



Overnight Parking Permit Policy and Procedure Manual



City of Brea



HISTORY

In 1951, the Brea City Council took what many people would consider a bold step in an attempt to control the growing use of the automobile. By adopting Ordinance 223, the Council established a thirty-minute parking restriction for all vehicles between the hours of 2:00 a.m. and 4:00 a.m. (amended to 6:00 a.m. in 1977). Little information is available on the issues that developed causing the Council to adopt such a position relating to vehicle parking, but their impacts are being felt today.

By requiring vehicles to be off the street at night, vehicle owners are less likely to park them on the street during the day, partially from habit and partially due to the realization they will have to go out later in the evening and move them onto the property anyway. The result is fewer vehicles now block trash pick-ups, street sweeping, curbside address numbers, fire hydrants, mailboxes, street repair activities, visibility up and down the street, and other similar activities which take place near the street curb. This, in turn, allows faster trash pick-ups, cleaner streets, faster response by police, fire and paramedic units, less wear and tear on the streets, and fewer accidents and injuries from children darting out between cars or from vehicles trying to enter traffic from an obstructed driveway. Other less obvious and more localized benefits have also been realized in some neighborhoods. Those "someday to be restored" junk vehicles cannot proliferate to the point of occupying all of the available on-site parking. A vehicle-free street tends to enhance the aesthetic quality of a neighborhood street.

While a variety of benefits can be identified to support a prohibition of street parking, a number of other city regulations also create situations which do not allow the property to provide sufficient space to park all the vehicles under the control of the property owner. To address this problem, the City has developed a parking permit program which will provide some relief for those people caught between two sets of regulations, while not totally abandoning the benefits described above.

This policy manual represents the criteria established to ease the problems for those properties having more vehicles than on-site parking capacity, without creating a burden on an entire neighborhood. The criteria established by this manual shall be used to evaluate each permit application, and shall govern the continued validity of each permit once it has been issued.

DEFINITIONS

The following definitions have been developed to help clarify the intentions of the Parking Permit Manual. These definitions shall apply only to this manual, and may not be consistent with similar definitions in other City regulations.

APPLICANT

The person whose name appears as Applicant on the online Record. The applicant must be a resident of Brea, residing at the address shown on the application, be in legal possession of the vehicle(s) for which a permit is being requested, and be of legal age to operate the vehicle.

APPROVED VEHICLE

Any non-commercial vehicle currently registered at the resident's Brea address, under the control of the property owner/tenant, in compliance with the most current California Vehicle Code requirements for operating on public streets, and have as its primary function the transportation of people from place to place. **Special Purpose Vehicles shall not be considered Approved Vehicles regardless of their level of compliance with this definition.**

MULTIPLE FAMILY RESIDENCE

One or more structures containing a total of at least two dwelling units on a parcel of land and which was designed for and intended for use by two or more families. Mobile Home Parks are regulated the same as multiple family residences for purposes of the parking permit program.

NEIGHBORHOOD

All property within 100 feet of the property for which a permit has been issued.

NON-ACCESSIBLE PARKING SPACE

Those parking spaces which were designed and intended for the parking of vehicles, but are not actually available for parking due to actions by the property owner/tenant. Typically these actions would include, among other things, the conversion of garage or carport space to other uses, use of the required garage space for storage of goods or materials, or the construction of permanent walls or fences across parking areas.

ON-SITE PARKING

Any hard surface area of sufficient size to meet the criteria of a "parking space" and was originally designed and intended to be used for the parking of vehicles. This area must have direct hard surface access to a public way.

PARKING AREA

Those hard surface areas including garages, carports, driveways, and parking pads designed and intended to be used as a place for parking vehicles.

PARKING SPACE

That portion of the parking area where a vehicle may be left standing for any period of time. The space shall be defined as an area three (3) feet wider than the widest vehicle dimension and

three (3) feet longer than the vehicle's longest dimension. The dimension of an interior parking space for a standard vehicle shall be nine feet by nineteen feet.

PERFORMANCE BOND

A bond or cash deposit to ensure compliance with conditions and restrictions that have been attached to a permit. Failure to comply could result in the City placing a claim on the bond/deposit to recover costs for obtaining compliance.

PERMIT OFFICER

A member of the City staff designated to coordinate the day to day activities of the program.

RECREATION VEHICLE

Any vehicle which is designed for and intended to be used primarily for recreational purposes, including, but not limited to, such vehicles as motor homes, camping trailers, boats, all-terrain vehicles, aircraft or any type of vehicle designed for competitive racing.

REGISTERED VEHICLE

Any vehicle which is legally licensed by a governmental agency (such as a state), provided such license authorizes said vehicle to travel on public roadways.

SINGLE FAMILY RESIDENCE

A single structure containing one dwelling unit occupying a parcel of land, and which was designed for and intended to be used by one family.

SPECIAL PURPOSE VEHICLES

Vehicles which have been designed for specific uses other than those for Approved Vehicles, including such vehicles as recreational vehicles, motor cycles, construction equipment, commercial vehicles, military vehicles, off road vehicles or vehicles rated over 3/4 ton.

STORED VEHICLE

Any vehicle which remains standing in one parking space for seven (7) or more consecutive days without any evidence of being moved and providing some benefit to the owner.

PERMITS

TYPES OF PERMITS

The Overnight Parking Permit Program has established the “Annual Permit,” the “Temporary Permit” (Monthly Permit) and the “Overnight Permit” to provide a flexible permit process which serves the unique needs of various parking situations. Anyone considering applying for a permit should review the permit descriptions below, and determine the most appropriate permit to address their specific situation. Applying for the wrong permit could result in a permit being declared null and void after it is issued. Regardless of the type of permit issued, the permit may only be displayed on a vehicle parked within the public right-of-way because there are no on-site parking spaces available. If there are any questions regarding which type of permit is appropriate for a specific situation, contact the Building & Safety Division at (714) 671-4406 or email breparkingpermits@cityofbrea.net.

ANNUAL PERMIT

The Annual Permit is used to identify a vehicle that cannot park on private property due to a parking area which is not sufficiently large enough to meet the property owner/tenant’s long term needs. This permit will be issued to the property based on the information provided on the application. The permit may be affixed to any “approved vehicle” at that address which is in compliance with all of the conditions and restrictions set forth in this manual. To apply for a permit online, go to brea.thepermitstore.com; the initial application process is to qualify for a permit. List all vehicles registered to the Brea address (including roommates, if applicable).

TEMPORARY/MONTHLY PERMIT

The Monthly Permit is a temporary permit – used to identify a vehicle that cannot park on private property due to a medium term condition, which does not allow the available parking area to meet the property owner/tenant’s needs. Typically the Monthly Permit would allow for use of the parking area as storage for construction materials, replacement of parking area hard surface, buying/selling of vehicles (transition from old to new vehicle), or temporary storage of personal belongings. To apply for a permit, go to the website listed above to submit an application and send an email to breparkingpermits@cityofbrea.net to provide reason for the need of a Monthly Permit.

OVERNIGHT/SELF-ISSUED PERMIT

The Self-Issued Permit is used to identify a vehicle that cannot park on private property due to a short term condition which prevents the parking area from meeting the owner/tenant’s needs. Typically, a Self-Issued Permit would be used to provide parking for out of town guests, for the loading/unloading of recreation vehicles, for the temporary storage of construction materials or minor repairs to the parking area. The permit is self-issued by the property owner and does not require prior approval by the City of Brea. This permit shall be considered issued when an 8.5” x 11”, clearly written note is placed on the driver’s side dashboard in a location visible from the outside. **The permit shall include the name and address of the property owner as well as a statement which explains why it is necessary to leave the vehicle on the street.** The permit shall be signed and dated (current date only) by the property owner. Each permit shall be valid for not more than one 24-hour period, not more than seven (7) consecutive days, nor fourteen (14) permits total shall be issued to any one vehicle during a sixty (60) day period. A pre-printed Self-Issued permit can be printed from the City of Brea’s website at cityofbrea.net. Under the “How Do I?” section on the right side of the homepage, choose “Apply for Parking Permit” and then click on “Temporary Permit.”

PERMIT PROCESS

Any person of legal age to operate a motor vehicle, who is a resident of the City of Brea, may apply for an overnight parking permit. The applicant should evaluate the different types of permits and apply online at brea.thepermitstore.com.

All online submittals will be evaluated for completeness and accuracy of the information related to the type of permit requested. Those submittals not found to be complete will be rejected, and the applicant informed of the reason for the rejection. The applicant may go back online to revise the request for permits.

When the online submittal is determined to be complete, the applicant may purchase the permit(s) requested and they will be mailed to the address to which it has been assigned. The permit may be affixed to any approved vehicles at that address in accordance with the established standards for displaying the permit. Proper placement and attachment of the permit shall be the responsibility of the applicant. Failure to properly display the permit may result in a citation being issued, as specified in Ordinance #951, Section 3(a).

During the application processing, the applicant may self-issue Overnight Permit(s) in accordance with the procedures on page 5 of this manual. Use of the Overnight/Self-Issued Permit will allow the vehicle to park on the street without the threat of receiving a parking citation before the requested Annual Permit(s) is actually issued.

Should a permit be lost, stolen, damaged, or defaced during the period of time for which it was issued, the original applicant may apply for a new permit. The applicant shall verify that the information online is still accurate or provide information regarding any changes in status. Upon paying the replacement fee, the online request will be processed and a new permit issued. Any person found to be in possession of and using a permit that has been declared lost, stolen, damaged or defaced may be prosecuted for a misdemeanor violation as specified in Ordinance #951, Section 3(b).

PARKING PERMIT QUALIFICATION CRITERIA

The following criteria has been established as the requirements for qualification of any individual and property desiring to obtain a parking permit to park on any public street between the hours of 2:00 a.m. and 6:00 a.m. on any day.

General

1. The applicant must be of legal age to operate a motor vehicle.
2. The applicant must have a valid California driver's license.
3. The applicant must reside at the address for which the permit is being applied.
4. The property must be in compliance with all City Code requirements for on-site parking before applying for a parking permit. These requirements include:
 - a. All parking areas must be free of any materials or obstructions that would block access to one or more parking spaces.
 - b. Vehicles shall not be parked in a manner that obstructs access to other vacant parking spaces.
 - c. In garages of single family dwellings, with a capacity for parking two or more vehicles, an area equivalent to that allowed for one standard vehicle (9'x19') may be utilized for non-parking purposes.
5. All on-site parking spaces must be utilized prior to parking permit issuance. Exception: in garages for single family dwellings with area for parking of two or more vehicles, an area equivalent to that allowed for one may be utilized for non-parking purposes.
6. Only properties zoned for and occupied as residential use shall be eligible for a permit.
7. When a property has been identified as part of a Special District, the applicant shall comply with any special requirements developed for that District.
8. No permit shall be issued to any property that is more than 100 feet from a public street on which parking is allowed.

PARKING PERMIT RESTRICTIONS

The following restrictions have been established for the use and display of parking permits on any vehicle that is parked on any public street for more than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m. on any day.

1. The permit shall be displayed in accordance with the Permit Display Standards on page 9 of this manual.
2. The permit shall only be displayed on one of the vehicles identified as approved during the application review process.
3. Vehicles are encouraged to be parked within 100 feet of the property to which the permit is assigned, with the permit displayed on the vehicle.
4. The permit shall not be transferred to, or used in conjunction with, any property except the property to which it is issued.
5. The permit shall not authorize the applicant, or any other individual, to violate any other parking regulations adopted by any other governing body, including any homeowner association, local, state or federal agency.
6. The permit shall be valid for the time period indicated on the permit unless a written notice is given by the City of Brea changing the time period.
7. The permit shall not be valid until all required fees established by the City Council have been paid.
8. The maximum number of permits that will be issued to an address shall be as follows:
 - a. Single family residence – 2 permits
 - b. Each multi-family residence unit – 1 permit
 - c. For Temporary/Monthly Permits there is no limit to the number of permits that may be issued, however, each request will be considered separately and each request must comply with all of the permit requirements stated above.
 - d. Requests for additional permits will be evaluated to establish need prior to issuance of additional permits.
9. Any permit issued to a property within a Special District shall be restricted as specified in the regulations for that District.
10. Hardship exemptions may be granted when the City determines a safety hazard will be created by the refusal to issue a permit based on strict compliance with these regulations.

PERMIT DISPLAY STANDARDS

Because the parking permit is transferrable among vehicles listed at an address, the following standards have been developed to define how and where the permit must be displayed. Failure to comply with these standards could result in the issuance of a parking citation, even though a property has been issued a permit, and the permit may be within the vehicle. The requirements for display include:

1. The parking permit must be displayed in the vehicle while it is parked on any public street within the neighborhood to which the permit is assigned. The permit need only be displayed between the hours of 2:00 a.m. and 6:00 a.m.
2. The permit shall be considered displayed when it complies with all of the following criteria:
 - a. The permit is adhered to the driver's side (lower left-hand corner) of the front windshield.
 - b. Nothing is placed in or on the vehicle which will obscure the visibility of the permit from the street side of the vehicle.
 - c. Nothing shall be done to the permit to deface or obscure the permit.
 - d. The permit is attached to the vehicle in such a manner that it is clearly visible from the street side of the vehicle.
 - e. The applicant assumes all responsibility should the method of attachment fail and the permit becomes dislodged.
3. Display of a permit that has expired, or been declared null and void, may result in the vehicle's owner being prosecuted for a misdemeanor violation under Ordinance #951, Section 3(b).
4. The permit shall be displayed only on approved vehicles and not recreational or special purpose vehicles.

SPECIAL DISTRICTS

The City may establish special parking districts where a finding is made that enforcement of the standard parking permit regulations will place an excessive burden on a neighborhood. The purpose of the Special District is to modify those regulations that are creating a problem only to the extent necessary to relieve the excessive burden. This modification may result in an increase, decrease, elimination or addition of one or more specific regulations.

When an area is identified as a potential Special District by any citizen, group of citizens, association, organization or City staff person, the Director of Community Development may initiate a study to evaluate both the existing conditions and the potential worst case conditions. The findings of the study will be evaluated against the standard permit regulations to identify what types of regulation modifications will be necessary. Modifications will only be made to address specific identified issues and, only to the extent necessary, to establish a balance between the needs of an individual and the needs of the neighborhood.

When a Special District is proposed by the Director, all residents within the district boundaries will be notified of the proposed regulation modifications and will be given an opportunity to express their view. At the conclusion of this review period, the Director will make any necessary adjustments to the regulations and provide a copy of the final regulations to each residence within the area. Included in the final regulations will be a date for implementation of the new regulation and instructions regarding actions to be taken by residents, if any, to acquire new permits.

REVOCACTION AND APPEAL PROCEDURE

REVOCACTION PROCESS

Permits that have been issued are subject to revocation for failure to comply with the conditions and restrictions of this manual. At such time as the Permit Officer becomes aware of a possible non-compliant condition, an inspection will be conducted to evaluate the situation. Upon determination of a non-compliance condition, a "Notice of Non-Compliance" will be sent to the permit applicant at the address listed on the online record. The notice will include the nature of the non-compliant condition(s) and will establish a date by which the condition must be corrected. After that date, a re-inspection will be conducted to determine the current status of the condition(s). If the condition(s) is found to still exist, a "Notice of Revocation" will be issued to the applicant. This notice shall set a time and date when the permit will become null and void.

Revocation shall be considered an action against the property to which the permit was issued. For a period of six (6) months from the date of revocation, no online permit application received from that property will be evaluated, nor will a permit be issued. After six months, a new online application may be submitted. The online application will be evaluated based on program regulations in effect at the time of the new submittal.

APPEAL PROCESS

The applicant for a parking permit may appeal the decision of the Permit Officer to the Public Works Director and Building & Safety Manager (PWD & BSM). Any such appeal shall be filed with the City Clerk, in writing, within ten (10) business days from the date a written decision is issued by the Permit Officer. The appeal, in writing, shall be accompanied by the fee required for the filing of any such appeal, which fee shall be set by the City Council by resolution. Upon the receipt of an appeal in writing, the City Clerk shall set a hearing before the PWD & BSM.

HEARING BEFORE PWD & BSM

At the time and place set for the appeal hearing before the PWD & BSM, the PWD & BSM shall review the decision of the Permit Officer and shall afford the appellant a reasonable opportunity to be heard in connection therewith. Upon consideration of the evidence presented to the PWD & BSM at the hearing on the appeal, the PWD & BSM may sustain the action of the Permit Officer, modify the action or reverse the action as a result of information presented at the hearing. The PWD & BSM may continue the hearing on the appeal from time to time if such continuance is deemed warranted in the PWD & BSM's sole discretion.

Upon conclusion of the appeal hearing, the PWD & BSM shall, within ten (10) days, issue a resolution of findings and determinations with respect to the appeal. The decision of the PWD & BSM shall be the final step in the appeal process.

The PWD & BSM may appoint a hearing officer in lieu of themselves at the appeal hearing.

NOTICE OF PWD & BSM DETERMINATION

A copy of the determination of the PWD & BSM shall be mailed to the property owner, or other person in control or in charge of the permit, within five (5) working days of making the determination.