

Conveners Proposal of Terms to
Commence Mediation
For the Lincoln Place Property

For the last two weeks I have spoken with the parties recommended to me as central to the dispute regarding the developmental plan for the Lincoln Place Property. Earlier this week I circulated a draft report and requested suggestions for improvement. Upon considering those suggestions and the conversations with representatives from every central interest group, I now recommend the mediation proceed and make following proposal of terms to commence the mediation. As mentioned in the draft report, time is considered of the essence by all parties, so I respectfully request each interest group to advise if they are willing to proceed on the terms outlined. I am acutely aware that many of the parties made suggestions/requests that are not incorporated into these recommendations. The reasons such suggestions/requests were not included is because I exercised my judgment in balancing responsiveness to one interest group (which is desirable), with how a suggestion/request would be perceived by the other interest groups. These recommendations are only to commence the mediation and are made with the understanding that the mediation can be modified by unanimous agreement of all interest groups and any interest group can cease to participate at any time.

The general description of the situation is:

AIMCO desires to develop this property; **the community** wants the property developed according to Venice community standards including an affordable housing component or wants the property to be restored and then maintained as is; **the tenants** want a. the right to remain in the affordable housing component of the property and b. the right to return to the affordable housing component if they have been evicted from the property; **the preservationists** wish to see the property maintain a sufficiency of buildings to maintain the historical character and designation of the property; **the city** wishes to see the issues resolved successfully to include a workable affordable housing equation.

The general goals of the process are:

- A. To mediate, discover or create common ground and settlement between the parties on the above issues; and
- B. To develop a collaborative approach that allows all parties to participate in, and sign onto a final result satisfactory to every one concerned; specifically, that all parties collaborate in the design for the development of the Lincoln Place property.

The issues for the mediation addressed in this report are: what is the scope of issues open for discussion at the mediation, a flexible format of the mediation process; interests represented at the mediation and how they should be represented, and the terms for a viable mediation.

SCOPE OF ISSUES

The parties at the mediation agree to discuss and intend to reach consensus on a jointly supported developmental plan for the Lincoln Place Property. The following issues are on the table for exploration, but concessions on any given issue should not be assumed; all issues should be developed evenly because solutions could be interdependent. Topics for discussion include:

1. the following tenant issues:
 - a. whether current tenants will be permitted to stay at the property and under what conditions;
 - b. whether former tenants will be permitted to return and under what conditions;
 - c. what criteria would be used to select future tenants (affordable, senior, disabled, etc.);
 - d. will rental units be prioritized among existing, former and other potential low income, senior, or disabled tenants;
 - e. upon applying those criteria, who would be invited to live in the new development;
 - f. what rents would be charged to various tenants;
 - g. how long would the agreed upon rental terms apply;
 - h. whether tenants would have the option to purchase a unit and at what price?
 - i. whether and how units will be improved and maintained and at what cost?
 - j. where in the development would these tenants be located?
 - k. how would tenants be protected from later retaliation for their participation in this process?
 - l. Whether AIMCO will cooperate in removing harmful financial and legal information (such as unlawful detainer information) from tenants' records.

2. The following developmental plan issues:
 - a. height, density, purpose and location of all buildings in the new development;
 - b. preservation of existing buildings, if any;
 - c. the amount of affordable housing;
 - d. the kinds of community enhancing amenities that would be included in the developmental plan;
 - e. the extent to which negative impacts on the community, like traffic, can be mitigated in the project design and scope;

- f. if all parties can agree on a developmental plan, the process to develop the property, including:
 - i. which, if any, additional Environmental Impact Reviews are required?
 - ii. the steps required prior to the commencement of demolition and development; and
 - iii. the time line for the agreed upon steps.

The concept is that all the parties would participate in a collaborative planning exercise in search of a project design and process to develop the property that all the parties would support.

3. If agreements are reached on the above issues, what do those agreements mean to each of the participants?

- g. What support for the jointly conceived developmental plan should be expected from each of the participants?
 - i. If, as expected, the City still needs to proceed through normal planning hearings, will the Councilman and Mayor publicly endorse and support the jointly conceived project?
 - ii. Will the organizations representing the community publicly endorse and support the jointly conceived project?
 - iii. Will the organizations representing the preservationist publicly endorse and support the jointly conceived project?
 - iv. Will the organizations/representatives of the tenants publicly endorse and support the jointly conceived project?
- h. Is it possible for the mediation to result in agreement among some but not all of the parties on an acceptable developmental plan that will be publicly supported by some, but not all, of the participating groups?

A VARIETY OF FORMATS FOR THE MEDIATION

Participation will occur in a variety of formats, including “Joint Mediation Sessions,” “Constituency Informational Meetings,” and “Constituency Conversational Meetings.” “Joint Mediation Sessions” describes meetings in which representatives from every interest group will attend.

“Constituency Informational Meetings” describes meetings in which interest groups will consult with their own constituents.

“Constituency Conversational Meetings” means meetings where one interest group requests a forum in which their constituents can discuss issues with representatives from one or more of the other interest groups.

All interest groups will organize their own Constituency Informational Meetings. Any interest group can request a Constituency Conversational Meeting with the

representatives of one or more interest group. The other interest group can accept or decline the invitation to meet with a broader constituency from another interest group. Either the requestor or invitee can request or require the mediator's participation as a condition of a Constituency Informational Meeting or a Constituency Conversational Meeting.

WHO SHOULD PARTICIPATE

The interests that need to be represented at a mediation seeking to accomplish a comprehensive solution to this dispute include:

- AIMCO
- Preservationists
- Tenants
- The local Venice Community
- Los Angeles City Government

Each interest represents organizations with complex decision making needs. All interests are expected to consult with their constituencies as the mediating proceeds. All interests must have a representative present for the mediation; speaker phone participation should be the exception and only allowed with the unanimous consent of all other participants present at that time.

AIMCO's will have five seats at the table for joint mediation sessions and will be represented by Eric Hilty, Patti Shwayder, and three of the following at any given meeting: a representative from David Owen Tryba Architects, Bill Delvac, George Milson, and Alan Arkatov.

Preservationists will have three seats at the table for joint mediation sessions represented by Amanda Seward and Linda Dishman and Ken Bernstien from the Los Angeles Conservancy.

Tenants will have five seats at the table for joint mediation sessions, represented by Sheila Benard, Jan Book, Laura Burns, Bill Chappelle, and Noel Wiess.

The Venice community will have six seats at the table for joint mediation sessions represented by Linda Lucks, Mindy Taylor-Ross, and L. J. Carosone have been appointed by the Grass Roots Venice Neighborhood Council, David Ewing and Laura Silagi (if some meetings occur while Laura is out of the country her seat will be shared by Ann Giagni) of the Venice Community Coalition, and Steve Clare of the Venice Community Housing Corporation.

The City of Los Angeles will have five seats at the table for joint mediation sessions represented by Larry Frank of the Mayor Villaraigosa's Office, Mike Bonin of Councilman Rosendahl's Office, and in advisory capacities only Suzanne Tracy and

Kristina Scott of the City Attorney's Office, and Emily Gable-Luddy of the Planning Department.

TERMS OF A VIABLE MEDIATION

Each interest group can meet privately with any other interest group or groups to explore areas of mutual interest. Groups are welcome to meet outside the presence of the mediator with any other group(s). Any interest group can request the mediator participate in any conversation with any other interest group.

Pending legal actions will proceed while the mediation is proceeding.

Tenants currently in the property have been granted extensions in their eviction proceedings through the end of May. On or about April 15, all parties will need to evaluate the progress of the mediation, the likelihood of resolution of all issues, and likely date that all issues will be resolved. In an effort to maintain an urgency of resolution, there is no commitment at this time about further extensions of the eviction proceedings.

These ground rules are subject to modification by agreement of all parties.

The Mediator was selected by the following process:

The convenor will recommend a list of candidates.

Each interest group will have three business days to investigate the candidates and inform the convenor which are unacceptable and their ranking of preference for those who are acceptable. The convenor will announce which candidate was acceptable to all and was most preferable. In the event of a tie, the convenor will select from the candidates ranked most preferable. The mediator will be _____.

The mediator will be responsible for facilitating communication, negotiation, and advocating for the benefits of resolution. Mediators administer these responsibilities a variety of ways depending on their personality and philosophy of mediation.

The mediator's fees will be allocated between the parties as follows: The interest groups for the tenants, community, and preservationists will pay \$20 per hour each (for a total of \$60 per hour) towards the mediator's fees for up to 100 hours of the mediator's time. (It is anticipated that this project should not take longer than 100 hours of the mediators time; if this estimate is incorrect, then the fee after 100 hours will need to be discussed.) The balance of the mediator's fee will be paid between the City and AIMCO in proportions that they agree to and disclose when that issue is resolved.

Confidentiality will only apply to subsequent civil and administrative proceedings, as specified in the California Evidence Code Section 1119 et seq. The parties agree that other than admissibility in subsequent civil legal or administrative hearings, the contents of the mediation need to be communicated to broad interest groups being represented at the

table and thus will not be confidential. The mediator will abide by confidentiality for any meeting that has less than all interests represented; this means that if the mediator is invited to meet with any interest group or collection of interest groups, those communications will be confidential from whatever interest groups are not participating in that meeting.

While all parties anticipate the need to discuss the contents of the mediation with their constituencies, there should not be any press releases or public statements directed to the media on the contents of the mediation without the agreement of all parties.

Respectfully submitted by:

Peter Robinson