

From: Larry Nagler lnagler@nagler.com

Subject: Venice Beach Paddle Tennis Courts

Date: June 16, 2022 at 3:56 PM

To: Sonya Young-Jimenez sonya.young-jimenez@lacity.org, Melody Valenzuela melody.valenzuela@lacity.org, Councilmember.Bonin@lacity.org, michael.a.shull@lacity.org

Cc: Christine Lee cylee88@mac.com, Larry Nagler lnagler@nagler.com

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Dear Council Member Bonin, Superintendent Jimenez, Recreation Director Valenzuela and Mr. Shull:

Nagler & Associates is counsel for The Venice Beach Paddle Tennis Historical Committee (the "Committee"), and in this capacity, I write you, respectfully, to formally register the objection of the Committee to what I understand is a current request from someone in the Pickle ball community, to paint one or more of the Venice Beach Paddle Tennis Courts with "pickle ball lines". The evidence compiled by the Committee, which is summarized below, makes it abundantly clear that the Venice Beach Paddle Tennis Courts were explicitly created and approved by the California Coastal Commission, and financed and built for the specific and exclusive purpose, in perpetuity, and to "run with the land", of creating "Paddle Tennis Courts" which were to be used by the community only as such. As part of this legal process, the Venice Beach Paddle Tennis Courts were resurfaced on two separate occasions at the expense of the United States Paddle Tennis Association, (USPTA), with the approval of the California Coastal Commission, on the understanding that this expenditure of funds on those two separate occasions, 8 years apart, were in reliance on the fact that the Courts would remain, "in perpetuity", exclusively as "Paddle Tennis Courts". Of great importance is the fact that the approved Plans to build the last 3 Paddle Courts, and the formal Permit to do so, require specifically that the lines on the Courts must be only the standard Paddle Tennis Court lines. What follows are some of the key items of evidence supporting the Committee's position that were gathered in connection with a pending effort to submit an Application To Establish the Venice Beach Paddle Tennis Courts as an Historic-Cultural Monument.

The Formal Name of the Courts.

Attached hereto is a photo of the sign hanging on the fence outside of Court 1, which declares "WELCOME TO VENICE BEACH PADDLE TENNIS COURTS". The Courts have always been known as the "Venice Beach Paddle Tennis Courts". Although the Paddle Tennis Community had no legal obligation to do so, as an act of generosity, it has permitted 3 of the courts (7, 10 and 11) to be used to play pickle ball on Tuesdays and Thursdays only, and only between the hours of 8 a.m. and noon. This informal arrangement has been in effect for years and the Paddle Tennis players are willing to continue to abide by this informal arrangement, on condition that no further attempts to encroach upon the use of the Courts solely as Paddle Tennis Courts, occurs, despite the fact that: (a) there have been numerous times when the pickle ball players have left tape on the Courts after they are done, which they had used to create temporary pickle ball lines on the paddle courts, as well as other debris, such as plastic wiffle balls and discarded tape, after they are finished playing, leaving it for others to pick up after them; and despite (b) the further fact that this conduct of applying temporary tape pickle lines on the Paddle Tennis Courts is in violation of Los Angeles Ordinance Section 17.04.340, which in pertinent part, provides as follows:

"Park property and vegetation-Damaging or removing prohibited

A person, other than a duly authorized park employee in the performance of his duties, shall not:

...C. Cut, break, injure, deface or disturb any ...structure, apparatus,

equipment or property in a park or any portion thereof; or mark or place thereon, or on any portion thereof, any mark, writing or printing; or attach thereto any sign, card, display or other similar device.”

If such encroachment does persist or occur, the Committee will be forced to take legal action to prevent such encroachment, and to rescind this informal use arrangement, so as not to endanger its’ effort to establish the Venice Beach Paddle Tennis Courts as an Historic-Cultural Landmark, or prejudice its’ rights, as described in this email, in any way.

The Creation of the last 3 Paddle Tennis Courts in 1988, is on the express condition that the “Terms and Conditions” of their creation are to “Run with the Land”, are “Perpetual”, and are to “...bind all future owners and possessors” to those Terms and Conditions.

The 2nd attachment is a copy of the first 4 pages of “STAFF REPORT AND RECOMMENDATION” of the California Coastal Commission, No. 5-87-761, filed on October 1, 1987. The “Applicant” is described as the City of Los Angeles Department of Recreation and Parks, and the “Description” of the recommended Project states in pertinent part: **“Public beach recreational improvements to include...three additional paddle tennis courts...”**. This Coastal Commission “Staff Recommendation” recommends that the California Coastal Commission grants a permit to complete these recreational improvements, however, this Permit is to be subject to several “Standard Conditions”, including Condition 3, which states: **“All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.”**; and Condition 7, which states: **“Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee (i.e. the City of Los Angeles Department of Recreation and Parks) to bind all future owners and possessors of the subject property to the terms and conditions.”** In legal terms, this means that all users/possessors of the Courts are obligated in perpetuity, explicitly to use the Courts only as Paddle Tennis Courts.

“Minutes of Commission Meeting of February 23-26, 1988”.

Also attached (last attachment), is a copy of the front page of the “Minutes of Commission Meeting of February 23-26, 1988”, and pages 24 and 39 from those Minutes. Page one is a copy of the “Official Copy” of the minutes of the California Coastal Commission for those dates. Page 24 “k.” refers expressly to Staff Report No. 5-87-761, which I have quoted from above, where the Staff recommended approval of No. 5-87-761 with no special conditions, i.e. just the “Standard Conditions” I have quoted, and concludes:

“MOTION AND VOTE: Gotch moved staff recommendation, seconded by Glickfeld, and the roll call vote was 11 in favor and 0 opposed. PASSED.”

Page 39 contains the signatures of the Executive Director and Chairman of the California Coastal Commission, showing unanimous Approval of the Staff’s Recommendation quoted above, at the meeting of May 12, 1988.

“VENICE BEACH RECREATION CENTER REDEVELOPMENT PROJECT: COASTAL DEVELOPMENT PERMIT NO 5-87-761/RV”

The 3rd attachment is a letter from the City of Los Angeles Department of Recreation and

Parks dated 3/21/88, together with the actual Coastal Development **Permit No. 5-87-761/Ry** dated 2/25/88. By this document, the California Coastal Commission granted to the City of Los Angeles the formal Permit, in relevant part, to construct "...three additional paddle tennis courts...", which Permit expressly contains the two Standard Conditions which I have quoted, in full, above.

Paddle Tennis Courts "Plans with Comments":

The 5th attachment is a copy of the first page and page 16, the relevant page to our discussion, of the actual construction Plans with Comments, to construct the Paddle Tennis Courts pursuant to the issued Permit. I direct your attention to page 16, and the upper left hand corner of same, where the details of the striping of the 3 new Paddle Tennis Courts that are to be built pursuant to the Permit above described, are found. As you can see from page 16, the plan EXPLICITLY REQUIRES that the lines on the Courts to be constructed are to be the lines used on all Paddle Tennis Courts, and no other lines. Therefore, without more, this request to modify the lines on any of the Paddle Tennis Courts to add or to become "pickle ball lines", would clearly be in direct violation of the Construction Permit, and the Plans and Specs pursuant to which the Courts must be built and maintained. This is totally apart from all of the other reasons mentioned in this email.

The resurfacing of all the Paddle Tennis Courts in 1977 and again in 1985 by The United States Paddle Tennis Association (USPTA).

The 4th attachment contains a copy of a letter from the City of Los Angeles Department of Recreation and Parks dated August 22, 1977, and a copy of an Office Memorandum from the Department of Recreation and Parks, City of Los Angeles, dated 9/19/85, both of which establish that the City of Los Angeles entered into arrangements with the United States Paddle Tennis Association (USPTA), on two separate occasions, agreeing that all the Paddle Tennis Courts were to be resurfaced at the cost and expense of the USPTA. These funds were expended in reliance upon the fact and understanding that these Courts were to be used, in perpetuity, only as Paddle Tennis Courts.

For all of the above reasons, the Committee submits this evidence to the City, and respectfully requests that the request by one or more pickleball players to re-stripe, or add pickleball stripes to some of the paddle courts, be rejected. If you have any questions about anything in this memo, or on any topic related to this memo, please contact me, Larry Nagler, at the above email address or at 310-600-1610.

Respectfully submitted,
Nagler & Associate
By Larry Nagler

Address: 2446 34 Street, Santa Monica, Ca. 90405



Mail Attachment



Staff Report and
Recom...ion.pdf



Signed CDP
5-87-7...88.pdf



Resurfacing of
the 3 a...rts.pdf



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