

URBAN DESIGN COMMITTEE

The Urban Design Committee will hold a meeting on **Tuesday, August 1, 2023**, at **3:00 p.m.** in the County-City Building, 555 S. 10th Street, Lincoln, Nebraska in **City Council Chambers** on the 1st floor. For more information, contact the Planning Department at 402-441-7491.

AGENDA

1. Approval of UDC meeting record of [July 11, 2023](#).

DISCUSS AND ADVISE

2. Sidewalk Café Application -for Pita & Naan at [1434 O Street](#) – [UDR23096](#)

STAFF REPORT & MISC.

3. Staff report & miscellaneous

Urban Design Committee's agendas may be accessed on the Internet at

<https://www.lincoln.ne.gov/City/Departments/Planning-Department/Boards-and-Commissions/Urban-Design-Committee>

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

<https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/UDC/Agendas/2023/ag080123.docx>

MEETING RECORD

Advanced public notice of the Urban Design Committee meeting was posted on the County-City bulletin board and the Planning Department's website.

NAME OF GROUP: URBAN DESIGN COMMITTEE

DATE, TIME AND PLACE OF MEETING: Tuesday, July 11, 2023, 3:00 p.m., County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE.

MEMBERS IN ATTENDANCE: Mark Canney, Emily Deeker, Peter Hind and Tom Huston; Jill Grasso, Gil Peace and Michelle Penn absent.

OTHERS IN ATTENDANCE: Paul Barnes, Collin Christopher and Teresa McKinstry of the Planning Hallie Salem and Jennifer Hiatt with Urban Development Department; Eric Hansen; Jonathan Kland; Josh Sundine with Clark & Enersen; Josh Berger with Woodbury Corporation; and other interested parties.

Acting Chair Huston called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Huston then called for a motion approving the minutes of the regular meeting held June 6, 2023. Hind noted a correction on page 2, paragraph 6, sentence 6 of the minutes; 'window well' to be changed to 'window well railing'. Motion for approval as corrected made by Hind, seconded by Canney and carried 4- 0: Canney, Deeker, Hind and Huston voting 'yes'; Grasso, Peace and Penn absent.

9TH AND 'R' REDEVELOPMENT

PUBLIC HEARING:

July 11, 2023

Members present: Canney, Deeker, Hind and Huston; Grasso, Peace and Penn absent.

Collin Christopher stated this application is for the proposed hotel at the northwest corner of 9th and R. The applicant appeared before the committee last month with a modification to the canopy attached to the building. Some concerns were voiced about the lack of specificity of materials and dimensions. Added specificity has now been provided and included in the agenda packet. Christopher pointed out that this review is just for the canopy, and that a separate review will be needed for the streetscape at a future date. Staff will most likely suggest some modifications and added elements be added to the streetscape design beyond what is shown today.

Josh Berger stated that the building itself will be cast-in-place concrete. The concrete canopy slab will be extended and clad in metal panels for the soffit and façade. The faux wood fins will actually be metal. There will be linear LED lights, along with some recessed lighting.

Huston inquired about the previously proposed awning. Berger responded that the previously proposed awning mirrored the awning from the courtyard. There was an issue that it would be set on top of a fiber trunk line. It was a complicated structural item to pour around. It made sense to simplify it.

Berger showed some renderings. The architect is showing some seating on the 'R' Street side. They aren't going to do that.

Hind wondered about the fins and if rain would come through. Berger noted this is for aesthetic purposes only. There will be an internal drain to the storm sewer.

Berger believes there was a question from the last meeting regarding the dimensions. It will be approximately 6 feet x 54 feet. At the shortest point, it is 12 feet high.

Huston asked the committee if there were any questions regarding the streetscape. Deeker understood the applicant wasn't ready to present that piece yet. Hind indicated he would want to see the paving and landscape areas defined.

Hallie Salem stated that at one point, the barricades project was brought before the Historic Preservation Commission. The intent is to modify the streetscape to reflect the Downtown Corridors design. They will most likely make some changes to the ADA (American's with Disabilities Act) ramp and other changes to allow for further reduced crossing distances. They are also looking for a location to install the crossing arm barricade as part of the barricades project. Berger noted that will be the last thing they do.

Huston inquired about the project schedule. Berger would like to break ground in September.

Hind commented that there is an internal roof that wraps around and becomes a canopy. Some architects call it a sixth façade. Those elements are sometimes forgotten. Perhaps some decorative gravel could be included. That might make it more attractive. Berger noted that they thought of those things. They believe their proposal would be easier to clean, but they will take a look at gravel. Hind noted that anytime he sees pavers, he wonders about having language placed in the agreement that speaks to ongoing paver maintenance. He wants to see pavers replaced with pavers, not concrete. Berger stated they will follow Urban Development Department guidelines. Hind understands there are guidelines. It would be nice to have language with regard to maintenance when pavers are put in. Salem commented they are still deciding what pieces the developer and City will pay for. The specifics are still being worked on. Berger stated that for now, they are trying to match what is there and continue it. They know this node will change and the ADA ramp will adjust.

Hind noted the façade has been approved. Deeker concurred. The applicant is looking to have the canopy design approved. She noted an image on page 32 of the agenda shows the canopy in relation to the building. Huston understands that landscaping and streetscaping will be part of the corridors design. Salem stated he was correct.

Canney stated when he sees beautiful cast-in-place walls, he hopes that some thought goes into the detailing. He thinks the terracing could be really nice. He sees some nice lighting opportunities in this as well. Berger does not know what the lighting plan is yet.

There was a discussion of the courtyard connections.

ACTION:

Hind moved approval, seconded by Huston and carried 4-0: Canney, Deeker, Hind and Huston voting 'yes'; Grasso, Peace and Penn absent.

STAFF REPORT AND MISCELLANEOUS:

- Christopher noted the next meeting is August 1, 2023.
- Paul Barnes stated that a building permit had come in for the Early Bird Restaurant at Antelope Valley Parkway. This is a TIF (Tax Increment Financing) project. This group originally had approved the outside area on the south corner. The applicant changed the location to the north end, but kept the same configuration. City staff signed off on the building permit and informed this group at their meeting last month. There was direction from Urban Design Committee members to take another look at the plan. There was a lot of back and forth after the meeting, with Grasso and Canney providing input. Some conditions were added to the building permit, such as making sure all plantings remained in place or were replaced if damaged, and extending the wrap on the cooler around the corner to help activate the space. Comments were conveyed to the developer. Those comments were sent on June 15, 2023, but staff has not heard anything from them since. The comments were also added to the building permit review. He understood there were some other mechanical items that needed another round of review as well.
- Hind stated that the Mayor has asked him to serve as the new Director of the Urban Development Department. This is his last meeting on the committee.

Christopher would welcome recommendations if anyone has a replacement UDC candidate in mind.

There being no further business, the meeting was adjourned at 3:25 p.m.

URBAN DESIGN COMMITTEE STAFF REPORT

APPLICATION NUMBER	Urban Design Record #23096
APPLICATION TYPE	Advisory Review
ADDRESS/LOCATION	1434 O Street
HEARING DATE	August 01, 2023
ADDITIONAL MEETINGS	-
APPLICANT	Omar Attaie, pitaandnaan@gmail.com
STAFF CONTACT	Arvind Gopalakrishnan, 402-441-6361, agopalakrishnan@lincoln.ne.gov

RECOMMENDATION: CONDITIONAL APPROVAL

Summary of Request

Mr. Omar Attaie applied for a sidewalk café permit for the use of the surface space outside Pita & Naan (1434 O St.) abutting the public right-of-way as an extension of the café. He is proposing a sidewalk café of 13.5' x 20' attached to the building. The property sits between Brass Rail and Junction. This block between Centennial Mall and N 14th Street running north-south, on O Street running east-west currently has one sidewalk café outside Gourmet Grill, on the same side as Pita & Naan and two cafés across the street, outside Yia Yia's and Itsumo Ramen.

Staff Note: The sidewalk café permit application submitted by the applicant gives detailed information on relevant matters such as the type of business, days and hours of operation, the capacity, etc. The application package also includes a hand-drawn sketch of the extent of fencing, along with the pictures of the type of fencing, chairs and tables, and trash receptacle. As there are not many sidewalk cafes in this block fronting O Street, this potential outdoor seating space could help attract more people downtown and help enliven the street at different times of the day.

The hand-drawn sketch of the potential fenced space provided by the applicant does not address the available obstructed or unobstructed passageway after considering a 13.5' wide sidewalk café. A drawing showing the exact dimensions of the sidewalk café space and the resultant pedestrian passageway is essential to make a decision on the application.

The application does not specify the joinery details between the metal railing and the brick pavers. This detail is critical to determine if it would affect the longevity of the pavers, and the railing.

Compatibility with the Lincoln Municipal Code

The building falls in the B-4 zoning district, and food and beverage establishments in the B-zoned districts are permitted to expand their services into the sidewalks, provided they meet the requirements laid out in chapter 14.50: Sidewalk Cafés under Title 14: Public Property and Public ways in the Lincoln Municipal Code.

<https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/UDC/REPORTS/2023/08 Aug/Pita & Naan Sidewalk Cafe Staff Report.docx>

Sidewalk cafés promote the public interest by

- Making B-zoned districts an active and attractive pedestrian environment.
- Providing the opportunity for creative, colorful, pedestrian-focused commercial activities on a day/night and seasonal basis.
- Encouraging commercial activities which add excitement, charm, vitality, diversity, and good design to B-zoned districts.
- Encouraging the upgrading of store fronts and the development of compatible and well-designed elements within such districts; and
- Promoting land conservation, redevelopment, energy savings, and indirect tax revenue.

Title 14 Public Property and Public Ways

Chapter 14.50: Sidewalk Cafes

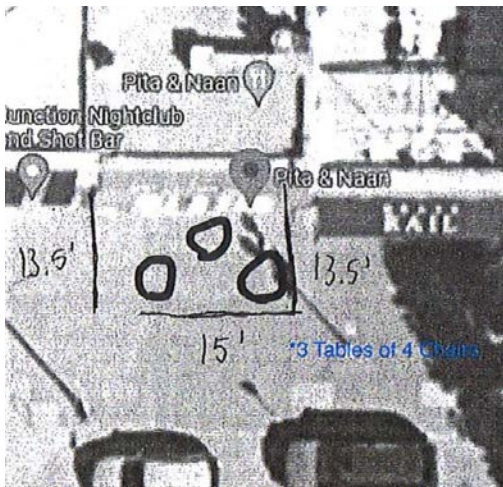
Section 14.50.060 Permit Conditions

2. A clear, unobstructed passageway not less than six feet in width at all points, entirely across the frontage of the property occupied by the occupant parallel to the line of the street and generally in the line of pedestrian traffic shall be maintained at all times; except as follows:

- If the City shall find special circumstances involving site characteristics or the flow of pedestrian traffic at such location, the conditions of approval may require a passageway greater than six feet or may prohibit operation of the sidewalk café for certain specified periods.
- If the City shall find that usually or at certain periods during the day or evening the flow of pedestrian traffic is sufficiently light to permit a passageway narrower than six feet, the conditions of approval may authorize a passageway as narrow as four feet, either at all times when such surface space is permitted or for certain specified periods during the time when such use is permitted.

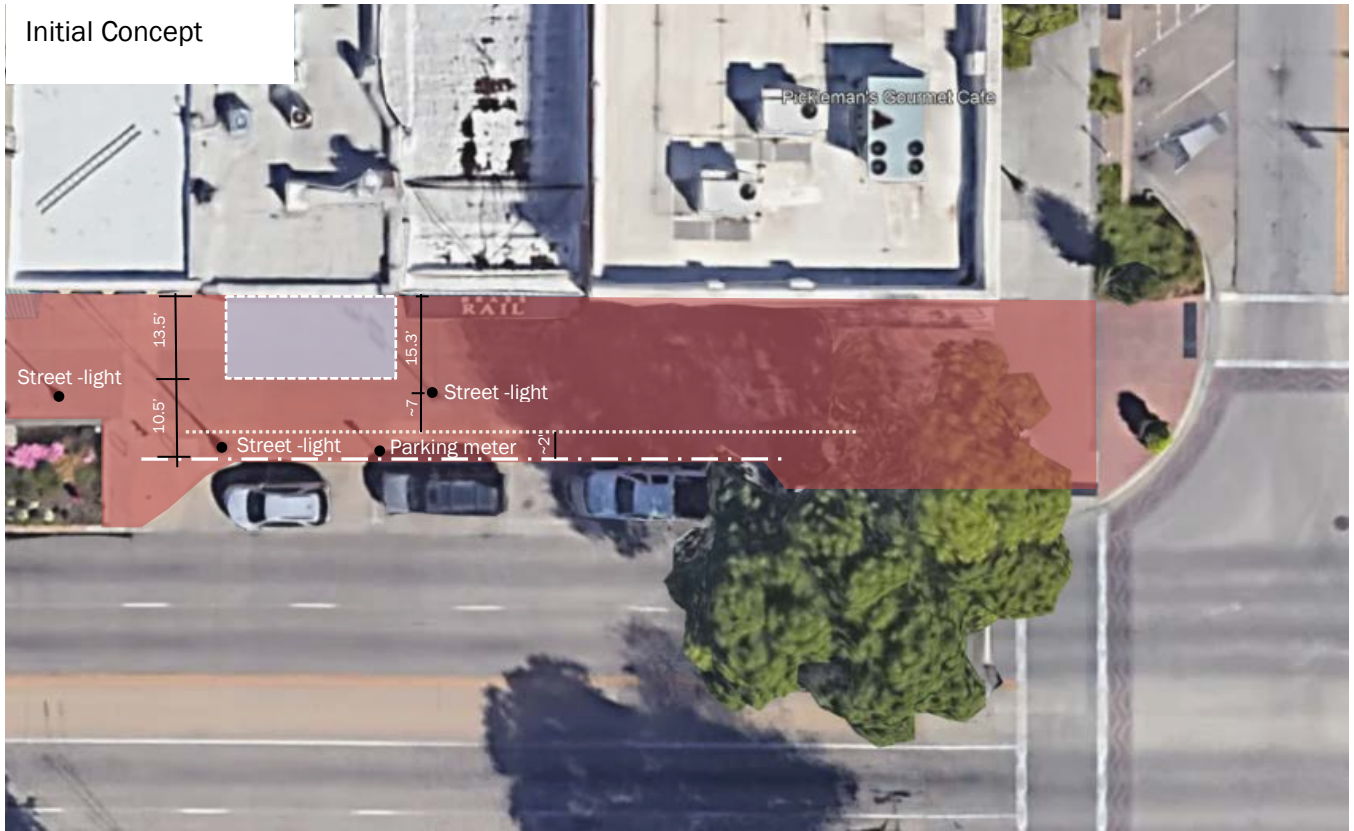
Compatibility per Staff Analysis: Questionable

The sidewalk space available outside of the building is approximately 24' wide. Installing a 13.5' wide fencing would leave around 10.5' of passageway for pedestrian movement spanning the length of the building fronting O Street. However, currently there is a streetlight on one of the corners of the proposed side walk café, and it is situated in the passageway (space between the edge of the proposed fencing and the curb). This edge of the sidewalk café railing might interfere with the pedestrian and bike traffic and make part of the passageway congested. The hand-drawing below was included by the applicant in the application package, and the two following images are a diagrammatic representation of the same.

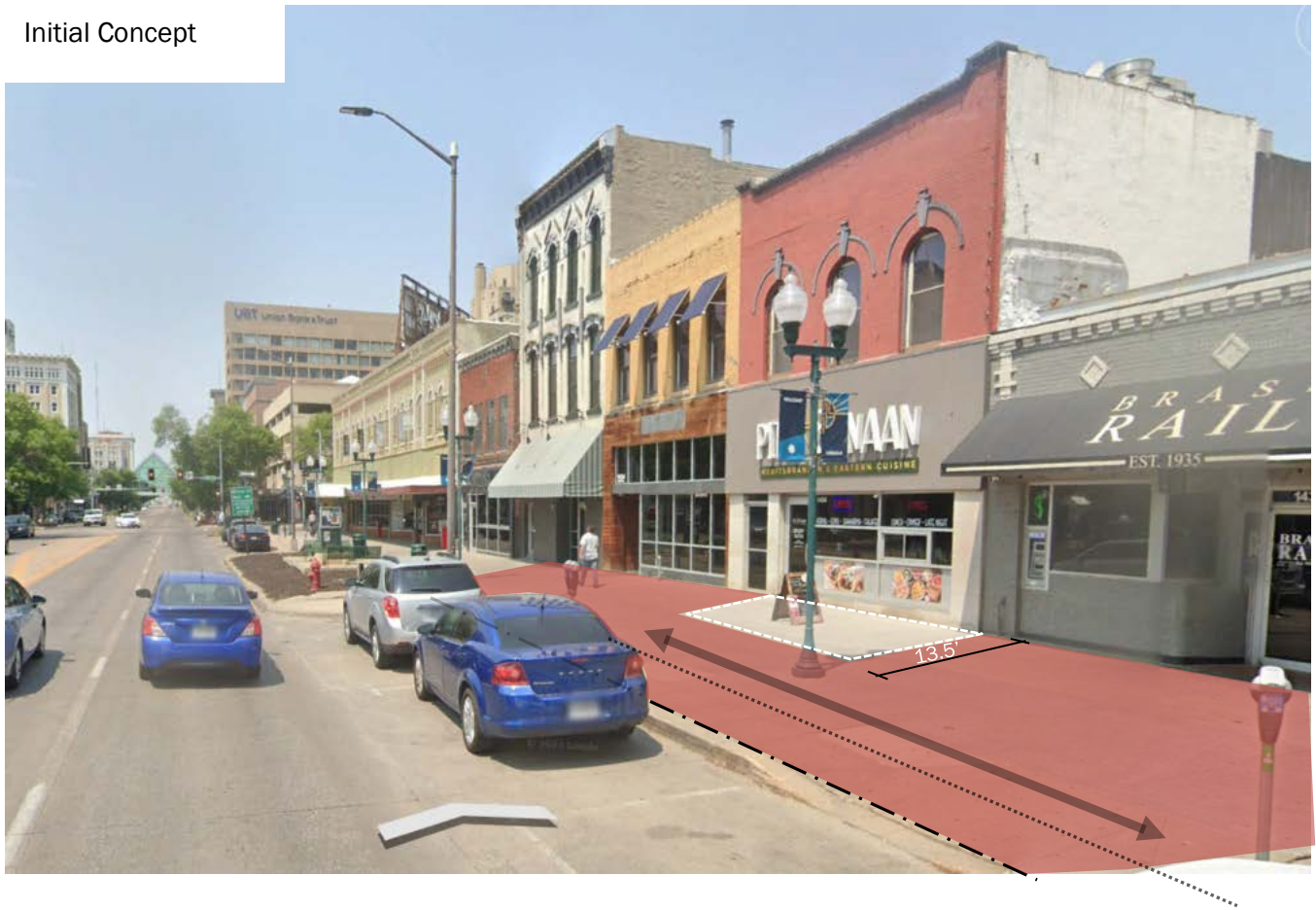


Initial Concept with the sidewalk café attached to the restaurant. (Received from the applicant)

Initial Concept



Initial Concept



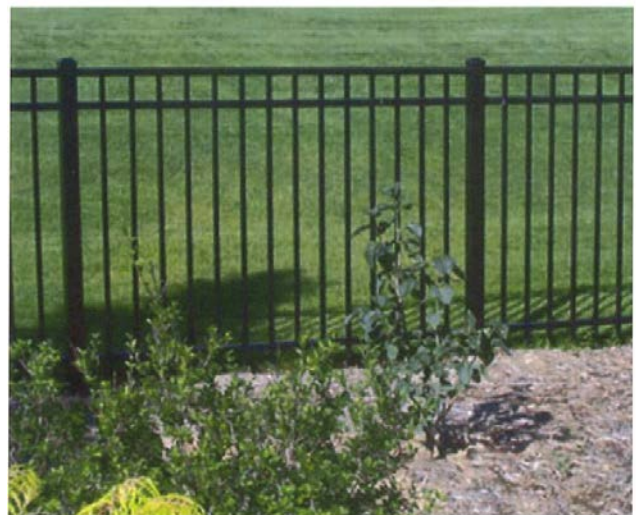
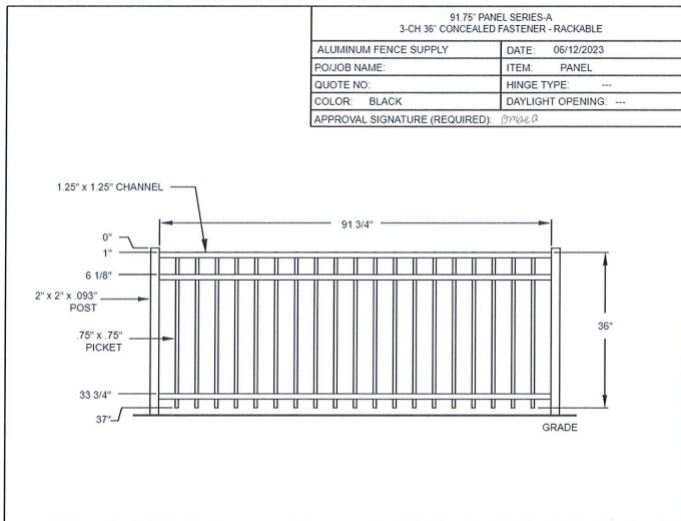
<https://inlanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/UDC/REPORTS/2023/08 Aug/Pita & Naan Sidewalk Cafe Staff Report.docx>

After careful consideration, staff recommends that the sidewalk café be 11' (maximum 12') wide, leaving about 3'6" of pedestrian passageway between the café fencing and the light pole, and about 7' between the light pole and the curb. Extending the café space closer to the pole would conflict with the requirement for an unobstructed passageway of 6'. Thus, the maximum recommended dimensions of the sidewalk café are 12'x20' with a 5' open entrance exactly in front of the main door.

2. Except for sidewalk cafés which (i) serve solely by takeout and (ii) do not desire exclusive use of the permit area, the permit area shall be separated from the pedestrian passageway with a fence or other rigid barrier having a minimum height of thirty-six inches but not greater than sixty inches except for necessary pedestrian ingress and egress. Sidewalk cafes approved for a maximum occupancy of 50 or more shall provide two exits. Sidewalk cafes approved for the sale of alcohol shall have no more than one open entrance and said entrance shall not exceed eight (8) feet in width. Clearance from ground level to the bottom of the barrier shall be no more than twenty-seven inches. In specific, unusual locations that have light pedestrian traffic and relatively wide areas between the curb and the private property line the conditions of approval may waive the requirement that the permit area be separated from the pedestrian passageway by a fence or other rigid barrier; provided that if such barrier is waived the permittee may not claim exclusive use of the permit area for his or her customers.

Compatibility per Staff Analysis: Compliant

- As per the initial sketch submitted in the application, the permit area would be separated from the pedestrian passageway with a metal railing.
- Height: 36 inches – compliant
- Railing clearance not more than 27" – compliant
- Capacity: 12 persons – compliant
- The restaurant plans on serving alcohol, and hence, the entrance on the side fronting the restaurant shall not exceed 8', and the café area has to be attached to the restaurant.



3. No advertising shall be permitted on or in any sidewalk café or any extension thereof except to identify the product and/or the name of the vendor, and shall in all respects comply with the provisions of Title 22 and 27 of this code regulating signage.

<https://inlanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/UDC/REPORTS/2023/08 Aug/Pita & Naan Sidewalk Cafe Staff Report.docx>

Compatibility per Staff Analysis: *No advertising is proposed.*

4. No umbrella, canopy, or similar device in any sidewalk café shall be more than six and one-half feet above ground level without approval of the City.

Compatibility per Staff Analysis: *No umbrellas are proposed.*

5. All sidewalk cafés shall be located only in the exact location described in the approved application. Approved furnishings, including the number of tables and chairs to be provided, may not be modified or substituted.

Compatibility per Staff Analysis: *Questionable*

- *Choice of furniture included in the application includes 3 sets of 4-seaters*

After further analysis and measuring, staff recommends 2 sets of 2-seaters and 2 sets of 4 seaters: for a 12' wide café, or

1 set of 2-seaters and 2 sets of 4 seaters: for 11' wide café.

- *Dimensions of the outdoor table, and the arm chairs are not included in the application.*

Given the site constraints and available space for furniture, staff recommends:

30" x 30" square tables (4 seater)

24" x 48" tables (4 seater)

24" x 30" tables (2 seater)



Furniture is indicative.

Recommendations

In general, the plans are in conformance with the design standards. Some elements of design that require more attention and confirmation are:

- **Available unobstructed passageway.**
Having the café attached to the property would require a reduction in the width of the sidewalk café in order to provide an unobstructed passageway for pedestrians and bikers on the sidewalk.
- Due to:
 - a. the existing site furniture on the sidewalk, (is this the light pole?)
 - b. the potential streetscape improvements on O Street as part of the Lincoln Downtown Corridor Design Guidelines, and

<https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/UDC/REPORTS/2023/08 Aug/Pita & Naan Sidewalk Cafe Staff Report.docx>

c. Pita & Naan currently having a liquor permit, Staff from the Planning and Urban Development departments met with the business owner on the property to discuss the pros and cons of the initial design and possible workarounds. We recommend that the sidewalk café be 11'-12' wide instead of 13.5' proposed by the applicant in order to provide sufficient unobstructed passageway.

“ATTACHMENT B” and “ATTACHMENT C” demonstrate the possibilities to maximize the sidewalk café space and maintain sufficient unobstructed passageway, as recommended by staff.

- **Furniture**

- Choice of furniture included in the application. 3 sets of 4-seaters

Staff recommends 2 sets of 2-seaters and 2 sets of 4 seaters

- Dimensions of the outdoor table, and the arm chairs are not included in the application.

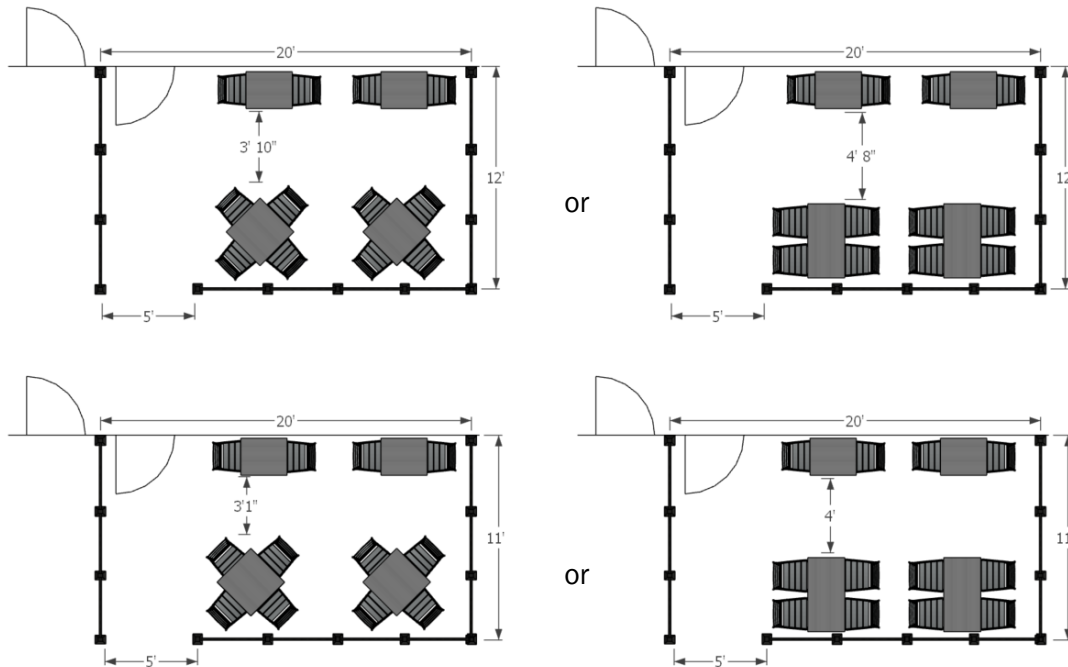
In order to meet ADA clear zones, staff recommends:

30" x 30" square tables (4 seater: diagonally placed) or

24"x 48" tables (4 seater: parallel to the restaurant façade)

and

24" x 30" tables (2 seater: parallel to the restaurant façade)



- **Joinery details between the metal railing and the concrete sidewalk.**

The Planning Department recommends that the design account for future changes, and be mindful of the existing brick pavers. Staff recommends a minimum of 4-1/4" deep anchors/screws for mounting the railing on the pavers.

ATTACHMENT A - Location Map



2022 Aerial



UDR23096 - Pita & Naan Sidewalk Café (1434 O Street)

Project: GIS\Projects\Dev\Review\UDC_Location\Maps.aprx
PDF: \Boards\UDC\REPORTS\Location Maps

ATTACHMENT B – Site Plan (option 1)



Indicative seating arrangement

ATTACHMENT B – Site Plan (option 2)

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Indicative seating arrangement