

**BRENTWOOD HILLS HOMEOWNERS ASSOCIATION**  
**11601 WILSHIRE BOULEVARD • SUITE 1900 • LOS ANGELES, CA 90025**  
**(310) 575-0800 / Fax (310) 575-0170**

June 10, 2004

**By Facsimile and Regular Mail**

Councilwoman Cindy Miscikowski  
Los Angeles City Council  
1645 Corinth Avenue, Room 201  
Los Angeles, CA 90025

**Re: Proposed Canyonback Road Gate**

Dear Cindy:

The Brentwood Hills Homeowners Association represents over 400 homes on the west ridge of Mandeville Canyon, proximate to the Mountaingate community which lies on the east ridge. I have spoken with your deputies Mark Edwards and Julie Pietroski concerning the new gate under construction on Canyonback Road, obstructing that portion of the Kenter Fire Road that passes through the Mountaingate development.

I write to advise you that at our regular board meeting on June 3, 2004, the Brentwood Hills Homeowners Association voted to **oppose** vacation of Canyonback Road and further construction of the gate to the extent it restricts or limits, in any way and at any time of day or evening, pedestrian, bicycle or other non-motorized access through Canyonback Road. The vote was unanimous. The Upper Mandeville Canyon Property Owners Association joins with us in this position, although they will be writing separately. As discussed below, we both request actual notification of any hearings.

Initially, in response to my questions, on May 24 Mark Edwards informed me there were no issues involving pedestrian access through the new gate. Later, however, I saw E-mail correspondence between my colleague Bryan Gordon in Mar Vista and Ms. Pietroski, making clear Mr. Edwards had misinformed me, and that there are, in fact, serious issues of public access to mountain parkland raised by this gate.

Councilwoman Cindy Miscikowski

June 10, 2004

Page 2

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I was about to say “proposed” gate, but in fact it is under construction right now, even though the City’s permitting process has not been completed. I didn’t think that was possible. According to Julie’s 5/27/04 E-mail to Bryan Gordon, during the day runners, pedestrians, hikers, bikers, dog-walkers, picnickers, etc., would be required to “buzz in” to a guard-station and request permission to pass. After sunset, all but the handful of homeowners would be out of luck – including those of us who like to run or bike on the fire road after work on weekdays.

Ms. Pietroski informed me you had endorsed and approved this gate. She claimed Paul Edelman and the Santa Monica Mountains Conservancy had done likewise. Paul informed me today that this is not the case, and that although he has had conversations with the proponents of this gate, stipulations and conditions which the Conservancy would require have not been met, and he has heard nothing further about the matter.

I was shocked to see that this matter is so advanced through the permitting process. Ms. Pietroski claims Brentwood Hills was not entitled to notice or notification from the City, under the rules supposedly applying to vacation of City streets. In other words, this gate has gotten as far as it has “under the radar,” so to speak, since only Mountaingate residents were notified – to the exclusion of affected communities such as BHHA and UMCA.

I find it hard to believe that we could legally be “kept in the dark” on issues such as this. Last year, when Mountaingate’s developer published its DEIR proposing a dramatic expansion of the project, including an extension of Canyonback south to the DWP water tank accompanied by cut-and-fill grading of the scenic ridgeline, Brentwood Hills Homeowners Association *was* given notice. In response to that notice, as you recall, we hired counsel (John Murdock, Esq.) and weighed in opposing the expansion, although we’ve heard nothing since. The point is, we care about what happens on the ridgeline to our east.

That ridgeline has been under assault, in different forms and from different directions, for many years. The Kenter Fire Road, which runs from the northern end of Kenter Avenue in Brentwood to the east end of Dirt Mulholland and which will be bisected by this gate, is one of three “trunk lines” affording public access from Brentwood to Mulholland and beyond through pristine Santa Monica Mountains wilderness. The other two are the Westridge Fire Road in our community, and Sullivan

Councilwoman Cindy Miscikowski

June 10, 2004

Page 3

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Ridge to the west (from Capri to Mulholland). Every weekend, indeed every weekday, hundreds of people and families use the Kenter Fire Road to go hiking, running, mountain-biking, walking their dog, or just getting away from it all. The road commands 360° panoramas of snowcapped Mount Baldy, the Channel Islands, the Valley, and southeast to the distant Laguna Mountains in Orange County.

It is hardly surprising, therefore, that Canyonback Road was designated a "Scenic Highway." According to the City Engineer's report dated March 23, 1999, for this vacation of a public street to go through, Canyonback had to "be redesignated from a scenic secondary highway to a local street" – presumably so that it could then be withdrawn entirely. I also notice that the Planning Director recommended disapproval of this request "due to the lack of environmental clearance," which is hardly surprising in light of the environmental significance of what surrounds the gate. Finally, the Director noted that there had been no determination whether the vacation conformed to the City's General Plan and the Brentwood Pacific Palisades District Plan. As you know better than anyone, the latter makes extensive provision for public access to open space. These observations and recommendations by city officials are as valid now as when first made.

In 1978, I ran from Kenter Avenue to Mulholland when there *was* no Mountaingate. It was one continuous fire road astride the ridgeline. Then one day I encountered grading, filling and bulldozers. After townhouses began going up, someone erected a chain-link fence across the fire road at the northern end of Canyonback. That forced hikers (now trespassers, ostensibly) into thick brush and then to pivot out and over a precipice in order to circumvent this illegal fence. Later, pedestrian openings were grudgingly cut for public passage.

In 2001, again without notification to anyone but the immediate neighbors, the Getty Museum was allowed to construct an unsightly chain-link fence-gate at the northern terminus of Kenter Avenue, curtailing public access to the southerly Kenter Fire Road after dark. This obstruction continues to be an obnoxious eyesore more fitting to a prison than a public park. In August 2001 Brentwood Hills Homeowners Association objected to you about this, but our objections were overruled.

In 2003, as discussed above, Mountaingate's developer proposed to cut, grade, and build mansions on Canyonback Road south to the DWP tank. That proposal also included a request to gate and restrict public access to the proposed new enclave, and I gather is very much alive.

Councilwoman Cindy Miscikowski

June 10, 2004

Page 4

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On June 3, 2004, Julie Pietroski told me that the existing homeowners along Canyonback Road desired the same "gated enclave" ambience and privacy enjoyed by residents of other cul-de-sacs within Mountaingate. While that may be understandable, there obviously is a problem with this desire. The homeowners on Canyonback chose to live astride a main trunk-line through the mountains, a fact they must have observed when they bought their property. Therefore, Canyonback Road cannot be equated with other enclaves within Mountaingate. I was shocked to see the statement that "The street is also not needed by the general public for the use of pedestrians, bicyclists or equestrians." (Engineer's Report, p.6, "Effects of Vacation on Circulation and Access") That is exactly what Canyonback Road is needed by the general public for, inasmuch as it comprises a 1/3 mile chunk taken out of the Kenter Fire Road.

I notice that this gate is controversial even within the Mountaingate community. The City's record contains letters from a number of Canyonback residents opposing or objecting to the gate. Finally, as mentioned above, Conservancy officials inform me that their concerns about parking, access, dedicated easements and other issues have not been met or followed-up on, and that as we sit here today, the Conservancy has *not* approved this gate.

Cindy, it seems like only yesterday that you and I attended the dedication of the "Westridge-Canyonback Wilderness Park," a huge victory for the public rescuing 1800 acres of land from cut-and-grading. You were a speaker. The ceremony was held on the Kenter Fire Road about a mile north of the gate we are debating – a gate which, ironically, would limit the public's very access from the south to the new Mountain Park.

I'm sure that many assurances, promises, and conditions have been agreed to, paying lip-service to the public's right of access. I imagine that the homeowners have promised that the guard will "buzz through" everyone who asks for access, at least during daylight hours.

You know as well as I that such reassurances have an unfortunate way of being forgotten. Next year you will leave office, and someone new will take your seat who remembers nothing of this matter. A new generation of staff and deputies will cycle through, whose attention will be occupied by other issues and "fish to fry." The guard at the gate, meanwhile, will answer not to your office or the City Council, but to the Crown Homeowners Association, whose zeal to promote public access to their backyards (or frontyards) is obviously suspect.

Councilwoman Cindy Miscikowski

June 10, 2004

Page 5

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There will come a day when people traveling here for an outing, who know nothing of the politics involved, will suddenly encounter a gate or fence closing off their favorite trail or fire road. When they protest, they will be told to go away. With no knowledge what their rights are, and no representation in the process, they will mutter a complaint, shrug, leave, and not return. Others, meanwhile, will toast their good fortune and the unexpected premium in their property values that comes with vacating a public street and turning it into a private "gated community." Oddly, that is something you have historically opposed.

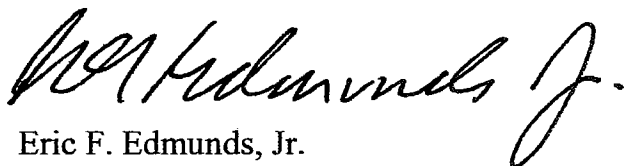
The process of losing wilderness, and public access to wilderness, is a gradual, subtle, and quiet one. It happens piece by little piece, as here.

Julie Pietroski was ambiguous as to when public hearings on this issue would be scheduled. Obviously, the City takes the position we have no right to notice at all (which is absurd and an affront to BHHA, UMCA and other interested parties).

Please treat this letter as our request for notification of any City Planning Commission or City Council hearings on the vacation of Canyonback Road and gate. Please make sure that notification comes to me in person at 310/ 575-0800, or fax 575-0170 (not to BHHA's Post Office Box, where mail is not picked up daily). We wish to be heard, and must rely on you for that.

Regardless, we urge you to reconsider your endorsement of this gate and private preemption of a Scenic Secondary Highway. The same applies to any other or future gate, fence or obstruction that anyone may be contemplating on the Kenter Fire Road, whether as part of the Mountaingate Expansion or otherwise.

Sincerely,



Eric F. Edmunds, Jr.

for

Brentwood Hills Homeowners Association

cc: BHHA Board  
John Murdock, Esq.

**Councilwoman Cindy Miscikowski**

**June 10, 2004**

**Page 6**

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**Wendy Rosen**

**Joe Edmiston**

**Paul Edelman**

**Flora Krisiloff**

**Bill Rosendahl**

**Bryan Gordon**

**Sierra Club Santa Monica Mountains Task Force**

**Dave Brown**

**Maryann Webster**

**Brad Rosenberg**

**Marlene Bronson**

**Jeff Hall, Brentwood News**



June 16, 2004

VIA FACSIMILE ONLY  
(213) 473-6926

Councilwoman Cindy Miscikowski  
City Hall Office  
200 N. Spring Street, Rm. 415  
Los Angeles, CA 90012

**Proposed Vacation of Canyonback Road  
Opposition of Mandeville Canyon Association**

Dear Cindy:

The Mandeville Canyon Association ("MCA") is a homeowners association in the Mandeville Canyon area, just below and to the South of the portion of Canyonback Road that is proposed for vacation and closure to public access.

We recently came to learn that the City has proposed [or possibly agreed] to vacate a portion of Canyonback road, which constitutes that portion of the Kenter Fire Road that passes through the Mountaingate Development for the purposes of erecting a gate and limiting public access. In fact, we understand that a gate is currently being constructed in such a manner that would restrict the public's ability to pass and to use the recreational resources in that area. We were not aware of any public hearings on this issue, nor even any public discussion of it whatsoever. From our perspective, it appears to have been a determination made in secret and without public participation.

The MCA Board strongly opposes this gate, and any vacation of Canyonback Road that would limit or otherwise interfere in any way the public's right of access to the entire length of the Kenter Fire Road. We believe limitations on public access to existing recreational resources, such as embodied in this gate, are subtle interferences with the right of access that will—if unchecked—soon grow to obstruct and/or entirely prevent legitimate uses of these resources by mountain bikers, hikers, picnickers, and others who use these mountain roadways on a frequent (and often daily) basis. Without careful safeguards of the public interest, one day the public's access to the natural resources in the Santa Monica Mountains might be gone!

Re: Vacation of Canyonback Road  
June 15, 2004  
Page 2

The MCA agrees with and seconds Michael Leslie's letter dated June 10, 2004, sent on behalf of the Brentwood Hills Homeowners Association ("BHHA") that opposes this action to close and restrict the uses of the Kenter Fire Road. We understand that the Upper Mandeville Canyon Association has also taken an affirmative stance on this issue that is consistent with the views of MCA and BHHA.

We ask that you please promptly provide MCA and the public at large more information about the actions and/or proposed actions regarding (a) the vacation of Canyonback Road and (b) the construction of a gate that would limit the public's access to the Kenter Fire Road. Once we have accurate information from you about this situation, we can make more informed decisions about these matters that affect the public interest and contribute more meaningfully to the appropriate public dialogue. We look forward to hearing from you or your staff about this matter in the very near future.

Sincerely,

Nina Cohen  
President  
Mandeville Canyon Association

cc: Michael Leslie, Esq. [BHHA]  
Wendy Rosen [UMCA]  
MCA Board



# UPPER MANDEVILLE CANYON PROPERTY OWNERS' ASSOCIATION

P. O. BOX 49845  
LOS ANGELES, CALIFORNIA 90049  
[www.uppermandeville.com](http://www.uppermandeville.com)

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## Board of Directors

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Wendy-Sue Rosen  
Paula Tebbe  
Lynne Thompson  
Jim Wright

June 23, 2004

VIA FACSIMILE 310.575-8305  
AND US MAIL

Councilwoman Cindy Miscikowski  
Los Angeles City Council  
1645 Corinth Avenue, Room 201  
Los Angeles, CA 90025

## Re: Canyonback Road Gate

Dear Cindy:

The Upper Mandeville Canyon Association ("UMCA") represents approximately 300 property owners in the Upper Mandeville Canyon area, which is surrounded by protected "open space" acquired, in part, through an assessment voted for and paid by our community and our neighbors. The UMCA strongly opposes construction of a locking gate on a portion of Canyonback Road that provides public access to the open space land that was paid for by residents of the Santa Monica Mountains communities - including all Mandeville Canyon area residents. And we object to a process whereby the affected communities were given no notice or opportunity to be heard on this important issue.

Construction of a gate that will cut-off access to protected open space necessarily restricts the public's prized right of access. The proposed electronic gate will require all runners, hikers, bikers, dog-walkers and others to request access to protected open space land from a remotely-located guard employed by and answerable to a private homeowners association. The gate therefore creates an architecture that will permit abuse. Over time, the private homeowners will become accustomed to the restricted public access and seek to maximize it. The guards who control public access to the open space from a remote location can also be expected to protect zealously the privacy of their employers' community by restricting access. And these guards will have other responsibilities to their employers, which will take priority over the task of assuring public access to the open space trails.

The fact that our community was never notified that the City was considering closing-off free access to public mountain parkland abutting our neighborhood, and used day and night by residents, is inexcusable. The only homeowners given notice that the City was in the process of closing-off public access to public land were residents of the homeowners association that was seeking to close-off such access to everyone *except* themselves. The Mandeville communities and other neighboring Santa Monica Mountains-area communities, whose access to public parkland is being restricted, were given no opportunity to be heard, while the only community whose access to the parkland would not be impaired was the only community given notice. This faulty notification system was guaranteed to alienate the broader Mountains-area communities – and it has. We join the Brentwood Hills Homeowners Association and the Mandeville Canyon Association in strongly opposing the project.

We also object to vacation of the public highway and its re-designation as a private street because it creates an unacceptable fire risk. The Los Angeles Fire Department has investigated the proposed vacation of the public road and recommended that the street remain open and public. The City should defer to the Fire Department's judgment. The area has been designated as a Very High Fire Hazard Severity Zone. Indeed, tragic fires swept through Mandeville Canyon in the late 1970s. A fire started or passing through the open-space area closed-off by the gate and bottlenecked by what the City seeks to designate as a private street could easily spread to the Mandeville Canyon and other Westside Mountains areas. It is critical that the Fire Department have proper access to the area to prevent the spread of such fires. The re-designation of the street and the construction of a gate impair emergency access in a dangerous fire area. We object to the City's apparent disregard for the Fire Department recommendation against vacation of the public highway.

We urge you to reconsider your endorsement of the gate, which closes-off public access to public parkland off a public highway, and the proposed vacation of the road's public highway designation, which is critical for fire-fighting access.

Sincerely,



Wendy-Sue Rosen, President  
Upper Mandeville Canyon Association

cc: Julie Pietroski  
Joe Edmiston  
Paul Edelman  
Flora Gil Krisiloff  
Bill Rosendahl  
BHHA  
MCA

# UPPER MANDEVILLE CANYON PROPERTY OWNERS' ASSOCIATION

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Wendy-Sue Rosen  
Paula Tebbe  
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July 13, 2004

VIA FACSIMILE 310.575-8305  
AND US MAIL

Councilwoman Cindy Miscikowski  
Los Angeles City Council  
1645 Corinth Avenue, Room 201  
Los Angeles, CA 90025

## Re: Proposed Canyonback Gate Enclave

Dear Cindy:

This is a further clarification of my letter of June 23, 2004, concerning the gate on Canyonback Road. As stated in my prior letter, the March 23, 1999 Engineer's Report states that the Fire Department objects to the proposed gate on Canyonback Road and recommends that "this street remain open and public." However, the Fire Department requested that, if the proposed vacation of the public street is approved by the City "over the objections of the Fire Department," then the Fire Department requests that five specified conditions be satisfied.

Thus, as made clear by the Engineer's Report, the Fire Department did not conditionally approve the proposed gate. It unequivocally objected to the gate and recommended that "this street remain open and public." The conditions stated by the Fire Department were not conditions for its approval – the Department made an unconditional objection to the gate; the conditions set forth by the Department were recommendations if the City "approved" the project "over the objections of the Fire Department."

The Bureau of Engineering's Final Report simply ignores the Fire Department's objection to the gate, and does not appear to satisfy the Department's stated recommendations either.

Finally, and most troubling, is the fact that the entire gate project appears to be quite clearly illegal. The gate will block public access on a public street. Vehicle Code section 21101.6 prohibits local authorities from placing gates or other selective devices on any public street if doing so denies or restricts the access of certain members of the

public, while permitting others unrestricted access to the street. The Vehicle Code permits the closure of public streets *only* if they are no longer needed for vehicular traffic; streets that serve a public-access function cannot be closed to the general public and remain open to use for local residents. Rumford v. City of Berkeley, 31 Cal. 3d 545, 551 (1982).

A public street or highway, like Canyonback Road, cannot be vacated or otherwise closed to public access (even partially) unless the street is no longer needed for vehicular traffic. Citizens Against Gated Enclaves v. Whitley Heights Civic Assoc., 23 Cal. App. 4<sup>th</sup> 812 (1994). Consequently, a public street, used for public-access purposes, cannot be vacated in order to protect favored private uses; the one and only consideration that may influence a decision to close/vacate a public street is whether it no longer serves a public purpose. Thus, to vacate/abandon a public street, the city must find that it is no longer necessary, "i.e., that there is no present or future use for the road and that the abandonment is in the public interest." Whitley Heights, 23 Cal. App. 4<sup>th</sup> at 820.

The Canyonback gate project plainly fails to satisfy the statutory standard. There are clear and recognized public uses that will be impaired by the proposed gate. Canyonback road is needed for public access to public lands that are used by residents throughout the state. Based on the long-standing public use of the road for access to public lands, there is no basis for finding that the road is not now and will not in the future be needed for vehicular access. Further, and also dispositive, is the fact that the Fire Department has objected to the gate. Vehicular access is plainly necessary for public protection in this Very High Fire Hazard Severity Zone. The street is clearly needed for vehicular traffic – both for public recreational access and fire-protection services – and the City is therefore not authorized to close the street to public access "for any other purpose." Whitley Heights, 23 Cal. App. 4<sup>th</sup> at 821.

We simply do not understand how the City can ignore the Fire Department's objection to the gate, especially in this fire-hazard area, in order to increase the property value of a select few homeowners, who chose to acquire homes along a street that provides public access to public parkland. Further, the City appears to be acting in a plainly illegal manner by approving this gate and moving to privatize a public road that is used, and will in the future be used for public purposes necessitating vehicular access. We urge you to reconsider and put an end to this imprudent project.

Sincerely,



Wendy-Sue Rosen, President  
Upper Mandeville Canyon Association

cc: Julie Pietroski Paul Edelman Flora Gil Krisiloff MCA  
Joe Edmiston Mike Patonai Bill Rosendahl BHHA

**Subj: Canyonback Gated Enclave**  
**Date: 7/8/2004 12:42:18 PM Pacific Standard Time**  
**From: Lalhasa**  
**To: jpietros@council.lacity.org**  
**CC: leslie@clnp.com, RP Sherm, StuRoGus, randy@uwtlc.com, Sheila Gre, Missueclay, byacy@earthlink.net, bilsul@earthlink.net, martine111@yahoo.com, lditlow@earthlink.net, jwhandler@earthlink.net, leveel@dcs.co.la.ca.us, housemarks93@hotmail.com, Thomas\_V\_Brown@ureach.com, Dominic-lscpas@sbcglobal.net, RosenFree, Krisiloff, bgordon@semprautilities.com, HELMUFS, BradRosen, JeffHall, JASMIN1931, JIMBOKI, CALISTA778, bilguana@socal.rr.com, SIDAELMAN, npkenworthy@earthlink.net, melbawillissimms@earthlink.net, BRSC@worldnet.att.net, davebrown91302@earthlink.net, solscope@earthlink.net, edelman@smmc.ca.gov**

**BRENTWOOD HILLS HOMEOWNERS ASSOCIATION**  
 11601 WILSHIRE BOULEVARD • SUITE 1900 • LOS ANGELES, CA 90025  
 (310) 575-0800 / Fax (310) 575-0170

July 8, 2004

By Facsimile and Regular Mail

Councilwoman Cindy Miscikowski  
 Los Angeles City Council  
 1645 Corinth Avenue, Room 201  
 Los Angeles, CA 90025

Re: Proposed Canyonback Gated Enclave

Dear Cindy:

On July 6, 2004, the Brentwood Community Council took up the issue of the proposed Canyonback Gated Enclave at its regular meeting. I was present representing the Brentwood Hills Homeowners Association and spoke in opposition to the gates. Richard Zine was present representing the Crown Homeowners Association, along with their hired consultant Gary Morris. Both spoke in favor of the gates.

This agenda item consumed nearly one hour of discussion and spirited debate, some of it heated. Julie Pietroski's position-paper advocating in favor of the Gated Enclave was read in its entirety by Flora Krisiloff. At the conclusion of the debate, the BCC voted **unanimously**, with one abstention, to oppose the gates and require that they be kept open and unlocked until the issue of public access to the Canyonback Enclave is satisfactorily resolved – which most assuredly is not the case today. (The abstention was by Wendy Sue Rosen, who worried that her earlier letters to you advocating against these gates constituted a conflict of interest.)

Prior to my speaking, most BCC members had not heard of these gates and were unfamiliar with the issue. Later, some favored pulling down the partially-constructed gate immediately. Others were angry at the lack of public input and absence of notification to neighbors and "stakeholders." Two Mountaingate homeowners present approached me afterward and thanked me for our position. The only one not present, unfortunately, was any representative of your office.

It is no secret that privatization of a City street and creation of a gated enclave in District 11 would have no hope of succeeding without your blessing and support. Had you expressed any reservations, the lower-level City officials who disapproved this petition and Fire Department officials who opposed it would never have been overruled. Indeed, any petition by 66 luxury homeowners to raise their property values by vacating and privatizing a public street in the *bullseye* of public wilderness parkland (for which most of us are being assessed \$40 per year) would normally be "dead on arrival."

On behalf of the Brentwood Hills Homeowners Association – since joined by the Upper Mandeville Canyon Association, the Mandeville Canyon Association, the Sierra Club, and now the unanimous Brentwood Community Council – I urge you to reconsider your support for this dreadful precedent.

Contrary to Julie's position-paper, there is no logical connection between our wonderful victory defeating the disastrous Eastport-Tucker project, on the one hand, and a resulting entitlement by a handful of property-owners to fence out the public from a new enclave smack in the middle of a trunk-line fire-road traversing the Santa Monica Mountains. At the

Sunday, July 11, 2004 America Online: RosenFree

meeting, Mr. Zine, Crown's representative, said the principal reason for the gate was to turn back "cut through" traffic seeking a misguided shortcut to Mulholland (thinking that Canyonback went through). If so, there are much less obtrusive and burdensome ways to solve the problem, such as more conspicuous "No Through Street" signage on Mountaingate Drive.

Wendy Sue Rosen raised an important question at the meeting which it is unfortunate no one from your office was there to address. Apparently, the Fire Department, although opposed to these gates, gave a conditional approval contingent on erection of the gate being simultaneous with vacating of Canyonback. Obviously, the gates are going up prior to vacating of the street (which will be vigorously opposed). Therefore, it appears the gates are illegal.

I wish you could have been present at the July 6 BCC meeting. Regardless, Brentwood Hills Homeowners Association urges you to reconsider your support for these gates, and to honor and implement the stipulation of the Brentwood Community Council that all gates be kept open and unlocked at all hours until the issue of public access is satisfactorily settled by the BCC.

Very Truly Yours,

Eric F. Edmunds, Jr.  
For the Board

cc: BHHA Board  
John Murdock, Esq.  
Wendy Rosen  
Joe Edmiston  
Paul Edelman  
Flora Krisiloff  
Bill Rosendahl  
Bryan Gordon  
Sierra Club Santa Monica Mountains Task Force  
Brad Rosenberg  
Brentwood News

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(310) 575-0800 / Fax (310) 575-0170

July 12, 2004

By Facsimile and Regular Mail

Councilwoman Cindy Miscikowski  
Los Angeles City Council  
1645 Corinth Avenue, Room 201  
Los Angeles, CA 90025

Re: Canyonback Gated Enclave

Dear Cindy:

Reference is made to Vehicle Code § 21101.6 and the decision of the Second District Court of Appeal in *Citizens Against Gated Enclaves vs. Whitley Heights Civic Association*, 23 Cal.App.4th 812 (1994). Please explain why the Canyonback gates and vacation of a public street are not rendered illegal by that statute and by the decision in *Whitley Heights*.

Surely, no serious argument can be made that Canyonback Road is no longer needed. Compare *Citizens for Improved Sorrento Access Inc. vs. City of San Diego*, 118 Cal.App.4th 808 (2004), where the street in question was withdrawn from all use by anyone and made into a bikepath. Here, Canyonback continues to be needed for access to the 66 homes by homeowners and their invitees; by members of the public (like me) who enjoy the spectacular panoramas from the ridge; and by the Fire Department, who needs the street for emergency access to Westridge-Canyonback Wilderness Park. The fact that a public street is useful to any of these parties means that Section 21101.6 forbids its vacation.

Yesterday (Sunday July 11), I ran through Mountaingate traversing the Kenter Fire Road and noticed that the gate is only partially constructed.

Cindy, on behalf of Brentwood Hills Homeowners Association and other concerned parties, I have a request to make. Please use your good offices to see that further construction of this gate is suspended until these important issues of public access are settled. I have no wish to go to court over this. But if we do have to see the Judge in Department 85 or 86, I do not want to be confronted with the argument that a now-completed gate is entitled to some dignity or deference just because it was completed (or rushed to completion) while this dispute was pending.

Therefore, please communicate to the Crown homeowners (as well as to the relevant City bureaucracy) that everyone involved is now officially "on notice" of the greater community's position and objection to these gates as of *June 2004*. Any further construction activity by the homeowners will be at their peril of a possible order of the Superior Court that the gates be pulled down, at the homeowners' expense.

Very Truly Yours,

Eric F. Edmunds, Jr.  
For the Board

**cc: Richard Zine, Crown HOA**  
**Mitch Feinstein**  
**BHHA Board**  
**Wendy Rosen**  
**Paul Edelman**  
**Flora Krisiloff**  
**Bill Rosendahl**  
**Norm Kulla**  
**Bryan Gordon**  
**Sierra Club Santa Monica Mountains Task Force**  
**Brad Rosenberg**  
**Brentwood News**





**RESIDENTS OF BEVERLY GLEN, INC.**

10409 Scenario Lane  
Los Angeles, CA 90077

Date: August 16, 2004

To: Councilwoman Cindy Miscikowski, via facsimile: 213-473-6926

RE: **Keep Canyon Back Open and Stop the Gate at Canyonback Road**

Dear Councilwoman Miscikowski:

Residents of Beverly Glen (RBG) support keeping the Westridge Canyon Back Wilderness Park open for all. We strongly oppose the gating of Canyonback Road, a public street that should remain open, public and un-gated. Canyonback Road provides critical access to Canyon Back and the Big Wild series of public parkland trails.

The gating of Canyonback Road, with the resulting need to request access from a private security guard employed by local homeowners, will inhibit the use of public trails accessible via Canyonback Road, which serves as a major public gateway to this public parkland. The message sent by a gate and security guard at Canyonback will be clear — *You Are Not Welcome, Turn Around and Leave!* And that is what people will do.

People out to enjoy nature on public parkland do not want to ask permission from a private security guard employed by local homeowners who want to stop others from walking on "their" street — a public street. Canyonback Road would impair emergency access to the Kenter fire road. This road is critical to fighting fires that threaten the Big Wild and neighboring communities in Encino, Brentwood and Pacific Palisades. In this "Very High Fire Severity Hazard Zone," every second counts.

Shahab Rabbani

Zoning & Development  
Residents of Beverly Glen

**Keep Canyon Back Open for All and Stop the Gate at Canyonback Road.**

Name: Shahab Rabbani,

E-mail or fi

Address: