



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

215 Martin Luther King Jr. Blvd. Ste 017

P.O. Box 2985

Madison, Wisconsin 53701-2985

Phone: (608) 266-4635

Fax (608) 266-6377

www.cityofmadison.com

To: TPPB, DCC, VOC

From: Meghan Blake-Horst and Rebecca Cnare

Date: October 14, 2021

Subject: Streatery Policy Issues Outstanding

A Multi-agency staff team has been meeting over several months to prepare a Permanent Streatery Program for the City. Before City Attorneys' Staff begins the arduous task of drafting ordinance language and amendments for numerous MGO chapters, staff is planning to bring a variety of unresolved policy issues to the the 10/18 Transportation Policy and Planning Board, 10/21 Downtown Coordinating Committee and the 10/27 Vending Oversight Committee. Staff would like policy guidance on the following process and questions:

Process Overview

1. Changes needed to several MGO Chapters and associated BCCs for approval:

- a. 9.13 (VOC) Vending
- b. 10.055 (TPPB) New permit instead of Street Occupancy
- c. 12 (TC) Use/fees of on-street parking meters/ non-metered spaces
- d. 38 (ALRC) Change of premises – clarify for streateries?
- e. 28 (PC/ZBA?) Private Property – outdoor dining areas
- f. 27,29 (BI - MFD) Are there Building Code concerns with structures in r.o.w.
- g. 10.31 Privilege in Streets - Staff Team -Encroachment/"privilege in streets"?
- h. 39.05 ADA – likely no changes, but listed for compliance

2. Timeline:

- a. Waiving/delaying Sidewalk Café application Deadline to April 1 approved at 10/5 CC
- b. Permanent Streatery Program
 - i. 10/18 TPPB, 10/21 DCC, 10/27 VOC - Present initial recommendations and questions
 - ii. 11/16 or 12/7 – Introduction to CC
 - iii. Referrals: VOC (lead), DCC, TPPB, TC, ALRC, DRC, others as requested
 - iv. 1/4/22 – back to CC (or next meeting)

3. Outreach beyond BCC process to date:

- a. GSSBA/DMI/BID 2 joint sessions
- b. Survey of City Staff
- c. Survey of current participants
- d. Public hearing at a joint DCC/VOC/EDC meeting in July
- a. **Do we need additional community outreach outside of the BCCs listed above?**

Policy Questions *(Policy decision points/question in red.)*

4. Sidewalk Cafes not on roadway

- a. Required sidewalk width is currently 6ft. City recommends a 7 ft. requirement.
- b. Sidewalk café lateral expansions not in roadway: **What should be the allowed expansion width – 100%, 50%, other?**

5. Fees for Roadway Cafes (See table attachment for details.)

- a. Sidewalk Café: Currently \$5.50 M/C, \$3.00 citywide – staff recommends no change.
- b. **Café areas (in roadway only): \$7.50 M/C and \$5 citywide**
 - i. **Parking Utility will generate approximately 80% of existing revenue:**
 - Typical 2019 revenue of 63 downtown spaces approx. **\$250/mo = \$189,000**
 - Utility will recoup **\$71,500** through Streatery fees
 - Utility will recoup **\$78,750** through 5 months active meters @ \$250/mo
 - Cars will also use public garages instead of meters, albeit at a lower cost
 - ii. **Traffic Engineering and Economic Development Divisions – fees will cover staff costs.**

6. **Should we allow cafes to store equipment out overnight on sidewalk and/or parking lane?**

- a. Operators would like to leave furniture/enclosures out overnight.
- b. In the mall/concourse, there are current conflicts with street cleaning, and potential safety issues. Can these issues be resolved?
 - i. Should there be a difference for cafes on the sidewalk/terrace vs. parking lane?
 - ii. Streatery 2020 allowed furniture/enclosures to remain in the roadway
 - iii. Should we consider allowing sidewalk café equipment to be stored in the roadway
 - iv. Are there ways to insure that the equipment is secured?
 - v. There should be exemptions for heaters etc. which must be safely secured.

7. **Should we continue to allow fixed items in the street?**

- a. Examples: Ohio Tavern's Platform, S. Pinckney fencing drilled into the street
 - i. Staff recommend allowing decking no taller than 8" in height, planter boxes, and limited semi-permanent fencing.
- b. City does not recommend allowing larger built structures i.e. walls, roofs, igloos, greenhouses and other large structures as seen in some other cities.

8. **Permit Calendar: Staff recommend that the roadway café permits should be seasonal.**

- a. **Staff recommend an April 15 – November 15 operating season for cafes in the roadway.** This uses start of vending, and start of snow emergency calendar.
- b. **What if a café wants to have a 12 month café?**
 - i. If allowed, this would require a fee/ approval process over and above the Streatery Licensee.

9. **Special Event Conflicts:** Currently there is an invalidation process for sidewalk cafes.

- a. **How should we deal with cafes in roadway as it relates to special events? Will we require businesses to remove equipment or does the event organizer need to find another solution?**
 - i. Invalidated only for larger events? (Taste of Madison/Art Fair/Ironman/Halloween events)

10. **Roadway café considerations**

- a. TE provided a list of safety barriers in 2020 that should be continued. *(See pages 17-18 of the 6-16-2020 Streatery Program guidelines for details.)*
- b. Staff may restrict size of roadway café as necessary for the purpose of providing ADA accessible spaces.

11. Furnishings and amenities

- a. Enclosures & Tables: Staff agrees for more flexibility for enclosures and table design
 - i. Mix of table sizes and heights need to maintain 50% ADA/accessibility
- b. Lights/Heaters: Staff agrees that these should be allowed
 - i. Lights must meet code, we could consider extra fee to use traffic pole power (*use vending cart fee schedule*)
 - ii. Heaters must meet MFD rules
- c. Pop-up tents: Staff recommend that 10x10 pop up tents could be allowed.
 - i. Staff recommend that pop-up tents should be taken down every evening regardless of whether or not café furnishing are allowed to be stored outside.

12. Signs/Logos

- a. Operators continue to request that they be allowed to use tents/umbrellas with logos, as they are provided by liquor distributor for zero/little cost.
 - i. Zoning Administrator recommends that we only allow plain umbrellas.
- b. Existing rules about portable a-frame signs vs enclosure signs - Cafés can have either an a-frame or 2 2'x3' signs on their enclosures in lieu of portable sign (\$100 annual fee)
 - ii. Some owners want to have both – and are currently allowed – but must pay two sign permit fees, and can only have one out at a time.

13. Private parking lots – on a different approval process

- a. This is a separate process that requires changes to Conditional Use/Zoning Text
- b. This process has not yet started, but does not have the timing concerns of the Sidewalk Café license calendar.
- c. This may be confusing to operators, but we didn't want to hold up the r.o.w. cafe licenses to accommodate a different review /BCC process.

14. Live Music

- a. Staff is not recommending the continuation of live music in the permanent program. This was a COVID related desire to allow musicians to earn a living during the pandemic.
 - i. Amplified speakers, televisions, movies and other non-live music was never allowed under Streatery, but wasn't enforced.

15. What is the long-term plan for curbside pick-up/delivery/food app services?

- a. Issue to be addressed separately – not a part of Streatery
- b. Curbside program was started when there was no parking/meter enforcement and there was little/no space turnover. The program has now outlived its intent.
- c. Perhaps we could consider having more 25 min meters/short term parking only spaces?
- d. Staff wants to avoid privatization of public parking spaces for uses that do not bring vibrancy to the space

Attachment 1: Proposed Fee Structure Options

1. Data: Current cafes in parking lane – 74 total
 - a. Mall/Concourse Area:
 - i. E. Main St (8), King Street (12), S. Pinckney (14), Canteen (7), W. Main(14), W. Mifflin (4), Henry St (Short Stack – 2), N Frances (Wando’s 2)
 - b. Outside of Mall/Concourse Area: Atwood (9), Ohio (2)

2. Proposed fee table

Proposed Streatory License Fee (MC = Mall/Concourse)	Duration	\$ Cost	Totals for 400 square feet
Regular Sidewalk Café in M/C	Annual	\$5.50 / Sq ft	\$2,200 on sidewalk
Regular Sidewalk Café - citywide	Annual	\$3.00 / Sq ft	\$1,200 on sidewalk
Fee Proposal			
Streatory Café Expansion- M/C	Seasonal	\$7.50 / Sq ft	\$3,000 in the roadway
Streatory Café Expansion - Citywide	Seasonal	\$5.00 / Sq ft	\$2,000 in the roadway

3. Real World Examples (approximate):

- a. **Wando’s** = 336 SF on sidewalk and 440 SF on roadway
 - o \$1848 sidewalk + \$3300 roadway = **\$5148**
 - b. **Maduro** = 135 SF on sidewalk and 236 SF on roadway
 - o \$742.50 sidewalk + \$1770 roadway = **\$2512.50**
 - c. **Ancora** = 278 SF on sidewalk and 457 SF on roadway
 - o \$1529 sidewalk + \$3427.50 roadway = **\$4956.50**
 - d. **Ohio** (not in M/C) = 258 SF on sidewalk and 568 SF on roadway + (Ohio also has private parking lot)
 - o \$774 sidewalk + \$2840 roadway = **\$3614**
4. **Existing revenue:** 74 parking spaces used for streateries = 63 in M/C + 11 outside of M/C
 - a. Average annual parking utility revenue for 63 downtown spaces@ **\$250/mo = \$189,000**
 5. **Proposed Fee Structure = \$7.50/\$5.00 for roadway fees**
 - a. Downtown M/C: \$5.50 SF to Parking Utility; \$1.00 SF to Traffic Eng.; \$1.00 SF to EDD/Vending
 - b. Non M/C: \$1.00 SF to Parking Utility; \$3.00 SF to Traffic Eng.; \$1.00 SF to EDD/Vending
 - c. Expected revenue:
 - o **\$71,500 Parking utility** = \$69,300 M/C + \$2,200 Outside
 - o **\$19,200 Traffic Engineering (General Fund)** = \$12,600 M/C + \$6,600 Outside
 - o **\$14,800 EDD/Vending (General Fund)** = \$12,600 M/C + \$2,200 Outside