

## New Street Parking Enforcement & Towing Policy **Effective August 22, 2016**

As everyone is aware, street parking has been an ongoing issue in La Fortina for quite some time. The Board of Directors previously adopted parking rules and enforcement policies that were quite lenient hoping that everyone living in the community would abide by the rules. However, that has not been the case. There are a handful of residents who continue to park on the street in violation of the rules. Therefore, the Board of Directors has no other option than to adopt a more forceful policy. This policy was adopted during the March 29, 2016 & June 14, 2016 Board meetings. **This new policy goes into effect on August 22, 2016**, providing all residents two weeks to find alternative parking solutions.

**Please make sure everyone residing at your home, and/or visiting La Fortina is familiar with these rules.** Vehicles parked in violation will be towed.

### La Fortina Homeowners Association Street Parking Violation and Enforcement Policy Effective 8-22-16

1. **No Parking Zones** - Any motor vehicle parked in a No Parking Zone, identified by a red painted curb, may be towed without any advanced warning.
2. **Street Parking:** Vehicles of guests or invitees may temporarily park on the streets (not identified as a No Parking Zone) in the community, for a period not to exceed 48 hours.  
To determine if vehicles are owned by residents or guests, the following perimeters will be followed:
  - Any motor vehicle parked on any street right-of-way for more than twenty-four (24) consecutive hours or that are parked on a **regular basis** (more than 2 times in a rolling 60 day period) on any street right-of-way, common area and/or other streets within the Association will be subject to the Street parking violation enforcement and towing schedule.
    - **Guest and invitees** are defined in CC&R Article 1, Section 1.24 as: *"any Person whose temporary or periodic presence within the Project, including within any Residential Dwelling, has been solicited, approved by or arranged for by a particular Owner, Lessee, or Resident, including without limitation, his guests, employees, licensees, business invitees, contractors and agents."*
    - A **Resident** is defined in CC&R Article 1, Section 1.35 as: *"each individual occupying or residing in any Residential Dwelling, including, without limitation, an Owner's or lessee's family members and other members of their household residing with them on a regular basis."*

- **Employees that work for group homes or other such businesses located in the community are considered residents.** They are not allowed to park on the street on a regular basis.



**Rule of Thumb:** If you have a guest that visits more than 2 times during a rolling 60 day period, and you do not have room for them in your driveway, you will need to contact Preferred Communities to obtain a temporary guest parking pass.

### **3. Vehicles of owners & residents shall be parked in their garage or on their driveway.**

Section 3.24 of the CC&R's specifically states that: "Garages shall be used only for the parking of Vehicles. All family vehicles shall be parked in the garage unless the garage is already occupied by the maximum capacity of Vehicles the garage was built for" (2 car garage should hold 2 cars) and "in no event may an owner or resident use the garage for storage in such a manner that would block or impede the parking of any vehicle".

The Board of Directors & Architectural Committee understand the limitations of small garages & driveways in the community and that some homeowners may have a need to park intermittently on the streets. However, prior written approval from the Board of Directors / Architectural Committee is required for Residents/Employees in the community to park on the street on a "regular" or "habitual" basis.

In order for an owner to receive prior written approval to regularly park a vehicle on the street, the following criteria must be met:

1. The owner will complete a Street Parking Variance Request form and submit to Preferred Communities.
2. All information must be provided on the variance request form: the number of vehicles and the number of drivers in the household. A description (make, year, model & color) of each vehicle including the license plate.
3. At least one vehicle must be parked in the garage on a regular basis. The owner must provide a picture showing a vehicle parked in the garage. An HOA representative will have the right to verify the garage parking is occurring on a regular basis.
4. The number of vehicles designed to fit on the driveway must be parked in the driveway
5. The owner must state why the street parking variance is being requested.

Once the request has been received, Preferred Communities will present the request to the Board for a decision.

**Note:** All Street Parking Variances/permits are reviewed by the Board of Directors on a case by case basis. Not all variances will be granted. Variances may be provided if health & safety issues are a factor.

**Note:** HOA Street Parking Permits are not issued on a permanent basis. The permit must be reviewed & reissued on an annual basis. Permits do not transfer with homeownership.

#### 4. PARKING INSPECTIONS

OVERSII, a third party vendor, has been contracted to conduct random parking inspections throughout the community. They will be tracking all vehicles parked in the street and will provide the vehicle description and license plate info to the Community Management Company.

In addition to the random parking inspection, residents are able to file written complaints regarding vehicles habitually parked on the street in violation of the Parking Rules.

**The following Enforcement & Towing Policy identifies what will happen if a vehicle associated with your Lot is deemed to be parked on the street in violation.**

#### 5. Parking Violation and Towing Enforcement Schedule

This enforcement schedule does NOT apply to Fire Lane Violations. Vehicles parked in a Fire Lane or No Parking Zone will be immediately **towed** without warning.

If a vehicle associated with your Lot is identified as being **regularly or habitually** parked on the street and in violation of the Parking rules, the following schedule will apply.

- a. **Initial/Courtesy notice:** After a vehicle has been tracked as parked on the street at least two (2) times in a rolling sixty (60) day period, a notice will be placed on that vehicle. The notice will state that any further street parking in violation of this policy will result in the vehicle being towed. The notice will contain the date & time of the violation, the first and last name of the person who observed the violation, the section of the CC&R's that have been violated, and the management company contact information in case there are questions.
- b. **Final Warning/ 24 Hour notice:** If the same vehicle (from a above) is identified as parked in violation of the street parking policy within a sixty (60) day rolling period, after the initial warning has been provided, a sticker will be placed on the vehicle identifying that the vehicle will be towed within 24 hours.
- c. **Immediate Towing:** after a final warning sticker has been placed on the vehicle, anytime the vehicle is parked in violation of this policy, the vehicle will be automatically towed without any further warnings.

## What happens now?

### **The rolling 60 day period starts on August 22, 2016.**

- If you currently have a street parking variance/permit, please make sure that your year has not expired. You may need to request a new permit!
- If you have friends that visit on a regular basis, please contact Preferred Communities to obtain a guest parking pass. You don't want their vehicles to be towed. Submit the guest parking pass request form today!
- If you have employees that park on the street within the community on a regular basis (for any type of business) you will need to find alternative parking solutions.
- You need to find alternative parking solutions for vehicles currently parked on the street which belong to a resident in your home (re-read what is considered a resident). Vehicles will be towed.
- Parking on the landscape (grass or rock) in your yard is not allowed – so think of another alternative parking solution.

The Board of Directors is aware that this is a very hot issue and many residents will complain about the parking restrictions being enforced. Please keep in mind that the Board of Directors are volunteers, they live in La Fortina too. They do not adopt rules just to make life miserable in La Fortina. Nor does the Community Management company. They all have a responsibility to enforce the restrictions outlined in the CC&R's.

The only way the parking restrictions will not be enforced is if a CC&R amendment removing the parking restrictions is approved. An amendment requires a minimum of 75% yes votes from OWNERS to remove the restriction from the CC&R's. If anyone is interested in starting this process, and providing the time & energy to be the feet on the ground, please contact Korin Hatch with Preferred Communities to discuss the process. In the meantime, as long as the restrictions are included in the CC&R's, the restrictions must be enforced.



**A copy of this update has been sent to all owners and current residents. However, if you are renting/leasing your home out, please ensure that your tenants are aware of the new parking policy!**