mr. Headley who required the removal of the stairs (which had been in place and used for decades) and allowed what he calls a "ship's ladder" to be installed. Thus, Mr. Headley is relying upon *his own prior actions* with respect to the premises *to justify his current actions* with respect to the project—Mr. Headley is, thus, attempting to create his own foundation for his current position through his prior decision. That does not mean,

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however, that his prior actions (in denying the permit for the mezzanine and requiring removal of the stairs) were proper or legal.

There was no factual or legal basis for Mr. Headley's prior demand to remove access to the mezzanine which the prior tenant did without knowing that the demand was improper. What also makes no sense is that Mr. Headley directed that a ladder be installed to provide access to the mezzanine in lieu of stairs. There is no mechanical system or roof access from the mezzanine area. Mr. Headley's comment that the "*ship's ladder*" is there for "*typical roof top access*" is incorrect because the roof is not accessible from the mezzanine area. Why allow the installation of a permanent ladder to access that area when it was not proper usable space? The double doors to the mezzanine are still there, and in use, as are the ladder and the entire floor—the mezzanine has been in continual use since the building was constructed in 1978.

Early this year, when my client's general contractor engaged Mr. Headley in exploratory discussions, prior to submission of the plans, explaining to Mr. Headley that my client intended to submit plans that included buildout of the mezzanine, Mr. Headley became irate raising his voice and cursing at Mr. Hastings, telling him not to submit plans for the mezzanine because doing so would "*throw [Headley] under the bus.*" At the time, Mr. Hastings did understand why it was that Mr. Headley was so passionate about his denial, or why he was so irate, or what he meant by being "*thrown under the bus,*" but now, it is clear that what Mr. Headley meant was that applying for a permit to build the mezzanine would "*throw him under the bus*" *because it would expose the fact that Mr. Headley improperly denied the prior permit applications to build out that area without any factual or legal support.* The problem is Mr. Headley continues to insist that the mezzanine is not useable space, relying on his own prior rulings to support this position, because to do otherwise would be to admit that his prior rulings were incorrect—that he ordered the stairs removed and denied the prior permits without proper justification.

Under Comment C, Mr. Headley goes on to state, "*Subsequent plans by Architect of record 'WRD' shows occupied space totaling 9604 square feet. The plans submitted on sheet A-3 also show the existing unoccupied space with access to this by ships ladder only.*" These plans are not evidence of the correct building square footage, they are evidence of what Mr. Headley made the prior tenant do. Nor are these not AHJ records. Mr. Headley is attempting to support his current position based on his prior decisions and that does not mean that his prior instructions were correct or legal.

In sum, there is no evidence, other than Mr. Headley's belief and prior action that the 1,600 square foot mezzanine is not original and usable/buildable space. Effectively an "unlawful taking" of the use of a part of this building without adequate compensation. My clients have engaged in several conversations with Mr. Headley and he continues to be steadfast in his unjustified position. Interestingly, the company through which Mr. Headley provides his outside consultant plan checking work for the City, "Government Private Solutions, LLC aka GPS Solutions," is currently suspended from conducting business by the Franchise Tax Board and California Secretary of State. (California Secretary of State Certificate of Status for Government Private Sector Solutions, LLC, a true and correct copy of which is attached hereto as Exhibit "C"). So, we actually question whether *any* of Mr. Headley's work on behalf of this defunct business, for the City, is in fact legal.

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Several of the prior discussions with Mr. Headley can only be described as “strained”. From day one, before a single document was prepared or submitted to the City, while my clients were doing their due diligence regarding the Premises, Mr. Headley lambasted my client’s contractor Mr. Hastings, and Hastings’ employee Bodhi Kvenild, using profane language. Then, Mr. Headley took it upon himself to go to the Monterey Peninsula Water Management District to inquire about the Premises and its water allotment and building square footage *even though my clients had not even submitted plans or a permit yet!* It is clear that the only reason Mr. Headley would have gone to the Water District to inquire about this project was in hopes of discovering that their records supported his position on square footage which they did not.

It is my understanding that after their attempts to discuss the mezzanine with Mr. Headley were unsuccessful, my clients and their contractor met with you on April 18, 2023, to discuss the project and the prospective tenant improvements. After meeting for 30 minutes, at which they showed you a Powerpoint presentation that laid out the above-noted chain of events and authority, you urged my clients to file a permit application along with a preliminary set of plans, for consideration by the City, noting that you saw no reason why the permit for the mezzanine should be denied. At your request, they emailed a copy of that presentation to you the same day. (121 Calle Del Oaks Powerpoint Presentation, a true and correct copy of which is attached hereto as Exhibit “D”).

My clients prepared, filed and paid for a permit application with the City on April 20, 2023. They submitted an initial set of preliminary plans the next day, which were summarily rejected by Mr. Headley on March 28, 2023, because he would not review any plans that were not stamped by an engineer and/or architect. Our clients then submitted plans stamped by a California-licensed structural engineer (Yutaka Uyeda), and re-submitted them on May 30, 2023. On June 9, 2023, we received Mr. Headley’s Plan Review Comments, essentially denying the permit because the plans included the improvement of the mezzanine area.

Current Submission of Updated Plans

Along with this correspondence we are submitting a revised plan set that addresses and corrects the issues noted in Plan Review Comments 2-4, dated June 9, 2023. My clients request that, in light of this evidence, you direct Mr. Headley to plan check the plans with the mezzanine space so that my client can obtain a building permit to improve the mezzanine so that they can utilize all of the building’s 11,200 square feet that is listed in every agency’s record and upon which taxes have been paid since 1978.

Notice of Intent to File Notice of Claim Upon Denial of Permit

Although my client does not wish to do so, if the plans are rejected by the City because of the mezzanine issue, they would be left with no choice but to file a Claim with the City of Del Rey Oaks and thereafter proceed to litigation. My clients are buying an 11,200 square foot building and if the City refuses to allow my client to use the 1,600 square foot mezzanine area, the City would effectively be “taking” \$600,000.00 of the value of the building, in addition to the damage my client’s business would suffer.

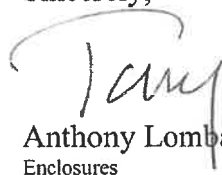
John Guertin, City Manager
City of Del Rey Oaks
June 16, 2023
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I have been informed by the project architect and engineer that there is nothing about the improvement of the mezzanine space that would violate any City zoning or use regulations, nor any building code. The Water Management District has stated that the building is listed as 11,200 square feet and it has adequate water rights/credits for the planned renovations, so there are no issues with the Water District. Mr. Headley's prior instructions to remove the mezzanine stairs, and his denial of prior permits to build out this area, were improper, and we are seeking your assistance in correcting this error. I must add that refusing to approve a building permit, without proper legal basis and under the conditions noted above, would also subject the building official to personal liability as well as the City.

My clients should be well underway in the construction phase of their project by now, working towards their goal of opening for business in Spring of 2024. These unjustified delays and denials by the City will result in the business not opening on time, and in turn will also injure the City who is losing out on valuable tax revenue while the building sits empty. In addition to the losses suffered by my client as they have parts, equipment and tools that are currently on their way to the U.S. from Italy, which will result in additional business losses.

If you feel a meeting is necessary to resolve this issue, my client, his contractor, architect and I would be happy to do so in the next week. My clients' sole desire is to improve the entire 11,200 square foot of space that was purchased (at a considerable sum I must add) so that they can carry on with developing their business. If the City would like to take us up on this offer, feel free to call me at: (831) 751-2330 or email me at: tony@alombardolaw.com.

Sincerely,



Anthony Lombardo
Enclosures

cc: client
Anthony Davi Sr.

Exhibit C

City of *Del Rey Oaks*

Plan Review comments

Address: 121 Calle Del Oaks

APN: 012-601-015-000

Tenant: Finaldi/Davi

Scope of work: T.I.

Date: 7-11-23

Plan checker: Joe Headley

Phone: 920-1815

-
- 1) Water permit required. City of Del Rey Oaks and water management records recognize this as a 9,600 square foot building
 - 2) Sewer permit/waiver required
 - 3) Provide elevation drawings showing all exterior changes (planning commission review may be required)
 - 4) Deferred submittal for paint spray booth is not allowed. Provide specifications for unit.
 - 5) Mechanical engineering required for air handling for paint booth. Specify air intake and exhaust locations
 - 6) Identify all caustic, corrosive and volatile chemical used and stored on site. Specify quantities
 - 7) Provide letter from architect of record that the plans have been prepared by, or under their supervision. The access compliance form shall be signed by architect of record

Exhibit D

FENTON & KELLER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2801 MONTEREY-SALINAS HIGHWAY

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ALEX J. LORCA

July 13, 2023

ALorca@fentonkeller.com
ext. 258

VIA US MAIL AND EMAIL (TONY@LOMBARDOLAW.COM)

Anthony Lombardo
144 W. Gabilan Street
Salinas, CA 93901

Re: 121 Calle De Oaks
Our File: 34837.33652

Dear Tony:

This letter is in response to your June 16, 2023 letter to City Manager John Guertin regarding 121 Calle Del Oaks in the City of Del Rey Oaks (Premises). I recently met with Mr. Guertin and City Building Official Joe Headly regarding the issues you presented in your letter.

The City disputes the contention in your letter that the County of Monterey Assessor's Office determination regarding the Premises' square footage is binding on the City for the purpose of the Mr. Headley's determination of the same. Likewise, the data from MetroScan/CoreLogic is not binding on the City. Indeed, the MetroScan/CoreLogic report included with your client's application explicitly states, "Information compiled from various sources. CoreLogic makes representations or warranties as to accuracy or completeness of information contained in this report." The City welcomes a legal citation to support the contention that the Assessor's data or that of MetroScan/CoreLogic is binding on the City Building Official.

The City also disputes the assertion in your letter that the Monterey Peninsula Water Management District (District) "confirms they list the building size as 11,200 square feet...." Assuming, *arguendo*, the District's square footage calculations were binding on the City, the enclosed Commercial Water Inspection (enclosed herein as Exhibit A) obtained by Jeff Davi on February 21st of this year, clearly shows the District's determination that the Premises contains 9,500 square feet. Indeed, the Premises has long been marketed as a 9,500 square foot building. See enclosed advertisement (enclosed herein as Exhibit B) from the Premises' former owner clearly listing it as 9,500 square feet.

Anthony Lombardo
July 11, 2023
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Mr. Headley confirms the mezzanine area was used for equipment such as heating, ventilation, and air conditioning units, as well as other mechanical units. This is why the District, the City, and the former owner all list the Premises' square footage as 9,500.

Neither the April 3, 1978 nor the April 29, 1985 plans submitted on behalf of Mc Donald Refrigeration contain any language suggesting the mezzanine area was a second floor. Indeed, these plans show the Premises' having 9,600 square feet. Likewise, the plans submitted on June 20, 2019 by Seaweed, LLC also show the Premises as having 9,600 square feet.

With respect to the purported suspension of Mr. Headley's corporation, I am not aware of the details of as much. Regardless of the status of Mr. Headley's corporation, at no relevant time were Mr. Headley's credentials as the City Building Official suspended or otherwise compromised, nor was any licensure Mr. Headley has from the State of California.

Please note that Mr. Headley's determination regarding the square footage may be appealed to the City Council within thirty (30) days of this letter.

Very truly yours,

FENTON & KELLER
A Professional Corporation



Alex J. Lorca,
City Attorney,
City of Del Rey Oaks

AJL:kmc
Enclosure: as noted
cc: J. Guertin (email)
J. Headley (email)

Exhibit A

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G · P.O. BOX 85 · MONTEREY, CA 93942 · (831) 658-5601 · FAX (831) 644-9558 · www.mpwmd.net

COMMERCIAL INSPECTION REPORT

☒ CII ☐ Change of Title ☐ Pre-Inspection/Credits ☐ New Construction ☐ Remodel/Addition ☐ Re-Inspection

BUSINESS NAME(S): SEAWEED, VACANT E-mail: _____
 PROPERTY ADDRESS: 121/120 CALLE DEL OAKS
 CITY: DEL REY OAKS ASSESSOR'S PARCEL NUMBER: 012-601-015
 OWNER'S NAME: DAVI PERSON CONTACTED: JEFF DAVI /
 TYPE OF USE(S): GRP. 1, GRP. 4 NO. OF BLDGS: 1 CHANDLER

This form certifies that an inspection was conducted at the above address to verify Water Efficiency Standards as listed in Regulation XIV District Rules and Regulations. At the time of the inspection, the property ☒ WAS ☐ WAS NOT found to be in compliance with MPWMD Water Efficiency Standards and/or with MPWMD Water Permit: _____.

Types of use / Inspector Notes: A: SEAWEED, CANNABIS EXTRACTION, MFG. 3,200
B: VACANT, ROUGHLY 6,200

WATER EFFICIENCY INVENTORY:

Y	N	N/A		Remarks:
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Showerheads 2.0 gpm.....	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Toilet 1.3 gpf unless 1.6 gpf prior to 2013.....	III
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Washbasins 0.5 gpm.....	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other Sink 2.2 gpm.....	III
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Washbasins (Sensor/Metered) auto 0.25 gpm.....	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Washbasins (private) 1.5 gpm.....	II
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	High Efficiency Urinals	I - 1.25-1.0 GAL, 0.5 LITERS
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	High Efficiency Clothes Washer.....	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water Efficiency Ice Machine.....	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pre-Rinse Spray Valve 1.6 gpm.....	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conservation Signage.....	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landscaping (Refer to Cal Am).....	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pressure (PSI).....	

ACTION REQUIRED:

- ☐ Items not in compliance **must be corrected** within thirty (30) days.
- ☐ **Re-inspection required.** Please call 658-5601 to schedule. (Re-inspection Fees of \$105.00 are required prior to inspection.)
- ☐ Provide itemized receipts/photos for _____
- ☐ Water Release Form & Water Permit Application Form required (Jurisdiction). Fees may be due. (Contact the District.)

EMAILED TO AGENT 2/21/23

Acknowledgment of Receipt Date


 MPWMD Representative

See Important Terms and Conditions on back of form.

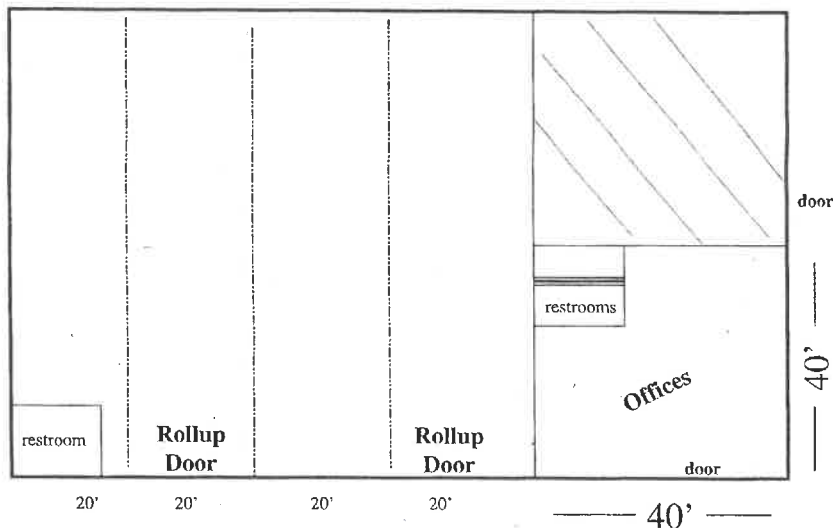
2/21/23

Date

Exhibit B

RETAIL • COMMERCIAL • STORAGE • LIGHT INDUSTRIAL • OFFICE

120'



121 Calle De Oaks in Del Rey Oaks

- 8000 square feet available for Lease at affordable rents
- Divisible into areas of 1600, 3200, 4800, or 8000 square feet.
- 22' ceiling height
- 1400 square feet +/- office space
- 3 Phase Electrical Service

A.G. DAVI
REAL ESTATE

Also available for Lease:

3,500 Square Feet
at Laguna Seca Office Park

10,000 Square Feet.
Lighthouse Ave. in Monterey
Near Aquarium

325-3,324 Square Feet
Carmel Rancho Blvd - Divisible

650-1,008 Square Feet
Downtown Carmel Retail or Office

Up to 15,000 Square Feet
Greenfield shopping center - Divisible

490-1,322 Square Feet
Seaside Office on Hilby

Several small affordable offices in
Monterey and P.G. between
300-700 Square Feet

A.G. DAVI
REAL ESTATE

P.O. Box 2350
Monterey, CA 93942
831.373.2222



2003

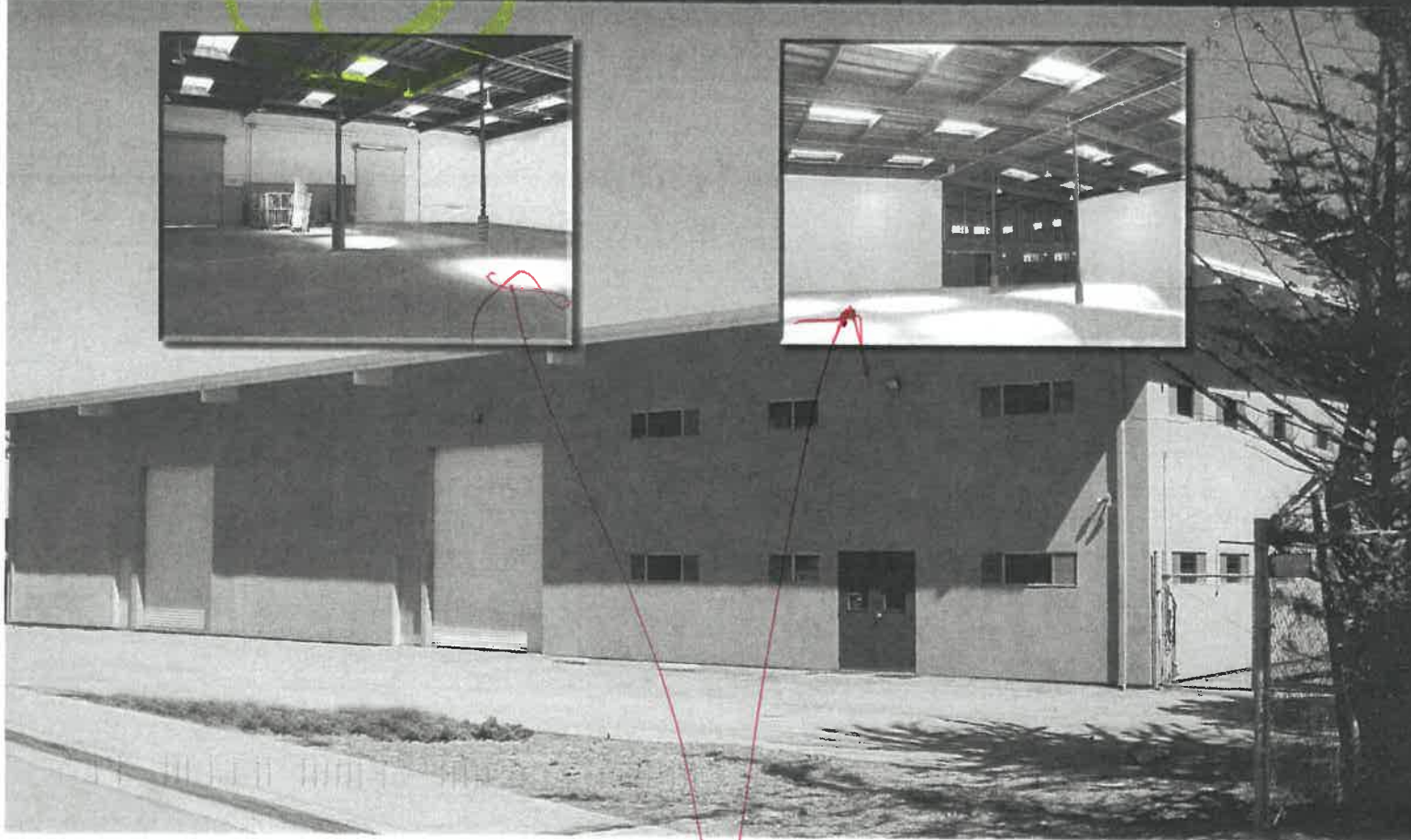
Ron Langford
City Of Del Rey Oaks
650 Canyon Del Rey Boulevard
Del Rey Oaks, CA 93940-5505



8,000
1,400

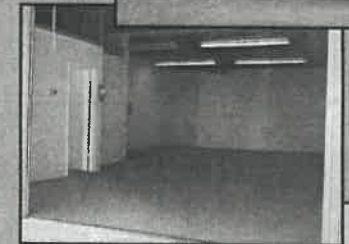
9,400

For Lease:
Warehouse, Office, Retail, or Industrial
1600-8000 Square Feet, Del Rey Oaks



A.G. DAVI
REAL ESTATE

Also For Lease:
1200 Square Feet • Pacific Grove



831.373.2222
831.229.3284

no stairs ~~to~~
second floor

Appellant's Presentation

121 Calle Del Oaks Del Rey Oaks, CA 93923

Office Mezzanine Historical Timeline and Etiology



121 Calle Del Oaks

Photos of Building and Mezzanine Evidence Original Construction and Use of Mezzanine

March 9, 2023



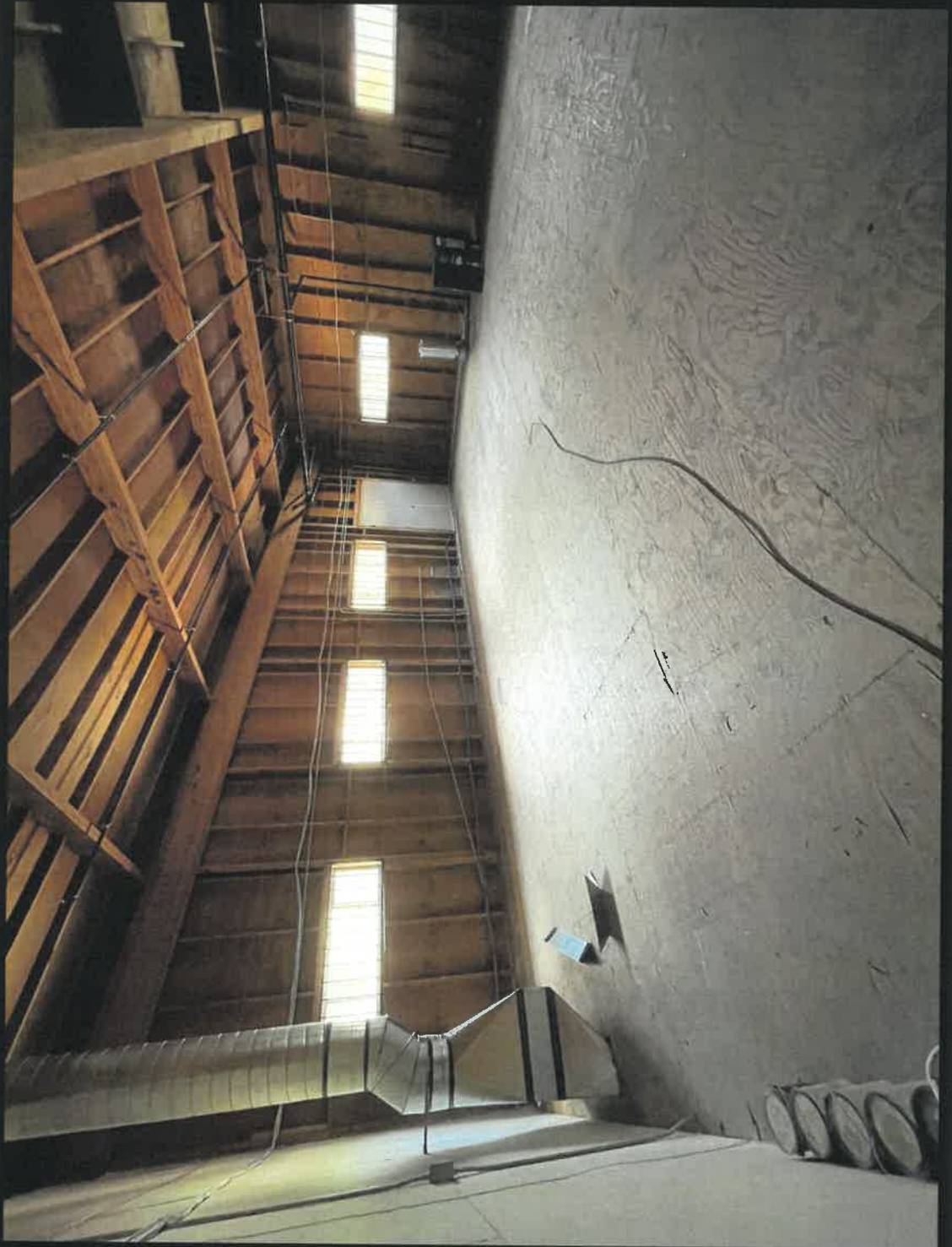


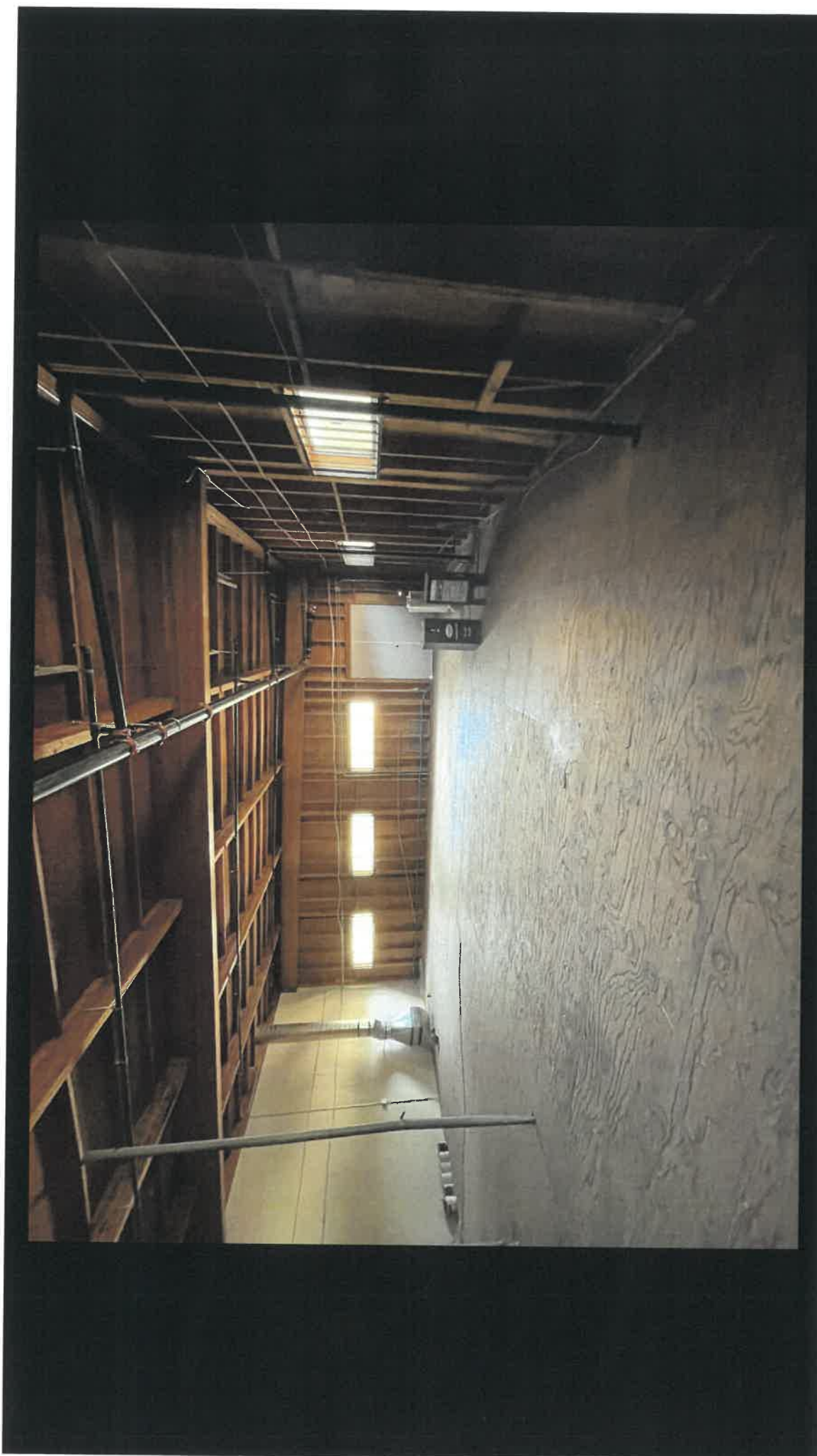






























121 Calle Del Oaks

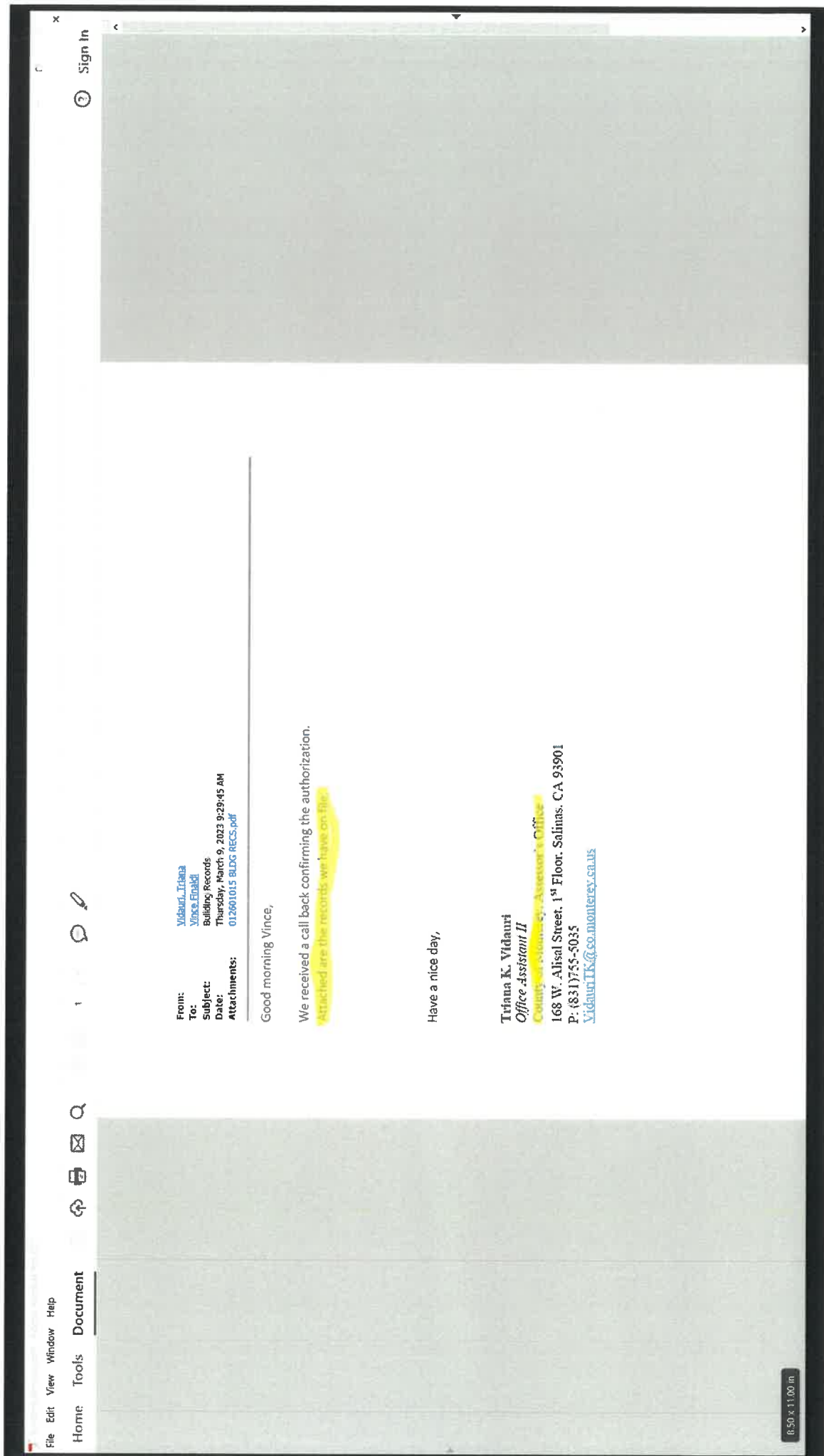
Construction Details Evidencing Original Construction of Mezzanine and Use

- Exterior doors (same framing as building)
- Exterior windows (same type, age and framing as lower windows)
- Ladder
- No skylights
- Floor is finished (no exposed rafters, HVAC, electrical)
- Floor built with 2 x 12 floor joists
- Framing and windows are original construction
- Plywood is original and worn

121 Calle Del Oaks

Records Received from Monterey County Assessor's Office Confirm 11,200 sq. ft.

March 9, 2023



ASW0200v2.5.0.34: Land-Building

Mar 09, 2023 9:15:32 AM (-08:00)

Physical Characteristics - Industrial

Asmt# 012-601-015-000 Status ACTIVE Owner DAVI ANTHONY G TR Latitude 36.5855720000 View Aerial Photo of Property
Doc # 3-INDUSTRIAL Situs Address 121 CALLE DEL OAKS PL DEL RE... Longitude -121.8305560000 Multi Situs

Land Details

Land Use1	6E-WAREHOUSING, MINI...	Zoning	Sewer Code	Frontage
Land Use2	RZ-2ND USE-PRO-P8-YR-X7	Topography	Utilities Code	Location
Land Size	21730.00	View Code	Site Coverage 0	Parking Spaces
Acres	0.00	Water Source	Landscape	LandField7
Heigh. Code	F12A	Subdiv. Name	Problem Code	LandField8
Excess Land SF	0.00	Multi Parcel Econ		Land Shape

Building Details

Building No 1 Primary Building Type 20-Comm-Shell Building Used For Condition Quality Class XD070X
Year Built 1978 Effective Year 1988 Building Size 11200 Stories Cnt 1 Units Cnt 1 Perimeter LF
Net Leasable SF Bldg Footprint SF Office Space SF 16000 Non-Conditioned SF Mezzanine SF Attach Garage SF Attach Carport SF

Construction

Structural Frame	Building Designed For	Roof Cover	Cooling
Structural Floor	Solar	Heating	Central AC Room/Wall
Elevator	Escalator	Bathrooms	Roll Up Door Dock Bay

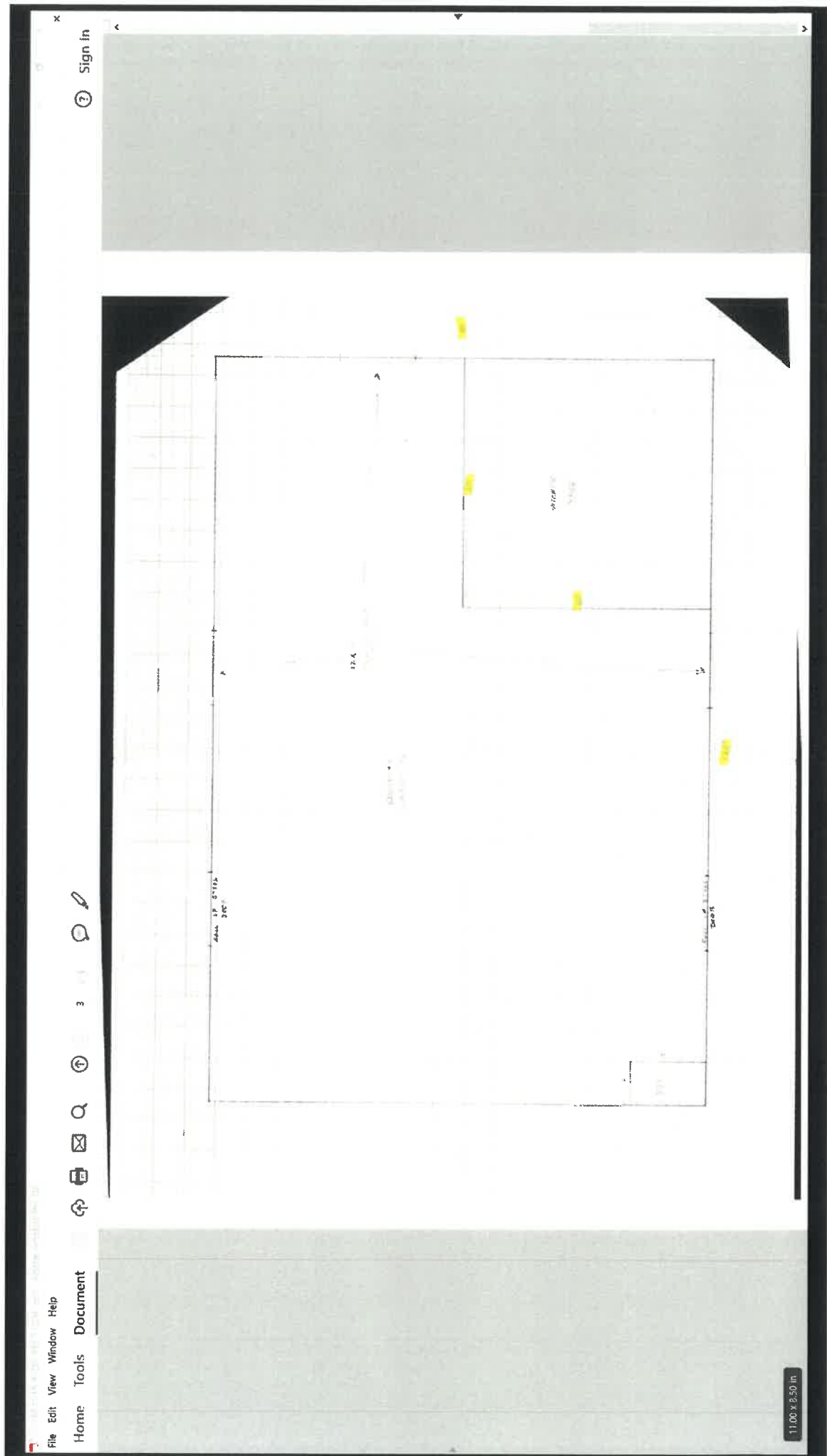
Avg Wall Height

Building other details

Field16	Field17	Field18	Field19	Field20
---------	---------	---------	---------	---------

Total Units for All Buildings: 1 MPTS_Conv, 12/31/13 03:21:30 PM

Buttons: Save Cancel New Delete



121 Calle Del Oaks

Records Contained in Del Rey Oaks File for Property Confirm 11,200 sq. ft.

March 9, 2023

121 Calle Del Oaks

MPWMD Records for Property Confirm 11,200 Sq. Ft.

March 9, 2023

File

Message

Help

Acrobat

FW: 121 Calle Del Oaks 012-601-015 - Message (HTML)

Search

Delete

Archive

Move

Reply

Reply All

Forward

Move to?

Mark Unread

Categorize

Follow Up

Find

Search

Read Aloud

Immersive Reader

Zoom

...

FW: 121 Calle Del Oaks 012-601-015

Justin Hastings <justin@hastingsconstruction.com>

To: Vince Fialdi

012601015_20200212_Permi_40595.pdf 287 KB

012601015_20191223_FPlan2.pdf 5 MB

012601015_20190516_Permi_36357.pdf 279 KB

RealQuest.com - Report.pdf 169 KB

...

Reply

Reply All

Forward

...

Mon 4/10/2023 3:18 PM

From: Stephanie Kister <skister@mpwmd.net>

Date: Monday, April 10, 2023 at 3:10 PM

To: Justin Hastings <justin@hastingsconstruction.com>

Subject: RE: 121 Calle Del Oaks 012-601-015

Hi Justin,

Water Permit 36357 was issued for 6,245 sqft (units B & C). Water Permit 40595 was issued for unit A at 3,242 sqft. Those spaces total 9,487 sqft. Plans dated 4/30/21 submitted by WR&D list the building as 9,604 sqft. County file lists the building as 11,200 sqft. Copies of each are attached.

Thanks,

Stephanie Kister Campbell
658-5601

From: Carrie Osborn <carrie@mpwmd.net>

Sent: Monday, April 10, 2023 2:40 PM

To: Stephanie Kister <skister@mpwmd.net>

Subject: FW: 121 Calle Del Oaks

Carrie Osborn
Environmental Technician
Office: 831.658.5601
carrie@mpwmd.net

Monterey Peninsula
WATER
MANAGEMENT DISTRICT

From: Justin Hastings <justin@hastingsconstruction.com>

Sent: Monday, April 10, 2023 2:40 PM

To: Conserve Email <conserve@mpwmd.net>

Subject: 121 Calle Del Oaks

113

4/19/2023, 3:08 PM

RealQuest.com® - Report

Property Detail Report

For Property Located At:

101 CALLE DEL OAKS, DEL REY OAKS, CA 95940-6444



RealQuest

Owner Information
Owner Name:
Mailing Address:
Vesting Codes:

DAN ANTHONY G
PO BOX 2350, MONTEREY CA 93942-2350 B021
//TR

Location Information
Legal Description:
County:
Census Tract / Block:
Township-Range-Section:
Legal Book/Range:
Legal Lot:
Legal Block:
Assessor's Parcel No. (APN):
Neighborhood:

TRACT 712 DEL REY GARDENS SUBD NO 2 LOT 2 BLK 1
MONTEREY, CA
134.00 / 1
2
108
F12A
712
MONTEREY PENINSULAM
MONTEREY PENINSULAM
Hundred Ownership

Owner Transfer Information
Recording/Sale Date:
Sale Price:
Document #:

01/24/2003 / 01/14/2003
9120
CORPORATION GRANT DEED
9130

Last Market Sale Information
Recording/Sale Date:
Sale Price:
Sale Type:
Document #:

02/28/1988 /
2210-710
DEED (REG)
1st Map Amount Type:
1st Map Amt:
2nd Map Amount Type:
2nd Map Amt:
3rd Map Amount Type:
3rd Map Amt:
4th Map Amount Type:
4th Map Amt:

Title Company:

OWNER RECORD

Prior Sale Information
Prior Rec/Sale Date:
Prior Sale Price:
Prior Doc Number:
Prior Deed Type:

12/31/1987 /
\$700,000
2184-553
DEED (REG)

Property Characteristics
Year Built / Est.
Gross Area:
Tot Ad Area:
Above Grade:
of Stories:
Other Improvements:

1974 / 1988
11,200
WOOD
Foundation:
Exterior wall:
Basement Area:

Site Information
Zoning:

Acres: 0.50
County Use: WHSE/LUMBER YARD (6E)

Lot Area:
Land Use:
Sale Information:

21,730
WAREHOUSE
Real/Comm Units /

https://pro.realquest.com/bskreport.jsp?function=confirm&type=ingreport&search=0&reportoptions=03108118453124681184531246

1/2

121 Calle Del Oaks

Multiple Record Sources All Confirm 11,200 Sq. Ft. Building Size

- Historical record of building condition confirms original construction of mezzanine
 - Historical condition of building confirms continual usage of mezzanine
- Assessor's records confirm 11,200 square foot building
 - Assessor's records also confirm payment of property taxes on 11,200 square foot building since 1978
- Del Rey Oaks file for 121 Calle Del Oaks confirms 11,200 square foot building
- MCWMD records confirm 11,200 sq. ft.

HOME ABOUT US CONTACT

RESTORATIONS GALLERY LINKS



Specializing in Ferrari Restoration and Lamborghini Miura Restoration

Opening Spring 2024 in Monterey, California!

JOIN OUR CONTACT LIST

About Us

121 Calle Del Oaks

Net Effect to Del Rey Oaks by Allowing Renovation to Proceed

- Removal of mezzanines in center and left unit
- Creation of a world-class restoration facility that the City can be proud of
- Renovation of a building that is unattractive and has fallen into disrepair
- Removal of non-performing cannabis distribution facility from City
- Purchase/remodel of building, creating a re-assessment and new tax revenues for City
- Operation of restoration facility bringing tax revenues to the City



STATEMENT OF ACCESS COMPLIANCE
Based on the 2022 California Building Code
Required to be submitted for all nonresidential
alterations or additions to existing buildings.

Project Information:

Project Address: 121 Calle Del Oaks, Unit B **Permit No.** _____

Scope of Work: Tenant Improvement on the 1st and 2nd floor of an industrial building.

Conversion of an existing 2 story office with showroom.

Project Designer: Bradley Green | Hastings Construction Inc.

In accordance with California Building Code Section 11B-202.1, all new and altered elements in existing nonresidential buildings under this permit application shall comply with the accessibility requirements of Chapter 11B.

In addition to accessibility for new and altered elements, existing elements of the path of travel to the area of alteration are required to be accessible as outlined in Section 11B-202.4, including Exceptions 1 through 10.

For the subject project, select one of the following four (4) paths to compliance. This form shall be completed and signed by the Project Designer. This form must be reviewed and approved by the Authority Having Jurisdiction prior to obtaining a building permit.

____ I am the responsible designer for this project. I have visited the site and can confirm that all elements of the path of travel specified in Section 11B-202.4 are existing and in compliance with the requirements of Chapter 11B. Elements of the path of travel shall be verified by the contractor and are subject to inspection by the city inspector. Any discrepancies shall be submitted as a revision for review and, upon approval, be constructed prior to final inspection.

Signature: _____ Date: _____

☒ I am the responsible designer for this project. All elements of the path of travel specified in 11B202.4 are compliant or are to be brought into compliance with work proposed under this permit. There is no request for Unreasonable Hardship determination.

Signature: Bradley Green Date: June 16, 2023

____ I am the responsible designer for this project. The scope of work for this project does not require improvements to the path of travel. This determination is based on application of the following exception(s) to Section 11B-202.4 (Circle All That Apply): Exception 2 3 4 5 6 7 10

Signature: _____ Date: _____

____ I am the responsible designer for this project. The Adjusted Construction Cost for this project is below the Current Valuation Threshold (\$195,358.00). Improvements to the path of travel are being proposed which will constitute no less than 20% of the total Adjusted Construction Cost. See the tabulation on the following sheet. 11B-202.4, Exception 8.

Signature: _____ Date: _____

PLEASE CONTACT THE BUILDING OFFICIAL REGARDING REQUESTS FOR TECHNICAL INFEASIBILITY DETERMINATION OR HARDSHIP BEYOND THE SCOPE OF THIS FORM. ADDITIONAL DOCUMENTATION WILL BE REQUIRED.

CBC 11B-202.4, Exception 8

The following calculation justifies that at least 20% of the total adjusted construction costs is being dedicated to improvements to the path of travel. Priority should be given to those elements that will provide the greatest access in the order listed below.

Adjusted Construction Cost for this Project: _____ (A)

Total Adjusted Construction Cost of all work performed in this area
in the past three (3) years _____ (B) Sum of A and B (A + B):

_____ (C)

20% of C ($0.20 \times C$): _____ (D)

Element	Currently Complies? (Yes/No)	If no, is work included in this project? (Yes/No)	Cost of work proposed
Accessible Entrance			
Accessible route to altered area (including accessible parking)			
At least one accessible restroom for each sex or one accessible single-user restroom			
Accessible telephones (if provided)			
Accessible drinking fountains (if provided)			
Additional accessible items			
		Total: (equal to or greater than D)	

Note that the Adjusted Construction Cost (A) includes the cost of improvements to the path of travel listed here.

Additional notes regarding the information in this worksheet:

I ____ have/____ have not attached additional sheets to justify the information in this worksheet.

BUILDING DEPARTMENT USE ONLY:

Rec'd by: _____ Date: _____ Approved by: _____ Date: _____
Print Name: _____

Cairati Monterey, Inc.

121 Calle del Oaks
Monterey, California 93940
www.cairatimonterey.com
(831) 402-5432

RECEIVED

AUG 08 2023

CITY OF DEL REY OAKS
CITY CLERK

August 8, 2023

VIA HAND DELIVERY AND EMAIL**City of Del Rey Oaks**

650 Canyon Del Rey Blvd.
Del Rey Oaks, CA 93940
jguertin@delreyoaks.org
joe@joegps.com
alorca@fentonkeller.com

**Re: 121 Calle Del Oaks: Notice of Appeal Regarding Plan Review Comment 1
Dated 7/11/23.**

City of Del Rey Oaks,

Cairati Monterey, Inc. ("Cairati") hereby submits this Notice of Appeal as to Mr. Joseph Headley's Plan Review Comments dated July 11, 2023, regarding the tenant improvement building plans submitted for 121 Calle del Oaks, APN: 012-601-015-000. Specifically, Cairati disagrees with Mr. Headley's conclusion that 121 Calle del Oaks is a 9,600 square foot building based upon the history, facts and evidence regarding this property which have been provided to the City thus far. Cairati will prepare appeal materials for the September 26, 2023, regular meeting and provide them to the City no later than the September 8, 2023, deadline.

Delivered with this letter is a check in the amount of \$170.00 for the requisite appeal fee.

Feel free to contact me at your convenience with any questions or comments you may have that are related hereto by emailing vwf@manlystewart.com.

Very Truly Yours,



VINCE WILLIAM FINALDI, Esq.
CAIRATI MONTEREY, INC.

Cc: Anthony Lombardo, Esq.

121 CALLE DEL OAKS

Appeal of July 11, 2023 Plan Review
Comments of City of Del Rey Oaks Plan
Checker Joseph Headley Regarding Mezzanine
Space, Denying Tenant Improvements to that
Area.

Vince W. Enaldi – CEO of Corrali Monterey
Anthony Lombardo, Esq. – Counsel for Corrali Monterey
Jeff Daly – Representative of Bova Properties
Jurgen Hurlings – General Contractor

121 CALLE DEL OAKS



Reasons Cairati Monterey Selected Del Rey Oaks

- Quiet, family-oriented city.
- Business-friendly environment.
- Proximity to significant automotive events including: Pebble Beach Concours d'Elegance, Monterey Motorsports Reunion, Porsche Rennsport Reunion, Numerous world-renowned auctions, and Automobile manufacturer product shoots and launches.
- Proximity to San Francisco International Airport.



121 CALLE DEL OAKS

Subject Commercial Building

- Commercial building converted for cannabis extraction in 2016 and non-performing for several years.
- Building has fallen into disrepair and is in need of significant and expensive investment and improvement.
- Current appearance does not align with City's aspirations.

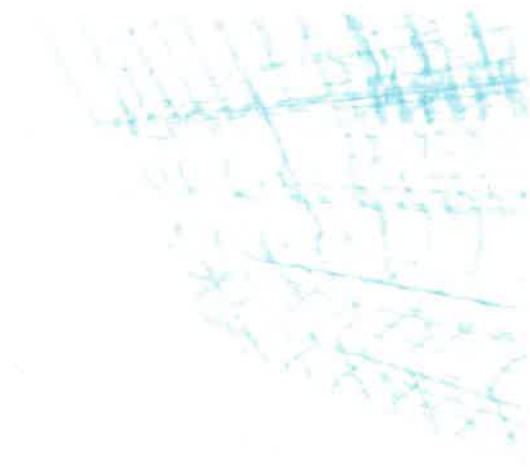




121 CALLE DEL OAKS

-Built in 1978 by McDonald Refrigeration, Inc.
as its company headquarters.

-McDonald was established in the 1930's in
Cannery Row.

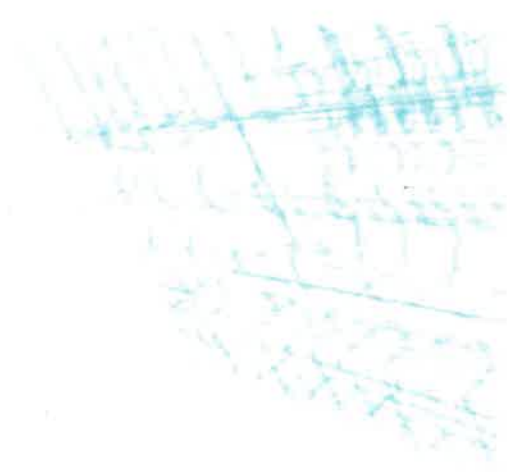




121 CALLE DEL OAKS

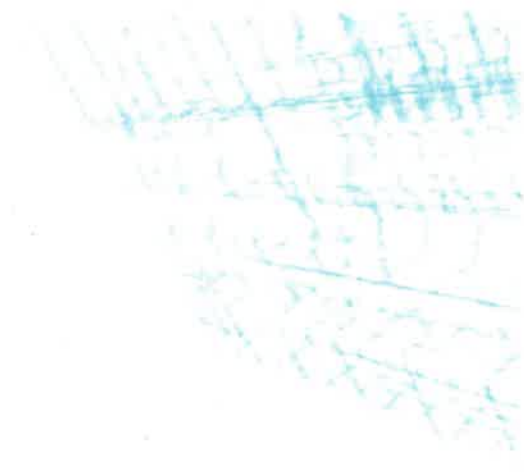
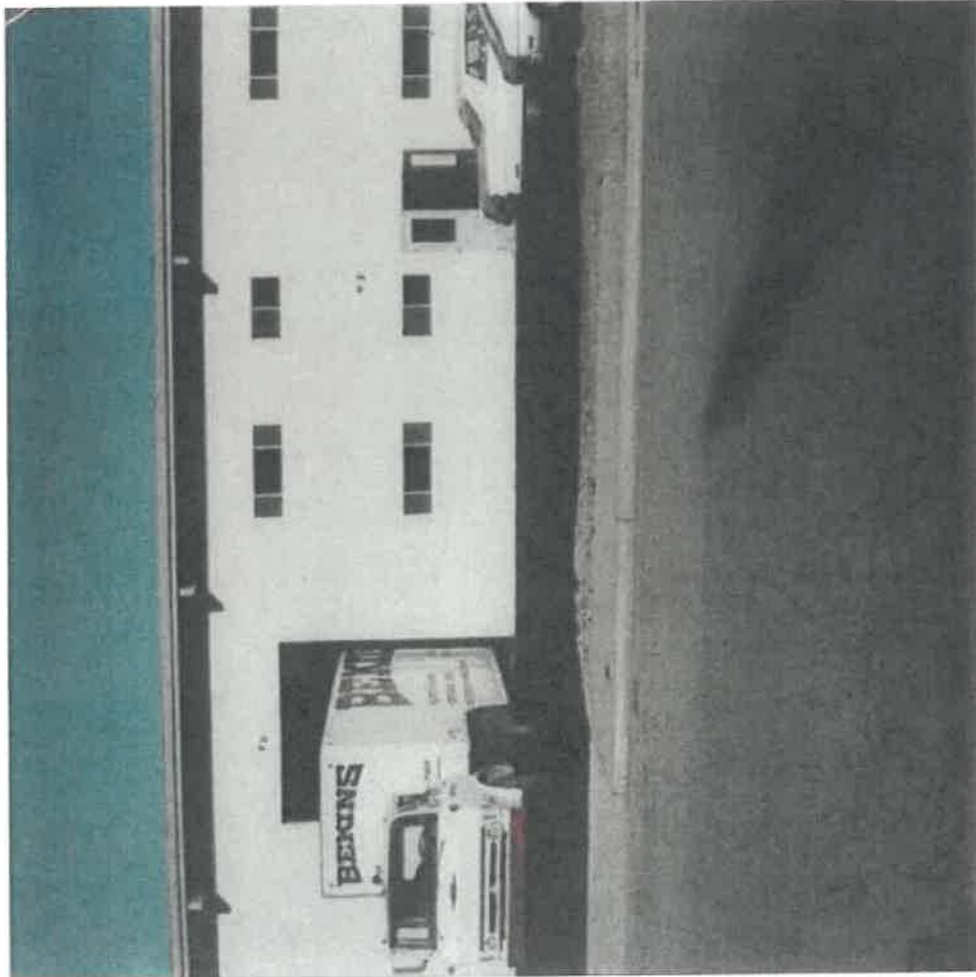
-McDonald built commercial refrigerators.

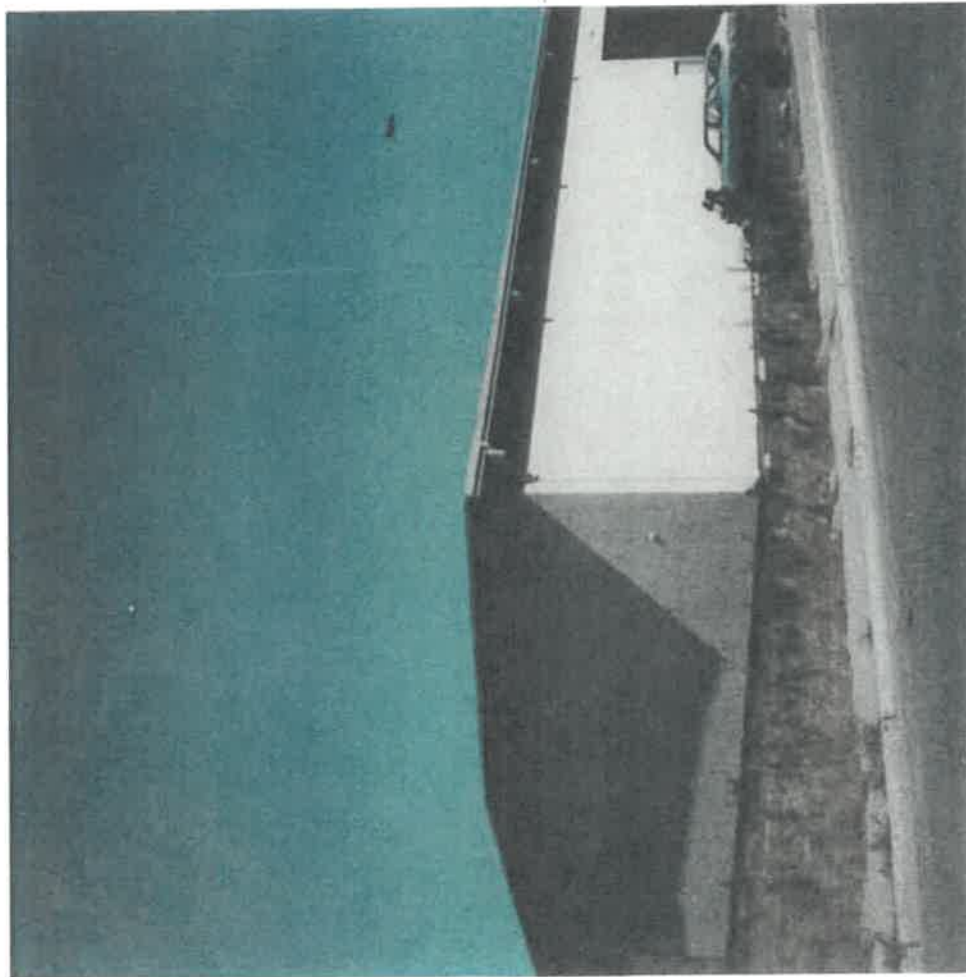
-McDonald also performed refrigeration repairs on-site.



121 CALLE DEL OAKS

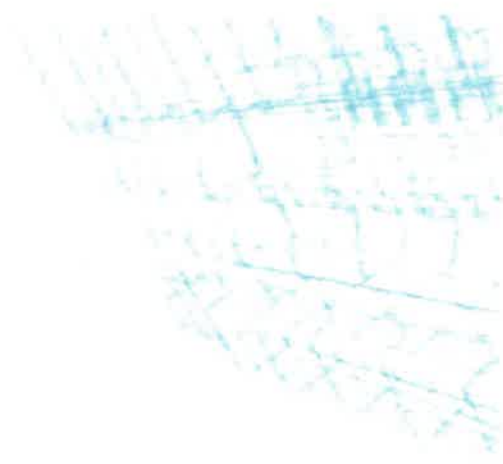
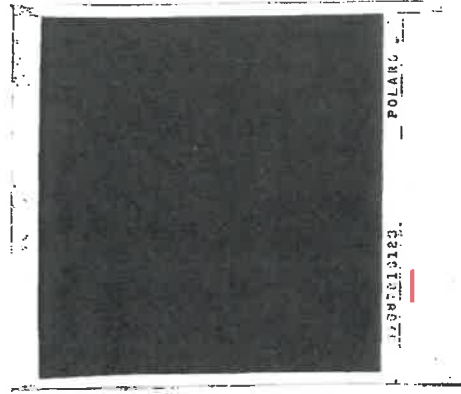
-McDonald is still in existence, now based in Seaside, California.





121 CALLE DEL OAKS

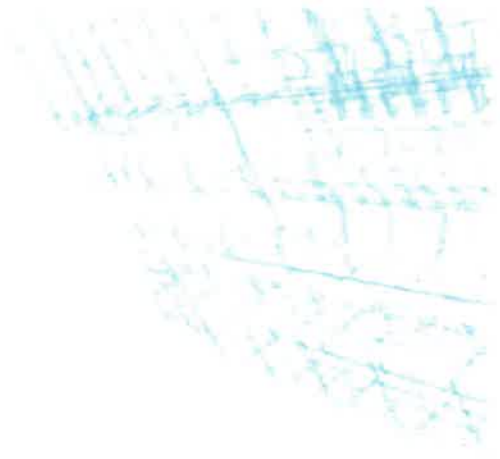
-These photos are from McDonald Company's archives, and were taken by company officers in 1981 after construction was completed.



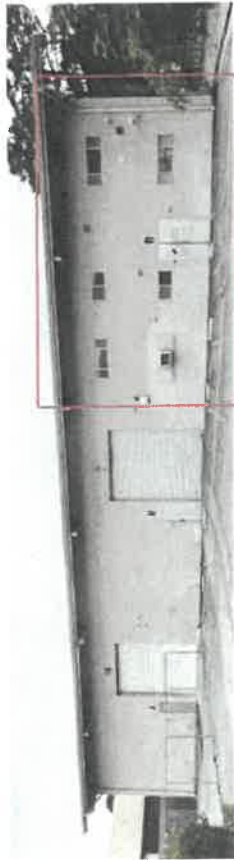


121 CALLE DEL OAKS

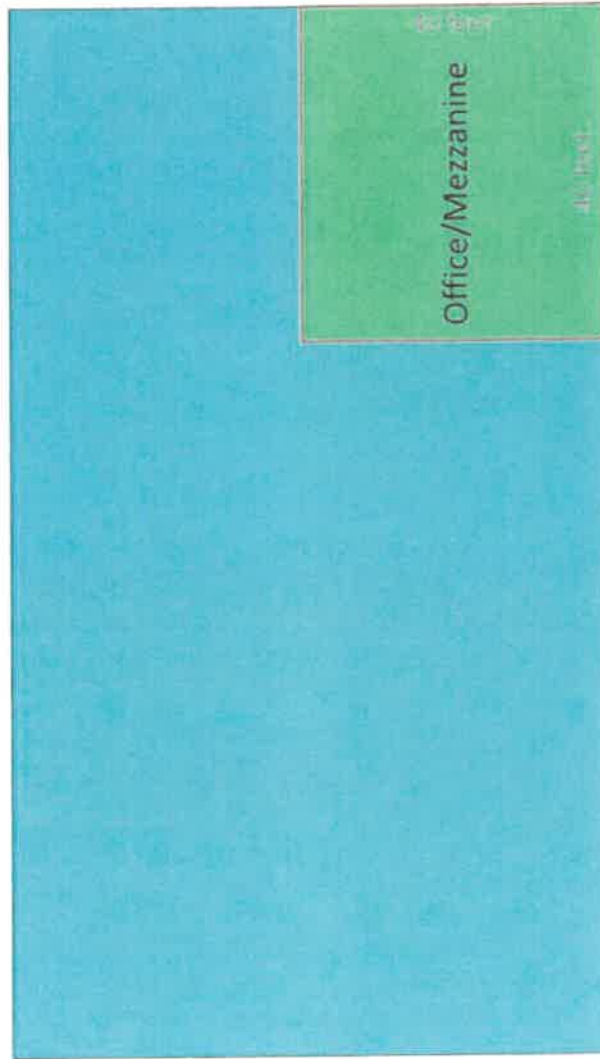
- The front and side doors and windows are original to the 1978 building construction.
- SW corner of the building is a ground-level office with mezzanine directly above.



121 CALLE DEL OAKS



120 feet



80 feet

120 feet

-Building envelope is 120 feet by 80 feet.

-Office/Mezzanine on SW corner is 40 feet by 40 feet.

-Without mezzanine, the building would be 9,600 square feet.

-**Monterey County Assessor's Office** lists the building at 11,200 square feet (3/9/23), which includes the mezzanine as square footage.

-Owners have been paying property taxes on 11,200 sq. ft. since 1978.

-**City of Del Rey Oaks** file for 121 Calle del Oaks contains document listing building size as 11,200 sq. ft.

-**Monterey Peninsula Water Management District** states 121 Calle del Oaks has 11,200 sq. ft. available with water.

121 CALLE DEL OAKS

-Monterey County Assessor's Record.

File Edit View Window Help
Home Tools Document

AS14920062.5.0.34: Land Building
Doc # 012-601-015-000 Status ACTIVE
Use Type 3-INDUSTRIAL
Owner DAVE ANTHONY G TR
Site Address 121 CALLE DEL OAKS PL DEL RE...
Latitude 34.595529800 Longitude -121.690556000
Map Status
Apr 08, 2023 9:15:22 AM (-08:00)
View Aerial Photo of Property

Physical Characteristics - Industrial

Land Details

Land Use1	RE-WAREHOUSING,INDU...	Zoning	Sever Code	Protrude
Land Use2	RT-2HD USE/PROPERTIES...	Topography	Utilities Code	Location
Land Size	21750.00	View Code	Site Coverage	Parking Spaces
Acres	0.00	Water Source	Landscape	Landfield7
Height Code	IFTX	Subdiv. Name	Problem Code	Landfield8
Excess Land SF	0.00	Multi Parcel Econ		Land Shape

Building Details

Building No	1	Primary	Building Type	2b-Comm-Shell	Building Used For	Condition	Quality Class	20070X
Year Built	1978	Effective Year	1988	Building Size	11700	Stories Cnt	Units Cnt	Perimeter LF
Net Leasable SF		Bldg Footprint SF		Office Space SF	800	Non-Conditioned SF	Mezzanine SF	Attach Garage SF
Construction	Structural Frame	Building Designed For	Roof Cover	Cooling	Central AC	Room/Wall	Refrigeration	
Exterior Type	Structural Floor	Solar	Heating	Exterior Ins	Exterior Ins	Window	Refrigeration	
Avg Well Height	Elevator	Escalator	Bathrooms	Roll Up Door	Door	Bay		
Building other details	Field16	Field17	Field18	Field19	Field20			

Total Units for All Buildings: 1 MFTS_Conv, 12/31/13 05:21:30 PM

Building 1/1 New Save Cancel Delete

-Monterey Peninsula Water Management
District Records for 121 Calle del Oaks.

121 CALLE DEL OAKS

FW: 121 Calle Del Oaks 012-601-015

Justin Hastings <justin@hastingsconstruction.com>

To: Vince Farrell

012601012_20230317_Permit_40595.pdf
1 MB

012601015_2019_0214_PlanSet.pdf
5 MB

017401015_20190516_Permit_40595.pdf
1 MB

017401015_20190516_Permit_40595.pdf
1 MB

From: Stephanie Kister <skister@mpwmd.net>

Date: Monday, April 10, 2023 at 3:10 PM

To: Justin Hastings <justin@hastingsconstruction.com>

Subject: RE: 121 Calle Del Oaks 012-601-015

Hi Justin,

Water Permit 36357 was issued for 6,245 sqft (units B & C). Water Permit 40595 was issued for unit A at 3,242 sqft. Those spaces total 9,487 sqft. Plans dated 4/30/21 submitted by WR&D list the building as 9,604 sqft.

Thanks,

Stephanie Kister Campbell
658-5601

From: Carrie Osborn <carrie@mpwmd.net>

Sent: Monday, April 10, 2023 2:40 PM

To: Stephanie Kister <skister@mpwmd.net>

Subject: FW: 121 Calle Del Oaks

Carrie Osborn

Conservation Technician

Office: 831.688.5601

carrie@mpwmd.net

MONTEREY PENINSULA

WATER

Municipal District

-Monterey Peninsula Water Management
District Records for 121 Calle del Oaks.

121 CALLE DEL OAKS

4/1/2023, 3:01 PM

RealData.com © - Report

Property Detail Report
For Property Located At:
121 CALLE DEL OAKS, DEL REY OAKS, CA 93540-5444



RenQUEST

Owner Information

Owner Name:
DAN ANTHONY G
Mailing Address:
PO BOX 2350, MONTEREY CA 93942-2350 B921
Vesting Code:
//TR

Location Information

Legal Description:
TRACT 712 DEL REY GARDENS SUBD NO 2 LOT 2 BLK 1
MONTEREY, CA
APN:
015-081-015-020
County:
Monterey
Map Reference:
712
Legal Parcel Page:
1
Legal Lot:
108
Legal Block:
F12A
Market Area:
Monterey Peninsula
Neighborhood:
CORPORATION GRANT DEED
9133

Owner Transfer Information

Recording/Sale Date:
01/24/2003 / 01/14/2023
Sale Price:
9123
Document #:
03281988 /
Last Market Sale Information
Sale Price:
2210-710
Document #:
DEED (RED)
Transfer Document #:
None
Market Condition:
None
Title Company:
None

Prior Sale Information

Seller Name:
None
Prior Sale Date:
12/31/1987 /
Prior Sale Price:
\$700,000
Prior Doc Number:
2164-553
Prior Deed Type:
DEED (RED)

Property Characteristics

Year Built / E/F:
1978 / 1S08
Gross Area:
None
Total Adj Area:
None
Above Grade:
None
Below Grade:
None
Other Improvements:
None

Site Information

County:
Monterey
Lot Area:
21,770
Land Use:
WAREHOUSE
Site Influence:
None

Garage Area

Garage Area:
None
Garage Capacity:
None
Parking Spaces:
None
Roof Type:
WOOD
Roof Material:
None
Foundation:
None
Basement Area:
None

Water/Water

Water Use:
None
Water Type:
None

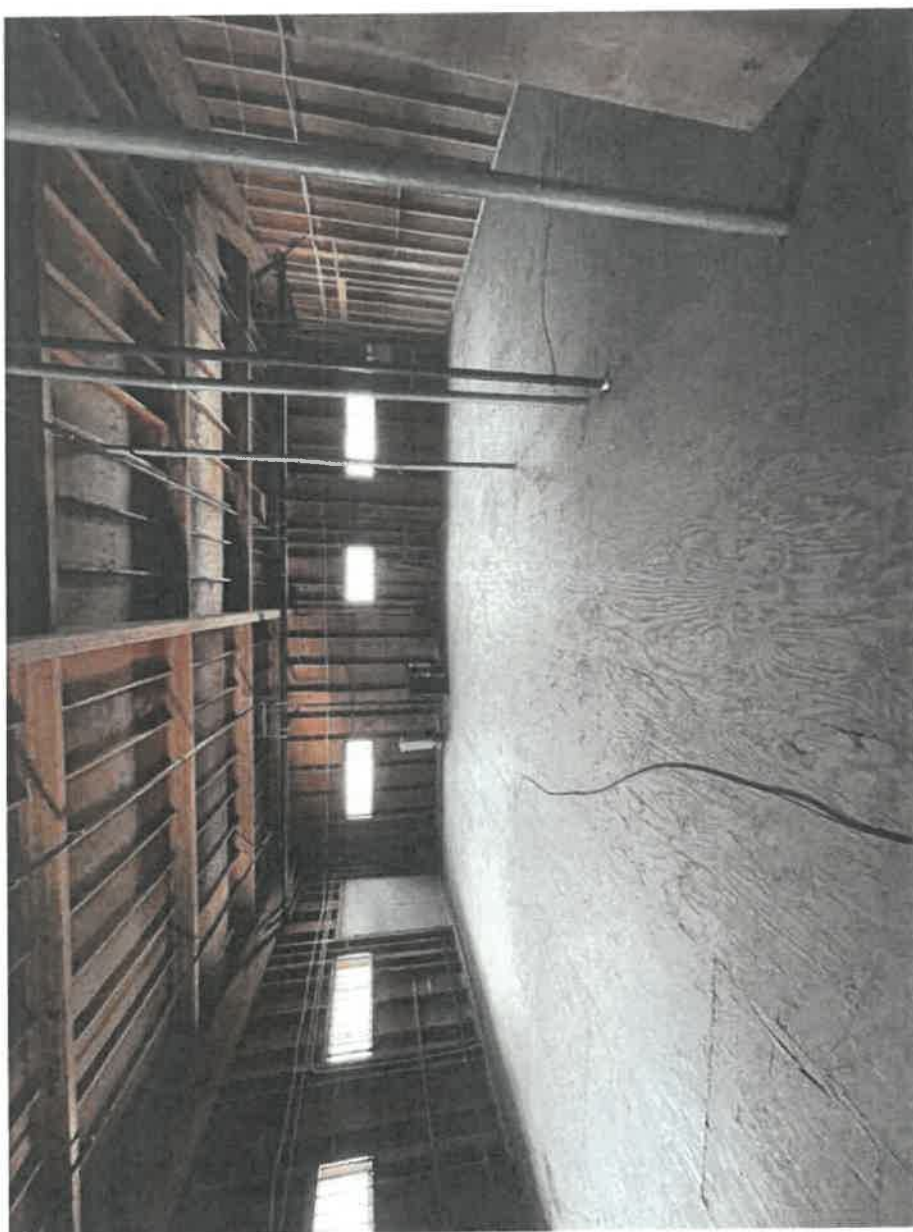
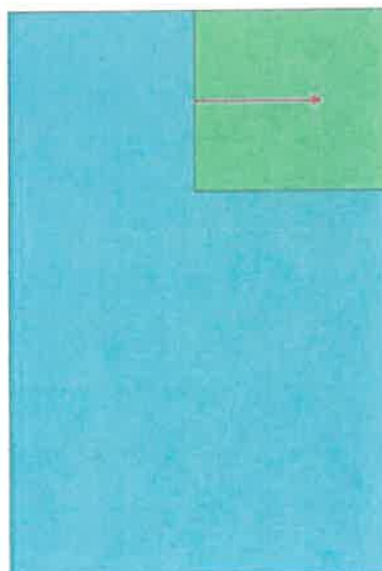
Other

Other:
None

121 CALLE DEL OAKS

-Above office mezzanine,
looking to street.

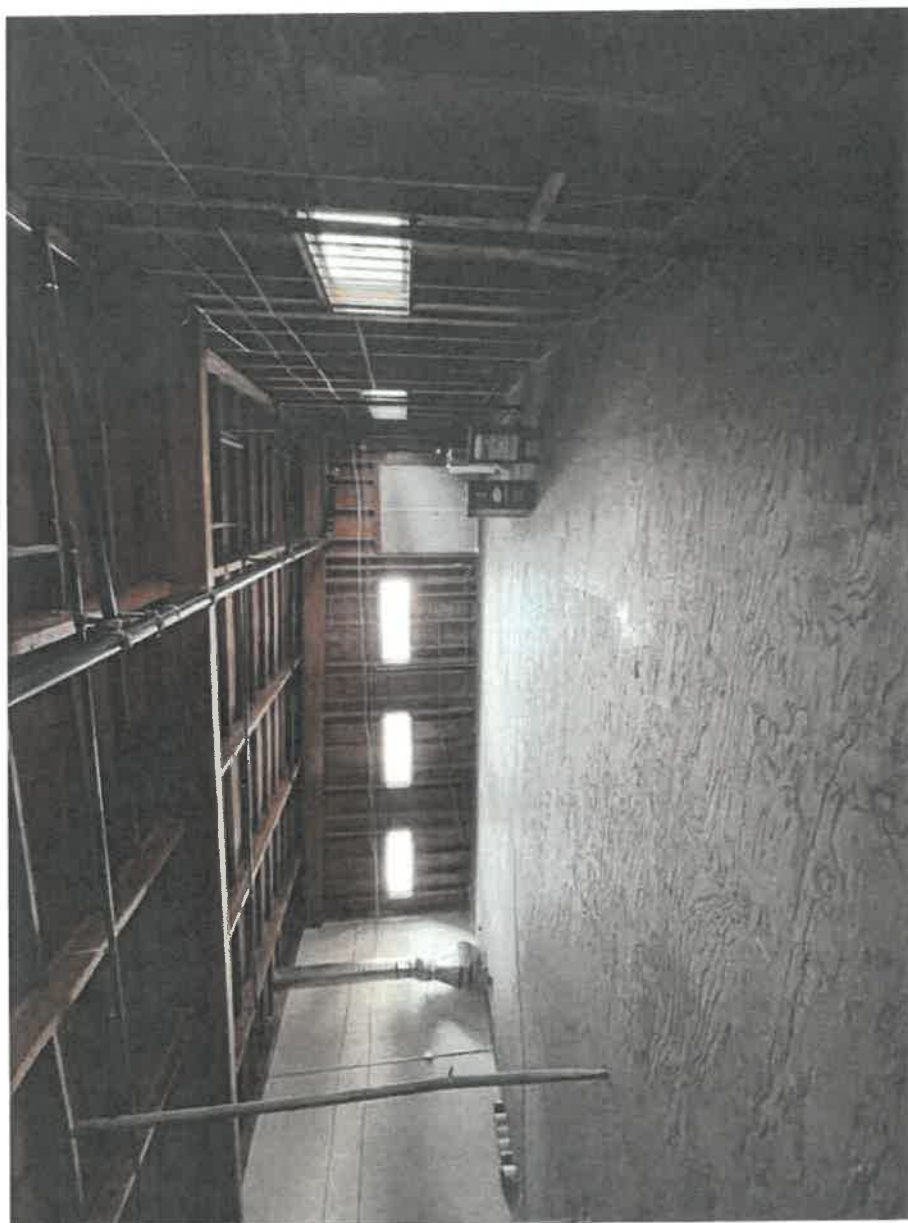
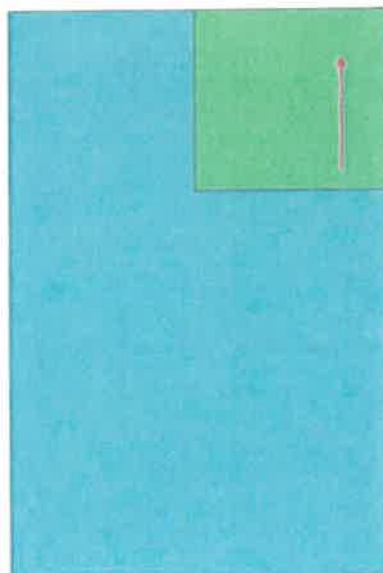
Direction photo taken



121 CALLE DEL OAKS

-Floor joists are 2 x 12 construction with plywood.

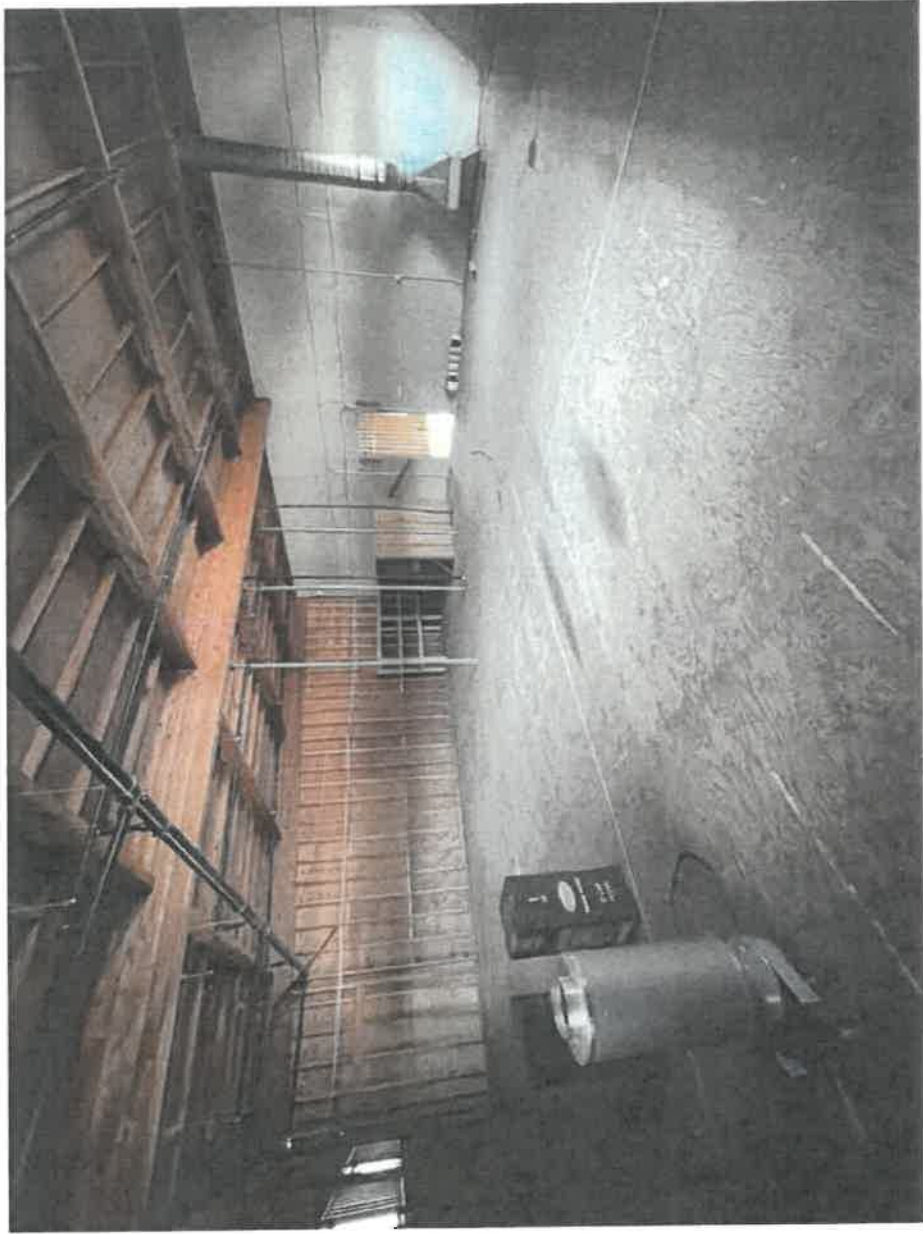
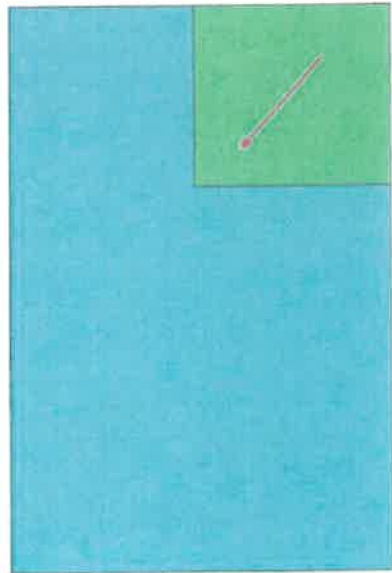
Direction photo taken



121 CALLE DEL OAKS

-It was purpose-built as a mezzanine usable space.

— Direction photo taken



121 CALLE DEL OAKS

-The plywood, windows, framing are all original construction.

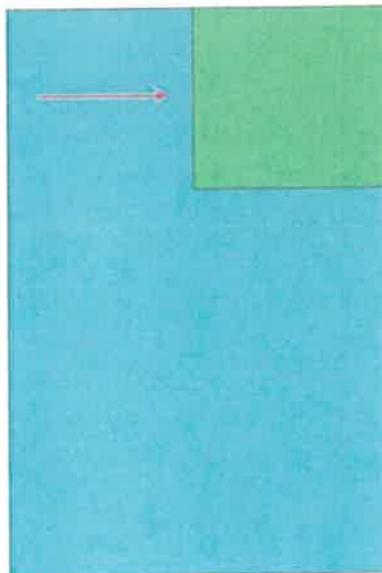
Direction photo taken



121 CALLE DEL OAKS

-Above office mezzanine.
-We learned that there
once were stairs used to
access this area. Apparently
Mr. Headley ordered them
to be removed several
years ago.

Direction photo taken



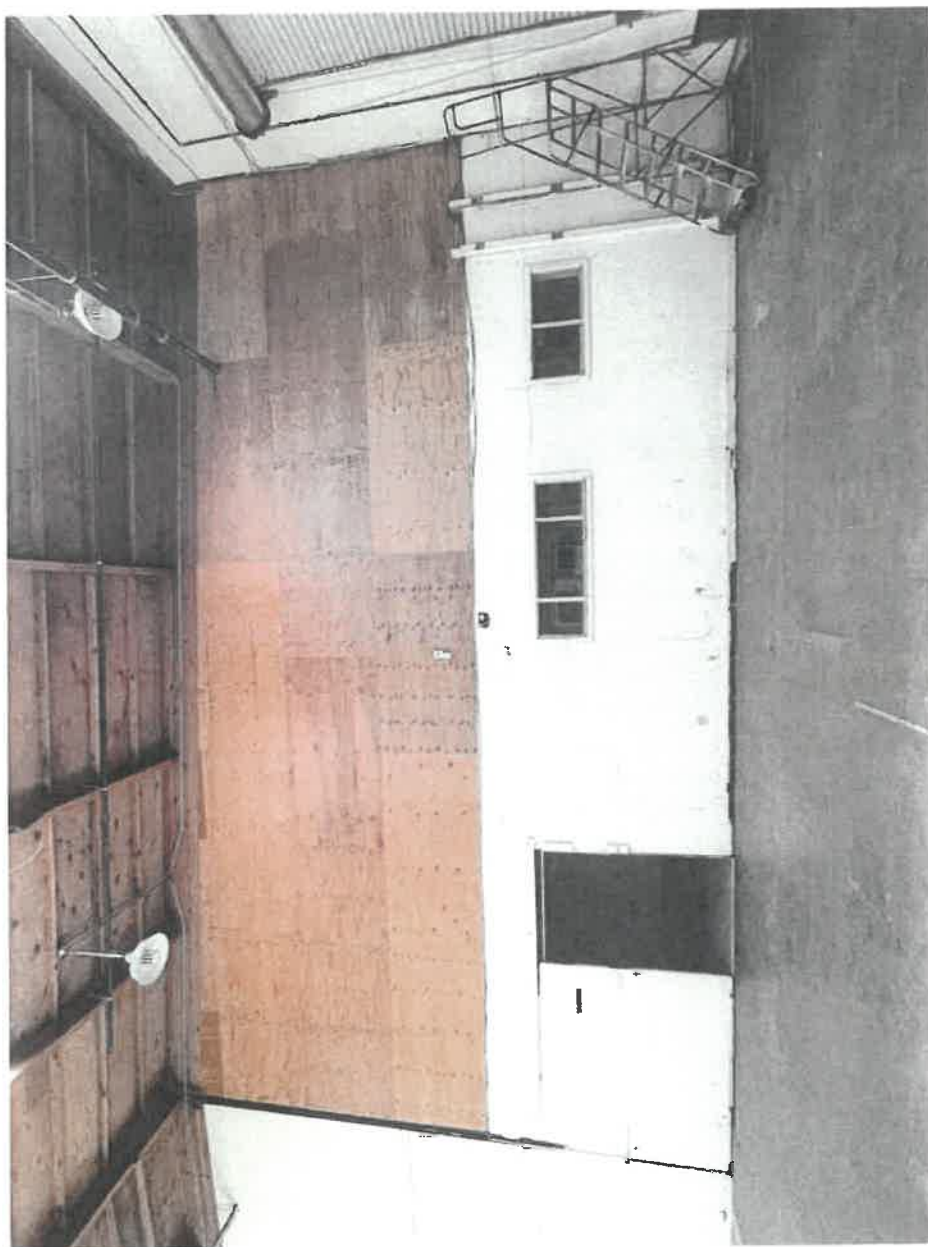
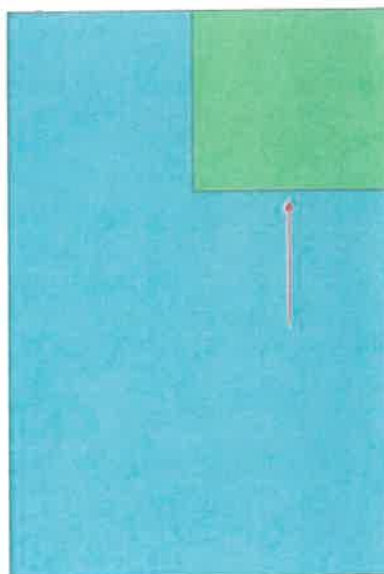
121 CALLE DEL OAKS

-Above office mezzanine.

-Stairs removed.

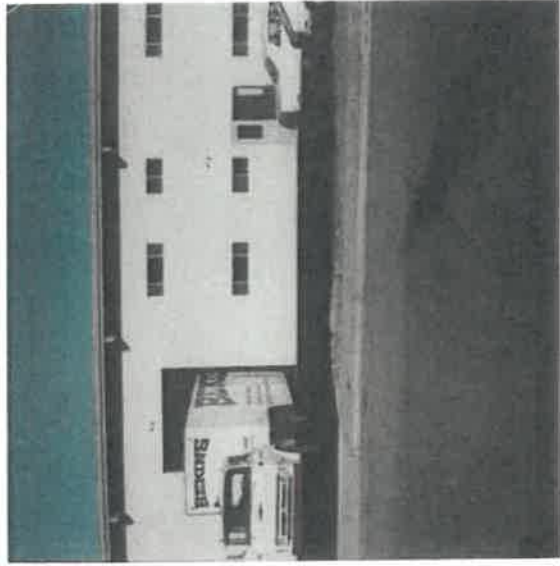
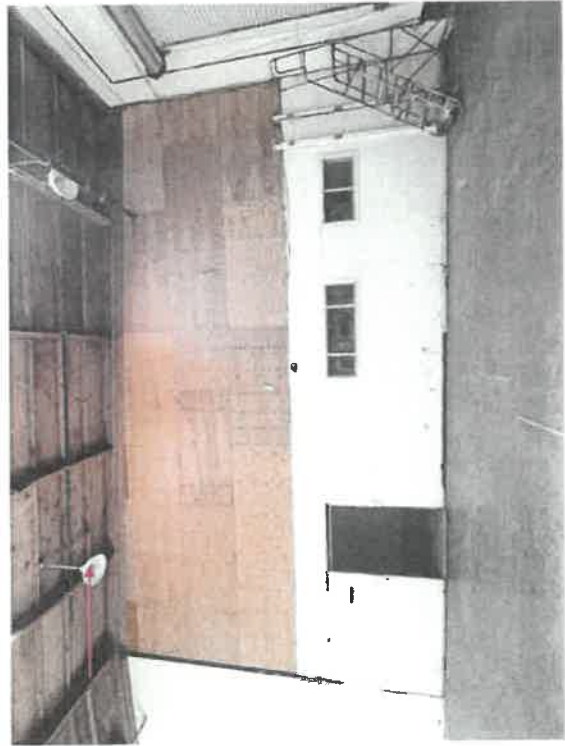
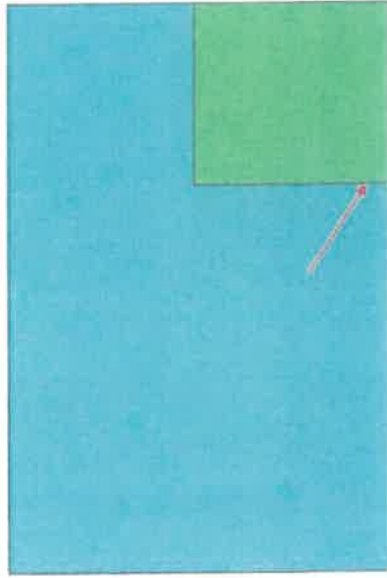
-Bare plywood added later.

→ Direction photo taken



121 CALLE DEL OAKS

- Historical photo shows a window in the mezzanine area.
- Declaration from Robert Alexander, McDonald owner and employee since 1978, confirms windows and doors are original.
- Declaration from Brad Alexander, owner's son and current co-owner, states mezzanine was used to store supplies and perform service, repair and technician work. He performed such work there in 1990 as a technician for the company. He accessed the area from stairs with a handrail.



121 CALLE DEL OAKS

The Mezzanine has been in Continual Use for 45 Years

- The plywood floors in the mezzanine are worn from over 43 years of continual use.
- The floor of the mezzanine was constructed using 12 x 2 joists, purposely to hold large loads.
- Mr. Headley states the flooring was placed to access mechanical and HVAC, but as you can see from the photos, there is no HVAC in the building nor has there ever been. And this would not explain why windows and a door were placed on the second floor mezzanine.

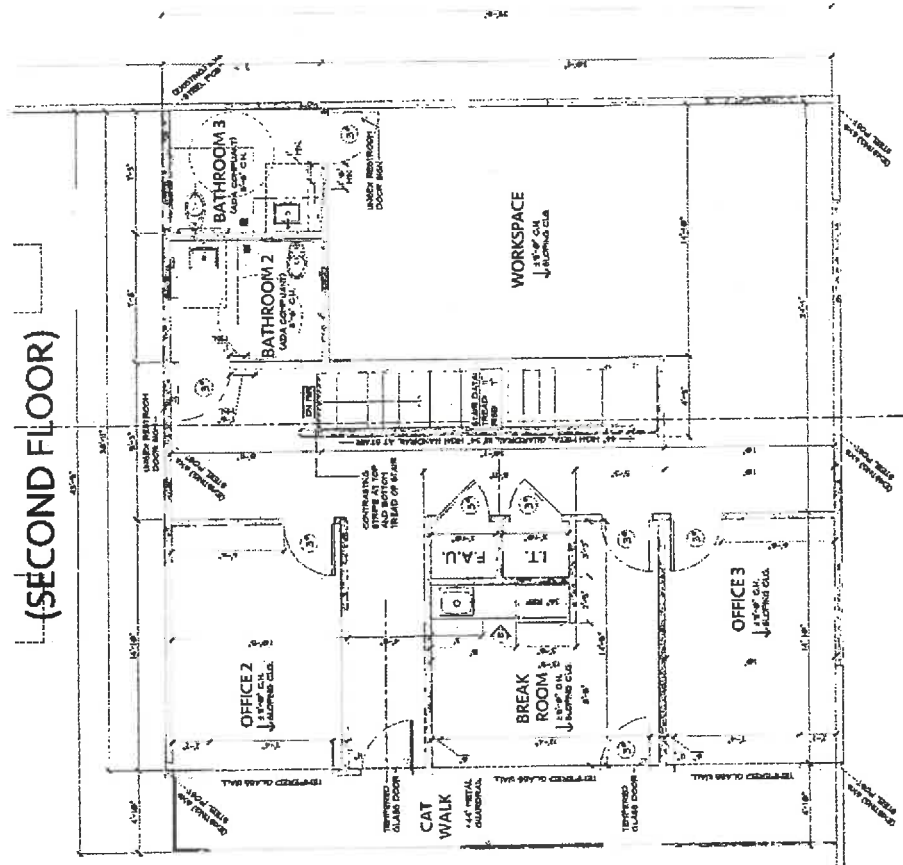


121 CALLE DEL OAKS

Proposed Mezzanine

Buildout

- ADA-compliant restrooms.
- 2 offices.
- Small break room with mechanical closets.
- Open workspace for storage.



121 CALLE DEL OAKS

Compliance



- Buildout of the mezzanine will comply with all State, Federal and local ordinances and regulations regarding ADA compliance, setback, parking, capacity and water.
- Usage of the mezzanine for storage or for office/restroom is the same under the building code—usable square footage is usable square footage.

121 CALLE DEL OAKS

Response to Points Made by Mr. Headley

-Mr. Headley points to the fact that old lease flyers from the Davi Group state 9,600 sq. ft. are available for lease.

-Yes, because Davi Group used the mezzanine for storage of its business records and did not offer the mezzanine for lease.

-Mr. Headley states the mezzanine flooring was there to access mechanical and HVAC.

-Not true. There is no HVAC in the building nor has there ever been. And, this would also not explain why windows and a door were placed on the second floor or why the joists are so large (12 x 2).

-Mr. Headley points to plans and water inspections from cannabis facility buildout stating building is 9,600 sq. ft.

-This is because Mr. Headley restricted them to 9,600 sq. ft. at the time. So, of course that would be the listed size there.

-Not a single historical document or record stating it is 9,600 sq. ft. There are no original plans and we are only left with the records of other entities and the historical record of the building itself.



121 CALLE DEL OAKS

Benefits to Del Rey Oaks from Approving this Request

- Allows a world-class business to come to the community, bringing tax revenue and goodwill.
- Enhances the beauty of the city by allowing renovation of an unattractive building that has fallen into disrepair and last served as a non-performing cannabis facility.
- Allows offices and a restroom to be built on the mezzanine, leaving precious floor space open to store cars and equipment so we will not have to store them outside.

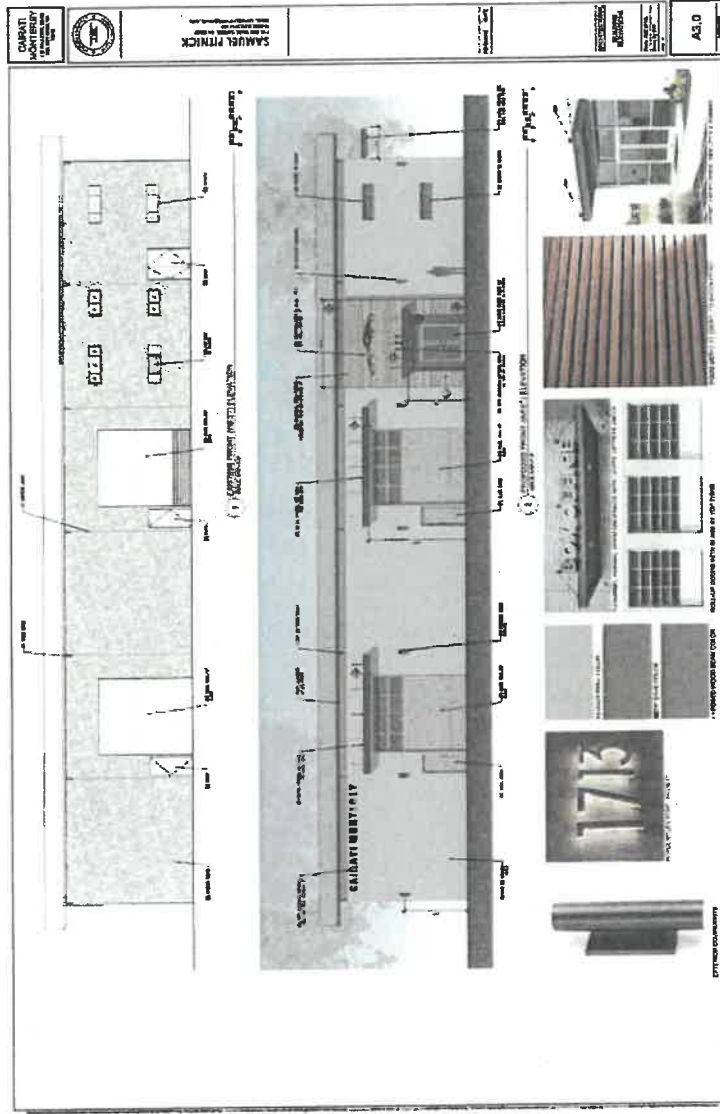
Deficits to Del Rey Oaks

- There are none!
- Approving this ***will not cost the City a dime.***
- Approving this ***will create zero liability.***
- Approving this will only allow the building to be used as it was ***always*** intended—including the mezzanine space.

121 CALLE DEL OAKS

Concluding Comments

- We began this process by first speaking with Mr. Headley in February of 2023.
- After several submittals, **over 7 months**, we still do not have a building permit for **any** part of this project.
- These delays are beginning to cost our company significant time and money.
- Please approve the requested tenant improvements on the mezzanine of 121 Calle del Oaks.
- Questions or comments?



DECLARATION OF ROBERT DAVID ALEXANDER

I, **David** Alexander, hereby declare:

1. I was born on June 8, 1944. I am personally familiar with the facts and contents of this Declaration, and if called upon, could and would competently testify as to its contents from my own personal knowledge.

2. This Declaration is made regarding the commercial building located at 121 Calle del Oaks, Del Rey Oaks, California, 93940 ("The Property").

3. McDonald Refrigeration, Inc. ("McDonald") was established in 1938, near Cannery Row, in Monterey, California, as a commercial and industrial refrigeration contractor. I worked as a technician for the company from 1978 until 1988, and in 1988 I purchased the company from the owners Bob McDonald and Henry Lopez. Both Bob McDonald and Henry Lopez are now deceased. I still own the company, which is now based out of Sand City, California. My son Brad Alexander works for and runs the company now, and is an officer of the corporation who manages the official corporate records.

4. In 1977, McDonald purchased land located at 121 Calle del Oaks, Del Rey Oaks, California, 93940 (The Property). In 1978, McDonald constructed a commercial building on the land for the purpose of being the main corporate headquarters. McDonald used the building for fabrication of refrigeration panels. I worked at that building as a technician for the company from 1978 through 1990.


5. I specifically remember The Property having offices below, in the southwest corner of the building, as well as windows above. The offices below had 8 foot ceilings. We sometimes parked our trucks in the building.

6. Attached hereto collectively as Exhibit "A" are true and correct copies of five (5) photographs taken of The Property in 1981, after construction was complete. These photos depict the southwest front façade of the building, which has always contained windows below for the offices and above for the mezzanine area, and depict the building as I remember it. These photographs are part of the official business records of McDonald, and have continuously been

///

1 kept as such in the ordinary course of business.

2 I hereby declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct. Executed this 27th day of July, 2023, in Sand City, California.

4 
5 Robert David Alexander
6 McDonald Refrigeration, Inc.

DECLARATION OF BRAD ALEXANDER

I, Brad Alexander, hereby declare:

1. I was born on June 12, 1976. I am personally familiar with the facts and contents of this Declaration, and if called upon, could and would competently testify as to its contents from my own personal knowledge.

2. This Declaration is made regarding the commercial building located at 121 Calle del Oaks, Del Rey Oaks, California, 93940 ("The Property").

3. McDonald Refrigeration, Inc. ("McDonald"), was established in 1938, near Cannery Row, in Monterey, California, as a commercial and industrial refrigeration contractor. In 1988 my father, Robert David Alexander, who worked at McDonald Refrigeration as a technician from 1978 until 1988, purchased the company from owners Bob McDonald and Henry Lopez. Bob McDonald and Henry Lopez are now deceased. I began working for McDonald in approximately 1994, am still employed with the company, which my father still owns, and I have been an officer in the company for the past 15 years. McDonald is currently based in Sand City, California.

4. In 1977, McDonald purchased land located at 121 Calle del Oaks, Del Rey Oaks, California, 93940, which was at the time known as Del Rey Gardens (The Property). Attached hereto as Exhibit "A" are true and correct copies of the original deed and sale documents for McDonald's purchase of The Property. Attached hereto as Exhibit "B" is a true and correct copy of a business letter from McDonald Refrigeration, Inc., dated February 24, 1978, concerning the purchase of this land and intent to construct a building to become "the permanent home of McDonald Refrigeration, Inc." These documents are part of the official business records of McDonald that I maintain as an officer of the McDonald, and have continuously been kept as such in the ordinary course of business.

5. In 1978, McDonald constructed a commercial building on the land and used the building for fabrication of refrigeration panels.

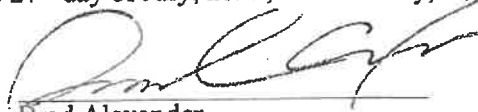
6. Attached hereto collectively as Exhibit "C" are true and correct copies of five (5) photographs taken of The Property in 1981, after construction was complete. These photographs

1 are part of the official business records of McDonald that I maintain as an officer of McDonald,
2 and have continuously been kept as such in the ordinary course of business. These photos depict
3 the southwest front façade of the building at The Property, which has always contained windows
4 below for the offices and above for the mezzanine area. Also, one of the photos depicts the inside
5 of the building, with a Bekins truck parked partially in the building next to the office and
6 mezzanine area.

7 7. When I was young, my father worked for McDonald at The Property. I recall
8 going to The Property on several occasions and I recall the front façade of the building having
9 windows below by the office and above by the mezzanine area just as they are depicted in the
10 photographs.

11 8. I recall that the mezzanine area was used to store supplies and perform technician,
12 service, repair and maintenance work. When I worked for the company in 1990, I remember
13 going onto that mezzanine to perform technician, service, repair and maintenance work. Access to
14 this area was by a set of stairs with a handrail that led to the mezzanine area.

15 I hereby declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct. Executed this 27th day of July, 2023, in Sand City, California.

17 

18 Brad Alexander

19 McDonald Refrigeration, Inc.
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McDonald Refrigeration, Inc.

Industrial, Commercial and Marine Equipment - Sales and Service - 850 Cannery Row - Monterey, California 93940 - Phone (408) 372-4032

February 24, 1978

To Whom It May Concern:

McDonald Refrigeration Inc., came into being in December 1938 in the city of Carmel in the areas of Commercial and Domestic refrigeration Sales and Service.

Due to our fast growth and also the fact that we were servicing the entire Central Coast area we had outgrown our quarters and found it necessary to find a new home. Following World War II in 1948 we moved to a new location at 560 Fremont St. in Monterey and soon became the largest Commercial and Industrial Refrigeration Contractor in the Coastal area.

Expansion of our operation into the area of Pre-fabricated Insulated Structures and also custom building of refrigeration equipment found it necessary to look for new quarters. At this point and due to the fact that most of the Canneries on Cannery Row either closed or went out of business we negotiated for and leased two large buildings for our continued operation. Our main plant for service and prefabrication is located at 850 Cannery Row. The move to Cannery Row was made in 1955 and will remain there until moving into our new home.

Our growth has been steady both in Sales and Service during the past twenty years on the Row. We have observed many changes taking place and find now that due to the tremendous expansion of Commercial properties into retail stores, galleries, shops and restaurants it again became necessary to look for other quarters to continue operation.

On July 28, 1977 after much consideration by the Corporate Officers, we decided to purchase a parcel of land in Del Rey Oaks. Our new home is to be located at 121 Calle Del Oaks Place which will become the permanent home of McDonald Refrigeration Inc. We feel this location will be more centrally located and will allow us to better serve the entire Central Coast area.

We have plans for the future, both in our operation by additions to our staff and also service and sales departments. Our primary objective is to be able to better serve the area without jeopardizing the reputation or tradition of McDonald Refrigeration in maintaining high professional standards in our business.

Sincerely,

MCDONALD REFRIGERATION INC.

Robert McDonald,
President.