



### Legislation Details (With Text)

**File #:** 50596      **Version:** 2      **Name:** Capitol Square Planting Bed Conversion Policy  
**Type:** Resolution      **Status:** Passed  
**File created:** 2/19/2018      **In control:** DOWNTOWN COORDINATING COMMITTEE  
**On agenda:** 4/10/2018      **Final action:** 4/10/2018  
**Enactment date:** 4/18/2018      **Enactment #:** RES-18-00291  
**Title:** SUBSTITUTE - Establishing Policy Guidelines for Alterations to Capitol Square Area Planting Beds for the Intent of Creating New Public Sidewalk Cafes.  
**Sponsors:** Michael E. Verveer

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Planting Beds Eligible for Partial Conversion to Seating Areas.pdf, 2. 12-7-17 Cap Square planters design guidelines DRAFT1.pdf, 3. 50596 v1.pdf, 4. Street Planters 4-5-18.pdf

Date	Ver.	Action By	Action	Result
4/10/2018	2	COMMON COUNCIL	Adopt Substitute	Pass
3/15/2018	2	DOWNTOWN COORDINATING COMMITTEE	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER	Pass
2/28/2018	1	VENDING OVERSIGHT COMMITTEE (ended 3/2026)	Return to Lead with the Recommendation for Approval	
2/27/2018	1	DOWNTOWN COORDINATING COMMITTEE	Referred	
2/27/2018	1	COMMON COUNCIL	Refer	Pass
2/19/2018	1	Economic Development Division	Referred for Introduction	

**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**

SUBSTITUTE - 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%)** (~~60%~~) 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 will** 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.