



September 24, 2024

Honorable Amarra A. Lee
Judge of the Superior Court
c/o Bianca Fasuescu
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Hon. Amarra A. Lee:

The City of San Carlos hereby submits its response to Findings 1, 2, 3, 4, 5, and 6 and Recommendation 4 of the 2023-2024 San Mateo County Civil Grand Jury Report titled *Restaurant Exteriors: The Neglected Space*, released on July 9, 2024.

This response was approved by the San Carlos City Council at its regular public meeting of September 23, 2024.

Finding 1: Sanitary conditions of the exterior of restaurant facilities fall outside current inspections of the County Health Department. The varying unsatisfactory conditions in the waste removal areas of the facilities shows something is lacking in the regulatory process.

Response: The City of San Carlos agrees with the finding.

Finding 2: Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

Response: The City of San Carlos agrees with the finding.

Finding 3: 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.

Response: The City of San Carlos partially agrees with the finding. Section 18.15.110 – “Trash and recycling collection areas” of the San Carlos Municipal Code addresses the location, size, materials, design, and construction requirements for solid waste and recycling container enclosures. Section 18.15.110(E)(10) requires that “the floor of the enclosure shall have a drain that connects to the sanitary sewer system.” The City’s Code Enforcement Officers respond to complaints, but they also proactively address issues with restaurants based upon observations during the course of their work.

Finding 4: Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

Response: The City of San Carlos agrees with the finding.



Finding 5: Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

Response: The City of San Carlos disagrees with the finding. Section 18.15.110 – “Trash and recycling collection areas” of the San Carlos Municipal Code addresses the location, size, materials, design, and construction requirements for solid waste and recycling container enclosures. Upon observation or upon receipt of a complaint related to unacceptable conditions in a restaurant trash area, the City’s Code Enforcement Officers work with restaurants to rectify poor conditions. In addition, they coordinate with Recology San Mateo County, who will work with restaurant and business owners to assess and address the adequacy of the number of waste bins and the frequency of waste pickups.

Finding 6: Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

Response: The City of San Carlos partially agrees with the finding. Section 18.15.110(E)(10) of the San Carlos Municipal Code requires that “the floor of the enclosure shall have a drain that connects to the sanitary sewer system.”

The City of San Carlos complies with the Municipal Regional Permit under the NPDES Permit No. CA0029921, which requires the elimination of non-stormwater discharges to the municipal separate storm sewers. Section 13.14 – “Stormwater Management and Discharge Control” of the San Carlos Municipal Code codifies this requirement.

Recommendation 4: 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 pick-ups.

Response: San Carlos Municipal Code Chapter 15.24 – “Property Maintenance” of the San Carlos Municipal Code designates the City’s Code Enforcement Officer to enforce the abatement of conditions that will “improve the general welfare, health and safety and image of the City.” Depending on the unique circumstances of each case, the Code Enforcement Officer may elect to work with business owners directly, engage Recology San Mateo County to work with business owners, or employ the enforcement authority and penalties defined in Chapter 15.24 of the Code.

Respectfully submitted,

Jeff Maltbie, City Manager