



PREPARED FOR THE URBAN DESIGN COMMISSION

Project Address: 1050 E. Washington Avenue
Application Type: Ordinance Amendment and Initial/Final Approval in Urban Design District No. 8
Legistar File ID # [53254](#) and [53968](#)
Prepared By: Janine Glaeser, UDC Secretary

Background Information

Applicant | Contact: Paul Raisleger, Eppstein Uhen Architects and Helen Bradbury, Stone House Development

Project Description: There are two related requests before the Urban Design Commission on this item:

1. Advisory Recommendation on a text amendment to Urban Design District (UDD) 8 to change the maximum allowable height of the street façade for Block 4a from 3 stories to 4 stories and the minimum and maximum setback on North-South Streets from 5 ft (min)-10 ft (max) to 7 ft (min) - 10 ft (max).
2. Initial/Final approval is requested for a proposed 11-story commercial/retail, office and market-rate residential building, in addition to a 4-story building housing the Youth Arts Consortium.

Project History/Schedule:

- The Urban Design Commission received an informational presentation on October 3, 2018.
- The Plan Commission is scheduled to review this item on January 14, 2019.
- The UDD Text Amendment is scheduled to be reviewed by the Common Council on January 22, 2019.

Approval Standards:

The UDC is an advisory body on the text amendment and is an approving body on the development request. The development site is within portions of Blocks 4a and 4b, in UDD 8, which requires that the Urban Design Commission review the proposed project using the design requirements and guidelines of Section 33.24(15).

In reviewing plans for development in the District, the Urban Design Commission shall apply the 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.

Summary of Design Considerations

The Planning Division supports the text amendment (ID 53968) regarding the revised setbacks and stepbacks.

The following comments are provided regarding conformance to UDD 8:

1. **Height, Setback, and Stepback Considerations.** In regards to the development plans, the Planning Division's primary concern is that the identified projection is not consistent with the height and stepback requirements of Sections 33.24(15)(e)1-3. Please see the attachment titled, "UDD8 SETBACK/STEPBACK DIAGRAM – PLANNING STAFF 12/20/18."

A full copy of the UDD requirements and guidelines are provided as an attachment and the referenced sections are summarized below.

In summary, the standards require that along East Mifflin Street (Block 4a), there is a maximum height of three stories and 39 feet. The front setback must be within 5 and 20 feet. Additional height above three stories can be granted, provided code-compliant setbacks are included. Allowable building height shall not exceed a 30-degree angled setback. Practice has been to measure this from the maximum allowable height at the minimum allowable setback (39 feet at 5-foot setback).

Staff understands that the projecting element is a structural element. While staff believes that this projection is not consistent with the ordinance, the applicant believes that such projections are permissible under Section 33.24(15)(e)1 which states, in part, that “Any non-habitable space from architectural features shall not be included in the height calculation.”

Staff disagrees with the applicant on this point.

In discussions with staff, the applicant team has stated their opinion that the proposed projection is allowable as it is non-habitable space. Staff believes that a more limited interpretation of “architectural features” has historically been applied. As of report writing, staff does not believe that the standards have previously been interpreted to allow similar projections, such as structural components, or components simply to extend the main building mass have allowed under this provision. Staff believes that the intent of the “architectural features” provision was to allow for architectural interest and non-habitable design elements such as tower elements or spires.

In applying the standards, the code states that the Urban Design Commission shall apply the district requirements and guidelines as may be appropriate in order to implement the Core Development Principles (attached) of the [East Washington Avenue Capitol Gateway Corridor Plan](#). Discussion of those four principles begin on page 12 and a copy of those principles is provided as an attachment.

- 2. East Washington Avenue Setback.** UDD 8 has a Min/Max setback requirement of 15’; however, per 33.24(15)(c)(2)(a) the UDC may allow greater setbacks to allow for articulation and usable public open space. The proposed site plan indicates a 15’ setback along E. Washington for the majority of that façade and with some areas set back further. The Planning Division supports the greater setback, as proposed.

The applicant has been in discussions with the City’s Traffic Engineering Division. Based on a recently submitted Traffic Impact Analysis (TIA), City Traffic Engineering has determined that an additional dedicated left turn lane from North Ingersoll St will be required. At the time of report writing, staff does not anticipate the building location would move, though this will necessitate a widening of the street by roughly 8-10 feet toward the subject property. This would impact the location of the sidewalk, the terrace location and width, and the proposed plaza area. The need for this improvement was first anticipated and communicated by the Traffic Engineer during the review of the adjacent Lyric 1 building and confirmed upon review of the recently completed TIA.

- 3. Bonus Stories.** The UDC can grant bonus stories per 33.24(15)(e)(12)(b)ii. This includes a third bonus story up to ten percent (10%) of the area of Block 4b provided they meet the provisions in section C which requires the project include select features. In their attached letter of intent, the applicant notes the provisions of structured parking, publicly accessible plazas with seating and landscaping, mid-block and through block pedestrian and bike connections; and on-site publicly accessible plazas or pocket parks. Staff believe that the standards for the bonus stories as proposed could be found met.

Conclusion and Recommendations

There are two primary requests before the UDC. Staff first recommends the UDC provide an advisory recommendation of approval of the text amendment to adjust height standards and setback standards on Block 4a. The second request is reviewing the project against the requirements and guidelines of UDD 8. Code

requires that the UDC shall apply the district requirements and guidelines as may be appropriate in order to implement the Core Development Principles (attached) of the [East Washington Avenue Capitol Gateway Corridor Plan](#). In order to approve the project, ordinance requires that the UDC find that the development meets the requirements and conform as much as possible to the guidelines.

As noted in this report, staff's primary concern is the projection that is not believed to be consistent with the requirements in Sections 33.24(15)(e)1-3. That ultimate interpretation, however, lies with the UDC. *Related to the height and stepback questions, staff note that the UDC's decision should be based on whether it can find that the ordinance requirements are met, not merely whether the proposed height and stepbacks represent a good or an appropriate design solution.* Staff does not believe that other developments have been approved in UDD 8 with similar projections. Staff is concerned about setting a precedent in how this standard is applied in the future. Should the UDC find that the requirements are met, specific findings should be made regarding the factors used in making this determination.