

From: Debra Ollivier <debraollivier@gmail.com>
Subject: Opposition to the BAG Gating project - from a concerned BAG resident
Date: August 21, 2022 at 6:44:26 PM PDT
To: tlongcore@babnc.org

August 21, 2022

Dear President Longcore and BABCNC Board Members,

I'm a 20+ year resident of BAG. In light of this Wednesday's BABCNC meeting to discuss our HOA Board's application to vacate, privatize and gate public streets in our HOA, I would like to express my opposition once again.

On January 12 of this year, following the Zoom call with the BABCNC and residents of BAR and BAG (+ BAG's lawyer) to discuss this same project, I sent you a previous letter expressing my opposition. Every point touched on in that letter, from our Board's lack of transparency to the morally problematic and undemocratic campaigning and "spin" behind-the-scenes, remain a significant concern.

Rather than outline the same points, I've attached this letter here for your (re)review. I'll add that cut-through traffic on Woodwardia has still not reached pre-pandemic levels. Additionally, the same residents who claimed our streets are so dangerous they dare not venture outdoors continue to enjoy our streets at all hours, as do their children.

Thank you for your consideration.

Best,

Debra Ollivier
20+ year BAG resident

January 12, 2022

Dear BABCNC Planning and Land Use Committee Members,

Thank you for your time last night discussing the proposal to gate Bel Air Glen – and forgive the length of this communication. I did not raise my hand during last night's meeting but I do have a number of key reflections to share regarding my opposition to gating. Please feel free to forward this communication to other Council members.

I have lived in Bel Air Glen on Angelo Drive for 20+ years, a few houses south of Woodwardia. (I'll call this "Woodwardia adjacent.") I work out of a home office with a window that looks onto Angelo Drive and walk a dog several times a day around the

neighborhood and its contested streets. For several years I carpooled children in/out of this community to/from the valley (during key a.m. and p.m. rush hour periods), including a few kids who live in Bel Air Ridge. I am thus very familiar with the contested streets brought up at last night's meeting.

Here are my reflections:

Fear mongering that wildly distorts the facts

First and foremost, I was shocked by the disingenuousness of some of my neighbors who (mis)characterized our streets as so dangerous they don't let their kids play outside. One of them who played that card lives a few houses away from me. He often rides a skateboard up/down Angelo (sometimes in the middle of the street) and his young daughter walks their dog on her own several times a day at all hours. Their garage is open most afternoons and into the night as he tinkers on projects. In other words, he shows zero signs of living in fear of traffic or crime- and neither do many of the other residents on Angelo and Woodwardia who, contrary to what they said last night, *do* indeed let their kids play and walk around our community.

Meanwhile, we heard the same refrain by residents who were most likely coached by board members and lawyers (perhaps even text-coached while the meeting was in-progress): Someone "feared catastrophe" 24/7, another suggested that our kids live at the risk of being killed on a daily basis, and yet another elderly woman said she carries a crowbar in her trunk to ward off criminals. Meanwhile our lawyer Fernando Villa, who used the "we" pronoun as if he were a resident, said that we're a "community under siege." (I'll refrain from commenting on the resident who expressed concern that cut-through motorists were looking at his house and his wife.)

These are wildly twisted distortions of reality and I deeply resent residents who are not only participating in this spin but seem to be using their children as pawns in this bid for privatization.

I'm just as concerned about child safety as others (I've raised two of them here), and I have been greatly inconvenienced by p.m. rush hour traffic blocking my driveway prior to the pandemic. That said, the fear mongering in this community is fallacious and corrosive. Yes, there was a time when traffic patterns were so bad that some of us could not back out of our driveways during p.m. rush hour (not "all day long"). These traffic patterns, which affect residents *throughout this city and all residents living in the hills*, radically diminished during the pandemic. It remains to be seen if the advent of remote working will have a lasting impact on these patterns. So far, irrespective of the one clip dated December 19, 2021, that showed traffic as it used to be, pre-pandemic traffic patterns have not returned, irrespective of claims to the contrary. (The video shown was largely one-sided anecdotal reports from a handful of pre-picked residents.)

Thus, coming full circle, the claims of being "under siege" by dangerous traffic are simply false. These claims are also contradictory: How can there be speeding traffic and traffic jams? In fact, the speeding traffic comes *primarily from our own residents in this community and no doubt BAR* residents who speed up/down Angelo at all hours

with impunity, often rolling through or simply ignoring stop signs. Ironically, they pose a much greater safety risk to children than the occasional slow moving rush-hour bumper-to-bumper traffic along Woodwardia and Woodwardia adjacent.

To conclude this point: A much more thorough, updated and independent traffic analysis must be conducted, and incremental efforts put in place before this community is allowed to spend millions to privatize two streets and install three gates for the benefit of a few and to the detriment of countless others.

No “economic buy-in”

This leads to another reflection: I believe it was Leslie Weisberg who asked if there has been full disclosure of the costs and liabilities associated with gating, and an economic buy-in by all BAG residents. The answer is a resounding **NO**. The board only recently mentioned in a newsletter that there will be a “modest increase in dues.” Otherwise, it has never presented any cost analysis to residents – not when the (deeply flawed) original vote was made in 2017/2018 to gauge interest in gating, and not even after protests from some residents pushed them to reveal how much has been spent thus far simply on planning, “project management” and legal fees: Over \$650,000 – and counting (see the attached chart).

Oddly, “Legal Fees” is left blank in the attached overview of expenditures thus far. Why is that? Could it be because the tap is fully open that there’s no accounting for the HOA dollars we are hemorrhaging in legal fees? How much did it cost us in HOA dollars alone for the representation by Fernando Villa last night? And why didn’t our own board president, himself a lawyer, represent our community at last night’s meeting like the BAR president did?

This whole project has lacked transparency, accountability, and a true democratic process that takes into consideration the entire BAG community and adjacent communities.

Is this all about property value?

I believe that safety is a pretext for the city, but the more pressing motivation behind this effort is the perception that it will increase property value. I’ve heard this from many pro-gaters. While these residents lament the safety of children from slow-moving cut-through traffic, they seem unconcerned by the likelihood of safety hazards presented by a gate at Angelo Drive and Beverly Glen - a complicated and problematic intersection. After all, if there were a gate at Nicada and a gate at the BAR/BAG divide on Angelo – *thus nixing all cut-through traffic entirely* – what is the purpose of a third gate at the Angelo/Beverly Glen intersection?

I posed this question in an email to our Gate Committee and got a reply that stated: *Having a gate at the northern end of Angelo provides a greater deterrent to cut through traffic when they see it while going north and south and see that the community is entirely gated. This reduces the chance they will try to cut through in either direction...Further, in the event that traffic patterns might alter in the future and the morning rush hour southbound causes a cut through issue, it’s better to get the*

Angelo/Beverly Glen gate approved now rather than repeat the complicated application process later.

I replied to this input about a shift in morning south-bound traffic, asking: What "event" might happen that would alter traffic patterns that have been in place for decades and that are largely determined by the fixed geography of the streets in question? Why install a gate and privatize a street at a widely used public thoroughfare to counter a potential but extremely unlikely "event" that would only happen via a *force majeure*?

This prompted a reply from Leslie Gallin, chairperson of the Gate Committee and the wife of Ken Linzer, our board president. Gallin said that she would send my question to our lawyer for an "accurate reply." While she was willing to have a phone call with me, she did not answer my questions, nor did she provide me with a plausible reason why a lawyer (more legal fees) was necessary to answer a basic question.

This further suggests that there are other motivations at play besides traffic/safety concerns. It is also interesting to note that some BAG residents suggest BAR privatize and gate its community as well, perhaps in an effort to privatize most of upper Beverly Glen. Sadly, in addition to dividing our community, this privatization effort has political overtones that mirror the erosion of democratic values that once fortified public institutions and services in this country.

One last word about that "flawed original vote"

The first vote back in 2017/2018 to gauge community interest in gating was conducted with very little information about the nature, impact, or costs of gating. People were asked if they were interested in the safety and value of our community; many replied in the affirmative because, frankly, why not? In the ensuing years the board shared close to nothing about the nature of the project, and nothing about the costs associated with it.

When we finally had our first town hall meeting about gating in October of 2021, residents were presented with a faux ballot box and asked to submit YES-only cards that included their names and addresses. There were no UNDECIDED or NO cards. These YES cards were used to submit to the city and as part of the board's on-going data collecting and harvesting efforts. Residents with questions or who opposed gating were given (cumulatively) 10 minutes at the end of the board's presentation during the townhall meeting, which was undemocratic from the get-go and rigged for the board's pro-gating agenda. The meeting did not end well.

Since then, the board has inserted YES-only metalinks in digital newsletters to our community and anonymous letters have been sent to residents with additional fearmongering about increased crime in our community. The Gate Committee has knocked on doors to request residents to sign pro-gate petitions and the board has aggressively campaigned against a candidate who is currently running for the board who is not unilaterally in favor of gating. To that end, they have sent emails to "undisclosed

recipients” badmouthing and misrepresenting the candidate (a possible violation of our CC&Rs) and distributed fliers disparaging her as a “one-issue candidate.”

Again, the board is composed of five men. Two have been on the board for only a few years. Three of them, however, have been on the board for going on 14 years, but it is really two of those three – Ken Linzer and Steve Stevens, both lawyers – who run the show. With the addition of Ken Linzer’s wife and chairperson of the Gate Committee Leslie Gallin, we have a problematic accumulation of power and personal interests.

People who are so concerned with child safety that they feel they are “under siege” might consider moving to a gated cul-de-sac in the west valley or a high-security building on the Wilshire corridor with underground parking and private elevators. While there is no escaping the vagaries of human nature/behavior, this might be a better solution for them.

Thank you for your consideration and, again, for the length of this email.

Best,

Debra Ollivier
2850 Angelo Drive
20+ year resident of Bel Air Glen

P.S. As I write this, three young kids and two elderly couples are walking unattended down a relatively empty Angelo Drive near Woodwardia (equally car-free). The neighbor I reference in my first paragraph above is walking his dog while his garage remains wide open.