

APPELLATE AND COMMERCIAL LITIGATION
OFFICE OF THE GENERAL COUNSEL



Item No.	Description	Date Entered into Record
1.	Facility Optimization	
2.	Facility Optimization (signed)	
3.	Memorandum Re Capital Investment Committee (CIC) Project Approval	
4.	Facilities Optimization Plan Briefing Sheet	
5.	Correspondence to Mayor Villaraigosa	
6.	Correspondence to State Historian Re Disposal of Excess Property	
7.	Venice Post Office Public Meeting Power Point	
8.	Venice Neighborhood Counsel Board Meeting and Agenda	
9.	Correspondence from Venice Stakeholders Association	
10.	Correspondence from Venice Neighborhood Counsel	
11.	Correspondence from John A. Henning, Esq. Re Relocation of Retail Services to Venice Carrier Annex, 313 Grand Blvd., Los Angeles, California	
12.	Interoffice Memo	
13.	Correspondence Re Venice Neighborhood Council Meeting Notes	
14.	Correspondence to Tom Samra Re Request approval to relocate retail service from the Venice Main Post Office to the Venice Carrier Annex	
15.	Press Release	
16.	Correspondence to Mayor Villaraigosa	
17.	Email Correspondence between Gary W. Bigelow, Ron Helmedag, Diana Alvarado, and Tiny Moyer	
18.	E-mail Correspondence, Various Authors, Appealing Relocation	
19.	Correspondence from John A. Henning, Esq. Re Relocation of Retail Services to Venice Carrier Annex, 313 Grand Blvd., Los Angeles, California	
20.	E-mail Correspondence between Carrie M. Branson, Diana Alvarado with a "cc" to Ujwala Tamaskar	
21.	E-mail Correspondence between Gary W. Bigelow and Carrie M. Branson with a "cc" to Ruth Gottlieb	
22.	CZMA	
23.	Final Decision	
24.	Correspondence from John A. Henning, Esq. Re Final Decision Regarding Relocation of Retail Services in Venice, California Closure of Historic Venice, California Main Post Office	
25.	Petition for Review of Decision to Close Venice Main Post Office and Application for Suspension of Closure Decision Pending Outcome of the Appeal	

Facility Optimization

FSO: Pacific FSO

Area: Pacific Area

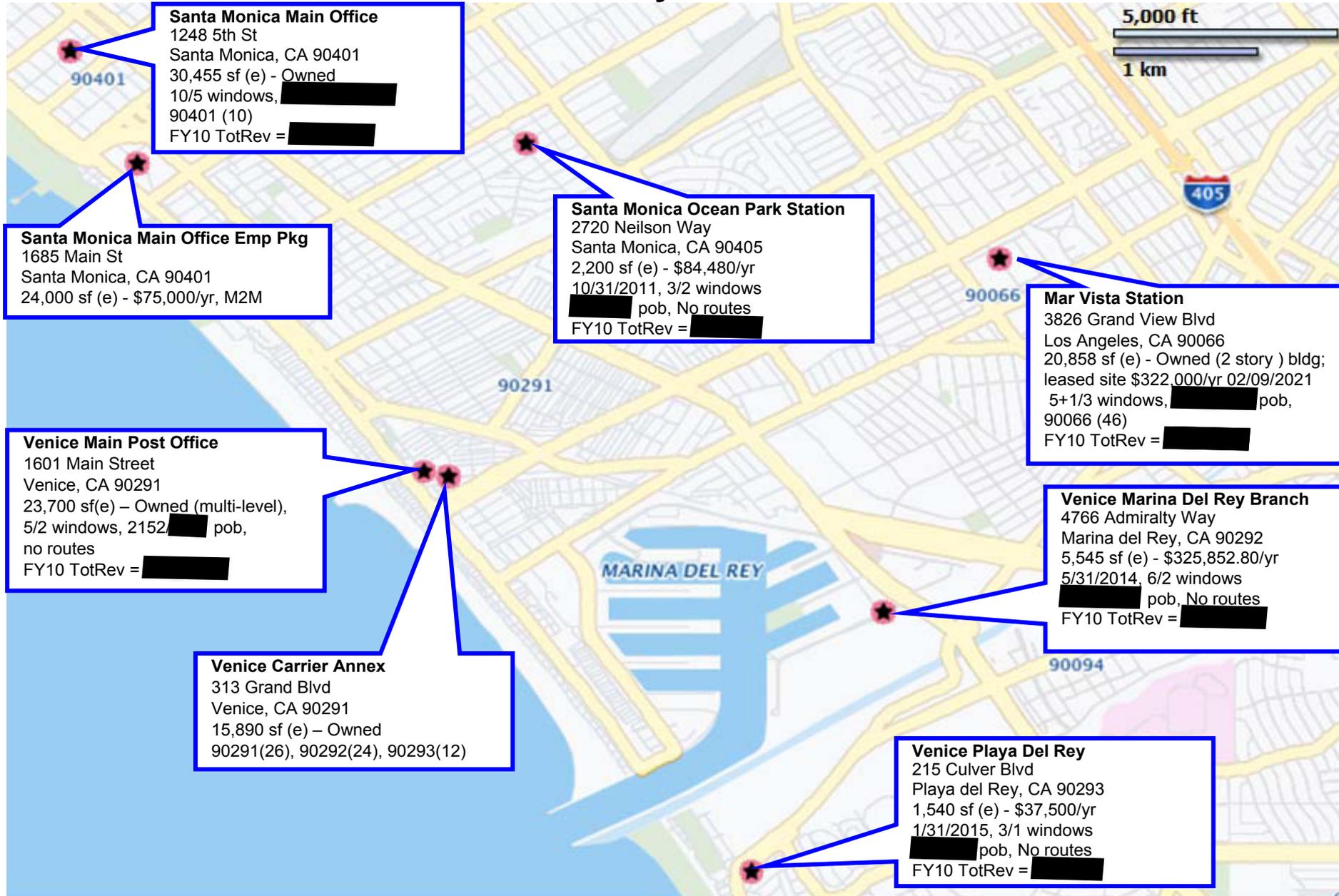
District: Los Angeles

Node: Venice CA – Venice Main Post Office

Node #: PA-11-003

Date: October 28, 2010

Study Area



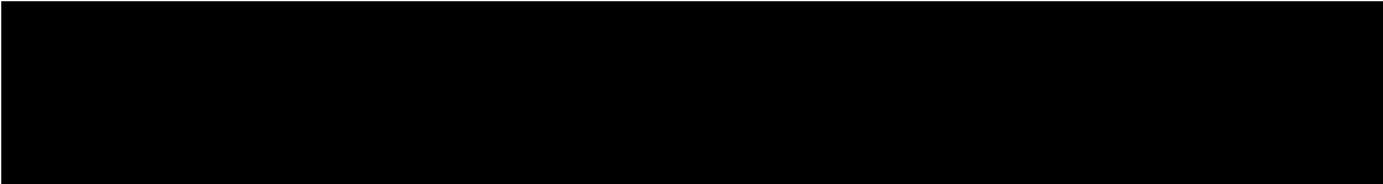
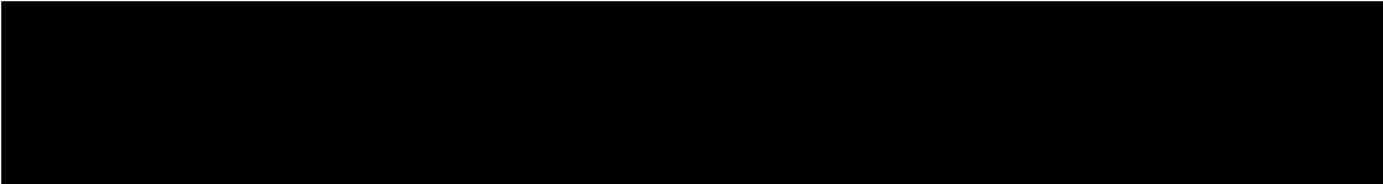
Node Selection Criteria:

Revenue Generation Opportunity, Surplus Space

- 7 buildings evaluated.

Recommendation:

- Option **A**: 2 buildings impacted

- 
- 

Action & Costs

Venice Main Post Office

Finance/Sub: 058106-G01
 Facility SF: 23,700
 Site SF: 28,200
 Windows actual/earned: 5/2
 PO Boxes Installed/rented: 2152/1415
 FY10 TotRev = [REDACTED]

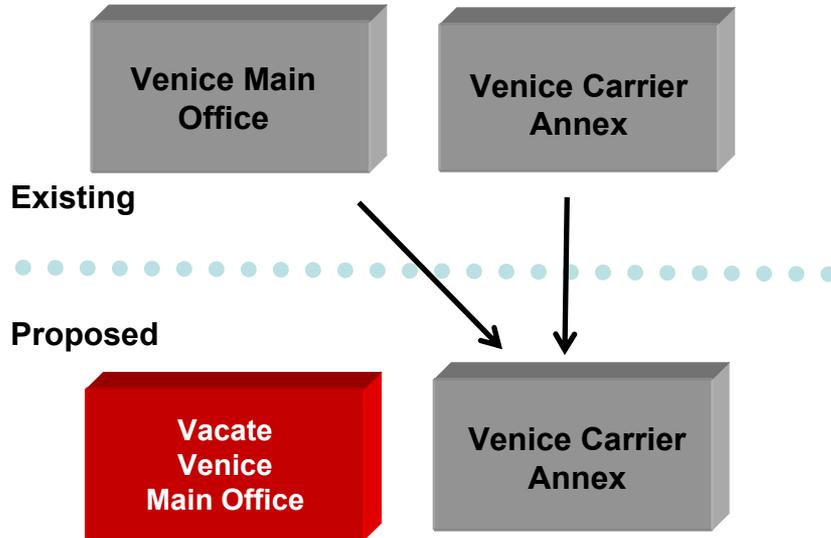
Venice Carrier Annex

Fin/Sub: 058106-G03
 Facility SF: 15,890
 Site SF: 78,000
 Carriers: 90291 (26); 90292 (24); 90293 (12)

Action Identification: PA-11-003A

Action: Vacate Venice Main Post Office

Facilities Impacted: Venice Main Post Office and Venice Carrier Annex



	Cost / Savings	
	One Time	Annual
Utilities		\$44,751
EAS/Craft Labor		\$0
Building Maintenance/Labor		\$90,747
Contract Cleaner Cost/Savings		\$0
Carrier Route Transportation		\$0
Carrier Labor		\$0
Lease Costs/Savings (L 41)		\$0
Lease Buy Out (L 41)	\$0	
Lease Offset Amount (L 41)		\$0
Taxes (If not included in Lease Amount)		\$0
Inter-Station Transportation		\$0
Salary Offset		\$0
Brokers Opinion of Value	\$4,800,000	
Build Out Costs (L 63)	(\$375,000)	
Capital Equipment Costs (L 68)	\$0	
New Construction Costs (L 61)	\$0	
Total	\$4,425,000	\$135,498
Book Value of Sold Asset(s)	[REDACTED]	

10 - YEAR NPV: [REDACTED]

Facility Impacts

Facility ID		Current				Existing Inventory				New Inventory			Projected Operations (10-year)			
Finance / Sub Loc #	Facility Names	Current SF	# Routes	PO Boxes Installed / Rented	# Counters Installed / Earned		Terminate Lease	Absorb Retail	Absorb Delivery	New Retail	New CAX	New Retail & Delivery	Facility Size Req'd	# Routes	PO Boxes Installed / Rented	# Counters
058106-G01	Venice MPO	23,700	0	2152 / 1415	5 / 2											
058106-G03	Venice Carrier Annex	15,890	90291=26 90292=24 90293=12	N/A	N/A			X					15,230	92091-93 = 65		3

OPTION A

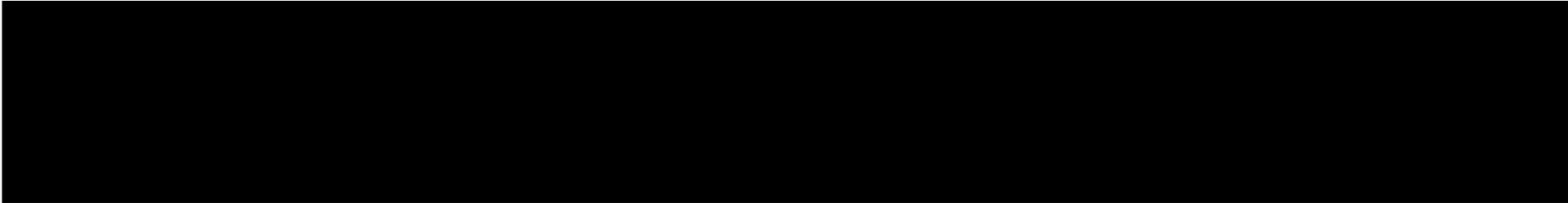
- Relocate Venice Main Post Office retail operations to Venice Carrier Annex.
- [REDACTED]

Alternatives Eliminated



Implementation Schedule

Venice, CA - Venice Main Post Office	Funding Approval (e)	Community Contact Start	Community Contact Complete	Renovate Existing Postal Space *	Move Operations to Alternate Space *
--------------------------------------	----------------------	-------------------------	----------------------------	----------------------------------	--------------------------------------



Concept Approvals

Yes No

OPTION A

- Relocate Venice Main Post Office retail operations to Venice Carrier Annex.
- [REDACTED]
- [REDACTED]

Signature indicates concept concurrence.

DM Signature: _____ Date: _____

This Optimization Study Meets the Criteria for Approval

Please proceed with Area VP Presentation

OPC Approval: _____ Date: _____

AVP Signature: _____ Date: _____

Docket #: A2012-17

Item Nbr: 1

Page Nbr: 9

APPELLATE AND COMMERCIAL LITIGATION

OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

The previous pages have been redacted and can be found at privilege log number Item Number 1, Page Numbers 2 through 8.

Facility Optimization

FSO: Pacific FSO

Area: Pacific Area

District: Los Angeles

Node: Venice CA – Venice Main Post Office

Node #: PA-11-004

Date: October 28, 2010





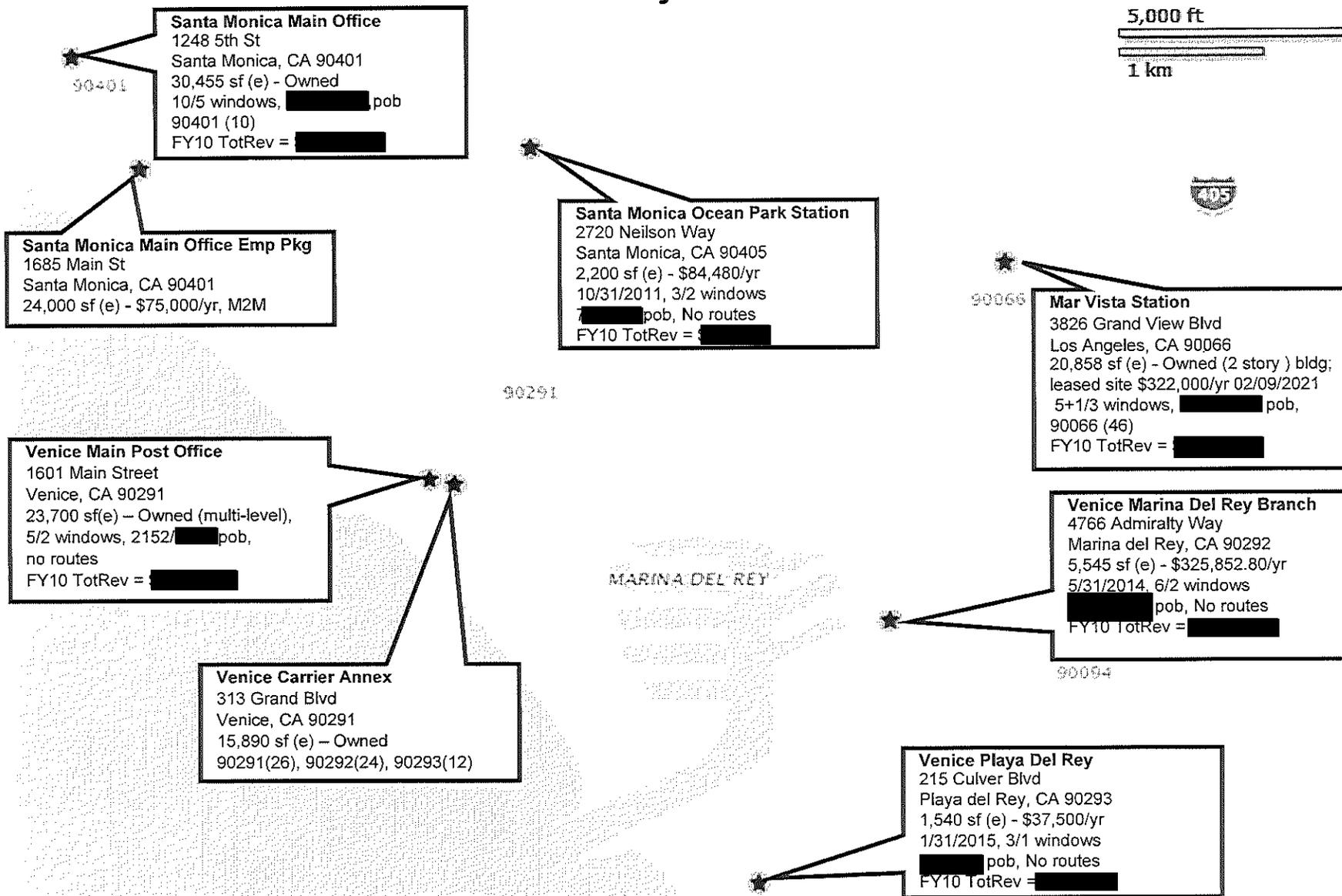
Venice CA – Venice MPO

Node # PA-11-004

Study Area

5,000 ft

1 km





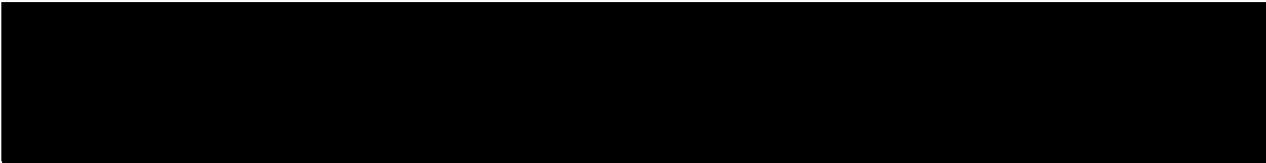
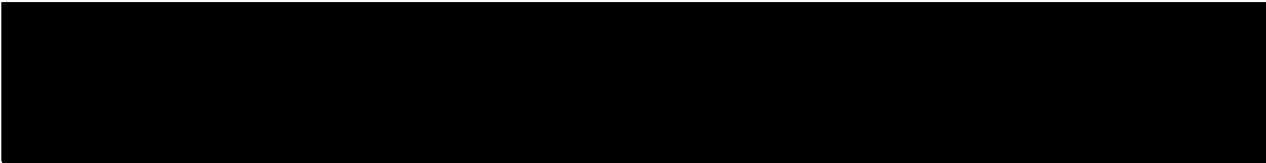
Node Selection Criteria:

Revenue Generation Opportunity, Surplus Space

- 7 buildings evaluated.

Recommendation:

- Option A: 2 buildings impacted

- 
- 



Venice CA – Venice MPO

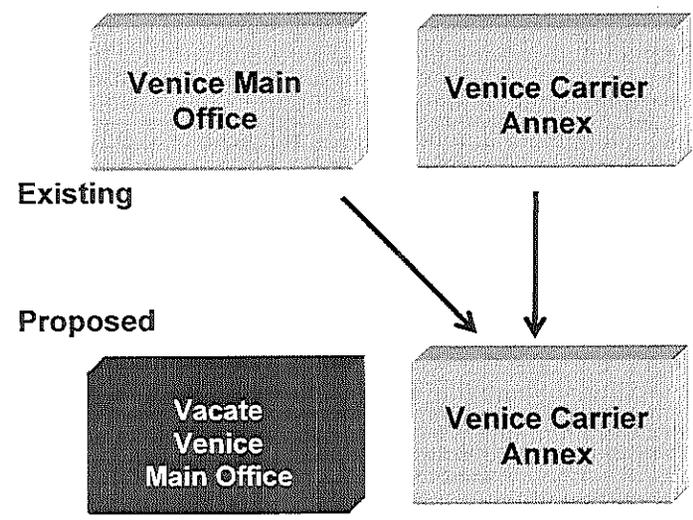
Node # PA-11-004

Action & Costs

Venice Main Post Office
 Finance/Sub: 058106-G01
 Facility SF: 23,700
 Site SF: 28,200
 Windows actual/earned: 5/2
 PO Boxes Installed/rented: 2152/1415
 FY10 TotRev = \$1,257,340

Venice Carrier Annex
 Fin/Sub: 058106-G03
 Facility SF: 15,890
 Site SF: 78,000
 Carriers: 90291 (26); 90292 (24); 90293 (12)

Action Identification: PA-11-004A
 Action: Vacate Venice Main Post Office
 Facilities Impacted: Venice Main Post Office and Venice Carrier Annex



	Cost / Savings	
	One Time	Annual
Utilities		\$44,751
EAS/Craft Labor		\$0
Building Maintenance/Labor		\$90,747
Contract Cleaner Cost/Savings		\$0
Carrier Route Transportation		\$0
Carrier Labor		\$0
Lease Costs/Savings (L 41)		\$0
Lease Buy Out (L 41)	\$0	
Lease Offset Amount (L 41)		\$0
Taxes (If not included in Lease Amount)		\$0
Inter-Station Transportation		\$0
Salary Offset		\$0
Brokers Opinion of Value	\$4,800,000	
Build Out Costs (L 63)	(\$375,000)	
Capital Equipment Costs (L 68)	\$0	
New Construction Costs (L 61)	\$0	
Total	\$4,425,000	\$135,498
Book Value of Sold Asset(s)		

10 - YEAR NPV:



Venice CA – Venice MPO

Node # PA-11-004

Facility Impacts

Facility ID		Current				Existing Inventory				New Inventory			Projected Operations (10-year)				
Finance / Sub Loc #	Facility Names	Current SF	# Routes	PO Boxes Installed / Rented	# Counters Installed / Earned		Terminate Lease	Absorb Retail	Absorb Delivery	New Retail	New CAX	New Retail & Delivery	Facility Size Req'd	# Routes	PO Boxes Installed/ Rented	# Counters	
058106-G01	Venice MPO	23,700	0	2152 / 1415	5 / 2	■											
058106-G03	Venice Carrier Annex	15,890	90291=26 90292=24 90293=12	N/A	N/A			X					15,230	92091-93 = 65	■	3	

OPTION A

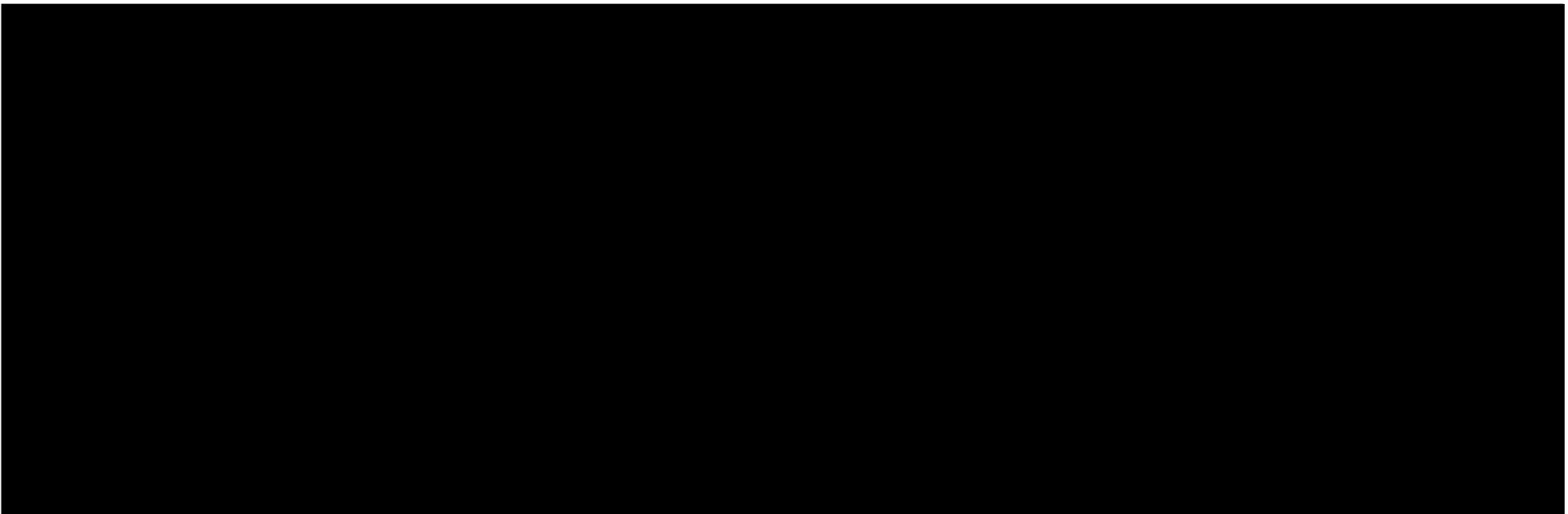
- Relocate Venice Main Post Office retail operations to Venice Carrier Annex.
- [REDACTED]



Venice CA – Venice MPO

Node # PA-11-004

Alternatives Eliminated



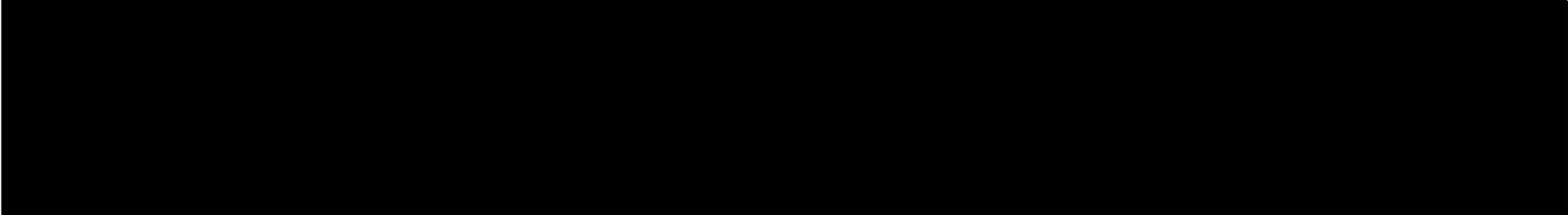


Venice CA – Venice MPO

Node # PA-11-004

Implementation Schedule

Venice, CA - Venice Main Post Office	Funding Approval (e)	Community Contact Start	Community Contact Complete	Renovate Existing Postal Space *	Move Operations to Alternate Space *
--------------------------------------	----------------------	-------------------------	----------------------------	----------------------------------	--------------------------------------





Venice CA – Venice MPO

Node # PA-11-004

Concept Approvals

Yes No

OPTION A

- Relocate Venice Main Post Office retail operations to Venice Carrier Annex.



Signature indicates concept concurrence.

DM Signature: [Signature] Date: 11/2/10

This Optimization Study Meets the Criteria for Approval

Please proceed with Area VP Presentation:

OPC Approval: [Signature] Date: 11/2/10

AVP Signature: [Signature] Date: 12-23-10

Docket #: A2012-17

Item Nbr: 2

Page Nbr: 9

APPELLATE AND COMMERCIAL LITIGATION

OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

The previous pages have been redacted and can be found at privilege log
Item Number 2, Page Numbers 2 through 8.

PACIFIC AREA OFFICE

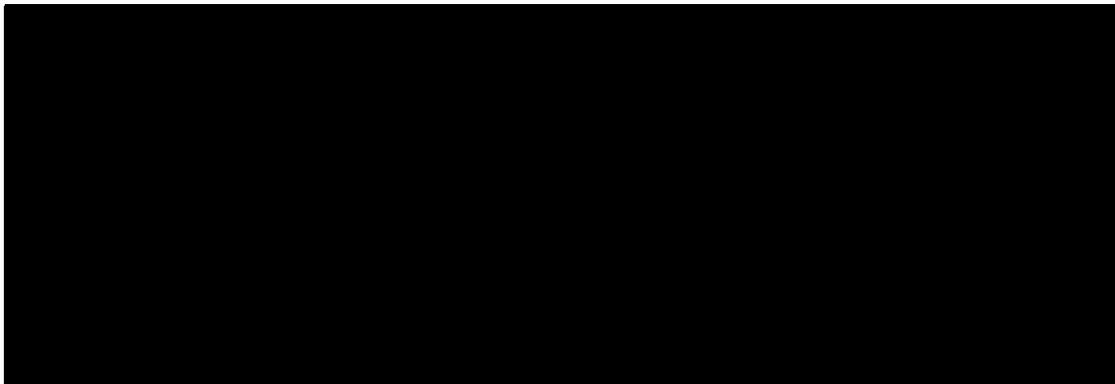


December 2, 2010

MEMORANDUM FOR DREW T. ALIPERTO

SUBJECT: Capital Investment Committee (CIC) Project Approval

The Pacific Area Capital Investment Committee met December 2, 2010. The committee took the following actions and makes the following recommendations.



Node Study: Venice, CA – Venice Main Post Office: The node study conceptual approval is for relocating the Venice Main Post Office retail operations to the Venice Carrier Annex [REDACTED]. The 10-year NPV stated in the node study is [REDACTED], which is based on a broker's opinion of value of \$4.8M.

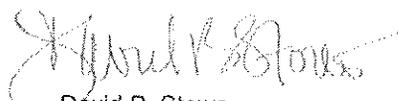
CIC Action: *Approved* *Disapproved* *Deferred*

In addition to the items above, the CIC reviewed a Line 63, Repair and Alteration Project for \$1.2M to replace the San Bernardino P&DC Annex Roof. This project will be covered by the Pacific Facilities Service Office meeting minutes.

Concurrence (CIC Members):



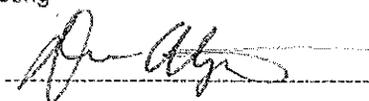
Larry P. Munoz
Manager, Operations Support



David B. Stowe
Manager, Finance



Patricia M. White
Manager, Marketing



Final Approval:

Drew T. Aliperto
Area Vice President

Docket #: A2012-17

Item Nbr: 3

Page Nbr: 3

APPELLATE AND COMMERCIAL LITIGATION

OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

The previous pages have been redacted and can be found at privilege log
Item Number 3, Page Number 1.

FACILITIES OPTIMIZATION PLAN BRIEFING SHEET

DATE: January 26, 2011

TO: Gene Sutch – Manager, Program & Financial Performance

SUBJECT: PA-11-004 Venice, CA – Main Office Facility Optimization Plan

INTRODUCTION / BACKGROUND

Venice CA – Main Post Office (058106-G01) is a 23,700-square-foot owned facility located at 1601 Main Street, Venice, CA 90291. The facility houses retail services for the city of Venice CA which consists of five window counters (earns two) and 2,152 post office boxes of which [REDACTED] are rented. The total revenue for FY10 was [REDACTED]. There is no delivery located at this facility. The population for ZIP Code 90291 is 32,468 with a growth rate of 0.11 percent.

PROJECT SCOPE

- Relocate retail operations from Venice, CA – Main Post Office (058106-G01) to the owned Venice, CA - Carrier Annex (058106-G03).
[REDACTED]

PROJECT OBJECTIVES

- Reduce maintenance and utility costs.
- Generate revenue.

The facility optimization plan for the Venice, CA – Main Post Office projects net annual savings of \$135,498. This includes a one-time capital cost of \$375,000 for the capital build-out at the Venice Carrier Annex. This cost is offset by annual savings from utilities and maintenance labor. The Broker's Opinion of Value estimates this property at \$4,800,000.

FINANCIAL SUMMARY (\$000)

Cash Flow Data

10-Year Analysis Period

One-time Capital Investment
Asset Revenue (BOV)
Book Value
Net Revenue
Total Operating Variance
Net Present Value [REDACTED]

[REDACTED]

Prepared By: Rita Aliperto, Facilities Requirements Specialist, PFSO

Docket #: A2012-17

Item Nbr: 4

Page Nbr: 2

APPELLATE AND COMMERCIAL LITIGATION

OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

The previous page has been redacted and can be found at privilege log
Item Number 4, Page Number 1.

PACIFIC FACILITIES SERVICE OFFICE



March 3, 2011

The Honorable Mayor Villaraigosa
Attn: Arturo Pina
200 North Spring Street
Los Angeles, CA 90012

Dear Mayor Villaraigosa and Mr. Pina:

Despite significant cost reductions, the Postal Service in quarter 1 of fiscal year 2011 experienced a net loss of some \$329 million dollars. Economic drivers that generate mail volume continue to reflect the sluggish economy, and changes in customer behavior reflect the ongoing migration of electronic communications.

In an effort to control and cut costs, it has been determined that it would be in the best interest of the Postal Service to relocate the retail services currently located at 1601 Main Street in Venice, California directly across the street to our facility located at 313 Grand Boulevard in Venice, California.

We believe this location will offer the community of Venice with an upgraded, modern facility that will provide the level of service expected by our customers.

The Postal Service wishes to work in partnership with your community. We ask your assistance and cooperation in relocating these retail services. Please do not hesitate to contact me at the number referenced below to discuss this project in detail.

Thank you for your participation in this process and we look forward to continue working with you and your staff as this project develops.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diana K. Alvarado".

Diana K. Alvarado
Team Leader
Facilities Optimization
395 Oyster Point Boulevard
South San Francisco, CA 94080-0300
(650) 615-7202

395 OYSTER POINT BOULEVARD, SUITE 225
SOUTH SAN FRANCISCO, CA 94080-0300
(650) 615-7200

SOUTHWEST FACILITIES SERVICE OFFICE



March 15, 2011

Mr. Tristan Tozer.
State Historian I
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

RE Disposal of Excess Property – Los Angeles County
Section 106 Review – USPS

Dear Mr. Tozer:

The U. S. Postal Service (USPS) owns a 1972 warehouse on approximately 16 acres of land in Los Angeles, CA. The USPS has identified this site as excess property. The USPS first occupied this property since 1972 and has owned it ever since. The identified property is scheduled for disposal and in accordance with prescribed 106 consultation procedures. I am notifying your office regarding the "Request for SHPO Consultation" per the section 106 process.

The identified USPS-owned property, known as the LA NDC, is located at 5555 Bandini Blvd., Los Angeles, CA 90201. This excess property is further identified and described on the attached survey and photographs.

The USPS applied the criteria of adverse effect and found no evidence of archeological or other historical significance. Therefore, we have determined that there will be no adverse effect by the USPS transferring this property out of Federal ownership.

I look forward to receiving your concurrence within 30 days. If you have any questions, please contact me.

Thank you for time and attention in this matter

Sincerely,

Tina M. Moyer
Real Estate Specialist

Enclosures



Venice Post Office Public Meeting

April 26, 2011



Agenda

- **Why we are here**
 - **39 CFR 241.4**
- **Decision Making Process**
 - **Cost Savings**
 - **Financial Climate of Postal Service**
 - **Community Input**
- **Next Steps**



Why we are here

- 39 CFR 241.4
 - The purpose of this meeting and the public comment period is to assure opportunities for members of the community who may be affected by the project, along with local officials, to convey their views concerning the contemplated project and have them considered prior to any final decision.
 - Share information
 - Listen to comments



Financial Climate of Postal Service

Consumer Mail – Single Piece First Class

Migration to electronic messages and transactions





In Past Three Years

- Total mail volume dropped over 20 percent
- Net losses over \$15 billion
- Losses driven by unique requirement to prefund Future Retiree Health Benefits

USPS must align its workforce and infrastructure to lowered mail volumes and revenues from the changing needs of customers



Venice Post Office Proposal

Relocate Venice Post Office into Venice Carrier Annex

Venice Main Post Office

1601 Main St.

Site SF: 28,200

Retail Lobby

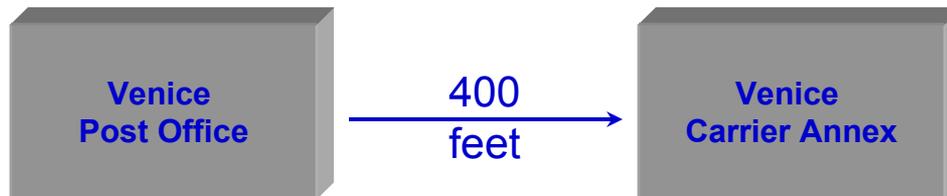
PO Boxes Installed/rented: 2152/1415

Venice Carrier Annex

313 Grand Blvd.

Site SF: 78,000

Delivery Operations: 90291, 90292, 90293





Cost / Savings

**10-Year NPV:
\$1,464,676**

	Cost / Savings	
	One Time	Annual
Utilities		\$44,751
EAS/Craft Labor		\$0
Building Maintenance/Labor		\$90,747
Contract Cleaner Cost/Savings		\$0
Carrier Route Transportation		\$0
Carrier Labor		\$0
Lease Costs/Savings (L 41)		\$0
Lease Buy Out (L 41)	\$0	
Lease Offset Amount (L 41)		\$0
Taxes (If not included in Lease Amount)		\$0
Inter-Station Transportation		\$0
Salary Offset		\$0
Brokers Opinion of Value	\$4,800,000	
Build Out Costs (L 63)	(\$375,000)	
Capital Equipment Costs (L 68)	\$0	
New Construction Costs (L 61)	\$0	
Total	\$4,425,000	\$135,498



Other California Post Office Studies

Loma Linda

Ukiah

San Jose

Santa Clara

El Segundo

Rialto

Thousand Oaks

Hawaiian Gardens

Pasadena

Santa Barbara

Fresno



Historic Building

- Venice Post Office is a registered historic building
 - Working with the State on historic issues is a requirement of USPS when selling any real property.
 - USPS will work closely with the State Historic Preservation Officer and his staff throughout the process to ensure the Historic characteristics of the building and the mural contained within are maintained.
 - These historic aspects are contained in covenants that will be conveyed to the buyer at closing, as an attachment to the Deed.

Law Offices and Financial Services



Café and Offices



Museum



Bed and Breakfast Hotel



- **Community Input Process**
 - Notification to City of Los Angeles and VNC
 - Venice Neighborhood Council meeting
- **Public Meeting**
- **Comment Period**



Community Input

Written comments must be postmarked by
May 17, 2011 and sent to:

Consumer Affairs
U.S. Postal Service
7001 S. Central Ave.
Los Angeles CA 90052-9631



Next Steps

- Postal Service makes a recommendation
- Forwards recommendation to USPS HQ along with cost analysis and community input
- HQ concurs with recommendation or makes a recommendation of its own
- Postal Service notifies the community of the decision
- The community is given opportunity to appeal

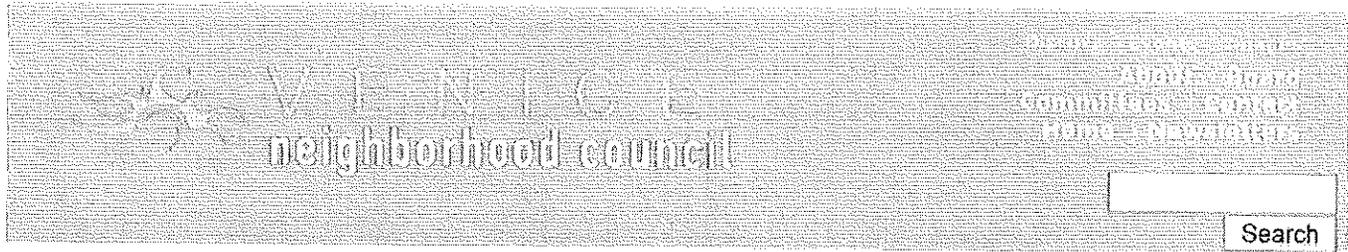


Venice Post Office Public Meeting

Questions?

Comments?

As a courtesy, please limit your
comments to 2 minutes.



Events

« April 2011 »

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Home

VNC Board Meeting Agenda- April 26

Created by Linda L. L. on 04/26/2011 at 7:00pm

Start: 04/26/2011 - 7:00pm

End: 04/26/2011 - 9:30pm

Board of Officers Meeting Agenda
 Westminster Elementary School (Auditorium)
 1010 Abbot Kinney Blvd, Venice, 90291
 Tuesday, April 26, 2011 at 7:00 PM

Upcoming events

- VNC Board Meeting
 Postponed to 4.29.11
 due to holidays
 (3 hours) (Event)
- VNC Board Meeting
 Agenda- April 26
 (3 hours) (Event)
- Ocean Front Walk
 Committee Meeting
 (17 hours) (Event)
- VNC Santa Monica
 Airport Committee
 Agenda
 (18 hours) (Event)
- Candidate Forum II
 (1 day) (Event)
- Land Use and Planning
 Committee Meeting
 (8 days) (Event)

more

Sign up for our Email
 Newsletter

go

User login

Username: *

1. Call to Order and Roll Call
2. Approval of the Agenda
3. Approval of Outstanding Board Minutes
 March 15th, 2011 Draft Board Meeting Minutes
 Add minutes link

Announcements & Public Comment on items not on the Agenda [10 min, no more than 2 minutes per person - no board member announcements permitted]

4. Governmental Reports (15 min)
 - LAPD: Senior Lead Officer Peggy Thusing, (310-622-3968; 25120@lapd.lacity.org)
 - U.S. Representative Office, Deputy Chief of Staff, Kate Anderson (310-643-3636; kate.anderson@mail.house.gov)
 - State Assemblyperson Betsy Butler, representative TBD
 - Mayor Antonio Villaraigosa; Joseph Hari, West Area Representative (213) 308-9212; Joseph.Hari@lacity.org
 - City Councilperson Bill Rosendahl: Cecilia Castillo, Field Deputy (310-568-8772; cecilia.castillo@lacity.org); Arturo Pina, District Director, Arturo.Pina@lacity.org
 - Westside Regional Alliance of Councils: Mike Newhouse, President (mnewhouse@newhouseserousci.com); Alternate, Carolyn Rios;
 - PlancheckLA: VNC Rep Challis Macpherson (Challis.Macpherson@Verizon.net)
 - LA Dept of Water & Power/Memoranda of Understanding: VNC Rep DeDe Audet (ddaudef@ca.m.com)
 - LAPD Community Police Advisory Board: Nicolas Hippisley-Coxe, (hippizley@earthlink.net)
 - LA Alliance of NC's Representative: Ivan Spiegel, (Ivan.Spiegel@venicenc.org)

5. Old Business

[Discussion and possible action regarding the following matters]

A. Bylaws Approval; (10 Minutes) Ivan Spiegel on behalf of the Bylaws Task Force (parliamentarian@venicenc.org) See Exhibit A

Password: *

Log in

- [Create new account](#)
- [Request new password](#)

Navigation

- [Streets To Homes](#)
- [site configuration guide](#)

MOTION: The VNC Board approves the revised bylaws as submitted by the Bylaws Task Force.

B. Amendment to SR 4 (Community Improvement Project Funding Timetable) URGENT ACTION Ivan Spiegel (parliamentarian@venicenc.org) See Exhibit B

MOTION: The VNC amends the timetable for Community Improvement Funding for the 2011- 2012 cycle to allow the final Board decision on funded projects to occur at it's May meeting (instead of June due to City Budget restrictions).

6. Consent Calendar

A Standing Rule regarding a records retention policy; (5 Minutes) Ira Koslow on behalf of the Rules and Election Committee (ira.koslow@venicenc.org)

MOTION: The VNC Board shall create the following Standing Rule: The VNC will keep all VNC business records, including recorded minutes of meetings for a period of five years and, thereafter, all VNC business records may be destroyed. (Adopted unanimously by REC 03/02/2011)

B Amendment to SR 7; (10 Minutes) Ira Koslow on behalf of the Rules and Election Committee

MOTION: The VNC shall amend Standing Rule 7 to read: The President shall return the approved version by email to the proponents with a copy to the Secretary for VNC records and to the Board. (Adopted unanimously by REC 03/02/2011)

C Ban single-use Plastic Bags in the city of Los Angeles; (5 minutes) Kristopher Valentine on behalf of the Environmental Committee (kristopher.valentino@venicenc.org) See Exhibit C

MOTION: The Venice Neighborhood Council supports a citywide ban on single-use plastic bags, as has been done by Santa Monica on January 25th, 2010 and Los Angeles County on November 16th, 2010. Adopted unanimously by Environmental Committee 03/08/2011)

7. Scheduled Announcements (5 Minutes) President: Linda Lucks (president@venicenc.org)

• President: Linda Lucks (president@venicenc.org)
o Nominations open one seat on the VNC Land Use and Planning Committee (LUPC)
<http://venicenc.org/Apply> (Application Online)

• Vice President: Carolyn Rios (VP@venicenc.org)

• Food Truck Update; Jed Pauker (jed.pauker@venicenc.org)
Status report on Venice Food Truck operations and City Task Force work to recommend new regulation of local Mobile Food Vendor operations

• CD36 Candidate Forum (April 27th); Marc Saltzberg (marc.saltzberg@venicenc.org)

• Update on Status of the Vera Davis Youth and Family Center (15 Minutes); Linda Lucks (President@Venicenc.org)
Arturo Pina, District Director, Councilman Rosendahl, Clifford Weiss, Director, Central - West Region, Community Development Department and Olga Garay, Executive Director, Department of Cultural Affairs will present a

status report on the future of the Center in the light of budgetary crisis.

- Update on Plans to Change Location and Sale of the Venice Post Office; (15 minutes) Linda Lucks & Amanda Seward (President@Venicecnc.org) Eduardo Ruiz, District Director of the USPO (or other PO representative) will report on the plans to move the Venice Post office to the Postal Annex across the street and plans to sell the old post office with historical status preserved.

USPO officials in Washington, DC and here are in touch with the VNC legal liaison and Kate Anderson of the 36th District Congressional office, and will ask for cooperation of the VNC organizing community meetings regarding updates of the plans which are in the preliminary stages.

- Clean Water (Wastewater) Program; (10 minutes) Joann Moss (joann.moss@lacity.org)

The Bureau of Sanitation would like to attend one of your upcoming meetings to share with your membership how the Clean Water (Wastewater) Program is working for you, discuss how we hope to do more, and receive your input and comments.

8. New Business

[Discussion and possible action regarding the following matters]

A Solar Waste Compactor Pilot Program in Venice Beach; (10 minutes) Kristopher Valentine on behalf of the Environmental Committee (kristopher.valentine@venicecnc.org) See Exhibit D

Presentation by James Poss (206-604-9818, jposs@bigbellysolar.com) of BigBelly Solar regarding the efficacy of Solar-powered Waste Compaction system in reducing the fiscal and environmental toll of waste collection. Solar-powered, public-space compactors reduce litter, collection costs and air pollution by up to 80%. Attached recycling modules foster recycling. The devices are proven in 47 states and 30 countries. Currently, hundreds of machines are deployed with success in LA Parks, Ports, BID's and nine LACCD Campuses.

MOTION: The Venice Neighborhood Council supports the implementation of a Solar-powered Waste Compaction system with attached recycling modules in Venice parks and public streets to reduce the fiscal and environmental toll of waste collection.

(Adopted unanimously by Environmental Committee 03/08/2011)

B Downtown Stadium and Convention Center Renovation; (5 minutes) Mike Newhouse on behalf of Westside Regional Alliance of Councils (WRAC) (mnewhouse@newhousecorporation.com)

MOTION: The VNC opposes public funding (including interest on infrastructure bonds and no forgiveness of loans), require market-rate lease of city land, and a full Environmental Impact Report with no appellate or to other exemptions.

C Non-Permitted Street Furniture Installation in the Coastal Zone; (5 Minutes) Carolyn Rios (Vice-President@Venicecnc.org) on behalf of the Neighborhood Committee and Sherie Scheer (sherie.schoer@verizon.net) See Exhibit E

MOTION: The VNC believes that the Los Angeles Department of Public Works allowed CBS Outdoor to place street furniture west of Lincoln without a Coastal Development or City Permit and therefore moves that a letter be

sent to The CA Coastal Commission and the City of Los Angeles requesting enforcement action in response to a violation of the Coastal Act.

9. Treasurers Report; Hugh Harrison (5 minutes) See Exhibit F
[Discussion and approval of financial statements]

A Attached is the report on expenditures for the period February 22, 2011, through March 21, 2011.

B The Budget Committee is requesting the allocation of funds from the Board's community project to the pre-event expenditures for the 2011 Venice Community Barbecue.

MOTION: The Venice Community Barbecue Committee has requested and the Budget Committee has approved the financial capacity to fund \$600 towards the preliminary expenses for the 2011 community barbecue.

The project was voted affirmatively by the Budget Committee by a unanimous vote.

Announcements & Public Comment on items not on the Agenda
[10 min, no more than 1 minute per person - no board member announcements permitted]

10. Board Member Comments on subject matters within the VNC jurisdiction.

[10 min, no more than 1 minute per person]

11. Adjourn (approx. 10:00PM)

BOARD MEETINGS: The Venice Neighborhood Council holds its regular meetings on the third Tuesday of the month and may also call any additional required special meetings in accordance with its Bylaws and the Brown Act. All are welcome to attend.

TRANSLATION Services: Si requiere servicios de traducción, favor de notificar a la oficina 3 días de trabajo (72 horas) antes del evento. Si necesita asistencia con esta notificación, por favor llame a nuestra oficina 213.473.5391.

POSTING: The agenda and non-exempt writings that are distributed to a majority or all of the board members in advance of regular and special meetings may be viewed at Groundworks Coffee (671 Rose Ave.), Penmar Park (1341 Lake St), Beyond Baroque (681 Venice Blvd), the Venice Library (501 S. Venice Blvd), Oakwood Recreation Center (767 California St.), The Venice Ale House (425 Ocean Front Walk), and the VNC website (<http://www.venicenc.org>), or at the scheduled meeting. For a copy of any record related to an item on the agenda, please contact the VNC secretary at secretary@venicenc.org.

PUBLIC COMMENT: The public is requested to fill out a "Speaker Card" to address the Board on any Old or New Business item on the agenda and the Treasurer's Report. Comments from the public on these agenda items will be heard only when that item is being considered. Comments from the public on other agenda matters or on matters not appearing on the agenda but within the Board's subject matter jurisdiction will be heard during the Public Comment period. Public comment is limited to two (2) minutes per speaker, unless modified by the presiding officer of the Board.

DISABILITY POLICY: The Venice Neighborhood Council complies with Title II of the Americans with Disabilities Act and does not discriminate on the basis of any disability. Upon request, the Venice Neighborhood Council will provide reasonable accommodations to ensure equal access to its programs,

Venice Stakeholders Association

May 15, 2011

Consumer Affairs
U.S. Postal Service
7001 S. Central Avenue
Los Angeles CA 90052-9631

Re: Venice Post Office, 1601 Main Street and Venice Carrier Annex, 313 Grand Blvd., Venice, CA

Ladies and Gentlemen,

I am writing on behalf of our organization to oppose the sale of the historic Venice Post Office.

This structure represents one of the few remaining Works Projects Administration projects in our community. The murals in its foyer depict notable moments in our community's history.

We are concerned that the protection afforded by the State Historic Preservation designation, which we understand has not yet been awarded to this structure, will not ultimately prevent demolition, should a new owner wish to make another use of the site. This protection simply allows a government entity or a private party to purchase the structure to avoid demolition, which leaves the future of the structure in perpetual doubt.

Further, as pointed out by Mr. Richard Maher of the Postal Service's Public Affairs and Communication Office in his appearance before the Venice Neighborhood Council, the Postal Service cannot assure that the historic foyer of the building would remain open to the public once the property is sold to a private party. If re-proposed as a bank, for example, it is likely that the foyer would continue to be open to the public. However, as a law office or film production office or in many other potential uses, it is not likely to be accessible to the broad public.

We believe the only course of action for the Postal Service is to maintain possession of the Post Office and move the sorting operations for Venice (or for the section of Venice near and around the Post Office) into the Post Office building, with the rest being moved inland to less expensive property.

Further, please find attached plans for the Annex site to be converted to a community and arts center and a public park. We would propose that the City and County of Los Angeles sponsor a park bond act for this and other meritorious parks projects throughout the County, as was done with Proposition A some years ago. The proceeds would be used to fund the purchase and retrofitting of the building and site to this new community use. Proposition A provided \$10 million dollars for the refurbishment of the Venice Boardwalk and many other parks project in Los Angeles County and this mechanism is certainly available in this instance as well.

Sincerely yours,

Mark Ryavec

Mark Ryavec, President

Attachments

cc: Mayor Antonio Villaraigosa, Supervisor Zev Yaroslavsky, Councilman Bill Rosendahl

The Venice Stakeholders Association is dedicated to civic improvement. The VSA supports slow growth, protection of the limits of the Venice Specific Plan, neighborhood safety, better traffic circulation, increased parking for residents, neighborhood beautification projects, habitat restoration and protection of coastal waters. Venicestakeholdersassociation.org

Adaptive Re-Use Proposal to Create a Windward Circle Park and Community/Arts Center

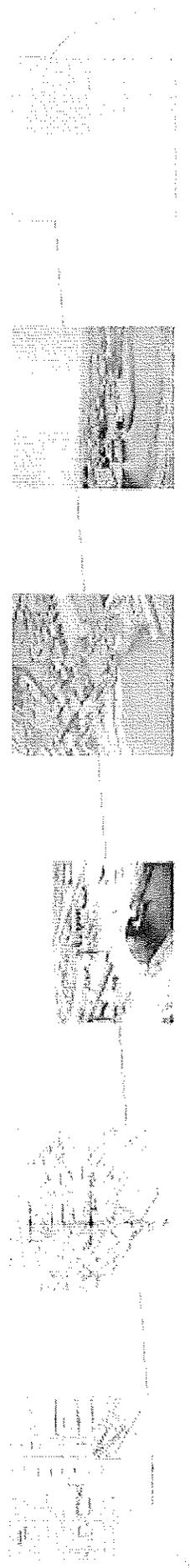
- The Venice Postal Annex, located on Windward Circle between Windward and Grand Avenues, has been offered for sale by the Federal Government. Our understanding is that they are looking for a buyer to provide land and cash for the property.
- The triangular piece of land is listed as 77,722 square feet and is zoned into three parcels. The eastern portion is zoned commercial, the large middle area is zoned as parking and a small tip at the west is zoned commercial.
- The property is part of the original Venice of America Tract subdivided by Abbot Kinney. It has seen various incarnations, from the Venetian Villas and Cosmos Social Club that included open park space, to a grocery store, and its present use/state as a U.S. Postal sorting facility.
- As neighbors to this large plot of land, our hope is to have the site reused in an environmentally sensitive manner while restoring it as an open park space. To compliment Venice's arts history and culture, we want to preserve the existing structure for use as a community/arts/performance center, while up-dating the building to current energy standards. This will add beauty to the neighborhood and a central gathering place for Venice residents and visitors and compliment the recently restored Venice sign on Pacific and the plaza at Speedway and Windward.
- Our thought is to reuse the existing building, which is 17,000 s.f., with a large, open floor plan. The proposed renovation imagines this space as several flexible multipurpose rooms potentially including rehearsal, dance and performance space, a rotating art, photography and/or sculpture gallery, a classroom, meeting rooms, cinema room, kitchen, restrooms and a small office. The facility is to be fenced and closed at night. (Drawings attached.)
- The open space is imagined as a park, with drought tolerant plants, decomposed granite walkway, sculpture garden and possibly a water feature. The goal is to tie into the Windward Circle, and possibly bring in some Venice historical features like a permanent historical photo exhibition, a gondola sculpture, etc. One concept would include re-creation of one of the original Venice-of-America bridges over a stretch of canal.



proposed site plan



existing aerial





Venice Neighborhood Council

PO Box 550, Venice CA 90294

[/www.VeniceNC.org](http://www.VeniceNC.org)

Email: president@VeniceNC.org,

Phone or Fax: 310.606.2015



May 18, 2011

Consumer Affairs
U.S. Postal Service
7001 South Central Avenue
Los Angeles, CA 90052-9631

RE: Historic Venice Post Office Relocation from 1601 Main Street to 313 Grand Boulevard

To whom it may concern:

On April 24, 2011 USPO officials presented a proposal to the Venice Neighborhood Council and the community about plans to re-locate the historic Venice Post Office. We thank you for sharing your preliminary ideas and look forward to participating in the process as it unfolds. The issue is of great interest to the Venice community and we will continue the dialogue every step of the way.

We appreciate that you have had a community meeting in Venice in addition to the presentation at the Venice Neighborhood Council, and ask that you plan more so that our stakeholders can stay informed. We also expect that you will report back to the Venice Neighborhood Council regularly. I have appointed Amanda Seward and Nancy Feinberg as a VNC Task Force to engage in dialogue with your representatives, and we ask that you communicate with them as the process moves forward.

The consensus of the concerns expressed at the Venice Neighborhood Council meeting are as follows:

- 1) Although the overwhelming opinion of the community is that the building not change hands, if it must happen, our desire it that any re-purposing of the building is consistent with its long history as a Venice public landmark.
- 2) The community is united in the need to protect the current post office building and wants to be informed about any possible new owners.
- 3) We also want assurance that prospective buyers understand the need to maintain public access to the historic building and its (WPA) Work Progress Administration, Depression era mural and are in touch with Suzanne Zada, the executor of the Edward Biberman Art Estate.
- 4) Assurance that the mural will be protected in perpetuity, and request that a copy of the mural (or the original mural have a prominent place in the new, rehabilitated annex building in consultation with SPARC, The Social Public Art Resource Center, a world renowned Venice based non-profit organization dedicated to public art and mural preservation (<http://www.sparcmurals.org>).
- 5) All prospective buyers should be informed that any new construction must comply with the Venice Coastal Specific Plan and must receive approval from the California Coastal Commission prior to any change of use, as this is a dual jurisdiction area.
- 5) Grounds design and ongoing maintenance are and have been issues of concern. The current chain link fence recently added to the Annex parking lot is an eyesore and prevents the efforts of the community to keep it presentable. Any garden and grounds design plan needs to include trees and sustainable plants in as large an area as possible and regular maintenance by contract. In fact, Venice is home to many world class landscape designers, and hiring a local designer would be appropriate.
- 6) The Venice Neighborhood Council and its Land Use and Planning Committee reviews all plans for construction in the Venice area and issues recommendations to the LA City Westside Area Planning Commission and City Council District 11.

We look forward to continuing communications and another visit to our Neighborhood Council very soon.

Sincerely,

A handwritten signature in cursive script that reads "Linda Lucks".

Linda Lucks
President
Venice Neighborhood Council

Cc:
Eduardo Ruiz, District Director, USPO
Ramela Youkenian, USPO
Ruth Goldway, President, US Postal Rate Commission,
Kate Anderson, 36th Congressional Office
Los Angeles County Supervisor Zev Yaroslavsky
Los Angeles City Councilman Bill Rosendahl
Board, Venice Neighborhood Council
Suzanne Zada, Edward Biberman Art Estate
Judy Baca, Social Public Art Resource Center (SPARC)
Emily Winters, Venice Arts Council

JOHN A. HENNING, JR.
ATTORNEY AT LAW
125 N. SWEETZER AVENUE
LOS ANGELES, CALIFORNIA 90048

TELEPHONE: (323) 655-6171
E-MAIL: jhenning@planninglawgroup.com

May 26, 2011

VIA U.S. MAIL

Consumer Affairs
U.S. Postal Service
7001 S. Central Avenue
Los Angeles CA 90052-9631

Re: Relocation of Retail Post Office Services to Venice Carrier Annex, 313 Grand Blvd., Los Angeles, California

Gentlepersons:

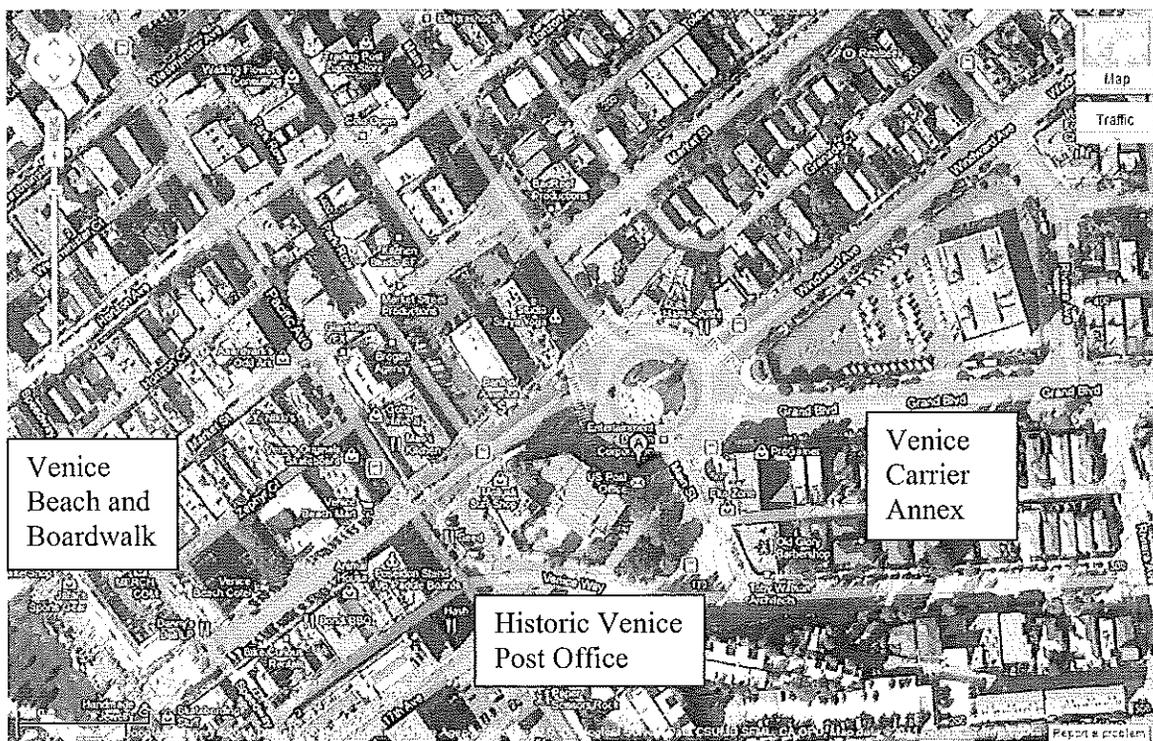
I represent the Venice Stakeholders Association (VSA), which consists of neighbors dedicated to civic improvement in the Venice neighborhood of Los Angeles. The VSA is deeply concerned about the Post Office's proposal to close the historic Venice Post Office at 1601 Main Street and move its entire retail operation (including customer service, hundreds of individual postal boxes and related customer and employee parking) from this location to the Venice Carrier Annex, which is located at 313 Grand Boulevard in Venice and presently has no retail services.

The relocation of this major retail operation would represent a dramatic intensification of the use of the Venice Carrier Annex property, and would result in significantly more traffic, noise and other impacts on the surrounding residential neighborhood and the nearby coastal areas. Moreover, because the existing carrier operations would be consolidated with new retail operations without any additional parking being provided, the combined operations would impose spillover parking impacts on the neighbors in one of the most parking-starved parts of the City of Los Angeles.

Therefore, we request that the Post Office either withdraw its proposal or, at a minimum, comply with state law by applying for a "coastal development permit" from both the City of Los Angeles and the California Coastal Commission, a state body specifically authorized by law to protect the shoreline and adjacent areas from overdevelopment.

Consumer Affairs
May 26, 2011
Page 2

At the outset, we emphasize that the Venice Carrier Annex is not in just any neighborhood. Rather, it is located just two blocks from Venice Beach and the adjoining boardwalk, in a highly urbanized area where 16 million people come to recreate each year. Thus, it is subject both to the zoning ordinance of the City of Los Angeles and to the Coastal Act, a state law that protects the shoreline and adjoining areas (together known as the “Coastal Zone”) from overdevelopment.



The addition of a large retail operation to the present non-retail operations at the Venice Carrier Annex property would on its face constitute a “change in the ... intensity of use of land” within the Coastal Zone, and as such the action would qualify as a “development” under the Coastal Act. (See California Public Resources Code section 30106.) With certain exceptions not applicable here, any “person” (including a federal agency, to the extent permitted by federal law), “wishing to perform or undertake any development in the coastal zone” must obtain a “coastal development permit” directly from the City of Los Angeles, and then from the California Coastal Commission. (See Public Resources Code section 30600.)

California courts have specifically held that the increased intensity of use of an existing structure is properly deemed to be “development” under the Coastal Act, thereby requiring a coastal development permit. (See Stanson v. San Diego Coast Regional Commission, 101 Cal.App.3d 38, 47 (1980) (remodeling of commercial building to change present second floor storage area into restaurant was properly deemed to be “development” under the Coastal Act because it increased intensity of use, including increased automobile and pedestrian traffic).)

Consumer Affairs
May 26, 2011
Page 3

Here, it is beyond question that the consolidated operations now proposed would significantly increase automobile and pedestrian traffic at the Venice Carrier Annex, resulting in congestion on the neighboring streets, which were laid out in the early part of the 1900s and thus are (with Grand Avenue itself being the rare exception) unusually narrow and otherwise substandard.

Moreover, the new retail traffic would require substantially more parking than is now provided at the Annex site. Indeed, the aerial photo above illustrates exactly why. This photo, obviously taken at a time when the Post Office was closed (and thus when no employee or customer vehicles were present), nonetheless depicts the vast majority of parking spaces on the site as being occupied by white vehicles (i.e., postal delivery trucks). With retail operations consolidated onto this site, employees' vehicles for both the existing operations and the retail operations, plus retail customers' vehicles, would be forced to compete for the scarce additional spaces on the site.

The rest of the retail traffic would, of course, compete with neighbors and 16 million annual coastal visitors for the scarce parking available on public streets.

It is hard to understate how scarce this parking is. Unlike most other areas of the City, Venice was developed at a time when car ownership was not universal, and many of the original structures were originally designed for vacation purposes only. Thus most of the older residential and commercial buildings do not have on-site parking, or if they do, have less than the amount required by modern codes. Meanwhile, despite this fact, Venice has in recent years become a very popular destination for denizens of Los Angeles and foreign tourists alike.

These conditions, when combined with proximity to the Venice boardwalk and the beaches beyond, mean that the neighborhood where the Venice Carrier Annex is located is perhaps the most difficult place in the entire Coastal Zone to find a parking space, especially on weekends. Thus, it is essential that there be no intensification of any use in this area unless the actual parking spaces needed for the use have been identified in advance.

For this reason, and in acknowledgment of the fact that Venice is "the City's beach," the California Coastal Commission has in recent years been extraordinarily protective of the Venice neighborhood and surrounding coastal areas, limiting intensification of use and requiring the provision of adequate parking for new development, by way of the coastal development permit process. We insist that the Post Office either abandon this proposal, or at a minimum, subject it to this public process.

We are mindful of the possibility that the proposed consolidation may raise issues of federal pre-emption of local zoning and planning laws. However, the Intergovernmental Cooperation Act specifically requires federal agencies, including the Post Office, to consider and comply with such laws nonetheless. It provides:

Consumer Affairs
May 26, 2011
Page 4

“To the extent possible, all national, regional, State, and local viewpoints shall be considered in planning development programs and projects of the United States Government or assisted by the Government. State and local government objectives and the objectives of regional organizations shall be considered within a framework of national public objectives expressed in laws of the United States.”

(31 U.S.C. § 6506; see Smith v. County of Santa Barbara, 203 Cal.App.3d 1415, 1424 (1988) (Intergovernmental Cooperation Act deals with the “effect of federal programs and projects on local communities and, in fact, encourages cooperation with local zoning and land use practices”); see also 40 U.S.C. § 901 (“To the greatest extent practicable, urban land transactions entered into for the General Services Administration and other federal agencies shall be consistent with zoning and land use practices and with the planning and development objectives of local governments and planning agencies.”))

In light of these enactments, the Post Office is legally bound – not to mention duty bound – to seek a coastal development permit from the California Coastal Commission before proceeding with the relocation of retail services to the Annex property.

Moreover, we urge you to reconsider the proposal entirely, given that the intensification of use proposed by the Post Office is simply not consistent with the constraints of the surrounding neighborhood.

Thank you for the opportunity to comment on this project.

Very truly yours,



John A. Henning, Jr.

cc (via email): Mark Ryavec (Venice Stakeholders Assn.)
Tina M. Moyer (Real Estate Specialist / USPS)
Richard Maher (Corporate Communications / USPS)
Antonio Villaraigosa (Mayor / City of Los Angeles)
Carmen Trutanich, Esq. (City Attorney / City of Los Angeles)
Bill Rosendahl (Councilmember / City of Los Angeles)

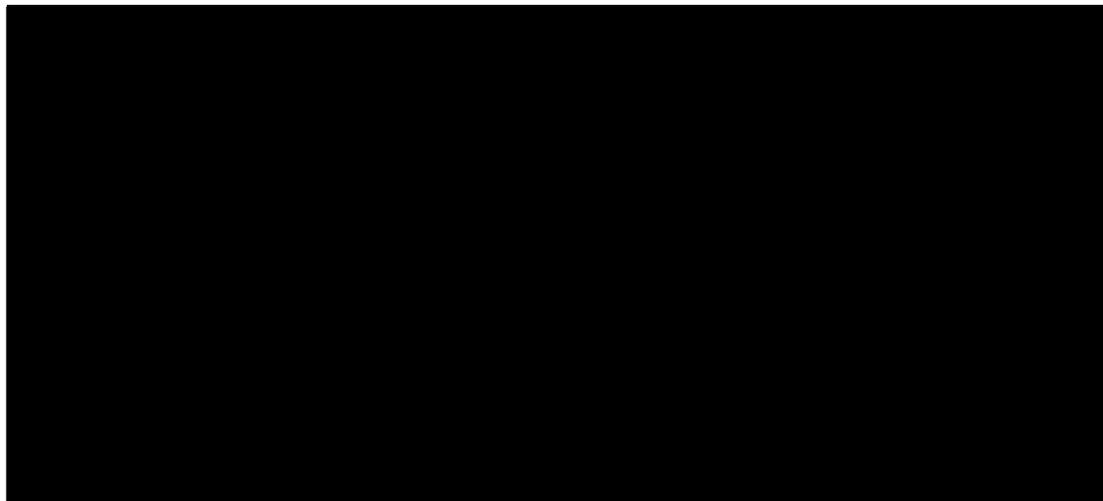
Interoffice Memo

Date: 6/30/2011

To: Memo to File

From: Diana Alvarado

RE: Initial NEPA Review for the Venice Relocation



Docket #: A2012-17
Item Nbr: 12
Page Nbr: 2
APPELLATE AND COMMERCIAL LITIGATION
OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

The previous page has been redacted and can be found at privilege log
Item Number 12, Page Number 1.

Alvarado, Diana - South San Francisco, CA

From: Mastren, Daniel L - San Diego, CA
Sent: Wednesday, July 06, 2011 10:40 AM
To: Alvarado, Diana - South San Francisco, CA
Cc: Maher, Richard J - Santa Ana, CA; Volz, Angelia D - San Diego, CA
Subject: Venice Neighborhood Council Meeting - Notes
Attachments: Venice Neighborhood Council Meeting Agenda.pdf

Diana,

Here are some notes from the VNC meeting on April 26th. Rich may be able to elaborate on some of the answers given to the questions asked.

Let me know if you need more info.

Danny

USPS attended the Venice Neighborhood Council (VNC) Meeting on Tuesday, April 26th 2011 at 6:00pm. The meeting was set up by Ramela Younekian, Los Angeles District Marketing Manager, and was coordinated with Nancy Feinberg, a VNC council member. The meeting was held in the auditorium of the Westminister School located at the corner of Abbot Kinney Blvd and Westminister Ave in the city of Venice.

The USPS was represented by:
Rich Maher, Communications Specialist
Angelia Volz, Manager Operations Programs Support
Daniel Mastren, Manager Finance

There were approximately 10 board members and 50 to 60 residents at this meeting. Attached is the meeting agenda. The USPS presentation on the proposed move of Venice Main Office Retail to the Venice Carrier Annex was added to the agenda under Item 4 - Governmental Reports.

Rich Maher presented facts regarding the current financial position of the USPS and the USPS proposal to relocate Venice Main Office retail operations to the Venice Carrier Annex, and sell the Venice Main Office building. After the presentation the floor was open for questions and comments.

Comments from residents and council members included:

- A year ago there was a bidding war for the purchase of the Carrier Annex. What happened with that?
A. At one time FSO was exploring the option of selling the Venice Carrier Annex and relocating the carriers to a suitable location. This was determined not feasible because a suitable location to move the carriers could not be found.
- Fifteen years ago there was a memorial tree that was planted on USPS property at the corner of the Carrier Annex. Last year this tree was removed without notifying the city. Why?
A. (there was no answer to this question at the time, but it was later found that the tree was removed because it had died.)
- What will become of the mural
A. The mural is a part of the historical building and will be protected under guidelines for maintaining historical buildings.
- Will the Venice Main Office building retain its historical status
A. Yes, by law the new owners must follow guidelines for historical buildings.

- Can USPS ensure the new owners will allow free access to the public to view the mural

A. USPS can't guarantee free public access, but by law the new owners must adhere to guidelines for historical buildings.

- What is the public process timeline

A. 120 days

- What is the cost of remodeling the Venice Carrier Annex to include retail operations

A. \$375,000

- What is the value of the Venice Main Office

A. \$4.8 Million

- Can the Venice Main Office be donated to the city of Venice

A. No, we need the money

*Daniel Mastren
A/Finance Manager
Los Angeles District
(323) 586-1700*

PACIFIC FACILITIES SERVICE OFFICE



July 7, 2011

Tom A. Samra
Vice President, Facilities

RE: Venice, CA - Request approval to relocate retail services from the Venice Main Post Office to the Venice Carrier Annex.

Venice is a beachfront district on the Westside of Los Angeles, California. Venice is bordered by the Pacific Ocean on the southwest and continues to be an important tourist attraction in Southern California primarily due to its attractive location for walking and bicycling. Venice has a household population of 15,983 with a projected growth rate of 0.11%. There are currently two USPS owned facilities in Venice approximately 400 feet apart and directly across the street from each other.

The Venice Main Post Office is an owned 23,700 square-foot building first occupied in 1940, and is located at 1601 Main Street. The facility has five retail windows (earns three), two APC's (earns one) and 2,152 post office boxes of which [REDACTED] are rented. The FY10 Total Revenue was [REDACTED]. There are no delivery routes at this location.

The Venice Carrier Annex is an owned 15,890 square-foot building first occupied in 1985 and is located at 313 Grand Boulevard. The facility houses three zones: 90291 (26 routes), 90292 (24 routes) and 90293 (12 routes) all of which are city delivery.

On December 23, 2010 the Pacific Area Vice President approved an optimization node study to relocate the retail services from the Venice Main Post Office into the Venice Carrier Annex. Combining the retail and delivery into a single facility, [REDACTED].

Section 241.4 of Title 39 of the Code of Federal Regulations applies when relocating retail services to another facility that currently does not offer retail services at that location. The Los Angeles District and the Pacific FSO, with the support of the Pacific Area Leadership, initiated Community Relations Regulations as outlined in the 39 CFR Part 241.4.

On March 3rd an initial letter was sent to the Mayor of Los Angeles and Venice Board Members outlining the proposed relocation. The District Manager had subsequent conversations with the Venice Board Members presenting a business case as to why USPS is recommending the relocation of retail services from the Main Post Office to the Carrier Annex location.

On April 26th a Board of Officers meeting was held with the Venice Neighborhood Council at the local Westminster Elementary School Auditorium. In attendance were local USPS representatives, ten board members and approximately 60 residents. The main concerns outlined were the protection of the mural, the historical status of the main office, and what are the public process timelines.

Venice, CA
Request for Approval to relocate retail
July 5, 2011

On May 2nd a public meeting was held at a local Venice restaurant which was donated by the merchant. In attendance were local USPS representatives, the Venice Council and approximately six members of the community. The purpose of the meeting was to listen to views and concerns regarding the relocation of retail services to the Annex. One council member spoke up to oppose the plan mainly due to the historic nature of the Main Office facility. The public's main concern was also the building being historic (keeping the integrity of the mural), and the appearance of the carrier annex property. The corner of the property is unusable and is currently over grown with weeds. They offered to maintain it for us if we would let them.

The Public comment period ended on June 1, 2011. Six letters were received during the comment period. The strongest opposition comes from the Venice Stakeholders Association who submitted a petition of 126 community members opposing the relocation. A primary concern is that the Carrier Annex is located within the Coastal Zone. [REDACTED]

[REDACTED] The Venice Neighborhood Council has been very supportive, but requests that the Postal Service remain in constant dialogue as our process unfolds. They continue to provide suggestions and offer assistance to enhance the unusable portion of the annex property.

In both the public meeting and the letters submitted during the comment period, the recurring opposition to the relocation was:

- Coastal Zone compliance
- Preservation of the historical building
- Clean up the Annex site
- Keeping the Venice Neighborhood Council informed

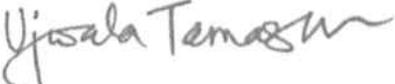
The process calls for community input and there was minimal opposition to this relocation. The Venice Neighborhood Council has shown great interest in assisting USPS to make this relocation successful. The recommendation to relocate the retail services from the Main Office to the Carrier Annex is based on the best interest to the Postal Service. The facility located on Grand Boulevard is more efficiently and economically equipped to handle Venice postal retail business. A space requirements model was prepared reflecting that the Venice Carrier Annex can easily accommodate the retail counters and Post Office Boxes without expanding the building. There is an annual cost savings of \$135,498 by combining the retail and delivery into the Grand Boulevard facility.

Venice, CA
 Request for Approval to relocate retail
 July 5, 2011

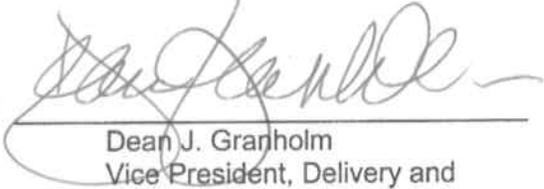
	One Time Cost	Annual Savings
Utilities		\$44,751
Building Maintenance Labor		\$90,747
Relocate Retail to Carrier Annex	\$(375,000)	
Broker's Opinion of Value (BOV)	\$4,800,000	
Total	\$4,425,000	\$135,498
Ten Year Operating Cost Savings		\$1,354,980

10-Year NPV: [REDACTED]

The Community Relations Regulations process specifies that the Vice President of Facilities approve any relocation where retail services are moved from one facility to another facility that currently does not offer retail services. Your concurrence is requested to relocate the retail services at the current Venice Main Office into the Venice Carrier Annex located at 313 Grand Boulevard.

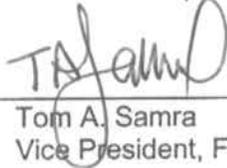
Sincerely,

 Ujwala Tamaskar
 a/Manager
 Pacific Facilities Service Office

Attachments: Public Meeting Presentation
 Venice Neighborhood Council meeting minutes

Concurrence: 

 Dean J. Granholm
 Vice President, Delivery and
 Post Office Operations

Date: 7/12/11

Approval: 

 Tom A. Samra
 Vice President, Facilities

Date: 7/11/11

Venice, CA
Request for Approval to relocate retail
July 5, 2011

CC: Drew T. Aliperto, Vice President Pacific Area Operations
11255 Rancho Carmel Drive
San Diego, CA 92197-0100

Eduardo H. Ruiz, Los Angeles District Manager
7001 South Central Avenue
Los Angeles, CA 90052-9998

Docket #: A2012-17

Item Nbr: 14

Page Nbr: 5

APPELLATE AND COMMERCIAL LITIGATION

OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

The previous paged have been redacted and can be found at privilege log
Item Number 14, Page Numbers 1 through 3.



POSTAL NEWS

FOR IMMEDIATE RELEASE
July 18, 2011

Media Contact: Richard Maher
(O) 714-662-6350
(C) 714-307-0202
richard.j.maher@usps.gov
usps.com/news

Postal Service Approves Relocation of Venice Post Office *Retail, PO Box service will move 400 feet to Venice Carrier Annex*

VENICE, CA — The U.S. Postal Service (USPS) has approved the relocation of the Venice Post Office, 1601 Main St., to the Venice Carrier Annex, 313 Grand Blvd. The two facilities are about 400 feet apart. There will be no change in Post Office Box holders' addresses or ZIP Code, nor will this relocation impact mail delivery to residents and businesses in any way. A date for the move has not been determined.

The Postal Service notified the City of Los Angeles and the Venice Neighborhood Council (VNC) of its proposed plan on March 3, 2011. USPS representatives met with the VNC and members of the community on April 26 and May 2 to share information and gather public input, and a written public comment period was open until June 1. The Venice relocation proposal and public input received was forwarded on July 7 to USPS Headquarters in Washington, D.C., where the final decision was made.

The relocation project will generate much-needed income for the USPS as well as reduce operational costs. Both Venice facilities are owned by the Postal Service, and once the move is completed, plans call for the sale of the building at 1601 Main St. That facility is a registered historic building and USPS will ensure the historic characteristics are maintained through covenants conveyed to a future buyer as an attachment to the deed. The move is also projected to save over \$1.3 million in operating expenses over the next ten years by consolidating operations into a single facility.

The Postal Service's decision may be appealed within 15 days to:

Vice President, Facilities
Attn: Diana Alvarado
Facilities Planning and Requirements
395 Oyster Point Blvd. Ste 225
South San Francisco CA 94080-0300

The Venice relocation plan is part of a nationwide response by USPS to reduce costs and operate more efficiently in the face of dramatic decreases in mail volume and declines in revenue. The Postal Service does not receive tax dollars to fund its operations and facilities, but uses revenue from the sale of postage and postal products and services to cover expenses.

###

Please Note: For broadcast quality video and audio, photo stills and other media resources, visit the USPS Newsroom at www.usps.com/news.

A self-supporting government enterprise, the U.S. Postal Service is the only delivery service that reaches every address in the nation, 150 million residences, businesses and Post Office Boxes. The Postal Service receives no tax dollars for operating expenses, and relies on the sale of postage, products and services to fund its operations. With 32,000 retail locations and the most frequently visited website in the federal government, usps.com, the Postal Service has annual revenue of more than \$67 billion and delivers nearly 40 percent of the world's mail. If it were a private sector company, the U.S. Postal Service would rank 29th in the 2010 Fortune 500. *Black Enterprise* and *Hispanic Business* magazines ranked the Postal Service as a leader in workforce diversity. The Postal Service has been named the Most Trusted Government Agency six consecutive years and the sixth Most Trusted Business in the nation by the Ponemon Institute.

PACIFIC FACILITIES SERVICE OFFICE



July 18, 2011

The Honorable Mayor Villaraigosa
City of Los Angeles
Attn: Arturo Pina
Southern District Director/Venice
200 North Spring Street, Room 415
Los Angeles, CA 90012

Linda Lucks
President, Venice Neighborhood Council (sent via email to lindalucks@aol.com)

Re: Relocation of USPS Retail Services

Dear Mayor Villaraigosa, Mr. Pina, and Ms. Lucks:

On July 7, 2011 a recommendation was forwarded to the Vice President of Facilities for his approval to relocate the retail services currently located at 1601 Main Street across the street to our facility located at 313 Grand Boulevard.

This is written notice that on July 12, 2011 the Vice President of Facilities, with the concurrence of the Vice President Delivery and Post Office Operations, approved the request to relocate the retail services from the Main Street facility to our Grand Boulevard facility.

As provided in CFR 39 241.4, your office and members of the Venice community may appeal this decision within the next 15 days of the receipt of this letter. As appropriate, your appeal should be directed to Vice President, Facilities and addressed as follows:

Vice President, Facilities
Attn: Diana K. Alvarado
Pacific Facilities Service Office
Facilities Planning and Requirements
395 Oyster Point Boulevard, Suite 225
South San Francisco, CA 94080-0300

Sincerely,

A handwritten signature in black ink that reads "Ujwala Tamaskar".

Ujwala Tamaskar
Manager(A)
Pacific Facilities Service Office

Docket #: A2012-17

Item Nbr: 17

Page Nbr: 1

APPELLATE AND COMMERCIAL LITIGATION

OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

A document, privilege log Item Number 17, Page Number 1 has been removed from the file at this place.

Docket #: A2012-17

Item Nbr: 17

Page Nbr: 2

APPELLATE AND COMMERCIAL LITIGATION

OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

A document, privilege log Item Number 17, Page Number 2 has been removed from the file at this place.

Alvarado, Diana - South San Francisco, CA

From: Lindalucks@aol.com
Sent: Friday, July 29, 2011 4:02 PM
To: Alvarado, Diana - South San Francisco, CA
Cc: MayorVillaraigosa@Mayor.lacity.org; Bill.Rosendahl@lacity.org; Ruth.Goldway@prc.gov; betsy.butler@asm.ca.gov; Senator.Lieu@sen.ca.gov; board@venicenc.org; Senator@boxer.senate.gov; Senator@Feinstein.senate.gov; Janice.Hahn@mail.house.gov; tina.moyer@usps.gov
Subject: Venice Neighborhood Council- Letter Appeal of relocation of the Venice PO
Attachments: 07.29.11VNCUSPSLetterofAppealVenicePostOffice.pdf

Ms. Alvarado:

Thank you for attending the meeting of the Venice Neighborhood Council. Attached please find the letter from our board appealing the decision of the USPS to relocate the historic Venice Post Office.

Linda Lucks
President
Venice Neighborhood Council



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



July 29, 2011

Vice President, Facilities
Attn: Diana K. Alvarado
Pacific Facilities Service Office
Facilities Planning and Requirements
395 Oyster Point Boulevard, Suite 225
South San Francisco, CA 94080-0300

Re: Appeal of Venice Neighborhood Council to Decision to Relocate Postal Services at Historic Venice Post Office

Dear Ms. Alvarado:

I am writing on behalf of the Venice Neighborhood Council ("VNC") to appeal the decision to relocate retail postal services from the historic Venice Post Office located at 1601 Main Street to the annex at 313 Grand Boulevard. The VNC is part of the city of Los Angeles's neighborhood council system designed to make government more responsive and to allow local input in decision making in this city of 4 million people. Many in our community of Venice have made it clear to the Board of the VNC that they are opposed to the proposed relocation and we urge you to reconsider this decision.

The proposed relocation will have an adverse and negative environmental impact on the residential neighborhood surrounding the annex and on the historic urban planning of Venice. Further, it jeopardizes the preservation of the architecturally distinguished historic Post Office, which is believed to be the only Works Projects Administration New Deal structure in Venice, and public access to the "Story of Venice" mural created by renowned artist Edward Biberman.

The relocation to the annex represents a dramatic intensification of use of that facility without adequate environmental review. Because the proposed use of the annex would consolidate existing carrier operations with new retail operations without any additional parking being provided, the combined operations would impose spillover parking impacts on the surrounding residential neighborhood, exacerbating an already significant parking problem for local residents and their guests, in this world renowned beach coastal community. More than 16 million people visit Venice beach each year creating a major impact on the Venice community and parking in the residential community surrounding the annex is especially a problem in the Summer. Adding a retail postal services at the annex would essentially transfer automobile and pedestrian traffic from the commercial area surrounding the historic post office to the residential community surrounding the annex.

Moreover, the historic post office has a long history as a local landmark. Its current location and design, built as a post office by an important architect, Louis Simon, is an important element of the planning and land use of our community and the abandonment of this facility as a post office in favor of the annex adversely affects our quality of life and historic tradition. The proposed move further jeopardizes public access to the "Story of Venice" mural. Artist Edward Biberman is an icon of post war California Modernist artists. His work appears in the Smithsonian, the National Portrait Gallery, and LACMA, among many other collections. The main feature of the interior of the historic Post Office is this mural, where it has been since 1941. Continued public access to the mural is very important to our community.



Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / www.VeniceNC.org
Email: info@VeniceNC.org / Phone or Fax: 310.606.2015



It is our understanding that the need for expansion to the annex was necessary due to the closure of another facility in Los Angeles and the rerouting of certain postal operations for several surrounding communities to Venice. Our post office has always been enough to serve Venice and given the reported drop in use of retail postal services throughout the United States, it is difficult to see that our historic post office could not continue to serve the needs of Venice in the long term as well. Our town of Venice must not be so adversely affected due to postal service operations for communities outside of Venice.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Linda Lucks".

Linda Lucks

Cc: Senator Dianne Feinstein
Senator Barbara Boxer
Congressperson Janice Hahn
Councilmember Bill Rosendahl
Mayor Antonio Villaraigosa
California State Senator Ted Lieu
California State Assemblymember Betsy Butler
Ruth Goldway, US Postal Rate Commission
Board, Venice Neighborhood Council

Alvarado, Diana - South San Francisco, CA

From: Simon, Zachary [Zachary.Simon@mail.house.gov]
Sent: Wednesday, August 03, 2011 4:18 PM
To: Alvarado, Diana - South San Francisco, CA
Subject: Re: Venice Post Office
Attachments: Venice Post Office Letter.pdf

Ms. Alvarado,

A moment ago, I faxed a letter from my boss, Congresswoman Janice Hahn (CA-36), expressing her opposition to the Postal Service's decision to sell the Venice Post Office and relocate service to the Venice Postal Annex. I've also attached a digital copy of the letter along with this email. Please do not hesitate to contact our office with any questions or comments you may have. You may reach us by phone at (202) 225-8220, or you may also contact me directly via email at Zachary.simon@mail.house.gov

This is an issue the Congresswoman feels strongly about, and we thank you for your time and consideration.

Best,
Zachary

Zachary Simon | Legislative Correspondent
Office of Congresswoman Janice Hahn (CA-36)
2400 Rayburn Building | Washington DC 20515
Tel: 202-225-8220 | Fax: 202-226-7290
zachary.simon@mail.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515-0536

August 5, 2011

Vice President, Facilities
Attn: Diana K. Alvarado
Pacific Facilities Service Office
Facilities Planning and Requirements
395 Oyster Point Boulevard, Suite 225
South San Francisco, CA 94080-0300

Re: Appeal of Decision to Relocate Postal Customer Services to the Venice Postal Annex and to Sell the Historic Venice Post Office

Dear Ms. Alvarado:

I am writing on behalf of my constituents in Venice, California, to formally appeal the U.S. Postal Service's decision to relocate retail postal services from the historic Venice Post Office located at 1601 Main Street to the Venice Postal Annex at 313 Grand Boulevard.

The Venice community is united in their opposition to the proposed relocation and we urge you to reverse this decision.

The proposed relocation will have an adverse impact on the residential neighborhood that surrounds the Postal Annex. Because the proposed use of the Annex would consolidate existing carrier operations with existing retail operations without any additional parking being provided, the combined operations would impose spillover parking impacts on the residential neighborhood, exacerbating an already serious parking problem for local residents and their guests in this world-renowned beach community. More than 16 million people visit Venice beach each year, which already creates a tremendous shortage of parking. Adding retail postal services to the Annex would essentially transfer automobile and pedestrian traffic from the commercial area surrounding the Post Office to the residential community surrounding the Annex, adding thousands of vehicular trips a day in an area that can ill afford this traffic. The relocation to the Annex represents a dramatic intensification of use of that facility, which is occurring without any environmental review or mitigation.

Further, relocation jeopardizes the preservation of the architecturally distinguished Post Office, which is believed to be the only New Deal-era Works Projects Administration structure surviving in Venice, and jeopardizes public access to the "Story of Venice" mural, the main feature of the interior of the Post Office, where it was permanently installed in 1941.

The Post Office has a long history as a local landmark. Its current location, on the Windward Traffic Circle, anchors the center of the Venice community. The structure was designed by noted architect Louis

Simon. The "Story of Venice" mural was created by Edward Biberman, an icon of post war California Modernist artists. His work appears in the Smithsonian, the National Portrait Gallery, and Los Angeles County Museum of Art, among many other collections.

I share the community's deeply held concern that the eventual sale of the Post Office will preclude public access to the mural and very probably lead to its loss in the demolition of the structure.

The Venice Post Office has competently served the needs of Venice since 1940. I would ask that the Postal Service rescind its decision to abandon and sell the Post Office and instead craft a solution that fully utilizes this historic structure, allowing the public and citizens of Venice to use and enjoy this historically significant structure for many years to come.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in cursive script that reads "Janice Hahn". The signature is written in black ink and has a fluid, connected style.

Janice Hahn
Member of Congress

Alvarado, Diana - South San Francisco, CA

From: Cecilia Castillo [cecilia.castillo@lacity.org]
Sent: Thursday, August 04, 2011 6:30 PM
To: Alvarado, Diana - South San Francisco, CA
Cc: Arturo Pina; mike bonin
Subject: Letter to Appeal USPS Decision to Relocate Services in Venice
Attachments: Letter to Appeal USPS Decision to Relocate Venice Service.pdf

Hello Ms. Alvarado,

Please see the attached letter appealing the decision to relocate USPS retail services from 1601 Main Street to 313 Grand Blvd. in Los Angeles, 90291. Hard copy to follow.

Thank you for your consideration

--

Cecilia Castillo
Office of Councilmember Bill Rosendahl
7166 W. Manchester Ave
Los Angeles, CA 90045
(310) 568-8772



BILL ROSENDAHL

City of Los Angeles
Councilmember, Eleventh District

Committees

Chair, Transportation
Vice Chair, Trade, Commerce & Tourism
Member, Budget & Finance
Member, Ad Hoc on Economic Recovery &
Reinvestment
Member, Board of Referred Powers

August 4, 2011

Vice President, Facilities
Attn: Diana K. Alvarado
Pacific Facilities Service Office
Facilities Planning and Requirements
395 Oyster Point Boulevard, Suite 225
South San Francisco, CA 94080-0300

Re: Appeal of the Decision to Relocate USPS Retail Service

Dear Ms. Alvarado:

On behalf of my constituents I am writing to appeal the relocation of USPS retail services from the historic Venice Post Office located at 1601 Main Street to the facility located at 313 Grand Boulevard.

The Venice Post Office was built in 1939 by the Franklin Roosevelt's Works Project Administration and contains the "Story of Venice" mural created by Edward Biberman in 1941. Continuing USPS retail services in the historic building will ensure that the community will continue to have access to this historic treasure.

It is important to understand the negative impact a change of use of this historic building will have on the community. I request that the USPS consider all viable options that would maintain USPS retail service in the historic Venice Post Office.

In the event the decision to relocate services carries, please seek community input before determining the future use of the building.

Regards,

BILL ROSENDAHL
Councilmember, 11th District

BR/cc

Westchester Office
7166 W. Manchester Boulevard
Westchester, CA 90045
(310) 568-8772
(310) 410-3946 Fax

City Hall
200 N. Spring Street, Room 415
Los Angeles, CA 90012
(213) 473-7011
(213) 473-6926 Fax

West Los Angeles Office
1645 Corinth Avenue, Room 201
Los Angeles, CA 90025
(310) 575-8461
(310) 575-8305 Fax



Alvarado, Diana - South San Francisco, CA

From: EcoleClair@aol.com

Sent: Thursday, August 04, 2011 5:21 PM

To: Alvarado, Diana - South San Francisco, CA

Subject: Venice Post Office

Gentleperson,

Venice Post Office is one of the pillar of our Community.

Its functions relate to words and communication, emphasize its importance, thank you

Joelle Dumas

Alvarado, Diana - South San Francisco, CA

From: karen@oldiescars [karen@oldiescars.com]
Sent: Thursday, August 04, 2011 11:28 PM
To: Alvarado, Diana - South San Francisco, CA
Subject: post office

Please understand I am a Venice resident for the last 27 years. This post office is convenient ,the personal is like family, always helpful even though lines are sometimes long. I love the automated machine and the people I run into. This will be the biggest mistake you make to close our beloved post office. Please leave the city of Venice our Post office. Thank you Karen Berrien

Alvarado, Diana - South San Francisco, CA

From: Flora Chou [fchou@laconservancy.org]
Sent: Friday, August 05, 2011 5:29 PM
To: Alvarado, Diana - South San Francisco, CA
Cc: bill.rosendahl@lacity.org; Ken Bernstein; secretary@venicenc.org; zachary.simon@mail.house.gov; Adrian Fine
Subject: Venice Post Office
Attachments: LAC_Venice Post Office_8 5 11.pdf

Dear Diana,

Please find attached comments from the Los Angeles Conservancy concerning the Venice Post Office located at 1601 Main Street, Los Angeles. If you have any questions, please feel free to contact Adrian Scott Fine at 213-430-4203 or you can reach me at 213-430-4211.

Best regards,

Flora Chou, LEED AP
Preservation Advocate
Los Angeles Conservancy
523 West Sixth Street, Suite 826 | Los Angeles, CA 90014
(p) 213.430.4211 | (fx) 213.623.3909 | fchou@laconservancy.org

Sign up for our E-News

Follow us on Twitter

Become a Facebook fan

Membership starts at just \$40, join the Conservancy now!



August 5, 2011

Submitted electronically

Vice President, Facilities
Attn: Diana K. Alvarado
Pacific Facilities Service Office
Facilities Planning and Requirements
395 Oyster Point Blvd., Suite 225
South San Francisco, CA 94080-0300
Email: diana.alvarado@usps.gov

RE: Venice Post Office, 1601 Main Street, Los Angeles, CA

Dear Ms. Alvarado:

On behalf of the Los Angeles Conservancy, I am writing to express the Conservancy's concern about the potential closing and sale of the historic Venice Post Office located at 1601 Main Street in the city of Los Angeles. The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with over 6,000 members. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural heritage of Los Angeles County through advocacy and education.

The Venice Post Office has been serving the community since its construction in 1939 as part of the federal Works Progress Administration. The building is attributed to Louis A. Simon, who was the Supervising Architect in the Office of the Supervising Architect of the Department of the Treasury. Modernist artist Edward Biberman created a site-specific mural in the lobby of the Venice Post Office that depicts the early history of Venice. City founder Abbot Kinney is surrounded by images like the canals that he built for the "Venice of America," and a wooden roller coaster representing the amusement parks that once drew thousands to the seaside community. Biberman also created two murals for the U.S. Post Office and Court House building in downtown Los Angeles as part of the WPA programs.

The Conservancy believes that the Venice Post Office qualifies as a historical resource, and urges the U.S. Postal Service to do whatever it can to ensure this important local landmark is protected. It is ideal for a historic building to maintain its historic use whenever possible, especially for public mainstays such as a post office. In examples throughout the country, historic post office buildings have continued to operate and effectively serve communities. Sensitive alternations and updates can also be made to accommodate changing needs over time while maintaining the original building.

reuse

If a decision is made by the Postal Service to vacate the Venice Post Office, we urge the Postal Service to do all it can do to ensure this historic building is protected in the future. We ask the Postal Service to be proactive in finding an appropriate owner who understands the significance of the building and can work with the community to maintain public access to the mural in the future. We also urge the Postal Service to consider voluntarily nominating the Venice Post Office for local designation as a City of Los Angeles Historic-Cultural Monument. This will ensure proposed alterations are reviewed by the City's Office of Historic Resources and would allow subsequent owners to take advantage of various incentives such as code flexibility offered under the California Historical Building Code and property tax relief through the Mills Act.

The Conservancy looks forward to working with the U.S. Postal Service as well as any future owner(s) and neighborhood residents on the long-term preservation of the Venice Post Office. Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Adrian Scott Fine". The signature is written in a cursive, slightly slanted style.

Adrian Scott Fine
Director of Advocacy

cc: Congresswoman Janice Hahn, 36th Congressional District
Councilmember Bill Rosendahl, Los Angeles Council District 11
Ken Bernstein, Manager, Los Angeles Office of Historic Resources
Venice Neighborhood Council

Alvarado, Diana - South San Francisco, CA

From: espuur@aol.com
Sent: Friday, August 05, 2011 1:37 PM
To: Alvarado, Diana - South San Francisco, CA
Subject: Venice Post Office

Dear Ms Alvarado,

I am writing today with the hope that the Post Office will not to sell the Venice Post Office at 1620 Main Street, Venice, CA. As Venice's only WPA building, both it and the Biberman mural inside it are important monuments to the history and culture of the community. It seems likely to me that if the building were no longer owned by the Post Office that it will be torn down. Since Venice has already lost the majority of its history buildings, it is most important that this one in particular is preserved. Please continue to use this historical building for the purpose for which it was originally intended.

Thank you for taking the time to read this email.

Best regards,
Eric Spuur

Alvarado, Diana - South San Francisco, CA

From: Angel Gulermovich [agulermovich@artlogic.com]
Sent: Friday, August 05, 2011 11:37 AM
To: Alvarado, Diana - South San Francisco, CA
Subject: Venice Post Office

Dear Ms Alvarado,

I am writing to urge the Post Office not to sell the Venice Post Office located at 1620 Main Street. Both the building itself -- Venice's only WPA building -- and the Biberman mural inside it are important to the history and culture of the community. I fear that if the building is no longer owned by the Post Office it will be demolished; Venice has already lost the majority of its history buildings, and this one in particular is very important. Please continue to use this historical building for the purpose for which it was originally intended.

Thank you for taking the time to read this email.

Best regards,
Angelique Gulermovich

Alvarado, Diana - South San Francisco, CA

From: Angel Gulermovich [agulermovich@artlogic.com]
Sent: Friday, August 05, 2011 1:51 PM
To: Alvarado, Diana - South San Francisco, CA
Subject: Venice Post Office

Dear Ms Alvarado,

I am writing to urge the Post Office not to sell the Venice Post Office located at 1620 Main Street. Both the building itself -- Venice's only WPA building -- and the Biberman mural inside it are important to the history and culture of the community. I fear that if the building is no longer owned by the Post Office it will be demolished; Venice has already lost the majority of its history buildings, and this one in particular is very important. Please continue to use this historical building for the purpose for which it was originally intended.

Thank you for taking the time to read this email.

Best regards,
Angelique Gulermovich

P.S. My apologies if you've received this email already; my email server had problems this morning and I don't know which outgoing mail actually "went" and which did not. Thanks again.

Alvarado, Diana - South San Francisco, CA

From: Peggy Lee Kennedy [peggylee.kennedy@gmail.com]
Sent: Friday, August 05, 2011 9:10 AM
To: Alvarado, Diana - South San Francisco, CA
Subject: Appeal Opposing Moving or Selling the Venice Post Office

Vice President, Facilities
Attn: Diana K. Alvarado
Pacific Facilities Service Office
355 Oyster Point Blvd., #225
South San Francisco, CA 94080-0300

Dear Ms Alvarado,

I am writing this as the acting chair of the Venice Town Council and as a third generation Venice resident.

The Venice Town Council, which is an unincorporated association organized to represent Venice residents, voted against the sale of the Venice Post Office at two recent meetings.

After attending the Venice Neighborhood Council meeting where two Post Office Representatives spoke, I heard assurances that there would be historic covenants that will restrict the new owners of the post office. There is no guarantee that covenants will be honored throughout the time after the sell of this special building. I have seen covenants broken in the city of Los Angeles time and again and only stopped after years of legal battles. This is specific to areas being gentrified, much like what has been happening in Venice.

This building is a WPA building and has a mural by Edward Biberman, which makes it very special and selling this building is a mistake.

Many of the people in Venice understand the financial hardships explained by Post Office Representatives.

The US Post Office has been using the new proposed Venice Post Office site, the Venice Postal Substation (once a Safeway store), as a mail distribution site for the Marina del Rey and Playa del Rey, which are areas outside of Venice. Discarding a historical public landmark in our community to private development is simply not justified by other communities postal distribution service needs now taking place in Venice. The alleged need for the Post Office to consolidate our Venice Post Office services and combining these with the distribution services for other areas into the Sub-station (the old Venice Safeway store) does not justify our historic Venice Post Office and the Biberman mural being sold to non-public, private interests.

The Venice Post Office is a treasure and the Venice Postal Annex is a dumpy warehouse, with no apparent structure for the local postal desk service, located in a residential area.

If you need a truck loading spot for the Venice Post Office (one of the reasons stated as a need for the annex to be the post office) there is a very large curb area already reserved next to the Venice Post Office on Venice Way that is next to the dock in the back of the Venice Post Office, which could easily be used during the week for loading trucks.

Sincerely,

11/28/2011

Docket #: A2012-17

Item Nbr: 18

Page Nbr: 18

Peggy Lee Kennedy
Chair, Venice Town Council
P.O. Box 2881
Venice, CA 90294
cell 310 365 0985

Alvarado, Diana - South San Francisco, CA

From: Robyn Altman [robynaltman@mac.com]
Sent: Tuesday, August 09, 2011 9:01 AM
To: Alvarado, Diana - South San Francisco, CA
Subject: Venice beach Post Office

Hi Diana,

I live in Venice and I wanted to help save the Venice Beach Post Office. Wondering what we can do to help?!

Thanks,
Robyn Altman

Alvarado, Diana - South San Francisco, CA

From: C.V. BECK [rexbeck@netscape.com]
Sent: Thursday, August 11, 2011 3:33 PM
To: Alvarado, Diana - South San Francisco, CA; Smith Jim
Cc: BEACHHEAD BEACHHEAD; BILL ROSENDAHL; MINDY TAYLOR-ROSS; MICHAEL PALUMBO; LESLIE MARLIN
Subject: VENICE POST OFFICE SAVE

Ms. Alvarado,

I am writing to ask that the US Post Office not sell the "old" Venice Post Office but rather to preserve and restore it.

There are some WPA murals by Herbert Biberman which have great artistic and historical significance and must be preserved.

The Post Office could benefit from regular cleaning and maintenance.

Thank you.

Carol V. Beck
1053 Elkgrove Avenue # 1
Venice, CA 90291-5721

Netscape. Just the Net You Need.

Alvarado, Diana - South San Francisco, CA

From: Laura Silagi [Irsilagi@gmail.com]
Sent: Friday, August 12, 2011 10:18 AM
To: Alvarado, Diana - South San Francisco, CA
Subject: Venice Post Office

Vice President, Facilities
Attn: Diana K. Alvarado
Pacific Facilities Service Office
355 Oyster Point Blvd., #225
South San Francisco, CA 94080-0300

Dear Ms. Alvarado,

I have been a resident of Venice since 1973 and have used the Venice Post Office all that time. This post office is historical. It has unique architecture and a wonderful WPA mural that depicts the history of Venice. It is also a place for Venice residents to see their neighbors. Saving this space as a post office will preserve the important neighborhood monument that has an enduringly important function for us in Venice and all visitors from around the world who come here.

There are other solutions to the use of the other post office outlet in Venice and that location could be sold, its functions handled by the Mar Vista post office and other locations.

Thank you.
Laura Silagi
1072 Palms Blvd
Venice, CA 90291

Alvarado, Diana - South San Francisco, CA

From: Judy Branfman [branfman@ucla.edu]
Sent: Wednesday, August 17, 2011 5:35 PM
To: Alvarado, Diana - South San Francisco, CA
Subject: Please save the historic Venice Post Office

Dear Ms. Alvarado,

I am writing about the Venice Post Office in Los Angeles. I want to urge the Postal Service to keep our current historical post office in operation as our main post office. We Venetians are proud of this historic building and its historic mural. It sits in the historic center of the community and provides a vital service.

The Venice Carrier Annex is ugly and is currently being used to capacity. Making room for our post office would require extensive renovations and would cost the Postal Service even more money. It is also pretty clear that there is no room for customer parking in the annex parking lot.

Venice is a popular tourist destination and the continued loss of our historic buildings makes the community less and less appealing to visitors.

Please keep the post office where it is and help Venice save one of its few remaining historic buildings.

Sincerely,

Judy Branfman

535 Rose #C
Venice, CA 90291

Alvarado, Diana - South San Francisco, CA

From: InsidersSloveniaUSA [insiderssloveniausa@ca.rr.com]
Sent: Thursday, September 01, 2011 2:42 PM
To: Alvarado, Diana - South San Francisco, CA
Cc: Simon, Zachary; Linde, Jason; John A. Henning, Jr.; Billrosendahl@aol.com
Subject: Follow-Up to Meeting Re: Venice Post Office

Dear Ms. Alvarado,

Many thanks for meeting with Congresswoman Hahn and myself today to discuss the USPS' proposed relocation of customer services from the Venice Post Office to the Venice Postal Annex and the eventual sale of the Post Office. We very much appreciated the time you took to answer our questions.

As we discussed, I will be providing you with a copy of the Venice Local Coastal Specific Plan, which controls development (and change of property use) in Venice.

You indicated that one of the reasons for selling the Post Office instead of the Annex was the challenge the USPS found in locating an appropriate substitute facility for the Annex within an acceptable price range and distance from the areas served by the carriers at the Annex.

Might you provide us with the square footage requirements, radius of acceptable distance and other specifications so we might ask a couple commercial property brokers to take a look at available commercial properties?

Also, Tina Moyer had earlier promised to send me copies of covenants that had been recorded on other decommissioned post office buildings which protect these historic structures from modification or demolition. We would very much like to understand the legal restrictions that are contemplated and to determine if third parties, i.e., residents, the VSA and/or the City of Los Angeles would have standing to enforce the covenants were they to be in danger of being ignored or violated by a new owner.

Thank you again,

Mark Ryavec
President
Venice Stakeholders Association

JOHN A. HENNING, JR.
ATTORNEY AT LAW
125 N. SWEETZER AVENUE
LOS ANGELES, CALIFORNIA 90048

TELEPHONE: (323) 655-6171
E-MAIL: jhenning@planninglawgroup.com

August 31, 2011

VIA U.S. MAIL

Consumer Affairs
U.S. Postal Service
7001 S. Central Avenue
Los Angeles CA 90052-9631

Re: Relocation of Retail Post Office Services to Venice Carrier Annex, 313 Grand Blvd., Los Angeles, California

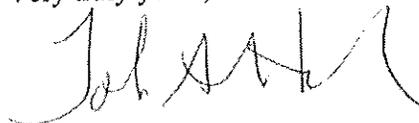
Gentlepersons:

More than three months ago, on May 26, 2011, I wrote the attached letter to you concerning the proposal by the Postal Service to close the historic Venice Post Office at 1601 Main Street and move its retail operation from this location to the Venice Carrier Annex at 313 Grand Boulevard in Venice. Since that time, the Postal Service has indicated it will proceed with the closure, and the Venice Neighborhood Council and Congresswoman Janice Hahn have filed an appeal of the decision.

Considering the important concerns stated in our letter and the pending appeal raising the same concerns, we believe we are entitled to a written response to the May 26th letter.

Would you please provide one at your earliest opportunity?

Very truly yours,



John A. Henning, Jr.

cc (via email): Mark Ryavec (Venice Stakeholders Assn.)
Tina M. Moyer (Real Estate Specialist / USPS)
Richard Maher (Corporate Communications / USPS)

Docket #: A2012-17

Item Nbr: 20

Page Nbr: 1

APPELLATE AND COMMERCIAL LITIGATION

OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

A document, privilege log Item Number 20, Page Number 1 has been removed from the file at this place.

Docket #: A2012-17
Item Nbr: 21
Page Nbr: 1
APPELLATE AND COMMERCIAL LITIGATION
OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

A document, privilege log Item Number 21, Page Number 1 has been removed from the file at this place.

Docket #: A2012-17

Item Nbr: 21

Page Nbr: 2

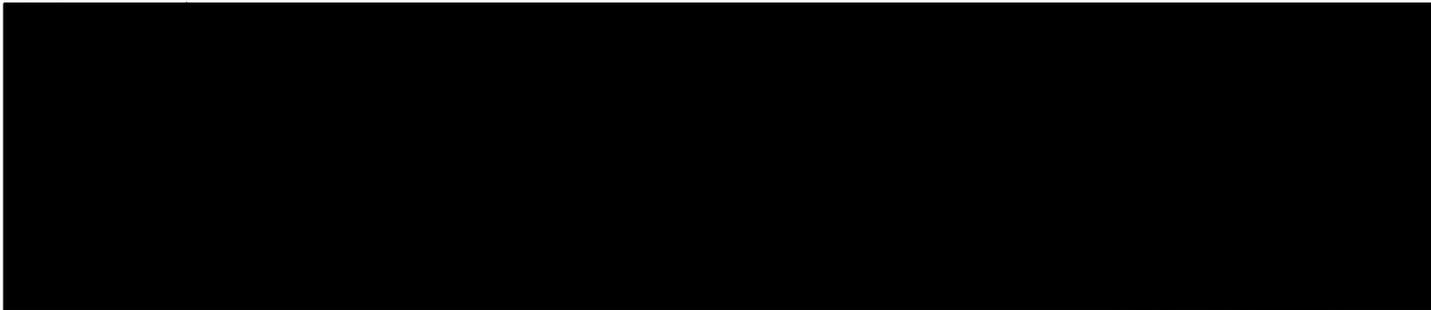
APPELLATE AND COMMERCIAL LITIGATION

OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

A document, privilege log Item Number 21, Page Number 2 has been removed from the file at this place.



From: John A. Henning, Jr. [mailto:jhenning@planninglawgroup.com]
Sent: Thursday, May 26, 2011 1:18 PM
To: VeniceStakeholders@ca.rr.com
Cc: Maher, Richard J - Santa Ana, CA; MOYER, TINA M - Dallas, TX; mayor@lacity.org;
carmen.a.trutanich@gmail.com; councilmember.rosendahl@lacity.org
Subject: Relocation of Retail Post Office Services to Venice Carrier Annex, 313 Grand Blvd., Los Angeles, California

Please see attached.

John A. Henning, Jr.
Attorney at Law
125 N. Sweetzer Ave.
Los Angeles, CA 90048

Ph. (323) 655-6171
Fax (323) 655-6109
jhenning@planninglawgroup.com

Docket #: A2012-17
Item Nbr: 21
Page Nbr: 4
APPELLATE AND COMMERCIAL LITIGATION
OFFICE OF THE GENERAL COUNSEL



Venice, California Post Office
Venice, California 90291
Case Docket #A2012-17

The previous page has been redacted and can be found at privilege log
Item Number 21, Page Number 3.

CZMA

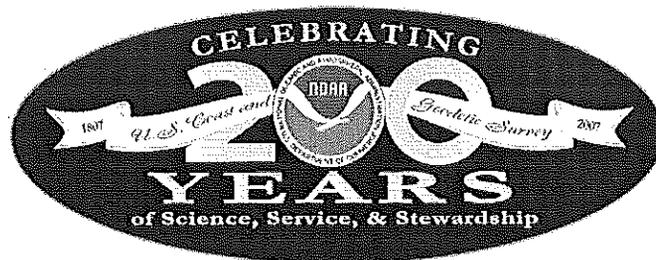
FEDERAL CONSISTENCY

OVERVIEW

SECTION 307 OF THE
COASTAL ZONE MANAGEMENT ACT OF 1972

FEBRUARY 20, 2009

OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
1305 East-West Hwy. (N/ORM), Silver Spring, Maryland 20910

FEDERAL CONSISTENCY OVERVIEW*

February 20, 2009

Office of Ocean and Coastal Resource Management (OCRM)
National Ocean Service (NOS)
National Oceanic and Atmospheric Administration (NOAA)

CONTENTS

I. Introduction	3
II. Definition	4
A. Federal Actions	4
B. Coastal Effects	4
C. Enforceable Policies	5
D. Coastal Uses	8
E. Coastal Resources	8
III. Benefits	8
IV. National Interest Considerations	8
V. Basic Federal Consistency Procedures	10
A. Federal Agency Activities and Development Projects	10
B. Federal License or Permit Activities	12
C. OCS Plans	15
D. Federal Assistance Activities	16
E. Other Federal Actions	16
F. Mediation of Disputes	16
G. Appeals to the Secretary of Commerce	17
H. Interstate Consistency	19
I. Information in State Objection/Conditional Concurrence Letters	19
Appendix A - Summary of Federal Consistency Provisions	21
Appendix B - Federal Agency Activities Flow Chart	22
Appendix C - Federal License or Permit Activities Flow Chart	23

* For further information contact:

David Kaiser, Senior Policy Analyst
OCRM / NOS / NOAA
Univ. of New Hampshire, 246 Gregg Hall
35 Colovos Rd., Durham, NH, 03824-3534.
603-862-2719. Fax: 603-862-3957. david.kaiser@noaa.gov

or

Kerry Kehoe, Federal Consistency Specialist
OCRM / NOS / NOAA
1305 East-West Highway, 11th Floor (N/ORM3)
Silver Spring, MD 20910.
301-563-1151. Fax: 301-713-4367. kerry.kehoe@noaa.gov

I. INTRODUCTION

This document is an overview of the Coastal Zone Management Act (CZMA) federal consistency provision and is the principal educational material used in OCRM's Federal Consistency Workshops. This overview is for general information and educational purposes only; it is not an enforceable document or intended to establish policy and should not be cited to for CZMA compliance purposes. The CZMA and National Oceanic and Atmospheric Administration (NOAA) regulations contain the information needed for CZMA compliance, *see* CZMA § 307 (16 U.S.C. § 1456) and NOAA's **federal consistency regulations, 15 C.F.R. part 930**. This Federal Consistency Overview, the statute, the regulations, state and federal contacts and other information are located on OCRM's Federal Consistency web page at:

<http://coastalmanagement.noaa.gov/consistency/welcome.html>

The CZMA was enacted on October 27, 1972, to encourage coastal states, Great Lake states, and U.S. Territories and Commonwealths (collectively referred to as "coastal states" or "states") to be proactive in managing natural resources for their benefit and the benefit of the Nation. The CZMA recognizes a national interest in the resources of the coastal zone and in the importance of balancing the competing uses of those resources. The CZMA is a voluntary program for states. If a state elects to participate it develops and implements a coastal management program (CMP) pursuant to federal requirements. *See* CZMA § 306(d); 15 C.F.R. part 923. State CMPs are comprehensive management plans that describe the uses subject to the management program, the authorities and enforceable policies of the management program, the boundaries of the state's coastal zone, the organization of the management program, and related state coastal management concerns. The state CMPs are developed with the participation of Federal agencies, state and local agencies, industry, other interested groups and the public. Thirty-five coastal states are eligible to participate in the federal coastal management program. Thirty-four of the eligible states have federally approved CMPs. Illinois is currently developing a CMP.

The CZMA federal consistency provision is a cornerstone of the CZMA program and a primary incentive for states' participation. Federal consistency provides states with an important tool to manage coastal uses and resources and to facilitate cooperation and coordination with Federal agencies. Under the CZMA Federal agency activities that have coastal effects are consistent to the maximum extent practicable with federally approved enforceable policies of a state's CMP. In addition, the statute requires non-federal applicants for federal authorizations and funding to be consistent with enforceable policies of state CMPs.

A lead state agency coordinates a state's federally approved CMP and federal consistency reviews. At the federal level, OCRM, within NOAA/NOS, among other duties and services, oversees the application of federal consistency; provides management and legal assistance to coastal states, Federal agencies, Tribes and others; and mediates CZMA related disputes. NOAA's Office of General Counsel for Ocean Services assists OCRM and processes appeals to the Secretary of Commerce.

NOAA's federal consistency regulations were first issued in 1979. The regulations were substantially revised in 2000. *See* 65 Fed. Reg. 77123-77175 (Dec. 8, 2000). The 2000 revisions were largely in response to the 1990 amendments to the CZMA, *see* Pub. L. No. 101-508 and related Conference Report, H.R. Conf. Rep. No. 964, 101st Cong., 2d Sess., 970-972 (Conference Report). The regulations were further revised in 2006 in response to *The National Energy Policy Development Group's Report* (May 2001) (Energy Report) and the *Energy Policy Act of 2005* (Pub. L. No. 109-58) (EPAct). *See* 71 Fed. Reg. 787-831 (Jan. 5, 2006) and 71 Fed. Reg. 75864-75865 (Dec. 19, 2006).

II. DEFINITION

Federal consistency is the CZMA provision that *federal actions* that have reasonably foreseeable *effects* on any *land or water use* or *natural resource* of the coastal zone (also referred to as coastal uses or resources, or coastal effects) should be consistent with the *enforceable policies* of a coastal state's federally approved CMP. These terms are described below.

A. Federal actions: There are four types of federal actions: Federal agency activities, federal license or permit activities, outer continental shelf (OCS) plans, and federal assistance to state and local governments.

1. ***Federal agency activities*** — activities and development projects performed by a Federal agency, or a contractor for the benefit of a Federal agency. 15 C.F.R. part 930, subpart C.

E.g., Fisheries Plans by the National Marine Fisheries Service, Naval exercises, the disposal of federal land by the General Services Administration, a U.S. Army Corps of Engineers (Corps) breakwater or beach renourishment project, an OCS oil and gas lease sale by the Minerals Management Service (MMS), improvements to a military base, Naval disposal of radioactive or hazardous waste performed by a private contractor, activities in National Parks such as installation of mooring buoys or road construction;

2. ***Federal license or permit activities*** — activities performed by a non-Federal entity requiring federal permits, licenses or other form of federal authorization. 15 C.F.R. part 930, subpart D.

E.g., activities requiring Corps 404 permits, Corps permits for use of ocean dump-sites, Nuclear Regulatory Commission licenses for nuclear power plants, licenses from the Federal Energy Regulatory Commission (FERC) for hydroelectric facilities;

3. ***OCS plans*** — MMS approvals for OCS plans, pursuant to the Outer Continental Shelf Lands Act. The CZMA process is similar to federal license or permit activities. 15 C.F.R. part 930, subpart E.

4. ***Federal assistance to state and local governments.*** 15 C.F.R. part 930, subpart F.

E.g., Federal Highway Administration funds to coastal state and local governments, construction grants for wastewater treatment works, hazardous waste management trust fund, Housing and Urban Development grants.

B. Coastal Effects:

At the heart of federal consistency is the "effects test." A federal action is subject to CZMA federal consistency requirements if the action will affect a coastal use or resource, in accordance with NOAA's regulations. NOAA's regulations, 15 C.F.R. § 930.11(g), define coastal effects as:

The term "effect on any coastal use or resource" means any reasonably foreseeable effect on any coastal use or resource resulting from a Federal agency activity or federal license or permit activity (including all types of activities subject to the federal consistency requirement under subparts C, D, E, F and I of this part.) Effects are not just environmental effects, but include effects on coastal uses. Effects include both direct effects which result from the activity and occur at the same time and place as the activity, and indirect (cumulative and secondary) effects which result from the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Indirect effects are effects resulting from the incremental impact of the federal action when added to other past, present, and reasonably foreseeable actions, regardless of what person(s) undertake(s) such actions.

As described in the preamble to the 2000 revisions to NOAA's consistency regulations, the definition of the effects test is from the 1990 amendments to the CZMA. These amendments, in part, replaced the phrase "directly affecting the coastal zone," reflecting Congressional intent to overturn the effect of *Secretary of the Interior v. California*, 464 U.S. 312 (1984). See 136 Cong. Rec. H 8076 (Sep. 26, 1990). The 1990 CZMA amendments also clarified that all federal agency activities meeting the "effects" standard are subject to CZMA consistency and that there are no exceptions, exclusions or categorical exemptions from the requirement. Conference Report at 970-71; 136 Cong. Rec. H 8076 (Sep. 26, 1990). The Conference Report further informed NOAA's 2000 regulatory revisions by stating that:

The question of whether a specific federal agency activity may affect any natural resource, land use, or water use in the coastal zone is determined by the federal agency. The conferees intend this determination to include effects in the coastal zone which the federal agency may reasonably anticipate as a result of its action, including cumulative and secondary effects. Therefore, the term "affecting" is to be construed broadly, including direct effects which are caused by the activity and occur at the same time and place, and indirect effects which may be caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

The effects test applies to activities and uses or resources that occur outside a state's coastal zone, so long as the uses or resources impacted are, in fact, uses or resources of a state's coastal zone. The burden for determining or demonstrating effects is greater the farther removed an activity takes place outside of a state's coastal zone. The test is whether it is reasonably foreseeable that impacts that occur outside of the coastal zone will affect uses and resources of the coastal zone. Merely showing impacts from an activity outside of the coastal zone should not be sufficient by itself to demonstrate that reasonably foreseeable effects extend to uses or resources of the coastal zone. As NOAA explained in its 2000 Final Rule amending the federal consistency regulations (65 Fed. Reg. 77130 (Dec. 8, 2000)):

[T]he effect on a resource or use while that resource or use is outside of the coastal zone could result in effects felt within the coastal zone. However, it is possible that a federal action could temporarily affect a coastal resource while that resource is outside of the coastal zone, e.g., temporary harassment of a marine mammal, such that resource impacts are not felt within the coastal zone.

C. Enforceable policies:

An enforceable policy is a state policy that is legally binding under state law (e.g., through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions), and by which a state exerts control over private and public coastal uses and resources, and which are incorporated in a state's federally approved CMP. CZMA § 304(6a) and 15 C.F.R. § 930.11(h). OCRM has informed states that enforceable policies are given legal effect by state law and do not apply to federal lands, federal waters, federal agencies or other areas or entities outside a state's jurisdiction, unless authorized by federal law (the CZMA does not confer such authorization).

Early coordination and identification of applicable state CMP enforceable policies is key to ensuring that Federal agencies and applicants address state policies and issues. Early coordination will also help determine what measures, if any, need to be taken so that the activity is consistent with the state policies.

OCRM approves the incorporation of enforceable policies, and changes to enforceable policies, into state CMPs. See CZMA §§ 306(d) and 306(e). The program change process serves an important notice and review purpose in the CZMA state-federal partnership. In return for the federal consistency authority granted to states, federal agencies are provided with an opportunity to review and comment on the development of a state's CMP and on subsequent changes to the CMP. This also means that a policy should not become an enforceable policy of a state's CMP by "incorporation by reference." For example, OCRM has approved the incorporation of enforceable policy "A" into a state's CMP. Policy A references another policy "B" that has not been submitted to OCRM for approval. Policy B, even though it is referenced in policy A is *not* an enforceable policy of the state's federally approved CMP, because policy B has not gone through the program change approval process, giving OCRM, Federal agencies and the public an opportunity to comment. The incorporation of policy B into a state's CMP would have to be approved by OCRM to become an enforceable policy of a state's federally approved CMP. OCRM, using its program change regulations (15 C.F.R. part 923, subpart H) and *Program Change Guidance* (July 1996), evaluates states' proposed enforceable policies as described below.

1. Policies are legally binding under state law and apply only to areas and entities within the state's jurisdiction. CZMA § 304(6a).

Approval Consideration: (1) A wetlands protection policy in a state statute, regulation or in a state's CMP program document is an enforceable policy if the statute or regulation contains a mechanism that imposes the policy on the public and private uses within the state's jurisdiction. This could be a state permit program or a provision in state law that requires all state agencies to apply the policy in their permit and enforcement actions. A policy in a state's CMP program document should also be linked to such a statutory or regulatory enforceable mechanism.

(2) The CZMA does not authorize states to establish regulatory standards for Federal agencies. A state policy that would regulate or otherwise establish standards for Federal agencies or federal lands or waters would not meet the CZMA's definition of "enforceable policy" (i.e., legally binding under state law). CZMA § 304(6a). States apply their federally approved enforceable policies through CZMA federal consistency reviews. Federal agencies are consistent to the maximum extent practicable and non-Federal applicants for federal authorizations are fully consistent with the enforceable policies.

Applicability Consideration: Some state CMP consistency decisions are made by issuance or denial of state permits (the states' enforceable policies are contained within the standards of the states' permit programs). However, a state should not determine consistency by issuance of a state permit for Federal agency activities under CZMA § 307(c)(1). Under NOAA's regulations, neither the CZMA nor OCRM's approval of a state's enforceable policy or permit program authorize the application of state permit requirements to Federal agencies. The Federal agencies are consistent to the maximum extent practicable with the underlying enforceable policies of the state permit program, but do not have to apply for or obtain the state permit (unless another federal law requires the federal agency to obtain the permit). Non-federal applicants for federal license or permit activities would have to apply for and obtain the applicable state permit for state CZMA concurrence where the proposed activity is located within the state's jurisdiction.

2. Policies are not preempted by Federal law. See OCRM's *Program Change Guidance*, section II.D.

Approval Consideration: Federal preemption is the principle, derived from the Supremacy Clause of the Constitution, that a federal law can supersede or supplant any inconsistent state law or regulation. Preemption applies to state law and not other federal law. OCRM's long-standing interpretation of the

definition of “enforceable policy” under the CZMA (16 U.S.C. § 1453(6a)) is that if a state policy specifically seeks to regulate an activity where state regulation is preempted by federal law, it is not legally binding under state law and would not be an enforceable policy under the CZMA. For example, North Carolina sought to regulate low level aircraft in flight by adopting policies that imposed minimum altitude and decibel levels, and other overflight restrictions. OCRM denied the state’s request to incorporate these policies into the North Carolina CMP because the policies were, on their face, preempted by federal law administered by the Federal Aviation Administration.

Applicability Consideration: Under the federal consistency authority, states apply NOAA-approved enforceable policies to federal actions. If a state’s enforceable policies, as specifically described or applied, are not preempted, the state may apply them through CZMA federal consistency to a preempted field. It should be noted that whether state action is preempted is a fact-specific inquiry.

3. Policies should be applied to all relevant public and private entities and would not discriminate against a particular type of activity, or, even if neutrally written, against a particular Federal agency. *Id.*

Approval Consideration: State policies should be based on effects to coastal uses or resources and not on a particular type of activity. This ensures that the policy is applicable to any type of activity that has coastal effects and will not discriminate against a particular user group. For example, a state was concerned with possible impacts from offshore oil and gas development on specific fishing areas and on discharges that might follow ocean currents and eddies into the state’s estuarine areas. The state proposed oil and gas specific energy policies. OCRM did not approve the policies because they imposed requirements on one user group, when other types of activities might have the same coastal impacts. The state re-wrote the policies to be based on coastal impacts and information needs to assess such impacts. Now the policies are applicable to all OCS energy projects and other activities having similar effects.

4. Policies are consistent with CZMA federal consistency requirements. OCRM’s *Program Change Guidance*, section II.D; *see also id.* at Appendix B.5. (federal consistency procedures).

Approval Consideration: When state policies are proposed to be incorporated into a CMP, a state should ensure that the CMP continues to balance the objectives of the CZMA and continue to give priority consideration to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation. *See CZMA § 303(2)(D)*. Policies affecting these “national interests” have implications for federal consistency. For example, a state has a policy that opposes all offshore oil and gas development. OCRM did not approve the incorporation of the policy into the state’s federally approved CMP, because OCRM determined the policy would affect the state’s obligation to consider the national interest in energy facility siting.

Applicability Consideration: States should not require a Federal agency to redefine an activity proposed by a Federal agency. For Federal agency activities under CZMA § 307(c)(1), states review activities and development projects that are *proposed* by a Federal agency. 15 C.F.R. § 930.36(a). *See also, e.g.*, 15 C.F.R. §§ 930.35, .39(a), .46(a), .1(c), .11(d); 65 Fed. Reg. 77130, Col. 2-3 (December 8, 2000) (preamble to final 2000 rule). For example, a state proposed a policy that, when dredged material is not suitable for beach renourishment, would require a dredger to obtain suitable material from a location not related to the dredging to renourish the beaches. OCRM did not approve the policy as written because it would redefine, in part, an Army Corps of Engineers dredging project to a beach renourishment project that is not related to the dredging. The policy was re-written to tie beach renourishment and the alternate source of material to mitigate impacts to coastal uses or resources resulting from proposed dredging.

D. Coastal uses: Some examples of coastal uses include such activities as: public access, recreation, fishing, historic or cultural preservation, development, energy infrastructure and use, hazards management, marinas, floodplain management, scenic and aesthetic enjoyment, and resource creation or restoration.

E. Coastal resources: Coastal resources include biological or physical resources that are found within a state's coastal zone on a regular or cyclical basis. Biological and physical resources include, but are not limited to, air, tidal and nontidal wetlands, ocean waters, estuaries, rivers, streams, lakes, aquifers, submerged aquatic vegetation, land, plants, trees, minerals, fish, shellfish, invertebrates, amphibians, birds, mammals, and reptiles, etc.

III. BENEFITS

Federal consistency is an important mandatory, but flexible mechanism to foster consultation, cooperation, and coordination between states and Federal agencies. Federal consistency is more than just a procedural dictate; it helps ensure the balanced use and protection of coastal resources through state CMP policies.

To maximize the benefits of federal consistency, Federal agencies should provide routine notification to coastal states of actions affecting the coastal zone, and coastal states should pay attention to proposed federal actions, develop adequate consistency procedures, and notify Federal agencies, other state agencies, and others of a state's assertion of consistency. For example, states could make connections with the Federal agencies, inform them of the federal consistency requirements, possibly develop memoranda of understanding (MOUs), ensure that the CMP obtains notice, and respond when the CMP does receive notice. In summary, Federal agencies and others have an affirmative duty to comply with the federal consistency requirements, but states should take consistent and assertive steps.

Federal consistency provides Federal agencies with an effective mechanism to document coastal effects and to address state coastal management concerns. Moreover, compliance with the consistency requirement complements National Environmental Policy Act (NEPA) compliance. Even though the CZMA effects test is different than NEPA investigations and the CZMA requires Federal agencies to alter projects to be consistent with state CMP policies, NEPA is an effective delivery mechanism for federal consistency. (States do not review NEPA documents for consistency – they review the federal action a NEPA document evaluates, but NEPA documents often provide necessary background information.)

Early attention to federal consistency can provide the Federal agency with state CMP and public support and a smoother and expeditious federal consistency review. Early consultation and cooperation between Federal agencies and state CMPs can help Federal agencies avoid costly last minute changes to projects in order to comply with state CMP policies.

States concur with approximately 93-95% of all federal actions reviewed. Maintaining this percentage means that states and Federal agencies should know their consistency responsibilities and develop cooperative relationships to foster effective coordination and consultation.

IV. NATIONAL INTEREST CONSIDERATIONS

Federal consistency gives states substantial input into federal actions affecting the coastal zone. There are, however, provisions that balance state objectives with consideration of federal objectives and mandates to ensure that the national interest in CZMA objectives is furthered. These considerations include:

Consistency must be based on coastal effects. While the federal consistency effects test covers a wide range of federal actions, federal consistency review is triggered when it is reasonably foreseeable that a federal action will have coastal effects, referred to as the “effects test.” Consistency does *not* apply to every action or authorization of a Federal agency, or of a non-federal applicant for federal authorizations. For Federal agency activities, a Federal agency makes this determination of whether its activity will have coastal effects. Under NOAA’s regulations, a “function” by a Federal agency refers to a *proposal for action* that has reasonably foreseeable coastal effects, and not to all tasks, ministerial activities, meetings, discussions, exchanges of views, and interim or preliminary activities incidental or related to a proposed action. For federal license or permit activities and federal assistance activities, state CMPs propose to review activities that will have coastal effects and OCRM makes the determination of effects by approving the *lists* of federal authorizations and financial assistance programs that a state wishes to include in its CMP. In order to be on the list, the types of activities covered by the federal authorization or funding program should have reasonably foreseeable coastal effects on a regular basis. Federal agencies and other interested parties have input into OCRM’s approval of such lists and additions to the lists. If a state wishes to review an *unlisted* federal license or permit activity, it notifies the applicant and the Federal agency and seeks OCRM approval to review the activity. OCRM’s decision is based on whether the state has shown that an unlisted activity will have reasonably foreseeable coastal effects and, again, Federal agencies and the applicant have an opportunity to comment to OCRM.

Federally approved programs and state CMP enforceable policies. OCRM, with the opportunity for input from Federal agencies, local governments, industry, non-governmental organizations and the public, approves state CMPs and their enforceable policies, including subsequent changes to a state’s CMP.

Consistent to the maximum extent practicable (only applies to Federal agency activities). NOAA’s regulations define “consistent to the maximum extent practicable” to mean a Federal agency activity is fully consistent with the enforceable policies of a state’s CMP unless federal legal requirements prohibit full consistency. This ensures that Federal agencies are able to meet their legally authorized mandates, even though the activity may not be consistent with a state’s enforceable policy. If a Federal agency has the discretion to meet a state’s enforceable policy, then it should be consistent with that policy. However, a Federal agency’s administrative record applying its legal mandates may dictate an action that is not fully consistent with a state’s policy. Thus, for Federal agency activities under CZMA § 307(c)(1), a Federal agency may proceed with an activity over a state’s objection if the Federal agency determines its activity is consistent to the maximum extent practicable with the enforceable policies of the state’s CMP.

For example, this means that even if a state objects, the Minerals Management Service (MMS) may proceed with an OCS lease sale when MMS provides the state with the reasons why the Outer Continental Shelf Lands Act (OCSLA) and MMS’s administrative record supporting the lease sale decision prohibits MMS from fully complying with the state’s enforceable policies.

Under NOAA’s regulations, the consistent to the maximum extent practicable standard also allows Federal agencies to deviate from State enforceable policies and CZMA procedures due to “exigent circumstances.” An exigent circumstance is an emergency or unexpected situation requiring a Federal agency to take quick or immediate action.

In addition, as part of its consistent to the maximum extent practicable argument, MMS could proceed if it determined that its activity was *fully* consistent with the State’s enforceable policies. *See* 15 C.F.R. § 930.43(d). In either case, the Federal agency provides the state CMP agency with a written notice that it is proceeding over the state’s objection and explains why the activity is consistent to the maximum extent practicable.

Consistent to the maximum extent practicable and exigent circumstances refers to consistency with a state CMP's substantive requirements as well as the procedural requirements of NOAA's regulations. There may be times that a federal legal requirement or an emergency situation requires a Federal agency to act sooner than the end of the 90-day consistency period. In such cases, the Federal agency should consult with the state CMP as early as possible.

A Federal agency should not use a lack of funds as a basis for being consistent to the maximum extent practicable. Thus, Federal agencies are encouraged to consult early with state CMPs to ensure that the Federal agency has budgeted for meeting state CMP enforceable policies.

Appeal state objection to Secretary of Commerce (only for Non-Federal applicants). Non-federal applicants for federal license or permits and state and local government applicants for federal financial assistance may appeal a state's objection to the Secretary of Commerce. Appeals to the Secretary are not available for Federal agency activities. The Secretary overrides a state's objection if the Secretary finds that an activity is consistent with the objectives or purposes of the CZMA or is otherwise necessary in the interest of national security. If the Secretary overrides a state's objection, then the Federal agency may authorize the activity. The Secretarial appeal process is discussed in more detail later in this document. There is also a database of all appeals filed with the Secretary on OCRM's Federal Consistency web page.

Presidential exemption (only for Federal agency activities). After any appealable final judgment, decree, or order of any Federal court, the President may exempt from compliance the elements of a Federal agency activity that are found by a Federal court to be inconsistent with a state's CMP, if the President determines that the activity is in the paramount interest of the United States. CZMA § 307(c)(1)(B). This exemption was added to the statute in 1990 and has been used once. In 2007, the California Coastal Commission (CCC) objected to Navy's use of Mid-Frequency Active (MFA) sonar asserting Navy's mitigation measures were not adequate to protect marine mammals. This eventually resulted in President Bush, on January 15, 2008, using his statutory authority under the CZMA to exempt from compliance certain MFA sonar activities by the Navy that a federal court determined were not consistent with the State of California's federally-approved CZMA program.

Mediation by the Secretary or OCRM. Mediation has been used to resolve federal consistency disputes and allowed federal actions to proceed. In the event of a serious disagreement between a Federal agency and a state, either party may request that the Secretary of Commerce mediate the dispute. OCRM is also available to mediate disputes between states, Federal agencies, and other parties.

V. BASIC FEDERAL CONSISTENCY PROCEDURES

Two important things to keep in mind to facilitate consistency reviews is for the Federal agency, state CMP, and applicant to discuss a proposed activity as early in the process as possible, and that state CMPs and Federal agencies can agree, at any time, to more flexible consistency review procedures (providing public participation requirements are still met).

See Appendix A for a chart summary of the consistency requirements, and Appendices B and C for flow charts for Federal agency activities and Federal license or permit activities.

A. Federal Agency Activities and Development Projects

Federal agencies proposing an activity should follow the requirements of CZMA § 307(c)(1), (2)(16 U.S.C. § 1456(c)(1), (2)) and 15 C.F.R. part 930, subparts A, B and C. For example:

1. Federal "development projects" *inside* the boundaries of a state's coastal zone are deemed to have coastal effects and a Consistency Determination should be submitted to the state CMP.
2. Federal agency determines if a federal activity (in or outside coastal zone) (and development projects outside the coastal zone) will have reasonably foreseeable coastal effects. States are encouraged to list Federal agency activities that are expected to affect coastal uses or resources in their approved CMPs, and to monitor unlisted activities and to notify Federal agencies when an unlisted activity should undergo consistency review.

For Federal agency activities, the listed/unlisted provisions in NOAA's regulations are recommended procedures for facilitating state-federal coordination. Whether or not an activity is listed, Federal agencies provide state CMPs with Consistency Determinations (CDs) for Federal agency activities affecting any coastal use or resource. Because Federal agencies have an affirmative statutory duty to provide states with CDs for activities with reasonably foreseeable coastal effects and because the statute requires state CMP agencies to provide an opportunity for public input into a state's consistency decision, a state should not relieve the Federal agency or itself of consistency obligations by listing or not listing a Federal agency activity. If a state and/or a Federal agency believe that a type of Federal agency activity should not be subject to federal consistency, then they may use the applicable provisions provided in NOAA's regulations: general permits (§930.31(d)); *de minimis* activities (§930.33(a)(3)); environmentally beneficial activities (§930.33(a)(4)); general consistency determinations (§930.36(c)); negative determinations and general negative determinations (§930.35).

3. The Federal agency should contact the state CMP at the earliest possible moment in the planning of the activity to ensure early state-Federal coordination and consultation.
4. If coastal effects are reasonably foreseeable, then the Federal agency submits a Consistency Determination (CD) to a state CMP at least 90 days before activity starts. A CD should include a detailed description of the proposed activity, its expected coastal effects, and an evaluation of how the proposed activity is consistent with applicable enforceable policies in the state's CMP. The Federal agency does not need to submit anything beyond that described in 15 C.F.R. § 930.39 and may submit that information in any manner it chooses. Finally, Federal agencies provide, and states review, CDs only for the Federal agency's proposed action for consistency — Federal agencies should not provide, and states should not review, CDs for NEPA documents, ESA consultations, federal permits the federal agency may need, etc., that are related to the proposed activity. These items may, of course be useful to the Federal agency and state as part of the background information the Federal agency may provide with its CD, but they should not be the subject of a separate CZMA review.

Once a complete CD has been received by a state CMP, the state should not delay the start of the 90-day CZMA review period by requiring information that is in addition to the information required by §930.39 or that the Federal agency apply for or obtain a state permit. If the state CMP agency believes that the information required by §930.39 has not been submitted, it should immediately notify the Federal agency.

5. If no coastal effects, a Federal agency may provide a Negative Determination. *See* 15 C.F.R. § 930.35.
6. State CMP has 60 days (plus appropriate extensions) to concur with or object to a Federal agency's CD. State CMP agency and Federal agency may agree to alternative time period. Any such agreement should be set forth in writing so that it is clear there is a meeting-of-the-minds between a state and

Federal agency. Ideally, the written agreement should be one document that both parties sign. The written agreement should refer to a specific end date and should not be written to require a later event or condition to be satisfied.

7. State CMP should provide for public comment on the state's consistency review. A state should not rely on a Federal agency notice, unless the Federal agency notice specifically says that comments on the *state CMP's consistency review* should be sent to the state CMP agency.
8. State concurrence is presumed if the state does not meet time frames.
9. If a state CMP agrees with a CD, then the Federal agency may immediately proceed with the activity. If a state objects, then the state's objection should describe how the proposed activity is inconsistent with specific enforceable policies of the federally approved CMP. In the event of an objection, a state CMP and Federal agency should attempt to resolve any differences during the remainder of the 90-day period. If resolution has not been reached at the end of the 90-day period the Federal agency should consider postponing final federal action until conflicts have been resolved. However, at the end of the 90-day period a Federal agency may, notwithstanding state CMP objection, proceed with the activity if the Federal agency clearly describes, in writing, to the state CMP how the activity is consistent to the maximum extent practicable.
10. If there is a dispute between a Federal agency and state CMP, either party may seek mediation by OCRM or the Secretary of Commerce (the Secretary's mediation is a more formal process).

B. Federal License or Permit Activities

A private individual or business, or a state or local government agency, or any other type of *non-federal* entity, applying to the federal government for a required permit or license or any other type of authorization, is subject to the requirements of CZMA § 307(c)(3)(A)(16 U.S.C. § 1456(c)(3)(A)) and 15 C.F.R. part 930, subparts A, B and D. This includes American Indian and Alaska Native entities applying for federal authorizations.¹

There are essentially four elements for determining that an authorization from a Federal agency is a "federal license or permit" subject to federal consistency review. First, federal law requires that an applicant obtain a federal authorization. Second, the purpose of the federal authorization is to allow a non-federal applicant to conduct a proposed activity. Third, the activity proposed has reasonably foreseeable effects on a state's coastal uses or resources, and fourth, the proposed activity was not previously reviewed for federal consistency by the state CMP agency (unless the authorization is a renewal or major amendment pursuant to §930.51(b)). These four elements are embodied in NOAA's regulations as discussed below:

1. State CMP, with OCRM approval, determines effects:
 - a. listed v. unlisted activity; and b. inside v. outside coastal zone.

¹ NOAA's regulations do not specifically include American Indians and Alaska Natives in the definition of applicant, *see* 15 C.F.R. § 930.52. However, the statute has been interpreted by OCRM and federal courts to apply to American Indians and Alaska Natives. *See Narragansett Indian Tribe of Rhode Island v. The Narragansett Electric Comp.*, 878 F. Supp. 349, 362-365 (D. RI 1995), *upheld on other grounds*, 89 F.3d 908 (1st Cir. 1996).

All federal license or permit activities occurring in the coastal zone are deemed to affect coastal uses or resources if the state CMP has *listed* the particular federal license, permit or authorization in its federally approved CMP. The lists may be updated through OCRM's program change process. Prior to submitting the updated list to OCRM the state should consult with the relevant Federal agency.

For a *listed* activity occurring *in the coastal zone*, the applicant submits a Consistency Certification to the authorizing Federal agency and the affected state CMP(s). In addition to the Certification, the applicant provides the state with the *necessary data and information* required by NOAA's regulations at 15 C.F.R. § 930.58. This information will usually be contained in the application to the Federal agency, but may include other information described by a state CMP, if the information is *specifically included in the state's federally approved CMP document and identified as "necessary data and information."* If a state wants to require information needed to commence the six-month review period in addition to that described by NOAA in §930.58(a), the state should amend its CMP to identify specific "necessary data and information" pursuant to §930.58(a)(2).

For *listed* activities *outside the coastal zone*, an applicant submits a Consistency Certification to the state CMP and the Federal agency if the activity falls within a *geographic location* described in a state's CMP for listed activities outside the coastal zone. For listed activities outside the coastal zone where a state has *not* described a geographic location, a state CMP may follow the unlisted activity procedure described below, if it wants to review the activity.

For unlisted activities, in or outside the coastal zone, a state CMP may notify the applicant, the relevant Federal agency, and OCRM that it intends to review an unlisted activity on a case-by-case basis. The state CMP makes this notification within 30 days of receiving notice of the application to the Federal agency for an activity; otherwise the state waives its consistency rights. The waiver does not apply where the state CMP does not receive notice (notice may be actual or constructive).² OCRM may approve the state's consistency review. The applicant and the Federal agency have 15 days from receipt of a state CMP's request to provide comments to OCRM. OCRM makes a decision usually within 30 days of receipt of a state's request. The basis for OCRM's decision is whether the proposed activity will have reasonably foreseeable coastal effects. The Federal agency may not authorize the activity until the consistency process is complete. The unlisted activity procedure is available for active applications. If an applicant, of its own accord, provides a state CMP with a consistency certification for an unlisted activity, then OCRM's

² For example, constructive notice may be provided if it is published in an official federal public notification document or through an official state clearinghouse. For either form of notice, the notices contain sufficient information for a state CMP agency to learn of the application for the activity, determine the activity's geographic location, and determine whether coastal effects are reasonably foreseeable.

A newspaper article containing the information required by 15 C.F.R. § 930.54(a)(2) may provide notice. However, even assuming a newspaper article, or other similar form of notice, describes the activity and its location with sufficient specificity for a state to determine whether coastal effects are reasonably foreseeable, such notice should verify that an application was received by a Federal agency. For example, receipt of an application may be verified if a Federal agency spokesperson was quoted in the article stating that the agency had received the application for the federal authorization. Statements by other sources as to whether a Federal agency received the application could be speculative. If a statement by a Federal official is not in the article, then once the state CMP agency read the article, it could seek to verify whether the Federal agency received an application. The 30-day notification period could begin when a state CMP agency verified that a federal application was filed.

approval is deemed and the applicant is subject to all the relevant provisions of the regulations and the state CMP need not seek OCRM's approval. (The authorizing federal agency should not require an applicant to provide a consistency certification if the applicant is not otherwise required to by NOAA's regulations.)

2. Applicant for any required federal authorization submits a Consistency Certification and necessary data and information to the state CMP. State CMP agency should document when this date occurs. State CMP agency has 30 days to notify the applicant and Federal agency that the submission does not include the necessary data and information. If a state CMP agency does not respond within the 30-day period, the six-month review period begins when the state CMP agency received the applicant's initial CZMA submission, regardless of whether the submission contained all necessary data and information.
3. The six-month review period can *only* begin if an applicant has filed a formal application with a licensing federal agency *and* has submitted a Consistency Certification to the state CMP agency. When an applicant should submit its Consistency Certification and necessary data and information may vary depending on when information is available. For instance, an applicant may choose not to submit its Consistency Certification at the same time it files its application with the licensing federal agency, but will submit the Consistency Certification after filing the federal application later to ensure information the state needs is included (otherwise a state may choose to object for lack of information if the Consistency Certification is filed too soon). Under the CZMA, a Project applicant must provide the state with a Consistency Certification *within its application* for a Federal license or permit. 16 U.S.C. § 1456(c)(3)(A). At the same time the applicant includes the consistency certification in its application, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. *Id.* The phrase, "within its application" does not mean that the Consistency Certification must be filed at the time the application is filed; rather that the application must at some time "include" the certification and shall provide the certification to the state "at the same time." This has been long-standing practice by states and applicants. Once the consistency certification and necessary data and information are received by a state, a state then has six months in which to review the Project for consistency with its coastal management program. *Id.*
4. State CMP has six months to respond, but notifies applicant if review will go beyond three months.
5. Applicant and state CMP agency may agree to stay the six-month review period. A stay "tolls" the running of the six-month review period for an agreed upon time ending on a specific date, after which the remainder of the six-month review period would continue. Such agreements are set forth in writing so that it is clear there is a meeting-of-the-minds between the state and the applicant. Ideally, the written agreement should be one document that both parties sign. The written agreement for a stay should specify five (5) dates:
 1. Date the state's 6-month review period commenced;
 2. Date the 6-month period was to end;
 3. Date during the 6-month review period that the stay begins;
 4. Date that the stay ends; and
 5. Date the state's decision is due. For example, the 6-month period was to end June 30 and a stay was executed beginning on June 1 and ending on September 1. There are 30 days left in the 6-month review period. Therefore, the state's decision would now be due September 30 (30 days after the ends). Stays should not be written to require a later event or condition to be satisfied to end the stay. If a state objects to an applicant's project and the applicant appeals to the Secretary of Commerce, failure to follow these instructions could result in the Secretary

overriding the state's objection because the state's objection was issued after the six-month review period due to an unsupportable stay agreement.

6. The state should provide for public comment (state can require applicant to publish notice or may combine notice with Federal agency, if Federal agency agrees).
7. State concurrence presumed if state does not meet six-month time frame.
8. If state objects, Federal agency does not authorize the activity to commence. If a state issues a conditional concurrence and the applicant does not amend its federal application to include a state's conditions, a state's conditional concurrence automatically becomes an objection. (State conditions of concurrence are linked to the need to be consistent with specific state enforceable policies.)
9. Applicant may appeal a state's objection to the Secretary of Commerce within 30 days of the objection. If the Secretary overrides a state's objection, the Federal agency may authorize the project. If the Secretary does not override a state's objection, the Federal agency does not authorize the project. The Secretary's decision is final federal agency action for purposes of the Administrative Procedure Act. An applicant may also negotiate with a state to remove the state's objection.

C. OCS Plans

A private person or business applying to the U.S. Department of the Interior's Minerals Management Service (MMS) for outer continental shelf (OCS) exploration, and development and production activities follows the requirements of CZMA § 307(c)(3)(B)(16 U.S.C. § 1456(c)(3)(B)) and 15 C.F.R. part 930, subparts A, B and E. For example:

1. Any person who submits to MMS an OCS plan for the exploration of, or development and production of, any area leased under the Outer Continental Shelf Lands Act, certifies that any activities described in detail in such OCS plans will be conducted in a manner consistent with the state CMPs. MMS then sends the plan and consistency certification to the applicable state(s).
2. The process and requirements for this section generally mirror those of federal license or permit activities. State should notify applicant if state review will extend beyond three months, otherwise state's concurrence is presumed.
3. Determining whether a particular OCS oil and gas plan is subject to state CZMA review differs somewhat from federal license or permit activities in that, generally, states have not had to describe geographic areas in federal waters where OCS oil and gas plans would be subject to state CZMA review. This is because the CZMA mandates such reviews and initially OCS oil and gas projects were not far offshore. As the industry moves farther offshore, whether a state should have CZMA review may not be as easily determined. As described in the preamble to NOAA's Final Rule for the 2006 amendments to the regulations (71 Fed. Reg. 790 (Jan. 5, 2006)):

For OCS EP's and DPP's the CZMA mandates State consistency review. However, as with Federal agency activities, a coastal State's ability to review the Plans stops at the point where coastal effects are not reasonably foreseeable. Whether coastal effects are reasonably foreseeable is a factual matter to be determined by the State, the applicant and MMS on a case-by-case basis. If a State wanted to ensure that OCS EP's and DPP's located in a particular offshore area would be subject to State CZMA review automatically, a State could, if NOAA

approved, amend its CMP to specifically describe a geographic location outside the State's coastal zone where such plans would be presumed to affect State coastal uses or resources. *See* 15 CFR § 930.53. Or, if a State wanted to review an EP or DPP where the applicant and/or MMS have asserted that coastal effects are not reasonably foreseeable, the State could request approval from NOAA to review such plans on a case-by-case basis. *See* 15 CFR § 930.54 (unlisted activities). In both situations, NOAA would approve only if the State made a factual demonstration that effects on its coastal uses or resources are reasonably foreseeable as a result of activities authorized by a particular EP or DPP. Similarly, where the applicant or FERC has asserted that a proposed project located outside the coastal zone or outside a geographic location described in a state's management program pursuant to 15 CFR § 930.53, will not have reasonably foreseeable coastal effects, NOAA would not approve a State request to review the project unless the State made a factual demonstration that the project has reasonably foreseeable coastal effects.

D. Federal Assistance Activities

A state agency or local government applying for federal financial assistance follows the requirements of CZMA § 307(d)(16 U.S.C. § 1456(d)) and 15 C.F.R. part 930, subparts A, B and F. For example:

1. States list in their CMPs the federal assistance activities subject to review. The state CMP may also notify an applicant agency and Federal agency that it will review an unlisted activity. OCRM approval is not required for the review of unlisted federal assistance activities.
2. NOAA regulations allow state CMPs to develop flexible procedures for reviewing and concurring with federal assistance activities. State CMP review of the activities is normally conducted through procedures established by states pursuant to Executive Order 12372 -- intergovernmental review of federal programs, or through state clearinghouse procedures.
3. Federal agency does not authorize the use of federal funds until state CMP has concurred.
4. State or local government applicant agency may appeal a state objection to the Secretary of Commerce who may override the state's objection.

E. Other Federal Actions

The Federal agency activity category, 15 C.F.R. part 930, subpart C, is a "residual" category. A federal action that will have reasonably foreseeable coastal effects, but which does not fall under 15 C.F.R. part 930, subpart D (federal license or permit), subpart E (OCS plans), or subpart F (federal assistance to state agency or local government), is a Federal agency activity under subpart C. For example, if a Federal agency is providing funds to a private citizen for disaster relief from a hurricane, and the funds will be used for an activity with coastal effects, then the Federal agency follows the requirements for Federal agency activities and provides the state CMP with a Consistency Determination.

F. Mediation of Disputes

In the event of a serious disagreement between a state CMP and a Federal agency, either party may request that the Secretary of Commerce mediate the dispute. All parties agree to participate, agreement to participate is non-binding, and either party may withdraw from the mediation at any time. Secretarial mediation is a formal process that includes a public hearing, submission of written briefs, and meetings

between the parties. A hearing officer, appointed by the Secretary, will propose a solution. Secretarial mediation is only for states and Federal agencies. Exhaustion of the mediation process is not a prerequisite to judicial review.

The availability of Secretarial mediation or litigation does not preclude the parties from informally mediating a dispute through OCRM or another facilitator. OCRM has successfully mediated disputes and offers its good offices to resolve conflicts between states, federal agencies, tribes and others. Most disputes are addressed through this informal method. Both parties may request OCRM involvement, and participation is non-binding.

G. Appeals to the Secretary of Commerce

The CZMA provides an administrative appeal to the Secretary of Commerce (Secretary) from a consistency objection by a coastal state. In the case of a federal license or permit, an OCS plan, or an application for federal financial assistance, an applicant may request that the Secretary override a state's objection if the activity is consistent with the objectives of the CZMA (Ground I), and/or is otherwise necessary in the interest of national security (Ground II). 16 U.S.C. §§ 1456(c)(3)(A),(B), and (d). Secretarial appeals are not available for Federal agency activities. The requirements for appeals are found at 15 C.F.R. part 930, subpart H. Both states and applicants should pay close attention to the consistency review time periods, six-month stay provisions, objection requirements and appeal procedures in the regulations; otherwise, the Secretary or NOAA may override a state's objection on procedural grounds or dismiss an appellant's appeal for failure to follow the appeal procedures.

If the requirements of either Ground I or Ground II are met, the Secretary overrides a state's objection. The Secretary's inquiry into whether the grounds for an override have been met is based upon an administrative record developed for the appeal. While the Secretary will review a state objection for CZMA compliance, e.g., whether the objection is based on enforceable policies or the state issued its objection within the six-month review period, the Secretary does not review the objection for compliance with state laws and policies.

If the Secretary overrides a state's objection the authorizing Federal agency may authorize the permit or funding that was the subject of the objection. If the Secretary does not override a state's objection, the authorizing Federal agency cannot authorize the permit or funding that was the subject of the objection. A Secretarial override does not obviate the need for an applicant to obtain any state or other federal permits or authorizations that may apply.

The Secretary appeal process is final Federal agency action under the Administrative Procedure Act and is a necessary administrative action prior to litigation. See OCRM's Federal Consistency web page at: <http://coastalmanagement.noaa.gov/consistency/welcome.html> for a list of all CZMA appeals filed with the Secretary. In addition, the NOAA Office of General Counsel has a separate website containing Decisions of the Secretary and the administrative records of ongoing appeals: www.ogc.doc.gov/czma.htm

Factors influencing the appeal process time include: nature and complexity of the dispute, stays agreed to by the parties, public hearings, and briefing schedules. The Energy Policy Act of 2005 amended the CZMA mandating specific deadlines for the Secretary. As a result, in 2006 NOAA amended 15 C.F.R. part 930, subpart H to allow the Secretary to meet the deadlines.

Coastal Zone Management Act Federal Consistency Appeal Procedures Required by the Energy Policy Act of 2005 and NOAA Regulations (See 15 C.F.R. part 930, subpart H for further details)			
Day(s) After Receipt of Notice of Appeal	Action Required (some actions not available for appeals of energy projects)		
0	<ul style="list-style-type: none"> • Notice of Appeal received 		
30	<ul style="list-style-type: none"> • Publish Federal Register (FR) Notice of Appeal and newspaper notices. Notice <i>must</i> be published by day 30. • Public Comment Period and Federal Agency Comment Period opens. • Receipt of Appellant's Brief and Appendix. 		
60	<ul style="list-style-type: none"> • Receipt of State's Brief and Supplemental Appendix. • Public and Federal Agency Comment periods close unless Public Hearing Request granted. • Request for Public Hearing must be received (within 30 days of FR Notice). 		
80	<ul style="list-style-type: none"> • Receipt of Appellant's Reply Brief. 		
60-Day Stay Granted		No Stay Granted	
250	<ul style="list-style-type: none"> • Publish Notice closing Record; Record <i>must</i> be closed on day 250 	190	<ul style="list-style-type: none"> • Day 190 is end of 160-day decision record period without stay. • Publish Notice closing Record.
310	<ul style="list-style-type: none"> • Secretary issues Decision or publishes FR Notice re: No Decision—take additional 15 days. 	250	<ul style="list-style-type: none"> • Secretary issues Decision or publishes FR Notice re: No Decision – take additional 15 days.
325	<ul style="list-style-type: none"> • Secretary issues Decision 	265	<ul style="list-style-type: none"> • Secretary issues Decision

H. Interstate Consistency

Interstate consistency refers to: a) instances where a federal action occurring exclusively in one state (State "B") will have effects on the uses or resources of another state's coastal zone (State "A"); and b) the ability of State A to review the action. State A may review an action in State B if previously authorized by NOAA. Under NOAA's regulations, states may submit to NOAA a list of those activities occurring in specific areas within State B that the state believes will result in coastal effects. NOAA may approve such activities for interstate consistency review, if it concludes such actions will have reasonably foreseeable effects on State A's coastal uses and resources. *Interstate consistency* does not give State A authority to review the application of the laws or policies of State B. It only allows State A to review the *federal authorization* of an activity. The interstate consistency requirements combine with the requirements under the various types of federal actions. The interstate regulations are found at 15 C.F.R. part 930, subpart I.

OCRM's interstate consistency regulations were established to provide a process for reviewing federal actions in another state that would involve greater coordination and consultation between states and Federal agencies, as well as provide notice to neighboring states and Federal agencies and applicants proposing federal actions in nearby states.

However, State A may, but is not required to, describe geographic areas within State B for the review of *Federal agency activities* under 15 C.F.R. part 930, subpart C in their CMPs. This is because, even if not described, a Federal agency has a statutory responsibility to provide State A with a CZMA review for *Federal agency activities* with coastal effects, regardless of location (including within the boundaries of State B). See 15 C.F.R. §§ 930.33(c)(1), (d) and 930.155(a). Over the years, federal agencies have provided consistency determinations to states for *Federal agency activities* occurring wholly within the boundary of another state.

See OCRM's Federal Consistency web page for a short history of interstate consistency as well as the status of interstate proposals submitted to and approved by OCRM.

I. Information in State Objection and Conditional Concurrence Letters

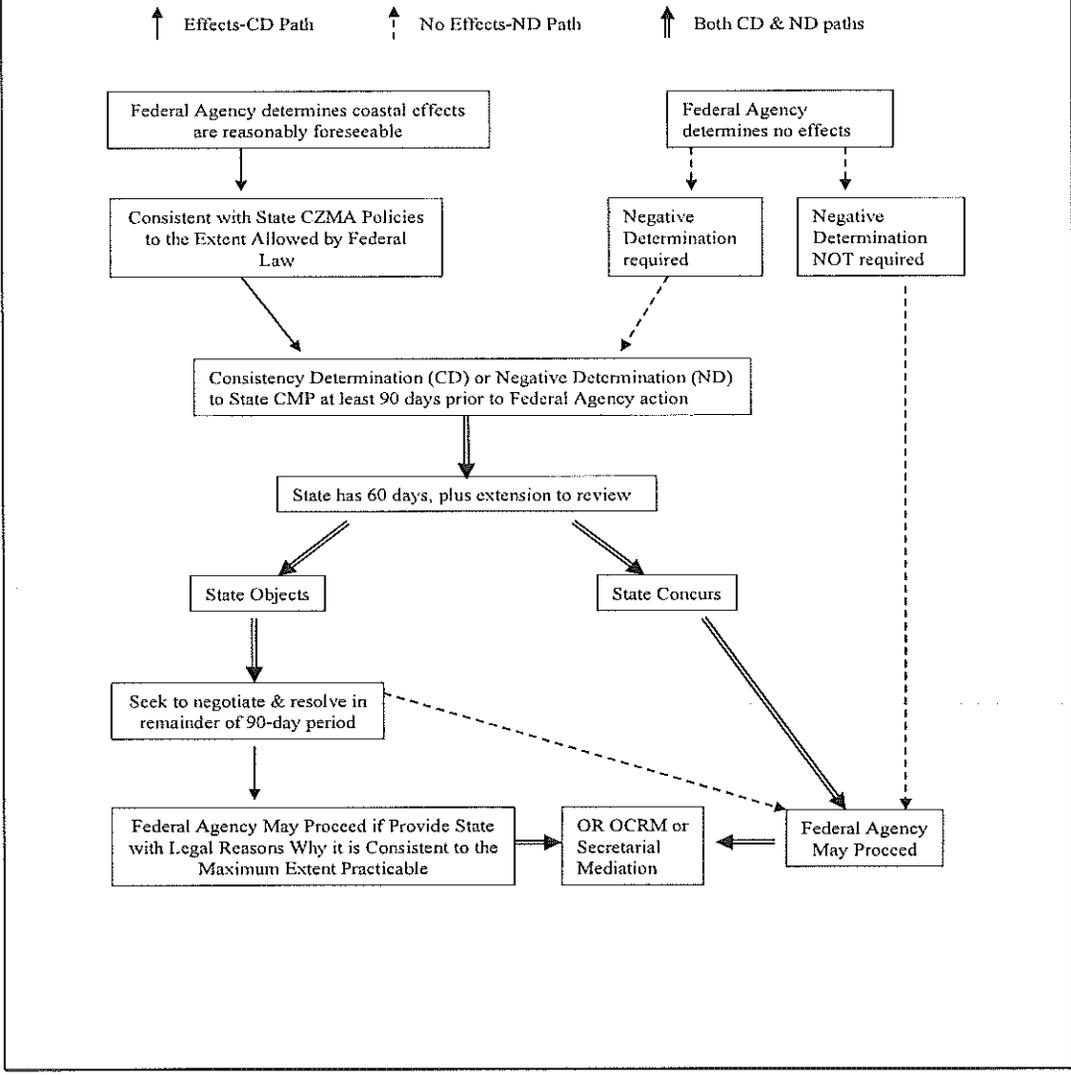
State objection and conditional concurrence letters issued under the CZMA federal consistency provision should include the following information:

1. An opening paragraph that clearly states whether the state "objects" to the federal action or is issuing a "conditional concurrence."
2. A description of *how* the activity is inconsistent with specific enforceable policies that are part of the state's federally approved CMP. Conditions of concurrence should also be directly tied to the need to be consistent with a specific enforceable policy.
3. The objection/conditional concurrence should be received by the federal agency or applicant within the statutory/regulatory time frames. For example, an objection/conditional concurrence letter should document the following dates:
 - Date the complete Consistency Certification (CC) or Consistency Determination (CD) and necessary information was received by the state;
 - Date the state's review period commenced (should be same date as receipt of the complete CC or CD unless alternative agreement);

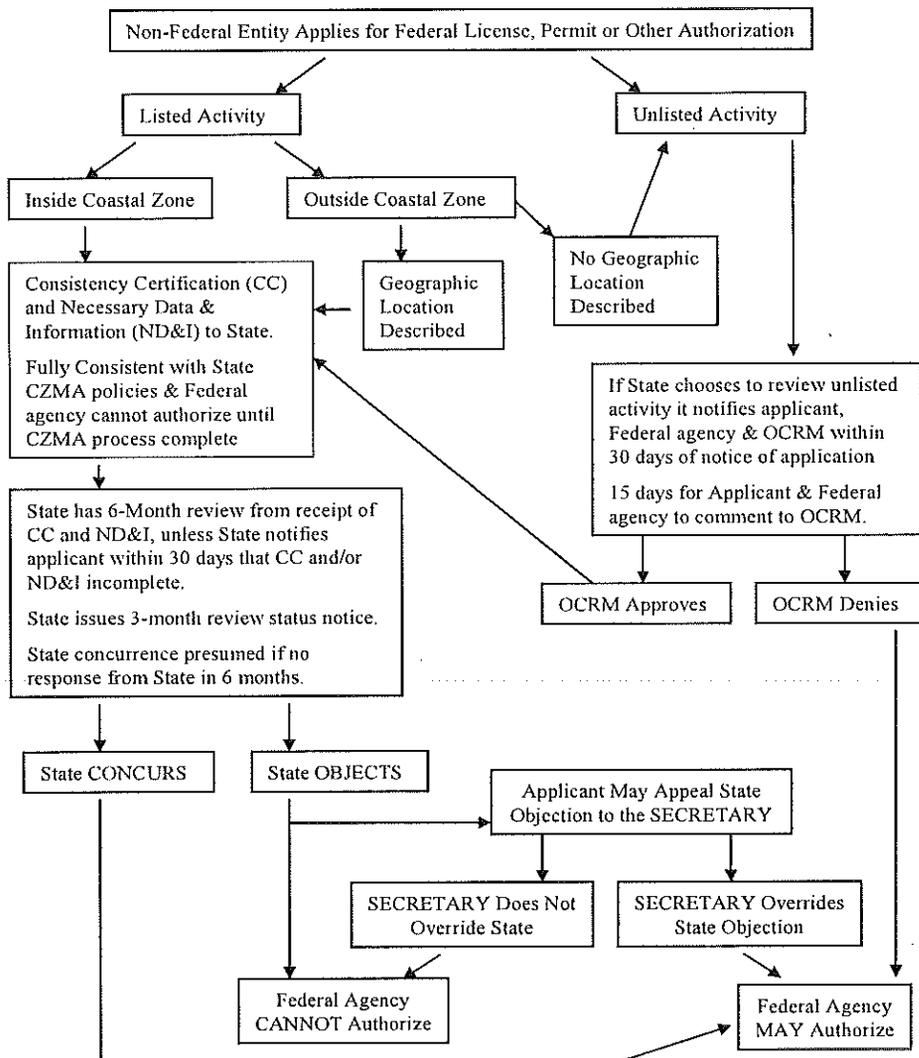
- For federal license or permit activities and OCS plans, the date the state provided the 30-day “completeness” finding under 15 C.F.R. § 930.60(a), if applicable;
 - Date the state’s original CZMA decision is due and the revised date, if applicable, based on an agreed-to extension (for Federal agency activities) or stay (for federal license or permit activities);
 - Date that the state provided a three-month notice to the applicant for a federal license or permit activity or OCS plan describing the status of the state’s review; and
 - If an objection is based on a lack of information, the date(s) of the state’s written requests for the information made during the state’s CZMA review period.
4. For federal license or permit activities, OCS oil and gas plans, or financial assistance activities, an objection or conditional concurrence letter should advise the applicant, person or applicant agency, of the right to appeal the state’s objection to the U.S. Secretary of Commerce (with a copy to NOAA’s Office of General Counsel for Ocean Services) within 30 days of receipt of the letter and should provide the addresses for the Secretary and NOAA General Counsel that are described in NOAA’s regulations at 15 C.F.R. § 930.125(d).
 5. If an objection is based on insufficient information, the objection letter describes the nature of the information needed, the necessity of having that information to determine consistency and the date this information was requested, in writing, during the state’s CZMA review period.
 6. An objection letter may include alternatives that would be consistent with the state’s CMP enforceable policies. Consistent alternatives should be described with as much specificity as possible to allow the applicant, or the Secretary of Commerce, to determine if the alternatives are available and reasonable.
 7. A conditional concurrence letter should state that if the conditions are not agreed to, pursuant to 15 C.F.R. § 930.4, then the conditional concurrence automatically becomes an objection.
 8. An objection or conditional concurrence letter should be sent to the applicant, the appropriate Federal agency, and the Director of OCRM.

Appendix A: Summary of CZMA Federal Consistency Provisions				
	Federal Agency Activities & Development Projects	Federal License or Permit Activities	OCS Plans	Federal Assistance Activities (State & Local Governments)
CZMA § 307 (16 U.S.C. § 1456)	(c)(1) & (2)	(c)(3)(A)	(c)(3)(B)	(d)
15 C.F.R. part 930	Subpart C §§ 930.30 – 930.46	Subpart D §§ 930.50 – 930.66	Subpart E §§ 930.70 – 930.85	Subpart F §§ 930.90 – 930.101
Activity Subject to State Review if it . . .	Affects any land or water use or natural resource of state coastal zone, regardless of location of activity	Affects any land or water use or natural resource of state coastal zone, and activity is listed in state's CMP or OCRM approves review of unlisted review	Affects any land or water use or natural resource of state coastal zone	Affects any land or water use or natural resource of state coastal zone, and activity is listed in state's CMP or state reviews unlisted activity
Consistency Requirement	Consistent to the maximum extent practicable with state CMP enforceable policies	Consistent with state CMP enforceable policies	Consistent with state CMP enforceable policies	Consistent with state CMP enforceable policies
Who Decides Effects?	Federal agency	State CMP and OCRM	State CMP and OCRM	State CMP and OCRM
State Review Period	60 days, plus 15 day extension (or alternative period agreed to by state and federal agency)	6 months	3 months – state may extend to 6 months	State clearinghouse schedule
Impact of State Objection	Federal agency may proceed only if provide legal basis for being consistent to the maximum extent practicable	Federal agency may not authorize activity to commence	Federal agency may not authorize activity to commence	Federal agency may not authorize activity to commence
Administrative Conflict Resolution	Mediation by Secretary of Commerce or OCRM (voluntary, non-binding)	Applicant may appeal to Secretary of Commerce to override state objection	Applicant may appeal to Secretary of Commerce to override state objection	Applicant may appeal to Secretary of Commerce to override state objection

**Appendix B: Federal Agency Activities Flow Chart
(CZMA § 307(c)(1); 15 C.F.R. part 930, subpart C)**



**Appendix C: Federal License or Permit Activities Flow Chart
 (CZMA § 307(c)(3)(A); 15 C.F.R. part 930, subpart D)**



DAVID E. WILLIAMS
VICE PRESIDENT, NETWORK OPERATIONS



September 23, 2011

John A. Henning, Jr., Esq.
125 N. Sweetzer Avenue
Los Angeles, CA 90048

Dear Mr. Henning,

Thank you for your August 31, 2011 request for review of the decision to relocate retail services currently located at 1601 Main Street, Venice, California. Please find enclosed the final decision of the Postal Service regarding the requests for review relating to that facility.

I was designated as the decision maker in this matter because the Vice President, Facilities, had already concurred in the original decision. The attachment explains our position in more detail and we believe we have addressed all of the concerns expressed by our customers. As I have explained, I will not set aside the original decision.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Williams", with a long horizontal flourish extending to the right.

David E. Williams

Enclosure

cc: Tom A. Samra

Final Decision Regarding Relocation of Retail Services in Venice, California

In accordance with the procedures set forth at 39 C.F.R. § 241.4(c)(6), this is the final decision of the Postal Service with respect to the relocation of retail services from the Venice, California Main Post Office at 1601 Main Street to the Venice Carrier Annex at 313 Grand Boulevard. The Postal Service announced its decision to relocate retail services on July 18, 2011 and subsequently received requests for review from several postal customers. I have carefully considered all the concerns expressed by our customers in each of the requests for review and other correspondence along with the complete project file relating to the relocation proposal. While I am sympathetic to some of the concerns raised, for the reasons set forth below, I will not set aside the Postal Service's prior decision.

Postal customers raised concerns about impacts the Postal Service's decision to relocate retail services might have on (1) historic resources and (2) the surrounding environment, specifically traffic and parking impacts within a coastal zone and in the residential neighborhood around the Venice Carrier Annex. Each of these issues is addressed below.

I. Historic Resources

The Venice Main Post Office was constructed in 1939 and is eligible for listing in the National Register of Historic Places. An oil-on-canvas mural entitled "Story of Venice" by artist Edward Biberman is currently on display in the lobby. Several customers expressed concern that the building and/or mural would not be preserved.

Section 106 of National Historic Preservation Act ("NHPA") requires federal agencies to take into account the effects of their proposed undertakings on historic properties, and when such effects are possible, to initiate and complete the Section 106 consultation process. Section 106 review ensures that federal agencies consider historic properties, along with other factors such as cost and agency mission, in the planning process of proposed undertakings. However, the preservation of every historic property is not the goal of Section 106, nor does Section 106 require a business to continue to operate in a historic property even if doing so causes the business to become unprofitable.

The relocation of retail services is not an "undertaking" within the meaning of Section 106. An undertaking is a "project, activity or program" that can result in changes in the character or use of historic properties. The relocation of retail services does not alter the character of the Venice Main Post Office building or the mural. Nor does it change the uses that can be made of the property. There will be no "undertaking" within the meaning of NHPA until the Postal Service adopts a plan for the reuse of the Venice Main Post Office or the transfer of the Post Office building from Postal Service ownership to private ownership. The

Postal Service will initiate the Section 106 consultation process when it develops plans for the reuse or disposal of the property, and the City of Venice will be a consulting party. The Postal Service will include measures to ensure the mural will remain available for public viewing in any plan for reuse or disposal of the Post Office property.

II. Traffic and Parking

The Venice Main Post Office will be relocated 400 feet to the Venice Carrier Annex. The relocation will not result in any negative environmental impacts, nor will it be inconsistent with the policies of the California Coastal Act. The Carrier Annex can accommodate retail counters and Post Office Boxes without expansion of the building. While trips will be 400 feet shorter or longer depending on the direction from which vehicles are traveling, there will be no rerouting of traffic as a result of the relocation. Although several customers expressed concerns about a parking shortage in the area, this situation should not be exacerbated by the relocation of the Venice Main Post Office since the Carrier Annex property includes an on-site parking lot for postal vehicles and will be restriped to accommodate additional parking spaces for our customers.

III. Balancing the Impact on the Community and the Best Interests of the Postal Service

While the Postal Service is not insensitive to the impact of this decision on its customers and the Venice community, the relocation of the Venice Main Post Office is in the best interest of the Postal Service. The Venice Carrier Annex can accommodate the retail counters and Post Office Boxes without expansion of the building. Relocation of the carriers from the Venice Carrier Annex to the Venice Main Post Office was considered, but rejected because the Venice Main Post Office has insufficient parking to accommodate additional operations and insufficient platform space to accommodate tractor/trailer mail delivery. I have also taken into account the comments regarding the physical appearance of the Annex. The Postal Service will realize an annual cost savings of \$135,498 by moving retail services into the Venice Carrier Annex. The annual cost savings takes into consideration the cost of relocation, which is offset by savings from utilities and maintenance labor.

In reaching this decision, I considered all of the public input received but the objections expressed do not outweigh the financial exigencies facing the Postal Service. With current projections for declining mail volume, and the financial condition of the Postal Service, the Postal Service must make any feasible change to reduce costs. As our customers are no doubt aware, the Postal Service is funded by the sales of its services and products. It has an obligation to match its retail and distribution networks to the demand for its services from customers.

Accordingly, I conclude that there is no basis to set aside the decision to relocate the Venice Main Post Office, 1601 Main Street, to the Venice Carrier Annex, 313 Grand Boulevard. This is the final decision of the Postal Service with respect to this matter, and there is no right to further administrative or judicial review of this decision.

A handwritten signature in black ink, appearing to read 'D. Williams', with a long horizontal flourish extending to the right.

David E. Williams
Vice President, Network Operations

JOHN A. HENNING, JR.
ATTORNEY AT LAW
125 N. SWEETZER AVENUE
LOS ANGELES, CALIFORNIA 90048

TELEPHONE: (323) 655-6171
E-MAIL: jhenning@planninglawgroup.com

October 14, 2011

VIA U.S. MAIL

David E. Williams
Vice President, Network Operations
United States Postal Service
475 L'Enfant Plaza SW
Washington, D.C. 20260-7100

Re: Final Decision Regarding Relocation of Retail Services in Venice, California
(Closure of Historic Venice, California Main Post Office)

Dear Mr. Williams:

We have received your letter dated September 23, 2011, which attaches the "Final Decision Regarding Relocation of Retail Services in Venice, California."

As an initial matter, we must protest your statement in the closing of the letter that "there is no right to further administrative or judicial review of this decision." While we acknowledge your contention that there is no further administrative review because the decision was made ostensibly under 39 C.F.R. § 241.4 (Expansion, relocation and construction of post offices), there is no basis whatsoever for your contention that there is no right to further judicial review. In fact, judicial review is always available to require a government agency or officer to follow the law, and neither you nor the Postal Service is exempt from such review. Thus, your statement in this regard is vastly overreaching and seems manifestly intended to intimidate – some would even say to bully – any would-be opponents of your decision.

Moreover, you are incorrect even with regard to the availability of administrative review. In fact, we have appealed your decision to the Postal Regulatory Commission on the ground that it is not a "relocation," but rather, a closure – or at least a partial closure – of the historic Venice Main Post Office and thus compliance with 39 C.F.R. § 241.3 was necessary. A copy of that appeal is attached.

Mr. Williams
October 14, 2011
Page 2

Finally, the decision and recent activity by the Postal Service apparently aimed at selling the historic VMPO structure indicates that the Postal Service is not complying even with the more permissive federal regulations concerning a “relocation” of a customer service facility to another existing building (39 C.F.R. § 241.4), which you expressly cite as the authority for your decision. Instead, it appears that the Postal Service is preparing to relocate the facility without complying beforehand with a specific mandate to follow local planning, zoning and building codes at the new location in the Venice Carrier Annex.

Specifically, 39 C.F.R. § 241.4(f) provides:

(f) *Planning, zoning, building codes.* In carrying out customer service facilities projects, it is the policy of the Postal Service to comply with local planning and zoning requirements and building codes consistent with prudent business practices and unique postal requirements. In order to promote a partnership with local officials and assure conformance with local building codes, plans and drawings will be sent to the appropriate building department or other officials for review. Where payment of fees is normally required of private entities, the Postal Service will pay a reasonable fee for the review. The Postal Service will give local public officials written notice of any timely, written objections or recommendations that it does not plan to adopt or implement.

To our knowledge, notwithstanding the foregoing regulation, the Postal Service has thus far submitted no plans or drawings to the City of Los Angeles for the proposed relocation of the VMPO to the Venice Carrier Annex. (Venice is not, as you seem to believe, a separate city.) Such plans and drawings would initially be submitted to the City’s Department of Building and Safety, but inevitably would also require clearances by both the City Planning Department and the California Coastal Commission, a separate entity with jurisdiction in the Coastal Zone that includes the property. (See our separate letter on this issue to USPS Consumer Affairs, dated May 25, 2011.)

Your September 23 letter appears to imply that the “relocated” retail operations can simply be piggybacked onto the existing Venice Carrier Annex without any substantial change to the development on that site other than perhaps the restriping of parking spaces. This view is naïve at best. The Annex is a substantial commercial-type operation that already consumes most, if not all, of the parking on the site. It is located in perhaps the most parking-starved parts of the City, and just a few blocks from the ocean, where residents, beachgoers and other visitors constantly compete for scarce available parking. As such, development in the area is subject to especially stringent parking requirements contained in the City’s Venice Coastal Zone Specific Plan. Moreover, the Annex is located on three separate parcels with multiple zoning

Mr. Williams
October 14, 2011
Page 3

classifications and which are substandard in numerous respects under the modern building and zoning codes.

If a private property owner were to inject a new retail use onto this site akin to that proposed by the Postal Service here, the owner would most certainly be obligated to present plans to the City that bring the entire site (including the existing facility) into conformance with the modern codes. This is likely to require a significant reconfiguration of access and parking, among other things. Moreover, once the site is brought into conformance with modern codes it may in fact become apparent that the site is not, in fact, adequate to accommodate the proposed relocation unless relief is granted from the applicable codes, such as through a variance.

Given this fact, the only prudent approach is for the Postal Service to complete all plans for the relocation of retail services to the Annex and have them approved by the City and other bodies, before a decision is made to abandon the historic VMPO – which, after all, is the only place that is demonstrably adequate for those existing retail services. Yet, the Postal Service is presently pursuing a course by which the historic VMPO may be abandoned or even sold before a suitable, code-conforming project has been identified to replace it.

In a similar vein, the Postal Service appears to be ignoring language in 39 C.F.R. § 241.4(f), quoted above, which clearly contemplates that local officials (such as Councilmember Bill Rosendahl) have an opportunity to make written objections or recommendations concerning the actual plans and drawings depicting the proposed “relocation” to the Venice Carrier Annex. Despite the regulation, to our knowledge no such opportunity has been afforded. Rather, the Postal Service has instead received limited public comment only on the specific subject of closing the existing historic VMPO. Meanwhile, the Postal Service has left both the public and local officials completely in the dark regarding its actual plans for the new retail operation to be added at the Venice Carrier Annex and how they will comply with local codes and the Coastal Act. Again, that places the cart before the horse, and it is not what the regulations require.

Thus, we ask that you rescind your September 23 decision immediately and that you fully address the issues set forth above before taking any further action concerning the historic VMPO.

If you have any questions, please do not hesitate to call me.

Very truly yours,



John A. Henning, Jr.

Enclosure

cc: Congresswoman Janice Hahn (via electronic mail)
Congressman Henry Waxman (via electronic mail)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JOHN A. HENNING, JR. (State Bar No. 159138)
125 North Sweetzer Avenue
Los Angeles, California 90048
Telephone: (323) 655-6171
Facsimile: (323) 655-6109

Attorney for Petitioners VENICE STAKEHOLDERS
ASSOCIATION and MARK RYAVEC

BEFORE THE
POSTAL REGULATORY COMMISSION

VENICE STAKEHOLDERS
ASSOCIATION, an unincorporated
nonprofit association; MARK RYAVEC,
an individual,

Petitioners,

v.

UNITED STATES POSTAL SERVICE,
a government entity,

Respondent.

Docket No. _____

**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]**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PETITION FOR REVIEW OF CLOSURE DECISION

1. Petitioners Venice Stakeholders Association and Mark Ryavec (“Petitioners”) hereby petition the Postal Regulatory Commission, pursuant to 39 C.F.R. § 3001.111, for review of the September 23, 2011, decision by the United States Postal Service (the “Service”) to close the historic Venice, California Main Post Office (hereinafter “VMPO”) at 1601 Main Street (hereinafter the “Closure Decision”), a copy of which is attached hereto.

2. The petition is made on the following grounds:

a. 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. The Closure Decision accordingly purports to have been made under 39 C.F.R. § 241.4, a regulation concerning relocations that provides only for a review by the Vice President, Facilities of the Service. Specifically, the Closure Decision states that “This is the final decision of the Postal Service with respect to this matter, and there is no right to further administrative or judicial review of this decision.”

b. In fact, the Closure Decision 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 with no more than two customer windows, ancillary to the nearby 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 – or at least a partial closure – of the 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.

1 c. The Postal Service has failed to comply with 39 U.S.C. §
2 404(b)(1), which requires, prior to closing the VMPO, the provision of at least 60 days'
3 notice to persons served by such post office;

4
5 d. The Postal Service has failed to comply with 39 U.S.C. §
6 404(b)(2), which requires the Postal Service to consider, before closing the VMPO,
7 numerous factors including the effect on the community, the effect on employees, and the
8 economic savings to the Postal Service;

9
10 e. The Postal Service has failed to comply with 39 C.F.R. §
11 241.3(a)(5), which requires that an initial feasibility study be prepared before any decision
12 to discontinue the VMPO.

13
14 f. The Postal Service has failed to comply with 39 C.F.R. §
15 241.3(c)(1)(i), which requires that the District Manager, in considering whether to
16 recommending closure of the VMPO, to follow all standards and procedures set forth in 39
17 C.F.R. § 241.3(c) and (d).

18
19 g. The Postal Service has failed to comply with 39 C.F.R. §
20 241.3(c)(4), which requires the District Manager to prepare a written proposal to close the
21 VMPO, which would describe, analyze and justify in detail the proposed change and its
22 effect on available services, the community, employees, economic savings to the Service,
23 and other factors; and which would notify the public of where to inspect materials on
24 which the proposal was based, and its right of appeal from any final determination; and
25 which requires the District Manager to preserve for the record all documentation used to
26 assess the proposed change.

27
28

1 h. The Postal Service has failed to comply with 39 C.F.R. §
2 241.3(d), which requires that the written proposal and a signed invitation for comments be
3 posted prominently at the VMPO and elsewhere, that a community meeting be held on the
4 proposal, and that a complete copy of the record be available for public inspection during
5 normal office hours;

6
7 i. The Postal Service has failed to comply with 39 C.F.R. §
8 241.3(e), which requires consideration of all public comments and a final local
9 recommendation by the District Manager concerning the proposal to close the VMPO;

10
11 j. The Postal Service has failed to comply with 39 C.F.R. §
12 241.3(f), which requires the preparation of a final written decision by the responsible
13 Headquarters Vice President, including a specific notice advising the public of its right to
14 appeal the determination to this Commission within 30 days after the posting of the
15 determination;

16
17 k. The Postal Service failed to comply with 39 U.S.C. §
18 404(b)(3), which requires the determination to close the VMPO to include written findings
19 with respect to the considerations required to be made under with 39 U.S.C. § 404(b)(2),
20 and by failing to make the determination and findings available to persons served by the
21 VMPO; and

22
23 l. The Postal Service has failed to comply with 39 U.S.C. §
24 404(b)(4), which requires it to refrain from taking any action to close the VMPO until 60
25 days after its written determination is made.

1 3. Petitioner Venice Stakeholders Association (“VSA”) is an
2 unincorporated nonprofit association organized under section 501(c)3 of the Internal
3 Revenue Code, which includes members who are served by the VMPO. As such, VSA is a
4 “Person” under 39 C.F.R. § 3001.5 that is served by the VMPO, and thereby entitled to file
5 this Petition.

6
7 4. Petitioner Mark Ryavec is a resident of Venice who is served by the
8 VMPO, and is thereby entitled to file this Petition.

9
10 5. Respondent United States Postal Service is a government entity which
11 operates the VMPO and is responsible for the Closure Decision.

12
13 **APPLICATION FOR SUSPENSION OF CLOSURE DECISION**

14
15 6. Petitioners further apply pursuant to 39 C.F.R. § 3001.114 for an
16 order suspending the effectiveness of the Closure Decision pending the outcome of this
17 appeal. Such application is made based upon facts that are not subject to dispute, namely,
18 as follows:

19
20 a. The closure would result in an immediate and dramatic
21 reduction in the services now provided at the VMPO, including, but not limited to, a
22 reduction of customer service windows by 60 percent, i.e., from five windows to no more
23 than two;

24
25 b. The Postal Service is, as a result of the Closure Decision,
26 already attempting to sell the historic structure that has housed the VMPO since 1939; and

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

c. If said structure is sold while this appeal is pending, the Postal Service would be incapable of restoring the services that are the subject of the appeal.

PRAYER FOR RELIEF

WHEREFORE, Petitioners request that the Commission:

a. Make an immediate order suspending the effectiveness of the Closure Decision until the final disposition of this appeal;

b. Reverse the Closure Decision and return the matter to the Postal Service for further consideration; and

c. Provide such other and further relief as the Commission deems just and proper.

DATED: October 13, 2011



JOHN A. HENNING, JR.
Attorney for Petitioners
VENICE STAKEHOLDERS ASSOCIATION
and MARK RYAVEC