



WINNETKA NEIGHBORHOOD COUNCIL

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August 31, 2016

Bob Blumenfield
Councilmember, Council District 3
Los Angeles City Council
19040 Vanowen St.
Reseda, CA 91335

Re: 20460 Sherman Way, Winnetka, CA 91306
Case #: CPC-2016-2277-ZC-DB-CUB

Dear Planning Commission:

We are contacting you to respectfully inform the Planning Commission that the Winnetka Neighborhood Council (WNC) considered a preliminary plan presented by Mr. Gregorchuk (hereafter referred to as "the developer") for the development of the property located at 20460 Sherman Way, Winnetka, CA 91306, at our July 14, 2015 Board meeting. The Board voted 2-8-1 against the developer's proposal.

Please allow the WNC to formally enter into the record for consideration our reasons for objecting to this project. Please understand, the WNC is a Neighborhood Council duly elected by the stakeholders within the community and we have had numerous Planning & Land Use Management Committee meetings on this property that involved extensive stakeholder input. The decision made by the Board based on the overwhelming objection by stakeholders living and working in the vicinity of the property.

This property, dubbed "the pit", by the community has been an eyesore for the community for some time. Originally, the property was home to an old gas station that was taken out of commission and used as an auto repair business. While not a large lot, this use seemed to fit the property and was tolerated by the community.

The property was eventually purchased by a developer who wanted to build a mix-use project on the property. The original developer approached the WNC and engaged the community. The community was opposed to the original developer's proposal, which consisted of a three

or four story mix-use development with subterranean parking. The community soundly opposed the project for a number of reasons that included, but were not limited:

- The excessive height of the project (the tallest building for at least 3 blocks in either direction along Sherman Way is 3 stories)
- Lack of adequate parking for proposed retail space on the first floor
- Lack of adequate ingress and egress that would not cause tremendous increased congestion along an already overloaded Mason Ave, and a busy Sherman Way

The current developer approached the WNC and was provided with insight regarding the community's concerns. It is our understanding that the developer may have met with community members independently from the WNC and made several promises to these community members regarding the nature of the project. The community later reported that many, if not all, of the developer's agreements with them were not included in his final proposals. The WNC has no way of verifying this, except to relay what we have been told over the last year or so we have discussed this project.

The developer submitted a plan for the WNC PLUM Committee's consideration that consisted of 4 plus stories, not including two subterranean parking levels. The community was not pleased. Over the course of several months the WNC PLUM Committee attempted to broker a compromise that both the developer and the community could live with. These meetings were often very contentious and difficult to get through. Both the stakeholders in the immediate community and stakeholders from other parts of Winnetka on both sides of the issue were in attendance and provided with an opportunity to ask questions and make their opinions known.

The developer did agree to a number of concessions (please see Attachment 2). The WNC PLUM Committee eventually advanced a recommendation to the Board to consider a vote in favor of the developer's plan including the concessions. The Committee voted to advance the proposal against the wishes of a majority of the stakeholders in the immediate area near this project on the grounds we felt it was the best deal we could get from this developer.

The final proposal included a 4 story building (one story of retail/restaurant space, and 3 stories of residential apartments). Among the concessions were set backs on the fourth story to preserve the privacy of houses adjacent to the alley along the rear portion of the property parallel to Sherman Way. (NOTE: There appeared to be some confusion between the committee and the developer. The committee believed the project was limited to 3 stories (1 retail/restaurant and 2 residential). The developer claimed he believed it was three stories as the first ground level story is not counted.)

The Board considered the developer's final proposed plan at the aforementioned July 2015 Board meeting. There were a number of stakeholders and non-stakeholders in attendance at this meeting and discussion was once again very lively. In the end, the Board, including several members who served on the PLUM Committee, wisely listened to their constituents and voted to deny support for the project in the aforementioned 2-8-1 decision.

The WNC has reviewed the material submitted by the developer in his filing for a zone change, density bonuses' and variances. The remainder of this letter will address the document titled "Justification for Zone Change" and the petition in favor of the project.

JUSTIFICATION FOR ZONE CHANGE

We have listed our objections/comments in corresponding order to the reasons outlined in the document:

- 1) The WNC agrees in general with this statement. The original developer was required to excavate the area to remove the contaminated soil on the property due to the old gas station. The WNC demands that the current developer submit a full environmental study to verify that the property is clear of any contaminants.
- 2) The WNC objects to this statement. It is true that the four corners of this intersection are devoted to commercial uses. However, it is disingenuous and misleading to characterize the commercial uses to include "large stores". For the record the southwest corner of this intersection consists of a single level strip mall with inadequate parking. The northwest corner is Walgreens Pharmacy that is as tall as a two story apartment building. The northeast corner of this intersection consists of another single level strip mall on the corner proper, and a second single level strip mall behind the first. Immediately to the north of these two is a Smart & Final Extra store (again the equivalent height of a two, to three, story building. Immediately adjacent to the property in question is a two shop strip mall that has inadequate parking for any use, much less the Pizza John's restaurant that occupies one of the two shops. There is only one ingress and egress for this strip mall that is inadequate and would conflict with the proposed placement of one of the entry levels of the subterranean parking. The WNC Public Works & Transportation Committee has already discussed several complaints about this intersection from stakeholders, some not even associated with either side of this issue, and has asked the City for greater traffic controls such left turn signals in all directions.
- 3) The WNC objects to this subjective opinion of the developer. The developer cannot speak for possible future owner of the property regarding what is feasible and not feasible. This is solely his opinion.
- 4) The WNC strenuously objects to this statement. The developer's assertion is based on assumptions and facts not in evidence and fails to take into consideration certain realities:
 - a. It assumes that a majority of residents will not own or use cars. The area currently is extremely congested in terms of parking. The north side of Sherman Way consists of apartment buildings. Despite the fact residents have parking in the various apartment complexes there is tremendous overflow onto Fulbright and Enadia Way. Residents living in the apartment complexes on the north side of Sherman Way are routinely observed parking on the south side and spilling

over into the neighborhood. The facts are that most living in this area own and use cars, and will continue to do so.

- b. While there is a major bus stop in front of the property he fails to point out that the stop in its current location would interfere with the current ingress/egress point on Sherman Way. He fails to take into consideration that residents and patrons entering the parking levels will have to back up behind busses – causing backups that would impair traffic along Sherman Way and placing motorists in danger by backing up the intersection itself. The bus stop would have to be moved given the only reasonable configuration of the property.
 - c. Additionally, the developer implies that connections to the Orange and Red Lines are direct connections. The Orange line is over a mile away and would require the rider to change busses to get to the Orange Line. The Red line is on the other end of the San Fernando Valley and would require additional bus changes.
- 5) The WNC cannot agree or disagree on the developer's assertion regarding attracting unsavory characters and graffiti. It is true there has been an increase in graffiti in the area but it is not due to transients. The increase is directly due to a resurgence of the Canoga Park Alabama street gang from Canoga Park. Due to a decrease in police coverage the gang is once again expanding its territory and marking Winnetka. It is true there is a transient population in the area and that the alley adjacent to this property is often a target for dumping and transients living in the area. However, the WNC has pointed out to the Councilmember's office that the transients that generate the trash are actual living in a gated area behind the adjacent strip mall and have nothing to do with the "pit". Building the proposed development may have no direct impact on either issue. These issues require greater community involvement and assistance with the landowner that is actually causing part of the problem, and greater police activity in the area.
- 6) The WNC does not dispute the contention that the property is undeveloped. We also do not dispute the need for affordable housing. However, we do dispute the developer's assertion that the units he will be building will be affordable. We understand he is agreeing to some lower income housing as part of his submission for a density bonus but most of the units will be at market rate – and it is understood – based on comments during meetings these units will not be in line with other rents charged in the area. Finally, the developer is incorrect in his statement that there is a need for retail space. Winnetka, Reseda, and Canoga Park have an increasing level of vacancies in retail spaces. The last thing we need to add right now is more unoccupied retail spaces.

Additionally, the City of Los Angeles is suffering from a severe water shortage that has gone on for several years. The City also is in danger of energy shortages. The WNC PLUM Committee in the past has commented several times that we feel the water shortage issues should be addressed before we add additional housing units.

- 7) The WNC recognizes the need for housing. We have considered the arguments made by the developer and reviewed the articles and studies he is presenting for consideration. However, the WNC maintains that growth needs to be appropriate to the community and must take into consideration the character of the community in which the development is being proposed. The area in which the developer is proposing to build this massive housing complex consists of a mix of single story single family homes and two to three story multi-dwelling units. In fact, on the south side of Sherman Way, along the same block that this development is being proposed are single family homes. It is not for two blocks to the east of this property along Sherman Way that you will see three story condominium units. Along the north side of Sherman Way, it is almost entirely two story apartment complexes. Immediately behind the property in question is a neighborhood of primarily single story, single family homes. This property may be appropriate for a two to three story apartment complex, not a six story complex. It would be out of character and would dramatically change the nature of the community. Finally, the WNC strongly believes that we have a duty as leaders to represent all stakeholders – this includes ensuring the families who worked hard and bought single family homes in a single family home neighborhood continue to enjoy their vested right to live in that type of neighborhood.
- 8) The WNC disputes the assumptions made by the developer. There is no empirical evidence that these benefits will be realized. The developer once again assumes that residents will forgo cars in favor of public transportation. He also assumes occupancy of the retail/restaurant space and assumes residents would frequent these establishments. Finally, the developer comments that the zoning is aesthetically pleasing. A zoning cannot be by definition aesthetically pleasing....this is a design statement that has nothing to do with a zoning designation.
- 9) This is a subjective opinion. We already have numerous restaurants where neighbors can gather. Additionally, a café does not traditionally serve alcohol.
- 10) The WNC disputes the contention that students from Pierce or CSUN would occupy these units. There is no guarantee this will occur and once again no guarantee that they would forgo owning or using cars. The WNC would also like to point out there is no bus line along Mason Ave, and there are no bike lanes along Mason Ave or Sherman Way.
- 11) The WNC has already addressed this argument above. The “bad characters” are attracted to the building next to this property. The developer asserts that an occupied building at this location will reduce graffiti. This is simply not the case. Within the past year the apartment building directly behind Smart & Final on the north side of Sherman Way was besieged by graffiti. Every wall within the parking structure of this apartment complex and many interior walls was covered by graffiti – despite the fact the complex is occupied. The graffiti is increasing because of a direct result of a lack of law enforcement as LAPD units are assigned to other parts of Los Angeles allowing dormant gangs to spread their wings once again.

- 12) This assumes facts, not in evidence and is speculative. The contention that the property would be safe for children has no basis. In fact, the developer is requesting variances to reduce the amount of open space that presumably would have been devoted to an interior courtyard where children could play. Finally, a restaurant that serves alcohol is certainly not a place for children to loiter and spend time.
- 13) The WNC strenuously disputes this assertion. The developer is banking his assertion on a belief that families will not own multiple cars. Worse yet he is planning on allowing patrons of the businesses to use the parking spaces allotted for residents during the day. In order for this plan to work he would have to limit parking to specific hours forcing the businesses in his new property to suffer in early morning and evenings. A restaurant at this location would suffer possibly unsustainable loss of business at peak hours for this type of use. Or residents would return home to find no place to park. Please keep in mind there is limited street parking along Mason Ave, which is almost never used due to safety concerns, and very little available parking along Sherman Way – including no parking within 300 feet of the property line on the street. Under the proposed scenario – without harming businesses – residents will be forced to park on Fulbright and Enadia Way – exasperating the existing parking congestion caused by residents in the apartment complexes on the north side of Sherman Way.
- 14) The WNC agrees that construction jobs will be created and recognizes the short term benefits. We also recognize some small number of low paid retail and restaurant jobs will be created – assuming he can find tenants and assuming the parking issues allow these businesses to survive.
- 15) The WNC has not reviewed the quoted study and has no comment.
- 16) The WNC disputes this contention. The retail and restaurant space MAY support an almost non-existent local arts community. There is no evidence this will promote this usage. These are subjective opinions that represent possible wishful thinking.
- 17) The WNC supports this item and regularly encourages developers to not only make buildings solar ready but to actively install solar and other green technology. There is no evidence this will be a LEAD certified building that demonstrates the building is actually environmentally sustainable. The developer is simply stating that he will follow the existing City requirements which do require buildings to be solar ready and to have water collection systems.
- 18) The WNC agrees that any development will shore up the structural integrity of the streets and alley in the area.

The above addresses the zoning change and density bonus arguments presented by the developer. The following comments will pertain to the zone variance for the serving of alcohol for consumption.

1. The WNC does not dispute the contention that the current zoning does not support alcohol consumption on site. However, the argument that serving alcohol will promote greater quality service is unfounded and subjective.
2. The WNC does not dispute that nearby businesses sell alcohol. However, we would like to point out that all of the establishments mentioned in his justification sell alcohol for offsite consumption, not onsite consumption. One can argue that there is more than adequate access to alcoholic beverages and providing another source is not necessary.
3. The WNC has no comment on this statement.
4. The WNC disputes this contention that there would be no impact to the area. Serving alcohol on site, and especially for consumption in an outdoor patio, could have a severe impact on the surrounding area by increase noise volume. The argument also assumes that the patrons will only walk to this location. We have already established that the developer expects patrons to park by his request to share parking spaces with residents.
5. The WNC has no comment on this statement beyond the statement that Mason Ave is not considered a primary street.

In summary, the WNC is not opposed to the development of this property. We simply maintain that the development has to be consistent with the community. The WNC strongly believes that the property is not suited to a large scale apartment complex. In fact, the small size of the property and the location of any ingress and egress in relation to the adjacent property and the intersection prohibits it from being a strong candidate for any major housing development.

We respectfully request the Planning Commission reject the developer's request for a zone change, strongly urges the Commission to reject any density bonuses of any proposed project on this property, and strongly urges the Commission to reject any parking scheme that is not in compliance with the City's already inadequate parking requirements, much less one that allows the same parking spaces to be allocated for both residential and commercial use.

We thank you for your consideration.

Sincerely,

JJ Popowich
President, Winnetka NC
Chair, Winnetka NC PLUM Committee