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July 23, 2004

BY HAND DELIVERY

Rocky Delgadillo
City Attorney
800 South Hall Street
200 North Main Street
Los Angeles, CA 90012

Re: *Gate Restricting Public Access to Canyonback Road*

Dear Mr. Delgadillo:

This letter is written on behalf of the general public, whose traditional use and enjoyment of public parkland is threatened by the City of Los Angeles' issuance of a revocable permit for the construction of a gate on Canyonback Road, a public street. By permitting the construction of a gate on this public street, which provides critical access to public parkland, the City has violated Vehicle Code § 21101.6. That statute prohibits the partial closure of a public street where, as here, a few privileged property owners maintain unimpeded use of the street, while the general public's equal right of access is denied.

This is a lawless act. The City lacks the *statutory authority* to partially close this public street by providing local residents with preferential access, while limiting the access provided to the general public, which has long used the street for recreational and commuting purposes. *Rumford v. City of Berkeley*, 31 Cal. 3d 545 (1982); *City of Lafayette v. County of Contra Costa*, 91 Cal. App. 3d 749 (1979); *Citizens Against Gated Enclaves v. Whitley Heights Civic Association*, 23 Cal. App. 4th 812 (1994). Hundreds of members of the general public use Canyonback Road on a weekly, sometimes daily basis, for recreational and commuting purposes in one of the region's prime public parkland enclaves. Construction of an access-restricting gate on Canyonback Road will provide residents of the Crown Homeowners Association with special access rights not enjoyed equally by other members of the public.

That preferential access works a "partial closure" of Canyonback Road, depriving the general public of the right to equal access, which is plainly illegal, as shown in detail below.

A. The Gate Works A *Partial* Closure Of Canyonback Road, Providing Preferential Access to Crown Residents.

1. Canyonback Road Is A Public Street Providing Public Access To Public Parkland.

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" affording 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 free and 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.

2. The Partial Closure Of Canyonback Road Will Restrict Non-Residents' Access To Canyonback Road For Public Uses.

The Canyonback Gate will not disturb Crown residents' use of Canyonback Road as a street, serving their vehicular uses. But the Gate will burden the general public's right to use Canyonback Road for legitimate public purposes, such as recreation and pollution-free commuting. This constitutes a partial closure of Canyonback Road, to the prejudice of non-residents, in violation of Vehicle Code § 21101.6.

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, citizens on the trails with the evident purpose of using them for recreational purposes are free to do so before sunrise and after sunset. 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, the Gate Closure will burden the public's right to use Canyonback Road for legitimate public uses by creating the following problems:

- 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, 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.

- Similarly, the Kenter-Mulholland corridor is used by bicycle commuters who live in the Brentwood area and work in the Encino and Tarzana areas, and vice versa. The Gate will restrict this longstanding access route through public parkland. Protecting this access is not only legally required, it is also in the local community's interests. In a time when our region is contending with increasing traffic congestion and population growth, closing through access to the unpaved roads will put current bicycle commuters back in their cars, if they have cars, and will prevent future commuting by mountain bicyclists. The unpaved roads of the Santa Monica's are an untapped resource and a potentially pertinent component of regional congestion mitigation. Maintaining public access without restrictions, as historically experienced, is a benefit to the entire area.

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 $\frac{1}{2}$ mile away from 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. That burden raises constitutional issues that the Attorney General has deemed significant. *Opinion No. 84-901*, 68 Ops. Cal. Atty. Gen. 101, 1985 Westlaw 167466, *5-6 (1985) (concluding that State of California cannot constitutionally authorize municipalities to limit or control access to public streets in a residential neighborhood).

Fourth, there will inevitably be problems obtaining vehicular 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. The Crown's private security guards are not the proper gatekeepers to public lands. The existence of such an entry-request procedure burdens public access and will inhibit it.

Fifth, pedestrian access to Canyonback Road will be impaired during daylight hours. There will be occasions when the pedestrian gates remain locked 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.

B. State Law Protects The General Public's Right Of Equal Access To Public Streets, And Precludes Municipalities From Impairing Such Access.

The public's right of equal access to the public streets has long been recognized as the policy of this state: "The streets of a city belong to the people of the state, and every citizen of the state has a right to the use thereof, subject to legislative [as opposed to local] control." *Rumford*, 31 Cal. 3d at 499 (quoting *Ex Parte Daniel*, 183 Cal. 636, 639 (1920)). Thus, the public's "use of highways for purposes of travel and transportation is not a mere privilege, but a common and fundamental right, of which the public and individuals cannot rightfully be deprived." *Id.* (quoting *Escobedo v. State of California*, 35 Cal. 2d 870, 875-76 (1950)). So "all persons have an equal right to use them for purposes of travel by proper means, and thus with due regard for the corresponding rights of others." *Id.* (emphasis in opinion).

This strong policy establishes that, absent express statutory authority to the contrary, "a city may not restrict the right to travel upon one of its streets to its residents or to other 'exempted drivers.'" *Lafayette*, 91 Cal. App. 3d at 754. The State's plenary power and its preemption of the entire field of traffic control is codified under Vehicle Code § 21, which provides that "no local authority shall enact or enforce any ordinance on the matters covered by [the Vehicle Code] unless expressly authorized therein." *Rumford*, 31 Cal. 3d at 550 (quoting Vehicle Code § 21; emphasis in opinion).

C. Barricades Providing Local Residents With Preferential Access To Public Streets Are Illegal Under State Law.

The public's right of equal access to public streets is based on the recognition that "streets of a city belong to the people of the state," which confers on the general public "an equal right to use [public streets] for purposes of travel. . . ." *Lafayette*, 91 Cal. App. 3d at 757. The fact that the right inheres to the general public — i.e., the citizens of the State of California — and not just residents of the local municipality where a particular street is located, explains the judicial circumscription of municipal conduct.

The seminal opinion recognizing the general public's right of equal access to public streets is *City of Lafayette v. County of Contra Costa*, 91 Cal. App. 3d 749 (1979). In that case, the City,

responding to complaints by local residents about traffic, pedestrian safety and pollution, voted to restrict access to Happy Valley Road by installing an automatic gate, which could be opened only by local residents and those who could demonstrate to the City an "established need" to access the street. But Happy Valley Road was the most "convenient" route for "many persons of the traveling public in reaching recreational and other areas of the County, including a state park." By restricting public access on Happy Valley Road, some members of the general public would be forced to drive an additional 10 miles to access the state park and other recreational areas. *Id.* at 752.

The City argued that it had authority to restrict access to Happy Valley Road under Vehicle Code § 21101(a), which authorizes local authorities to close streets or highways to vehicular traffic if such streets are no longer needed for vehicular traffic. But the City was not *totally* closing Happy Valley Road to vehicular traffic; it was merely closing it to *non-local* traffic. The court held that, while the statute granted local authorities power to close a street to *all* traffic, it did not authorize the *partial closure* of a street, *i.e.*, permitting some to use the street for vehicular purposes, but not others. That type of preferential access is inconsistent with the State's long-established policy recognizing that public streets belong equally to *all* the people of the State. Given the absence of any *express* statutory authority permitting local municipalities to provide local residents (or anyone else) with special access rights, selective and therefore unequal street-access rights are illegal. Thus, the court held that the Happy Valley Road Gate, providing local residents with preferential access, was illegal. *Lafayette*, 756-757. The court further held that case law establishing that courts must pay substantial deference to local legislative determinations that a street is "no longer needed for vehicular traffic" does *not* apply where the closure of a street, or any part of a street, restricts the rights of "the *state's citizens generally* but not, as in the case at bench, to *its own residents* or other 'exempted drivers.'" *Id.* at 757.

The Canyonback Gate, like the Happy Valley Road Gate, restricts public access to public parkland through public streets. By restricting access on Canyonback Road, the City is impairing the general public's historical recreational use of public parkland. The court in *Lafayette* recognized that curtailing *public* access, while preserving the *local* residential use of the street, is an illegal "partial closure" of a public street, which is beyond the local municipality's powers. Thus, the Canyonback Gate, like the Happy Valley Gate, is illegal.

D. The "Total" v. "Partial" Closure Distinction Separates Lawful Street Closures From Illegally Preferential Street-Access Restrictions.

The California Legislature expressly codified the ruling in *Lafayette* by enacting Vehicle Code § 21101.6, which provides that "local authorities may not place gates or other selective devices on any street which deny or restrict the access of certain members of the public to the street, while

permitting others unrestricted access to the street.” In doing so, the Legislature codified the “partial” v. “total” closure distinction applied in *Lafayette*. And in *Rumford v. City of Berkeley*, 31 Cal. 3d 545 (1982), the Supreme Court recognized that this distinction was necessary to protect citizens of the state against the risk that local municipalities, facing local political pressures, will provide preferential access to local residents.

In *Rumford*, the City of Berkeley erected traffic barricades designed to eliminate cut-through traffic on residential streets. The barricades did not restrict entry into the residential areas, but they restricted cut-through traffic by blocking short-cut access to major arterial streets. Thus, unlike Happy Valley Gate, the Berkeley barricades did not preclude access to the residential streets. But they nevertheless restricted public use of certain routes utilized by non-resident members of the public. The general public’s use of residential streets, even for cut-through purposes, is a legitimate and protected “public use” of streets. Proponents of the barricades, however, argued that access-restricting barricades were authorized under Vehicle Code § 21101(a) because they effected a “closure” of the residential streets to through traffic; permitting only the use of residential streets for “neighborhood purposes.”

The Supreme Court rejected that argument based on the “partial” v. “total” closure distinction articulated in *Lafayette*. To protect the general public’s right of equal access to public streets, the Legislature’s delegation of authority to local authorities under Vehicle Code § 21101(a) must be interpreted strictly according to the express statutory language; no “implied” street-regulation authority is recognized. *Rumford*, 31 Cal. 3d at 551-552. Thus, the City’s right to “close” a street under Vehicle Code § 21101(a) authorizes only a complete and total street closure, whereby a street will no longer be used for *any* vehicular purposes whatsoever. *Id.* at 552 (citing the City of Los Angeles’ closure of historic Olvera Street to all vehicular traffic). Absent the closure of a street for all vehicular purposes — including “neighborhood purposes” — the City has no authority to *partially* restrict street access. *Id.*

Lafayette, *Rumford* and Vehicle Code § 21101.6 therefore stand for the principal that municipalities have *no authority* to provide *preferential* street access to select members of the public. The provision of special access rights to some members of the public, when other members of the public would otherwise access the street for legitimate public uses, effects a “partial closure” of a street, which violates the public’s right of equal access to public streets and is therefore illegal. *Rumford*, 31 Cal. 3d at 554. The Canyonback Gate constitutes an illegal partial closure of Canyonback Road because it preserves the right of Crown residents to use the street for vehicular purposes, but curtails and burdens the public’s right to do so.

E. Municipal Authority To Vacate Public Streets Is Limited By The Public's Paramount Right Of Equal Access.

Municipalities have statutory authority to vacate a public street upon finding that the street is unnecessary for present or future public uses (Streets & Highways Code § 8324(b)), which is what the City is attempting to do with Canyonback Road. But municipal authority to “vacate” a public street is a strictly circumscribed power. Vacation is proper only “if the controlling purpose was the convenience of the general public,” such as for reasons of general public safety. *Constantine v. City of Sunnyvale*, 91 Cal. App. 2d 278, 282 (1949). While incidental private benefit accruing to abutting property owners does not, standing alone, render a vacation *per se* improper, the private benefit cannot even be a motivating factor for the vacation; it must be “a mere incident” of the vacation. *Id.*

The municipal power to vacate is further circumscribed by the public’s “fundamental right” of equal access to public streets. *If* vacation will work a “partial closure” of the vacated street, by providing local residents with preferential access to the street while limiting the public’s right of equal access for existing or future *public uses*, *then* the street vacation is illegal. In that manner, a municipality cannot invoke its “vacation” powers to effect a partial closing of a public street. Substance prevails over form on matters of fundamental public rights. Otherwise, a municipality could simply characterize its conduct as a “vacation” and achieve that which the “partial closure” line of cases prohibits.

This substance-over-form principal was made clear in *Citizens Against Gated Enclaves v. Whitley Heights Civic Assoc.*, 23 Cal. App. 4th 812 (1994). Whitley Heights is a hillside residential neighborhood near Hollywood. Non-residents used the local streets for commuting purposes — principally to cut-through the residential streets as a “short cut” to Highland Avenue, thereby avoiding traffic on Franklin Avenue — and for recreational purposes, such as jogging. Despite these established public uses of the Whitley Heights streets, the City of Los Angeles purported to “find” that the streets were not needed for “public use,” and withdrew the streets from public use. Upon doing so, the City issued permits authorizing the Whitley Heights residents to place access-restricting gates on the recently-deemed “private” streets. *Id.* at 815-816.

The appellate court easily concluded that the Whitley Heights gates effected a “partial closure” of the streets in violation of Vehicle Code § 21101.6. The public streets remained accessible for vehicular use by Whitley Heights residents, but could not be easily accessed by the general public for public uses such as commuting or jogging. Consequently, the streets were not *totally* closed, as authorized under Vehicle Code § 21101(a); the so-called closure was merely partial. It restricted non-resident public use of the streets, but not the local residents’ use of the streets for vehicular

purposes. As a result, the partial closure violated Vehicle Code § 21101.6, regardless of the City's characterization of its conduct. *Whitley Heights*, 23 Cal. App. 4th at 820-821.

The appellate court also addressed vacation under Streets and Highways Code § 8324. The City of Los Angeles had not *characterized* its action in "withdrawing the streets from public use" as a "vacation" or "abandonment." The court noted that the City's decision not to so characterize its conduct was "well advised" because "a street may not be vacated for exclusive private use." *Whitley Heights*, 23 Cal. App. 4th at 820 (quoting *Constantine*, 91 Cal. App. 2d at 282). Similarly, under the very narrow vacation statute, a municipality's vacation decision cannot be motivated *in any part* by a desire to protect or benefit local residents, as opposed to the general public. *Constantine*, 91 Cal. App. 2d at 282. In order to properly "vacate" a street, "the city must find that it is no longer necessary, i.e., there is *no present or future use for the road*, and that the abandonment is in the public interest." *Whitley Heights*, 23 Cal. App. 4th at 820. Given the fact that non-resident commuters had an existing public use for the streets — the streets were used for commuting and recreational purposes — the City could not "wave a magic wand and declare that a public street is not to be a public street." *Id.* at 821. As with the Whitley Heights streets, there is a well-established public use for Canyonback Road — it provides access to recreational public parkland — which likewise precludes the finding required for a vacation: "there is no present or future use for the road."

Notably, the *Whitley Heights* court held that its consideration of the legalities is controlled not by the City's *characterization* of its conduct, but by the *effect* of the City's conduct. *Whitley Heights*, 23 Cal. App. 4th at 823. The City's "withdrawal" of the public streets from public use is, in substance if not form, "exactly the same as *Rumford* and works a partial closure." *Id.* Because the "withdrawal" permits the Whitley Heights residents to use the streets, but restricts the general public's right of equal access for recreational or commuting purposes, the withdrawal works a partial closure of the public street, in violation of Vehicle Code § 21101.6. *Id.* And that is likewise the effect of Canyonback Gate. It permits Crown residents to use the street for vehicular purposes, but burdens the general public's use of the road for public purposes. That is a partial closure, which is illegal.

This substance-over-form analysis was also recognized as controlling in *Citizens for Improved Sorrento Access, Inc. v. City of San Diego*, 118 Cal. App. 4th 808 (2004). In that case, the City of San Diego closed a portion of a public street to *all* vehicular traffic. In doing so, the City found that the closed portion of the street was not needed for present or future public use under Streets and Highways Code § 8324(b), the street vacation statute. Opponents of the closure/vacation, however, argued that the City's finding was improper because there were existing public uses for the streets. They argued that the *Lafayette*, *Rumford* and *Whitley Heights* line of cases holds that a street closure

or vacation is not proper if anyone — even a single person — would use the vacated street for any legitimate public use, such as commuting. *Id.* at 817.

The appellate court in *City of San Diego* recognized that *Lafayette, Rumford* and *Whitley Heights* stand for the principal that a “partial” street closure is invalid *as a matter of law* if it (1) preserves a residential use of the street for vehicular purposes, and (2) impairs the public’s right to use the street for legitimate public-use purposes. That type of partial closure violated the public’s right of equal access to public streets. The logic of this line of cases is that municipal decisions favoring one class of citizen’s use of public streets for vehicular purposes, over other citizens’ right to access the streets for legitimate public use is unlawful if the general public would otherwise use the street for a valid public purpose, such as recreation or commuting. This rule is necessary to protect against the political risk that a municipality, subject to political accountability only from local residents, not the voters of the entire state, will provide favored local residents preferential street access rights not accorded to non-residents, in violation of the general public’s right. *San Diego*, 118 Cal. App. 4th at 817-818.¹

F. The Canyonback Gate Violates Constitutional And Civil Rights.

The general public’s right of equal access to public streets and parkland is a “fundamental right” of the states’s citizens. *Rumford*, 31 Cal. 4th at 550. The Canyonback Gate, however, restricts public access in order to increase the property values of a select few property owners, who acquired their properties long *after* this historic access was established. Even if the City had the authority to partially close public streets — which it clearly does *not* — the closure of this historic access route to public parkland would still be illegal.

The Government’s preferential restriction of public access to public parkland, whereby local residents are granted preferential access rights, is unconstitutional. See *Leydon v. Town of Greenwich*, 257 Conn. 318, 343-351 (2001) (holding that municipality’s restriction of access to

¹ The logic of the *partial*-closure cases does not extend to “total” street closures, where the risk of preferential street-use access is not present to the same degree, since the street vacation/closure is total, not partial/preferential. The total closure of a street, or part of the street, does not support the same presumption that the municipality is bargaining-away the general public’s street-access rights to appease favored local residents. Thus, a municipal finding that a public street is not needed for public use under Streets and Highways Code § 8324 is accorded substantial deference if (but only if) the vacation effects a total street closure, not if it works a partial closure. This deference, however, has no application in the partial closure situation. *San Diego*, 118 Cal. App. 4th at 817-818.

public parkland violates state and federal constitutional rights to free assembly, association and speech). And the Government's preferential restriction of access to public streets, whereby local residents are accorded unrestricted access but non-residents must submit to some form of surveillance or other burden, from a privately-employed security guard, is likewise unconstitutional. See *Opinion No. 84-901*, 68 Ops. Cal. Atty. Gen. 101, 1985 Westlaw 167466, *5-6 (1985) (concluding that the state cannot constitutionally authorize municipalities to limit or control access to public streets in a residential neighborhood).

There are also significant civil rights issues. Communities of color and low income communities are disproportionately denied parkland access. The Canyonback Road access route is enjoyed by citizens throughout the area, including minorities and low-income citizens who suffer from a dearth of public parkland in other parts of the City. The Canyonback Gate would burden what is now freely open to minorities and low income people. Private security guards, retained by the private homeowners in a wealthy, virtually all-white gated enclave, will inevitably discriminate against minorities seeking access, in a misguided attempt to "protect" the Crown enclave. There is a remarkable potential for abuse. Security guards, fearful of admitting those who might not "look" like they belong, will refuse vehicle entry, saying there are no open parking spots, or they will question those seeking entry more "carefully" if they look "suspicious." This is not the type of scrutiny visitors to public parkland deserve. But it will occur; the screening process makes that a certainty. This will deter minorities from exposing themselves to the frustration and indignity of the access-request process inherent in the gating of Canyonback Road.

The Canyonback Gate therefore violates Title VI of the Civil Rights Act of 1964 by impairing the rights of minorities. And by burdening the parkland-access rights of minorities and low-income citizens, in order to protect a select group of wealthy, largely non-minority property owners, the City violates California law's mandate of environmental justice, which compels "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." Government Code § 111135 *et seq.*; 22 CCR § 9810.

* * * * *

The illegality of the City's conduct is clear. If forced to file a lawsuit, we will seek and recover all costs and legal fees incurred in prosecuting the action. *Rumford*, 31 Cal. 3d at 559 (holding that private attorney-general statute, CCP § 1021.5, authorizes recovery of attorneys fees if lawsuit results

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in enforcement of important right affecting public interest). We hope, however, that upon your review of the cited authorities, you will terminate the City's illegal conduct, and therefore avoid the need for litigation. We look forward to your prompt response.

Very truly yours,



Thomas R. Freeman

TRF:slp

cc: Hon. Cindy Miscikowski
Julie Pietroski
(Sr. Legislative Deputy for Councilwoman Miscikowski)
Richard Zien
(Crown Homeowners Assoc., Gate Comm. Chair)
Mary Ann Webster
(Sierra Club, Santa Monica Mountains Task Force)
Robert Garcia
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