



[Issue](#) | [Summary](#) | [Background](#) | [Discussion](#) | [Methodology](#) | [Findings](#) |
[Recommendations](#) | [Requests for Response](#) | [Bibliography](#) | [Appendixes](#)

RESTAURANT EXTERIORS: THE NEGLECTED SPACE

ISSUE

The exterior trash areas of food service businesses are often unsightly and unsanitary. How can this issue be addressed?

SUMMARY

Restaurant garbage and food waste is not always contained in designated exterior bins, and may overflow, attracting animals and other undesirable pests. While restaurant interiors are subject to County of San Mateo Health System standards and inspections, restaurant building exteriors are subject to a variety of standards and inspection programs, because each local jurisdiction has its own regulations for sanitation and safety for exteriors. For restaurant exteriors, responsibility for enforcement of local code and for inspection schedules varies from city to city. Generally, inspections are done when complaints are received. The extent of the issues may vary based on the municipality or district, day of the week (garbage collection day), or whether the building backs are visible to the public.

Grand Jury members conducted interviews with County officials, city officials, and waste handlers and performed their own spot checks (admittedly not scientific). A written survey (Appendix B) was sent to all twenty cities and towns in the County.

The Grand Jury found a significant number of restaurant exterior waste storage areas and areas below parklets had clearly deficient, unsanitary, unsightly and odorous conditions. The investigation found that the “standards” for these areas, *i.e.*, how these conditions were monitored, and how codes and policies were enforced, to be inconsistent at best and non-existent in some instances. A quantification of the waste storage area problem proved difficult as many sites and their condition were dependent on the day of the week and their garbage pick-up days.

This Grand Jury report includes recommendations for a more proactive approach to handling the garbage and parklet sanitation problems around restaurant exteriors in San Mateo County, and suggestions for preventive maintenance.

BACKGROUND

People spent 20.7% more money at restaurants than on groceries in 2022. That figure rose to 29.5% in the first two months of 2023 according to Commerce Department data.¹ This significant increase in use of restaurants and “micro” and “mobile” food services, not surprisingly, resulted in an increase in organic (food stuff) waste, paper, glass and general garbage.

Members of the Civil Grand Jury initiated this review of the health and safety conditions surrounding the immediate areas designated for waste removal after observing an increase in rodents around parklets. Initial walkthroughs behind restaurants determined that the problem related to waste management in general as well as to the parklets. Photos contained in Appendix A depict some of the disturbing findings.

The Grand Jury found a significant number of restaurant exterior waste storage areas and areas below parklets had clearly deficient, unsanitary, unsightly and odorous conditions. The investigation found that the “standards” for these areas, *i.e.*, how these conditions were monitored, and how codes and policies were enforced, to be inconsistent at best and non-existent in some instances. A quantification of the waste storage area problem proved difficult as many sites and their condition were dependent on the day of the week and their garbage pick-up days.

This Grand Jury report includes recommendations for a more proactive approach to handling the garbage and parklet sanitation problems around restaurant exteriors in San Mateo County, and suggestions for preventive maintenance.

REGULATORY FRAMEWORK

California Health & Safety Code, Chapter 7 known as the “Retail Food Code” regulates, at the State level, the protections required for public health and safety of a “Food Facility”.² The Code

¹ https://www.census.gov/retail/marts/www/marts_current.pdf

² H&S Code 113789 (a) “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

- (1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.
- (2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.
- (b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:
 - (1) Public and private school cafeterias.
 - (2) Restricted food service facilities.
 - (3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
 - (4) Commissaries.
 - (5) Mobile food facilities.
 - (6) Mobile support units.
 - (7) Temporary food facilities.
 - (8) Vending machines.
 - (9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.

has extensive requirements for the handling of food, preparation and service of patrons. They can best be described as affecting the “inside” of the Food Facility.

The exterior or waste disposal areas are only mentioned in Article 4, Section 114245.4. “If provided, an outdoor storage area or enclosure used for refuse, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be easily cleanable, durable and sloped to drain.”³ Refer to Appendix C for the California Health & Safety Code Article 4.

The enforcement of these State Regulations is assigned to “Enforcement Officers”⁴ of an “Enforcement Agency”⁵ which is delegated to more local organizations at the county or other local level. Section 114390⁶ gives the power to inspect facilities, take samples and prepare a written report of deficiencies.

HEALTH DEPARTMENT INSPECTIONS

The San Mateo County Health Department is primarily responsible for the inspection of restaurants and enforcement of the Health Codes related to them. The Inspection checklist (Appendix D) has 60 categories for inspection and only one (FO42) relates to waste disposal or garbage. In interviews, the Grand Jury found the Health Inspector does not generally inspect the areas behind the facility and does not inspect areas not immediately adjacent to the facility at all. The County relies on the individual cities for enforcement of their nuisance laws in these areas.

As part of its Municipal Code, each City or jurisdiction maintains provisions for enforcement actions against properties (and operators) that maintain unhealthy, noxious, or dangerous conditions under their police powers to abate public nuisances. (See Bibliography)

LAND USE / USE PERMITS

It is beyond the scope of this investigation to analyze the municipal codes of each of the twenty jurisdictions in San Mateo County which have restaurant uses. Most cities require “use permits”

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(11) Fishermen’s markets.

³ Sections 114244 to 114245.3 inclusive speak only to the Food Facility which is defined as the interior of the facility.

⁴ **113774.** “Enforcement officer” means the director, agents, or environmental health specialists appointed by the Director of Health Services, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.

⁵ **113773.** “Enforcement agency” means the department or the local health agency having jurisdiction over the food facility.

⁶ **114390 :**

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=104.&title=&part=7.&chapter=13.&article=2

(conditional or otherwise) for restaurants in certain locations. As part of the building permit process, cities have the ability to require and specify the type, location, and frequency of waste disposal. More importantly, all have a general requirement that these areas be maintained at the owner/operator expense in a good and sanitary manner.

WASTE HAULERS / SANITATION COMPANIES

By far the biggest recipient of waste and disposal in the County is Recology San Mateo County serving the cities of Belmont, Burlingame, East Palo Alto, Foster City, Menlo Park, Redwood City, San Carlos, and San Mateo, the town of Hillsborough, County of San Mateo, North Fair Oaks, and West Bay Sanitary District. Recology of the Coast provides service to Pacifica. GreenWaste provides service to the town of Atherton.

South San Francisco Scavenger Company (SSFSC) serves businesses and residents in South San Francisco, Millbrae, Brisbane and San Francisco International Airport. Half Moon Bay, Daly City and the unincorporated North County has an agreement with Republic Services, Inc. to provide recycling, compost and garbage collection services.

Each hauler negotiates independently on rates and pick-up policy. The Grand Jury reviewed the Franchise Agreement used by Recology. The agreement provides that the hauler shall replace or repair bins, dumpsters and other containers as needed or upon request.

DISCUSSION

SURVEY

The Grand Jury sent a survey to twenty jurisdictions (see Appendix B). Five jurisdictions relied solely on the County Health Department for enforcement of regulations related to restaurant waste facilities; two inspected and enforced only at the permit renewal stage; and nine assigned the duty to their code enforcement mechanism generally through Planning, Public Works or dedicated Code Enforcement personnel. Only three of the jurisdictions conducted inspections independent of a complaint. The majority, nine of fourteen, only inspected upon receipt of a complaint. (See Appendix B for the tabulated Survey results).

In summary, survey responses demonstrate that the Cities rely on the County Health Department for inspections of restaurant interiors and, in general, only respond to exterior conditions upon receipt of a complaint.

OBSERVATIONS

The condition at any one site is dependent on the frequency of trash removal. The site may be fine right after removal but, as the week goes on, the situation worsens. There does not appear to be any site-specific requirements (or at least any that are enforced) for residual cleaning such as power washing. Few sites inspected had any method of controlling wash down or steam cleaning waste from flowing into the storm sewers. The type of restaurant also impacts its output, *e.g.*, some generate grease, oil and animal fat, which require special containers.

The current requirements for trash enclosures by local jurisdictions are applied only to new applications, resulting in many outdated, legacies facilities and, without regular inspection, there is no monitoring of maintenance or repair. These areas are high impact areas and the enclosures and bins, dumpsters and cans are subject to heavy use. The Grand Jury found many bins, dumpsters and cans to be in damaged and filthy condition.

Economic forces impact maintenance and overflow conditions. An operator of a restaurant pays for disposal service by volume (size and number of containers) and frequency (number of pick-ups in one week). Increases in business generate higher volumes so what was working in the past may not be sufficient for the current or future situation. It is logical that operators of food facilities would see added frequency of pickups or added containers as a negative and an expense. This is a financial impact question.

IMPACTS ON THE COMMUNITY

Normal sanitation issues apply; smell, unsightliness and vermin⁷. Vector Control does not inspect trash or similar areas unless specifically requested. The Grand Jury interviews revealed instances of the presence of rats, mice and raccoons in trash areas and parklets. Insect infestation is also of concern. All this presents a health hazard to the public, the workers at these restaurants, and the trash collectors.

ENFORCEMENT OF EXISTING REQUIREMENTS

The County Health Department inspections do not include the areas outside of the building. The enforcement of the nuisance provisions by local jurisdictions is reactive and only called into play upon a complaint. Oversight of the condition of receptacles (dumpsters, bins, cans) is minimal, at best, and often non-existent.

SPECIAL CASES

Mobile Food Facilities (Food Trucks): The Permit Checklist for food trucks does not mention waste disposal. Food Truck regulation is an evolving body of regulation and should be reviewed at a later date.

https://www.smchealth.org/sites/main/files/file-attachments/20170915_mff_selfinspectionchecklist.pdf?1536778880

Farmer's Markets: Several markets were visited by Jurors. Only the Farmer's Market in San Carlos was the subject of an interview. This particular market occurs on a Sunday. It is organized by a private company (a community-based organization, CBO) which recruits and manages the individual Farmers and Vendors. The company polices the area at the breakdown of the Market

⁷ **H&S Code 113939.** "Vermin" means cockroaches, mice, rats, and similar pests that carry disease.

H&S Code 13939.1. "Vermin infestation" means the presence of vermin within the food facility as evidenced by actual live bodies, fresh droppings or vomitus, urine stains, or gnaw marks, that could result in contamination to the food, equipment, packaging, or utensils.

on Sunday afternoon. The city of San Carlos has a street sweeper go over the area on Monday morning. These actions appear to be sufficient as the area was observed to be clean and free from refuse.

Parklets: Like Food Trucks, parklet regulation is evolving and should be reviewed in more detail at a later date. There are currently no separate inspection line items for parklets in the County Health Department checklist. Parklets increased significantly as a result of the Covid-19 pandemic, which have proven efficient and desirable in many areas. At the outset, their construction was not heavily regulated and there were no specific building code requirements for inspection and cleaning under floors. As these facilities have become permanent, building permit requirements have increased. Problem areas identified in our investigation are:

1. Open floor segments can permit food and other waste falling under the floor of the parklet to the street;
2. Many have open side(s) permitting vermin to go under the parklet to feed on scraps;
3. Street drainage (from road crown and gutter flow) can exacerbate the problems of waste under the floor, including leaves and other refuse.

METHODOLOGY

The Jurors made several site visits over a period of eight months and took photographs. The Grand Jury conducted interviews with some officials of some cities and with several San Mateo County officials including the Health Department and Vector Control. A survey was sent to each city/town in San Mateo County.

FINDINGS

F1: 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.

F2: Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

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.

F4: Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

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.

RECOMMENDATIONS

R1. By June 30, 2025, the County should amend its Food Facility Checklist to include the condition of trash area flooring, bins, dumpsters and enclosures, and note any needed repair, replacement or cleaning.

R2. By June 30, 2025, the County should amend its Food Facility Checklist to include the entire exterior waste storage area, retention areas and parklets, including flooring and underfloor areas.

R3. By June 30, 2025, the County should require operators/owners of restaurants to have a written diagram of their approved waste storage/retention area posted so the inspector can evaluate the condition of the facilities.

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 pick-ups.

Note: The Grand Jury is not able to recommend changes to building codes or planning criteria to cities or the County. However, in our review we did find the City of Palo Alto has a publication with clear and comprehensive regulations/recommendations for these areas.

“Comprehensive Guidelines for Commercial Trash Enclosures:

<https://www.cityofpaloalto.org/files/assets/public/v/1/planning-amp-development-services/palo-alto-trash-enclosure-area-guidelines-march-2017.pdf>”

REQUEST FOR RESPONSE

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

From the San Mateo County Board of Supervisors, to all Findings and Recommendations.

From the councils for all 20 cities and towns in the County, to Findings 1, 2, 3, 4, 5, and 6 and Recommendation 4.

The governing bodies indicated above should be aware that the comment or response of each governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

RESPONSE REQUIREMENTS

California Penal Code Section 933.05 provides (emphasis added):

- (a) For purposes of each subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall report one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding; in which case the response shall specify the port of the finding that is disputed and shall include an explanation of the reasons, therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation, therefore.

BIBLIOGRAPHY

California Health and Safety Code:

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=HSC&tocTitle=+Health+and+Safety+Code+-+HSC>

The following is a representative selection of Municipal Codes relevant to the investigation:

- Daly City: https://library.municode.com/ca/daly_city/codes/code_of_ordinances?nodeId=TIT8HESA
- Belmont: https://library.municode.com/ca/belmont/codes/code_of_ordinances?nodeId=CICO_CH1HESA
- Hillsborough: https://library.municode.com/ca/hillsborough/codes/code_of_ordinances?nodeId=TIT8HESA
- San Mateo (City): <https://law.cityofsanmateo.org/us/ca/cities/san-mateo/code/7>
- East Palo Alto Code Enforcement: <https://www.cityofepa.org/building/page/code-enforcement>
- San Carlos: <https://www.codepublishing.com/CA/SanCarlos/#!/SanCarlos08/SanCarlos0827.html#8.27>
- South San Francisco: https://library.qcode.us/lib/south_san_francisco_ca/pub/municipal_code/item/title_8-chapter_8_16 and https://library.qcode.us/lib/south_san_francisco_ca/pub/municipal_code/item/title_8

- Burlingame: https://library.qcode.us/lib/burlingame_ca/pub/municipal_code/item/title_8
- Pacifica Food Establishments:
https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT6SAHE_CH5GACORE
- Pacifica Garbage:
https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT6SAHE_CH5GACORE_ART1GACO
- Redwood City: RWC has multiple segments of their code that would apply to this topic. The link to the Code in General is:
https://library.municode.com/ca/redwood_city/codes/city_code?nodeId=REDWOOD_CALIFORNIAMUCO

APPENDIX A

Photographs of exteriors



Figure 1: San Mateo, September 2023



Figure 2: Millbrae, September 2023



Figure 3: Millbrae, September 2023



Figure 4: Millbrae, September 2023



Figure 5: Millbrae, September 2023



Figure 6: Millbrae, September 2023



Figure 7: San Carlos, December 2023



Figure 8: San Carlos, November 2023



Figure 9: San Carlos, December 2023



Figure 11: San Carlos, October 2023

APPENDIX B

Survey

1. Please list your name, title or job description and the city/town you represent.

Surveys were sent to managers of the twenty cities and towns in San Mateo County. Responses were as follows:

City/Town	Response Received
Atherton	No
Belmont	Yes
Brisbane	No
Burlingame	Yes
Colma	No
Daly City	Yes
East Palo Alto	Yes
Foster City	Yes
Half Moon Bay	No
Hillsborough	Yes
Menlo Park	Yes
Millbrae	No
Pacifica	Yes
Portola Valley	No
Redwood City	Yes
San Bruno	Yes
San Carlos	Yes
San Mateo	No
South San Francisco	Yes
Woodside	Yes

2. What sanitation standards are applied to the garbage/trash areas of restaurants, bars and food services?

Respondents cited the County ordinance code and various municipal codes and standards. One entity had no response and another responded their city/town has no restaurants.

3. What standards are applied to sanitation, trash and street cleaning related to the "parklets" or other outdoor areas used for food service?

Most respondents cited state, county or municipal standards. One city noted they have specific regulations for parklets. Another city said they have no standards because parklets are the responsibility of restaurants.

4. What department(s) of the City enforce these standards?

Enforcement of standards may be done by:

- County Health
- Building/Fire/Public Works
- Planning & Building, Dept of Water & Wastewater Resources
- Planning
- Public Works
- Police, Code Enforcement
- Engineering Division
- Community & Economic Development. Department

5. Are regular inspections made or is inquiry only made upon complaint?

Most responded inspections are complaint-based. A few municipalities conduct regular, periodic inspections.

6. Upon inquiry by the City (either by inspection or complaint) what standards are applied to determination of a violation, or recommendation to an owner?

Standards listed included:

- County Health
- Parklet Standards
- Municipal Codes
- California Building Code, California Fire Code, Americans with Disabilities Act (ADA)

7. What agencies or organizations outside of the City are involved in maintaining standards, such as Recology, Republic Services or South San Francisco Scavenger?
- Recology
 - Recology of the Coast
 - Greenwaste Recovery
 - Republic
 - County Health
 - No response, but noted there is a city contract with a power washing service and that information is made available to parklet owners

APPENDIX C

California Health & Safety Code Article 4

Health and Safety Code - HSC, DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] , PART 7. CALIFORNIA RETAIL FOOD CODE [113700 - 114437] , CHAPTER 7. Water, Plumbing, and Waste [114189 - 114245.7]
https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=104.&title=&part=7.&chapter=7.&article=4

ARTICLE 4. REFUSE

114244.

- (a) Each food facility shall be provided with any facilities and equipment necessary to store or dispose of all waste material.
- (b) Waste receptacles shall be provided for use by consumers.
- (c) A receptacle shall be provided in each area of the food facility or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

114245

- (a) An area designated for refuse, recyclables, returnables, and a redeeming machine for recyclables or returnables shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.
- (b) Receptacles and waste handling units for refuse, recyclables, and returnables shall not be located so as to create a public health hazard or nuisance or interfere with the cleaning of adjacent space.

114245.1

- (a) All refuse, recyclables, and returnables shall be kept in nonabsorbent, durable, cleanable, leakproof, and rodent proof containers and shall be contained so as to minimize odor and insect development by covering with close-fitting lids or placement in a disposable bag that is impervious to moisture and then sealed.
- (b) Refuse containers inside a food facility need not be covered during periods of operation.
- (c) All refuse shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.
- (d) Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.
- (e) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

114245.2. Cardboard or other packaging material that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or disposal site may be

stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

114245.3. If located within the food facility, a storage area for refuse, recyclables, and returnables shall meet the requirements for floors, walls, ceilings, and vermin exclusion as specified in this part.

114245.4. If provided, an outdoor storage area or enclosure used for refuse, recyclables, and returnables shall be constructed of nonabsorbent material such as concrete or asphalt and shall be easily cleanable, durable, and sloped to drain.

114245.5. Receptacles and waste handling units for refuse and recyclables shall be installed so that accumulation of debris and insect and rodent attraction and harborage are minimized and effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

114245.6.

(a) Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, or single-service and single-use articles, and wastewater shall be disposed of as specified under Section 114241.

(b) Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

114245.7.

(a) Except as specified in subdivision (b), suitable cleaning implements and supplies such as high-pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

(b) If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

APPENDIX D

San Mateo County Inspection Checklist

<https://www.smchealth.org/sites/main/files/file-attachments/297097foodestab.pdf>



COUNTY OF SAN MATEO
HEALTH SYSTEM

Environmental Health
Services Food Program
2000 Alameda
de las Pulgas
Suite #100
San Mateo,
CA 94403
(650) 372-6200 FAX
(650) 627-8244
smchealth.org/food

FOOD FACILITY CHECKLIST

The goal of food safety is to promote health and prevent food-borne disease through education, training and regulation. This checklist reflects areas that are evaluated during a routine inspection. Use this as a guide to improve your facility's sanitation and compliance with the requirements from the California Retail Food Code.

FOOD RECEIVING	YES	NO	N/A
Raw or frozen raw molluscan shellfish (e.g. clams, mussels, scallops, oysters) properly labeled and labels maintained on site for at least 90 days.			
Temperature of live molluscan shellfish at or below 45°F.			
Food only from approved sources.			
Potentially hazardous foods delivered at a temperature of 41°F			
Frozen foods delivered in frozen condition with no evidence of thawing or refreezing.			
Food at improper temperature or in unacceptable condition rejected.			
Foods, especially refrigerated and frozen foods, placed in proper storage locations promptly.			
FOOD STORAGE	YES	NO	N/A
Foods protected from contamination, dirt, vermin, insects, chemicals, etc.			
Prepackaged and bulk foods properly labeled.			
Food stored at least 6 inches above floor in approved locations within the facility.			
Returned and damaged goods stored separate from other items.			
Raw meat and fish inside refrigerators and freezers stored below and away from ready-to-eat foods (e.g. salads, produce, beverages).			
Foods kept covered while in storage.			
Food which becomes contaminated or adulterated is discarded.			

FOOD PREPARATION	YES	NO	N/A
Frozen foods thawed by one of the following methods: <ul style="list-style-type: none"> • Under cold running water • In a refrigerator • In a microwave • As part of the cooking process 			
Hot potentially hazardous foods cooled as quickly as possible by one or more of the following methods prior to placement in a refrigerator or freezer: <ul style="list-style-type: none"> • In an ice bath with stirring • With a rapid cool stirring device • In a blast chiller • By adding ice • In shallow heat conducting pans on ice • Separating food into smaller or thinner portions 			

	YES	NO	N/A
Food preparation sinks used only for preparation activities, and not hand washing, janitorial activities, or other uses.			
Sulfites not added to potentially hazardous foods.			
Potentially hazardous foods shall be thoroughly cooked to a minimum internal temperature of: <ul style="list-style-type: none"> • 165°F for poultry, comminuted poultry, game birds, stuffed meats, stuffed pasta, and reheated foods. • 157°F for ground beef, other comminuted meats, and foods containing comminuted meat. (Or 155°F for a minimum of 15 seconds) • 155°F for pork. • 145°F for eggs, food containing raw eggs, and other cooked potentially hazardous food. 			
FOOD SERVING	YES	NO	N/A
Prepackaged foods properly labeled with common name, list of ingredients, net weight, name and address of manufacturer, etc.			
Uneaten food returned from customer is discarded and not reused or reserved.			
Self-serve buffets, salad bars, snack counters, bulk food dispensers, and self-serve units. Provide adequate protection for food and utensils from contamination by customers (e.g. sneezing, coughing, and handling).			
Tongs, ladles, spoons, etc. used for food service rather than direct contact with hands.			

TEMPERATURE CONTROL/THERMOMETERS	YES	NO	N/A
Potentially hazardous foods kept at or below 41°F, or at or above 135°F.			
When cooling or heating potentially hazardous foods, the time spent in the DANGER ZONE (41 °F - 135°F) is kept to a minimum.			
Easily readable thermometers (accurate to $\pm 2^{\circ}\text{F}$) in the warmest part of each refrigeration and freezer unit.			
Metal probe-type thermometer on premise if potentially hazardous food served.			
Thermometers are sanitized before and after use, and periodically calibrated. (Employees should be able to demonstrate that they know how to calibrate a probe thermometer)			
UTENSIL WASHING/STORAGE	YES	NO	N/A
Utensils protected from contamination, dirt, vermin, insects, chemicals, etc.			
Multi-service customer utensils (e.g. plates, glasses, silverware) sanitized by mechanical dish machine as per manufacturer specifications, or if manually washed, sanitized by one of the following methods: <ul style="list-style-type: none"> • 100 ppm chlorine for 30 seconds • 25 ppm iodine for 60 seconds • 200 ppm quaternary ammonium for 60 seconds • 180°F water for 30 seconds 			
Test strips or thermometer available for measuring the method of sanitizing utensils.			

	YES	NO	N/A
Three- compartment sink with dual integral drain boards available for utensil washing (except where 2 compartment exemptions is applicable).			
Compartments are large enough to accommodate the largest utensil in use.			
Utensils are clean and in good repair.			
Kitchen and serving utensils are routinely cleaned and sanitized.			
Utensils are commercial-grade and meet applicable National Sanitation Foundation (NSF) at CAL CODE standards.			
All mechanical dishwashers are provided with dual integral drain boards.			
Proper sanitizer and chemical levels, and temperature maintained at all times during operation of dish machines.			
Single-service customer utensils used only once and disposed of in a sanitary manner.			
Serving utensils (e.g. scoops, spoons, ladles, etc.) for potentially hazardous foods, while in use are kept at or below 41°F or above 135°F, or in a dipper well continually provided with clean water.			
TOILET FACILITIES	YES	NO	N/A
Employee toilet facilities provided.			
Customer toilet facilities provided where required.			

Tight-fitting self-closing doors provided.			
Food, utensils, equipment, supplies, etc., not stored in toilet facilities.			
Toilet paper, single-use sanitary towels (or air dryer) and hand cleanser provided from approved dispensers.			
Hot and cold water, under pressure, provided from a mixing faucet (or combination faucet) at hand sink.			
Ventilation provided.			
HANDWASHING FACILITIES	YES	NO	N/A
Within or adjacent to restrooms and kitchens.			
Provided with single service sanitary towels (or air dryers) and hand cleanser from and approved dispensers.			
Hot and cold water, under pressure, provided from a mixing faucet (or combination faucet) at hand sink.			
Kept readily accessible at all times			
Facilities provided exclusively for hand washing in food prep areas that are sufficient in number and conveniently located. (construction/remodels on or after January 1, 1996)			
CHEMICALS/PESTICIDES	YES	NO	N/A
Properly labeled.			
Stored away from food and utensils. Stored in separate enclosure if stored in food preparation area.			
Pesticides specifically approved for use within food facilities.			
Chemicals, pesticides, hazardous materials properly used. MSDS data available for employees.			

JANITORIAL FACILITIES	YES	NO	N/A
Area provided for storage of cleaning supplies and equipment which is separate from food preparation, food storage, utensil cleaning, and utensil storage areas.			
Janitorial sink or basin provided with hot and cold water.			
Backflow prevention device provided for sink.			
Cleaning equipment (e.g. mops, buckets, brooms, etc.) kept away from food and utensils.			
LIGHTING	YES	NO	N/A
Minimum intensity of 20 foot-candles (ftc) in food preparation and utensil cleaning areas.			
Minimum intensity of 10ftc elsewhere but intensity of at least 20 ftc available during cleaning operations.			
Shatter-proof light covers in food preparation, food storage (except where food is in unopened, original containers), and utensil cleaning areas.			

VERMIN/INSECTS	YES	NO	N/A
Facility free of rodents and insects.			
Harborage and entrances eliminated. Droppings and dead insects cleaned up.			
Facility kept fully enclosed. Entrances protected by tight-fitting, self-closing doors or air curtains. Openable windows protected by screens.			
Pest control performed by licensed pest control operator.			
GARBAGE/REFUSE DISPOSAL	YES	NO	N/A
Facilities provided for garbage disposal and storage.			
Containers are leak proof and rodent proof with tight-fitting lids.			
Garbage placed in securely fastened plastic bags before placement in dumpster.			
Garbage removed frequently.			
WATER SUPPLY	YES	NO	N/A
Water supply from an approved source.			
Hot and cold water provided in adequate amounts.			
EMPLOYEE HABITS	YES	NO	N/A
Employees wash hands before beginning work, between working with raw food and ready-to-eat foods, after coughing or sneezing, after touching soiled equipment or utensils, after using restrooms, and after engaging in any other activity that contaminates the hands.			
Employees wear clean garments or uniforms.			
Employees do not use tobacco products where food is prepared, served, or stored, or where utensils are cleaned or stored.			
Employees do not work if ill.			
Employees have been instructed in safe food handling practices.			
Employees routinely check temperatures of potentially hazardous foods during storage, preparation and serving, and check utensil cleaning chemical levels, water temperatures, and water pressures.			

EMPLOYEE CHANGE/STORAGE FACILITIES	YES	NO	N/A
Area provided for employee changing which is separate from toilets, food storage, food preparation, utensil cleaning, and utensil storage areas.			
PLUMBING	YES	NO	N/A
All sewage and wastewater disposed of to an approved sewer or septic system.			
Indirect waste drainage via a floor sink or funnel drain provided for all equipment that discharges wastes (e.g. prep sinks, utensil sinks, steam tables, salad bars, Chinese ranges, ice machines, ice storage bins, beverage machines, steam-jacketed kettles, display cases, refrigeration/freezer units, etc.)			
Indirect waste receptacles readily accessible for cleaning and inspection, and not located inside cabinets.			

Floor drains absent from food storage areas.			
Plumbing kept clean, fully operative, and in good repair.			
Grease interceptors and septic tanks regularly cleaned out by licensed plumbers.			
EQUIPMENT	YES	NO	N/A
Equipment clean and in good repair.			
Equipment easily cleanable and meets applicable NSF and the California Retail Food Code standards.			
Unused equipment removed from premises.			
Approved ventilation/exhaust equipment provided over cooking equipment and high temperature dish machines.			
WALLS, FLOORS, CEILINGS	YES	NO	N/A
Floors are smooth, durable, non-absorbent, and easily cleanable in areas where: <ul style="list-style-type: none"> • food prepared, packaged, or stored; • where utensils are cleaned or stored; • where garbage is stored; • where janitorial facilities are located; • in toilet and hand washing facilities; • in employee change and storage areas. 			
Floor material extends up the walls and toe kicks at least 4 inches with a minimum of 3/8 inch radius at the wall/floor and wall/toe-kick junctures in all areas mentioned above except where exempted (e.g. where foods are stored in their unopened original containers).			
Walls and ceilings smooth must be durable, non-absorbent, and easily cleanable in all areas except where exempted (e.g. dining areas, closed food storage areas, and certain portions of bar areas).			
Walls and ceiling finishes light colored in food preparation, utensil cleaning areas, and inside walk-in refrigeration units.			
SIGNS	YES	NO	N/A
Official Food Placard must be posted and clearly visible at the entrance of facility.			
Valid health permit posted in a conspicuous location.			
<i>No Smoking</i> signs posted in food preparation, food storage, utensil cleaning, and utensil storage areas.			

	YES	NO	N/A
Hand washing signs posted in toilet rooms.			
If facility has sit-down dining, <i>Choking First Aid</i> poster placed where it is readily accessible to employees.			

ADDITIONAL INFORMATION	YES	NO	N/A
Any construction, remodeling, alterations, and the installation of new equipment must be approved by the Health Department before commencing work.			
Applicable building and fire codes are met.			
Manager certification/ Food handler certifications are available on site.			
Tobacco permit available if applicable			
COMMENTS/OBSERVATIONS:			



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY EXECUTIVE

File #: 24-722

Board Meeting Date: 9/24/2024

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Michael P. Callagy, County Executive

Subject: Response to 2023-24 Civil Grand Jury Report "Restaurant Exteriors: The Neglected Space"

RECOMMENDATION:

Approve the County's response to the 2023-24 Civil Grand Jury Report "Restaurant Exteriors: The Neglected Space."

BACKGROUND:

On July 9, 2024, the 2023-24 San Mateo County Civil Grand Jury issued a report titled "Restaurant Exteriors: The Neglected Space" (Report), requesting that the County respond to the seven Findings and four Recommendations set forth in the Report.

Pursuant to Penal Code Section 933, the County's response to the Report is due to the Honorable Amarra A. Lee, Judge of the Superior Court of California, County of San Mateo, no later than September 18, 2024, which is 90 days after issuance of the Report.

DISCUSSION:

Staff recommends that the Board of Supervisors submit the following responses to the Report in compliance with Penal Code Section 933.05:

FINDINGS

Finding No. 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 County **disagrees** with this Finding, as it relates to areas within its control. Using the California Retail Food Code (CRFC), County Health monitors compliance of exterior areas, including waste disposal/refuse areas and outdoor seating under *direct control* of the permit

holder (restaurant), which may include seating areas in “parklets” (addressed below in Finding No. 2) as it pertains to vermin control, through routine and non-routine inspections of restaurants, employing the State of California Department of Public Health and Federal Food and Drug Administration (FDA) standard inspection protocols. Violations pertaining to garbage and refuse are not considered imminent public health threats. While some outdoor conditions may appear unattractive, County Health inspections focus on conditions that affect public health and sanitation, specifically focusing on safe food handling practices, which are considered essential to public health protection. Stains, unsightly enclosures, minor refuse spillage, and storage of materials that are not directly contributing to vermin control issues are not generally considered primary health and sanitation conditions affecting safe food handling and are therefore classified as “minor.” However, if violations in the exterior areas of restaurants under direct control of the restaurant contribute to major violations inside the facility, corrective actions are required and reinspections of activities contributing to critical hazard violations will occur.

City and County ordinances also directly apply to these areas. County ordinances pertaining to stormwater compliance, requirements for best management practices (BMPs) at refuse storage areas and parklets, and nuisances associated with refuse storage areas and parklets are administered in unincorporated areas of the county, and result in both proactive and complaint-responsive inspections.

County Health also administers the stormwater ordinance, codified as *Title 4, Sanitation and Health, Chapter 4.100, Stormwater Management and Discharge Control* (County Stormwater Ordinance), for the unincorporated areas of the county, as it pertains to restaurants, for actual or potential discharges to the storm drain system and implementation of BMPs through routine and nonroutine inspections of exterior refuse storage areas of restaurants.

The County does not exercise control over other municipalities in San Mateo County and, therefore, does not respond to this Finding on their behalf for stormwater, use permit, or nuisance ordinances.

Finding No. 2:

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

Response: The County *partially disagrees* with this Finding, as it relates to County Health, but the scope of the CRFC is limited to areas under the direct control of a restaurant. The term “parklet” is not used in the CRFC, but County Health has interpreted these seating areas to be inclusive of the CRFC inspection. That said, the County has conducted outreach to other jurisdictions administering the CRFC and determined that these dining areas are not consistently covered by all CRFC inspections. Some, but not all jurisdictions, incorporate the seating areas that were constructed on sidewalks and parking areas (“parklets”) during the pandemic into CRFC inspections. Parklet construction, however, is not reviewed by County Health.

Inspections of seating areas are general in nature and general sanitation violations are classified as “minor.” However, if violations in the exterior areas of restaurants under direct control of the restaurant contribute to major violations inside the facility, corrective actions are

required and reinspection of activities contributing to critical hazard violations occur.

County Health cannot comment on the role of County Vector Control District.

Finding No. 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 County ***disagrees*** with this Finding, as it relates to areas within its control. Using the CRFC and focusing on health and sanitation, County Health monitors compliance of exterior waste disposal/refuse areas as it pertains to vermin control, through routine and non-routine inspections of restaurants, and employing the State of California Department of Public Health and FDA standard inspection protocols. Violations pertaining to garbage and refuse are not considered imminent public health threats, but if violations of the CRFC in the exterior areas under direct control of the restaurant correlate to a critical hazard in the restaurant, they are documented, requiring correction.

Routine inspections of food facilities occur 1-3 times per year. County Health also administers the County's Stormwater Ordinance within the unincorporated areas of the county, as it pertains to restaurants, for actual or potential discharges to the storm drain system and implementation of BMPs through routine and nonroutine inspections of exterior refuse storage areas of restaurants.

The County does not exercise control over other municipalities in San Mateo County and, therefore, does not respond to this Finding on their behalf for stormwater, use permit, or nuisance ordinances.

Finding No. 4:

Most restaurant exterior areas are "out of sight" of the public and as a result complaints are less frequent.

Response: The County neither ***agrees nor disagrees*** with this Finding, as the County does not have sufficient information to respond to this Finding.

Finding No. 5:

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

Response: The County ***disagrees*** with this Finding, as it relates to areas within its control. If unsanitary conditions in restaurant trash areas are a violation of the CRFC and correlate to a critical hazard in the restaurant, they are documented, requiring correction.

If, during routine stormwater inspections at unincorporated restaurants, which the County monitors for compliance with the County's Stormwater Ordinance, a restaurant is not employing BMPs to prevent discharges to the storm drain system, the violation is documented and an enforcement action is initiated, directing the facility to demonstrate that the violation has been corrected. Follow up inspections may occur to ensure unresolved violations are

addressed in a timely manner and to implement escalated enforcement, as necessary.

Finding No. 6:

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

Response: The County ***neither agrees nor disagrees*** with this Finding, as it relates to areas within its control. It is a violation of the County's Stormwater Ordinance to discharge into a storm drain, and County Health regularly inspects outdoor areas and drainage at restaurants in the unincorporated areas of the county to ensure BMPs are in place.

In addition, see above Response to Finding No. 5 regarding enforcement of the County's Stormwater Ordinance.

Finding No. 7:

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.

Response: County Health neither ***agrees nor disagrees*** with this Finding as parklet construction is not reviewed by County Health.

RECOMMENDATIONS

Recommendation No. 1:

By June 30, 2025, the County should amend its Food Facility Checklist to include the condition of trash area flooring, bins, dumpsters, and enclosures, and note any needed repair, replacement, or cleaning.

Response: ***The Recommendation has not yet been implemented but will be implemented in the future.*** The Food Facility Checklist, developed for use by food facilities to perform regular self-audits, will be amended to include additional details suggested by this Report to assist operators with assessing the condition of their exterior trash areas. The Checklist will be translated into Spanish and simplified Chinese, emailed to restaurants and also remain available on the County Health website. Additionally, during routine stormwater inspections, operators will be provided with a link to California Stormwater Quality Association's (CASQA) BMP for food facilities: BG-30 Food Service Facilities and Flowstobay.org's [Best Management Practices for Parklets < https://www.flowstobay.org/wp-content/uploads/2022/08/Parklets-BMP-Tip-Sheet20220818.pdf >, a tool used for compliance with the County's Stormwater Ordinance.](https://www.flowstobay.org/wp-content/uploads/2022/08/Parklets-BMP-Tip-Sheet20220818.pdf)

Recommendation No. 2:

By June 30, 2025, the County should amend its Food Facility Checklist to include the entire exterior waste storage area, retention areas and parklets, including flooring and underfloor areas.

Response: ***The Recommendation has not yet been implemented but will be implemented in the future.*** Consistent with the County's above Response to Recommendation No. 1, the Food Facility Checklist will be amended to also include the entire exterior waste storage area, retention areas, and parklets, and operators will be provided a link to Flowstobay.org's [Best Management Practices for Parklets <](https://www.flowstobay.org/wp-content/uploads/2022/08/Parklets-BMP-Tip-Sheet20220818.pdf)

Recommendation No. 3:

By June 30, 2025, the County should require operators/owners of restaurants to have a written diagram of their approved waste storage/retention area posted so the inspector can evaluate the condition of the facilities.

Response: ***This Recommendation will not be implemented because it is not warranted or is not reasonable***, as this is not a requirement of the CRFC and is not enforceable. County Health inspects the exterior waste storage areas as part of inspections pursuant to the CRFC and the County's Stormwater Ordinance.

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: ***This Recommendation has been implemented*** as it relates to areas within the County's control. County Health staff are empowered to enforce the CRFC, which requires that restaurants ensure refuse removal at a frequency sufficient for the amount of waste generated. When vermin issues in the restaurant arise, assessment of the contributors, including chronic issues pertaining to the exterior waste storage area, are included in a compliance directive.

The County's Stormwater Ordinance requires that businesses within unincorporated areas maintain their operations so as not to create an actual or potential discharge to the storm drain system, utilizing BMPs and good housekeeping. When insufficient BMPs are observed in outdoor waste storage and disposal areas at restaurants in unincorporated areas, particularly when evidence of chronic or ongoing discharges are observed, County Health staff are empowered to note this as a compliance directive and require adequate BMPs or escalate enforcement actions, as appropriate.

FISCAL IMPACT:

There is no fiscal impact associated with the acceptance of this Report.

ATTACHMENTS:

Attachment A: *Restaurant Exteriors: The Neglected Space, July 9, 2024*

STATE OF CALIFORNIA } ss.
COUNTY OF SAN MATEO }

MICHAEL P. CALLAGY, Clerk of the Board of
Supervisors, does hereby certify that the above and foregoing is a
full, true and correct copy of:

Board Memo for 2023-24 Civil Grand Jury Report

"Restaurant Exteriors: The Neglected Space."

Approved by BOS on 9/24/24

entered in the minutes of said board.

In Witness Whereof, I have hereunto set my hand and the seal
of said Board this 3 day of February, 20 25

MICHAEL P. CALLAGY, Clerk of the Board

By  Deputy
Sukhmani S. Purewal



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

Subject: Response of the City of Belmont to the San Mateo County Civil Grand Jury Report "Restaurant Exteriors: The Neglected Space"

Honorable Judge Lee:

The City of Belmont appreciates the opportunity to review and provide comments on the above referenced Grand Jury Report filed on July 9, 2024. The City of Belmont's responses to Findings 1 – 6 and Recommendation 4 are outlined below.

Response to Grand Jury Findings

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 Belmont partially disagrees with this finding. The City's Code Enforcement division works cooperatively with the County Health Department if unsanitary conditions of restaurant facility exteriors are noted during an inspection.

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

Response: The City of Belmont partially disagrees with this finding. The City's Code Enforcement division works cooperatively and coordinates with these agencies if unsanitary conditions of parklets are reported on private property. The City does not allow parklets in the public right-of-way at this time.

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 Belmont partially disagrees with this finding. Recology provides sanitation removal services and notifies the City when business conditions necessitate additional receptacle capacity. Enforcement of the exterior conditions of restaurants is primarily complaint driven. Recology assists customers in maximizing participation in collection programs and recommends changes to ensure appropriate service levels as is required per the City's Franchise Agreement.

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 Belmont partially disagrees with this finding. Most restaurants in Belmont have an alley or access along the rear of their businesses. These restaurants have greater exterior visibility, but available space is often limited for the storage and screening of grease and waste receptacles along the alleyways.

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

Response: The City of Belmont partially disagrees with this finding. The City of Belmont has oversight jurisdiction over restaurant trash areas. Recology further monitors waste receptacles and informs restaurants and the City when trash containers are inadequate, overflowing, or contain improperly stored or sorted materials as is required per the City's Franchise Agreement.

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

Response: The City of Belmont wholly disagrees with this finding. Many existing restaurants located in the City have been instructed to prevent any of the wastewater generated from cleaning the trash or rain to flow to the storm drain system. New development is required to comply with the Municipal Regional Permit (MRP) C.3, which dictates that wastewater from trash areas shall be directed to the sanitary sewer only. To prevent rain flow from entering trash area, roofs over dumpsters are also required.



One Twin Pines Lane, Belmont CA 94002

Response to Recommendations

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: This recommendation has been implemented. Belmont Municipal Code Section 11-65 allows for enforcement to prevent health and safety nuisances from refuse accumulation. Code Enforcement is empowered to require restaurant owners to add receptacles and increase pick up frequency to rectify the nuisance.

This response was approved by the Belmont City Council at a public meeting on September 24, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Afshin Oskoui", written over a white background.

Afshin Oskoui
City Manager



CITY OF BRISBANE
Department of Public Works - 50 Park Place
Brisbane Police Department – 147 Valley Drive
Brisbane, CA 94005-1310

September 6, 2024

Hon. 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

Subject: Response to 2023-2024 Grand Jury 7/9/24 report, “Restaurant Exteriors: The Neglected Space”

Dear Judge Lee,

Thank you for the opportunity to review and comment on the findings of the Grand Jury. This letter serves as the City of Brisbane’s response to the findings and recommendations found therein. Please note this report was approved by the Brisbane City Council at its September 5, 2024 meeting.

FINDINGS

F1: 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 Response to F1:

The city agrees with the finding that exterior sanitary conditions of restaurants fall outside current inspections of the County Health Department. The city has not independently conducted the same level of research as the Grand Jury and we are therefore unable to comment on the finding relative to “varying unsatisfactory conditions”.

F2: Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

City Response to F2:

The city agrees with the finding.

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.

City Response to F3:

The city disagrees wholly with the finding. As required by Provision C.4 “Industrial and Commercial Site Controls” of the Municipal Regional Stormwater Permit issued to the city by the San Francisco Bay Regional Water Quality Control Board, the city is required to implement a site control program to prevent stormwater pollution. The city conducts regular scheduled inspections of all business that fall under the C.4 definitions (which includes restaurants) and thus, our inspections are primarily proactive.

F4: Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

City Response to F4:

The city agrees with the finding.

F5: Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

City Response to F5:

The city disagrees wholly with the finding. Please refer to our response to F4 above.

F6: Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

City Response to F6:

The city agrees with the finding.

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.

City Response to F7:

The city has no restaurants with parklets, nor have we independently conducted the same level of research as the Grand Jury. Based on the Grand Jury’s report, we agree with the finding.

RECOMMENDATIONS

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 pick-ups.

City Response to R4:

The recommendation was implemented prior to the issuance of this Grand Jury Report. Brisbane Municipal Code §8.25.040 reads as follows:

8.25.040 Requirements for commercial businesses.

Generators that are commercial businesses, including multi-family residential dwellings, shall:

- A. Subscribe to city's three-container collection services and comply with requirements of those services as described in subsection B below, except commercial businesses that meet the self-hauler requirements in Section 8.25.090 of this chapter. City and its designee shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, commercial businesses shall adjust their service level for their collection services as requested by the city or its designee.

(highlighting added for emphasis)

Please call me at (415) 508-2131 if there are any questions regarding this matter.

Very truly yours,

Randy L. Breault, P.E.
Director of Public Works/City Engineer

Cc: Grand Jury website (sent via email to grandjury@sanmateocourt.org)
Brisbane City Clerk



DONNA COLSON, MAYOR
PETER STEVENSON, VICE MAYOR
MICHAEL BROWNRIGG
ANDREA PAPPAJOHN
STEPHANIE LEE

The City of Burlingame

CITY HALL -- 501 PRIMROSE ROAD
BURLINGAME, CALIFORNIA 94010-3997

TEL: (650) 558-7200
FAX: (650) 566-9282
www.burlingame.org

September 16, 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

Subject: City of Burlingame's response to 2023-2024 Civil Grand Jury Report entitled "Assessing and Reporting Internal Controls in San Mateo County Agencies and School Districts"

Dear Judge Lee:

After reviewing the 2023-2024 Grand Jury report entitled "Assessing and Reporting Internal Controls in San Mateo County Agencies and School Districts," the City of Burlingame provides the following responses to the Grand Jury's findings and recommendations:

Response to Findings

- F1. When an entity does not have a process to identify organizational risks, and the entity does not demonstrate how its internal controls address identified risks, the likelihood of a failure internal controls that results in fraud or waste increases.**

Response: The City of Burlingame agrees with this finding.

- F2. When an entity does not periodically assess its internal controls and the entity cannot demonstrate that it is monitoring its internal controls, the likelihood of a failure in internal controls that results in fraud or waste increases.**

Response: The City of Burlingame agrees with this finding.

- F3. When management does not report the results of its assessment of internal controls to its governing board and the entity has not communicated externally, the likelihood that others see this as an opportunity to commit fraud or waste increases.**

Response: The City of Burlingame agrees with this finding.

The Honorable Amarra A. Lee

September 3, 2024

Page 2

Response to Recommendations

R1. Beginning by no later than December 31, 2024, and at least annually thereafter, each entity will document its organizational risks and address those risks in its annual assessment of internal controls.

Response: The recommendation will be implemented by December 31, 2024.

F2. Beginning by no later than March 31, 2025, and at least annually thereafter, each governing board will require its management to complete its annual assessments of internal controls.

Response: The recommendation will be implemented by March 31, 2025.

F3. Beginning by no later than June 30, 2025, and annually thereafter, each governing board will require management to report the results of its annual assessment of the entity's internal controls.

Response: The recommendation will be implemented by June 30, 2025.

The Burlingame City Council approved this response letter at its public meeting on September 16, 2024.

Sincerely,



Donna Colson
Mayor



DONNA COLSON, MAYOR
PETER STEVENSON, VICE MAYOR
MICHAEL BROWNRIGG
ANDREA PAPPAJOHN
STEPHANIE LEE

The City of Burlingame

CITY HALL -- 501 PRIMROSE ROAD
BURLINGAME, CALIFORNIA 94010-3997

TEL: (650) 558-7201
www.burlingame.org

September 4, 2024

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

Subject: City of Burlingame's Response to Civil Grand Jury Report Entitled "Restaurant Exteriors: The Neglected Space"

Dear Judge Lee:

The City of Burlingame has reviewed the Grand Jury Report entitled "Restaurant Exteriors: The Neglected Space" and provides the following responses to the Grand Jury's findings.

F1: 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.

The City agrees with the finding.

F2: Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

The City agrees with the finding.

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.

The City agrees with the finding.

F4: Most restaurant exterior areas are "out of sight" of the public and as a result complaints are less frequent.

The City agrees with the finding.

F5: Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

The City agrees with the finding.

Hon. Amarra Lee
September 4, 2024
Page 2

F6. *Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.*

The City partially concurs with the finding. The Burlingame Municipal Code, specifically Section 25.31.130 Trash and Refuse Collection Areas, mandates that all restaurants must provide dedicated interior space or exterior trash enclosures for proper waste management. This requirement ensures that restaurants have designated areas for storing and handling their refuse. Furthermore, the City enforces strict guidelines for new construction and tenant improvements associated with restaurants. These establishments are required to have an interior dedicated trash washing area that is plumbed to the sanitary sewer system. This measure helps maintain cleanliness and prevent potential contamination.

However, staff acknowledges the possibility of individual restaurant operators violating these code requirements despite the City's efforts. To address this issue, the City takes appropriate code enforcement action when necessary. This includes issuing warnings, fines, or other penalties to ensure compliance with the municipal code and maintain a clean and well-managed environment for the community.

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.*

The City agrees with the finding.

Responses to Grand Jury Recommendations:

Of the four Grand Jury recommendations, the City of Burlingame has been requested to respond to R4.

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 pick-ups.*

Response: By June 30, 2025, the City will consider adopting appropriate policies and/or regulations to empower inspectors and staff members to require owners/operators to add receptacles or increase the frequency of pick-ups.

The recommendation has not been implemented but will be considered for implementation in the future with an amendment to Burlingame Municipal Code Section 25.31.130 Trash and Refuse Collection Areas pending further evaluation of feasibility given limited right-of-way in many instances.

The Burlingame City Council has approved this response letter at its public meeting on September 3, 2024.

Sincerely,



Donna Colson
Mayor

c: Burlingame City Council
Lisa K. Goldman, City Manager
Syed Murtuza, Director of Public Works



CITY OF EAST PALO ALTO

OFFICE OF THE CITY MANAGER

The Honorable Judge 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

September 25, 2024

Dear Honorable Judge Amarra A. Lee:

Thank you for the opportunity to review and comment on the San Mateo County Civil Grand Jury Report titled: "Restaurant Exteriors: The Neglected Space" released on July 9, 2024 ("Report"). The City Council of the City of East Palo Alto approved the following response to the Report at its September 17, 2024, meeting.

The City of East Palo Alto's Response to Each Relevant Finding:

F1. 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 of East Palo Alto: Partially disagree, based on our review of the complaints received by Code Enforcement and Public Works, this falls outside County jurisdiction.

F2. Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

City of East Palo Alto: Partially disagree. County Health and Vector Control may or may not inspect parklets in the City's public right of way; the City is unaware of and therefore defers to the County as to its authority in this area. At this time, the City of East Palo Alto does not have any sanctioned parklets related to restaurants.

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.

City of East Palo Alto: Partially disagree. The City inspects commercial businesses including restaurants for waste storage and disposal to ensure best management practices are observed in accordance with the National Pollutant Discharge Elimination System (NPDES) program.

F4. Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

City of East Palo Alto: Agree. Most restaurant exteriors are “out of sight.” Often times enclosures are required to be screened and covered from view of the public for esthetic and regulatory reasons.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

City of East Palo Alto: Partially disagree. Much of the oversight is based on complaints, but local jurisdictions are required to inspect based on the NPDES requirements.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

City of East Palo Alto: Agree. If the City’s trash enclosure standard is met, wastewater flow into the storm drain system would be minimized.

City of East Palo Alto Response to the Relevant Recommendation:

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 pick-ups.

City of East Palo Alto: The recommendation has been implemented. East Palo Alto Municipal Code section 8.32.060A includes this requirement for commercial businesses including restaurants.

If you have further questions, please contact Humza Javed, Public Works Director at hjaved@cityofepa.org.

Sincerely,



Melvin E. Gaines, City Manager
City of East Palo Alto

RESOLUTION NO. 91– 2024

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EAST PALO ALTO**

APPROVING THE CITY’S RESPONSE TO THE SAN MATEO COUNTY’S CIVIL GRAND JURY REPORT TITLED “RESTAURANT EXTERIORS: THE NEGLECTED SPACE” AND AUTHORIZING THE CITY MANANGER TO SUBMIT THE RESPONSE TO THE SAN MATEO SUPERIOR COURT

WHEREAS, on July 9, 2024, the San Mateo County Civil Grand Jury issued a report titled “Restaurant Exteriors: The Neglected Space”; and

WHEREAS, the City of East Palo Alto (“City”), like other jurisdictions in the County of San Mateo, is required to submit comments on Findings 1 through 6 and Recommendation 4 on the report by October 7, 2024; and

WHEREAS, the report addresses restaurant exterior space and parklets in San Mateo County; and

WHEREAS, the City has prepared a response letter to the San Mateo County Civil Grand Jury report.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO HEREBY:

1. Approves the City’s response to San Mateo County’s Civil Grand Jury Report “Restaurant Exteriors: The Neglected Space”; and
2. Authorizes the City Manager to submit the City’s response on behalf of the City, attached hereto as Exhibit A and incorporated herein by this reference, to the San Mateo Superior Court.

PASSED AND ADOPTED this 17th day of September 2024, by the following vote:

AYES: **ABRICA, BARRAGAN, GAUTHIER, LOPEZ, ROMERO**

NOES:

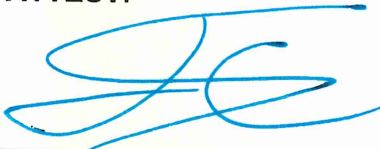
ABSENT:

ABSTAIN:



Antonio D. Lopez, Mayor

ATTEST:



James Colin, City Clerk

APPROVED AS TO FORM:



John D. Lê, City Attorney



CITY OF EAST PALO ALTO

OFFICE OF THE CITY MANAGER

The Honorable Judge 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

September 25, 2024

Dear Honorable Judge Amarra A. Lee:

Thank you for the opportunity to review and comment on the San Mateo County Civil Grand Jury Report titled: "Restaurant Exteriors: The Neglected Space" released on July 9, 2024 ("Report"). The City Council of the City of East Palo Alto approved the following response to the Report at its September 17, 2024, meeting.

The City of East Palo Alto's Response to Each Relevant Finding:

F1. 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 of East Palo Alto: Partially disagree, based on our review of the complaints received by Code Enforcement and Public Works, this falls outside County jurisdiction.

F2. Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

City of East Palo Alto: Partially disagree. County Health and Vector Control may or may not inspect parklets in the City's public right of way; the City is unaware of and therefore defers to the County as to its authority in this area. At this time, the City of East Palo Alto does not have any sanctioned parklets related to restaurants.

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.

City of East Palo Alto: Partially disagree. The City inspects commercial businesses including restaurants for waste storage and disposal to ensure best management practices are observed in accordance with the National Pollutant Discharge Elimination System (NPDES) program.

F4. Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

City of East Palo Alto: Agree. Most restaurant exteriors are “out of sight.” Often times enclosures are required to be screened and covered from view of the public for esthetic and regulatory reasons.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

City of East Palo Alto: Partially disagree. Much of the oversight is based on complaints, but local jurisdictions are required to inspect based on the NPDES requirements.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

City of East Palo Alto: Agree. If the City’s trash enclosure standard is met, wastewater flow into the storm drain system would be minimized.

City of East Palo Alto Response to the Relevant Recommendation:

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 pick-ups.

City of East Palo Alto: The recommendation has been implemented. East Palo Alto Municipal Code section 8.32.060A includes this requirement for commercial businesses including restaurants.

If you have further questions, please contact Humza Javed, Public Works Director at hjaved@cityofepa.org.

Sincerely,

Melvin E. Gaines, City Manager
City of East Palo Alto



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222

September 4, 2024

Hon. 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

Dear Judge Lee,

Subject: Response to Grand Jury Report: "Restaurant Exteriors: The Neglected Space"

The City of Foster City has reviewed the Grand Jury Report released on July 9, 2024, regarding the condition of restaurant exteriors. We appreciate the findings and recommendations outlined in the report.

Finding:

F1: 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 Foster City agrees with the findings.

F2: Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

Response: The City of Foster City agrees with the findings. However, we would like to note that there are currently no parklets in Foster City.

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.

Response: The City of Foster City partially disagrees with Finding 3, because the City of Foster City takes a proactive inspection approach to ensure exterior areas used for waste storage and disposal are maintained in a sanitary condition consistently.

F4: Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

The City of Foster City partially disagrees with the findings. There are a few restaurants that include exterior areas used for waste storage and disposal which are not primarily out of sight. As noted earlier, City of Foster City takes a proactive inspection approach to ensure exterior areas used for waste storage and disposal are maintained in a sanitary condition consistently. Occasionally, staff receives complaints regarding garbage overflow or spill, and is able to work with the restaurant owners and/or property managers to rectify the issue.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

Response: The City of Foster City partially disagrees with Finding 5. While acknowledging that the report highlights a lack of oversight leading to unaddressed unacceptable conditions in restaurant trash areas in some jurisdictions, Foster City Municipal Code Chapter 8.07 Storage and Disposal of Solid Wastes and Recyclable Materials, and Chapter 9.52 Property Maintenance, provide the City staff with oversight and the authority to rectify these issues.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

Response: The City of Foster City partially disagrees with Finding 6. While acknowledging that the report indicates wastewater from cleaning trash areas and rainwater can flow into storm drain systems in some jurisdictions, the City enforces C.3 requirements through the permitting process to prevent such occurrences. These requirements include:

- *Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff.*
- *Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.*

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.

Response: The City of Foster City agrees with the findings. However, we would like to note that there are currently no parklets in Foster City.

Recommendation:

Recommendation 4 has been implemented with the provision in the Foster City Municipal Code. Section [8.07.100](#) Requirements for commercial businesses, the code states:

City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and commercial businesses shall adjust their service level for their collection services as requested by the city.

This response was approved by the Foster City City Council during a public meeting held on September 3, 2024.

Please let us know if there are any further details required or if additional clarification is needed.

Sincerely,



Stefan Chatwin
City Manager
City of Foster City
manager@fostercity.org

CC: grandjury@sanmateocourt.org



October 1, 2024

Hon. 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

RE: San Mateo County Civil Grand Jury Report - “The State of Compost in San Mateo County”

Dear Judge Amarra Lee,

The City of Half Moon Bay hereby submits this letter in reply to the San Mateo Grand Jury Report - “The State of Compost Compliance in San Mateo County.” Pursuant to Penal Code Section 933.05 and the Brown Act, this response was approved by the City Council at the October 1, 2024, public meeting.

FINDINGS

F1. High green cart enrollment costs and insufficient bin space are the dominant contributors to low participation rates among multi-family dwellings and businesses.

Response: *Partially agree – Due to the fact that most of the multi-family dwelling units are older, the lack of space for bins is the biggest problem that we see when trying to have compost bins available for residents. Cost doesn’t seem to be the issue – it’s more of a question of where the bins will fit.*

F2. Green bin contamination among compliant multi-family dwellings and businesses prevents them from diverting more organic waste.

Response: *Agree*

F3. City, County, and RethinkWaste compliance outreach efforts for multi-family dwellings and businesses could improve because a significant portion of these properties remain non-compliant.

Response: *Agree*

F4. Multi-family dwellings and businesses produce a significant amount of the County’s organic Waste.

Response: *Agree*

F5. Citizens cannot conveniently access reliable diversion and participation rates because JPAs and cities do not make the information available on their government websites.

Response: *Agree*

F7. An alternate and reliable method to separating waste tons by property type would be analyzing contamination statistics from route audits and waste evaluations.

Response: *Partially agree - While this would assist with determining waste tons per property type, it would be challenging to track as required under SB 1383 current regulations.*

RECOMMENDATIONS

R1. Beginning March 1, 2025, cities, the County, and RethinkWaste should host regular in person green cart enrollment summits for non-compliant businesses and multi-family dwellings, and identify other new compliance strategies.

Response: *The recommendation has not been implemented due to the lack of staff capacity, but the City of Half Moon Bay supports the proposal and plans to partner with nearby jurisdictions and the County on green cart enrollment summits and outreach.*

R4. Beginning November 30, 2024, cities should publish quarterly or annual waste reports with diversion and participation rates on their government websites.

Response: *The recommendation has not been implemented but the City of Half Moon Bay will implement by November 30, 2024.*

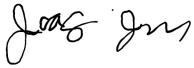
R8. By February 1, 2025, jurisdictions should develop and implement new ways to make green bins usable in multi-family dwellings and businesses' narrow or small waste enclosures.

Response: *For businesses – this is already being implemented. They receive service at a minimum of once a week under our Franchise Agreement. Republic, our hauler, then works with them to right-size their service. Republic works with the City of Half Moon Bay if there are any issues around this implementation. For the challenge of limited bin space at multi-family units, the City of Half Moon Bay has worked with property managers and its hauler to right-size bins given the limited capacity*

In closing, the City of Half Moon Bay thanks the Civil Grand Jury for its efforts to address the issues around diversion rates. We appreciate the opportunity to share our perspective.

Sincerely,



A handwritten signature in black ink, appearing to read "Joaquin Jimenez".

Joaquin Jimenez
Mayor
City of Half Moon Bay





October 1, 2024

Hon. 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

RE: San Mateo County Civil Grand Jury Report - “Restaurant Exteriors: The Neglected Space”

Dear Judge Amarra Lee,

The City of Half Moon Bay hereby submits this letter in reply to the San Mateo Grand Jury Report, “Restaurant Exteriors: The Neglected Space.” Pursuant to Penal Code Section 933.05 and the Brown Act, this response was approved by the City Council at the October 1, 2024, public meeting.

FINDINGS

F1: 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: Agree

F2: Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

Response: Agree

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.

Response: Agree

F4: Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

Response: Agree

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

Response: *Partially Disagree - Although restaurant trash areas and exteriors are not included in the County Health Department Food Facility Checklist, these locations are specifically included in Provision C.4.b of the California Water Board's Municipal Regional Permit 3.0. Provision C.4.a, which also explicitly grants Permittees the legal authority to oversee, inspect, and require expedient compliance and pollution abatement at all industrial and commercial sites that may be reasonably considered to cause or contribute to pollution of stormwater runoff. Implementing this requirement is continuous, and progress on inspections is reported by the permittee annually to the California Water Board. Because of this requirement, Half Moon Bay partially disagrees as the California Water Board and its permittees already oversee this issue.*

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

Response: *Partially Disagree - The California Water Board's Municipal Regional Permit 3.0. Provision C.4 lists commercial and industrial outdoor waste storage and disposal areas as reasonably likely to contribute to the pollution of stormwater runoff; as such, these locations are required by the Municipal Regional Permit to implement appropriate best management practices to address pollutant sources. Provision C.4 inspections must include observations for appropriate best management practices to prevent stormwater runoff pollution or unauthorized or illicit discharges from entering the stormwater system. Facilities not in compliance may be required to take corrective action and can face penalties for inadequate best management practices or illicit discharges. Thus, while it is reasonable that wastewater and untreated rainwater from trash areas and cleaning of trash areas may flow into the storm drain it is illegal for facilities to do so, and steps are currently in place to ensure preventative actions are being taken.*

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.

Response: *Agree*

RECOMMENDATIONS

R1. By June 30, 2025, the County should amend its Food Facility Checklist to include the condition of trash area flooring, bins, dumpsters and enclosures, and note any needed repair, replacement or cleaning.



Response: Support this recommendation; the City is happy to work with the County to implement by June 30, 2025.

R2. By June 30, 2025, the County should amend its Food Facility Checklist to include the entire exterior waste storage area, retention areas and parklets, including flooring and underfloor areas.

Response: Support this recommendation; the City is happy to work with the County to implement. By June 30, 2025.

R3. By June 30, 2025, the County should require operators/owners of restaurants to have a written diagram of their approved waste storage/retention area posted so the inspector can evaluate the condition of the facilities.

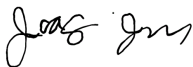
Response: Support this recommendation and look forward to working with the County while ensuring it is not burdensome for small businesses to implement.

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 pick-ups.

Response: The recommendation has been implemented. Under the franchise agreement with Half Moon Bay's solid waste hauler Republic, and the parameters of the agreement on whether additional receptacles or increased frequency of pick-ups is allowed, it is included as part of the current agreement.

In closing, the City of Half Moon Bay thanks the Civil Grand Jury for its efforts to address the issues found in the exterior areas of restaurants. We appreciate the opportunity to share our perspective.

Sincerely,



Joaquin Jimenez
Mayor
City of Half Moon Bay





September 10, 2024

The 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

RE: Civil Grand Jury Report: “Restaurant Exteriors: The Neglected Space”

Dear Honorable Judge Lee,

Thank you for the opportunity to review and respond on the above-reference Grand Jury Report filed on July 9, 2024. The City Council of the City of Menlo Park (City) voted at its public meeting on September 10, 2024 to authorize this response to the findings and recommendations of the report.

Response to the Grand Jury Findings

F1: 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 response: The City disagrees partially with finding F1. Food establishments in California are regulated under the California Health and Safety Code. Specific to the disposal of refuse, HCS Section 114245.1 includes the following requirements:

- (a) All REFUSE, recyclables, and returnables shall be kept in nonabsorbent, durable, cleanable, leakproof, and rodentproof containers and shall be contained so as to minimize odor and insect development by covering with close-fitting lids or placement in a disposable bag that is impervious to moisture and then SEALED.*
- (b) REFUSE containers inside a FOOD FACILITY need not be covered during periods of operation.*
- (c) All REFUSE shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.*
- (d) Storage areas, enclosures, and receptacles for REFUSE, recyclables, and returnables shall be maintained in good repair.*

(e) REFUSE, recyclables, and returnables shall be removed from the PREMISES at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

In San Mateo County, the San Mateo County Health Department enforces health related statutory laws and inspects food establishments accordingly. As part of all food establishment inspections, the San Mateo County Health Department assesses garbage and refuse disposal practices per California Health Safety Code (HSC) Section 114245.1.

F2: Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

City response: The City disagrees partially with finding F2. *The City of Menlo Park allows food establishments to have outdoor eating areas within the public right-of-way that fronts the building. These parklets (also referred to as streetaries) are part of the food establishment and operate under the same requirements per the California Health and Safety Code. As part of all food establishment inspections, the San Mateo County Health Department assesses garbage and refuse disposal practices.*

The goals of the San Mateo County Mosquito and Vector Control District are to “reduce or eliminate host-seeking vector populations” and “cooperate with recommendations to reduce populations of vectors and minimize the risk to human health posed by vectors.” As part of their mosquito control efforts, the San Mateo County Mosquito and Vector Control District inspects and treats areas throughout the City to prevent mosquitoes from breeding. The areas include storm drains around food establishments and parklets. The San Mateo County Mosquito and Vector Control District also has a rodent control program.

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.

City response: The City disagrees partially with finding F3. *As noted earlier, the San Mateo County Health Department enforces health related statutory laws and inspects food establishments accordingly. As part of all food establishment inspections, the San Mateo County Health Department assesses garbage and refuse disposal practices. In addition, the San Mateo County Mosquito and Vector Control District inspects and treats areas throughout the City to prevent mosquitoes from breeding. The areas include storm drains around food establishments and parklets.*

Every fiscal year, the City compiles a list of industrial and commercial sites that could reasonably discharge water that is contaminated with pollutants or trash to the storm system. The City has a contractor who conducts trash inspections at all identified businesses in accordance with the California Regional Water Quality Control Board

San Francisco Bay Region Municipal Regional Stormwater National Pollution Discharge Elimination System Permit (MRP). The City inspectors follow the San Mateo Countywide Water Pollution Prevention Program inspection sheet to ensure that restaurants comply with all applicable provisions. The City generally inspects about 80 to 150 businesses per year, and the vast majority are found to be in compliance.

In 2023, the City adopted MPMC Chapter 13.30 ["Streetaries" Outdoor Dining Areas], which outlines the operational standards for maintaining parklets / streetaries, including site maintenance and sidewalk cleaning. If the permit applicant fails to maintain the cleanliness of a parklet / streetary, he or she may be subject to a violation or fine, or be required to remove the facility at the permittee's expense.

F4: Most restaurant exterior areas are "out of sight" of the public and as a result complaints are less frequent.

City response: *The City disagrees partially with finding F4.* Specifically in downtown Menlo Park, some restaurant exterior waste storage areas are within the sight of the public, located either in parking lots or in alleyways. In the last 12 months, staff primarily received complaints about illegal dumping and missed waste collection services. The City maintains an online service request (ACT Menlo Park) for public to report maintenance requests, such as illegal dumping and unsanitary conditions in the public right-of-way. The City's waste hauler, Recology, generally responds to the missed pick-up complaints within one business day.

Additionally, a City contractor power washes the sidewalks in downtown eight times a year and maintains a street sweeping schedule.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

City response: *The City disagrees partially with finding F5.* Depending on the cause of the unacceptable conditions, there are several options to rectify the issue.

- *The City of Menlo Park has a franchise agreement with Recology, the City's waste hauler contractor, which includes a clause that states Recology is responsible for cleaning the waste removal areas if the mess is caused by their drivers. The business owner could call either city staff or Recology to clean up the waste disposal area.*
- *Businesses and the public have the option to report any unsanitary conditions through the City's online service request portal. Depending on the issue, staff will either coordinate with Recology to clean the trash area or collect illegal dumping materials themselves.*
- *If bins are overflowing due to missed pickup, the business owner or city staff may coordinate with Recology to schedule a make-up service.*

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

City Response: *The City disagrees wholly with finding F6. MPMC Section 7.42.080 [Discharge of pollutants], and the Municipal Regional Permit's C.5. Illicit Discharge program prohibits non-storm water discharge, such as wastewater, from flowing into the storm drain systems. Instead, the waste water should drain into a self-contained drainage system that discharges to the sanitary sewer per guidance outlined here: <https://www.flowstobay.org/preventing-stormwater-pollution/in-my-place-of-business/food-facilities/>*

Additionally, the discharge of non-storm water discharges to the city storm sewer system is prohibited. All discharges of material other than storm water must be in compliance with a National Pollutant Discharge Elimination System (NPDES) permit issued for the discharge (other than NPDES Permit No. CA0029921) and MPMC Chapter 7.42 [Storm Water Management Program].

Response to Grand Jury Recommendations

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 pick-ups.

City Response:

This recommendation has not yet been implemented, but will be implemented in the future. In San Mateo County, the San Mateo County Health Department enforces health related statutory laws and inspects food establishments accordingly. As part of all food establishment inspections, garbage and refuse disposal practices are evaluated per HSC Section 114245.1. Inspectors have the ability to require that waste storage areas are maintained appropriately.

The City also conducts storm water business inspections and requires effective storm water pollutant control per MPMC Chapter 7.42 [Storm Water Management Program]. The inspections include outdoor waste storage/disposal area and the inspectors can require owners/operators to add receptacles or increase the frequency of pick-ups if violations are noted.

The City has an agreement with Recology, who has the expertise to provide recommendations to right-size the waste bins according to how much businesses generate waste, add receptacles, and schedule pick-up services.

On behalf of the City Council of the City of Menlo Park, I would like to thank you for the opportunity to review and comment on the above referenced Civil Grand Jury Report.

Sincerely,

Signed by:

945DFA9DFF3C4AB...
Cecilia Taylor
Mayor



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

170 Santa Maria Ave. • Pacifica, California 94044
www.cityofpacifica.org

MAYOR
Sue Vaterlaus

MAYOR PRO TEM
Sue Beckmeyer

COUNCIL
Mary Bier
Tygarjas Bigstyk
Christine Boles

September 9, 2024

The 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

Subject: City of Pacifica's response to the San Mateo County Civil Grand Jury Report – "Restaurant Exteriors: The Neglected Space."

Dear Judge Lee and Members of the Grand Jury:

Thank you for the opportunity to review and comment on the above-referenced Civil Grand Jury report filed on July 9, 2024. Pursuant to Penal Code § 933(c), the City of Pacifica's ("City") response to the several findings and recommendations contained in the report are provided below. The Pacifica City Council reviewed and approved the responses at a public meeting on September 9, 2024.

Responses to Civil Grand Jury Findings:

F1. 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 to F1. The City agrees with the finding. The San Mateo County Health System Food Facility Checklist provided as Appendix D in the Grand Jury report does not include criteria to evaluate exterior areas during routine inspections.

F2. Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

Response to F2. The City agrees with this finding. The San Mateo County Health System Food Facility Checklist does not include criteria for evaluating sanitary conditions for parklets.

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.

Response to F3. The City partially agrees with this finding. California Regional Water Quality Control Board – San Francisco Bay Region Municipal Regional Stormwater NPDES Permit requires the City to implement an Industrial and Commercial Business Inspection Plan pursuant to Provision C.4.b. The City contracts EOA, Inc. to implement the City's Business Inspection Plan. All food facilities, which include restaurants, food service facilities, and mobile food trucks, are inspected once every two years by EOA, Inc. for compliance with San Mateo Countywide Water Pollution Prevention Program (SMCWPPP). EOA, Inc. conducts inspections in accordance with the SMCWPPP Inspection Report Form and schedules follow up inspections if found noncompliant. EOA, Inc. refers to the City for further enforcement action if the business issues with stormwater compliance persist.

The City's Wastewater Division conducts yearly inspections of all restaurant exteriors, including additional inspections for sites found out of compliance with the Wastewater Division's Food Service Establishment Report. Inspection criteria includes confirming the grease removal equipment, or interceptors, are easily accessible, settleable solids within the interceptors do not exceed 25%, and grease removal equipment record keeping.

F4. Most restaurant exterior areas are "out of sight" of the public and as a result complaints are less frequent.

Response to F4. The City partially agrees with this finding. Most of the shopping centers restrict public access to the exterior areas of the buildings. The City has few standalone restaurants that maintain individual exterior trash areas (i.e. trash enclosures), most of which are "out of sight." The City receives few complaints for exterior areas City-wide. The few complaints that the City receives are for locations visible to the public. City staff has found that restaurant exterior areas, even those "out of sight," are generally compliant and well maintained.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

Response to F5. The City disagrees with this finding. The City's Code Enforcement Division routinely conducts weekly to biweekly drive-by site inspections to evaluate the exterior conditions of shopping malls and commercial sites. Code Enforcement works closely with Recology of the Coast, the Merchant Association President, and restaurant owners and managers to address issues or concerns regarding proper and timely garbage removal seeking voluntary compliance. Code Enforcement issues verbal warnings to business owners, providing them an opportunity for corrective action prior to an issue of a Notice of Violation (NOV).

The Code Enforcement Division accepts Complaint Referral and Resolution Worksheets from members of the public reporting violations such as unacceptable conditions of trash. Code Enforcement follows the proper corrective action for the issue.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

Response to F6. The City partially agrees with this finding. Newer shopping centers and commercial areas within the City provide restaurants with trash areas that drain directly into the wastewater system. These trash areas often do not exist for older shopping centers.

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.

Response to F7. Not applicable: The City of Pacifica is not named in this finding and therefore has no comment.

Responses to Civil Grand Jury Recommendations:

R1. By June 25, 2025, the County should amend its Food Facility Checklist to include the condition of trash area flooring, bins, and dumpsters and enclosures, and note any needed repair, replacement or cleaning.

Response to R1. Not applicable: The City of Pacifica is not named in this recommendation and therefore has no comment.

R2. By June 30, 2025, the County should amend its Food Facility Checklist to include the entire exterior waste storage area, retention areas and parklets, including flooring and underfloor areas.

Response to R2. Not applicable: The City of Pacifica is not named in this recommendation and therefore has no comment.

R3. By June 30, 2025, the County should require operators/owners of restaurants to have a written diagram of their approved waste storage/retention area posted so the inspector can evaluate the condition of the facilities.

Response to R3. Not applicable: The City of Pacifica is not named in this recommendation and therefore has no comment.

R4. By June 30, 2025, inspectors for all jurisdictions with restaurants should be empowered to require owners/operators to add receptacles or increased the frequency of pick-ups.

Response to R4. This recommendation has yet to be implemented and will be implemented in the future. As mentioned in the City's response to Finding 4, the Manor Shopping Center is one of the only commercial areas with reoccurring unacceptable restaurant trash conditions. The smaller businesses operating within the Manor Shopping Center have at least one to two trash pickups a week scheduled with Recology. Depending on the merchant or need, some sites have up to four pickups a week.

The City requires every business to subscribe to a garbage collection service, pursuant to Pacifica Municipal Code (PMC) section 6-5.103. The City's current Garbage Collection ordinance allows for the size, design, and weight of the garbage containers as provided by the franchise agreement between the City and Recology of the Coast, pursuant to PMC section 6-5.104. All garbage containers must be collected by Recology of the Coast at least once a week pursuant to PMC section 6-5.105. The current ordinance does not allow the City the authorization to regulate the size and quantity of garbage containers or to regulate the frequency of pickups beyond once a week.

Required Action: By June, 30, 2025, the City shall amend PMC section 6-5.104 to allow the City to require sites to increase the number of garbage containers and amend PMC section 6-5.105 to allow the City to require sites to increase the frequency of pickups, identified as insufficient by the City.

Sincerely,



KEVIN WOODHOUSE
City Manager

cc: Pacifica City Council

Mayor Jeff Gee
Vice Mayor Lissette Espinoza-Garnica

Council Members
Alicia C. Aguirre
Kaia Eakin
Diane Howard
Elmer Martinez Saballos
Chris Sturken



1017 MIDDLEFIELD ROAD
Redwood City, California 94063
Telephone (650) 780-7220
www.redwoodcity.org

September 10, 2024

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

**Re: San Mateo County Civil Grand Jury Report titled, "Restaurant Exteriors: The Neglected Space" –
Issued on July 9, 2024**

Dear Judge Lee,

The City of Redwood City (City) received the San Mateo County Civil Grand Jury Report titled, "Restaurant Exteriors: The Neglected Space" on July 9, 2024. The report instructed the City of Redwood City to respond to Findings 1 through 6 and Recommendation 4. Pursuant to Penal Code §933, the following response to the Grand Jury was reviewed and approved by the City Council at its meeting on September 9, 2024:

Findings

F1: 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 agrees with the finding.

F2: Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

Response: The City agrees with the finding.

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.

Response: The City agrees with the finding.

F4: Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

Response: The City agrees with the finding.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

Response: The City agrees with the finding.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

Response: The City disagrees partially with the finding.

While the City agrees with the finding as it relates to older trash areas, it notes that trash areas within newer and substantially remodeled developments are required to be plumbed to the sewer utility to meet stormwater permitting requirements, which significantly reduces the waste water flow into storm drains.

Recommendations

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 pick-ups.

Response: The recommendation has been implemented. The Health Officer or other duly authorized representative [City Code Enforcement Officer] is authorized to conduct sanitary inspections under Chapter 14, Article 1, Section 14.3 – Sanitary Inspections and ensure compliance with Chapter 14, Article II, Section 14.11 – Duty to Provide; Size, Qualities and Number Required and Section 14.13 – Duty to Keep Sanitary.

On behalf of the City Council of the City of Redwood City, I would like to thank you for the opportunity to review and comment on the above referenced Civil Grand Jury report.

Respectfully,



Jeff Gee, Mayor
City of Redwood City

cc: City Council, City of Redwood City
Melissa Stevenson Diaz, City Manager
Yessika Castro, City Clerk



Rico E. Medina
Mayor

CITY OF SAN BRUNO
OFFICE OF THE MAYOR

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

Subject: Response of the City of San Bruno to the San Mateo County Civil Grand Jury Report
"Restaurant Exteriors: The Neglected Space"

Dear Judge Amarra Lee,

Thank you for the opportunity to respond to the Grand Jury report titled "Restaurant Exteriors: The Neglected Space." The City of San Bruno's (City) response to the findings and recommendation of the report are listed below.

Responses to Grand Jury Findings:

F1. 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 agrees with the finding. However, as part of the Municipal Regional Stormwater NPDES Permit requirements for stormwater, Sections C.4 and C.5 require the City to inspect, require effective stormwater pollutant control, and implement progressively stricter enforcement to achieve compliance with stormwater requirements. Sanitary conditions around restaurants could cause stormwater violations and thus they may be addressed through these stormwater regulations.

F2. Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

Response: The City agrees with the finding. The City of San Bruno currently does not have any permitted parklets.

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.

Response: The City partially disagrees with the finding. In San Bruno, it is accurate that a code enforcement officer's handling of issues involving the sanitary conditions of a restaurant are generally reactive in response to a complaint. When responding to such a complaint, the

sanitary condition of exterior areas used for waste storage and disposal would be within the scope of that response. But as described above, the Municipal Regional Stormwater NPDES Permit authorizes the City to proactively regulate and enforce measures for stormwater pollutant control.

F4. Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

Response: The City agrees with the finding. Many of the restaurants in San Bruno’s downtown area have outdoor uncovered garbage dumpsters, or store cooking grease in view of the public.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

Response: The City agrees with the finding.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

Response: The City agrees with the finding.

Responses to Grand Jury Recommendations:

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 pick-ups.

Response: The City partially disagrees with the finding, and thus this recommendation requires further analysis. Existing San Bruno Municipal Code regulations provide the framework to designate unsanitary conditions described in the Grand Jury Report as a “nuisance”, as well as the authority to abate them. Further analysis would need to be conducted to determine how the City could amend the City Municipal Code to require restaurants to add receptacles or increase the frequency of pick-ups, as recommended by the Grand Jury Report, as well as evaluating the ability to do so under the Municipal Regional Stormwater NPDES Permit. City staff estimates the analysis will be completed by January 9, 2025.

This response was approved by the San Bruno City Council at a public meeting prior to it being submitted to the court.

Sincerely,



Rico E. Medina
Mayor



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.

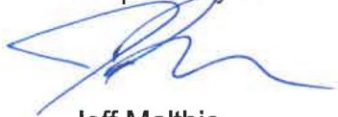
Response: The City of San Carlos partially agrees with the finding. Section 18.15.110(E)(10) of the San Carlos Municipal Code requires that “the floor of the enclosure shall have a drain that connects to the sanitary sewer system.”

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

CITY OF SAN MATEO
OFFICE OF THE CITY MANAGER



330 W. 20th Avenue
San Mateo, CA 94403
www.cityofsanmateo.org

September 16, 2024

Hon. 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

RESPONSE TO THE GRAND JURY REPORT: Restaurant Exteriors: The Neglected Space

Honorable Judge Lee,

Thank you for the opportunity to review and comment on the above referenced Grand Jury Report filed on July 9, 2024. The City of San Mateo's response to both the findings and recommendations are listed below.

Response to Grand Jury Findings:

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 the facilities show something is lacking in the regulatory process.

RESPONSE: Wholly Disagree with the Finding.

The City of San Mateo conducts inspections both inside and outside of restaurants. Inside, the City primarily inspects grease traps to ensure they are properly connected and maintained. Outside, the City inspects the waste storage areas and trash enclosures at each location. These inspections focus on stormwater best management practices (BMPs) and ensuring compliance with San Mateo's Municipal Stormwater Code. This includes verifying that the waste area is well-maintained, with floors routinely swept and dumpster or cart lids closed. If litter or food waste is found outside a waste container, the restaurant may be subject to enforcement action, typically a Written Warning or a Notice of Violation, depending on the severity of the violation and/or the history of past infractions. While these inspections are not specifically targeted at sanitary conditions, maintaining a clean area inherently supports better sanitation.

Furthermore, the City conducts these stormwater inspections of outside waste storage areas to ensure compliance with Sections C.4 and C.10 of our Municipal Regional Stormwater Permit (MRP), Order No.

R2-2022-0018, NPDES Permit No. CAS612008, issued by the Regional Water Quality Control Board (RWQCB) to all municipalities in the San Francisco Bay Region. To comply with the MRP, San Mateo must inspect approximately 150 restaurants annually, ensuring that all restaurants are inspected twice during the 5-year permit term. In the past year (July 1, 2023, to June 30, 2024), Public Works Environmental Compliance Inspectors conducted inspections at 138 restaurants and food service establishments, issuing 54 enforcement actions related to violations in the waste storage areas.

F2: Sanitary conditions of parklets fall outside current inspections by the County Health Department or Vector Control.

RESPONSE: Agree with the Finding.

While the Downtown Coordinator regularly inspects parklets for issues such as trash build-up in gutters, obstructions to runoff flow, or overflowing trash containers, these inspections are not under the purview of the County Health Department. However, the City of San Mateo manages parklet compliance through an annual renewal process, which allows the City to withhold a permit if a parklet fails to meet requirements, including sanitation standards. Permittees who do not comply with these standards may ultimately be required to remove their parklet.

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.

RESPONSE: Wholly Disagree with the Finding

As mentioned in the response to F1, the City conducts unannounced inspections of waste storage areas at restaurant locations throughout the City. These inspections focus on stormwater issues, which often overlap with sanitary concerns. During these inspections, conditions such as leaking dumpsters, open lids, or overfilled containers with waste at risk of spilling out are promptly addressed. For example, if plastic bags, miscellaneous debris, or food waste are found outside the dumpster, the owner is required to sweep the area and place all waste items in the appropriate container. No waste items are to be stored outside their proper container. These inspections are conducted to ensure compliance with our Stormwater MRP and are not complaint-driven.

There are approximately 350 food service establishments in San Mateo, including various mobile businesses. Food service establishments in the City are inspected approximately every 2.5 years. Additionally, many restaurants in Downtown San Mateo share trash enclosures, which are inspected annually and monitored regularly by the Downtown Coordinator.

F4: Most restaurant exterior areas are "out of sight" of the public and as a result complaints are less frequent.

RESPONSE: Partly Agree with the Finding

It is accurate that areas "out of sight" are less likely to be noticed by the public, which can lead to fewer complaints. However, this also means that if trash is not visible, inspectors might not identify it as a violation. Being "out of sight" results in both fewer complaints and less enforcement. Nevertheless, the

City actively monitors exterior spaces to ensure that waste storage areas remain in good condition, as outlined in the responses to F1 and F3.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

RESPONSE: Wholly Disagree with the Finding

When the City receives complaints, staff is typically successful in working with business or property owners to achieve compliance. Additionally, the City has enforcement authority under the stormwater municipal code, allowing it to direct owners to correct violations in trash enclosures within 10 business days or before the next rain event, whichever comes first. This oversight ensures that violations and unacceptable conditions are addressed in a timely manner.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

RESPONSE: Wholly Disagree with the Finding

Businesses are informed that discharging wastewater from cleaning trash areas into storm drains is prohibited. The City has established Best Management Practices (BMPs) specifically for food businesses to address storm drain spills. Environmental Compliance Inspectors from Public Works conduct outreach and enforcement to promote these BMPs, which include proper handling of used oil and ensuring that waste water from equipment or floor mats is directed to the sanitary sewer system rather than storm drains. Spills are managed using absorbents, and cleaning methods that prevent discharge into storm drains are recommended. Many business owners are unaware of these BMPs, but are receptive to implementing them once they receive the information. The City continually promotes BMPs through handouts, public events, and direct interactions with residents and business owners.

FINDING:

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.

Response: Partially Agree with Finding

As noted in F1 and F2, the code enforcement staff and Downtown Coordinator consistently monitor exterior spaces and work with businesses to ensure that waste storage areas are well-maintained.

Additionally, the City's Parklet Permit standards require well-drained flooring, proper storm drain access, and inspections before parklets can become operational, and they must meet specific conditions to retain their permits. However, it is true that unless the parklets are dismantled or removed, operators cannot effectively sanitize the spaces between or beneath them.

San Mateo's parklet standards specify that there must be 'Maintenance access – Parklet platforms must be designed to provide access underneath the platform to allow for maintenance (i.e., repairs or clearing debris). If the platform base is not a solid mass, access can be provided through access panels, removable pavers, or other means.'

This access helps manage the accumulation of debris and organic matter by ensuring prompt action when these issues are identified. Additionally, parklet standards require that 'the platforms shall be kept free of litter, refuse, and debris. The area must be scrubbed and mopped daily to remove any food or drink stains, as stipulated by the permittee.' This cleaning must comply with the City's Storm Water Management and Discharge Control Program, which prohibits the discharge of anything other than rainwater into the stormwater drainage system.

These measures are essential in deterring vermin, as the area must be regularly maintained.

Recommendations:

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.

Response: The recommendation requires further analysis

The recommendation to empower inspectors to mandate additional waste receptacles or increased pickup frequency for restaurants requires further analysis.

Currently, the Downtown Coordinator assists businesses in evaluating and adjusting their waste pickup needs through proactive outreach, informing them of ways to optimize the size and frequency of pickups. Additionally, Recology monitors the situation and contacts businesses when trash bins overflow and spill onto sidewalks.

However, it would be challenging for City staff to determine whether a business has sufficient receptacles or adequate waste removal frequency, as each business operates under different conditions—varying hours, seasonal adjustments, and unique operational needs. Ultimately, it is the business owner's responsibility to assess and adjust their waste pickup requirements based on fluctuations in sales and operations.

And, in cases where businesses fail to manage their waste effectively, Code Enforcement steps in. When repeated citations are issued for trash accumulation outside dumpsters, it often signals a need for increased waste service. Although Code Enforcement cannot directly mandate Recology to increase pickups, these citations usually prompt businesses to make the necessary adjustments.

Building on this approach, the City has already been enforcing more frequent waste services to meet San Mateo's Municipal Regional Permit (MRP) C.10 mandate for 100% trash capture by June 30, 2025. This enforcement has been particularly effective at multi-family properties, such as Creekside Apartments and Hillsdale Garden Apartments, where compliance was achieved through coordinated efforts between the City, Recology, and enforcement of the Stormwater Municipal Code. A similar model could be adapted to address restaurants with insufficient waste services.

Nevertheless, outreach challenges are anticipated with the concurrent enforcement of new SB1383 initiatives, which may lead business owners to feel over-regulated, especially during a time when they

are striving for financial stability. Further analysis is needed to assess whether the benefits of this recommendation outweigh the potential financial and operational burdens on businesses and to ensure that enforcement is both effective and fair.

This response to the Grand Jury was approved at a public meeting on September 16, 2024.

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Nash", with a stylized, flowing script.

Lisa Diaz Nash
Mayor, City of San Mateo



City of South San Francisco

City Council

Resolution: RES 145-2024

P.O. Box 711 (City Hall, 400
Grand Avenue)
South San Francisco, CA

File Number: 24-967

Enactment Number: RES 145-2024

RESOLUTION APPROVING THE DRAFT RESPONSE TO
THE SAN MATEO COUNTY GRAND JURY REPORT
TITLED, "RESTAURANT EXTERIORS: THE
NEGLECTED SPACE"

WHEREAS, on July 9, 2024, the San Mateo County Civil Grand Jury released a report titled "Restaurant Exteriors: The Neglected Space" (the "Report") with seven findings regarding the sanitary conditions of the exterior of restaurant facilities and parklet sanitation; and

WHEREAS, the City of South San Francisco is required to respond to the Report within 90 days of its filing, or by October 7, 2024; and

WHEREAS, the City's response must include a statement as to whether or not the City agrees or disagrees with each finding, as well as a response to each recommendation; and

WHEREAS, responses to recommendations must state whether the recommendation has been implemented, will be implemented, requires further study, or will not be implemented. These statements must be accompanied by a detailed explanation; and

WHEREAS, City staff has prepared a response to the Report, attached herein as Exhibit A.

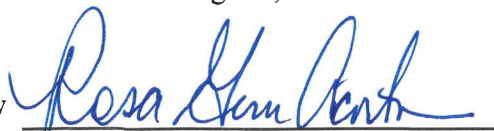
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of South San Francisco does hereby approve the draft response, attached hereto as Exhibit A, to the San Mateo County Grand Jury Report titled "Restaurant Exteriors: The Neglected Space" and authorize the City Manager or designee to submit the response in a manner consistent with the approach described in the Grand Jury Report correspondence.

* * * * *

At a meeting of the City Council on 9/25/2024, a motion was made by Councilmember Nicolas, seconded by Councilmember Nagales, that this Resolution be approved. The motion passed.

Yes: 5 Mayor Coleman, Vice Mayor Flores, Councilmember Addiego,
Councilmember Nagales, and Councilmember Nicolas

Attest by


Rosa Govea Acosta, City Clerk



DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT
(650) 829-6620
FAX (650) 829-6657
E-MAIL WEB-ECD@SSF.NET

CITY COUNCIL 2024

JAMES COLEMAN, MAYOR (DIST. 4)
EDDIE FLORES, VICE MAYOR (DIST. 5)
MARK ADDIEGO, MEMBER (DIST. 1)
FLOR NICOLAS, MEMBER (DIST. 3)
MARK NAGALES, MEMBER (DIST. 2)

SHARON RANALS, CITY MANAGER

No later than October 7, 2024

Dear Members of the Grand Jury,

Thank you for the opportunity to comment on the report titled, "Second Units: Affordable Housing's Panacea or Prevarication?". Please find our response to the findings and recommendations of the report below.

Response to Grand Jury Findings:

***F1:** 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.*

South San Francisco agrees with this finding.

***F2:** Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.*

South San Francisco agrees with this finding.

***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.*

South San Francisco partially disagrees with this finding.

These areas are a focus of regular facility Stormwater Inspections (Activity Area C on SMCWPPP-derived Stormwater Inspection Form) and are inspected at each facility for stormwater regulatory compliance. However, it is NOT under the Environmental Compliance Program's regulatory program to inspect for sanitary compliance.

***F4:** Most restaurant exterior areas are "out of sight" of the public and as a result complaints are less frequent.*

South San Francisco agrees with this finding.

Many of these areas in the City are in public sight, however, and Environmental Compliance responds to stormwater-related complaints on these areas from time to time.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

South San Francisco partially disagrees with this finding.

There are scheduled, regular trash pickups required by each property owner. Unacceptable conditions tend to be more apparent towards the end of the week, between pick-ups. Even without extensive enforcement, increasing the frequency of pickups may rectify the situation.

Environmental Compliance inspects these areas regularly as part of the Stormwater Inspection Program, regulated by the NPDES Municipal Regional Stormwater Permit (MRP). Per the MRP, all stormwater violations are required to be rectified within 10 business days, which is tracked under our program. Although sanitary/health conditions are not covered under the Stormwater Inspection regulatory requirements, most of the stormwater violations we enforce on in these waste areas are tied into sanitary conditions, which are then corrected indirectly through our enforcement requirements.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

South San Francisco partially disagrees with this finding.

Discharges from cleaning of waste storage areas/dumpster leaks are prohibited under the NPDES Municipal Regional Stormwater Permit (MRP) and are thus regulated through the Environmental Compliance Stormwater Inspection Program. These inspections also enforce on potential discharges to the storm drain system, requiring good housekeeping practices/BMPs to ensure rain flow does not pick up contaminants from these areas. Additionally, many of these drains actually discharge to the sanitary sewer system (a requirement for all new construction for some time) and many even discharge first to a grease removal device.

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.

South San Francisco agrees with this finding.

Response to Grand Jury Recommendations:

R1. By June 30, 2025, the County should amend its Food Facility Checklist to include the condition of trash area flooring, bins, dumpsters and enclosures, and note any needed repair, replacement or cleaning.

No action required by local jurisdiction but South San Francisco agrees with this recommendation.

R2. By June 30, 2025, the County should amend its Food Facility Checklist to include the entire exterior waste storage area, retention areas and parklets, including flooring and underfloor areas.

No action required by local jurisdiction but South San Francisco agrees with this recommendation.

R3. By June 30, 2025, the County should require operators/owners of restaurants to have a written diagram of their approved waste storage/retention area posted so the inspector can evaluate the condition of the facilities.

No action required by local jurisdiction but South San Francisco agrees with this recommendation.

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 pick-ups.

Note: The Grand Jury is not able to recommend changes to building codes or planning criteria to cities or the County. However, in our review we did find the City of Palo Alto has a publication with clear and comprehensive regulations/recommendations for these areas.

*“Comprehensive Guidelines for Commercial Trash Enclosures:
<https://www.cityofpaloalto.org/files/assets/public/v/1/planning-amp-development-services/palo-alto-trash-enclosure-area-guidelines-march-2017.pdf>”*

The recommendation has been implemented.

New development required to meet trash enclosure requirements in the City’s Municipal Zoning Code.

Additionally, there are scheduled, regular trash pickups required by each property owner. Unacceptable conditions tend to be more apparent towards the end of the week, between pick-ups. Even without extensive enforcement, increasing the frequency of pickups may rectify the situation.

Environmental Compliance inspects these areas regularly as part of the Stormwater Inspection Program, regulated by the NPDES Municipal Regional Stormwater Permit (MRP). Per the MRP, all stormwater violations are required to be rectified within 10 business days, which is tracked under our program. Although sanitary/health conditions are not covered under the Stormwater Inspection regulatory requirements, most of the stormwater violations we enforce on in these waste areas are tied into sanitary conditions, which are then corrected indirectly through our enforcement requirements.



TOWN OF COLMA

1198 El Camino Real • Colma, California • 94014-3212

Tel 650.997.8300 • Fax 650.997.8308

September 26, 2024

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

Dear Hon. Amarra A. Lee,

The following is our response to the Grand Jury Report: "*Restaurant Exteriors: The Neglected Space*" which was approved by our City Council at our September 25, 2024, City Council meeting.

RESPONSES TO FINDINGS

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 show something is lacking in the regulatory process.

Response: The Town partially disagrees with this finding; while we agree that sanitary conditions of the exterior of restaurant facilities fall outside current inspections of the County Health Department, Colma takes a proactive approach to keep waste enclosures sanitary by adding requirements in our franchise agreement with Republic Services that require the waste hauler to securely close lids on all containers after emptying, and close waste enclosure gates to eliminate trash, recyclables or organic material outside of container and keep vectors out. We also require the hauler to replace any damaged enclosure doors. We require the hauler to carry clean up equipment and clean up any spills or dropped material or litter within 15 feet or the containers' location and have penalties for non-compliance.

Per discussions with Republic Services manager regarding this report, their staff go on-site and complete a process to report issues regarding enclosures to see if there are conditions e.g. grease or materials on the ground, visible rodents, etc. and notify the business of the issue and ask them to address it or they contact Town staff to get involved. Republic staff stated Town staff are proactive in working with Republic and the related businesses to keep waste enclosures sanitary.

John Irish Goodwin, Mayor
Ken Gonzalez, Vice Mayor

Carrie Slaughter, Council Member • Helen Fisicaro, Council Member • Joanne F. del Rosario, Council Member
Daniel Barros, City Manager

We also require Republic recycling outreach staff to complete weekly on-site waste assessments which include assessment of the enclosure to identify/address problems with the business and or driver who collects the waste, recycling, or organics containers. Our hauler also makes sure the business has sufficient capacity (aka 'right size' the containers) for waste, recycling, and organics to ensure service levels are adequate. Colma also has several code requirements regarding waste enclosures which are further discussed in this response below.

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

Response: The Town neither agrees or disagrees with this finding primarily because in Colma, we do not have parklets.

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 Town partially disagrees with the finding because Colma takes a proactive approach in keeping waste storage and disposal areas (waste enclosures) clean and sanitary through requirements in our franchise agreement with Republic that require the waste hauler to securely close lids on all containers after emptying, and close waste enclosure gates to eliminate trash, recyclables or organic material to fly out of container and keep vectors out. We also require the hauler to replace any damaged enclosure doors. We require the driver to carry clean up equipment and clean up any spills or dropped material or litter within 15 feet of the containers' location and have penalties for non-compliance. Per discussions with Republic Services manager regarding this report, their on-site staff has an ongoing process which includes reporting any issues regarding enclosures where containers are stored for collection and the hauler staff completes random site visits to see if there are conditions e.g. grease or materials on the ground, visible rodents, etc. and they notify the business of the issue and ask them to address it or they contact Town staff to get involved. Republic also notes that Town staff is very proactive in working with Republic and the related businesses to keeping waste enclosures as clean as possible. We require Republic recycling outreach staff to complete weekly on-site waste assessments which include assessment of the enclosure to identify/address problems with the business and or driver who collects the waste, recycling, or organics containers. Our hauler also makes sure the business has sufficient capacity (aka 'right size' the containers) for waste, recycling, and organics to ensure service levels are adequate. Colma also has code requirements which require that waste, recycling and organics containers and the waste enclosures meet requirements, for example:

- 3.05.060 Duty to Properly Store or Dispose of Solid Waste. (a) It is unlawful to keep, deposit, bury or dispose of any Solid Waste (including Recyclables and Organic Waste), Special Waste and Hazardous Waste materials in or upon any public property, street, alley, sidewalk, gutter, park or upon the banks of any stream or creek in the Town, or in

or upon any of the waters thereof, except as provided in this subchapter, and every person in the Town who disposes of Solid Waste materials shall dispose of same only in the manner provided in this subchapter. (b) It is unlawful to keep, deposit, bury or dispose of any Solid Waste (including Recyclables and Organic Waste), Special Waste and Hazardous Waste materials in or upon any private property without the permission of the owner or occupant of that property. Each person who disposes of Solid Waste materials on private property shall dispose of same only in the manner provided in this subchapter. (c) It is unlawful to store Solid Waste in such a manner so as to promote the propagation, harborage, attraction of vectors, or the creation of a nuisance, or dispose of refuse except as provided in this subchapter. (d) Each person owning, operating, occupying or in charge of any vacant or occupied premises, business establishment, industry or other property in the Town shall be responsible for the safe and sanitary storage and disposal of Solid Waste (including Recyclables and Organic Waste), special waste and hazardous waste accumulated on the property.

- 3.05.070 Duty to Subscribe to Solid Waste Collection Services. (a) Each person owning, operating, occupying or in charge of any occupied premises, business establishment, industry or other property in the Town shall subscribe to Solid Waste, Recyclables, an Organic Waste collection service provided by a Franchisee or Permittee in compliance with the provisions of this subchapter.
- 3.05.080 Design Requirements. The facilities for any new, substantially remodeled, or expanded building or other facility shall provide for the proper storage and collection of Solid Waste, Recyclables, and Organic Waste, and must be approved by the Building Official prior to commencement of construction.
- 3.05.090 Maintenance and Use of Containers. (a) Preparation of Solid Waste. All Solid Waste, including Recyclables and Organic Waste, shall be drained of free liquid before being deposited for collection. (b) Unlawful Use. (1) It is unlawful to use Solid Waste, Recycling, or Organic Waste containers provided by a Franchisee or Permittee for any purpose other than to facilitate collection by such Franchisee or Permittee. (2) It is unlawful to use Solid Waste, Recycling, or Organic Waste containers provided by the owner or occupant of property for any purpose other than to facilitate collection of Solid Waste by the owner or occupant of the property or by persons authorized by the owner or occupant to use such containers. (c) Maintaining Solid Waste, Recycling, or Organic Waste Containers. It is the duty of each person subscribing to services for the collection and handling of Solid Waste, Recyclables, and Organic Waste to maintain receptacles in a reasonably safe and secure manner; and all such receptacles shall be so placed and kept at the designated collection location so as to be readily accessible for removal and collection therefrom and placed such that they will not be a public nuisance or in any degree offensive. (d) Containers. All Solid Waste, Recyclables, and Organic Waste containers for residents or businesses must be non-absorbent, water-tight, vector-resistant, durable, easily cleanable, and designed for safe handling.

Containers should be of an adequate size and in sufficient numbers to contain, without overflowing, all the Solid Waste, Recyclables, and Organic Waste that a residence, business or other establishment generates within the designated removal period. Containers, when filled, shall not exceed weight limits established by the Hauler. Containers shall be maintained in a clean, safe, sound condition, free from putrescible residue, and may not have ragged or sharp edges, or have any other defect liable to hamper or injure any person collecting the contents thereof.

- The CMC Chapter 4 Subsection 4.04 – Regulation of Food Establishment, Issuance of Permits, Fees and Penalties and subsection 4.04.060(e) – Trash Facilities – All trash shall be stored in enclosures so as to prohibit its being scattered over the ground. Such an enclosure shall be of suitable design and construction and must be maintained in a reasonably clean and sanitary condition at all times.

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

Response: The Town partially disagrees with the finding because several restaurant exteriors in Colma are visible on all sides (e.g., Black Bear Diner, Starbucks, Burger King, etc.), so this is not fully applicable to Colma.

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

Response: The Town disagrees with the finding because Colma takes a proactive approach in keeping waste enclosures sanitary by adding requirements in our franchise agreement with Republic Services that require the waste driver to securely close lids on all containers after emptying, and close waste enclosure gates to eliminate trash, recyclables or organic material to fly out of container and keep vectors out. We also require the hauler to replace any damaged enclosure doors. We require the driver to carry clean up equipment and clean up any spills or dropped material or litter within 15 feet of the containers’ location and have penalties for non-compliance.

As noted previously, discussions with Republic Services manager regarding this report, their on-site staff has an ongoing process which includes reporting any issues regarding enclosures where containers are stored for collection and the hauler staff completes random site visits to see if there are conditions e.g. grease or materials on the ground, visible rodents, etc. and they notify the business of the issue and ask them to address it or they contact Town staff to get involved. Republic also notes that Town staff is very proactive in working with Republic and the related businesses to keeping waste enclosures as clean as possible. We require Republic recycling outreach staff to complete weekly on-site waste assessments which include assessment of the enclosure to identify/address problems with the business and or driver who collects the waste, recycling or organics containers. Our hauler also makes sure the business

has sufficient capacity (aka 'right size' the containers) for waste, recycling, and organics to ensure service levels are adequate. Colma also has code requirements which require that waste, recycling and organics containers and the waste enclosures meet requirements.

Finding 6: Wastewater from the cleaning of trash areas and from rain flows into the storm drain systems.

Response: The Town disagrees with the finding because stormwater requirements do not allow debris from waste enclosures to flow to storm drain systems. It's important to note that this is an ongoing process to monitor and ensure stormwater requirements are met.

GRAND JURY REPORT RECOMMENDATIONS

The following provides the Grand Jury's Recommendation 4 and our response:

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: The recommendation will not be implemented because it is not warranted due to this requirement already being a part of our franchise agreement requirements which is successful due to collaboration with our hauler. Additionally, our hauler has a long history of these businesses and can more accurately recommend an increase in service levels, or whether the number of containers should be increased or, whether there simply extenuating temporary circumstances for the business.

We appreciate the opportunity to respond to the Grand Jury Report. Please let me know if you have questions regarding our responses.

Sincerely,



Daniel Barros
City Manager



TOWN OF HILLSBOROUGH
California

September 16, 2024

Hon. 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

Re: Grand Jury Report: "Restaurant Exteriors: The Neglected Space"

Honorable Judge Lee:

The Town of Hillsborough is in receipt of the report titled, "Restaurant Exteriors: The Neglected Space."

We would like to clarify that the Town of Hillsborough consists mainly of low density single-family residential development with no commercial or industrial land uses. The only non-residential uses within the Town are public facilities, parks and open space land, private and public schools, the Burlingame Country Club and the Hillsborough Racquet Club. Therefore, the Town has no public restaurants.

As we are required to respond to the report pursuant to California Penal Code Section 933, please find the Town's responses to findings 1, 2, 3, 4, 5, and 6 and Recommendation 4 below.

I. Responses to Findings

F1: 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.

The Town does not agree or disagree with this finding as it has no knowledge regarding what regulatory agency is responsible for sanitary conditions of the exterior of restaurants primarily because the Town has no public restaurants in its jurisdiction.

F2: Sanitary conditions of parklets fall outside of current inspections by the County Health Department or Vector Control.

The Town does not agree or disagree with this finding as it has no knowledge regarding what regulatory agency is responsible for sanitary conditions of parklets primarily because the Town has no public restaurants or parklets in its jurisdiction.

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.

The Town does not agree or disagree with this finding as it has no knowledge regarding a local jurisdiction's role in the sanitary conditions of exterior areas used for waste storage and disposal primarily because the Town has no public restaurants or parklets in its jurisdiction.

F4: Most restaurant exterior areas are “out of sight” of the public and as a result complaints are less frequent.

The Town does not agree or disagree with this finding as it has no knowledge regarding restaurant exterior areas primarily because the Town has no public restaurants in its jurisdiction.

F5. Because they lack oversight, unacceptable conditions in restaurant trash areas are likely not to be rectified.

The Town does not agree or disagree with this finding as it has no knowledge regarding restaurant trash areas primarily because the Town has no public restaurants in its jurisdiction.

F6. Waste water from the cleaning of trash areas and from rain flow into the storm drain systems.

The Town does not agree or disagree with this finding as it has no knowledge regarding wastewater flow from the cleaning of trash areas primarily because the Town has no public restaurants or parklets in its jurisdiction.

II. Responses to Recommendations

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 pick-ups.

The recommendation will not be implemented primarily because the Town has no public restaurants in its jurisdiction.

This response to the Grand Jury was approved by the Town of Hillsborough City Council at a public meeting on September 9, 2024.

Respectfully,



Christine Krolik
Mayor, Town of Hillsborough