



# CITY OF SAN MATEO

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## Agenda Report

Agenda Number: 9

Section Name: {{section.name}}

Account Number: 10-1311

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**TO:** City Council

**FROM:** Drew Corbett, City Manager

**PREPARED BY:** City Manager's Office

**MEETING DATE:** September 19, 2022

**SUBJECT:**

Grand Jury Report: "Waiter! There's a Car in My Soup!" – Response Letter

**RECOMMENDATION:**

Approve the letter responding to the July 25, 2022 report by the San Mateo County Civil Grand Jury entitled, "Waiter! There's a Car in My Soup!" and authorize the Mayor to send the response letter on behalf of the City Council.

**BACKGROUND:**

On July 25, 2022, the San Mateo County Civil Grand Jury released a report entitled ""Waiter! There's a Car in My Soup!" (Attachment 2). The purpose of the report is to advise local government agencies to establish permanent outdoor dining regulations and enforcement procedures to make sure that current outdoor dining facilities are compliant with the standards established by each city. Within the report, the Grand Jury developed 4 findings and 2 recommendations. Of these, the City of San Mateo was exempted from one finding and one recommendation since the City has already adopted permanent outdoor dining programs. The City of San Mateo's response to each finding and recommendation is due to the Grand Jury no later than October 25, 2022. A draft response letter is included as Attachment 1 to this administrative report.

The City of San Mateo adopted a permanent Parklet Permit Program on June 21, 2021, and revised its existing sidewalk dining encroachment permit to include pedestrian mall dining on March 21, 2022. These two programs went into effect when the City's Temporary Outdoor Dining Permit Program expired on May 1, 2022. Since the expiration of the temporary program, staff has worked closely with the business community to facilitate the removal of structures that were built under the temporary program and to assist businesses in obtaining the new permits for both parklet and sidewalk and pedestrian mall outdoor dining. Staff maintains documentation of all businesses that are providing outdoor dining and the status of their compliance with the permit requirements. Letters have been sent to the businesses to inform them if they are non-compliant. Permits are only issued after inspections are completed documenting that all permit conditions have been met.

To date, all the parklet structures that are currently in place have been built through and are compliant with the Parklet Permit Program. Staff is currently working with the businesses to ensure that those that are providing outdoor dining on sidewalks and in the pedestrian malls obtain the required permit and comply with all permit terms. Given this current status, staff disagrees with the findings of the Grand Jury that alleged that compliance is not being documented for current outdoor dining installations. The singular recommendation from the Grand Jury is that staff get direction from the City Council on prioritizing enforcement. Given the direction provided by Council during the adoption process for the permit programs and the inclusion of the transition to the permanent outdoor dining programs as an "A" priority work plan item on the City Council Strategic Plan, staff believes that this recommendation has been met.

**BUDGET IMPACT:**

There is no budget impact associated with this action.

**ENVIRONMENTAL DETERMINATION:**

This response letter is not a project subject to the California Environmental Quality Act (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 – Draft Response Letter

Att 2 – Grand Jury Report

**STAFF CONTACT**

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