



PREPARED FOR THE PLAN COMMISSION AND URBAN DESIGN COMMISSION

**Project Address:** 1002-1046 East Washington Avenue  
(2<sup>nd</sup> Aldermanic District, Alder Zellers)

**Application Type:** Demolition and Conditional Use

**Legistar File ID #:** [40591](#), [40593](#), and [40940](#)

**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Jonathan Parker; Eppstein Uhen Architects; 309 W Johnson St., Ste, 202, Madison, WI 53703

**Project Contact:** Paul Raislinger; Eppstein Uhen Architects; 309 W Johnson St., Ste, 202, Madison, WI 53703

**Property Owner:** Rich Arneson; 625 N. Segoe Rd., #107, Madison, WI, 53705

**Requested Action:** Approval of the demolition of a vacant manufacturing building and a conditional use for construction of a mixed-use building over five stories in height with residential uses, general retail uses, and an auto repair facility in the Traditional Employment (TE) District.

**Proposal Summary:** The applicant proposes to demolish three commercial buildings totaling 114,000 square feet in order to construct an 11-story mixed use building with approximately 16,800 square feet of ground floor commercial space, including an auto-repair facility, 50,800 square feet of office space on floors two and three, and 198 residential units.

**Applicable Regulations & Standards:** This proposal is subject to the standards for demolition (MGO Section 28.185), conditional uses (MGO Section 28.183), and development in Urban Design District 8 (MGO 33.24(15)).

**Review Required By:** Plan Commission (PC), Urban Design Commission (UDC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards can be met, and **approve** the request at 1002-1046 East Washington Avenue. Staff also recommends that the Plan Commission forward the amendment to Urban Design District 8, which would increase the allowable height for the proposed eleventh story, with a recommendation to **approve**. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** The property is on the northeast corner of East Washington Avenue and North Brearly Street, also bounded by East Mifflin Street to the north; Traditional Employment (TE) Zoning District; Wellhead Protection District 24; Urban Design District 8; Tax Increment District 36; Aldermanic District 2 (Zellers); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The property currently has three commercial buildings and associated space for parking, loading, circulation, and storage. Two of the buildings are vacant, and were historically used for dairy manufacturing. The third was and is still utilized by Car X as an auto-repair facility.

**Surrounding Land Use and Zoning:**

Northwest: Lapham Elementary School and associated open space in the Traditional Residential – Varied 1 (TR-V1) District

Northeast: Vacant property on the other half of this block in the TE District

Southeast: Immediately to the southeast on the property, Car X auto repair facility in the TE District (this use would be included in the proposed new building and eliminated from its current location). Across East Washington Avenue to the southeast, two-story brick buildings in the TE District

Southwest: Across North Brearly Street to the southwest, Breese Stevens Field in the Parks and Recreation (PR) District

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends Employment uses for the East Washington Avenue half of the site, and Medium-Density residential uses for the East Mifflin Street half of the site.

**Zoning Summary:** The property is in the Traditional Employment (TE) District. Zoning comments will be provided to the Plan Commission in January.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services, including frequent transit service along East Washington Avenue, East Johnson Street, and East Gorham Street.

## Related Reviews and Approvals

**Amendment to UDD 8** – In conjunction with this proposal, the applicant is seeking an amendment to Urban Design District 8 to allow additional height for a partial 11<sup>th</sup> floor on the building. As proposed, the 11<sup>th</sup> floor would include a meeting room, common area, and fitness room. Please see Legislative Item No. [40940](#) for more details on this request.

**WHEDA Section 42 Tax Credits** – If land use entitlements are granted, the applicant intends to submit application materials in late January 2016 seeking WHEDA tax credits for the project, which would provide support for the affordability of 55 of the dwelling units for households with incomes at or below 60%, 50%, or 30% of the area median income, for a period of thirty years.

**Affordable Housing Funds** - In conjunction with WHEDA tax credits, the applicant has requested a total of \$1.1 million dollars in City of Madison support for the affordable housing units. On December 1, 2015, the Common council approved \$1 million in 2016 City funding support for the proposal, should all land use entitlements be granted. Please see Legislative Item No. [40651](#) for more details on this request.

**Tax Increment Financing** – The applicant is currently working with staff in the Economic Development Division on a request for TIF support for both the affordable housing component and the proposed structured parking for the development. Staff anticipates that the request will come before the Board of Estimates and Common Council in the near future.

**Certified Survey Map** – A three-lot CSM submitted in conjunction with the proposal would eliminate underlying platted lot lines on the entire block, and result in a 2.4-acre property for the proposed mixed-use building, and a 0.5 and 1.37-acre properties on the eastern half of the block, which are not proposed for development at this time. Please see Legislative ID [40593](#) for more details.

## Project Description

The proposal involves the demolition of three commercial buildings totaling 114,000 square feet in order to construct an 11-story, 430,000 square foot mixed-use building on the western half of this block.

**Proposed Demolition** – The three commercial buildings on the block are proposed for demolition as follows:

- 1002 E Washington Ave - 51,000 square foot vacant commercial building constructed in 1929
- 1028 E Washington Ave - 59,000 square foot vacant commercial building constructed in 1927
- 1032 E Washington Ave - 4,000 square foot commercial building constructed in 1963, currently used as a Car X auto-repair facility

**Proposed Land Use** – The proposed 11-story building would be oriented to East Washington, North Brearly, and East Mifflin Streets, with active uses facing all streets and surrounding a structured parking area in the center of the property. Facing East Washington Avenue, the ground floor of the proposed building includes 10,500 square feet of retail space, a 3,900 square foot auto-repair facility with limited parking opportunities on the side of the building, and a 5,900 square foot “maker space”. Second and third floors together include 50,800 square feet of office space. Floors 4-10 include 133 market rate apartment units ranging in size from 575 to 1,224 square feet. The unit mix for this portion of the building includes 14 efficiencies, 77 one-bedroom, and 42 two-bedroom units.

65 residential units are proposed within the four-story element of the building along South Brearly and East Mifflin Streets. Contingent on the applicant’s receipt of WHEDA tax credits in 2016, 55 of the dwelling units facing Brearly and Mifflin would be affordable and rented to households making 30%-60% of the area median income. The proposed unit mix in this part of the building would be 9 efficiencies, 29 one-bedroom, 18 two-bedroom, and nine two-story, three-bedroom townhomes.

Throughout the building, each apartment has its own laundry facilities, and there are trash and recycling chutes in both the “tower” element and the four-story element. Interior amenities include a fourth floor community room leading to the rooftop terrace, an eleventh floor common room, meeting room, and fitness room. Shared usable open spaces include a large fourth floor rooftop terrace in the center of the site above the parking area, and a 2,700 square foot rooftop terrace on the eleventh floor overlooking Breese Stevens Field. A majority of the dwelling units have their own private balconies or stoops, and there are small usable open spaces along Mifflin Street in front of the two-story townhome units.

Net residential density for the 2.5 acre site is approximately 79 dwelling units per acre (52 du/ac on the East Mifflin Street side, and 106 du/ac on the East Washington Avenue side).

**Building Placement, Bulk, and Massing** – The site is arranged with a central three-level parking structure surrounded by a four to eleven story building with active uses on the three street sides. Along East Washington Avenue, a three-story, approximately 46-foot facade parallels East Washington Avenue. Above it, a tower element reaching up to 11 stories and 132 feet is stepped back from the front facade by 20 feet. Along its 290-foot façade, two 40-foot wide building elements and several balconies project five feet forward to the required 15-foot upper-level setback. The tower portion of the building is approximately 90 feet deep along North Brearly Street. Along the remainder of the North Brearly Street side, and along 290 feet of East Mifflin Street is a four-story, 47-foot building element. The fourth floor is stepped back five feet on the Mifflin Street side of the building, as is required in Urban Design District 8 for this portion of the site. Individual entries, balconies, and minor modulations in the facade help to break up the length of this part of the building.

The placement of the building meets the detailed setback requirements in Urban Design District 8. The building is set back approximately 15 feet from East Washington Avenue, with slight modulation of the facade where it meets the ground. Along North Brearly Street, the commercial portion of the building nearest to East Washington Avenue is set back five feet from the property line, and the residential units on the back portion

of the building are set back approximately 10 feet, allowing for a greater separation and “front yard” in this area. Along East Mifflin Street, where ground floor residential units with individual entries are located, the building is set back approximately 12 feet.

**Access, Circulation, and Parking** – Automobile access to the site and structured parking area is proposed with a primary entry and exit point from North Brearly Street on the west side of the building. Automobiles may also enter the site from East Washington Avenue, although the applicant indicates that this entrance may be limited to customers for the automobile repair service. Exits are provided to Brearly, East Washington, and North Ingersoll Street. In addition to these access points, bicycle access to the site, while not clearly shown on plans, would be provided from the East Mifflin Street bike boulevard, and a bicycle and pedestrian connection would be provided mid-block.

Plans for the parking structure currently show 358 automobile stalls and 217 bicycle stalls on three levels. A large bicycle parking area with 142 stalls is provided on the first floor of the parking structure, with 50 on the second floor and 25 on the third floor. 76 additional bicycle stalls are provided outside the building, distributed throughout the site. Staff has requested further information on parking management, but understands that 100 or more stalls will be made available for occasional use by the public for evening events associated with Breese Stevens Field.

The main entrance to the residential lobby for the four-story element is located on S Brearly St near E Mifflin St, and the main entrance to the offices and ten-story residential element is on E Washington Ave near N Brearly St. Secondary entrances to the building are provided from N Brearly St and on the east side of the building. Individual entrances are provided to all ground floor retail spaces from both E Washington Ave and N Brearly St, as well as to the two-story townhome units along E Mifflin St.

**Exterior Materials and Site Details** – While this is proposed as a single building, exterior materials associated with the two distinct building components differ significantly.

*East Washington Avenue* - For the 11-story element on the East Washington side of the site, the building has a stone base and high proportion of storefront windows on the first floor, with glass and narrow stone elements reaching up to the top of the third floor in an area framing the main entrance to the building. Second and third floors along East Washington Avenue and both sides of the building are clad in a dark utility brick, with dark gray metal panels integrated between the second and third floor windows.

Floors four through ten are clad primarily with a tan metal panel system. White metal panels and green and orange EIFS panels are proposed as accent materials in the balconies. Two 40-foot wide building elements project in front of the main tower element by five feet, and are clad with a light brown utility brick, which turns the corner and is the primary material on upper levels of the east (interior block) facade. On the eleventh floor, a community room space on the corner of the building is clad completely in glass, with a white metal panel band along the top. Finally rooftop mechanicals are screened with a 12-foot high corrugated metal element, stepped back approximately 30 feet from the edge of the rooftop.

*East Mifflin and North Brearly Streets* – The four-story component of the building is clad primarily in four colors of fiber cement siding in dark yellow, olive, and brown colors, with tan metal paneling and rust colored EIFS as accent materials. This portion of the building is articulated with a mix of inset and protruding balconies and entrances to individual units spaced at twenty foot intervals along E Mifflin St and 40 foot intervals along N Brearly St. The applicant is currently working on revisions in this area, based on feedback received following an informational presentation to the Urban Design Commission.

*Landscape Plan* – The submitted landscape plan generally includes ornamental trees and low perennials in the 15-foot setback along E Washington Avenue. Along E Mifflin Street, plantings are multi-layered in front of the townhome units, with ornamental trees, shrubs, and perennials. Along Brearly, landscaping is more limited to

shrubs and low perennials. Additional ornamentals, shrubs, and perennials are shown in structured landscape areas on the rooftop terraces. Revisions to the landscape plan, particularly the inclusion of additional canopy trees, may be needed to meet the requirements of Urban Design District 8, and staff will share updates with the Plan Commission as the landscape plan evolves.

## Project Analysis and Conclusion

**Land Use and Plan Consistency** – The Comprehensive Plan (2006), Tenney-Lapham Neighborhood Plan (2008), and East Washington Avenue Capitol Gateway Corridor BUILD Plan (2008) have similar recommendations for this site. All plans recommend employment uses for the East Washington Avenue half of the site, with ground floor commercial retail uses. On this side, the neighborhood plan mentions desired uses such as business incubators, design firms, software, advertising, research, or other specialized employers. The BUILD plan specifies potential use of the ground floor for commercial uses. All plans recommend Medium-Density Residential uses for the East Mifflin Street half of the property facing Lapham Elementary School, with the neighborhood plan specifying a density range of 26-40 dwelling units per acre and the BUILD Plan including an opportunity for limited employment uses on this side.

The neighborhood plan recommends family residential uses across from Lapham School, and specifically supports row houses with individual entrances, which are proposed for the first two floors of the building. The height and stepback recommendations in both the neighborhood plan and the BUILD plan are the same as the requirements in Urban Design District 8. These are met with the proposal, with the exception of the small 11<sup>th</sup> floor common spaces, which can be supported contingent on Common Council approval for an ordinance amendment to allow for it.

The proposal has a higher overall residential density than what was recommended in adopted plans, and includes a significant residential component above the office use along East Washington Avenue, which was not envisioned in the plans. However, the inclusion of a significant 50,000 square foot office user, a ground floor “maker space”, ground floor retail, and the relocation of the existing CarX facility into the mixed use building are all consistent with recommended “employment” uses on this side of the property.

Staff supports the higher density proposed, as well as the integration of residential uses on upper floors of the building along East Washington Avenue for three reasons. First, given the square footage and versatile design of the allotted space to support employment and other commercial uses over time, the land use recommendation for employment uses is fulfilled; second, the program provided in the building (quality usable open spaces, common areas, and sufficient parking) supports the density proposed on the site; and third, the amenities surrounding the site (an elementary school, quality parks and open spaces, a full-service grocery store, retail, restaurants, and diverse opportunities for employment, and excellent transit and bicycle infrastructure) make it an excellent location for the wide mix of household types that can be accommodated in the proposed building.

**Amendment to Height Requirements in Urban Design District 8** – Section 33.24(15) of the Madison General Ordinances currently limits development on the East Washington Avenue side of this property to a maximum of 8 stories, plus two additional bonus stories, if certain criteria are met. The proposed 11<sup>th</sup> floor element would require an amendment to this ordinance. Alder Zellers has sponsored an amendment to allow a partial third bonus story covering up to 10% of this half of the block, providing just enough space for the proposed 11<sup>th</sup> floor, which consists of a common room, meeting room, and fitness room. Staff supports the amendment (see Legislative Item No. [40940](#) for details).

**Demolition Standards** – Staff believes that the demolition standards are met with this proposal. The Preservation Planner noted that there is no preservation file related to the existing building, which was

originally constructed in 1927, but has had multiple additions between 1947 and 1989. In their informal review of the demolition request, the Landmarks Commission found no historic value in the buildings, and conveyed no concerns about the proposed demolition.

**Conditional Use Standards** – The Planning Division staff evaluation of the proposed project’s ability to meet the standards for conditional use approval is summarized below.

As stated in MGO Section 28.183(6)(a), *“The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable neighborhood, neighborhood development, or special area plan, including design guidelines as adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:*

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

Staff believes that this standard is met.

2. *The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard is met.

3. *The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

Staff believes that this standard is met. This redevelopment will be a welcome addition to the neighborhood, replacing a long vacant industrial site with a mixed-use building including residents, employment opportunities, and neighborhood and community-serving commercial spaces.

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Staff believes that this standard is met. The incorporation of the Car X use into the building unlocks the development potential of the rest of the block, and the layout of the structured parking area supports a wide variety of options for its future development.

5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

Staff believes that this standard can be met, so long as conditions of approval related to parking and the midblock pedestrian path are sufficiently addressed. This area has excellent transit and bicycle infrastructure, and the site is within easy walking distance of many necessities and amenities for residents and employees on the property. The provision of parking, both automobile and bicycle, appears to be adequate to serve the proposed uses.

6. *Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Staff believes that this standard can be met. The applicant is currently working with prospective tenants on TDM strategies, which can be shared with the Plan Commission in January.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard is met, so long as all Zoning conditions of approval are sufficiently addressed.

9. *When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendations.*

*Statement of Purpose for Traditional Employment District*

*The TE District is established to encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many Traditional Employment locations. Residential uses are of secondary importance. The district is also intended to:*

- a) Encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base.*
- b) Support the continued use or adaptive re-use of transitional industrial buildings for a variety of purposes.*
- c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor, or special area plans.*

Staff believes that this standard can be met, given that the proposal is consistent with recommendations in adopted plans, and conforms to the detailed design requirements in Urban Design District 8. The applicant is currently working on small changes in response to comments received following a November 18 informational presentation to the Urban Design Commission, and the UDC will review these revisions on December 9. Feedback from the UDC will be conveyed to the Plan Commission, and conditions of approval recommended by the UDC should be met in final plans submitted for staff review and approval.

12. *When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows, and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.*

The Traditional Employment District allows for five-story buildings by right, and taller buildings if approved as a conditional use. Staff believes that this standard can be met, so long as the associated amendment to Urban Design District 8, which would increase the allowable height on a small portion of this block to eleven stories, is ultimately approved by the Common Council. The proposed height is generally consistent with recommendations in adopted plans, and the placement of the bulk of height above four stories along East Washington Avenue minimizes any negative impacts on the adjacent neighborhood.

[Standards 8, 9-11, and 13-15 do not apply to this request]

**Design Requirements in UDD 8** - *Note: Plan revisions submitted by the applicant on December 2 are not reflected in this report, and should be carefully reviewed by the UDC on December 9.*

Staff analyzed the original proposal against design requirements and guidelines in MGO Section 33.24(15)(e) as follows:

1. Building Height – With a change to the allowable height for Block 4b, the proposal meets this requirement. The building stepback from East Mifflin Street on the north side of the block maintains the 30 degree angle from the Mifflin Street required setback, and along East Washington Avenue, upper levels are stepped back between 15 and 20 feet from the third floor rooftop.
2. Building Location and Orientation – The proposal meets the requirements and guidelines of this section.
3. Building Height, Location, and Stepback – Already addressed above in #1 and #2.
4. Parking and Service Areas –With its structured parking area and hidden mechanicals and trash, the proposal meets the requirements in this section. Most of the guidelines in this section are irrelevant, as they relate to surface parking areas. Relevant guidelines related to obscuring parking ramps with active uses, and the distribution of bicycle parking are met.
5. Landscaping and Open Space- It does not appear that requirements in this section related to canopy trees are met, as the submitted landscape plan does not show canopy trees within the fifteen foot setback from East Washington Avenue. The applicant should work with staff to improve the landscape plan as it relates to the provision of canopy trees on private and public property.

The general direction of the landscape plan appears to be adequate, but staff recommends that more detail be provided to the UDC prior to final design approval. Specifically, the applicant should provide specifications and materials for any raised planters, note all groundcover on shared rooftop terraces, and provide an example elevation of the ground floor residential units showing mature landscaping.

6. Site Lighting and Furnishings- The UDC should review the photometrics and determine whether these requirements and guidelines have been met. Staff recommends that additional detail related to the on-building lighting and the lighting of common rooftop terraces be provided to the UDC prior to final design approval.
7. Building Massing and Articulation – Staff believes that these requirements and guidelines can be met, but that additional detail related to window trim and transitions between building materials be provided.
8. Materials and Colors – The masonry, metal, and fiber cement materials are durable and high-quality. Staff would like further feedback from the UDC on the use of EIFS as an accent material, and on the material color palette as a whole. Staff understands that the applicant is working to simplify the planes and colors on the Mifflin Street facade, and looks forward to UDC feedback on the success of this elevation.
9. Windows and Entrances – Staff believes that the requirements for the percentage of window openings can be met, but the applicant should provide calculations to confirm this prior to final design approval by the UDC.
10. Signage – Signage will be subject to a future submittal and review by the UDC.
11. Restoration / Preservation Activities – This is not applicable to this site.



12. Upper Level Development Standards – Staff believes that these requirements can be met. The applicant appears to have met all requirements regarding the breaking up of the building mass above the fifth story. Also, contingent upon approval of an ordinance amendment to allow up to 11 stories on a small portion of this site, the proposal will meet the standards for upper level development (often referred to as “bonus stories”). Specifically, the proposal includes the following items:

- Inclusion of 20% of dwelling units at 50-60 AMI for a minimum of 15 years (if WHEDA Section 42 tax credits are awarded, the building would include 27% dwelling units at 30-60% AMI for a minimum of 30 years)
- Structured parking with 100 or more stalls that will be available at a small cost for occasional off-site events, such as evening events at Breese Stevens Field.
- Mid-block public pedestrian and bicycle connection linking East Mifflin St. with East Washington Ave.
- Community Rooms on the fourth and eleventh floors that will be available for tenants in the respective parts of the building, and will occasionally be available for public use if coordinated with the property manager.
- Approximately 7,700 square feet of usable open space, including raised garden spaces, on the 3<sup>rd</sup> floor rooftop, for tenant use.
- Fitness room on the eleventh floor for use by tenants and employees in the East Washington Avenue half of the building.
- 2,678 square foot terrace on the 10<sup>th</sup> floor rooftop facing Breese Stevens Field, which will be available for tenants and employee use, and will occasionally be available for public use if coordinated with the property manager.

## Conclusion

The proposed half-block redevelopment in this location is generally consistent with recommendations in adopted plans, and would make a strong and positive impact in the area, replacing a long-vacant industrial building with office, retail, flex, and residential spaces to support a wide variety of businesses and households over time. The location is very well supported by transit service, bicycle infrastructure, and amenities such as employment opportunities, an elementary school, parks, a full-service grocery store, and neighborhood-supporting retail and restaurant spaces are within a two-block radius of the property. Given the significance of the building and the design requirements in Urban Design District 8, several details will need to be submitted for further review by the Urban Design Commission, but on the whole, staff strongly supports the proposal.

Further, staff supports the associated ordinance amendment to increase the allowable height for a small portion of this site to allow for the eleventh floor element, which includes a fitness room for tenants and employees, as well as a meeting room and rooftop terrace that could be made available for occasional public use.

## Recommendation

### Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards can be met, and **approve** the request at 1002-1046 East Washington Avenue. Staff also recommends that the Plan Commission forward the amendment to Urban Design District 8, which would increase the allowable height for the proposed eleventh story, with a recommendation to **approve**. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

### **Planning** (Contact Heather Stouder, 266-5974)

1. Approval of this conditional use, with the eleventh floor element, is contingent on subsequent approval by the Common Council of an amendment to MGO 33.24(15) to allow for additional height on a small portion of this block.
2. Prior to final review and approval by staff, a management plan shall be provided by the applicant including the following elements:
  - a) Details for management of the parking stalls, and an example lease reflecting parking expectations for the site
  - b) Trash management
  - c) Snow removal
  - d) Management of common open spaces, including the raised garden beds on the third floor rooftop
  - e) Management of the 11<sup>th</sup> floor rooms, including details on availability for occasional use by the public
  - f) Plans for move-in and move-out
3. Prior to final review and approval by staff, the applicant shall provide staff and the Urban Design Commission further detail on the groundcover, landscaping, and amenities in the usable open spaces, and a pedestrian-scale lighting plan, including on-building lighting, along East Mifflin Street, North Brearly Street, and East Washington Avenue.
4. In final plans submitted for review and approval by staff, the applicant shall make necessary revisions to demonstrate that there is a safe and convenient mid-block pedestrian path along the east side of the building.
5. Prior to review by the Plan Commission, the applicant shall submit to staff a Transportation Demand Management (TDM) Plan for the proposed building.
6. The applicant is encouraged to dedicate a parking space for a shared car, and to incorporate additional bicycle parking above basic zoning requirements by utilizing space in units, in front of residential automobile stalls, or in other areas as approved by Planning and Zoning staff.
7. Prior to final review and approval by staff, the Urban Design Commission must grant final approval for the design, and the applicant shall meet any conditions of approval recommended by the Urban Design Commission.
8. This conditional use approval includes the proposed ground floor retail use and auto-repair facility, as shown in submitted plans. Any future expansion of these uses, or the addition of a restaurant use or outdoor eating area, would require further review as an alteration to the conditional use or a new conditional use, as determined by the Zoning Administrator.

**Engineering Mapping** (Contact Jeff Quamme, 266-4097)

9. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
  10. The Site Plan indicates private storm sewer that will encroach laterally along and within the East Washington Ave right of way. The Applicant shall also confirm any other portions of the proposed building and/or any private site improvements that will encroach into the adjacent right of ways. This includes (not limited to) balconies and roof overhangs. All improvements that are to ultimately encroach into the right of way, the Applicant shall make an application with City of Madison for a privilege in streets administered by the City of Madison Office of Real Estate Services. Use the following link for application information.  
<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. Applicant shall first consider moving the storm sewer onto the private site prior to requesting a privilege in streets.
  11. Applicant shall provide for review reciprocal easements and agreements including, but not limited to, access, parking, bicycle parking, utilities, common areas and storm water drainage/management between lots that are necessary to accomplish the development as proposed. The document(s) shall then be executed and recorded and copies provided prior to building permit issuance.
  12. The base address of the residential (& upper floor commercial) is 1010 E Washington Ave. The base address of the residential entering from N Brearly St is 33 N Brearly St. The retail addresses are TBD with the creation of the addressing plan.
13. All site plans shall identify lot and block numbers of the proposed Certified Survey Map. Also, show all of the proposed lot lines and easements per the pending CSM. Show all existing easements that will not be released that encumber the site.
  14. Proposed Lot 3 of the pending CSM, being the lot along East Washington Avenue lying to the east of the proposed Lot 1 to be developed per the current plans is subject to a restriction (over current Lots 10-13, Block 170, Doc No. 3853677). Any future accesses or access permits for future Lot 3 are subject to approval by the City of Madison in order to adequately provide for the need to cite future bus shelter facilities along that Lot.
  15. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
  16. 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.

**City Engineering Division** (Contact Brenda Stanley 261-9127)

17. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14)).
18. All outstanding 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)).
19. The site plan shall be revised 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. Applicant shall provide a land use breakdown (# bedrooms) and a projected wastewater flow for the proposed development.
21. The construction of this project will require the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c).
22. The property is an open contaminant site with the WDNR (BRRTS #03-13-000314). A digital copy of the site investigation report and remedial actions report shall be submitted to Brynn Bemis (608.267.1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)). Applicant shall submit proof of coordination with the WDNR to remediate/close the site and address residual contaminant concerns associated with the proposed site plan (i.e. vapor mitigation, dewatering).
23. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
24. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY).
25. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted

- h) Lot/Plat dimensions
- i) Street names
- j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
- k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com) (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

26. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
  - a) SLAMM DAT files
  - b) RECARGA files
  - c) TR-55/HYDROCAD/Etc
  - d) Sediment loading calculations. 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 (POLICY and MGO 37.09(2)).
27. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit.
28. This project appears to require permanent dewatering. 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 be required.
29. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer. (POLICY AND MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b)).
30. 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. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com), or Jeff Benedict at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com) final document and fee should be submitted to City Engineering.
31. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
32. 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> (NOTIFICATION).

33. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office (POLICY).
34. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
35. Complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by MGO Chapter 37.
36. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
37. The approval of this zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer.. (MGO 16.23(9)(d)(6)).
38. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development (POLICY).
39. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
40. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
41. All damage to the pavement on E. Mifflin St., N. Brearly St., E. Washington Ave., adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:  
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).

**Traffic Engineering** (Contact Eric Halvorson, 266-6527)

42. Facility parking is not dimensioned and as such not reviewable at this time; Traffic Engineering reserves the right to make any comment up to and including comments that may require a redesign and cause the applicant to return to Plan Commission for approval. The applicant should be aware standard parking stalls are 9 feet by 18 feet with 24 foot of back-up, stall widths shall not be encroached upon by any items including building columns.
43. Development may increase traffic on the Mifflin Street Bike Boulevard. Applicant shall provide a 15,000 deposit to be used for traffic calming on the Bike Boulevard.

44. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
45. 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.
46. 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.
47. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
48. Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).
49. 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 four stories prior to sign-off to be reviewed and approved by Dave Nachreiner, (266-4899) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
50. "Stop" signs shall be installed at a height of seven (7) feet 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.
51. 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.
52. All bicycle parking adjacent public Right-of-Way shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
53. The applicant shall prepare a TDM to be reviewed and approved by the City Traffic Engineer. As a part of the TDM a Parking Management Plan for site and building operations shall be included.
54. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements
55. Applicant shall be aware that phase 2 may require additional right of way dedication and reconstruction of intersections to accommodate increased transportation demand.
56. 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 – 25 feet behind the property line at streets and 10 feet at driveways.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer.
57. The applicant shall prepare a TIA to be reviewed and approved by the City Traffic Engineer.

**Parks Division** (Contact Janet Schmidt, 261-9688)

58. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff of the rezoning request. This development is within the Tenney, Law, James Madison Impact fee district (SI26). Please reference ID# 15162 when contacting Parks about this project.

59. The Parks Division will be required to sign off on the pending CSM prior to the issuance of building permits for the development.

60. Forestry will permit the removal of the 14" & 15" Locust terrace trees on N. Brearly Street and one 9" Ash tree on N. Ingersoll Street as shown on the demolition plan. Any other tree removals will need to be reviewed and evaluated by Forestry. Contractor shall contact City Forestry at least one week prior to construction, to obtain a tree removal permit.

61. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a site plan (in PDF format) to Brian Meiller – bmeiller@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.

62. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.

**Water Utility** (Contact Dennis Cawley, 266-4651)

63. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

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

64. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

65. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503. Aerial access, Urban Design District requirements, landscaping and street trees shall be coordinated by the project developer.

66. Additional comments regarding building construction, exiting, and fire protection systems may be warranted as the project design continues to evolve.

67. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.



**Metro Transit** (Contact Tim Sobota, 261-4289)

68. In coordination with public works improvements, the applicant shall maintain or replace the concrete passenger boarding pad and shelter pad at the existing Metro bus stop on the north side of East Washington Avenue, west of North Ingersoll Street (#1650).
69. Due to operational requirements, including bus driver shift changes that occur daily at this site opposite the Metro bus garage facility, the existing public sidewalk and bus stop zone shall be maintained in an accessible condition at all times during adjacent construction.
70. 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 and approve the design. [See attached document "1002ewa\_METRO.pdf"].
71. Metro Transit operates daily transit service along East Washington Avenue through the North Ingersoll Street intersection. Bus stop ID #1650 is adjacent the proposed project site along the north side of East Washington Avenue, with the bus stop zone encompassing the area from the existing bus stop sign pole and concrete pad surfaces east back to the North Ingersoll Street intersection.

**Zoning Administrator** (Contact Matt Tucker, 266-4659)

Zoning comments will be provided to the Plan Commission when they are received.