

## The San Ysidro/Beverly Park Haul Route Issue *By Robert Schlesinger*



dump truck

Some of you may have noticed an increase in the number of construction vehicles using San Ysidro Drive in recent years to the present, in blatant violation of a Covenant & Agreement with Beverly Park Estates dated January 28, 1988 and recorded in the Hall of Records Downey California. That record states "That all construction vehicles be limited to taking access from Mulholland Drive and that covenants, conditions and restrictions be developed to provide for this restriction in perpetuity."

On September 8, 1989, another recorded document stated "All Construction Vehicles shall access the project from Mulholland Drive only". The same document reconfirms the use of South Gate Beverly Park construction vehicles going through the North Gate to and from Mulholland Drive only.

In 2006 Beverly Park North restricted entrance to Beverly Park South to owners only. On May 21, 2009, in the Los Angeles Superior Court, Judge Norman P. Tarle reaffirmed

*(continued on page 6)*

5

## The San Ysidro/Beverly Park Haul Route Issue *(continued from page 5)*

that Beverly Park South is entitled to access through Beverly Park North to Mulholland Drive by South Gate's owners, guests and invitees. Between 2010 & 2011, the Court of Appeals of the State of California concurred with the lower court's decision in favor of Beverly Park South.

First and foremost this is a safety issue for the residents of the San Ysidro Area. Portions of the covenant and agreements were implemented during the initial plans for the development of "Beverly Park" for the explicit purpose to protect the residents of San Ysidro. San Ysidro has been suffering the violations of these agreements with a continuous assault of heavy duty construction vehicles, going up and down two miles of a narrow, dangerous, steep winding street, causing one traffic jam after another.

Dump trucks, cement trucks and other construction trucks are vehicles with axles that can accommodate 65,000 to 70,000 pounds gross weight. This is another Loma Vista incident waiting to happen, when two off duty police officers were killed by cement trucks, within a month of each other.

This information has been submitted to the City Attorney's Office regarding enforcement of the covenant and agreements.

### BCA CONTACT INFO

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**Meeting: Monthly, 7pm, 2nd Monday of the month at the Beverly Hills Women's Club**

**(enter parking at Benedict Cyn South of Chevy Chase)**