smdp
Santa Monica Daily Press

FRIDAY
03.26.21
Volume 20 Issue 113

Comics & Stuff
Including the horoscope.
Pages 2 & 3

Crime Watch
An unregistered sex offender does exactly what you think he'd do.
Page 8

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De La Torre files lawsuit to settle 'common law' conflict dispute

BRENNON DIXON
SMDP Staff Writer

A few months after being barred from a closed session City Council meeting for an alleged conflict of interest, Councilmember Oscar de la Torre is suing the City of Santa Monica to ensure it doesn't happen again.

The lawsuit, filed earlier this month in California Superior Court, details the events of a Council meeting held on January 26 along with de la Torre's history as an advocate for district-based elections before asking for an injunction prohibiting the City of Santa Monica from preventing de la Torre's participation in all City Council decisions, deliberations and discussions, unless a court determines he does indeed have a conflict of interest in certain matters before Council.

"The City has received the lawsuit filed by Councilmember de la Torre challenging the Council's determination," City spokesperson Constance Farrell said in a statement that detailed de la Torre's involvement with the Pico Neighborhood Association and Maria Loya v. City of Santa Monica case, which is currently pending a decision by the California Supreme Court.

"The conflict is the result of Councilmember de la Torre's personal relationships with the two plaintiffs who brought the litigation against the City. Councilmember de la Torre is married to plaintiff Maria Loya and is a former co-chair, and was deposed in the litigation as the person most knowledgeable of plaintiff Pico Neighborhood Association," Farrell added, mentioning de la Torre is not precluded from participating in any Council discussions regarding the City's election system, and that the conflict precludes him only from participating in discussions and decisions regarding the pending lawsuit.

January's 4-2 vote, which resulted after more than an hour-

SEE **LAWSUIT** PAGE 9

California to vaccinate anyone 16 and older in 3 weeks

AMY TAXIN AND MICHAEL R. BLOOD
Associated Press

California will start vaccinating anyone 16 and over against the coronavirus starting in three weeks, expanding eligibility to the shots along with a host of other states as a long-awaited boost in vaccine supplies is in sight.

Gov. Gavin Newsom announced Thursday that the nation's most populous state would start vaccinating anyone 50 and over in a week and the population more broadly — except those under 16, for whom vaccines have not yet been authorized — on April 15.

The decision comes as California, which was initially slow to roll out the vaccines and has ramped up inoculations in recent weeks, expects to receive 2.5 million doses a week in the first half of the month and more than 3 million a week in the second — a big jump from the roughly 1.8 million doses a week the state currently gets.

"In just a few weeks, there'll be no rules, no limitations, as it relates to the ability to get a vaccine administered," Newsom said at a news conference in

SEE **VACCINATE** PAGE 8

The future of local dining is still outdoors



Matthew Hall

OUTSIDE: Many restaurants have expanded their outdoor dining sections to maximize their capacity.

CLARA HARTER
SMDP Staff Writer

Between residents' hesitancy to dine indoors and restaurants' desire to retain their expanded al-fresco seating, outdoor dining isn't going anywhere anytime soon, even as the County powers ahead with reopening.

Outdoor dining became Santa Monica's dominant recreational activity during the pandemic as new permitting processes allowed restaurants to spill out into parking lots, plazas, sidewalks, and streets. In the near future these programs are set to remain in place and the City is exploring options to make some of them permanent.

Indoor dining is currently allowed at 25 percent capacity, but both restaurateurs and residents have expressed reservations about participating. Last week a Daily Press survey of its readers revealed that only 30 percent of respondents said they intend on dining indoors in the next month.

While many restaurants have seized the opportunity to expand indoor service, several businesses with the financial ability to do so have decided to hold off on opening indoors.

"The majority of our employees are still in the vaccination process and we didn't want to reopen indoors until we felt that our staff was well protected," said Joel Dixon, COO of the Rustic Canyon Group, which owns nine local restaurants and is currently only offering outdoor dining.

Dixon said he was shocked by how quickly the County moved to reopen indoor dining and the group is deciding to move forward with staggered indoor dining room reopenings in April and May.

"We don't want to be the guinea pigs opening our space too early with all the variants out there right now," said Dixon. "When the stakes could be someone's life, we haven't been able to move quicker on something we can't be 100 percent confident in."

Currently many residents share Dixon's concerns. On a scale of 0 to 10, with ten being highly comfortable, the average respondent of the Daily Press survey ranked their comfort with indoor dining at a 3.6.

Outdoor dining, on the other hand, continues to boom in popularity and not just for its safety benefits.

Many residents greatly enjoy taking advantage of Santa Monica's excellent climate and dining in fresh air. In areas such as Main Street and Montana Ave, which have extensive parklet programs, outdoor dining has created a fun and flourishing open air social scene.

In the long-term both the City

SEE **DINING** PAGE 9


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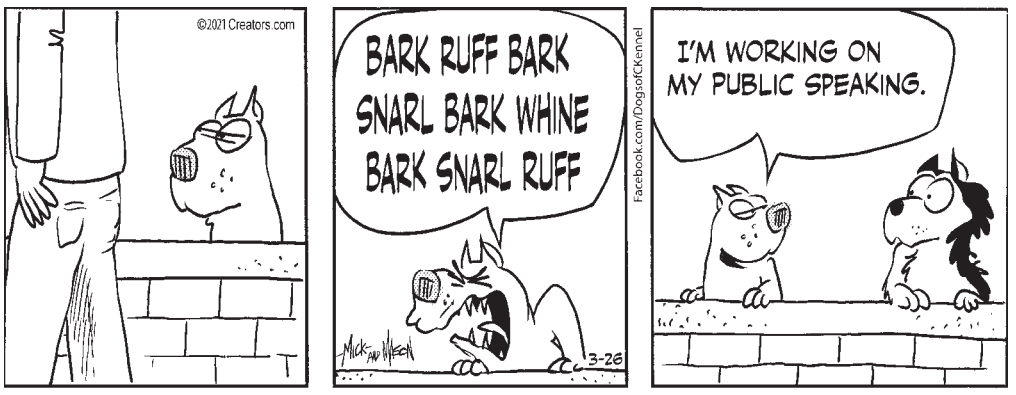
Agnes

By TONY COCHRAN



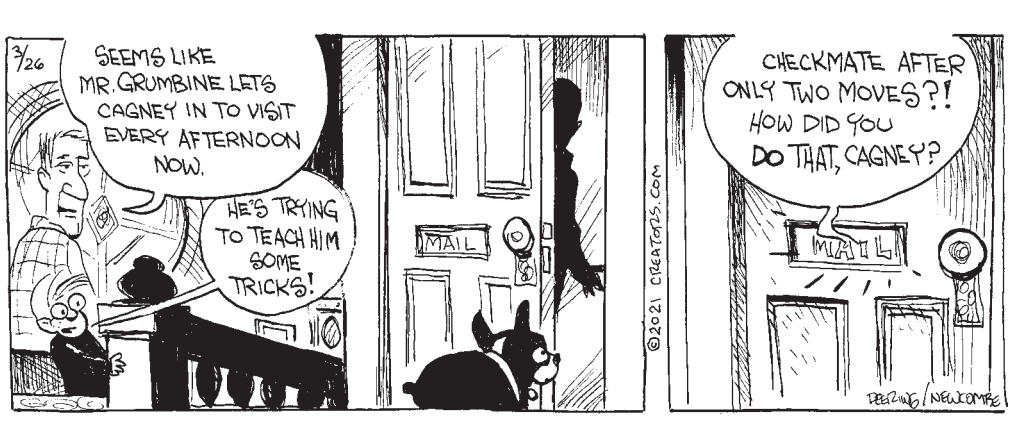
Dogs of C-Kennel

By MICK & MASON MASTROIANNI & JOHNNY HART



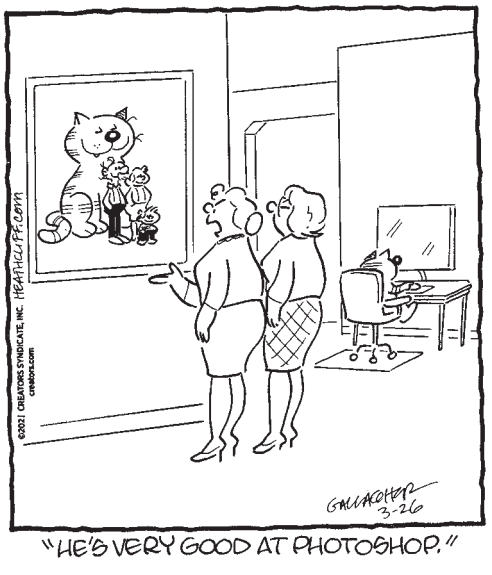
Zack Hill

By JOHN DEERING & JOHN NEWCOMBE



Heathcliff

By PETER GALLAGHER



Strange Brew

By JOHN DEERING





SURF FORECASTS

WATER TEMP: 53.6°

FRIDAY - **POOR TO FAIR** - SURF: 2-3ft+ Waist to stomach high
Pulse of peaky, shorter-period NW swell strongest early and west of Pt Dume where some SSW swell mixes in.

SATURDAY - **POOR** - SURF: 2-3ft+ Waist to stomach high
Peaky, modest blend of NW and SSW swell for exposed beachbreaks. Smaller but rideable for the south-facing points. Weak offshore flow and clean conditions for the morning.

WEATHER

Friday: Sunny, with a high near 63.
Friday Night: Clear, with a low around 48.
Saturday: Sunny, with a high near 72.

Date	Day	Time (LST/LDT)	Predicted (ft)	High/Low
2021/03/26	Fri	02:15 AM	1.27	L
2021/03/26	Fri	08:16 AM	5.54	H
2021/03/26	Fri	2:59 PM	-0.83	L
2021/03/26	Fri	9:17 PM	4.61	H
2021/03/27	Sat	02:56 AM	0.68	L
2021/03/27	Sat	08:59 AM	5.65	H
2021/03/27	Sat	3:29 PM	-0.76	L
2021/03/27	Sat	9:43 PM	5.02	H
2021/03/28	Sun	03:38 AM	0.14	L
2021/03/28	Sun	09:42 AM	5.54	H
2021/03/28	Sun	4:00 PM	-0.50	L
2021/03/28	Sun	10:12 PM	5.39	H
2021/03/29	Mon	04:22 AM	-0.28	L
2021/03/29	Mon	10:27 AM	5.19	H
2021/03/29	Mon	4:31 PM	-0.09	L
2021/03/29	Mon	10:44 PM	5.66	H
2021/03/30	Tue	05:11 AM	-0.54	L
2021/03/30	Tue	11:17 AM	4.65	H
2021/03/30	Tue	5:04 PM	0.45	L
2021/03/30	Tue	11:19 PM	5.77	H
2021/03/31	Wed	06:04 AM	-0.61	L

DAILY LOTTERY

POWERBALL
Draw Date: 3/24
4 9 17 27 38
Power#: 18
Jackpot: 238 M

MEGA MILLIONS
Draw Date: 3/23
12 23 35 38 55
Mega#: 11
Jackpot: 137 M

SuperLotto Plus
Draw Date: 3/24
10 11 13 32 38
Mega#: 17
Jackpot: 32 M

Fantasy 5
Draw Date: 3/24
8 14 23 25 28

Daily 3
Draw Date: 3/24
EVENING: 1 2 6
Draw Date: 3/24
MIDDAY: 2 5 1

Daily Derby
Draw Date: 3/24
1st: 11 - Money Bags
2nd: 09 - Winning Spirit
3rd: 02 - Lucky Star
Race Time: 1:48.89

Although every effort is made to ensure the accuracy of the winning number information, mistakes can occur. In the event of any discrepancies, California State laws and California Lottery regulations will prevail. Complete game information and prize claiming instructions are available at California Lottery retailers. Visit the California State Lottery web site at http://www.calottery.com

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TODAY'S BIRTHDAY (MARCH 26)

You'll often apply your warrior's heart to causes of peace. That which you beautify and harmonize will attract wondrous attention. You'll receive a remarkable communication. With your great curiosity and the courage to follow it, you'll land in a place of options aplenty! You'll reclaim a powerful desire and aim it more effectively than before. Taurus and Gemini adore you. Your lucky numbers are: 19, 1, 4, 16 and 22.

ARIES (March 21-April 19). Different people inspire you to connect to different parts of your nature. Who has you seeking your better angels? Those are the folks to fill your mind, heart and time with now.

TAURUS (April 20-May 20). Don't worry. You didn't meet the right person at the wrong time because that's not even a thing. There's only meeting people when you do and making it mean something to you.

GEMINI (May 21-June 21). Around people who don't yet know you, your options are wide open. You can be anyone you want or dare to be. And though it's more work, the same principle actually applies to people who know you well.

CANCER (June 22-July 22). While it's natural to find conflict off-putting, avoiding it altogether would be harmful. Resign yourself to the idea that difficult discussions are often necessary to reach a satisfying compromise.

LEO (July 23-Aug. 22). You're drawn to people with a pleasant resting face and an all-around excellent default personality. Usually, you only see those things when the chips are down and so are defenses, but you have a sixth sense about it now.

VIRGO (Aug. 23-Sept. 22). To be in a mix where people want what you have is to know the power of leverage. You have had it before and will get it again, once you see and present one of your many gifts in a new light.

LIBRA (Sept. 23-Oct. 23). You lavish demonstrations of respect, attention and love on those in your circle but sometimes forget that you are part of that circle, too, and arguably the most important part. You put the "you" in "your circle."

SCORPIO (Oct. 24-Nov. 21). It's true that there are many with less than you have, but it's not a cause for you to feel guilty. Instead, move your stewardship to a higher level of doing the most good.

SAGITTARIUS (Nov. 22-Dec. 21). Even though digital clutter doesn't really take up much of your living space, it can rent a disproportionate amount of space in your psyche and to deleterious effect. Good email organization will revitalize.

CAPRICORN (Dec. 22-Jan. 19). Leave draining environments. You know who influences you in an exciting direction and should settle for no less. You can never have enough positive influences, so keep up the quest.

AQUARIUS (Jan. 20-Feb. 18). That thing you wished for again and again was not a childish impulse of the past but a calling inside of a chrysalis. It's still growing and will take a new form. What can you do to feed the process?

PISCES (Feb. 19-March 20). Is it possible to revere someone without a pedestal? To prop your admired one up too far is to set them up for a fall. Stay on equal footing. There is just as much to admire in the parallel view.

SOLUTIONS TO YESTERDAY'S CROSSWORD

S	T	A	B	■	I	T	C	H	Y	■	A	L	T	O
I	O	T	A	■	T	A	H	O	E	■	L	O	O	K
T	F	O	R	M	A	T	I	O	N	■	P	I	T	A
S	U	N	B	E	L	T	■	■	■	S	A	S	S	Y
■	■	■	A	X	I	O	M	A	T	I	C	■	■	■
S	C	A	D	■	C	O	A	T	O	F	A	R	M	S
T	O	R	O	S	■	■	W	O	N	T	■	H	A	I
A	M	I	S	T	A	D	■	P	E	E	P	I	N	G
M	B	A	■	O	V	A	L	■	■	R	A	N	I	N
P	O	L	O	P	O	N	I	E	S	■	P	E	A	S
■	■	■	L	I	N	E	D	A	N	C	E	■	■	■
B	U	N	D	T	■	■	■	T	E	A	R	S	A	T
I	P	O	S	■	J	E	R	S	E	Y	C	O	W	S
B	O	N	A	■	A	M	O	U	R	■	U	T	E	P
S	N	O	W	■	B	U	M	P	S	■	T	O	S	S

Sudoku

Fill in the blank cells using numbers 1 to 9. Each number can appear only once in each row, column, and 3x3 block. Use logic and process of elimination to solve the puzzle.

SOLUTIONS TO YESTERDAY'S SUDOKU

6	3	5	7	2	1	8	9	4
2	9	4	6	3	8	7	5	1
8	1	7	9	5	4	2	3	6
1	6	9	5	8	2	4	7	3
5	4	2	1	7	3	9	6	8
3	7	8	4	9	6	5	1	2
4	5	3	2	6	9	1	8	7
7	2	6	8	1	5	3	4	9
9	8	1	3	4	7	6	2	5

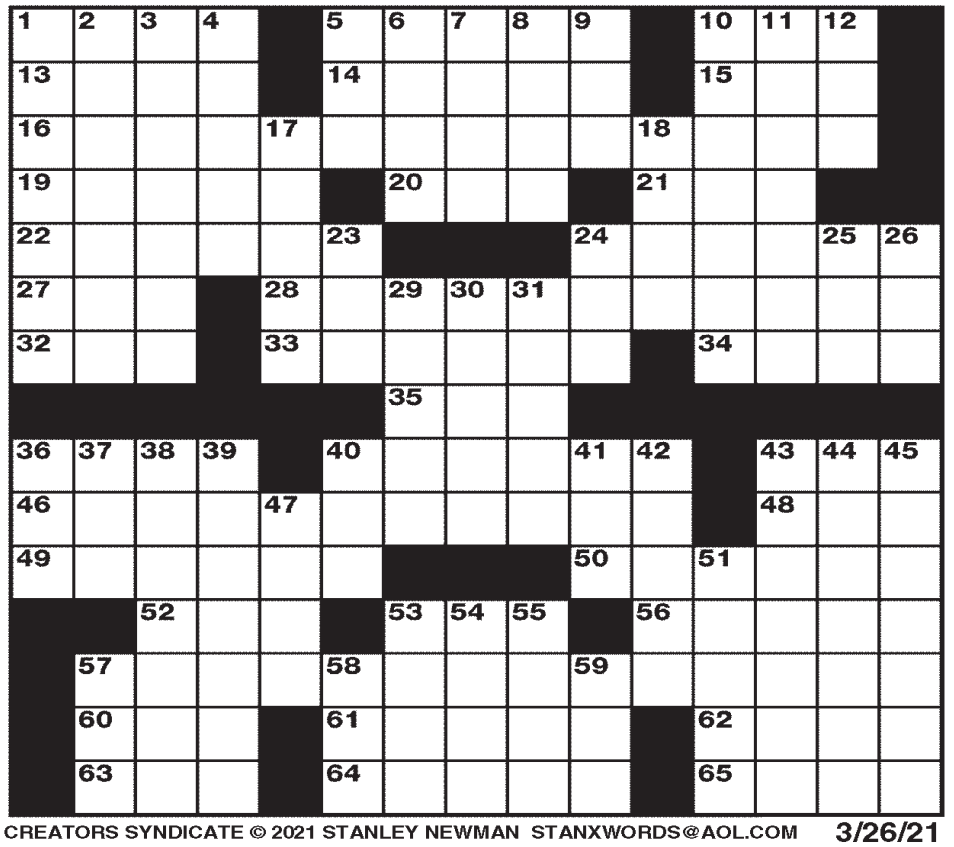
	5		2			4		
				1			2	3
		3		7	5	1		
	8	2				9		5
			3		8			
7		9				6	8	
		8	9	5		7		
1	2			3				
		5			2		1	

Newsday Crossword

CUT THAT OUT by S.N.
Edited by Stanley Newman
www.stanxwords.com

ACROSS
1 "Amscray!"
5 Eat up
10 A question of identification
13 Rio beach
14 Vexation
15 Big mouth
16 With 28 Across, reason given by 46 Across for wanting to cut 57 Across
19 Half a snack-brand company
20 Letters on some bouquets
21 Where IM Pei got a degree
22 Directly opposite
24 Tape player function
27 Before now
28 See 16 Across
32 Annual Hanoi holiday
33 Measures for the Ark
34 Airborne annoyance
35 Purloin
36 Motorcar patentee (1886)
40 Mat in a teahouse
43 Female seal
46 Studio boss who wanted to cut 57 Across
48 One of California's Santas
49 Gossip spreaders
50 Friend of rhyme
52 "I knew it!"
53 Nautical direction
56 Particle in protons
57 AFI's #1 tune in American cinema
60 *Ben-__: A Tale of the Christ*
61 Web browser since the '90s
62 Spaghetti __ carbonara
63 Atlas abbr.
64 Tissue in plants
65 Lean (on)

DOWN
1 Mock
2 True grit
3 Jam flavor
4 Scrumptious, in product names
5 MPG ratings issuer
6 Foam ball brand
7 Yorick's "infinite" asset
8 Ancient Roman poet
9 Nagging feeling
10 Pre-printing convenience of PC software
11 Creole speaker
12 Go (for)
17 Invigorant
18 FBI guys
23 Bearded antelope
24 Train cos.
25 FDR's price-control agency
26 Ms. Carson's target
29 James __ Garfield
30 Flora + fauna
31 No longer a threat
36 Fogg emulator
37 Fair hiring letters
38 Newest Canadian territory
39 Guitar cousins
40 Butter amt.
41 *Little Women*'s eldest
42 Spender of dinars
43 Accomplished
44 Hot at the moment
45 Aisle, for instance
47 German industrial region
51 Part of LEM
53 Signal to a hand
54 Chop down
55 Fruit source
57 Current-slowing measure
58 Overexert
59 Inlet, to an ocean



CREATORS SYNDICATE © 2021 STANLEY NEWMAN STANXWORDS@AOL.COM 3/26/21

Binary Puzzle

Each cell should contain a zero or a one. No more than two similar numbers below or next to each other are allowed. Each row and each column is unique and contains as many zeros as ones.

SOLUTIONS TO YESTERDAY'S PUZZLE

0	1	0	1	0	1	1	0	1	1	0	0
0	1	1	0	1	0	0	1	1	0	0	1
1	0	0	1	1	0	1	0	0	1	1	0
1	0	1	0	0	1	0	0	1	1	0	1
0	1	1	0	1	0	1	1	0	0	1	0
1	0	0	1	0	0	1	0	1	1	0	1
1	1	0	0	1	1	0	1	0	0	1	0
0	1	1	0	1	0	1	0	1	1	0	0
1	0	0	1	0	1	0	1	0	0	1	1
1	1	0	0	1	0	1	1	0	1	0	0
0	0	1	1	0	1	0	0	1	0	1	1
0	0	1	1	0	1	0	1	0	0	1	1

1								1			
						1	1			0	
				1							
									1		1
					1						
		1					1		0	0	
	1			0							
				0		1			0		0
	1	1						1			
	1					0				1	
1			0					0			1
	1	1						0		1	



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FIND THE WORDS

This is a theme puzzle with the subject stated below. Find the listed words in the grid. (They may run in any direction but always in a straight line. Some letters are used more than once.) Ring each word as you find it and when you have completed the puzzle, there will be 21 letters left over. They spell out the alternative theme of the puzzle. © australianwordgames.com.au 5064

Summertime

S R O O D T U O H F R U S T H
B F A N S H E M E O B W H A T
S E O E G P O H B A T I R E D
A T E T I O C R R R C T T T Y
Y H A R A R M E R E E I E N D
E L G M O L F S C E U L N R O
N D A C I E E O E R N U L R O
O A S M E N L G F I S D S A F
L L H T O D A E M E L T O A A
C A R B O N D I O X I D E U E
Y S E R U T A R E P M E T M S
C R A N K Y T E B R O S U I O
S H O W E R N I A R T I C W H
N E Z A H G B I K I N I A S U
F O R E C A S T E L N I N O P

Acute
Anomaly
Bake
Bare feet
Beer
Bikini
Carbon dioxide
Cranky
Cyclone
El Nino
Fans
Forecast
Fruit
Gelato
Gripe
Hat
Haze
Horrendous
Hose
Hotter
Ice cold
Melt
Outdoors
Rain
Salad
Scorch
Seafood
Shower
Smog
Sorbet
Stamina
Sunny
Surf
Swim
Temperature
Tired
Umbrella

SOLUTIONS TO YESTERDAY'S WORDS PUZZLE.
Collecting shells

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DAILY POLICE LOG

SMDP STAFF CHOSE THE FOLLOWING FROM 242 CALLS ON MARCH 24

Traffic/Vehicle Stop Lincoln Blvd / Pico Blvd 12:41 a.m.
Silent Burglar Alarm 1200blk Lincoln Blvd 12:41 a.m.
Vehicle Burglar Alarm 1800blk Santa Monica Blvd 1:33 a.m.
Traffic/Vehicle Stop 1000blk Ocean Park Blvd 1:40 a.m.
Living In A Vehicle 5th St / California Ave 2:59 a.m.
Traffic/Vehicle Stop 26th St / Santa Monica Blvd 3:35 a.m.
Found Property 1300blk 14th St 6:31 a.m.
Indecent Exposure Now 700blk Palisades Park 6:57 a.m.
Indecent Exposure Now 700blk Palisades Park 6:58 a.m.
Battery Now 1700blk Ocean Front Walk 7:01 a.m.
Auto Burglary Report 300blk Marine St 7:17 a.m.
Petty Theft Now 1200blk Grant St 7:52 a.m.
Check Temporary No Parking Signs 900blk 14th St 8:03 a.m.
Violation Of Posted Sign 1200blk 5th St 8:10 a.m.
Violation Of Posted Sign 1200blk 2nd St 8:14 a.m.
Traffic Collision With Injuries 2300blk Wilshire Blvd 8:14 a.m.
Traffic Hazard 1100blk Lincoln Blvd 8:22 a.m.
Violation Of Posted Sign 2000blk Delaware Ave 8:29 a.m.
Fraud Report 2600blk Lincoln Blvd 8:30 a.m.
Mark & Tag Abandoned Vehicle 2100blk Dewey St 9:19 a.m.
Violation Of Posted Sign 300blk Montana Ave 9:27 a.m.
Attempt Burglary Report 1100blk 17th St 9:28 a.m.
Check Temporary No Parking Signs 2300blk 34th St 9:36 a.m.
Auto Burglary Just Occurred 22nd St / Georgina Ave 9:55 a.m.
Found Property 1500blk Princeton St 9:59 a.m.
Mark & Tag Abandoned Vehicle 1700blk Delaware Ave 10:11 a.m.
Auto Burglary Report 1300blk Ozone Ave 10:16 a.m.
Violation Of Preferential Parking Zone 3300blk Barnard Way 10:27 a.m.
Indecent Exposure Just Occurred 1300blk 4th St 10:40 a.m.
Health & Safety Code Violation 1200blk 15th St 10:53 a.m.
General Parking Problem 1300blk 18th St 10:54 a.m.
Violation Of Preferential Parking Zone 600blk Pacific St 11:17 a.m.
Drinking In Public 1300blk Wilshire Blvd 11:19 a.m.
Traffic Control Request - Level 1 1300blk Hill St 11:35 a.m.
Grand Theft Auto Report 5th St / Arizona Ave 11:36 a.m.
Found Property 300blk Olympic Dr 12:24 p.m.
Petty Theft Report Appian Way / Pacific Ter 1:01 p.m.
Silent Robbery Alarm 700blk Wilshire Blvd 1:08 p.m.
Lost Property 1700blk The Beach 1:19 p.m.
Fight 1400blk Ocean Ave 1:21 p.m.
Battery Just Occurred 300blk Santa Monica Blvd 1:22 p.m.
Auto Burglary Report 1400blk 4th St 1:27 p.m.
Petty Theft Report 1400blk Ocean Ave 1:35 p.m.
Person With A Gun 400blk Santa Monica Blvd 2:03 p.m.
Check Temporary No Parking Signs Ocean Ave / Alta Ave 2:07 p.m.
Petty Theft Report 2nd St / Idaho Ave 2:08 p.m.
Theft Suspect In Custody 200blk Broadway 2:10 p.m.
Check Temporary No Parking Signs 500blk Santa Monica Blvd 2:27 p.m.
Traffic Hazard 1900blk Main St 2:28 p.m.
Traffic Hazard 20th St / Santa Monica Blvd 2:34 p.m.
Fraud Report 1200blk 25th St 2:45 p.m.
Hit And Run Misdemeanor Investigation 1200blk 4th St 2:51 p.m.
Violation Of Posted Sign 300blk Santa Monica Blvd 3:13 p.m.
Traffic Hazard Lincoln Blvd / Ocean Park Blvd 3:35 p.m.
Grand Theft Auto Report 1300blk Pico Blvd 3:44 p.m.
Encampment 1400blk Lincoln Blvd 3:44 p.m.
Fraud Report 1200blk 5th St 3:58 p.m.
72 Hour Psychiatric Hold 2200blk San Vicente Blvd 4:01 p.m.
General Parking Problem 900blk 15th St 4:07 p.m.
Fraud Report 1500blk 16th St 4:36 p.m.
Traffic Collision - No Injuries 800blk Ocean Ave 4:41 p.m.
Grand Theft Auto Report 2400blk 10th St 4:51 p.m.
Fight 1100blk Lincoln Blvd 4:58 p.m.
Hit And Run Misdemeanor Investigation 1200blk 4th St 5:06 p.m.
Check Temporary No Parking Signs 800blk Washington Ave 5:09 p.m.
Auto Burglary Report 1500blk Pacific Coast Hwy 5:11 p.m.
Burglary Report 1300blk 14th St 5:20 p.m.
Battery Report 1500blk Pacific Coast Hwy 5:57 p.m.
Loud Music 2700blk Barnard Way 6:10 p.m.
Red Zone Violation 7th St / Santa Monica Blvd 6:19 p.m.
Petty Theft Report 800blk Idaho Ave 6:22 p.m.
Traffic Collision - No Injuries 1600blk 5th St 6:39 p.m.
Drunk Driving Investigation 1400blk Lincoln Blvd 6:41 p.m.
Vehicle Blocking Driveway 1800blk Ocean Park Blvd 6:44 p.m.
Construction Noise 2600blk Montana Ave 7:04 p.m.
Found Property 1400blk 4th St 7:06 p.m.
Vehicle Burglar Alarm 1900blk Cloverfield Blvd 7:10 p.m.
Encampment 3100blk Arizona Ave 7:35 p.m.
Kidnap Report 1800blk 9th St 8:10 p.m.
Battery Just Occurred 1500blk Ocean Ave 8:18 p.m.
Found Property 700blk 14th St 8:34 p.m.
Lost Property 1500blk The Beach 8:42 p.m.
Critical Missing Person 2000blk Ocean Ave 8:56 p.m.
Out Of Order Traffic Signals 3rd Street Prom / Broadway 9:13 p.m.
Panhandling 2500blk Lincoln Blvd 9:20 p.m.
Battery Just Occurred 3rd Street Prom / Broadway 10:12 p.m.
Vehicle Parked In Alley 200blk Montana Ave 10:13 p.m.
Death Investigation 1100blk 7th St 10:30 p.m.
Battery Just Occurred 2700blk Barnard Way 10:42 p.m.
Report Of Shots Fired Euclid St / Pico Blvd 11:13 p.m.
Loud Music 2800blk 2nd St 11:14 p.m.
Runaway 200blk Pacific St 11:22 p.m.
Domestic Violence Report 1400blk 5th St 11:36 p.m.
Living In A Vehicle Lincoln Blvd / Ozone Ave 11:39 p.m.
Exhibition Of Speed Ocean Ave / Wilshire Blvd 11:47 p.m.

DAILY FIRE LOG

SMDP STAFF CHOSE THE FOLLOWING FROM 31 CALLS ON MARCH 24

EMS Lincoln Blvd / Marine St 12:34 a.m.
EMS 700blk Palisades Park 7:06 a.m.
EMS 400blk Marguerita Ave 8:18 a.m.
EMS 1900blk 11th St 8:22 a.m.
EMS 800blk Santa Monica Blvd 8:59 a.m.
Traffic Collision Physical Rescue On The Freeway 1700blk Interstate 10 9:15 a.m.
Odor Investigation 2300blk 33rd St 9:16 a.m.
EMS 2700blk Ocean Park Blvd 10:23 a.m.
EMS 2400blk Oak St 10:55 a.m.
Automatic Alarm 1400blk 4th St 11:00 a.m.
Broken Gas Main 1300blk Hill St 11:29 a.m.
EMS 800blk 11th St 12:01 p.m.
EMS 2500blk 7th St 12:21 p.m.
EMS 1900blk Pico Blvd 12:26 p.m.
Public Assist 2700blk Santa Monica Blvd 12:55 p.m.
Automatic Alarm 1500blk California Ave 1:34 p.m.
Wires Down 2400blk 2nd St 1:58 p.m.
EMS 1300blk 17th St 2:06 p.m.
EMS 1900blk Pico Blvd 2:06 p.m.
Automatic Alarm 3200blk Olympic Blvd 2:14 p.m.
EMS 2000blk Santa Monica Blvd 3:14 p.m.
EMS 1700blk 4th St 4:00 p.m.
EMS 2200blk Virginia Ave 5:12 p.m.
EMS 1300blk 17th St 5:54 p.m.
EMS 1400blk 7th St 6:26 p.m.
EMS Main St / Bicknell Ave 6:30 p.m.
EMS 2400blk Pico Blvd 6:49 p.m.
EMS 400blk 19th St 8:28 p.m.
EMS 1500blk Ocean Ave 8:29 p.m.
EMS 2200blk 29th St 9:38 p.m.
EMS 1100blk 7th St 9:57 p.m.

Santa Monica Daily Press
Classifieds
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Announcements	Boats	Houses for Rent	Vehicles for Sale	Opportunities	Personals
Creative	Jewelry	Roommates	Massage	Yard Sales	Psychic
Employment	WantedvvTravel	Commercial Lease	Services	Health and Beauty	Obituaries
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COMMUNITY BRIEFS

Citywide

No new trial for man convicted of shooting SMPD officer

The California Supreme Court will not review the case of a man convicted of trying to kill a Santa Monica police officer.

In a ruling Wednesday, the court denied a request to review the case but the suspect will still receive a new sentence following an earlier court decision to reduce his convictions.

In 2010, Dante Leverette was a passenger in a vehicle that was stopped because the driver was believed to be drunk. During the stop, Leverette got out of the vehicle, fired at officers and struck Officer Benito Seli below his vest. Leverette then fled on foot.

A search of the area involving SWAT, K-9 officers and police from various agencies including the Beverly Hills, Culver City Inglewood and Gardena police departments, ended with at least one officer wounding Leverette and taking him into custody.

He was eventually convicted on three counts of attempted murder due to several officers being near the gunfire. Earlier this year, the 2nd District Court of Appeal ordered a new sentencing for Leverette after ruling that two of the three attempted murder charges were incorrect citing evidence that Leverette only intended to shoot at one officer. The court also dismissed several enhancements on his charges saying Leverette's past crimes didn't justify the additional charges.

MATTHEW HALL

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[1] "Medicare & You," Centers for Medicare & Medicaid Services, 2020
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Los Angeles park closed after protest to save homeless camp

CHRISTOPHER WEBER
Associated Press

A newly installed fence surrounded a Los Angeles park Thursday after a late-night confrontation between police and vocal demonstrators who oppose the city's effort to remove a large homeless encampment and perform what officials say are necessary repairs to the site.

People who were already living in tents at Echo Park Lake were allowed to remain overnight but were given 24 hours notice to leave, Police Chief Michel Moore said on social media.

"Housing resources are being provided to everyone," he said.

Hours earlier, demonstrators including advocates and homeless people faced off against a line of police wearing riot helmets. Protesters carried signs that said "dignity, not displacement" and "we need long term solutions." They said that the encampment offers a community setting for people without means who have nowhere else to live.

A police statement said there were verbal confrontations but that the protest was largely peaceful and demonstrators voluntarily departed. One person was arrested for failing to comply with an officer's orders and officers twice used force that was characterized as minor, police said.

Streets around the park were sealed off by officers Thursday morning and the Echo Park neighborhood was quiet.

The encampment had overtaken the park's grassy areas surrounding the lake, an oasis-like locale where locals and tourists normally stroll and picnic on the lake's banks, which include a towering fountain and a view of the downtown skyline.

Area City Councilmember Mitch O'Farrell said 160 homeless residents had so far been moved from the park into transitional shelters.

"We have had a very successful housing operation that began in January," O'Farrell told reporters Thursday. He said the city has contracted with the nonprofit Urban Alchemy to help homeless residents clean up their campsites and move.

The Los Angeles Homeless Services Authority said its outreach workers had moved 44 people into housing on Monday and Tuesday, mostly into hotel rooms under the state-funded Project Roomkey program aimed at providing shelter for those most at risk during the coronavirus pandemic.

Antonia Ramirez, who said she's been homeless for 20 years, vowed to stay at her camp site at Echo Park Lake and risk being arrested. Ramirez, who said she has lived at parks in Los Angeles and in neighboring Orange County, said she moved in days earlier.

"I'm not leaving. I will be arrested and I will spend my time in jail," said Ramirez, 60.

No timeline was provided for the closure, which O'Farrell's office said was necessary to make "extensive repairs" to lighting and plumbing at the park and for general "public safety improvements."

The encampment has been the site of drug overdoses, assaults and shootings, with four deaths in the park over the past year, according to a statement from O'Farrell's office.

The location of the encampment in the fast-gentrifying Echo Park neighborhood gave it a high profile, but it was not unique for the metro Los Angeles area. Tents can be found throughout the city and region despite an array of state and local programs aimed at sheltering people and transitioning them to permanent housing.

A January 2020 count by the Los Angeles Homeless Services Authority reported that there were more than 66,400 homeless people living in Los Angeles County — by far the largest single concentration in the state.

That included more than 41,000 people within Los Angeles city limits. Both figures were up more than 12% from the previous year. The annual count was canceled for 2021 because of the pandemic.

Among major legal actions on the issue is a federal court lawsuit filed by a group of business owners, residents and community leaders called the LA Alliance for Human Rights.

The lawsuit accuses the city and county of failing to comprehensively address the desperation that homeless people face — including hunger, crime, squalor and the coronavirus pandemic.

U.S. District Judge David Carter, who is overseeing the case, called parties to a hearing in a Skid Row parking lot last month and said that if politicians can't provide solutions, he wants to explore what powers the court has to order and oversee remedies.

Invoking the 1950s civil rights case Brown vs. Board of Education, Carter said there is strong precedence of the federal courts acting "after a long period of inaction by local government officials."

Associated Press photojournalists Damian Dovarganes and Marcio Sanchez and AP writer John Antczak contributed to this report.

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California high court: Judges must weigh ability to pay bail

DON THOMPSON
Associated Press

The California Supreme Court ruled Thursday that judges must consider suspects' ability to pay when they set bail, essentially requiring that indigent defendants be freed unless they are deemed too dangerous to be released awaiting trial.

"The common practice of conditioning freedom solely on whether an arrestee can afford bail is unconstitutional," the justices said in a unanimous decision.

Judges can require electronic monitoring, regular check-ins with authorities or order the suspect to stay in a shelter or undergo drug and alcohol treatment, Associate Justice Mariano-Florentino Cuéllar wrote on behalf of the court — conditions that "in many cases protect public and victim safety as well as assure the arrestee's appearance at trial."

However, "what we hold is that where a financial condition is nonetheless necessary, the court must consider the arrestee's ability to pay the stated amount of bail — and may not effectively detain the arrestee 'solely because' the arrestee 'lacked the resources' to post bail."

There are times when protecting the community means the suspect cannot be released at all, they said, but then "a court must first find by clear and convincing evidence that no condition short of detention could suffice."

The decision comes after voters in November rejected a state law that would have ended California's cash bail system entirely by substituting risk assessments for every suspect, and after months when a judicial order set bail at zero for lower-level offenses during the coronavirus pandemic. The court's ruling allows cash bail, so long as defendants can afford it.

The justices adopted the same argument that state lawmakers used in passing the 2018 law ending cash bail, and that is driving new proposed legislation that would set bail at $0 for misdemeanors and low-level felonies.

"Hallelujah!" Democratic state Sen. Robert Hertzberg, who is backing both reform efforts, said in a statement. "Cash bail is unjust, and what the court made clear is that cash bail does not work. It does not make us safer, it wastes tax payer money, and it is discriminatory. We still have more to do, but this is a great day."

While it considered the case, the high court in August took the extraordinary step of requiring California judges to follow a lower court ruling and set bail amounts based on what suspects can afford to pay.

Bail is money or property that can be forfeited if suspects fail to appear for trial. If the suspect can't afford bail, judges can consider alternatives like releasing them on their own recognizance, potentially with restrictions like ankle monitors.

Previously, judges set bail based on suspects' criminal records and pending charges. Critics said that let wealthy suspects go home to prepare for trial while lower-income defendants stayed locked up, a system they said encouraged some innocents to plead guilty to get out of jail.

The appeals court ruling had support including from then-Attorney General Xavier Becerra, who said judges should consider if suspects are dangerous or likely to flee when deciding whether to keep them in jail while awaiting trial.

Becerra was confirmed last week as President Joe Biden's health and human services secretary, and Gov. Gavin Newsom on Wednesday nominated Assemblyman Rob Bonta to replace him. Bonta is one of the Legislature's main proponents of ending cash bail, backing both the law rejected by voters and identical Assembly and Senate bills this year that would set bail at $0 for low-level felonies and misdemeanors.

"The jailhouse door should not swing open and closed based on how much money someone has," Bonta said in January when he and other Democratic lawmakers introduced the new legislation. "There is no disputing the present system wrongly treats people who are rich and guilty better than those who are poor and innocent."

Judicially creating a new "ability to pay" consideration would violate the Victims' Bill of Rights Act, also known as Marsy's Law, approved by California voters in 2008, the Criminal Justice Legal Foundation argued in a friend of the court brief.

The foundation, which represents the interests of crime victims, contended that making cash bail contingent on suspects' ability to pay violates state law, which allows for considering the safety of the public and victim, the seriousness of the alleged crime, the suspect's criminal record, and the likelihood that he or she will flee.

Judges already had the ability to release suspects on their own recognizance, foundation attorney Kymberlee Stapleton said after the ruling.

"The money bail is there to ensure that they do come back for their trial date, and they're incarcerated to protect the victim or the public," she said. "It's hard to tell what impact this will have on victim and public safety going forward."

The high court's ruling came in the case of 66-year-old Kenneth Humphrey of San Francisco, who was jailed for more than eight months because he couldn't post $350,000 bail on charges of stealing $5 and a bottle of cologne from a neighbor in a senior housing complex in May 2017.

The Association of Deputy District Attorneys in Los Angeles County noted that Humphrey has a long criminal record and so faced a potentially long prison sentence on charges including robbery and residential burglary. He is alleged to have demanded money from a 79-year-old man who uses a walker, then followed the victim into his apartment where he stole the items.







VACCINATE

FROM PAGE 1

Orange County. "This state is going to come roaring back."

The move comes as some California counties have veered away from the state's vaccine eligibility criteria by opening up the shots for people with a broader range of medical conditions than those required in most places, and in some cases, at younger ages. It also comes as governors across the country have expanded eligibility for the vaccine as supplies have increased. Florida said Thursday it will open eligibility to anyone 18 and older on April 5, while New York has expanded eligibility to anyone 50 and up.

Californians have already been seeing a patchwork of eligibility requirements with some areas letting more people get vaccinated than the state criteria allow. In some counties, people 50 and up could already sign up for the shots, while San Diego County has expanded the range of qualifying health conditions to include moderate to severe asthma, being overweight and having Type 1 diabetes.

California has administered more than 15 million coronavirus vaccines. Initially, more affluent residents who could afford to spend hours scouring complicated web portals were snagging more appointment slots, prompting public health officials to take measures aimed at getting more of the doses to underserved communities where the virus has hit the hardest.

The state of 40 million people has seen coronavirus infections plummet in recent weeks following a winter surge. That has paved the way for more businesses to reopen and more schools to bring back in-person instruction.

State public health officials have said more activity can resume as vaccinations continue to rise in the poorest communities. But they have not said how many shots will need to be administered to push beyond its color-coded system guiding business reopenings.

Newsom said Thursday the state will continue to target underserved communities by working with labor groups to reach essential workers and letting health providers target vaccinations by ZIP code.

Even with the expansion, the Newsom administration said it will still take several months for willing Californians to be vaccinated.

Jose Arballo, a spokesman for Riverside County's health agency, said the county is ready to ramp up vaccinations. Supplies have increased in recent weeks, there are more appointments available, and the county opened up 30,000 appointments this week, he said — far above previous weeks when slots hovered in the low 20,000s.

"Any time we can vaccinate more people, that's a good thing," Arballo said. "We believe we'll have the supply needed to handle any increase in eligibility."

Kern County welcomed the move and said in a statement that public health officials were urging residents who qualify now to sign up for their shots "as we are unsure what the availability of vaccination appointments will look like once these additional eligibility groups are opened."

Earlier this month, California opened up vaccine eligibility to include people with developmental disabilities and those with a list of serious health conditions including chronic pulmonary disease with oxygen dependence and cancer. Since then, some residents said they've seen others without those conditions get in line for a shot, too, knowing that vaccination sites are operating on a so-called "honor system" and won't require medical documentation.

Dr. Louise Aronson, a leading geriatrician at University of California, San Francisco and member of the governor's vaccine drafting guidelines committee, said in a recent interview that she knows of too many people who have received the vaccine when they don't qualify. She said she has heard of people claiming eligible occupations at pharmacies that don't verify and of a worker at a mass vaccination site in the East Bay Area holding back doses for friends.

Part of the problem has been the lack of uniformity from county to county, which makes people believe the standards put in place are arbitrary, she said.

"There are a whole lot of cheaters, and this is just my anecdotal experience," she said.

Eyal Oren, associate professor of epidemiology at San Diego State University, said there have been a lot of changes in the vaccination system as supplies have increased. He said he believes the doses are finally there to allow for this expansion.

"We're in this race of trying to get more people immunity," he said.

Associated Press writers Janie Har and Jocelyn Gecker in San Francisco contributed to this report.

CRIME WATCH BY DAILY PRESS STAFF

Crime Watch is culled from reports provided by the Santa Monica Police Department. These are arrests only. All parties are innocent until proven guilty in a court of law.

ON MARCH 12 AT 8:40 P.M.

SMPD officers were dispatched to the 1300 block of the 3rd Street Promenade for a report of indecent exposure. At the scene, officers were provided information, including a suspect description, for a male that entered the store and proceeded to expose himself to the staff. Officers located the suspect who was positively identified by the victim. Sabon Zeigler was arrested for 314 PC - Indecent Exposure along with 290.012 for violation of his annual sexual offender registration requirement. He was transported to the Santa Monica Jail for processing.

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The Santa Monica Daily Press publishes Monday - Saturday with a circulation of 8,200 on weekdays and 8,000 on the weekend. The Daily Press is adjudicated as a newspaper of general circulation in the County of Los Angeles and covers news relevant to the City of Santa Monica. The Daily Press is a member of the California Newspaper Publisher's Association, the National Newspaper Association and the Santa Monica Chamber of Commerce. The paper you're reading this on is composed of 100% post consumer content and the ink used to print these words is soy based. We are proud recipients of multiple honors for outstanding news coverage from the California Newspaper Publishers Association as well as a Santa Monica Sustainable Quality Award.

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WINNER

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LAWSUIT

FROM PAGE 1

and-a-half of contentious discussion and fiery debate, also disqualified de la Torre from voting on any decisions relating to the Pico Neighborhood Association and Maria Loya v. City of Santa Monica case as well, which he said conflicts with the wishes of the voters who elected him into office.

"The City Council majority voted to keep me from engaging on an issue that I was elected to address," de la Torre said. "I don't have a conflict, I have a mandate."

Councilmembers who voted to bar de la Torre from closed sessions related to the CVRA case disagreed, stating de la Torre has been so heavily involved in the litigation that it's impossible for him to not be conflicted.

"It's like a football game. If I am planning, if I am going into the huddle, I am not inviting the coach from the other team into a strategy session about the play I'm going to call," Mayor Sue Himmelrich said.

"I think the point you just made is a key one... If this was a matter of policy discussion, there's no question that the duly-elected council member Oscar de la Torre should be part of that policy discussion," Councilmember Kevin McKeown said. "But this is, not at this point, a policy discussion. I honestly wish it were; I wish that five years ago — instead of suing the city — people who are interested in district elections had begun the process of public discussion because, by now, we could have had a ballot measure and voted on it. And the people, the city would have decided what they want to do. Instead, the plaintiffs chose litigation (and) Oscar was indeed part of that team."

"And like Mayor Himmelrich, I had the experience of being deposed in this case with Oscar in the room — and the only other people in the room were attorneys for their side or the city's side. So, it's very clear that Oscar took a role in the initiation and strategizing of this litigation. And for that reason, the common law conflict is quite obvious to me," McKeown added as he stated he would certainly step down if his wife were suing the city and proposed that de la Torre voluntarily recuse himself from the matters.

De la Torre disagreed back in January, stating he would do so if the Fair Political Practices Commission or courts ruled he should. This week, he expressed similar sentiments when he cited a FPPC letter sent to Interim City Attorney George Cardona that states de la Torre does not have a disqualifying conflict due to finances because he is not financially interested in any future settlement resulting in a monetary payment that would benefit the Pico Neighborhood Association.

"How is it that the City Council majority who have voted to waste public funds to protect their own power, privilege and stipends get to claim that I have a conflict? Isn't it more of a conflict for those Councilmembers who oppose district-based elections being that their positions are more secured through the illegal at large election scheme?" de la Torre asked this week. "I will respect the mandate of a more neutral court order that isn't tainted..."

Farrell said, "The City believes its determination was correct and will be responding to the lawsuit in court."

Brennon@smdp.com

DINING

FROM PAGE 1

and restaurant owners have expressed interest in making al-fresco a permanent feature of Santa Monica.

"We are indeed looking at ways these things can become part of the longer term business environment and public environment," said Francie Stefan, City chief mobility officer. "We are seeing how we can both celebrate public space as public and facilitate experiences in these spaces that include commercial activity."

Many restaurants invested thousands of dollars into building their outdoor dining spaces and would love the option to continue using them after the pandemic.

"We are advocating for outdoor permitting to stay through the end of the year if not indefinitely — of course we want it to be indefinitely," said Dixon, who spent between $10,000 and $15,000 building al-fresco set-ups for many of Rustic Canyon Group's restaurants.

While permits for sidewalk dining pre-existed the pandemic, permits to expand outdoor dining into parking spaces, street spaces, parking lots and private property were new innovations. These permits are governed under the City's emergency ordinance and will need to be reexamined if they are to become permanent parts of local law.

Stefan said the City will be surveying residents and restaurateurs for feedback on its outdoor dining program and eventually provide City Council with different suggestions for how the programs can be adapted in the future. One necessary step will be making parklets and other outdoor spaces wheelchair accessible.

Another rule that will need to be reexamined is the temporary permission restaurants have been granted to sell alcoholic beverages to-go by the City and Alcoholic Beverage Control.

Dixon said he strongly hopes this will continue as restaurants typically make excellent margins on alcohol sales and need this profit boost after an incredibly tumultuous and financially trying year.

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SUMMONS (CITACION JUDICIAL) CASE NUMBER (Número del Caso): 21SMCV00347 NOTICE TO DEFENDANT (AVISO AL DEMANDADO): CRESCENT BAY ABSTRACT COMPANY, a California Corporation, All PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE ESTATE, LIEN OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO PLAINTIFF'S TITLE, OR ANY CLOUD ON PLAINTIFF'S TITLE THE RETO; and DOES 1 through 25, inclusive YOU ARE BEING SUED BY PLAINTIFF (LO ESTÁ DEMANDANDO EL DEMANDANTE): WILSHIRE CENTERCAL, LLC a Delaware Limited Liability company NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below. You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Leal a información a continuación. Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) oponiéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso. The name and address of the court is (El nombre y dirección de la corte es): Superior Court of California, County of Los Angeles, Santa Monica CourtHouse 1725 Main Street, Santa Monica, CA 90401 The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Miller Starr Regalía Anthony M Leones (184499) W. Scott Shepard (14875) 1331 N California Blvd 5th Floor, Walnut Creek, CA 94596 (925) 935-9400 (925) 933-4126 DATE (Fecha): February 19th, 2021 Sharron R Carter Executive Officer/Clerk of Court, Clerk, by N. Valles (Secretario), Deputy (adjunto)

ANTHONY M. LEONES (Bar No. 184499) W. SCOTT SHEPARD (Bar No. 148475) MILLER STARR REGALIA A Professional Law Corporation 1331 N. California Blvd., Fifth Floor Walnut Creek, California 94596 Telephone: 925 935 9400 Facsimile: 925 933 4126 Email: anthony.leones@msrlegal.com scott.shepard@msrlegal.com Attorneys for Plaintiff WILSHIRE CENTERCAL, LLC, a Delaware limited liability company SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF LOS ANGELES, WEST DISTRICT WILSHIRE CENTERCAL, LLC, a Delaware limited liability company, Plaintiff, v. CRESCENT BAY ABSTRACT COMPANY, a California corporation; ALL PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO PLAINTIFF'S TITLE, OR ANY CLOUD ON PLAINTIFF'S TITLE THERETO; and DOES 1 through 25, inclusive, Defendants. Case No. 21SMCV00347 FIRST AMENDED VERIFIED COMPLAINT TO QUIET TITLE, FOR CANCELLATION OF INSTRUMENT AND DECLARATORY RELIEF Complaint Filed: February 18, 2021 Trial Date: Not yet set Plaintiff Wilshire CenterCal, LLC, alleges as follows: GENERAL ALLEGATIONS 1. Plaintiff Wilshire CenterCal, LLC ("Plaintiff"), is a Delaware limited liability company in good standing, organized and existing under the laws of the State Delaware, and admitted to and doing business and owning property in the State of California, and specifically in Los Angeles County, California. 2. Plaintiff is informed and believes, and thereon alleges, that defendant Crescent Bay Abstract Company ("Crescent"), prior to 1911, was a California corporation organized and existing under the laws of the State of California, which owned property and did business in Los Angeles County, California. Plaintiff is further informed and believes, and on that basis alleges, that on or about November 30, 1911, the Secretary of State of California suspended Crescent from doing any further business in California based on a failure to make payments to the Franchise Tax Board. 3. Plaintiff is the owner of and holds fee title to the commercial real property commonly known as 1931 Wilshire Boulevard, Santa Monica, County of Los Angeles, California 90403 [also known as 1921 and 1933 Wilshire Boulevard] (the "Property") and more particularly described in Exhibit A to the Grant Deed recorded in the Public Records of Los Angeles County on January 6, 2020, as Document Number 20200014000, a true copy of which is attached hereto as Exhibit A and incorporated herein by this reference (the "2020 Grant Deed"), which Property has the following legal description: Lots 8, 9 and 10 in Block 8 of Green Acres, in the City of Santa Monica, County of Los Angeles, State of California, as per Map recorded in Book 9, Page 126 of Maps, in the Office of the County Recorder of said County. APN 4276-008-014 and 4276-008-015 Plaintiff acquired said Property on or about January 6, 2020. 4. Plaintiff is informed and believes, and thereon alleges, that defendant Crescent was the owner of and held fee title to following described portion of the Property prior to and up to April 29, 1908: Lot 10 in Block 8 of Green Acres, in the City of Santa Monica, County of Los Angeles, State of California, as per Map recorded in Book 9, Page 126 of Maps, in the Office of the County Recorder of said County. APN 4276-008-015 This smaller portion of the whole Property owned by Crescent up to and including April 29, 1908, will be referred to hereinafter as "Lot 10". 5. On or about April 29, 1908, Crescent transferred Lot 10 to Mary Reeves and O. Elliott by a Grant Deed which was recorded at Book 3331, Page 307 of the official records of Los Angeles County [the "1908 Grant Deed"]. (A true copy of the 1908 Grant Deed is attached hereto as Exhibit B and incorporated by this reference.) The 1908 Grant Deed states that: 1) no part of Lot 10 shall ever be used for business purposes (hereinafter "the Business Purposes Restriction"), 2) that no residence shall be erected, placed or permitted on said premises costing or being worth less than $1,200 nor situated less than 30 feet from the front of said lot (hereinafter "the Residential Use Restriction"), and 3) that the grantees shall not allow or authorize in any manner directly or indirectly said premises or any part thereof to be used for the business of vending intoxicating liquors for drinking purposes whether such vending shall be done directly or under some evasive guise (hereinafter "the Sale of Alcohol Restriction") (the Business Purpose Restriction, the Residential Use Restriction and the Sale of Alcohol Restriction shall be collectively all be referred to hereinafter as "the Use Restrictions"). The 1908 Grant Deed does not recite or state in any way that any of the Use Restrictions apply to or benefit any other real property. 6. The defendants herein named as "ALL OTHER PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO PLAINTIFF'S TITLE, OR ANY CLOUD ON PLAINTIFF'S TITLE THERETO," are unknown to Plaintiff. Those defendants, and each of them, may claim some right, title, estate, lien, or interest in Lot 10 adverse to Plaintiff's title thereto. Any such claim or claims are without any right whatsoever, and those defendants have no right, title, estate, lien, or interest whatever in Lot 10 or any part thereof. Plaintiff further alleges that none of the unknown defendants named in this paragraph are in open or actual possession of the Property, or any portion thereof, including Lot 10. 7. Plaintiff does not know the true names or capacities of defendants sued herein as DOES 1 through 25, inclusive, and will amend this Complaint to set forth the true names and capacities of those fictitiously-named defendants when the same have been ascertained. Plaintiff is informed and believes, and thereon alleges, that at all times herein mentioned, each of those fictitiously-named defendants was the agent or employee of the other fictitiously-named or actually-named defendants and, acting within the course and scope of such employment or agency, took some part in the acts or omissions hereinafter set forth, or is the principal and took some part in

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said acts or omissions, or claims some right, title, or interest in Lot 10, by reason of which each of those fictitiously-named defendants is liable to Plaintiff for the relief prayed for herein. FIRST CAUSE OF ACTION (Quiet Title) 8. Plaintiff realleges and incorporates herein by reference the allegations in Paragraphs 1-7, above. 9. Plaintiff is informed and believes, and based thereon alleges as follows: on or about April 9, 1908, Crescent executed and caused to be recorded in the Public Records of Los Angeles County the 1908 Grant Deed, conveying the Lot 10 to Mary Reeves and O. Elliott (collectively the "Grantees"). The 1908 Grant Deed executed and recorded by Crescent also set forth certain use restrictions, the Business Use Restriction, the Residential Use Restriction and the Sale of Alcohol Restriction, relating to Lot 10. It is Plaintiff's allegation that the Business Use Restriction, the Residential Use Restriction and the Sale of Alcohol Restriction relating to Lot 10 were all personal between Crescent and the Grantees, do not benefit Lot 10 in any way, do not run with the land, Lot 10, do not burden or restrict the use of the land, Lot 10, once Lot 10 had been transferred by Grantees, and do not presently or currently burden or restrict Plaintiff's, or its lessees, successors or assigns, right to or ability to use Lot 10 in any way whatsoever. 10. On or about January 6, 2020, Plaintiff acquired the Property, including Lot 10, from Headland Properties, LLC, which the prior owner had leased out and used for a store for the retail sales of clothing and related items. Now, Plaintiff seeks to redevelop the Property, including Lot 10, into a residential and commercial mixed-use development, including a grocery store which will operate a commercial business and will sell products containing alcohol on the Property, including Lot 10. 11. Plaintiff is informed and believes, and based thereon alleges, that for the vast majority of the time following the 1908 Grant Deed Lot 10 has been used for commercial business purposes, retail sales, including as a GAP retail store since at least 1985. Plaintiff is further informed and believes, and based thereon alleges, that the three lots (Lots 8, 9 and 10) comprising the Property were the subject of a lot-tie agreement in 1976 making the three lots one cohesive unit of property for the future conduct of business purposes on the Property. 12. Plaintiff is informed and believes, and on that basis alleges, that all defendants, and each of them, including Crescent, claim an interest adverse to the Plaintiff in Lot 10, owned in fee by Plaintiff, in that each such defendant claims to possess a right to enforce the Use Restrictions as they apply to Lot 10. 13. In truth and fact, no such claimed adverse or other right to enforce or apply the Use Restrictions in any way exists in favor of defendants, including Crescent, and the Use Restrictions do not bind, apply to and are not enforceable against Lot 10 or its owners or lessees. The claims or alleged rights of defendants set forth above are without any right or basis whatsoever and all such defendants, including Crescent, have no right, title, estate, lien, interest whatsoever or ability to in any way enforce the Use Restrictions in any way, manner or form over Lot 10 or any portion thereof, and the Use Restrictions do not bind, apply to and are not enforceable against Lot 10 or its owners, lessees or successors or assigns. 14. Plaintiff seeks to quiet title to defendants' claims and/or rights and that the Use Restrictions do not bind, apply to and are not enforceable against Lot 10 or its owners, lessees, successors or assigns as of the date of the filing of this Complaint. WHEREFORE, Plaintiff prays for judgment as hereinafter set forth. SECOND CAUSE OF ACTION (Cancellation of Instrument - Civil Code § 3412) 15. Plaintiff realleges and incorporates herein by reference the allegations in Paragraphs 1-14, above. 16. The existence of any one or all of the Business Use Restriction, the Residential Use Restriction and the Sale of Alcohol Restriction in the 1908 Grant Deed is a cloud upon Plaintiff's title and unreasonably interferes with Plaintiff's use of the Property, which includes Lot 10, and if allowed to remain of record, will cause damage to Plaintiff by limited Plaintiff's ability to develop, use or lease the Property. 17. The Use Restrictions are not enforceable against Plaintiff and do not apply in any way to restrict the use of the Lot 10 because they were all personal between Crescent and the Grantees and do not run with the land, Lot 10, do not burden or restrict the use of Lot 10, once Lot 10 had been transferred by Grantees, and do not presently or currently burden or restrict Plaintiff's right to or ability to use Lot 10 in any way whatsoever. 18. Plaintiff has no adequate remedy at law and can only be made whole by a declaration by this Court that each and every one of the Use Restrictions contained in the 1908 Grant Deed, attached hereto as Exhibit B, are void and a judgment entered by this Court cancelling said Use Restrictions from the 1908 Grant Deed. 19. No offer to restore consideration by Plaintiff is necessary in this case as no consideration was ever exchanged between Plaintiff and Crescent. 20. Upon application of a party, the Court has the power under Civil Code section 3412 to order the cancellation of any portion of a written instrument in respect to which there is reasonable apprehension that if it, or any part of it, are left outstanding, may cause injury to another party. 21. Plaintiff prays that each of the Business Use Restriction, Residential Use Restriction, and Alcohol Sale Restriction in the 1908 Grant Deed attached hereto as Exhibit B be declared void and of no effect and that each of the Business Use Restriction, the Residential Use Restriction and the Alcohol Sale Restriction in the 1908 Grant Deed be declared cancelled. WHEREFORE, Plaintiff prays for judgment as hereinafter set forth. THIRD CAUSE OF ACTION (Declaratory Relief) 22. Plaintiff realleges and incorporates herein by reference the allegations in Paragraphs 1-21, above. 23. An actual controversy has arisen and now exists relating to Plaintiff's or its lessees ability to develop and use Lot 10 for business purposes and to sell alcohol or products containing alcohol. Plaintiff contends, and is informed and believes, and on that basis alleges, that all defendants deny, as follows: (a) That the Business Purposes Restriction does not burden Lot 10, does not run with the land and restrict Lot 10 in any way, does not apply to Lot 10 and does not apply to, effect or restrict Plaintiff or its lessees, successors, or assigns use of Lot 10 in any way. (b) That the Residential Use Restriction does not burden Lot 10, does not run with the land and restrict Lot 10 in any way, does not apply to Lot 10 and does not apply to, effect or restrict Plaintiff or its lessees, successors, or assigns use of Lot 10 in any way. (c) That the Sale of Alcohol Restriction does not burden Lot 10, does not run with the land and restrict Lot 10 in any way, does not apply to Lot 10 and does not apply to, effect or restrict Plaintiff or its lessees, successors, or assigns use of Lot 10 in any way. 24. Plaintiff is the owner in fee of the Property and of Lot 10 contained within the Property, and desires a judicial declaration of Plaintiff's title as the owner in fee of said Property and Lot 10 and that each of the Business Purposes Restriction, the Residential Use Restriction and the Sale of Alcohol Restriction do not burden Lot 10, do not run with the land and restrict Lot 10 in any way, do not apply to Lot 10 and do not apply to, effect or restrict Plaintiff, or its lessees, successors, or assigns, type of use of Lot 10 in any way and that all defendants have no rights whatsoever in respect to how Lot 10 may be used by Plaintiff, it lessees, successors and assigns. This is a proper action for determination of the rights of Plaintiff and of the defendants, if any, pursuant to the provisions of California Code of Civil Procedure section 1060. 25. A judicial declaration is necessary and appropriate at this time under the circumstances in order for the title to and the ability of Plaintiff and its lessees to develop and use Lot 10 for a residential and commercial mixed-use development, containing a grocery business which will sell alcohol and/or products containing alcohol issues to be resolved prior to the completion of Plaintiff's efforts to develop the Property for residential and commercial business purposes, including the sale of alcohol and products containing alcohol. WHEREFORE, Plaintiff prays for judgment as follows. PRAYER As to the First Cause of Action for Quiet Title: 1. For a judgment quieting title, declaring that fee title to the Lot 10 is quieted in Plaintiff, free and clear of any covenant, servitude or restriction of any kind, including the Business Use Restriction, the Residential Use Restriction and the Sale of Alcohol Restriction, preventing the use of the Property by Plaintiff, or its lessees, successors and assigns, in any way as a residential and commercial mixed-use development, for business of any kind or limiting or preventing in any way the sale of alcohol, alcoholic beverages or products that contain alcohol on the Property, as of the date this Complaint is filed; As to the Second Cause of Action for Cancellation of Instrument: 2. For an order and judgment that the Business Use Restriction, the Residential Use Restriction and Alcohol Sale Restriction in the 1908 Grant Deed attached hereto as Exhibit B are declared void and of no effect and cancelling the Business Use Restriction, the Residential Use Restriction and Alcohol Sale Restriction in the 1908 Grant Deed. As to the Third Cause of Action for Declaratory Relief: 3. For a decree of this Court adjudging and declaring Plaintiff's title as the owners in fee of Lot 10 and that: a) the Business Purposes Restriction does not burden Lot 10, does not run with the land and does not restrict Lot 10 in any way, does not apply to Lot 10 and does not apply to, effect or restrict Plaintiff or its lessees, successors, or assigns use of Lot 10 in any way, b) the Residential Use Restriction does not burden Lot 10, does not run with the land and does not restrict Lot 10 in any way, does not apply to Lot 10 and does not apply to, effect or restrict Plaintiff or its lessees, successors, or assigns use of Lot 10 in any way, and c) the Sale of Alcohol Restriction does not burden Lot 10, does not run with the land and restrict Lot 10 in any way, does not apply to Lot 10 and does not apply to, effect or restrict Plaintiff or its lessees, successors, or assigns use of Lot 10 in any way. As to All Causes of Action: 4. For costs of suit incurred herein; and 5. For such other and further relief as the Court deems just and proper. Dated: February 23, 2021 MILLER STARR REGALIA By: W. SCOTT SHEPARD Attorneys for Plaintiff WILSHIRE CENTERCAL, LLC VERIFICATION I have read the foregoing FIRST AMENDED VERIFIED COMPLAINT FOR DECLARATORY RELIEF, TO QUIET TITLE AND FOR CANCELLATION OF INSTRUMENT and know its contents. I am the authorized signatory for WILSHIRE CENTERCAL, LLC, a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I am informed and believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 23, 2021, at El Segundo, California. Sean Dennison, General Counsel Signature

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