

CITY OF SAN MATEO
EMERGENCY ORDINANCE _____

An Emergency Ordinance Extending a Moratorium on Enforcement of Minimum Parking Space Requirements and Zoning Regulations Prohibiting Outdoor Operations for Restaurants, Retailers, Gyms and Fitness Centers, Places of Worship, Personal Care Services, Hair Salons, Barber Shops, and Shopping Malls

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 State of California created a four-tier, color-coded classification system for reopening of businesses; and

WHEREAS, restaurants, retailers, gyms and fitness centers, personal care services, hair salons and barbershops, places of worship, and shopping malls have limited indoor operations; and

WHEREAS, the City wishes to remove any impediments to outdoor operations; and

WHEREAS, the City's minimum parking space requirements are codified in Municipal Code Section 27.64.160; and

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

WHEREAS, the City's zoning regulations are codified in Municipal Code Title 27; and

WHEREAS, some Zoning Code provisions prohibit outdoor operation of businesses; and

WHEREAS, the City Council had previously adopted an emergency ordinance imposing a moratorium on enforcement of minimum parking space and an emergency ordinance imposing a moratorium on enforcement of zoning requirements prohibiting outdoor operation for businesses located in private shopping centers; and

WHEREAS, those emergency ordinances expire November 16, 2020, and December 7, 2020, respectively; and

WHEREAS, the City Council wishes to continue to suspend minimum parking space and zoning requirements prohibiting outdoor operation so long as all affected activities 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 re-enacted if the emergency still exists; and

WHEREAS, health orders to address COVID-19 remain in effect and continue to affect businesses in the City of San Mateo; and

WHEREAS, in accordance with City Charter Section 2.16, emergency ordinances 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 mitigate the financial impact of the COVID-19 pandemic on personal services in the City and to enable social distancing, the City wishes to temporarily enable the use of private parking lots for gyms and fitness centers, places of worship, personal care services, hair salons, barber shops, places of worship, and shopping malls by imposing a moratorium on the enforcement of minimum parking space, and zoning requirements for private parking facilities, and zoning requirements prohibiting outdoor operations so long as the parking lots are utilized in accordance with State and County Health Order requirements and City guidelines.

Section 2. Moratorium. For restaurants, gyms and fitness centers, personal care services, hair salons and barbershops, places of worship, and shopping malls operated in accordance with State Health Order requirements and local guidelines, this Ordinance extends the existing moratorium on the enforcement of minimum parking space requirements and Zoning Code prohibitions on outdoor operations for a period of 90 days from the adoption of this Ordinance.

Section 3. Environmental Determination. In accordance with California Environmental Quality Act (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 portioned declared invalid.

Section 5. Publication. This Ordinance shall be published in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.16 of the City Charter.

Section 6. Legislative History and Effective Date. This ordinance was introduced and adopted on November 16, 2020, and will take effect immediately upon passage by a 4/5 vote of the City Council. It will expire on the 91st day after its adoption.