

**CITY OF SAN MATEO
DRAFT ORDINANCE**

**An Emergency Ordinance Imposing a Moratorium on Enforcement of Minimum Parking Space Requirements
and Enforcement of Zoning Regulations for Outdoor Businesses**

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 State of California has imposed a tier system that determines which counties can move forward with reopening businesses indoors and outdoors when a Regional Stay at Home Order is not in place; and

WHEREAS, under the State tier system, restaurants, gyms and fitness centers, personal care services, hair salons, barbershops, places of worship, and shopping malls will have limited indoor operations when reopened; 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 requirements for businesses located in shopping centers on August 17, 2020, which would have expired on November 16, 2020; and

WHEREAS, the City Council had previously adopted an emergency ordinance suspending zoning requirements related to outdoor operations of businesses located in shopping centers on September 8, 2020, which would have expired on December 7, 2020; and

WHEREAS, City Charter Section 2.16 authorizes the re-enactment of emergency ordinances so long as the emergency continues to exist; and

WHEREAS, on November 16, 2020, the City Council adopted an emergency ordinance extending the moratorium on minimum parking space requirements and the suspension of zoning requirements for businesses in private shopping which would have expired on February 14, 2021; and

WHEREAS, on February 1, 2021, the City Council adopted an emergency ordinance extending the moratorium through May 2, 2021; and

WHEREAS, on March 1, 2021, the City Council adopted an emergency ordinance to expand its application to cover educational facilities, including day care centers, and other educational uses which will expire on May 30, 2021; and

WHEREAS, the COVID-19 pandemic is ongoing and the City Council wishes to continue suspending minimum parking space and zoning requirements, 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 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, shopping malls, educational facilities, including day cares, and other educational uses by imposing a moratorium on the enforcement of minimum parking space and other zoning requirements including those related to private parking facilities, 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, shopping malls, educational facilities, including daycares, and other educational uses operated in accordance with State 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 San Mateo Municipal Code Section 27.64.160; and
- (b) Minimum parking space requirements imposed as a planning application condition of approval; and
- (c) Enforcement of City Zoning Code requirements that uses be conducted in an enclosed building.

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. 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.

Section 5. Publication. This Ordinance shall be published in summary 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 2.15 of the City Charter.

Section 6. Legislative History and Effective Date. This ordinance was introduced and adopted on May 17, 2021 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.