

**CITY OF SAN MATEO
ORDINANCE NO. 2015 - 4**

AMENDING CHAPTER 11.44, "PARKING METERS," CHAPTER 17.08, "OBSTRUCTIONS - LITTER," AND CHAPTER 17.30, "VALET PARKING," AND ADDING CHAPTER 11.62, "PARKING IN LIEU FEES" OF THE SAN MATEO MUNICIPAL CODE

WHEREAS, the City Council accepted the Downtown San Mateo Parking Management Plan (the "Plan") and approved the implementation strategy for carrying out the Plan's recommendations in April 2014; and

WHEREAS, the purpose of the Plan was to develop better parking management strategies that would optimize the use of existing parking spaces, enhance the parking experience for customers, and identify and plan for future parking needs; and

WHEREAS, the focus of the first year included the revision of parking policies and code sections to begin making operational improvements; and

WHEREAS, the proposed amendments to the San Mateo Municipal Code set the operational improvements in place to meet the goals of the Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY ORDAINS that:

Section 1. Chapter 11.44, "Parking Meters," of the San Mateo Municipal Code, is amended to read:

Chapter 11.44

Parking Meters

11.44.010	Definitions.
11.44.015	Parking meter placement and limits.
11.44.020	Purchase and installation authority.
11.44.030	Location.
11.44.040	Curb markings.
11.44.050	Deposit—required—amount.
11.44.060	Repeat violations.
11.44.070	Defacing unlawful.
11.44.080	Deposit of slugs unlawful.
11.44.090	Interference with enforcement unlawful.
11.44.100	Police report—penalties.
11.44.110	Temporary permits for exclusive use of metered parking spaces.
11.44.120	Downtown parking permits.

11.44.010 **DEFINITIONS.** The following words when used in this chapter shall be construed as defined in this section:

(a) "Central Parking Improvement District" ("CPID") means the CPID assessment district as approved by the City Council in accordance with the Downtown Area Plan.

(b) "Operator" includes every individual who operates a vehicle as its owner or as the agent, employee or permittee of the owner;

(c) "Parking meter" means any device that accepts payment for the use of parking spaces. Such devices include, but are not limited to, parking meters, pay-by-space devices, pay-on-foot devices, and any software application that processes pay-by-phone payments from a mobile phone for the purpose of controlling the period of time a parking space is occupied by any motorized vehicle.

(d) "Premium parking area" means the geographic area bounded to the south by both sides of 4th Avenue from El Camino Real to South B Street; north by both sides of 2nd Avenue from San Mateo Drive to South B Street; to the west by both sides of San Mateo Drive; and to the east by both sides of South B Street.

(e) "Street" means any public street, avenue, road, boulevard, highway, or other public place located in the City and established for the use of vehicles;

(f) "Value parking area" means the geographic area not included in the "premium area." The following off-street parking facilities are located in the value area: Second & El Camino Garage, Transit Center Garage, Main Street Garage, Tennis Court Garage, and Parking Lots 7, 8, 10, and 11 as identified in the City's Fee Schedule and the Downtown Parking Management Plan.

(g) "Vehicle" means any device in, upon, or by which any person or property is, or may be, transported upon a street, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

11.44.015 PARKING METER PLACEMENT AND LIMITS.

(a) Parking Meter Zones. Parking meters may be placed in any location along the public streets or the City-owned property.

(b) Parking Time Limits. The time limits for each parking meter area and for each meter shall be established by the City Manager or designee and shall apply between the hours of 8:00 a.m. and 6:00 p.m. each day except for Sundays and the holidays set forth in subsection (c).

(c) Holidays. The holidays excluded and during which the parking specified in this chapter shall not be limited nor the payment of the parking charges collected shall be as follows:

- January 1, known as "New Year's Day"
- The third Monday in January, known as "Dr. Martin Luther King Day"
- The third Monday in February, known as "Presidents Day"
- The last Monday in May, known as "Memorial Day"
- July 4, known as "Independence Day"
- The first Monday in September, known as "Labor Day"
- November 11, known as "Veterans Day"
- Thanksgiving Day
- December 25, known as "Christmas Day"

(d) Parking Meter Rates. Rates for parking vehicles in a space regulated by a parking meter shall be as follows:

	Hour 1	Hour 2	Hour 3
Premium On-Street Spaces	\$1.00	\$1.00	\$1.00
Premium Off-Street Garage (Street Level)	\$1.00	\$1.00	\$1.00
Premium Off-Street Garage (Other Levels)	\$0.50 per hour	No limit	
Value On-Street Spaces	\$0.50	\$0.50	\$0.50

Value Off-Street Garages (Street Level)	\$0.50	\$0.50	\$0.50
Value Off-Street Garages (Other Levels)	\$0.50 per hour	No limit	
Value Off-Street Lots 7 & 8	\$0.50	\$0.50	\$0.50
Value Off-Street Lots 10 & 11	\$0.25 per hour	No limit	

Credit Card	\$.50 minimum
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11.44.020 PARKING METER PURCHASE AND INSTALLATION AUTHORITY. The City Manager or designee is directed to provide for the purchase, acquisition, installation, operation, maintenance, supervision, regulation and use of the parking meters provided for in this chapter, and to maintain such meters in good workable condition.

11.44.030 LOCATION. Parking meters, installed in the parking meter zones, shall be placed upon the curb near the regulated parking space. Each parking meter shall be placed or set in such manner as to show or display by a signal that the regulated parking space is or is not legally in use. Each parking meter installed shall indicate the legal parking time established by the City, and when operated, shall indicate the duration of the period of legal parking, and on expiration of such period shall indicate illegal or overparking.

11.44.040 CURB MARKINGS. The City Manager or designee shall have lines or markings painted or placed upon the curb and/or upon the street near each parking meter for the purpose of designating the parking space for which such meter is to be used and each vehicle parking in the area regulated by that parking meter shall park within the lines or markings so established. No person shall park any vehicle across any such line or marking or park such vehicle in such position that the same is not entirely within the area so designated by such lines or markings.

11.44.050 DEPOSIT—REQUIRED—AMOUNT.

(a) When a vehicle is parked in any space regulated by a parking meter, the operator of such vehicle shall, upon entering such parking space, immediately deposit, or cause to be deposited, coinage in such parking meter, and put such meter into operation, and failure to deposit such coinage of the specified value, and put the meter into operation is unlawful. Upon the deposit of such coins and placing such meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the part of the street in which such parking space is located. If such vehicle remains parked in any such parking space beyond the parking time limit fixed for such parking space, the parking meter shall indicate such illegal parking and in that event, such vehicle shall be considered as parked overtime, and beyond the period of legal parking time, and the parking of a vehicle overtime or beyond the period of legal parking time in any such part of a street where any such meter is located is a violation of this chapter and punishable as hereinafter set out.

(b) Exception for commercial trucks. Commercial trucks may park in the parking zones to load or to unload merchandise, without depositing coins or tokens for a period not to exceed 30 minutes. Should any truck or delivery car be parked longer than 30 minutes, such violator will be given a ticket and classed as a violation, and the regular penalty imposed.

11.44.060 REPEAT VIOLATIONS. If a vehicle receives a second citation for violation of the parking regulations within the same calendar day, and the vehicle was not moved from the parking space between

violations, the bail for the second citation shall be increased to that amount as is established upon the schedule of bail for violation of this section.

11.44.070 DEFACING UNLAWFUL. No person shall deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this chapter.

11.44.080 DEPOSIT OF SLUGS UNLAWFUL. No person shall deposit, or cause to be deposited, in any parking meter, any slugs; devices or metallic substances or any other substitute, for the coins, or specified tokens in lieu of the coins.

No person shall deposit coins, tokens or metallic substances indiscriminately in such meter, without the intent, or right to park the motor vehicle which he or she is then operating, at the parking space regulated by such meter.

11.44.090 INTERFERENCE WITH ENFORCEMENT UNLAWFUL. No person shall interfere with, or obstruct in any way, any police officer, traffic enforcement representative, or other officer or employee of this City in their enforcement of the provisions of this title. The removal, obliteration, erasure or concealment of any chalk mark or other distinguishing mark used by any police officer, traffic enforcement representative, or other officer or employee of this City in the performance of their duties to enforce the parking regulations of this title, if done for the purpose of evading the provisions of this title, shall constitute unlawful interference or obstruction of enforcement.

11.44.100 POLICE REPORT—PENALTIES. It shall be the duty of police officers of the City, acting in accordance with instructions issued by Chief of Police, to report:

- (a) The number of each parking meter which indicates that the vehicle occupying the parking space regulated by such parking meter is, or has been, parking in violation of any of the provisions of this chapter;
- (b) The State license number of such vehicle;
- (c) The time during which such vehicle is parking in violation of any of the provisions of this chapter;
- (d) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

Each such police officer shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this chapter.

11.44.110 TEMPORARY PERMITS FOR EXCLUSIVE USE OF METERED PARKING SPACES.

(a) Authority. The City Manager or designee is authorized to issue permits which specify particular metered parking spaces for the temporary exclusive use of persons occupying property adjacent to the specified metered parking spaces. A separate permit is required for each space.

(b) Required Application Form Information. The application shall be made on a form provided by the City Manager or designee and shall include the following information:

- (1) Name and address of applicant;
- (2) Name and address of person occupying the premises adjacent to the parking space concerned;
- (3) The number of the parking meter located at the parking space for which restricted parking is requested;
- (4) A statement of the reasons for the need for such parking restriction;
- (5) The estimated hours of the day during which such restriction may be necessary;
- (6) Such other relevant information as the City Manager or designee may require; and

(7) Payment of application fee set forth in the Fee Schedule.

(c) Basis for Approval. The City Manager or designee may issue the permit if the application demonstrates that:

(1) There is a need to limit the parking in certain parking areas within the parking meter zone to parking for the purpose of construction, demolition, remodeling, repainting or refurbishing and maintenance of structures or grounds adjoining the meters;

(2) There is sufficient parking within the area around the spaces requested for exclusive use; and

(3) The neighbors or adjacent business will not be negatively impacted by the temporary exclusive use.

(d) Appeal of Temporary Permit Issuance. Any interested person may appeal the issuance of a temporary permit for exclusive use of meter parking spaces.

The appeal must be filed within ten days after the City Manager or designee's decision. If appeal is not filed within ten days, applicant shall be barred for a period of six months from making further application with reference to the same matter. In taking such appeal, the appellant shall file an appeal in writing within such period of ten days with the Public Works Commission secretary, who shall set the hearing for the next regular meeting of the Commission. At the appeal hearing, the Commission shall hear all evidence offered by applicant and the City Manager or designee, and may hear other evidence with reference thereto, and may continue such hearing from time to time. At the conclusion of such hearing, the Commission shall make its findings thereon, and if it has found that the action of the City Manager or designee in denying, approving or conditioning the permit was discriminatory against applicant, or if it finds that the granting of such permit with or without conditions, or otherwise will not be injurious to the public health, safety, or welfare, it shall overturn the action of the City Manager and issue the permit. Otherwise, it shall affirm the action of the City Manager or designee and deny the appeal. The decision of the Public Works Commission at such hearing shall be final, and conclusive, and applicant shall be barred for a period of six months after such decision from making further application with reference to the same matter.

(e) Signs and notification.

(1) The City Manager or designee will issue and affix the temporary permit to the proper meter post throughout the permit period and shall remove it upon permit expiration or revocation.

(2) The City Manager or designee shall forward to the Police Department copies of each permit granted.

(f) Permit fees. Prior to permit issuance, the person issued a temporary permit for exclusive use of meter parking spaces shall pay a fee in the amount set by resolution of the City Council.

(g) Not a waiver. A permit allowing temporary exclusive use of metered parking spaces as set forth in this chapter shall not waive the necessity of obtaining any and all other encroachment and/or building permits, or any other permit or license specified as required under other provisions of this code.

(h) Parking within permitted space. It is unlawful for any person to cause, allow, permit or suffer any vehicle operated or controlled by him or her to be parked in any parking space within a parking meter zone while a sign is properly in place on the post for such space indicating that a temporary permit for exclusive use is in effect. Any vehicle found to be improperly occupying any part of a posted parking space shall be cited and may be towed in accordance with Section 11.40.120 of this code.

(i) Revocation. The City Manager or designee may revoke the permit for any of the following reasons:

(1) Failure to pay the required fee;

(2) The City Manager or designee determines that the circumstances no longer require the existence of such permit; or

(3) The permit holder is found to be using the permit for purposes other than for which it was granted.

11.44.120 DOWNTOWN PARKING PERMITS. The City Manager or designee will administer the parking permit program. Permits will be issued by the City or designee and applicable rates established by City Council resolution. Permit parking is only allowed in designated areas in each parking facility or at designated on-street locations.

Section 2. Chapter 11.62, "Parking In-Lieu Fees," is added to Title 11, "Vehicles and Traffic," of the San Mateo Municipal Code to read:

Chapter 11.62

Parking In-Lieu Fees

11.62.010 Parking in-lieu fee.

11.62.020 Fee amount.

11.62.030 Parking in-lieu fee agreement required.

11.62.010 PARKING IN-LIEU FEE. In the interest of providing an efficient means of providing parking in downtown San Mateo, applicants for planning approval within the Central Parking Improvement District may pay a fee in lieu of providing required parking on the property site in accordance with Title 27 of the Municipal Code.

11.62.020 FEE AMOUNT. The amount of the parking in-lieu fee shall be set by City Council resolution.

11.62.030 PARKING IN-LIEU FEE AGREEMENT REQUIRED. Execution of a parking in-lieu fee agreement and payment for each required parking space will be accepted by the City in satisfaction of parking space requirements. The parking in-lieu fee payment must be made in full prior to the City's execution of the agreement.

Section 3. Section 17.08.150, "Parking Meter Removal and Replacement," of Chapter 17.08, "Obstructions and Litter," of the San Mateo Municipal Code is amended to read:

17.08.150 PARKING METER REMOVAL AND REPLACEMENT. When the use of a sidewalk or street for any of the purposes specified in this chapter requires the removal of parking meters, the applicant for a parking meter removal permit shall pay the City the full cost of the removal and replacement of each meter necessarily removed and replaced. In addition, the applicant shall pay to the City a separate charge for loss of meter revenues, per meter, for each week or portion thereof that the meters are removed, payable prior to issuance of the permit. The charge shall be at the per meter rate established by City Council resolution.

Section 4. Chapter 17.30, "Valet Parking," of the San Mateo Municipal Code is amended to read:

Chapter 17.30

Valet Parking

- 17.30.005 **Definitions.**
- 17.30.010 **Valet parking permit required.**
- 17.30.020 **Valet permit types.**
- 17.30.030 **Permit application.**
- 17.30.040 **Permit approval—fixed location valet parking permit,**
- 17.30.045 **Notice.**
- 17.30.050 **Permit approval—special event valet parking permit.**
- 17.30.060 **Regulations.**
- 17.30.070 **Appeal.**
- 17.30.080 **Revocation and suspension of permits.**

17.30.005 DEFINITIONS. Words and phrases used in this title have the following definitions: “CPID Area” means the area within the Central Parking Improvement District established by the City Council.

“Primarily responsible person” is the person designated on the application for a valet parking permit.

“Valet parking operator” is the company that is providing the valet service.

“Valet service” means a service that uses an attendant to park motor vehicles.

“Valet station” means location where valet service customers drop off and pick up their vehicles.

17.30.010 VALET PARKING PERMIT REQUIRED. No person or entity shall solicit or engage in the storage or parking of any motor vehicle by valet services unless it first shall have obtained a valid valet parking permit. This chapter shall not apply to any business or place of assembly that provides such parking solely on its premises and does not use the public streets or parking garages for pick-up, drop-off, or parking of vehicles. Valet Parking shall not be permitted outside the CPID Area.

17.30.020 VALET PERMIT TYPES.

(a) Fixed Location Valet Parking Permit. A Fixed Location Valet Parking Permit is required for any valet parking operator who provides valet parking services at a restaurant or other place of assembly that utilizes valet parking services on a daily or other regularly scheduled basis, or provides valet parking three times or more within one year.

(b) Special Event Valet Parking Permit. A Special Event Valet Parking Permit is required for any valet parking operator who provides valet parking services fewer than three times within one year.

17.30.030 PERMIT APPLICATION. Any person desiring a Fixed Location Valet Parking Permit or a Special Event Valet Parking Permit shall file an application with the Department of Public Works on an application form provided by the Department. The following information shall be provided:

(a) Name, address and telephone number of corporation, partnership, sole proprietorship, person or other business entity applying for permit and all persons driving or having access to the vehicles.

(b) History, with address of operating location of valet services provided by applicant or applicant’s operator/agent within the previous five years, including identification of valet permits issued, revoked or suspended.

(c) Identification of a primarily responsible person for operation of the valet service, including that person's driver's license number and social security number and any history of valet service operation.

(d) Identification of address location where valet services are to be provided and the name of any business or event associated therewith including a site plan depicting all on-site parking and the precise location of the valet station.

(e) Identification of all parking spaces, whether on private property or to be leased from public parking facilities to be used by the valet service, and a traffic flow plan to and from the valet station to the parking spaces.

(f) A description of the valet station, including its method of operation, and of the uniforms, if any, to be worn by the station operators.

(g) The application shall include a signed waiver and release authorizing the City to seek information and criminal background history and to conduct an investigation into the truth of statements made on the application. The waiver shall be signed by the applicant and the primarily responsible person.

17.30.040 PERMIT APPROVAL—FIXED LOCATION VALET PARKING PERMIT. At such time as all information required has been provided, the application shall be deemed complete. Once the application is complete, copies of it shall be sent to the Police Department and the Public Works Department and the Downtown San Mateo Association's Parking Committee for review. Those organizations shall have 45 days to review the application and provide written comment. Notice of the review shall be given in accord with Section 17.30.045. The City Manager or designee shall consider the comments from the reviewing groups and other comments by interested persons at the review and determine on whether to issue or deny the permit application. All permits issued under this section shall be for a one-year period. It is the responsibility of the valet operator or primarily responsible person to apply for the valet permit at least 90 days before an existing permit expires for continuous service. Once the permit expires, the valet permit is no longer valid and on-street service is no longer allowed. The City Manager or designee shall approve the application for a Fixed Location Valet Parking Permit if it finds all of the following to exist:

(a) The background and valet service history are such that the proposed operation will not be a health and safety risk to the public.

(b) The number of proposed parking spaces to be utilized is sufficient to ensure that the valet parking operation will not unduly affect the availability of on-street parking spaces or spaces within City parking garages not agreed to by the City.

(c) The proposed traffic flow and location of the valet station, particularly in relation to other nearby valet station locations, will not create undue traffic congestion in the area proposed for the valet service.

(d) The proposed operation will not cause excessive noise, disturbance, fumes or other annoyance and is compatible with the surrounding property uses.

(e) The proposed operation is in compliance with all laws and any applicable policies of the City of San Mateo and the applicant has not made any false or misleading statements in connection with the application.

(f) The proposed operation will provide more parking or increased parking utilization of underutilized lots within the CPID Area.

(g) The proposed operation will not unduly limit access for persons who are disabled or physically challenged.

17.30.045 NOTICE. In addition to other notice required by law for the permit review, a Fixed Location Valet Parking Permit applicant shall mail notice at least ten days before the hearing of the time

and place of hearing to all property owners within a 300 foot radius of where the valet station is proposed within the CPID Area from a list of such owners provided by the City. The application shall not be reviewed unless verified proof of such mailing is before the City Manager or designee at the time of review date. The applicant shall pay fee as established in the City's fee schedule for notice preparation.

17.30.050 PERMIT APPROVAL—SPECIAL EVENT VALET PARKING PERMIT.

(a) Application. Application shall be made at least twenty days prior to the special event for which the permit is sought, provided that the time for application may be shortened if the permit need arises within fifteen days of the event. At such time as all information required has been provided, the application shall be deemed complete. A Special Event Valet Parking Permit shall not cover any valet operation for more than a total of five days within a period of ten contiguous days. On the day the application is made, notification of the application shall be posted in a visible location at the site of the proposed valet service. The notice shall be made on a form provided by the City. The application shall not be deemed complete until proof of posting at the proposed location by the primarily responsible person, valet operator, or applicant has been filed with the City.

(b) Decision. A decision shall be made at least three days before the intended date of operation if a complete application is filed at least twenty days prior to the special event. If the application is filed less than twenty days prior to the special event, a decision shall be made as is reasonably possible and nothing herein shall be construed to prohibit the City Manager or designee from denying the permit if the City Manager or designee determines that inadequate review time is available.

The City Manager, or designee, shall issue the Special Event Valet Parking Permit after consultation with the Police Department if the City Manager finds all of the following to exist:

(1) The background and valet service history are such that the proposed operation will not be a health and safety risk to the public.

(2) The number of proposed parking spaces to be utilized is sufficient to ensure that the valet parking operation will not adversely affect the availability of on-street parking spaces or spaces within City parking garages not agreed to by the City.

(3) The proposed traffic flow and location of the valet station, particularly in relation to other nearby valet station locations, will not create undue traffic congestion in the area proposed for the valet service.

(4) The proposed operation will not cause excessive noise, disturbance, fumes or other annoyance and is compatible with the surrounding property uses.

(5) The proposed operation is in compliance with all laws and any applicable policies of the City of San Mateo and the applicant has not made any false or misleading statements in connection with the application.

(6) The proposed operation will provide more parking or increased parking utilization of underutilized lots within the CPID Area.

(7) The proposed operation will not unduly limit access for persons who are disabled or physically challenged.

17.30.060 REGULATIONS. All permittees and applicants shall comply with the following regulations:

(a) Prior to issuance of any Valet Parking Permit, the applicant shall provide proof of insurance to the City Manager, or designee at the same levels and manner required for an encroachment permit except that the applicant shall also provide garage keepers legal liability insurance at the same level as required for general liability.

(b) Prior to issuance of any Valet Parking Permit, the applicant shall show proof of having obtained a business tax certificate from the City for both the Valet Parking operation and any business it serves.

(c) Every permitted valet operation shall identify by placement in a conspicuous spot at the valet station, the price of valet services offered.

(d) Every employee or other person performing valet services shall be a valid licensed driver and wear a conspicuous badge or identification patch providing the person's full name and the name of the applicant or valet service in a form approved by the Chief of Police.

(e) Every valet parking permit holder shall maintain a continuously updated list of the name and residence addresses of its employees who perform valet parking. Such list shall be filed with the City Manager or designee and maintained at the business address listed on the permit application and shall be exhibited on demand of any peace officer. The permit holder shall file and maintain updated lists on a quarterly basis.

(f) It is unlawful for any employee who has been convicted within the previous five years of any offense involving violence, dishonesty, automobile theft, automobile vandalism, or driving under the influence of drugs or alcohol, to perform valet parking.

(g) Each valet parking permit application shall be accompanied by a permit application-processing fee in the amount adopted by City Council resolution.

(h) No street parking shall be utilized by any valet parking operation, except for space allowed by permit for a valet station and no parking spaces shall be utilized outside the CPID Area.

(i) The City Manager or designee may allow limited valet parking in all City garages during conditions when the permit holder's private lot is utilized to capacity.

(j) No valet parking permittee operating under this chapter may tow or authorize the towing of a vehicle from a private vehicle storage location used for valet parking unless the following conditions exist:

- (1) Vehicles blocking access to other vehicles,
- (2) Vehicles blocking lot access,
- (3) Vehicles blocking fire lanes, or
- (4) Vehicles blocking pedestrian access.

Under no circumstances shall a permittee be allowed to tow or authorize the towing of any vehicle from public property or right-of-way.

(k) Customers of all valet parking operations shall be provided a written receipt with the name of the service provider and a contact telephone number.

(l) Applicant shall pay a fee for the use of public parking spaces as valet stations and for parking valet vehicles on city property in the amount adopted by City Council resolution.

17.30.070 APPEAL.

(a) Any interested person may appeal a decision of the City Manager or designee regarding a Fixed Location Valet Parking Application. Appeals filed more than ten days after the decision is made shall not be deemed valid and will not be considered. No appeal shall be permitted from the decision of the City Manager or designee on a Special Event Valet Parking Permit.

(b) All appeals shall be in writing and filed with the Public Works Commission secretary and shall be accompanied by the fee required under the City's Comprehensive Fee Schedule.

(c) Appeals shall be to the Public Works Commission and shall be scheduled for the next available Commission meeting. The appeal shall be de novo. The Secretary shall mail written notice of the time and place of the hearing on appeal to the applicant and to the appellant, if different, to the Downtown San Mateo Association and to those persons required to be notified under Section 17.30.045.

17.30.080 REVOCATION AND SUSPENSION OF PERMITS.

(a) Any Fixed Location Valet Parking Permit shall be subject to suspension or revocation by the City Manager or designee, for a violation of any provision of this chapter or for any matter that would have warranted denial of the permit. Prior to suspension, the permittee shall be entitled to a hearing before the City Manager or designee, provided that a suspension may occur by the City Manager or designee, without notice or hearing if the above finds that the valet service is a public nuisance or presents an immediate health and safety risk to the public. Appeals shall be to the Public Works Commission under the same terms as an appeal is permitted from a permit denial.

(b) Any Special Event Valet Parking Permit shall be subject to suspension or revocation by the City Manager or designee for any violation of any provision of this chapter or for any matter that would have warranted denial of the permit. Prior to suspension, the permittee shall be entitled to a hearing before the City Manager or designee, provided that a suspension may occur by the City Manager or designee, without notice or hearing if he or she finds that the valet service is a public nuisance or presents a health and safety risk to the public. The City Manager or designee's decision shall be final.

Section 5. ENVIRONMENTAL REVIEW. This project is exempt from California Environmental Quality Act (CEQA) requirements in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment per CEQA Section 15061(b)(3).

Section 6. SEVERABILITY. In the event any section, clause or provision of this Ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared to be invalid or unconstitutional.


Section 7. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.


Section 8. EFFECTIVE DATE. This Ordinance shall take effect 30 days after its adoption.

The foregoing ordinance was introduced on April 6, 2015, and adopted by the City Council of the City of San Mateo, State of California on the 4th day of May, 2015, by the following vote:

AYES: Council Members Freschet, Matthews, Bonilla, Goethals and Lim
NOES: None
ABSENT: None

ATTEST:


Patrice M. Olds, City Clerk


Maureen Freschet, Mayor