

East Stratford Phase C & D Homeowners Association

REGULATORY RESOLUTION NO 14-01

**PARKING RULES AND REGULATIONS
GOVERNING VISITOR AND GUEST PARKING IN SECTION C**

Whereas, Sections 2.3 (*Regulation of Common Area*) and 8.3 (*Rules and Regulations*) of the Declaration for East Stratford C & D ("Declaration") empower the Board of Directors to regulate the use and enjoyment of the common areas, to include the authority to charge fees for the use of the common area; and,

Whereas, Section 7.6 of the Declaration (*Parking*), authorizes the Board of Directors to regulate parking on the Common Area, to include limiting the number of parking spaces used by any one Owner and assigning parking spaces as Reserved Common Area; and,

Whereas, Section 8.2(o) of the Declaration (*Use Restrictions - Vehicles*) imposes enforceable restrictive covenants on Owners and their tenants, guests and invitees regarding the types of vehicles and vehicle-related activity and uses that may be present or occur on both the Common Area and the individual Lots; and,

Whereas, Sections 55-513 and 55-515 of the Virginia Property Owners Association Act and Article 12 of the Declaration (*Compliance and Default*) authorize the Board of Directors to enforce the provisions of the Declaration and all rules/regulations duly adopted pursuant thereto by the various legal and administrative remedies set forth therein; and,

Whereas, the Board wishes to amend its prior parking rules regulations in response to comments and concerns raised by residents in the Association, and Policy Resolution 13-01 (*Parking Policy*) is hereby superseded by this Regulatory Resolution 14-01;

Now therefore, be it resolved that the Board of Directors of the East Stratford C&D Homeowners Association ("Association") adopts this Regulatory Resolution setting forth Parking Rules and Regulations, which shall be effective as of October 1, 2014, which Rules and Regulations shall be considered rules and regulations of the Association and shall be enforceable as such pursuant to Article 12 of the Declaration and Va. Code Section 55-513.

I. INTENT AND PURPOSE

The Board of Directors of the East Stratford Phase C&D Homeowners Association ("Association") resolves that the provisions of this policy are enacted for the following reasons:

- A. To reduce hazardous traffic conditions resulting from the use of street parking within the C&D sections of the East Stratford subdivision by persons not domiciled within East Stratford C&D subdivision;
- B. To protect the residents of the C&D sections of the East Stratford subdivision from unreasonable burdens in gaining access to their residences;
- C. To preserve the character of the C&D sections of the East Stratford subdivision;
- D. To preserve the value of the property in the C&D sections of the East Stratford subdivision; and,
- E. To promote traffic safety and the safety of children and other pedestrians in the C&D sections of the East Stratford subdivision.

II. SCOPE

The streets and Lots of the C&D sections of the East Stratford C&D subdivision that are covered by this Resolution are Baish Drive, Ebaugh Drive, and Rusert Drive, collectively the Section C streets, of Southeast Leesburg, Virginia. At this time there is no change to the existing designation, management, and distribution of parking in Section D of the subdivision. In addition, the scope of this resolution is limited to the management of *visitor and guest* parking in Section C. This resolution makes *no* change in the designation, management, and distribution of *assigned* parking for Section C residents.

III. DEFINITIONS

The following words, terms and phrases, when used in this Resolution are for the purpose of allocating and defining parking areas within Sections C and D of the East Stratford subdivision and shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any terms used in this Resolution which are not expressly defined below shall be interpreted by the definitions for same set forth in the Declaration, Articles of Incorporation, existing HOA rules, or the Virginia Property Owners Association Act.

- A. **Assigned Parking** means a Common Area parking space corresponding to a lot in Section C of the East Stratford subdivision that has been temporarily assigned by the Association for use by the residents of the corresponding home.
- B. **Guest** means any person not domiciled within the C&D sections of the East Stratford subdivision but who may reside within a residence of the C&D sections of the East Stratford subdivision for a period greater than 24 hours but less than 2 weeks in duration.
- C. **Resident** means a person who customarily resides in or maintains a dwelling within the C&D sections of the East Stratford subdivision for more than two weeks.
- D. **Visitor** means any person not domiciled within the C&D sections of the East Stratford subdivision that is visiting or has business with a resident for a period of 24 hours or less.

IV. GUEST AND VISTOR PARKING POLICY

The Common Areas of the East Stratford C & D Homeowners Association, including those designated for parking, are common area property owned in fee simple by the Association. The HOA Board continuously monitors the designation, management, and distribution of the Common Areas for use by residents. As conditions change, such designations, management, and distributions are subject to change.

Although the HOA allocates available parking space to provide an equitable balance between assigned parking for residents and a reasonable number of spaces for visitor and guest parking, there is no guarantee of a specific number of parking spaces. For instance, when the spaces allocated for guest and visitor parking are filled, no additional guest or visitor permits will be available and visitors/guests cannot park in spaces assigned to residents without the express

permission of the specific resident to whom that space is assigned. Conversely, visitor/guest parking spaces are designated for the use of visitors, not residents.

After monitoring the use of the visitor parking space utilization for nine months following the implementation of the online guest parking system, it appears that legitimate use of the visitor spaces rarely occupies more than a fraction of the total spaces. At the same time, a number of residents have been parking two cars in their driveway, resulting in the blockage of access along the neighborhood sidewalks. To address both issues, the HOA intends to open approximately ten of the visitor spaces to residents on a quarterly basis for a rental fee. The HOA shall concurrently begin to enforce against the blocking of community sidewalks by towing the vehicles that are parked in such a manner that they overhang or block the common area sidewalks.

Consequently, the system will be modified as follows:

- A. Guests and visitors shall park only in on-street parking spaces marked "VISITOR"
- B. Residents shall not park in on-street parking spaces marked "VISITOR" unless they have a quarterly parking hangtag issued by the HOA.
- C. Visitor spaces are available on a first come, first serve basis, whether to guests/visitors or to residents who have a quarterly parking hangtag.
- D. Parking in visitor spaces overnight, between 1 AM and 6 AM, will require the display of a visitor/guest permit or quarterly hangtag. Visitor/guest permits are issued based upon vehicle license plate.
- E. **Visitor permits** for use in Section C of the East Stratford subdivision shall be valid for a period not to exceed 48 hours and limited to one (1) per 7-day period. Either a resident or a visitor can print a Visitor Permit through <http://eaststratford.guestparkingpermits.com>. The specific Internet address will be posted on signs throughout the neighborhood or can be obtained by contacting Sequoia Management.
- F. **Guest permits** for use in Section C of the East Stratford subdivision shall be valid for a period from 48 hours to two weeks. Guest permits are limited to one multi-day pass (up to three days) per month and one multi-week pass (up to two weeks) each six (6) months. Guest permits can be obtained from Sequoia Management during normal business hours. The request for a guest permit must be submitted to Sequoia **at least three (3) business days** prior to the date desired.
- G. **Quarterly residential permits (hangtags)** for use in Section C of the East Stratford subdivision shall be valid for a period of three (3) months. Such residential hangtags are limited to one (1) per household. A hangtag will allow a resident to park in any available visitor parking space in Section C on a first-come, first-served basis. The fee for such hangtags is subject to adjustment each quarter by the HOA Board of Directors based upon the demand for such hangtags. The quarterly hangtags can be obtained from Sequoia Management during normal business hours. Applications for any upcoming quarter must be submitted 30 days before the quarter starts. The HOA Board will consider all such applications during a regular session, in setting the price for the upcoming quarter. If there are available hangtags for the quarter at the beginning of the quarter, they can be obtained from Management on a first-come, first-served basis and require a one-week lead-time. Once those permits are issued, no additional permits will be issued by the management company until the HOA Board has met in regular session and reviewed the need to increase

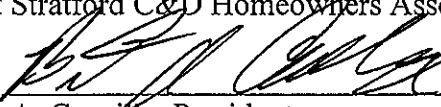
the fee or expand the number of spaces available. Each quarter the number of excess visitor parking spaces available for the program will be reviewed, as will the fee for same. The Board shall set the fee depending on the demand bearing in mind a desire to have a couple spaces available to new residents that move into the neighborhood who may desire an extra parking space.

- H. Any vehicle parked in a visitor parking spot between 1 AM and 6 AM that is not displaying a valid visitor or guest permit, or a parking hangtag that is readily visible through the windshield, is subject to towing.
- I. A towing company is authorized, without further notice, to tow any vehicle that is not displaying a readable, valid visitor or guest parking permit between 1 AM and 6 AM, 7 days per week.

All other provisions of the East Stratford Phase C & D Homeowners Association parking provisions remain unchanged.

This Resolution was duly adopted by the Board of Directors on this 5th day of August, 2014.

East Stratford C&D Homeowners Association

By: 
Bret A. Cancilla, President

I hereby certify that the foregoing resolution was mailed to all owners of the records this 8th day of August, 2014.

By: 