



CITY OF LONG BEACH

H-3

DEPARTMENT OF PUBLIC WORKS

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

September 22, 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 regulation enforcement in their community.

The affected streets shall be posted with the prima facie speed limit of 25 mph for local residential streets prior to enforcement, as required by California Vehicle Code section 22352.

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. The cost of the new signs and striping changes will be borne by the Bixby Village Community Association.
- Any speed limit 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 August 17, 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).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ARA MALOYAN, PE
DIRECTOR OF PUBLIC WORKS



ROBERT G. LUNA
POLICE CHIEF

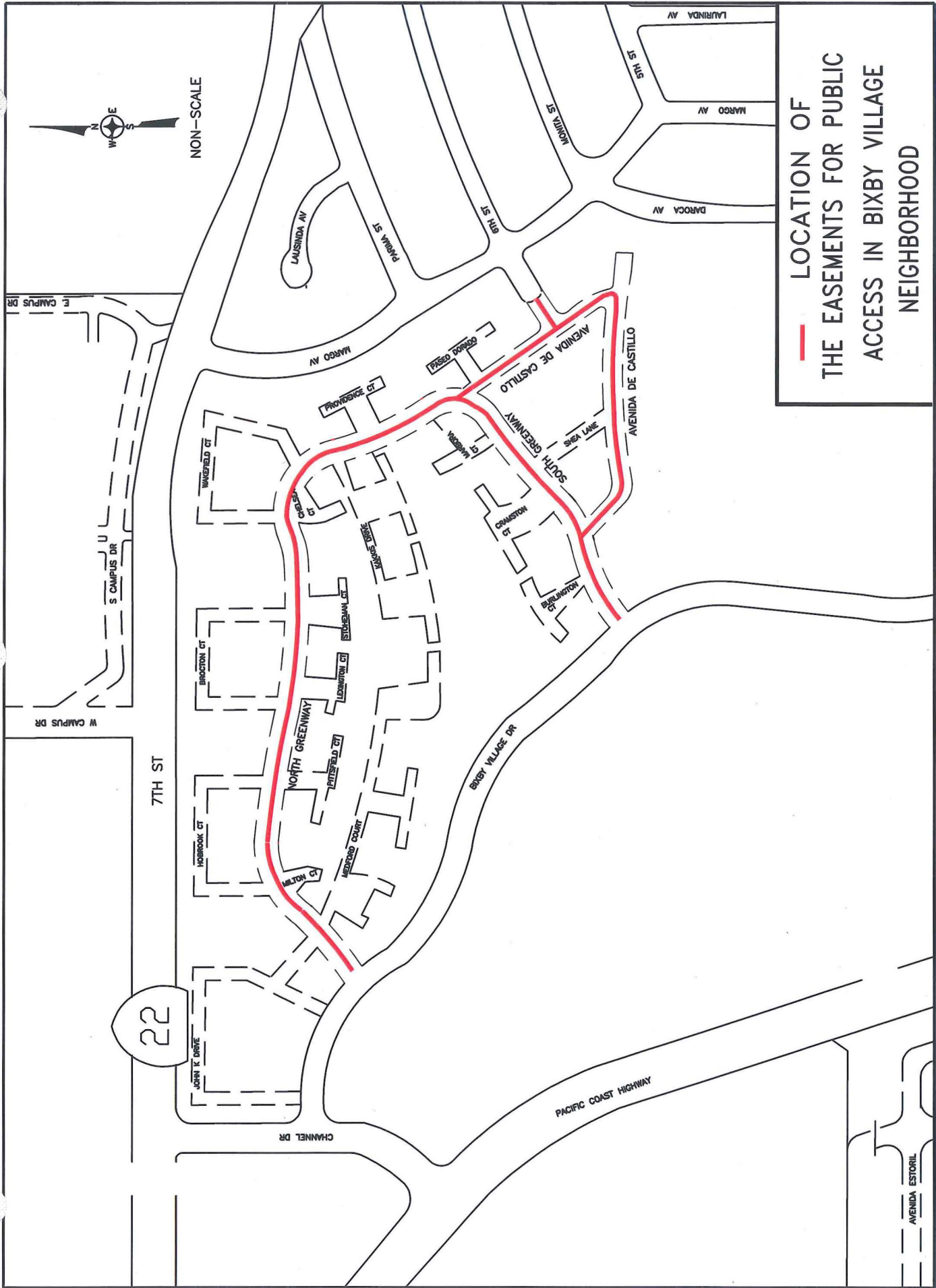
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Attachment – Resolution
Site Map

APPROVED:



PATRICK H. WEST
CITY MANAGER



— LOCATION OF
 THE EASEMENTS FOR PUBLIC
 ACCESS IN BIXBY VILLAGE
 NEIGHBORHOOD

ATTACHMENT

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

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH MAKING THE PROVISIONS OF THE CALIFORNIA VEHICLE CODE AND LONG BEACH TRAFFIC REGULATIONS APPLICABLE TO PRIVATE STREETS IN THE BIXBY VILLAGE AREA, PURSUANT TO VEHICLE CODE SECTION 21107.5

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

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

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

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

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

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

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

Section 2. Pursuant to Section 21107.5 of the California Vehicle Code and the recitals incorporated into this Resolution, it is declared that the applicable provisions of the California Vehicle Code and the traffic provisions of the Long Beach 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 immediately upon its adoption
7 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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

11
12 Ayes: Councilmembers: _____

13 _____

14 _____

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16 Noes: Councilmembers: _____

17 _____

18 Absent: Councilmembers: _____

19 _____

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22 _____
23 City Clerk
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