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FRIDAY, NOVEMBER 22, 2013
Volume 13 Issue 9



# Santa Monica Daily Press

*We have you covered*

JFK BY THE BAY
SEE PAGE 4

THE ROAD TRIP ISSUE

# Two pot shops allowed in zoning draft

BY DAVID MARK SIMPSON
Daily Press Staff Writer

**CITY HALL** A pair of medical marijuana dispensaries would be allowed in the areas surrounding Santa Monica's hospitals, according to the Draft Zoning Ordinance released last week.

In August, City Council ordered planning officials to include regulations for dispensaries in the zoning draft.

The Planning Commission will discuss the ordinance, which regulates the uses of different areas of the city and various types of businesses, six times starting next month.

After the commission is finished with it, council will debate the draft.

City planner Paul Foley said that he took council's directions and looked to cities like Oakland, Berkeley, San Francisco, but mostly West Hollywood to create the dispensary zoning codes

"It's the same kind of city in some ways," he said. "We thought that was a good city to look at, to take some things from them, and put our own stuff in."

In the draft, the dispensaries cannot exceed 2,500 square feet and must be located within the Healthcare District, which is defined as the areas surrounding the UCLA

SEE ZONING PAGE 8

# Attorneys to make $575 per hour in airport lawsuit

BY DAVID MARK SIMPSON
Daily Press Staff Writer

**CITY HALL** Morrison and Foerster, the law firm selected by City Hall for its litigation against the Federal Aviation Administration, is putting the Living Wage Ordinance to shame.

City officials will pay the firm $575 an hour to represent them in the lawsuit, filed Oct. 31, meant to settle the ongoing dispute over who has control of Santa Monica Airport and its 227 acres.

Normal billing rates for senior partners on the case exceed $900 per hour, City Attorney Marsha Moutrie said, but City Hall negotiated a blended rate. This means the hourly rate stays the same regardless of who works on the case, senior partners on down.

"They explained that their firm has a long-standing commitment to public service and a particular interest in this unusual case," she said in an e-mail. "This rate is well within the range that (City Hall) has paid for specialized legal services in the past."

City officials were initially hesitant to make the rate public, claiming that it would hurt their ability to negotiate discounts in the future. Three weeks and two public record requests later, they relented.

No money has been spent on the case thus far, Moutrie said.

Earlier this year, the Daily Press reported that Santa Monica has more high-paid attorneys than any municipality in Los Angeles County.

City officials defended the salaries, noting that the city attorneys are a "bargain"

SEE PAY PAGE 7



## AFTER THE STORM

Daniel Archuleta *daniela@smdp.com*

**A flock of birds takes to the air following a rain storm on Thursday. The National Weather Service forecasts highs in the mid 60s today with a 30 percent chance of showers. County health officials said the public should avoid the water for 72 hours after a downpour.**

# Boston crime boss Whitey Bulger formally appeals

THE ASSOCIATED PRESS

**BOSTON** Former Boston crime boss James "Whitey" Bulger will appeal the racketeering conviction that landed him a life sentence last week.

Bulger's attorneys, J.W. Carney Jr. and Hank Brennan, filed the one-sentence notice of appeal in federal court on Wednesday evening. The appeal notice had been expected.

The lawyers have said Bulger believes his trial was a "sham" because he wasn't allowed to argue that a now-deceased federal prose-

SEE BULGER PAGE 10

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# What's Up Westside

## OUT AND ABOUT IN SANTA MONICA

**Friday, Nov. 22, 2013**

**Zen stretch**
Annenberg Community Beach House
415 E Pacific Coast Highway,
9 a.m. — 10 a.m.
Yoga at the Beach House is a great place to focus your mind, lift your spirits and strengthen your body. Drop-in or full five-week session registration available. Ages 12 and up. For more information, call (310)458-4904

**Geek out**
Tech Week L.A. 2013
Santa Monica Place, all day
Techweek's mission is to showcase, celebrate and enable the innovation ecosystem in major tech hubs outside of Silicon Valley. Techweek, which starts Thursday, Nov. 21, brings together a mixture of entrepreneurs, visionaries, and thought leaders for a week-long celebration of all things tech. Admission: Expo $20; Expo & Conference $119. For more information, visit techweek.com/losangeles.

**Bag it**
Miles Memorial Playhouse
1130 Lincoln Blvd., 7 p.m.
"In The Bag" is part of the Virginia Avenue Project's Replay program: six short plays written by kids, performed and directed by adult professionals, and accompanied by members of the Santa Monica Youth Orchestra. Admission: Pay what you can. No reservations required. For more information, call (310) 264-4224.

**Five plus five equals ...**
Santa Monica College
Theatre Arts Studio Stage
1900 Pico Blvd., 8 p.m.
"And Then There Were Ten," featuring 10 fingers on piano keys, 10 performers, and numbers from 10 Broadway shows, will be presented by the Santa Monica College Musical Theatre Workshop. Advance tickets are $10, plus a service charge, and can be purchased by going to www.smc.edu/eventsinfo or by calling (310) 434-4319. Tickets are $3 higher at the door. Parking is free on Friday evenings and weekends. No late seating!

**Evildoers**
M.i. Westside Comedy Theater
1323-A Third Street Promenade, 8 p.m.
Unnecessary Evil is a stand-up comedy event featuring five of the country's top comedians and sometimes surprise celebrity guests. Admission: $10. For more information, call (310) 451-0850.

**Saturday, Nov. 23, 2013**

**Dude, let's go shred**
City Yards
2500 Michigan Ave.,
9 a.m. — 2 p.m.
Papers and documents will be commercially shredded by trained, licensed and bonded document destruction specialists. Admission: Free. For more information, call (310)393-4848.

**Remembering the ol' Canteen**
Santa Monica Public Library
601 Santa Monica Blvd., 3 p.m.
Authors Lisa Mitchell and Bruce Torrence present a nostalgic look back at the crown jewel of World War II Hollywood: The Hollywood Canteen. A book sale and signing will follow their presentation. Admission: Free. For more information, call (310)458-8600.

**SMC photo opp**
Santa Monica College
1900 Pico Blvd., 6 p.m. — 8 p.m.
Opening reception for the SMC Student Portfolio Exhibition, which will showcase outstanding works by students in the SMC Photography Department's portfolio classes. The reception will be held at the SMC Photography Gallery which is located on the second floor of Drescher Hall on the SMC main campus. For more information, call (310)434-4289.

**Picking up the pieces**
Pico Youth & Family Center
715 Pico Blvd., 7 p.m. — 10 p.m.
The PYFC returns with its second hip-hop show of 2013 with some live music featuring some of your favorite local artists. Any profits will go to the PYFC to help run services for the youth and all food, water, and clothing donations will go toward victims of the Philippines typhoon. Admission: $5 or three canned foods plus $2. For more information, call (310)396-7101.

**To create your own listing, log on to smdp.com/submitevent**

For help, contact Daniel Archuleta at **310-458-7737** or submit to editor@smdp.com

For more information on any of the events listed, log on to **smdp.com/communitylistings**



# State health exchange upholds policy cancelations

**JULIET WILLIAMS**
Associated Press

**SACRAMENTO, Calif.** The board overseeing California's health insurance exchange voted unanimously Thursday to stick with its current year-end deadline of phasing out more than 1 million individual health insurance policies that fail to meet requirements of the federal health care overhaul, turning aside a plea by President Barack Obama to let those policies continue.

In voting 5-0, Covered California board members said allowing the older polices to continue would undermine the new insurance marketplaces. Those policies are being ended because they do meet the more extensive requirements for essential benefits under the federal Affordable Care Act.

"There's no way to make the federal law work without this transition to ACA-compliant plans," board member Susan Kennedy said. "Delaying the transition isn't going to help anyone; it just delays the problems. I actually think that it's going to make a bad situation worse if we complicate it further."

The state insurance commissioner has said that 1.1 million Californians are receiving notices that their current individual health insurance policies will be discontinued in 2014, a deadline previously agreed to by the exchange and insurers. Nearly 220,000 policies will be extended until March because the companies failed to meet regulatory deadlines for notifying policy holders.

The cancellations have angered some policy holders,

SEE **EXCHANGE** PAGE 5




## MAKING A STATEMENT

Brandon Wise *brandonw@smdp.com*

**Members of Food & Water Watch protest against oil companies on the corner of Arizona Avenue and Fourth Street on Thursday afternoon. The group chose to protest in front of the Milken Family Foundation because Gov. Jerry Brown, who is considering fracking regulations, was reportedly there for a conference. Fracking involves pumping water, sand and a mixture of chemicals into geological strata to free trapped hydrocarbons. Fracking has increased the supply of natural gas, breathing some life into the economy, but environmentalists fear it will pollute drinking water.**

## COMMUNITY BRIEFS

WESTSIDE

### Garbage-free streets equals a clean ocean

The Los Angeles Public Works Department is urging residents to keep the streets clean to protect local waterways due to a stormy forecast through Friday.

Despite the installation of trash boom collection systems at the Ballona Creek and Los Angeles River and trash catching protective screens, litter has still appeared in urban river centers and the Pacific Ocean, according to a press release by the department.

The Department of Public Works advises residents to prevent stormwater pollution by putting litter and cigarette butts in trash cans; carrying a litter bag and remembering to use it; picking up after pets; recycling beverage containers; keeping truck beds litter-free; tying down truck payloads; use pesticides and fertilizers sparingly and never use them before it rains.

In addition, the department advises residents to recycle used motor oil and oil filters at a designated recycle center.

For more information about the county's stormwater pollution prevention programs, call (888)253-2652 or visit cleanla.com

– BRIAN ADIGWU

# Network of electric car chargers stalled

**JUSTIN PRITCHARD**
Associated Press

**LOS ANGELES** A New Jersey energy company required by an unusual legal settlement to build an extensive network of electric car chargers throughout California has delivered just 10 percent of what it promised in the first year.

By fortifying the state's still-spotty charging infrastructure, the settlement between NRG Energy Inc. and California energy regulators was sold as key to jump-starting enthusiasm for the non-polluting vehicles. More places to "refuel" would diminish worries of getting stranded with a dead battery, and widespread adoption of the cars would help the state meet ambitious air quality goals.

Instead of Californians plugging in, however, progress has been plugged up: Just 110 of the 1,040 stations that NRG committed to installing by early December are ready.

The subsidiary responsible for building the stations, NRG eVgo, blames a series of unanticipated problems, including a reluctance among owners of malls, offices and apartment buildings to provide space for the chargers — even when the company subsidizes their cost.

The count of new stations so far, released to The Associated Press, is likely to renew concern over the settlement and whether NRG eVgo will be able to comply over its four year term. NRG eVgo said it expects a burst of activity in 2014 will bring it back on schedule.

The deal settled the state's claims that plants co-owned by NRG overcharged for electricity during California's power crisis a decade ago. By the end of 2016, the company is to spend $90.5 million to install at least 10,200 new charging stations statewide.

From the outset, skeptics suggested that the settlement doesn't adequately compensate Californians or penalize the company for the alleged price gouging. For one, NRG keeps profits from the chargers.

"How is that a penalty? You're giving them more locations. And they're earning revenue from them," said John Gartner, research director of smart transportation at Navigant Research who has followed the settlement. "Really, really weird."

While California's many environmentally inclined consumers may seem eager for electric cars — and, led by Gov. Jerry Brown, the state is relying on 1.5 million zero-emission vehicles to reduce air pollution — the lack of charging stations remains a barrier.

SEE **CHARGERS** PAGE 8

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## LETTERS TO THE EDITOR

Send comments to editor@smdp.com

### Wrong kind of tribute

**Editor:**

After reading Mr. Kevin McKeown's letter noting the powers that be, perhaps influenced by the collective brain of the Santa Monica City Council, have decided to inscribe the late Ken Genser's initials along with the Latin phrase "Justice for All" on the back of every police badge is an insult to every police officer who has ever served in Santa Monica ("Honoring Ken Genser," Letters to the Editor, Nov. 14).

You probably won't know who I'm talking about, but Sgt. Ronald A. Wise, a 33-year-old Santa Monica policeman, died in the line of duty while serving this city on Nov. 3, 1965.

A patrol officer answered a call on Fourth Street where a child was badly beaten, bruised and semiconscious by the perpetrator (perhaps his father). The officer called for backup. Sgt. Wise rolled up in his unit to assist and was shot in the stomach twice by the perpetrator.

Subsequent officers arrived and exchanged fire with the perpetrator. After a brief gun battle, he was taken into custody.

Sgt. Wise was immediately transported to Santa Monica Hospital where he lay in critical condition. Doctors did everything to save his life, but he died the next day of his gunshot wounds.

Sgt. Wise left behind a loving wife and two young daughters. A wife he would never grow old with. Two daughters he would never get to see graduate high school, college and start a family.

The perpetrator served only seven years for killing Sgt. Wise. When he got out, he committed another murder and died in prison while awaiting sentencing for his second crime.

I did not know Sgt. Wise. I was a child too busy reading comic books and collecting baseball cards, but I'm sure he was a good man, a loving father and husband and dedicated to protecting this city as a Santa Monica police officer.

He is the one who should have his name, not initials, on the back of every police officer's badge, along with the Latin phrase "Verum et Honorem" which means "Truth and Honor." Every police officer would look on the back of their badge, be reminded of his ultimate sacrifice and be proud of the duties they perform for this city, not a politician who never answered a call and put himself in harm's way each and every day like they do.

Ken Genser was a Santa Monica politician. Granted, he was elected mayor of Santa Monica three times, but he was never a policeman. He has a square named after him and that is appropriate. Sgt. Wise's legacy needs to be remembered by every Santa Monica police officer new and old.

According to what I've read, Mr. Genser "secured funding" for the Santa Monica Police Department. What does that mean? If the late Mr. Genser's initials can be placed on the back of a policeman's badge, why not just put Justin Bieber's on it? If that's the case, then every private individual with means can buy the police department and have them do their bidding, a la Biff Tannen in "Back to the Future 2." That's all "securing funding" means, right?

Remember the fallen hero who died in the line of duty and do the right thing; remember Sgt. Ronald A. Wise.

**Whitney Scott Bain**
Santa Monica




## Laughing Matters

Jack Neworth

Send comments to editor@smdp.com

# The day JFK swam in our bay

**AS WE'VE BEEN INUNDATED FOR THE** past weeks, today marks the 50th anniversary of one of the darkest days in America's history. In some aspects, I don't think we've ever recovered.

On his 1,000th day in office, President John F. Kennedy was brutally assassinated in an open limousine motorcade in Dallas with his wife, Jackie, by his side. Eerily, Nellie Connally, wife of Texas Gov. John Connally, had just commented, "Mr. President, you can't say Dallas doesn't love you."

In these cynical times it may be difficult for today's youth to imagine, but JFK inspired much of my generation. With all that has been written about the dark side of Camelot, I still admire him. I suppose a boy's hero stays with him forever.

JFK was handsome, charming and had a great wit. And the First Family was like no other before. Jackie was beautiful and elegant and the Kennedys had two adorable children. You could even say that I ditched school because of JFK. You see, Kennedy held frequent press conferences where he'd display charm and humor. (He was considered the first "TV era" president.) I somehow managed to see most of them, even if it meant cutting classes.

As JFK playfully bantered with the press, I found myself unwittingly imitating his Boston accent. Eventually I could impersonate all three Kennedy brothers. Four decades later, in 2004, Santa Monica City Council candidate Bobby Shriver (JFK's nephew) left me a voicemail. In returning his call, fortunately I did not to do my Kennedy impression.

As his sister Pat lived in Santa Monica with her husband, actor Peter Lawford, Kennedy often visited here. To see his remarkable charisma go to YouTube and type "President Kennedy takes a swim." It's an absolutely riveting one-minute video.

On that Aug. 19, 1962 day, L.A. Times photographer Bill Beebe was covering Kennedy's visit to Santa Monica. When JFK spontaneously took off his shirt and dove into the water, Beebe, in a suit and tie, followed.

Beebe went into the water to above his knees just to get the photo. And then he almost lost the shots by inadvertently opening the camera while he was still wet. Though the classic image didn't win a Pulitzer, it did win "Photo of the Year" in many competitions.

As it happens, my late mother met JFK and his brothers at the Democratic Convention in 1960. It was staged in Los Angeles at the Sports Arena and my mother, who was an officer in the California Democratic Council, was in charge of the seating.

At the convention she met just about every important dignitary, including Eleanor Roosevelt, Adlai Stevenson and LBJ. (Just turned 16, I attended and was fairly awestruck.)

After JFK won the nomination there was a party to celebrate at the Lawford's beachfront house. (Once owned by Louis B. Mayer.) And my mother was among the hundreds who were invited. Such a Kennedy fan, I stayed up late until she got home.

When she arrived home, I eagerly grilled my exhausted mother for details from the party. However briefly, did she get to talk to JFK? Knowing my admiration for him, she reluctantly confessed that JFK had disappeared from the party and the Secret Service, climbing a fence, to rendezvous with — Marilyn Monroe!

Like a poor man's Biff in "Death of a Salesman," I was mortified. Actually, I refused to believe it. "Mother, he's only married to Jackie!" (Who me, naïve?)

Under my breath (and obviously my father wasn't within earshot) I compared my mother to gossip columnist "Hedda Hopper." Ouch. Decades later, when JFK's affair with Monroe was fairly well documented, I apologized, though fortunately my mother hadn't heard me in the first place.

Fifty years have passed, but the debate still rages about who murdered JFK. At the risk of receiving e-mails labeling me a "conspiracy nut" or a "Commie" (which happens), how, after defecting to the Soviet Union at the height of the Cold War, did Oswald waltz back into the U.S. and not be constantly tailed like he was in Russia?

But the files are sealed until 2025. President Johnson justified it as "sparing the Kennedy family." But Jackie died nearly 20 years ago. As for "national security," the Cold War ended in 1991.

The mayor of Dallas has called for cities nationwide to ring church bells at 12:30 p.m. CST to commemorate the moment of JFK's assassination. A better idea, and perhaps to finally heal from the nightmare of that day, would be to unseal the files. While I can think of lots of bad ones, I can't think of any good reason for the files to remain sealed. Can you?

Then again, I'm admittedly biased. It might have something to with forever revering one's boyhood hero. So I'll close in the spirit of the 1770s Irish folk song, "Johnny, I Hardly Knew Ye." John Fitzgerald Kennedy (1917-1963) R.I.P.

To see JFK's swim go to: www.youtube.com/watch?v=KEHEw-dopOO. **JACK** can be reached at facebook.com/jackneworth, twitter.com/jackneworth or via e-mail at jnsmdp@aol.com.




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The Santa Monica Daily Press is published six days a week, Monday through Saturday.

19,000 daily circulation, 46,450 daily readership. Circulation is audited and verified by Circulation Verification Council, 2013. Serving the City of Santa Monica, and the communities of Venice Beach, Brentwood, West LA. Members of CNPA, AFCP, CVC, Associated Press, IFPA, Santa Monica Chamber of Commerce.

PUBLISHED BY NEWLON ROUGE, LLC
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## EXCHANGE
FROM PAGE 3

many of whom will see their monthly premiums and deductibles rise sharply under new plans. They also fly in the face of promises Obama made repeatedly when he said people who liked their current health insurance policies could keep them under his health insurance reforms.

The president has since backtracked and has asked states to allow insurance companies to extend those older policies.

But many insurance companies oppose extending the policies, saying doing so would undermine the new markets being set up under Obama's law. They also said they did not have enough time to rebuild policies they already had discontinued.

Officials described myriad complications if the board had agreed to modify the existing policy cancellation contract Covered California has with insurers, including how much premiums could rise, whether consumers might be subject to two deductibles in one year and the tight timeline in which to make a decision, with the end of the year quickly approaching. Insurance companies would need to notify customers that they were re-offering the old plans and process customer payments before Dec. 31.

Charles Bacchi, executive vice president of the California Association of Health Plans, said higher premiums for some consumers are inevitable, "whether it's today, whether it's three months from now or whether it's next year." But he said a delay in the policy cancellations was unnecessary because California's marketplace website is operating pretty much as planned.

"Because of that option, because people can buy coverage and it's working, we think that we should continue this transition of folks into ACA-compliant policies," he said.

No matter what action the board had taken Thursday, Covered California Executive Director Peter Lee said the state cannot force any insurance companies to extend their already expired plans.

Because of the confusion over cancellations, the board on Thursday also extended the deadline to purchase an insurance policy for coverage to start in the new year, from Dec. 15 to Dec. 23. The deadline to make the first payment on that policy was extended four days, to Jan. 5.

California is the latest state to respond to the president's about-face on the policy cancellations. The response to Obama's plea for an extension of those older policies has been mixed, with many states that run their own health care exchanges saying they will not follow the president's advice and will let the older policies expire.

So far, the Affordable Care Act has fallen far short of expectations on a national scale, in large part because of crippling technical problems with the federally run online marketplaces operating in 36 states.

The first set of nationwide data revealed that just 106,000 people had signed up for coverage during the first month of enrollment, fewer than the roughly 500,000 initial sign-ups the Obama administration had expected.

Some states that operate their own marketplaces are succeeding at getting people enrolled in new policies. Covered California released its first detailed look at enrollment data on Thursday.

Its report said that initial enrollees in California's online health insurance marketplace are trending older. About 56 percent of the 30,830 people who enrolled in October were in the 45- to 64-year-old category.

Just 23 percent were age 18 to 34, a younger and typically healthier demographic that insurers say they need to make the policies financially viable. Insurers have warned that they need a wide range of people signing up for coverage because premiums paid by adults in the younger and healthier group are needed to offset the cost of carrying older and sicker customers, who typically generate far more in medical bills than they contribute in premiums.

Lee, the exchange's executive director, said he expected older people to sign up in greater numbers during the early days of the exchange, as people with pre-existing conditions who had no previous insurance flocked to the site.

The proportion of those ages 45 to 64 who signed up on the exchange in the first month far outweighs their representation in California's total population, which is 25 percent. The percentage of younger people who enrolled was roughly proportional to their total population.

Enrollees are defined as those who have selected an insurance policy but might not have actually paid for it yet. Overall, the number of people who have chosen an insurance policy had risen to nearly 80,000 as of Tuesday, although the Covered California report did not provide a demographic breakdown for that larger group.

The numbers do not include those whose incomes are so low that they qualify for Medicaid, the state-federal health insurance program for the poor.

## The Q Line

### Paying a living wage

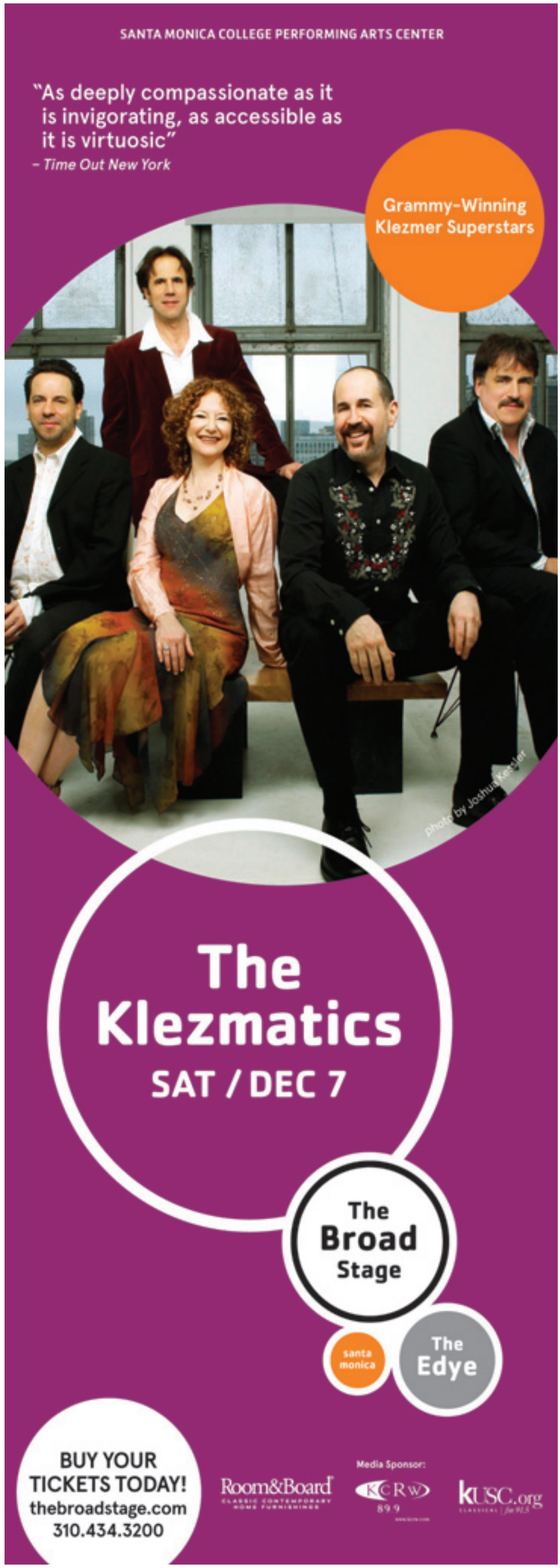
There's been a lot of talk lately about raising the minimum wage and paying low-skilled workers more, including folks who clean hotel rooms and make Big Macs. In Santa Monica, a developer of two hotels agreed to pay its employees $15.37 an hour. Fast-food employees were also fighting for $15 an hour. City Hall has a mandate of $14.08 per hour. Advocates say raising pay is the only way people can survive these days given the rising cost of goods and services.

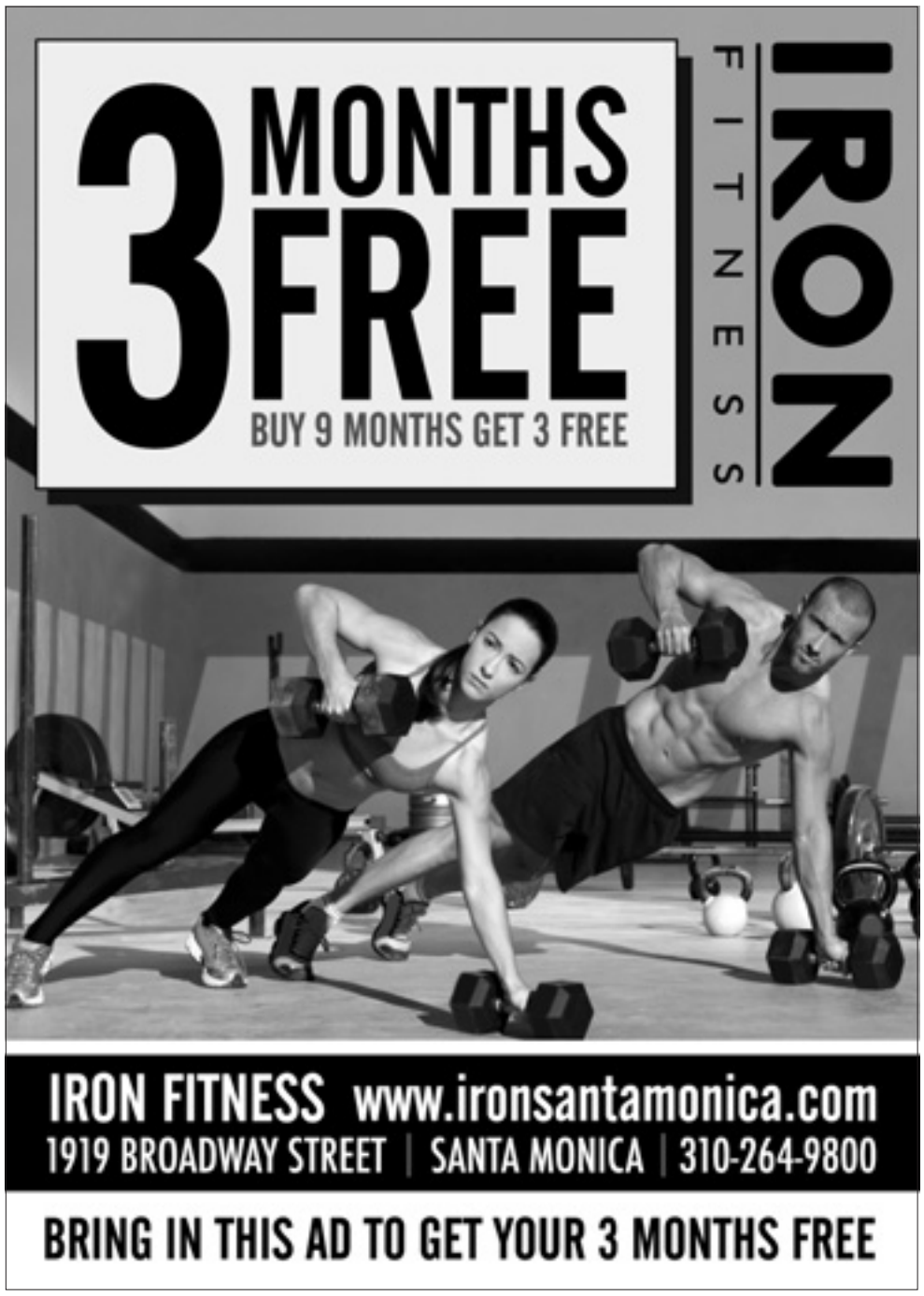
**So, this week's Q-Line question asks:**
What wage is appropriate for low-skilled workers? Is $15 an hour too high or not good enough?

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CRIME WATCH
BY DAILY PRESS STAFF

# Suspect allegedly spits sunflower seeds at cop

Crime Watch is a weekly series 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.

### SUNDAY, NOV. 17, AT 4:13 P.M.,

An officer on patrol saw a man sitting along the 1800 block of Ocean Front Walk drinking an alcoholic beverage. The officer approached the man to issue him a citation with the intent of releasing him. While the officer was checking his computer to see if the suspect had any warrants, the suspect got up and walked off. As the officer tried to catch up with him, the suspect started running. He was eventually caught on the 100 block of Bay Street. When the officer tried to detain him the man allegedly spit sunflower seeds at him and started resisting. He was eventually handcuffed and booked for two outstanding warrants and resisting arrest. He was identified as Michael William Young, 43, a transient. His bail was set at $15,250.

### SATURDAY, NOV. 16, AT 4:53 P.M.,

Officers responded to the Santa Monica Pier regarding a report of a cell phone theft. When they reached the pier the officers noticed a man matching the description of the suspect and detained him. During their investigation the officers discovered a used syringe and a glass pipe commonly used to smoke drugs. The suspect did not have a cell phone on him, however, police had enough evidence to arrest him for possession of drug paraphernalia. He was identified as Juni Charles Charlton, 26, of West Covina, Calif. His bail was set at $250.

### FRIDAY, NOV. 15, AT 12:11 P.M.,

Officers responded to a domestic violence call along the 1800 block of Marine Street. When they arrived they found a woman inside her home who told the officers that she and the suspect have a child together but are no longer an item. She said when she returned home she saw the suspect inside her home trying to remove a key from her keyring. The key belonged to the suspect's residence, where she is also a resident. (Confused yet?) When she confronted him and told him that he could not take the key, he allegedly pushed her to the floor. He then left. Officers saw him walking down the street and detained him. He was placed under arrest for robbery, burglary and domestic battery. He was identified as Michael Mandel, 60, of Santa Monica. His bail was set at $50,000. The victim was granted an emergency protective order, police said.

### FRIDAY, NOV. 15, AT 3:54 A.M.,

Officers responded to the 700 block of Santa Monica Boulevard regarding a report of a man who could not pay his cab fare. The credit card that he used was declined and he did not have any cash. The cab driver did not want to prosecute, but the officers said the man was so drunk that he could not care for himself. The officers tried to call one of the man's friends to help him, but couldn't reach anyone so they placed him under arrest for being drunk in public. He was identified as George Albert Stokoe, 21, of Los Angeles. His bail was set at $250.

### THURSDAY, NOV. 14, AT 3 P.M.,

Officers responded to the 300 block of Broadway regarding a report of a shoplifter who stole from two stores at Santa Monica Place. The suspect allegedly stole a scarf from Ted Baker London and a pair of socks from Kitson. Security from Kitson followed the suspect and said they saw him try to sell the scarf to people walking by the mall. They found the stolen merchandise and called police. The merchandise was returned and the suspect was placed under arrest for theft. He was identified as Calvin Coolidge Milner, 19, a transient. His bail was set at $25,000.

### WEDNESDAY, NOV. 13, AT 10:22 A.M.,

Officers responded to a radio call to assist an LAPD officer at the intersection of Main and Hill streets. The LAPD officer told Santa Monica police that he was driving along the 2600 block of Main Street when a citizen flagged him down regarding a woman who was acting crazy. He stopped the woman, who was yelling at people and at one point picked up a metal table from in front of a Starbucks and threw it on the ground. The SMPD officer tried to talk to the woman and noticed that she was exhibiting signs of being under the influence of alcohol. Further investigation revealed that earlier in the day she had allegedly assaulted a woman in the area of Main Street and Ashland Avenue. She allegedly pulled the victim down to the ground by her hair for no apparent reason. Officers searched the suspect and said they found marijuana, cocaine and methamphetamine. The suspect was placed under arrest for possession of narcotics, being drunk in public, battery, assault and disturbing the peace. She was identified as Diane Figueroa, 33, of Los Angeles. Her bail was set at $20,000.

editor@smdp.com

Editor-in-Chief **KEVIN HERRERA** compiled these reports.

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## PAY
FROM PAGE 1

because they allow City Hall to avoid using private sector attorneys like Morrison & Foerster, referred to in legal circles as MoFo.

City Hall opts to use outside counsel when the opposition is strong and well-financed, as was the case in the water contamination lawsuits against major oil companies, or when the case requires special expertise, Moutrie said.

"In this case, we are litigating against the federal government, which can devote unlimited legal resources to the dispute; and we need special expertise in aviation law," Moutrie said. "Additionally, the dispute is uniquely important to the community, and the asset (the airport land) is incredibly valuable. So, (City) Council determined that all possible steps should be taken to secure expert representation for (City Hall)."

City officials looked for "very highly regarded litigation firms" with offices in Los Angeles and Washington, D.C.

They did two rounds of interviews before deciding on Morrison and Foerster.

The firm offered City Hall two rates: one that averages the standard rates of all the attorneys on the case, which council selected, and the other that charges each attorney at their standard rate for the work done. Moutrie said they will tally the costs each month to make sure the selected rate is the most cost-effective.

"This office is closely monitoring Morrison and Foerster's work," Moutrie said. "And, we are sharing in the work to the extent practicable in order to contain costs as best we can."

Regardless, Moutrie said, the case is going to be expensive but one worth fighting.

"The case is certain to be hard fought and costly," she said. "But, council understandably concluded that the special circumstances — the importance of the dispute to the community, the unique and challenging legal issues, and the value of the asset — more than justify the expense of utilizing expert outside counsel."

The airport has long been a bone of contention for neighbors, who complain of loud aircraft noises and fear that an errant jet or plane could strike nearby homes, some which sit 300 feet from the end of the runway. In September, a jet veered off the runway and crashed into a hangar, killing all four passengers.

The lawsuit asks a federal court to give City Hall a clear title to the land and challenges the constitutionality of the FAA's assertion that City Hall must operate the airport after a 1984 settlement agreement, which establishes their obligations with the airport, expires. City officials claim the contract expires in 2015.

It's been the FAA's view that City Hall is obligated to keep the airport open at least through 2023. FAA officials also claim that City Hall must keep SMO open beyond that date thanks to a 1948 agreement with the federal government, which required City Hall to operate the airport in perpetuity.

The Aircraft Owners and Pilots Association has called the lawsuit "meritless."

The airport opened in 1917 as an informal landing strip for World War I biplanes. Donald Douglas tested military and civilian aircraft, including the DC-3 and DC-4, at the airport starting in the 1920s. The airport has been the subject of numerous lawsuits starting after World War II.

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## CHARGERS
FROM PAGE 3

NRG eVgo's slow start does not seem to concern California energy regulators.

The settlement contains language that allows annual targets to be missed as long as the company is making "reasonable efforts." Staff at the California Public Utilities Commission, which approved the deal, said they believe NRG eVgo is complying.

"You need to build in some elasticity in the timeframe because you don't know what's going to happen in an emerging market," said CPUC attorney Chris Clay. "We're optimistic that these guys will pull it off."

If they don't, the CPUC would receive the unspent funds, or $50,000 per station, whichever is greater, agency staff said.

In a series of interviews, NRG eVgo's vice president of business development in California, Terry O'Day, acknowledged difficulties in the rollout but insisted "great progress" was being made. O'Day is also a Santa Monica City Council member.

Property owners have been surprisingly skeptical, he said, and local planning regulations can get in the way — despite the enthusiasm from leaders at the state level. Identifying and installing the first locations takes time, he said, but "site development moves more quickly" after that.

"I'm absolutely confident this is not only realistic but absolutely transformational" for air quality and electric vehicle adoption in California, O'Day said.

Soon after federal regulators approved the settlement last November, O'Day told a former president of the Electric Vehicle Association of Southern California that 15 fast-charging "Freedom Stations" should be in the ground by the end of March.

Currently, seven are operational. Under the settlement, NRG eVgo was supposed to have installed 40 such stations by Dec. 5. Available to the public, for $10 they allow cars to go about 80 miles after 20 minutes of charging. The open stations are at five malls in the San Diego, Los Angeles and San Francisco Bay areas, and at two Whole Foods markets.

O'Day said his company has submitted permit requests or started to construct 31 more fast-charging stations and expects to pick up the pace — and expand into the San Joaquin Valley — in 2014.

The settlement also envisioned that by Dec. 5, there would be 1,000 "Level 2" chargers that supply enough electricity for 12 to 24 road miles for each hour of charging. So far, 103 are operational, including 40 at a high-end apartment complex in San Diego.

Those chargers are available to NRG eVgo subscribers who park at apartment complexes or office buildings where the charging stations have been installed. To stimulate demand, the company reduced monthly rates from $79 to about $35, plus electricity.

The timetable is back loaded: 40 of the 200 promised "fast chargers" and 1,000 of the 10,000 promised Level 2 chargers were scheduled for the first year, with the numbers increasing annually as year four approaches.

For Paul Scott, who sells the Nissan Leaf in L.A., the chargers can't come fast enough.

Returning late one night recently from San Diego, he ran into trouble when one fast charger was dark and a freeway closure sent him miles off his normal route. His battery ran low and at 3 a.m. he found himself waiting an hour and a half to get enough juice from a Level 2 charger to get home. A fast charger would have had him on the road in 10 minutes.

"I gotta say, we need those chargers in the ground as fast as possible," Scott said. "I'm disappointed things haven't happened quicker."

## ZONING
FROM PAGE 1

Medical Center, Santa Monica and Saint John's Health Center.

Additionally, any medical marijuana dispensary must be at least 500 feet away from a school, park, daycare center or library and the dispensaries must be at least 1,000 feet from one another.

This is too restrictive, says Bill Leahy of Santa Monicans for Safe Access, a medical marijuana advocacy group. He wonders if the Healthcare District is too small to allow any dispensaries.

"They basically just outlined the hospitals," he said. "There's only a handful of buildings there and there are so many variables. Plus, they might be rented. They might be cost prohibitive."

Leahy suggests expanding the district to encompass the areas between Yale Street and Wilshire, Santa Monica, and Lincoln boulevards.

This, he said, would give flexibility to those looking to open a dispensary.

City officials took some preliminary measurements when defining the district's boundaries and found that the distance restrictions, as they relate to parks and schools, were not too confining.

"Right now its 500 feet, which is really less than a block on north-south blocks," Foley said. "So it's not that onerous, really."

The 500-foot distance is another point of disagreement for Leahy who points to a state law that prohibits dispensaries from being located within a 600-foot radius of a school.

Further, Leahy suggests expanding the radius to 1,000 feet from schools to protect children and because federal law, which does not recognize California's legalization of medical marijuana, greatly increases penalties for crimes like drug dealing within that radius.

There are schools located close to the Healthcare District and if the 1,000-foot radius were imposed, Leahy said, the district could not be used by dispensaries. McKinley Elementary School is located about 200 feet northeast of the district, already cutting off some of the buildings for dispensary use.

"This will be fleshed out as we go along," Foley said. "This is just a draft. As we hear from advocates, if it turns out that there are no locations that they can be located, then we can't do that. We have to modify it."

Leahy suggests keeping the distance requirement for parks, daycare centers, and libraries at 500 feet. He is also fine with the two dispensary limit.

The 2,500 square foot limit is too small, he said, and should be expanded to match West Hollywood's limit of 4,500 square feet per dispensary.

"Sufficient space is needed to properly serve patients," he said. "They need waiting rooms, and also enough room to provide other holistic medicines."

The draft is in its earliest stages and could change substantially before it's finalized.

In August, council voted to extend a one-year moratorium on dispensaries to give city officials time to develop the regulations.

There appears to be support on the City Council for allowing dispensaries. The vote to study the issue was close, 4-3 with Bob Holbrook, Terry O'Day and Pam O'Connor opposed.

"If it's about marijuana dispensaries, over my dead body," said Holbrook, who had yet to study the draft ordinance.

The Planning Commission's first planned review of the draft ordinance is scheduled for Dec. 11.

dave@smdp.com



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# BULGER
FROM PAGE 1

cutor gave him immunity to commit crimes.

Bulger was convicted in August in a broad racketeering case, including 11 killings and other gangland crimes in the 1970s and 80s. He was sentenced Nov. 14 to two consecutive life terms after a two-day hearing at which families of his victims vented their anger, and Judge Denise Casper castigated him for "almost unfathomable depravity."

Bulger did not testify at his trial or speak at his sentencing.

Carney said last week Bulger was "pleased that he held to his principles" by staying silent and refusing to participate in the sentencing.

The former boss of Boston's Irish mob, the Winter Hill Gang, Bulger was an FBI informant against the rival New England Mafia. His case became a major embarrassment for the FBI when it was learned that corrupt Boston agents had taken bribes from Bulger and protected him for years.

He fled Boston in 1994 after being tipped off by a former FBI agent he was about to be indicted, and was a fugitive for 16 years until he was captured in Santa Monica, Calif., in 2011.

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## NOTICE OF A CONTINUED PUBLIC HEARING BEFORE THE SANTA MONICA PLANNING COMMISSION

City of Santa Monica

**SUBJECT**: A public hearing will be held by the Planning Commission for the following:

**Development Agreement 10-002, Environmental Impact Report 10-002, Bergamot Transit Village Center Development Agreement, 1681 26th Street.** The applicant is requesting Planning Commission consideration and recommendation to the City Council of a Development Agreement and Final Environmental Impact Report for a mixed-use project consisting of 472 rental housing units, 26 artist work/live units, up to 374,434 sf of creative office space, up to 15,500 sf of restaurant space, and up to 13,891 sf of neighborhood retail space. The project would include surface easements for an extension of Nebraska Avenue between Stewart Street to 26th Street, a new north-south street within the Creative Office Phase of the project, and a new north-south street within the Residential Phase of the project. The project would have a building height that ranges between 60 feet and 84 feet. The project is proposing 1,936 parking spaces in a three-level subterranean parking garage. The project site consists of 310,504 sf (approximately 7.1 acres) and has frontage on Olympic Boulevard, 26th Street, and Stewart Street. As part of the Development Agreement, the proposed project would provide certain community benefits. Pursuant to Santa Monica Municipal Code (SMMC) Section 9.48.130, the Planning Commission shall hold a public hearing on the proposed development agreement and shall make its recommendation to the City Council for review. **APPLICANT/PROPERTY OWNER: Hines/26th Street LLC.** The public hearing for this item began on September 11, 2013, and was continued to September 18, October 23, November 20, and the date below.

**WHEN:** **Wednesday, December 4, 2013 at 6:00 PM**
**WHERE:** Council Chambers, City Hall
1685 Main Street
Santa Monica, California

**HOW TO COMMENT**
The City of Santa Monica encourages public comment. You may comment at the Planning Commission public hearing, or by writing a letter or e-mail. Information received prior to the hearing will be given to the Planning Commission at the meeting.

**MORE INFORMATION**
If you want additional information about this project or wish to review the project, please contact the Project Planner (310) 458-8341. The Zoning Ordinance is available at the Planning Counter during business hours or available on the City's web site at www.smgov.net. The meeting facility is wheelchair accessible. If you have any disability-related accommodation request, please contact (310) 458-8341, or TYY Number: (310) 458-8696 at least five (5) business days prior to the meeting. Santa Monica "Big Blue" Bus Lines #1, #2, #3, Rapid 3, #7, and #9 service the City Hall and the Civic Center. Pursuant to California Government Code Section 65009(b), if this matter is subsequently challenged in Court, the challenge may be limited to only those issues raised at the Public Hearing described in this notice, or in written correspondence delivered to the City of Santa Monica at, or prior to, the Public Hearing.

**ESPAÑOL**: Esto es una noticia de una audiencia pública para revisar applicaciónes proponiendo desarrollo en Santa Monica. Si deseas más información, favor de llamar a Carmen Gutierrez en la División de Planificación al número (310) 458-8341.

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# Jury orders Samsung to pay Apple $290 million

**PAUL ELIAS**
Associated Press

**SAN JOSE, Calif.** A Silicon Valley jury on Thursday added $290 million more to the damages Samsung Electronics owes Apple for copying vital iPhone and iPad features, bringing the total amount the South Korean technology titan is on the hook for to $930 million.

The verdict covers 13 older Samsung devices that a previous jury found were among 26 Samsung products that infringed Apple patents.

The previous jury awarded Apple $1.05 billion. But U.S. District Judge Lucy Koh reduced the damages to $640 million after ruling that jury miscalculated the amount owed on 13 devices and ordered a new trial.

Apple had asked for $380 million, arguing Samsung's copying cost it a significant amount of sales. Samsung countered that it owed only $52 million because the features at issue weren't the reasons most consumers chose to buy Samsung's devices instead of Apple's.

Samsung said it would appeal both verdicts.

"For Apple, this case has always been about more than patents and money," Apple spokeswoman Kristin Huguet said. "While it's impossible to put a price tag on those values, we are grateful to the jury for showing Samsung that copying has a cost."

A third trial is scheduled for March to consider Apple's claims that Samsung's newest devices such as the popular Galaxy S III on the market also copied Apple's technology.

Apple and Samsung are the world's two biggest smartphone makers. The bitter rivals have been waging a global battle for supremacy of the $300 billion worldwide market. The size of the award didn't faze Wall Street or harm or help either company's financial fortunes in any significant way.

Samsung reported it had $47 billion in cash at the end of September and racked up $247.5 billion in revenue last year. Apple has $147 billion of cash on hand and took in $170.9 billion in revenue last year.

"We understood that the money wasn't really an issue," said juror Barry Goldman-Hall. "This was about the integrity of the patent process."

Goldman-Hall, 60, of San Jose was one of two men and six women on the jury, which was tasked only with determining damages.

Apple has argued in courts, government tribunals and regulatory agencies around the world that Samsung's Android-based phones copy vital iPhone features. Samsung is fighting back with its own complaints that some key Apple patents are invalid and Apple has copied Samsung's technology.

Samsung lawyer William Price argued Apple is misconstruing the breadth of its patents to include such things as basic rectangle shape of most smartphones.

"Apple doesn't own beautiful and sexy," Price told the San Jose jury.

Apple attorney William Lee told the jury that Samsung used Apple's technology to lift it from an also-ran in the smartphone market three years ago to the world's biggest seller of them today.

"Apple can never get back to where it should have been in 2010," Lee told the jury Tuesday at the conclusion of the weeklong trial.

The fight in San Jose is particularly contentious. The courtroom is a 15-minute drive from Apple's Cupertino headquarters, and several prospective jurors were dismissed because of their ties to the company.

The three jurors who discussed the verdict outside court said Apple's proximity made no difference in their deliberations.

"Although Apple is down the street, it's a global company just like Samsung," jury forewoman Colleen Allen said. "I have a Samsung television and refrigerator and an Apple computer. I like both companies."

Allen, 36, of Aromas, is an emergency room nurse who served nearly eight years in the Navy, including a posting in Afghanistan.

"If we didn't award Apple much, we're saying it's OK to infringe patents," Allen said.

The South Korea-based Samsung has twice sought to stop the trial, accusing Apple on Tuesday of unfairly trying to inflame patriotic passions by urging jurors to help protect American companies from overseas competitors. The judge denied Samsung's request for a mistrial.









**Santa Monicans for Safe Access**
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Send us an e-mail at: sm4access@gmail.com

## MONTE CARLO NIGHT AT THE TAG GALLERY

### Saturday November 23, 2013

Please join Santa Monicans for Safe Access (SAMOSA) and the Marijuana Policy Project (MPP) on Saturday, November 23, 2013 starting at 7:00 PM at the TAG Gallery for an evening of "Monte Carlo Night" casino games and fine art! It's free! Play blackjack, roulette and craps. Exchange your "winnings" for tickets to win super raffle prizes! There will be hor d'oeuvres and beverages plus an exhibit by three TAG Gallery artists. You will also have the opportunity to learn about medical marijuana advocacy with MPP. SAMOSA is a large (and growing!) coalition of fellow Santa Monica residents organized to bring sensible rules to the City to permit safe, local access to medical marijuana.
SAMOSA works together with MPP to ensure that this is accomplished in a way that is sensitive to and respectful of all Santa Monicans.
Join Santa Monicans for Safe Access on Facebook to learn more!

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- Many Great Raffle Prizes

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- Meet & Learn About MPP
- Learn About SM Councilmembers' Positions
- Get Involved

**Food & Art**
- Hor d'oeuvres & Beverages
- Showing of Three TAG Artists' Work
- Meet Many SAMOSA Members
- Make Many New Friends

**Dress For An Evening Out**

**Date & Time**
Saturday November 23, 2013
7:00 PM - 10:00 PM
Space is limited!

**Location**
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**Marijuana Policy Project**
www.mpp.org

SURF REPORT




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## Surf Forecasts

Water Temp: **62.8°**

FRIDAY – **VERY POOR** – SURF: **1-2 ft** ankle to knee high
Minimal SW and NW energy

SATURDAY – **VERY POOR** – SURF: **1-2 ft** ankle to knee high
Minimal SW and NW energy

SUNDAY – **POOR** – SURF: **1-2 ft** ankle to knee high
Small SW swell; trace NW energy

MONDAY – **POOR TO FAIR** – SURF: **1-2 ft** ankle to knee high occ. 3ft
Potential new WNW swell creeps in late; stay tuned...storm dependent; small SSW pulse fills in

BEACH REPORT CARD

## NORTH LOS ANGELES COUNTY

Grades for this report are based on monitoring data from the previous 30 days up to the ending date of **November 13, 2013**

HEAL THE BAY - 1444 9th Street, Santa Monica, CA 90401 - beachreportcard.org - brc@healthebay.org - 800 HEAL BAY

QUICK STATS (for the last 30 days)

- Number of sewage spills -- 0
- Number of beach closures due to a sewage spill -- 0
- Number of wet days -- 0
- Number of A grades for dry/wet weather -- 22 / xx
- Number of (C,D,F) grades for dry/wet weather -- 0 / xx

The Beach Report Card is made possible by: simplehuman, LAcarGUY, SIMA, and Swain Barber Foundation

Heal the Bay reminds you not to swim or surf within 100 yards of any flowing storm drain or for at least 3 days after a rainstorm. After a rain, indicator bacteria counts at beaches throughout California usually far exceed health criteria in the state's Beach Closure and Health Warning Protocol.

| LOCATION | DRY | WET |
|---|---|---|
| Leo Carrillo Beach, at Arroyo Sequit Creek mouth. | A+ | xx |
| Nicholas Beach at San Nicholas Canyon Creek mouth. | A+ | xx |
| El Pescador State Beach, between Lechusa and Los Alisos creeks. | | |
| Encinal Canyon at El Matador State Beach. | A+ | xx |
| Broad Beach at Trancas Creek mouth. | A+ | xx |
| Zuma Beach at Zuma Creek mouth. | B | xx |
| Walnut Creek, projection of Wildlife Rd. (private). | A+ | xx |
| Paradise Cove Pier at Ramirez Canyon Creek mouth. | F | xx |
| Escondido Creek, just east of Escondido State Beach. | A | xx |
| Latigo Canyon Creek mouth. | A | xx |
| Solstice Canyon at Dan Blocker County Beach. | A | xx |
| Pverca State Beach at creek mouth. | A+ | xx |
| Marie Canyon storm drain at Pverca Beach, at 24572 Malibu Rd.. | A+ | xx |
| Surfrider Beach at Malibu Colony fence. | A+ | xx |
| Surfrider Beach (breach location)- daily. | A | xx |
| Malibu Pier - 50 yards east. | A+ | xx |
| Carbon Beach at Sweetwater Canyon. | A | xx |
| Las Flores State Beach at Las Flores Creek (point zero). | A | xx |
| Big Rock Beach at 19948 PCH stairs. | A+ | xx |
| Pena Creek at Las Tunas County Beach. | A+ | xx |
| Tuna Canyon. | xx | xx |
| Topanga State Beach at creek mouth. | B | xx |
| Castlerock Storm Drain at Castle Rock Beach. | xx | xx |
| Santa Ynez Storm Drain at Castle Rock Beach. | A+ | xx |
| Will Rogers State Beach at 17200 PCH (1/4 mile east of Sunset drain). | A+ | xx |

| LOCATION | DRY | WET |
|---|---|---|
| Will Rogers State Beach at Bel Air Bay Club drain near fence. | A | xx |
| Will Rogers State Beach at Pulga Canyon storm drain. | A+ | xx |
| Will Rogers State Beach at Temescal Canyon drain. | A+ | xx |
| Will Rogers State Beach at Santa Monica Canyon drain (Chautauqua). | A | xx |
| Santa Monica Beach at Montana Ave. drain. | A | xx |
| Santa Monica Beach at Wilshire Blvd. drain. | F | xx |
| Santa Monica Municipal Pier. | F | xx |
| Santa Monica Beach at Pico/Kenter storm drain. | A | xx |
| Santa Monica Beach at Strand St. (in front of the restrooms). | A+ | xx |
| Ocean Park Beach at Ashland Ave. drain. | A | xx |
| Venice City Beach, at the Rose Ave. storm drain. | A+ | xx |
| Venice Beach at Brooks Ave. drain. | A | xx |
| Venice Beach at Windward Ave. drain. | A+ | xx |
| Venice Fishing Pier - 50 yards south. | A | xx |
| Venice Beach- projection of Topsail St.. | A+ | xx |
| Marina del Rey, Mothers' Beach- lifeguard tower. | F | xx |
| Dockweiler State Beach at Ballona Creek mouth. | A | xx |
| Dockweiler State Beach at Culver Blvd. drain. | A | xx |
| North Westchester Storm Drain at Dockweiler State Beach. | A+ | xx |
| Dockweiler State Beach at World Way (south of DBW jetty). | A+ | xx |
| Dockweiler State Beach at Imperial Hwy drain. | C | xx |
| Dockweiler Beach- opposite Hyperion Treatment Plant. | A+ | xx |
| Dockweiler State Beach at Grand Ave. drain. | A | xx |

LEGEND

**DRY** -- each location is graded on an A – F scale based on bacterial pollution levels present in the surf zone
**WET** -- grades for days of recorded rainfall and the following 3 days
**xx** -- no sample taken

Heal the Bay is a nonprofit environmental organization making Southern California coastal waters and watersheds, including Santa Monica Bay, safe, healthy and clean. We use science, education, community action and advocacy to pursue our mission.

Heal the Bay's Beach Report Card™ is based on weekly water quality monitoring data provided by the City of Los Angeles' Environmental Monitoring Division and the Los Angeles County Department of Health Services. Data is analyzed as soon as it is made available to us by the public agencies. Beaches are graded on an A-F scale based on the risk of ocean users becoming ill. Samples are analyzed for bacteria—enterococcus, total and fecal coliforms—that indicate biological pollution. A fact sheet detailing the exact methodology used in determining grades for each location is available from the office or on our web site. The report is not designed to measure the amount of trash or toxins found at local beaches.

The Beach Report Card is an indication of past water quality and is not a warranty of the current safety of those areas surveyed. Our lawyers are happy.

# Dow average closes above 16,000 for the first time

**BERNARD CONDON & STEVE ROTHWELL**
AP Markets Writers

**NEW YORK** The Dow Jones industrial average finished above 16,000 for the first time Thursday as the blue-chip index races toward its best performance in a decade.

The Dow has been on fire lately, propelled higher by a combination of solid corporate earnings, a steadily strengthening economy and easy-money policies from the Federal Reserve.

Since the start of the year, the Dow is up 22 percent and has now topped three 1,000 point milestones in 10 months. It eclipsed 14,000 in February and 15,000 in May. If it holds onto its gains, it would notch its strongest performance since 2003.

"The market has come a long way," said Dan Seiver, an economist at San Diego State University. "It's a sign of just how far financial markets have recovered."

The Dow has more than tripled since its bear market low in March 2009.

Back then, the country was in the worst downturn since the Great Depression, the housing market had collapsed and individual investors had abandoned stocks.

Now, with the economy recovering and confidence returning, small investors are coming back in.

"People are getting out of bonds into stocks," said Steven Ricchiuto, chief economist at Mizuho Securities. "We're in the early stages of a recovery."

The Dow rose 109.17 points, or 0.7 percent, to close at 16,009.99 Thursday. The Standard & Poor's 500 index rose 14.48 points, or 0.8 percent, to 1,795.85. The Nasdaq composite rose 47.88 points, or 1.2 percent, to 3,969.15.

In a sign that investors are taking on more risk, small-company stocks rose at a much faster pace than the rest of the market. The Russell 2000 index jumped 19.83 points, or 1.8 percent, to 1,119.62.

The Labor Department reported before the market opened that applications for unemployment benefits dropped last week to the lowest level since September. The number of applications is close to where it was before the Great Recession.

General Motors rose after the U.S. government said it expects to sell its remaining stake in the company by the end of the year. The Treasury Department got shares after bailing out GM five years ago, but once its sells, the automaker will be free of restrictions on executive pay that came with the bailout. It would also be free to pay dividends if it chooses.

GM gained 43 cents, or 1.1 percent, to $38.12. The stock is up 32 percent this year.

"Having the Treasury out is probably something that is going to be positive for the shares," said Jeff Morris, head of U.S. equities at Standard Life Investments. "Some investors are probably a bit spooked by having a meaningful amount of government ownership."

Johnson Controls was among the biggest gainers in the S&P 500. The company, which makes heating and ventilation systems for buildings, said its board approved a $3 billion increase in its share buyback program. The company rose $2.13, or 4.4 percent, to $50.35.

In government bond trading, the yield on the 10-year note edged down to 2.79 percent from 2.80 percent Wednesday. The yield, which is a benchmark used to set interest rates on many kinds of loans, including home mortgages, is the highest it's been since Sept. 17.

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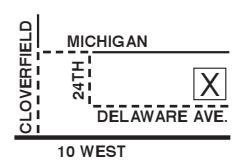


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# MOVIE TIMES

Aero Theatre
**1328 Montana Ave.**
**(310) 260-1528**

**Two Lives (Zwei Leben) (NR) 1hr 37min**
**I Am Yours (Jeg er din) (NR) 1hr 36min**
7:30pm
Discussion following the double feature with Two Lives director Georg Maas and I Am Yours director Iram Haq and actress Amrita Acharia. Evening concludes with a wine and cheese reception.

AMC Loews Broadway 4
**1441 Third Street Promenade**
**(310) 458-3924**

**Thor: The Dark World (PG-13) 2hrs 00min**
1:05pm, 4:00pm, 7:00pm, 10:00pm

**Ender's Game (PG-13) 1hr 54min**
11:15am, 4:30pm, 10:15pm

**Captain Phillips (PG-13) 2hrs 14min**
11:00pm

**About Time (R) 2hrs 04min**
11:00am, 2:00pm, 5:00pm, 8:00pm

**Best Man Holiday () 2hrs 02min**
10:50am, 1:50pm, 4:45pm, 7:45pm, 10:50pm

**Free Birds (PG) 1hr 30min**
10:45am

**Jackass Presents: Bad Grandpa (R) 1hr 33min**
2:10pm, 7:30pm

AMC 7 Santa Monica
**1310 Third St.**
**(310) 451-9440**

**Gravity 3D (PG-13) 1hr 31min**
2:00pm, 4:40pm, 7:20pm, 10:05pm

**Hunger Games: Catching Fire (PG-13) 2hrs 26min**
10:15am, 11:30am, 12:30pm, 3:05pm, 4:05pm, 6:45pm, 7:45pm, 9:50pm, 10:30pm, 11:30pm

**Last Vegas (R) 1hr 30min**
10:35am, 1:25pm, 4:15pm, 7:10pm

**Thor: The Dark World 3D (PG-13) 2hrs 00min**
10:30am, 1:35pm, 4:30pm, 7:30pm, 10:40pm

**Delivery Man (PG-13) 1hr 45min**
11:00am, 1:40pm, 4:20pm, 7:00pm, 10:10pm

**Dallas Buyers Club (R) 1hr 57min**
10:45am, 1:45pm, 4:55pm, 8:00pm, 11:00pm

Laemmle's Monica Fourplex
**1332 Second St.**
**(310) 478-3836**

**All Is Lost (PG-13) 1hr 40min**
1:50pm, 7:20pm

**Book Thief (PG-13) 2hrs 11min**
1:00pm, 4:00pm, 7:00pm, 10:00pm

**Blue Is The Warmest Color (La Vie d'AdÃ¨le) (NC-17) 2hrs 59min**
1:00pm, 4:45pm, 8:30pm

**Enough Said (PG-13) 1hr 33min**
4:30pm, 9:55pm

**12 Years a Slave (R) 2hrs 13min**
1:00pm, 4:00pm, 7:10pm, 10:15pm

For more information, e-mail **editor@smdp.com**

# OUT AND ABOUT TONIGHT, CANCER

## ARIES (March 21-April 19)
★★★★ You might not have much more tolerance for your routine and might need to get involved in a more rewarding activity. Bring friends and loved ones together. Your efforts will pay off in multiples. Let a late lunch be the start of your weekend. Tonight: TGIF!

## TAURUS (April 20-May 20)
★★★ Handle a personal matter differently, and be willing to talk through a situation without reacting. You will gain a new perspective on what could happen if you were to get past a certain point. Tonight: Head home first.

## GEMINI (May 21-June 20)
★★★★ Make sure your checkbook is balanced before you launch into a fun few days. You could be taken aback by everything that is going on around you today and in the next few days. Tonight: Meet up with friends.

## CANCER (June 21-July 22)
★★★★ Use the morning hours for any matter for which you are vested in the outcome. You might need to take the lead with a project. A late meeting could dissolve into an interesting and revealing discussion. Tonight: Out and about.

## LEO (July 23-Aug. 22)
★★★★ Lie low until midafternoon, especially if you need to deal with anything important. You could be taken aback by what you hear from a loved one. Digest this information, but test it out before you share it with others. Express your creativity. Tonight: Let the fun begin.

## VIRGO (Aug. 23-Sept. 22)
★★★★ Mars in your sign causes you to be quite pushy and demanding. You might not even realize that you have been so assertive. A meeting in the morning gives you plenty of material to mull over and make a decision about. Tonight: Not to be found. Take off and do your thing.

## LIBRA (Sept. 23-Oct. 22)
★★★★ You might need to answer to a boss, parent or someone who has influence over you. Try to attend to this matter in the morning, or at least before late afternoon. Tonight: Zero in on what you want.

## SCORPIO (Oct. 23-Nov. 21)
★★★★ Listen to news from a distance. What you hear could change your plans and decisions. Do not hesitate to explain why you need to cancel a meeting or a dinner. All eyes will look to you. In a sense, you are a role model for many people. Tonight: A must appearance.

## SAGITTARIUS (Nov. 22-Dec. 21)
★★★★ A situation could become so intense that you might want to run away from it. By late afternoon, you will have an escape plan in place. You might want to make plans to join friends for a TGIF celebration. Tonight: Be unstoppable.

## CAPRICORN (Dec. 22-Jan. 19)
★★★★ Others want your opinion. Information coming in, as well as knowledge you already have, suggests that you shouldn't make any sudden moves. Finding an expert with whom you can brainstorm makes sense. Tonight: With a loved one.

## AQUARIUS (Jan. 20-Feb. 18)
★★★ Tie up all loose ends on a project, clear your desk and schedule a late lunch meeting. Make the meeting as late in the afternoon as possible so that you won't want to return to work. You need a break. Tonight: Surround yourself with friends, and notice a special admirer.

## PISCES (Feb. 19-March 20)
★★★★ If you can take the day off, do. You will discover how important it can be to take some downtime for yourself. Before you know it, you'll feel your energy revving up. A child or loved one will delight in spending an extra hour or two with you. Tonight: Let the party go on.

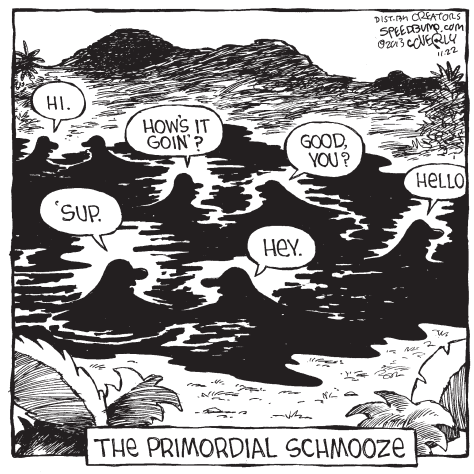
**Friday, November 22, 2013**

This year you'll want to move forward with some special plans that might involve travel, education and/or a foreigner. You will experience your life more completely, as your perspective of different issues transforms. If you are single, you might notice that the type of person you attract could be very different from your norm. Look to summer 2014 for more romantic intensity. If you are attached, the two of you will decide to take a class together or plan that special trip. As a couple, you naturally seem to make the right choices. LEO knows how to get you fired up.

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

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Check out the HOROSCOPES above!
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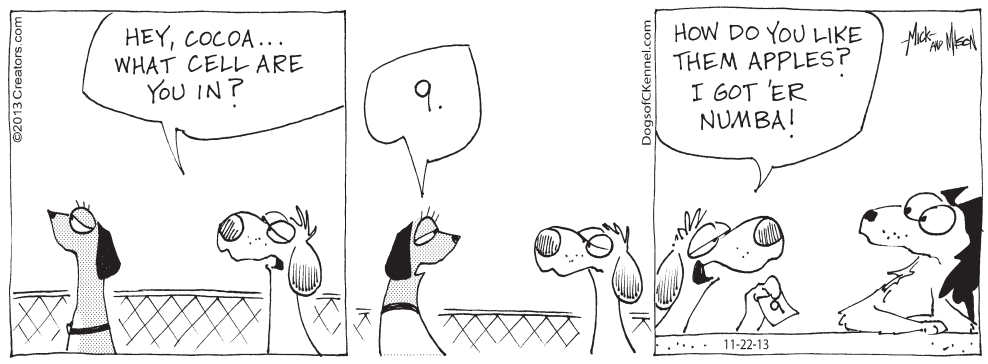
# Speed Bump
By Dave Coverly



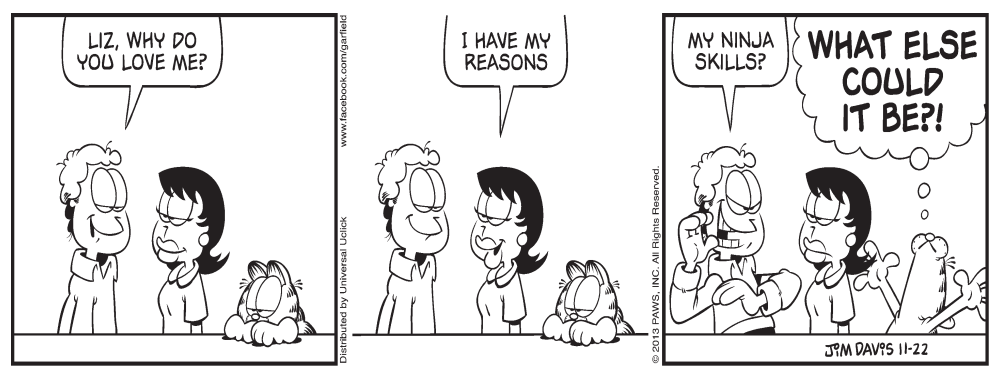

# Strange Brew
By John Deering




# Dogs of C-Kennel
By Mick and Mason Mastroianni




# Garfield
By Jim Davis




# The Meaning of Lila
By John Forgetta & L.A. Rose



# 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. The difficulty level ranges from ★ (easiest) to ★★★★★ (hardest).

Difficulty Level ★★★★

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | 1 | |
| | | | 6 | | | 9 | | 2 |
| | | 7 | | 9 | | 3 | | 6 |
| | 2 | | | | | 7 | | 8 |
| | 9 | | | 2 | | | 6 | |
| 5 | | 3 | | | | | 9 | |
| 7 | | 9 | | 1 | | 5 | | |
| 3 | | 8 | | | 2 | | | |
| | 6 | | | | | | | |

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## GETTING STARTED

There are many strategies to solving Sudoku. One way to begin is to examine each 3x3 grid and figure out which numbers are missing. Then, based on the other numbers in the row and column of each blank cell, find which of the missing numbers will work. Eliminating numbers will eventually lead you to the answer.

SOLUTIONS TO YESTERDAY'S PUZZLE

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

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# MYSTERY PHOTO

Daniel Archuleta *daniela@smdp.com*

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# *CROSSWORD*

## By THOMAS JOSEPH

**ACROSS**

**1** Give addresses
**6** Zigzag
**11** Meted out
**12** "Manhattan" director
**13** "Blowin' in the Wind" singer
**14** Ticked off
**15** College house
**17** First-rate
**18** Hip-hop devotee
**20** "In your dreams!"
**22** Wilder's "— Town"
**23** John or Paul
**26** Fluttery insects
**28** Different
**29** Without text
**31** Ring setting
**32** Trade show
**33** Traveler's aids
**34** "Waterloo" group
**36** Amorphous mass
**38** Painter Rivera
**40** Island ring
**43** Game show announcer Johnny
**44** Multiplex show
**45** "I Can't — Satisfaction"
**46** Dog show category

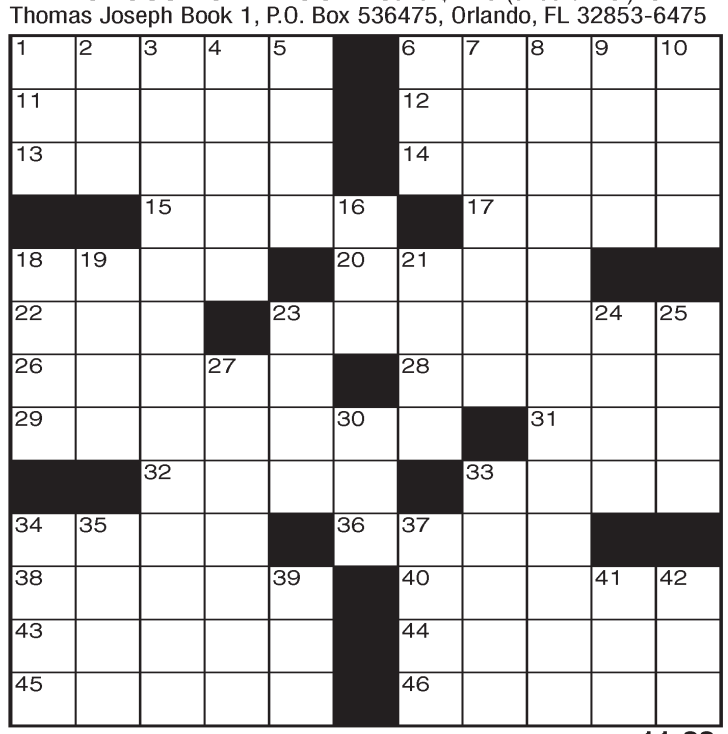
**DOWN**

**1** Peculiar
**2** Artist Lichtenstein
**3** Ultimately good
**4** Sorrowful
**5** Writer Buchanan
**6** Fighting
**7** Snobby sort
**8** Multiple choice choice
**9** Julia Louis-Dreyfus show
**10** Finishes
**16** Phone bug
**18** Big flop
**19** Channel marker
**21** Flue filth
**23** Pronto, in memos
**24** Bound
**25** Goes astray
**27** Pencil cross-section
**30** Hold up
**33** Power provider
**34** Sick as —
**35** Bitterness
**37** Fold member
**39** Music's Yoko
**41** Tell tales
**42** Was ahead

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

**Yesterday's answer**

NEW CROSSWORD BOOK! Send $4.75 (check/m.o.) to Thomas Joseph Book 1, P.O. Box 536475, Orlando, FL 32853-6475



11-22




## NEWS OF THE WEIRD
BY CHUCK SHEPARD

■ The U.S. Department of Housing and Urban Development has been delaying a decision for months about whether to punish the Apache ASL Trails housing complex in Tempe, Ariz., for the sin of renting 85 percent of its units to the hearing-impaired -- for whom the facility was actually designed (equipped with comfort and safety features to serve the deaf). However, HUD has threatened to withhold federal funding because Apache is suspected of illegally discriminating against the non-hearing-impaired (who under guidelines should, HUD believes, occupy three-fourths of Apache's units). State officials and Arizona's congressional delegation have voiced pride in Apache's mission, but the HUD secretary's indecisiveness has left Apache tenants in limbo, according to a September Arizona Republic report.

■ This year, the Florida legislature passed the Timely Justice Act to cut short the legal dawdling that allows death row inmates to postpone their execution -- sometimes for more than 25 years. Among the first "victims" of the act was to be Marshall Gore, set to be executed in September for two 1988 murders. However, his date was once again postponed -- because Florida's tough-on-crime attorney general had scheduled a re-election campaign fundraiser that conflicted with her presence at the execution. (Gore will instead die in January.)

## TODAY IN HISTORY

**1967** – UN Security Council Resolution 242 is adopted by the UN Security Council, establishing a set of the principles aimed at guiding negotiations for an Arab-Israeli peace settlement.

**1973** – The Italian Fascist organization Ordine Nuovo is disbanded.

## WORD UP!

**snarky**
**\ SNAHR-kee \ , adjective;**
1.
testy or irritable; short.

Santa Monica Daily Press

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### RUSH Legal Notices

### RUSH Legal Notices

PUBLIC AUCTION FOR ABANDONED PROPERTY Los Angeles County Superior Court Case Number: 13R07571 Plaintiff: Oken Defendants: Super Value Express Markets, Inc. and Coast Egg Ranch Corp. Location: 6744 Lankershim Blvd., North Hollywood, Ca. 91606 Defendants were locked out on October 23, 2013 by the Sheriff's Department Los Angeles County after losing an unlawful detainter judgement on September 19, 2013. The legal waiting period of fifteen days has passed whereby the defendants have abandoned the following property: shelving, sinks, food warmer, micro oven, expired food products, dish washing equipment, steel tables. Auction will be held at the following site on Wednesday December 4, 2013 at 1:00 P. M.: 6744 Lankershim Blvd., North Hollywood, Ca. 91606. Published Nov. 21,22,23, 2013.

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# Our vision for the new Miramar Hotel brings it into the 21st Century and creates significant benefits for Santa Monicans

## GOOD JOBS

- Hundreds of new jobs during construction
- 150 permanent new jobs
- We will work with Unite HERE Local 11 and our contractors to hire as many Santa Monica residents as possible

The Miramar will remain a union hotel under our agreement with UNITE HERE Local 11.

## OPEN SPACE

- Over 50% of the Miramar's 4.5-acre site will be open space, with no buildings whatsoever
- The unsightly surface parking lots at Wilshire and Ocean will be replaced with a new public plaza with a prominent art feature, wide sidewalks and public seating
- This new open space, with the additional greening and open site design, creates a coherent visual tie to Palisades Park and provides new, unrestricted views of the beloved Moreton Bay Fig Tree from Ocean Avenue, Wilshire Boulevard and Second Street.

Ocean views will be preserved, and no longer will the Miramar Hotel be hidden behind tall walls and fences.

## NEW REVENUE FOR THE CITY

According to an independent economic study prepared by PKF Consulting, one of the country's most respected experts in hotel and hospitality economics, the Miramar Plan will generate approximately:

- $5.1 million in net new revenue per year at stabilization
- $46.5 million in the first 10 years of operation
- New property taxes from improved hotel and new residences that will go to support our schools

The redeveloped Miramar will be an ongoing economic engine for Santa Monica by creating new revenue and union jobs.

THE MIRAMAR PLAN

*Restoring Our Legacy – Investing in Santa Monica's Future*

Visit **www.MiramarPlan.com** for more information about the Miramar Plan.