



Item 20: Consider Second Reading and Adoption of Ordinance No. 164, Establishing Water Permit Requirements for Outdoor Restaurant Seating at Restaurants

Presented by Stephanie Locke
April 20, 2015

Summary

- Ordinance No. 164 changes the District's administrative practice of not issuing Water Permits for outdoor restaurant/bar seating.
- The new rule allows one-half the number of interior seats to be used outdoors without a permit requirement.
 - A Water Permit is required for exterior seats in excess of this “standard exterior seat allowance.”
- The draft ordinance also adds definitions to Rule 11 for Fast Food Restaurants and Wine Tasting Rooms and amends the permit exemption for temporary and unenclosed structures (including temporary exterior restaurant seats).

Summary

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

- Existing and planned exterior restaurant seating (i.e., new seating approved by the Jurisdiction before September 1, 2015) will be “grandfathered” and exempted from the permit requirement
 - MPWMD will document existing outdoor/indoor seating between now and September 1
 - Documentation of existing exterior seating will be processed at no charge
- Water Permit will be required for exterior seats in excess of the “standard exterior seat allowance” after September 1

Permitting Existing Restaurant Seating

- District will work with restaurant water account holders and property owners
- Hospitality industry, the local Chambers of Commerce, and the Jurisdictions will assist MPWMD with documentation effort
 - Email notifications
 - Business license records
 - Member contact information

Committee Review

- Water Demand reviewed on February 12
 - Recommend approval
- Technical Advisory Committee (TAC) reviewed on February 18
 - Recommend approval

CEQA Review

- Initial Study and Notice of Intent to Adopt a Negative Declaration
- No related comments were received
- Proposed Negative Declaration finding:

Based on the Initial Study, the Monterey Peninsula Water Management District Board of Directors finds that adoption of Ordinance No. 164 does not have a significant effect on the environment.

Recommendation

- Receive public comment
- Adopt Negative Declaration and CEQA finding
- Approve the second reading and adoption of Ordinance No. 164 with recommended amendment by City of Monterey to clarify Jurisdictional approval of new exterior restaurant seats before the ordinance deadline to establish outdoor seat counts (see “discussion” in staff report)