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Issue 369 • October 26 - November 1, 2006

## CALIFORNIA GENERAL ELECTION



# Proposition 90



Tuesday,  
**NOVEMBER 7, 2006**

## A Devil in Disguise?

cover story • page 10

city & schools • Voluntary Spending • rudy cole • Social Note • sports • Football Normans Rout  
Limits to Increase for 2007 City Election Page 3 Think First Than Vote Page 7 Hawthorne In League Opener Page 8

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# Beverly Hills Weekly

ISSUE 368 • October 19 - October 25, 2006

## Bungalow Debacle

Potentially harmful levels of formaldehyde found in temporary classrooms, add to burgeoning space problem at Westwood.

cover story • page 10

### WHAT'S ON YOUR MIND?

You can write us at:  
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#### Issue #368 Corrections:

Last week City & Schools article mentions the "five candidates running for the two open seats." What has taken place up to this point is that five have filed their Fair Political Practices Commission (FPPC) forms with the State of California saying they intend to run, but they do not become candidates until they complete their nomination papers, file them with the City Clerk's Office and they are considered sufficient. The filing period opens on November 13.

Also, the Council did address the issue of campaign spending limits at the formal meeting on Tuesday night. The ordinance will go for second reading and adoption at the November 7 formal meeting.

### A Proposition 65 Public Notice

The California Safe Drinking Water and Toxic Enforcement Act requires California businesses to advise employees and neighbors of any potential exposure to chemicals considered by the state to cause cancer, birth defects, or other reproductive harm.

Trigen-LA Energy Corporation wants you to know that detectable amounts of some of these substances may be found in and around its facility located at 2052 Century Park East, Los Angeles, CA. Potential sources of these substances can include common products such as gasoline, oil, natural gas, paint.

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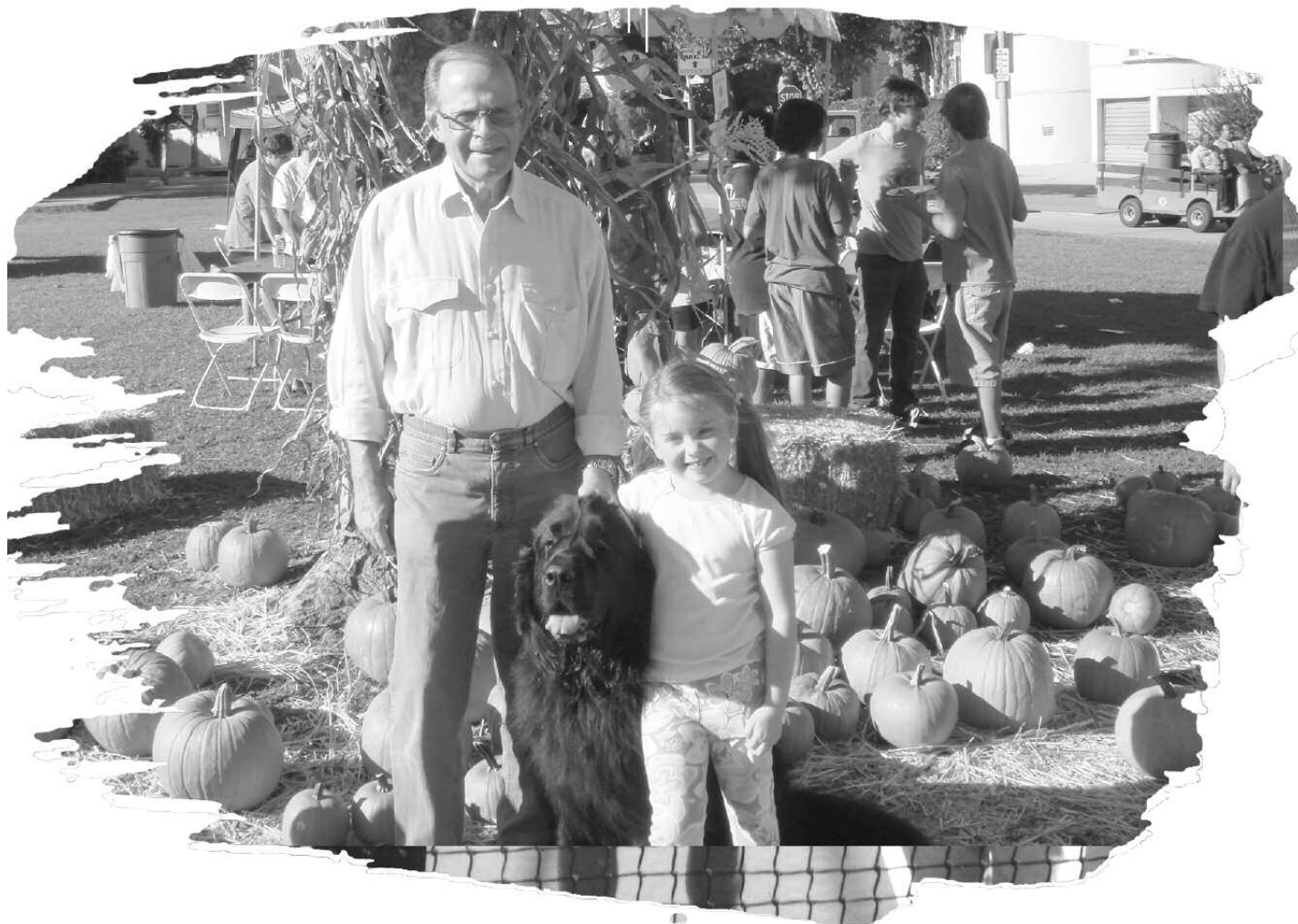
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*"Pumpkin Party"  
Moreno Drive*

*Councilmember Frank Fenton with granddaughter Kelly Fenton-Samuels and dog Daisy*

## Beverly Vista Fourth Graders Donate Books to School in Watts

Students practice skills through service.

By Ryan Vaillancourt

Beverly Vista Principal Erik Warren addressed the BHUSD Board of Education and community members at Tuesday's board meeting, to recognize a recent feat achieved by the school's fourth grade students. As part of Beverly Vista's service learning program, the three fourth grade classes collected over 4,000 used books and delivered them directly to the students of 112th Street Elementary School in Watts.

"We have a long tradition in our district of community service," Warren said, "but service learning is different."

Beverly Vista students can earn community service "points" throughout the year for participating in community service projects. The points later allow students to take part in special trips and privileges.

But the recent book drive, which was run in conjunction with the non-profit organization Bookends, was not geared toward collecting points.

"In a service learning project, we're using community service as an instructional strategy to access, in this case, the fourth grade curriculum," Warren said. "So community service is done, but it's a way for kids to get motivated and get excited about doing some-

thing that is part of their learning."

Judging by the level of responsibility assumed the students, they were indeed motivated. "The students actually managed the whole book drive themselves," said Victoria Molner, fourth grade teacher and co-advocate of the service learning program. With little guidance from Molner and their other teachers, the students created flyers to advertise the Bookends program to the rest of the school, urging them to bring their old or extra books in to school. For two weeks, the fourth graders stood outside before school collecting the bags of books.

"Then they actually sorted the books into grade levels," Molner said. Deciding for which age group each book was appropriate was one aspect of the program's educational application. Counting the books, Molner said, required the students to utilize their math skills.

Beverly Vista has participated in the Bookends program for eight years, but this year was the first time that the students delivered the books themselves.

"We made the decision this year to have all of the students actually physically pack up the books, load them up in the bus, take them



A few of the Beverly Vista fourth graders that participated in "Bookends." Clockwise from left are Bailey Slater, Jonathan Rofeim, Mia Amsalam, Ortal Isaacian, Montana McIntyre and Yasmin Asherian.

over to 112th Street Elementary, and meet and read with the kids," Warren said. "In the past, and I think in our community especially, community service for kids means bring something home to mom and dad, have them write a check and there you go. But that's not really doing it for us in terms of service. We want the kids to really follow it from cradle to grave."

Denise Magasin, also a fourth grade teacher, said that actually having the kids deliver the books was crucial for the program's success. "It's one thing to teach kids that we have to do things to help others but it's a different scenario when they get to see who they're helping," she said. "It makes it real."

When the Beverly Vista students arrived at 112th Street Elementary, they were received by a cheerleading ceremony, cake and ice cream and individual gift-bags for every student. In that sense, the event was a show of mutual support and appreciation.

"The students actually got to see and interact with children at the school in Watts and they saw that a school in Watts can be very similar to a school in Beverly Hills because they're kids, they just have fewer books than we do," Molner said. "I think the point for the students is actually going and seeing that they're no different from us, and yet we're helping them in such a great way by just providing books for them."

The 4,000 books collected is double the school's previous Bookends record. But like the service learning program is not about gaining special points or awards, Bookends is not about breaking records. The only reward is the service itself.

"The kids there needed books and we gave them to them," Jack Stone, a Beverly Vista fourth grader, said. "Now when I'm on my couch on a cold day reading a good 'Hardy Boys' book, I know that a kid at 112th Street Elementary is reading a good book too."



### NOTICE OF ELECTION

CITY CLERK  
BYRON POPE, CMC  
455 N. Rexford Drive

Beverly Hills, CA 90210-4817  
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FAX: (310) 385-0862

#### NOTICE OF ELECTION

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Beverly Hills on Tuesday, March 6, 2007, for the following officers

**For Two Members of the City Council**  
Full term of four years

The nomination period for these offices begins on November 13, 2006 and closes on December 8, 2006 at 5:00p.m.

If nomination papers for an incumbent officer of the city are not filed by December 8, 2006 (the 88<sup>th</sup> day before the election) the voters shall have until the 83<sup>rd</sup> day before the election, December 13, 2006, to nominate candidates other than the person(s) who are the incumbents on the 88<sup>th</sup> day before the election, for that incumbent's elective office. This extension is not applicable where there is no incumbent eligible to be elected.

If no one or only one person is nominated for each office, appointment to the elective office may be made as prescribed by Section 10229 of the Elections Code of the State of California.

The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.

BYRON POPE  
City Clerk



### TOWN HALL MEETING

THE CITY OF BEVERLY HILLS  
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WESTSIDE SUBWAY EXTENSION  
TOWN HALL MEETING

Thursday, November 2, 2006  
7:30pm

Beverly Hills City Hall, Council Chambers  
455 North Rexford Drive

The City Council appointed the Mass Transit Committee as an advisory body charged with recommending route alignments and station locations for a possible Westside Subway Extension within Beverly Hills. At this meeting the Committee will present its findings and seek public input before developing a recommendation for City Council. Any interested parties are welcome to attend. For more information, please call (310) 285-2566

# briefs

## September 2006 Home Prices Down in the 90210; Condo Prices Up

September sale prices for single-family residences decreased in the 90210 area on 13 homes by 1.1% from September 2005 statistics, according to a report published by Data Quick Real estate News (www.dqnews.com). The percentage change is not available for the 90211 and 90212 areas.

Condominium prices in the 90210 increased on one condo by 28.5%, decreased on one condo in the 90211 by 2.5% and decreased on one condo in the 90212 by 28.5%.

The median price for single family residences in the 90210 area is \$2,275,000, \$1,823,000 in 90211, and unavailable for 90212.

The median price for condominiums in the 90210 area is \$1,221,000, \$750,000 in 90211 and \$663,000 in 90212.

In Los Angeles County as a whole, sales of single family homes are up 3% with a median price of \$541,000 and condominium prices are up 0.2% with a median price of \$406,000.

## Conversations with Kari

New BHUSD Superintendent Kari McVeigh will be visiting each school in the district to meet with parents and better get to know the community. The talks, entitled "Conversations with Kari," offer parents the opportunity to voice their opinions, questions and views on

matters of education, or just meet the new superintendent. McVeigh will host one of these sessions at each school in the district during November.

Wednesday, Nov. 8th @ 3:30pm – Beverly High – Room #292

Monday, Nov. 13th @ 3:30pm – Beverly Vista

Wednesday, Nov. 15th @ 3:30pm – Horace Mann – Library Classroom

Monday, Nov. 20th @ 3:30pm – Hawthorne – Hawthorne School Library

Monday, Nov. 27th @ 3:30pm – El Rodeo – Room #100

## Hawthorne Pajama Party

On October 19, Hawthorne celebrated their monthly Pajamarama Night with a Halloween twist. Students in grades K-3 came back to school at 6:45 PM in their Halloween costumes and listened to guest speaker, Mayor Steve Webb, read them children's books. Pajamarama is a celebration of reading and a cherished even at Hawthorne School. Pictured above are all of our Hawthorne Students, Mayor Steve Webb, PTA Pajamarama Chair Dana Gilbert, and Principal Alex Cherniss.

## BHUSD Students Receive Disaster Assistance Response Training

Over a three day period (October 6th, 11th, and 13th) the Beverly Hills Fire Department provided the Beverly Hills Unified School District with Disaster Assistance Response Training (DART) for Students. This 4-hour, hands-on program is based on the Community Emergency Response Team (CERT) training program that is taught by the Fire Department

to members of the Beverly Hills Community. Approximately 135 students received the training.

DART is designed to provide students with skills to protect themselves and other students in the event of an emergency and to handle day-to-day emergencies. The training was provided to 30 seventh graders from each of the four elementary schools and to the members (approximately 30) of the Beverly High Associated Student Body (ASB). Some of the skills taught in the course included hands-on training in search and rescue, lifting heavy objects, disaster first aid, and extinguishing live fires utilizing both a fire extinguisher and a fire hose.

The training was coordinated by Captain Greg Barton of the Beverly Hills Fire Department and supported by the BHUSD. The program will be ongoing, and will provide this training every year to members of the ASB and the 7th graders to develop a group of trained students to assist teachers and staff during day to day emergencies or during a major disaster.

## Beverly High Alumna Debuts New Dance Piece

"Reeling," a new piece of contemporary dance by choreographer and Beverly High '01 graduate Laura Karlin, will debut at the Diavolo Dance Space on Thursday October 26th. Though she currently resides in London, Karlin returned to undertake a commission with the Los Angeles Contemporary Dance Company. The result is "Reeling;" set in a bar with a star turn from a goldfish called Diva, it plays on the emotional, physical and piscatological meanings of the title. The show runs

through Sunday October 29th and then again from November 2 through November 5.

Karlin danced and choreographed with Advanced Dance Company for all her four years at Beverly High School and received the prize for outstanding company member in her senior year. She was a College Scholar at Cornell, with twin majors in sociology and dance, and graduated last year summa cum laude with honors in all subjects.

Karlin has also been appointed as this year's alumna choreographer for Advanced Dance Company. The Company performances will be in January at the K.L. Peters Auditorium at the High School.

Toby Karlin '03, who composed, performed, recorded and engineered the music for "Reeling," was a member of the Beverly High Marching and Symphonic Bands for four years and was honored several times as an outstanding band member. He is now a senior at Berklee College of Music in Boston.

One of the founders of Los Angeles Contemporary Dance Company, Kate Hutter, is the granddaughter of the late Bernice Hutter, long-time member of the Beverly Hills Board of Education (1959-1977), well-known for her community activities, including her many years of work for the Beverly High Alumni Association.

## Halloween Party to Benefit Homeless

The Beverly Hills Bar Association Barristers Homeless Project Committee presents a Halloween Costume Party and Networking Soiree on Friday, October 27, from 7 to 10 pm at Loews Hotel, 1700 Ocean Avenue, Santa Monica.

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PAVILIONS – BEVERLY HILLS  
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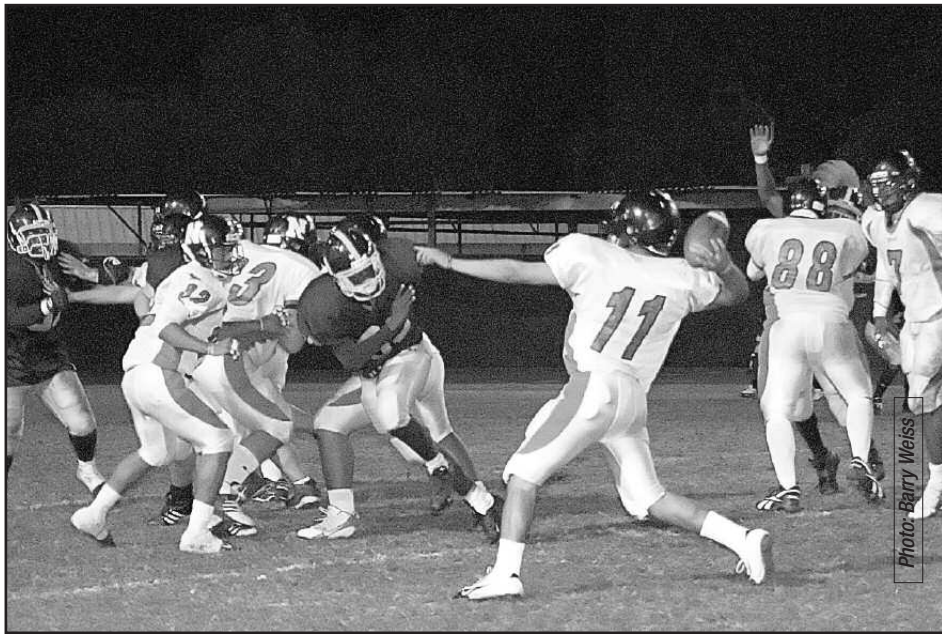
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**FOOTBALL NORMAN'S VICTORY**



Sophomore quarterback Dex Lucci launches a 3rd quarter TD pass to tie the score against Santa Monica on Friday night. See details in Steven Herbert's sports column on page 11.

100% of the proceeds go to Safe Haven, an organization dedicated to helping the homeless rebuild their lives. Safe Haven is a division of the Ocean Park Community Center, a network of shelters and services for low income homeless youth and adults as well as battered women, their children and people living with mental illness.

The event will include cocktails, a live band and prizes. Tickets are \$20 in advance, or \$25 at the door. Costumes are optional. For reservations, go to <http://www.bhba.org>.

**Rodeo Drive Mourns the Loss of Svend Ingerslev**

Svend Ingerslev, General Manager of Lladro Boutique on Rodeo Drive, succumbed to injuries received in an automobile accident last week.

Known for his community involvement, Ingerslev was a member of the Board of Directors of the Rodeo Drive Committee and the Beverly Hills Chamber of Commerce. He has served as the Co-Chairman of the Rodeo Drive Concours d'Elegance for the past several years and was known for his support of numer-

**DONNA'S DAY**



Councilmember Frank Fenton's mother-in-law, Donna Goldstein, (third from left) received a proclamation at the October 17 City Council meeting in honor of her 90th birthday. Standing with her, from the left, are Mayor Stephen P. Webb, Mrs. Goldstein's daughter Judie Fenton, Frank Fenton, and three grandchildren: Jennifer Fenton, Gary Fenton and Steven Fenton.

ous Beverly Hills and Southern California charitable causes.

"Rodeo Drive has lost a great friend," said Randy Soto, President of the Rodeo Drive Committee. "Svend's passion for retailing and Rodeo Drive was unwavering. He was the consummate gentleman known for his jovial personality and dedication to excellence. It is a tragic loss for the street and the City of Beverly Hills."

Ingerslev was a part of the Southern California luxury goods retail marketplace since the 1960s. He worked with Hartmarx

Specialty Stores as a Vice President and GMM overseeing 32 stores for over 28 years. He began working on Rodeo Drive at the Polo Ralph Lauren store in the early 90's, later managing Sulka and Brioni and most recently overseeing the Lladro Boutique.

Svend is survived by his wife Lis, two sons, Christian and Lars, and one grandchild, Madelyn. A memorial service will be held on November 4 at 11 AM at the Danish Lutheran Church in Yorba Linda.

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# policeblotter & arrestsummary

**City of Beverly Hills**  
**Week of:** October 25, 2006

*The Beverly Hills Weekly receives the information that appears below from the Beverly Hills*

*Police Department. This information is released each week to the public. We assume no responsibility for any errors or omissions in the police blotter.*

**Robbery:** Occurred between 1815 and 1820 on 10/21/06 in the 400 block of South Beverly Drive. Suspect #1: Male Black, 27-35, 6'0"-6'2", 165 lbs., bald with brown eyes. Suspect #2: Male Black with black hair. No further description. Suspect #1 walked up to the victims and pointed a handgun. Suspect #1 demanded victim's property. Suspect #1 fled the location in an awaiting vehicle driven by suspect #2.  
 Loss: \$6,500

**Burglary:** Occurred between 1630 on 10/19/06 and 0800 on 10/20/06 in the 300 block of South Rexford Drive. Suspect(s) entered the location which was under con-

struction. Suspect(s) removed property and fled the location undetected.  
 Loss: \$5,000

Occurred between 2100 on 10/18/06 and 0655 on 10/19/06 in the 9000 block of Wilshire Blvd. Unknown suspect(s) used force to gain entry to two suites at the location. Suspect(s) removed property and fled the location undetected.  
 Loss: \$2,600

Occurred between 1230 and 1430 on 10/24/06 in the 9400 block of West Olympic Blvd. Unknown suspect(s) removed victim's property from her unsecured purse while victim was shopping.  
 Loss: \$1,040

**Grand Theft:** Occurred at an unknown time on 09/20/06 and 1800 on 10/16/06 in the 500 block of North Camden Drive. Unknown suspect(s) entered the victim's location and removed property. Suspect(s) fled the location undetected.  
 Loss: Unknown

**Larceny/Theft:**

Occurred between 1100 on 10/16/06 and 1300 on 10/17/06 in the 300 block of North Canon Drive. Unknown suspect(s) ordered merchandise by telephone using fraudulent credit card information. Merchandise was mailed to the suspect(s).  
 Loss: \$7,500

**Identity Theft:** Occurred at an unknown time on 10/02/06 in the 100 block of North Willaman Drive. Unknown suspect(s) made several transactions using the victim's bank account information without her consent.

**Arrests:** ZUCH, DAVID MARTIN, 20, of Los Angeles, arrested on 10/25/06 for driving under the influence of alcohol.

KEOHAN, MICHAEL MAURICE TIMOTHY, 44, of San Mateo, arrested on 10/24/06 for burglary.

STEVENS, MICHAEL JAY, 34, of North Hollywood, arrested on 10/24/06 for driving with a suspended license.

KHAZAIE, BEHROOZ, 48, of Sherman Oaks, arrested on 10/23/06 for driving with a suspended license.

KIBBY, DIANA DANUSHA, 46, of Los Angeles, arrested on 10/23/06 for a felony warrant.

DAHAN, KARINE, 34, of Beverly Hills, arrested on 10/23/06 for driving without a license.

FEMALE JUVENILE, 17, of Beverly Hills, arrested on 10/22/06 for petty theft.

COBBIN, MONTA TYQUAN, 19, of Hollywood, arrested on 10/22/06 for driving under the influence of alcohol.

LALOR, KRISTINA EILEEN, 29, of Tujunga, arrested on 10/21/06 for driving under the influence of alcohol.

CAREY, MEAGAN MARIE, 29, of Beverly Hills, arrested on 10/20/06 for driving under the influence of alcohol.

SAFOS, CHRISTOPHER ROBERT, 20, of Hollywood, arrested on 10/20/06 for possession of a controlled substance.

CHAMBERS, EARIC SANFORD, 42, transient, arrested on 10/19/06 for battery.

PEREZ, EMILIO RIOS, 42, of Hawthorne, arrested on 10/19/06 for driving without a license.

JONES, TIMEITSELF TONY, 30, of Carson, arrested on 10/19/06 for driving under the influence of alcohol.



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# people & pictures

## Beverly High Class of 1981 Reunion

October 21st at the Queen Mary, Long Beach

Photos: Alan Foonberg, Marian Schloss Merritt and Gordon Swan



*Amy Rand Williams & Alan Foonberg*



*Andy Slatkin & Anna Ploishuk*



*Ben Tobias, & Edie Zusman Pratt*



*Michele Sapper, Amy Rand Williams & Andy Lotwin*



*Greg Krentzman, Sophie Krentzman & Alex Berliner*



*Lauri Ringer & Steve Millet*



*Josh Finkel & Devorah Moos Hankin*



*Liz Mazursky Astaire, Patti Fidler Belt, Pam Orenstein, Karen Fineman Roberts & Kathi Sharp Ross*



*Maria Draper Willcockson & Eleanor Dunai*



*Michael Libow, Pam Orenstein & Barry Fogel*



*Orli Low Feuer, Jeff Feuer & Raphaelle Hay Vallera*



*Josh Finkel & Karen Fineman Roberts*

# from the hills of beverly



## Rodeo Or The O.K. Corral?

And Too "Right" For Beverly  
By Rudy Cole

The city made news last week, maybe not exactly what we would have placed on the city's web site, but of sufficient controversy to rouse some minor indignation by our real web, in this case Mayor **Steve Webb**.

It would be hard to miss: The Battle for Rodeo Drive. It began with a California section, page one story in the Los Angeles Times on Friday, October 20, "Strolls Not Rolls on Rodeo Drive." Clearly, the assignment editors of the city's television stations read The Times. That day and night, news crews were all over the street and the city inflaming a story that would end up having absolutely no legs.

Just in case you missed it all, Councilmember **Jimmy Delshad** floated an idea to the Times: Why not close a portion of Rodeo Drive and make it a "pedestrian only" section of our fabled street. The sub-head of the story, "Beverly Hills officials are considering banning cars..." was what was most jolting to Webb and some other councilmembers and business leaders.

Delshad, of course, has the absolute right to suggest any idea, any program he feels has merit or even, since he is a candidate for reelection, one that might gain some attention for his campaign. Trust me, the four other candidates are not likely to see their vision of the general plan, an ethics ordinance, a subway or some development project make news in our only metropolitan paper or on eyewitness news.

The issue then became one of process. Programs of any kind, bizarre or feasible, are not usually presented to the media before they are disclosed to the whole council and then studied by staff and, if three votes are available, brought to a council meeting for consideration and a vote (Delshad did unveil his proposal at a recent council study session". Mayor Webb very carefully pointed out that the Rodeo closure was "only the thinking of one councilmember."

Webb may have been restrained in public, but he was very likely not to be that nurturing

in private. Although The Times quoted some visitors and even a merchant who thought the idea was worthy of consideration, the phone calls the city received from most of Rodeo's merchants and other business leaders was one of amazement. One "Not ever" opinion did make the Times, and one of the creators of Rodeo, **Fred Hayman**, said "I don't think the street should be closed." It was Webb, as mayor, who had to field the indignant calls that followed the story. It is reasonable to assume that Webb told Delshad, "this is not how things are done."

One unheard voice was that of the owners of the Luxe Hotel. Their quaint, European style inn, right in the middle of that section of Rodeo Delshad proposed closing, would have been very negatively impacted. Even without closing, the hotel has no front parking, only unloading.

Although Delshad was quick to refute comparisons with Santa Monica's Third Street Promenade with its tawdry street scene, how else could you describe it? Probably the most salient objection was "why mess with a street that is world famous and turn it into a commonplace walk station?"

There are side issues: More difficult law enforcement, attracting a totally different kind of visitor who would probably never shop on the street and more. Elitist? Yes, but probably realistic.

In any case, the "closing" is not likely to receive any more notice. Delshad seems to have retreated following the blast and has even suggested the idea might just be best on say, Canon Drive. That street was not named for an artillery piece, but that shot in the dark could raise another problem: isn't it hard enough to retrieve a prescription at **Rite Aid** without banning cars?

One city political observer did question the impacts on Delshad's bid for a second term. "If elected, Jimmy would become mayor. This may worry voters and make them think he isn't sufficiently grounded on government process and the real feelings of the city," she told us, asking that we withhold her name. Phone calls to *The Weekly* were not so reluctant.

Sources at the Times have told me the story about Rodeo Drive first surfaced in another community paper and was not planted by Jimmy.

\* \* \*

Speaking of calls, one very irate reader – this one too remained anonymous – questioned "what right I had to tell people how to vote" following recommendations on the ballot measures. My problem is not the giving of advice, but the concern that no one is following it. Well, maybe some do, but certainly not the publisher of the Beverly Hills Courier.

I mean this quite seriously; I admire our colleague, Courier publisher **Clif Smith's**, willingness to vent his very right-wing opinions in a community that is heavily liberal and Democratic. His recommendations on ballot measures, with one exception, Prop. 86, echoed the most conservative voices being

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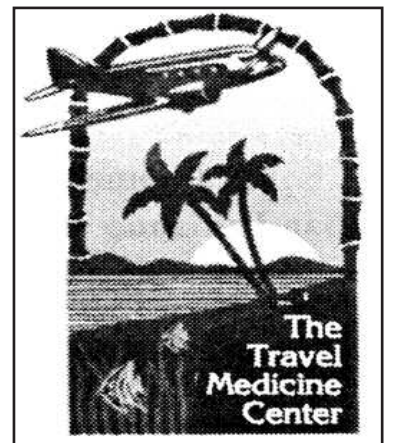
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heard in this election. Take Prop. 90, please. He wrote that it was poorly written, but still urged a YES. Poorly written? It would be a debacle for local governments, including our own. One very likely impact would be the city's inability to restrict high rise construction - removing the legislative planning restrictions. Our usually calm City Manager **Rod Wood**, speaking to the Chamber's government affairs committee last week called it one of the most calamitous measures ever to face California. (Rod qualified his appearance by pointing out he was doing this on his own time and speaking for himself, not the city.)

Where else did Smith take us? He endorsed the whole Republican slate of constitutional officers, including one **Tom McClintock**, the GOP nominee for Lt. Governor, or one nasty heart beat away from the corner office. This right winger, bright and honest though he is, has opinions on social and fiscal matters that would make **Barry Goldwater** roll over in you know what.

The Courier also opted to oppose almost all bond measures for schools and infrastructure and, of course, argued against Prop. 87, which would give us one small opportunity to find alternatives to fossil fuels and Mid-East dependency.

What I do appreciate is that he did not alter, for his Beverly Hills readers, views written for his San Marino paper's voters. On a more local note, there is a highly qualified Beverly Hills person on the judicial ballot, **Janis Barquist** for Office Number 144, Superior Court. No nod from the Courier, but backed by almost all of our civic and governmental leaders. She has the highest rating possible

from the bar and merits our vote.

Kind of reminds me of the Chicago Tribune though. Da Trib, during **Col. McCormick's** sole ownership, blasted **FDR** and every member of his family, fumed against helping England in the war against **Hitler**, supported every breathing Republican in a city voting 70 percent Democratic, and still survived nicely. One trick used by the Tribune, to assure people actually read their highly slanted news, was to spread the comics throughout the paper. Want to read Little Orphan Annie or Mary Worth or Gasoline Alley? Turn every page; no comic section for you Democrats.

On the other hand, would I have any readers in San Marino if I continued to defend Roe v Wade? Maybe a few.

\* \* \*

Heard on the street: Great unveiling party for the Hilton's new eatery, **Circa 55** last week. It is a wonderful designed venue, and the first fine dining restaurant the hotel has had for many years. **Beny Alagem** does give great parties and he has done a remarkable job in redecorating the landmark hotel. This work will certainly help create a brand new gateway at our western borders, especially when their neighbor, 9900 Wilshire, the first totally green building in our city with a world class design concept, is completed.

Lexus is reportedly approaching the city with plans to build a new, four story structure at their Wilshire Blvd site. They now have two service centers, the second on La Cienega, which they would close, and they need more space for storage. An earlier effort to rezone property they optioned just west and on the north side of Wilshire was turned down by the

city council. Car dealers are one of our best sources of tax dollars and have long been an important part of our commercial life. But just as with entertainment giants, we are losing some, including the BMW operation further east. Lexus has tried to be a good neighbor, but there have been horrendous problems, especially with cars waiting for service or with delivery trucks blocking a residential street. One time, when a big delivery van was in a holding pattern on the side street, a neighbor called police and insisted a citation be issued. It was, but the neighbor angrily demanded that there be eight tickets, not one, to include all the new cars in the truck! It might just solve the neighbors' and Lexus's issues if they won approval for their plans, but we'll see how it plays out.

**Ken Goldman**, president of the Southwest Homeowners and a member of the city's committee studying plans for a subway along Wilshire, has sounded a warning note. He has told his committee that he and his association are very likely to oppose the subway if concerns about construction impacts are not satisfactorily studied. That's been our concern too. Clearly, mass rail transit is an important possible resource to reduce traffic on and through our city. Despite growls of discomfort about traffic expressed every time the city considers any new project, the reality is that most of our traffic woes are caused by through traffic, not destination. In some convoluted manner, new projects in our city actually often decrease, not add congestion on our streets. I am not against the subway, but the impacts of construction, the safety factors, the effect on further development west of Beverly Hills all

merit considerable thought and dispassionate consideration.

Last week, a reader chided me for not mentioning **Urth Caffé**, which has a wonderful vegetarian menu and a smoke free outdoor dining area. This guy really follows my writings. My pipe would be as welcome there as it is anywhere **Lillian Raffel** - my anti-pipe buddy - lives or dines. However, I will be pleased to ask my reader to enjoy the very next shipment of raw spinach at the restaurant of his choice.

Final Hilton note: **Beny Alagem**, who has succeeded owners such as **Conrad Hilton** and **Merv Griffin** is calling attention to the history of his hotel by naming the exciting new restaurant for the year the hotel opened. There is one problem. Shortly after, the Hilton and Conrad opened the Nile Hilton in Cairo. At that opening Conrad called **Gamal Nasser**, the "George Washington of the Middle East! Didn't play well in Beverly Hills.

Rumors continue: Sources tell us that **Robert K. Tanenabum** will step down as president of the North Homeowner's Association next month. The group will meet late in November to choose a new leader. **Larry Larson** is being mentioned. There were also reports circulating that a more "moderate" HOA was being formed with **Dr. Willie Brien** as proxy, but nothing has surfaced yet.

*Rudy Cole served for eight years as a member and chair of the city's Recreation & Parks Commission. He was also President of the Greystone Foundation and served on three other city committees. Rudy can be reached at: Rudy@bhweekly.com.*

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# coverstory

## PROPOSITION 90, A DEVIL IN DISGUISE?

Proponents of Prop 90 say the measure is intended to stop governments from taking private property and selling it to developers. Critics say it's a disaster for everyone.

By Ryan Vaillancourt



City Manager Rod Wood

Eminent domain has piqued the interest of many community members as of late, with dozens of people showing up to recent City Council meetings in show of support for Dr. Shipp's Animal Hospital and the Amanda Foundation. In November, California voters will have the chance to weigh in on eminent domain in Proposition 90. But City Manager Rod Wood warns that the supposed anti-eminent domain initiative is a devil in disguise that will cripple practical zoning laws and give developers carte blanche to build sky-high. After giving a presentation on the matter to the Beverly Hills Chamber Committee on Government Affairs last week, the Weekly caught up with Wood for an exclusive interview.

***Beverly Hills Weekly: You know first hand that many members of our community are riled up over eminent domain. Can you address Proposition 90, which is touted as an anti-eminent domain measure, as it relates to Beverly Hills?***

Rod Wood: Prop 90 is fundamentally different than what it's being painted as. Let's start with Howard Rich [a New York real-estate developer who has funded over 90% of the Yes on Prop 90 campaign]. He is an ultra libertarian who really thinks infinitely less government is a good thing, a retired multi-billionaire. He's framing this thing as a stop from taking people's homes to give to developers like Wal-Mart, but that is only the sales pitch because this thing goes so far beyond eminent domain. I'll give you one example: one of the provisions in there is that cities may not limit the use of "air space." Now what do the lawyers say this means? The lawyers say that means that cities cannot have height limitations. So if three or four story heights are an issue in Beverly Hills, this would allow a person to put a fifty story building on their property if they want to and the city could not do anything to deny that. They absolutely, constitutionally, will have the right to build as tall a building as they want. Now that's not an eminent domain issue.

If you're a property owner who feels that government has intruded too much on your property and imposed too many conditions and terms to develop that have driven up your cost, at face value you read this and you

say hmm there's some things there I like. But when you really peel this thing open and see how rotten inside it is, for anything it gives you, it takes four things away. Let's say you build this fifty story building, what [Prop 90] says is that the people around that building, anybody who feels that that devalues their property, they have a right to levy a claim against the city for those damages. And it's not just from a standpoint of government. It's any action of the city. Say if we passed a law that says, "if you build a building in town we want to make sure that you provide adequate parking, but our current parking ordinances really don't meet the real needs so we're going to increase the amount of parking that you have to provide so that you don't create impact on the neighborhood." Ok, that's a reasonable zoning requirement right? [Prop 90] says, "wait a minute that's a negative impact on the value on that property," the city would have to pay for that added parking. Now where's that money come from? I'll come back to that.

It also says that, it could be anything, if the city wants to put in a bus stop or lets say they want to build the redline and they want to build a transit stop. If there's anybody that feels that devalues their property, they can put in a claim against the city to collect for damages. If the city adopted a smoking ordinance and a restaurant owner felt that that devalued their business, they could file a claim for damages against the city. Now historically on an eminent domain action, a judge heard the case and evaluated the case in context of law. [Prop 90] changes that to say that it would be a jury; juries tend to come from a more emotional standpoint than a legal standpoint. Juries get to decide what the level of damages are in that property. And it goes one step further, and in my opinion goes against the core of our legal system, which says that if you file this claim against the city, even if the city wins on every single point and proves that it didn't damage you at all, the city wins completely, even in that scenario, win lose or draw, the city must pay you back for all legal expenses. When you figure, if I put a paramedic unit in station two or up in station three and there's more siren sounds as the unit responds to emergency calls, and someone feels that because they have more sirens going off that that devalues their property, if I put that paramedic unit there, I may have to pay people damages to their property. It's totally inclusive. Now, in the first year in Oregon where a similar thing was passed, it has increased the cost of doing government there by \$5 billion, and that's a

much smaller state with far fewer things happening than in California. There are cities in Oregon that are spending as much as 50% of their budget on this issue paying legal fees. I mean how many lawyers are going to pick up the gauntlet when they say "I'll take your case in contentions" and they have guaranteed payment? They'll solicit everybody on everything we do, and it costs no one anything, except the city and the taxpayers. That's why it's being called a taxpayer trap by the Taxpayers Association.

***In your opinion, who's the big winner if prop 90 gets passed?***

I actually think, that given what I know about Howard Rich, that these realities are unintended consequences because it makes development in California impossible. It will absolutely shut the economy down. It makes imposing environmental standards absolutely impossible and it will shut the protection of the environment down. It increases the cost to tax payers dramatically. Think about it, 50% increase in some cities [in Oregon], 60% of our budget is police and fire. So even if I stop all other services, I still have to cut police and fire by 10%. So I don't think that Howard really intended to cause the property owners to have to come up with more money but that will be the outcome. People say, "well it will get thrown in court," but it didn't get thrown out in Oregon. It's a constitutional amendment and the voters have a right to amend their constitution.

***Do you think it has any chance in California?***

Right now the polls say it's winning. A lot of people in Beverly Hills think well this isn't so bad, you know protecting peoples property rights. I wonder what they'd feel if they understood that this would eliminate all the height limits in Beverly Hills. Even in your neighborhood if somebody wants to build a 345 story building for a house, a monster mansion, the city would not be able to turn that down. I'm sure the people of Beverly Hills don't know, because almost no one understands the depth to which this thing interferes with the right of the people to control land and development.

***Are there any strategic matters the city could take if the measure were to pass? How would the city's dealings with developers necessarily change?***

Two things would change. One is that if they came with a non-discretionary project,

regardless of height, and they meet all the parking requirements and everything, the city has no choice but to issue the building permit. We will still however inherit all the liabilities that may be hoisted on us from this issue. If it's a discretionary project, then the city will not approve the project. The property owner will then sue the city for not approving any development on their property and the city will have to confront in court a taking of their land value. It's "lose/lose" for the city, it's "lose/lose" for the taxpayers.

***So is it safe to say that, in response to our question "who's the big winner," there is no big winner? Would the individual gains of individual developers and property owners be canceled out on a larger scale by what taxpayers are losing?***

Well they might on their individual property gain something, but as a taxpayer, they're paying for more than they're ever going to get because they'll be paying for everybody.

***Bringing it more specifically to the Beverly Hills community versus California as a whole; As someone who considers themselves to be well-informed on the issue, what would you tell the people who are so impassioned by the Shipp property to be against eminent domain in general?***

The interesting thing is that there is nothing in Prop 90 that would prevent the circumstances of the Shipp property. That property is proposed, although I'm positive in my mind that we're going to work out an amicable agreement that everybody's going to be happy with because there is a "win win win" in this. What [Prop 90] says is you can't condemn private property for private use. If you're going to use it for city purposes, which we are, nothing in Prop 90 would prevent this action from going forward.

***Does Prop 90 affect who gets to determine what is considered to be fair payment to those individuals that lose their property to eminent domain?***

Well in the end, the courts already determine that. If you reach an agreement, you end up in a court room and the courts decide what fair value is. In this case, we're not going to let that happen. We're going to keep working this until we reach an agreement, until we can do something to make the situation for Amanda [Foundation] better than it is now by a lot and provide an arrangement that Dr. Shipp believes is a proper arrangement.

# sports & scores



## BHHS Football Team Defeats Santa Monica

Squad set to seek continuation of dominance of Inglewood Friday night.

By Steven Herbert

The Beverly High football team recorded its narrowest victory of the season Friday night, but the 34-27 victory over Santa Monica in an Ocean League game at Santa Monica College counted just as much as the 40-plus point victories in each of their previous two games.

Ramon Judkins ran for three touchdowns and 109 yards on 18 carries for the Normans (6-1, 2-0 in league play).

Beverly Hills sophomore quarterback Dex Lucci completed 16 of 28 passes for 252 yards and touchdowns to Darrian Richardson and Dominique Sandifer.

Santa Monica fell to 3-4, 0-2.

The 27 points allowed matched a season-high set earlier in a 27-14 loss at Manhattan Beach Mira Costa Sept. 29.

**What's Next?**

The Normans are scheduled to play Inglewood (6-1, 1-1) Friday night in an Ocean League game at Coleman Field beginning at 7 p.m.

The two teams have two common opponents - Hawthorne and Palos Verdes. Beverly Hills defeated Hawthorne 49-8 Oct. 13 and Palos Verdes, 26-7, Sept. 8. The Sentinels defeated Hawthorne 47-7 Friday and Palos Verdes, 23-14, Oct. 6.

The Normans moved up one spot to third in the Southern Section Western Conference poll released Monday behind top-ranked Compton Dominguez and second-ranked Culver City. Inglewood is ranked eighth and being tied for ninth a week earlier.

Beverly Hills is 9-0 against the Sentinels since Carter Paysinger became the Normans' coach in 1990, including a 41-14 triumph last season.

**Girls' Golf**

**Palos Verdes 247, Beverly Hills 258**

Clair Choo shot a match-low three-over-par 38 for the Normans in an Ocean League match Oct. 12 at Palos Verdes Golf Club in Palos Verdes Estates.

**What's Next?**

The Normans are scheduled to compete in today's Ocean League Finals at Harding Golf Course in Rancho Park beginning at 8 a.m.

**Boys' Water Polo**

**El Segundo 10, Beverly Hills 4**

Andrew Hopp scored twice for the Normans and Jonathan Pony and Micah Smith once each in an Ocean League game at the Swim-Gym Oct. 4.

The Normans trailed 4-1 at the end of the first quarter as the Eagles scored the final four goals of the quarter, 5-1 at halftime and 7-3 entering the fourth quarter.

Beverly Hills goaltender Alex Rosenthal made two saves.

El Segundo was ranked third in the Division VI poll released Oct. 2, the Normans ninth.

**Beverly Hills 14, Santa Monica 11**

The Normans scored the final four goals of overtime to win an Ocean League game at Santa Monica Oct. 6.

After the first three-minute overtime segment ended scoreless, the Vikings opened the scoring 28 seconds into the second overtime segment. Hopp re-tied the score 15 seconds

later. George Agiashvili's goal with 1:26 left in the overtime gave Beverly Hills (15-4, 1-1) the lead for good. Hopp gave the Normans a 13-11 lead by scoring with 46 seconds left. Benji Koltai scored the final goal with nine seconds remaining.

Hopp and Mikey Lee each scored four goals for Beverly Hills, Koltai and Agiashvili two each and Pony and Smith one each.

Rosenthal made 13 saves and Jonny Christensen five.

The Normans trailed 4-2 at the end of the first quarter and 6-4 at halftime.

Lee and Agiashvili scored in the final 1:40 of the third quarter to tie the score, 7-7.

Lee and Hopp scored the first two goals of the fourth quarter to give Beverly Hills a 9-7 lead with 5:58 to play. Santa Monica's back-to-back goals in a 1:28-span tied the score, 9-9, with 3:28 left. The Normans regained the lead on Hopp's goal with 2:01 left, but the Vikings scored with 48 seconds remaining in regulation, sending the game into overtime.

**What's Next?**

The Normans are scheduled to host to Culver City High School Wednesday at the Swim-Gym in an Ocean League game beginning at 3 p.m.

*Steven Herbert also covers sports for the Los Angeles Times and The Associated Press. He welcomes feedback and suggestions. He can be reached by e-mail at StvHerbert@aol.com, by telephone at (310) 275-7943 or by fax at (310) 273-4519.*



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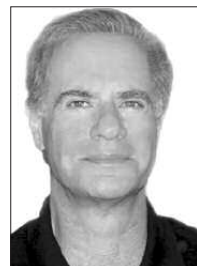
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150-Found Items  
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160-Adult Entertainment  
161-Escort  
165-Massage  
170-Caregiver

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288-Word Processing  
289-Lessons  
290-Trainer

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302-House Unfurnished  
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### 306-For Rent

308-Condominiums  
309-Recreational For Rent  
310-Rooms  
312-Rentals to Share  
314-Hotels/Motels  
316-Garages Storage  
318-Office Space  
320-Commercial  
322-Resort Property  
325-For Lease

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401-Real Estate  
402-Condominiums  
404-Commercial/Industrial  
406-Mobile Homes  
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