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August 13, 2010

Re: Vehicle Parking Policy-Policy Resolution NO. 10-1

Dear Owners and Residents of The Westerlies Condominium:

The purpose of this notice is to advise all unit owners and residents of the new Vehicle Parking Policy recently approved by the Board of Directors. Enclosed please find a copy of Policy Resolution NO. 10-1 (Vehicle Parking Policy), effective November 15, 2010.

It was the intention of the Board of Directors to adopt a parking policy to provide near-term flexibility to current residents under the present demand for parking in the community, while ensuring rules and regulations that are consistent with a residential community. This also provides the Board the ability to strictly enforce such policies when the demand for parking increases. The new policy resolution provides the possibility of a limited-term exception to commercial vehicles that are registered in the resident's name and their prospective Westwind Way address if parking spaces are available.

The approved policy resolution represents the first phase in a three phase process and is intended to clarify for residents the rules and regulations for parking within the community. In the second phase, the Board intends to draft a clear and concise registration policy that will require parking stickers or tags in order to allow the Association to identify all resident and guest vehicles. The third and final phase will include the full implementation of all applicable policy resolutions regarding parking and will ensure a community-wide compliance to all regulations approved by the Board. This multi-phase approach to the Association's parking policies was primarily designed by the Board to help alleviate certain inconveniences that may arise during the construction and after the opening of the Tysons 123 East Metro station.

If you have a vehicle that falls under the unauthorized vehicles section and might qualify for a limited-term exception, you must place your request in writing to the Board. The Board has final determination as to whether to grant such a parking request. Your request will be reviewed at the next scheduled Board meeting.

Dominion Towing has been contracted by the Board to enforce this Parking Policy. Their website is [www.dominiontowing.com](http://www.dominiontowing.com) and phone number is (703) 339-2400.

Should you have any questions regarding community regulations or the information in this letter, please contact me at the number above or by email at [hkhan@ghacm.com](mailto:hkhan@ghacm.com). Please see The Westerlies website at [www.thewesterlies.com](http://www.thewesterlies.com) for general information about our community.

Sincerely,



Hassan Khan

Senior Portfolio Manager  
GHA Community Management

Enclosures: Policy Resolution NO. 10 -1 (Vehicle Parking Policy)

**COUNCIL OF CO-OWNERS OF THE WESTERLIES CONDOMINIUM  
POLICY RESOLUTION NO. 10-1**

**(Vehicle Parking Policy)**

WHEREAS, Article VII, Section A of the Council of the Westerlies Condominium (“Council”) Master Deed provides that the use of the General Common Elements shall be governed by the bylaws and rules and regulations adopted by the Council of Co-Owners; and

WHEREAS, Article IV, Section 2 of the Bylaws provides the Board of Governors with the powers and duties necessary for the administration of the affairs of the Council of Co-Owners; and

WHEREAS, Article IX of the Master Deed obligates each member of the Council to comply with the rules and regulations adopted by the Council of Co-Owners; and

WHEREAS, the Board has determined that it is in the Council’s best interest to submit to the members the following rules and regulations regarding vehicular parking on the Council’s General Common Elements such as its private street, Westwind Way.

THEREFORE, BE IT RESOLVED THAT the requisite majority of the Co-Owners hereby adopts the following rules with respect to the parking of vehicles on the Council’s General Common Elements.

I. Unauthorized Vehicles

Residents may not park the following vehicles anywhere on the Council’s General Common Elements:

- A. Commercial Vehicles. Any commercial vehicle without prior Council approval, including the following:
1. any vehicle in which the driver is ordinarily hired for transport, including, but not limited to, taxis, limousines, or buses; or
  2. any vehicle with uncovered exterior logos, signs, letters, numbers, advertising, or irregular and distinct coloring which creates the appearance of a commercial vehicle; or
  3. any unmarked vehicle with commercial paraphernalia or equipment attached, strapped, or affixed to the exterior of the vehicle, including, but not limited to, storage containers, racks, ladders, or pipes; or
  4. any unmarked vehicle with an excessive amount of commercial equipment or supplies within the interior of the vehicle which is in obvious plain view from another parking space or from the sidewalk, including, but not limited to, pesticide, paint buckets, propane, tanks, cabling, uncovered or unsecured tools or other supplies; or

5. any unmarked vehicle, which because of its irregular height, length, shape, or weight, is not a conventional passenger vehicle and is more suited for a commercial purpose; or
6. any van designed for the transport of furniture, goods, equipment, animals or scheduled transportation.
7. The strict prohibition against commercial vehicles shall not apply if the resident covers the commercial vehicle (or that portion of the vehicle which has commercial vehicle characteristics) at all times while parked within the community and the vehicle is then indistinguishable from a conventional passenger vehicle under cover; however, those commercial vehicles, which because of their irregular height, length, shape, weight, or exterior attachments, cannot be made to look indistinguishable from a conventional passenger vehicle under cover shall still be prohibited, regardless of whether the vehicle is covered.
8. Police cars or other cars which are owned by or contain the logo of a County emergency service provider shall not be considered a commercial vehicle under this definition.
9. For good reason, the Council may permit the parking of a Commercial Vehicle in the parking area of the General Common Elements if said vehicle is registered to the applicants name and Westwind Way address. Any such approval shall be in writing and must be obtained prior to parking the commercial vehicle on the General Common Elements. Requests for authorization for Commercial Vehicle parking shall be made in writing to the Council, detailing the reasons such permission is needed. The Council's Board of Governors shall have final determination as to whether to grant such parking request.

B. Recreational Vehicles. Any motor home, self-contained camper, mobile home, boat, all-terrain vehicle, mini-bike, go-cart, dune buggy, trailer, boat trailer, pop-up camper/tent trailer, horse trailer, any trailer or semitrailer used for transporting waverunners, jet skis, motorcycles, or all-terrain vehicles, whether or not such trailer or semitrailer is attached to another vehicle, and any other type of vehicle primarily designed for recreational use, as opposed to conventional passenger use.

1. Requests for authorization for limited short-term recreational vehicle parking shall be made in writing to the Council, detailing the reasons such permission is needed. The Council's Board of Governors shall have the final determination as to whether to grant such parking request.

C. Unregistered/Unlicensed Vehicles. Unregistered and/or unlicensed motor vehicles shall be neither parked nor operated on Westerlies property. Further shall be it resolved that the policy of the Westerlies Council of Co-Owners shall be to have such vehicles towed away at the owners expense. Including any vehicle with

a missing and/or expired state inspection sticker and missing and/or expired state license plates. Virginia State law requires out-of-state license vehicles must title their car and get a state safety inspection within 30 days of moving to Virginia.

- D. Inoperative Vehicles. Any vehicle with a malfunction of an essential part required for the legal operation of the vehicle or any vehicle which is partially or totally disassembled as a result of the removal of tires, wheels, engine, or other essential parts required for legal operation of a vehicle.
- E. Abandoned Vehicles. Any vehicle left unmoved in a parking space for more than 14 consecutive days, unless the owner provides written notice to the Board in advance that he or she will be away and unable to move the vehicle for a period greater than 14 days. In cases where a violation is committed, a notice will be placed on the vehicle, and if no response is received within seven (7) days, it will be subject to towing in accordance with the Section IV of this Policy.
- F. Other. Any agricultural, industrial, construction or similar machinery or equipment. Portable storage containers, such as, but not limited to POD type containers.

## II. RULES AND REGULATIONS

- A. Use of Parking Areas. Residents may not use the parking areas for any purpose other than vehicular parking. Residents may park vehicles only in designated parking spaces and areas. All Unauthorized Vehicles are prohibited from the parking spaces except when picking up or delivering passengers or merchandise or during the performance of work or services at the location.
- B. Speed Limits. The speed limit on Westwind Way shall be 10 miles per hour.
- C. Fire Lanes and No Parking Zones. Residents may not park vehicles in fire lanes or no-parking zones marked with a painted yellow curb. This includes all moving trucks and delivery vehicles. Any vehicle in a fire lane or no parking zone is subject to immediate towing.
- D. Repairs. Major repairs or maintenance to vehicles, or painting of vehicles, is not permitted anywhere on the Council Property, except that repairs or maintenance of a minor nature, such as the repairing of a flat tire or the re-charging of a dead battery, are permitted.
- E. Dumping of Materials. The dumping, disposal or leak of oil, grease, or any other chemical residual substance, or any substance or particles from holding tanks of any vehicles, is not permitted on the Council Property.
- F. Operator's Responsibilities.
  - 1. Residents may park only one (1) vehicle within each parking space; however, if a resident wishes to park a motorcycle in the same parking

space as an approved vehicle, the resident may do so, provided the resident parks the motorcycle immediately parallel to the curb so that the approved vehicle remains completely parked within the parking lines. Under no circumstance may a resident park a motorcycle in any manner which a) interferes with the parking space rights of any other resident or b) causes the approved vehicle to extend beyond the parking lines into the vehicular pathway of the street.

2. The parking of any vehicle, including motorcycles, on any sidewalk, or common grounds of the community is strictly prohibited.
3. Residents may not park vehicles in any manner which impedes the normal flow of traffic, blocks any mailbox, or prevents ingress and egress of any other vehicle to adjacent parking spaces or the open roadway.
4. No vehicle may be parked in a manner that it extends backward beyond the parking lines or crosses over the parking lines.
5. Residents may not park any vehicle perpendicular to the marked parking spaces.
6. Residents may operate vehicles only on the paved roadways of the Council's Property.
7. Residents must have a proper operating license in order to operate a motorized vehicle on Council's Property.
8. If a vehicle's security system interferes with the right of quiet enjoyment of the community for more than fifteen (15) uninterrupted minutes, the vehicle is in violation of the Council's regulations and subject to removal through towing.

G. Co-Owner's Responsibilities. All Co-Owners must ensure that their family members, tenants, guests, and/or contractors comply with these rules and regulations.

### III. PARKING SPACES

- A. Co-Owners Liability. Co-Owners shall be liable to the Council for any costs incurred by the Council to repair or repaint any part of the parking facilities damaged by the negligence or intentional act of the Co-Owner, his or her tenants, or invited guests.
- B. Snow Emergency Spots. In the event of snow, do not park in the snow emergency plowing spots. Vehicles parked in these spots during and immediately after a snow storm, will be subject to immediate towing. These areas are needed to relocate snow.

- C. At no time may items may be placed in a parking spot to reserve the spot. The parking lot is open, unreserved parking and there are no reserved spots for anyone. Any items left in the parking lot will be considered trash and thrown away.

#### IV. ENFORCEMENT

##### A. In General

1. Vehicle Removal. The Board of Governors shall have the authority to have any Unauthorized Vehicle or any other vehicle not in compliance with the provisions of this Resolution removed from the Council's General Common Elements. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's owner.
2. Violations Subject to Immediate Towing. Any vehicle (a) parked within fifteen (15) feet of a fire hydrant or in a designated fire lane, (b) occupying more than one (1) parking space, (c) extending beyond the width of the parallel parking lines, (d) parked perpendicular to the marked parking space or on a grassy area or sidewalk, (e) impeding access to sidewalk ramps or mailboxes, (f) constituting a safety hazard, (g) that has been unremoved for period of at least fourteen (14) days without written notice to the board (i) whose security system has been triggered and allowed to continue unattended for more than fifteen (15) minutes, or (j) portable storage containers shall be subject to immediate removal without notification to the owner.
3. Citation Notices. In the case of all other situations not addressed in Section IV.A.2 or Section IV.B., the Council or its designated representative shall post a citation notice on any vehicle not in compliance with the rules and regulations of the Council. No other form of notice is required. If the owner of the vehicle does not bring the vehicle into compliance within 48 hours of the date of the notice or contact the Council's Managing Agent, the vehicle will be subject to removal by towing.
4. Subsequent violations committed within any consecutive 3 month period shall subject the violating vehicle to immediate towing without notification.
5. Any requests from Co-Owners for enforcement of this parking policy by the Council against another resident must be directed to the Board in writing.
6. The Board reserves the right and power to impose monetary charges as a sanction for violations of this parking policy. Before any such charge may be imposed, the Board shall provide the Co-Owner with notice of the violation and an opportunity to request a hearing before the Board of

Directors. The Board reserves the power to impose a monetary charge of \$50 for a single offense or \$10 per day for an offense of a continuing nature.

7. The Council reserves the right to exercise all other powers and remedies provided by the laws of Virginia and Fairfax County.

B. Nothing contained herein shall preclude the Board of Directors from seeking injunctive relief or any other remedy available to it in a court of equity.

C. Owner's Responsibilities. If the Council must enforce this resolution through any form of legal action, the offending Co-Owner shall be responsible for all expenses and/or attorneys' fees incurred by the Council in enforcing the provisions of this Resolution.

D. Liability. The Council assumes no responsibility for the provision of any security service to protect vehicles parked in the parking areas, and it disclaims responsibility for any damage to any vehicle parked or operated on the Council's General Common Elements.

V. EFFECTIVE DATE

The rules and regulations set forth in this policy resolution are effective as of November 15, 2010.

I hereby certify that the foregoing resolution was approved by the requisite majority of the Co-Owners at a duly convened meeting of the Council of Co-Owners on July 12, 2010.

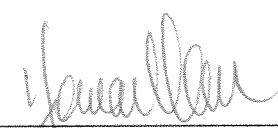
COUNCIL OF CO-OWNERS OF THE  
WESTERLIES CONDOMINIUM

By: Allison [Signature]  
\_\_\_\_\_, President

CERTIFICATE OF MAILING OR DELIVERY

The Managing Agent hereby attests that this Policy Resolution was mailed and/or hand-delivered to the addresses of record of the Co-Owners and Council residents on this 13<sup>th</sup> day of August, 2010.

August 13<sup>th</sup> 2010  
Date

  
\_\_\_\_\_  
Hassan Khan, Managing Agent  
GHA Community Management



**RESOLUTION ACTION RECORD**

Duly adopted at a meeting of the Board of Governors held July 12, 2010

Motion by: Allison Glennon Seconded by: Katie Chandra

	YES	NO	VOTE: ABSTAIN	ABSENT
<u>Allison Glennon</u> President	X			
<u>N. Ploss</u> Vice President	X			
<u>Chris Herdani</u> Treasurer				X
<u>Katie Chandra</u> Secretary	X			
<u>Jean Carol</u> Member at Large	X			

Resolution effective: November 15, 2010.