

CITY OF YUBA CITY
STAFF REPORT

Date: September 15, 2020
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation by: Diana Langley, Interim City Manager

Summary

Subject: Gated Community Concept

Recommendation: Discuss the concept of “gated neighborhoods” and provide direction to staff regarding requirements for the conversion of existing neighborhoods to gated communities.

Fiscal Impact: If the gated community concept were approved and a neighborhood were to elect to convert to a gated community, the City may no longer be responsible for maintenance activities within the neighborhood.

Purpose:

To obtain policy direction from Council regarding the acceptability of converting existing neighborhoods to gated communities, and if acceptable, establish requirements for the conversion.

Background:

In 2013, residents living on Hastings Way & Morrison Bend, a neighborhood in the southeastern portion of the City, approached staff about the concept of converting their subdivision to a gated community (Attachment 1). A neighborhood meeting was held with the residents in which potential City requirements for converting an existing neighborhood to a gated community were discussed. It was determined that the initial course of action would be to start at the City Council level to measure community acceptability.

On February 19, 2013, the item was brought before City Council for direction. In evaluating the concept of converting an existing “public” neighborhood to a “gated community”, consideration was given to the following:

- Community acceptance of the exclusivity of “gated neighborhoods” in general.
 - There are currently at least three private gated communities in Yuba City, Woodridge Court off of Lincoln Road, Cobblestone Court off of Blevin Road, and Oak Hollow off of Clark Avenue/Bunce Road. These subdivisions were designed as private neighborhoods and went through the Planning approval process as such.
- Uniqueness of the neighborhood request and/or the precedent set in supporting a gated community concept.

- Consideration needs to be given to points of access to the neighborhood, other areas served by the streets, ability to install gates and stack vehicles without impeding traffic on other streets, etc.
- The neighborhood in the southeastern portion of town on Hastings Way & Morrison Bend is a good candidate for conversion to a private neighborhood due to only two points of access and sufficient depth at the access points to allow vehicles to stack while they wait for the gates to open. In addition, the streets proposed for privatization only serve that specific neighborhood.
- Ability to provide access to emergency services, postal service, garbage collection, and other services/deliveries.
 - Gates should be equipped with the necessary devices to allow emergency services to get through the gates.
 - Residents will have to provide access codes to the postal service, garbage collection, and other services/deliveries to allow access.
- Willingness of residents to accept:
 - All costs of conversion, including the installation of necessary gates, walls, landscaping modifications, and formation of a Homeowner's Association.
 - All added maintenance costs of private street conversion for streetlights, street maintenance (street sweeping and surface restorations, storm sewers, gate operation and maintenance, and internal landscaping).
 - Organizational mechanism to ensure monetary obligations and necessary work is being carried out.
 - Formation of a Homeowner's Association (HOA) with 100% approval of the property owners.

From a legal standpoint, restricting access to a public street is not allowed. The California Streets and Highways Code requires that the local agency abandon or vacate the right-of-way. The City Council can initiate the abandonment or it can be initiated by the property owners. Once the abandonment is finalized, disposal of the right-of-way depends on whether the City owns the right-of-way as fee title or if the City has an easement. In addition, the property owners have to preserve their access rights through the dedication of cross-access easements or the filing of a notice with the County Recorder to preserve their right to use the street. Easements also need to be dedicated for utilities within the subdivision such as PG&E, AT&T, Comcast, City utilities, etc.

In 2013, Council provided direction to staff that conversion to a gated neighborhood would be acceptable provided that 100% of the property owners within the neighborhood agreed, and all property owners agreed to pay for the ongoing maintenance of the improvements internal to the neighborhood (i.e. street sweeping, road surface restorations, storm sewer, gate operation and maintenance, internal landscaping, etc.)

At that time, 100% of the residents in the Hastings Way/Morrison Bend neighborhood did not agree to a conversion, so the conversion did not proceed.

Analysis:

In late July, two representatives from the Hastings Way/Morrison Bend neighborhood approached staff again regarding converting the neighborhood to a gated community. They indicated that the

property owners that were against the conversion in 2013 no longer reside in the neighborhood. Their request is as follows:

- Provide gated ingress/egress at the main entrance on Bogue Road.
- Provide gated ingress/egress at the secondary entrance on Railroad Avenue.
- City continue to provide maintenance of all City-owned internal infrastructure via a maintenance agreement at no additional cost to the property owners within the neighborhood. The property owners may be willing to increase the landscape maintenance fee to maintain the landscaping along Bogue Road and Railroad Avenue (neighborhood is part of Landscape Maintenance District 1-B).

In regard to maintenance, there are many items for Council to consider:

- Other gated communities within Yuba City pay for the maintenance of the internal infrastructure.
- Should the cost for maintenance be borne by the property owners, the City, or transitioned over time from the City to the property owners?
- With the abandonment of the right-of-way, would the City retain ownership and maintenance of the internal infrastructure (i.e. roads, streetlights, storm sewers, etc.)? Or, would the ownership transfer to the property owners via a HOA and the City strictly maintains the infrastructure? At a minimum, staff recommends that the City retain ownership and maintenance of the water and sewer lines.
- What is the maintenance schedule and estimated cost for maintenance?
- If the requirement is that the property owners pay for the maintenance, what happens if there are not sufficient funds held by the HOA to cover the costs or if there is a major issue that needs to be addressed and there are not sufficient funds held by the HOA to cover the cost?

The Hastings Way/Morrison Bend representatives are requesting direction from Council so that they can meet with the property owners in the neighborhood to convey what will be required to convert the neighborhood to a gated community.

Staff's recommendation for any neighborhood considering conversion to a gated community is as follows:

1. 100% of the property owners shall agree to the conversion.
2. All costs of conversion, including the installation of necessary gates, walls, landscaping modifications, formation of a Homeowner's Association, abandonment of right-of-way, establishment of easements, and staff time associated with the conversion, including City Attorney fees, shall be paid by the property owners. A deposit shall be provided to the City up front to cover staff time.
3. All gates shall comply with emergency access requirements.
4. All costs of maintenance, whether it's via a maintenance agreement with the City or the property owner's responsibility to coordinate maintenance, shall be paid by the property owners. Timing for the shift of maintenance from the City to the property owners would need to be determined.
5. An organizational mechanism shall be put in place to ensure monetary obligations and necessary work is being carried out.
6. Formation of a Homeowner's Association shall have 100% approval of the property owners.

7. City shall retain ownership and maintenance of any water distribution mains and sewer collection lines within the neighborhood. City shall be provided access to those lines at all times.

Fiscal Impact:

If the gated community concept were approved and a neighborhood were to elect to convert the neighborhood to a gated community, the City would potentially no longer be responsible for maintenance activities within the neighborhood, unless a maintenance agreement were in place, with the exception of water and sewer.

Alternatives:

Continue the discussion to a special study session.

Recommendation:

Discuss the concept of “gated neighborhoods” and provide direction to staff regarding requirements for the conversion of existing neighborhoods to gated communities.

Attachments:

1. Hastings Way/Morrison Bend Neighborhood Map

Prepared and Submitted by:

/s/ Diana Langley

Diana Langley
Public Works Director

Reviewed by:

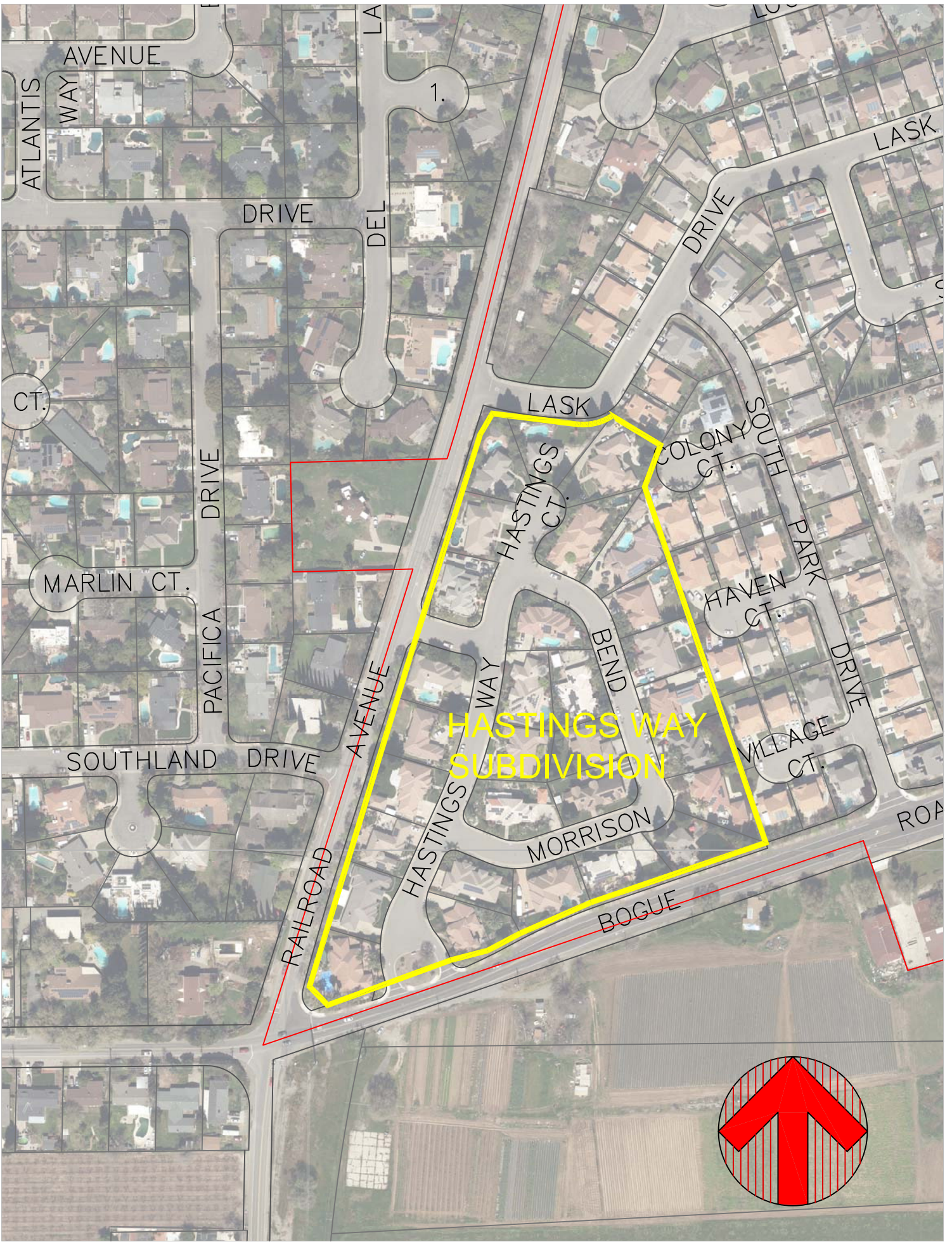
Finance

SM

City Attorney

SLC by email

ATTACHMENT 1



HASTINGS WAY SUBDIVISION

