



March 15, 2013

**NOTICE OF PUBLIC HEARING
AND
NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION
FOR
THE ORDINANCE PROHIBITING FOOD VENDORS FROM USING
POLYSTYRENE BASED DISPOSABLE FOOD CONTAINERS**

NOTICE IS HEREBY GIVEN that the City of San Mateo has prepared an Initial Study/Negative Declaration, which identifies and discusses potential environmental impacts of the project and, if necessary, proposes mitigation measures to be incorporated in the project to eliminate any potentially significant impacts, for the following project.

**CITYWIDE ORDINANCE: ORDINANCE PROHIBITING FOOD VENDORS FROM USING
POLYSTYRENE BASED DISPOSABLE FOOD CONTAINERS**

PROJECT SUMMARY:

The City of San Mateo is proposing the adoption of a new ordinance that would prohibit food vendors from using polystyrene based disposable food service ware (polystyrene food containers). This ordinance is the same ordinance drafted and adopted by San Mateo County which became effective July 1, 2011.

Polystyrene is a petroleum-based lightweight plastic material that can be formed into many different products. It is often referred to by the trademark name "Styrofoam". Polystyrene is used as a disposable, single-use food service container, also referred to as food service ware, which comes in many forms such as plates, cups, bowls, trays and lidded containers, known as clamshells. Polystyrene is frequently used by restaurants and food establishments as containers for take-out food orders or to bring home leftover food after dining. In some cases polystyrene may be used as the primary serving mechanism or food ware, rather than ceramic or plastic reusable alternatives, for the more casual eateries and fast food establishments.

The proposed Ordinance would prohibit restaurants and other food establishments (food vendors) within the City of San Mateo from using polystyrene plates, cups, bowls, trays and lidded containers. The Ordinance would exempt straws, utensils and cup lids, disposable packaging for unprepared foods and prepackaged foods. Prepackaged food is defined as food processed and packaged off-site to prevent any direct human contact with the food product upon distribution from the manufacturer. In addition, polystyrene coolers and ice chests intended for reuse would also be exempted from the Ordinance. The Ordinance would apply to all food vendors within the City of San Mateo and would be enforced by the San Mateo County Environmental

Health Department as part of their ongoing inspection of food establishments throughout the County. A food vendor is defined as any vendor, business, organization, entity, group or individual, including licensed retail food establishments, that provides prepared food at a retail level. This includes all types of food establishments, full service restaurants as well as fast food restaurants.

Requested Applications:

- A. Proposed adoption of a new City Ordinance
- B. Initial Study & Negative Declaration to assess potential environmental impact

Project Manager: Kenneth Chin, Project Manager
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San Mateo, CA 94403
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(650) 522-7313

Project Applicant: City of San Mateo
330 W. 20th Avenue
San Mateo CA 94403

AVAILABILITY OF NEGATIVE DECLARATION AND INITIAL STUDY:

The application requires the preparation of an environmental impact assessment under the provisions of the California Environmental Quality Act (CEQA). Copies of the Initial Study/Negative Declaration are available at City Hall (330 West 20th Ave.), at the City's Main Library (55 West 3rd Ave, Reference Desk). It is also available online on the City's website at www.cityofsanmateo.org/index.aspx?nid=2540.

PUBLIC COMMENT OF ENVIRONMENTAL REVIEW DOCUMENT:

The public review period for the Draft Negative Declaration starts on **March 15, 2013 and extends to April 3, 2013** (20 day public review period). Please submit all written comments on the Draft Negative Declaration to Kenneth Chin, Project Manager, City of San Mateo Public Works Department, 330 West 20th Avenue, San Mateo, CA, 94403. If you have questions, please call Kenneth Chin at (650) 522-7313. If any person challenges this item in court, that person may be limited to raising only those issues the person in written correspondence delivered at, or prior to, the public hearings.

PUBLIC HEARING:

After the conclusion of the public review for the environmental document, the City Council will hold a public hearing to review this ordinance. The City Council public hearing is scheduled for **April 15, 2013 at 7:00 p.m.** in the City Council Chambers at City Hall, 330 W. 20th Avenue, San Mateo, California.

The requested City Council approvals include:

- A. Adopt a Resolution approving the Initial Study and Mitigated Negative Declaration for the Ordinance Prohibiting Food Vendors from Using Polystyrene Based Disposable Food Containers
- B. Introduction of an Ordinance Prohibiting Food Vendors from Using Polystyrene Based Disposable Food Containers

If any person challenges this item in court, that person may be limited to raising only those issues the person or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearings.

AMERICANS WITH DISABILITIES ACT — *In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the City Clerk 48 hours prior to the meeting at (650) 522-7041.*

