

LUPC Committee:

I seek Venice Neighborhood Council to recommend to Councilman Rosendahl, Gayle Goldberg, Director of Planning, and Carmen Trutanich, City Attorney, that Conditions be established for 3221 Carter Avenue, currently the Jefferson at the Marina apartments, which will prevent pedestrian access between C4-OX zoned property and the R1 zoned property, as intended by the Oxford Triangle Specific Plan.

The Oxford Triangle Specific Plan was created to define the restrictions of development and to protect the single family residential (R1) area from being impacted by any development of non-R1 property in the Oxford Triangle.

Oxford Triangle Specific Plan

Section 2. PURPOSES

F. To adequately buffer all existing single-family uses from new commercial and residential development in the C4(OX)-2-D Zone.

The Oxford Triangle Specific Plan (OTSP) includes a requirement to prevent vehicles and pedestrians from crossing from C4-OX to the R1 area and vice versa. This was not to make the R1 area gated or elitist, but the authors understood the havoc that traffic for high density development can play on accessible low density areas. Even if vehicular traffic could not go from one to the other, but pedestrians could, there would still be a significant increase in R1 traffic from drivers going through the R1 area, parking, and walking to their destinations. So, in addition to the safety hazards that go with heavy traffic, street parking spaces would disappear. In 2002 most, but not all, C4-OX properties had direct access to Lincoln Boulevard. (Diagram is on next page) To allow LAFD, property owners, residents, etc. access the wording adopted was

Section 9. STANDARDS FOR DEVELOPMENT

C. Transportation and Traffic Standards.

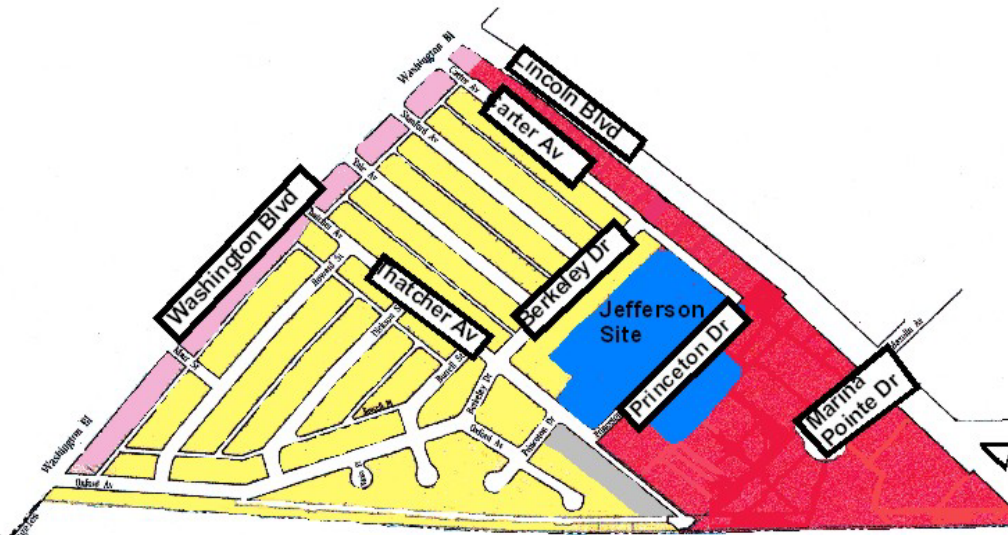
4. To the extent feasible as determined by the Director of Planning, access restrictions shall be implemented such that vehicular and pedestrian traffic will not be permitted from buildings and development within the C4(OX)-2-D Zone to the existing singlefamily areas.

This plan was in effect in 2002, when the Jefferson at the Marina Apartments project began. For all C4-OX high density development projects up to 2002, City Planning established Conditions that accommodated the OTSP. They required:






- Vehicle exclusion gates, to be used only by LAFD, across all roads that extended from one zone into the other.

- Alarms on all pedestrian emergency exit gates that gave access to the R1 area to deter use as a casual exit
- No pedestrian emergency exit gate could have external hardware enabling use as an entrance
- Access was to be solely from Lincoln Boulevard.

Oxford Triangle 2002



Entire boarder is private property

-  R1, approximately 360 units, accessible only from Washington Blvd.
-  C4-OX: commercial, high density residential, Lincoln Blvd access only
-  Commercial
-  C4-OX accessible only via residential area
-  City Property - Street Maintenance

Conditions for 3221 Carter Avenue required:

(Pertinent portions of Condition 17 are in Appendix A)

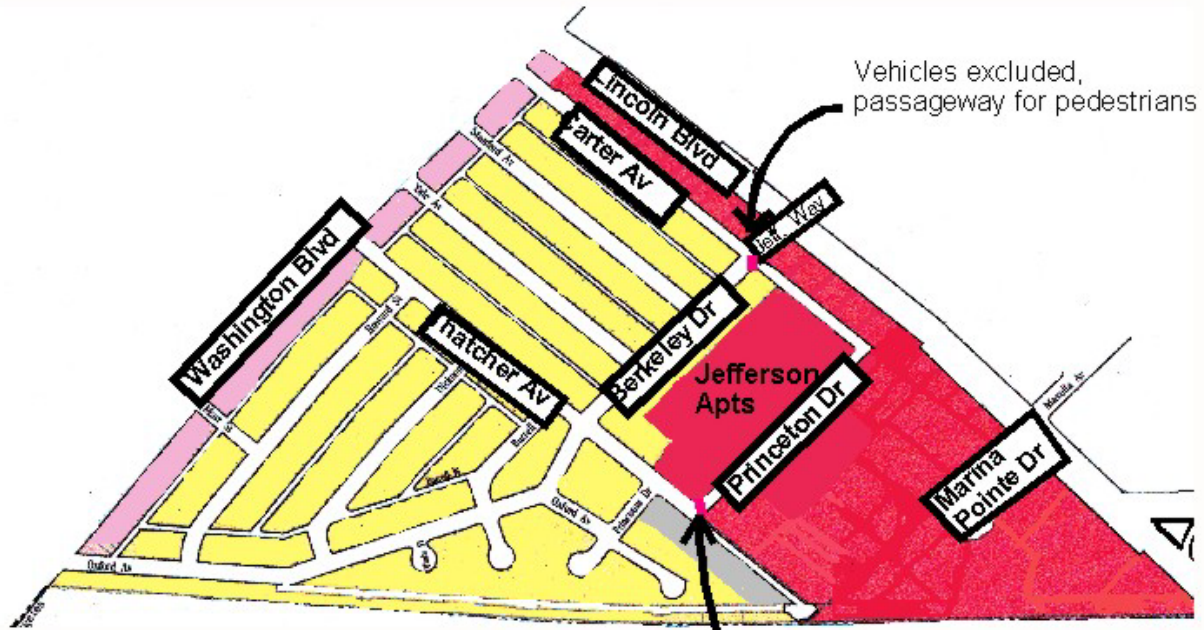
- A new road connecting Carter Avenue to Lincoln Boulevard. With the addition of that road, all C4-OX property became accessible without entering the R1 area. (Diagram is on the next page)
- Vehicle exclusion gates across Carter Avenue and across Princeton Drive to prevent C4-OX traffic from using the R1 area and to prevent the R1 traffic from using the new road, Jefferson Way.
- A review at the end of one year, at which time the Director of City Planning can revise, eliminate, or define new Conditions. Condition 19 is discussed on page






With the new road and vehicle exclusion gate Conditions, all C4-OX traffic appeared to be restricted from the R1 area. HOWEVER, instead of preventing pedestrian access between the two areas, in keeping with the intent of the Oxford Triangle Specific Plan,

- City Planning required pedestrian access.

Additionally, a pedestrian emergency exit gate was required by LAFD after the Conditioning process. City Planning did not require that this emergency exit be alarmed, as it did with all the other C4-OX emergency gates that lead into the R1 area.

Oxford Triangle 2009 - All C4-OX has direct access to Lincoln Boulevard



-  **R1, approximately 360 units, accessible only from Washington Blvd**
-  **C4-OX, Commercial + 1,922 units, accessible only from Lincoln Blvd.**
-  **Commercial**
-  **C4-OX accessible only via residential area**
-  **City Property - Street Maintenance**

Vehicles excluded, passageway for pedestrians

Vehicles excluded, passageway for pedestrians

Entire boarder is private property

It is clear to me, and I hope to everyone else, that when City Planning required pedestrian access, over the objection of the homeowners in the R1 area, they revised the Oxford Triangle Specific Plan without the consent or approval of the public or the City Council.

The rationale, as stated in the Findings that City Planning used to conclude that requiring closure of pedestrian access was flawed.

8. Oxford Triangle Specific Plan

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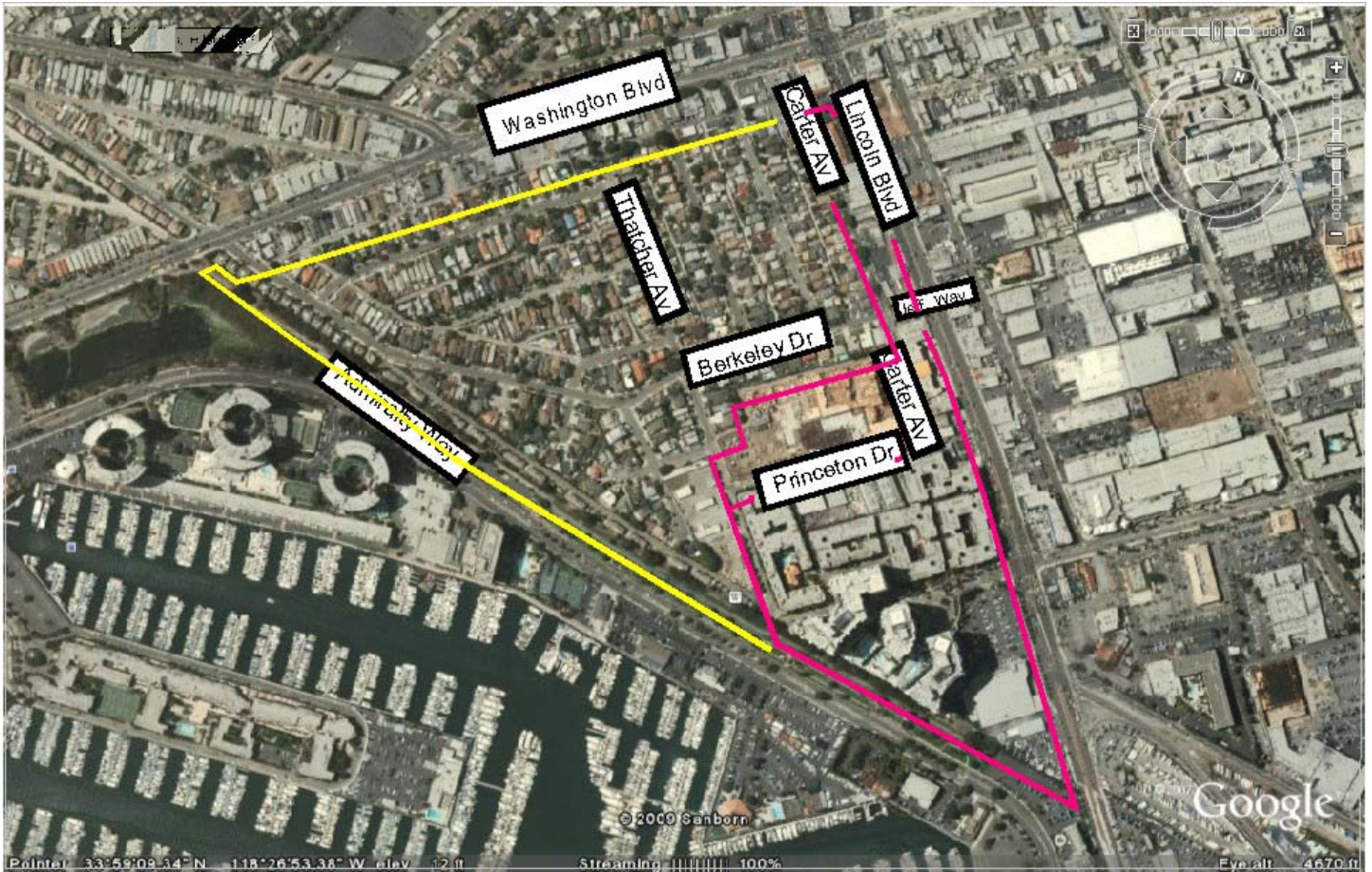
It is not feasible to prohibit pedestrian traffic as well as vehicular traffic in the single-family neighborhood. The streets that would be gated are public streets dedicated to public use and will be accessible from other routes. Prohibiting access to non-vehicular traffic would limit access to the nearby bicycle path and nearby neighborhood-serving retail and force pedestrians to walk around an entire City block or through other private properties.

It is an error to ignore the intent of the Oxford Triangle Specific Plan for the convenience of a new development, especially when the intent of the Specific Plan was to protect the single family residential area from the impact of such developments. In addition, please note that in both the 2002 and 2009 diagrams, the entire perimeter of the Oxford Triangle is private property. This includes the southern end of Thatcher Avenue. It is only the graciousness of the property owners that we have been permitted to cross to the bike path at Admiralty Park.

[continued] *Moreover, state Coastal Act and Venice Local Coastal Program policies encourage public access in the Coastal Zone, which includes the project site and the single-family neighborhood.*

The Coastal Act encourages public access to the ocean, not private property. Also, the OTSP is supposed to be the most restrictive of the plans under which development in the Oxford Triangle is regulated. It is my understanding that the hierarchy is , and please forgive errors in naming these: Municipal Code, Venice Local Plan, Venice Local Coastal Plan, Oxford Triangle Specific Plan.

Pictures enhance understanding. Following is a satellite photo of the Oxford Triangle. The yellow border is R1. The red border is C4-OX. plans are in progress to replace the car lot at the southern tip of the Oxford Triangle with a 31 story building with a store on the ground floor so it qualifies for a density bonus.



Below, my house is outlined in yellow. Behind it is the Jefferson apartment complex, closer to my house than my street. Not visible are the 773 units with emergency exits to Princeton Drive, between the Jefferson and the towers. As time passes, the residents will learn that the Jefferson is not required to have emergency exit alarms and will pressure management to turn off theirs, raising the number of units with access to R1 from 340 to 1,113. This is especially true as the residents realize that if you want to go north, east, or west you can avoid Lincoln Boulevard entirely from the R1 area. Going south, you can go a little out of your way and avoid Lincoln Boulevard until past the Marina Expressway.



The project is now in the midst of the one-year review required by the Conditions. There is now an opportunity for City Planning to correct its error.

Condition 19. Review and Evaluation of Permit Compliance. One year after the issuance of the final certificate of occupancy the applicant/owner shall be required to file a report with the Director of Planning, the Department of Transportation (LADOT), and the applicable Council District Office for the purpose of evaluating the Project's compliance with the operating requirements of this permit authorization to evaluate the effects of operations, traffic, parking, and loading for the project upon the surrounding community.

...

b. The reports to be submitted by the applicant/owner, prepared by a certified transportation or traffic engineer, shall evaluate the adequacy of the conditions and whether there are any, significant effects resulting from the project traffic and parking on residential streets in adjacent neighborhoods.

[The community submitted its reports. The community was advised by Whitney Blumenfeld, Planning Deputy to Councilman Rosendahl, that there would be no public hearing as part of the review.]

c. LADOT shall transmit to the Director of Planning its review and recommendations concerning the report within 45 days of its receipt. [Whitney Blemenfeld advised the community that there will be a period, after LADOT's report is submitted, in which the community can submit additional statements before the Director of Planning makes a determination.]

d. Upon review of this report, the Director shall determine whether there will be need for additional conditions, and state accordingly in his/her written determination.

e. If the report provides evidence that corrective measures are necessary, the Director may require modification of the conditions of approval relating to operations, parking and loading for the project, pursuant to the purpose, authority, and procedures set forth in Section 12.27.1 of the Municipal Code. If any modifications are required, copies of such modifications shall be provided to all owners of properties within 500 feet from the project.

f. The applicant shall submit a report of any complaints received by the building owner or manager, from the surrounding community, about project traffic, parking, operations and measures undertaken to resolve legitimate community concerns as part of the report to assist the Director to reviewing and evaluating permit compliance.

....

In accordance with the Oxford Triangle Specific Plan, I propose the following additions to the Conditions. I am neither an attorney nor a developer, so my phrasing may be incorrect or imprecise. Please forgive that, but do not ignore the essence of what is being requested.

- Walls or fences at least 6 feet high must be erected to replace the current pedestrian passageways at Berkeley/Carter and Jefferson/Thatcher to prevent pedestrian access between C4-Ox property and R1 property.
- Walls or fences at least 6 feet high must be erected between the nearest project structure and the pedestrian exclusion wall, to prevent bypassing the barrier by simply by going over a lawn.

- All pedestrian emergency exit gates must be alarmed, with sound the same decibel level as alarms required for hotels, and must sound for five minutes at each invocation. The sound must be steady, not alternating, so it cannot be mistaken for a car alarm.
- No pedestrian emergency exit gate shall have external hardware that permits entry.
- All fences, walls, and gates that separate C4-OX from R1 must be least 6 feet high to prevent "jumping the wall", a practice that now exists.

Thank you for your kind attention.

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Appendix A

17. Public Improvements (see also Conditions 24-28 regarding Demolition and Construction).

c. Construction of Transportation Improvements.

The following improvements shall be constructed and completed prior to issuance of a final certificate of occupancy to the satisfaction of DOT and the Bureau of Engineering:

1) Construct a new access roadway off Lincoln Boulevard as shown in the exhibit labeled "Exhibit C," stamped and dated 11/11/04 attached to the subject case file. ...

2) Gates shall be provided with architecturally compatible pilasters and wrought iron to prevent through vehicular traffic between Lincoln Boulevard and the Oxford Triangle neighborhood, subject to approval by the City including requirements for emergency vehicle access to the satisfaction of LADOT, Bureau of Engineering and the Fire Department. The gates shall be installed at two locations:

I. On Carter Avenue, south of Berkeley Drive, at the location of the new road,
and

ii. The intersection of Princeton Drive and Thatcher Avenue

...

Each of these gates will maintain existing pedestrian access. To the extent feasible, the pedestrian access portion at each location will incorporate physical design elements to deter motorcycles or other vehicles from using the pedestrian sidewalks to circumvent the gates.

Appendix B – Findings on which City Planning based its pedestrian access decision

8. Oxford Triangle Specific Plan. The Specific Plan (Ordinance No. 162,509) was adopted by the City Council on June 19, 1987, effective July 31, 1987. Portions of the Specific Plan were amended/corrected by the Council on December 6, 1994 (Ordinance No. 170,155, effective January 14, 1995).

The project is consistent with the purposes of the Oxford Triangle Specific Plan. The project has been designed in compliance with the various regulations, permitted densities, permitted uses and development standards established by this Specific Plan. The Specific Plan prohibits residential uses in excess of R3 density unless they are part of a mixed use project. The proposed project is not a mixed use project and will not exceed the R3 density which would permit 317 dwelling units. The project will provide setbacks from adjacent single-family dwellings as required by the Specific Plan.

The Oxford Triangle Specific Plan includes a transportation standard which states, "To the extent feasible as determined by the Director of Planning, access restrictions shall be implemented such that vehicular and pedestrian traffic will not be permitted from buildings and development within the C4(OX)-2D Zone to the existing single-family areas."

Currently, there are a number of commercial properties which lie between the subject property and Lincoln Boulevard. The subject property is served by three public streets: Thatcher Avenue, Carter Avenue and Berkeley Drive. In order for the project's traffic to avoid the nearby single-family area, direct access to Lincoln Boulevard will be created by a required new access road from Lincoln Boulevard, connecting to Carter Avenue. In addition, the new roadway will provide all access for the existing properties on the south side of Princeton Avenue. As conditioned, the project will incorporate gates for street closures to protect the single-family neighborhood from vehicular traffic.

These gates are consistent with the Oxford Triangle Specific Plan. The gates will restrict vehicular traffic (except for emergency vehicles) from the project, which is in the C4(OX)-2-D Zone, from directly traveling to the existing single-family areas. It is not feasible to prohibit pedestrian traffic as well as vehicular traffic in the single-family neighborhood. The streets that would be gated are public streets dedicated to public use and will be accessible from other routes. Prohibiting access to non-vehicular traffic would limit access to the nearby bicycle path and nearby neighborhood-serving retail and force pedestrians to walk around an entire City block or through other private properties. Moreover, state Coastal Act and Venice Local Coastal Program policies encourage public access in the Coastal Zone, which includes the project site and the single-family neighborhood. Restricting vehicular access that does not already exist

while preserving pedestrian access that does is consistent with those policies. Finally, the project will provide adequate onsite circulation and parking, as well as pathways and recreation facilities, for its residents and guests to reduce any impact from the project on the single-family neighborhood from pedestrian traffic. 11. Coastal Development Permit Findings. Pursuant to Section 12.20.2.G.1 of the Municipal Code:

a. The development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code).

The project site is located in the Oxford Triangle subarea of the Venice Coastal Zone Specific Plan and the Local Coastal Program - Land Use Plan. The proposed multi-family residential project is a use permitted for this location in these plans. The project will stepback from adjacent singlefamily uses located to the north. The property is not adjacent to the shoreline, will not affect visual, scenic, or ecological coastal resources, nor archeological or paleontological resources.

The project is subject to numerous regulations established by the Venice Coastal Zone and the Oxford Triangle Specific Plans. These Specific Plans have been adopted in conjunction with the City's implementation of the Coastal Act requirements and to insure that new development is compatible in scale and character with the existing neighborhood. The Specific Plans regulate heights, landscaping, setbacks, facade treatments, parking and similar elements of new construction, in addition to those requirements set forth in the Municipal Code.

The project has been designed to comply with the numerous development standards applicable to the site and would not be materially detrimental to adjoining lots or the immediate neighborhood.

Environmental impacts found due to the proposed project are identified in the attached environmental clearance, ENV 2002-7627 MND. The Mitigated Negative Declaration also identifies mitigation measures to reduce those impacts to a level of insignificance. Those mitigation measures are included as conditions of approval.

b. The permitted development will not prejudice the ability of the City of Los Angeles to prepare a local coastal program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

The Land Use Plan portion of the Venice Local Coastal Program (LCP) was certified by the California Coastal Commission on June 14, 2001, pursuant to the California Coastal Act of 1976. The proposed project, as conditioned with regard to stepbacks, setbacks, access, landscaping, loading, lighting, screening, and a wall or fence will be in conformance development standards contained in the LUP, and will not have any significant effect on the approval of the LCP. In the

interim, the Coastal Commission's certified coastal Land Use Plan and the Venice Specific Plan serve as the functional equivalent.

The proposed project, as conditioned, complies with LUP Policy 1.13.6. Community Commercial areas which encourages local shopping, visitor-serving commercial uses, mixed-use residential/commercial uses but does not prohibit residential only developments. The Oxford Triangle Community Commercial area is identified as an Area of Special Interest. The intent of the Commercial designation is to protect the existing single-family residential neighborhood from adjacent incompatible and more intense scale and uses.

c. The Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in light of the individual project in making its determination.

The project complies with the Venice Coastal Land Use Plan, a portion of the Venice Local Coastal Program (Venice LCP). The Land Use Plan was adopted by the City Council and certified by the California Coastal Commission in 2001. The subject project is consistent with the land use, design and other development regulations contained in the Venice LUP.

The project is located within the Marina del Rey community, as noted in the Coastal Commission Regional Interpretive Guidelines. However, the Regional Interpretive Guidelines for the Marina del Rey community appear to primarily address development which is located in immediate adjacency to the shoreline or harbor waters, and as such, do not include specific guidance for the subject property. The guidelines address adequate public access and appropriate recreational activities in these areas. The guidelines do include a statement that residential development proposals should receive the lowest priority in this area. However, the Venice LUP and the Specific Plans for the subject property encourage the development of residential uses on this site. Furthermore, a residential development is more compatible with the character of the existing neighborhood.

d. The decision of the permit-granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625[©] of the Public Resources Code.

The proposed project is not located within the dual coastal permit jurisdiction area. This action would not preclude the Coastal Commission from further addressing any concerns it may have during an appeal review process.

e. If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976. The subject property is not located between the sea shoreline of a body of water within the coastal zone and the nearest public road to such geographical features

12. Specific Plan Project Permit Compliance Review Findings. Pursuant to Section 11.5.7.C of the Municipal Code:

c. The Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood. ...