



PREPARED FOR THE URBAN DESIGN COMMISSION

**Project Address:** 849 E. Washington Avenue  
**Application Type:** Alteration to a development in UDD 8  
**Legistar File ID #** [59005](#)  
**Prepared By:** Janine Glaeser, UDC Secretary

**Background Information**

**Applicant | Contact:** Steve Shulfer, Sketchworks Architecture/Andrew Hysell, 849 East Washington, LLC

**Project Description:** The applicant is seeking approval for an exterior alteration to an existing building in Urban Design District 8 (UDD 8). The proposed work includes changes to the exterior windows and the addition of an outdoor 20 +/- seating patio dining area.

**Project Schedule:**

- This item has been referred to the UDC by Planning staff.
- The Plan Commission is schedule to review a conditional use application for the outdoor seating area in this proposal on February 24, 2020

**Approval Standards:**

The UDC is an approving body on the development request. The development site is within UDD 8 - block 12a, which requires that the Urban Design Commission review the proposed project using the design requirements and guidelines of Section 33.24(15).

Key references in Urban Design District No. 8:

**2. Building Location and Orientation**

a. Requirements

i. The setback for new buildings shall be as shown in table 3 (15' for block 12a). The Urban Design Commission, however, may allow greater setbacks to allow for the articulation of long building facades or for the development of additional usable public open spaces, such as pedestrian plazas, as long as design elements are included to maintain a uniform character in the District.

b. Guidelines:

i. The building location should be designed to provide for amenities that will enhance the visual and pedestrian character of the street.

**5. Landscaping and Open Space**

a. Requirements

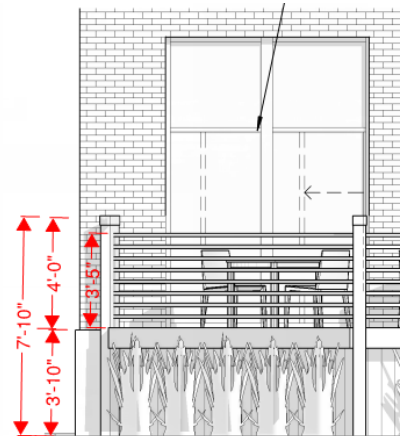
i. Landscaping within the East Washington Avenue setbacks and terraces and medians shall follow the approved palette and design concept.

**Summary of Design Considerations and Recommendations**

In applying the standards, the code states that the Urban Design Commission shall apply the UDD 8 district requirements and guidelines as may be appropriate in order to implement the Core Development Principles of the [East Washington Avenue Capitol Gateway Corridor Plan](#). In order to approve, ordinance requires that the development is found to meet the requirements and conform as much as possible to the guidelines.

Staff’s primary question with this request is whether the proposed porch addition can be found to meet the standards of UDD 8. Specifically, the Building Location and Orientation Requirements of UDD 8 (MGO Section 33.24(15)(e)1a.) require a **15-foot front setback** for new buildings and additions.

The existing building is set back approximately 11 feet from the sidewalk and the proposed porch would then extend out to the sidewalk. The floor of the porch has a height of approximately 3 feet 10 inches and over seven feet in height with the rails. Staff understands that the proposed porch and rail height are based on meeting ADA requirements for access to the deck from inside the restaurant. There is no public access to the deck from the sidewalk.



**Deck height graphic**

The UDD 8 standards do not have specific standards related to elevated decks and porches; however, “structures” are referenced in the “Basis for Design Review” (MGO 34.24(15)). That section states that both the requirements and guidelines (of UDD 8) apply to new buildings or structures, additions to existing buildings or structures, major exterior alterations of existing buildings or structures, street graphics, and new parking facilities or alterations to existing parking facilities unless stated otherwise for a specific item. As a further reference, if this were a Zoning setback, any raised deck above three (3) feet in height would be required to meet a zoning setback. To clarify, this setback complies with the zoning requirement which is a 0’ setback.

The UDC has the ability to grant larger setbacks for the purpose of allowing additional public open spaces; however, staff does not believe that provision is applicable here as it does not speak to possible setback **reductions**. Staff notes that the UDD 8 guidelines state that building location should be designed to provide for amenities that will enhance the visual and pedestrian character of the street. While many developments approved in UDD 8 have patio areas, staff cannot recall one that included one with this much height and mass in the setback area.

While staff have questions on whether this deck complies with ordinance, the ultimate interpretation lies with the UDC. **Staff emphasizes that the UDC’s decision should be based on whether it can find that the ordinance requirements are met, not whether the proposed height and setbacks represent a good or an appropriate design solution.** Staff believes that this decision will set a precedent on how similar proposals are reviewed against the code.

Finally, if the UDC can find the setback standards are met, the Commission should provide any comments related to the design of the structure itself.