

**CITY OF SAN MATEO
EMERGENCY ORDINANCE NO. 2020-12**

An Emergency Ordinance Imposing a Moratorium on Enforcement of Minimum Parking Space Requirements for Restaurants, Gyms and Fitness Centers, Personal Care Services, Hair Salons and Barbershops, Places of Worship, 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 has added the County of San Mateo to the COVID-19 County Monitoring List; and

WHEREAS, as a result, restaurants, gyms and fitness centers, personal care services, hair salons and barbershops, places of worship, and shopping malls are now prohibited from 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 Council had previously adopted an emergency ordinance imposing a moratorium on enforcement of minimum parking space requirements for restaurants located in shopping centers; and

WHEREAS, the City Council wishes to expand this moratorium to include gyms and fitness centers, personal care services, hair salons and barbershops, places of worship, and shopping malls; and

WHEREAS, the City Council wishes to suspend these minimum parking space 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, and shopping malls by imposing a moratorium on the enforcement of minimum parking space requirements for 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, and shopping malls 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.

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 2.15 of the City Charter.

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

The foregoing ordinance was adopted by the City Council of the City of San Mateo, State of California by the following vote:

AYES: Council Members Goethals, Rodriguez, Bonilla, Lee and Papan

NOES: None

ABSENT: None

ATTEST:


Patrice M. Olds, City Clerk


Joe Goethals, Mayor