



Submitted by staff  
at 11/17/14 Board Meeting  
Item 15

CITY OF PACIFIC GROVE  
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
300 Forest Avenue • Pacific Grove, California 93950

November 12, 2014

RECEIVED

Honorable Dave Potter, Chair, and Members of the Board  
Monterey Peninsula Water Management District  
5 Harris Court, Building G  
Monterey, California 93942-0085

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MPWMD

**Re: Water Permit Requirements for Outdoor Seating**

Dear Chair Potter:

On November 13<sup>th</sup> the Monterey Peninsula Water Management District (MPWMD) Technical Advisory Committee and Water Demand Committee will develop and recommend to the Board a policy for outdoor seating. The MPWMD Board is scheduled to review recommendations and adopt a policy on November 17<sup>th</sup>. On behalf of the City of Pacific Grove, I would like to express our concern to the proposed modifications to the Water District's rules and regulations related to outdoor seating.

As your agenda item staff report notes, there are still many questions to be answered regarding issuing Water Permits for outdoor seating. Specifically:

- Does outdoor seating increase occupancy, or is it simply a matter of seat selection based on weather?
- If a patron has made the decision to dine out somewhere on the Peninsula, is the choice of seat selection irrelevant – i.e. is the water usage neutral in the whole, or is it additive?
- Does outdoor seating truly represent a measureable metric when outdoor patronage is largely governed by temperature and weather conditions?

Additionally, staff has the following questions:

- What effects does outdoor seating have on water use and consumption?
- What is the quantitative increase of outdoor dining days considering recent technological improvements?
- How does increased patronage related to outdoor seating differ from increased patronage due to other business practices such as increased hours, 2 for 1 coupons, early bird specials and gift certificates?

These questions cannot be answered through discussion alone. Had this been sufficient, this matter would have been resolved through discussions that have taken place over the last several years. Anecdotally, staff recognizes that there is a potential for increases in the number of patrons with the addition of outdoor dining, and this may correspond to an increase in water use. However, this assumption has so far not been substantiated for the Monterey Peninsula. Studies

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on how outdoor seating has affected patronage, both absolutely and relatively, and water use, will be required to make an informed decision on the issuance of Water Permits. This is the only equitable method to place an additional financial burden on our businesses.

If the MPWMD Board decides to modify the existing rules relating to outdoor seating, the City opposes any policy that would not "grandfather" existing outdoor seating areas or those with a *pending building encroachment permit*. All outdoor seating area improvements are the financial responsibility of the business owner. If a water permit is required for the outdoor seating areas, sites that do not have excess water credits to cover the outdoor seats would have to abandon the outdoor seating area and/or remove interior seats. This would place an undue financial burden on those businesses that have in good faith followed all of the current rules and regulations of the City, the County Health Department and Water District.

The City of Pacific Grove has and will continue to be in support of those rules and regulations that help conserve the limited amount of water resources on the Monterey Peninsula. However, these rules and regulations should be substantiated, and effects that outdoor seating have on water use or water consumption have not been established.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Brodeur". The signature is written in a cursive, flowing style.

Mark Brodeur  
Community and Economic Development Director