



City of Santa Barbara
Downtown Parking Committee

Memorandum

DATE: April 12, 2018
TO: Downtown Parking Committee
FROM: Victor Garza, Parking/TMP Superintendent
SUBJECT: PROPOSED VALET PARKING ORDINANCE

RECOMMENDATION:

That the Downtown Parking Committee (DPC) receive an update from staff and provide input to the ongoing efforts to draft and finalize a Valet Parking Ordinance and the accompanying Rules and Regulations.

DISCUSSION:

On July 25, 2017, staff presented a draft ordinance regulating valet parking to Council's Ordinance Committee. The Ordinance Committee directed staff to take the proposed Ordinance and Rules and Regulations to the DPC to seek their input and guidance.

Staff met with valet operators to review the draft Rules and Regulations, received their feedback and made adjustments to the draft Rules and Regulations. These Rules and Regulations were brought to the DPC on September 14, 2017. Staff continues to receive and incorporate input from the operators, businesses and the public in order to ensure the public's safety and an operation that balances the needs of the stakeholders. At the September meeting, the City's Building Official expressed the importance of compliance with the Americans with Disabilities Act (ADA).

On October 11, 2017, staff met with the City's Building Official and shared the results of that meeting with the DPC at the October 12 meeting. Also, Staff and the valet operators met with the Building Official on October 12, after the DPC meeting, to discuss how to best incorporate ADA requirements with valet operations. Staff met with the Access Advisory (AAC) Committee on November 10, 2017 to receive their input regarding valet operations and compliance with the ADA.

On November 29, staff met with Ken Oplinger, President and CEO of the Chamber of Commerce, and Sherry Villanueva, owner of the Lark and other successful Funk Zone businesses, to discuss the ongoing Valet Parking Ordinance process. Staff assured them that staff would work closely with businesses and valet operators in order to ensure public safety and ADA compliance at all of the on-street valet operations within the public right-of-way.

Staff met again with the AAC on Friday February 2 to update them on Parking staff's progress and to receive more input based on the last update given to them in November 2017. As was the case at the November meeting, at the February meeting, the AAC was very firm about having clear ADA related language in the Ordinance and the Rules and Regulations. They wanted consequences clearly defined when violations occurred. However, the AAC understood that existing Valet Parking operations on City streets would have difficulty complying with the ADA. They indicated a willingness to be a part of the permit process, assisting in the review of the valet operations sites. They also expressed flexibility in difficult locations by being willing to consider having Valet Parking operations, on existing City streets, located as close as possible to driveway approaches and/or existing ADA on-street ramps.

As this process moves forward, staff will revise the Ordinance and the Rules and Regulations as necessary, in order to best comply with the ADA, Traffic Safety issues, and balance the interests of the stakeholders in order to provide the DPC for the appropriate recommendation to the City Council Ordinance Committee.

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The proposed ordinance is written in order to permit the safe operation of valet parking within the City's right of way and ensure compliance with the ADA. A permit would be issued by Downtown Parking staff to the valet operator.

Each proposed valet parking location will be evaluated for: ADA compliance, public safety and convenience, the number of people serviced by the location, proximity to other parking valet operations, and existing demands for curb use on the street(s) near the proposed location. The draft rules and regulations were written to also address the storage of valeted vehicles.

Staff is recommending that the proposed Valet Parking Ordinance not address off-street valet operations, where no part of the public right-of-way is being used for drop off, pick-up or storage. In these situations, the valet operator would not be required to obtain a permit, but would be required to advise Downtown Parking staff of the event. The existing draft of the proposed Ordinance will be edited for DPC's review.

Based on the input received from the stakeholders and the DPC, staff recommends adding the following Valet related fees to the Downtown Parking Fee Resolution:

- For ongoing operations; a one-time fee of \$400 that would serve as a set-up fee. This fee would cover the cost of signs and curb painting, and plan check.
- For ongoing operations; an annual fee of \$1,200 that would cover the cost of staff time to administer the permit and to monitor the valet operations, either on the street or in the City parking lots. This fee could be adjusted the following year if the actual staff time needed to ensure compliance is lower than has been estimated.
- For temporary permits; a one-time fee of \$30 per day is proposed to be charged for parking spaces that are time limited in any way. This is the same fee valet parking operators pay now at the Public Works front counter.

A \$100 valet parking event permit fee already exists in the Downtown Parking Fee Resolution for valet operations within City parking lots. This amount covers the costs for the additional staffing needed to monitor operations.

There would be no fee assessed for vehicles stored within the public right of way. For vehicles stored in the City's parking lots, a per-vehicle fee would be paid after the event, calculated on the length of stay in the lot.

NEXT STEPS:

- On April 12, staff will update the Downtown Parking Committee on the status of the Valet Parking Ordinance process. The DPC may forward a recommendation to the Council Ordinance Committee
- On May 11, staff will attend the Access Advisory Committee meeting to provide an update on the Valet Parking Ordinance process, receive their input regarding Valet operations, permitting and ADA compliance.
- On June 19, 2018, staff will present the proposed Valet Parking Ordinance to the Council Ordinance Committee for their consideration.

ATTACHMENTS:

1. Draft Valet Ordinance
2. Draft Rules Regulations

VALET PARKING ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTER 10.49 OF THIS MUNICIPAL CODE BY ESTABLISHING SECTIONS 10.49.010 THROUGH 10.49.100, REGULATING ON-STREET VALET PARKING OPERATIONS

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 10 of the Santa Barbara Municipal Code is amended to add Chapter 49 as follows:

Chapter 10.49

VALET PARKING

10.49.010 Purpose.

Public streets and rights-of-way protect individual freedom of travel, access and the unobstructed flow of commerce. The City of Santa Barbara recognized that the use of public streets and rights-of-way for valet parking operations, while providing public benefit to some by making parking more convenient, may also impede travel, equal access for all, and interfere with the right of many others using the streets and right-of-way, and may affect the public safety and create a public nuisance. The City may therefore permit and restrict valet parking operations as a special privilege, not as a matter of right. The approval of any permit for the use of the public right-of-way is on a temporary basis and is for a nonexclusive use of the public right of-way. Permittees shall have neither a property interest in nor any entitlement to the granting or continuation of any permit for the use of any public right-of-way.

10.49.020 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the following meanings:

A. "Applicant" means any person or entity that applies for a valet parking permit. For the purpose of Chapter 10.49, where the applicant is a corporation, association, partnership or other legal entity, "applicant" shall mean each partner, officer, director, and each shareholder owning or controlling more than ten percent of such entity.

B. "Operator" means any entity engaged in the business of valet parking.

C. "Permittee" means any entity permitted by the City of Santa Barbara to operate a valet parking service that uses the public right-of-way or City property for pick-up, drop-off and/or storage of vehicles.

D. "Valet parking" means providing the service of parking vehicles by any business or individual on behalf of persons attending any business, activity, or event, where that service uses any City street, right-of-way, alley, or City-owned parking facility for pick-up, drop-off, and/or storage of vehicles, whether or not the parking service is being provided for compensation or free of charge.

E. "Valet parking zone" means an area for a standard single passenger vehicle in the public right-of-way or on City property that has been designated by the Public Works Director for valet drop-off and/or pick-up.

F. "ADA" means the Americans with Disabilities Act as it is applied to Valet Operations in order to ensure full access to services by all citizens.

10.49.030 Designation of Valet Parking Zones

The Public Works Director shall consider the following in evaluating approval of valet parking zones:

(1.) Safety, accessibility, and convenience for the public;

(2.) Proximity to existing valet parking zones;

(3.) Existing demands for curb use, such as the number and location of existing passenger and commercial loading zones in the general area of the requested valet parking zone.

(4.) ADA compliance.

10.49.040 Permit Required

A. Any operator conducting a valet parking operation where vehicle drop-off, pick-up, or storage is located in the public right-of-way or on City property must be issued a valid Annual or Temporary Valet Parking Permit prior to commencing the operation.

B. Annual and temporary valet parking permits shall be issued as follows:

1. Annual Valet Parking Permit. Annual Valet Parking Permits are issued to an operator for an ongoing or recurring valet parking operation.

a. Specific Operator and Location. Each Annual Valet Parking Permit is issued to a specific operator, for a valet parking operation at a specific, approved location. Annual Valet Parking Permits are valid for use only by the permitted operator and at the permitted location, and may not be transferred to any other operator or location.

b. Annual Valet Parking Permit Application.

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1. All Annual permit applications shall be completed on a form designated by the Public Works Director, and signed by the applicant under penalty of perjury.

2. The application must include all supporting documents as specified in the Rules and Regulations adopted pursuant to 10.49.040.C. All forms shall be filed with the Public Works Director a minimum of thirty (30) days prior to the date requested for issuance of the permit.

3. Renewal applications shall be filed a minimum of thirty (30) days prior to the expiration of any existing permit.

4. Applications that are not complete and accompanied by any applicable fees will not be accepted by the Public Works Director.

c. Validity. Regular valet parking permits shall be valid for a period of one year from the date of issuance.

2. Temporary Valet Parking Permit. In circumstances involving a non-recurring special event or special need of an applicant to commence operations prior to the time an application can be processed for regular permit issuance, a temporary parking permit for a period operation not exceeding seven (7) calendar days may be issued by the Public Works Director.

a. Specific operator and location. Each Temporary Valet Parking Permit is issued to a specific operator, for a valet parking operation at a specific, approved location. Temporary Valet Parking Permits are valid for use only by the permitted operator and at the permitted location, and may not be transferred to any other operator or location.

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b. Temporary Valet Parking Permit Application.

1. All Temporary Valet Parking Permit applications shall be completed on a form designated by the Public Works Director, and signed by the applicant under penalty of perjury.

2. The application must include all supporting documents as specified in the Rules and Regulations adopted pursuant to 10.49.040.C. All application materials must be filed with the Public Works Director a minimum of seven (7) calendar days prior to the date requested for issuance of the permit.

3. Applications that are not complete and accompanied by any applicable fees will not be accepted by the Public Works Director.

C. Rules and Regulations. The Public Works Director is authorized to promulgate and publish rules and regulations to interpret and implement this section.

10.49.060 Insurance and Indemnification

A. No valet parking permit shall be issued or remain in effect unless there is in full force and effect a policy of comprehensive insurance containing coverage provisions and limits prescribed by the City's Risk Manager, executed by an insurance company approved by the Risk Manager, whereby all persons who carry out the activities described in the permit are insured against claims, loss, or liability for damage to property and for injury to or death of any person as a result of the permittee's operations in the City of Santa Barbara.

B. The permittee, its officers, agents and employees shall indemnify, defend and hold harmless the City, its officers, agents and employees from any loss, liability, claim, injury or damage arising or alleged to arise from the acts or omissions of the

permittee, its officers, agents or employees in connections with the activities described in the permit.

10.49.070 Duty and Care by Permittee

Permittee shall not attempt by contract to limit or waive its duty of care or liability as a bailee to the owner or driver of a vehicle left in permittee's care.

10.49.080 Suspension and Revocation of Permits

A. If it is determined by the Public Works Director that a permittee's valet parking operation or use of a valet zone violates any provision of this chapter, the ADA, the valet parking rules and regulations promulgated by the Public Works Director, or any other state, federal, or City law or regulation, or is negatively impacting street operations, the Public Works Director will cause to be sent a written Notice of Intent to Revoke or Suspend to the permittee via certified mail.

B. A permittee may request reconsideration of the Notice of Intent to Revoke or Suspend in writing to the Public Works Director within ten (10) business days of the date of the Notice of Intent to Revoke or Suspend. The request for reconsideration shall set forth all relevant evidence showing that the permittee's valet parking operation does not negatively impact street operations, accessibility, or the general health and welfare of the public. The Public Works Director, or his or her designee, shall issue a written Notice of Decision within ten (10) business days of the date of the request for reconsideration. The Notice of Decision shall be sent to the permittee via certified mail and will be deemed final and effective as of the date of the Notice of Decision. Appeal of the Notice of Decision may be brought pursuant to Santa Barbara Municipal Code section 1.30.050.

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C. If a request for reconsideration is not received within ten (10) business days of the date of the Notice of Intent to Revoke, the permit shall be deemed revoked or suspended on the eleventh day following the date of the Intent to Revoke or Suspend.

D. In the event that a permittee fails to maintain the insurance required under section 10.49.060, or is operating in a manner that poses an immediate and serious threat to the public health, safety, and welfare, the Public Works Director may issue a Notice of Immediate Suspension, not to exceed thirty (30) calendar days, effective upon the date the notice is issued. The Notice of Immediate Suspension shall be sent via certified mail and a copy shall be personally delivered to the permittee's place of business registered in permittee's valet parking application. The Notice of Suspension shall set forth the reason for the immediate suspension and advise the permittee that he or she has five (5) business days to request, in writing, a hearing before the Public Works Director for reconsideration of the suspension, which hearing shall be held within ten (10) business days from the date of the request. If not request for a hearing is made within five (5) business days from issuance of the Notice of Immediate Suspension, the decision shall be final and not appealable.

10.49.090 Violations

Any person who violates any provision of this chapter, the ADA, or of any permit restriction issued pursuant to this chapter shall be subject to the penalties set forth in Chapter 1.28 of the Santa Barbara Municipal Code.

10.49.100 Citation and removal of unauthorized vehicles.

When signs are posted restricting the parking or standing of vehicles in on-street parking spaces designated for valet parking only during designated time periods, no

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person shall stop, stand, or park any vehicle in violation of those restrictions except for the purposes of immediately loading or unloading of passengers either for valet parking or for patronizing the business, activity or event for which valet parking is provided. Violation of this section shall be citable as a parking violation punishable by a parking penalty as provided in Chapter 1.48.070. Any vehicle stopped, standing, or parked in violation of this section shall be subject to removal under the authority of the California Vehicle Code Section 22651 subdivision (m).



RULES AND REGULATIONS PERTAINING TO SBMC 10.49.010-100 VALET PARKING IN THE PUBLIC RIGHT-OF-WAY

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ORGANIZATION AND CONTENTS

These rules and regulations are organized in the following sections:

1. Definitions.
2. Roles and Responsibilities.
3. Permit Required.
4. Permit Appearance and Display.
5. Annual Valet Parking Permits.
6. Temporary Valet Parking Permits.
7. Fees
8. Operational Rules for Valet Services
9. Termination of Operations.
10. Suspension, Modification, and Revocation.

PURPOSE

The Public Works Director is authorized to promulgate and publish rules and regulations to interpret and implement Santa Barbara Municipal Code Section 10.49.

INTRODUCTION

SBMC Section 10.49.010-10.49.100 regulates valet parking operations that involve vehicle drop-off, pick-up, or storage on any public right-of-way or City property. The purpose of this ordinance is to protect public safety, ensure unimpeded travel and use of the right-of-way by persons and vehicles, and prevent public nuisance conditions. SBMC Section 10.49.050 (C) authorizes the Public Works director to promulgate and publish rules and regulations to interpret this ordinance.



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SECTION 1 DEFINITIONS

The following terms and abbreviations shall have the meanings indicated in this Section unless they are inconsistent with SBMC Chapter 10.49 or the context clearly indicates a different intention.

- 1. Applicant.** A valet operator who requests an Annual or Temporary Valet Parking Permit pursuant to SBMC 10.49.050 via the permit application process described in these Rules and Regulations. Where the applicant is a corporation, association, partnership, or other legal entity, “applicant” means each partner, officer, director, and each shareholder owning or controlling more than ten percent of such entity.
- 2. Director.** The Director of Public Works.
- 3. Permit.** The term “permit” refers generically to both Annual Valet Parking Permits issued pursuant to SBMC 10.49.050.A and Temporary Valet Parking Permits issued pursuant to SBMC section 10.49.050.B. A permit shall not create or confer any property right or interest and may be suspended, modified, or revoked without prior hearing or notice at any time, provided that reasonable notice shall be provided pursuant to SBMC 10.49.080.
- 4. Permittee.** A valet parking operator who has been issued an Annual Valet Parking Permit or a Temporary Valet Parking Permit pursuant to SBMC 10.49.050.
- 5. Sponsor.** A business owner or business owner’s representative, or a property owner or property owner’s representative, or a resident requesting valet parking services adjacent to their business or property.
- 6. Valet zone.** The portion of the public right-of-way utilized for valet parking operations, as approved by the Public Works Director, and designated by approved signs and/or markings.
- 7. ADA.** The Americans with Disabilities Act as it is applied to Valet Operations in order to ensure full access to services by all citizens.



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SECTION 2 ROLES AND RESPONSIBILITIES

1. Public Works Department.

- a. **Downtown Parking Group.** The Downtown Parking Group is responsible for issuing permits, maintaining permit data, collecting fees, assessing penalties, monitoring permitted valet operations, ensuring ADA compliance, and overall management of the valet program throughout the City.
- b. **Traffic Engineer.** The Traffic Engineer shall create a map of streets that are not suitable for valet parking operations, based on his or her considerations for traffic flow and safety.

2. **Public Works Director.** The Public Works Director is responsible for preparing and implementing SBMC 10.49 and these Rules and Regulations, including determinations on questions of compliance with SBMC 10.49, permit suspensions, and revocations.

3. **Police Department.** The Police Department is responsible for enforcing posted parking restrictions in designated valet zones, enforcing posted speed limits and driver actions, and enforcing all other traffic and parking laws and regulations.

4. **City Attorney's Office.** The City Attorney's Office is responsible for providing legal advice with respect to SBMC 10.49 and these rules and regulations.

5. **Risk Management.** The City's Risk Manager is responsible for approving any required insurance documents, including those provided by the Valet Operators that indemnify the City.

6. **Permit Applicants.** Permit applicants are responsible for providing all information required by the Santa Barbara Municipal Code, the ADA, these Rules and Regulations, and state or federal law.

7. **Permittees.** Permittees are responsible for conducting safe and lawful valet parking operations, and adhering to all terms and conditions of permit issuance, all requirements of the Santa Barbara Municipal Code, the ADA, these Rules and Regulations, and state or federal law.

8. **Sponsors.** Sponsors are responsible for ensuring that any valet operator with whom they contract has been issued a valid Valet Parking Permit. Sponsors must give written consent for valet operations at their business or property.



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SECTION 3 PERMIT REQUIRED

SBMC 10.49.040 states that no person shall engage in, conduct, or carry on the business of valet parking where drop-off, pick-up, or storage of vehicles is on or over any public right-of-way or City property without a City-issued valet parking permit. This includes valet parking operations for which any portion of the operation is located or conducted in the public right-of-way or on City property, including but not limited to placement of valet stands, vehicle queuing, signage, cones, delineators, umbrellas, and traffic control.

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SECTION 4 PERMIT APPEARANCE AND DISPLAY

- 1. Permit appearance.** The Downtown Parking Program is authorized to establish the design, designation, style, color, and other similar characteristics for Annual and Temporary Valet Parking Permits.
- 2. Display of permits.** A copy of the valet operator's permits and approved route diagram shall be maintained at the valet stand and presented to City Staff immediately upon request. Failure to maintain permits and route diagrams at the valet stand and produce permits upon request is grounds for immediate termination of the valet parking operation and permit revocation.

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SECTION 5 ANNUAL VALET PARKING PERMITS

- 1. Permit Issuance.** SBMC 10.49.050.A authorizes annual permits for valet parking operations conducted in the public right-of-way. An Annual Valet Parking Permit may only be issued by the Downtown Parking Group. Each Annual Valet Parking Permit is specific to the permitted operator and the approved location for which it is issued.
- 2. Eligibility.** To be eligible for an Annual Valet Parking Permit, a valet operator must:
 - a. Possess a valid City Business License certificate and have paid all other applicable City taxes.
 - b. Possess a comprehensive insurance policy with coverage provisions and limits prescribed by the City's Risk Manager, executed by an approved insurance company. All persons who carry out permitted activities must be insured against claims, loss, and liability for damage to property, injury, and death.
 - c. Possess a valid Coastal Development Permit for valet operations in the Coastal Zone, if required.
- 3. Duration.** Annual Valet Parking Permits shall be valid for a period of one year from the date of issuance.
- 4. Approved Location.** An Annual Valet Parking Permit shall be approved for operations at the specific location designated on the applicant's permit application. Valet Operators will clearly identify the location of the drop-off and pick-up of vehicles, and proximity to the sponsor. The permit shall specify the location of the operation.
 - a. All drop-off and pick-up, and storage locations shall be reviewed for public safety concerns. Drop-off and pick-up locations must not obstruct traffic, create a public safety hazard, or require vehicle queuing in traffic lanes. Multiple drop-off and pick-up locations may be necessary.
 - b. Accessibility.
 - i. For valet parking operations that serve structures constructed after the date on which SBMC 10.49 was adopted by City Council, drop-off and pick-up locations must be compliant with all requirements of the ADA, including necessary loading and unloading zones, curb cuts, and ramps.
 - ii. For valet parking operations that serve structures constructed prior to the date on which SBMC 10.49 was adopted by City Council, drop-off and pick-up locations must be located as close as possible to existing disability ramps or driveway aprons.
- 5. Application Process.** To obtain an Annual Valet Parking Permit, a valet operator must:
 - a. Be eligible for an Annual Valet Parking Permit under SBMC 10.49 and these Rules and Regulations.



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- b. Provide complete and correct information on the Application for an Annual Valet Parking Permit, including all required supporting documentation. Applications must be submitted at least thirty (30) calendar days prior to the requested date of permit issuance.
 - c. Provide the name and phone number of a contact person for the valet operator who will be reachable at all times during the valet operation.
 - d. Provide a letter signed by a sponsor demonstrating a need for on-street valet parking services. The letter must specifically name the applicant as the proposed valet service provider. If the valet service is proposed adjacent to a business or property other than the sponsor's business or property, a letter of concurrence from the adjacent business or property representative is required.
 - e. Provide proof of insurance to work within the public right-of-way, acceptable to the City's Risk Manager.
 - f. Provide a copy of the valet operator's current City of Santa Barbara Business License.
 - g. Describe the proposed valet service location, amount of requested curb space, and proposed operating hours.
 - h. Provide a diagram of the proposed layout of the valet parking operation, including the location of the valet stand, any signs, podium, umbrella, or other features.
 - i. Provide the proposed storage location(s) for vehicles. A letter from the proposed storage location's property owner or owner's representative is required.
 - j. Provide a planned route diagram that shows the path of travel for vehicles and valet personnel between the valet stand and vehicle storage location.
 - k. Provide a copy of an approved Coastal Development Permit, if required.
 - l. Demonstrate compliance with the ADA, as necessary per Section 5.4.b of these Rules and Regulations.
 - m. Pay all fees due, as established by a resolution of the City Council, upon issuance of any permit.
- 6. Application Review and Permit Issuance.** Upon receipt of a complete application for an Annual Valet Parking Permit, and prior to issuing any such permit, the City shall:
- a. Review the application and all supporting materials for completeness, correctness, and compliance with SBMC 10.49 and these Rules and Regulations.
 - b. Review the proposed operation for compliance with the ADA as necessary per Section 5.4.b of these Rules and Regulations.
 - c. Conduct a visit to the proposed valet location, as needed, to verify traffic safety conditions and operational details.
 - d. Issue or deny the permit within 30 calendar days.
 - e. Execute an agreement with the permittee that specifies the terms and conditions of permit issuance.
- 7. Permit Renewal.** To renew an Annual Valet Parking Permit, a permittee must:



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- a. Submit a complete permit application package, as described in (5) above, noting any changes to the proposed operation.
 - b. Demonstrate that they continue to meet all the requirements of SBMC 10.49, the ADA, and these Rules and Regulations.
 - c. Pay all fees due.
- 8. Non-Transferrable.** Annual Valet Parking Permits are only valid for use by the permitted valet operator, for the permitted sponsor, and at the permitted location. Permits are not transferrable. Any change to the valet operator, sponsor, or valet service location shall render the permit void.
- 9. Grounds for Refusal to Issue or Revocation of an Annual Valet Parking Permit.** Any of the following are grounds for refusal to issue or revocation of an Annual Valet Parking Permit:
- a. Incomplete application. The applicant fails to provide complete and correct information as required by the City.
 - b. Ineligible. The applicant does not have a valid City of Santa Barbara Business License, or has failed to pay all City taxes, or does not possess an insurance policy satisfactory to the City's Risk Manager.
 - c. Sponsor consent. The applicant does not have consent of the owner of the business or property adjacent to which the valet parking service operation is proposed.
 - d. Storage location consent. The applicant does not have consent of the property owner or representative of the proposed vehicle storage location.
 - e. Safety and Circulation. The proposed valet parking location, vehicle storage location, valet operation configuration, or paths of travel would create or exacerbate an unsafe traffic condition or would impede the movement of vehicles, cyclists, or pedestrians.
 - f. ADA Compliance. The applicant cannot demonstrate that the proposed valet operation would comply with the ADA, as necessary per Section 5.4.b of these Rules and Regulations
 - g. Failure to comply with all laws, rules, and regulations. The permittee fails to comply with any City law, rule, or regulation pertaining to valet parking or traffic safety, including, but not limited to, the permit terms and conditions and the Operational Rules specified in these Rules and Regulations.
 - h. Failure to maintain access for the general public to self-park at existing ADA parking spaces within the Public Right of Way and/or on private property.



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SECTION 6 TEMPORARY VALET PARKING PERMITS

- 1. Permit Issuance.** SBMC 10.49.050.B authorizes temporary permits for valet parking operations conducted in or over the public right-of-way. A Temporary Valet Parking Permit may only be issued by the Downtown Parking Group. Each Temporary Valet Parking Permit is specific to the permitted operator, approved location, and dates for which it is issued.
- 2. Eligibility.** To be eligible for a Temporary Valet Parking Permit, a valet operator must:
 - a. Possess a valid City Business License certificate and have paid all other applicable City taxes.
 - b. Possess a comprehensive insurance policy with coverage provisions and limits prescribed by the City's Risk Manager, executed by an approved insurance company. All persons who carry out permitted activities must be insured against claims, loss, and liability for damage to property, injury, and death.
- 3. Duration.** Temporary Valet Parking Permits shall be valid for a period of operation not to exceed seven (7) calendar days.
- 4. Approved Location.** A Temporary Valet Parking Permit shall be approved for operations at the specific location designated on the applicant's permit application. Valet Operators will clearly identify the location of the drop-off and pick-up of vehicles, and proximity to the sponsor. The permit shall specify the location of the operation.
 - a. All drop-off and pick-up, and storage locations shall be reviewed for public safety concerns. Drop-off and pick-up locations must not obstruct traffic, create a public safety hazard, or require vehicle queuing in traffic lanes. Multiple drop-off and pick-up locations may be necessary.
 - b. Accessibility.
 - i. For valet parking operations that serve structures constructed after the date on which SBMC 10.49 was adopted by City Council, drop-off and pick-up locations must be compliant with all requirements of the Americans with Disabilities Act, including necessary loading and unloading zones, curb cuts, and ramps.
 - ii. For valet parking operations that serve structures constructed prior to the date on which SBMC 10.49 was adopted by City Council, drop-off and pick-up locations must be located as close as possible to existing disability ramps or driveway aprons.
- 5. Application Process.** To obtain a Temporary Valet Parking Permit, a valet operator must:
 - a. Be eligible for a Temporary Valet Parking Permit under SBMC 10.49 and these Rules and Regulations.



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- b. Provide complete and correct information on the Application for a Temporary Valet Parking Permit, including all required supporting documentation. Applications must be submitted at least seven (7) calendar days prior to the requested date of permit issuance.
 - c. Provide the name and phone number of a contact person for the valet operator who will be reachable at all times during the valet operation.
 - d. Provide a letter signed by a sponsor demonstrating a need for on-street valet parking services. The letter must specifically name the applicant as the proposed valet service provider. If the valet service is proposed adjacent to a business or property other than the sponsor's business or property, a letter of concurrence from the adjacent business or property representative is required.
 - e. Provide proof of insurance to work within the public right-of-way, acceptable to the City's Risk Manager.
 - f. Provide a copy of the valet operator's current City of Santa Barbara Business License.
 - g. Describe the proposed valet service location, proposed dates of operation, amount of requested curb space, and proposed operating hours.
 - h. Provide a diagram of the proposed layout of the valet parking operation, including the location of the valet stand, any signs, podium, umbrella, or other features.
 - i. Provide the proposed storage location(s) for vehicles. A letter from the proposed storage location's property owner or owner's representative is required.
 - j. Provide a planned route diagram that shows the path of travel for vehicles and valet personnel between the valet stand and vehicle storage location.
 - k. Provide a copy of the notice that was issued to nearby residents per Section 6.6, along with the date and manner in which notice was given and a list of recipients.
 - l. Demonstrate compliance with the Americans with Disabilities Act.
 - m. Pay all fees due, as established by a resolution of the City Council.
- 6. Outreach.** For proposed valet operations in residential areas, valet operators are responsible for contacting residents of all properties adjacent to which parking will be utilized. Notice must include the date(s), times, and location of the proposed valet operation, approximate number of vehicles to be parked, the name and phone number of a contact person for the valet operator who will be reachable at all times during the operation, the phone number for Downtown Parking, and the phone number for non-emergency police dispatch.
- 7. Application Review and Permit Issuance.** Upon receipt of a complete application for a Temporary Valet Parking Permit, and prior to issuing any such permit, the City shall:
- a. Review the application and all supporting materials for completeness, correctness, and compliance with SBMC 10.49 and these Rules and Regulations.
 - b. Review the proposed operation for compliance with the Americans with Disabilities Act, as necessary per Section 6.4.b of these Rules and Regulations.



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- c. Conduct a visit to the proposed valet location, as needed, to verify traffic safety conditions and operational details.
- d. Issue or deny the permit within 7 calendar days.
- e. Execute an agreement with the permittee that specifies the terms and conditions of permit issuance.

7. Grounds for Refusal to Issue or Revocation of a Temporary Valet Parking Permit. Any of the following are grounds for refusal to issue or revocation a Temporary Valet Parking Permit:

- a. Incomplete application. The applicant fails to provide complete and correct information as required by the City.
- b. Ineligible. The applicant does not have a valid City of Santa Barbara Business License, or has failed to pay all City taxes, or does not possess an insurance policy satisfactory to the City's Risk Manager.
- c. Sponsor consent. The applicant does not have consent of the owner of the business or property adjacent to which the valet parking service operation is proposed.
- d. Storage location consent. The applicant does not have consent of the property owner or representative of the proposed vehicle storage location.
- e. Safety and Circulation. The proposed valet parking location, vehicle storage location, valet operation configuration, or paths of travel would create or exacerbate an unsafe traffic condition or would impede the movement of vehicles, cyclists, or pedestrians.
- f. ADA Compliance. The applicant cannot demonstrate that the proposed valet operation would comply with the Americans with Disabilities Act, as necessary per Section 6.4.b of these Rules and Regulations.
- g. Failure to comply with all laws, rules, and regulations. The permittee fails to comply with any City law, rule, or regulation pertaining to valet parking or traffic safety, including, but not limited to, the permit terms and conditions and the Operational Rules specified in these Rules and Regulations.
- h. Failure to maintain access for the general public to self-park at existing ADA parking spaces within the Public Right of Way and/or on private property.



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SECTION 7 FEES

- 1. Permit and operational fees.** The following fees, as established by a resolution of City Council, will be paid by the Valet Operator upon issuance of a Valet Parking Permit:
 - a. **Temporary Valet Parking Permit Fee.** Permit fee to cover the cost of permit issuance and staffing necessary to monitor valet parking operations.
 - b. **Annual Valet Parking and Setup Permit Fee.** Annual fee to cover the cost of permit issuance and staffing necessary to monitor valet parking operations at various ongoing locations. An additional fee will be collected to cover the cost of any curb painting and signage required to establish the Valet drop-off and pick-up zone in the Public right-of-way.
 - c. **Special Valet Permit Fee.** A fee for a one-time only use of the public right-of-way or public parking lot(s) for drop-off, pick-up and storage of valet parked vehicles.
- 2. Penalty fees.** The Downtown Parking Group may, at their discretion, assess penalty fees, as established by a resolution of City Council, for violations of these Rules and Regulations and the terms and conditions of a valet permit, for failure to comply with the ADA, or for operating without a permit. Fees shall increase with subsequent violations. When penalty fees are assessed to a valet operator, the Valet Parking Permit shall be suspended until all fees are paid in full.
- 3. Non-Refundable.** Valet permit fees paid upon permit issuance are non-refundable and will not be prorated. If a valet permit is canceled, suspended, or revoked prior to the permit's expiration, no portion of the permit fee will be refunded to the applicant.



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SECTION 8 OPERATIONAL RULES FOR VALET SERVICES

The following rules and regulations apply to valet parking operations permitted under SBMC 10.49.050. Violation of any of these rules is grounds for immediate revocation of valet parking permits and possible citation. Where a valet operator runs more than one permitted valet parking operation, violation of any of these rules is grounds for immediate suspension or revocation of all active valet parking permits issued to that operator.

1. Queuing of vehicles in the travel lanes is prohibited at all times. No vehicle may stop or stand at a drop-off or loading area for longer than 15 minutes.
2. Valet operators must have a dedicated staff person on-site at all times to provide for traffic control and prevent vehicle queuing.
3. Valet operators shall park valet vehicles in the approved parking location as submitted with their valet permit application. Valet operators shall not park, stop, or store vehicles in the public right-of-way or other on-street parking locations, except for the designated and approved valet stand location and other locations as specifically authorized in the valet permit.
4. Valet operators shall not park vehicles in any space designated for accessible parking, nor shall operators adversely affect or limit the public's use of accessible parking spaces in any way. This rule applies to any designated accessible parking space, whether located on private property, public property, or in the right-of-way.
5. Valet operators and/or sponsors shall not, under any circumstances, restrict or limit use of the right-of-way for public parking. This includes, but is not limited to, blocking off or otherwise reserving on-street parking spaces, posting deceptive or misleading signage intended to deter use of public parking spaces, staging vehicles in the travel lanes so as to prevent other vehicles from entering curbside spaces, or parking personal vehicles to reserve spaces.
6. All operators shall be responsible for providing adequate automobile storage to accommodate all valet parked vehicles, without using streets or other public property, unless otherwise authorized by the valet permit.
7. Valet parked vehicles must not block fire hydrants, driveways, or intersections, and must leave at least twenty (20) feet of space in the adjacent travel lane.



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8. All operators shall post valet parking signs at the approved valet drop-off location. All valet parking signs shall reflect the hours of operation listed on the valet permit and rates charged.
9. The operator shall, upon the receipt of each motor vehicle accepted for valet parking, give a claim check to the owner. The claim check shall explicitly state the terms and conditions under which the vehicle is being accepted.
10. A copy of the valet operator's permits and route diagram must be maintained at every valet parking operation site. Permits and route diagrams shall be made available to the City staff upon request.
11. Valet parking stands located in the public right-of-way shall be placed within the approved locations and in a manner that minimizes interference with the flow of pedestrian traffic on the sidewalk as approved by the Traffic Engineer.
12. Valet umbrellas located within the public right-of-way shall maintain a minimum height clearance of seven feet.
13. No signs, cones, delineators, or other items may be placed in the public right-of-way unless approved as part of the permit.
14. Non-valet users may use the valet zone to actively load or unload passengers. Valet operators shall not discourage legal passenger loading or unloading.
15. A Coastal Development Permit may be required within the Coastal Zone.
16. Any use, occupation, or obstruction of the public right-of-way permitted under 10.49.050 may be temporarily suspended, without prior notice or hearing, when the Director of Public Works or her designee, the Police Chief, or the Fire Chief determines that any such use, occupation or obstruction may interfere with public safety efforts or programs, street improvement activities, events approved by the city to take place in the right-of-way, construction activities, cleaning efforts or other similar activities, or with the health, welfare or safety of the public.
17. The Director may, at his or her sole discretion, place additional conditions upon the issuance of the permit in order to insure the protection of the public rights-of-way and the rights of all adjoining property owners and the health, safety and welfare of the public.



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18. Permits for the use of the public right-of-way shall be considered temporary and nonpermanent in nature, and permittee shall have neither property interest in nor any entitlement to the granting or continuation of any such permit.
19. Permits for the use of the public right-of-way may be terminated by the city, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of, the permit or the permitted use.
20. Permits and activity pursuant to permits shall conform to all other applicable city and other governmental requirements.
21. Valet operators must obey all federal, state, and local laws and regulations, including all traffic and parking laws. Valets must drive vehicles in a safe and legal manner, adhering to speed limits, lanes of travel, direction of travel, traffic control devices, and legal turning maneuvers. Vehicles must be legally parked and may not occupy any red, yellow, white, green or blue curb zones. Double parking is prohibited.
22. Valet zones shall comply with the Americans with Disabilities Act, as required by sections 5.4.a and 6.4.a of these Rules and Regulations.
23. Only one valet zone per block face shall be allowed unless the applicant demonstrates support for a second zone from adjacent businesses and/or property owners.
24. Letters of support from adjacent businesses or property owners may be required.



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SECTION 9 SUSPENSION OF OPERATIONS

The Director of Public Works, the Police Chief, the Fire Chief, or any of their designees may suspend, at any time and without prior notice or hearing, a valet operation permitted under 10.49.050 if they determine that:

1. The use, occupation, or obstruction of the public right-of-way may interfere with public safety efforts or programs, street improvement activities, events approved by the city to take place in the right-of-way, construction activities, cleaning efforts or other similar activities, or with the health, welfare or safety of the public.
2. The valet operation poses an immediate or serious threat to public safety.
3. The valet operations violate the ADA



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SECTION 10 SUSPENSION, MODIFICATION, AND REVOCATION OF PERMIT

- 1. Immediate Suspension.** If a permittee fails to maintain the insurance required under SBMC 10.49.060, or operates in a manner that poses an immediate and serious threat to the public health, safety, and welfare, the Public Works Director may issue a Notice of Immediate Suspension, not to exceed thirty (30) days, pursuant to the procedures set forth in SBMC 10.49.080.D.
- 2. Procedure.**
 - a. Annual and Temporary Valet Parking Permits shall be considered temporary and nonpermanent in nature, and permittee shall have neither property interest in nor any entitlement to the granting or continuation of any such permit.
 - b. Annual and Temporary Valet Parking Permits may be terminated by the city, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of, the permit or the permitted use.
 - c. The Public Works Director is authorized to suspend, modify, or revoke an Annual or Temporary Valet Parking Permit with or without cause. If the Public Works Director determines that a permittee's use of the right-of-way violates any provision of Chapter 10.49, these Rules and Regulations, the ADA, or any other state, federal, or City law or regulation, or is negatively impacting street operations, the Public Works Director shall revoke, modify, or suspend the permit pursuant to the procedures set forth in SBMC 10.49.080.
 - d. If a penalty fee is assessed to a permittee for violation of these Rules and Regulations or the terms and conditions of the valet permit, the permit shall be considered suspended immediately upon assessment of the fee, and shall remain suspended until all fees are paid in full.
 - e. Any violation of SBMC 10.49, these Rules and Regulations, permit conditions, or any other applicable law or regulation shall be considered grounds for suspension or revocation of all active valet permits issued to a valet operator.
- 3. Effectiveness and Finality.** An action suspending, modifying, or revoking a permit is effective on the eleventh day following the date of the Notice to Revoke, Modify, or Suspend, provided no request for reconsideration is received from the permittee. A Notice of Immediate Suspension is effective on the date of the Notice.
- 4. Reconsideration and Appeals.** The process for requesting reconsideration or appeal of a Notice of Immediate Suspension or Notice of Intent to Revoke, Modify, or Suspend is set forth in SBMC 10.49.080.