

Submitted by staff
at 10/30/12 meeting

Stephanie Pintar

From: Stephanie Pintar <steph@mpwmd.dst.ca.us>
Sent: Friday, May 11, 2001 8:14 AM
To: David Laredo; Darby
Cc: Gabby
Subject: Restaurant outdoor seating

Item 3

We need guidance:

Should we be charging for outdoor restaurant seating? We have only permitted one or two restaurants with outdoor seating. Most have installed seating outdoors without obtaining a permit. Outdoor seating was not used year-round until those gas heaters came onto the market.

If I recall from Michael's days, we did not permit outdoor seats for that reason (they weren't in use during the rainy season/winter and at night when it was cold). Now, it seems that we should think about our policy.

One thought we had was to permit (and credit) for outdoor seating that's located within an enclosure. In other words, if the seating is in a private area not accessible to the general public and is maintained year-round, we should require a permit.

Please provide your thoughts on this. Gabby's working on the water credits for the Barnyard, and they have a large number of outdoor seats.

Stephanie

Status Report 3-G: Outside Restaurant Seats

SUMMARY: The District's administrative practice regarding outdoor restaurant seating (going back to at least 1988) has been not to require a permit for outdoor restaurant seats, as the use of outdoor seating is subject to inclement weather conditions and is difficult to enforce. Over the past decade, new products such as outdoor heaters and more efficient umbrellas have made outdoor seating more comfortable and desirable. In addition, new regulations have banned smoking in restaurants, forcing smokers outside.

At the June 1, 2001 PAC/TAC (Technical Advisory Committee/Policy Advisory Committee) meeting, the TAC/PAC discussed an increase in outdoor restaurant seating, although no formal action was taken. Staff asked for guidance from the committee on the following: (1) should a water permit be required for the addition of outdoor restaurant seating; and (2) should permits be issued only for outside seating in an enclosed area. The committee agreed that a water permit should not be required for the addition of outdoor restaurant seating, and likewise, no water credit should be given. Attached as **Exhibit 3G-1** are the approved minutes from the June 1, 2001 PAC/TAC meeting.

VI. Update on Status of Water Credit Transfer Moratorium

Stephanie Pintar reported that Ordinance No. 100 which limits like-to-like water credit transfers was due to expire on June 18, 2001. A report should be prepared by June 11 that analyzes how much water is saved on transferring and receiving sites when water credits are transferred. The report may be received by the Board of Directors at the June 18 meeting.

VII. Discuss Increase in Non-Permitted Outdoor Restaurant Seating

Stephanie Pintar reported that outdoor restaurant seating has increased. She asked for guidance from the committee on the following items: (1) should a water permit be required for the addition of outdoor restaurant seating; and (2) should permits be issued only for outside seating in an enclosed area. No formal motion was made by the committee on this item. During the discussion it was clear that each jurisdiction has its own method of permitting outdoor restaurant seating. The following comments were made by the committee members. (1) The increase in restaurant seating is driven by smoking regulations. If water use increases significantly in a restaurant as a result of outdoor restaurant seating, the District should investigate. (2) This is a case of micro-management of the resource. Unless there is evidence of a real problem, this should not be pursued. (3) Outdoor restaurant seating is similar to installation of water fountains. No water credit should be given for outdoor restaurant seating, only for enclosed seating.

VIII. Consider Proposal by Director Henson that the Board Review Its Policies Concerning the Use of Fixtures for Determining Remodeling Proposals

Director Henson presented his proposal to permit remodels based on historical water use, instead of the fixture unit methodology. No formal motion was made by the committee on this issue. The following comments were made by the committee members. (1) This is a complicated proposal that will require extensive monitoring. It diverts District staff's focus away from their primary function which is water supply planning. (2) We have discussed the complexities of measuring water consumption. It would be good to develop some rational method of measuring residential water usage, but this proposal would be difficult to implement. (3) The purpose of water permits was to raise revenue for a water supply project. It then become a regulatory method of allocating water to the jurisdictions. The District should assess whether the purpose for issuing water permits is still valid, rather than just adjusting the fixture unit methodology.

Public Comment: During the discussion Michael Waxer proposed a community averaging technique. For example, it could be determined that in one community the average water use per residence is 1/4 acre-foot of water. That community would be responsible to stay within its allocation by ensuring that the average water use remains at 1/4 acre-foot per residence through conservation measures the jurisdiction deems appropriate.