

# PLANNING DIVISION STAFF REPORT

November 22, 2021



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 341 State Street, 315-321 W Gorham Street and 322 W Johnson Street

**Application Type:** Zoning Map Amendment, Demolition Permit and Certified Survey Map Referral

**Legistar File ID #** [67120](#), [66109](#) and [66600](#)

**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.

**Reviewed By:** Kevin Firchow, AICP Principal Planner and Heather Stouder, AICP, Planning Division Director

## Summary

**Applicant:** Rob Back; Core Campus Manager, LLC; 1643 North Milwaukee Street; Chicago, IL 60647

**Contact:** Brian Munson; Vandewalle & Associates; 120 East Lakeside Street; Madison, WI 53715

**Property Owners:** 322 W Johnson Street -- Nathan S Brand; 322 West Johnson Street LLP; 2 E Mifflin Street, Suite 901; Madison, WI 53703

321 W Gorham Street -- Thomas M. Neujahr; Fire House Joint Venture II, LLP; 2 E Mifflin Street, Suite 901; Madison, WI 53703

315 & 317 W Gorham Street -- Thomas M. Neujahr; 317 West Gorham Street LLC; 10 E Doty Street Suite 300; Madison, WI 53703

341 State Street -- Thomas M. Neujahr; McCaughey Development Associates; 10 E Doty Street Suite 300; Madison, WI 53703

**Requested Actions:** There are three requests before the Plan Commission - 1) a Demolition Permit to raze four commercial buildings as part of the redevelopment; 2) a Planned Development zoning map amendment to change the zoning of the properties located at 341 State Street, 315-321 W Gorham Street and 322 W Johnson Street from the UMX (Urban Mixed-Use) and DC (Downtown Core) Districts to PD(GDP-SIP) (Planned Development (General Development Plan, Specific Implementation Plan)) District; and 3) a one-lot certified survey map to combine the various lots.

**Proposal Summary:** The applicant is requesting the approvals to allow construction of a 10-story, mixed-use building that will include 386 units of housing intended for students, retail, and business incubator space. The applicant proposes to commence demolition of the existing structures and begin construction of the development in the spring of 2022, with completion anticipated in the fall of 2024.

**Applicable Regulations & Standards:** The approval process and standards for the Planned Development district is outlined in Section 28.098 of the Zoning Code. Section 28.182 of the Zoning Code provides the process for zoning map amendments. Section 28.185 provides the process and standards for the approval of demolition and removal permits. Section 16.23(5)(g) provides the process and standards of approval for certified survey maps.

**Review Required By:** Urban Design Commission, Plan Commission and Common Council.

**Summary Recommendation:** If the Plan Commission can find that Planned Development Standards are met, the Planning Division recommends that the Plan Commission forward Zoning Map Amendment IDs 28.022-00515 and 28.022-00516, rezoning 341 State Street, 315-321 W Gorham Street and 322 W Johnson Street from UMX and DC to PD and approving a General Development Plan and Specific Implementation Plan to construct the proposed 10-story, mixed-use building to the Common Council with a recommendation of **approval**.

Regarding the demolition permit, should the Plan Commission find the demolition standards met, the Planning Division recommends the Plan Commission **approve** the request to demolish the four buildings.

Finally, should the other aspects of the proposal be approved, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions beginning on **page 15** of this report for the land use requests, and on **page 27** for the CSM.

## Background Information

**Parcel Location:** The development site is 79,345 square feet (1.82 acres) in area and occupies the majority of the block bounded by State Street, W Johnson Street, N Broom Street, and W Gorham Street, with frontage along all four streets (see Image 1 in the Project Description section.) It is located within Alder District 4 (Ald. Verveer) and the Madison Metropolitan School District.

### Existing Conditions and Land Use:

- According to City records, the 2-story building at 317 W Gorham was constructed in 1934 and contains 18,286 square feet of floor area that currently houses retail on the first floor and a billiards hall on the second.
- The 2-story, mixed-use building at 315 W Gorham Street was constructed in 1925 and includes roughly 20,500 square feet of floor area. It has a bookstore/coffee shop on the ground floor and two offices and six 1-bedroom apartments on the second.
- The 2-story, retail building at 341 State Street was constructed 1982 and contains roughly 25,300 square feet of floor area.
- The parcel at 322 W Johnson Street contains a 2-story, mixed-use building which was constructed in 1925 and contains roughly 32,600 square feet of floor area and parking.
- The parcel at 321 W Gorham Street contains a public parking lot with 24 surface automobile parking stalls.
- Finally, the subject site contains roughly 2,600 square feet of area, which is currently part of the private alley which takes access from W Johnson Street and runs along the rear of the buildings which front onto State Street.

**Surrounding Land Uses and Zoning:** The subject site occupies the entire block with these exceptions: the 1-story commercial buildings and 2- and 3-story mixed-use buildings occupying the eastern corner of the block (301-327 State Street), all zoned Downtown Core (DC), and the 2-story office building (the former city fire station) occupying the southern corner of the block (301 N Broom Street), zoned Urban Mixed-Use (UMX).

**Northwest:** Across W Gorham Street, at the southwest end, is a 3-story, mixed-use building with two floors of office space above ground floor retail (at 328 W Gorham Street). Immediately to the east is an alley which provides off-street delivery access for the entire triangular block. The eastern half of the block contains three mixed-use buildings with three, four and six apartments above ground floor retail (at 411, 409 and 403 State Street respectively).

**North:** The blockface across State Street from the subject site is comprised of 1-story commercial buildings and 2- and 3-story, mixed-use buildings (with apartments or office space over ground floor commercial). In general, while the buildings in the middle third of the block are zoned Planned Development (PD), those on either side are zoned Development Core (DC).

**Southeast:** Across W Johnson Street is the 255-unit Ovation 309 development (at 309 W Johnson Street) and the 118-unit Capitol Centre Court Apartments development (at 344 W Dayton Street). Both are zoned Planned Development (PD). Just to the south of the intersection of W Johnson and N Broom streets is the 233-unit Domain development (at 406 W Johnson Street), which is zoned Urban Mixed-Use (UMX).

**Southwest:** Across N Broom Street is a single-family residence, and 2-, 3- and 4-unit apartments. All are zoned Urban Mixed-Use (UMX) District. The corner parcel, at the intersection with W Gorham Street, is vacant and zoned Conservancy (CN). Beyond the corner parcel is a 2-unit apartment (zoned UMX), beyond which is the Equinox, a 12-story, mixed-use building with 115 units above ground floor retail (409 W Gorham Street).

**Adopted Land Use Plan:** Information regarding plan recommendations and consistency is located in the body of this report.

**Zoning Summary:** The site is proposed to be zoned to the PD (Planned Development) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	As per approved plans	As per submitted plans
Lot Width	As per approved plans	As per submitted plans
Front Yard Setback	As per approved plans	As per submitted plans
Side Yard Setback	As per approved plans	As per submitted plans
Rear Yard Setback	As per approved plans	As per submitted plans
Usable Open Space	As per approved plans	As per submitted plans
Lot Coverage	As per approved plans	As per submitted plans
Floor Area Ratio	As per approved plans	As per submitted plans
Building Height	As per approved plans	As per submitted plans (See Comment #59)

Site Design	Required	Proposed
Number Parking Stalls	As per approved plans	211 vehicle stalls (See Comment #61) 79 moped stalls (See Comment #64)
Accessible Stalls	Yes	Yes
Loading	As per approved plans	As per submitted plans
Number Bike Parking Stalls	<b>Multi-family dwelling:</b> 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (530) 1 guest space per 10 units (39) <b>General retail; service business; office:</b> 1 per 2,000 sq. ft. floor area (12) (581 total)	595 stalls (See Comments #62 & #63)
Landscaping and Screening	Yes	Yes (See Comment #65)
Lighting	Yes	No (See Comment #67)
Building Forms	As per approved plans	As per submitted plans (See Comment #66)

Other Critical Zoning Items	
Yes:	Urban Design (Planned Development), Barrier Free (ILHR 69); Utility Easements
No:	Historic District; Floodplain, Wetlands, Wellhead Protection, Adjacent to Park

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services, including Metro Transit service which operates daily all-day transit service along N Broom Street, adjacent this property (at least ten trips per hour, on weekdays, effective Fall of 2021).

## Related Approvals

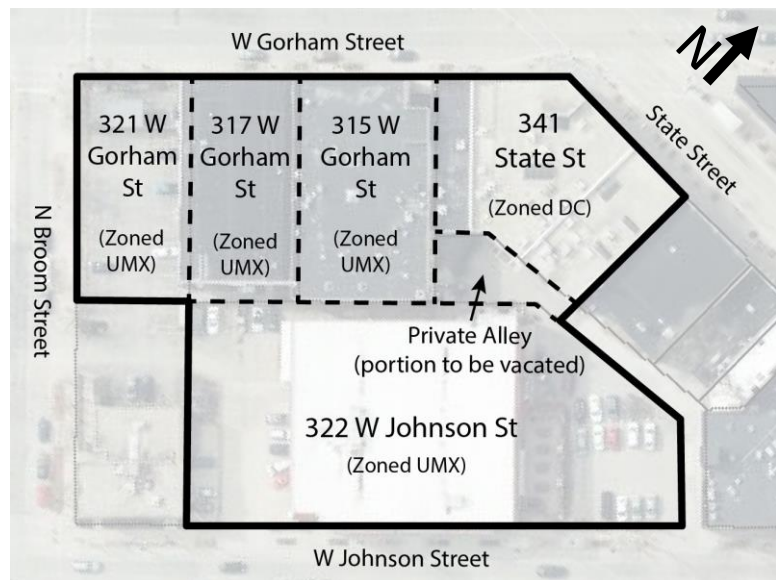
On November 5, 2021 the Finance Committee recommended approval of a Land Use Restriction Agreement (LURA) between the City and Developer (Core Campus Manager, LLC) to the Common Council to support low-cost student housing in the proposed development. This was approved by the Common Council on November 16. (Legistar File ID [67977](#)) Please see the more detailed description of the LURA later in this report, under the discussion of the Planned Development approval standards.

## Project Description

The applicant is requesting approval to demolish four commercial buildings and a rezoning to the Planned Development (PD) District to allow the construction of a 10-story, mixed-use building with 386 residential units. This request also includes a one-lot certified survey map to combine the various lots into one development site.

The development site occupies most of the block bounded by State, W Johnson, N Broom, and W Gorham Streets as shown in Image 1.

Information on the buildings proposed for demolition is summarized on page 2 of this report and [photos](#) of the interior and exterior of each of the four buildings has been included in the applicant's materials.



**Image 1: The parcels proposed to be combined via Certified Survey Map (CSM) to form the subject parcel**

As proposed, the massing of the 10-story building is broken down into several volumes, and includes different architectural vocabulary among building elements – from rectilinear volumes to others with rounded corners – and utilizes four different shades of brick (not including those of the historic façades) and two types of metal panels.

Plans show roughly 23,200 square feet of retail on the ground floor in two primary spaces. The larger 16,000-square-foot space extends along the site's entire State Street frontage and a majority of the W Gorham Street frontage. The smaller 7,160-square-foot space occupies the northern half of the site's W Johnson Street frontage. The applicant notes that the spaces were "designed with flexibility for meeting different retailer needs" and will be "subdivided to continue the fine scale retail environment of the State Street area." As for a potential use that could occupy the smaller retail space, the applicant team hopes to integrate a student/small business incubator.

The primary entrance and residential lobby for the building’s residential component lies along the W Gorham Street façade, near the corner with N Broom Street. The remainder of the first level will be occupied by parking and loading. A room with 54 bicycle parking stalls for guests adjacent to the residential lobby can be accessed from the N Broom Street sidewalk. Off-street parking for residents is accessed from W Johnson Street, near the southern corner of the building and next to the delivery loading entry. The ground floor level of parking will contain 55 automobile parking stalls (five of which will be designated as short-term), 90 long-term bicycle stalls, and rooms for residential and retail tenant trash and recycling. A lower level contains another 156 automobile parking spaces, 341 long-term bicycle stalls, 79 moped stalls, and mechanical rooms.

The second floor will feature residential units, a roughly 4,000-square-foot fitness room, and four green roofs. The third floor plan will have nearly the same footprint but will swap the fitness room for more residential units and have the middle portion of the façade along W Johnson Street stepped back roughly 12 feet. The fourth, fifth and sixth floors contain only residential units and the State Street façade of these three floors is stepped back 30 feet from the property line along that frontage. Floors seven to ten are also all residential and are all stepped back 132 feet from the State Street property line to comply with the Downtown Height Map (Section 28.071(2)(a) of the Zoning Code.) On the seventh floor, in the void left by this additional building stepback, the applicant proposes a large landscaped rooftop terrace. Numerous plantings such as ornamental trees and shrubs as well as various seating amenities are proposed.

On the top of the building (the roof of the tenth floor), a rooftop terrace and pool have been added. The terrace will be landscaped in a similar fashion to the seventh floor terrace. There are also screened rooftop mechanicals and elevator overruns. Note: the Zoning Administrator has determined that this does not constitute an additional story.

In all, the proposed building would have 386 units, ranging from ‘Micro’ to 5-bedroom units. As 92 of the units will have two beds per bedroom, this works out to a total of 1101 beds.

	Units w 1 Bed / Bedroom	Units w 2 Beds / Bedroom	Total Units	Total Beds
<b>Micro</b>	39	0	39	39
<b>Studio</b>	51	0	51	51
<b>1-Bedroom</b>	9	22	31	53
<b>2-Bedroom</b>	49	70	119	378
<b>3-Bedroom</b>	25	0	25	75
<b>4-Bedroom</b>	100	0	100	400
<b>5-Bedroom</b>	21	0	21	105
<b>TOTALS</b>	<b>294</b>	<b>92</b>	<b>386</b>	<b>1101</b>

**Table 1: Unit Breakdown by Type and Number of Beds per Bedroom**

## Analysis

This request is subject to the Zoning Map Amendment standards [M.G.O. §28.182(6)], Planned Development standards [M.G.O. §28.098(2)], and Demolition Permit standards [M.G.O. §28.185(7)] of the Zoning Code. The Urban Design Commission is also required to review and make a recommendation to the Plan Commission on both the GDP and SIP based on the design objectives in Subsection 28.098(1) and other PD requirements. Lastly, Section 16.23(5)(g) provides the process and standards of approval for certified survey maps.

### Conformance with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends Downtown Mixed-Use (DMU) development for the subject site’s entire block. The Plan notes that this includes “*intensive mixed-use development*” which is “*generally more focused on residential, retail, and service uses than Downtown Core (DC) areas, but may also include some government and employment uses.*” The Plan also notes that, while subject to the [Downtown Plan](#) height map, some DMU areas “*are appropriate for mixed-use development that can rival development intensities within DC*”

areas (e.g., Ovation 309, The James, and The Hub developments).” (Page 24) For details on heights, mix of uses, ground floor uses, pedestrian friendly design, and other considerations which the Plan notes “*must be addressed for development within this category*”, the Plan defers to the Downtown Plan.

The 2012 Downtown Plan includes several related recommendations related to issues such as height, scale and rhythm considerations, and historic preservation considerations.

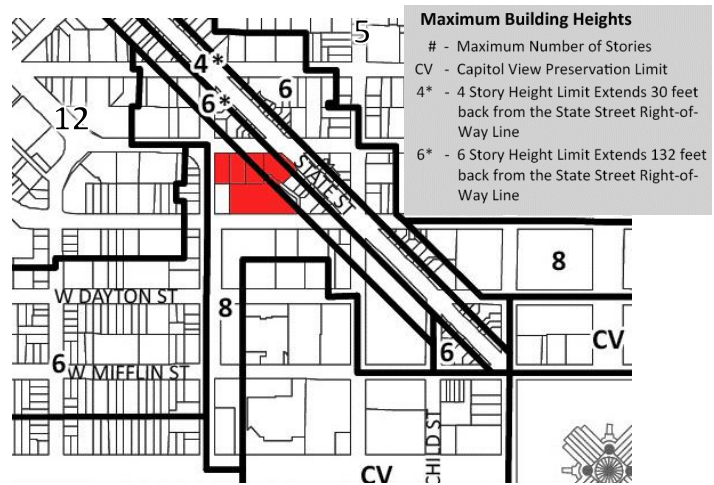
In regards to height, the Downtown Plan notes that the appropriate height for new buildings is influenced by numerous factors such as topography, important view corridors and viewsheds, the presence of historic buildings, the use and scale recommendations for an area, and the existing scale of buildings in the vicinity. Buildings along State Street are recommended to be two- to four-stories tall [for the first 30 feet back from the right-of-way line] to create “*a sense of enclosure while also providing openness and access to sunlight,*” with a maximum of six stories beyond the 30-foot setback from State Street and eight stories beyond the 132-foot setback.



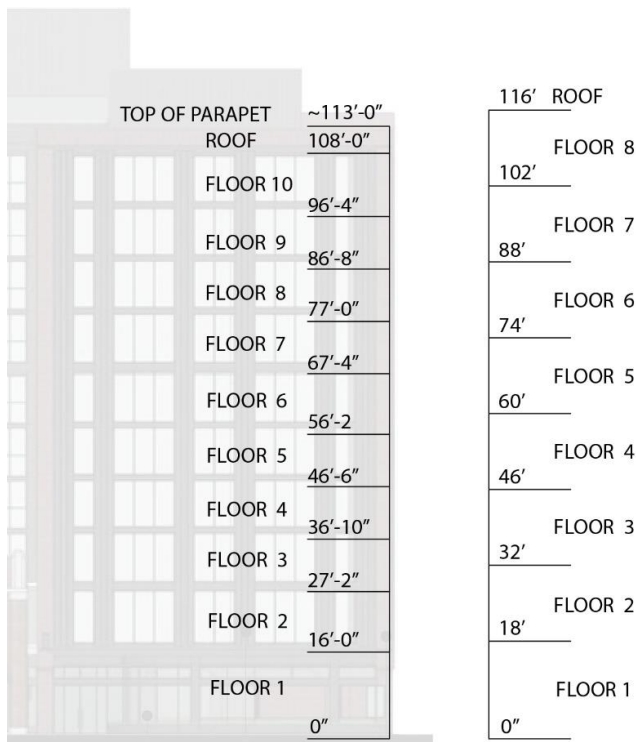
**Images 2 & 3: Compliance with the Downtown Plan’s required building height setbacks: (Left) The fourth floor plan’s compliance with the 30-foot building setback from the State Street Right-of-Way above the fourth floor. (Right) The seventh floor plan’s compliance with the 132-foot setback from the State Street Right-of-Way above the sixth floor.**

Additionally, the Downtown Plan recommends that the building heights map is based on typical floor-to-floor story heights of 14-18 feet for the ground level and 10-14 feet for the upper stories. The plan recommends that buildings with lower floor-to-floor heights should reduce the number of stories accordingly.

The maximum heights recommended in the Downtown Plan were later codified in the Zoning Code, as depicted on the image to the right. A four (4)-story maximum height limit is established for the portion of the site, extending back 30 feet back from the State Street right of way. Moving further away from State Street, to the south, the height limit increases to six (6) stories for the portion of the site located from 30 to 132 feet from the ROW.



**Image 4: Maximum Building Heights (Note: The image shown above is from Sec 28.071(2)(a) of the Zoning Code. That said, the maximum building recommendations are identical to those of the 2012 Downtown Plan.)**



**Image 5: Proposed Building Height of the 10-Story Oliv Madison Building (Left) vs. Maximum Building Height Allowed by Sec 28.071(3)(d) for an 8-Story Building (Right).**

From a stories standpoint, the proposed height is within the range recommended for the four- and six-story zones, though a roughly 75,700-square-foot portion lying within the area zoned for eight stories, is proposed at 10 stories. Together, Floors 9 and 10 are equal to roughly 15 percent of the proposed building’s total (above-ground) square-footage. From a massing standpoint, staff notes that the building appears to have shorter floor-to-floor heights than what was anticipated in the plan. The graphic to the left compares a section of the building to the maximum allowable floor-to-floor heights allowed in the zoning code.

In regards to scale and character, the Plan recommends that buildings should be carefully designed to maintain the predominant smaller-scale rhythms of the State Street frontage, such as through limiting the amount of block frontage devoted to a single use, providing multiple street entrances for larger establishments, and articulating both the ground and upper story façades of larger buildings to reflect the narrower width characteristics of the street (Page 45).

As described earlier, the exact demising of tenant spaces is not known. In addressing this along State Street, the applicant has included three entrances along this frontage and has noted that they were “*designed with flexibility for meeting different retailer needs*” and will be “*subdivided to continue the fine scale retail environment of the State Street area.*” Furthermore, in reviewing Sheet A53 (“Proposed State Street Elevation”) in the submitted materials, the applicant has indeed subdivided the façade along the site’s State Street frontage

Lastly, in regards to historic preservation, the Plan encourages preservation, rehabilitation and adaptive reuse of sound older buildings that contribute to the district’s character (see the discussion regarding the reuse of historic façades below.)

**Demolition Permit Standards**

Although this application was originally submitted back in mid-July, prior to the Common Council’s October 5, 2021 approval of the City’s revised demolition standards (to remove consideration of the proposed future use for demolition applications), the applicant has requested to have the proposed development reviewed against the revised (new) standards.

In order to approve a demolition request, the Plan Commission must consider the factors and information specified in §28.185(9)(c) MGO and find that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison. The standards state that the Plan Commission shall consider the report of the City’s historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.

The Landmarks Commission reviewed the demolition of the four buildings at its February 15, 2021 meeting and recommended to the Plan Commission that the buildings at 322 W Johnson Street, 315 W Gorham Street, and 317 W Gorham Street *“have historic value based on architectural significance due to their revival style commercial architecture, and historic significance due to their early automotive sales history, and their status as contributing structures in an eligible National Register Historic District.”* Regarding the building at 341 State Street, the Landmarks Commission found that the building *“has historic value related to the cultural history of the LGBTQ community in Madison, but the building itself is not architecturally significant at this point in time.”* (Materials related to that review from the February 15, 2021 meeting can be found here: the [Staff Report to the Landmarks Commission](#); the [Meeting Report](#); and the [Staff Report on the Historic Value of the 300 Block of State Street](#).)

In reference to historic considerations, the applicant notes, *“In an effort to help preserve the social and cultural history of Madison and to contribute to the unique historic character of the downtown neighborhood, the project incorporates the façades of 315 W Gorham, 317 W Gorham, and 322 W Johnson into the design of the project. These buildings will retain their uses as retail spaces so that they can continue to contribute to a lively streetscape and pedestrian experience downtown. These facades will be carefully deconstructed and rebuilt into the proposed building to allow below grade construction and to facilitate wider pedestrian streetscapes along West Gorham and Johnson Street. Efforts are also underway to return the re-built facades closer to their historic configurations based upon photos from their original use.”*

Regarding the preservation and documentation of these historical resources, the applicant notes, *“In addition to preserving the eclectic architecture on this block, we want to preserve the unique history of this block as well. We would like to work with the members of the Landmarks Commission and local historians to create signage to be installed on the proposed building that shares the social and cultural history of the block and the neighborhood, from its inception as a hub for automobile sales centers in the 1920s to a haven for music lovers in the 1960s to a critical resource for the LGBT community in the 1980s and 1990s.”*

### **Zoning Map Amendment Standards**

These standards state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the [Comprehensive Plan](#), and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City’s [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified *“consistent with”* as *“furtheres or does not contradict the objectives, goals and policies contained in the comprehensive plan.”*

### **Planned Development Standards**

The Statement of Purpose for the PD District states that the district is *“established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials.”* In addition, the Planned Development District is intended to promote green building technologies and encourage sustainable development; promote integrated land uses; preserve historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land; provision of more adequate, usable, and suitably located open space, and recreational amenities than would otherwise be provided under conventional land development techniques; and to facilitate high-quality development that is consistent with the goals, objectives, policies, and recommendations of the [Comprehensive Plan](#) and adopted neighborhood, corridor or special area plans.



The applicable standards for approval of a zoning map amendment to the PD district and staff analysis for this project follow.

a) *The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of [the PD statement of purpose]. Conditions under which planned development may be appropriate include:*

1. *Site conditions such as steep topography or other unusual physical features; or*
2. *Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.*

**Analysis:** The PD zoning district has been established as the only process and framework by in which a building taller than what is otherwise allowed on the Downtown Height Map can be considered.

b) *The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.*

**Analysis:** Notwithstanding the height of the proposed building, many aspects of the proposed development are consistent with the recommendations of both the 2018 [Comprehensive Plan](#) and 2012 [Downtown Plan](#), as discussed above.

c) *The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.*

**Analysis:** City Engineering has submitted several conditions related to necessary infrastructure-related considerations. Planning staff believes upon meeting these conditions, this standard could be found met.

d) *The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.*

**Analysis:** Based on a request from the Traffic Engineering Division, the applicant has completed a requested [Traffic study and Transportation Demand Management Plan \(TDMP\)](#). Traffic Engineering has reviewed these studies and accepted their conclusions. They do not have concerns regarding the traffic impacts of the proposed development.

- e) *The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.*

The applicant notes, in their submitted materials, that the overall building approach “creates multiple design expressions as it moves around the block with numerous stepbacks, façade articulations, and material changes to create an overall project that fits into the surrounding neighborhood context and character.”

**Analysis:** The design and massing of the project has evolved, especially after the applicant’s second Informational Presentation to the Urban Design Commission on May 12, 2021. Whereas the massing of the building’s upper floors were previously more square-shaped, designed around an interior courtyard, the revised design shows a building with upper floors in a “V” shape. (Please refer to sheets A9-A11 and A41 for a comparison between the previous and submitted designs) With this change in design, the applicant has pulled a considerable amount of mass away from the middle of the W Gorham and W Johnson Street property lines. As is discussed further below in this report, considering that there are seven 12-story buildings located with 1/8 mile of the subject site, three of which are located across the street, staff believe it is possible that the height itself could be found compatible with the neighborhood context south of State Street.

Staff also note that the Urban Design Commission (UDC) reviewed the proposed development on September 1, 2021 and found the standards for approval met to recommended final approval. (Legistar File ID [63798](#)). The approval motion noted that the UDC believed that the project met the criteria for additional building height and based on the feedback from the Alder, provided an advisory comment recommending the use of structural soil for street trees as a means to help street trees reach maturity.

- f) *The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.*

**Analysis:** The letter of intent includes a breakdown of the open space being provided. As a comparison, staff notes that if this project were developed in the Urban Mixed-Use (UMX) District (which requires 10 square feet per bedroom), the proposed building would be required to provide 9,430 square feet of usable open space. The proposed building, via the rooftop terraces on the sixth and tenth floors, as well as the additional patio areas, exceeds this amount, providing roughly 23,300 square feet of usable open space.

- g) *The PD district shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.*

**Analysis:** This is proposed as a single-phase project.

*(h) When applying the above standards to an application for height in excess of that allowed in Section 28.071(2)(a) Downtown Height Map, except as provided for in Section 28.071(2)(a)1. and Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:*

- 1. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.*

**Analysis:** This substandard deals with the compatibility of the proposed height. In regards to the existing character, staff notes that there are three buildings over 12 stories located directly across the street - Ovation 309 (14-stories) and Capital Centre Court Apartments (15-stories) and Domain (12-stories) development. In all, there are seven buildings 12 stories or higher located with one-eighth of a mile of the subject site, and 13 buildings 11 stories or higher within one-quarter of a mile. *Please see **Attachment A** to this report for a map and supporting table depicting this information.*

So while staff believes that it is possible that the proposed height could be found compatible with the existing character, the Downtown Plan recommends eight stories where 10 are proposed. As shown in Image 5 on page 7, the applicant's utilization of shorter floor-to-floor heights brings the resulting height to a similar height to what would be allowed if the maximum floor-to-floor heights were utilized. However, the Downtown Plan recommends that buildings with lower floor-to-floor heights should reduce the number of stories accordingly.

- 2. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.*

In their letter of intent, the applicant outlines their justification for the additional two floors, by allowing the project to include the following six items:

- a) Building Height Reduction along the State Street Frontage.*

The applicant notes that they have *"reduced the height of the building, along the State Street frontage, to three stories from the allowable four stories"* (as shown on the Downtown Height Map in Section 28.071(2)(a) of the Zoning Code). They note that this reduction in mass *"creates a more complimentary building expression that is in keeping with the existing one- to three-story buildings along the balance of the adjoining State Street blocks."*

**Analysis:** Considering that there are not 4-story buildings located along either side State Street in this block and that the majority of the façades are 2-stories in height, staff believes that the three-story scale is preferable to a four-story. Staff notes that the Downtown Plan's 2-4 four story State Street height recommendation was intended to reflect numerous factors noting that the appropriate height for new buildings is influenced by numerous factors including the existing scale of buildings in the vicinity.

b) *Contributing Historic Buildings*

**Analysis:** As has been described previously in this report, the project incorporates the reconstruction of the existing façades located at 315 W Gorham, 317 W Gorham, and 322 W Johnson into the design of the project. The applicant states that the incorporation of these façades *“creates additional articulation along the expanded pedestrian environment while maintaining ties to the history and character of the block.”*

c) *Low and Moderate-Income Student Housing*

**Analysis:** The applicant has indicated that the additional height allows for the applicant to provide some income-restricted beds in the project for students with lower incomes. In order to provide certainty that such affordability would be provided, the Common Council has recently approved a Land Use Restriction Agreement (LURA) with the applicant. (Legistar File ID [67977](#)) The agreement requires that for a term of least 30 years, the applicant will provide 112 beds in two (2) bedroom dwelling units being leased to four (4) individuals at a rate at least 40-percent less than the market rate charged for a bed in a comparable bed in the building. These beds would be leased to qualified University of Wisconsin-Madison applicants as determined to be eligible by the University’s Office of Financial Aid (UOFA). The terms of that agreement were voluntarily agreed to by both the developer and City prior to final Plan Commission and Common Council action on this land use application. Staff notes that as part of this review, the Plan Commission or Common Council do not have the ability to require affordable units or alter the terms of that agreement.

d) *Sustainability*

The applicant notes that the building *“is being designed to meet the National Green Building Standard (NGBS), the only green building rating to meet American National Standards Institute (ANSI) requirements. Sustainable components will be integrated into mechanical systems, building lighting, and overall design.”*

Like LEED, NGBS has a scorecard menu that sustainability options are selected from. The applicant notes that they are considering a combination of the following sustainability options to meet NGBS requirements:

Proposed NGBS Sustainability Measures:

- Green Roof for control of runoff in 100 year storm conditions, avoiding flooding
- Expanded Green Roof to further reduce heat island effect
- Native landscaping, which cuts down on irrigation water usage
- Reduced parking allows for less reliance on cars, encourages walking and biking
- Electric Vehicle Charging – 2 stations
- Prefabricated/panelized systems utilized for CFMF portion of building reducing material usage and waste
- EnergyStar appliances reducing energy needs
- Windows with greater performance than required by International Energy Conservation Code (IECC)
- Utilizing a thin-brick cladding system would bring all insulation outside increasing performance, lighten structural load, and potentially decrease construction time
- Utilize smart appliances, programmable thermostats, etc.
- Reduce flow rates of showerheads, faucets, and toilets lower than code requirements

Lastly, the applicant notes *“regarding the efficiency of the building mechanical system, the Energy Code requirements of the mechanical system satisfy NGBS sustainability requirements, as they do for LEED certification.”*

e) *Usable Green Roof / Open Space Amenities*

In the submitted materials, the applicant notes that the open space amenities are *“designed as part of a comprehensive rooftop open space and green roof component of the project. These spaces offer residents a variety of outdoor spaces and exceed the stormwater management requirements for the site.”*

f) *Retail Incubator*

As mentioned in the Project Description section of this report, Core Spaces is working with a partner on integration of a retail /small business incubator that will offer tenants, downtown residents, and business/entrepreneurs access to collaborative workspace and startup/accelerator support. At the time this staff report was finalized, the status of this potential tenant is unknown.

The applicant has stated that they believe the extra two floors *“create the financial underpinning to incorporate the sustainability initiatives, exceed the required green roof and lower the State Street façade to three stories. Absent the approval of the extra floors the project would be redesigned to reflect the reduced financial feasibility which would likely remove a majority of these elements.”*

3. *The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the project and create a pleasing visual relationship with them.*

**Analysis:** There are no City Landmarks within or adjacent to the subject site. (The nearest Designated Madison Landmark, The Women’s Building, is located roughly 400 feet to the northwest at 240 W Gilman Street.)

4. *For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant.*

**Analysis:** The submitted materials include [site context views](#) which show the street-level perspective, from street level, up and down each of the four streets which border the block, and help convey the proposed building’s massing in context.

## Land Division

The applicant has submitted a certified survey map to combine the 341 State Street, 315-321 W Gorham Street and 322 W Johnson Street parcels, plus a portion of the private alley (which will be vacated), in order to create one parcel. M.G.O. Section 16.23(5)(g) provides the process for certified survey maps. Staff believe that all applicable standards for land divisions can be found met, subject to the comments recommended by reviewing agencies.

## Public Input

At time of writing, Staff have received a few public comments and these are attached to the Legislative File.

## Conclusion

The applicant is requesting approval to demolish four commercial buildings and a rezoning to the Planned Development (PD) District to allow the construction of a 10-story, mixed-use building with 386 residential units. This request also includes a one-lot certified survey map to combine the various lots into one development site.

Among the key considerations in this application is the demolition of the existing structures, to which the Landmarks Commission provided advisory comments related to the historic value of these buildings. Another key consideration relates to height beyond that allowed in the Downtown Height Map. That aspect of the request has necessitated consideration of Planned Development (PD) zoning to facilitate this redevelopment. As summarized in the report, the building complies with the maximum height standards for the four and six story zones closest to State Street. However, portions of the development site currently allowed for a maximum height of eight stories are proposed to have 10 stories. In referencing the standards to approve additional height, the applicant has indicated six features of the design that they have indicated would not be possible if built to the current height standards. Staff notes again that the Urban Design Commission did provide a favorable advisory recommendation on this request, specifically finding that they believed the standards for excess height were met.

This report notes areas of consistency and inconsistency with adopted plan recommendations and staff notes that careful consideration should be given due to the potential possible precedents set.

Staff recommends that the Commission make clear findings on how the proposed building meets the standards of approval, particularly the standards for height in excess of that allowed on the Downtown Height Map in Section 28.071(2)(a) of the Zoning Code.

## Recommendation

### Planning Division Recommendation (Contact Chris Wells, 261-9135)

If the Plan Commission can find that Planned Development Standards are met, the Planning Division recommends that the Plan Commission forward Zoning Map Amendment IDs 28.022-00515 and 28.022-00516, rezoning 341 State Street, 315-321 W Gorham Street and 322 W Johnson Street from UMX and DC to PD and approving a General Development Plan and Specific Implementation Plan to construct the proposed 10-story, mixed-use building to the Common Council with a recommendation of **approval**.

Regarding the demolition permit, should the Plan Commission find the demolition standards met, the Planning Division recommends the Plan Commission **approve** the request to demolish the four buildings.

Finally, should the other aspects of the proposal be approved, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions beginning **on the following page** for the land use requests, and on **page 27** for the CSM.

**Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

**Urban Design Commission** (Contact Kevin Firchow, (608) 267-1150)

1. Based on the Alder's statement, the UDC has provided an advisory recommendation that structural soil be utilized for the street trees to give them a better chance of reaching maturity.

**The following conditions have been submitted by reviewing agencies:**

**Land Use Request – Zoning Map Amendment and Demolition Permit**

**Engineering Division (Main Office)** (Contact Tim Troester, (608) 267-1995)

2. Based upon the unit count, the City sanitary sewer does not appear to be large enough to provide sanitary sewer service to the proposed high density site re-development. Developer shall replace sewer in Broom Street from W. Dayton St. to the location on Broom Street where the proposed development connects to City sewer as a condition for development. Developer shall provide a projected sanitary discharge flow for the development to Mark Moder, [mmoder@cityofmadison.com](mailto:mmoder@cityofmadison.com), (608)261-9250 so that the sewer improvements in Broom Street can be properly sized.
3. The City has limited sanitary sewer capacity in downtown area. Applicant shall install measures to limit pool discharge rates to 100 gpm or less if connecting and discharging to the sanitary sewer.
4. The discharge from the pool needs to be understood. If discharging to sanitary there are likely maximum discharge rates (100 gpm or less). If discharging to storm sewer a health permit for non-storm discharge is required.
5. If the redevelopment site has proposed impervious cover that exceeds 80% of the existing site impervious cover, the site shall meet the following requirements: Peak Runoff shall be reduced by 15% compared to existing conditions during the 10-year design storm. Run-off volume shall be reduced by 5% compared to the existing conditions during a 10-yr design storm. Green infrastructure shall be required for rate and volume reductions for at least the first 1/2inch of rainfall.
6. Developer is made aware that proposed storm appears shallow, and has a significant amount of other utilities in the same 3-D space. The Applicant will be required to connect to the storm and find a way to work around these conflicts.
7. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
8. Construct asphalt, curb and gutter, terrace, sidewalk and pedestrian bumpouts to a plan as approved by City Engineer. Reconstruct new stormwater inlets and leads for pedestrian bumpouts. Note: Sidewalks on W. Gorham St. & W. Johnson St. are required to be 17' wide (8' terrace, 8' sidewalk, 1' behind sidewalk).

9. Construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the plat/csm. (MGO 16.23(9)(d))
10. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
11. Provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
12. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
13. Obtain a permit to plug each existing storm sewer. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 37.05(7))
14. If this project requires a permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the City/County Health Department shall also be required. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to issuance of the connection and non-storm discharge permits.
15. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
16. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
17. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.

The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

18. Abandon all existing subterranean vaults in the ROW.



19. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
20. Revise plan to show the location of all rain gutter down spout discharge locations. (POLICY)
21. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
22. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
23. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

24. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

25. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
26. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com) (West).

**City Engineering – Mapping** (Contact Jeffrey Quamme, (608) 266-4097)

27. A draft petition of the partial alley discontinuance that is proposed with this development has not yet been provided for preliminary review by City Agencies. Provide a draft petition with maps showing the proposed portion of the alley to be discontinued for review and comment by City agencies. Upon the review and comments of City Agencies being addressed, the Developer shall petition for the partial alley discontinuance and vacation for the alley off of W Johnson Street currently serving the backs of parcels on Gorham, State and E Johnson Streets. A petition along with legal description and sketch of the right of way to be vacated, any additional easement area maps for access and turnaround to be granted to the adjacent owners and the City of Madison along with any other required materials.

The resolution for the discontinuance shall be conditioned upon any required access easements benefitting the adjacent owners and the City of Madison being finalized and agreed upon with the adjacent owners and the City of Madison. Any required easements shall be recorded prior to final site plan sign off.

Please note that any existing Utilities having facilities within any portion of the alley to be discontinued will retain easement rights within that discontinued area. The Applicant is encouraged to contact those utilities to coordinate any movement of utilities and additional easements required for the development.

28. Grant a permanent limited easement to the City of Madison for a turn around adjacent to public alley. The easement text include: Permanent Limited Easement benefitting the City of Madison for public vehicular turnaround improvement purposes. Contact Jeff Quamme for to confirm the final text, terms and conditions.

Note: The Subterranean Electric Vault under turnaround will require MGO 10.31 Loading of (250 PSF).

29. The Site Plan indicates a transformer vault encroaching into the public right of way of S Broom Street and the Public Alley to remain. The Applicant shall confirm and note on the plans all encroachments, including, (but not limited to) balconies, roof overhangs and underground vaults. Make an application with City of Madison Real Estate for a privilege in streets agreement. Link as follows - <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

Note: Vault will not be permitted under street within 2' of Face of Curb on S Broom Street. Vault must follow MGO 10.31 loading (250 PSF).

30. The site plan shall show the portion of the public alley area to be discontinued and the public alley area to remain. Also show the future turnaround / access easement as required at the end of the alley as needed for adequate turnaround and access.

31. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction or early start.

32. The site subject to Privilege in streets agreements for an electrical vault and building footings per Doc No's 1736103 and 2010467 within the alley, State Street and W Gorham St. The agreements with the City shall be terminated upon the recording of the partial discontinuance of the alley and prior to the recording of the CSM. Contact City of Madison Office of Real Estate Services to coordinate the releases.

33. The site is subject to Privilege in streets agreement for a fire escape per Document No.'s 1740646 and 1986482 within the alley to be discontinued. The agreements with the City shall be terminated upon the recording of the partial discontinuance of the alley and prior to the recording of the CSM. Contact City of City of Madison Office of Real Estate Services to coordinate the release.

34. The current plans do not indicate any improvements encroaching any of the adjacent public right of ways. Although, there are some fixed canopies shown in the renderings that appear very near the public right of ways or possibly extending into the right of ways. The Applicant shall confirm and note on the plans all encroachments into any public right of way, including, (but not limited to) balconies, roof overhangs, fixed canopies and underground vaults. If there are any encroachments, either remove them from the right of way areas or make an application with City of Madison Real Estate for a privilege in streets agreement. Link as follows - <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

35. The site is subject to Privilege in streets agreement for a bike racks per Document No. 5065701 within W Gorham St. The agreement with the City shall be terminated upon the removal of the bike racks from the right of way. Contact City of City of Madison Office of Real Estate Services to coordinate the release.

36. All existing addresses will be retired and archived with the demolitions and the recording of the certified survey map.

The base address of the apartments is 339 W Gorham St. Additional addresses will be determined with the creation and approval of the addressing plans. Commercial tenant spaces will be determined when tenant space configurations are known.

The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

37. Submit a Floor Plan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)) that includes a floor plan for each floor on a separate sheet for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the second review submittal for this LNDUSE with Zoning. The approved Addressing Plan shall be included in said final submittal.

For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be added, changed and/or reapproved.

**Traffic Engineering** (Contact Sean Malloy, (608) 266-5987)

38. Parking deck is insufficiently labeled/dimensioned for a proper review. If the parking does not meet MGO 10.08 the applicant can expect to be required to make major alteration which may or may not impact structural elements of this site.
39. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of an eight (8)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Johnson Street.
40. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of an (eight)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Gorham Street.
41. The applicant shall construct a bump out at the Northeastern corner of the W. Gorham Street/ N. Broom Street intersection according to plan approved by City Traffic Engineer. Applicant shall enter into a developer's agreement with City Engineering to complete the work.
42. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

43. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
44. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
45. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
46. The applicant(s) shall maintain a 5 foot wide, Americans with Disabilities Act (ADA) compliant, pedestrian walkway for the duration of the project on all street frontages classified as a collector or higher. The applicant shall also maintain a 5 foot wide bicycle lane for the duration of the project on all street frontages with existing bicycle facilities. Exceptions to this requirement may be granted by Traffic Engineering on a limited term basis if and when the applicant can show a public safety concern and they also provide a clear date when the pedestrian/bicycle facilities are to be restored. All closures shall be designed by the applicant, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), to be submitted and approved by Traffic Engineering.
47. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
48. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
49. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) – Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
50. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by DeAndre Newson, (266-4768, [dnewson2@cityofmadison.com](mailto:dnewson2@cityofmadison.com)) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
51. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
52. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.

53. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
54. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
55. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on Gorham Street, Johnson Street, State Street, and Broom Street will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.
56. Note: The applicant has submitted the requested Traffic study and Transportation Demand Management Plan; the studies has been reviewed and accepted by Traffic Engineering.

**Zoning Administrator** (Contact Jenny Kirchgatter, (608) 266-4429)

57. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson at [streets@cityofmadison.com](mailto:streets@cityofmadison.com). Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
58. Work with Zoning and Planning staff to finalize the zoning text for the Planned Development.
59. Per Section 28.134(3) Capitol View Preservation, show the height of the building per City Datum. No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or one hundred eighty-seven and two-tenths (187.2) feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as eight hundred forty-five and six-tenths (845.6) feet above sea level as established by the United States Coast and Geodetic Survey.
60. Show the 30' setback along the State Street frontage on the fourth floor plan. A 30' setback is required above four stories on the State Street frontage.
61. Provide electric vehicle stalls per Section 28.141(8)(e) *Electric Vehicle Charging Station Requirements*. A minimum of 10% of the residential parking stalls (21 stalls) must be electric vehicle ready, and a minimum of 2% of the stalls (4 stalls) must be electric vehicle installed. One (1) of the electric vehicle installed stalls must be an accessible stall. Identify the locations of the electric vehicle ready and installed stalls and add the counts to the parking summary.

62. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Provide a minimum of 12 short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance.
63. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 530 resident bicycle stalls are required plus a minimum of 39 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. Show the dimensions of the bicycle stalls and the access aisles on the plans. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. The access aisles must not be obstructed by vehicles, columns or other structures. Provide details of the proposed bike racks including any structured or wall mount bike racks.
64. Moped parking is not required, however where moped or scooter off-street parking is provided it shall meet the standards of Section 28.142(12). Show the dimensions of the moped parking spaces. Spaces shall be a minimum of three (3) feet by six (6) feet in size with a drive aisle of five (5) feet wide.
65. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
66. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of greater than or equal to fifty percent (50%) glass, at least eighty-five percent (85%) of the glass must be treated. All glass within fifteen (15) feet of a building corner must be treated when see through or fly through conditions exist. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. All glass railings must be treated. Identify which glass areas will be treated, and provide a detail of the specific treatment that will be used.
67. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. If exterior building lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
68. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
69. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Madison Fire Department** (Contact Bill Sullivan, (608) 261-9658)

70. Provide additional fire access lanes/details. Plans indicate the required aerial access requirements but need to ensure compliance with other elements per MGO 34.
71. Refer to City Engineering regarding addressing compliance. The project will have a Gorham Street address. Update all documents accordingly.

**Parks Division** (Contact Ann Freiwald, (608) 243-2848)

72. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Central Park-Infrastructure Impact Fee district. Please reference ID# 21024 when contacting Parks about this project.

**Forestry Division** (Contact Bradley Hofmann, (608) 267-4908)

73. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal. Show all existing street trees on plan.
74. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
75. Contractor shall contact City Forestry at 266-4816 to issue a street tree removal permit for 3 street trees 6" Pear & 6" Elm tree along W Gorham for staging & 2" Locust along W Johnson St for a loading dock approach. The 7" Elm street tree along N Broom St may be removed depending upon the design placement of an underground utility vault. This right of way encroachment proposal will be reviewed by Forestry under the Privilege in Streets Agreement. Add as a note on the plan set.
76. Contractor shall contact City Forestry at 266-4816 to schedule delivery of salvaged tree grates to City Forestry facility. Add as a note on the plan set.
77. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.



78. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
79. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
80. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
81. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
82. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted City Forestry for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note to plan: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.
83. No later than five business days prior to forming concrete and constructing tree grate sites, the Contractor shall contact City Forestry at (608) 266-4816 to identify and locate underground conflicts (utilities, vaults, conduit) or other underground obstructions and determine grate locations. Tree grate with frame type: Neenah 4x8 (R-8815-A). Tree guard Neenah (R-8501-4818). Add as a note on the plan set.
84. On this project, the installation of a pavement support system (Silva Cell, GreenBlue or equivalent as approved by city) surrounding tree grate locations is required when the terrace is concrete. The Contractor shall contact City Forestry at (608) 266-4816 to identify and locate underground conflicts (utilities, vaults, conduit) or other underground obstructions and determine grate locations before support system installation. Add as a note on the plan set.
85. Applicant shall work with City Forestry and Engineering during the right of way design process to address street tree and utility conflicts. Any street tree removals due to utility improvements within the right of way shall be reviewed and approved by the Board of Public Works. Any approval of Privilege in Streets Agreements shall be reviewed by Forestry for street tree impacts.

86. The Developer shall post a security deposit prior to the start of the development to be collected by City Engineering. In the event that street trees are damaged during the construction process, the Developer shall reimburse the city for the loss of each street tree.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

87. The proposed development may require the installation of a fire protection/automatic sprinkler system (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates. If a new water service will be required, contact Madison Water Utility Engineering Section to evaluate service connection options, confirmation of water meter size, or any applicable customer account revisions.

88. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

89. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

**Metro Transit** (Contact Timothy Sobota, (608) 261-4289)

90. In coordination with public works improvements, the applicant shall maintain or replace the existing concrete boarding terrace at the bus stop on the east side of N Broom Street, south of W Gorham Street (#0087).

91. The applicant shall install and maintain a new passenger waiting shelter with seating amenity - either as part of the private landscape plan or in the public right-of-way area. If located in the public right-of-way, the applicant shall submit a Privilege in Streets (Bus Shelter) application for review by the City. An approved Encroachment Agreement, for the bus shelter, shall be executed prior to sign off. Contact City Real Estate to start the Privilege in Streets (Bus Shelter) application process. (MGO 10.31)

92. The existing curbside bus stop zone and accessible pedestrian terrace area provide critical access to the City's transit operations, and any planned or permitted obstruction of the existing bus stop zone or shelter in excess of thirty (30) days may require additional right-of-way improvements and/or other mitigation measures in coordination with Traffic Engineering and Metro Transit staff - in order to create an alternate bus stop zone that would serve the N Broom Street at W Gorham Street intersection area in a comparable operational and accessible manner.

93. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

94. Metro Transit operates daily all-day transit service along N Broom Street, adjacent this property (at least ten trips per hour, on weekdays, effective Fall of 2021). Bus stop ID #0087 is on the east side of N Broom Street, south of W Gorham Street. Trips primarily depart this curbside stop using the traffic signal to complete their left turn movement into northern curb lane of westbound W Gorham Street.

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## ***Certified Survey Map***

### **Engineering Division (Main Office)** (Contact Tim Troester, (608) 267-1995)

95. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
96. Construct asphalt, curb and gutter, terrace, sidewalk and pedestrian bumpouts to a plan as approved by City Engineer. Reconstruct new stormwater inlets and leads for pedestrian bumpouts. Note: Sidewalks on W. Gorham St. & W. Johnson St. are required to be 17' wide (8' terrace, 8' sidewalk, 1' behind sidewalk).
97. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
98. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 261-1995 ([ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com)) or Brenda Stanley (East) at 608-261-9127 ([bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com)) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)
99. Based on historical Sanborn Fire Insurance Maps, the properties in this CSM contained at least 3 underground storage tank beds (9 total tanks), and 6 properties related to auto service, sales, and repair. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.
100. Abandon all existing subterranean vaults within the ROW.
101. Each lot shall be individually responsible for compliance with Madison Ordinance Chapter 37 requirements.
102. No change in grades shall be allowed without the approval of the City Engineer.

**City Engineering – Mapping** (Contact Jeffrey Quamme, (608) 266-4097)

103. The Applicant shall Dedicate the required Right of way or grant a Public Sidewalk Easement as required by Traffic Engineering along W Gorham St and W Johnson St on the face of the Certified Survey Map. If the Public Sidewalk Easement is the option exercised and approved, contact Jeff Quamme for the required Easement Language to be placed on the Certified Survey Map.
104. A draft petition of the partial alley discontinuance that is proposed with this development and CSM has not yet been provided for preliminary review by City Agencies. Provide a draft petition with maps showing the proposed portion of the alley to be discontinued for review and comment by City agencies. Upon the review and comments of City Agencies being addressed, the Developer shall petition for the partial alley discontinuance and vacation for the alley off of W Johnson Street currently serving the backs of parcels on Gorham, State and E Johnson Streets. A petition along with legal description and sketch of the right of way to be vacated, any additional easement area maps for access and turnaround to be granted to the adjacent owners and the City of Madison along with any other required materials. The resolution for the discontinuance shall be conditioned upon any required access easements benefitting the adjacent owners and the City of Madison being finalized and agreed upon with the adjacent owners and the City of Madison. Any required easements shall be recorded subsequent to the CSM and prior to the final site plan sign off. Please note that any existing Utilities having facilities within any portion of the alley to be discontinued will retain easement rights within that discontinued area. The Applicant is encouraged to contact those utilities to coordinate any movement of utilities and additional easements required for the development.
105. Grant a permanent limited easement to the City of Madison for a turn around adjacent to public alley. The easement text include: Permanent Limited Easement benefitting the City of Madison for public vehicular turnaround improvement purposes. Contact Jeff Quamme for to confirm the final text, terms and conditions. Note: The Subterranean Electric Vault under turnaround will require MGO 10.31 Loading of (250 PSF).
106. The Site Plan indicates a transformer vault encroaching into the public right of way of S Broom Street and the Public Alley to remain. The Applicant shall confirm and note on the plans all encroachments, including, (but not limited to) balconies, roof overhangs and underground vaults. Make an application with City of Madison Real Estate for a privilege in streets agreement. Link as follows - <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way. Note: Vault will not be permitted under street within 2' of Face of Curb on S Broom Street. Vault must follow MGO 10.31 loading (250 PSF).
107. This pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.
108. Lands within this CSM are subject to Privilege in streets agreements for an electrical vault and building footings per Doc No's 1736103 and 2010467 within the alley, State Street and W Gorham St. The agreements with the City shall be terminated upon the recording of the partial discontinuance of the alley and prior to the recording of the CSM. Contact City of Madison Office of Real Estate Services to coordinate the releases. The references shall be removed from the map.

109. Applicant shall determine if the existing Memorandum of Lease for a fire exit path per Doc No. 3460647 will be subject to the Doctrine of Title Merger upon the lands within this proposed CSM being under identical ownership. If so, the easement and label shall be removed from the CSM.
110. The site is subject to Privilege in streets agreement for a fire escape per Document No.'s 1740646 and 1986482 within the alley to be discontinued. The agreements with the City shall be terminated upon the recording of the partial discontinuance of the alley and prior to the recording of the CSM. Contact City of Madison Office of Real Estate Services to coordinate the release. The references shall be removed from the map.
111. Show and label the Underground Electric Easement to MGE per Document No. 1709427 on the Easement Details Sheet 2.
112. Applicant shall determine if the existing Easements per Doc No's 442026 and 442575 will be subject to the Doctrine of Title Merger upon the lands within this proposed CSM being under identical ownership. If so, the easement and label shall be removed from the CSM.
113. The portion of this CSM along State Street is subject to an Easement to Wisconsin Telephone Company per Document No. 1743078. Either this easement shall be released or appropriately noted on the CSM.
114. Provide recorded as data along all boundary lines where missing. The Southeast line of Lot 13 is substantially longer than 132 feet. Please provide information supporting the additional depth of the lots along W Johnson Street.
115. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com))
116. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jeff Quamme ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
117. The header for each sheet and for the legal description shall include text "and part of a Discontinued and Vacated alley per Document No. \_\_\_\_\_". The Document No. will be available prior to recording the Certified Survey Map.
118. It appears the right of way width of W Johnson Street adjacent to this CSM may be less than 66 feet. Confirm and provide any measured as widths of the adjacent right of ways.
119. Fix overlapping dimensions on sheet 1 to make the dimensions readable.
120. Add text to the Public Alley label that it is per Document No. 472131 and partially vacated per Document No. \_\_\_\_\_.

121. Submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded plat:
- a) Right-of-Way lines (public and private)
  - b) Lot lines
  - c) Lot numbers
  - d) Lot/Plat dimensions
  - e) Street names
  - f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

**Traffic Engineering** (Contact Sean Malloy, (608) 266-5987)

122. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of an (eight)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Gorham Street.
123. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of an (eight)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Johnson Street.

**Parks Division** (Contact Ann Freiwald, (608) 243-2848)

124. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Central Park-Infrastructure Impact Fee district. Please reference ID# 21024 when contacting Parks about this project.
125. The following note should be included on the CSM: "LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED."
126. The Parks Division shall be required to sign off on this CSM.

**Office of Real Estate Services** (Contact Lance Vest, (608) 245-5794)

127. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report.

When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

128. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s).
129. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off. The most recent title reports provided to ORES include the mortgages recorded as follows: Doc. No.1745738, Doc. No.1804133, Doc. No. 4651770, Doc. No.1119000, Doc. No.1139733, Doc. No.1190247, Doc. No.1206596, Doc. No. 3463120, Doc. No. 3676973, Doc. No.3888386, Doc. No. 4083350, Doc. No. 1451270, Doc. No. 1755873, Doc. No. 1755874.
130. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language ...surveyed, divided, mapped and dedicated....
131. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
132. As of August 31st, 2021, the 2020 real estate taxes are paid for the subject property.

Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to:

City of Madison Treasurer  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53701

133. As of August 31st, 2021, there are special assessments reported for the properties within the CSM boundary. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.

In lieu of this requirement, the owner may present written documentation from the City's Board of Public Works that the special assessments may be continued to be paid on the installment basis authorized by the Board of Public Works. However, if lands within the CSM boundary are to be dedicated, the special assessments levied against the dedicated lands are to be paid in full.

134. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to ORES via email to Lance Vest ([lvest@cityofmadison.com](mailto:lvest@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (March 14, 2021) submitted with the CSM application and include all associated documents that have been recorded since the initial title report.

A title commitment may be provided, but will be considered only as supplementary information to the title report update. Surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

135. Depict, name, and identify by document number all existing easements cited in record title and the updated title report. In particular, depict or include a reference to the easements recorded as Doc. Nos. 1709427, 1743078, and 3462443.
136. If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.
137. Liens or judgments levied against the lands within the CSM boundary shall be satisfied, with proof of satisfaction provided prior to CSM approval sign-off.

**The following agencies have reviewed this request and has recommended no conditions of approval:**

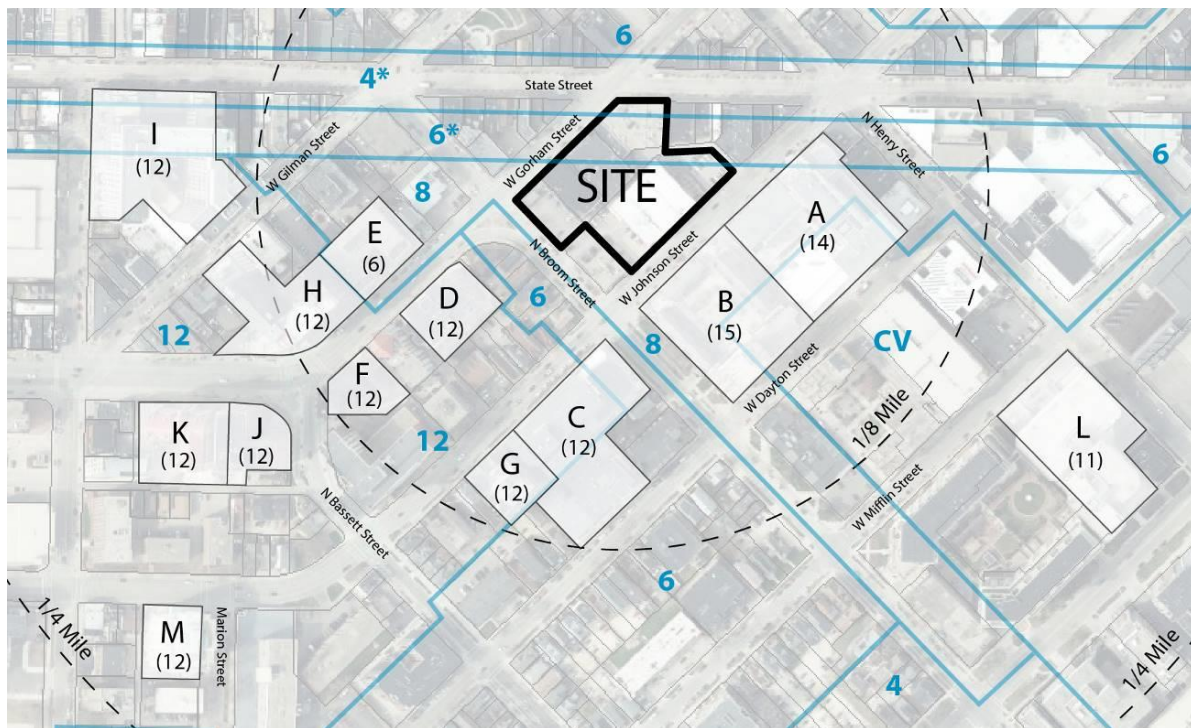
Zoning, Assessor's Office, Fire, Forestry, Water Utility, Metro



**ATTACHMENT A -- ADDITIONAL HEIGHT INFORMATION FOR SURROUNDING PROPERTIES**

	Project Name	Address	Distance from Subject Property (ft)	Zoning	Lot Size (acres)	Height (Stories)	Dwelling Units	Density (du/ac)	Bed-rooms	Bed-rooms / Acre	Auto Parking	Stalls / Unit
A	Ovation 309	309 W Johnson St	65 ft (SE) (directly across W Johnson St)	PD	1.63	14	255	156	319	196	255	1.0
B	Capitol Centre Court Apartments	344 W Dayton St	65 ft (SE) (directly across W Johnson St)	PD	1.44	15	118	82	186	129	212	1.8
C	The Domain	406 W Johnson St	150 ft (S) (directly across W Johnson St)	UMX	1.4	12	326	233	393	281	259	0.8
D	Equinox	409 W Gorham St	165 ft (SW)	PD	0.5	12	115	230	329	658	81	0.7
E	420 West	420 W Gorham St	200 ft (W)	PD	0.5	6	80	160	196	392	35	0.4
F	The James	432 W Gorham St	370 ft (SW)	UMX	0.99	12	367	372	850	862	152	0.4
G	The Lux	425 W Johnson St	390 ft (SW)	UMX	0.41	12	160	390	181	441	149	0.9
H	Aberdeen	437 W Gorham St	430 ft (SW)	PD	0.35	12	77	220	225	643	24	0.3
I	The Hub	437 N Frances St	550 ft (W)	DC	1.62	12	329	203	980	604	160	0.5
J	Embassy	505 University Ave	650 ft (SW)	PD	0.46	12	126	274	281	611	70	0.6
K	La Ceil	515 University Ave	715 ft (SW)	PD	0.69	12	86	125	196	284	34	0.4
L	Cap. West	306 W Mifflin St	730 ft (SE)	UMX	0.61	11	172	282	210	344	178	1.0
M	Palisade	535 W Johnson St	1,000 ft (SW)	PD	0.41	12	93	227	250	610	81	0.9
N	Univ. Square	700 University Ave	1,445 ft (SW)	PD	3.16	12	350	111	1010	320	421	1.2
Average					1.0	11.9	189.6	218.9	400.4	455.3	150.8	0.8
	Oliv Madison	341 State St et al	--	PD	1.82	10	386	212	939	516	211	0.5

**Table 2: Comparison of Proposed Development to Other Large Developments within ¼ Mile**



**Image 6: The Proposed and Nearby Developments referenced above in Table 2. (Note: Number of stories of each building shown in parentheses. Downtown Building Height Map shown in blue)**