

Item 4: Develop Recommendation to the Board on First Reading of Ordinance No. 164, Establishing Water Permit Requirements for Outdoor Restaurant Seating at Restaurants

Technical Advisory Committee February 18, 2015

Summary

- Recent revitalization efforts in the cities of Monterey and Pacific Grove have focused attention on al fresco dining
- Administrative practice has exempted outdoor dining from Water Permit requirements
- Board considered options to regulate outdoor dining at the December 2014 meeting
 - Directed staff to work with Water Demand Committee and Technical Advisory Committee
- Ordinance No. 164 changes the District's administrative practice of not issuing Water Permits for outdoor restaurant/bar seating

Summary

Water Demand Committee recommended draft Ordinance No. 164 after input from hospitality/business community

- Allows up to one-half the number of interior seats to be used for exterior dining w/o Water Permit requirement
- Water Permit will be required for exterior seats in excess of the "standard exterior seat allowance"
- Existing and planned exterior restaurant seating (i.e., new seating approved by the Jurisdiction before August 1, 2015) will be "grandfathered" and exempted from the permit requirement

Permitting Existing Restaurant Seating

- Sites that have a restaurant Water Permit on file with MPWMD will continue to be restricted to the permitted number of interior seats
- No Fee Water Permit for existing exterior seating in use as of the effective date of the ordinance will be issued
- District will contact restaurant water account holders and property owners
- Hospitality industry, the local Chambers of Commerce, and the Jurisdictions assist MPWMD with documentation effort
 - Email notifications
 - Business license records
 - Member contact information

Recommendation

- Review ordinance and definitions
- Recommendation to Board of Directors
- CEQA Initial Study to be circulated this week for 20day comment period. Determination presented at second reading in March.
- Ordinance to be considered for adoption March 16, 2015