



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: December 15, 2009

To: Honorable Mayor & City Council

From: Chad Lynn, Director of Parking Operations
Shawn McCormick, Parking Services Manager/Enforcement

Subject: Proposed Valet Parking Permit Program

Attachments:

1. Valet Parking Program Handbook
2. Proposed Administrative Violation Fees/Points

INTRODUCTION

Staff is requesting the City Council review the Valet Services Program outlined herein and direct staff to schedule the necessary public hearings to adopt new ordinances and a schedule of fees related to this program.

The City of Beverly Hills regulates, through the issuance of permits pursuant to Title 4 of the Beverly Hills Municipal Code (BHMC), valet parking services operating within the public right-of-way. Permits do not include automobile dealerships, transporting customer vehicles between facilities or other operations, which remain completely on private property and off of the public right-of-way.

The purpose of such regulation is to ensure safe and proper use of the public right-of-way, mitigate potential impacts to residents' quality of life, and protect the public interest for those using these services. The regulations also provide protections for the business contracting for service, the customer using the service, and the drivers and pedestrians in the surrounding area.

At the direction of the Traffic & Parking Commission (TPC), staff has been working to update and enhance the City's Valet Parking Permit Program (Program). The TPC established an ad-hoc Valet Parking Committee (Committee) made up of Commissioners Goldman, Gold (emeritus), and Levine to review, refine and recommend Program improvements. The Committee reviewed the City's current programs, identified areas of improvements, researched both neighboring and similar City programs and provided innovative solutions to achieve the objectives of the Program.

The Committee received guidance from the Council Liaisons on June 10, 2009, to pursue these improvements and has had two meetings before the entire TPC on July 9

Meeting Date: December 15, 2009

and August 6, 2009. The TPC directed staff to complete the outline of the program for presentation before the full City Council for further direction.

Additionally staff has met with both operators and local businesses to review and respond to questions comments and concerns. The proposed Program incorporates the concerns of these parties that were brought forward as part of the public meeting process conducted prior to presentation to the City Council.

DISCUSSION

The City currently has a valet permit program which operates as follows:

1. An operator obtains a permit on behalf of a local business to operate valet parking in the public right-of-way
2. The City requires the valet operator demonstrate or obtain the following:
 - a. Proper insurance
 - b. Driver permits or pending background checks with BHPD
 - c. A designated route to mitigate impact to residents and neighboring businesses
 - d. Payment of fees for all services and impacts to the City, including, but not limited to, signs, meter usage, and staff time
3. The City reviews this information and creates standard and customized conditions of the permit based on material provided by the applicant and field observations made by staff
4. Parking Control Officers (PCOs) of the Public Works & Transportation Department enforce these permits and have the discretion to issue warnings and infraction/misdemeanor violations, which are written as a Notice to Appear to individual valet parking attendants.
 - a. The City prosecutor represents the City in a criminal court proceeding for violations of the permit
 - b. Private counsel or a public defender represents the person cited

During the deliberation process, the following areas of improvement were identified:

1. Permits are obtained solely by valet parking operators and not by the local business which have the following unintended consequences:
 - a. May create situations in which the operator becomes the mediator between the City and the business (operators client)
 - b. A business may unknowingly direct an operator to perform tasks or services in conflict with conditions/restrictions of the permit
 - c. Since local businesses are not part of the permit process, the business may not be informed about the performance and/or impacts created by their valet operation
2. Since violations are issued to an individual, it is difficult to determine if the root cause of ongoing violations are associated with the individual attendant, an operator, a particular location, or the business
3. PCOs are only able to issue warnings or Notices to Appear for violations, regardless of severity

Meeting Date: December 15, 2009

- a. The lack of a progressive or tiered enforcement system limits the choices of the officer and the effectiveness of enforcement
 - b. Issuing Notices to Appear are costly to the City to prosecute, potentially costly to the social service system to provide a defense, and can unnecessarily burden the court system
 - c. Convictions will create a criminal record, even for minor offenses, such as failure to display or have possession of an ID
 - d. The criminal nature of the enforcement process may cause PCOs and/or judges to be more lenient on the violation in recognition that the punishment may be severe for the cited violation
4. Customers may not be able to identify valid valet parking operations or parking attendants
 - a. There are no identifying marks at the valet drop-off area for customers to determine if a valet operation has a valid permit
 - b. There is no attendant ID that is displayed by the parking attendants for customers to determine if the parking attendant is properly permitted
 - i. Drivers are required to possess IDs, however they are not required to display them
 5. Valet operations located adjacent to one another may unnecessarily impact the amount of public parking taken out of service to provide for multiple operations
 - a. A jointly operated valet parking operation located at adjacent businesses requires less parking spaces to be taken out of service than two separate parking operations functioning in the same proximity
 - b. An objective process needs to be created to evaluate and determine if operations should be combined or remain separate
 6. Roles and criteria are unclear regarding over-the-counter vs. TPC approved permits
 7. Short-term valet permits, issued for one-time and/or short-term events or functions (usually residential), may be difficult and cumbersome to obtain on short notice, which is often the result of late notification by the business/resident to the operator

In response to the issues identified with the existing Program, the following are the major improvements proposed:

1. Require each permit to be jointly held by the operator and local business (or resident)
 - a. The valet operation exists to serve the need of the local business
 - b. The business will share in the responsibility of the operation and compliance with the City's conditions/restrictions
 - c. Joint permitting aides in ensuring the business is informed and updated on the performance of the operation
2. Utilization of the City's existing Administrative Citation process
 - a. Administrative process exists within the Beverly Hills Municipal Code – Title 1 Chapter 3
 - b. Provides an additional option for the enforcement process and allows for progressive enforcement

Meeting Date: December 15, 2009

- c. Reduces the burden on the City prosecutor, public defender, and the court system
 - d. Reinforces the role of the TPC in oversight of the permit and adjudication process
- 3. Point system for tracking violations
 - a. Each violation will be assigned a point value based on the severity of the violation
 - i. For each violation identified, points will be issued to the attendant, the operator and the business
 - b. Over time, patterns will identify habitual violators in all three categories
 - i. If multiple attendants are being issued single violations, but they are all part of the same operator, the operators point values will be abnormally high
 - ii. Conversely, a single business with multiple operators which are individually accruing a low number of points, might be an indication of a potential problem with the conditions of the location or the direction of the business
 - c. Tracking habitual violators will allow the City to take the appropriate action and progressively escalate enforcement at the attendant, operator or business level
- 4. City issued valet stickers to be displayed at the vehicle drop-off site
- 5. Require attendants to display IDs that are visible to the public
- 6. Establish over-the-counter vs. TPC required permits approval
 - a. The TPC will review permit applications when:
 - i. There is reasonable and significant opposition from neighboring businesses or residents
 - ii. Valet operations are neighboring one another and the business/operators choose not to establish a joint operation on their own
 - iii. Staff remits the application to the TPC for additional review
 - iv. A staff decision is appealed to the TPC
- 7. Short-term permit program will be revamped to include the following:
 - a. A fee structure to cover the cost of review and issuance of last minute permit requests
 - b. A bifurcated system will be created to accommodate circumstances surrounding the issuance of the permit
 - i. Minimal review/Self-certification for qualified operators through an automated process for simple and small events with minimal impact to the surrounding area
 - ii. Full staff review for qualified operators through an automated process for larger or more complex events with potential impact to the surrounding areas
 - iii. Full application and review for non-qualified operators for events of any size to ensure proper education and compliance

Meeting Date: December 15, 2009

1. Will require the operator to provide proof of compliance with City conditions/restrictions
 2. Will require approval of operating plans from Transportation and/or the Police Department
- iv. Enforcement of the automated process will include loss of inclusion on the list of qualified operators
 - v. Any operator may become "qualified" by paying the appropriate fees, completing the application process, and agreeing to the terms of the qualification process

FISCAL IMPACT

This is a cost neutral program, as any additional costs incurred through the administration of the program are passed along through fees and charges.

Potential revenue may be generated from the issuance of administrative violations; however, these revenues are not significant enough to influence the overall Program performance.

Potential savings exist related to the cost of prosecuting infraction and/or misdemeanor violations by using the administrative process; however such costs are expected to be offset by the potential costs of retaining an independent, third party hearing officer for the administrative review process. Cost savings related to this operation are not significant enough to influence the overall Program performance.

This Program primarily provides the overhauling of a current program to more effectively gain compliance and protect the public interest and resident quality of life.

RECOMMENDATION

Staff recommends the City Council direct staff to return with the final draft of the Program, including the necessary ordinance changes, proposed charges, fees and fines, and policies and procedures necessary for implementation of this Program.



David D. Gustavson
Approved By

Attachment 1
VALET PARKING PROGRAM HANDBOOK

This attachment is under development pending direction from the City Council. "Exhibit X" is a marker intended to represent forms that will be developed upon execution of the program. Areas marked "Additional Information" will require additional development upon direction to proceed by the City Council.

Introduction

PURPOSE

The City of Beverly Hills regulates, through the issuance of permits pursuant to Title 4 of the Beverly Hills Municipal Code (BHMC), the operation of valet parking operations which operate within the public right-of-way. Permits do not currently include automobile dealerships which may transport customer vehicles between facilities or other operations which remain completely on private property and out of the public right-of-way.

The purpose of these regulations are to:

- Ensure safe and proper use of the public right-of-way
- Mitigate potential impacts to residents' quality of life
- Protect the public interest for those using these services, including businesses, residents and visitors to the City of Beverly Hills.

Title 4 of the BHMC also provides the authority of this department to promulgate rules and regulations for the implementation and enforcement of the valet parking program (Program). Some sections of this handbook shall establish rules and regulations for the conduct and operations related to the providing of these services. Other sections shall serve as guidelines related to customer service and the process by which the system administering this program operates.

Under all circumstances, in an effort to meet the goals stated herein, it is reasonable that these things will be added, removed, changed and updated from time to time, and that the most up to date version of this document and its exhibits should be consulted when needed.

TYPES OF PERMITS

The City currently issues two different types of permits, there are:

- Commercial Valet Parking Permits
 - These are permits that are issued for regular and ongoing valet parking operations
 - Permits are issues for Six Month or One Year terms

- Short-Term Valet Parking Permits
 - These are permits that are issued for one-time or nonrecurring events such as a single special event at a local business or a function at a place of residence.
 - Business that have multiple events, even if it is not an ongoing service should obtain a Commercial Valet Parking Permit
 - When appropriate, these permits may be issued to allow a business to commence valet operations while the Commercial Valet Parking Permit is being reviewed.
 - Short-term permits may only be issued for up to forty-five (45) days

ROLES AND RESPONSIBILITIES

There are several different roles and responsibilities within the City for the operation and oversight of the Program. These include:

- The City Council
- Traffic and Parking Commission (TPC)
- City Manager (or Designee)
- Transportation Official
- Customer Service Division
- Parking Services Division

City Council

The citizens of Beverly Hills elect five (5) City Council members to serve four-year (4) terms. From within their membership, the Council then appoints a Mayor and Vice Mayor, with both positions rotating each year. Collectively, the City Council is responsible for establishing policies, adopting an annual budget, enacting local laws and providing vision and goals to the City Manager, including the BHMC, rules, regulations, and policies related to the Program. The City Council's specific roll related to the Program is as follows:

- May order review of staff decisions at any time
- Appeal to and final authority on acts, rulings, determinations of commissions, boards and officials, and for the denial, suspension, or revocation of permits or licenses

Traffic and Parking Commission (TPC)

This is a seven (7) member commission made up of individuals from the community that are appointed by the City Council. The TPC acts as an advisory agent to the City Council and carries out duties and functions as referred to it by the City Council. The commission's specific roll related to the Program is as follows:

- May order review of staff decisions at any time
- Under certain circumstances (Exhibit X) permits will need the approval of the TPC prior to issuance
- Appeals related to the denial, suspension or revocation of ID cards. The TPC is the final authority on these acts

These duties and authority include acting as decision makers related to the approval/denial of permits and the body which hears appeals, in many cases the final authority within the City, on matters related to this Program.

City Manager

The City Manager's Office oversees the development, coordination and implementation of municipal programs in accordance with City Council policies. It promotes efficient and cost-effective operations to meet the short and long term needs of the community.

This office manages the City Council meeting agenda, implementation of capital and major development projects, coordinates emergency preparedness, monitors federal and state legislative issues, provides liaison to community constituencies and consults on special projects.

Designee, often referred to the Transportation Officer, which is currently the Director of Public Works and Transportation...

Transportation Official

Currently the Director of Public Works & Transportation of his designee.

Customer Service Division

This is the division within the PW&T Department that processes the permits and other requests from the business or operators within the Program.

Parking Services Division

This is the division within the PW&T Department that oversees and administrates the policies and enforcement of the Program.

Parking Control Officer: The Parking Control Officer (PCO) is the primary valet operation compliance officer for the City. The PCO inspects each valet location for compliance with BHMC and permit conditions. The PCO verifies staffing levels, travel route and authorized parking location. Identification card and drivers license inspections of each attendant are also performed by the PCO.

A record of the inspection is recorded, whether a violation is observed or not. If a violation is observed issues a warning notice, administrative citation, or criminal notice to appear. The PCO will appear as a witness at any hearing related to the citation.

Parking Enforcement Officer: The Parking Enforcement Officers (PEO) primary responsibility is enforcement of parking regulations throughout the City. A PEO can enforce a vehicle parked in a No Parking Valet Zone when a PCO is unavailable to assist.

Traffic Control Officer: The Traffic Control Officer (TCO) is an employee supervised by the Beverly Hills Police Department to provide traffic control services, impound vehicles, enforce parking regulations and other duties as needed. The TCO would be called to assist with vehicles parked in a valet zone that would need to be removed based on posted restrictions. The TCO would contact the authorized tow company and complete the necessary paperwork to impound the illegally parked vehicle in the valet zone.

COMMERCIAL VALET PARKING

There are generally three types of operations that request permits of this category:

- Daytime Valet – operations which have hours during the peak traffic and parking hours of the day, operating anytime between the hours of 10am and 6pm.
- Evening Valet – operations which operate during the non-peak hours of the day.
- Combined – operations which operate both during peak and non-peak hours of the day.

Applications

In order to obtain a permit for Valet Parking a local business AND an operator will need to provide some information pursuant to the BHMC, which includes the following:

- Complete all information requested on the application. (Exhibit X)
- Provide a copy of current California Driver's License of the person signing for the application.
- A current City of Beverly Hills Business Tax Certificate for operation at the proposed location.
- Valet Route Map(s) to and from operation and parking location(s) including any parking meter spaces required for vehicle pick-up/drop-off.
- If an off-site facility that is not owned or operated by the local business is to be used, a Parking Facility Letter Agreement will be required (Exhibit X)
- A Certificate of Insurance to be completed by an authorized insurance representative on a Certificate of Insurance form provided by the City.
- If Workers Compensation information is not included on the City form, please provide it on a separate certificate.
- Additional Insurance Information Here
- Application shall be made 30 days prior to the start of service
- Payment of all of the required fees
- The name and location of the business to be served by the service
 - Signed by an owner or the owner's agent
- Seating/Capacity of the business
- Designation of the responsible party(s) for the business and operator and contact information
 - These people must be available during all hours in which the operation is in service
- Route to be used from the loading area to the destination(s)
- Signage

Approval/Denial (Sections 4-1-103 and 4-2-1504)

In general, the approval/denial of a permit will be made by staff of the PW&T Department using the criteria below.

A permit may be issued unless the following is found:

- The applicant(s) has been convicted of a felony or a misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics
- The applicant has made a material misrepresentation in the application
- Operation of the business or engaging in the activity will substantially disrupt the peace and quiet of any area in the city
- Operation of the business or engaging in the activity will substantially impact upon traffic within any area of the city
- Operation of the business or engaging in the activity at the proposed location will be incompatible with other uses in the vicinity
- That the business or activity fails to comply with such other criteria as may be designated under this code for issuance of the regulatory permit for the specific type of business or activity, or rules and regulations governing the business or activity
 - Minimum Activity Requirements – Since valet parking requires the removal of available parking inventory a minimum activity is required to ensure a public benefit is conveyed by the removal of such parking spaces
 - Daytime – A minimum of 3x of the expected turnover, which shall be based on the number of spaces, the current time restriction (or 1-2 hours if none is present) and the operating hours
 - Evening – A minimum of 2x of the expected turnover
- The building, structure, premises, or the equipment used to conduct the business activity, fails to comply with all applicable health, zoning, fire, building and safety laws of the state of California or of the city of Beverly Hills

In some cases, the permit will require the approval of the TPC. These include, but are not limited to, such cases in which:

- There is reasonable and significant opposition from neighboring businesses or residents
- Valet operations would be located adjacent to one another and the operators do not wish to establish a joint operation on their own
 - Since additional spaces may be required to be taken out of service for two separate operations to function instead of one combined operation, these requests may be reviewed by the TPC prior to approval
- When staff determines there may be such impacts as to request the direction of the TPC
- When the TPC calls up permits for further study
- When a staff decision is appealed to the TPC

Any decision related to the issuance of the permit may be appealed to the City Council.

Permit Renewal

Although this process is not as in depth as a new application, it does require review by the approving authority. The City does attempt to send out notices regarding renewal of applications, but it is the responsibility of the applicant(s) to ensure they have current and valid permits. Additional review, comment and/or actions may be required for the renewal process. This might be due to activity on the previous permit, such as complaints or violations, but may also be to general changes in the permit process or in the permit environment, including traffic and parking conditions.

It should not be assumed that a permit will be renewed or that it will be renewed under the same terms and conditions as the previous permit. The following conditions will apply:

- Requests for renewals should be filed a minimum of 30 days prior to the expiration of any existing permits; however the more time provided by the applicant, the easier it will be to implement potential changes required by the renewed permit
- All applicable fees are paid
- In addition to the aforementioned reasons for denial, permits for renewal may be denied if the applicant(s) has violated conditions of the previous permit, or ordinances or regulations of the city in the conduct of the business or activity

Permit Transfers/Modifications

It is understood that from time to time an operation may be required to transfer or modify the permit. The following is needed for a transfer of permit:

- All applicable fees are paid

Additional Development

Standard Conditions

All permits will have certain standard conditions placed on them, which will includes:

- Additional Development
- All valet parking attendants employed by the valet parking company must have the required ID cards issued by the BHPD in their possession whenever they are assigned to work at the proposed parking location.
 - The ID Card fee should be payable to City of Beverly Hills, (\$158.00 City application. \$31.60 Police investigation which includes fingerprint and ID photo fee). The ID permit is valid for a maximum of three (3) years.
- Minimum Insurance Requirements
- Indemnification
- Vehicles may not be left standing on any public street, alley or public property without written authorization from the City
- Obey all federal, state and local laws
- Vehicles may only be transported on the routes approved as part of the permit
- Vehicles may only be stored at those locations approved as part of the permit
- All parking attendant must display a valid PD issued ID on the outermost layer of clothing, on the left side at chest level, such that the ID will be visible to the patron of the service

- If an ID has not been issued, the attendant shall display a folded copy of the receipt received from the PD upon taking of their finger prints, such that their name is visible to the patron.
- The business and operator must have a valid copy of the current permit on site and accessible
- The operator must display at all times the City issued sticker which indicates an approved valet parking operation
- Minimum staffing levels as determined by staff or the TPC

Custom Conditions

From time to time the PW&T will require additional conditions based on the specific nature of the operation, area and other conditions which the City may wish to mitigate based on the proposed operation. The purpose of such conditions include, but are not limited to:

- Mitigation of identified impacts caused by the operation
- Terms of an agreement for use of City facilities
- Additional staffing requirements
- Terms which may promote compliance from previous businesses or operators which have violations

SHORT-TERM / TEMPORARY VALET PERMITS

In general, these permits may be issued under the following conditions:

- In a situation involving a nonrecurring special event or an urgent need to commence automobile parking and shuttle service operations prior to the time an application can be processed for regular permit issuance
- For a period of operation not exceeding forty five (45) calendar days
- Upon payment of all applicable fees
 - Such fees may include anticipated additional traffic control or other City staff which shall be placed on deposit in advance of the operation

Types of Permits

- Standard Permit – To be issued under all conditions, except those expressly outlined in the Expedited Permit Section
- Expedited Permit – Shall be issued to pre-certified operators when the event and the operator meet certain specified criteria

Standard Application (Additional Development)

- Requests should be submitted at least 3 business days prior to the event
- Complete all required information on the Valet Parking Application and Permit (Short Term) form (Exhibit X)
- A parking location and route map
- To be placed on file with the City:
 - Current *Certificate of Insurance* approved by the City Risk Manager
 - Current Beverly Hills Business Tax Certificate

Expedited Application

In an effort to simplify the permitting process for one-time, routine events the City has created an expedited permit process.

When operators have met the following criteria:

- An application for participation in this program has been submitted and approved by staff (Exhibit X)
 - The applicants operating history and owner/manager's background investigation shall be taken into consideration when determining approval for this program
- Submit all required information on the FORM (Exhibit X) at least 48 hours in advance of qualifying each event
- Provide a credit card on account to be charged the appropriate fees for each permit
- Understand and agree that omission or misrepresentation of the facts related to any event permitted under this program may result in the loss of the acceptance to this program

AND when events meet the following criteria:

- Request no more than 1 block of area to store vehicles for every 10 vehicles being parked
- Single Family Areas
 - Less than 75 vehicles
 - No more than 75% of the supply may be used for storage
- Multi-Family and/or Neighboring Commercial
 - Less than 25 vehicles
 - No more than 50% of the supply may be used for storage
- Additional Information

When the operator and the event have met the established criteria, the following conditions shall apply:

- The operator shall submit, 48 hours prior to the event, the following on the Ask Bev website
 - Expedited event form (Exhibit X)
 - Route map and parking area
- Shall self-certify that the event meets the established criteria
- The Case Number generated by the Ask Bev website shall serve as the Permit Number for the event
- The operator shall have pre-purchased serial numbered “No Parking” signs (when necessary)
 - Such signs are properly posted and verified 24 hours prior to the event
 - All posted signs have visible and verifiable serial numbers
 - The Permit Number shall be recorded one each sign
- All events shall have a designated keybox that shall be accessible to the PCO for inspection upon request
- All vehicles shall have a visible ticket with a serial number displayed and a corresponding ticket with the same number in the keybox
- The Event Log (Exhibit X) shall be kept and submitted via the Ask Bev site to the same case/permit number
 - The first ticket number shall be recorded PRIOR to the start of operations
 - The last ticket number shall be recorded upon completion of the event
- Events in commercial areas are required to park in off-street parking facilities.
- All applicable fees have been paid
- Copies of all documents shall be kept on-site during the operation
 - An additional copy shall be supplied to the event sponsor
- Additional Information

Standard Conditions

- Transportation staff and the Police Department will review the Valet Parking Application and Permit (Short Term) and map, and fax back an approval or denial prior to the scheduled event.
- Events in commercial areas are required to park in off-street parking facilities.
- Events in the commercial areas must also reserve metered parking space for the loading and unloading of passengers.
 - These permits are called *Valet Parking Meter Use Permits* and additional fees apply
 - Signs must be posted 24 hours prior to an event and verified by the City

Custom Conditions

From time to time the PW&T will require additional conditions based on the specific nature of the operation, area and other conditions which the City may wish to mitigate based on the proposed operation. The purpose of such conditions include, but are not limited to:

- Mitigation of identified impacts caused by the operation
 - Terms of an agreement for use of City facilities
 - Additional staffing requirements
 - Terms which may promote compliance from previous businesses or operators which have violations
-
- If more than 2 short-term permits have been issued in a 12 month period, the owner(s) or corporate officer(s) shall be required to obtain IDs
 - Subject to staff review and approval
-
- may be issued upon the submittal of an application therefore, accompanied by the applicable fees and the indemnification and certificate of issuance required by this article.
-
- All temporary permit applications as described in subsection A of this section shall be subject to review by the police department. If the police department determines that additional traffic control is necessary to protect the public safety and welfare due to the impacts of the permit or the event for which parking or shuttle service is being provided, then police or other appropriate personnel shall be assigned as deemed appropriate by the police department and the applicant shall compensate the city for the cost of such personnel by depositing the anticipated cost of such personnel prior to their assignment. Any specially assigned personnel shall be deemed to be on regular duty. (Ord. 99-O-2328, eff. 6-4-1999; amd. Ord. 07-O-2541, eff. 1-5-2008)

ENFORCEMENT

Valet programs have a specific set of conditions that are incorporated into the approved permit governing a particular location. These conditions include hours of operation, minimum staffing levels, the required travel route and parking location. Parking control Officers (PCO) are assigned to enforcement valet zones for compliance with these conditions of permit and BHMC related to valet operations.

A PCO will visit each valet location for at least one time per month to check if the valet operation is operating within the parameters established under the BHMC and permit. The PCO also inspect that the location has a copy of the permit on site, attendants are in possession of valid Beverly Hills valet identification cards issued by the police department and California Driver's license.

If vehicles are parked in the designated valet zone a PCO or a Parking Enforcement Officer (PEO) can respond to address this violation. Vehicles parked in designated valet zones create problems that cause the valet operation to be unable to comply with conditions of the permit due to limited vehicle drop off or return area. The PCO or PEO if a PCO is not available can issue a parking citation to the vehicle in violation. If the vehicle requires removal a Traffic Control Officer (TCO) would be called to impound the vehicle.

When a PCO observes a violation by the valet operation either as a condition of permit or a violation of the BHMC related to valet operations, the PCO can issue a warning notice, an administrative citation or a criminal notice to appear. Based on the severity of the violation as well as prior history of violations by the individual attendant or location the PCO would chose the appropriate enforcement tactic. Each violation would be recorded in the City's tracking system.

City Tracking System (Point System)

Each violation of the BHMC related to valet operations or conditions of the permit will be tracked in the City's database. Each violation whether warning, administrative citation, or criminal citations will result in a point(s) being issued to the individual violator, the valet operator and the valet business location as indicated on the Valet Permit Administrative Penalties sheet. Over time accumulation of points by an individual, valet operation or business location will be used to uniquely determine patterns of problems with an attendant, valet operator or business location.

Violations by an attendant that exceed a fixed number of points – (5) in a twelve (12) month would indicate a potential issue with the individual attendant without regard to specific locations they may have worked throughout the City. The individual attendants file would be reviewed and a hearing conducted with the attendant to determine if additional sanctions should be imposed such as probation, suspension or revocation of the attendant ID card required to work in the City.

Violations by a business location that exceed a fixed number of points (10) in a twelve (12) month period would indicate a potential issue with either the business locations control over the valet operator or the business' willingness to comply with the City requirements. The business would have been notified in each instance of the violation so they can provide oversight to the operation that directly affects their business. A hearing would be conducted to determine if additional sanctions should be imposed ultimately subject to Traffic & Parking Commission (TPC) and/or City Council review.

Violations by a valet operator that exceed either five (5) points plus two (2) points for each valet attendant required as a condition of the permit at a single location or that exceeded 85% of the total points allowed for all operations combined within the City would indicate a potential issue with the valet operators practices either locally or globally. The valet operator would have been notified in each instance of a violation at any of their operation locations. A hearing would be conducted to determine if additional sanctions or conditions of permit should be imposed upon the valet operator.

A short term valet operation would be subject to the same tracking system with the only exception. Short term valet operations do not require identification cards to be issued to the individual attendants. Any short term operator that exceeds two (2) operations requires only the owner(s) of the operation to obtain an identification card. Points would continue to be tracked for individual attendants as well as the valet operator and specific locations. Sanctions against a individual location would almost never be considered as they are primarily residential. Sanctions of short term operations would be taken if needed against the valet operator and their ID if they met the qualifications to obtain an ID card.



City of Beverly Hills City Council Study Session 12/15/2009

**Publiw Works and Transportation
Parking Services Division**

Attachment 2 - Valet Administrative Fines and Points

Violation	1 st Offense Max \$100)	2 nd Offense (max \$200)	3 rd Offense (max \$500) plus 1 add'l point count	Category	Point Value
All Warnings					1
Primarily Attendant Related Violations					
No ID card on person	\$30	\$50	\$110	1	1
No ID card issued	\$100	\$200	\$500	2	2
Attendant – No driver’s license in possession	\$30	\$50	\$110	1	1
Expired driver’s license	\$75	\$150	\$300	1	2
Suspended/Revoked driver’s license	\$100 and revocation of ID card	\$200 and revocation of Id card	\$500 and revocation of ID card	2	2
Unauthorized route	\$50	\$150	\$300	2	1
Unsafe driving – wrong way on one way	\$100	\$200	\$500	3	2
Failure to display ID card (as required)	\$20	\$40	\$100	1	1
Failure to comply with Beverly Hills Municipal Code or California Vehicle Code. Cannot interfere with pedestrian or vehicular traffic	\$50	\$150	\$300	2	1
Primarily Valet Operator Related Violations					
No Valet Operation Permit on site	\$50	\$150	\$300	1	1
Staffing levels not in compliance	\$75	\$200	\$400	1	2
Improper storage of valet equipment, sign or booth includes early set up	\$50	\$150	\$300	1	1
Excessive signage	\$50	\$150	\$300	1	1
Sublease, subcontract Valet Permit	Criminal complaint and permit revocation	Criminal complaint and permit revocation	Criminal complaint and permit revocation	3	3
Combination Attendant & Operator					
Receive / Deliver vehicle in traffic lane	\$90	\$180	\$350	1	1
Receive / Deliver vehicle in Red Zone	\$90	\$180	\$350	1	1
Staff vehicle parked on street	\$50	\$150	\$300	2	1
Storing vehicle in valet zone or on street	\$50	\$150	\$300	2	1
Parking in unauthorized / unapproved location or lot	\$75	\$200	\$400	2	2
Primarily Business & Operator					
Operation outside permit hours	\$75	\$200	\$500	1	2
Failure to maintain required insurance	Criminal complaint and permit revocation	Criminal complaint and permit revocation	Criminal complaint and permit revocation	3	3
Valet Operation Permit Expired	\$100 plus administrative costs and short term permit *	\$200 plus administrative costs and short term permit *	\$500 plus administrative costs and short term permit *	1	2
No Valet Operation Permit Issued	\$100 plus administrative costs and short term permit *	Criminal Complaint	Criminal Complaint	2	3