

----- Forwarded message -----

From: "Robin Rudisill" <wilidrudi@me.com>

Date: Nov 8, 2016 12:20 PM

Subject: VOTE NO ON The Venice BID- Business Improvement District, AS PROPOSED (modification of proposal suggested below)

To: <Mayor.garcetti@lacity.org>, <Holly.Wolcott@lacity.org>, <Councilmember.cedillo@lacity.org>, "L. A. City Attorney Mike Feuer" <mike.n.feuer@lacity.org>, "Mike Bonin" <mike.bonin@lacity.org>, <Councilmember.krekorian@lacity.org>, <Councilmember.blumenfield@lacity.org>, <Councilmember.ryu@lacity.org>, <Councilmember.koretz@lacity.org>, <Councilmember.martinez@lacity.org>, <Councilmember.fuentes@lacity.org>, <councilmember.harris-dawson@lacity.org>, <councilmember.price@lacity.org>, <councilmember.wesson@lacity.org>, <councilmember.english@lacity.org>, <councilmember.ofarrell@lacity.org>, "councilmember huizar" <councilmember.huizar@lacity.org>, "Council Member Buscaino" <councilmember.buscaino@lacity.org>

Cc: "Taylor Bazley" <taylor.bazley@lacity.org>, "Tricia Keane" <tricia.keane@lacity.org>, "Ezra Gale" <ezra.gale@lacity.org>, "David Ewing" <seriousbus@aol.com>, "Becky Dennison" <bdennison@vchcorp.org>, "Judy Goldman" <jrgposte@aol.com>, "Linda Lucks" <llucks@vchcorp.org>, "Steven Kinsey" <Skinsey@marincounty.org>, "John@Coastal Ainsworth" <john.ainsworth@coastal.ca.gov>, "Hudson, Steve@Coastal" <steve.hudson@coastal.ca.gov>, "Bill Przylucki" <bill@power-la.org>, "Teresa@Coastal Henry" <teresa.henry@coastal.ca.gov>, "Chuck@Coastal Posner" <chuck.posner@coastal.ca.gov>, "Rehm" <Zach.Rehm@coastal.ca.gov>, "Lydia Ponce" <venicelydia@gmail.com>, "Sue A K" <sueakaplan@gmail.com>, "Celia Williams" <cwilli7269@aol.com>, "margaret molloy" <mmmolloy@earthlink.net>, "Ira Koslow" <president@venicenc.org>

L.A. City Council and City Clerk,

Please require the City of L.A. to do their job to properly manage, maintain and care for the Venice Boardwalk as a valued tourist area of the City of L.A.

Please vote NO ON THE VENICE BID, AS PROPOSED.

SUGGESTION FOR MODIFICATION OF BID PROPOSAL:

Please require the Venice Boardwalk Commercial Property owners to propose a BID that 1) would be confined to commercial properties with commercial uses on the Venice Boardwalk, excluding residential uses, regardless of zoning, and excluding City owned properties such as the library and elementary school; and 2) would be confined to activities involving maintenance, improvement and development of public pedestrian amenities. (L.A. General Plan/Certified Venice Land Use Plan Policy II. C. 12. Ocean Front Walk Pedestrian Amenities) and community improvements such as programs by property owners and merchants to increase off-street parking facilities, promoting tree planting programs, sponsoring clean-up and beautification programs to improve the general environment, and development/maintenance of small parks. (L.A. General Plan/Certified Venice Land Use Plan Policy III. A. 1. General)

PLEASE vote NO on the currently proposed Venice Coastal Zone BID (includes Boardwalk and Beach Park areas) and go through the proper channels of an application for a Coastal Development Permit and a public process that is transparent to the Public, including lawful Public Hearings; and also, please require the BID to keep to commercial properties on the Boardwalk and specifically NOT include City properties that do not belong in it and that our City should definitely not be funding with General Fund tax dollars.

YOU CANNOT TREAT THE VENICE COASTAL ZONE THE SAME AS YOU TREAT THE REST OF LOS

ANGELES. The L.A. General Plan, the Mello Act state law, and the Coastal Act state law are not being properly or adequately considered and they MUST be followed. In particular, those guiding this process have not appropriately considered the Coastal Zone and Mello Act impacts, and the process has been very much hidden from the Community, which would have insisted that this be done. For example, why the Bylaws were withheld. There are many misstatements, errors and misleading statements in the Venice BID proposal documents. That is unacceptable and even unconstitutional.

In particular, **it appears that those coordinating and organizing all of the legal requirements for the BID, including the City Clerk's office and Councilmember Bonin's office, are not correctly following the Mello Act law because they are**

suggesting that properties with residential uses on them should be a part of the BID because the area is zoned for commercial use. However, the Mello Act protects those residential uses from being converted to commercial uses, irrespective of the zoning, thus they should not be impacted in any way and charging them a commercial BID assessment would be illegal.

There are many other irregularities, such as the inclusion of a very significant amount of City property in this BID, including an elementary school. Again, these are NOT commercial uses and do not belong in this BID. See attached email from David Ewing dated October 18, 2016, which articulates this issue extremely well.

City Councilmembers, you MUST not be derelict in your duty:

Your widely known practice of voting yes on a proposal because it is in a Council District for which the Councilmember wants approval **MUST NOT apply to this proposal. This is a proposal that has state level consequences and affects a treasured city and state coastal resource.** Members of the proposed BID, including the City, are currently in violation of the Coastal Act (beach closure/curfew) as well as the Mello Act (prohibits conversion of residential to commercial uses, such as residential to hotel or residential to office use), or other land use laws, which are in need of enforcement immediately but the Council Office refuses to enforce as many of them involve large companies such as Snap/Chat, which companies the Council Office seems to be protecting from enforcement of laws. This is NOT a time that it would make sense to approve a BID that includes the Boardwalk/Ocean Front Walk, thus rewarding all of the violators for their behavior.

Please allow the citizens of Venice to have a fair and transparent due process.

The City Council MUST consider the requirements of the Coastal Zone in evaluating the proposed BID.

Please **continue this hearing** so that this can be properly vetted with the Coastal Commission Staff and the Community.

THE CURRENT BID PROPOSAL IS NOT IN CONFORMANCE WITH THE COASTAL ACT OR THE MELLO ACT.

AND

THE CURRENT BID PROPOSAL HAS NOT BEEN PROPERLY VETTED WITH THE COMMUNITY IN A DUE PROCESS.

AND

THE CITY OF L.A. SHOULD NOT BE SUBSIDIZING THE VENICE BID BY USING SCHOOL, LIBRARY, MEDIAN STRIP AND OTHER NON-COMMERCIAL USES.

The City of L.A. is already in violation of the Coastal Act with respect to the beach curfew, and this violation is integrally related to the BID proposal being considered, thus a CDP must be processed PRIOR TO ANY APPROVALS for the formation of a BID in order to assure that the BID's scope and its activities within the Coastal Zone are in conformance with the Coastal Act.

In addition, the BID as proposed would result in a very significant change in character of the boardwalk area, the very character that defines Venice, which change in character would in turn significantly change the intensity of use of the area. The increased assessment would materially undermine the goal of maintaining low-cost recreation and concessions. The additional assessments will result in higher prices for consumers. In addition, ***this significantly increased cost is likely to force out the smaller businesses, which are frequently the more eclectic and diverse businesses on the boardwalk and a significant aspect of what makes Venice Venice.***

Preserving low-cost recreation in the beach areas is an explicit goal of the Coastal Act. In addition, the fact that an affordable housing development would be assessed is in violation of the Mello Act as it is not a commercial use, and it would also result in a significant change in character and intensity of use. This proposal **MUST** be reviewed by the Coastal Commission to assure that it is conformance with state law and must be reviewed by those in the City familiar with the Mello Act, to assure it is in conformance with that state law, for which the City is responsible for its enforcement. The City **MUST NOT ABROGATE ITS RESPONSIBILITIES** for purposes of supporting this BID.

The Coastal Commission-Certified Venice Land Use Plan (LUP) states that a Business Improvement District (BID) in the Venice Coastal Zone would be comprised of visitor-serving commercial properties, and that funds obtained from this assessment district would be designated specifically for the Ocean Front Walk (Boardwalk) area and used for maintenance, improvement and development of public pedestrian amenities. (Policy II. C. 12. Ocean Front Walk Pedestrian Amenities)

In addition, the LUP would undertake such community improvements as programs by property owners and merchants to increase off-street parking facilities, promoting tree planting programs, sponsoring clean-up and beautification programs to improve the general environment, and development/maintenance of small parks.(Policy III. A. 1. General)

A BID in the Venice Coastal Zone is subject to the Coastal Act and as such must be in conformance with Chapter 3 of the Coastal Act, which is determined using the guidance in the LUP (which is also part of the Los Angeles General Plan Venice Community Plan, with which all projects must be in substantial conformance).

The LUP specifies what uses a BID in the Venice Coastal Zone should be for, and it is clear that **a BID** or equivalent (also called "citizen group" or "merchant association" in the LUP) **in the Ocean Front Walk/Boardwalk area should cover only visitor-serving commercial properties and that it is not for general maintenance or security of the area or for city-owned properties, all of which are the responsibility of the City, but rather for the enhancement of visitor-serving amenities/programs.**

Formation of the BID requires a CDP as it is the formation itself that triggers the assessment base, which would significantly increase the cost of operations within the BID area, which would be passed on to visitors to the area, which is in the Venice Coastal Zone, Boardwalk area, one of the most highly visited tourist areas in the U.S., if not the world. Increasing costs for Visitors is a violation of the Coastal Act.

For the Love of Venice,
Robin Rudisill
Venice

Begin forwarded message:

From: David Ewing <seriousbus@aol.com>

Subject: The Venice BID- Business Improvement District Is a Bad Idea

Date: October 18, 2016 at 6:45:15 PM PDT

To: Mike Bonin <mike.bonin@lacity.org>

Cc: Mayor.garcetti@lacity.org, Holly.Wolcott@lacity.org, Councilmember.cedillo@lacity.org, Councilmember.krekorian@lacity.org, Councilmember.blumenfield@lacity.org, Councilmember.ryu@lacity.org, Councilmember.koretz@lacity.org, Councilmember.martinez@lacity.org, Councilmember.fuentes@lacity.org, councilmember.harris-dawson@lacity.org, councilmember.price@lacity.org, councilmember.wesson@lacity.org, councilmember.english@lacity.org

city.org, councilmember.ofarrell@lacity.org, councilmember.huizar@lacity.org, councilmember.buscaino@lacity.org, Taylor Bazley <taylor.bazley@lacity.org>, Tricia Keane <tricia.keane@lacity.org>

Dear Councilmember Bonin and other City leaders,

RE: CF 16-0749 (CD 11)

I know this is going to fall on deaf ears, but I still must urge you to reconsider what this Venice BID will mean. It outsources police work, handing it off to a private security force, the BID's major function according to its charter. This will reduce the City's accountability, allowing plausible deniability for actions the City and its police are prohibited from doing by Court orders and settlements. Perhaps it should be called a "Carol Sobel Workaround District."

This not a classic BID. It is a hybrid, a public/private partnership, since it is heavily subsidized by the City of Los Angeles, which is not a business, and is specifically intended to undertake services that the City is legally bound to provide the community. These are not special services needed by businesses, nor is the BID set up to serve the entire business community within the district. Instead, the BID is putting the landowners in charge of major aspects of law enforcement and sanitation. Their interests are not necessarily the interests of the business owners, most of whom are tenants, and they certainly don't represent the community at large.

Is the City going to vote its stake in the BID, or are you simply handing out money and washing your hands of how it's to be used? Either way is problematic. If you stay involved, you are essentially executing public policy behind closed doors as part of an unelected group whose voting rights are determined by how much wealth they hold in land. If you are simply handing over money and responsibility to a privately operated organization of wealthy landowners, I must ask if you have seen the bylaws that govern that organization's decision-making process?. If you still have not, then voting for this BID is a total abdication of your responsibility to govern the city.

So let's be clear: you are deciding whether to empower an anti-democratic, wealth-driven, closed-door instrument of governance instead of living up to the City's responsibilities. And in order to accomplish this, the BID is tortuously gerrymandered.

The icing on the cake is that after the failure to follow the law's requirement for public participation in the recent hearing on this BID, the de novo hearing has been set for election day. With all the talk nationally about voter suppression, I would hope Democratic officeholders would do what they can to promote public participation. Please reschedule to a day when members of the public are more likely to be able to attend and make their mandated comments.

This BID is anti-democratic, irresponsible, and unaccountable. Please vote against it.

Yours truly,

David Ewing