

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: August 31, 2021

To: Common Council

**From: Matt Tucker, Building Inspection Director (provisional)
Meghan Blake-Horst, Street Vending Coordinator**

Subject: Streatery Temporary Outdoor Seating areas and Live Music, Leg. No. 66773

At its August 31, 2021 meeting, the Madison Common council will consider Legistar No. [66772](#), Alder Brain Benford's request to prohibit live music in Streatery areas where the Streatery area is located within 100' of a residence. The purpose of this memo is to provide details regarding the existing Streatery program, the *Streatery Sound of Music* (SSOM) program, which allowed live music in certain Streatery areas, and the effect of Alder Benford's requested change.

The Madison Common Council approved the Streatery program on April 14, 2020. On May 18, 2021, the City of Madison approved the "Streatery Sound of Music" (SSOM) resolution, which allowed live music to be performed in certain Streatery areas.

Original Streatery Resolution [here](#).

Streatery Sound of Music (live music) resolution [here](#).

The Streatery program is temporary, and will expire April 14, 2022.

Amplified outdoor sound and/or music in Streatery areas.

With the original resolution, music or amplified sound was only allowed in a Streatery area if an establishment had an existing *Outdoor Eating Area Conditional Use* approval in place, which allowed music or amplified sound on the outdoor seating area, with conditions. Most establishments with Streatery approvals do not have existing Conditional Use approvals for outdoor seating, so no outdoor music or sound is permissible for Streatery areas at these establishments.

SSOM only allows live performances of music. Some people believe that SSOM allows speakers outside for radio/music/amplified sound, (not live music), which is not true. Staff believes very few establishments using SSOM in compliance with the resolution, and a handful of establishments that have offering live music outside during the past few months, either in violation of SSOM or other City regulations, such as a Conditional Use approval.

Impact of proposed resolution 66772

Staff believes there are only two establishments using SSOM in compliance with the current requirements: The Harmony Bar at 2201 Atwood Ave, and The Sylvee at 25 S. Livingston. If this resolution is approved, the Harmony Bar would be prohibited from offering live outdoor music.

Streatery establishments on private property: There are **thirteen** private property establishments that are eligible to offer live music via SSOM. Of these thirteen, **eight** establishments have dwelling units within 100' of the Streatery area.

Streatery establishments in the public right-of-way: There are **fourteen** establishments with street/sidewalk café Streaterys that are eligible to offer live music via SSOM. Of these fourteen, **six** establishments have apartments within 100' of the Streatery area.

Other comments:

- There is one establishment that does not need Streatery to allow outdoor live music (Garver Feed Mill),
- For any establishment to host live music, inside or outside, they must have an entertainment license granted by the City. There are seven additional establishments that have Streatery approvals that also have *Entertainment License* problems, preventing the allowance to host live music outside.