



**Project Addresses:** 310-322 E Washington Avenue  
**Application Type:** Zoning Map Amendment and Demolition Permit  
**Legistar File ID #** [74057](#) and [74869](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted  
**Reviewed By:** Kevin Firchow and Heather Stouder, Planning Division

**Summary**

**Applicant & Property Owner:** St. John’s Lutheran Church; 322 E Washington Avenue; Madison.

**Contact Person:** Mark Binkowski, MRB Holdings, LLC; 10 E Doty Street, Suite 300; Madison.

**Requested Actions:** Consideration of a request to rezone 310-322 E Washington Avenue from UMX (Urban Mixed-Use District) to PD (Planned Development District) and approving a General Development Plan and Specific Implementation Plan and demolition permit to allow construction of a ten-story mixed-use building containing approximately 16,000 square feet of institutional space and 130 apartments.

**Proposal Summary:** St. John’s Lutheran Church is requesting approval to demolish its existing place of worship to allow redevelopment of the property with a ten-story mixed-use building that will contain a 10,000 square-foot space for St. John’s and 5,500 square feet for community services providers on the first floor and 130 apartments on the upper floors. The project will include parking for 63 automobiles and 131 bikes within the building and parking for 20 bikes around the exterior of the site.

The developer is seeking low-income housing tax credits from the Wisconsin Housing and Economic Development Authority (WHEDA) for the project. If awarded those credits, demolition of the existing church and construction of the mixed-use project will commence in fall 2023, with completion scheduled in spring 2025. The project was also awarded Affordable Housing Fund money by the City of Madison (see Resolution 22-00823 (ID [74454](#)) for more information).

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. The approval process and standards for the Planned Development zoning district is outlined in Section 28.098 of the Zoning Code. The Downtown Height Map in Section 28.071(2)(a) establishes a maximum allowable height of eight (8) stories for the subject properties; however, the site is located in Area H of the "Additional Heights Area Map" in Section 28.071(2)(b), which allows two additional stories. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The site is also located in Urban Design District 4, which requires Urban Design Commission approval using the standards and guidelines in Section 33.24(11).

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

**Summary Recommendation:** If the Plan Commission can find the applicable standards are met, the Planning Division recommends the following to the Plan Commission:

- That the Plan Commission **approve** demolition of the existing place of worship at 310-322 E Washington Avenue; and

- That the Plan Commission forward Zoning Map Amendment ID28.022–00602 and 28.022–00603, rezoning 310-322 E Washington Avenue from UMX to PD(GDP-SIP) to allow construction of a ten-story mixed-use building, to the Common Council with a recommendation of **approval**, subject to input at the public hearing, the approval of the Urban Design Commission, and the conditions from reviewing agencies beginning on page 11 of this report.

## Background Information

**Parcel Location:** Three parcels totaling 21,170 square feet (0.5 acres) located at the northwesterly corner of E Washington Avenue and N Hancock Street; Alder District 2 (Heck); Urban Design District 4; Madison Metropolitan School District.

**Existing Conditions and Land Use:** St. John’s Lutheran Church and surface parking, zoned UMX (Urban Mixed-Use District).

### Surrounding Land Uses and Zoning:

North: Hancock Center for Dance and Movement Therapy; two- and three-story multi-family residences along N Hancock Street, zoned DR1 (Downtown Residential 1 District);

South: Brayton Lot, zoned UMX (Urban Mixed-Use District);

West: Two-story office building, zoned UMX; Butler Plaza mixed-use development, zoned PD;

East: Ten-story “Continental” mixed-use building under construction across N Hancock Street, zoned UMX.

**Adopted Land Use Plans:** The 2018 Comprehensive Plan identifies the subject site and nearby properties along the E Washington Avenue frontage in the Downtown Core district. The residential properties to the north along N Hancock Street is recommended for Medium Residential.

The 2012 Downtown Plan includes the subject site and nearby properties along the E Washington Avenue frontage in the Downtown Core Neighborhood/ District and recommends that the subject site and nearby properties be developed with Downtown Core Mixed-Uses. The plan identifies the Downtown Core Neighborhood/ District as “the center of Downtown, and should generally possess the highest intensity of development. A mix of office, employment, retail, government, residential, cultural, entertainment, and other uses should be pursued to retain the area’s vibrancy, including beyond normal business hours.” (Objective 4.1). The site is recommended for new buildings up to eight stories in height, with the potential for two additional stories to be approved using specific recommendations in Appendix C.

**Zoning Summary:** The subject site will be zoned PD(GDP-SIP), which will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Urban Design (PD zoning, Urban Design Dist. 4), Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection, Waterfront Development, Landmark, Adjacent to Park
<i>Prepared by: Jenny Kirchgatter, Asst. Zoning Administrator</i>	

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

**Public Utilities and Services:** The site is served by a full range of urban services, including Metro Transit, which operates seven-day service along E Washington Avenue on multiple lines.

## Project Description

St. John's Lutheran Church is requesting approval to demolish its existing place of worship and to rezone the 0.5-acre site located at the northwesterly corner of E Washington Avenue and N Hancock Street from UMX to PD to allow construction of a ten-story, mixed-use building with new worship space for St. John's, 5,500 square feet of space for community service providers, and 130 apartments.

The existing church was constructed in 1905 and expanded to the west towards the State Capitol in 1925. City records indicate that the building was significantly remodeled to its current appearance in 1962. The subject site is comprised of three parcels (310 and 322 E Washington Avenue and 8 N Hancock Street), which include the church as well as surface parking areas adjacent to the northerly, rear and westerly, side walls of the building; the parking areas are accessed by driveways shared with the adjoining parcels at 308 E Washington and 16 N Hancock. The existing church has a footprint of 10,027 square feet and approximately 14,600 square feet of interior area according to the letter of intent. Photos of the interior and exterior of the building and an existing conditions survey are included in the Plan Commission materials for the demolition request.

The site is characterized by approximately 15 feet of grade change from southwest to northeast. The height of the proposed building will be measured from the southwesterly corner of the building at E Washington Avenue. The first floor of the building will include approximately 10,000 square feet of space for St. John's and 5,500 square feet for community services providers, which is shown on Sheet A104 as "Partnering." Pedestrian access to the first floor worship, community service, and support spaces will be from the E Washington sidewalk, including a wide stair that will be centered on the southerly, front façade. The western portion of the first floor front façade will be set back 15 feet from the E Washington right of way to provide accessible step-free access to the main lobby entrance, and to individual entrances to the community service provider partnering spaces.

One floor below, the project plans call for a residential lobby and resident amenity spaces along the N Hancock Street side of the building. The remainder for the lower level will include 21 automobile parking stalls, resident storage lockers, and 13 bike parking stalls. Additional parking will be provided on a full level to be located below the footprint of the building (see Sheet A102) and a partial level of parking adjacent to the southerly property line (see Sheet A101). In all parking for 63 automobiles and 131 bicycles is proposed within the building, with an additional 20 bike parking spaces proposes in the E Washington and N Hancock terraces (which will require approval of a Privilege in Streets Agreement with the City). Access to the building parking and services (trash, recycling, utilities, etc.) will be provided from N Hancock Street.

The 130 apartments proposed will occupy the nine floors above the first floor worship and community service spaces. Floors 2-10 of the building will be L-shaped parallel to E Washington and N Hancock. Forty-two (42) efficiencies, 53 one-bedroom units, 34 two-bedroom units and one three-bedroom unit are proposed. A common room for tenants is proposed at the northwestern corner of the second floor, which will open onto a landscaped terrace to be constructed on the roof of the first floor.

The proposed building will be set back approximately five (5) feet from both E Washington Avenue and N Hancock Street. A 10.4-foot setback is proposed along the northerly, rear property line, while a 14.8-foot setback is proposed from the westerly, side property line. The distances between the proposed building and adjacent existing buildings are also noted on Sheet C100.

The exterior building will be comprised of a combination of brick, stone veneer, and precast concrete panel, as shown on the elevations and renderings submitted with the plans. Large windows are shown on all sides of the building, including on the exterior of the first floor place of worship, which will feature laminated color inlays to suggest stained glass.

## Analysis

The applicant is requesting approval of a zoning map amendment to rezone the 0.5-acre parcel from UMX to PD to facilitate redevelopment of the site with a ten-story mixed-use building, as well as approval of a demolition permit to demolish the existing St. John's Lutheran Church building. The proposed building will include new space for St. John's as well as 5,500 square feet of "partnering" space for community service providers on the first floor, and 130 apartments on the upper nine floors.

### Consistency with Adopted Plans

Both the 2018 Comprehensive Plan and 2012 Downtown Plan identify the subject site in their respective Downtown Core (DC) districts. The DC recommendations in both plans also apply to all of the E Washington Avenue block frontages between the Capitol Square and the beginning of the Capitol Gateway/ Capitol East district at Blair Street, with the exception of the southerly side between S Hancock and S Franklin streets, which is located in the First Settlement Historic District.

In the Comprehensive Plan, the DC district is recognized as "the nucleus of downtown," which accommodates a wide variety of uses in large-scale buildings in what is seen as "the most intensely developed part of the city." The Comprehensive Plan recommendation otherwise defers to the Downtown Plan for details on buildings heights, uses, and design for development within the district. The area north of the DC district in the Comprehensive Plan, including adjacent to the subject site, is identified in the Medium Residential (MR) district, which generally recommends development between 20-90 units per acre in up to five-story buildings. MR districts are generally located close to major streets, mixed-use areas, or commercial/employment areas across the City to provide convenient, walkable access to transit, shopping, restaurants, and other amenities.

The DC district in the Comprehensive Plan is closely patterned off the DC district in the Downtown Plan, which recognizes the district as "the center of Downtown," which "should generally possess the highest intensity of development. A mix of office, employment, retail, government, residential, cultural, entertainment, and other uses should be pursued to retain the area's vibrancy, including beyond normal business hours." (Objective 4.1). Recommendation 63 also recommends the development of more active uses in the DC district "where opportunities exist," including along E Washington Avenue between the Capitol Square and the Capitol East District. The subject site and nearby properties are recommended for development with Downtown Core Mixed-Uses per the Generalized Future Land Uses map on page 35. The site is recommended for new buildings up to eight stories in height, with the potential for two additional stories to be approved using specific recommendations in Appendix C of the Downtown Plan.

Immediately north of the subject site, the remainder of the first blocks of N Hancock Street is included in the "James Madison Park" residential sub-district of the Downtown Plan. The James Madison Park sub-district is recognized for its mostly intact blocks of two- and three-story houses, which the plan encourages be preserved, with opportunities for selective redevelopment in up to six-story buildings on the rest of the first block north of the E Washington frontage. Along N Hancock Street, the plan recommends that any infill and redevelopment be

compatible in scale with the “house-like” character along those streets. Beyond the recommendations in the Downtown Plan, there is no detailed special area or neighborhood plan for the James Madison Park district.

The Downtown Plan notes that the appropriate height for new buildings is influenced by numerous factors, including topography, view corridors and viewsheds, the presence of historic buildings, the use and scale recommendations for an area, and the existing scale of buildings in the vicinity. The Maximum Building Heights Map recommends a pattern of maximum building heights that reflects these considerations and the land use and other recommendations contained in this plan. The plan emphasizes that the height limitations are not intended to perpetuate the status quo or restrict redevelopment potential in many parts of the downtown, and that the proposed height limits are significantly higher than most existing development in most parts of downtown. However, while the Maximum Building Heights Map illustrates the maximum allowable height within each height area, it does not illustrate more subtle height limits that may result from other regulations such as the protection of specific view corridors, building street setbacks, upper story building stepbacks, desired variety in building heights, or landmark or historic district designations.

The Downtown Plan also includes the project site within “Additional Height Area H,” which extends along the north side of E Washington Avenue, between Blair and Webster Streets. Appendix C of the plan states regarding Area H:

*“This area comprises a portion of the East Washington Avenue frontage that forms the connection between the Capitol Square and the Capital Gateway Corridor that extends eastward from Blair Street. While the area only encompasses five block faces, the maximum building height in adjacent areas ranges from three stories to Capitol View, so while tall buildings are appropriate here, the area also functions as a transition area to some extent. In order to encourage taller buildings that provide continuity with the Capital Gateway Corridor and further enhance this important approach to Downtown, up to two bonus stories may be considered.”*

Both in the Downtown Plan and for the purposes of determining the height of the building for zoning purposes, height is measured from the highest point along a building setback line paralleling any street adjacent to the site, so that the downhill side building facades could be taller than shown on the building heights maps.

The Downtown Plan also identifies E Washington Avenue as a “premier corridor” and viewshed due to its iconic approach to the State Capitol from the east. However, the plan nor the Downtown and Urban Districts in the Zoning Code specify any building setbacks or stepbacks to prevent new buildings from encroaching into this important view. The plan, however, recognizes the value that building setbacks and upper-story stepbacks can provide to ensure that the scale of new buildings is compatible with its context.

Many elements of the proposed development are consistent with the above plan recommendations, including development of the site with a mixed-use building where mixed-use development is recommended, and the introduction of housing on the site consistent with many of the growth objectives in the Downtown Plan.

Many of the form- and use-based recommendations of the 2012 Downtown Plan were codified in the Zoning Code, which took effect on January 2, 2013. The Downtown and Urban Districts in Subchapter 28E, includes the following in Section 28.071(3)(d), Story Heights and Treatment:

*4. For non-residential uses, the average ground story floor elevation shall not be lower than the front sidewalk elevation nor higher than eighteen (18) inches above the sidewalk elevation.*

As designed, the proposed ten-story building does not meet the above requirement. While the western end of the first floor (worship and community service spaces) is at or just below sidewalk level of E Washington Avenue, the eastern end of the building is several feet above that sidewalk at N Hancock Street.

#### Consideration of Demolition Permit Standards

In order to approve a demolition request, the Plan Commission shall consider the factors and information specified in Section 28.185(9)(c) and find that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison. The standards for demolition approval state that the Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission. The future use of the property following demolition or removal is no longer a consideration in determining whether the demolition standards are met.

In regards to demolition standard 1 related to the possible building relocation efforts, the Plan Commission is required to consider any information provided related to possible relocation activities. However, staff is unaware that relocation of the structure is being considered and no further information has been provided. In regards to standard 6 regarding the condition of the building proposed for demolition or removal, Planning Division staff has not received any comments from the Building Inspection, Fire, or Police departments/divisions on the existing building. The applicant asserts in the letter of intent accompanying the demolition request that the existing St. John's Lutheran Church building is "outdated and inefficient due to the many renovations it has undergone throughout its history." As noted earlier in this report, photos of the existing building are included, but no report on the condition of the church has been provided for consideration. While the Zoning Code notes that condition shall be considered, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition.

At its October 10, 2022 meeting, the Landmarks Commission voted to recommend to the Plan Commission that the St. John's Lutheran Church building at 322 E Washington Avenue has historic value as the work/product of architects of note. The City's preservation file for the church indicates that it was designed by notable Madison architectural firm Claude and Starck in the Gothic Revival style. In presenting the demolition to the Landmarks Commission, staff noted that the 1962-1963 Vogel Brothers significant remodel of the structure resulted in only a small portion of the original design remaining visible from N Hancock Street.

The Landmarks Commission recommendation notes that, although there have been significant modifications to the structure, there is precedent for additions or alterations to be noted as significant in their own right, which may be relevant for this structure. Members of the Commission discussed whether the finer details of the original design have been lost over the remodels and whether that should impact their finding, while other members indicated that there was precedent for landmark nominations in which alterations to a project can be significant in and of themselves and discussed an example.

Based on the findings of the Landmarks Commission, staff believes that the Plan Commission should give careful consideration to whether standards 4 and 7 can be met for the requested demolition. Standard 4 states:

*"The Plan Commission has received and considered the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission."*

Standard 7 states:

*“The Plan Commission shall consider the factors and information specified in items 1-6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison.”*

The statement of purpose in Section 28.185 states, in part:

*“The purpose of this section is therefore to ensure the preservation of historic buildings, encourage applicants to strongly consider relocating rather than demolishing existing buildings, aid in the implementation of adopted City plans, maximize the reuse or recycling of materials resulting from a demolition, protect the public from potentially unsafe structures and public nuisances...”*

#### Consideration of the Standards for Zoning Map Amendments and Planned Developments

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City’s Comprehensive Plan as required by Section 66.1001(3) of Wisconsin Statutes. “Consistent with” is defined as “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan.”

The Planned Development (PD) zoning district is intended to facilitate the development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural and economic considerations, and that features high-quality architecture and building materials. Specific objectives include promoting green building technologies, integrated land uses, preservation and enhancement of environmental features, preservation of historic buildings, enhanced open space, and the facilitation of high-quality development consistent with adopted plans.

The specific approval standards for Planned Developments are enumerated in Section 28.098(2); a summary of the standards specifically applicable to consideration of the subject rezoning and an analysis of how the project complies with the standard follow.

PD Standard (a) states:

*“The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development.”*

The PD zoning district has been established as the only process and framework in which a building taller than what is otherwise allowed in the Downtown and Urban Districts subchapter of the Zoning Code may be considered. As noted earlier in the Analysis section of this report, the proposed ten-story building as designed will not comply with the provisions in Section 28.071(3)(d)4. of the Zoning Code for how story heights are calculated. While the western end of the first floor (which will house the worship and community service spaces) is at or just below sidewalk level of E Washington Avenue, the eastern end of the building is several feet above that sidewalk. The proposed building was originally submitted as a conditional use for a new building greater than 20,000 square feet of area and four stories in the UMX zoning district, with conditional use consideration for two additional stories above the eight stories allowed on the Downtown Height Map as a property in Area H of the Additional Height Areas Map.

During its review of the project as a conditional use, staff discussed with the applicant lowering the average elevation of the first floor across the E Washington Ave frontage so that the average is not more than 18 inches

above the sidewalk. Solutions discussed included stepping down the first floor at the exterior or stepping down the place of worship and/or lowering some of the first floor spaces toward sidewalk level using interior steps/ramps, lowering the building overall, or and burying the west end of the building (office end) into the grade. The applicant indicated during those discussions that compliance with that provision of the Zoning Code was infeasible, and soon thereafter, resubmitted their application as a request for Planned Development zoning to facilitate development of the ten-story building. (Conditional use approval is no longer being sought.)

In their letter of intent dated November 28, 2022, and in plans submitted to supplement their PD zoning request, the applicant indicates that compliance with the requirements in Section 28.071(3)(d)4. effectively conflict with the design of this particular mixed-use building – notably the first floor place of worship – given the significant grade change present on the site, which includes nearly 15 feet of grade change from west to east towards N Hancock Street. The applicant’s rationale for the design of the project and substantiation of the need for PD zoning are discussed in detail on pages 4 and 5 of the letter of intent and illustrated on the supplemental plans.

In considering whether standard (a) is met to establish the proposed PD zoning for the site, the Plan Commission should carefully weigh the design needs of the project and its unique mix of uses versus strict application of the story height and treatment regulations in the Zoning Code as applicable in the UMX district, as it is the average height of the first floor of the proposed building in relation to the grade of E Washington Avenue that is the sole driver of the need for PD zoning. Otherwise, the ten-story building *could* be considered as a conditional use for two additional stories based on the site’s inclusion in Area H of the Additional Height Areas Map. Staff will note that the standards for approval of a conditional use for height in excess of that allowed by the Downtown Height Map for a development located within the Additional Height Areas Map (conditional use standard 14) are effectively the same as Planned Development standard (h), which is summarized later in this section of the Analysis.

Planned Development Standard (b) states:

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

As noted in the plan consistency section of this analysis above, Planning staff believes that standard (b) is met. The project proposes a mixed-use building where mixed-use development is specifically recommended, and proposes to introduce housing on the site consistent with many of the growth objectives in the Downtown Plan.

Standard (c) states:

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

The Planning Division believes that this standard is met. Staff is unaware of any conditions recommended by reviewing agencies that would suggest an undue burden on the City’s ability to serve the site following construction of the mixed-use building. While the City Engineer is requesting wastewater calculations for the new building, which may require off-site improvements to the public sanitary sewer system to be paid for by the developer, staff will note that this condition is similar to conditions that have been recommended for other high-density redevelopment projects that are anticipated to use City utilities more intensively than the existing, baseline use of a property.



Standard (d) states:

*“The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns.”*

Staff believes that this standard is met. No comments or conditions have been submitted by the Traffic Engineering Division that would suggest that this standard cannot be met. As a condition of approval, the applicant will be required to submit a Transportation Demand Management Plan (TDMP) and a waste removal plan for approval by the City Traffic Engineer prior to final approval of the plans and issuance of building permits for the new building.

Standard (e) states:

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

The subject site is located in Urban Design Dist. 4, which requires that the Urban Design Commission approve the development using the standards in Section 33.24(11) of the Urban Design Commission ordinance. Additionally, the Urban Design Commission is required to review the proposed Planned Development and recommend to the Plan Commission whether the design objectives in Section 28.098 are met. The Urban Design Commission reviewed the proposed PD(GDP-SIP) on December 14, 2022 and granted the project **final** approval without conditions; a draft report from that meeting is attached to ID [74869](#). Accordingly, staff believes that this standard is met.

Standard (h) states:

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

- 1. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.*
- 2. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.*
- 3. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the project and create a pleasing visual relationship with them.*
- 4. For projects proposed in priority view sheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the view shed as demonstrated by view shed studies prepared by the applicant.”*

The subject site is designated for up to eight-story buildings on the Downtown Height Map in Section 28.071(2)(a). As discussed above, the applicant is requesting approval of PD zoning primarily to obtain relief from the story height and treatment requirement for non-residential uses on the ground floor, which requires that the average ground story floor elevation for non-residential uses not be lower than the front sidewalk elevation nor higher than 18 inches above the sidewalk elevation. However, the PD zoning district also provides a regulatory mechanism to approve the two stories proposed above eight. As such, standard (h) applies to the project.

As noted earlier in this analysis, the subject site is located within "Area H," which is the last of eight areas identified in the 2012 Downtown Plan where additional height above those recommended in the plan may be considered. Area H is comprised of the four block faces located on the north side of E Washington Avenue between the Capitol Square and the Capitol Gateway Corridor, between Webster and Blair Streets, including the subject site. In order to encourage taller buildings that provide continuity with the Capitol Gateway Corridor and further enhance this important approach to downtown, up to two bonus stories may be considered in Area H. The maximum building height in the areas adjacent to Area H ranges from three stories to the Capitol View height limit, "so while tall buildings are appropriate here, the area also functions as a transition area to some extent" according to the Area H summary in Appendix C of the Downtown Plan.

With regard to standard (h)1., the Plan Commission is given a choice effectively between whether the additional height proposed is consistent with the *existing* or the *planned* character of the surrounding area given consideration of the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces. Staff believes that the Plan Commission may find that the building is consistent with the *planned* character of the area as informed by the Downtown Height Map and recommendations in the Downtown Plan, which allows for the consideration of much taller and denser development for the subject site and adjacent block frontages on the northerly side of E Washington Avenue compared to the existing, predominantly lower-scale character found currently in most of Area H.

Regarding standard (h)2., the applicant has not submitted an alternative plan for the site that proposes a different building form or site design that could be used for comparative purposes to find this standard met. Instead, the letter of intent states that the two additional stories and the 27 apartments contained on those floors allows the project to be financially viable, which the applicant feels justifies the height compared to what could be allowed under the existing UMX zoning and height map. As noted on page 1 of this report, the applicant is seeking low-income housing tax credits from the Wisconsin Housing and Economic Development Authority (WHEDA) for the project to allow 108 of the 130 units proposed to be affordable at different levels of area median income (AMI). Additionally, the project was also recently awarded Affordable Housing Fund money by the City of Madison. The applicant feels that the affordability of the project is only possible with the two additional stories.

In reviewing standard (h)2., the Plan Commission will need to determine if the information provided by the applicant has sufficiently demonstrated that this standard is met. If the Plan Commission finds that the ten-story building meets this standard, it should specify how the ten-story building represents a demonstrated higher quality building.

[Standard (h)3. does not apply in this case, as there are no landmark buildings within or adjacent to the project.]

In regards to standard (h)4., the ten-story building is not anticipated to impact Capitol views or other viewsheds and views and vistas as identified in the Downtown Plan.

On balance, the Planning Division believes that the Plan Commission may find that the proposed Planned Development district meets the standards for approval. The proposed ten-story mixed-use building is well designed and reflects the character planned for the site by the 2018 Comprehensive Plan and 2012 Downtown Plan, both of which anticipate higher-density and higher-scaled development of the site and the north side of E Washington Avenue between Webster Street and Blair Street. Although the genesis of the rezoning to PD is to primarily overcome the provision in the Zoning Code related to the story height and treatment requirements for non-residential uses on the ground floor, staff believes that the Plan Commission may also find that the standard for additional height above the maximum allowed on the Downtown Height Map is met. [Note: Staff is currently exploring amendments to the Zoning Code to better address sites with grade changes such as this one while still achieving the urban design objectives in adopted plans.]

## Conclusion

The applicant proposes to demolish the existing place of worship to construct a ten-story mixed-use building with approximately 15,500 square feet of first floor institutional space and 130 apartments, 108 of which will be affordable pursuant to the City's Affordable Housing Fund requirements and Section 42 low-income tax credit program. The related requests are subject to the approval standards for demolition permits, zoning map amendments, and Planned Development districts. As discussed in this report, staff believes careful consideration should be given in regards to the demolition standards considering the report of the Landmarks Commission. Also, while staff believes that the Plan Commission may find the standards for Planned Developments met, the Plan Commission shall find that the proposed building represents a demonstrated higher quality building than could be achieved without the two additional stories above the eight generally allowed by the Downtown Height Map.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

If the Plan Commission can find the applicable standards are met, the Planning Division recommends the following to the Plan Commission:

- That the Plan Commission **approve** demolition of the existing place of worship at 310-322 E Washington Avenue; and
- That the Plan Commission forward Zoning Map Amendment ID28.022-00602 and 28.022-00603, rezoning 310-322 E Washington Avenue from UMX to PD(GDP-SIP) to allow construction of a ten-story mixed-use building, to the Common Council with a recommendation of **approval**, subject to input at the public hearing, the approval of the Urban Design Commission, and the conditions from reviewing agencies that follow.

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

#### Planning Division

1. Work with Planning and Zoning staff to revise the zoning text prior to final approval and recording of the PD zoning and issuance of building permits for the mixed-use building.

#### Urban Design Commission (Contact Jessica Vaughn, (608) 267-8740)

The Urban Design Commission recommended **final approval** of the PD(GDP-SIP) on December 14, 2022 with no conditions.

**City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

2. The applicant shall provide projected wastewater flow calculations for the proposed development. Offsite sewer improvements by the developer may be required as a condition for development.
3. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement.
4. Construct sidewalk, terrace, curb and gutter, and pavement to a plan approved by City Engineer.
5. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division 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.
6. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.
7. Obtain a permit to plug each existing storm sewer.
8. An Erosion Control Permit is required for this project.
9. A Storm Water Management Report and Storm Water Management Permit is required for this project.
10. A Storm Water Maintenance Agreement (SWMA) is required for this project.
11. This site appears to disturb less than one (1) acre of land. No submittal to the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission (CARPC), or Department of Safety and Professional Services (DSPS) is required, as the City of Madison Building Inspection Department is an approved agent for DSPS.
12. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
13. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used.
14. Revise plan to show the location of all rain gutter down spout discharge locations. Downspouts shall be directed to drain to public right of way.
15. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

16. Demonstrate compliance with MGO Sections 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
17. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
18. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering (608) 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
19. 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.
20. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan & Report shall include compliance with the following:
  - Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
  - Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))
  - By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10- year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first half-inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first half-inch of rainfall, either green or non-green infrastructure may be used.
  - Reduce TSS by 80% off of the proposed development when compared with the existing site.
  - Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any best management practices (BMP) used to meet stormwater management requirements on this project.
21. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com) (West).

**City Engineering Division – Mapping Section** (Contact Julius Smith, (608) 264-9276)

22. Grant a public sidewalk to the City on the face of the forthcoming Certified Survey Map for the widened terraces where required. No above-ground improvements will be allowed in the public sidewalk easement area(s) by the property owner pavement and/or concrete for driveway purposes shall be permitted. Planters, area wells and other such items shall be removed from the easement area.
23. The site plan indicates bike parking encroaching into the both N Hancock Street and E Washington Avenue right of ways. This will require a Privilege in Streets Agreement. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.
24. The applicant shall confirm and note on the plans all encroachments, including, (but not limited to) balconies, roof overhangs and underground vaults. Make an application with City of Madison Real Estate for a privilege in streets agreement.
25. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance. The existing eight-foot wide access easement per Document No 451427 will need to be amended to address the project along the southwest side of the parcel. There is an adjacent parcels drive along the northwest shown that needs a driveway agreement, and any other stormwater or other utilities that will need to be addressed.
26. The proposed new building crosses an underlying platted lot line. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building or early start permit.
27. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat. Note: There are currently overhead through lines located within the parcel that service other parcels.
28. Release Utility Easement per Document No. 2822451 to allow project construction.
29. The address of the church portion is 348 E Washington Avenue. The other commercial space addresses are to be determined. The address of the apartments is 6 N Hancock Street. 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.
30. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. Also, include a unit matrix for apartment buildings. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) **prior** to the verification submittal stage of this project with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall be provided for additional review and approval by Engineering. Per MGO Section 34.505, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. For any changes pertaining to the location,

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

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

31. The applicant shall dedicate right of way or grant a public sidewalk easement for and be responsible for the construction of a six-foot wide sidewalk, eight-foot terrace, and additional one foot for maintenance along E Washington Avenue.
32. The applicant shall submit a waste removal plan to be reviewed and approved by the City Traffic Engineer prior to final approval, which shall include vehicular turning movements.
33. The applicant shall prepare a Traffic Demand Management Plan (TDMP) to be reviewed and approved by the City Traffic Engineer.
34. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing 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.
35. 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.
36. 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.
37. All parking facility design shall conform to the standards in MGO Section 10.08(6).
38. All bicycle parking adjacent pedestrian walkways shall have a two (2)-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
39. Per MGO Section 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
40. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (no visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb), Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

41. The applicant shall provide a clearly defined five-foot walkway from the front door to the public right of way clear of all obstructions to assist citizens with disabilities, especially those who use a wheelchair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
42. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Andrew Oliver, ((608) 267-1979, aoliver@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign-off.
43. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
44. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all Class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
45. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
46. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the public right of way on E Washington Avenue will be granted for construction purposes. Provide a detailed construction plan to the Traffic Engineering Division for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.
47. The developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

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

48. The applicant is requesting two additional stories above the eight-story maximum as per Section 28.071(2)(a), Downtown Height Map and 28.071(2)(b), Additional Height Areas Map. When considering a request for height in excess of that allowed per the Downtown Height Map, the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the conditions enumerated in Zoning Code Section 28.098(2)(h) are present.
49. The applicant proposes a development that does not comply with the bicycle parking requirements of Sections 28.141(4)(g) and 28.141(11). Specifically, the applicant does not provide short-term bicycle parking located on the private property and proposes interior garage wall mount bicycle stalls without a 5-foot access area. A Planned Development shall comply with all standards, procedures, and regulations of this ordinance that are



applicable to the individual uses within the development, including the General Regulations of Subchapter 28I and the Supplemental Regulations of Subchapter 28J. Where the applicant proposes a development that does not comply with one or more of the regulations in those subchapters, they shall specifically request that the Plan Commission consider the application of those regulations in making its recommendations on the development, including specific language in the zoning text or depiction on the plans.

50. Bicycle stalls are proposed in the public right of way. Note that bicycle stalls located in the public right of way do not count toward the minimum bicycle parking requirement. Privilege in the Streets approval is required through the City of Madison Office of Real Estate Services.

51. Section 28.185(9) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at [streets@cityofmadison.com](mailto:streets@cityofmadison.com) prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9) shall submit documents showing compliance with the plan within 60 days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

52. Work with Planning and Zoning staff for final approval of the zoning text.

53. Per Section 28.134(3) Capitol View Preservation, show the height of the building per City Datum. No portion of any building or structure located within one mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or 187.2 feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum 0.00 feet shall be established as 845.6 feet above sea level as established by the United States Coast and Geodetic Survey.

54. Provide electric vehicle stalls per Section 28.141(8)(e), Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls (6 stalls) must be electric vehicle ready, and a minimum of 2% of the stalls (1 stall) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans.

55. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 130 resident bicycle stalls are required plus a minimum of 13 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. Note: A bicycle stall is a minimum of two-feet by six feet with a five-foot wide access area. Provide a detail of the proposed bike rack.

56. Bicycle parking for the mixed-use building shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Provide a minimum of 4 short-term bicycle parking stalls for the place of worship and 3 bicycle stalls for the office use located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance. Note: A bicycle stall is a minimum of two-feet by six feet with a five-foot wide access area. Provide a detail of the proposed bike rack.

57. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
58. Provide details demonstrating compliance with the bird-safe glass requirements in Section 28.129. For building façades where the first 60 feet from grade are comprised of greater than or equal to 50% glass, at least 85% of the glass must be treated. All glass within 15 feet of a building corner must be treated when see through or fly through conditions exist. For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. All glass railings must be treated. Identify which glass areas will be treated, and provide a detail of the specific treatment product that will be used.
59. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
60. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

61. The building shall comply with the latest editions of the applicable codes: IFC 2021 edition and the 2022 editions of NFPA 13, 14, 20, and 72.
62. Since the building will most likely have addresses on multiple streets, an additional key box, fire department connection, and fire alarm annunciator would be required.
63. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Division Chief Jeff Larson of the MFD Training Division at [jtlarson@cityofmadison.com](mailto:jtlarson@cityofmadison.com) or (608) 266-5946 to discuss possibilities.

**Parks Division** (Contact Kathleen Kane, (608) 261-9671)

64. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 22039 when contacting Parks Division staff about this project.
65. Pursuant to the authority established under Wis. Stat. § 66.0617(7), and in the interests of promoting the development of low-cost housing in the City, low-cost housing is exempt from the park impact fees beginning January 1, 2017. This exemption only applies to those dwelling units or bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under Sec. 16.23(8)(f), MGO, nor any other impact fees that may apply to a development.

66. The park impact fee will be exempt for developments that meet the “low-cost housing” requirements, as defined as rental or owner-occupied housing units that are affordable, as that term is defined in MGO Section 4.22(2), and which meets the deed restriction requirements of MGO Section 4.22(7). The determination whether a proposed development will create low-cost housing, and how much low-cost housing it will create, shall be made by the Community Development Division.

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

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

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

68. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apperatus and street tree plan sets. The inventory shall include the following: location, size (diamater at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

69. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period, which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.

70. City Forestry will issue a street tree removal permit for two trees: the 4" Linden along E Washington Avenue and a 3" Ginkgo along N Handcock Street due to conflicts. The contractor shall contact City Forestry at (608) 266-4816 to obtain permit. Add as a note on both the demolition and street tree plan set.

71. The contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.

72. As defined by the Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root

system prior to work commencing. Add as a note on the site, grading, utility, demolition and street tree plan sets.

73. Section 107.13(g) of *City of Madison Standard Specifications for Public Works Construction* addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
74. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
75. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.
76. Additional street trees are needed for this project. Tree planting specifications can be found in Section 209 of *City of Madison Standard Specifications for Public Works Construction*. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

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

This agency has reviewed the request and recommended no conditions of approval.