



PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION

**Project Address:** 710 East Mifflin Street and 124 North Livingston Street  
(2<sup>nd</sup> Aldermanic District, Alder Zellers)

**Application Type:** Conditional Use

**Legistar File ID #:** [37378](#)

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

## Summary

**Applicant:** Veritas Village, LLC; PO Box 602237, Madison, WI, 53703

**Project Contact:** Joseph Lee, JLA Architects; 2418 Crossroads Drive, Ste. 2300, Madison, WI, 53718

**Property Owner:** Reynolds Rigging and Crane Service, Inc., 710 East Mifflin Street, Madison, WI, 53703

**Requested Action:** Approval of a conditional use for construction of a 189-unit multi-family residential building in the Traditional Residential – Urban 2 (TR-U2) District. Conditional use review is required for buildings with over eight units.

**Proposal Summary:** The applicant proposes to construct a four-story, 189-unit multi-family residential building with 192 automobile parking stalls in a partially submerged basement level.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses (MGO Section 28.183).

**Review Required By:** Landmarks Commission (LC), Plan Commission (PC), referred to Urban Design Commission (UDC) for advisory recommendation

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 710 East Mifflin Street and 124 North Livingston Street. 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 north side of East Mifflin Street, bound by East Dayton Street on the north and North Livingston street on the east; Aldermanic District 2 (Zellers); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The one-story building in the northeast portion of the site at 124 North Livingston was approved for demolition in 2014. The two-story brick warehouse operated by Century Link in the center of the block will remain, and while it will share an access driveway, it is not part of the Lot being created for this proposal. The black fence and brick pillars surrounding the site would be removed as part of the proposal.

**Surrounding Land Use and Zoning:**

**North:** Across East Dayton Street to the north, small multi-family residential buildings in the Traditional Residential – Varied 2 (TR-V2) and Traditional Residential – Urban 1 (TR-U1) Districts.

**East:** Across North Livingston Street to the east, Reynolds Park, with the Water Utility building for Well #24 in the Parks and Recreation (PR) District.

**South:** Across East Mifflin Street to the south, 217 residential units in the Constellation mixed-use building in the Planned Development (PD) District, and a warehousing and storage in the Traditional Employment (TE) District.

**West:** On the same block to the west, Century Link storage building, Das Kronenburg, a six-story residential condominium building and local landmark in the Planned Development (PD) District, and the City Market building, also a local landmark, in the TR-U2 District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends High-Density Residential and Park and Open Space uses for this property. The Tenney-Lapham Neighborhood Plan (adopted 2008 and amended in 2014) recommends high-density residential uses for this property.

**Zoning Summary:** The property is in the Traditional Residential – Urban 2 (TR-U2) District. Additional details will be provided when available.

**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 many Metro Transit Routes running along East Washington Avenue and nearby East Johnson and East Gorham Streets.

## Related Reviews and Approvals

**Landmarks Commission** – The Landmarks Commission will review the proposal on April 13 due to its adjacency to the Das Kronenburg condominium building, a local Landmark. The Landmarks Commission will provide an advisory opinion to the Plan Commission as to whether the proposed building is so large or visually intrusive as to have negative impacts on the Landmark building.

**Certified Survey Map** – On November 20, 2014, a two-lot CSM was conditionally approved for this site to combine 710 East Mifflin Street and 124 North Livingston Street into a single lot, and to create a new parcel in the middle of the block surrounding the Century Link Building. The resulting property is 2.25 acres. The CSM has not yet been recorded.

## Project Description

The applicant requests a conditional use for the construction of a four-story, 189-unit residential building with one level of under-building parking on a site currently utilized for the storage of construction equipment.

**Land Use** – The 189-unit building is proposed on this 2.25-acre site for a residential density of 84 dwelling units per acre. The building includes a mix of 45 efficiencies, 83 one-bedrooms, 50 two-bedrooms, and 11 three-bedroom units, and the automobile parking ratio for the site is 1.02 stalls per unit. Units range in size from a 345 square foot efficiency to a 1,400 square foot three bedroom, and each has its own laundry facilities and a small porch or balcony.

The interior courtyard above the parking area includes a 12 by 28 foot pool and additional shared open space. There is a shared third floor rooftop patio facing the interior courtyard area, and it is unclear whether an additional third floor rooftop patio faces Livingston Street. The first floor of the building includes a clubroom associated with a courtyard open space, a 500 square foot community room / library space, a fitness room, and a small area labeled as a “café”, which looks to be simply a small kitchen area for use with the clubroom.

**Building Placement and Massing** – The building is a U-shape, oriented to Dayton Street, Livingston Street, and Mifflin Street with individual entrances to ground floor units. The parking level beneath the building emerges approximately five feet from the ground, and is set back 15 feet from Livingston Street, and 10 feet from the two other streets. Above this five-foot high parking area, the building has 30-foot deep courtyards spaced at approximately 100 foot intervals along both Dayton and Mifflin Streets.

In the latest version of the plans, the upper floors in the center of the Livingston Street facade have been removed to create a visual break between buildings over the garage entrance and common spaces.

Finally, on the Dayton and Mifflin sides of the building, the fourth floor is stepped back approximately 20 feet from the floors below, with the exception of the fourth story corner at Mifflin and Livingston, which is stepped back approximately 10 feet.

**Access, Parking, and Circulation** – The site itself is optimally located for alternative transportation, with many transit routes running along nearby East Washington Avenue, East Johnson Street, and East Gorham Street, the Mifflin Street Bicycle Boulevard adjacent to the site, and a growing number of employment opportunities and other amenities within close walking distance.

Automobile access to the under-building parking area is provided from both Mifflin Street and Livingston Street. There are a total of 192 automobile parking stalls (a ratio of 1.02 stalls per unit and 0.74 stalls per bedroom), and 179 bicycle stalls underground. 35 outdoor bicycle stalls are distributed around the building (staff notes that at least 12 of these stalls are shown within the required front yard setback, which is not allowable.)

The main pedestrian entry to the building leading to common indoor spaces is at the center of the Livingston Street façade, and two other “main entries” are located on both the Mifflin and Dayton Street sides of the

building. Each of these three lead to an elevator accessing other floors of the building. In addition, there are sixteen additional direct entries to ground floor units. The intended path for bicyclists, particularly entering the building from the Mifflin Street Bicycle Boulevard, is not clear in the plans.

**Building Exterior** – The entire building has a cast stone veneer base on the exterior of the parking level, and a mix of utility brick, composite paneling, and composite fiber cement lap siding above. While there is very little variation in the height or massing patterns along the 850 feet of street frontage, exterior materials clearly differ in color and composition on the north (Dayton Street) versus south (Mifflin Street) sides of the building. Along Dayton Street, dark brown brick is used to clad three floors in the portions of the building closest to the street, with orange and grey/brown composite paneling as accent materials. In the four story portion of the building set back from this, the first story is cast stone, second and third stories are a lighter grey/brown utility brick, and the fourth floor is a dark grey composite lap siding.

Along Mifflin Street, the grey/brown utility brick is prominent on the three story portions of the building closest to the street, with dark blue and white composite paneling used as accents. On the four-story portions of the building set back from this, the first story is utility brick, and the upper three stories are a mix of beige and blue composite paneling, and beige and dark grey composite lap siding.

On Livingston Street, the building has been visually divided into two sides, with the removal of the fourth floor and most of the third floor in the central portion of the building above the garage entry. The garage door itself is glass, and the central area surrounding it is clad in dark vertical composite siding. Four story portions of the building on either side generally follow the architecture of the Mifflin and Dayton sides, respectively.

There are just over 20 HVAC louvers shown on the exterior of the building, each approximately 2 feet by 4 feet and painted to match the variety of materials that surround them. Staff assumes that the louvers for other units are facing perpendicular to the street within the balcony areas.

**Landscape Plan** – The Landscape Plan includes 15 serviceberry trees and coniferous trees and shrubs in areas between the building and the sidewalk, and three oak trees and a pear tree along the western edges of the building. Aside from these areas, the plan shows native perennials in structured landscaped areas in front of each of the five courtyard areas. These structured planters are placed at 4'6" and 2'8" heights in a terraced arrangement, which is intended to soften the aesthetic impacts of the five-foot wall emerging from the parking area. Limited landscaping with yews, arborvitae, and perennial grasses is shown along the perimeter of the interior courtyard, and the groundcover on the remainder of this area is unclear.

## Project Analysis and Conclusion

**Land Use and Plan Consistency** – The Comprehensive Plan, which was amended in 2012 to reflect the 2008 Tenney-Lapham Neighborhood Plan, recommends Park and Open Space Uses for a majority of this property, and High-Density Residential uses for the western portion of the site. In 2013, the Tenney-Lapham Neighborhood Plan was amended to recommend High-Density Residential uses (41-60 dwelling unit per acre) for the entire subject site, with the following guidance specific to this property:

*“While park expansion remains an acceptable alternative, the 2013 recommendation for this property has changed to the following: If available, the Reynolds Crane Service property should be redeveloped with high density residential uses compatible with Das Kronenburg and Old Market buildings on this block, the residential neighborhood across Dayton Street to the north, and with the northern portion of the Constellation project across East Mifflin Street to the south. The property may be redeveloped with multiple buildings or with a single building, so long as the building is well articulated to break up its mass along the street frontages, and individual entrances to ground floor residential units are provided. Views to the Capitol from Reynolds Park should be maintained to the extent possible.*”

*For view protection and consistency with surrounding development, the maximum height of any façade at the street should generally be three stories, with opportunities for a fourth story if stepped back from the front facade. Five-story building components may be considered with additional stepbacks. Redevelopment of this site should include structured parking and high-quality usable open spaces. High quality, durable building materials should be utilized to complement existing buildings on the block.”*

The property was rezoned to Traditional Residential – Urban 2 in 2014 in conjunction with the amendment to the Tenney-Lapham Plan. While the proposed density at 84 units per acre is greater than the 60-units per acre recommended in the Plan, it does meet the zoning requirements for required lot area and open space per unit. With a different unit mix including a greater proportion of two and three-bedroom units, a building of this same size would easily fit within the 60-units per acre recommended. At this location, staff believes that the proposed density can be appropriate, so long as the site details such as parking provisions, open spaces, and other amenities can support it, and so long as the design and massing meet Plan recommendations.

The proposal is generally consistent with recommendations regarding building height, massing, meaningful articulation of the facade on all three streets. The massing of this very large building is effectively broken down by the courtyard elements along Dayton and Mifflin Streets, and by the removal of upper stories in the center of the Livingston Street facade. All fourth floor elements are stepped back from the facade by 20 feet in most cases, with a small portion stepped back only 10 feet. Staff believes that the provision of open space adequately meets zoning standards, but as a condition of approval, staff would like to review additional information about the ground cover and programming for the interior courtyard, exterior courtyards, and upper level shared patio spaces.

Staff notes that with the proposed unit mix, the building should be able to support a wide variety of household types over time, including individuals seeking a very small “micro-unit” efficiency apartment and families with children, who would be within easy walking distance to Lapham Elementary School and Reynolds Park just across Livingston Street. Staff would support a greater proportion of three-bedroom units, particularly on the ground floor, if the applicant determines that a modified unit mix could work for the proposal.

**Access, Parking, and Circulation** – The site is very well located for transit service, bicycle infrastructure, and within easy walking distance to many amenities such as Lapham School, Reynolds Park, James Madison Park, Breese Stevens Field, the Festival Foods grocery store currently under construction, and other businesses on East Washington Avenue and East Johnson Street. Staff believes that the parking provided within the building at a ratio of 1 stall per dwelling unit will adequately serve the residents, noting that many households could easily opt to live at this location without a car.

The driveway access from East Mifflin Street will cause increased automobile traffic on the bike boulevard, but sight lines between the driveway and the sidewalk and bicycle lanes appear to be adequate to minimize any conflicts. Further, staff notes that with the two driveway access points and the most practical routes of travel, traffic leaving the site should be slightly more likely to utilize the Livingston Street driveway. For traffic ultimately heading west from the site, drivers are likely to exit onto Livingston, where they can quickly get to either Gorham Street or East Washington Avenue to head west. For traffic ultimately heading east, drivers may choose to exit on Livingston, where they can either travel to Johnson Street to head directly east, or travel one block east on Mifflin Street to access the Paterson and East Washington intersection to head east. The Mifflin Street exit may be used for drivers ultimately heading east, who would drive one and a half blocks east on Mifflin Street to access the Paterson and East Washington intersection as well. Similarly, for traffic arriving at the site, the Livingston entrance is more likely to be utilized.

For pedestrians, access to the building is optimized from all directions, with “main entrances” on all three sides of the building leading to three separate elevators. Staff would like to see additional detail for convenient bicycle entrances to the building, particularly from Mifflin Street. Staff recommends the inclusion of a narrow

bicycle ramp along the side of the stairs leading to all main entrances to the building, and elevators should be designed to accommodate bicycles. While the outdoor bicycle parking is well-distributed, the applicant could include additional outdoor bicycle parking in the courtyard at the Main Street entrance, to be used by visitors or residents who need short term parking options between trips.

**Building Design and Site Details-** One issue raised by staff early in the review process was concern about the impacts of the five-foot wall emerging from the underground parking garage, which extends around the perimeter of the entire building. The wall is most noticeable in front of the exterior courtyard areas, as it essentially removes them from view for pedestrians at the sidewalk level. Staff understands that pushing the building deeper to reduce the height of this wall is impractical due to the height of the water table in this area, but wants to make sure that the landscaping strategies sufficiently mitigate any negative impacts on the pedestrian experience at the sidewalk, and that the exterior courtyards can still serve as high quality open spaces.

With regard to the landscape plan, staff has the following comments for consideration by the UDC:

- During their discussion, the UDC should provide feedback on the adequacy of the terraced landscaped planters in front of the courtyards to mitigate the aesthetic impacts of the five-foot wall emerging from the underground parking area, and assurances that the planting sizes proposed will immediately “soften” the impacts of the wall.
- Staff recommends similar terraced landscape planters along portions of the Livingston Street facade, and would like to request the UDC to consider specifying details for this area.
- Finally, staff would like to see additional detail on the landscape plan for the interior and exterior courtyard spaces and rooftop patio areas, and may request that these details be reviewed by the Urban Design Commission at a future meeting.

Given that the basic building massing pattern is the same throughout, staff appreciates the architectural differentiation of the building between the Mifflin Street and Dayton Street sides through use of color and proportion of materials. However, this differentiation could be made even greater, particularly given the very different contexts across Mifflin Street and across Dayton Street. Along Livingston Street, the removal of upper stories in the center of the building has had a positive overall impact on the project, as it allows for the two building components to read separately, and breaks down the mass of the building along Livingston. Staff would have preferred to see more variation in building height throughout the 800 foot long presence on the street, but understands that the strong preference of many in the Tenney-Lapham Neighborhood was for the three-story facade and a maximum of four stories as proposed, which is certainly within the parameters recommended in the Plan. Staff looks forward to hearing feedback from the Urban Design Commission on the issue of further differentiation between components of this significant building. Further, staff believes that the building exterior could be improved if the overall palette of materials were to be simplified. The articulation of the building mass with significant courtyards and fourth floor stepbacks is successful, and the building may not need to have as many changes in materials as what is currently proposed.

The following comments regarding exterior materials are provided to the UDC for consideration:

- On the Dayton Street facade, the proportion of masonry and fiber cement seems to be appropriate. Staff recommends that the darker brown color of utility brick utilized for the three-story portions of the building should continue within the interior courtyards, as a color change is not necessary with such deep setbacks in these areas.
- Further simplification of the Dayton Street facade could be achieved by reducing the number of colors of composite paneling and lap siding (currently 4 separate colors). Perhaps a better outcome could be achieved with two colors of composite material – one used on the fourth floor, and another

used as an accent material on three-story portions of the building and within balcony insets on four-story portions of the building

- Along Mifflin Street, the building is designed with a more modern look than the Dayton Street side, but staff believes it could be pushed further in this direction, perhaps through the replacement of lap siding with flat panels, and/or through the addition of a greater proportion of glass.
- The glass garage door is a nice addition to the Livingston façade. Staff would like for the UDC to consider whether or not the black vertical siding proposed in this area is optimal, or whether another material of texture already used elsewhere on the building might be a better fit for this area.
- Staff believes that for a building utilizing individual HVAC units, the louvers are relatively well integrated architecturally. Staff welcomes feedback from the UDC on this issue.

**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, noting that this is in an ideal location for transit access, bicycle infrastructure, employment opportunities and many other amenities within walking distance.

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 can be met. The influx of new residents will obviously dramatically change this block, which has long been utilized for the storage of construction equipment. However, staff believes that this location is ideal for the residential density being proposed, and that the provision of on-site parking, open space, and other amenities will prevent significant impacts on nearby properties.

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 anticipates redevelopment to continue in this area, and believes that this standard is met.

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 all relevant conditions are adequately addressed.

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, and does not believe that there is a need for a TDM in this case.

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

Staff believes that this standard can be met, so long as all relevant conditions of approval are adequately 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.*

*MGO 28.049(1) - Statement of Purpose for TR-U Districts*

*The TR-U Districts are established to stabilize and protect and encourage the essential characteristics of high-density residential areas and to accommodate a full range of life-cycle housing. The districts are also intended to:*

- a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.*
- b) Promote the preservation of historic buildings and districts within or close to concentrations of high-density housing.*
- c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.*
- d) Encourage restoration of single-family dwellings previously converted to multi-family units back to single- or two-family dwellings.*
- e) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening*
- f) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.*

Staff believes that this standard can be met, but will forward to the Plan Commission any recommendations from the Urban Design Commission meeting of April 8 and from the Landmarks Commission meeting of April 13 for consideration.

The proposal is generally sensitive to its surrounding context, as it maintains a three-story façade height on Dayton Street, across the street from small multi-family buildings. It is on the same block as two Landmark buildings and adjacent to one of them, and staff believes that it does not negatively impact them. Parking is completely internalized under the building, and the building is well-oriented to three streets. Finally, the proposed building is generally consistent with the specific site recommendations in the Tenney-Lapham Neighborhood Plan as amended in 2014.

Staff is concerned about the impacts of the five-foot stone wall around the entire building perimeter due to the parking level that emerges from below the building. The wall is set back between 10 and 15 feet from the sidewalk on all sides, based on zoning requirements, and the applicant has helped to address this concern through the addition of terraced landscaping in front of the courtyard areas. Staff looks forward to sharing feedback from the Urban Design Commission on the effectiveness of this treatment.



[Standards 8 and 10-15 do not apply to this request]

**Conclusion-** Staff believes that the proposed 189-unit multi-family residential building is generally consistent with recommendations in the Tenney-Lapham Neighborhood Plan as amended in 2014, and with requirements in the TR-U2 Zoning District. The site is ideally located for a high-density residential development, with other residents, parks, commercial amenities, and an elementary school in the immediate vicinity, and excellent transit and bicycle infrastructure connecting the site to the city and region. The proposed development should support a wide variety of households over time

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 710 East Mifflin and 124 North Livingston Streets. 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 Division (Contact Heather Stouder, 266-5974)

1. Final plans submitted for review and approval by staff shall include a detailed landscape plan for interior and exterior courtyards and rooftop patio spaces, including specification on the type of groundcover and specification for any amenities (seating areas, structured landscape planters, grilling stations) to be provided.
2. The applicant is encouraged to explore the inclusion of a greater proportion of three-bedroom units, particularly on the ground floor. Modifications to the unit mix including more three-bedroom units may be approved by Planning and Zoning staff as part of the final sign-off process, or as a minor alteration to the conditional use if units are converted in the future.
3. Final plans submitted for review and approval by staff shall include a management plan for the building including plans for trash management, snow removal, management of parking, and the management of indoor and outdoor common areas.
4. Final plans submitted for review and approval by staff shall include narrow bike ramps along the edges of outdoor stairs leading to the three “main entrances” of the building. The applicant is encouraged to include additional outdoor bicycle parking in the courtyard next to the Main Street entrance.
5. The louvers for HVAC systems for individual units may not face the street, except as shown on submitted plans. In final plans, these louvers shall be colored to match the surrounding building material, and a detail on the louvers shall be provided for staff review.
6. The landscape plan shall be revised to include terraced landscape planters along portions of the Livingston Street facade, similar to treatment proposed in front of the courtyard areas along Mifflin and Dayton Streets.

*Note: Further conditions related to building design details may be added following the April 8 UDC meeting.*

**City Engineering Division** (Contact Janet Schmidt, 261-9688)

7. The address of 124 N Livingston St will be retired with the demolition of the building. The base address for the new apartments is 110 N Livingston St.
  8. Applicant shall have the remaining Easement released for buried telephone per Doc No.2408352.
  9. The access to the underground parking off of Livingston Street may require a higher opening to prevent flooding. The applicant shall meet with City Engineering to discuss.
  10. The proposed lateral connection to the City's 21-inch diameter sanitary sewer on East Mifflin Street will need to be higher than at the invert of the 21-inch diameter sewer as is proposed on the current plan. The pipe connection will need to be a minimum of 13-inches above the manhole invert.
  11. The City does have a new sanitary sewer stubbed out of the East Dayton Street/Livingston Street Intersection that is over 2-feet deeper than the pipe currently being connected to on East Dayton Street. (INFORMATIONAL).
  12. The site is an open investigation with the DNR (BRRTS #0313099107). Developer shall provide proof of coordination with the DNR to close the site and address potential vapor mitigation concerns to Brynn Bemis at [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com). The site has been previously closed with residential soil contamination. If contaminated soil is encountered during development, all WDNR & DSPS regulations shall be followed for proper handling and disposal.
13. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer 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. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project (MGO 16.23(9)c).
  14. 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.
  15. Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. 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 Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
  17. The approval of this Conditional Use 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. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester (MGO 16.23(9)(d)(6)).

18. 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).
19. 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).
20. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan (POLICY).
21. All damage to the pavement on E. Mifflin, N. Livingston Street and E. Dayton Street, 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).
22. 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.
23. 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 7.5-tons per acre per year.
24. 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).
25. 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).
26. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: 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 Chapter 37 of the Madison General Ordinances.  
  
Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.
27. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Division. 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 Misc Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
- e) Right-of-Way lines (public and private)
- f) Plat name and lot lines (metes & bounds parcel lines if unplatted)
- g) Platted lot numbers (noted “unplatted lands” if not platted)
- h) Lot/Plat property 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: [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com), [dwypperfurth@cityofmadison.com](mailto:dwypperfurth@cityofmadison.com), [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com) and [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com). The party responsible for the CAD file email transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.

28. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
- b) Internal walkway areas
- c) Internal site parking areas
- d) Lot lines and right-of-way lines
- e) Street names
- f) Stormwater Management Facilities
- g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans)

29. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances (POLICY).

30. This project appears to require construction dewatering and/or possibly permanent dewatering and is in an area with potential groundwater contamination. The applicant shall be required obtain the approval of Public Health – Madison & Dane County for this discharge. It can be anticipated that this will required completion of a boring on site and testing of water encountered for possible contaminants. Approval shall be granted before plans are approved for building permit release.

Contact Kirsti Sorsa for more information at 608-243-0356 or [ksorsa@publichealthmdc.com](mailto:ksorsa@publichealthmdc.com)

31. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit.
32. 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.
33. 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>.

34. 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)).
35. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Schmidt (608-261-9688) 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)).

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

36. Sidewalks are required to be five feet wide clear of all obstructions; provide a two foot minimum buffer between the bicycle racks (2' x 6' bicycle footprint) adjacent to sidewalk and the sidewalk.
37. Applicant shall provide a \$12,000 dollar deposit prior to final sign off to be used for traffic calming features on the Mifflin Street Bicycle Boulevard.
38. 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.
39. 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.
40. 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.
41. All parking facility design shall conform to MGO standards, as set in Section 10.08(6).

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

42. The Madison Fire Department does not object to this proposal provided it complies with all applicable fire codes and ordinances.
43. Verify generator and gas tank locations on Lot 1 in regard to property lines; verify Lot 2 egress and Lot 2 building openings comply with all applicable codes.

**Parks Division** (Contact Kay Rutledge, 266-4714)

44. 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 on the conditional use. This development is within the Tenney-Law-James Madison fee district (SI26). Please reference ID# 14106 when contacting Parks.

45. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
46. 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 Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@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>.
47. 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)

48. This property is located in wellhead protection district WP-24. This proposed use is allowed in this district. Any proposed changes in use shall be approved by the Water Utility General Manager or his designee.
49. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Zoning Administrator** (Contact Matt Tucker, 266-4569)

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