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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

1 **VENICE STAKEHOLDERS**
2 **ASSOCIATION, an unincorporated**
3 **association, and CITY OF LOS ANGELES,**
4 **CALIFORNIA, a governmental entity,**

Petitioners,

5 v.

6 **CALIFORNIA COASTAL COMMISSION,**
7 **a governmental entity,**

8 Respondent,

Case No. BS122073

**STIPULATION TO ENTRY OF
REMAND ORDER; [PROPOSED]
ORDER REMANDING CASE**

Date: N/A
Time: N/A
Dept: 85
Judge: The Honorable James C.
Chalfant
Trial Date: None set.
Action Filed: August 10, 2009

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13 The parties, through their attorneys of record, enter into the following stipulation to entry of
14 a remand order.

15 **BRIEF STATEMENT OF REASONS FOR REMAND**

16 Venice Stakeholders Association (VSA) sued the California Coastal Commission over its
17 denial of the City of Los Angeles' application for Coastal Development Permits (CDPs) to
18 implement Overnight Parking Districts (OPDs) in the Venice area of the city, seeking a writ of
19 mandamus and declaratory relief. Shortly after VSA initiated this action, the City cross-claimed
20 against the Commission, seeking declaratory relief.

21 The Commission, City and VSA subsequently began settlement discussions, and arrived at
22 an agreement that the City may submit modified CDP applications to the Commission with
23 specific terms such that, if approved by the Commission, would lead to the dismissal of the
24 litigation. To facilitate this process the parties agreed to stipulate to the entry of an order by the
25 Court staying the litigation and remanding this matter to the Commission to allow it to set aside
26 its prior denial of the CDPs and conduct a new public hearing on the modified CDP applications.
27 Under the stipulation, depending upon the outcome of this hearing, VSA and the City would
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1 either dismiss their respective actions or pursue them, including, if necessary, by way of
2 supplemental petition(s) and/or complaint(s).

3 In so stipulating, the Commission does not concede that there was any defect in the
4 Commission's process; nor does it concede to any of the City's or VSA's allegations on the
5 merits.

6 **STIPULATION**

7 The City, VSA and Commission stipulate to request that the Court order as follows:

8 1. The CDPs that are the subject of the within litigation are remanded to the Commission.

9 2. The City may file modified CDP applications with the Commission on or before June 7,
10 2010.

11 3. In the event that the City files a modified CDP application on or before June 7, 2010,
12 then the Commission, not later than its monthly meeting on July 7 through 9, 2010, will set aside
13 its prior denial of the application for the CDPs, and will conduct a public hearing on the City's
14 modified CDP applications.

15 4. The Commission reserves full discretion as allowed by law to take any and all actions on
16 the modified CDP applications.

17 5. The City and VSA reserve the right to fully participate in the Commission's process to
18 the extent authorized by law.

19 6. In the event the City files modified CDP applications on or before June 7, 2010, then
20 following the Commission's final action on the modified CDP applications, or after July 9, 2010,
21 whichever comes first, the parties, in their sole discretion, may either stipulate to a dismissal of
22 the within actions or the City and/or VSA may pursue the actions, including, if necessary, by way
23 of supplemental petition(s) or complaint(s).

24 7. The Commission shall file a return to the remand order within thirty (30) days of taking
25 final action on the City's modified CDP application to advise the Court what has occurred.

26 8. The within actions shall be stayed until June 7, 2010, and in the event the City has filed
27 a modified CDP application on or before that date, the stay shall remain in effect until the
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1 Commission's final action on the modified CDP application, or until July 12, 2010, whichever
2 comes first.

3 9. The Court shall retain jurisdiction during the stay to enforce the provisions of this
4 Stipulation.

5 10. In agreeing to this stipulation, none of the parties concedes that the arguments or
6 positions of the other parties are valid or meritorious.

7 IT IS SO STIPULATED.

8 Respectfully Submitted,

9 Dated: May ____, 2010

EDMUND G. BROWN JR.
Attorney General of California
CHRISTINA BULL ARNDT
Supervising Deputy Attorney General

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Deputy Attorney General
*Attorneys for Respondent
California Coastal Commission*

Dated: May ____, 2010

JOHN A. HENNING
Attorney at Law
*Attorney for Petitioner
Venice Stakeholders Alliance*

Dated: May ____, 2010

CARMEN A. TRUTANICH
City Attorney of Los Angeles

VALERIE FLORES
Los Angeles City Attorney's Office
Attorneys for Petitioner City of Los Angeles

1 **[PROPOSED] ORDER REMANDING CASES**

2 The Court, having considered the stipulation of the parties and good cause appearing,
3 orders as follows:

4 1. Coastal Development Permit (CDP) numbers 08-07, 08-08, 08-09, 08-10 and 08-11
5 (concerning overnight parking restrictions in the Venice area of Los Angeles), which are the
6 subject of the within litigation, are hereby remanded to the Commission.

7 2. The City may file modified CDP applications with the Commission on or before June 7,
8 2010.

9 3. In the event that the City files modified CDP applications on or before June 7, 2010,
10 then the Commission, not later than its monthly meeting on July 7 through 9, 2010, will set aside
11 its prior denial of the application for the CDPs, and will conduct a public hearing on the City's
12 modified CDP application.

13 4. The Commission reserves full discretion as allowed by law to take any and all actions on
14 the modified CDP application.

15 5. The City and VSA reserve the right to fully participate in the Commission's process to
16 the extent authorized by law.

17 6. In the event the City files modified CDP applications on or before June 7, 2010, then
18 following the Commission's final action on the modified CDP application, or after July 9, 2010,
19 whichever comes first, the parties, in their sole discretion, may either stipulate to a dismissal of
20 the within actions or the City and/or VSA may pursue the actions, including, if necessary, by way
21 of supplemental petition(s) or complaint(s).

22 7. The Commission shall file a return to the remand order within thirty (30) days of taking
23 final action on the City's modified CDP applications to advise the Court what has occurred.

24 8. The within actions shall be stayed until June 7, 2010, and in the event the City has filed
25 modified CDP applications on or before that date, the stay shall remain in effect until the
26 Commission's final action on the modified CDP applications, or until July 12, 2010, whichever
27 comes first.

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9. The Court shall retain jurisdiction during the stay to enforce the provisions of this Stipulation.

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT THE HONORABLE JAMES C. CHALFANT