



## Report to the Urban Design and Plan Commissions

3-20-2013 (UDC)

4-08-2013 (PC)

Legistar ID #29097  
304 West Washington Avenue  
Demolition Request

Prepared By:  
Heather Stouder, AICP  
Planning Division

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**Requested Action:** The applicant requests approval of a demolition in the UMX (Urban Mixed Use) District.

**Applicable Regulations and Standards:** This proposal is subject to the standards for demolition permits (MGO Section 28.185). This project is also subject to the Downtown and Urban Districts Design Standards (Section 28.071(3)) and should be reviewed against the advisory Downtown Urban Design Guidelines, approved by the Common Council in December 2012.

**Review Required By:** Urban Design Commission (advisory recommendation on developments with UMX Zoning) and Plan Commission (approval of demolition requests).

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the requested demolition and building addition for 304 West Washington Avenue. Further, the Division recommends that the Urban Design and Plan Commissions find that the applicable design standards can be met and **approve** the proposal. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

*Note: At their March 20 meeting, the Urban Design Commission granted **final approval** for the design.*

### Background Information

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**Applicant / Owner:** Annie Laurie Gaynor and Dan Barker; Freedom From Religion Foundation; 304 W. Washington Ave.; Madison, WI 53701

**Contact:** Bill Montelbano; Bill Montelbano, Architect; 8 E. Hudson St; Mazomanie, WI 53560

**Owners:** 304 W. Washington Avenue: Freedom from Religion Foundation Inc.; PO Box 750; Madison WI 53701, and Washington Ave. CDM Unit Owners Association; 304 W. Washington Ave.; Madison WI 5370310 North Henry Street:

10-12 North Henry St. LLC; 380 West Washington Ave.; Madison, WI 53703

**Proposal:** The applicant proposes to demolish a small apartment building to allow for the construction of significant additions to an existing office building. If approved, construction would commence in August 2013 with completion scheduled for June 2014. The proposed addition would cross a platted lot lines and as such, a certified survey map is required to combine these lots prior to the issuance of building permits. The proposal will also involve the dissolution of an existing condominium which includes both existing buildings.

**Parcel Location:** The subject property is located in the northwest corner of East Washington Avenue and North Henry Street in the UMX District; Aldermanic District 4 (Verveer); Madison Metropolitan School District

**Existing Conditions:** The subject site includes one 6,666 square foot parcel with two underlying platted lots joined under a condominium instrument. 304 West Washington is the existing Freethought Hall, and 10 North Henry Street is the existing 6-unit apartment building proposed for demolition.

**Adopted Land Use Plan:** The Comprehensive Plan includes this property within the “Downtown Core” Sub-District of the Downtown area. The Downtown Plan recommends Downtown Core Mixed-Use for the property. Further information is included in the body of this report.

**Surrounding Land Use and Zoning:**

Northeast: Across North Henry Street, a nine-story office building in the DC (Downtown Core) District.

Southeast: Capitol West Residential Condominiums in the PD (Planned Development) District.

Southwest and Northwest: Immediately adjacent to this property, a six-story office building in the UMX (Urban Mixed Use) District

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

**Public Utilities and Services:** This property is served by a full range of urban services.

**Zoning Summary:** 304 West Washington Avenue is in the UMX (Urban Mixed Use) District.

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	No minimum	-
Front Yard Setback	5'	10'
Side Yard Setback	The first two (2) stories of one side of all buildings: 0	0' – LS 0' - RS
Rear Yard	10'	10.125'
Minimum Height	2 stories	4 stories
Maximum Height	Capitol View (See Downtown Height Map)	4 stories
Stepback	None Required (See Downtown Stepback Map)	n/a
<b>Site Design</b>	<b>Required</b>	<b>Proposed</b>
Number parking stalls	0 (Central Area)	215
Loading	0	0
Number bike parking stalls	7 stalls 1 per 2,000 sq. ft. of office	2
Landscaping	No	Yes
Building forms	Yes	Meets building forms
Lighting	Yes	Yes

*Table Prepared by Patrick Anderson, Assistant Zoning Administrator*

## Project Description

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The applicant proposes to demolish a six-unit apartment building for the construction of a 4-story, 8,730 square foot addition to a 3,900 square foot office building in the UMX (Urban Mixed Use) District.

### Building Proposed for Demolition

The three-story, wood-framed apartment building proposed for demolition has six residential units, and was originally constructed in 1906. The building has structural deficiencies and outdated mechanical, electric, and plumbing systems. Interior finishes, including hardwood floors, are in good condition. The applicant notes that it would be very difficult to repurpose the existing building as additional office space, and its 3,400 square feet would not nearly meet the space needs of the growing organization. Photos of the building are included within the applicant's plan sheets and can be viewed online at the following link: [http://www.cityofmadison.com/planning/projects/reports/304wwa\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/304wwa_photos.pdf)

### Summary of Proposed Development

Following demolition of the apartment building, the applicant is proposing to add a third (and small portion of a fourth) floor to the existing building, and to construct a 4-story rear addition, for a total addition of 8,730 square feet of office space. An existing curb cut and paved drop-off area along North Henry Street would be removed and replaced with a well-landscaped seating area. Exterior materials of the rear addition include brick, EIFS accents, pre-cast stone windowsills, and a bluish metal trim. Original plans included the removal of stucco on the existing building to expose the stone underneath, but most recent plans show that the stucco will remain. Both the stucco and the existing window trim will be painted to match the new addition.

## Project Analysis and Conclusion

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The proposed project is subject to the demolition approval standards in the recently adopted Zoning Code. Additionally, properties developed in the UMX (Urban Mixed Use) zoning district are reviewed by the Urban Design Commission against the Design Standards of Section 28.071(3) and the advisory Downtown Urban Design Guidelines. The analysis begins with a summary of the adopted plan recommendations, as many of the specific approval standards reference these documents.

Conformance with Adopted Plans - Staff believes that the proposal is consistent with the adopted plan recommendations. The Comprehensive Plan includes the subject site within the "Downtown Core" sub-district, where office uses are among the recommended uses. The Downtown Plan recommends Downtown Core mixed uses at heights not to exceed Capitol View, which this 4-story building does not approach.

Demolition Standards - This proposal is subject to the demolition standards of the Zoning Code, and staff believes these standards can be met. In considering these standards, the Plan Commission must find that the proposed demolitions are both 1) consistent with the intent and purpose of the zoning district and 2) that the proposed future use is compatible with the purpose of the demolition section of the ordinance. Staff believes that the demolition standards can be met. The proposed expanded office use is consistent with the UMX District, and compatible with surrounding uses.

The Landmarks Commission reviews all proposed demolitions, but was not required to make a formal recommendation on this proposal since none of the buildings are landmarks or adjacent to landmarks, nor is the site within a local historic district. In their December, 2012 review, the Landmarks Commission raised no issues regarding the building proposed for demolition at 10 North Henry Street, but voted to "advise the Plan Commission and Urban Design Commission the existing building at 304 West Washington has a circa 1855 original portion, and the Landmarks Commission hopes that the

addition/expansion is sensitive to the historic fabric.” It was noted by the Preservation Planner that there is no known historic value for the six-unit apartment building proposed for demolition, and that the proposed elevations appear to be adequate.

#### Design Considerations and Evaluation of the Urban Design Guidelines

This proposal, developed under UMX zoning, is subject to the Downtown Design Standards, which cannot be waived, unless approved as a variance by the Zoning Board of Appeals. The project appears to comply with those standards, except where further clarifications have been requested by the Zoning Administrator. Specifically, the windows and openings on the ground floor of the new portion of the Henry Street facade will need to comprise at least 50% of that portion of the building. Also, the applicant will need to provide a rooftop plan demonstrating that standards relating to the screening of rooftop equipment are met. Throughout the review process, the design of the building has evolved such that it appears to meet the standards for Building Materials, which stipulate that EIFS can only be used as an accent material or as a material near the top of the building.

The Zoning Ordinance also requires the Urban Design Commission (UDC) review the development in the UMX district. The project should be reviewed against the Downtown Urban Design Guidelines (attached). Upon review, staff believes the project meets these guidelines.

Public Input - The applicant attended a January 8, 2013 meeting of the Capitol Neighborhoods Inc. Mifflin West Steering Committee, where attendees expressed support for the proposal, so long as the Italianate Style of the existing building would remain. Any other public comments received by staff noting support or opposition to the proposal will be included in the Plan Commission packet.

Conclusion - The project is consistent with the recommendations of both the Comprehensive Plan (2006) and Downtown Plan (2012). Staff believes that the project can meet all applicable review standards.

## Recommendation

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Major/Non-Standard Conditions are Shaded

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

The Planning Division recommends that the Plan Commission find that the demolition standards are met and approve the demolition of the apartment building for the proposed building addition. Further, the Division recommends that the Urban Design and Plan Commissions find that applicable design standards can be met and **approve** the proposal. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. Final plans submitted for staff review and signoff shall include a rooftop plan meeting all relevant zoning standards for the UMX District.

### ***The following conditions/comments have been submitted by reviewing agencies:***

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

2. This conditional use application includes lands that are contained within a declared condominium plat. Submit the required condominium amendment/addendum application to City Planning Division for review and approval by appropriate city agencies. The final condominium documents shall be approved by the City and recorded with the Dane County Register of Deeds. This is required to create the resultant property records in city databases for final permitting purposes.
3. These proposed plans indicate the addition of a new lobby and entrance along N. Henry Street. This proposal requires the current situs address be changed from a W. Washington Avenue address to a N. Henry Street address per Madison General Ordinances. Contact Lori Zenchenko at ([lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com)) or (608) 266-5952 to coordinate the final address plan for this proposed redevelopment.
4. If the construction of the proposed building necessitates removal and replacement of the existing public sidewalk the Applicant shall take out a street terrace permit for the replacement. The permit is located on line at <http://www.cityofmadison.com/engineering/Permits.cfm>.
5. Any earth retention in the right of way necessitated for the construction of the building shall be reviewed and approved prior to the start of construction. Additional comments and requirements will be provided upon receipt of the plan. All earth retention plans are required to be stamped by a professional engineer.
6. Revise plans to remove all landscaping from the right of way.
7. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace (POLICY).
8. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
9. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
10. All damage to the pavement on N. Henry St. and W. Washington Avenue adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).

11. The site plans shall be revised to show the location of all rain gutter down spout discharges (POLICY).
12. 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. (POLICY AND MGO 10.29).
13. The applicant shall demonstrate compliance with MGO Section 37.07 and 37.08 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.
14. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required (NOTIFICATION).
15. Prior to approval, this project shall comply with MGO Chapter 37 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 MGO Chapter 37.
16. 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 (POLICY).
17. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words “unplatted”, h) lot/plat dimensions, i) street names, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [addressing@cityofmadison.com](mailto:addressing@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).

18. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) Building footprints; b) Internal walkway areas; c) Internal site parking areas; d) Lot lines and right-of-way lines; e) Street names; f) Stormwater Management Facilities; and g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
19. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (MGO 37.05(7)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
20. Prior to approval of the application, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each

lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner (POLICY). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

21. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service (POLICY).

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

22. When the applicant submits plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
23. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
24. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

25. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes prior to sign installations.
26. MGO Sec. 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Mr. George Dreckmann, (608)267-2626.
27. MGO Sec. 28.185(10) – Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
28. Subject to MGO Sec. 28.173(9)(b). Access and Entry. Building shall have a clearly defined, highly visible customer entrance or entrances, marked by canopies, porticos, overhangs, arcades, façade recesses or projections, or similar features.
29. Combine the lots to legally make one lot via a Certified Survey Map. A property line cannot go through a building without a fire wall down the lot line pursuant to Sec. 705.1.1 of the International Building Code. CSM shall be approved before signoff on final plans.
30. Provide evidence with detail on the Henry Street-facing facade that it complies with MGO Sec. 28.071(3)(e)1 as well as Sec. 28.071(3)(f) and (h) on the final plan sets.
31. Bike parking shall comply with MGO Table 28I-3 (General Regulations). Provide the minimum number of 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 two feet by six feet with a five-foot access



area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. Provide details of bike rack on final plan sets.

32. MGO Section 28.076(5), Alterations to Approved Designs. For buildings approved pursuant to (b) or (c) above, the Director of the Department of Planning, Community, and Economic Development may approve minor alterations or additions if he/she determines that such alterations or additions are consistent with MGO Sec. 28.071(3), if applicable, the Downtown Urban Design Guidelines, and the previously approved design.

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

33. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
34. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows: IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, with the near edge of the fire lane within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.
35. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities (608) 246-4587. As little as one day can provide MFD with a great training opportunity.

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

36. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
37. Existing street trees shall be protected. Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.
38. Please reference ID #13113 when contacting Parks about this project.

**Water Utility** (Contact Dennis Cawley, 261-9243)

39. The Madison Water Utility shall be notified to remove the water meters prior to demolition. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.

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

This agency did not submit a response to this request.