

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
865 South Figueroa Street, Suite 2800 | Los Angeles, CA 90017-2543
Telephone: 213.622.5555 | Facsimile: 213.620.8816
www.allenmatkins.com

Fernando Villa
E-mail: fvilla@allenmatkins.com
Direct Dial: 2139555647

Via Electronic Mail

August 24, 2022

Bel Air-Beverly Crest Neighborhood Council
council@babenc.org
PO Box 252007, Los Angeles, CA 90025

**Re: Bel Air-Beverly Crest Neighborhood Council Meeting August 24,
2022 - Agenda Item #12**

Dear Members of the Bel Air-Beverly Crest Neighborhood Council:

As counsel for the Bel Air Glen Homeowners Association (“HOA”) regarding the HOA’s proposed street vacation project (PS-1435-MSP, Env-2020-2854-CE) (“Project”), I ask that the Bel Air-Beverly Crest Neighborhood Council (“BABCNC”) refrain from taking a position either for or against the Project at this BABCNC meeting. Please see the attached presentation dated August 24, 2022 that describes the Project in general.

At the request of the PLUC, we prepared and presented a modified Project at the PLUC’s meeting last week that would incorporate an alternative to the Project’s current street vacation design. Please see our attached letter to the PLUC dated August 4, 2022 and its Exhibit describing this Project alternative. That modified Project would have required the installation of street signs barring right turns from northbound Beverly Glen Drive onto Nicada Drive and Briarwood Drive during work weekday afternoon peak hours. As a part of this proposal, the HOA would be required to withdraw its street vacation application if a Monday through Friday survey, by traffic experts that the City of Los Angeles uses, of p.m. peak period traffic trips entering into the HOA’s community indicated that the signage had indeed stopped cut through drivers from using the community’s streets during this peak period.

Last week the PLUC rejected this Project alternative and voted to recommend that the BABCNC recommend that the City Council deny the Project street vacation application. Importantly, ***only a minority of the PLUC members present so voted***. Four PLUC members voted in favor of this recommendation, one voted against this recommendation, ***and five members abstained***. Based on comments by PLUC members during that meeting, the high number of abstentions appears to stem from a worry that the City may face liability for accidents that occur as

Bel Air-Beverly Crest Neighborhood Council
August 24, 2022
Page 2

a result of cut through drivers in the event that the street vacation application is denied; and profound moral implications of any serious injury or death caused by such accidents.

As made known to your Council and the PLUC, the HOA's paramount aims of seeking this vacation are to end the danger to the lives and safety of Bel Air Glen residents posed by cut through drivers racing through this community during the p.m. peak period and preventing residents from reaching or leaving their homes. The dangers posed by such drivers create conditions whereby residents cannot leave their homes without fear of injury or even potential loss of life from the drivers that recklessly speed through their streets.

In sharp contrast, Project opponents, principally members of the Bel Air Ridge HOA ("BAR"), oppose the Project based on a perceived inconvenience from gating the Bel Air Glen community and empirically invalid claims. Stated inconveniences have ranged from BAR residents (to whom the HOA had offered equal gate access to its community) having to wait 2.5 seconds for a gate to open electronically to having to drive down to Briarwood for BAR residents west of Beverly Glen to reach community facilities east of Beverly Glen (which they do now) instead of driving through Nicada into the Bel Air Glen community to reach these facilities (which makes little sense since such drivers would need to loop northward on Woodwardia *away* from these facilities before looping southward on Angelo to reach this destination).

Opponents have also raised various claims that have no factual basis. For example, opponents contend that gating would endanger people by delaying first responders' entry into the community, but both the City's Fire and Police Departments have dispelled this misguided notion by formally stating that they will not oppose the Project because, among other reasons, gating will not create any undue delays or impediments to their entry. BAR opponents also asserted that speed bumps and signs barring entry work just as effectively as gating at preventing cut through drivers, stating that their use of these measures has successfully prevented cut through traffic. These assertions, however, should not be taken seriously since the same opponents have also complained that the BAR community has suffered, and continues to suffer, the same cut through traffic and dangers that have bedeviled the Bel Air Glen community. If these measures have proven so effective, why do BAR residents lament that these dangers persist on their streets?

Finally, Project opponents incorrectly contend that an Environmental Impact Report ("EIR") should be required for the street vacation Project. Since the Project will involve only a slight alteration of land (gates and landscaping) and will cause no significant traffic or other environmental impacts (as shown by the Project's Traffic Study), it is categorically exempt and requires no EIR. Indeed, the Los Angeles Department of Building and Safety staff concurs and advised that staff sees the Project as categorically exempt.

We ask the Council to weigh the seriousness and urgency of Bel Air Glen's goal of protecting the lives and safety of its residents from cut through traffic against the inconveniences opponents have said that they will incur from the street vacation. We respect and do not dismiss

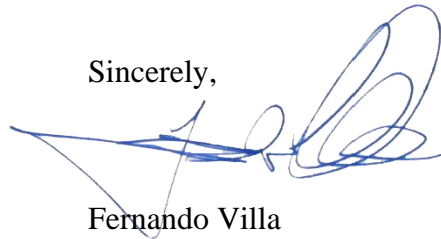
Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

Bel Air-Beverly Crest Neighborhood Council
August 24, 2022
Page 3

these stated inconveniences, but believe it is morally imperative that the Bel Air Glen community be allowed to proceed with seeking to have its Project approved free of your Council's opposition. We do not wish to ponder what tragedy could befall this community if cut through traffic is allowed to continue unabated. We hope you do not, either, and ask that your Council refrain from taking a position on the Project in deference to the disparate views of Bel Air Glen and BAR, and let the City Council decide the matter with all the foregoing considerations in mind.

Thank you.

Sincerely,



Fernando Villa

FV

cc: Kenneth Linzer
The Honorable Paul Koretz
Jarrett Thompson
Joan Pelico



Bel Air Glen HOA Street Vacation and Gating Project

The Bel Air-Beverly Crest Neighborhood Council
Planning & Land Use Committee

August 24, 2022

Project Objectives

1. Vacate and privatize remaining public streets
2. Install traffic deterrents to eliminate hazardous and congested traffic conditions

Why Vacate and Privatize the Bel Air Glen HOA?

Since advent of Waze and other navigation apps, an average **254** cut-through commuters use Bel Air Glen's streets during the weekday peak PM period.

Yellow = Public

Blue = Private



Why Vacate and Privatize the Bel Air Glen HOA?

- Residents cannot leave or enter their driveways efficiently and safely
- Cut throughs speed and run stop signs, creating serious and life-threatening safety hazards for walkers, joggers, and children
- Cut throughs cause excessive wear and tear to Bel Air Glen's local streets

Decision to Apply for Street Vacation

In 2017/2018, Bel Air Glen voted whether to apply to the City of Los Angeles to vacate and gate the public streets.

191 of the 220 households voted.

172/191 households voted Yes (90% support)

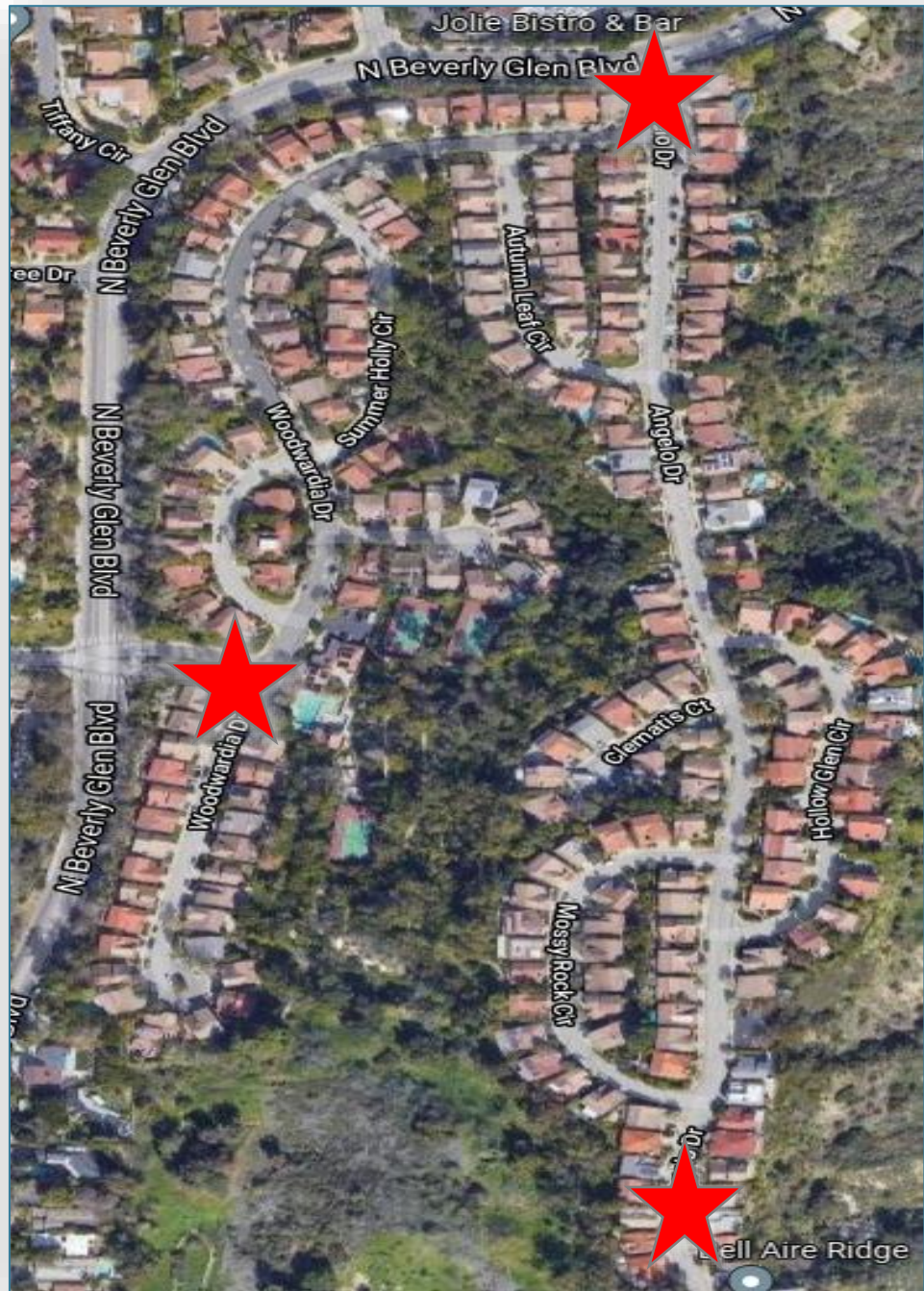
19/191 households voted No (10% opposed)

In October 2021, **over 90%** of Bel Air Glen residents when surveyed reaffirmed their support for the project.

Alternatives Measures Considered

- Signage requires consistent law enforcement presence and counterproductively impacts Bel Air Glen and Bel Air Ridge residents.
- Speed bumps do not significantly deter cut through drivers.
- Woodwardia not eligible for speed bumps due to >7% grade.

Project Proposal

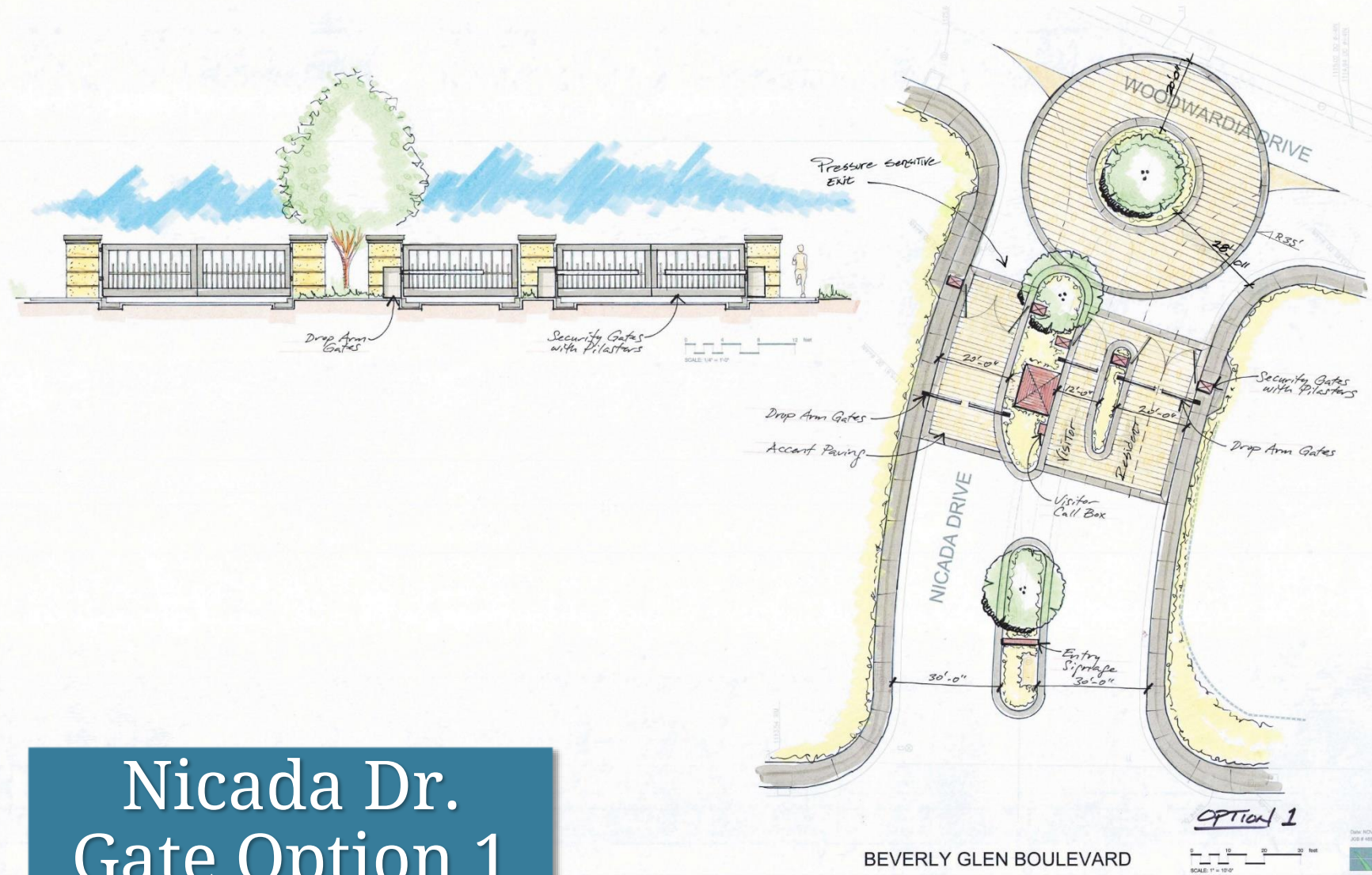


Key Features of Gate Technology

- Radiofrequency Identification (RFID) at all entry gates for automatic opening
- State of the art call boxes with phone calling and key code entry capability at all entry/exit
- Key fobs as backup means of entry
- Remote, smart device gate opening
- 24/7 live voice access to third party gate operator at all entry gates
- Automatic opening at all exits for all cars
- Gate override mechanisms for emergency and service personnel
- Battery backup systems



Nicada Dr. Gate Option 1



L.A. Group Design Works, Inc.

BEL AIR GLEN HOA

MAIN GATED ENTRY

Landscape Architecture



Nicada Dr. Gate Option 2

L.A. Group Design Works, Inc.

BEL AIR GLEN HOA
MAIN GATED ENTRY

Date: 11-09-2011
JOB # 4001

L.A. GROUP
Design Works

Landscape Architecture
24015 Ventura Blvd. Suite 201
Calabasas, CA 91302
p 818.251-9718 f 818.251-9719
email: DesignWorks@lagroupinc.net

NORTH

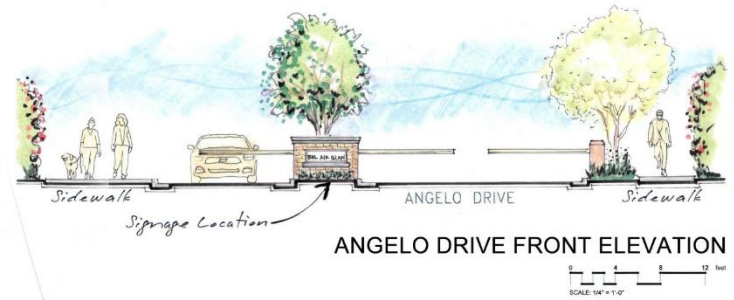
SCALE: 1" = 10'-0"

Landscape Architecture

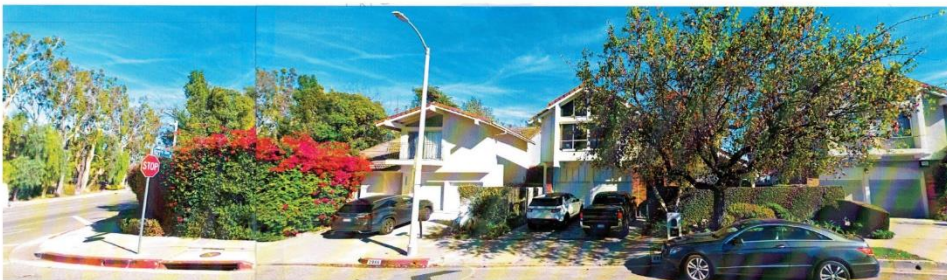
Angelo North Gate



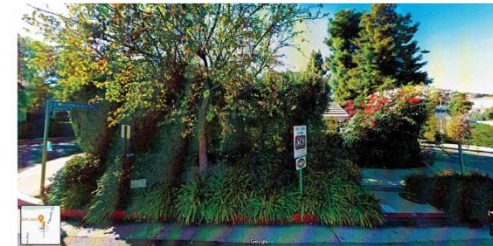
CONCEPT LANDSCAPE PLAN



ANGELO DRIVE FRONT ELEVATION



EAST SIDE IMAGE



WEST SIDE IMAGE

BEL AIR GLEN HOA ANGELO DR.



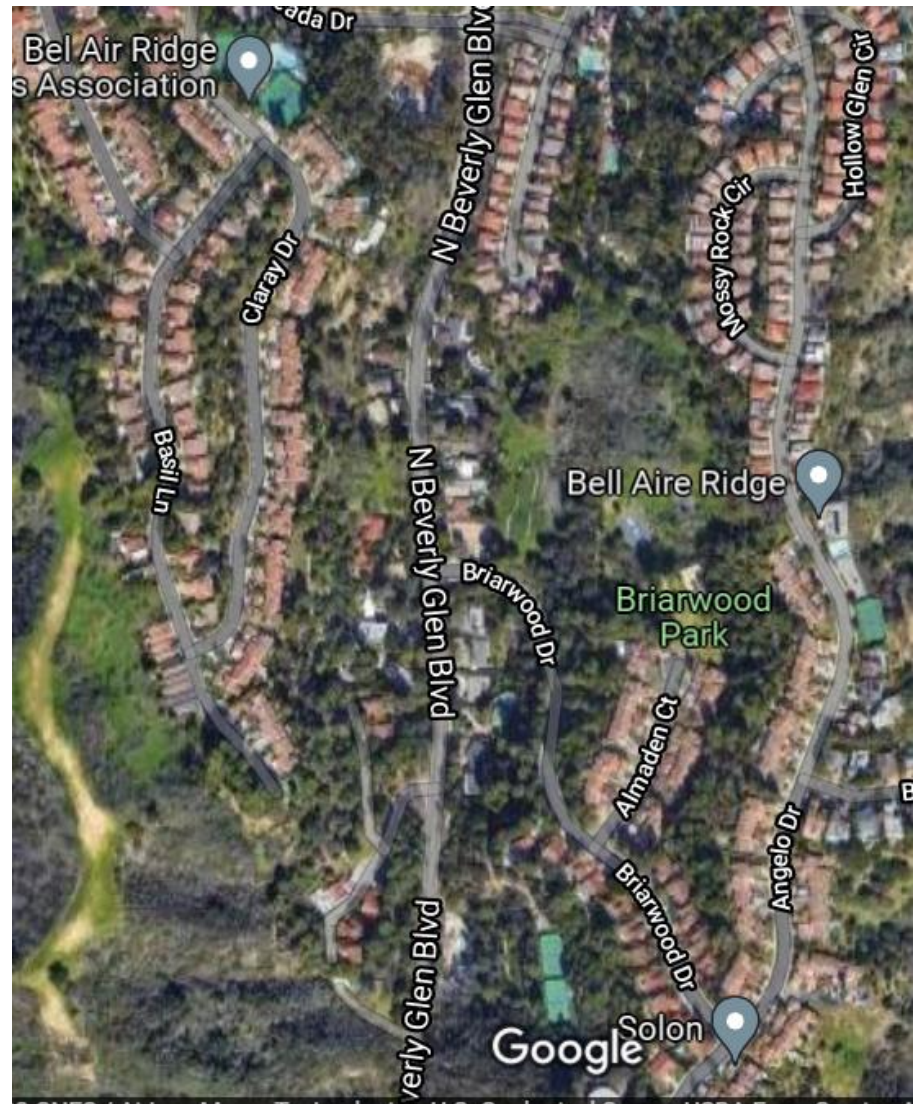
L.A. Group Design Works, Inc.

Community Outreach Timeline

- **Conducted extensive outreach 2018 - present to Bel Air Glen and Bel Air Ridge members via town hall meetings, phone calls, e-mail, door to door, newsletters and letters.**
- **2018: Bel Air Glen (“BAG”) reached out to Bel Air Ridge (“BAR”) to discuss proposed project. BAR declined.**
- **April 2021: Bulletin to BAR re filing of street vacation application.**
- **December 2021: Mini-town halls with BAR residents.**

Responses to Key Questions and Comments Posed by Community

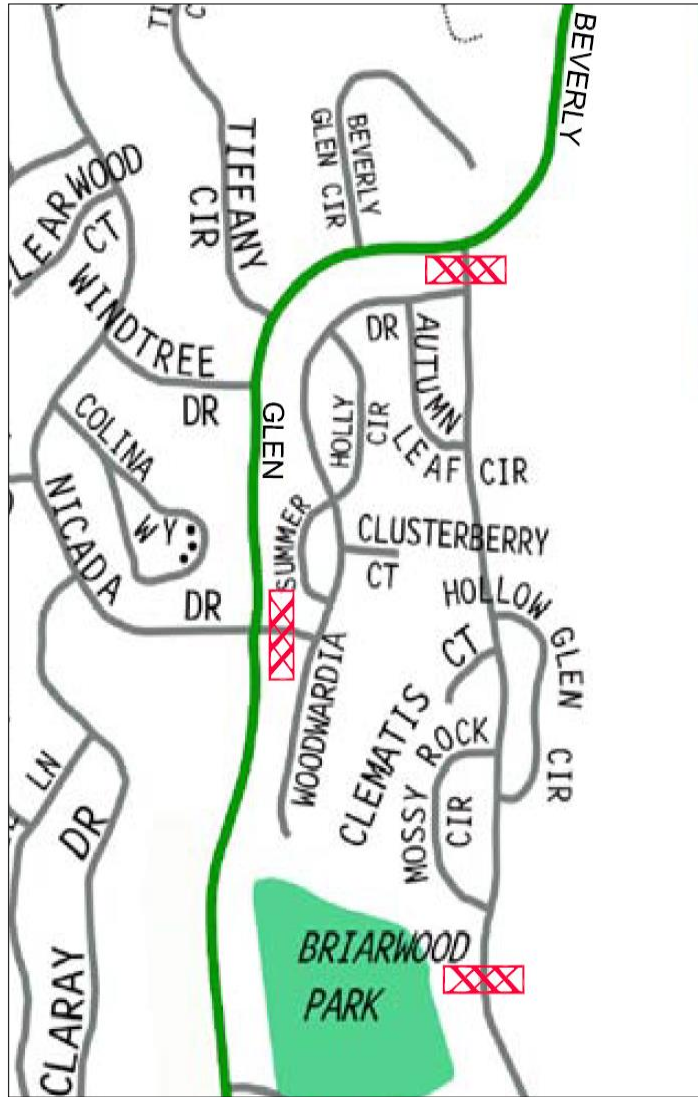
- All Bel Air Ridge will still have access to friends and amenities in Bel Air Ridge east via Briarwood.
- Bel Air Ridge east of Beverly Glen will have exact same access as Bel Air Glen
- All pedestrians will continue to have full and unrestricted access to Bel Air Glen.



Responses to Key Questions and Comments Posed by Community

- No significant traffic impact on Beverly Glen
 - *No net increase of cars on Beverly Glen*
 - *No reduction in “level of service” on Beverly Glen*
 - *Adequate queuing distance on Nicada and Angelo*
- Should not increase traffic in Bel Air Ridge west of Beverly Glen
 - *Bel Air Ridge cut through increases driving distance and time*

Responses to Key Questions and Comments Posed by Community



- All three gates will have both entry and exit
- Emergency and service personnel (utilities, sanitation, etc.) will have rapid 24/7 access
- Gates can be locked open, in person or remotely, during emergencies
- Vehicles entering Bel Air Glen's gates will not noticeably increase noise and tailpipe emissions

Resident Testimonials





Homeowners Association

August 4, 2022

Planning and Land Use Committee
Bel Air-Beverly Crest Neighborhood Council

Re: Proposed Modification to Bel Air Glen HOA Street Vacation Project

Dear Planning and Land Use Committee Members:

As you will recall, during our last exchange with your Committee and the Bel Air-Beverly Crest Neighborhood Council (the "**Council**"), we requested, and the Council kindly agreed, that the Council not take action on your Committee's letter recommendation regarding the above-referenced project (the "**Project**") until we presented to the Council a proposed modification to the Project for its consideration during its August meeting.

As promised, I enclose our proposal. As you will see, we propose to modify the Project by requiring our HOA to apply to the City and, if approved, install street signs at northbound Beverly Glen Boulevard and Nicada Drive and Briarwood Drive barring right turns into the latter two streets during work weekday p.m. peak hours, and to survey trips into our community during p.m. peak hours for a week-long period. If this survey shows that on average over this period peak hour cut through trips through our community do not occur, our HOA would withdraw its application for the Project and not seek a street vacation. If this study instead indicates that such cut-through traffic occurs or if the City does not act on our application for the street signs or does not issue permits for them within the prescribed period, we would have the right to proceed with our Project application with your Council's support and a commitment by the Bel Air Ridge HOA and its members not to oppose the Project.

We believe our proposal reflects a fair compromise between concerns expressed by the Bel Air Ridge HOA membership that we consider Project alternatives such as the street signs contained in our proposal before obtaining a street vacation, and our community's commitment to protect the safety and well-being of our residents by preventing dangerous cut through traffic on our streets. We hope you and the Bel Air Ridge HOA agree, and look forward to discussing our proposal with you during your upcoming meeting.

Thank you for your service to the community.

Very truly yours,

Kenneth A. Linger

President, Bel Air Glen Homeowners
Association

Cc: Board of Directors
Allen Matkins
Aaron Green

Proposed Modification to Bel Air Glen HOA Street Vacation Project

Bel Air-Beverly Crest Neighborhood Council

Planning and Land Use Committee

August 2022

Street Signs

- The Board will apply to the City to install street signs at northbound Beverly Glen Boulevard/eastbound Nicada Drive and at northbound Beverly Glen Boulevard/eastbound Briarwood Drive barring rights turns for all but neighborhood residents and their invitees (e.g., guests or service providers) between the hours of 3:00 p.m. – 7:00 p.m. Monday through Friday (**“Street Signs”**).
- If the City approves the Street Signs, then Bel Air Glen will cause the Street Signs to be installed, and will thereafter commission a traffic study to determine the total number of trips entering the Bel Air Glen community from northbound Beverly Glen Boulevard via Nicada Drive and Briarwood Drive between 3:00 p.m. and 7:00 p.m. for one work week Monday through Friday (all school days and no holidays) that exit north on Angelo Drive onto Beverly Glen Boulevard within 15 minutes of entering the Bel Air Glen community (**“Peak Period Cut Through Trips”**).
- If Peak Period Cut Through Trips occur on average over the 5-day study period, Bel Air Glen may proceed with the street vacation and private street map applications with the support of the BABCNC and without further opposition from Bel Air Ridge or others. If no Peak Period Cut Through Trips occur on average during the 5-day study period, then Bel Air Glen will end its pursuit of the street vacation and private street map.
- If within six (6) months of the City receiving Bel Air Glen’s application for the Street Signs, the City has (a) not taken action on the Street Signs application and (b) not issued permits necessary for Bel Air Glen to cause the Street Signs to be installed, then Bel Air Glen may continue to proceed with the street vacation and private street map applications with the support of the BABCNC and without further opposition from Bel Air Ridge or others.
- The Bel Air Glen HOA Board will continue to process the street vacation and private street map applications with the BOE during this process outlined above.

* * *