

# CANYON ECHOES

A PUBLICATION OF THE UPPER MANDEVILLE

CANYON PROPERTY OWNERS' ASSOCIATION

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## **BCC Questions City's Proposed Gating Of Canyonback Road, Restricting Public Access To Public Parkland Off A Public Road**

On July 6, 2004, the Brentwood Community Council (BCC) took up the City's recent issuance of a permit allowing the Crown Homeowners Association to construct a gate on Canyonback Road in the Mountaingate area. The Canyonback Gate is presently under construction and would restrict public access on Canyonback Road, which passes through a private development known as the "Crown."

The Crown Homeowners Association is comprised of approximately 71 homeowners residing in the area. Many years ago the Crown HOA applied to the City for the "vacation" of Canyonback Road, which would transform it from a public to a private street, and for a "revocable permit" to construct a gate at the entrance to Canyonback Road. The request is supported by Councilwoman Cindy Miscikowski.

The problem with the proposed Gate, according to those opposed to it, is that Canyonback Road is not merely a residential street feeding into a private residential community. It also bisects and connects two portions of the Kenter Fire Road. The Kenter Fire Road is public parkland property, providing access to a series of interconnected, protected "open space" parkland acquired for public use with tax and bond moneys collected from state and local taxpayers, and special assessments. The Kenter Fire Road stands in the bulls-eye of the Westridge Canyon Back Wilderness Park, which is an integral part of "Big Wild." Big Wild is a 21,000 acre urban wilderness with a continuous network of parks and trails for public use and wildlife habitat, extending from the San Fernando Valley to the Pacific Ocean.

The Kenter Fire Road runs from the northern end of Kenter Avenue in Brentwood to the east end of Dirt Mullholland. This major "trunk line" affords broad public access to the Westridge Canyon Back Wilderness Park. Every week the Kenter Fire Road is enjoyed by hundreds of hikers, joggers, dog walkers, bikers and nature lovers. The road commands 360 degree panoramas of snowcapped Mount Baldy, the Channel Islands, the Valley, and southeast to the distant Laguna Mountains in Orange County.

The general public has long enjoyed unrestricted access to the Santa Monica Mountains through the Kenter Fire Road. Long before the Mountaingate development, residents hiked unimpeded through the area. When the Crown portion of Mountaingate was developed, Canyonback Road bisected the Kenter Fire Road. The

public's right to access the public parkland was preserved, through Canyonback Road. When residents of the Crown Homeowners Association bought their properties, they knew they would be living along a long-established public-access route. Crown residents chose to live beside a public trail to public parkland, and enjoy close proximity to perhaps the most desirable natural parkland in the region.

No City representative attended the BCC meeting, but President Flora Gil Krisiloff read a letter from Councilwoman Miscikowski stating the basis for her support of the Canyonback Gate, which emphasized that public access would be available from sunrise to sunset. Councilwoman Miscikowski believes that gating Canyonback Road will not be a problem because of certain conditions required by the City:

- (1) The public will be allowed to enter Canyonback Road daily from sunrise to sunset in order to use the trail head.
- (2) Signage will be posted at the Gate directing visitors who wish to access the trail-head, on the western end of Canyonback Road, to do so by using the handset to call a guard, and requesting entrance through the pedestrian gates or if available, by parking in one of 5 marked parking spaces along Canyonback Road.
- (3) If all 5 designated spaces are occupied, the public can access the trail-head using the pedestrian gates.

Although the Crown's request to gate Canyonback Road has long been percolating through the corridors of City Hall, the broader community had no knowledge of the proposal until construction crews recently began erecting the access-restricting Gate. The City provided public notice of the proposed gating only to those living within 500 feet of the proposed gate, i.e., residents of the Crown development, which, according to Councilwoman Miscikowski's deputy, is the only public notice required by law.

As a result, the Gate was approved without any broader public notice or debate. But now that the public has learned of the gating, the response has been swift. Many community groups have protested the Gate and asked the City to stop the project. Among those making such requests are the Sierra Club, Concerned Off-Road Bicyclists Association, The Center For Law In The Public Interest, Brentwood Hills Homeowners Association, Mandeville Canyon Association, and the Upper Mandeville Canyon Association.

## BCC Questions City's Proposed Gating Of Canyonback Road, Restricting Public Access To Public Parkland Off A Public Road, Continued...

The BCC debate on July 6, 2004 was long and heated. Eric Edmunds, of the Brentwood Hills Homeowners Association, made the presentation against the proposed gating. In doing so, he made the following points:

*First*, the Canyonback Gate will bar the general public from Canyonback Road after sunset. This will prohibit trail users from connecting from the lower section of the Kenter Fire Road to the Road's upper portion after sunset. This is a restriction on trail usage that does not presently exist. While the hours for Santa Monica Mountains Conservancy parkland is sunrise to sunset, the Kenter Fire Road is part of the Big Wild, which is a series of wilderness trails running throughout the Santa Monica Mountains, accessible via the Kenter Fire Road. Many sections of the Big Wild trails run through lands on which there is no curfew. As a result, the Conservancy's policy is not to "enforce" sunrise-to-sunset hours on those using the trails, including the Kenter Fire Road and trails accessible through it, because portions of the inter-linked Big Wild trail system have no curfew. Consequently, those using the trails before sunrise or after sunset are free to do so. And many do. Indeed, hiking, biking, jogging or strolling at night, under a full moon, or before the crack of dawn, are common public uses of the intersecting Big Wild trails. The Canyonback Gate will improperly preclude those established and legitimate public uses — in order to increase the property values of Crown residents. The City has no right to burden the legitimate use of Canyonback Road with that private, local preference.

*Second*, while individuals left inside the Canyonback Gate after it has been locked would be able to exit on the Kenter/Mountaingate Drive side of the enclosure, through an exit-only pedestrian gate, that "escape route" only aids those trail users who enter from Kenter or Mountaingate Drive. One of the most popular trails in the area is located near Kenter Avenue, which the public has historically accessed from many trailheads in the Santa Monica Mountains, including those along Mulholland Drive, Reseda Boulevard, Hollyhock, and several other inter-linked trailheads. The Canyonback Gate will not allow individuals stuck on the Kenter side of the Gate to return back to Mulholland after it is locked. Bicyclists will be stranded and forced to use alternate, far out-of-the-way routes via Sepulveda and Sunset Boulevards, which are extremely hazardous for mountain bicyclists, especially after sunset or before sunrise. Thus, the Canyonback Gate not only inconveniences those having historical parkland access, it also creates serious public safety issues.

*Third*, restricting vehicular access on Canyonback Road during daylight hours by forcing non-residents to contact a private security guard, employed and answerable to the Crown residents and located at a remote location, approximately 1/2 mile away from the Canyonback Gate, will burden public use of the street,

which will limit public use of the parkland accessible via the upper portion of the Kenter Fire Road. The Gate requires members of the public to submit to surveillance by forcing them to request access. And 5 parking spaces on a wide and long street is too few for a major public access route to a popular and convenient trailhead to public parkland.

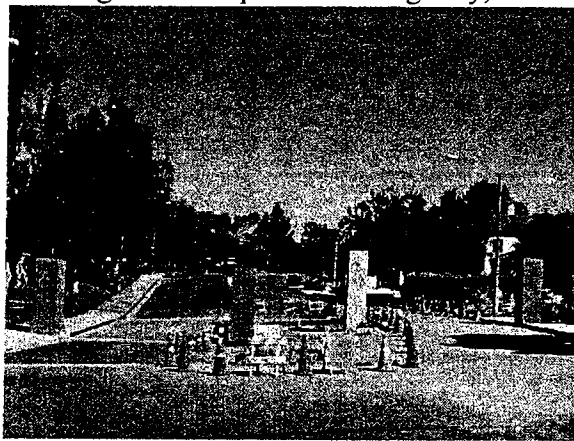
*Fourth*, there will inevitably be problems obtaining access to Canyonback Road via the private security guard. Sometimes the security guard will be unavailable, addressing other matters of pressing but unrelated concern in the remote area where the guard is stationed. And the security guard is being paid by, and is answerable to the private homeowners, whose incentive is to restrict access, not encourage it. Indeed, experience in other locations indicates that private security guards often restrict access improperly. The fact that the "gatekeeper" to public parkland is not an employee of the public, but a private security guard, creates a substantial risk of abuse. There will be occasions when the gates remain locked and inaccessible after sunrise. Security guards will forget to open the gate; they will be late; and they may be motivated by a desire to inhibit access by intentionally leaving the gate locked, or locking it too early. Over time, the public will tire of the hassles and risks, and choose to utilize other, less restricted areas. Public use of these public parkland trails will be discouraged, limiting public usage paid for by public funds.

The Crown was represented at the BCC meeting by Gary Morris, its hired consultant. Mr. Morris declined to make a presentation in support of the Canyonback Gate, but offered to answer any questions raised by the audience. When questioned about the need for the Gate, Mr. Morris stated that the Crown homeowners believed that the Gate was needed to deter crime. He indicated that bikers and hikers were trashing the neighborhood, jumping a fence to dive into the Crown Community's pool and doing other nefarious acts. Mr. Morris then stated that "drug dealing" was a significant problem justifying the Gate.

When the audience responded with audible skepticism, Richard Zien, Chairman of the Crown's Gate Committee, candidly admitted that crime was not the problem. The real problem, according to Mr. Zien, was that Mountaingate Drive, which leads to Canyonback Road, looks like a major street from Sepulveda Boulevard, causing many seeking a cut-through to the Valley to drive up Mountaingate Drive and ultimately arrive at Canyonback Road, where they are forced to turn back, as the road dead-ends at the trail head. That answer, however, raised another questions from the Council and the audience: Couldn't that problem be solved with a yellow street sign warning that there is "No Outlet"?

## BCC Questions Gate, Continued...

Wendy-Sue Rosen, President of the Upper Mandeville Canyon Association, raised the issue of fire prevention. On July 5, the day before the BCC Meeting, two fires broke out in Mandeville Canyon, on the west side of Mandeville across from the Mountaingate development. She said that the Canyonback Gate will delay emergency response access to Canyonback Road and the upper portion of the Kenter Fire Road on the Eastern Ridge of Mandeville Canyon, which may be critical if there is a fire either in the Crown area or an area accessible from the Kenter Fire Road. The entire area has been designated by the Fire Department as a "Very High Fire Hazard Severity Zone." Presumably for that reason, the March 23, 1999 Engineer's Report on the Canyonback Gate proposal states that the Fire Department objects to the Gate and recommends that "this street remain open and public." Ms. Rosen stated that fire-protection should be the highest concern, given the area's tragic history, including devastating fires in the 1970s and the current, highly-dangerous conditions, as evident from the July 5, 2004 fires. According to a witness, the first of the July 5 fires spread



*Canyonback Road Gate Construction*

from Mandeville Canyon Road to the top of the Western Ridge in just seconds. Delayed access through the Canyonback Gate, blocking access to the Kenter Fire Road, could easily cost the Fire Department critical time in a setting where every second counts. A fire started or passing through the open-space area behind the Gate could easily spread to Mandeville Canyon and other Westside Mountains areas.

Gary Morris responded that the Canyonback Gate would cause no delay. In response to audible skepticism from the audience, Mr. Zien admitted that the need to open the Gate would cause a short delay. Members of the audience pointed out that, in an emergency, further delay may result if the Security Guard, located at a remote location, is not at his or her post when emergency responders arrive.

Following this long discussion of the Canyonback Gate issue, the BCC voted unanimously to oppose the Gate and ask Cindy Miscikowski to require that construction work on the gate be halted immediately until there is a final resolution. The BCC also voted to request that Councilwoman Miscikowski meet with representatives of the community.

## Parking Enforcement, Construction Hours, Drought Conditions and No Smoking

### Parking Enforcement

Residents throughout the Canyon have been complaining about illegal street parking. The problem has been exacerbated by the increased construction activity throughout the area. In response to community complaints, the City has advised that its "e-car" will be regularly monitoring the area. If you park illegally, you will likely be ticketed. Remember that it is illegal to park in areas covered by "No Parking" signs, which includes most of Mandeville Canyon Road.

### White Lines Are Not Parking Guides

Some residents have mistakenly assumed that the solid white lines along the extreme sides of the road create a "parking zone" to the right of the line. It does not. The white lines were marked to slow traffic – not to create parking zones. If the area is subject to a "No Parking" restriction, that means no parking at all in the street, not even to the immediate right of the white stripe.

### No Smoking In Mandeville

The entire Mandeville Canyon area has been designated a "Very High Fire Hazard Severity Zone." Smoking out doors in our community whether on City property of private property is simply illegal. Please inform your workers and visitors that smoking is dangerous and illegal in our neighborhood.

### Please Drive Safely & Slowly

California is experiencing a period of prolonged drought. Deer, coyotes, and other creatures will be in the neighborhood, searching for food and water. Drought conditions drive these animals closer to the road than usual. Please drive cautiously, and observe the area's posted speed limits.

### Construction Hours

City Code strictly limits the hours in which construction may be performed in residential areas like ours. Under Municipal Code section 41.40, the following restrictions apply:

Permissible work hours are Monday - Friday 7:00 AM - 9:00 PM; no work is allowed Monday - Friday between the hours of 9:00 PM - 7:00 AM.

Permissible work hours are Saturday & National Holidays between the hours of 8:00 AM - 6:00 PM.

Homeowners ONLY are permitted to work on their homes on Sundays.

Delivery, repair and operation of construction equipment is permitted during permissible work hours listed above.

The only exception to these rules is for "emergency repair."

## WANT ADS AND DISPLAY ADS

**WANT ADS** are due on or before the 25th of every month. Please include your name, address and telephone number. UMCA members receive 4 free want ads per year. Every additional ad is \$10.00. Want ads are not available to nonresidents.

**DISPLAY ADS** are available to residents and non residents (with resident referral) with a minimum of two consecutive issues at \$25.00 per month. The ad size is 1 column wide by 2 inches high (business card size).

Please call Lynne Thompson at  
310.472-5787 with any questions.

All ads are printed at the discretion of the Board.

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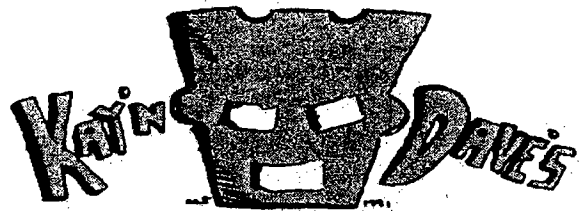
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**UMCA BOARD MEETINGS @ 7:30 PM**  
Consult your UMCA directory for addresses:

**August 18,**  
at the home of Tom Freeman

**September 22,**  
at the home of Ruth Hunter

**October 27,**  
**ANNUAL MEETING**  
at the home of Jean Ciminelli



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