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Petitioner for himself
and for the Free Venice Beachhead newspaper

BEFORE THE
POSTAL REGULATORY COMMISSION

PETITION FOR REVIEW OF
DECISION TO CLOSE VENICE
MAIN POST OFFICE [39 C.F.R.
3001.111];

AND

APPLICATION FOR SUSPENSION
OF CLOSURE DECISION
PENDING OUTCOME OF APPEAL
[39 C.F.R. 3001.114]

PETITION FOR REVIEW OF CLOSURE DECISION

1. Petitioner James Smith, an individual residing in Venice, California and served by the Venice, California Main Post Office (the “VMPO”) hereby petitions the Postal Regulatory Commission on his own behalf and for the Free Venice Beachhead newspaper, of which he is a principal, pursuant to 39 C.F.R. § 3001.111, for review of the September 23, 2011, decision by the United States Postal Service (“USPS”) to close the historic structure presently housing the VMPO at 1601 Main Street (hereinafter the “Closure Decision”), made by way of the Final Decision Regarding Relocation of Retail Services in Venice, California dated September 23, 2011, and signed by David E. Williams, Vice President of Network Operations for the USPS.

2. The petition is made on the following grounds:

a. That the Closure Decision improperly describes the closure as a “relocation” of a customer service facility to another existing building, namely, the Venice Carrier Annex at 313 Grand Boulevard, when in fact it would result in the elimination of a large retail post office with five customer windows and the establishment in its place of a much smaller retail operation in another location that is inside the Venice Carrier Annex. This dramatic decrease in the size of the VMPO simultaneous with its purported “relocation” means that in fact, the action is the functional equivalent of a closure of the VMPO. In addition, the USPS is moving forward with plans to sell the historic VMPO. Thus, the decision should be, and is, subject to all procedures and considerations associated with a closure under 39 U.S.C. § 404(b) and 39 C.F.R. § 241.3, including an appeal to this Commission.

b. That the Closure Decision does not meet the test of US Code - Title 39: Postal Service, specifically:

“Under 39 U.S.C. 404(b), any decision to close or consolidate a post office must be based on certain criteria. These include the effect on the community served; the effect on employees of the post office; compliance with government policy established by law that the Postal Service must provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining; the economic savings to the Postal Service; and any other factors the Postal Service determines necessary.”

i. The effect on the community served.

The VMPO was a Works Project Administration building that includes a cornerstone dated 1939. Thus this historic building has been at the center of Venice community life for 72 years. It is located on the central plaza in the center of the main commercial district of the town. It is constantly busy with postal customers arriving on foot, by bicycle and auto. There is no busier

building in the Venice community. Generations of Venetians have patronized this building on a regular basis throughout their lives. Upon climbing the stairs or handicap-accessible ramp, they entered an attractive lobby with a deep wood finish. Their eyes automatically turn to the beautiful and well-preserved “Story of Venice” mural by artist Edward Biberman on the south wall. The mural was painted in 1941 by the famous artist, and is his last surviving mural. It is seen by hundreds of people per day, thanks to its position in the post office lobby. The aesthetic charm of the building, and the museum-quality art in the lobby, is beloved by this community which is filled with artists, poets, muralists and connoisseurs of art. The character of the Venice community as an arts haven means that the blow to the community of losing both the building and the mural is far greater than it would have been if it were a nondescript building that was bereft of art.

ii. Rural Service: Non-applicable.

iii. The economic savings to the Postal Service. The estimates given by postal officials are that the VMPO could be sold for approximately \$5 million. Presumably, this would be after funds are expended to repair and refurbish the outside of the building which has been neglected for several years. Considerable remodeling in the amount of \$500,000 or more would need to be expended to upgrade and accommodate public services, including boxes, at the Carrier Annex. The building has not been refurbished on the exterior since the original owner, Safeway, a grocery chain, abandoned it in the 1970s.

A far greater economic savings could be realized by retaining the VMPO and selling the Carrier Annex for an estimated \$16 - \$20 million. An even greater economic savings could be realized by waiting until the real estate market recovers from the current depression.

Should the USPS decide to sell the Carrier Annex and retain the VMPO, the Venice letter carriers could be returned to the VMPO, while letter carriers from other communities would have to be sent to another facility since the VMPO does not have room for them. One option would be a large building which the USPS owns on Jefferson Blvd. near Lincoln Blvd. which is sitting empty after years on the real estate market.

iv. Other factors the Postal Service determines necessary.

No other factors have been enumerated in the Closure Decision, however, one could infer that there are other factors, to wit, the overwhelming pressure the USPS is under is due to overly restrictive requirements unfairly placed upon it by Congress. However, this pressure does not require the USPS to close and sell the VMPO. The Congressional pressure does not require the USPS to make a bad business decision.

c. The Closure Decision was based on false or misleading information.

Information given to members of the Venice community, and presumably to Mr. David E. Williams, which proved to be false or misleading upon investigation, included the following:

i. “Large tractor-trailer trucks used by USPS to unload mail and other supply cannot fit in the VMPO loading dock.” The VMPO has a large and deep loading dock and parking area for large trucks with two large gates that open directly onto Venice Way, a large street. Venice postal employees have told us that the largest trucks in use routinely unload supplies at the VMPO docks, at the present time, without problem.

The mail currently is delivered to the Carrier Annex, which has no dock at all. Mail is unloaded by means of a portable lift, which postal employees say is not in good repair. When it breaks down, as it sometimes does, mail can be delayed by a day while another lift is delivered from the Los Angeles District Office. There are apparently no plans to build a loading dock at the Carrier Annex.

ii. “There is no room for the letter carriers in the VMPO.” Prior to the USPS purchasing the Carrier Annex, the Venice letter carriers were housed in the VMPO. The population of Venice has remained relatively static since at time, at about 40,000. The VMPO is a spacious building, with a large usable basement. Current postal employees, carriers and clerks, assure us that the Venice carriers could be accommodated in the VMPO.

iii. “The relocation of retail services does not alter the character of the Venice Main Post Office building or the mural.” Certainly the character of the building will be changed. It will no longer be the post office. It will no longer be a center of community life. As for the mural, the function of this piece of art is to be seen by and to inspire the public. It can be “preserved” by being locked away in a vault. It can be “preserved” by being in the lobby of a private professional building where a handful of people may see it. But the impact of the mural will be changed, in that it will no longer be seen and admired by hundreds of people per day.

iv. “The Carrier Annex can accommodate retail counters and Post Office Boxes without expansion of the building.” Not so, according to current postal employees who work in the building. Perhaps postal officials are deliberately avoiding language that would acknowledge that they will have to create temporary buildings on the site. In addition, the Carrier Annex is an open warehouse. Do projected

remodeling costs including heating and air conditioning in the customer service areas?

v. “This (parking) situation should not be exacerbated by the relocation of the VMPO.” The VMPO is in a commercial district. Many postal customers park on the street since the VMPO parking lot is often full. The Carrier Annex is in a residential district. Street parking is the only parking that most residents in the area have. If postal customers park on the street, it will cause continual problems in the neighborhood. As anyone in the area can observe, the internal parking lot is full of postal vehicles for much of the day. Postal employees often have to double-park their own cars in the lot. If part of the lot is restriped for customers, it will be at the expense of postal employees who will be forced to park on the residential streets and incur the animosity of the neighbors.

vi. “A hearing is not needed.” and “A hearing was held.” Members of the community have been told both of these statements, nearly simultaneously. If a hearing was held, postal officials say it was at a small restaurant, called Hama Sushi. This Petitioner has not been able to track down anyone who attended, although others say they heard two or three people attended who may or may not have known that it was a hearing, and not just dinner with postal official Diane Alvarado. One official of the Neighborhood Council has stated that the restaurant was closed when the group arrived and that they met on the sidewalk. In any case, the whole affair begs the definition of a hearing as commonly understood. Apparently, no record of the proceedings exists. Another postal official, Richard Maher, attended a Venice Neighborhood Council (VNC) meeting to announce that USPS was looking into selling the VMPO. No decision had been made at that time. At another VNC meeting, Diane Alvarado and another postal official answered questions about the sale of the building. Neither Maher’s appearance of the question and answer session by Alvarado could reasonably be construed to be a hearing.

3. SUMMARY

a. The closure of the VMPO is not in the best interest of the Postal Service or the Venice Community. Before a final decision is made, the USPS should calculate the cost savings from selling the Carrier Annex and compare that with selling the VMPO. In addition, a realistic appraisal should be made to determine how extensive would be the remodeling of the Carrier Annex to add customer services, in conformity with city building codes and Coastal Commission requirements.

b. A solution can be found that accommodates the needs of the Venice community and the best interests of the Postal Service. But that solution should be found in cooperation with the community, not in opposition to it. And it can

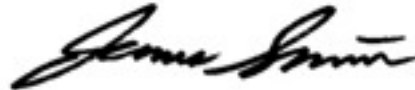
only be found by an on-site review by Postal Service officials who have the expertise to determine what is possible and what is not. Such a review should also seek to involve Venice postal employees who know the needs of each process from customer service to loading and unloading deliveries of mail. To date, they have not been consulted.

c. Petitioner believes that the Closure Decision was arbitrary and capricious and based on false or misleading information, and did not seriously consider public input. Therefore, the Closure Decision should be disallowed.

d. Petitioner therefore requests that the Commission reverse the Closure Decision and return the matter to the Postal Service for further consideration, which should include, and address, the above facts and arguments. In addition, based upon the foregoing facts Petitioner applies pursuant to 39 C.F.R. § 3001.114 for an order suspending the effectiveness of the Closure Decision pending the outcome of this appeal.

October 22, 2011

Filed in Venice, CA by electronic submission.



JAMES R. SMITH, Petitioner