

PLANNING DIVISION STAFF REPORT

NOVEMBER 30, 2016 URBAN DESIGN COMMISSION

DECEMBER 12, 2016 PLAN COMMISSION



Project Address: 819 E. Washington Avenue

Application Type: Conditional Use

Legistar File ID # [44826](#)

Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Heather Stouder, Director, Planning Division

Summary

Applicant: Lee Ann Glover, American Family Insurance; 6000 American Parkway; Madison.

Contact Person: Thomas Stacey, Eppstein Uhen Architects; 309 W. Johnson Street, Suite 202; Madison.

Property Owner: City of Madison.

Requested Actions: Approval of a conditional use in the TE (Traditional Employment) zoning district to allow construction of a nine-story, 158,000 square-foot office building on land generally addressed as 819 E. Washington Avenue in Urban Design Dist. 8, with auto parking to be provided off-site.

Proposal Summary: The proposed eight-story, 158,000 square-foot building with ninth floor rooftop terrace will contain general office space for the applicant and for Starting Block Madison "entrepreneurial hub." The applicant wishes to begin construction of the new building as soon as all regulatory approvals have been granted, with completion anticipated one year later. Parking for the project will be located off-site in a new City-owned and operated parking garage to be constructed in 2017.

Note: This project is a companion for an up to eight-story commercial/ office building containing 152,925 square feet of floor area, including a 40,000 square-foot theater/ concert hall on the adjacent parcel, 801 E. Washington Avenue (ID [44825](#)). The two projects share a common plaza amenity and will be built on approximately the same schedule. However, the projects and required approvals are distinct and will be reviewed separately.

Applicable Regulations & Standards Table 28F-1 in Section 28.082(1) identifies general retail as a conditional use in the TE zoning district. Section 28.084(3)(c) limits buildings in TE zoning to five stories and 68 feet of height unless additional height is approved as a conditional use. Table 28I-4 in Section 28.141(5) requires that a vehicle parking reduction of more than 20 spaces and 25% or more of the required parking be approved as conditional use. Section 28.141(13)(b) requires that a reduction in the required number of loading spaces be approved as a conditional use. Section 28.183 provides the process and standards for the approval of conditional use permits. The criteria for new development in Urban Design District 8 are found in Section 33.24(15) of the Urban Design Commission ordinance.

Review Required By: Urban Design Commission and Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of an up to nine-story office building at 819 E. Washington Avenue following a recommendation of **initial approval** by the Urban Design Commission and subject to input at the public hearing and the conditions from reviewing agencies beginning on page 8 of this

report. In order to recommend approval of the project, the Urban Design Commission shall make specific findings regarding Urban Design District 8.

Background Information

Parcel Location: An approximately 0.84-acre parcel that will extend between E. Washington Avenue and E. Main Street and 150 feet east of S. Livingston Street following recording of a two-lot Certified Survey Map that will divide the 819 site from the 801 site; Aldermanic District 6 (Rummel); Urban Design District 8; Madison Metropolitan School District.

Existing Conditions and Land Use: Undeveloped land, zoned TE (Traditional Employment District).

Surrounding Land Uses and Zoning:

North: The Galaxie mixed-use development, zoned TE (Traditional Employment District); The Constellation mixed-use development, zoned PD;

South: Madison Gas & Electric yard and future City parking garage (“Capitol East”), zoned TE;

West: Madison Gas & Electric yard, zoned TE;

East: Multi-tenant commercial buildings along E. Washington Avenue, including Robinia Courtyard, Madison Moving & Storage, etc.; one-story storage and commercial buildings along E. Main Street, zoned TE.

Adopted Land Use Plans: The [East Rail Corridor Plan](#) identifies the site for commercial and industrial uses consistent with the historic use of the property as part of a larger employment center corridor that is centered along E. Main Street and generally extends from E. Washington Avenue to E. Wilson Street.

The [East Washington Avenue Capitol Gateway Corridor Plan](#) recommends the subject block for employment, with opportunities for commercial at the S. Livingston and S. Paterson street corners. The Plan includes specific recommendations for height, building placement, and design which have been codified in MGO 33.24(15) for Urban Design District 8.

The [Comprehensive Plan](#) recommends the subject site and the E. Washington Avenue frontage for Employment uses.

Zoning Summary: The site is zoned TE (Traditional Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	36,348 sq. ft. Lot 2 of CSM 87,471 sq. ft. Zoning Lot
Lot Width	50'	110' Lot 2 264.74' Zoning Lot
Front Yard	15' Minimum per UDD 8	18.45'
Side Yards (Per UDD 8)	0-10' along Livingston, 0' on interior	Adequate from west; 5' east
Rear Yard	None (through lot)	18.5' from E. Main Street
Maximum Lot Coverage	85%	89% Lot 2; 92.69% Zoning Lot

Requirements	Required	Proposed
Maximum Building Height	5 stories / 68' per zoning; 12 stories along E. Washington Ave.; 8 stories on E Main St. per UDD 8	9 stories / 135'
Auto Parking	General retail, service business, office: 1 per 400 sq. ft. floor area (395)	0
Bike Parking	General retail, service business, office: 1 per 2,000 sq. ft. floor area (79)	50 exterior, 30 interior
Loading	2 (10' x 50')	1
Building Forms	Podium Building	Complies with requirements
Other Critical Zoning Items		
Yes:	Urban Design (Urban Design Dist. 8), Barrier Free, Utility Easements, Wellhead Protection (WP 24)	
No:	Floodplain, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant 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 seven-day Metro Transit service along E. Washington Avenue, with stops in the Livingston Street intersection. Service on weekdays occurs every half-hour; service on weekends is once per hour.

Previous Approval

On July 9, 2012, the Plan Commission approved a demolition permit for 801-819 E. Washington Avenue to allow three former Don Miller auto sales and service buildings on the 1.4-acre site to be razed in order to begin the phased remediation of the properties in anticipation of future redevelopment by others.

Project Description – “The Spark”

The applicant, American Family Insurance, is requesting conditional use approval to construct a nine-story 158,000 square-foot office building known as “The Spark” on land to be acquired from the City. The approximately 110-foot wide, 0.84-acre parcel extends between E. Washington Avenue and E. Main Street approximately 150 feet northeast of S. Livingston Street, and is undeveloped following the demolition of the auto sales business that formerly occupied the property by the City in late 2012. The site is one of three acquired by the City from the Don Miller Auto Group in the summer of 2011 using land banking funds. The other two sites are located across E. Washington Avenue from the site and have been or are being developed with the Constellation and Galaxie mixed-use developments.

The Spark is a companion project to the eight-story commercial/ office building that will contain up to 152,925 square feet of floor area, including a 40,000 square-foot theater/ concert hall on the adjacent parcel, 801 E. Washington Avenue, which is known as “The Cosmos” (ID [44825](#)). The two projects will share an approximately 35-foot wide common plaza that will extend through the block between the two buildings. Some of the bike

parking to serve the projects will also be shared. However, the projects are distinct and will be reviewed separately. Sheet L100 shows the relationship between the two projects.

The proposed Spark office building will occupy the northeasterly two-thirds of the narrow, deep lot across the plaza from the Cosmos development. The proposed building will be set back approximately 18.5 feet from both E. Washington Avenue and E. Main Street with the exception of two fins of the easterly side wall, which will touch the minimum-maximum 15-foot setback line prescribed for both street frontages in Urban Design District 8 ("UDD 8"). The building will feature a two-story tall first floor with primary entrances from E. Washington Avenue and the through-block plaza adjacent to the Cosmos development. The westerly side wall of the tall first floor will be recessed approximately 18 feet from the floors above. A third entrance is also proposed from E. Main Street. A single loading dock is proposed at the southeastern corner of the building.

Above the tall first floor and a third-story office floor and roof terrace, the building will feature five consistent floors of general office space. The ninth floor of the building will be recessed from the northerly, southerly and westerly walls of the building below and will feature a large, fully accessible roof terrace and pre-function space, restrooms, and an enclosed mechanical room and cooling tower.

The westerly, northerly and southerly facades of the building will primarily feature two-toned metal panels and a prominent glass curtain wall system. The metal and curtain wall treatments will wrap around most of the easterly side wall of the building with the exception of a solid metal paneled wall at the southeastern corner of the podium adjacent to the loading dock, and a nine-story tall terra cotta rain screen system that is proposed to clad the mechanical and access core of the building. That core, which will feature restrooms on each floor as well as the elevator core and two stairwells, will be clad with a range of large, red- and brown-hued terra cotta panels. Window openings along this portion of the eastern façade are proposed to be limited.

Parking: No auto parking is proposed onsite to serve the proposed office building, which requires that the Plan Commission grant a conditional use to fully waive the zoning requirement to provide auto parking per the Zoning Code. The Zoning Administrator has determined that 395 auto stalls are required to serve the 158,000 square-foot office building. Eighty (80) bike parking stalls will be provided with the project in satisfaction of the Zoning Code, which requires that 79 stalls be provided. As part of the development, indoor bike storage and a locker room with shower facilities will be provided as an amenity for commuters biking to the site.

The City's adopted 2016 and 2017 capital budgets include \$13 million to build a 600-stall parking garage to serve the Capitol East District on land currently owned by Madison Gas and Electric at the southeasterly corner of E. Main and S. Livingston streets. The proposed "Capitol East Parking Structure" will also include 5,000 square feet of ground floor commercial space along E. Main Street. The Parking Utility will own and operate the facility. During daytime work hours Monday through Friday, up to 550 of the 600 stalls will be leased to American Family Insurance, owner of The Spark, and Gebhardt Development, developer of The Cosmos, for the employees within the 819 and 801 buildings, respectively, between the hours of 6:00 AM and 6:00 PM. Specifically, the applicant will lease 275 of the 550 leasable stalls from the Parking Utility to serve The Spark. The remaining 50 stalls (as well as any additional stalls not leased or being used) will be available for hourly public parking for daytime usage on weekdays and will be operated similar to other Parking Utility structures. On evenings after 6:00 PM and weekends, the Parking Utility will operate the entire structure for hourly and special event parking similar to its downtown structures. Detailed information on the development agreement for The Spark, The Cosmos, and the Capitol East Parking Structure may be found under File [ID 44762](#), which was adopted by the Common Council on November 1, 2016.

Per Section 28.141(5) of the Zoning Code, factors to be considered when granting a parking reduction include

but are not limited to: availability and accessibility of alternative parking, impacts on adjacent residential neighborhoods; existing or potential shared parking agreements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle parking; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or an addition to an existing use.

In this case, staff believes that the above-mentioned development agreement and applicant's lease of a portion of the spaces to be furnished in the nearby City parking garage will provide adequate automobile parking for the proposed office building to allow a the necessary parking reduction to be approved. The 275 stalls available should be adequate to serve the project given that many of the office users will likely commute to the site by other means, including by bike and transit. Although the users of the unspecified retail space on the first floor are not fully known and some uses of that space may drive a higher number of required stalls, staff believes that the public (non-leased) parking to be made available in the new City parking structure and on surrounding streets south of E. Washington Avenue should provide enough parking to serve any such aspects of the project.

However, staff recommends that additional opportunities for bike parking to serve the proposed office building be explored prior to the start of construction to maximize every opportunity to provide bike parking given that the Zoning Code, at a minimum, requires that approximately 475 vehicles serve the 158,000 square-foot office building. Currently, 355 bike and auto parking spaces are being provided. Additionally, alternative means of access to the site should be provided to ensure that adequate parking and access is being provided. As part of a Transportation Demand Management Plan (TDM) to be submitted for review by Traffic Engineering and Planning staff, additional strategies to close the gap between the minimum parking required and the parking provided should be outlined. These could include free or low-cost transit passes for users of the building, carpooling programs, and additional amenities for bicyclists.

Analysis

In addition to the requirement to effectively waive the onsite auto parking required to serve The Spark project by conditional use, the applicant is also requesting conditional uses to construct a building taller than five stories and 68 feet in the TE zoning district, and for general retail uses in the building.

The Planning Division generally believes that the conditional use standards can be met for the 158,000 square-foot office building. Staff believes that the project should generally not have an adverse impact on the uses, values and enjoyment or normal and orderly development of surrounding properties. Planning staff also believes that, while unique, the proposal to provide auto parking for the project in the proposed nearby parking garage under agreement with the City will satisfy the conditional use standards related to providing adequate access, circulation and parking for the development, although as noted above, additional transportation-related amenities should be studied to ensure that a comprehensive multi-modal approach exists to serve the office building.

Staff also believes that the project is also consistent with the many recommendations contained in the East Rail Corridor Plan, East Washington Avenue Capitol Gateway Corridor Plan, and Comprehensive Plan. All three plans generally recommend that the subject site and neighboring properties in the 800-block of E. Washington Avenue be developed with employment uses, with the first floor retail uses generally proposed along E. Washington Avenue also consistent with the Capitol Gateway Corridor Plan recommendation for commercial uses at the S. Livingston Street corner. The East Rail Corridor Plan identifies the site and surrounding properties located on the south side of E. Washington Avenue for commercial and industrial uses as part of a larger planned employment

center corridor centered along E. Main Street. Development in this corridor is encouraged to develop at “urban” densities characterized by multi-story buildings and relatively high lot coverage to the extent feasible, with structured parking and shared parking facilities also encouraged to reduce the amount of land needed for parking. Both the Capitol Gateway Corridor Plan and East Rail Corridor Plan recommend that retail sales and service businesses should be primarily focused on meeting the needs of employees, customers and residents in the corridors and adjacent neighborhoods, with an emphasis on uses that generate pedestrian activity, including outdoor eating areas.

The Spark is also required to satisfy the requirements for new development in Urban Design District 8, which was established to improve the appearance and function of properties located between E. Mifflin and E. Main streets from Blair to First streets, centered on E. Washington Avenue, and to guide all new development and redevelopment in that corridor. UDD 8 was designed as the primary implementation mechanism for the East Washington Avenue Capitol Gateway Corridor Plan, which emphasizes protection of the view of the State Capitol, and the creation of a vibrant, transit-oriented, employment-focused corridor. In order to recommend approval of the project, the Urban Design Commission shall make specific findings regarding UDD 8.

First, a finding should be made that the proposed setbacks along E. Washington Avenue and E. Main Street comply with the 15-foot minimum-maximum setback stipulated for Blocks 12a and 12b in Section 33.24(15)(e)3 of the Urban Design Commission code. As stated in the Project Review, the two street-facing walls will primarily be setback approximately 18.5 feet from the adjacent property lines with the exception of two fins at both ends of the easterly side wall, which will touch the 15-foot lines parallel to both streets. [The setbacks and wall planes are best viewed on Sheets L100 and ES101.] The UDC may allow greater setbacks to allow for the articulation of long building facades or for the development of additional usable public open spaces, such as pedestrian plazas, as long as design elements are included to maintain a uniform character in the district. Staff takes no position on the proposed setback but recommends that the UDC make a finding on appropriateness for this project in due consideration of how the setback has been and will be applied elsewhere in the E. Washington and E. Main corridors compared to the scope, scale and overall value of the proposed building. The proposed building appears to be stepped back from both streets in accordance with the district requirements.

The project is also seeking relief from the minimum façade height of three stories adjacent to E. Washington Avenue and E. Main Street. The applicant suggests that the proposed 31-foot tall, two-story portion of the building at both street frontages complies with the height in feet of that portion of the building if not the prescribed number of stories. Staff believes that the mass of that portion of the base is acceptable despite being technically deficient a story due to the height in feet and articulation of the building podium.

The building will stand nine stories and 135 feet in height (as measured to the roof atop the pre-function space and restrooms) on the northern half of the site adjacent to E. Washington Avenue. Up to 12 stories and 147 feet are allowed in Block 12a adjacent to E. Washington Avenue per UDD 8. However, the portion of the proposed building adjacent to E. Main Street will exceed the eight-story, 99-foot tall building permitted in Block 12b. [Heights in UDD 8 are based on an average story height of 9-12 feet per floor above the first floor, where an 11- to 15-foot story height is allowed.] The portion of the building proposed on the southern half of the site on Block 12b will stand eight stories and 115 feet in height. The project is eligible for up to two bonus stories and 123 feet of total height pursuant to the criteria in Section 33.24(15)(e)12c.i or c.ii. Of those, the project may be eligible for bonus stories under the LEED Gold certification or equivalent or on-site publicly accessible plaza/ pocket park (1 to 5 ratio) in subsection i., or some combination in subsection ii. sufficient to warrant additional height of: LEED Silver certification or equivalent; on-site publicly accessible plaza/ pocket park (1 to 10 ratio); a minimum of 50 percent vegetative roof cover; through-block multi-modal connection; and adequately sized, publicly available community meeting room. The applicant has suggested during discussions with staff that the building

will be LEED Gold or equivalent; however, formal confirmation of that status or equivalency should be provided in order for the bonus height to be granted by the UDC.

The Planning Division believes overall that The Spark is a very well-designed building that should contribute to the built environment of the E. Washington Avenue corridor for decades to come, in particular, the metal and glass westerly façade facing toward the State Capitol. However, staff feels that one aspect of the building composition merits specific consideration by the Urban Design Commission vis a vis the requirements of UDD 8. As noted in the preceding section, approximately half of the easterly side wall is proposed as a nine-story tall terra cotta rain screen system that will enclose the restrooms, elevator core, two stairwells and mechanical spaces on each floor of the building and include limited window openings. Terra cotta is a preferred material in the district (Section 33.24(15)(e)8.b.i.) and staff acknowledges the applicant's efforts to vary the appearance of that section of the façade by proposing a range of colored panels. However, staff is concerned that this façade, which will be highly visible from the east for the foreseeable future, may appear dark and monotonous. Further, the window patterning on this façade will be dramatically different compared to the rest of the building. While staff acknowledges that some of the functions on the interior suggest fewer opportunities for window openings compared to the rest of the building, staff encourages the applicant and UDC to explore enlarging window openings on that portion of the easterly façade wherever possible, including through the use of translucent panels that mimic the openings elsewhere while providing the screening for spaces such as restrooms as appropriate.

Finally, the applicant and Commission shall resolve the landscaping treatment of the setbacks and adjacent terraces along both E. Washington Avenue and E. Main Street. Section 33.24(15)(e)5. requires that the street face(s) be dominated by canopy trees in both the building setback(s) and public right of way(s), with trees to be planted 40 feet on center and with a mature height of 60 feet. However, the narrowness and depth of the subject site and proposed up to nine-story building have created some potential disagreement between the UDD 8 canopy tree requirements and the need for the building to provide an aerial fire apparatus access lane that is at least 26 feet wide equal to not less than 25 percent of the building perimeter pursuant to the Fire Code. The required aerial fire lane is required to be within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side. It is expected that both street facades as well as a portion of the plaza proposed between The Spark and The Cosmos will be used to meet the fire lane requirement.

There are currently two existing mature canopy trees in the E. Washington Avenue terrace in front of the subject site that are approximately 50 feet on center, which are proposed to remain. (Two crabapple trees on E. Main Street will be permitted for removal per the City Forester.) The façade width of the building will be 76 or so feet within 30 feet of E. Washington and 50 feet at its narrowest along E. Main Street. The disagreement that has emerged thus far is how the project can satisfy both the UDD 8 planting requirements and provide the required fire access. Madison Fire Department staff will be present at the UDC meeting to participate in the discussion about trees between the building and streets and Fire Code compliance for the project, which should culminate in a specific direction for the project.

Conclusion

In general, the Planning Divisions believes that the proposed office building can meet the standards for conditional use approval. The proposed building is well designed and appears to comply with many of the requirements in Urban Design District 8 and substantially complies with the recommendations for the subject site in the East Rail Corridor Plan, East Washington Avenue Capitol Gateway Corridor Plan, and Comprehensive

Plan, specifically the creation of new high-density office space in fulfillment of plan recommendations for the corridor dating back over a decade.

However, approval of the project will require special consideration by the Urban Design Commission of how the project meets the tenets of UDD 8 in order to proceed. In particular, the project:

- requires clarification from the Commission that it meets the 15-foot minimum-maximum setback prescribed from E. Washington Avenue and E. Main Street;
- is seeking relief from the minimum façade height of three stories adjacent to E. Washington Avenue and E. Main Street, where a 31-foot tall, two-story portion of the building is proposed;
- requires a finding that the criteria for bonus stories in Section 33.24(15)(e)12c.i or c.ii are met to allow the portion of the eight-story adjacent to E. Main Street on Block 12b to exceed 99 feet (115 feet are proposed);
- requires resolution regarding the potential disagreement between the canopy tree planting requirement in the setbacks adjacent to and rights of way of E. Washington Avenue and E. Main Street per Section 33.24(15)(e)5. and the Fire Code requirement that an aerial apparatus access be provided parallel to at least 25 percent of the building perimeter.

The Planning Division also recommends that the UDC give specific consideration to the design of the easterly façade, including the appearance of the terra cotta rain screen system and the percentage and patterning of windows in the center of the façade.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use to allow construction of an up to nine-story office building at 819 E. Washington Avenue in Urban Design District 8 following a recommendation of **initial approval** by the Urban Design Commission and subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

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

1. That the floorplans and elevations be revised prior to final plan approval and issuance of building permits to dimension the 15-foot stepback above the second floor.
2. Prior to the issuance of any permits for a future general retail use, the applicant shall obtain approval of a conditional use alteration from the Director of the Planning Division or Plan Commission following a recommendation by the district alder. The alteration shall include the hours of operation for those uses, a floorplan, and any exterior alterations related to occupancy of those spaces. Any exterior aspects of those uses shall also require approval by the Urban Design Commission or its Secretary prior to permit issuance.
3. Prior to obtaining building permits, the applicant shall submit a Transportation Demand Management (TDM) Plan for review by the Planning Division and Traffic Engineering Division. The TDM should outline additional strategies to close the gap between the minimum auto and bike parking required and the parking provided. These could include free or low-cost transit passes for users of the building, carpooling programs, and additional amenities for bicyclists.

The following conditions have been submitted by reviewing agencies:

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

4. The applicant shall provide projected wastewater flows for the proposed development to Mark Moder, mmoder@cityofmadison.com prior to plan approval. The developer may be required to build sewer improvements in E. Washington Avenue at Paterson Street or at Livingston Street depending on projected wastewater flows.
5. This area is subject to routine flooding. First floor elevations shall be provided to City Engineering to review and approve. These elevations shall provide a reasonable level of flood protection and include review of access to underground parking.
6. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
7. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
8. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
9. The site plans shall be revised to show the location of all rain gutter down spout discharges.
10. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement.
11. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). 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. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. The party responsible for the CAD file e-mail 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.

12. The applicant shall 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 (East) or ttroester@cityofmadison.com (West). 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
13. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. 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.
14. 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 Madison-Dane County Public Health Department shall also be required. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to issuance of the connection and non-storm discharge permits.
15. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
16. 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 the City Engineering Division (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.
17. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 24-hour, 100-year design storm. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
18. The applicant shall demonstrate compliance with Sections 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
19. This site appears to disturb over one acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 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 Water Resources Application for Project Permits (WRAPP) or Notice of Intent Permit (NOI) permit process.

20. 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.
21. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% off of the proposed development when compared with the existing site.
22. 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 Madison General Ordinances.
23. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
24. The lots within this site plan are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan, and recorded at the Dane County Register of Deeds.
25. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
26. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
27. The construction of this building will require sanitary sewer, sidewalk improvements 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 contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
28. All work in the public right of way shall be performed by a City-licensed contractor.
29. All damage to the pavement on E. Washington Avenue and E. Main Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
30. Per the WDNR closure letter, this property was closed with residual soil and/or groundwater contamination (BRRS #02-13-577635). Written approval from the WDNR is required prior to disturbing the existing barrier

cap. Proof of coordination with the WDNR shall be submitted to Brynn Bemis (608.267.1986, bbemis@cityofmadison.com).

31. Based on the WDNR records for BRRS #02-13-577635, the property contains residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations must be followed for proper handling and disposal.

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

32. The applicant shall provide for review a reciprocal easements/agreement between this site and the proposed Cosmos site to the west including, but not limited to, access, pedestrian access, fire lane, utilities, common areas, storm water drainage and management that are necessary to accomplish the development as proposed. The document(s) shall then be executed and recorded and copies provided prior to building permit issuance.

33. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel- Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.

34. Subsequent to the recording of the pending Certified Survey Map, the conveyance of the new lot to the developer shall be completed prior to final site plan sign off.

35. The address of "The Spark" is 821 E Washington Avenue. Internal suite numbers will be assigned when floor configurations are known. Submit a PDF of all floor plans to lzenchenko@cityofmadison.com so that a preliminary addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

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

36. It is recommended the applicant conclude any parking negotiations with the Parking Utility prior to final sign-off.

37. Items in the Right-of-Way are not approvable through this process, work with City Real Estate to get a 'Privilege in Streets' permit for items in the Right-of-Way (bicycle racks, planters, etc.) A note shall be stating 'All items in the Public Right-of-Way are the sole jurisdiction of City Engineering and Traffic Engineering and maybe modified/removed at anytime based on assessment of public need.

38. The applicant shall enter into a developer's agreement for the installation of the pedestrian street lighting.

39. The applicant shall submit one contiguous plan 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.

40. 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.
41. 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.
42. All parking facility design shall conform to the standards in MGO Section 10.08(6).
43. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
44. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet – 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

45. Provide a calculation and plan detail for lot coverage with the final site plan submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
46. Vehicle parking will not be provided on the property. Per Section 28.141(5) Adjustments to Minimum Number of Required Spaces, submit information to support the argument for reducing the required number of spaces. Factors to be considered include but are not limited to: availability and accessibility of alternative parking, impacts on adjacent residential neighborhoods; existing or potential shared parking agreements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle parking; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or an addition to an existing use.
47. A bicycle parking reduction will be required per Section 28.141(5). Work with Zoning staff to establish the minimum bicycle parking requirements for the proposed development. Note that proposed bicycle parking located within the public right of way does not count toward the minimum requirement.

48. As each tenant space is leased, vehicle and bicycle parking requirements will be reviewed prior to obtaining Zoning approval for each future tenant space use. Future vehicle and bicycle parking reductions may be required prior to obtaining Zoning approval for future tenant uses.
49. Any future use or development will require approvals from the Madison Water Utility, as a portion of the site is located within Wellhead Protection District 24.
50. Required loading facilities shall comply with MGO Section 28.141(13). Provide two 10' x 50' loading areas with 14-foot vertical clearance to be shown on the plan. The loading areas shall be exclusive of drive aisle and maneuvering space. The required number of loading spaces may be reduced through conditional use approval.
51. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Work with Zoning staff to establish the minimum bicycle parking requirements. Provide a minimum of one (1) bicycle stall per 2,000 square feet of floor area located in a convenient and visible area on a paved or impervious surface. At least 90% of all bicycle parking shall be designed as short-term parking. Clearly label the interior and exterior bicycle parking locations and numbers of stalls. Show the typical dimensions of the interior and exterior bicycle stalls including the access aisles on the final plans. Note: A bicycle stall is a minimum of 2 feet by 6 feet with a 5-foot wide access area. Provide a detail of the proposed bike racks.
52. 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.
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 (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or 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 on existing buildings and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as 845.6 feet above sea level as established by the United States Coast and Geodetic Survey.
54. Submit details of the rooftop terrace areas, including any rooftop amenities such as planters or seating.
55. 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.
56. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of MGO 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, 261-9658)

57. Provide fire apparatus access as required by IFC 503 2015 edition, Section MGO 34.503, as follows:
- a.) The site plans shall clearly identify the location of all fire lanes.

- b.) MGO Section 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26 feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
- c.) The Madison Fire Department is concerned about the limited options available to provide access due to the size of the building and the existing site constraints. Further discussions about alternative means to reduce the risk of fire in this building are warranted.

Water Utility (Contact Adam Wiederhoeft, 261-9121)

58. 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/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. 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. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.

59. This property is in a Wellhead Protection District–Zone (WP-24). The owner shall provide the Madison Water Utility with evidence that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative.

60. Madison Water Utility will be required to sign off on the Land Use Application prior to the issuance of building permits for the development.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments or conditions of approval for this request.

Parks Division (Contact Janet Schmidt, 261-9688)

61. City Forestry will permit the removal of two small crabapples on E. Main Street, which will be replaced with larger canopy trees.

62. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brian Meiller – bmeiller@cityofmadison.com or 266-4816. Tree planting specifications can be found in Section 209 of City of Madison Standard Specifications for Public Works Construction.

63. Existing street trees along E Washington Avenue 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. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.