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A newspaper with issues

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DAILY 3

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NEWS OF THE WEIRD

BY CHUCK SHEPARD

Two Middle-Eastern Women's Need for Speed: (1) A 27-year-old Saudi woman, Hanadi Zakaria al-Hindi (whose countrywomen are not permitted to drive cars), was granted a commercial pilot's license in June after flight training in Jordan and returned home to fly for Saudi Prince al-Walid bin Talal's company. (2) Ms. Laleh Seddigh, 28, won Iran's national championship car race in March after becoming the first woman allowed to compete against men in any sport since Iran's Islamic Revolution. (In the winner's circle, Ms. Seddigh put on a scarf and draped a cape over her tight-fitting uniform.)

TODAY IN HISTORY

Today is the 215th day of 2005.
There are 150 days left in the year.

On Aug. 3, 1492, Christopher Columbus set sail from Palos, Spain, on a voyage that took him to the present-day Americas.

In 1923, Calvin Coolidge was sworn in as the 30th president of the United States, following the death of Warren G. Harding.

In 1949, the National Basketball Association was formed.

QUOTE OF THE DAY

"The man who has no inner life is the slave of his surroundings."

HENRI FREDERIC AMIEL
SWISS CRITIC (1821-1881)

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SM City Manager to retire

BY RYAN HYATT

Daily Press Staff Writer

CITY HALL — Santa Monica's top administrator who led City Hall through the recent recession will soon be heading off to enjoy her golden years, leaving behind a rebounding economy and the foundation to complete several significant public projects.



SUSAN MCCARTHY

Santa Monica City Manager Susan McCarthy, who has held her position since 1999, has informed the City Council she will retire in November. McCarthy, who will be 60 next week, has worked for City Hall for 24 years. Responsible for the "belt-tightening" that enabled City Hall to ride out the post-9-11 economic downturn, she intends to spend more time with her husband and aging parents in the coming years.

Through McCarthy's efforts, Santa Monica has maintained its triple A bond rating while supporting big ticket capital improvements that have been in the works since the 1990s. Some of those projects are expected to open this year, including the \$55 million Main Library, the \$13 million Virginia Avenue Park expansion and the new \$722,000 skatepark at 14th Street and Olympic

See CITY MANAGER, page 5

Stepping out



Fabian Lewkowicz/Daily Press

'Showstoppers,' a group of teen-age singers and dancers from Utica, NY, perform 'ONE' from the Chorus Line at the Santa Monica Pier on Tuesday. Showstoppers have been touring the Southwest and will be performing at Disneyland today. Performers are boys and girls who range in age from 13 to 18.

Court orders City Hall to come clean

BY RYAN HYATT

Daily Press Staff Writer

CITY HALL — Citizens suspicious of Santa Monica Place redevelopment proposals have been granted court-ordered requests for

correspondence between City Hall and the mall's owner.

The Santa Monica Coalition for a Livable City (SMCLC), a group of about 100 citizens who are questioning Santa Monica Place redevelopment scenarios that they

fear will side-step the public process, was granted its request by the Los Angeles Superior Court last week. The court ordered city officials to search for and release

See SANTA MONICA PLACE, page 6

Santa Monica youth return with a wider world view

BY WINTER JOHNSON

Special to the Daily Press

After a three-week humanitarian trip to Sri Lanka, three Santa Monica youth have returned to their hometown changed forever.

Laurent Grill, 16, Mariza B. Lockhart, 15, and Gether Gibson, 17, were part of a group of 10 Southern California high school students who were accompanied by three chaperones from the United States and were joined by additional chaperones in Sri Lanka. The trip was sponsored by Relief International-Schools Online (RI-SOL) with the assistance of the

See SRI LANKA, page 7



Photo courtesy of the Red Cross

(Left to right) Local students Gether Gibson, Laurent Sander Grill and Mariza Lockhart visited Galle, Sri Lanka, the site of a train wreckage. The train, fully loaded with passengers, was swept off its tracks by the Dec. 26 tsunami where 1,500 people lost their lives and the catastrophe made international news.

Jacquie Banks

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Santa Monica Daily Press

JACQUELINE BIGAR'S STARS The stars show the kind of day you'll have:
★★★★-Dynamic ★★★★-Positive ★★★-Average ★★-So-so ★-Difficult



ARIES (March 21-April 19)
★★★ You might need to redo some of yesterday, as so much happened so fast. Take your time and clean up any problems. You might be pleased at how much you get straightened out. Consider a home-based business or office. Tonight: Everything seems greatly improved.



TAURUS (April 20-May 20)
★★★★★ You might have a lot to say. Now you can mend bridges and eliminate problems. You have the ability to get a lot done very quickly. Use that strong-as-a-Bull quality to get as much done as you can. Tonight: Out and about.



GEMINI (May 21-June 20)
★★★ Turn your budget upside down if you need to. You might find a mistake that has been causing an underlying problem. Know when to say no, even to yourself. Self-discipline is an art you might want to develop. Tonight: Take a hard look at your budget.



CANCER (June 21-July 22)
★★★★★ Despite the recent uproar, you can smile and handle a problem with ease. You might not be able to understand what someone is sharing. Lighten up with others, and let the recent upsets slide by. Don't hold on to the past. Tonight: As you would like.



LEO (July 23-Aug. 22)
★★ Take time to recuperate, as you might not be comfortable with what has happened and what might still be going on. Know when to say no to others. You need time to piece together recent events and news. Tonight: Nap and then decide.



VIRGO (Aug. 23-Sept. 22)
★★★★★ You know what you need to do. Choose to spend your time on what feels good to you. Investigate new styles. Friends have many solutions. You might not be sure which way to go. Tonight: Where your friends are.



LIBRA (Sept. 23-Oct. 22)
★★★★ Sometimes you get confused by all that whizzes by you. Evaluate some recent events through discussions and relaxation. Know that there is neither a right nor a wrong way. Look for the most successful direction. Tonight: Out late.



SCORPIO (Oct. 23-Nov. 21)
★★★★ You heard and saw so much in the past few days that you need to pull back and do some thinking. Integrate information slowly, and do your own fact-finding. Your ability to detach plays a strong role. Tonight: Relax with a movie or music.



SAGITTARIUS (Nov. 22-Dec. 21)
★★★★★ Deal with the specific partner or associate who made yesterday challenging. A one-on-one conversation will help clear the air. You might also need to deal with others the same way. Tonight: Finally, you find some peace and detach.



CAPRICORN (Dec. 22-Jan. 19)
★★★★★ Others finally calm down enough so you can clear out any recent problems. You might be surprised by what has really been going on with others. Let them continue to feel in control. That is the smart action. Tonight: Just don't be alone.



AQUARIUS (Jan. 20-Feb. 18)
★★★★ Don't worry, even if you need to redo some work or a project. Also, recent information could be incomplete or distorted in some form. Be ready to start at the beginning again. You want things right, don't you? Tonight: Nap and then decide.



PISCES (Feb. 19-March 20)
★★★★★ If nothing else, you, as well as others, have been acting up recently. Now you finally have the opportunity to settle down and work through any problems or misunderstandings. Don't make judgments, please. Tonight: Enjoy the person you are with.



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PUBLISHER Ross Furukawa ross@smdp.com EDITOR Carolyn Sackariason editor@smdp.com STAFF WRITER Ryan Hyatt ryanh@smdp.com SANTA MONICA PARENTING Nina Furukawa nina@smdp.com ADVERTISING SALES MANAGER Robbie P. Piubeni rob@smdp.com STAFF PHOTOGRAPHER Fabian Lewkowicz	ADVERTISING ACCOUNT EXECUTIVE Rob Schwenker schwenker@smdp.com ADVERTISING ACCOUNT EXECUTIVE Stewart O'Dell stewarto@smdp.com TRAFFIC MANAGER Connie Sommerville connies@smdp.com PRODUCTION MANAGER Alejandro Cesar Cantarero II alex@smdp.com NIGHT EDITOR Lori Luechtefeld lori@smdp.com	NIGHT EDITOR Michael Tittinger ..somechum@smdp.com CLASSIFIEDS SALES MANAGER Annie Kotok anniek@smdp.com CIRCULATION Keith Wyatt CIRCULATION Glenn Bolan SPECIAL PROJECTS Dave Danforth dave@smdp.com MASCOT Maya Furukawa maya@smdp.com
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LOCAL



COMMUNITY BRIEFS

Surf camp scholarships for blind and inner-city children

By Daily Press staff

Now everybody can hang 10.

For the sixth year in a row, Kanoa Aquatics will host children from the Braille Institute of Los Angeles for one week of surf camp. Kanoa Aquatics volunteers members of its staff, who along with local volunteers, will instruct more than 60 children in ocean safety and surfing.

Kanoa Aquatics has four surf camps in the South Bay with locations at Manhattan, Venice, Malibu and Huntington beaches. They also have the Braille Institute Camp that was held in Huntington Beach on July 12 and 13 for two days. In addition, Kanoa Aquatics added the surf camp for special education. That will be held in Huntington Beach on Aug. 16 and 17.

The purpose of Kanoa is to provide surf instruction for children who otherwise would not have the opportunity. According to Kanoa Aquatics officials, they believe that all people should be able to experience the ocean and the joy of surfing. Through fundraising and grants from sponsors, they are able to provide scholarships for a week of surf camp, which is a value of \$350 per child. Kanoa Aquatics supply all the equipment: wetsuits by top manufacturers and Soft Top surfboards. All instructors are CPR certified and are well-versed in ocean safety and awareness. By the end of the week, most, if not all, the children are able to stand while riding a wave.

The camp will take place from Aug. 8 through 12 off of Navy Street at the Navy Street lifeguard tower, under the Kanoa Aquatics canopy, from 8:30 a.m. to 2:30 p.m. For more information, contact the owner, Kip Jerger (310) 374-1994 or (310) 308-7264 between 9 a.m. and 5 p.m.

The art of music meets the art of education

By Daily Press staff

Get ready for the soothing force of jazz.

The Westside Waldorf School (WWS) will partner with the Jazz Bakery to bring a Sunday afternoon and evening with multi-platinum recording artist Freddie Ravel and his seven-piece Latin jazz band which includes musician Ron Powell as Ravel's percussionist.

Waldorf education is designed to cultivate highly motivated, creative, independent thinkers that learn to think with their heads, hearts and hands, school officials say. Ravel mirrors the multi-dimensional approach to learning in his music.

Universal Music Group touts Ravel as: "One of the most outstanding keyboard players, composers and producers ..." that has "recorded and performed with many icon artists including Earth Wind and Fire, Phil Collins, Quincy Jones, Madonna, All Jarreau, the Boston Pops and Prince."

The driving force for the Westside Waldorf School event is raising funds to support its Tuition Assistance Program, which is based on a commitment to make Waldorf education accessible to all families who value it, regardless of financial circumstances.

"Securing the futures of families who deserve to be with our community, but are unable to afford the education is a priority," said Jeffery Graham, the school's director.

The silent auction will feature original Picasso, Dali and Chagall lithographs from the Andrew Weiss Gallery of Beverly Hills, and celebrities who support the WWS Tuition Assistance Program will attend including film and television star, Ed O'Neill and comedian A.J. Jamal who also emcee the event.

For tickets, call the Jazz Bakery at (310) 271-9039.

The event will start at 4:30 p.m., Sunday, Aug. 14 at the Jazz Bakery, 3233 Helms Ave., Culver City. The afternoon will begin with light fare and a silent auction followed by the jazz concert at 6 p.m.



SURF REPORT

Today looks like the peak day of the SW swell that's building now with size in the waist- to chest-high zone for south facing spots. It looks like the NW wind swell will be similar to today for AM sessions, then back off by late morning.

Today the water is:

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HIGH TIDES

	Morning	Height	Evening	Height	Morning	Height	Evening	Height
MONDAY	2:45	-0.2	1:37	2.9	9:37	3.7	7:48	5.8
TUESDAY	3:20	-0.4	2:18	2.7	10:05	3.8	8:36	6.0
WEDNESDAY	3:50	-0.4	2:53	2.5	10:28	3.9	9:01	6.0
THURSDAY	4:18	-0.4	3:25	2.4	10:50	3.9	9:33	6.0
FRIDAY	4:44	-0.4	3:58	2.2	11:12	4.0	10:04	5.9

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The **Q**Line

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Animal-rights activists are criticizing City Hall for its attempts to reduce the local population of squirrels — the fleas of which can carry disease — by setting out pesticide bait traps. Officials, who say the city stopped setting the traps in late June, contend the measure was necessary in the interest of public health.

So this week, Q-Line wants to know, "Do you feel the city was correct in setting out poison traps to reduce the number of local squirrels in the name of public health? Why or why not?"

Call (310) 285-8106 before Friday at 5 p.m. and we'll print your responses in the weekend edition. Please try to limit your comments to a minute or less. It might help to think first about the wording of your response.

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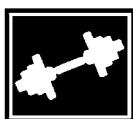
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Energy bill fails to electrify innovation



INCITES

BY ED SILVERSTEIN

Oh, happy days.

Last week the energy bill was passed. This means, among other things, that another \$11 billion of our taxes will be handed over to the oil and gas industry for domestic exploration. This is good news for my oil and gas investments, which are currently paying a mere 36 percent per year in highly tax-advantaged dividends.

Of course, our elected officials would like us to believe that such incentives are necessary to spur domestic energy production. Nothing could be further from the truth. With record oil prices, they can't sink wells fast enough. So this bill is yet another example of our corrupted politicians, led by a nihilistic president, enriching their campaign contributors at our expense.

And what is really needed, namely a meaningful conservation program and a significant commitment to renewable energy, is glaringly absent from the bill.

For instance, where is the increase in gas mileage? The technology exists. But every time Congress tries to mandate better mileage — as they did in earlier versions of the energy bill — the auto industry screams that fuel efficiency will increase vehicle cost, which will hurt sales, which are already decimated due, in part, to the industries' prior unwillingness to embrace energy efficient vehicles. Then their lobbyists move in, fill the campaign coffers of sympathetic politicians, i.e.; anyone up for reelection, and the provision is killed.

The sane solution is to take the unnecessary \$11 billion from domestic oil and gas exploration and use it to provide rebates for fuel-efficient vehicles. The amount of the rebate should be awarded on a sliding scale. For example, buyers of vehicles getting more than 35 miles per gallon would receive \$1,500; 40 miles per gallon, \$2,000 and over 45 miles per gallon, \$2,500. Not only would those vehicles dramatically cut gas consumption but with increased popularity, the cost of the technology would be reduced, which would ultimately benefit all vehicles including gas guzzling SUVs.

Another issue that should be addressed is energy efficient homes. I am currently involved in a development in Montana. We would like to make it an Energy Star community, which means we would employ construction techniques and purchase appliances that reduce energy consumption by between 15 to 30 percent over standard construction. This will save the homeowner up to \$500 per year and, for every three Energy Star homes built, it is the same as taking two cars off the road.

The problem is that Energy Star construction adds \$3,500 or more to the cost

of each home. And since Montana offers no tax incentives and awareness of the program remains low, it is virtually impossible to recoup any of this additional cost.

What is needed is for the federal government to provide tax incentives to buyers and builders for Energy Star homes and products. Energy consumption and emissions would be slashed and needed relief provided to overwhelmed energy grids.

One of the bill's provisions that I do support is increasing funding for nuclear energy. As of now, it remains one of the only viable clean energy sources and many of the safety issues have been resolved. However, that is a temporary solution.

The only permanent fix to the energy crisis is a massive investment in renewable sources of energy. And while the bill does provide some funds for wind energy, it is not nearly enough.

Montana, for instance, is among the windiest states in the country. This, along with existing power distribution infrastructure and thousands of acres of undeveloped land, makes it ideal for massive wind farms. Of course the main hurdle to wind power has always been that it is only available when it is windy and storage technology is inefficient. The solution might lie in hydrogen.

To create hydrogen you need electricity. But using dirty power produced by carbon burning plants defeats the purpose. Wind power, on the other hand, offers a clean source of electricity. And hydrogen, in turn, could be stored and used to produce clean power during windless periods.

Governor Arnold Schwarzenegger is promoting another innovative plan. It calls for installing \$1 million solar panels on homes and other structures in California. This would produce as much energy as several new power plants, but without any of the public or environmental outcry. And increased panel purchases will spur research and development that will reduce the price and increase the efficiency ultimately making solar power a cost effective alternative.

If we embrace this painless combination of conservation and alternative energy, our environment will become cleaner and our health will improve. In addition, by eliminating our dependency on Mideast oil we would increase our security. And with oil prices already at record levels and energy demands in China, India and other Asian countries exploding, reducing our oil needs and creating low-cost renewable energy sources will position the U.S. to remain a preeminent economic power for the foreseeable future.

Of course such long-term fixes requires strong, insightful leaders who are willing to stand up to corporate interests for the good of all Americans Hmm.

I guess I better keep putting my money into oil and gas.

(Ed Silverstein can be reached at incites@incites.net.)

GUEST COMMENTARY BY ELAN JOURNO

Abetting North Korea's nuclear ambition

Far from disarming North Korea, 'diplomacy' strengthens it.

A wide consensus — from the New York Times to the White House — is firmly backing the re-launched "diplomatic" negotiations aimed at enticing North Korea to halt its suspected nuclear weapons program. For those talks to succeed, a Times editorial insists, America and its allies should offer the North a package of "strong positive inducements" including "guarantees against United States attack, a clear path to American diplomatic recognition and generous aid." Before the talks began Washington provided a foretaste of the rewards Pyongyang can expect by promising it 50,000 tons of food aid.

But isn't that exactly what the United States has tried in the past?

In the early 1980s, alarmed at North Korea's construction of a nuclear reactor capable of yielding weapons-grade material, America tried to induce the North to sign the nuclear Non-Proliferation Treaty. By 1985, after much stonewalling, Pyongyang finally agreed to ratify the treaty — but then demanded military concessions in return for promising to forgo nuclear weapons. Rather than dismissing those demands as extortion by a hostile nation, by 1992 the United States had agreed to cancel its military exercises in the area and to withdraw U.S. nuclear weapons stationed in South Korea. The South gave up its nuclear program and also offered a non-aggression pact and economic benefits. During this period, meanwhile, the North, bolstered by guarantees of security and the West's willingness to swallow its lies, completed two reactors capable of yielding weapons-grade fuel.

In 1993, after preventing required inspections of its nuclear facilities, Pyongyang announced its intention to withdraw from the treaty. Our response? More "diplomacy" in the form of the "Agreed Framework," brokered in 1994. Under that scheme, the North agreed to freeze its plutonium program in exchange for two light-water nuclear reactors — putatively for generating electricity — and, until the reactors were operational, 500,000 metric tons of oil annually — nearly half its annual needs. The United States, along with Japan and South Korea, paid for those lavish gifts. The agreement also provided for the lifting of trade and diplomatic restrictions, previously imposed as penalties for North Korea's aggression against its neighbors.

That shameful deal openly rewarded the North — already closer to acquiring nuclear weapons — for its aggression and lies, and furnished it with the means to become a worse threat. And indeed, by 2003 — when the North actually did withdraw from the treaty — it was clear

that Pyongyang had continued secretly to develop weapons-capable nuclear technology.

The pattern is clear: The North threatens us, we respond with negotiations, gifts and concessions, and it reemerges with even greater belligerence.

Without economic aid, technical assistance and protracted negotiations affording it time, it is unlikely that the North — continually on the brink of economic collapse — could have survived, let alone built the fourth-largest army in the world. The North is believed to have sold long-range ballistic missiles to Iran, Yemen, Pakistan and Syria. Soon it may be selling nuclear-bomb material to terrorists. By some estimates, North Korea already has the material to create eight nuclear bombs.

What made this cycle of appeasement possible — and why do our political and intellectual leaders insist that further "diplomacy" will work? Because they cling to the fiction that North Korea shares the basic goal of prosperity and peace. That fantasy underlies the notion that the right mix of economic aid and military concessions can dissuade North Korea from its nuclear ambition. It evades the fact that the North is a militant dictatorship that acquires and maintains its power by force, looting the wealth of its enslaved citizens and threatening to do the same to its neighbors.

But that abstract fact, the advocates of "diplomacy" believe, is dispensable. If we ignore it, then it ceases to exist. Notice how, in preparing the way for renewed talks, the Bush administration has ceased describing North Korea as part of an "axis of evil," as if this could alter its moral stature.

What the advocates of "diplomacy" believe, in effect, is that pouring gasoline onto an inferno will extinguish the fire — so long as we all agree that it will. Thus: if we agree that North Korea is not a hostile parasite, then it isn't. If we pretend that the dictatorship would rather feed its people than amass weapons, then it would. If we shower it with loot, it will stop threatening us. But the facts of North Korea's character and goals, like all facts, are impervious to anyone's wishful thinking. Years of rewarding a petty dictatorship for its belligerent actions did not disarm it, but helped it become a significant threat to America.

There is only one solution: The United States and its allies must abandon the suicidal policy of appeasement.

(Elan Jurno is a junior fellow at the Ayn Rand Institute in Irvine. The Institute promotes the ideas of Ayn Rand, best-selling author of "Atlas Shrugged" and "The Fountainhead.")

YOUR OPINION MATTERS! Send your letters to Santa Monica Daily Press Attn. Editor: 1427 Third Street Promenade Suite 202 Santa Monica • 90401 • editor@smdp.com



City Manager worked for SM for 24 years

CITY MANAGER, from page 1

Boulevard. She supported raising the hotel room tax in order to strengthen Santa Monica's present and future financial base. She also helped get the community to come together to help stop gang violence.

McCarthy will be leaving her successor to complete a two-year overhaul to the city's planning and traffic plan, which will set policy for development and transportation in Santa Monica for the next 20 years. The \$120 million Civic Center complex, a \$90 million downtown parking plan and the redevelopment of Santa Monica Place Mall are further undertakings she has helped manage, which will be carried on by other leaders.

McCarthy said her greatest accomplishment as city manager is the quality of city personnel who assist in its day-to-day operations.

"I'm proud of the staff members who come to work each day to make Santa Monica a better place by doing their jobs well," McCarthy said. "I've tried to meet every new employee at their orientation session and impress on them how important their work is for our residents, businesses and visitors."

Decisions regarding her successor will be decided by the City Council, which will likely appoint a subcommittee at the Aug. 9 meeting to handle a search, she said.

McCarthy is currently at the top salary range of her position, earning \$197,904 annually and receiving an annual cost of living increase, the same as other employees. The City Council last week reviewed McCarthy and although details of that meeting aren't public record, councilmembers had nothing but glowing reports of her performance when they learned of her resignation.

As a child raised in the suburbs of Washington D.C., McCarthy grew up surrounded by politics, but it wouldn't be until she was an adult that she realized how much it had an impact on her.

Decades later, McCarthy found herself overseeing more than 1,000 employees within City Hall, managing the day-to-day operations of one of the most dynamic and diverse cities in the world, and handling a \$388 million budget.

McCarthy came to Santa Monica in 1974 after her husband, Kevin, was hired as a researcher for the Rand Corp. Just before moving here, McCarthy was working as a transportation planner for the state of Wisconsin while Kevin was in the doctoral program at the University of Wisconsin-Madison. To stay apprised of what was going on in the world, McCarthy cherished her grandmother's gift of the Washington Post each week.

"I knew about Watergate long before it appeared in the papers in the Midwest," she once said. "I would say that I've been a policy buff for a long time."

McCarthy embarked on her career in city government a year after she moved to Santa Monica. She has been involved Santa Monica's business off and on for the past 20 years. In college, McCarthy studied economic and urban geography. She was interested in "central place theory," the circumstances of why, how and where cities develop.

began his first term the same year McCarthy became the city manager, said he understands her desire to move on, especially in light of balancing family and community commitments.

"It comes as no surprise to me and serves to underscore her values that she has chosen to depart so that she can spend more time with her mom and dad," Bloom said. "She is a woman who holds herself to the highest standards of honesty and integrity and I thank her for expecting that from me and the community, as well."

"She is a woman who holds herself to the highest standards of honesty and integrity."

— RICHARD BLOOM
City Councilman

City Councilman Herb Katz, who has known McCarthy for 25 years, said she came into her position at a time when personnel issues at City Hall were very bad and that McCarthy's role has helped Santa Monica make a turnaround in the six years she's been in the position.

Katz, an architect who in the past has been critical of the city's planning department, said there have been some improvements under McCarthy's watch, who spearheaded efforts aimed at streamlining the permitting process.

"She has been on top of it," Katz said. "There is still a ways to go, but we will miss her as we try to find a proper replacement."

City Councilman Bobby Shriver, the newest elected city official, said McCarthy leaves at an amazing time in Santa Monica history, noting she has been instrumental in helping City Hall find additional funding in its budget to aid the city's down-and-out population.

"There are now giant opportunities to address homelessness and other issues," Shriver said. "I hope the process to find a new manager will be open and we get a lot of first-class applicants."

McCarthy's first stint in local government was as an administrative analyst at the Big Blue Bus, a job she described as a jack of all trades and the foundation of her career. She was climbing the ladder within City Hall when she left to pursue her master's degree in communication management at the Annenberg School at the University of Southern California. While studying, she volunteered at the Natural History Museum across the street, working in the public relations department. She came back to City Hall in 1985 and has been there ever since. She's held positions in the cultural affairs department, worked her way up to the director of the human resources department, served as assistant city manager and now City Hall's top job.

McCarthy said in the future she will continue to enjoy those activities that have enabled her to keep close ties to the community, albeit from a unique perspective, as she has in the past.

"I'll continue to walk in Palisades Park, shop the farmers markets and follow the news," she said. "I may take out a library card."

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City officials forced to research documentation

SANTA MONICA PLACE, from page 1

documents they so far haven't produced.

"This is an important victory for Santa Monica residents," said SMCLC spokesperson Diana Gordon.

Gordon said the court agreed with the SMCLC that City Hall must relinquish some documents so residents will have information to make informed decisions about a possible major redevelopment of Santa Monica Place, the indoor shopping mall between Second and Fourth streets and Broadway and Colorado Avenue.

City Hall officials were contending that only documents they release on the city's Web site should be produced, Gordon said.

City Attorney Marsha Moutrie said her office was preparing to give the SMCLC documentation on Tuesday that would include information from public surveys and workshops, part of the community approval process for Santa Monica Place's redevelopment.

"I hope the plaintiff will see we are acting in good faith," Moutrie said, indicating not all of the information requested would be immediately available.

Gordon said a meeting scheduled for Tuesday was canceled by the City Attorney's office. The purpose of the meeting, as Gordon understood it, was to allow the SMCLC to review all documents it requested at one time. The SMCLC would be able to choose those documents which it would like to scan and keep.

Instead, Gordon said her colleagues were handed over some documentation when they arrived at City Hall, which was not to the extent they requested.

Gordon said the SMCLC would prefer reviewing all of the documents on its terms, due to past experiences in which the City Attorney's office produced paperwork that failed to answer its questions.

"They would give us duplicate documents already on the city Web site, or documents not related to what we were looking for and not asked them to produce," Gordon said.

Gordon said she hadn't had a chance to review the documents the City Attorney's office offered the SMCLC on Tuesday. However, her colleagues had indicated they were disappointed in what they had received from City Hall.

"It's fair to say that it appears we still have a serious dispute as to the city's obligations to produce all of the documents ordered by the court for our inspection and scanning, if appropriate," Gordon said. "There is no justifiable reason to withhold documents that were

court-ordered to produce."

City officials said it's not a matter of withholding information, but a time issue — locating all of the documents is taking longer than anticipated.

Among the documents the SMCLC requested include:

■ E-mails between City Hall and Macerich. Those documents have yet to be searched.

■ Underlying source documents of City Hall's costs to redevelop Santa Monica Place, as well as traffic studies and other environmental impacts.

■ Telephone surveys City Hall conducted, with input from the developer.

■ The names and addresses of residents who attended City Hall's workshops, as well as lease and fee interest information for Macy's and Robinsons-May, Santa Monica Place's two anchor retailers in the mall.

The court also ordered City Hall to prepare a list of all documents that was withheld on the basis of privilege, so the court can determine whether it has properly asserted a privilege.

A status hearing is set for Sept. 26.

Santa Monica Place is owned by Macerich, Inc., one of the largest owners and operators of retail malls in the United States. Randy Brant, senior vice president of leasing of development leasing for Macerich, said the indoor shopping mall needs to be redeveloped because it was based on an old, out-dated suburban model that does not compete well with other shops on the Third Street Promenade.

The question of what kind of development should replace Santa Monica Place is one the city has been trying to answer in recent years.

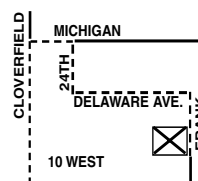
The City Council scrapped a proposed development to replace Santa Monica Place last year due to controversy about the height of high-rise buildings that were slated for the site. If implemented, the project would have demolished the existing mall and erected three 21-story residential towers, an eight-story office building and an eight-story apartment building. Those buildings were to be built on top of a new outdoor mall, which developers described as a natural extension of the Third Street Promenade.

Macerich has taken public comment from workshops, surveys and other outreach in order for consultants to come up with proposals to help "re-imagine" Santa Monica Place.

Alternative proposals to the current Santa Monica Place site were supposed to be presented publicly this summer, followed up by presentations to City Hall this fall with the hopes of approval. So far, the proposals have not been presented.

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LOCAL



Sri Lankans happy to see local Red Cross students

SRI LANKA, from page 1

American Red Cross of Santa Monica.

Landing in Colombo, Sri Lanka, the youth group spent two weeks doing humanitarian and relief work in the coastal areas devastated by last December's tsunami that claimed more than 200,000 lives. The group departed from Los Angeles on July 1 and returned on July 22.

"Before the tsunami, the country wasn't in great shape," said Grill, a junior at Crossroads School. "Now it's worse. It's almost like they got a double whammy."

The students completed various projects throughout their trip.

"We spent four days working around the Buddhist community center in Madihe, a village in the Matara district in southern Sri Lanka where we repaired and painted walls, helped repair a latrine and planted a medicinal garden," Grill said.

The students also supplied chalk and a chalkboard for a preschool in Matara, and sanded and painted classroom furniture.

Amongst the multiple experiences that impacted the students was the damage from the tsunami and the additional poverty it caused. Grill estimated that only 40 percent of the tsunami damage had been repaired at the time of their arrival. In fact, they were so stricken that they wished they could do more, said Gibson, a senior at Santa Monica High School.



Photo courtesy of the Red Cross
Mariza Lockhart (left) rakes while Gether Gibson (center) prepares the ground for planting herbs at a community medicinal garden destroyed by the tsunami in the Matara district on Sri Lanka's southern coast.

For Lockhart and the others, one of the most difficult moments was when the group stopped at Galle, the site where a train was swept off its tracks in southern Sri Lanka when the tsunami hit. The accident killed 1,500 people and made international news.

"I was at a loss for words," said Lockhart, a sophomore at Santa Monica High School. "But on the other hand, I was really proud of the people. They made the train a memorial, showing their awareness of those who died."

Though sickness was a fear of Grill's,

See SRI LANKA, page 8

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LOCAL

Local students find compassion on trip

SRI LANKA, from page 7

he was the one of few who did not get sick on the journey.

Chaperone and Santa Monica Red Cross Director of Volunteers and Youth Services Jerry Washington was hospitalized for multiple spider bites on his leg. He has since recovered, but his leg still has a black and blue blemish as a result of the bites.

Despite the sickness and challenges that occurred on the tour, compassion was one of the many results of the students' journey.

"A lot of these people have to rebuild their lives, and all I could think was, 'what if this happened to me?'" Lockhart said with a sigh. "The trip really made me feel like I could make a difference."

In addition to only eating with their hands in accordance with the country's custom, seeing eroded buildings, dealing with the high temperatures, and witnessing the roads covered with trash, one of the greatest challenges of the trip was the language barrier when working with local non-governmental organizations. What normally would be a short conversation would take 30 minutes because of translation, Grill said.

But not all the time was spent translating and working. One week of the trip was spent exploring the country like sightseeing in the capital city of Colombo,



Photo courtesy of the Red Cross
Red Cross chaperone, Jerry Washington, pitches in by helping some Sri Lankan youth during a recent humanitarian trip.

which included visits to the National Museum and Buddhist Temple of the Tooth. Later during the tour, the grouped backpacked into the central highlands of Sri Lanka. And in Kandy, Sri Lanka, the group participated in a cultural event that included singing and dancing with the locals.

The Santa Monica students boasted of the Sri Lankan hospitality.

"They were really open," Grill said. "Despite the language differences and three translators, everyone worked together and we got the job done. Everyone was excited that we were there to help."

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NATIONAL



Barrow sees first sunset in almost three months

By The Associated Press

BARROW, Alaska — Residents of the northernmost community in the United States saw their first sunset in almost three months.

The sun went down at 1:59 a.m. on Tuesday for the first time since May 10. It rose a little more than an hour later, at 3:09 a.m.

Some of Barrow's 4,500 residents had mixed views of the sunset, which brings with it shortening days.

Naomi Itta Tomas said the sunset will help get her young daughters to sleep earlier.

"Now when we tell them it is bedtime they say 'No, the sun is still up,'" Tomas said.

But local softball player Jim Martin said the first sunset made him depressed.

"The full scope of winter will soon be upon us, and it wasn't much of a summer anyway," Martin said.

Local writer Debby Edwardson said she loves the high energy of endless summer days, but still welcomes the chilly season.

"By the end of August I am starting to look forward to cozy winter nights again," Edwardson said.

Each night from now will last progressively longer until Nov. 18, when the sun will go down until Jan. 23, 2006, said Dave Stricklan of the National Weather Service in Barrow.

Conference addresses energy efficiency

By The Associated Press

DENVER — While coal mining and oil and gas drilling are increasing across the West, Howard Geller said the most convenient source of energy — conservation and energy efficiency — often is overlooked.

Geller, executive director of the Southwest Energy Efficiency Project, was a panelist Monday at the Rocky Mountain Natural Gas Strategy Conference and Investment Forum, where analysts discussed the future of the energy industry in the West.

Eugene Kim, an analyst for the energy consulting firm Wood Mackenzie, said that with global energy consumption projected to increase by 50 percent over the next 20 years, the world will come to rely more on resources from the Rocky Mountain region, including both traditional energy sources — coal, oil and gas — and energy provided by new sources of extraction.

But while energy extraction and generation were the focus of the discussion, conservation and efficiency were also cited as ways to stretch the energy supply.

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The Planning and Community Development Department has released the second milestone report of the Shape the Future 2025/Motion by the Ocean project to create new Land Use and Circulation Elements for the City of Santa Monica's General Plan. The Opportunities and Challenges Report builds on the community vision presented in the Emerging Themes report, examining existing conditions and trends to pose questions that challenge the community to consider the kinds of choices that will need to be made as this process continues. The report also defines focus areas for further exploration during the next phase (Phase II: Choices). The Opportunities and Challenges Report is now available for public review in the following locations:

- All City Library branches
- City Planning Division public counter
- On-line at www.shapethefuture2025.net

The Planning and Community Development Department will be hosting an Open House Community Meeting on August 16, from 6:30 p.m. to 8:30 p.m. at the Ken Edwards Center, 1527 4th Street. The purpose of this event is to informally discuss and answer questions about the report and to provide an additional opportunity for the public to become involved in the project.

The Planning Commission is scheduled to hold a public hearing to discuss the report at its regular meeting on September 7, 2005, beginning at 7:00 p.m. at the City Council Chambers, City Hall, 1685 Main Street. The City Council hearing on the report is tentatively scheduled for September 27, 2005, beginning at 6:45 p.m. at the same location. Staff reports will be available prior to each meeting.

For more information on Shape the Future 2025, please visit our website:
www.shapethefuture2025.net

Or contact staff at:

City Planning Division: Jon Lait, Liz Bar-El, Tony Kim - (310) 458-8341

Transportation Management Division: Beth Rolandson, Michelle Glickert - (310) 458-8291

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ESPAÑOL

Esto es una notificación al público solicitando sus comentarios sobre los proyectos Shape the Future 2025 y Motion by the Ocean, los cuales crearan políticas para guiar futuros edificios y actividades de transportación durante los próximos 20 años en la Ciudad de Santa Monica. Para mas información, visite nuestro sitio de Internet: www.shapethefuture2025.net y <http://motion.santa-monica.org> o llame a Carmen Gutierrez en el departamento de planificación al numero (310) 458-8341.

Real Estate

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Many real estate tactics can be learned if you read between the lines



BUYING AND SELLING
BY THOMAS KHAMMAR & BRENT PARSONS

Whether you own your house or condo, or perhaps millions of dollars worth of investment real estate, you will benefit from studying "Tax Secrets of Millionaire Real Estate Investors" by attorney Richard T. Williamson. Although you might know most of the real estate tax saving tactics, there are many new strategies that can be learned.

Williamson writes in an easy-to-understand style, considering he's a lawyer. The book begins with the tax basics for investors, then progresses to more sophisticated investment strategies, such as tax-free trading of investment property for management-free tenancy-in-common (TICs) investments.

Although the book is written primarily for real estate investors, homeowners and heirs who inherit property also will benefit. Williamson's explanation of "stepped-up basis" for inherited real estate and how to maximize tax savings is especially profitable reading. However, there isn't a word about the benefits of holding title in a living trust to avoid probate costs and delays.

The two chapters that are intense "heavy reading" deal with private

annuity trusts and charitable remainder trusts. Most readers won't care about these important chapters for very savvy investors, so you can safely skip over them.

But one chapter not to be skipped is about tax-deferred and tax-free real estate investing with IRA, Roth IRA and other retirement accounts. Williamson shows how to switch to self-directed retirement accounts, which allow real estate investing. Unfortunately, he fails to name the few IRA trustees who allow investors to self-manage and invest IRA funds in real estate.

For some strange reason, the two chapters that will interest most readers are hidden away almost at the end of the book. They do an excellent job of explaining principal-residence tax exemptions, including partial exemptions for sales after less than 24 months of occupancy, and stepped-up basis for inherited properties. Why these vital chapters were left until the end is difficult to understand.

Throughout the book there are lots of examples to illustrate the topics under discussion. Those examples simplify what can otherwise be difficult-to-understand tax strategies.

Whether you want to learn basic tax benefits of real estate investing, such as understanding depreciation and the passive activity tax rules, or you want more detailed information about tax-deferred exchanges and installment-sale benefits, the book reveals virtually everything in as

understandable explanations as possible. Even reverse exchanges are explained.

One unique chapter explains the rules for "cost segregation," showing how investors can maximize tax deductions for the components of their investment properties. Most investors won't want to spend the money to have a special appraisal of their properties made, but owners of large properties will find this chapter especially important. Chapter topics include "Estimating Capital Gains Taxes," "Dealer Versus Investor," "Benefits of Depreciation," "Passive Investment Rules and Exceptions," "Tax-Free Exchanges," "Build-to-Suit Exchanges," "Tenant-in-Common Exchanges," "Using Installment Sales," "Hybrids — Combining Tax Strategies," "and Using Your IRA to Buy Real Estate."

Contrary to the book's title, you don't have to be a millionaire to benefit from understanding the important and very profitable real estate tax tactics. This book has something for every real estate owner, whether you want to maximize homeowner tax benefits or you are a tycoon real estate investor. On our scale of one to 10, this superb book rates a solid 10.

(For more information contact Brent or Thomas @ The PowerHouse Team (310) 482-2015 or brent@pwrhteam.com. Some parts of this article were written by a third party.)

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Sold Santa Monica 07/27/2005	309 9TH ST SqFt: 2,862 Lot Size: 7,500	SANTA MONICA 90402 List Price: \$2,595,000 Sold Price: \$2,550,000	Bed: 4 Bath: 3.00
Sold Santa Monica 07/29/2005	728 17TH ST SqFt: 2,918 Lot Size: 7,500	SANTA MONICA 90402 List Price: \$1,999,000 Sold Price: \$2,050,000	Bed: 3 Bath: 2.50
Sold Santa Monica 07/28/2005	2683 34TH ST SqFt: 0 Lot Size: 8,799	SANTA MONICA 90405 List Price: \$1,895,000 Sold Price: \$1,840,000	GI: \$137,076 GRM: 13.80
Sold Santa Monica 07/28/2005	134 HART AVE SqFt: 1,069 Lot Size: 2,357	SANTA MONICA 90405 List Price: \$1,495,000 Sold Price: \$1,495,000	Bed: 2 Bath: 1.00
Sold Santa Monica 07/28/2005	915 12th ST #1 SqFt: N/A HOD: \$231	SANTA MONICA 90403 List Price: \$1,450,000 Sold Price: \$1,400,000	Bed: 2 Bath: 2.50
Sold Santa Monica 07/29/2005	933 15TH ST #B SqFt: 1,717 HOD: \$280	SANTA MONICA 90403 List Price: \$1,250,000 Sold Price: \$1,252,000	Bed: 2 Bath: 2.50
Sold Santa Monica 07/26/2005	2513 OCEAN PARK BLVD SqFt: N/A Lot Size: 7,153	SANTA MONICA 90405 List Price: \$1,199,000 Sold Price: \$1,199,000	GI: \$89,424 GRM: 13.40
Sold Santa Monica 07/26/2005	1224 22ND ST SqFt: 1,920 Lot Size: 6,500	SANTA MONICA 90404 List Price: \$1,195,000 Sold Price: \$1,125,000	GI: \$0 GRM: 0.00
Sold Santa Monica 07/26/2005	928 19TH ST #101 SqFt: 1,703 HOD: \$235	SANTA MONICA 90403 List Price: \$1,195,000 Sold Price: \$1,170,000	Bed: 3 Bath: 2.50
Sold Santa Monica 07/26/2005	1458 PRINCETON ST SqFt: 1,173 Lot Size: 6,016	SANTA MONICA 90404 List Price: \$1,099,000 Sold Price: \$1,162,000	GI: \$0 GRM: 0.00
Sold Santa Monica 07/29/2005	1010 CALIFORNIA AVE #8 SqFt: 1,680 HOD: \$300	SANTA MONICA 90403 List Price: \$989,000 Sold Price: \$975,000	Bed: 2 Bath: 2.00
Sold Santa Monica 07/28/2005	1711 CEDAR ST SqFt: 1,329 Lot Size: 6,500	SANTA MONICA 90405 List Price: \$979,000 Sold Price: \$1,028,000	Bed: 3 Bath: 1.75
Sold Santa Monica 07/26/2005	1301 CHELSEA AVE SqFt: 0 Lot Size: 3,933	SANTA MONICA 90404 List Price: \$849,000 Sold Price: \$775,000	GI: \$0 GRM: 0.00
Sold Santa Monica 07/26/2005	1301 CHELSEA AVE SqFt: 1,898 Lot Size: 3,933	SANTA MONICA 90404 List Price: \$849,000 Sold Price: \$775,000	GI: \$23,604 GRM: 36.00
Sold Santa Monica 07/29/2005	1055 19TH ST #4 SqFt: 1,378 HOD: \$285	SANTA MONICA 90403 List Price: \$739,000 Sold Price: \$771,000	Bed: 2 Bath: 2.50
Sold Santa Monica 07/29/2005	1313 18TH ST #3 SqFt: 1,441 HOD: \$226	SANTA MONICA 90404 List Price: \$695,000 Sold Price: \$725,000	Bed: 3 Bath: 2.00
Sold Santa Monica 07/28/2005	1233 BERKELEY ST #1 SqFt: 1,377 HOD: \$230	SANTA MONICA 90404 List Price: \$685,000 Sold Price: \$740,000	Bed: 3 Bath: 2.00
Sold Santa Monica 07/29/2005	2620 ARIZONA AVE #4 SqFt: 1,132 HOD: \$250	SANTA MONICA 90404 List Price: \$639,000 Sold Price: \$675,000	Bed: 2 Bath: 2.00
Sold Santa Monica 07/27/2005	1018 4TH ST #106 SqFt: 760 HOD: \$350	SANTA MONICA 90403 List Price: \$629,000 Sold Price: \$701,000	Bed: 2 Bath: 1.00
Sold Santa Monica 07/26/2005	1457 CENTINELA AVE #3 SqFt: 813 HOD: \$227	SANTA MONICA 90404 List Price: \$559,000 Sold Price: \$559,000	Bed: 2 Bath: 2.50

THOMAS AT THE POWERHOUSE TEAM:

thomas@pwrhteam.com

Information received as per the MLS on 08/02/05. Not all transactions may have been represented by THE POWERHOUSE TEAM. www.thepowerhouseteam.net



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POWERHOUSE TEAM TIP OF THE WEEK: When entering a 1031 Exchange with investment property the exchanger has 45 days to identify a replacement property from date of transfer of title and 180 days to acquire title of property.

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222 7th St. #312 Santa Monica 90402
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2BD/ 1.5BA bright and sunny top floor unit in this beautifully maintained complex on the corner of 7th and San Vicente. Blocks from the beach and 4th street stairs in one of Santa Monica's most desirable neighborhoods. Floor-to-ceiling marble fireplace in living room, plantation shutters, recessed lighting, smooth ceilings.

1307 Ashland Ave. Santa Monica 90405
Just Reduced \$1,299,000
Open Sun 2-5pm
Stunning Ocean Park Home has quality designer touches throughout. Situated on a large 6,996 sq ft (A) flat lot, this charming 3br/2ba home features hardwood floors, family room, formal living and dining rooms, a cook's kitchen and updated baths. Picturesque trellised patio sits in large serene private yard with mature landscaping.



2002 4th St. #107, Santa Monica.....1BR,1BA, 864 sq.ft.(A).....\$499,000.....Open Sun 2-5pm
11963 Mayfield Ave. #102, Brentwood....3BR, 2.5BA 1,961sq.ft.(A)....\$1,100,000.....Open Sun 2-5pm
1525 E. Appleton Ave. Long Beach.....1BR,1BA,712sq.ft.(A).....\$339,000.....Open Sun 2-5pm
15515 W. Sunset Blvd., Pacific Palisades....2BD,2BA,1,434sq.ft.(A)....\$699,000.....In Escrow
1228 14th Street, Santa Monica.....3BR, 2BA, 1,552 sq.ft.(A).....\$769,000.....Sold and Saved \$24,450
1330 Yale Street, Santa Monica.....2BR, 1.5BA, 1,552sq.ft.(A)....\$499,800.....Sold and Saved \$14,130
856 Iliff Street, Pacific Palisades.....1BR, 1BA, 6,500 sq.ft (A).....\$1,295,000.....Sold and Saved \$39,050
1736 Palisades Dr. Pacific Palisades....2BR, 2BA 1,776 sq.ft.(A).....\$699,000.....Sold and Saved \$34,990

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Big brother now has a lock on eminent domain



DAYS ON
THE MARKET

BY JODI SUMMERS

Big Brother is upon us. First it was in the name of Homeland Security. Now it is eminent domain, particularly the recent Supreme Court decision in Kelo versus the city of New London. The highest court in our land ruled that local governments can seize individuals' homes and businesses against the property owner's will to make way for shopping malls and other private economic development. Should those living along Adelaide or La Mesa drives be nervous?

In a 5-4 ruling, the court said government agencies can take private property for economic development, and even transfer it to another private party. The ruling upheld New London's right to seize 15 properties from private owners and transfer the real estate to private developers for hotel, office and conference-center projects. None of the owners wanted to sell at any price. None of the houses were considered to be blighted or in bad repair. None of the real estate will be used or owned by the city itself.

Can that happen here? Members of California's senate and assembly have introduced bills that would place a constitutional amendment on the ballot reducing the impact of the U.S. Supreme Court's recent decision on eminent domain.

California Sen. Tom McClintock (R-Simi Valley) introduced bill SCA 15 and Assembly member Doug LaMalfa (R-Richvale) introduced Assembly Constitutional Amendment 22. Similar in scope, both bills seek to put a constitutional amendment on the state ballot. One part of the proposed amendment states, "Private property may not be taken or damaged for private use ... Private property may be taken by eminent domain only for a stated public use ... Property taken by eminent domain shall be owned and occupied by the condemner or may be leased only to entities that are regulated by the Public Utilities Commission."

Now, let's look at our local history books. Records show that in March 1972, the Santa Monica City Council decided to

Photo courtesy of Santa Monica Public Library Image Archives
Clyde V. Fitzgerald, sanitation inspector for the city of Santa Monica watches a derelict house burn in 1953. The house was removed as part of a 'slum clearance' for the Civic Center project, Belmar Place between Main and Third streets, north of Pico Boulevard on July 1, 1953.

begin an urban renewal project to revitalize the two blocks between Broadway and Colorado Avenue and Second and Fourth streets in downtown Santa Monica. The city and the developers called it a regional shopping center. We call it Santa Monica Place.

"Urban renewal projects of this scale are sometimes done through a city's Redevelopment Agency which is a legal entity within the city," notes Nina Fresco of the Santa Monica Conservancy. "In Santa Monica, the City Council appoints itself to sit as the Redevelopment Agency. Redevelopment Agency projects are a means by which a city can use eminent domain to take over property from owners in order to bundle separate parcels of land into one large parcel. They are often resold to a developer who agrees to rebuild the area according to a redevelopment plan prepared by the agency."

After several years of legal battle, Santa Monica built the soon-to-be-destroyed Santa Monica Place regional shopping center, and later the Third Street Promenade. Officials also talked about doing it back in 1958 when they redeveloped Ocean Park. Could it happen here again? Obviously, if it's in the city's best interest, yes.

Justice John Paul Stevens wrote the court opinion affirming that New London's proposed disposition of petitioners' property qualifies as "public use." The five justices in the majority held that when a local government determines that

See EMINENT DOMAIN, page 13

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Emotions still raw 20 years after deadly flood

ROBERT W. BLACK

Associated Press Writer

CHEYENNE, Wyo. — When morning dawned here Aug. 1, 1985, the air felt moist, heavy and ripe for thunderstorms.

But no one could foresee the barrage of tornadoes, window-shattering hail and hurricane-like deluge that would last three hours, dropping more than 6 inches of rain — about half the amount of an average year.

By dusk, much of the capital city, which mainly lies between two normally sleepy creeks, was under water. Twelve people would die in Wyoming's worst flood, which also caused \$61 million in damage.

Twenty years later, memories of that terrible day are still painfully fresh for many of the city's residents.

Leo Pando, a police officer at the time, remembers going to bed about 9 p.m. after checking to see his window wells were

not full of water. Around midnight, two fellow officers knocked on his door.

"I said, 'What's up guys?' and they said they had some bad news," Pando said.

His daughter, Joelle, 15, had been riding with three friends when their car was swept into Dry Creek. One can normally step across the brook, but on this night it was a raging torrent, pouring over College Drive and Dell Range Boulevard.

Joelle and her boyfriend, who were in the back seat, drowned. The other two teens survived.

"It's just something you never forget," Pando said, struggling for words. "There isn't a day in the last 20 years that I don't think about my daughter."

Cheyenne already had a long history of flash floods, with at least seven major

See **FLOOD ANNIVERSARY**, page 14

Eminent domain could be a reality in Santa Monica real estate

EMINENT DOMAIN, from page 12

eminent-domain seizures will contribute to a public benefit — even if that benefit is the prospect of increased tax revenues — then the Supreme Court should give the local government "deference" and not interfere. Stevens was joined by Justices Anthony Kennedy, David H. Souter, Ruth Bader Ginsburg and Stephen G. Breyer.

In her last work on the Supreme Court, Justice Sandra Day O'Connor wrote the dissenting opinion noting, "All private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded ... The specter of condemnation hangs over all property. Nothing is to prevent (local governments) from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."

Clarence Thomas and the Chief Justice William H. Rehnquist.

O'Connor also noted that the decision eliminated "any distinction between private and public use of property — and thereby effectively (deletes) the words 'for public use' from the takings clause of the Fifth Amendment."

That constitutional amendment prohibits governments from taking private properties "for public use, without just compensation."

The residents of New London, Conn. had petitioned against the use of eminent domain, declaring that cities have no right to take their properties unless the projects have a clear public use, traditionally understood to mean direct public ownership and use — clear public roads or schools and improve blighted areas that need improvement.

The Los Angeles Times cited the 1954

case of Berman versus Parker, as another time when the concept of public use was expanded to include projects that contribute to public benefit. Berman versus Parker involved the condemnation of an economically depressed, predominantly African American neighborhoods in Washington, D.C., to be replaced by new buildings that were privately owned.

Dana Berliner, an attorney for the Institute for Justice, the public interest law firm that represented the New London homeowners, observed that only certain categories of homeowners are at heightened risk. Based on her research on more than 10,000 "abusive" eminent-domain seizures across the country, the high-risk homeowners are:

■ Residents of older neighborhoods that have some geographical feature — they are near a waterfront, they are low-density but are adjacent to higher-density commercial

areas — that make them attractive for an allegedly "higher and better use."

■ Working-class and middle-income areas in general.

■ Neighborhoods with high concentrations of lower-income, minority residents.

In defense, Berliner suggests that homeowners organize and fight such projects at the local and state levels, where there may be greater statutory protections. For more information regarding grassroots anti-eminent domain campaigns, check out the Castle Coalition, <http://www.castlecoalition.org>. The coalition provides legal information and training seminars for property owners who choose not to go down without a fight.

(Jodi Summers is director of the investment division at Boardwalk Realty Santa Monica. Contact her at jodis@boardwalkrealty.com, or call (310) 309-4219.)



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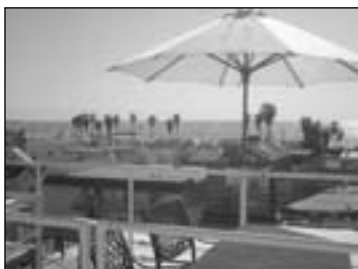


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Jim Davis 310/393-8491 x5#

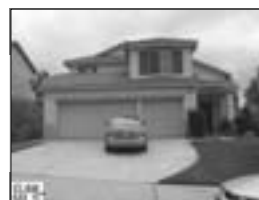


124 Park Place, Venice

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Jack Susser 310/393-8491 x4#



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Real estate flourishes in Wyoming after floods

FLOOD ANNIVERSARY, from page 13

ones from 1896 to 1977. But most had not been deadly. Sometimes, when monsoonal moisture flows north from the eastern Pacific into the Rocky Mountains and upper-level "steering" winds fail to materialize, storms can stall — with disastrous results. Cloudbursts unleashed flash floods that killed 238 people in Rapid City, S.D., in 1972; 144 in Colorado's Big Thompson Canyon in 1976; and five in Fort Collins, Colo., in 1997. "The one over Cheyenne was very unique," Bill Parker, director of the local National Weather Service, said of the deadly thunderhead. "It was very vertically structured and it wouldn't move." The storm spawned several tornadoes although most touched down outside town and did little damage. Hail, however, fell by the bucketful. In low-lying areas, it piled

up higher than car tops, leaving an eerie winterlike scene in the middle of summer. When the initial tornado warning went off, residents hurried to basements. Twenty minutes later, a flood warning was issued and people were urged to seek higher ground. One woman didn't hear the latter warning and drowned in her basement. A man bailing water died of a heart attack. Don Patterson, a police captain at the time, said the hail smashed out the windows of the police station, allowing the basement to flood more quickly and shorting out the transformers, which caught on fire. Dispatchers and officers scrambled to evacuate. "When the water drained away, there was 3 or 4 feet of ice from the hail that had settled in there and just insulated it enough, it didn't want to melt," he said. "We lost tremendous amounts of records."

The 911 center was also flooded so a makeshift command post was established in a van, and portable radios helped direct officers. "The next couple days were just a blur because you had so much to do," Patterson said. "You had the cleanup and removal of the bodies; we knew we had bodies at the end of Dry Creek somewhere, including a sheriff's deputy." The deputy, Robert Van Alyne, had attempted to rescue a young child from a car. He had already saved two children, but the pressure of the water tore him and the third child away from the safety line he was holding onto. Opal Wade, who lives next to Dry Creek, tried to salvage heirlooms and documents from a basement that was rapidly filling with water. Her husband, Bill, beckoned her to quickly come upstairs. "Already our little Rambler car was floating on the edge of our driveway and all you could see was the top of the vehicle," she said.

The basement of neighbor Ann Rhodes' home quickly flooded, and the main floor was inundated with 18 inches of water. Both the Wades and Rhodeses had lost their homes in a twister in 1979.

"If I ever had my choice of whether I was going to be in a tornado or a flood, I would pick the tornado," Rhodes said. "The tornado takes everything away, and the flood leaves everything wet, and you have to get rid of it. It's just a mess."

Pando, overcome with grief, vowed to find a way to help prevent another Cheyenne flood disaster. He was elected mayor, and oversaw many improvements, including new bridges and retention ponds, widening of creek channels and new storm sewer pipe.

Pando also fought to convert a small parcel into a retention pond to keep flood waters from raging through downtown. He was roundly criticized: "Pando's Pond," and "Pando's Puddle" were among the disparaging nicknames attached to a project many saw as a boondoggle.

Now the sunken park contains a tennis court and grassy area where dogs chase Frisbees or kids play catch. In the winter, it's popular for tobogganing.

"People complained about property values going down," he said. "Today I get calls from people saying that was a great thing to do and thanking me for having the guts to stick it out."

The park was named after Pando, but he sees it as a tribute to Joeline.

"If it never happens to anybody — any other parent — then I feel like maybe that's what kept me going on it, didn't deter me in the hope that some other parent wouldn't lose a child to a flood."

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Patriot Act nets dope at border

By The Associated Press

SEATTLE — The USA Patriot Act made it possible for federal investigators to search and bug a 360-foot tunnel under the U.S.-Canadian border, and then watch and listen as hundreds of pounds of marijuana were carried through it.

Government agents surreptitiously installed video and audio devices after obtaining a “sneak and peek” warrant, which allows searches that leave no trace and are conducted without immediate notification of the subject.

Regular search warrants require that the subject be notified immediately after a search. Usually notice is left at the scene, with details about any removal of items.

With a sneak-and-peek warrant — also called a delayed-notice warrant — investigators arrange the timeline of the delay with a judge. Most often, suspects are notified within 30 days, said Doug Whalley, an assistant U.S. attorney in Seattle.

As Congress prepares to reauthorize parts of the law, some legislators and civil-rights groups want to scale back some of the powers it grants. The Senate Judiciary Committee, for example, recently introduced a bill that would greatly limit how “sneak-and-peek” activity is conducted.

“I think that the power that the government has under the Patriot Act ... is clearly contrary to the notion underlying the Fourth Amendment,” said former U.S. Rep. Bob Barr, R-Ga., who leads an organization called Patriots to Restore Checks and Balances.

The secret warrants are “being used in cases that have nothing whatsoever to do with terrorism,” Barr said.

Whalley said the Patriot Act codified existing law and made it difficult to challenge the use of sneak-and-peek warrants in court. Before the law went into effect, rulings were made on a case-by-case basis. Appeals courts could decide whether the warrants were improperly issued.

Under Patriot Act warrants, suspects often are not aware for months that their properties have been searched, said Lisa Graves, senior counsel for legislative strategy for the American Civil Liberties Union.

“The Justice Department decided to create a statutory right across the board, to try and create a national right of law enforcement to create secret searches of businesses and homes, secret seizures of evidence,” she said.

Whalley said prosecutors “don’t eagerly use these methods of surveillance. The process is very labor-intensive. If you watch TV, they get a search warrant within 10 minutes. Something like this, where you want to go in and not announce your presence if we’re lucky, the turnaround is two days, and that’s fast.”

When discovery of the tunnel was announced last month, federal officials cited concerns it could be used to smuggle terrorists or weapons, not just drugs.

Civil-rights advocates are skeptical.

“The tunnel has nothing to do with the war on terrorism. ... There’s absolutely no reason why the authorities couldn’t have availed themselves of the normal ways possible,” said Bob Mahler, a Seattle criminal-defense attorney.

“They just didn’t feel the need to use the normal, constitutionally mandated processes because they had this new tool that was given to them,” Mahler said.

Qwest posts much smaller loss for second quarter

BY SANDY SHORE

AP Business Writer

DENVER — Three months after its failed multibillion-dollar bid for MCI Inc., Qwest Communications International Inc. said Tuesday it narrowed its second-quarter loss by 79 percent, citing higher revenue driven in part by bundling products.

Chief executive Dick Notebaert told analysts the company that serves 14 mostly Western states was making “demonstrable progress” but continues to look for business opportunities.

In the quarter that ended June 30, the Denver-based company reported a \$164 million loss, or 9 cents a share, including one-time charges equal to 2 cents a share. That compared with a \$776 million net loss, or 43 cents per share, in the 2004 second quarter, which included one-time charges of 25 cents.

Revenue for the quarter rose nearly 1 percent to \$3.47 billion from \$3.44 billion last year.

Excluding the charges, the latest results beat analysts’

expectations for a loss of 9 cents per share on sales of \$3.44 billion, according to a survey by Thomson Financial.

Qwest’s stock was down 1 cent to \$3.88 a share in early trading on the New York Stock Exchange.

Landline revenue increased \$130 million, up 1.6 percent from the 2004 second quarter which Notebaert credited to more sales of local, data and Internet services and wholesale settlements.

Operating expenses, which totaled \$3.2 billion, were down 15 percent from the second quarter of 2004.

In the first six months, Qwest reported a net loss of \$107 million, or 6 cents a share, compared with a \$1.1 billion net loss, or 61 cents a share, in the first six months of 2004. Revenue was \$6.9 billion, compared with \$6.92 billion of the previous year.

Earlier this year, Qwest and Verizon engaged in a highly public battle for Ashburn, Va.-based MCI, hoping to land its nationwide fiber-optic network with a lucrative roster of government and corporate clients.

Qwest withdrew its \$9.85 billion offer May 2 after MCI agreed to Verizon’s \$8.54 billion offer.

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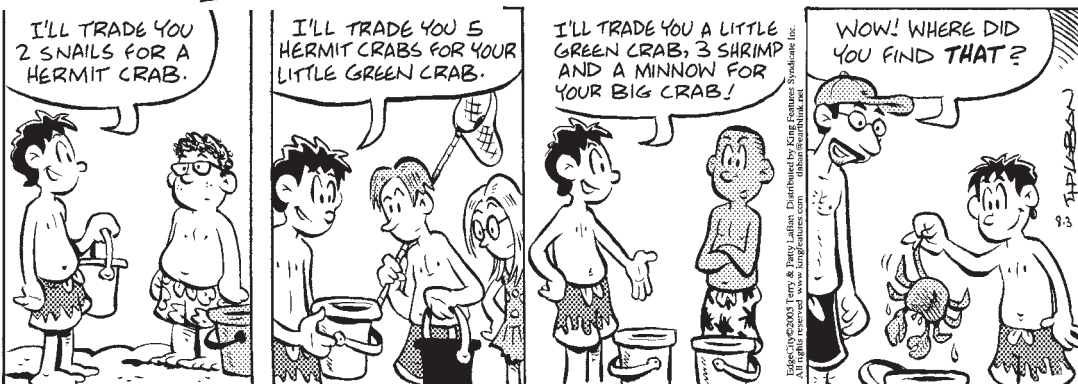
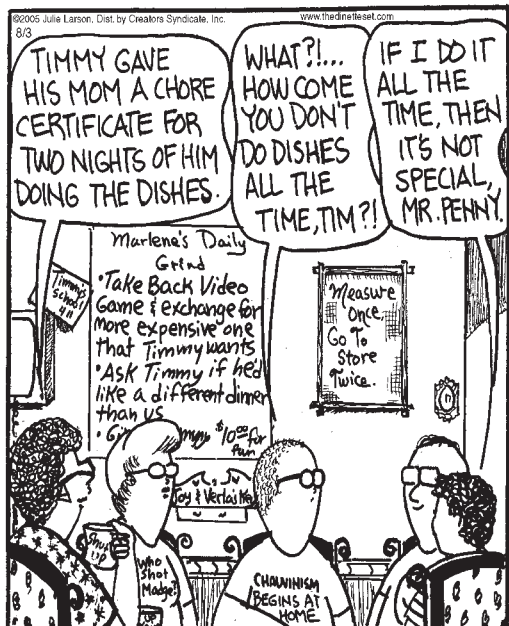
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2000 ALBERTA Ave., Apt 02, Spacious 1 BD, 1 BA apt. with large courtyard and swimming pool. 4 blocks to the beach. Gated private parking, laundry room, quiet neighborhood. \$1245. 1 year lease, no pets. (323) 350-3988.

2643 RIVERSIDE Terrace. Sunny upper unit with garden view. Great access and original floor plan. One year lease. Utilities included. \$950. Call Jack at (310) 396-4443 x 2002

2724 ABBOT Kinney Blvd., Unit 103. MDR Adjacent. 2+2, fireplace, dishwasher, stove, large private patio, new paint & carpet in newer gated building with gated, subterranean parking, AC, quiet neighborhood, laundry rm., 1 year lease, no pets. \$1395 (310) 578-9729.

30 HORIZON Ave., #3. Venice Beach single, great location, just 1/2 block from beach. 1 year lease, no pets, \$950. Available now. Call (310) 396-4443 x 2002.

319 S. CLARK DR. #203. Three story 30 unit gated building. Large upper rear apt., A/C, sunny, secured parking, dishwasher, laundry room, balcony, prime location for shopping/ restaurants. Available mid-August \$1295. Call (310) 804-7460.

50 BREEZE Ave., #9, Venice sunny 1+1 one block from beach. Westerly view. Hardwood floors, full kitchen. Very charming, security building. 1 year lease, no pets. \$1345. (310) 396-4443 x 2002

605 SANTA Clara Ave. Quiet unit on quiet street. Great location close to Abbot Kinney and just six blocks to the beach. Available mid-August, 1 year lease, no pets. \$745. Open house Thursday, August 11, 12:00-1:00pm. Call (310) 396-4443 x 2002.

7010 LANEWOOD Ave. #204. Large unit in a gated building located near the In & Out Burger on Sunset. This is a quiet building. The unit is freshly painted and is very clean. 1 year lease, No pets. No Smoking. \$1025. Call (323) 466-4700.

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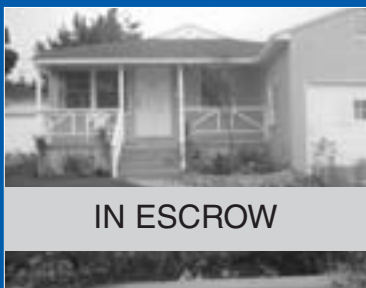
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- Approved plans and permits for two, 4 bedroom townhouses each approx. 3,200 sq. ft.
- Great Century City location.



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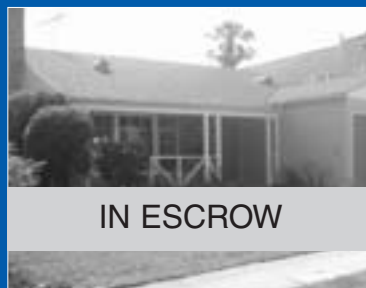
846 Eucalyptus Drive, El Segundo
\$799,000

- 3 Bedrooms, 2 Baths
- 1,463 square feet (buyer verify)
- New Kitchen
- Freshly refinished hardwood floors
- New Roof
- New copper plumbing
- Beautiful lush manicured landscaping
- Dining Room
- Stunning stone fireplace



1458 Princeton St., Santa Monica
\$1,099,00

- Santa Monica Duplex
- Two seperate structures
- Front house 2+1
- Back unit 1+1
- Copper plumbing
- Hardwood floors
- Delivered vacant



IN ESCROW

1855 Benicia, Century City
\$1,100,000

- Century City Location
- 3 Bedrooms, 2 Bathrooms
- Hardwood floors
- Living room with fireplace
- Remodeled kitchen w/granite countertops
- New landscaping
- New Roof
- Zoned R-2



2801 La Castana, Los Angeles
\$1,674,000

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\$645.00 Per Month

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*Not Including Tax & Insurance

\$650,000.00
1st - \$520,000.00 @ 5.25%
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1 mo./1 mo. arm 1.0%***

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