

Park Mediterrania Homeowners Association
c/o Euclid Management Company
195 N Euclid Avenue, Suite 100
Upland, CA 91786
Voice (909) 981-4131 FAX (909) 981-7631

Subject: Complaint about fewer parking spaces / safety / negligence / sloppy asphalt repairs

Dear HOA and Euclid:

4/20/03

We live in a four unit building that has less room behind our garages to turn a vehicle than other units so it is not feasible for me and my friend to park both of our vehicles in it. It is a tight turn that is made worse by the placement of 2 natural gas meters at that location so we need to park one of the vehicles outside of the garage.

We live at the very back of the complex so it is a long way to walk from the street and too far to carry groceries. My friend's shift changes from leaving for work as early as 4 AM and getting back as late as Midnight. It is **unsafe** for a us to walk that far in the dark and it is also unnecessary. Management of this complex is **putting at risk the lives of the owners and renters by removing parking spaces at the back of the complex forcing people to park farther away from their units**. I recently saw a newspaper article about a man being **robbed** after dark nearby here on the 1100 block of Mt. Vernon.

Park Mediterrania Homeowners Association, the HOA board members and Euclid Management can be legally held liable if any harm comes to the homeowners or renters due to their **negligence**.

Frances T. v. Village Green Owners Assn. (1986) 42 Cal.3d 490 , 229 Cal.Rptr. 456; 723 P.2d 573
II. **Negligence** In her first cause of action plaintiff alleged that the Association and the board **negligently** failed to complete the investigation of lighting alternatives within a reasonable time, failed to present proposals regarding lighting alternatives to members of the Association, **negligently** failed to respond to the requests for additional lighting and wrongfully ordered her to remove the lighting that she had installed. She contends that these **negligent** acts and omissions were the proximate cause of her injuries. The fundamental issue here is whether petitioners, the condominium Association and its individual directors, owed plaintiff the same duty of care as would a landlord in the traditional landlord-tenant relationship. We conclude that plaintiff has pleaded facts sufficient to state a cause of action for **negligence** against **both** the Association **and** the individual directors. [42 Cal.3d 499]

The four notices about asphalt repairs/reconstruction state in part: "Park Mediterrania will have two security guards on duty 24 hrs. a day 7 days a week and additional lighting during the reconstruction time to deter any vandalism to vehicles or property parked outside the complex." With these notices Park Mediterrania has **admitted** that security guards and additional lighting are necessary "...to deter any vandalism to vehicles or property parked outside the complex." What about after reconstruction time is over and the security guards and additional lighting are no longer there "...to deter any vandalism to vehicles or property parked outside the complex" and the homeowners and renters are forced to park outside the complex due to management eliminating many of the onsite parking spaces?

In front of my garage is a driveway named Via Como delago that used to have between its entrance and the swimming pool a parking area large enough for 5 cars, but due to management painting more of the curb red several months ago, there is now only enough space to park 2 cars. **The loss of these three spaces** by itself has made it more difficult to find an empty parking space and now with the reconstruction going on even more needed spaces are being lost.

A few weeks ago **two more spaces were lost** to our use by the changing of their use to handicap parking only. This makes no sense at all. Handicap spaces are put closest to entrances of stores and other buildings so the disabled have less distance to walk. As this complex has 142 condominiums each with front and

back entrances and also garages how are these 2 spaces any closer to where handicapped drivers live than the other spaces? Why put the 2 spaces nearby each other? Why were the 2 spaces that were chosen parallel parking spaces rather than the usual perpendicular to the curb parking spaces? Many handicapped drivers would have a problem using parallel parking. I have noticed handicapped marked vehicles parked in non-handicapped spaces while one or both of the handicapped marked spaces have remained empty. Apparently handicapped drivers want to use the closest empty parking spaces to their units rather than walking all the way from spaces marked just for them. It makes no sense at all for us homeowners being forced to park further away from our homes only to walk past unused handicapped parking spaces. Someone did not think this all the way through.

Behind my garage is a parking area 62 feet wide that has been used for years to park 7-8 vehicles. After slurry seal had been used on this parking area, that area was recently painted with only 3 parallel parking spots. **So 4-5 more spaces have been lost.**

The total so far has been the loss of 9-10 parking spaces. Nearby my unit in the back of this complex is a parking area between Via Como deilago and Via deilago that has been used for 6-7 vehicles. After the asphalt is replaced in this back parking area and the spaces are painted, I wonder how many more spaces will be lost. Don't forget, after the asphalt is replaced on the main driveway the potential is there for many more spaces to be lost. The first two of the four notices about asphalt repairs/reconstruction state in part: "It will increase the property values for all." Obviously the loss of many parking spaces makes that a false statement.

A neighbor told me that he heard the fire department requires no parking around our swimming pool so a fire truck can pump water from it. I phoned the Colton Fire Department at 370-5100 and asked if that was true. I was told there is no requirement to not have parking spaces there and anyway "We have the capability, but that is something we would not do." **So at the end of the main driveway near the swimming pool is an open area with lots of curb much of it unnecessarily painted red. Many parking spaces could easily be added there perpendicular to the curb.**

The first two of the four notices about asphalt repairs/reconstruction state in part: "Just think how nice it will look when it's finished. It will increase the property values for all." Must have been talking about the 1077 side where the asphalt was replaced as the 1097 side just had some badly attempted **cosmetic** repairs. Elias Bros. Contractors **did not even finish repairing the asphalt before covering it with slurry seal.** (Note: slurry seal is just a temporary fix. In just 2-3 years it will look again in need of repair.) Behind my garage is a parking area 62 feet wide that still has several depressions including two that are large and deep enough to be called **potholes**. The driveway still has many **rough** areas and **unfilled cracks** which should have been at least patched. Behind the garages in the four unit building I am in are four 4 1/2 inch posts that were placed there in the driveway to protect the building and the natural gas meters. Before the asphalt repairs 2 of 4 of these posts were leaning. I assumed that they would be upright afterward, but I was wrong. Management has not even bothered to mark these gray posts with reflective tape so they can be seen at night. Not only will the sloppy cosmetic repairs not increase my property value, but the **elimination of much needed parking spaces will lower my property value.**

Sincerely,



Andrew Ralph Cosetta
1097 Santo Antonio Drive Unit #69
Colton, CA 92324
Pager (909) 514-2759