



TOWN OF ATHERTON

OFFICE OF THE MAYOR
80 FAIR OAKS LANE
ATHERTON, CALIFORNIA 94027
(650) 752-0500

September 19, 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

Re: San Mateo Civil Grand Jury Report titled: “Restaurant Exteriors: The Neglected Space” issued on July 9, 2024

Dear Judge Lee:

The Town of Atherton received the San Mateo County Civil Grand Jury Report titled, “Restaurant Exteriors: the Neglected Space” on July 9, 2024. The report instructed the Town to respond to Findings F1-F7 and Recommendation R4.

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 18, 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 show something is lacking in the regulatory process.

The Town of Atherton does not agree or disagree with this finding. The Town has one public facing restaurant that is located on property owned by the Town. As the entity that would receive complaints relative to the restaurant’s operations, as well as the landlord, the Town is not aware of any unsatisfactory sanitary conditions in the waste removal areas. As the Town does not inspect conditions in other jurisdictions, it has no knowledge their respective regulatory processes.

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

Response: The Town of Atherton does not agree or disagree with this finding. The Town does not have any parklets within its jurisdiction, nor does it have knowledge regarding the sanitary conditions and inspection requirements of parklets in other jurisdictions.

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 Town of Atherton does not agree or disagree with this finding. The Town has one public restaurant that is located on property owned by the Town and provides food for takeaway. As the entity that would receive complaints relative to the restaurant's operations, as well as the landlord, the Town is not aware of any unsatisfactory sanitary conditions in the waste removal areas. As the Town does not inspect conditions in other jurisdictions, it has no knowledge their respective regulatory processes.

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

Response: The Town of Atherton does not agree or disagree with this finding. The single public restaurant in the Town is integrated into a public outdoor gathering space on Town property. It is highly visible and not “out of sight.” While this seems to contradict the finding, it is a unique case in the Town and the Town has no knowledge regarding the sightliness of restaurant exterior areas in other jurisdictions.

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

Response: The Town of Atherton does not agree or disagree with this finding. The Town has unique oversight over its one public restaurant as a landowner and is not aware of the conditions of restaurants in other jurisdictions.

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

Response: The Town of Atherton does not agree or disagree with this finding. As the Town is unique in that its single public facing restaurant does not cook or prepare food on site and shares trash facilities with the Town Center and Town Library, there is minimal impact to existing wastewater generation from the cleaning of trash areas and from rain flow into the storm drain systems than what was provided before the restaurant was established on the Town's property. The Town is not aware of conditions of restaurants in other jurisdictions.

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: The Town of Atherton does not agree or disagree with this finding. The Town does not have any parklets within its jurisdiction. The single public restaurant in the Town is integrated into a public outdoor gathering space on Town property and does not provide guests dining access to outdoor street eating within a sidewalk extension or roadside parking space. The Town does not have knowledge regarding the sanitary conditions and inspection requirements of parklets in other jurisdictions.

Recommendations:

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.

Response: This recommendation will not be implemented, as the Town's single public-facing restaurant is located on property owned by the Town, and waste services are managed directly by the Town and occur at a regular/frequent schedule. The Town does not intend on implementing a policy change to address this recommendation.

The responses provided above to the Grand Jury were approved by the Town of Atherton City Council at a public hearing on September 18, 2024. Please feel free to contact City Manager George Rodericks at 650-752-0504 or grodericks@ci.atherton.ca.us should you have any questions.

Best,

Diana Hawkins-Manuelian, Mayor
Town of Atherton