

AGENDA # 2

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: February 12, 2020
TITLE: 849 E. Washington Avenue – Outdoor Patio within the Required Setback Area in UDD No. 8. 6 th Ald. Dist. (59005)	REFERRED: REREFERRED: REPORTED BACK:
AUTHOR: Janine Glaeser, Secretary	ADOPTED: POF:
DATED: February 12, 2020	ID NUMBER:

Members present were: Cliff Goodhart, Chair; Craig Weisensel, Rafeeq Asad, Christian Harper, Lois Braun-Oddo, Shane Bernau, Syed Abbas and Jessica Klehr.

SUMMARY:

At its meeting of February 12, 2020, the Urban Design Commission **REFERRED** consideration of an outdoor patio within the required setback area located at 849 E. Washington Avenue in UDD No. 8. Registered in support of the project were Steve Shulfer, Eric Korm and Andrew Hysell, the property owner. Shulfer presented plans for an outdoor patio at a portion of the building that is currently a washed stone landscaping area. The new restaurant tenant is seeking a conditional use permit to move into this space. He reviewed the existing building, noting it is historical in nature but not on a National Register and shared street views. The area proposed for outdoor eating is about 10-feet deep and 30-feet wide with the first floor being 4-feet above grade, which necessitates the deck being elevated. The patio angles back to preserve the vision triangle at the intersection. The restaurant would occupy the entire first floor, expand the windows for more natural light and provide outdoor seating. The patio would be a wood frame with composite decking with the hope of engaging the street frontage. The handicapped accessible entrance is located on the backside of the building off of Main Street. Contextual photos show existing buildings on the street front where this building does step back a bit. The development team believes they are being consistent with what is happening in the immediate surrounding area, noting that Paterson Street is not walkable and they wish to encourage people to come around the front of the building.

The Secretary noted that staff is available to answer questions, and clarified that the Commission is charged with interpreting that this is consistent with code and to give design-based comments.

The Commission discussed the following:

- How does this compare to Hotel Indigo?
 - Hotel Indigo is closer to grade.
- Do we interpret this as a structure?
 - There is a required 15-foot setback, the building as it exists is 11-feet.

- Can you talk about the equity issue? A lot of developments on E. Washington Avenue meet the setback. Why is this treated differently? Once we start we set precedence. Why should this be granted an OK versus others?
 - This is a historic building 11-feet off the right-of-way. It is not safe or accessible. If we try to put a ramp up, that takes up the entire front of the building. The hardship is that we are already 11-feet off, versus a new development that has the capacity to adjust.
- The existing view photo – how many people can fit out there?
 - 20 people. The seating plan shows 16.
- It seems very, very tight. The main entrance is around back?
 - We consider the main entrance to be from E. Washington. The accessible entrance is off the back.
- So you'd park around back and walk around to the front of the building?
 - We are expecting a lot of pedestrian access.
- When you look at the floor plan, the program shows seating front to back. I look at Hotel Indigo, they have a whole fire pit behind the building. Have you thought about doing a larger patio behind the building?
 - We talked about it, but we didn't want to limit parking and wanted to engage E. Washington Avenue.
- I hear you, but if that is your intent I don't know how successful that will be with such a tight patio.
- I don't think this enhances the appearance of the building at all. There are a limited number of weeks this can be active and engaging. Weigh that benefit for how long. I don't see that it is enhancing the building, it actually detracts from it.
- I was going to say the opposite. Right now it's a corner that is doing nothing. When you walk around that part of town, having outside stuff is good. I think that is becoming the fabric of the area, it makes sense on the front. This would add a little activity, if the windows got taller it would be a brighter corner. That's a dark corner right now.
- One option we have not seen is larger windows without a balcony. You could still open up to the sidewalk with a French balcony. I'm not sure the tenant would go for that...
 - The primary purpose is not met.
- I concur with Lois. To clear the hurdle there would have to be exceptional design. A small patio does not meet that criteria. The main entrance is not accessible, that could be addressed. For only 16 seats...
 - We did take this twice to the Marquette Neighborhood Association.
- We need to make a finding whether the UDD No. 8 standards are met and whether or not we interpret this as a structure.
- (Firchow) As far as height, is that because of ADA?
 - Yes that was one of the factors.
- If this is about activating corner, can you put in an at-grade patio?
- Through a 60-inch diameter turning radius.
- I want to approve activating a corner but I'm struggling with the deck. I interpret this as a structure, it's clearly over 3-feet and clearly a structure.
- For my two cents, I agree with Shane. I like the idea of outdoor seating.

Staff clarified regarding zoning and Urban Design District No. 8 setback requirements.

Discussion continued:

- I previously brought up Lucille's as a reference to having patio doors that could open up. With this deck you're pushing people away from the building. If you open up the building it will engage people more.

- I'm going to move referral based on the finding that the patio is deemed an extension of the first floor as a structure and does not meet Urban Design District No. 8 standards. I do appreciate the intent to activate the corner.
- What is the point of referral?
- (Firchow) It gives them options, a referral would intend to come back. A denial could be appealed.
- We could look at alternatives. We can vote on the motion with comments with what would be acceptable.
- By referring we're inviting them to come back.
- But not a raised patio, but with larger openings.
- The patio and railing provide more of a barrier. By going to a garage door or other type opening it would activate it all the time. Even in the winter you could see right through. There are other solutions you could look at.
 - We appreciate the feedback. That street is quite busy, we are concerned about having stuff at street level.
- I agree there is a margin of design. I'm not opposed to a patio instead of landscaping.

ACTION:

On a motion by Weisensel, seconded by Braun-Oddo, the Urban Design Commission **REFERRED** consideration of this item. The motion was passed on a vote of (7-0).