



CITY OF SAN MATEO

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Agenda Report

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TO: City Council

FROM: Alex Khojikian, City Manager

PREPARED BY: City Manager's Office

MEETING DATE: September 16, 2024

SUBJECT:
Grand Jury Report: "Restaurant Exteriors: The Neglected Space" - Response Letter

RECOMMENDATION:

Approve a letter responding to the July 9, 2024, San Mateo County Civil Grand Jury report titled "Restaurant Exteriors: The Neglected Space" and authorize the Mayor to send the response letter on behalf of the City Council.

BACKGROUND:

On July 9, 2024, the San Mateo County Civil Grand Jury released a report titled '*Restaurant Exteriors: The Neglected Space*' (Attachment 2). The report urges local government agencies to adopt a proactive approach to managing garbage and parklet sanitation issues around restaurant exteriors in San Mateo County, while also offering suggestions for preventive maintenance. The Grand Jury presented seven findings and four recommendations in the report. The City of San Mateo was exempt from three recommendations, as they pertain to the County. The City's response to each finding and recommendation is due to the Grand Jury by October 7, 2024. A draft response letter is included as Attachment 1 to this administrative report.

San Mateo County Civil Grand Jury Report

The Grand Jury report, "*Restaurant Exteriors: The Neglected Space*," examined various issues related to food waste and the regulations governing it. The report highlighted concerns that restaurant waste, including food, is not always properly contained in designated exterior bins, often resulting in overflow that attracts animals and other pests. Additionally, it noted inconsistencies in enforcement and inspection practices across different jurisdictions, aiming to bring attention to these regulatory gaps.

The City is proactively monitoring these areas and disagrees with many of the findings. For example, the City's Regulatory Compliance Manager conducts unannounced inspections both inside and outside restaurant spaces. These inspections focus on stormwater best management practices and ensure compliance with the City's stormwater code. This includes ensuring that waste areas are well-maintained, swept, and that dumpster lids are closed. Businesses that violate the code are provided with written warnings and notices of violation. To this end, the City's Public Works Environmental Compliance inspectors conduct approximately 150 unannounced inspections annually at restaurants and food service establishments, have issued 54 enforcement actions related to violations in the waste storage areas, and have a successful compliance history in response to these notices.

Additionally, code enforcement staff and the City's Downtown Coordinator actively monitor exterior spaces and work with businesses to ensure that waste storage areas are in good condition. As for parklets, the City's permitting requirements include well-drained flooring, adequate storm drain access, and inspections prior to becoming operational, and annually thereafter. The report recommends empowering each jurisdiction to increase trash pickup. However, further analysis is

needed, as this would likely increase costs for businesses, and it is unclear whether this is a need for individual businesses in San Mateo.

The City provided responses to each of the findings and recommendations. The City’s responses to the seven findings and one recommendation are summarized in Table 1 below. Detailed responses are provided in the draft response letter.

Table 1: San Mateo Grand Jury Response on “Restaurant Exteriors: The Neglected Space”

Finding	City Response
<i>F1: Sanitary conditions of the exterior of restaurant facilities fall outside the current inspections of the County Health Department. The varying unsatisfactory conditions in the waste removal areas of these facilities shows something is lacking in the regulatory process.</i>	Wholly Disagree with the Finding.
<i>F2: Sanitary conditions of parklets fall outside the current inspections conducted by the County Health Department or Vector Control.</i>	Agree with the Finding.
<i>F3: Sanitary conditions of exterior areas used for waste storage and disposal fall outside current inspections by local jurisdictions; local jurisdictions are, by and large, only reactive to an actual complaint.</i>	Wholly Disagree with Finding
<i>F4: Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.</i>	Partly Agree with Finding
<i>F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.</i>	Wholly Disagree with Finding
<i>F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.</i>	Wholly Disagree with Finding
<i>F7. Effective inspection of parklet sanitation can be severely hampered by closed skirting and lack of under floor access. Spacing between planking and lack of solid flooring can lead to accumulation of organic debris and possible infestation by vermin.</i>	Partly Agree with Finding
Recommendation	
<i>R4. By June 30, 2025 inspectors for all jurisdictions with restaurants should be empowered to require owners/operators to add receptacles or increase the frequency of pickups.</i>	The recommendation requires further analysis

BUDGET IMPACT:

There is no budget impact for this administrative action.

ENVIRONMENTAL DETERMINATION:

This response letter is not a project subject to CEQA, because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

- Att 1 - City of San Mateo Response Letter
- Att 2 - San Mateo County Grand Jury Report

STAFF CONTACT

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