



# CITY OF SAN MATEO

City Hall  
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[www.cityofsanmateo.org](http://www.cityofsanmateo.org)

## Agenda Report

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Agenda Number: 22

Section Name: {{section.name}}

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**TO:** City Council  
**FROM:** Drew Corbett, City Manager  
**PREPARED BY:** City Manager's Office  
**MEETING DATE:** November 16, 2020

**SUBJECT:**

Extending a Moratorium on Enforcement of Minimum Parking and Zoning Requirements for Outdoor Business Operations – Emergency Ordinance

**RECOMMENDATION:**

Adopt an Emergency Ordinance to extend a moratorium on enforcement of minimum parking space requirements and zoning regulations for restaurants, retailers, gyms and fitness centers, places of worship, personal care services, hair salons, barber shops, and shopping malls.

**BACKGROUND:**

In response to the State's reopening plans for COVID-19, the City has adopted several emergency ordinances to allow businesses to operate outdoors. On June 15, 2020, the City suspended minimum parking requirements for private shopping centers to allow restaurants to move operations outdoors. On August 17, 2020, the City adopted a new emergency ordinance to suspend the minimum parking requirements to include additional business uses such as retailers, gyms and fitness centers, places of worship, personal care services, hair salons, barber shops, and shopping malls to operate outdoors in private shopping centers. On September 8, 2020, the City adopted an emergency ordinance to suspend the enforcement of zoning requirements prohibiting outdoor operations for these businesses in private shopping centers. These two ordinances have an effective period of 90 days and will expire on November 16, 2020 and December 7, 2020 respectively. This emergency ordinance combines the two ordinances, and if adopted, the ordinance will take effect immediately and be in place for 90 days.

Under the State reopening guidelines, every County is assigned to a four-tier, color-coded classification system from 1-4. The following are the tier levels from the most restrictive to the least restrictive: tier 1 (Purple), tier 2 (Red), tier 3 (Orange), and tier 4 (Yellow). In order to move up a tier, a County must meet the State criteria of declining new COVID-19 cases and lower positivity rates of tests, including lower rates in disadvantaged areas for two consecutive weeks. State Public Health officials are monitoring COVID-19 data and will shift a County forward or backward among the tiers based on the health data.

On October 27, 2020, the State moved San Mateo County into tier 3 (Orange). Tier 3 allows for retailers, shopping centers, personal care services are able to open indoors with modifications. Restaurants, movie theaters, places of worship are allowed indoors with 50% capacity or 200 people, whichever is fewer. Gyms, hotels, family entertainment centers (theaters, bowling centers, etc.) are allowed indoors at 25% capacity or 100 people, whichever is fewer. Additionally, bars and wineries without food service are allowed outdoors.

Although tier 3 increases capacity for businesses to operate indoors, extending the ordinance allows businesses the ability to move or keep their operations outdoors. This is helpful if the County's COVID-19 case rates spike in the winter months and the State moves the County down a tier. Additionally, extending the ordinance continues the City's on-going support

of businesses through COVID-19.

Staff recommends extending the emergency ordinance to suspend the minimum parking requirements and the enforcement of zoning regulations prohibiting outdoor operations in private shopping centers. Restaurants, gyms and fitness centers, personal care services, hair salons and barbershops, places of worship, and retailers for outdoor operations would still be subject to State, County, industry and local guidelines. Any business interested in moving its operations outdoors would require permission from the property manager/landlord.

Section 2.16 of the City Charter authorizes the City Council to adopt an emergency ordinance to preserve the public peace, health, safety, or welfare and may be introduced and passed at one meeting. The emergency ordinance will be in effect for 90 days until February 14, 2021 but may be extended beyond that time frame by further action of the Council.

**BUDGET IMPACT:**

There is no anticipated budget impact for the emergency ordinance.

**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.

**NOTICE PROVIDED**

All meeting noticing requirements were met.

**ATTACHMENTS**

Att 1 - Emergency Ordinance

**STAFF CONTACT**

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