



EMERGENCY ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF SAN MATEO - SUSPENSION OF MUNICIPAL CODE PROVISIONS RELATING TO PARKING REQUIREMENTS AND LIMITATIONS ON OUTDOOR ACTIVITIES FOR PERSONAL SERVICE AND FITNESS BUSINESSES

Please read this order carefully. Violation or failure to comply with this order is a misdemeanor punishable by fine, imprisonment, or both. (San Mateo Municipal Code Section 2.78.070)

UNDER THE AUTHORITY OF THE SAN MATEO MUNICIPAL CODE SECTION 2.78.040 THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF SAN MATEO (“Director”) ORDERS:

I. Introduction:

- a. On March 16, 2020, City Council of the City of San Mateo adopted a proclamation of a local emergency pursuant to San Mateo Municipal Code Section 2.78.030. The Council’s action was taken in response to the effects of the global novel coronavirus pandemic which threatens the health and safety of the city’s residents, as well as, the economic security of the community.
- b. Pursuant to San Mateo Municipal Code Section 2.78.040, in times of a local emergency, the San Mateo City Manager, acting as the Director of Emergency Services, is granted broad powers to take measures deemed necessary and appropriate to respond to the impacts of the emergency including the power “to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.”
- c. In responding to the coronavirus pandemic state and local authorities have issued stay at home orders to limit the activities of state and county residents to those deemed essential.
- d. In the county’s original orders, personal services businesses and fitness businesses were deemed nonessential and ordered to close to the public.
- e. The State of California initiated the gradual reopening of the state’s businesses under the program known as Roadmap for Resiliency. Under the Roadmap, personal services and fitness businesses were allowed to reopen subject to special operational conditions in counties meeting criteria identified in the Roadmap.
- f. Pursuant to approval granted by the state the County of San Mateo was authorized to reopen personal service businesses and fitness businesses subject to the state operational conditions, and the County health officials modified the county’s orders to allow the reopening of such businesses.

- g. As of August 2, 2020, the State of California determined that San Mateo county had to once again close the operation of several businesses including personal services businesses and fitness businesses, unless such businesses modified their operations to provide services outside of a building.
- h. In order to mitigate the financial impact of the coronavirus epidemic on the city's business community, the Emergency Services Director has determined that it is necessary and appropriate to temporarily suspend all city codes that would prevent personal services businesses and fitness businesses from operating outdoors, provided that such operations are permitted under state and county health orders, and are operated in compliance with operational requirements described in this order.

II. Order:

- a. The Director suspends the effect and enforcement of any provision of the San Mateo Municipal Code that would make illegal the operation of a personal services business or fitness business outside of a building. Notwithstanding the suspension of these code provisions, businesses authorized to conduct business outdoors shall be subject to the guidelines for operations described in the Temporary Outdoor Personal Services Care Guidelines attached to this document as Exhibit A.
- b. For the purposes of this order, "personal services business" shall mean a business that provides personal grooming services such as barber shops, hair salons, and nail salons.
- c. In addition to maintaining compliance with the regulations stated in subsection a. businesses authorized to operate outside of a building shall maintain compliance with any applicable state or county health order.

III. Enforcement. Pursuant to San Mateo Municipal Code Section 2.78.070, the Director directs the San Mateo Police Department and the Code Enforcement and Building Divisions of the Community Development Department to enforce this order.

IV. Effective Date. This order shall be effective immediately and shall remain in effect until August 17, 2020, unless it is on that date confirmed by action of the City Council. If confirmed, this order shall remain in effect until it is superseded by subsequent order or until the city council has proclaimed the emergency has ended, whichever occurs first.

V. Severability. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

Drew Corbett

8/11/20

Drew Corbett
City Manager/Director of Emergency Services

Date



Temporary Outdoor Personal Care Services Guidelines

The City of San Mateo is temporarily allowing personal care services providers such as hair parlors, nail salons, and barber shops to expand their services outdoors. At this time we are not requiring businesses to obtain a permit from the City. Below is a list of guidelines that personal care services providers must follow to operate safely.

The Temporary Outdoor Personal Care Services may be provided until State and County orders do not prohibit indoor personal care services or until the City directs otherwise.

All personal care services providers must follow Industry Guidance issued by the State of California, County of San Mateo Health Orders, and City of San Mateo guidelines. It is the responsibility of the individual business owners, service providers, and operators to remain knowledgeable of changes to state, county, and city guidelines, as they may be amended from time to time.

State of California and County of San Mateo Guidelines for Personal Care Services:

1. [COVID-19 Industry Guidance: Expanded Personal Care Services Provided Outdoors](#)
2. [California Department of Consumer Affairs Guidance on Performing Personal Care Services Outdoors](#)
3. [San Mateo County Order \(c19-1d\) July 14, 2020](#)
4. [County's COVID-19 Social Distancing Protocol \(updated June 17, 2020\)](#)

In addition to State and County guidelines, licensed providers must comply with the following City of San Mateo Guidelines:

Eligibility Criteria:

1. All personal care services providers must have a valid [City of San Mateo Business Tax License](#).
2. Outdoor personal care services shall only be performed by current tenants of the shopping center or commercial building.
3. Businesses shall obtain written authorization for the use of private sidewalks, private parking areas, or other private areas for outdoor personal care services from the property owner.
4. Tenants located in shopping centers with multiple commercial tenants shall work with the management or property owner to equitably allocate the available private sidewalks, patios, and parking areas for all temporary outdoor services.

Safety, Location, Accessibility

1. Businesses **cannot** utilize parklets or closed streets created by the City of San Mateo for personal care services, as those areas are restricted to provide for outdoor dining.
2. Businesses cannot locate furniture or perform any services on the public sidewalk or public right of way.
3. Personal care services should only be performed in outdoor areas of a licensed establishment contiguous with or adjacent to their business premises.

4. Outdoor personal care service areas shall comply with all 2019 CBC 11B & ADA access requirements; and a minimum four-foot (4'-0") wide path of travel shall be maintained at sidewalks and walks. For path of travel between serving stations, a minimum three-foot (3'-0") wide shall be maintained if serving elements on only one side, and a minimum three-foot and eight-inch (3'-8") wide shall be maintained if serving elements on both sides. A minimum of six-foot (6'-0") social distance must be maintained between service stations in the outdoor service area.
5. No furniture, fixture, or equipment shall be permanently affixed outdoors.
6. Businesses shall be responsible for maintaining the outdoor service area in a clean and tidy manner at all times
7. Businesses must pick up debris, remove equipment from outdoors, and clean trash prior to closing daily.
8. With written consent from the landlord/property manager, businesses with private parking facilities may utilize those parking facilities to provide outdoor personal care services. *(A. Illustration of Acceptable Outdoor Personal Care Services Area Standards in Private Parking)*
9. Businesses using a generator must comply with general safety guidelines related to location (minimum 20 feet from any building), ventilation, fuel storage and noise generation. See SMC Municipal Code Chapter 7.30 NOISE REGULATIONS for noise standards.

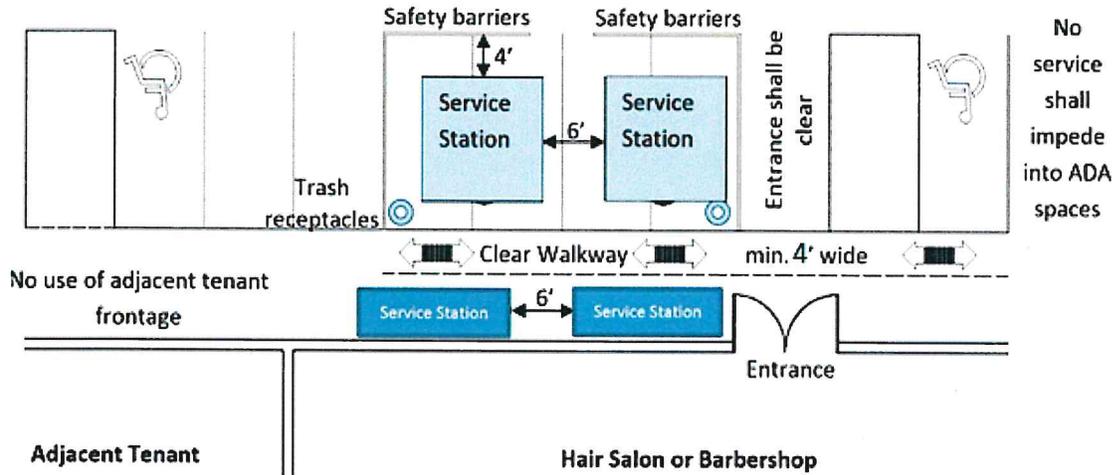
Operations:

1. Businesses within **50 feet** from any outdoor dining areas can only provide services before 11 am and only while outdoor dining is not occurring. These establishments must only use the area immediately in front of the business underneath an awning, overhang, or set-back area. *(B. Illustration of Acceptable Outdoor Personal Care Services Areas within 50 feet of Parklet/Outdoor Dining Areas)*
2. Blow dry services are prohibited to prevent hair from blowing into outdoor dining areas. Business shall capture and collect all hair debris and prevent it from leaving the immediate area or entering the storm drain.
3. All personal care service providers must follow all State Industry Guidelines and County Health Order requirements such as mask wearing requirements, social distancing protocol, sanitation standards, and CAL/OSHA requirements.
4. Businesses must have valid insurance for outdoor service, and individual stylists must carry their own insurance.

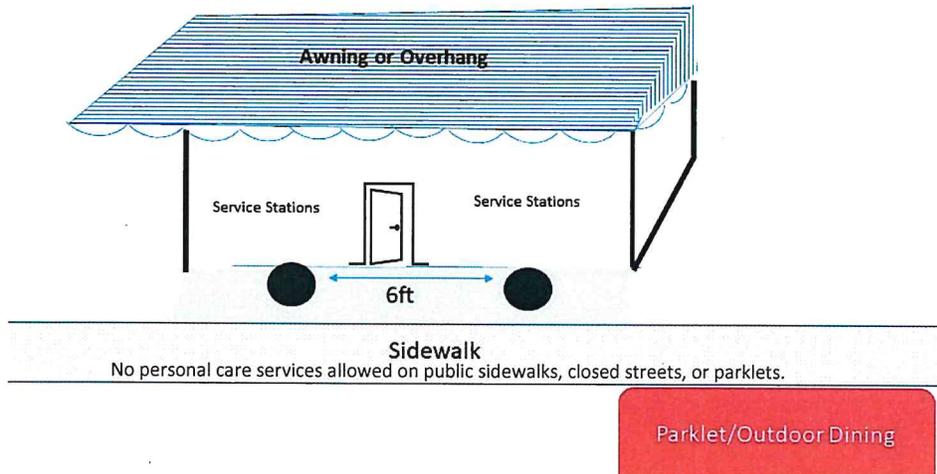
Enforcement

1. The City reserves the right to enforce and/or prohibit a temporary outdoor establishments that: (i) creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the property or surrounding public right-of-way; (ii) represents a danger to the health, safety or general welfare of the public; and/or (iii) violates the requirements of the City of San Mateo City Temporary Outdoor Personal Care Services Guidelines, violates any applicable State, or County Health Orders or Industry Guidance.

A. Illustration of Acceptable Outdoor Personal Care Services Area Standards in Private Parking Areas



B. Illustration of Acceptable Outdoor Personal Care Services Areas within 50 feet of Parklet/Outdoor Dining Areas



Establishments within 50 ft from any outdoor dining areas can only provide services before 11 am and only while outdoor dining is not occurring; these establishments must only use the area immediately in front of the business underneath an awning, overhang, or set-back area identified above in the blue shaded area.