

DRAFT SETTLEMENT -- PROPOSED DEAL POINTS

VENICE STAKEHOLDERS ASSOCIATION v. CALIFORNIA COASTAL COMMISSION AND CITY OF LOS ANGELES (Writ Petition); CITY OF LOS ANGELES v. CALIFORNIA COASTAL COMMISSION (Cross-Complaint for Declaratory Relief) LASC CASE NO. BS 122073

The parties to the above-referenced litigation are considering the potential settlement of the Writ Petition and Complaint for Declaratory Relief filed by the Venice Stakeholders Association against the California Coastal Commission (Coastal Commission) and the City of Los Angeles regarding the Coastal Commission's denial of a coastal development permit issued by the City of Los Angeles for the establishment of an Overnight Parking District in Venice. This potential settlement also would dispose of the City's Cross-Complaint for Declaratory Relief against the Coastal Commission relating to the same issue.

FACTUAL BACKGROUND

In September of 2005, the City Council adopted an ordinance providing for the establishment of overnight parking districts in certain portions of Venice. In December of 2006, the City Council adopted four resolutions establishing four overnight parking districts in Venice. In May of 2007, the City Council adopted a fifth resolution creating a fifth overnight parking district in Venice.

On February 28, 2007, staff of the Coastal Commission notified the City's Department of Transportation (LADOT) that the proposal to establish overnight parking districts in Venice would restrict the public's ability to use on-street parking in the coastal zone, resulting in a restriction of access to the ocean and, accordingly, was within the Coastal Commission's jurisdiction. Thereafter, the LADOT applied to the City's Department of Public Works (LADPW) for five Coastal Development Permits to authorize the creation of five overnight parking districts in Venice. In August of 2008, the LADPW issued local Coastal Development Permits for the creation of the five proposed overnight parking districts in Venice. After a public hearing which resulted in minor changes to the districts, the City then submitted a "Notice of Final Local Action" to the Coastal Commission, together with applications for Coastal Development Permits. After a public hearing on June 11, 2009, the Coastal Commission denied the Coastal Development Permits.

On August 10, 2009, the Venice Stakeholders Association filed a Petition for Peremptory Writ of Mandate and Complaint for Declaratory Relief against the Coastal Commission and the City of Los Angeles in connection with the Commission's denial of the Coastal Development Permits. On October 28, 2009, the City filed a Cross-Complaint for Declaratory Relief against the Coastal Commission seeking a judicial declaration that the City is not obligated to obtain or issue a local coastal development permit or other permits in connection with the adoption of any overnight parking district.

SUMMARY OF PROPOSED SETTLEMENT

The Parties to the Litigation will stipulate to the entry of an order to stay the Litigation and to toll any and all applicable statutes, rules, or court orders affecting the timely prosecution of the lawsuit, provided that, with respect to the Coastal Commission's decision on any modified Coastal Development Permit application by the City, any supplemental petition for writ of mandate shall be filed within sixty (60) days of the Coastal Commission's final action.

If the Coastal Commission approves an application by the City for a Coastal Development Permit containing the Modified Coastal Development Permit terms appended and as described below, the City and the Venice Stakeholders Association shall promptly dismiss their respective actions against the Coastal Commission. Such dismissal shall be with prejudice as to any writ cause of action and without prejudice as to any cause of action for declaratory relief. The Parties shall assume and pay for their respective attorneys' fees and legal costs and expenses incurred to date.

The Coastal Development Permit application, if approved by the Coastal Commission will authorize the City to adopt resolutions establishing Overnight Parking Districts (OPDs) containing, at a minimum, the following terms, which terms shall also be made conditions of the Coastal Commission's approval of the Coastal Development Permit:

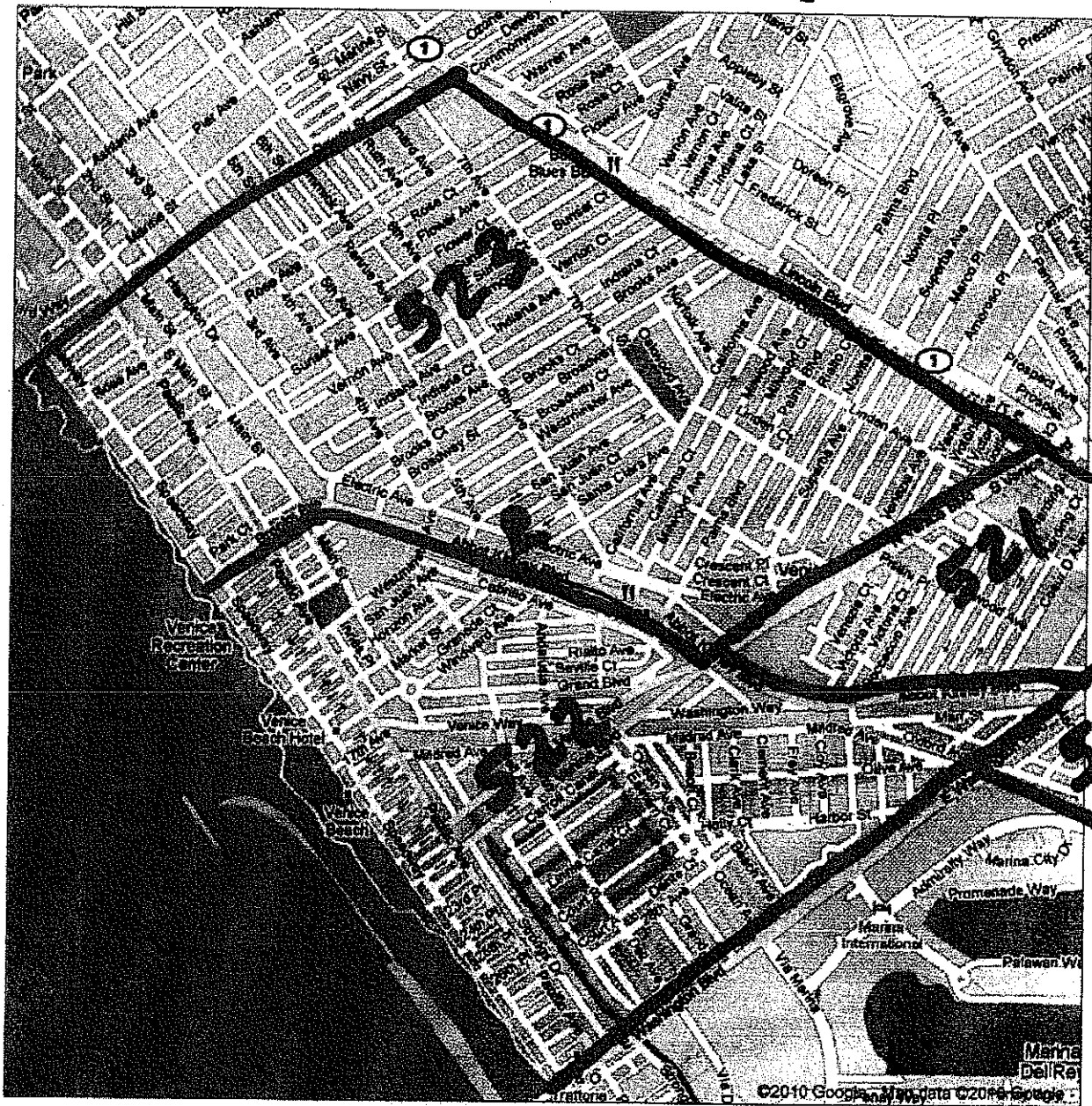
- (1) Before the OPD restrictions can be implemented on a given block, such block must first have had an oversize vehicle restriction in place, with signs posted, continuously for six months. After this period, the residents may request in the manner set forth by ordinance that the City post and otherwise implement OPD restrictions between the hours of 2 a.m. and 5 a.m. on such block.
- (2) The City shall document its enforcement of oversize vehicle restrictions within the proposed OPD zone during this six-month period. Documentation will include evidence of enforcement routes and schedules, and citations issued. The City shall submit a report to the Coastal Commission documenting the results of the enforcement efforts prior to implementing an OPD.
- (3) Upon implementing oversize vehicle restrictions in the Venice area, the City will be required to implement mitigation measures including the following requirements for the provision of beach parking:
 - (a) The City will program the automated pay stations in the City-run parking Lot No. 731 at Pacific and Venice to allow up to 20 people in the lot who arrive during the OPD period to purchase parking for up to 12 hours. The remaining 157 spaces in the lot would be subject to a 4-hour time limit between 1 a.m. and 9 a.m. The lot will close every night at 11 p.m. and reopen at 1 a.m.

- (b) The City-run parking Lot No. 740 at Rose Ave. will remain open 24 hours per day and provide 4-hour parking in at least 20 vehicle stalls and 12-hour parking in the remaining stalls. On summer weekends and holidays, all vehicles must be required to vacate Lot No. 740 at 9:00 a.m.
 - (c) The City Lot No. 761 at Windward will remain open 24 hours a day with a 4-hour limit applicable to all spaces.
 - (d) Parking fees will be charged at all times in all three lots. All parking fees shall be pre-paid.
- (4) The proposed OPD resolution(s) shall cover the same geographic area as the five prior OPD resolutions at issue in the Litigation, except that one resolution shall cover the area constituting the existing OPD 526 (Villa Marina), and shall create the Villa Marina OPD. A second resolution shall cover the combined area now constituting the other four existing OPDs - OPDs 520 (Oxford Triangle), 521 (Presidents Row), 522 (West Venice) and 523 (East Venice), and shall create a combined OPD called the Venice OPD. [See attached map.]
- (5) The resolution for the Venice OPD shall divide this OPD into a west (coastal) and east (inland) subzone. The dividing line between the east and west subzones shall be a line in all locations at least 2,000 feet from the ocean, beginning at the intersection of 4th Street and the city border with Santa Monica, running south to Electric Avenue, then south to Westminster Avenue, then west to Abbott Kinney Blvd., then east on Abbot Kinney Blvd. to Venice Blvd., then west on Venice Blvd. to Ocean Avenue, then south on Ocean Avenue to Washington Boulevard. [See attached map.]
- (6) The OPD resolution(s) shall provide that where the other requirements of the ordinance are met for implementing overnight parking restrictions, overnight parking shall be restricted during the following hours: (1) in the Villa Marina OPD and in the east (inland) subzone of the Venice OPD, between the hours of 2 to 6 a.m., or any subset of these hours; and (2) in the west (coastal) subzone of the Venice OPD, from 2 to 5 a.m., or any subset of these hours.

- (7) The City shall provide a report at the end of each year to the Coastal Commission on where and when oversized vehicle and OPD parking restrictions were installed during the year.

In addition, the Coastal Development Permit shall contain the following condition of approval:

The Coastal Development Permits for the OPD resolution(s) shall expire after five years, unless the Coastal Commission (or the City if the City assumes full coastal development permitting authority pursuant to an effectively certified Local Coastal Permit for the Venice neighborhood) approves an application to extend the time limit. If the City submits an application within the time limit, the Executive Director (or the City, in the case of a certified Local Coastal Permit) may authorize the program to continue until the Commission can act on the application. If the Coastal Commission (or the City, in the case of a certified Local Coastal Permit) does not approve an application for an extension of this time limit, the Venice OPD shall be discontinued and all signs prohibiting parking without a permit shall be removed from the public streets. The review by the Coastal Commission (or the City, in the case of a certified Local Coastal Permit) will seek to determine whether the Venice OPD is working properly and not negatively impacting coastal access, and whether additional mitigation measures could alleviate any negative coastal access impact. The application for an extension of the time limit shall include a parking study which documents the availability of public parking (i.e., vacant parking stalls), or lack thereof, between the hours of 4 a.m. and 7 a.m. within the Venice OPD. The parking study shall include Public Parking Lots Nos. 740, 761 and 731, and all on-street parking stalls (metered and unmetered) within 500 feet of Ocean Front Walk. The parking stall counts shall include, at a minimum, three non-consecutive summer weekend days between, but not including, Memorial Day and Labor Day. The Coastal Commission (or the City, in the case of a certified LCP) will assess the parking study and any other relevant data provided by the City to evaluate the coastal access impact of the OPD. The Coastal Commission (or the City, in the case of a certified LCP) will determine whether the Venice OPD has resulted in a negative impact to coastal access based upon criteria specified by special condition(s) to the CDP including, but not limited to, the above-stated criteria.



- Proposed West (coastal) zone

— - existing OPD borders