

ORDINANCE NUMBER O- 19310 (NEW SERIES)

ADOPTED ON AUG 10 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 8, ARTICLE 6, DIVISION 00, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 86.03.1; AMENDING CHAPTER 8, ARTICLE 6, BY ADDING A NEW DIVISION 22 TITLED "VALET PARKING;" AND BY ADDING SECTIONS 86.2201 TITLED "PURPOSE," 86.2202 TITLED "DEFINITIONS," 86.2203 TITLED "DESIGNATION OF VALET PARKING ZONES," 86.2204 TITLED "APPLICATION FOR PERMITS," 86.2205 TITLED "DURATION OF PERMIT," 86.2206 TITLED "PERMIT REQUIREMENTS," 86.2207 TITLED "PERMIT REVOCATION, AND 86.2208 TITLED "PENALTY PROVISIONS," ALL PERTAINING TO VALET PARKING.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 8, Article 6, Division 00, of the San Diego Municipal Code is amended by amending section 86.03.1, to read as follows:

§86.03.1 Passenger Loading Zones

Notwithstanding Section 86.01, and except as provided in Section 86.2201, no person shall stop, stand or park any vehicle in any "Passenger Loading Zone" for a period of time longer than is necessary for the loading or unloading of passengers and baggage; provided that such loading or unloading shall not consume more than three (3) minutes, except in front of hotels where such loading or unloading shall not consume more than ten (10) minutes.

[No change to second paragraph.]

Section 2. That Chapter 8, Article 6, of the San Diego Municipal Code is amended by adding a new Division 22 titled “Valet Parking,” and by adding sections 86.2201, 86.2202, 86.2203, 86.2204, 86.2205, 86.2206, 86.2207, and 86.2208, to read as follows:

**Article 6: Stopping, Standing and Parking**

**Division 22: Valet Parking**

**§86.2201 Purpose**

The purpose of this division is to set forth the criteria to be used by the City of San Diego for the installation, removal, and regulation of selected areas for *valet parking*, in the public right-of-way. This division is enacted in response to the need to supplement on-street parking. The intent is to provide the public with another parking option in parking impacted areas. *Valet parking* areas can create parking relief of on-street parking. For the reasons set forth in this division, a system of *valet parking permits* is enacted for the City of San Diego.

**§86.2202 Definitions**

Defined terms appearing in this division are shown in italics. For the purposes of this division:

*Valet Parking* means parking arrangements provided where patrons leave their cars at the street curb line and attendants park and retrieve them for a fee.

*Valet Parking Zone* means an area for a standard single passenger vehicle on the public right-of-way which has been set aside by the City Manager for *valet parking*.

*Valet Parking Permit* means a permit issued in accordance with this division for the approved use of *valet parking* in a *valet parking zone*.

**§86.2203**      **Designation of Valet Parking Zones**

- (a)      The City Manager shall consider the following in evaluating approval of *valet parking zones*:
- (1)      safety and convenience for the people of the City of San Diego;
  - (2)      actual number of passengers to be served by the zone;
  - (3)      proximity of existing *valet parking zones*;
  - (4)      existing demands for curb use such as the number and location of existing transit and taxi loading zones, and existing commercial loading zones in the general area of the requested zone;
  - (5)      overall determination of available on street parking for the area;  
and
  - (6)      designation of the *valet parking zone* will cause no significant impact on the environment.
- (b)      *Valet parking zones* may also be used for on-street public parking, or for loading and unloading of persons or property.

**§86.2204**      **Application for Permits**

- (a)      The City Manager is authorized to issue, upon written application, a *valet parking permit*. Applications for *valet parking* shall be made upon application forms provided by the City Manager and shall be accompanied by a filing fee. The fee for each permit application shall be paid at the time of application. The permit fees shall be based on the reasonable cost of

application, plan review, study, and other services as required for permit approval. Other fees based on the cost of private usage of the public right-of-way will also be assessed per *valet parking zone* spaces. The fees shall be paid in accordance with the schedule of fees established by resolution of the City Council and filed in the office of the City Clerk.

- (b) The application shall include: (1) the business name and address of the corporation, partnership or other business entity seeking the permit; (2) the identifying number of the applicant's San Diego business license; and (3) any other information consistent with this division, which the City Manager deems necessary for persons applying for *valet parking permits*.

**§86.2205**      **Duration of Permit**

Each *valet parking permit* issued by the City Manager shall be valid for not more than one year from date of issuance. Each application renewal of a *valet parking permit* will be in accordance with section 86.2204, and is subject to an annual *valet parking zone* inspection. The inspection fee shall be set forth in the rate book on file in the office of the City Clerk.

**§86.2206**      **Permit requirements**

- (a) The *valet parking permit* shall authorize the permittee to provide *valet parking* in a designated *valet parking zone*.
- (b) The permittee shall operate the *valet parking zone* in such a manner as to provide ample opportunities for its use by motorists who do not wish to utilize the *valet parking* service.

- (c) The *valet parking* operator shall be the business owner, under contract to or employed by the business or businesses to be served.
- (d) The permittee shall agree to provide and maintain portable pedestal signs as required. The pedestal signs shall be 24 inches wide and not more than four feet high. The message on the pedestal sign shall only read "Passenger Loading-*Valet Parking* Optional" and shall have three-inch black letters on a white background. The sign pedestal must be located within 24 inches of the face of the curb and be placed in such a manner as not to create an impediment to pedestrians.
- (e) The permittee shall not allow the *valet parking zone* or any other public right-of-way to be used for the storing of valet parked cars.
- (f) The applicant shall provide a map of the immediate area showing the location of the valet service and the off-street parking lot(s) to be used for the storage of vehicles. Any changes in this provision shall require the approval of the City Manager.
- (g) The applicant shall provide a copy of the agreement between the valet operator and the off-street parking lot operator for the storage of vehicles.
- (h) The applicant shall agree to indemnify the City of San Diego with an indemnification agreement satisfactory to the City Manager and City Attorney.
- (i) The applicant shall maintain a policy of liability insurance in an amount satisfactory to the City Manager in order to protect the City of San Diego from any claims which may arise from the *valet parking* operation.

- (j) Nothing in this division is intended to authorize, or authorizes, the parking of motor vehicles by the applicant or *valet parking* operators in a manner contrary to applicable state laws or local parking and traffic regulations.
- (k) The permittee shall have the required *valet parking permit* required in its possession at the place where it is conducting any *valet parking* activity under the permit(s), and shall exhibit the permit(s) in a place that is conspicuous to the public. The permits must be available for inspection on demand of any peace officer, enforcement official, or City Manager.

**§86.2207**

**Permit Revocation**

- (a) The permittee is responsible for the proper operation of the *valet parking zone*. Any violation of the conditions enumerated in this division shall be sufficient cause for revocation of the *valet parking permit* by the City Manager.
- (b) A *valet parking permit* may be temporarily suspended without a hearing if the City Manager determines that the continued operation is a hazard to public safety or is in violation of this division. The suspension will be effective for 60 days or until a hearing, whichever is less. Once a hearing has convened, the suspension will continue through its conclusion.
- (c) The City Manager shall revoke a *valet parking permit* if, after a hearing on the matter, the hearing officer finds that grounds exist which would have constituted just cause for refusal to issue the permit, or that the permittee has failed to comply with any requirements imposed by this division or conditions of the permit. Written notice of the revocation hearing, setting forth the time and place of hearing and a brief statement of the reason(s)

for the proposed revocation, shall be served on or mailed to the permittee at the business address listed in the permit application no less than 10 days prior to the hearing.

**§86.2208 Penalty Provisions**

- (a) It is unlawful and a violation of this division for any person to operate, engage in, conduct, manage, or cause to be operated on any public street or right-of-way any *valet parking* without a valid *valet parking permit* issued by the City Manager.
- (b) It is unlawful and a violation of this division for a person to falsely represent himself as eligible for a *valet parking permit* or to furnish false information in an application for a *valet parking permit*.
- (c) It is unlawful and a violation of this division for a person holding a *valet parking permit* to permit the use or display of the permit for any purpose other than that for which the permit is issued.
- (d) It is unlawful and a violation of this division for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit *valet parking permit* without written authorization from the City Manager. It shall further be unlawful and a violation of this division for a person to transfer the beneficial ownership of or a continuous right to use a *valet parking permit*.
- (e) Any violations of the provisions of this division shall be punishable in accordance with this Code.

Section 3. Valet parking fees shall be as follows:

Fees

For fiscal year 2005, the initial application fee shall be \$700.

For fiscal year 2005, the annual inspection fee shall be \$300.

For fiscal year 2005, a *valet parking zone* usage fee may be established by resolution of the City Council.


Beginning with fiscal year 2006, the fees shall be in accordance with the schedule of fees established by resolution of the City Council and filed in the office of the City Clerk.

Section 4. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By

  
John C. Hemmerling  
Deputy City Attorney

JCH:cdk

07/13/04

Or.Dept: Eng.&Cap. Projects

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