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|  <p style="text-align: center;">Council Communication Office of the City Manager</p> | Date: June 24, 2013 |
| | Agenda Item No. 46 Roll Call No. [] Communication No. <u>13-325</u> Submitted by: Phillip Delafield, Community Development Director |

AGENDA HEADING:

Approving vacation and lease of public right-of-way for sidewalk cafes adjacent to 400 Walnut Street.

SYNOPSIS:

Two (2) restaurants located in the Kirkwood Commons Condominiums at 400 Walnut Street seek to vacate City right-of-way and lease space for establishment of sidewalk cafes.

FISCAL IMPACT:

Amount: \$2821.50 collection of three (3) year lease fees for two (2) café lease areas.

Funding Source: CD042044 468440, page 49. Revenue from lease of public ROW for sidewalk cafe's are deposited in revenue account.

ADDITIONAL INFORMATION:

The sidewalk on Walnut adjacent to the Kirkwood Commons Condominiums at 400 Walnut Street is 19 feet wide from the structure to the street. The area can accommodate two (2) clear four (4) feet walking areas with a total of eight (8) feet of unobstructed pedestrian traffic.

The open and unobstructed sidewalk is compliant with the American with Disabilities Act and will allow for the free flow of pedestrian traffic. Minor adjustments to the planter pits to accommodate street trees will be accomplished to provide the full eight (8) feet open sidewalk area.

Staff has determined the area to be vacated is not necessary for any other public purpose and the creation of the sidewalk cafes will enhance the Walnut Street experience.

Staff has reviewed the application to vacate the right-of-way and feel the vacation should be approved. The area to be vacated and converted to sidewalk café meets all requirements of the sidewalk café design standards as approved by the City Council on January 28, 2013. The leased area will contain tables and chairs for a full service of food and beverages.

PREVIOUS COUNCIL ACTION(S):

Date: June 10, 2013

Roll Call Number: [13-0895](#)

Action: [On](#) vacation and lease of right-of-way for sidewalk café at 400 Walnut. Moved by Hensley and approved 7-0.

Date: January 28, 2013

Roll Call Number: [13-0163](#), [13-0164](#), and [13-0165](#)

Action: [Amendments](#) to the Des Moines Sidewalk Café Program. ([Council Communication No. 13-037](#)) Moved by Hensley to adopt, subject to final passage of the pending ordinance regarding the administration and operation of sidewalk cafes on City property. Motion Carried 7-0.

(A) [First](#) consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(B) [Final](#) consideration of ordinance above (waiver requested by Community Development Department), requires 6 votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,161](#). Motion Carried 7-0.

Date: July 10, 2006

Roll Call Number: [06-1360](#) , [06-1361](#) , and [06-1362](#)

Action: [Amending](#) Chapter 10 of the Municipal Code regarding issuance of liquor licenses outdoor areas and amending Chapter 102 regarding process for vacation and conveyance public streets and alleys, and licenses for sidewalk cafes, all to expedite process for review and approval of sidewalk cafes. Moved by Vlassis that this ordinance be considered given second vote for passage. Motion Carried 7-0.

(A) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires 6 votes. Moved by Vlassis that the rule requiring that an ordinance must considered and voted on for passage at two Council meetings prior to meeting at which it is to be finally passed be suspended, that the ordinance placed upon its final passage and that the ordinance do now pass, [#14,574](#). Motion Carried 7-0.

(B) [Approving](#) recommended design standards for sidewalk cafes. Moved by Vlassis to adopt, with the following amendment to standard No. 10: “The applicant shall include a written consent to the sidewalk café by the owners of the adjacent property”. Motion Carried 7-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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