



CITY COUNCIL STAFF REPORT

MEETING DATE: September 23, 2024

ITEM TITLE: Authorize the City Manager to Sign the Letter Prepared by Staff in Response to the 2023-2024 San Mateo County Civil Grand Jury Report Titled "Restaurant Exteriors: The Neglected Space".

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to sign a letter in response to the 2023-2024 San Mateo County Civil Grand Jury Report titled "Restaurant Exteriors: The Neglected Space".

FISCAL IMPLICATIONS:

There are no fiscal implications associated with this action.

BACKGROUND:

On July 9, 2024, the 2023-2024 San Mateo County Civil Grand Jury ("Grand Jury") issued a report titled "Restaurant Exteriors: The Neglected Space" ("Report"), enclosed as Attachment 2. Per the letter received from the Superior Court (Attachment 3), the City of San Carlos is required to submit comments on the findings and recommendations within 90 days. The City's response to the report is due no later than October 7, 2024.

ANALYSIS:

The Grand Jury made seven findings and four recommendations in its Report and requested that the City of San Carlos respond only to Findings 1, 2, 3, 4, 5, and 6 and Recommendation 4. Attachment 1 to this staff report is a letter prepared by staff to respond to the Grand Jury's Report and includes the following proposed responses:

Grand Jury 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.

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

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

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

Grand Jury 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.

City's 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.

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

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

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

City's 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.

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

City's 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.

Grand Jury 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.

City's 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.

ALTERNATIVES:

The alternatives available to the City Council include:

1. Authorize the City Manager to sign the letter prepared by staff in response to the 2023-2024 San Mateo County Civil Grand Jury Report titled "Restaurant Exteriors: The Neglected Space"; or
2. Provide staff with alternative direction.

Respectfully submitted by:

Nil Blackburn, Assistant City Manager

Approved for submission by:



Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Proposed Letter in Response to Grand Jury Report
2. Grand Jury Report
3. SMC Superior Court Letter 7.9.24