

TITLE: <u>Common Areas</u>	INDEX NUMBER
	<u>3.100</u>

Date Issued: March 2003 Date(s) Revised: _____

Issuing Authority: Board of Directors

The CC&Rs define common areas in the following language. “The individual dwelling and its adjacent patio or balcony as the case may be shall constitute a “UNIT” as that term is defined in Civil Code Section 1350. All other parts and portions of the “Project” (as that term is defined in Civil Code Section 1350) shall be deemed to be a part and portion of the “Common Area” as defined by such section and identified as Lot 1 on such hereinbefore mentioned maps. The improvements which will be constructed in addition to the units and which will constitute a part of the common area include 92 covered garage spaces, pedestrian walkways, driveways and a private street all servicing the “Project”. In addition, Declarant proposes to construct 92 boat slips and appurtenances thereto on land and water owned by the State of California and leased to the Declarant, with such improvements and leasehold interest being assigned to the HUNTINGTON MARINA ASSOCIATION....”

The following set rules for governance of the common areas.

3. 101 Docks

Each owner has an irrevocable license under the CC&Rs to the assigned dock and berthing space as shown in the attached dock plan. Dock and berthing spaces may neither be exchanged, sold, or transferred between owners; nor leased, subleased, or rented. Tenants have the same rights and limitations on docks and berthing spaces as the owner from whom they rent.

Assigned dock space is the space directly in front of each unit. Lower units are assigned the outside dock and upper units the inside dock (per Article 1, Section B of the CC&Rs). The vessel in an HMA berth must be registered to the owner or tenant of the unit assigned to that berth, and used at least 50% of the time by the unit owner or tenant, i.e., a greater than 50% ownership or operation by a non-resident is prohibited.

For safety and ease of maintenance, docks must be kept clear of boats, motors, batteries, and all other encumbrances except for one, Board approved, ladder and boarding step per boat slip. Owners are responsible for the maintenance of their ladder and boarding step.

If owners place boats or other items (except approved boarding steps) on the dock, the Board will have boats put into the water; and haul away and store other items, and charge the owner \$200 plus any storage fees.

Electric Power supplied to the docks is part of the common area. Dock power may not be used on a continuous basis except for battery chargers and dehumidifiers, and only if the monthly power cost does not exceed \$20.

3.102 Floats (Dinghy Docks)

Since floats are attached to docks which are common property, they are subject to controls and regulations as set forth by the Board regarding their ownership and use.

Owners are responsible for maintaining floats.

Cost, ownership, and use of floats should be split equally between owners of the upper and lower units, and the 50% interest passes with the sale of each unit. If one owner chooses not to participate in the cost of a float, when ownership of the unit changes or if the owner changes their mind, the current or new owner is entitled to purchase a 50% interest in the float at the assessed value of the float owner and have use of half of the float.

The size (usually 8'x12' with the 12' side attached to the dock), design, materials, and finish of floats must be approved in advance of construction by the Architectural Committee and Board. Floats may only be placed between the dock and the seawall, and must clear the gangway by at least six inches.

The weight of items placed on the float may not put the structural integrity of the dock to which the float is attached in jeopardy. Any objects on the float that cause structural damage to the dock are to be removed by the owner and the owner is responsible for repairing the damage to the dock.

3.103 Patio Planters

Patio planters are common property and will be landscaped and maintained by the Association. Other plants or structures may be installed if agreed upon by all neighbors within visual distance of the planter and with prior approval of the Board. If at any time, any owner disagrees with the plants or structures in the planters, the Board will determine appropriate plants.

3.104 Signage

Specific signage permitted by the Association is listed below. All other signage is prohibited on HMA property.

Permitted Signage

- A 12" x 18" FOR SALE or FOR RENT sign on a stake in front of the breezeway in the tree planter.

- An 18" x 24" FOR SALE or FOR RENT sign on the waterfront patio or deck railing.
- A 2' x 18" SOLD sign on a stake in front of the breezeway in the tree planter, and an 18" x 24" SOLD sign on the waterfront patio or deck railing may be displayed until escrow closes.
- Open House signs at the entrance to the Association and the entrance to the unit's breezeway during the hours of the open house.
- All other signage is subject to the Architectural Committee of the Board.

If Association property is damaged by any sign, the owner of the unit the sign is attached to is responsible for the repair costs.

Non-conforming signs will be removed by the Association.

3.105 Storage

Fuel

It is illegal per UFC Code 79.201 to store gasoline in private garages except for "Quantities not exceeding 10 gallons for maintenance purposes and operation of equipment when stored in approved containers".

Breezeways, Driveways, Carport Areas

Breezeways, driveways, carport areas, and the area in front of the garages may not be used for storage.

Trash Areas

Designated trash areas are provided adjacent to the breezeway. Only trash containers may be stored in the trash areas unless otherwise agreed to by both owners sharing the trash area.

Owners are responsible for keeping these areas clean and sanitary. Trash must be stored in covered plastic or metal containers. Items with offensive odors must be securely sealed before depositing in trash containers.

Trash collection is provided by the City of Huntington Beach each Friday morning (except for weeks with major holidays when collection is moved to Saturday morning). To keep the complex looking good, trash containers should be placed at the street end of breezeways no earlier than late in the afternoon preceding collection and be removed as soon as possible after collection.

Gas Meter Areas

The gas company must be able to read the gas meter, therefore, storage in the gas meter area must not obstruct the meter. Use of the gas meter area for storage or other purposes must be by agreement of the two owners sharing the meter.

3.106 Vehicles**Size**

Vehicle size is limited to the area within a carport parking space (no longer, wider or taller than the carport), and they may not extend into the fire lanes along Mariner Drive (the red brick line in front of the garages is a legal fire lane and the Association is subject to fines by fire department for any violations).

Parking

Each unit has three assigned parking spaces: garage, front of garage, and carport (with exception of units 16196, 16198 and 16200 which have designated sidewall parking). Parking in a designated parking space other than one's assigned space is permitted only upon obtaining permission from that space's owner. The Board will cause to be towed any unauthorized or illegally parked vehicles at the owner's expense.

Guest spaces are limited. Therefore, guest parking spaces have a 72 hour time limit, and residents are not permitted to park in designated guest parking spaces.

Because it is a safety hazard and the City of Huntington Beach has the right to exercise its authority to revoke Mariner Drive as an authorized street if there are repeated safety violations, parking in non-designated areas throughout the complex is illegal. Illegal parking includes, but is not limited to:

1. Double parking.
2. Parking beside a red curb.
3. Parking between garage pads behind breezeway trees.
4. Parking against carport walls in undesignated space.
5. Parking beside planters along the street or in the south circle area.
6. Parking behind garages of units 16196, 16198, and 16200.
7. Parking in or in front of breezeways (including motorcycles, scooters, and bicycles).

Motor homes, trailers, campers, non-operable vehicles, trucks (other than pickup trucks) and boats on trailers may not be parked overnight on the premises. They are permitted on premises only for the purposes of loading, unloading, battery charging, and minor service.

Other Vehicle Items

Vehicles must be kept in good working order so that no oil or gasoline is permitted to leak on the pavement. If a vehicle does leak on the pavement, the owner of the unit is responsible for clean-up costs.

The maximum vehicle speed on the premises is 10 mph.

Carports and areas in front of garages may not be used for repair or overhaul of any type of vehicle or boat.

Garage doors may not be left open unattended or overnight, and may not be left partially open at anytime to accommodate oversized vehicles.

Washing vehicles is limited to the car wash area between carports (not in front of garages).