Submitted by staff
at 11/17/14 Board Mtg.
Item 15

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MPWMD

November 12, 2014

Mayor:
CHUCK DELLA SALA

Councilmembers:
LIBBY DOWNEY
ALAN HAFFA
NANCY SELFRIDGE
FRANK SOLLECITO

City Manager:
MICHAEL McCARTHY

Mr. David Potter, Chair
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

Subject: Outdoor Seating & Water Credits

Dear David,

On behalf of the City of Monterey, I would like to request your support in opposing the proposed modifications to the Water District's rules and regulations related to outdoor seating.

As you know, even though we are fortunate to live in a temperate climate, there are only a limited number of days and evenings when it is actually comfortable to sit and socialize outdoors.

Staff has conducted a number of unofficial surveys, and believes that the vast majority of eating and drinking establishments that add outdoor seating areas do not see a significant or even notable increase in their number of customers. Rather, when persons decide to go out to a restaurant or other establishment, it is the weather that determines whether they sit inside or outside. The City does not believe that persons go out simply because a business offers outdoor seating, but it may help them decide between a business with outdoor seating and one without.
It is the City's opinion that outdoor seating does not result in a tangible increase in the number of customers to the eating and/or drinking establishment.

If the MPWMD Board decides to modify the existing rules relating to outdoor seating, the City strongly opposes any process 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. In the downtown area, the costs associated with the removal of on-street parking spaces, the preparation of engineered drawings and the physical improvements needed to support the seating areas cost the business owner thousands of dollars. If a water permit was required for the outdoor seating areas, because these sites do not have excess water credits to cover the outdoor seats they would have to abandon the outdoor seating area, remove interior seats, or a combination of the two. 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.

It is also important to note that these outdoor seating areas have a positive economic impact on the surrounding businesses and the immediate commercial neighborhood. Bringing more people outdoors adds a new vitality to the outdoor shopping experience. People are more comfortable window shopping and visiting new businesses when there is more outdoor pedestrian activity. While the economy continues to improve incrementally, adopting insurmountable obstacles in the form of new water credit rules for outdoor seating will result in negative economic impacts to the neighbors of those businesses with outdoor seating, as well as those businesses that are interested in adding outdoor seating.

As you are aware, the City's support of outdoor seating areas has been roundly applauded by the public, the business community and the local media for both the City of Monterey and the City of Pacific Grove.

In summary, the City of Monterey 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, the City of Monterey believes that these rules and regulations must be based on facts and evidence, and the perception that outdoor seating for eating and drinking establishments increases water consumption by any measurable factor has not been established. To do otherwise would place an undue and potentially fatal burden on those businesses that have already established outdoor seating areas at great cost.

Sincerely,

Mayor Chuck Della Sala
City of Monterey