



Valet Sign Encroachment Permit Application Procedures and Standards

The information contained in this packet informs applicants for a Valet Sign Encroachment Permit of the procedures required to submit the application and the guidelines and standards used to determine whether or not the application meets the minimum requirements.

Application Requirements

- a. Completed application for Valet Sign Encroachment Permit
- b. Copy of applicant's current liability insurance
- c. Copy of applicant's current West Hollywood Valet Business License
- d. An approved detailed drawing showing the street frontage of where the applicant operates their valet business. The sketch shall include the following:
 - I. Proposed location of the sign
 - II. Width of the sidewalk
 - III. Location of any driveways or intersections within 50 feet of the proposed sign location
 - IV. Location of any bus stops, parking meters, bicycle racks, utility poles, fire hydrants, trees, or unsignalized cross walks within 50 feet of the proposed sign location

Placement:

- a. Top of sign shall be no higher than 5 feet from the grade of the public right-of-way ("PROW").
- b. The sign shall only be permitted to be placed upon the sidewalk at the entrance to the parking lot.
 - I. The sign shall not be placed in any travel or parking lane, or in any portion of the PROW where parking is prohibited, restricted, or otherwise regulated.
- c. Placement of sign on PROW shall still allow a minimum of 4' clearance for pedestrian travel and meet current Americans with Disabilities Act requirements and guidelines.
- d. Unless otherwise approved, the placement of the sign shall comply with the following:

- I. The sign shall be placed a minimum of 5 feet on the right side of the driveway with respect to exiting motorists so that motorist sight-distance is not impacted.
 - II. The sign shall be a minimum of 50 feet from unsignalized crosswalks
 - III. The sign shall be a minimum of 30 feet from the curb return at intersections
 - IV. The sign shall be placed a minimum of 5 feet from bike racks
 - V. The sign shall not be placed within ten (10) feet of a bus stop.
 - VI. The sign shall remain portable.
 - VII. Shall not be affixed to the PROW or any utility pole, fire hydrant, street light pole, bicycle rack, parking meter, bus bench, tree, or street sign.
- e. The City retains the right to modify the terms of the encroachment permit if conditions change that necessitate the modification.

Review Requirements:

- a. Sign shall comply with valet sign standards found in WHMC 5.120.030
- b. Sign shall conform to the off-site sign standards in WHMC 19.34.080.
- c. The drawings of the street frontage and the sign shall be approved by the Code Compliance Division prior to submitting the encroachment permit application to the City Engineer for final approval.

Operation:

- a. The portable sign shall only be placed on the PROW during the hours that the licensee is operating at the location
- b. It is unlawful for any valet sign to be placed on the PROW that has any flashing, blinking, revolving, scrolling, or similar lighting effect affixed to it.
- c. The placement of the sign in the public right-of-way shall match the location approved on the drawing of the street frontage.

Maintenance:

Signs shall be maintained in a clean and legible manner and shall not fall into a state of disrepair

Renewal:

- a. The permittee shall submit a copy of its current liability insurance when it renews its valet license
 - a. Failure to submit the insurance will result in the encroachment permit being revoked or denied.
 - b. The failure to remain current on any permit associated with the operation of a valet business shall result in the renewal of this permit being delayed until all past due fees are paid.

Denial of Encroachment Permit Application,

Subject to subsections (a) and (b), the Director may deny an encroachment permit application if it is determined that the proposed placement of the valet sign may constitute a threat to the health and safety of pedestrians, motorists, or the community-at-large.

- a. Any applicant, whose encroachment permit application is denied, may request in writing a hearing before the Code Compliance Manager, who shall grant the request and hold an informal hearing where the basis for denial, revocation or suspension shall be explained to the applicant. The permit applicant shall have the opportunity at the hearing to present evidence of compliance or provide a written plan on how it will address the City's concern and comply with the provisions of this code.
- b. If, after the hearing, the Code Compliance Manager lets stand the decision to deny the permit application, the permit applicant may appeal the decision to the Director or his or her designee, whose action shall be deemed final.

Revocation, or Suspension of the Revocable Encroachment Permit:

Subject to subsections (b) through (d), the Director may immediately revoke or suspend an encroachment permit if it is determined that the provisions of the relevant chapters of the Municipal Code have not been satisfied or have been violated; or if the continued placement of the sign on the PROW constitutes a public nuisance or a threat to the health and welfare of the community.

- a. Notice of violation of the valet sign standards shall be made in writing to the permittee by the City Manager, any department or division head of the City, the Sheriff's Department, or the Fire Department. The notice of violation shall include a date by which full compliance shall be obtained. A copy of the notice shall be given to the Code Compliance Manager. If the violation is not cured by the compliance date, the permit may be suspended or revoked.
- b. The Code Compliance Manager may immediately revoke or suspend a valet sign encroachment permit, for any single violation of this Chapter, and shall immediately revoke the permit of any permittee which has committed three (3) violations of this Chapter within a twelve (12) month period.
- c. Any permittee whose encroachment permit application was denied or whose permit has been revoked or suspended, may request in writing a hearing before the Code Compliance Manager, who shall grant the request and hold an informal hearing where the basis for denial, revocation or suspension shall be explained to the applicant. The permit applicant or permittee shall have the opportunity at the hearing to present evidence of compliance or provide a written plan on how it will come into compliance with the provisions of this code.
- d. If, after the hearing, the Code Compliance Manager lets stand the decision to revoke or suspend the permit, the permittee may appeal the decision to the Director or his or her designee, whose action shall be deemed final.

Definitions:

Curb Return at Intersections – the curved portion of a street curb at street intersections or the curved portion of a curb in the end slopes of a driveway approach.

Unmarked Crosswalk - That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

Marked Crosswalk - Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Valet – a business establishment engaged in, conducting or managing the parking of other person’s motor vehicles, whether such persons are employed by, or under contract to, the business, residence or other organization for which the vehicles are being parked or whether such persons are operating independently thereof.

Public Right-of-Way (PROW) – any area dedicated for public use as a public street, pedestrian way, or other thoroughfare, including but not limited to, roadways, parkways, alleys, sidewalks, and pedestrian ways.

Temporary Valet Sign – A sign that is not permanently affixed to a structure or the ground that is used for the advertisement of and direction to a valet business.

Bus Stop - Any place on a bus route where buses stop to discharge and take on passengers.

Liability Insurance Requirement

Prior to the issuance of a valet sign encroachment permit, the applicant for such permit shall provide proof of having in full force and effect a liability insurance policy. Such policy shall:

- a. Have a minimum liability limit of one million (\$1,000,000.00) dollars;
- b. It shall be primary and not contributing to any other insurance maintained by the city;
- c. It shall name the City of West Hollywood, its City Council, and its officers, agents and employees as additional insureds;
- d. It shall be provided by an insurer satisfactory to the City of West Hollywood;
- e. It shall bear a deductible in an amount satisfactory to the Director; and
- f. It shall provide the Director with thirty days prior notice of any cancellation or modification of the policy.

If the insurance policy issued to the permit holder pursuant to this section is canceled for any reason, the permit issued under this chapter is automatically suspended. In order to reinstate the permit, the licensee shall file a new certificate of insurance and provide proof of such to the Director.

It shall be a condition of each permit issued under this section that the permittee agrees to indemnify, hold harmless, and defend the city and its Council and each member thereof, and every officer and employee of the city, from any and all liability or financial loss resulting from any suits, claims, losses, or actions brought by any person and from costs and expenses of litigation, including attorney fees, by reason of injury to any person, including, but not limited to, officers and employees of the permittee, performed

under and pursuant to such permit or any and all activities, operations, and conditions in any manner connected therewith or pertaining thereto. Such indemnity shall include, but not be limited to, any and all liabilities, demands, claims, damages, losses, costs and expenses caused or alleged to have been caused by any negligent or other act of any such licensee.

If you have any questions or concerns regarding this process or any of the standards contained herein, please contact the West Hollywood Dept. of Public Works at 323-848-6375.