

**CITY OF SAN MATEO
DRAFT EMERGENCY 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 County is experiencing a high level of community transmission of the unvaccinated population and breakthrough transmissions of the COVID Delta and Omicron variants despite high vaccination rates; and

WHEREAS, the COVID variants are highly transmissible in indoor settings; and

WHEREAS, on August 3, 2021, the Health Officer of San Mateo County issued Order No. C19-12, requiring face coverings in indoor workplace and public settings for all people regardless of their vaccination status; 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, on June 15, 2020, the City Council adopted an emergency ordinance imposing a moratorium on enforcement of minimum parking space requirements for restaurants located in shopping centers, with the ordinance set to expire on September 13, 2020; and

WHEREAS, on August 17, 2020, the City Council adopted an emergency ordinance imposing a moratorium on enforcement of minimum parking space requirements for businesses located in shopping centers. The ordinance was expanded from what was approved on June 15, 2020 to cover gyms and fitness centers, places of worship, personal care services, hair salons and barber shops, and shopping malls. This ordinance was set to expire on November 16, 2020; and

WHEREAS, on September 8, 2020, the City Council had adopted an emergency ordinance suspending zoning requirements related to the outdoor operation of businesses located in shopping centers, with the ordinance set to expire on December 7, 2020; 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 shopping centers, with the ordinance set to expire on February 14, 2021; and

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

WHEREAS, on March 1, 2021, the City Council adopted an expanded emergency ordinance that also covered educational facilities, including day care centers, and other educational uses, with the ordinance set to expire on May 30, 2021; and

WHEREAS, on May 17, 2021, the City Council adopted an emergency ordinance extending the moratorium, with the ordinance set to expire on August 17, 2021; and

WHEREAS, on August 16, 2021, the City Council adopted an emergency ordinance extending this moratorium, with the ordinance set to expire on November 15, 2021; and

WHEREAS, on November 15, 2021, the City Council adopted an emergency ordinance extending this moratorium, and the ordinance is set to expire on February 13, 2022; 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 authorizes the re-enactment of emergency ordinances so long as the emergency continues to exist; 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 an indoor mask mandate for everyone regardless of vaccination status. In order to mitigate the financial impact of the COVID-19 pandemic on businesses in the City and to reduce community transmission of COVID-19, 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;
- (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 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 Clerk to complete 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.