



# CITY OF LONG BEACH

# H-2 REVISED

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard 9<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

October 13, 2015

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive supporting documentation into the record, conclude the hearing, adopt the attached Resolution and authorize the City Manager to execute an agreement with Bixby Village Homeowners' Association providing for enforcement of traffic regulations on private streets in Bixby Village with easements for public access for the following three streets: North Greenway, South Greenway and Avenida de Castillo. (District 3)

## DISCUSSION

Bixby Village is a non-gated planned development community. All streets in this community are privately owned and maintained. Public access easements were originally placed as a condition of approval of this development for the following private streets: North Greenway, South Greenway and Avenida de Castillo. The attached map illustrates the location of these three roadways within the Bixby Village Community area.

In October 2014, the City received an initial request from Bixby Village Community Association to have the Long Beach Police Department enforce traffic regulations on the private roads with public access easements within their community area due to increased traffic volume and safety-related concerns.. California Vehicle Code, Section 21107.5 allows the application of the Code on private roads that are generally held open for use by the public for vehicular travel, and are so connected to public streets that the public cannot determine that the roads are not public streets, following a duly noticed public hearing.

The Board of Directors of the Bixby Village Homeowner's Association, at its September 2014 meeting, voted to officially request to commence the process required to enable traffic regulations enforcement in their community.

The affected streets shall be subject to the prima facie speed limit of 25 MPH for local residential streets, as required by California Vehicle Code (CVC) Section 22352. To enable enforcement of the prima facie speed limit of 25 MPH, the affected streets have been appropriately posted with the requisite signs giving notice of said enforcement in accordance with CVC Section 21107.5 by the Homeowner's Association.

The Bixby Village residents will be provided with a ten-day notice for the public hearing as required by the California Vehicle Code.

The attached Resolution applies the provisions of the California Vehicle Code and the traffic regulations of the Long Beach Municipal Code to the following private streets: North Greenway, South Greenway and Avenida de Castillo.

Staff has also negotiated the following business terms to be included in the private streets agreement with the Bixby Village Homeowners Association:

- All traffic control devices shall comply with California Vehicle Code with review and approval of the City Traffic Engineer prior to the execution of the agreement. The cost of the new signs and striping changes will be borne by the Bixby Village Community Association.
- Future speed limit changes lower than 25 mph on narrow streets (not to exceed 25 feet in width) shall require an Engineering and Traffic survey conducted every five years. Any costs associated with such survey shall be borne by the Bixby Village Community Association.
- The City shall enforce traffic and parking regulations with approximately the same regularity as provided in public streets.

This matter was reviewed by Deputy City Attorney Amy Webber on October 8, 2015, and by Budget Management Officer Victoria Bell on August 20, 2015.

#### TIMING CONSIDERATIONS

City Council approval of this item is not time sensitive.

#### FISCAL IMPACT

There is no additional cost associated with the periodic enforcement of the private roads in Bixby Village. Enforcement will be supported using existing staff and resources appropriated in the General Fund (GF) in the Long Beach Police Department (PD).

HONORABLE MAYOR AND CITY COUNCIL

October 13, 2015

Page 3

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ARA MALOYAN, PE  
DIRECTOR OF PUBLIC WORKS



ROBERT G. LUNA  
POLICE CHIEF

AM:HR:td  
P:\CL\Bixby Village CLv3.doc  
Attachments

- Site Map
- Resolution

APPROVED:



PATRICK H. WEST  
CITY MANAGER

1 RESOLUTION NO.

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH MAKING THE PROVISIONS OF  
5 THE CALIFORNIA VEHICLE CODE AND LONG BEACH  
6 TRAFFIC REGULATIONS APPLICABLE TO PRIVATE  
7 STREETS IN THE BIXBY VILLAGE AREA, PURSUANT TO  
8 VEHICLE CODE SECTION 21107.5  
9

10 WHEREAS, the Bixby Village Homeowners' Association ("HOA") owns  
11 certain streets in the City of Long Beach (the "Site"); and

12 WHEREAS, the Site includes private streets that are held open for use by  
13 the public for vehicular traffic; and

14 WHEREAS, these private streets are so connected to public streets that the  
15 public cannot readily determine that they are not public streets; and

16 WHEREAS, HOA has requested that the City make the provisions of the  
17 California Vehicle Code and the Long Beach Municipal Code related to traffic  
18 enforcement applicable to these private streets; and

19 WHEREAS, written notice of a public hearing was provided to the HOA at  
20 least ten (10) days before adoption of this Resolution;

21 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
22 follows:

23 Section 1. That the above recitals are true and correct and are  
24 incorporated herein.

25 Section 2. Pursuant to Section 21107.5 of the California Vehicle Code  
26 and the recitals incorporated into this Resolution, it is declared that the applicable  
27 provisions of the California Vehicle Code and the traffic provisions of the Long Beach  
28 Municipal Code shall apply to the following named privately owned and maintained

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 streets in the Bixby Village area owned by HOA: North Greenway, South Greenway and  
2 Avenida De Castillo.

3 Section 3. The City shall not commence enforcement activities under the  
4 Vehicle Code and the Municipal Code until appropriate signs have been posted or  
5 caused to be posted by HOA, in accordance with applicable laws.

6 Section 4. This resolution shall take effect upon execution of the  
7 Agreement by the City Manager, and the City Clerk shall certify the vote adopting this  
8 resolution.

9 I hereby certify that the foregoing resolution was adopted by the City  
10 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2015,  
11 by the following vote:

12  
13 Ayes: Councilmembers: \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 Noes: Councilmembers: \_\_\_\_\_

18 \_\_\_\_\_

19 Absent: Councilmembers: \_\_\_\_\_

20 \_\_\_\_\_

21  
22  
23 \_\_\_\_\_  
City Clerk