

**ORDINANCE NO. 14-7**

**AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 10 (TRAFFIC AND VEHICLES), CHAPTER 10.30 (STOPPING, STANDING, AND PARKING) ADDING NEW SECTION 10.30.305 (VALET PARKING PASSENGER LOADING/UNLOADING ZONES) AND OTHER RELATED UPDATES**

**WHEREAS**, valet parking may facilitate vehicular access and parking at full-service eating establishments and other businesses in the City of Concord; and

**WHEREAS**, valet parking, if implemented in an efficient and safe manner, may enhance community and economic development in the City; and

**WHEREAS**, the City of Concord should continue to proactively promote business development to help private businesses in Concord prosper and succeed; and

**WHEREAS**, the Concord Municipal Code should be amended to include a new section on valet parking passenger loading/unloading zones to provide the necessary tools to review and approve proposals submitted by sponsor businesses to operate valet parking services.

**THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:**

**Section 1.** Concord Municipal Code Section 10.30.305 (Valet parking passenger loading/unloading zone) is hereby added to read as follows:

**10.30.305 Valet parking passenger loading/unloading zones.**

(a) The Director of the responsible City Department or his/her designee is hereby authorized to establish and designate on-street spaces in front of business establishments as valet parking passenger loading/unloading zones. The Director of the responsible City Department or his/her designee shall review requests by sponsor businesses for permission to operate valet parking service to customers. If permission is granted, any pre-existing parking prohibition or restriction at the location proposed for a valet parking passenger loading/unloading zone shall remain in effect unless otherwise determined by the Director of the responsible City Department or his/her designee, with the exception that the approved valet parking passenger loading/unloading zone shall supersede any pre-existing parking prohibition(s) or restriction(s)

1 or non-restricted parking during the hours and days of the week valet parking is in effect as  
2 indicated by appropriate signage.

3 (b) The Director of the responsible City Department or his/her designee shall consider several  
4 factors when reviewing requests by sponsor businesses for permission to operate valet parking  
5 service to customers, including, but not limited to:  
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7 1) The availability and proximity of a designated off-street storage location,  
8 such as a parking structure or surface lot, which has a surplus of parking spaces  
9 sufficient to accommodate the anticipated number of valet-parked automobiles  
10 from the business seeking permission to operate valet parking service.

11 2) Potential impacts to the surrounding businesses within one block of the  
12 proposed valet parking passenger loading/unloading zone, including feedback  
13 from said businesses in response to a pre-notice that shall be conducted by the  
14 Director of the responsible City Department or his/her designee.

15 3) A proposed circulation map indicating the route(s) to be used between the  
16 vehicle drop-off point, the parking storage location, and the return trip to the  
17 pickup point.

18 4) Potential impacts to traffic flow and safety on the street and pedestrian and  
19 bicycle circulation.

20 5) Potential impacts to peak period commute traffic flow and safety.

21 6) Qualifications of the valet company that will provide services to the sponsor  
22 business and all valet attendants employed by the valet company or by the  
23 sponsor business.

24 7) The valet company shall have and maintain a valid business license.

25 8) Property owner's written approval of the request for permission to operate  
26 valet parking service in front of his/her property.

27 9) No conflict with an existing reciprocal parking agreement.  
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1 (c) The following items must be submitted to the Director of the responsible City Department  
2 or his/her designee when requesting consideration for valet parking:

3 1) A signed statement by the sponsor business that indicates that there is a  
4 need for valet parking services and that there is no conflict with an existing  
5 reciprocal parking agreement.

6 2) The name of the valet company, a copy of a valid business license, and a  
7 copy of a valid California driver's license for all valet attendants employed by  
8 the valet company or by the sponsor business.

9 3) Certificate of insurance and additional insured endorsement from the valet  
10 operator or the sponsor business (if directly providing the valet parking  
11 services) listing the City of Concord as additional insured on the required  
12 general liability and automobile liability insurance policy described in Section  
13 e(13) below.

14 4) Proposed location for the valet parking passenger loading/unloading zone,  
15 parking facility or storage area designated as the parking or storage location,  
16 and a circulation map, as noted above, demonstrating the adequacy of the  
17 proposed vehicular circulation and off-site loading facilities.

18 5) Property owner's approval of the valet parking request.

19 (d) If approved by the Director of the responsible City Department or his/her designee, the  
20 sponsor business shall obtain an encroachment permit from the City of Concord to operate  
21 valet parking at the current filing fee. The Director of the responsible City Department or  
22 his/her designee shall authorize the installation and proper placement of appropriate new signs  
23 (listing the name of the sponsor business) and markings to establish the valet parking  
24 passenger loading/unloading zone. The sponsor business shall pay for the acquisition and  
25 installation costs of said new signs and markings, as determined by the Director of the  
26 responsible City Department or his/her designee. All valet parking signs shall reflect the days  
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1 and hours of operation as approved by the Director of the responsible City Department or  
2 his/her designee.

3 (e) All sponsor businesses shall conform to the following requirements when operating a valet  
4 parking passenger loading/unloading zone:  
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6 1) No double parking shall be allowed at the valet parking passenger  
7 loading/unloading zone.

8 2) No vehicle queuing shall be allowed in the public right-of-way at any time.  
9 No vehicle may stop or stand at the loading/unloading area for longer than the  
10 time necessary therefor, up to a maximum of five (5) minutes.

11 3) The valet parking services shall not impede on- or off-site traffic, pedestrian  
12 and bicycle circulation.

13 4) The valet parking services shall not impact peak period commute traffic  
14 flow and safety.

15 5) Valet operators shall only park vehicles in the approved parking facility as  
16 submitted with their valet request.

17 6) All valet parking operators shall adhere to the posted valet parking signs  
18 reflecting the days and hours of operation as approved.

19 7) The operator shall, upon receipt of each motor vehicle accepted for valet  
20 parking, give a claim check to the owner. The claim check shall explicitly state  
21 the terms and conditions under which the vehicle is being accepted.

22 8) Valet parking passenger loading/unloading zones located in the public right-  
23 of-way shall be operated within the approved (marked) locations and in a  
24 manner that minimizes interference with the flow of pedestrian traffic on the  
25 sidewalk.  
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1 9) No signs, cones, delineators, or other items may be placed in the public  
2 right-of-way without receiving prior approval from the Director of the  
3 responsible City Department or his/her designee.

4 10) No parking of overflow vehicles shall be permitted in residential areas.

5 11) The sponsor business is ultimately responsible for ensuring that the valet  
6 parking operator, or any employee of the business providing the valet parking  
7 services, complies with all the requirements listed above for the valet parking  
8 operation.

9 12) The valet parking operator shall maintain a valid business license.

10 13) Prior to the issuance of an encroachment permit allowing the establishment  
11 of any valet parking, the sponsoring business and/or the valet parking provider  
12 shall obtain the following insurance, and meet the following conditions:

13 a. Commercial general liability coverage with limits of no less than one  
14 million dollars (\$1,000,000) combined per occurrence / aggregate limit  
15 for bodily injury, personal injury, and property damage.

16 b. Automobile liability insurance covering all vehicles driven by the  
17 valet parking operator and its employees/agents providing a one million  
18 dollar (\$1,000,000) combined limit per occurrence/aggregate for bodily  
19 injury, personal injury, and property damage.

20 c. The City of Concord, its officers, agents, employees, and volunteers  
21 are to be covered as an additional insured as respects the insurance  
22 policies described above. The coverage shall contain no special  
23 limitations on the scope or protection afforded to the City, its officers,  
24 officials, employees, or volunteers. The policies described in this  
25 Section 13 shall provide for notice of cancellation to the City of  
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1 Concord. Said policies shall be primary insurance with respect to the  
2 City of Concord, its officers, officials, employees, and volunteers.

3 d. The sponsoring business and/or the business providing valet parking  
4 services shall furnish the City of Concord with certificates of insurance  
5 and the original endorsements effecting coverage required by this  
6 Section 13. Such policies and certificates shall be in a form approved by  
7 the City Attorney.  
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9 (f) The Director of the responsible City Department or his/her designee is hereby authorized to  
10 modify or eliminate the valet parking passenger loading/unloading zone previously granted to  
11 a sponsor business and shall cause signs and markings to be modified or removed promptly  
12 thereafter, if any of the following conditions occur:

- 13 1) Double parking activity occurs on a repeated basis, impacting the traffic  
14 flow and/or vehicular/pedestrian safety.
- 15 2) The valet parking is in conflict with newly adopted policies or programs in  
16 the City of Concord.
- 17 3) The operation of the valet parking passenger loading/unloading zone is  
18 deemed detrimental to the safety or general welfare of the City or the public.
- 19 4) The valet parking service is no longer needed by the sponsor business due  
20 to the closure or relocation of the business or any other changed circumstances.
- 21 5) One or more of the requirements listed above for operating the valet parking  
22 passenger loading/unloading zone is violated or can no longer be met by the  
23 sponsor business.  
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25 (g) Any person aggrieved by the decision of the Director of the responsible City Department  
26 or his/her designee with reference to the failure to approve a valet parking passenger  
27 loading/unloading zone, or a modification or elimination of a valet parking passenger  
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1 loading/unloading zone shall have the right of appeal to the City Manager. Such appeal shall  
2 be in writing on a form prescribed by the City Manager and shall be filed with the City  
3 Manager's Office within ten (10) calendar days of the action being appealed. The City  
4 Manager shall issue a written decision on the appeal within ten (10) calendar days after receipt  
5 of the appeal. The decision of the City Manager shall be final and binding.

6 **Section 2.** All references to Director of Public Works within Chapter 10.30 (Stopping,  
7 Standing, and Parking) of the Concord Municipal Code are hereby changed to read *Director of the*  
8 *responsible City Department or his/her designee*, and all authority vested to Director of Public Works  
9 within this Chapter is hereby transferred to Director of the responsible City Department or his/her  
10 designee.

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12 **Section 3.** This Ordinance No. 14-7 shall become effective thirty (30) days following its  
13 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire  
14 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City  
15 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,  
16 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's  
17 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and  
18 once within fifteen (15) days after its passage and adoption, including the vote of the  
19 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of  
20 Concord.

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24 Timothy S. Grayson  
25 Mayor

26 ATTEST:

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28 Mary Rae Lehman, CMC  
City Clerk

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Ordinance No. 14-7 was duly and regularly introduced at a regular meeting of the City Council of the City of Concord held on July 8, 2014, and was thereafter duly and regularly passed and adopted at a regular meeting of the City Council of the City of Concord on July 22, 2014, by the following vote:

- AYES:** Councilmembers -
- NOES:** Councilmembers -
- ABSTAIN:** Councilmembers -
- ABSENT:** Councilmembers -

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

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Mary Rae Lehman, CMC  
City Clerk