CALIFORNIA COASTAL COMMISSION

South Coast Area Office 200 Oceangate, Suite 1000 Long Beach, CA 90802-4302 2020 590-5071

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Filed:	12/10/1999		\$3.920
49th Day:	1/28/2000		
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Staff:	CP-LB	C	
Staff Report:	12/16/1999		. 🔪
Hearing Date:	January 11,	2000	
Commission A	ction:		

STAFF REPORT: APPEAL/SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-VEN-99-449

APPLICANT: City of Los Angeles Department of Recreation & Parks

AGENT: Kathleen Chan, Project Manager

PROJECT LOCATION: 1730 Ocean Front Walk, Venice, City of Los Angeles.

PROJECT DESCRIPTION: Appeal of City of Los Angeles approval of coastal development permit for demolition of the Venice Pavilion complex and restoration of the site to sandy beach and landscaped park with public recreation improvements.

APPELLANT: Pearl E. White, Oakwood Owners & Tenants Association

SUBSTANTIVE FILE DOCUMENTS:

- 1. City of Los Angeles Local Coastal Development Permit No. 99-005.
- 2. City of Los Angeles Mitigated Negative Declaration for Demolition of Venice Pavilion, SCH #99041126 (CEQA).
- 3. Venice Beach Pavilion Area Reuse Study, RRM Design Group, Nov. 25, 1998.
- 4. Venice Beach Ocean Front Walk Refurbishment Plan, RRM Design Group, Nov. 1995.
- 5. Coastal Development Permit Application No. 5-99-427 (City of LA/Venice Pavilion).

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that <u>a</u> <u>substantial issue exists</u> with respect to the grounds on which the appeal has been filed for the following reason: The proposed project's conformance with the public access and recreation policies of the Coastal Act is a substantial issue. The motion to carry out the staff recommendation is on page five.

GRAY DAVIS, Governor

I. APPELLANT'S CONTENTIONS

Local Coastal Development Permit No. 99-005, approved by the Los Angeles Board of Zoning Appeals on November 12, 1999, has been appealed by Pearl E. White of the Oakwood Owners & Tenants Association (Exhibit #4). The grounds for the appeal are that the proposed demolition of the Venice Pavilion will reduce public access opportunities for economically disadvantaged of all ethnic backgrounds.

II. LOCAL GOVERNMENT ACTION

On October 7, 1999, City of Los Angeles City Zoning Administrator Sara Rodgers approved with conditions Local Coastal Development Permit No. 99-005 to permit the demolition of the Venice Pavilion complex, located seaward of Ocean Front Walk at the terminus of Windward Avenue, and the restoration of the project site to sandy beach and landscaped park with public recreation improvements (See Exhibits). The Zoning Administrator found that the proposed project would protect and enhance public access and recreation opportunities consistent with the Chapter 3 policies of the Coastal Act.

Pearl E. White of the Oakwood Owners & Tenants Association appealed Zoning Administrator's approval of the local coastal development permit to the Los Angeles Board of Zoning Appeals. The grounds for the appeal are that the proposed demolition of the Venice Pavilion will reduce the opportunities for economically disadvantaged of all ethnic backgrounds to access to the shoreline. The appellant contends that the Venice Pavilion should be renovated and used as a venue for programs and activities for economically disadvantaged of all ethnic backgrounds.

On November 9, 1999, the Board of Zoning Appeals held a public hearing for the appeal of Local Coastal Development Permit No. 99-005. On November 12, 1999, the Board of Zoning Appeals issued a determination rejecting the appeal and sustained the Zoning Administrator's approval of the local coastal development permit. The conditions of approval include a requirement to provide a commemorative display of graffiti that exists at the site which the City has identified as a cultural resource (Exhibit #5).

On November 15, 1999, the City's Notice of Final Local Action was received in the Commission's Long Beach office, and the Commission's required twenty working-day appeal period commenced. The appeal was received on December 10, 1999. The Commission's twenty working-day appeal period ended on December 15, 1999.

Because the proposed project is located in the City's and Commission's "Dual Permit Jurisdiction" area, the City has submitted a permit application to the Commission for the proposed development (See Section IV on page 4). The public hearings and actions for both this appeal and Coastal Development Permit application 5-99-427 have been combined and scheduled for concurrent action at the Commission's January 2000 meeting.

III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program, a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval, or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in order to exercise its option to issue coastal development permits in 1978.

Sections 13302-13319 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows any action by local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act.

After a final local action on a coastal development permit, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602).

The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act [Section 30625(b)(1)]. If the Commission finds substantial issue, the Commission the holds a new public hearing to act on the coastal development permit as a <u>de novo</u> matter.

In this case, the Notice of Final Local Action was received on November 15, 1999, and the appeal was filed on December 10, 1999. Section 30621 of the Coastal Act states that the appeal hearing must be scheduled within 49 days of the receipt of a valid appeal unless the applicant waives the 49-day requirement. The 49th day after December 10, 1999 is January 28, 2000. The applicant does not wish to waive the 49-day requirement because it would like to obtain the necessary approvals and finish the proposed project prior to the 2000 summer season. The public hearing on the appeal is scheduled Commission action at its January 11-14, 2000 meeting in Santa Monica (within two miles of the project site).

At this point, the Commission may decide that the appellant's contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands, or the Commission may find that a substantial issue exists with the action of the local government if it finds that the proposed project may be inconsistent with the Chapter 3 policies of the Coastal Act of 1976. If the Commission finds substantial issue, then the hearing will be continued as a <u>de novo</u> permit request. Section 13321 specifies that <u>de novo</u> actions will be heard according to the procedures outlined in Section 13114 of the Code of Regulations.

IV. DUAL PERMITAREA

The proposed development involves two separate types of coastal development permit jurisdiction. Section 30601 of the Coastal Act states:

Prior to certification of the Local Coastal Program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the Commission for any of the following:

- (1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Development not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Any development which constitutes a major public works project or a major energy facility.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that the development which receives a local coastal development permit also obtain a coastal development permit from the Coastal Commission. For projects in other areas, such as the Single Jurisdiction area, the City of Los Angeles local coastal development permit is the only coastal development permit required.

The proposed project is located between the sea and the first public road and within three hundred feet of the inland extent of the beach. Therefore, it is within the coastal zone area of the City of Los Angeles that has been designated in the City's permit program as the "Dual Permit Jurisdiction" area pursuant to Section 13307 of the California Code of Regulations.

In this case, if the Commission finds that a substantial issue exists in regards to the City's approval of the Local Coastal Development Permit No. 99-005, the subsequent <u>de novo</u> action for the proposed project will combine both the required local coastal development permit decision and the required Coastal Commission coastal development permit decision. The matter will not be referred back to the local government. On the other hand, if the Commission finds that no substantial issue exists in regards to the City's approval of the local coastal development permit, then the Commission will act on the required Coastal

Commission coastal development permit as a separate agenda item (See Coastal Development Permit application 5-99-427).

In order to minimize duplication, Commission staff has combined the de novo permit action for this appeal and Coastal Development Permit application 5-99-427 into one staff report and one Commission hearing scheduled for January 11-14, 2000.

V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a <u>substantial issue</u> exists with respect to the approval of the project with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

MOTION: Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-VEN-99-449 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

VI. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and History

The City of Los Angeles Department of Recreation and Parks proposes to demolish the Venice Pavilion complex located on the public beach seaward of Ocean Front Walk at the terminus of Windward Avenue (See Exhibits). The Venice Pavilion complex is a public park consisting of a 7,000 square foot auditorium, a concession building, a restroom building, outdoor game area, and an outdoor picnic area known as the "graffiti pit" (Exhibit #2).

The proposed project includes the restoration of the site to sandy beach and landscaped park with numerous public recreation improvements (Exhibit #3). A small amount of area will be converted to sandy beach, while the remainder will be hardscaped and landscaped with turf and palms. Two graffiti walls, five picnic tables and one barbecue unit are the existing features that the City proposes to retain within the restored public park. The existing beach bicycle path that passes through the site is proposed to be moved several feet inland as part of its realignment. The proposed new public improvements on the site of the Venice Pavilion complex include: an enlarged Windward Plaza, a children's

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playground (Exhibit #6), a public art sculpture (Exhibit #8), and a water feature. A onestory park administration office/police substation with a driveway and approximately sixteen parking spaces for City vehicles is proposed to be constructed next to the proposed children's playground (Exhibit #7). No commercial uses are proposed.

All of the proposed development is located landward of the mean high tide line. The abandoned oil well site (Damson Oil Site) and future skate path are not part of the currently proposed project (Exhibit #3). The refurbishment of Windward Plaza and Ocean Front Walk, the pedestrian boardwalk located immediately inland of the project site, was approved by the Commission on May 13, 1997 [See Coastal Development Permit 5-96-176 (City of LA)]. The currently proposed demolition of the Venice Pavilion complex and the associated improvements were not a part of the original Ocean Front Walk refurbishment project approved pursuant to Coastal Development Permit 5-96-176.

The Venice Pavilion complex was constructed on the City-owned public beach in 1959 as an open-air amphitheater (1,200-person capacity) with a 3,000 square foot indoor arts and recreation center located on the lower level. City records state that the Pavilion was officially opened in 1961. In 1970, the City constructed a roof over the amphitheater in response to problems resulting from the damp marine climate. During the 1960's and 1970's the Pavilion served as a venue for concerts, plays, public meetings, art workshops, and diverse programs for seniors and children.

According to the City, public use of the Pavilion structure declined as it became less and less popular. Poor acoustics have been cited as one reason for the decline in use. Eventually, the City locked the doors and the Pavilion fell into a state of disrepair.

In 1981, 588 seats were installed in the auditorium in an attempt to make it more appealing for theatrical events. The attempt failed to generate interest and the Pavilion was closed once again. In 1983, the City Department of Recreation and Parks solicited proposals from non-profit agencies for a concession promoting recreational, educational, scientific or cultural use of the Pavilion. Twenty-seven proposals were received. None were accepted. Instead, the City modified the interior of the Pavilion in 1984 and reopened it for City recreation classes and programs. The City states that, due to lack of community interest in the programs, the Pavilion was closed once again.

The Pavilion has been closed to public use since 1984 due to lack of use and health and safety reasons. In another attempt to revitalize the Pavilion in 1995 the City solicited proposals to lease the Pavilion. Venice Arts Mecca, a non-profit community group, was awarded the opportunity to refurbish the facility to operate as an arts and community center. Venice Arts Mecca, however, failed to raise the required funds and was not able to implement its proposed arts and community center.

The most recent attempt to revitalize the Pavilion complex occurred in 1997 when the City initiated the nine-month Venice Beach Pavilion Reuse Study. The goal of the reuse study

was to develop the facts about the site, weigh the options and ideas for reuse with the public, determine the cost and feasibility for each option, and to recommend a preferred reuse strategy reflecting the community's vision for the Pavilion complex. The nine-month Venice Beach Pavilion Reuse Study included three public workshops on March 12, 1998, May 23, 1998, and November 5, 1998.

The Venice Beach Pavilion Reuse Study finally concluded that: 1) the design of the Pavilion is not a suitable venue for performing arts, 2) spending an estimated \$3 million to restore the Pavilion is not acceptable, 3) the site should be cleared and redeveloped as a public park and beach, 4) the graffiti walls should be retained on the site as a cultural resource, 5) no commercial uses should be allowed at the site, and 6) the new public park should be community serving, open to all people, and should reflect art, youth, recreation and music. The City states that the currently proposed project is the direct outgrowth of the study.

B. Substantial Issue Analysis

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist.

The appellant contends that the proposed demolition of the Venice Pavilion will reduce public access opportunities for economically disadvantaged of all ethnic backgrounds. The appellant has implied that the Venice Pavilion should be renovated and used as a venue for programs and activities for economically disadvantaged of all ethnic backgrounds.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The issue of whether is the proposed redevelopment of a public facility on the beach is exclusionary is a very important and substantial issue. Section 30210 of the Coastal Act requires that maximum access and recreational opportunities shall be provided for all the people. Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities shall be protected. Because of the importance of the public access issue raised to by the appellant, the Commission should look at it the proposed project closely. The Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing and the concurrent hearing for Coastal Development Permit application 5-99-427.

The Commission shall ensure that the proposed project will protect lower cost recreational opportunities and provide maximum access for all the people as required by the Coastal Act. Therefore, the Commission finds that a substantial issue exists with respect to the proposed project's conformance the public access and recreation policies of the Coastal Act, and with the approval of Local Coastal Development Permit No. 99-005.

End/cp

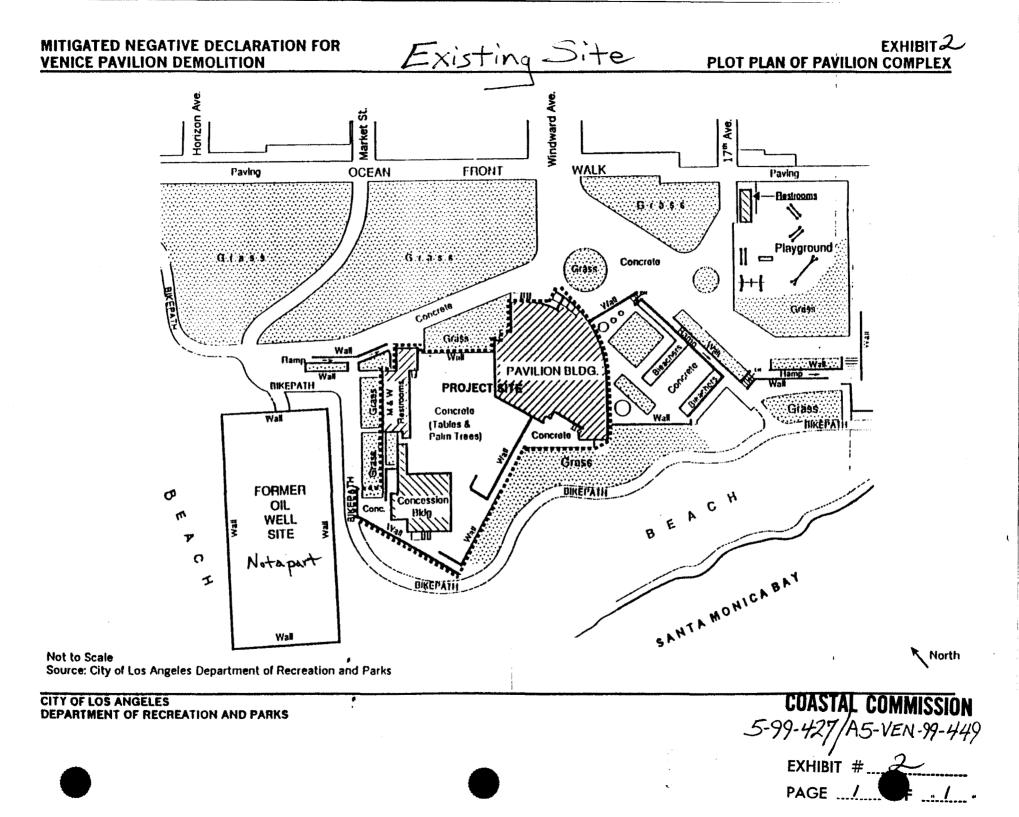


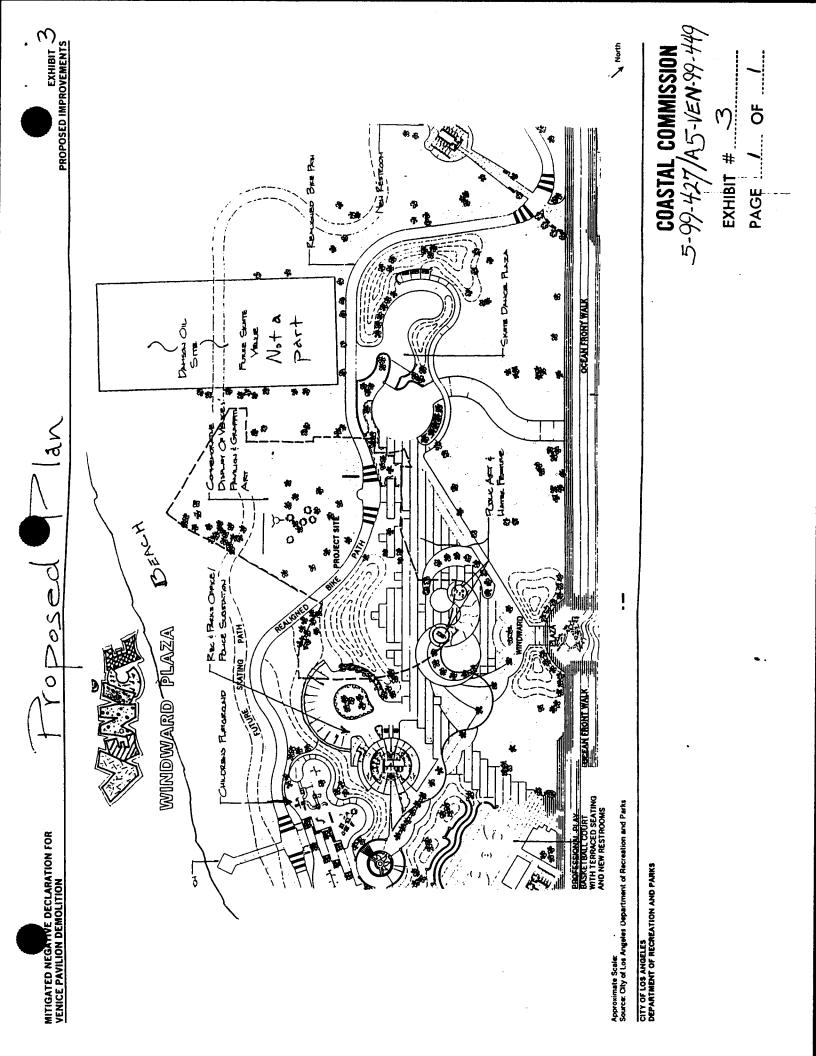
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CITY OF LOS ANGELES DEPARTMENT OF RECREATION AND PARKS

COASTAL COMMISSION 5-99-427/A5-VEN-99-449 EXHIBIT # / PAGE _____ OF ____

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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The information and facts stated above are correct to the best of my/our knowledge.

Pearl E. W.A. Signature of Appellant(s) or

Authorized Agent

12/9/99 Date

NOTE: If signed by agent, appellant(s) must also sign below.

Section	VI.	Adent	Author	ization

I/He hereby authorize _ _ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date ____

COASTAL COMMISSION AS-VEN-99-449

EXHIBIT # 4 PAGE ____ OF ____



We are appealing because before Proposition 20 passed, which led to the CONTACCONTACCONTACCONTACCONTACCONTACCONTACCONTACCONTACCONTACCONTACCONTACCONTACTOR CONTACTOR CO

Pearl E. White

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Pearl E. White Coordinator

COASTAL COMMISSION AS-VEN-99-449 EXHIBIT # 4 PAGE 3 OF 7



California Coastal Commission South Coast Area Office 200 Oceangate, Suite 1000 Long Beach, CA 90802-4302 CALIFORNIA COASTAL COMMISSION

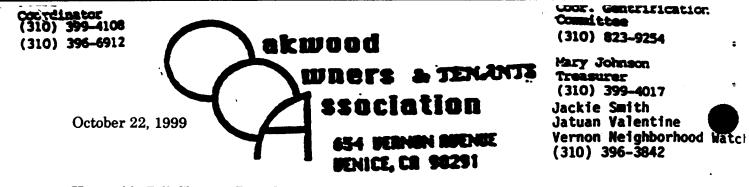
The Pearl White Theatre along with Beau Bridges and his father, Lloyd Bridges (now deceased) has sponsored and set up numerous programs for children all over the city of Los Angeles. The Venice Pavilion was where many of these programs took place.

Respectfully,

Pearl. E. White

Pearl E. White

COASTAL COMMISSION A5-VEN.99-449 EXHIBIT # 4 PAGE _____ OF ____



Honorable Bill Clinton, President United States of America White House 1600 Pennsylvania Avenue Washington DC, 20520

We are having problems here in the Oakwood area of Venice and we are appealing to you for help.

Our first problem is with the gentrification in the Oakwood area of Venice. This problem is going on because they want to get the economically disadvantaged people out of the area. One example of this is with the Breezes Del Mar Apartments (formerly Holiday Venice Apartments) and the new owners/management, New Venice Partners and SK Management. Some of the tenants of Breezes Del Mar are being harassed and having their civil rights violated. New Venice Partners/SK Management has also stated that they may not renew the current Section 8 contracts for next year.

A community march and rally is being planned for Wednesday, November 3, 1999 from 4:00 p.m. to 6:00 p.m. The march will begin at 5th and Indiana Avenues and culminate at 7th and Broadway Avenues at the SK Management office.

We are writing a letter to all of the elected officials that serve the Venice area to demand that HUD discontinue funds to the agencies that are trying to get the economically disadvantaged out of the area. This includes the real estate brokers and lending agencies that are refusing loans to poor people, especially senior citizens who can no longer live in their homes because they cannot borrow money to have their homes rehabilitated. The city can no longer make racist decisions for poor people living in this area. HUD funds that were allocated to the Oakwood area of Venice are being used for people that do not live in this area.

We are asking the federal government to give us legal representation so that the economically deprived can work through some of these problems and this will definitely eliminate some of the drug selling and crime that is plaguing the area.

Our second concern is with the Senior Nutrition Program at Oakwood Recreation Center in Venice. They are proposing to stop the nutrition program because there are not enough seniors participating in the program. In a letter that we recently sent to the Los Angeles Recreation and Parks Nutrition Program we explained that more seniors would be willing to participate in the nutrition program but since the majority of the seniors in the area are on a fixed income (receiving Social Security

COASTAL COMMISSION AS-VEN-99-449

and SSI payments), sometimes they cannot afford to pay the \$1.25 per day for lunch and so they do not participate in the program.

We will meet with Shirley Welch, a representative for the Senior Citizen Nutrition Program today, Friday, October 22, 1999, 12:00 noon at Oakwood Recreation Center.

We also have some concerns about the demolition of the Venice Pavilion. Our sixth district councilperson has recommended to have the Venice Pavilion demolished. African Americans were not able to use the beaches before Proposition 20 passed and brought about the California State Coastal Commission. We have had many programs at the Venice Pavilion over the years and now they are recommending demolition.

We are appealing the demolition of the Venice Pavilion to the Board of Zoning Appeals. We will also go to the Los Angeles City Council to appeal the demolition of the Venice Pavilion. Each appeal will cost \$71.00 each. Oakwood Owners and Tenants Association is sponsoring the appeals.

We are thankful for the CLEAR Program for the gang injunction but we are having problems with some people wanting to keep the meetings "secret". Community policing is about working with the people in the area, not holding "secret" meetings. Each block will have to report crime and wrong doing. Also, we cannot just arrest the African Americans in the area for gang activity, drugs and crime. There are other ethnic groups (Caucasian, Latino, Asian, etc.) buying and selling drugs and committing crimes in the area. It is very important to look into this matter because the people in the area supported the gang injunction but it seems that only African Americans are being cited.

We are hoping to get some of these problems resolved. Thank you for your time and attention.

Respectfully,

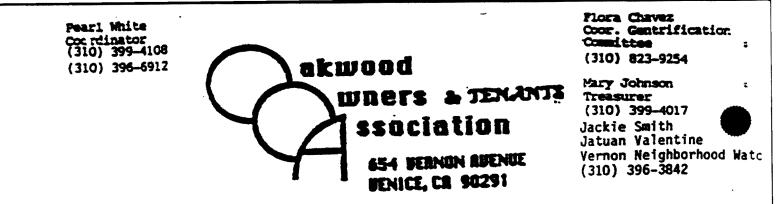
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Pearl E. White

Pearl E. White Coordinator

cc: Los Angeles Mayor Richard J. Riordan Los Angeles City Council Senator Dianne Feinstein Senator Debra Bowen Supervisor Zev Yaroslavsky Governor Gray Davis Congressman Steve Kuykendall Senator Barbara Boxer Los Angeles HUD Office Assemblyman George Nakano

COASTAL COMMISSION A 5-VEN-99-449 ЕХНІВІТ #....... PAGE _____ OF ____



June 2, 1999

To Whom It May Concern:

Concerning the Venice-Oakwood area, we are thankful to the Los Angeles Police Department for the good work that they have done in the area. We also want to thank them for starting to clean up some of the drug selling and crime that is taking place in the area. This has been done before but this time we would like the community to come together and help try to stop the people that are trying to take over the community. We also need the help of the police to be able to continue to fight drugs and crime in the area.

The plans are already in the making to close down Broadway Avenue from 7th Avenue to 4th Street on Sunday, July 11, 1999. In order to close down the street there must be a permit issued by the police department and our city council will also have to ok it. We are asking the police department not to grant this permit to close down Broadway Avenue on Sunday, July 11, 1999. The police department is not prepared to work with something like this. Now is the time to stop turning over everything that concerns the community to these non-profit agencies whose only concern is to receive a paycheck.

The block grant funds that are allocated for this area never reaches the poor people that have lived in this area for years. We want the police to serve us when we need to be served, not at the double-talking of the city council. We are not going to let any local agencies try to take over and supposedly try to control the gangs and crime in this area. This is not a job for the local agencies; this is a job for the police department. If the police cannot handle the responsibility, then the federal government needs to step in and help. We will not have money taken from the poor people in this area and used to promote crime and corruption.

Our city councilperson has given block grant funds to the Abbot Kinney Library located in the middle of Venice Boulevard. She has also written a letter recommending the demolition of the Venice Pavilion, which is going against all people, especially African Americans. African Americans could not even use the beach until after Proposition 20 passed which brought about the Coastal Commission.

Some people in the area oppose the recreation and parks new building in the area. These are the same people that bought property here and created the gentrification that we are now living with. The city council asked for six months to try to satisfy the white people in this area but we have only until June 20, 1999 before the Zoning Administrator makes his decision on the recreation and parks business for Oakwood. There is a Board of Recreation and Parks Commission meeting scheduled for Wednesday, June 16, 1999.

Remember what the HUD office did to the community regarding the Holiday Venice Apartments. The community will have to have a say in what goes on with the Holiday Venice Apartments. People in the Venice-Oakwood area, please wake up and let's stop the gentrification in this area. Our civil rights have been violated long enough.

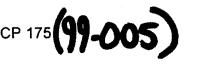
have been violated long enough. Mull & White Pearl E. White

Coordinator

COASTAL COMMISSION A5-VEN-99-4491 EXHIBIT # 4

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City of Los Angeles : COASTAL PERMIT CASE NO. CP 175 (99-00



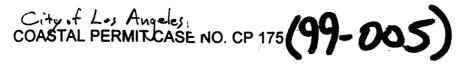
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CONDITIONS OF APPROVAL

The conditions and requirements of Coastal Development Permit Case No. CP-175; CDP-99-005 have not been modified substantially, except as indicated below.

- 1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
- 2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
- 3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 4. The existing graffiti walls on the site shall be maintained or reconstructed pursuant to the Environmental Mitigated Negative Declaration and Initial Study prepared for the project to the satisfaction of the Zoning Administrator, and the applicant shall implement a graffiti arts program in conjunction with local artists and area residents. Such Plan shall be reviewed by the District Council Office and the Zoning Administrator prior to implementation and a copy provided the Office of Zoning Administration for inclusion in the file.
- 5. In order to mitigate short-term air quality and noise impacts from project construction:
 - a. All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction and shall continuously wet disturbed soil during all active material handling activities. The length of time that soils lie exposed shall be minimized and all stockpiles shall be adequately wet and the applicant shall employ temporary dust covers to reduce dust emissions and meet SCAQMD District Rule 403.
 - b. All clearing, grading, earth moving or excavation octavos shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - c. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
 - d. The project shall comply with the City of Los Angeles Noise Ordinance by restricting construction activities to the hours of 7 a.m. to 9 p.m. on Monday through Friday and 8 a.m. to 6 p.m. on Saturday. No noise intensive **COASTAL COMMISSION**

A5-VEN-99-449 EXHIBIT # 5 PAGE _____ OF _2___



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Signer

construction shall take place on Sundays and federal holidays.

- e. Mufflers and state of the art noise attenuation devices shall be installed on all construction equipment to reduce noise levels to the maximum extent feasible.
- f. Only one piece of heavy equipment shall be operated at a time, if feasible.
- 6. The project shall conform to all of the conditions contained in the geotechnical report, along with any additions or amendments specified by the Grading Division of the City Department of Building and Safety.
- 7. The project shall incorporate appropriate erosion control and drainage devices to the satisfaction of the Department of Building and Safety.
- 8. In the event unidentified underground or buried hazards are encountered during construction, the project shall be halted and the site evaluated in coordination with the Los Angeles County Health Department prior to resumption of construction.
- 9. In the event the excavation or grading activities on the site result in the discovery of questionable artifacts (e.g., stone tools, bowls, bones), the project shall be halted within 50 meters of the find and the applicant shall retain the services of a qualified archeologist/paleontologist to examine and evaluate the find and make recommendations as to disposition, mitigation and salvage. Copies of all archaeological surveys, studies or reports shall be submitted to the UCLA Archaeological Information Center.
- 10. Prior to the issuance of any demolition permits, the applicant shall conduct an asbestos and lead based paint survey for the Pavilion complex. In the event asbestos-containing materials are found to be present, abatement shall be conducted in accordance with the administrative procedures required by local, state and federal regulations.
- 11. All exterior lighting in recreational areas shall be shielded and designed to direct illumination downward onto the site. Lighting shall not interfere with bicycle or pedestrian traffic and shall be installed so that the light source cannot be seen from any adjacent or nearby residential properties.
- 12. During demolition and construction, fencing shall be erected adequate to properly secure the site when not occupied.
- 13. During the construction phase of the project, appropriate traffic control signs shall be in place to protect pedestrian and vehicular safety.
- 14. Except as specifically varied or required herein, all mitigation measures imposed under the Mitigated Negative Declaration for the Venice Pavilion Demolition Project (Case No. SCH # 99041126) issued on April 28, 1999 shall be complied with.

COASTAL COMMISSION A5-VEN-99-444 EXHIBIT # 5