

**CITY OF SAN MATEO
ORDINANCE NO. 2020-14**

An Emergency Ordinance Imposing a Moratorium on Enforcement of Zoning Regulations that would prevent outdoor operation of 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 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 the enforcement of minimum parking spaces for restaurants, gyms and fitness centers, personal care services, hair salons and barbershops, places of worship, and shopping malls to allow business to move outdoors; and

WHEREAS, the City Council wishes to suspend those zoning regulations that would prohibit the businesses listed above from operating outside of an enclosed building so long as all affected activities abide by City guidelines addressing outdoor operation; 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

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parking lots for restaurants, gyms and fitness centers, places of worship, personal care services, hair salons, barber shops, places of worship, and shopping malls by suspending zoning regulations that would prohibit businesses from operating outdoors as long as all activities 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 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. 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. In accordance with City Charter Section 2.16, as soon as practicable after its passage, this Ordinance shall be published in its entirety in the official city newspaper.

Section 6. Legislative History and Effective Date. This ordinance was introduced and adopted on September 8, 2020, and shall be effective 30 days 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