



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 50596

File ID: 50596

File Type: Resolution

Status: Report of Officer

Version: 1

Reference:

Controlling Body: DOWNTOWN
COORDINATING
COMMITTEE

File Created Date : 02/19/2018

File Name: Capitol Square Planting Bed Conversion Policy

Final Action:

Title: Establishing Policy Guidelines for Alterations to Capitol Square Area Planting Beds
for the Intent of Creating New Public Sidewalk Cafes.

Notes:

Sponsors: Michael E. Verveer

Effective Date:

Attachments: Exhibit A - Planting Beds Eligible for Partial
Conversion to Seating Areas.pdf, 12-7-17 Cap Square
planters design guidelines DRAFT1.pdf

Enactment Number:

Author: Dan Kennelly - Manager, Office of Business Resources

Hearing Date:

Entered by: afreedman@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1	02/21/2018	Brent Sloat	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Economic Development Division	02/19/2018	Referred for Introduction				
	Action Text:		This Resolution was Referred for Introduction				
	Notes:	Downtown Coordinating Committee, Vending Oversight Committee.					
1	COMMON COUNCIL	02/27/2018	Refer	DOWNTOWN COORDINATING COMMITTEE		03/15/2018	Pass
	Action Text:	A motion was made by Baldeh, seconded by DeMarb, to Refer to the DOWNTOWN COORDINATING COMMITTEE. The motion passed by voice vote/other.					
	Notes:	Additional referral to Vending Oversight Committee					

1 DOWNTOWN 02/27/2018 Referred VENDING 02/28/2018
COORDINATING
COMMITTEE OVERSIGHT
COMMITTEE

Action Text: This Resolution was Referred to the VENDING OVERSIGHT COMMITTEE

Notes:

1 VENDING OVERSIGHT 02/28/2018 Return to Lead with DOWNTOWN 03/15/2018
COMMITTEE the
Recommendation COORDINATING
COMMITTEE

Action Text: A motion was made by Verveer and seconded by Wood to move adoption of the resolution as presented. The motion was passed by a voice vote/other.

1 DOWNTOWN 03/15/2018 RECOMMEND TO Pass
COORDINATING COUNCIL WITH
COMMITTEE THE FOLLOWING
RECOMMENDATION
S - REPORT OF
OFFICER

Action Text: A motion was made by Hirsch, seconded by Verveer, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER.

- 1: The ratio of planted area to café area shall be 50%-50%
- 2: The resulting sidewalk café layout shall be ADA accessible.

The motion passed by the following vote:

Notes: Rebecca Cnare, Planning Division staff, gave a brief introduction of the proposed policy, as described in the legislative materials. Cnare mentioned that even after any physical changes, all normal sidewalk café fees rules would apply, and establishments would have to take in the furniture every night.

Hirsch said that he was concerned about the removal of green space and would prefer a 50% to 50% ratio. Zellers agreed and asked about the planters that have already been altered, would they also have to get a sidewalk café licenses? Cnare said that City staff was only looking at the remaining planters at this time, as many of the existing cafes in these locations have encroachment leases, which each have their own fees, rules and agreements. Cnare added that staff would like to look at that policy as well, but didn't want to confuse the two issues, as staff has not had a chance to talk to existing lease holders.

To facilitate the discussion, Hirsch made a motion to approve the resolution, adding that he would like to make an amendment. Verveer seconded the motion.

Hirsch made a motion to amend the resolution to change the ratio to 50%-50%, seconded by Verveer. The Committee discussed the difference between 60% and 50% paved café area, noting the change would likely be the removal of two 2-top tables. Zellers said that she was very concerned about the loss of the limited green space downtown. The motion to amend was approved don a voice vote.

Hirsch made a motion to add language to require that the cafe layout shall be ADA accessible, seconded by Zellers. Cnare said that she believes that all cafes must have an opening that is ADA accessible, and the language currently in the resolution was to address the planters that currently have a step-up, and requiring that the new space be "level" with the adjacent sidewalk. The motion to amend passed on a voice vote.

Zellers asked about smoking at sidewalk cafes. Verveer mentioned a City Attorney's opinion that didn't allow the City to regulate smoking outside in public areas, but that individual cafes could set their own policies and voluntarily restrict smoking. Hirsch said that he was very interested in looking into this issue further, as cafes and other public spaces should be free of smoke for everyone else.

Ayes: 6 Michael E. Verveer; Ledell Zellers; Adam J. Plotkin; Thomas E. Hirsch;
Lori J. Henn and Ted Crabb

Recused: 1 Gregory O. Frank

Text of Legislative File 50596

Fiscal Note

The proposed resolution establishes guidelines for businesses and property owners to alter Capitol Square Area Planting Beds, including a Developer's Agreement, which will include a mechanism for property owners to pay for the alterations. No City appropriation required.

Title

Establishing Policy Guidelines for Alterations to Capitol Square Area Planting Beds for the Intent of Creating New Public Sidewalk Cafes.

Body

WHEREAS, the public rights-of-way along the radial streets extending from the Capitol Square include several trapezoidal-shaped planting areas with concrete curbing, as depicted in attached Exhibit A ("Planting Beds Eligible for Partial Conversion to Seating Areas"); and

WHEREAS, business and property owners have approached the City of Madison (the "City") about the potential of converting all or a portion of some of these planting beds to create space for outdoor sidewalk cafes for restaurants; and

WHEREAS, several locations on the Capitol Concourse already have public spaces that have been altered to allow for sidewalk café space; and

WHEREAS, these past alterations were made on a piecemeal basis without an over-arching City policy guiding the physical design of the spaces, or a consistent policy for managing and monitoring these spaces as seating areas once the conversions were completed; and

WHEREAS, there are potential public benefits to establishing a clear and orderly procedure to guide planting bed conversions to sidewalk cafes, a process for determining when such conversions are in the public interest, and a consistent policy for licensing and monitoring the operations of these spaces as sidewalk cafes after the conversions are complete.

NOW THEREFORE, BE IT RESOLVED, the City hereby establishes a procedure for reviewing and approving proposed changes to the public right-of-way for the purposes of creating new sidewalk cafes within planting beds located in the Capitol Concourse; and

BE IT FURTHER RESOLVED, only the existing trapezoidal-shaped planting beds with concrete curbing located in the Capitol Concourse are eligible for consideration of potential conversion to sidewalk cafes through this procedure; and

BE IT FURTHER RESOLVED, under this procedure, the mechanism for converting planting beds to sidewalk cafes will be an agreement (the "Developer's Agreement") established between the City and the property or business owner proposing the change; and

BE IT FURTHER RESOLVED, in any such Developer's Agreement to convert planting beds to sidewalk cafes, the City's Engineering Division will design the alterations (in consultation with the developer proposing the planting bed conversion (the "Developer"), Parks Division Mall Maintenance Staff, Planning Division Staff, and Street Vending Staff), and the Developer will be responsible for implementing the changes (hiring contractors and managing construction); and

BE IT FURTHER RESOLVED, after construction is completed and inspected, the City shall cause the private improvements to become public by accepting dedication of said improvements in the right-of-way; and

BE IT FURTHER RESOLVED, the designs of planting bed conversions shall be subject to the following baseline design guidelines: no more than fifty percent (50%) of the planting area will be removed, no permanent structures (except for plantings and a standard curb) will be constructed, new concrete surface will be scored to delineate the area that could be used for a sidewalk café, and new concrete surface, and resulting sidewalk café shall be ADA accessible; and

BE IT FURTHER RESOLVED, as part of negotiating the Development Agreement, City Engineering staff may request additional design elements and features for planting bed conversions beyond the baseline design guidelines; and

BE IT FURTHER RESOLVED, the Developer will work with City staff, the neighborhood association, and the Alder representing the District where the proposed changes are located to host at least one public meeting to gather input and on the proposed conversion; and

BE IT FURTHER RESOLVED, the final Development Agreement allowing for a planting bed conversion will go before the Madison Common Council for final action, and the Council reserves the right to reject any proposed planting bed conversion; and

BE IT FURTHER RESOLVED, upon completion of the planting bed conversions, the business owner wishing to use the converted space for a sidewalk café must apply for and be granted an annual sidewalk café license; and

BE IT FURTHER RESOLVED, the operations of a sidewalk café on a converted planting bed will be subject to standard sidewalk café license fees and oversight by the Street Vending Staff and Madison General Ordinance section 9.13; and

BE IT FINALLY RESOLVED, if no sidewalk café license is issued for a converted planting bed and/or if no sidewalk café furniture is present within the converted area, the adjacent business or property owner shall have no exclusive rights to or usage of that certain public space.