

August 17, 2010

I'm sorry I was out of town for the last Council meeting, since the topic of street-sweeping parking exemptions was discussed at that time. Even though this entire council has acknowledged that this enforcement program is broken, I am disappointed to see that the only remedy being offered is that for a few lucky residents, Brea's \$38 curb tax can be replaced by a **different** \$20 curb tax. In to paying the \$20 per car that residents with short driveways already pay annually, they will now have to pay another \$20 for the right to park that same car during the day. How can you possibly justify **charging** residents to alleviate a **hardship**? Although this mysterious exemption process was approved a month ago, as far as I know it has not yet been implemented and there is still no mention of it on the Public Works Department website. And still the unfair ticketing continues every day – now 10 months and counting, with no relief of our hardships.

Unfortunately, reading the description of the permit process raises more questions than it answers. Here are some issues that I hope the City Manager will address tonight in his response to Matters from the Audience.

1) The City Manager and the Public Works Director argued in their July 6 memo that daytime parking needs have no relationship whatsoever to nighttime parking needs, yet they have recommended that the only residents who can seek exemptions are those who already have overnight parking permits. Isn't it conceivable that a resident without an overnight parking issue could have inadequate parking during the day? What about families who have childcare providers or who require daytime elder care? What about residents who carpool to work? What about the Brea resident who operates a daycare facility from her home and requires parking for her customers? Shouldn't they be allowed to apply for an exemption?

2) Why is a hearing required to request an exemption? It seems a written application should easily suffice. This would minimize the burden to the resident and to city staff. Why was this option not considered by the staff or by this council?

3) A ludicrous \$100 application fee was initially proposed. While I am relieved that the council chose to lower this to \$20, I still see no justification for charging residents anything at all... What is still unclear is whether or not that application fee will be refunded if the permit is denied. Will it, or do you have to forfeit \$20 just for the right to have a hearing? Does the \$20 cover all of the residents' cars or do we have to pay \$20 per car? Will this be an annual fee? It is amazing to me that the city council approved a fee-based permitting process even though they were given absolutely no details.

4) What criteria will be used to grant an exemption permit? In the hearing, the resident is supposed to “provide information supporting the hardship” and then there will be a “consideration of the circumstances presented by the applicant.” Given the complete lack of explicit criteria to be used in this decision-making process, it seems that these applications can be granted or denied on a whim. Any program with such an obvious lack of guidelines is guaranteed to be a failure.

5) Will the permit be for one specific vehicle license plate or will it be for a residence? For those residents with four cars and three parking spaces, it is likely that the car that must be parked on the street will vary from week to week. Will there be a placard like the overnight pass? Can it be moved from car to car? Can it be used for a visiting guest?

How can the permit process possibly be implemented fairly if it is written so ambiguously with NO objective guidelines? I am betting that this permitting process will turn out to be as frustrating and arbitrary as the highly subjective ticketing appeals process has proven to be.

After the six-month update on the street-sweeping program, I requested copies of the over 300 ticket appeals that were made during that period. Reading these appeals was an eye-opening experience. While the majority of appeals cite the chronic lack of signage (a serious problem that I will be discussing at the next meeting), countless others cite hardships and issues that the City Manager continues to insist don't happen. Let me share some of these appeals with you now.

“I am disabled and need to park as near to the entrance of my house as possible. I have a disabled placard, which was hung in my windshield at the time but may have been overlooked”
(appeal denied)

“The morning of the citation my car would not start and I had to get a ride to work. I was not able to fix the problem until that evening” (appeal denied)

“We are a licensed contractor roofing a home at the location where we received a parking ticket for the street sweeper. Our truck must be on the job site while we are working on the roof. The driveway already had vehicles taking up space so we had no other choice but to park on the street.”
(appeal denied)

“I am writing this letter to ask for forgiveness on this ticket as I had just moved in the day prior to the issuing of this ticket, and was unaware of the street sweeping schedule. And I parked on the curb due to the garage was filled with boxes and I needed the driveway clear for easier moving items in and out.” (appeal denied)