



Department of Planning & Community & Economic Development

Planning Division

Katherine Cornwell, Director

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May 20, 2015

Lance McGrath
McGrath Property Group, LLC
222 S. Bedford Street
Madison, Wisconsin 53703

RE: Approval of a demolition permit and conditional use to allow 3 commercial buildings to be demolished and a new mixed-use building with 3,700 square feet of commercial space and 76 apartments to be constructed at 1200-1212 E. Washington Avenue.

Dear Mr. McGrath;

At its May 18, 2015, the Plan Commission found the standards met and **approved** your demolition permit and conditional use request to construct a mixed-use building 1200-1212 E. Washington Avenue. The conditions of approval in the following sections shall be satisfied prior to issuance of demolition or building permits for the project.

Please contact Janet Schmidt of the City Engineering Division at 261-9688 if you have questions regarding the following fourteen (14) items:

1. 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 City 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.
2. Any non-standard right of way improvements will require either a maintenance or encroachment agreement.
3. A pumping plan for the underground parking facilities shall be provided to the City Engineer for review and approval. The plan must be stamped by a Master Plumber or by a Professional Engineer.
4. Informational: The applicant shall be made aware that the City provided two (2) 6-inch diameter sanitary sewer laterals on E. Washington Avenue at a lower elevation than the sewer main located on N. Few Street.
5. This property is an open investigation site with the WDNR (BRRS #03-13-448868). The developer shall provide proof of coordination with the WDNR to close the site as part of the new development.

Submit documentation to Brynn Bemis at bbemis@cityofmadison.com or contact Brynn by phone at 267-1986 with questions or concerns.

6. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project
7. 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.
8. In accordance with 10.34 MGO – Street Numbers: Submit a PDF of each floor plan to Lori Zenchenko in Engineering Mapping (Lzenchenko@cityofmadison.com) so that an interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
9. The approval of this development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
10. 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.
11. The applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system
12. 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.
13. All work in the public right of way shall be performed by a City-licensed contractor.

14. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan
15. All damage to the pavement on E. Washington Avenue and N. Few Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
16. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. 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).
17. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
18. 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.
19. The applicant shall demonstrate compliance with Section 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 7.5-tons per acre per year.
20. This site appears to disturb over 1 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 NR216 and NR-151; however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their Water Resources Application for Project Permits (WRAPP) or Notice of Intent Permit (NOI) permit process.
21. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of MGO.
22. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
23. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit.
24. 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 be required.

25. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
26. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing lateral that serves a building which is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
27. 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.
28. 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 Janet Schmidt (608-261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following eleven (11) items, including condition 31, which was revised by the Plan Commission, and condition 39, which was added at the meeting:

29. The applicant shall apply for a waiver of MGO 27.05(2)(bb), Vision Clearance Triangles at Intersections Corners. (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.) Approval or denial of the waiver shall be the determination of the City Traffic Engineer.
30. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks 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 Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.
31. A deposit of \$8,000 payable to City Treasurer will be required for the installation of traffic signage and markings deemed necessary with the completion of the development including possible traffic mitigation related to the bike boulevard.
32. Seventy-six (76) off-street auto parking spaces are provided for the development, which has 76 residential units. The letter of intent does not include any guarantee that a minimum of 76 spaces will be reserved at all times for the residents, and as it is likely that some of the spaces will be used for the commercial activity at this development,. Therefore, a condition of approval shall be that no residential parking permits shall be issued for 1200-1212 E. Washington Avenue. The applicant shall inform all tenants of this restriction in their apartment leases. In addition, the applicant shall submit a copy of the lease for 1200-1212 E. Washington Avenue noting the above condition.

33. 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.
34. Provide a plan demonstrating the use of the stacked parking.
35. "Stop" signs shall be installed at a height of 7 feet at all Class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
36. 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.
37. 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.
38. All parking facility design shall conform to the standards in MGO Section 10.08(6).
39. A study will be conducted of the costs and benefits of installing a left turn lane on E. Washington Avenue, eastbound lane only. If deemed to be in the best interests of residents of the neighborhood and the city, the developer will pay the cost of such turn lane to an amount not to exceed \$100,000.

Please contact Dennis Cawley of the Madison Water Utility at 261-9243 if you have any questions regarding the following item:

40. The Madison Water Utility shall be notified to remove the water meters prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21.

Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following two (2) items (Note the revised language in condition 41 approved by the Plan Commission):

41. Provide fire apparatus access as required by IFC 503 2012 edition, MGO Section 34.503, as follows: Aerial fire lanes shall be free from overhead obstructions. Obstructions shall not be located between the building and an aerial fire lane. Alternative measures to allow obstructions may include specific tree selection and placement; increased fire protection systems; and/or increased building fire resistance. Alternatives must be approved by the MFD prior to site plan approval.

42. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Lt. Scott Bavery of the MFD Training Division to discuss this possibility at 576-0600.

Please contact Kay Rutledge of the Parks Division at 266-4714 if you have any questions regarding the following five (5) items

43. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the development. This development is within the Tenney, Law & James Madison park impact fee district (SI26). Please reference ID# 15123 when contacting Parks Division staff about this project.
44. City Forestry will permit the removal of one linden street tree on N. Few Street (third north of E. Washington Avenue), which is in the location of the new driveway. All other street trees along N. Few Street and E. Washington Avenue shall be protected.
45. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a site plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in Section 209 of *City of Madison Standard Specifications for Public Works Construction*.
46. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*.
47. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

Please contact my office at 261-9632 if you have any questions about the following ten (10) items, including conditions 53–58, which were added by the Plan Commission:

48. Provide a lot coverage calculation for the project, which shall not exceed 85% per CC-T bulk requirements.
49. The applicant indicates that no HVAC penetrations are proposed. A plan showing how heating and cooling will be provided for the project; any rooftop mechanical units or enclosures shall comply with Section 28.060 of the Zoning Code. Any proposed HVAC or utility penetrations on the building shall not face E. Washington Avenue or N. Few Street. Any HVAC or utility penetrations elsewhere

on the exterior of the building should be designed to be perpendicular to the facades to limit their visibility to the greatest extent possible.

50. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. MGO Section 28.185(7)(a)5 of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
51. Provide landscape plans pursuant to Sec. 28.142, Landscape Plan and Design Standards. The plans should include but are not limited to: Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. Screening shall be provided alongside and rear property boundaries between commercial, mixed-use or industrial districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between 6 and 8 feet in height. The height of screening shall be measured from natural or approved grade.
52. As shown, the project is deficient in bike parking. Bike parking shall comply with MGO Section 28.141(4)(g), Table 28I-3: Provide the required minimum bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. Note: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. Provide details of the bike racks to be used on final plan sets.
53. If dogs are allowed, a station for depositing dog waste and to get dog waste bags shall be installed.
54. Final plans submitted for review and approval by staff shall include a management plan for the building including plans for trash management, snow removal, management of parking, and contact information for the management company operating the building.
55. Prior to final approval of the plans and issuance of demolition or building permits, the applicant submit a tree preservation plan to the Planning Division for approval that identifies trees within the rear yard of the proposed building and along the rear property to be preserved and the measures that will be used (construction fencing, pruning, etc.) to protect these trees.
56. Prior to final approval of the plans and issuance of a demolition or building permit, the applicant shall work with neighbors who share property lines with the development to allow for their input on landscaping on the side of the development which is adjacent to their property.
57. The exhaust for the underground parking facility shall be located along the eastern side wall as far south along that wall as possible to prevent noise or odors near adjacent residential properties.
58. That the applicant offer to purchase black-out blinds for 22 N. Few Street. [This condition shall be satisfied as directed by Planning Division staff prior to final approval of the plans and issuance of demolition or building permits for the project.]

The applicant is also required to satisfy the Urban Design Commission conditions of approval prior to the final staff approval of the project and the issuance of permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.

Please now follow the procedures listed below for obtaining permits for your project:

1. After the plans have been revised per the above conditions, please file **ten (10) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.
2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval.
3. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Section 28.185(10) of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
4. Approval of the plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.
5. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if you may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Janet Schmidt, City Engineering Division
Eric Halvorson, Traffic Engineering Division
Matt Tucker, Zoning Administrator
Kay Rutledge, Parks Division
Dennis Cawley, Madison Water Utility
Bill Sullivan, Madison Fire Department

I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.

Signature of Applicant

*Signature of Property Owner
(If Not Applicant)*

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input type="checkbox"/>	Other: