

LATITUDE OWNERS ASSOCIATION
PARKING RULES AND REGULATIONS
FREQUENTLY ASKED QUESTIONS

Q: What is the name and contact information for the company that is monitoring parking on Latitude Condominium Property?

A: Tiger Patrol assists volunteers and Latitude paid staff for parking enforcement during nighttime hours. To contact parking enforcement during nighttime hours to report parking violations, you may call 877-234-8273.

Q: During what time periods are parking decals and guest vehicle registration required to park on Latitude Condominium Property?

A: Parking decals and guest vehicle registration are checked by Tiger Patrol during nighttime hours between 10:00 PM to 7:00 AM.

Q: To what areas do the Parking Rules and Regulations apply?

A: The Parking Rules and Regulations apply to vehicle parking on Association Common Elements.

Q: What is the definition of Common Element?

A: "The Common Elements are all portions of the Condominium other than the Units..."
See, Section 6.1 of Condominium Declaration.

Q: Are garages part of the Common Elements?

A: Yes, the garages are located outside the Unit's perimeter walls so they are Common Elements. They are actually a special type of Common Element, called Limited Common Element. The term, "Limited Common Element" is defined to mean a portion of the Common Elements allocated for the exclusive use of one Unit. Garages are Limited Common Elements reserved for the exclusive use of the Unit Owner. *See, Section 1 and 7.1 of Condominium Declaration.*

Q: What rights do owners have to use Common Element open parking spaces?

A: The Condominium Declaration allocates to each Unit an undivided percentage interest in the Common Elements. This is known under the Condominium Declaration as an "Allocated Interest." The Allocated Interest for each Unit is set forth on Exhibit C to the Condominium Declaration. A Unit Owner's Allocated Interest in the Common Elements is undivided. *See, Declaration and RCW 64.34.020(2).* This means that Unit Owners cannot claim fractional ownership of the Common Elements for himself or herself to the exclusion of other owners. Rather, the Common Elements remain free for everyone to use equally, regardless of the specific "Allocated Interest" related to an Owner's Unit.

Q: What gives the Board authority to regulate parking on Common Elements?

A: Section 12.4.7 of the Condominium Declaration gives the Board the power to “regulate the use, maintenance, repair, replacement, and modification of Common Elements and Limited Common Elements.” Section 8.1 provides that “the open parking spaces shall be for common use subject to rules and regulations adopted by the Board.” *See also, Section 8.3 and RCW 64.34.304(1)(f).*

Q: What gives the Board authority to impose fees or charges related to vehicle Parking?

A: Section 12.4.11 of the Condominium Declaration gives the Board has the power to “impose and collect any payments, fees or charges for the use, rental, or operation of the Common Elements and for services provided to Owners.” The Board is overseeing the use and operation of common element parking through the issuance of vehicle decals and guest vehicle registration, and it has the power to impose and collect payments, fees or charges in connection therewith. *See also, RCW 64.34.304(1)(j).*

Q: What are the Allocated Interests?

A: The Allocated Interests range from .29% to 0.56% per Unit.

Q: Why cannot larger units have greater parking rights, more parking decals, than smaller Units?

A: There are a number of reasons why not. First, no Unit Owner has an exclusive right to park anywhere on the Common Elements, other than his or her garage. Rather, the way the Declarant (original developer) designed the property was that each Unit would have exclusive parking rights in his or her garage, and that each owner would share the open parking spaces with the other owners. The Declarant did not reserve certain “open parking spaces” for larger units. Instead, the Declaration gives the power to the Board to determine how best to oversee the use and operation of the Common Elements for vehicle parking through the adoption of Parking Rules and Regulations. Even further, the Board cannot unilaterally give one Unit Owner greater parking rights in the Common Elements, as such an action would be preferential to that Unit Owner vis-à-vis other Unit Owners, and would result in the conversion of Common Element to Limited Common Element, and would require approval of 67% of the votes of the Association and 51% of the votes of Eligible Mortgagees. *See, Section 6.3 and 25.2.1 of Condominium Declaration.*

Q: Why is parking not allowed in front of the garages of building M thru S?

A: The common element driveway in front of the garages is Common Element. The Board cannot grant certain owners the exclusive right to use any portion of the Common Elements, without depriving the rest of the Unit Owners of their undivided interests in that portion of the Common Elements. *See explanation above.*