

BH

Bixby Hill Community Association

From the Board of Directors

October 2024

*Informing the community, addressing homeowner forum topics, and responding to member questions**

This update contains information on 13 topics.

1. November 18 Board Meeting

The November Board Meeting will not occur on Monday, November 11, because of the Veteran's Day holiday. Instead, it will be held on November 18 at Rancho Los Alamitos, with a general session beginning at 6:30 PM. Management will provide a Zoom link for verified members who wish to participate remotely.



2. Repair and Enhancement Plan Preview

(Initially shared in our September 2024 newsletter)

After multiple vehicle collisions with the guardhouse, the board has initiated a redesign to improve safety and security. The original option, referred to as "Plan A," aimed to address over fifty issues identified during a site analysis. However, this plan was discontinued due to a high-cost estimate of \$1.4 million to \$1.6 million. In its place, the board developed a more budget-friendly "Plan B," focusing on essential repairs, security enhancements, improved visibility, and better access control. Critical updates in Plan B include enclosing the entry plaza, adding vehicular gates, and securing entry points along the canal with extended fencing. Preliminary plans are now available for review, and community members are encouraged to provide feedback [online](#).



Additionally, two in-person events are scheduled at Rancho Los Alamitos in early December: an open house on Wednesday, December 4, from 5:30 to 7:30 PM, and a formal presentation on Saturday, December 7, from 10:00 AM to 12:00 PM. Please note that the design is still in development, and updates will be provided as the project progresses. For more details, photos, and supporting documents, please visit our website at www.bixbyhillhoa.com.

3. Plan B Frequently Asked Questions

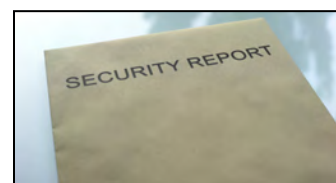
Many questions have already been asked about Plan B, and we are encouraged by the community engagement we have experienced. Some of the top trending questions are about the style and height of the guardhouse. The questions suggest that some members may have interpreted the preliminary design as final or that the guardhouse is adding a second or third floor.

Neither of these interpretations is accurate, and we are grateful for the opportunity to answer these and other questions. We encourage all members to review the [FAQ page](#) on our website to see if your question may have already been asked and answered. When we receive new questions via the [online feedback form](#), we will add them to the list. We want all members to be informed of the latest information. As Plan B develops and changes, additional information will be shared.



4. Allied Security Report

- We're pleased to share that there were no security incidents in the latest report.
- *Gate Malfunctions:* Bixby Gardens gates were reported to be stuck in an open position several times in October. Guards investigated and reported the problem to Bixby Gardens management for repairs to ensure proper gate function for community security.
- *Loose Dog Alert:* Security received reports of a male bulldog off-leash near the apartments. Residents with small pets are advised to stay alert.
- *Coyote Sighting:* Coyotes were spotted on Palo Verde Ave. For safety, keep pets indoors when unattended, always use a non-retractable leash on walks, and pick up small pets if coyotes are nearby. See our website for more information on [coyote awareness](#).
- [Allied Universal](#) is responsible for staffing the guardhouse and routinely places new guards when vacancies occur. If you experience an issue with a guard, please contact [Andrea Thrower](#) for urgent concerns or use the [Homeowner Feedback Form](#) for other comments.



5. Upcoming Vote To Amend The CC&Rs

The Declaration Of Protective Restrictions, Covenants, Conditions, Reservations, Easements, Liens And Charges ("CC&Rs") that governs our community was implemented in 1966. Since that time, the CC&Rs have not undergone any amendments, modifications or updates. As with any set of governing restrictions, however, there typically comes a time when certain changes, modifications or updates are required to address new changes, new laws, or new conditions.

Article 3, Section 2, Subsection (a)(3), of the CC&Rs provides, generally, that no tree or shrub shall exceed eight feet in height. That same provision provides, generally, that no tree or shrub can unreasonably obstruct a view based upon an assessment made by the Architectural Committee. However, in 1966, when the CC&Rs were first published, the only



mature trees in the community were the Pepper trees along Bixby Hill Road. Since then, our landscape has grown and diversified, making the original eight-foot height restrictions on trees and landscaping less practical.

Based upon the foregoing, the Board of Directors has sought to amend Article 3, Section 2, Subsection (a)(3) of the CC&Rs. The proposed amendment would **maintain protections against unreasonable view obstructions** as determined by the Architectural Committee while **removing the eight-foot (8') height limit on trees, shrubs, and other landscaping**. The proposed amendment would apply to the entire community and would permit height variances amongst the hundreds of trees and shrubs planted throughout the community. Nonetheless, to protect both views and trees, this proposed amendment would eliminate that restriction **while still safeguarding against unreasonable view obstructions**. Look for further information from The HOA Election Guys in your mail.

Special Meeting of Members on December 9, 2024

A Special Meeting of Members will be held at 6:30 PM on December 9, 2024, at Rancho Los Alamitos. The purpose of the meeting is to finalize and count votes on the proposed amendment to Article 3, Section 2, Subsection (a)(3) of the Bixby Hills Community Association CC&Rs, recorded on March 28, 1966, or at any adjourned meeting thereof in the event quorum is not met. In line with our Bylaws, at least 50% of the voting power must be represented to meet quorum requirements, and 75% of the total voting power is required to approve the proposed amendment. The board has appointed The HOA Election Guys as Inspector of Elections. They will be responsible for all notices, instructions, and ballot counting.



The Cost of Inaction

Currently, a lawsuit has been filed against the Association and certain Members with specific regard to the height limitation set forth at Article 3, Section 2, Subsection (a)(3). The lawsuit seeks, among other things, to require that all trees, shrubs and landscaping throughout the community be cut down to a height not exceeding eight feet. In the event a judgment is rendered that requires all such vegetation to be cut down to eight feet, then each individual homeowner and the Association would be required to bear the costs of modifying the landscaping. The actual costs attributable to such a project are currently unknown, but are likely significant. Also unknown is the potential impact that could befall trees suddenly cut down to eight feet, or, whether certain vegetation, including, without limitation, vegetation on slopes, would have to be removed outright as well as the impact that could have on the surrounding areas.



The Association is not insured for this lawsuit, and any award of damages, costs or fees may also result in the imposition of a special assessment against each Member.

Case law in California permits an association to potentially avoid a judgment based upon a dispute between a Member and an association over the proper application of CC&R provisions where the CC&Rs are amended prior to trial to remove or modify those provisions alleged to be infringed.

Note: This newsletter is informational only and does not alter or override the authority of the CC&Rs, which may only be changed by a vote of the membership.

6. Holiday Lights Survey

At the October 2024 board meeting, members of the community asked the board to consider allocating a budget for holiday lighting/decorations. If you would like to contribute to the discussion, please participate in an informal [Holiday Lights Survey](#). We invite all members to participate. When a survey has a small number of respondents, the outcomes can be skewed and may not accurately reflect the positions held by a majority of the invited participants. The survey will close on November 11, 2024.

7. Unsolicited Emails

While our HOA is committed to protecting the privacy of our community and safeguards "association records" by sharing them only with authorized individuals for HOA business purposes, we are aware that some known and unknown members are using an unsanctioned email distribution list from an unknown source. If you receive unsolicited emails and prefer not to, please contact the sender directly to request removal from their distribution list.



We respect and value each member's right to free speech and encourage open communication among residents. However, we want to emphasize that we utilize multiple channels to ensure the accurate and complete dissemination of information regarding HOA matters. The board has no authority or mechanism to prevent the circulation of emails between members or from undisclosed sources, even when the information contained in them is inaccurate or incomplete.

8. Estate Sales Rules Update

In response to a previous community survey about estate sales and recent estate sales experiences in the community, the board is working to update the Estate Sales Rules. Changing community rules is a formal process that includes consultation with counsel, management, and the membership. A working draft of the proposed rules may be available for board members to review as part of the November 18 board meeting agenda. After the draft is finalized, it can be circulated to the membership for a 28-day comment period (required by California *Civil Code* Section 4360(a)) before adoption. We invite members to submit any comments via the [Homeowner Feedback Form](#) now and during the 28-day comment period.



9. Upcoming Property Inspections

As defined in the BHCA governing documents, homeowners are expected to maintain the exterior of their homes, and the association is expected to inspect properties regularly for compliance. Homeowner property inspections include the *exterior and front yards* visible from the common area. Therefore, now is a good time to review your property and plan any necessary maintenance or compliance issues.

The following addresses are scheduled for inspection in the next two months:

January:

Palo Verde

Even numbers 870 to 896

Shire Way

All homes

Bixby Hill Road

6401 to 6431

February:

Bixby Hill Road

6441 to 6499

Rancho Drive

Odd numbers 825 to 845

860 to 881



10. Mark Your Calendars for Upcoming Community Events

Although the board does not directly plan, organize, or hold social gatherings and events, a dedicated committee of resident volunteers generously contributed their time and effort to organize these community-building activities. These events are crucial in enhancing community engagement and fostering a sense of belonging among neighbors. A strong community positively impacts safety by encouraging neighbors to look out for one another, promoting vigilance and cooperation.

Annual Holiday Gathering and Spark of Love Toy Drive

Sunday, December 8, 5:30 - 7:30 pm

Little Bixby Hill Road cul-de-sac (near Hillside Dr)

Enjoy a cup of hot chocolate and visit with neighbors.

Santa will arrive on a fire truck from our local fire

station #22 to visit with the children and collect toys for

the Long Beach Fire Department Spark of Love Toy Drive. Bring an unwrapped toy if you would like to contribute to the Toy Drive.



11. Street Drain Cleaning

It's the time of year for our regular drain maintenance. All drains will be checked and cleared. If you know of an issue with a drain, please use the [Homeowner Feedback Form](#) and provide an address.

12. Steps for Safety - Emergency Response Support

1. If you have an emergency, call 911.
2. If you have a non-emergency, call the City of Long Beach non-emergency number at (562) 435-6711 or file a report online at www.longbeach.gov/police.
3. For awareness only, notify the guardhouse and Seabreeze Management. The guard staff is not trained or authorized as police officers or emergency response personnel.

More information on [the responsibilities of a security guard](#) can be found on the Internet.

13. Share the Newsletter

The board reminds everyone that the best source for truthful and complete information is from the board or Seabreeze Management. Help us spread the word by sharing the newsletter with your neighbors. They can sign up for our monthly newsletters by submitting their email address on the [Homeowner Feedback Form](#).

If you have any concerns, suggestions, or comments, please email us at andrea.thrower@seabreezemgmt.com, call 949-672-9020, or use the [Homeowner Feedback Form](#).

Thank you for your support as we volunteer with you to improve the quality of life in Bixby Hill.

The Bixby Hill Community Association Board of Directors

Melinda Frizzell • John Kleinpeter • Becky Omel • Joe Souza • Gregory Judd
President Vice President Secretary Treasurer Member at Large

****Disclaimer:** This newsletter is provided as a courtesy to BHCA members for general informational purposes only and does not constitute legal, financial, or professional advice. The content is intended to provide community updates and highlight various matters of interest and does not supersede our community's governing documents, local laws, or other applicable regulations.*