

CITY OF SAN MATEO
ORDINANCE NO. 2020-[Click or tap here to enter text.](#)

**An Emergency Ordinance Imposing a Moratorium on Enforcement of Minimum Parking Space Requirements
for Shopping Centers and Restaurants**

WHEREAS, the Governor of California has issued Executive Order N-25-20, requiring all residents to heed any orders or guidance of state and local health officials including but not limited to the imposition of social distancing measures, to control the spread of COVID-19; and

WHEREAS, the County of San Mateo Health Officer has imposed social distancing requirements in order to slow the spread of the virus; and

WHEREAS, the County of San Mateo Health Officer has authorized outdoor dining subject to the requirements listed in Appendix C-1 of County Health Order No. c19-5f; and

WHEREAS, restaurants in the City of San Mateo have expressed interest in providing outdoor dining in parking lot areas in order to meet social distancing requirements; and

WHEREAS, the City Council wishes to assist restaurants in the provision of outdoor dining by allowing the use of outdoor parking lots for restaurant uses; and

WHEREAS, the City's minimum parking space requirements for restaurants located within shopping centers are codified in Municipal Code Section 27.64.160 in Section 2 of the table; and

WHEREAS, the City's minimum parking space requirements for other restaurants are codified in Municipal Code Section 27.64.160 in Sections 9(c) and 9(f) of the table; and

WHEREAS, minimum parking space requirements for shopping centers and restaurants are also sometimes included as planning application conditions of approval; and

WHEREAS, the City Council wishes to suspend these minimum parking space requirements so long as restaurants abide by City guidelines; and

WHEREAS, the City of San Mateo is a charter city; and

WHEREAS, City Charter section 2.16 provides that any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety, or welfare and containing the reasons for its urgency, may be introduced and passed at one meeting.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

Section 1. Findings. In accordance with City Charter Section 2.16, this Ordinance is necessary as an emergency measure to preserve the public health, safety, and welfare. Due to the COVID-19 pandemic, the Governor of the State of California has declared an emergency and the County of San Mateo has issued a shelter-in-place order that requires social distancing. In order to provide social distancing, restaurants wish to provide outdoor dining in parking lots. In order to mitigate the financial impact of the COVID-19 pandemic on restaurants in the City and to enable social distancing, the City wishes to temporarily enable the use of parking lots for outdoor dining

by imposing a moratorium on the enforcement of minimum parking space requirements for shopping centers and restaurants so long as the parking lots are utilized in accordance with County Health Order requirements and City guidelines.

Section 2. Moratorium. For outdoor dining locations operated in accordance with County Health Order requirements and local guidelines, this Ordinance imposes a moratorium on the enforcement of the following minimum parking space requirements for a period of 90 days from the adoption of this Ordinance:

(a) Minimum parking space requirements codified in Sections 2, 9(c), and 9(f) of San Mateo Municipal Code Section 27.64.160; and

(b) Minimum parking space requirements imposed as a planning application condition of approval on shopping centers and restaurants.

Section 3. Environmental Determination. In accordance with CEQA Guidelines Section 15304(e), adoption of this ordinance is categorically exempt from CEQA, because it results in a minor, temporary alteration in the use of land which will have no permanent effect on the environment.

Section 4. Severability. The City Council of the City of San Mateo hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance, hereby adopted, be declared for any reason to be invalid, 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 invalid.

Section 5. Legislative History and Effective Date. This Ordinance was introduced and adopted on June 15, 2020 and will take effect immediately upon passage by a 4/5 vote of the City Council.

Section 6. Publication. In accordance with City Charter Section 2.16, as soon as practicable after its passage, this Ordinance shall be published in its entirety in the official city newspaper.