



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** OFFICE OF SUSTAINABILITY

**File #:** 21-153

Board Meeting Date: 2/23/2021

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors  
**From:** Carolyn Bloede, Director, Office of Sustainability  
**Subject:** Adoption of an Ordinance amending Chapter 4.107 of the San Mateo County Ordinance Code regulating the use of disposable food service ware

### **RECOMMENDATION:**

Adopt an ordinance amending Section 5 of Chapter 4.107 of the San Mateo County Ordinance Code regulating the use of disposable food service ware by food facilities, previously introduced on February 9, 2021, and waive the reading of the ordinance in its entirety.

### **BACKGROUND:**

In March 2011, this Board adopted Ordinance No. 04542 prohibiting the use of polystyrene-based disposable food service ware by food vendors in the unincorporated areas of the county. On February 25, 2020, this Board repealed and replaced Ordinance No. 04542 with Ordinance No. 04823, which is also known as the "Disposable Food Service Ware Ordinance" (Ordinance). The Ordinance focuses on reducing single-use plastic and other food service ware waste, improving the health and safety of San Mateo County community members, and helping the county keep its waterways clean and safe.

The Ordinance went into effect in March 2020 (around the same time the county shelter-in-place order went into effect) for the unincorporated areas, with the mandatory provisions scheduled to become operative and subject to enforcement in March 2021. This one year delay was to provide food facilities sufficient time to use up their existing non-conforming inventory of disposable food service ware.

### **DISCUSSION:**

The restaurant industry has been especially hard-hit by the COVID-19 pandemic. According to an economic impact study released by Yelp in September 2020, between March 2 and August 31, 2020, a total of 32,109 restaurants listed on its site have closed, with 61 percent of those restaurants closing permanently. Here in the Bay Area, local news agencies report that at least 369 restaurants have permanently closed between March 1 to July 10, 2020 in the San Francisco-Oakland-Hayward metro areas, many probably as a result of financial hardship exacerbated by the impacts of COVID-

19. Although similar data for San Mateo County is currently not available, the current state of affairs of many of the restaurants in our neighboring jurisdictions is likely a good indicator of what is happening here throughout the county.

The restaurant industry will continue to experience hardship as restaurants continue to operate under COVID-19 restrictions, especially given the current increase in positive COVID-19 cases. As of December 2, 2020, the number of new daily cases statewide topped 20,000 for the first time. With COVID-19 cases and hospitalizations surging and intensive care unit capacity declining below 15 percent, the State's mandatory Regional Stay Home Order went into effect in San Mateo County on December 17, 2020. The order will remain in effect for at least three weeks. This new order requires restaurants to close indoor and outdoor dining and allows for take-out/pick-up only.

Given the unprecedented hardship that restaurants and other food facilities have endured this year and will continue to endure into 2021, the Office of Sustainability (OOS) proposes to amend and delay the March 25, 2021 operational and enforcement start date of the Ordinance by one year to March 25, 2022. The OOS believes that this one year extension is necessary to provide food facilities additional time to recover from financial hardship and adjust to the new requirements of the Ordinance. The OOS will continue to monitor the situation throughout 2021 and propose additional amendments to the Ordinance, if needed.

County Counsel has reviewed and approved the Ordinance as to form.

**FISCAL IMPACT:**

There is no fiscal impact associated with this Ordinance amendment, with the exception of staff time to inform food facilities about the change in timeline.