



CITY OF SAN MATEO  
OFFICE OF THE MAYOR

330 W. 20<sup>th</sup> Avenue  
San Mateo, CA 94403  
[www.cityofsanmateo.org](http://www.cityofsanmateo.org)  
(650) 522-7040

September 19, 2022

Hon. Amara A. Lee  
Judge of the Superior Court  
c/o Jenarda Dubois  
Civil Grand Jury Coordinator  
Hall of Justice  
400 County Center; 2nd Floor  
Redwood City, CA 94063-1655

## **RESPONSE TO GRAND JURY REPORT: “Waiter! There’s a Car in My Soup!”**

Honorable Judge Lee,

Thank you for the opportunity to review and comment on the above referenced Grand Jury Report filed on July 25, 2022. The City of San Mateo’s response to both the findings and recommendations are listed below.

### **Response to Grand Jury Findings:**

F1. The city has conducted permit compliance inspections as required under city regulations for its current outdoor dining facilities, but has not documented those inspections, which makes it difficult to manage compliance with permit requirements.

Response: The City of San Mateo disagrees wholly with this finding.

The City of San Mateo ended its Temporary Outdoor Dining program on May 1, 2022. At that point in time, all parklet structures in parking space areas and on our pedestrian malls were required to obtain permits and comply with our Parklet Permit Program. Although the City did not have immediate compliance from all businesses, letters were issued to non-compliant businesses and all non-compliant structures have since been removed.

All current outdoor dining structures in place have been built and are subject to inspections under our Parklet Permit Program. Those inspections are fully documented. There are currently some businesses that have placed outdoor dining facilities on sidewalks and within our pedestrian mall without first obtaining the required Sidewalk and Pedestrian Mall Outdoor Dining Encroachment Permit. These have been documented and the City issued letters to the businesses requesting that they comply with the requirements to obtain a permit and meet all required permit provisions.

F2. The city has not documented certain known outdoor dining permit compliance deficiencies, which makes it difficult to mandate that corrections must be completed.

Response: The City of San Mateo disagrees wholly with this finding.

Under our permanent outdoor dining programs which have been effective as of May 1, 2022, the City of San Mateo is documenting all outdoor dining permit compliance deficiencies and is issuing compliance letters in order to mandate that corrections are made through our permit process.

F3. The city has not documented corrections to certain known outdoor dining permit compliance deficiencies, which makes it difficult to ensure that any mandated corrections were in fact completed.

Response: The City of San Mateo disagrees wholly with this finding.

Under our permanent outdoor dining programs which have been effective as of May 1, 2022, the City of San Mateo is documenting all outdoor dining permit compliance deficiencies and is reinspecting for corrections prior to issuing permits for outdoor dining.

### **Response to Grand Jury Recommendation:**

The Grand Jury had one recommendation that applies to the City of San Mateo:

R1. The Grand Jury recommends that by March 31, 2023, the City Council should give direction to city staff on how to prioritize enforcement of the entirety of its current outdoor dining regulations.

Response: This recommendation has been implemented

The City Council gave direction to staff on how to enforce the outdoor dining regulations as part of the adoption of the City's Parklet Permit Program in June 2021, the Sidewalk and Pedestrian Mall Outdoor Dining Permit Program in March 2022, and the related termination of the Temporary Outdoor Dining program on May 1, 2022. The guidelines for both current outdoor dining programs lay out the requirements of the permit and provide for remedies for non-compliance, including revoking the permits.

Transitioning away from the temporary program to the current outdoor dining programs is part of the work program adopted in the City Council Strategic Plan for Fiscal Year 2022-23 and was assigned a high priority. Periodic updates of the progress of the effort will be provided to the City Council over the course of the year as part of the City's established Strategic Plan review process.

This response to the Grand Jury was approved at a public meeting on September 6, 2022.

Respectfully,

Rick Bonilla  
Mayor, City of San Mateo