



Report to the Plan Commission

April 9, 2012

Legistar I.D. #24386, #25023, and #25173
754 E. Washington Ave. and 741 E. Mifflin St.
UDD Ordinance Amendment, Rezoning, and Demolition

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of an amendment to MGO Section 33.24(15) to allow for a height of ten stories with an opportunity for two additional bonus stories on the portion of this block subject to this proposed redevelopment. Approval of the demolition of an existing 20,000 square foot, one-story building and the rezoning of property at 754 East Washington Avenue and 741 East Mifflin Street from C3 (Highway Commercial District) to PUD-SIP (Planned Unit Development-Specific Implementation Plan) to construct a mixed-use, twelve story building with three floors of commercial space, four levels of structured parking, and 217 residential units.

Applicable Regulations & Standards: Section 28.12 (12) of the Zoning Ordinance provides the standards for approval of demolitions. Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) provides the requirements and framework for review of Planned Unit Development Districts.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward a recommendation for **approval** to amend MGO Section 33.24(15) to increase the allowable height on this property to ten stories, with an opportunity for two additional bonus stories. The Planning Division recommends that the Plan Commission then find that the criteria for demolition, rezoning, and Planned Unit Development Zoning can be met, and forward this request to the April 17 meeting of the Common Council with a recommendation for **approval** to demolish the existing building and rezone property at 741 East Mifflin Street and 754 East Washington Avenue from C3 to PUD-SIP, subject to input received at the public hearing and the conditions from reviewing agencies.

Background Information

Applicant: Otto Gebhardt III; Gebhardt Development; 222 North Street; Madison

Project Contact: Chris Gosch, AIA; Bark Design; 229 North Street; Madison

Property Owner: City of Madison; 210 Martin Luther King Jr. Blvd.; Madison

Proposal: The applicant proposes to demolish an existing one-story structure formerly utilized as a used car dealership for the construction of a twelve story mixed-use building with approximately 32,300 square feet of commercial space on the three lower levels, four levels of structured parking, and 217 residential units. The applicant hopes to begin demolition work in May 2012 and complete the proposed building in August 2013.

Parcel Location: On the northwest corner of East Washington Avenue and Livingston Street, the two adjacent parcels comprise 66,000 square feet (1.5 acres); Urban Design District 8; Aldermanic District 2 (Maniaci); Madison Metropolitan School District.

Existing Conditions: The 1.5-acre site is currently divided into two separate, adjacent parcels, which would be combined into a single parcel associated with the proposed redevelopment. 741 East Mifflin Street is a narrow half-acre parcel with surface parking, and 754 East Washington Avenue is a one-acre parcel with a 21,000 square foot, one-story commercial building at the corner of East Washington Avenue and Livingston Street and surface parking in the rear half of the property.

Surrounding Land Use and Zoning:

- North:** Across East Mifflin Street to the North, Reynolds Storage and Transfer yard at 710 E. Mifflin St. in the PUD-SIP District.
- South:** Across East Washington Avenue to the south, a fueling station in the C3 (Highway Commercial) District and an electrical substation operated by MG&E in the M1 (Limited Manufacturing) District.
- East:** Across North Livingston Street to the east, a former auto dealership now owned by the City of Madison and planned for resale to a private entity for mixed-use redevelopment in the C3 (Highway Commercial) District.
- West:** Reynolds Transfer and Storage, general warehousing and storage in the C3 (Highway Commercial) District.

Adopted Land Use Plans: The Comprehensive Plan (2006) recommends Community Mixed-Use for this property and the surrounding blocks between East Washington Avenue and East Mifflin Street. The Tenney-Lapham Neighborhood Plan (2008) recommends Community Mixed-Use for the southern half of the property, and High-Density Residential use (defined in the plan as 41-60 units per acre) on the northern half of the property.

The East Washington Avenue Capitol Gateway Corridor BUILD Plan (2008) recommends Community Mixed-Use with commercial uses on the ground floor at the corner for the half of this property facing East Washington Street, and High-Density Residential use for the half of the property facing East Mifflin Street. This plan also includes specific bulk and design guidelines, which have largely been codified in Urban Design District 8 (UDD 8), MGO Sec. 33.24(15). A review of the proposal’s compliance with UDD 8 is included in this report.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: The area is well-served by a range of urban services and several Metro Transit Routes.

Zoning Summary:

Bulk Requirements*	Required (C2 Criteria)	Proposed
Lot Area	About 5 acres total (700 sf per efficiency 1,000 sf per 1BR 1,300 sf per 2BR 1,600 sf per 3BR)	65,490 sf existing (1.5 acres)
Lot width	50'	Existing/adequate
Usable Open Space	19,740 sf (70 sf per bedroom)	TBD-not clearly shown on plans
Front yard	0'	As shown on approved plans
Side yards	0' commercial 1 st story 11' each side 2 nd story	As shown on approved plans
Rear yard	30' or 55% of building height	As shown on approved plans
Floor area ratio	3.0	As shown on approved plans
Building height	N/A	As shown on approved plans

Site Design	Required	Proposed
Number parking stalls	361 Total ~87 for commercial (1 stall per 300 sf retail 1 stall per 400 sf office) 274 for apartments	272
Accessible stalls	TBD	TBD

		<i>(Please see Condition No. 21 p. 18)</i>
Loading	3 – 10' x 35'	2- 10' x 35' <i>(Please see Condition No. 22, p. 18)</i>
Number Bike Parking stalls	225 <i>(217 for residential 8 for commercial)</i>	214 <i>(Please see Condition No. 20, p. 18)</i>
Landscaping	Yes	As shown on approved plans <i>(Please see Condition No. 19, p. 18)</i>
Lighting	Yes	As shown on approved plans <i>(Please see Condition No. 18, p. 18)</i>

Other Critical Zoning Items	
Urban Design	Yes (UDD #8, PUD)
Historic District	No
Landmark Building	No
Floodplain	No
Utility Easements	Yes
Barrier Free (ILHR 69)	Yes

Compiled by Pat Anderson, Assistant Zoning Administrator

**Since this project is being rezoned to the PUD District, and there are no predetermined bulk requirements, we are reviewing it based on the criteria for the G2 district, because of the surrounding land uses.*

Project Description

NOTE: The details in this report from this point forward are based on revisions submitted on March 28, 2012, which have been included in the Plan Commission packet and are available for electronic review on the Legistar website under Legistar ID #24584, or at the following direct link:
<http://legistar.cityofmadison.com/attachments/7a16838d-de87-4e68-9fd0-c587b600fa53.pdf>

Existing Conditions

The 1.5-acre site is currently divided into two separate, adjacent parcels, which would be combined into a single parcel through a Certified Survey Map associated with the proposed redevelopment. 741 East Mifflin Street is a narrow half-acre parcel with surface parking, and 754 East Washington Avenue is an adjacent one-acre parcel with a 21,000 square foot, one-story commercial building formerly utilized for automobile sales and services, with more surface parking in the rear half of the property. The building itself, built in its current form in 1986, is in fair condition, but has long been viewed as a significant underutilization of this property.

In July 2011, the City of Madison acquired this property, as well as property on the 800 block of both sides of East Washington Avenue, for a total of \$4.5 Million as part of a land-banking program, with the intent to sell the properties for private sector redevelopment. While still under City ownership, the building was temporarily used by Porchlight, Inc. as a day-shelter with resources for homeless individuals. This temporary use of the building was approved by the Common Council on December 13, 2011 as a month-to-month use, and ceased on March 15, 2012.

Demolition

The existing steel framed one-story building will be deconstructed and removed from the site. The asphalt parking area surrounding the building will be demolished and recycled, and three existing curb cuts will be removed. During demolition, four existing Linden trees in the public terrace along East Mifflin Street will be protected and remain on the site. Ash trees along Livingston Street, and two small trees along East Washington Street will be removed and replaced with new street trees.

Proposed Land Use

A mixed-use, twelve-story building is proposed for the site with a total of 217 residential dwelling units, over 32,000 square feet of commercial space, and 275 structured parking spaces for automobiles. The commercial and office spaces are on the first three floors, surrounding a four-level parking structure. A majority of the residential units are located above the parking structure and commercial uses, with a portion of the units located in three- and four-story portions of the building oriented toward East Mifflin Street. The residential density for the project as a whole is 145 units per acre. On the half-acre strip of the property facing East Mifflin Street and the Tenney-Lapham Neighborhood, the density is much lower at approximately 48 units per acre.

Residential Units – In the most recent submittal, the 217 residential apartment units include a mix of 59 Efficiencies, 83 one-bedroom, 29 one-bedroom with den, 20 two-bedroom, 3 two-bedroom with den, and 23 three-bedroom units. 193 of these are located in a residential “tower” atop the parking garage and commercial portion of the building. 24 units are located in three and four story portions of the building oriented toward East Mifflin Street. Units range in size from 450 square foot efficiencies to three story townhouse-like units with 3-bedrooms.

The applicant indicates that the primary intended market for the apartments is young professionals, although a variety of households, including families with children and empty-nesters are anticipated. The building includes structured parking for automobiles and bicycles, access to shared open spaces at grade and on the fourth floor rooftop, a 526 square foot community room on the second floor, trash and recycling chutes on each level, and shared laundry facilities on each floor where there are no laundry facilities within the units (approximately 60% of the units have their own laundry facilities). Finally, small storage rooms are provided on each residential level.

Commercial Space – Specific commercial uses are undefined at this time, although the applicant indicates that retail and service uses are intended for two first floor tenant spaces (8,560 square feet), with office uses on floors two and three (approximately 23,235 square feet). A drive-through facility located within the structured parking area is proposed for the ground floor commercial tenant space along East Washington Avenue.

On the second floor, the applicant is proposing a 526 square foot community room which can be reserved and used at no charge by the public. A recent addition to the proposal is set of two second floor showers for use by employees who bicycle to work or otherwise wish to use the shower during the day.

Site and Building Design

Building Bulk and Placement- The building base is placed 21 feet from the East Washington Avenue right-of-way, and an overhang above the first floor is 15-16 feet from the right-of-way. (The building will seem to be a few feet closer to the right-of-way than it actually is, since a portion of the public sidewalk will lie within an easement on private property following the widening of the East Washington Avenue pavement). Along the east side, the building is 10 feet 2 inches from the North Livingston Street right-of-way, providing a few extra inches beyond a ten foot utility easement. Along East Mifflin Street, the closest part of the building in the northeast corner is approximately 13 feet from the right-of-way, while the rest is set back 32 feet, providing space for usable lawn and gardens. Finally, the west side of the building is approximately 7 feet from the property line, adjacent to a property anticipated to redevelop in the future.

The first three floors of commercial space wrap around the south and east sides of a four-level structured parking area interior to the building. Above the third floor commercial level, a residential “tower” element steps back another 15-60 feet from the East Washington Avenue frontage, and continues vertically for nine stories. In accordance with the UDD 8 requirement that a 30 degree angle be maintained from the East Mifflin Street side of the building, rear setbacks continue such that the residential floor area is progressively smaller with the vertical rise.

From grade to the roof of the twelfth story, the building is 147 feet tall, with a 2,400 square foot mechanical penthouse adding another 10.5 feet in height. Floor to floor heights are 15 feet for commercial levels and 11 feet 4 inches for residential levels, which equates to the maximum allowable height as per requirements in UDD 8 for average height per story.

Access, Parking, Loading, and Circulation- At the request of the applicant, the East Washington Avenue / Livingston Street intersection is being redesigned with a traffic signal and median break so as to allow for left turns from both eastbound and westbound traffic along East Washington onto Livingston Street. This redesign will result in a widening of the East Washington Avenue pavement by approximately five feet. Left turns from Livingston Street onto East Washington will still be prohibited.

The interior structured parking area can be accessed from North Livingston Street through a two-way driveway, which will be the only vehicle *entrance* to the structured parking area. An exit-only driveway onto East Washington Avenue will accommodate vehicles heading toward Downtown from the property, as well as all vehicles utilizing the drive-through window interior to the site. Absent a full intersection at Livingston and East Washington, vehicles heading east, away from Downtown, will need to exit the parking structure by turning left onto Livingston Street, right on Mifflin Street, right again at Paterson Street, and left onto East Washington Avenue at the traffic signal.

All on-site automobile parking is internal to the building, with a total of 272 stalls on four levels. Parking includes seven accessible stalls, two stalls reserved for community cars, two stalls reserved for service vehicles, and one stall with an electric charging station. Throughout the parking area, 62 stalls (23%) are provided for compact cars.

A total of 413 bicycle parking stalls are proposed throughout the site, including a variety of short term and long term parking options as follows: 68 standard 2-foot by 6-foot stalls (16%) are distributed outside of the building throughout the site for residents, commercial employees, customers, visitors. 149 standard stalls (36%) are provided within the structured parking area; 106 wall-mounted stalls (26%) are provided in front of car-parking spaces which will presumably be assigned to residential units; and 90 stalls (22%) are provided in stacked rack systems within the structured parking area. Since bike parking is provided on all four levels, the applicant has indicated that elevators will be designed to accommodate bicycles.

At the request of staff, the applicant has provided a crosshatched pedestrian and bicycle entrance to the structured parking area adjacent to the vehicle exit onto East Washington Avenue, so that pedestrians and cyclists walking their bicycles to one of the bicycle parking areas may enter on this side. Plans show this area as three feet wide, which should be reviewed by Traffic Engineering staff for adequacy. In addition, a sidewalk is provided from East Mifflin Street to the underground parking area for easier access from the north.

A trash loading area is provided within the enclosed parking area on the first level just inside the Livingston Street entrance. A 10 foot by 35 foot loading zone for deliveries to commercial tenants is provided near the East Washington Avenue exit of the parking structure.

Open Space, Stormwater Management, and Landscaping- The site includes an at-grade usable open space with gardening opportunities for residents between the building and East Mifflin Street. In addition, a 3,000 square foot rooftop terrace with benches, tables, structured landscaping, and a small children's play area is proposed for use by residents. Based on solar studies done by the applicant, the rooftop terrace should get a few hours of afternoon sun each day. This area may be available for use by community groups as well, when reserved through the management company. Finally, usable private balconies or porches are provided for a majority of the residential units. At a five-foot depth and with varying lengths, these areas are all usable.

While stormwater infiltration opportunities on the Isthmus may be limited, the proposed site plan would likely result in a significant increase in on-site capacity for stormwater, when compared with the existing site, which is nearly 100% impervious. A majority of runoff from the roof will enter the existing

stormwater sewer along East Mifflin Street and North Livingston Street. However, some infiltration and use of water for garden plantings will occur in the open space between the building and East Mifflin Street. In addition, green roof tray systems totaling 3,400 square feet are proposed on two levels of the north side of the building. These should be able capture a portion of the stormwater that would otherwise be leaving the site. Structured landscaping beds placed on the rooftop terrace and along the south and west sides of the building will capture and utilize a small amount of stormwater as well.

Most of the landscaping on the private property is structured, with raised brick planters of native perennials and annuals located on the fourth floor rooftop terrace and between the building and the street near commercial entrances. Some of the raised planters, which vary in height from approximately one to three feet, are accompanied by small outdoor seating areas, which would be associated with the first floor commercial uses. Three columnar trees are proposed on private property along the East Washington Avenue side of the building, and several shrubs and small trees (including some apple trees) are proposed in the open space along East Mifflin Street.

The applicant has coordinated with staff in City Forestry regarding the spacing and species choices for trees in the public right-of-way. The proposal includes the maintenance of existing Linden trees along East Mifflin Street, a mix of seven new canopy trees along Livingston Street, and four new Honeylocust trees along East Washington Avenue, all surrounded by perennial plantings.

Building Exterior- For the main building facing East Washington Avenue and North Livingston Street, exterior building materials include a brick and glass base, insulated metal paneling and glass on upper floors, and composite wood horizontal elements atop the first and third story, dividing the commercial base of the building from the residential levels above. This pattern continues around the corner onto the North Livingston Street elevation, which is broken up with a strong vertical structural element near the middle of the building. Steel and concrete balconies proposed for many of the residential units, as well as some of the commercial spaces.

On the East Mifflin Street side of the proposed redevelopment, the three and four-story residential portions of the redevelopment have a brick base on the first floors, with metal paneling on the upper levels, complementary to the main building.

The western side of the building, where the four-story parking garage is exposed, is clad with powder coated bar grates, and a series of vertical and horizontal composite wood accent elements. Vines are proposed to be planted on the ground level to grow up the grates to form a "living wall". These may only thrive during portions of the year in this climate, so it is important that the backdrop (grates and accent materials) are considered to be an acceptable alternative to a "living wall". Upper levels of the western side of the building are consistent with other sides of the residential tower, with prefinished metal paneling, glass, and steel and concrete balconies. (Note: While labeled as the same color, the brick elements on this elevation appear to be a very different color than brick elements on the rest of the building. This should be addressed in the final plan set).

Finally, a detailed lighting plan has been proposed to provide soft lighting in the hardscaped area surrounding the building and on the rooftop terrace, and to accentuate the corners and top two floors of the building itself. The lighting plan will be reviewed by the Urban Design Commission, as well as the City's Building Inspection Division for compliance with lighting codes.

Public Input – The applicant has presented the proposal at five or more meetings of the Tenney-Lapham Neighborhood Association (TLNA), most of which were attended by staff. Overall, the input received at the meetings has been very positive. Most area residents participating in the meetings have been anticipating urban redevelopment of this property for a long time, and are eager to support the replacement of the existing building with the proposed mix of uses. The bulk and massing of the building, including additional height to exceed the recently adopted maximum height limits, has been well-received, and participants have shared many helpful comments regarding design details. At their

February 9, 2012 meeting, the TLNA Council voted to endorse the proposal in writing (see attached letter to the UDC dated March 19, 2012)

Main concerns expressed at the neighborhood meetings relate to traffic volume and traffic movements associated with the building, particularly the potential increase of automobile and truck traffic along East Mifflin Street, which was recently designated as a “bicycle boulevard” (a street where shared use among bicycles and automobiles is to be expected). In order to minimize traffic on East Mifflin Street, the TLNA is very supportive of a full intersection at East Washington and Livingston Streets, so that residents, employees, and visitors to the subject property will not need to utilize East Mifflin Street to access the next signaled opportunity to head east on East Washington Avenue away from downtown.

Related Approvals

Urban Design Commission (UDC) - On February 1, 2012, the UDC voted unanimously to recommend a two-story increase to the maximum allowable building height for this property in the Urban Design District 8 ordinance, MGO Section 33.24(15). This would allow the property to be redeveloped at a height of 10 stories, with the potential for 2 additional bonus stories, if the UDC determines that specifically determined elements incorporated into the proposal provide sufficient public benefit to warrant the additional height (see MGO Sec. 33.24(15)(e)(12)c)).

The proposed building was reviewed by the Urban Design Commission for consistency with the standards and guidelines for Urban Design District 8, and also for an advisory recommendation for Planned Unit Development requests. On February 1, the Urban Design Commission reviewed the proposal and voted unanimously to grant **initial approval** for the design (see attached report).

While supporting the design direction, height, and mass of the building, the UDC made clear in their comments that many details would need to be incorporated into the submittal for consideration of final approval. These included:

- Treatment of upper two floors
- Identification of an accessible route to community room
- Fin wall depth of loading area
- Soffit material details
- Clarification of which materials “crawl up” the elevation from base, and which materials do not
- Lighting details
- More thought and detail on the bike parking within streetscape area
- More thought on placement and amount of bike and moped parking within the garage and building
- Consideration of the garden space along E. Mifflin Street, and its relationship with street trees.
- More diverse species list for landscape plan, with encouragement to have trees with taller canopies, even if they are more columnar
- More detail on pavement bands and elements within the streetscape, including functional bike parking
- More detail on soil preparation for tree plantings

A motion for initial approval passed, with the expectation that more detail would be presented on the vertical structural element on the Livingston Street elevation and the massing of the residential scale structures against the larger structure.

On April 4, the UDC will review the proposal and consider granting final approval for the design based on the ability of the proposal to meet the requirements of Urban Design District 8. Results from this meeting will be included in an addendum to this report, at the back of the Plan Commission packet.

Board of Estimates / Common Council - On March 12, 2012 the Board of Estimates voted unanimously to recommend that the Common Council approve an agreement to provide \$3,432,000 in tax increment financing and \$200,000 in BREWD funds to support the proposed redevelopment. These were approved by the Council on March 20.

Evaluation

Land Use

Consistency with Adopted Plans- The proposed building is generally consistent with the Comprehensive Plan recommendation for “Community Mixed-Use” (CMU) in this area, which would include buildings of two or more stories well-oriented to the street, with commercial uses on the ground floor and residential uses on upper levels. The proposed density of 145 units per acre is significantly higher than the recommended limit for 60 units per acre densities in areas recommended for CMU, but the maximum building heights recommended in the East Washington Avenue Capitol Gateway Corridor BUILD Plan (2008) and codified in Urban Design District 8 would support this density.

The proposal is generally consistent with the BUILD Plan and the Tenney-Lapham Neighborhood Plan, both of which recommend mixed-use on the East Washington Avenue half of the site, and high-density residential use on the East Mifflin Street side.

Residential Units- The proposal incorporates a healthy mix of units for different household types, including 23 three-bedroom units that could support families with children (or other household types). The various unit types are well-distributed throughout the project, with a high proportion of the three-bedroom units located on the Mifflin Street side of the building close to at-grade open space.

Most (126, 58%) of the residential units have access to usable balconies, as well as common outdoor spaces on the fourth floor rooftop and at grade on the north side of the building. Most (133, 61%) of the units have their own laundry facilities, while others would rely on use of shared laundry facilities provided on each floor of the building. Small rooms proposed on each level will be used as secured storage areas for overflow.

The variety in unit types is a significant strength of this proposal, as it offers ample opportunities for many household types. Importantly, it also offers the option for long-term renters to remain in the building for long periods of time as income levels or household types change. For instance, a graduate student or young professional might initially rent an affordable efficiency unit without a private balcony, and if happy with the location and management, easily opt later for a larger unit with more amenities. A family with children could occupy a three-bedroom unit for years, and eventually downsize as needed.

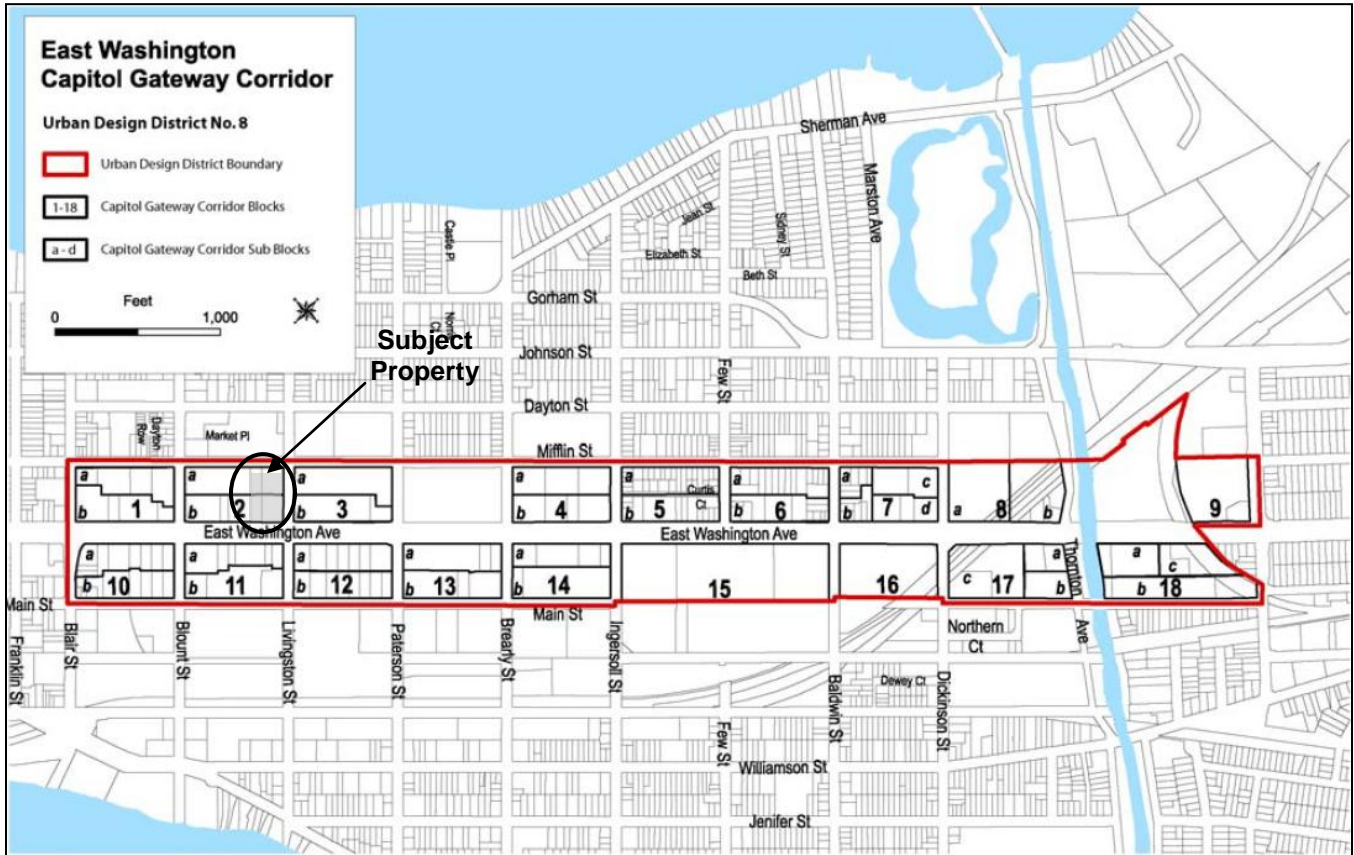
The unit mix and floor plans have evolved and improved significantly since the initial submittal, and staff believes that the applicant has worked hard to ensure high-quality housing options in the building. Staff noted during the review that the zoning text submitted would limit occupancy to three persons per unit. Recognizing that some of the larger units could support larger households (such as a four-person family), staff is recommending a revision to the proposed zoning text which would allow for a greater number of occupants in the two and three-bedroom units, so long as the household meets the R1 family definition.

Commercial Uses- General retail, restaurant, and other commercial uses are appropriate for the first level of the building, and office and other commercial uses are appropriate for floors 2 and 3. As mentioned in the project description, the applicant would like to have an opportunity to integrate a drive-through facility within the structured parking area, depending on the ground floor tenant mix. Staff believes so long as it meets Traffic Engineering requirements for queuing, spacing, and a safe exit onto East Washington Avenue, this would be appropriate, seeing as the drive-through would be completely interior to the building. Staff recommends that the zoning text be revised to allow for this use as part of the Planned Unit Development, but that its hours of operation be limited in the zoning text to 5:00 a.m. to 7:00 p.m. daily in order to avoid disruptive late-night use of the drive-through.

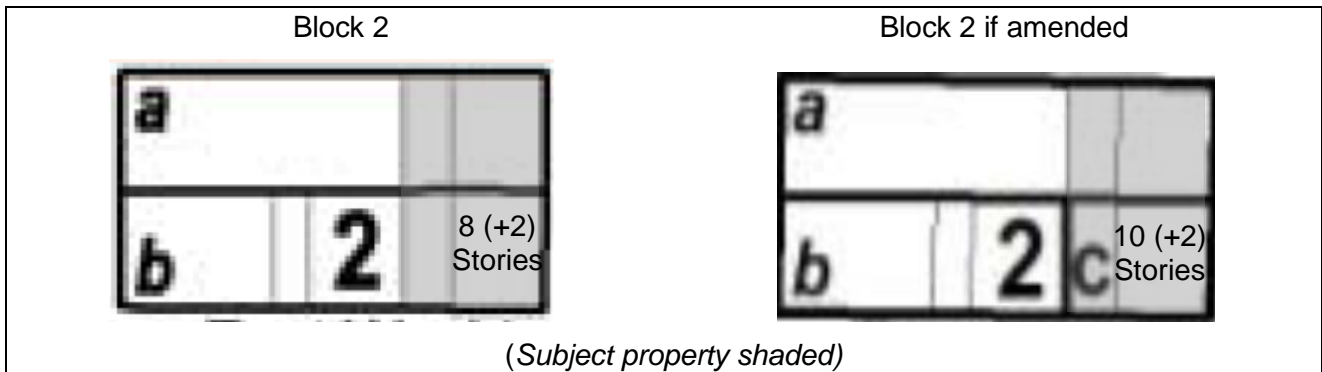
Site and Building Design

Compliance with Urban Design District 8 Standards in MGO Sec. 33.24(15)

This proposal spans the full depth of the block from East Washington Avenue to East Mifflin Street. Based on the very different character of these two streets, the bulk and massing requirements recommended in the Capitol Gateway BUILD plan and codified in UDD 8 differ significantly from the northern half of the property (Block 2a) to the southern half (Block 2b), with the dividing line between the two sets of associated requirements at mid-block (see map below).



The Urban Design District ordinance, MGO Sec. 33.24(15), allows for a maximum building height of eight stories in Block 2b, with an opportunity for two additional bonus stories if criteria specified in the ordinance can be met. As mentioned, the Plan Commission has before it a proposed amendment to this ordinance, which would create a new "Block 2c" on the southern half of this property to allow for redevelopment up to ten stories and an opportunity for two additional bonus stories (see below).



Note: The Plan Commission should consider the ordinance amendment in conjunction with this proposal, as it would be a necessary prerequisite for the proposal to move forward. Further, since a twelve-story building is proposed, the Plan Commission must also ensure that the criteria for the two additional bonus stories can be met. Complete copies of the existing UDD 8 ordinance and the proposed ordinance amendment are included in the Plan Commission packet for reference.

Staff has carefully reviewed the proposal and believes that following an approval of an ordinance amendment to create “Block 2c” amending the maximum allowable height, it can meet the requirements of an amended UDD 8, as summarized in Table 1 below. UDD 8 also contains a number of guidelines, which should be reviewed by the Urban Design Commission as they consider granting final design approval for the proposal.

Table 1: UDD 8 Requirements from MGO Section 33.24(15)(e)

Building Height		Requirement Met?
1.a.i.	<p>For Block 2a (along E. Mifflin), Min. 2 stories and Max. of 3 stories,</p> <p>For Block 2c (along E. Washington), Min. 3 stories and Max. of 10 stories (+ opportunity for 2 bonus stories)</p> <p>Ground floor height = 11-15 ft.;</p> <p>Avg. floor-to-floor height for other floors = 9-12 ft.</p> <p>(For 12-story building, total Building Height not to exceed 147 ft.)</p>	<p>Yes</p> <p>(see also the Upper Level Development Standards in 12 below)</p>
1.a.ii.	<p>For Block 2a, stories above the third must step back from E Mifflin St. setback at a 30° angle, and from the N. Livingston St. facade by 15 feet</p> <p>For Block 2c, stories above the fifth must be stepped back from the E. Washington and N. Livingston facades by at least 15 feet</p>	<p>Yes</p>
1.a.iii.	<p>Non-habitable spaces from architectural elements do not count toward height calculation</p>	<p>OK</p>
Building Location and Orientation		Requirement Met?
2.a.i.	<p>Setback along E. Washington Ave. shall be 15 feet.</p> <p>Setback along N. Livingston St. shall be between 5 and 10 feet.</p>	<p>Yes, the intent of the setback requirements are met as follows:</p> <ul style="list-style-type: none"> -Setback from E. Washington Ave. functions as a 15' setback, since public sidewalk will now run through an easement on private property. - Setback from N. Livingston is 10' 2" to prevent encroachment of building foundations into a 10' utility easement.

	<p>Setback along E. Mifflin St. shall be between 5 and 20 feet.</p> <p>Note: The UDC may allow greater setbacks for the development of additional usable public open space, as long as design elements are included to maintain uniform character of the district.</p>	- Setback from W. Mifflin St. is 13' for the northeast portion of the building and 32' for the 4-story portion of the building, to allow for additional at-grade usable open space.
3	(Information in section 3 included in Sections 1 and 2 above)	Yes
Parking and Service Areas		Requirement Met?
4.a.i.	Off-street parking facilities shall be located behind or beside buildings at same required distance from property line. Additional access points off of E. Washington Ave not permitted	Yes
4.a.ii.	At least 1 tree island provided for each 12 (surface) parking spaces	N/A (no surface stalls)
4.a.iii.	All trash areas screened from public view	Yes
Landscaping and Open Space		Requirement Met?
5.a.i.	Landscaping within the E. Washington Ave setbacks, terraces, and medians shall follow the approved palette and design concept	UDC to determine
5.a.ii.	Street face shall be dominated by canopy trees in both building setback and public right of way	UDC to determine
5.a.iii.	Type, number, and location of canopy trees in building setback shall be coordinated with those in the public right-of-way	UDC to determine
5.a.iv.	Canopy trees shall have a caliper and height relationship consistent with ANSI 2 60.1-2004, Table 1, Sec. 1.2.1	UDC to determine
5.a.v.	Terraces shall have a minimum width of 10 feet to accommodate canopy trees	No, but current terrace is under 10 feet, and new terrace will maintain existing width following change in width of East Washington.
5.a.vi.	If a public sidewalk is within 6 feet of the public street, canopy trees shall be planted on the building side of the sidewalk	Yes
5.a.vii.	Unless existing infrastructure interferes, canopy trees shall be planted at a spacing no greater than 40 feet on center	Yes
5.a.viii.	Unless existing infrastructure interferes, canopy trees planted along street faces shall have mature height of at least 60 feet	UDC to determine
5.a.ix.	Provide screen fences and/or landscaped buffers at property edges.	N/A
Site Lighting and Furnishings		Requirement Met?
6.a.i.	Cut-off light fixtures shall be used to illuminate the site	UDC to determine
Building Massing and Articulation		Requirement Met?
7.a.i.	All visible sides shall be designed to complement front facade	Yes
7.a.ii.	Avoid blank building walls along primary facades	Yes
7.a.iii.	Details including window and door trim, recessed entries, awnings and/or other features shall enhance pedestrian character of the street	UDC to determine

7.a.iv.	Mechanical equipment screened from view with architecturally integrated features	UDC to determine
Materials and Colors		Requirement Met?
8.a.i	Durable, high-quality exterior materials	Yes
Windows and Entrances		Requirement Met?
9.a.i.	60% ground floor street wall of commercial retail buildings devoted to windows	Yes
9.a.ii.	40% ground floor street wall of office and non-retail buildings devoted to windows	Yes
9.a.iii.	Ground floor windows shall be transparent, unobstructed, and not darkly tinted or mirrored	Assumed (see Condition No. 6)
10	Signage Requirements	N/A (UDC to review in future)
11	Restoration/Preservation Activities	N/A (No buildings on site of historical interest)
Upper Level Development Standards (Bonus Stories)		Requirement Met?
12.a.	Mass above 5 stories exceeding footprint of 130' by 200' shall have a stepback of 45°	N/A (Upper portion of building does not exceed this footprint)
12.b.	Up to 2 bonus stories may be allowed on block 2c if elements in 12.c. below are addressed	OK
12.c.	<p>The proposal meets the following elements that can be considered for the allowance of bonus stories:</p> <ul style="list-style-type: none"> • Adequately-sized (18' by 30', 540 square foot) community meeting room available free of charge for neighborhood, public, or other community meetings • Family-supporting housing, including at least 10% of dwelling units (22 of the 217 units) with three or more bedrooms, and outdoor recreation spaces <p>It also may meet the following element:</p> <ul style="list-style-type: none"> • LEED Silver equivalent 	<p>Staff believes that this combination of elements incorporated into the proposal provide sufficient public benefit so as to warrant the additional two stories.</p> <p>UDC to determine</p>

Access, Parking, Loading, and Circulation- Staff believes that the 272 automobile parking stalls and 413 bicycle parking stalls should adequately support the proposed redevelopment. Within an area so well-supported by transit and bicycling infrastructure, it is likely that a portion of the tenants will not need cars, leaving adequate space for employees, customers, and visitors to the residential units. To make this even more likely, the applicant has committed to the provision of two “Community Car” spaces, which could be utilized on-demand by residents and employees who are members of Madison’s “Community Car” program. Staff is recommending as a condition of approval that the applicant provide further detail on the intended use of the parking stalls as part of a management plan for the property.

The provision and distribution of bicycle parking has evolved significantly throughout the review process, and includes a well-distributed mix of short and long-term parking options inside and outside of the building. Outdoor bicycle parking areas for short term use are well-distributed throughout the site, visible from all three streets, and near building entrances. Staff recommends that final plans submitted for review

and approval reflect at least one standard two-foot by six-foot stall per residential unit and a sufficient number of standard stalls to meet the zoning requirements for the commercial portion of the building. Over and above this, staff recommends that bicycle parking be supplied at a ratio of one stall per bedroom, which may be accommodated in stacked racks or vertical wall-mounted racks for space efficiency. Also, to minimize conflicts between cyclists and drivers within the structured parking area, staff recommends that elevators be designed to conveniently accommodate bicycles such that cyclists can easily take elevators to and from bike parking areas on upper levels of the parking structure.

Other operational details such as trash and recycling removal (which is well-located within the building), a move-in / move-out plan, and a management plan for common areas available to the public should be included within a management plan for the property, to be reviewed and approved by staff prior to the recording of the PUD-SIP.

Open Space, Stormwater Management, and Landscaping- Staff believe that the high-quality usable open spaces provided meet the criteria of the planned unit development district. The mix of hardscaped areas and gardening opportunities on-site should serve a variety of needs, and beyond this, the proximity to Reynolds Park is an asset for residents who might need a nearby playfield or playground. James Madison Park, Tenney Park, and the future Central Park are also relatively nearby, and offer a wide range of recreational opportunities.

The quality of stormwater runoff entering the City's storm sewer from the site will improve, since a majority will be coming from the rooftop, rather than the existing asphalt surface. The quantity should decrease at least slightly, due to the increase in greenspace and the addition of green roof tray systems on the site. Final plans submitted for staff review and approval should include detail on the proposed green roof system.

Finally, the landscape plan proposed seems to address the requirements of the UDD 8 ordinance, with a dominance of canopy trees along the streets, landscaping and gardens along the Mifflin Street side of the building, and high-quality structured planters in the pedestrian areas between the building and the other two streets.

Building Exterior- The contemporary design should be a solid catalyst for change along the East Washington Avenue corridor. Essentially a metal and glass building, it has a coherent design theme on all sides, carrying through to the low-rise portions of the redevelopment along East Mifflin Street.

The most prominent building facades along East Washington Avenue and North Livingston Street are clearly divided by building stepbacks and a composite wood horizontal element into two main components: a highly transparent three-story brick and glass base for commercial uses, and nine story metal and glass residential tower with steel and concrete balconies as accents. The three story base will have a strong presence along the street and adjacent sidewalk area, and the tower element will be most visible to those traveling along East Washington Avenue.

On the East Mifflin Street side, the three and four story elements have a palette of exterior materials complementary to the main building, while maintaining a more residential feel through the placement of entrances and proportion of openings.

Finally, the western side of the building, which will likely be obscured from view in the future by further redevelopment of the block, includes innovative use of architectural elements and plantings to help screen the structured parking area. While the living elements of this facade will not likely last throughout the seasons in this climate, the underlying infrastructure and composite wood accent materials should provide for a suitable winter condition. Staff has recommended that a maintenance plan for the plantings in this area be included in the management plan for the property.

Criteria for Approval of Planned Unit Development Zoning

As outlined below, staff believes that the criteria for Planned Unit Development zoning can be met following changes to reflect recommended conditions of approval.

MGO Section 28.07(6)(f) - PUD Criteria for Approval

a) Character and Intensity of Land Use-

i. Are compatible with the physical nature of the site or area.

Currently surrounded by a truck transfer yard to the west and north, and a vacant auto-dealership planned for redevelopment on the east, the proposed redevelopment should have no negative impacts on immediately surrounding uses. More importantly, staff believes that the proposal relates very well to the surrounding streets and planned land uses.

ii. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.

Assuming the height limit is increased, the proposal is consistent with all adopted plans for this corridor. Redevelopment as proposed should help to catalyze and set a strong standard for significant private investment in the East Washington Avenue corridor, while relating well to the residential neighborhood to the north.

Recent revisions have resulted in an improved mix of high-quality residential units and on-site amenities which should provide attractive options for many household types, and perhaps even support tenants for long periods of time, even as their household type changes.

iii. Would not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.

Staff believes that this criterion is met, as all utilities and other municipal services are in place to serve this near-Downtown redevelopment. It is worth although it is not anticipated to include many households with children among the residents, several of the units have three bedrooms and are designed as "family supporting" units.

Households with children would be well-served by Lapham Elementary School (grades K-2), which is only a block away, as well as nearby Marquette Elementary School (grades 3-5), O'Keefe Middle School (grades 6-8), and East High School (grades 9-12), all of which are within a comfortable walking or biking distance for many students and parents.

iv. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved. A traffic demand management plan and participation in a transportation management association may provide a basis for addressing traffic and parking demand concerns.

In an area so well-served by transit and bicycle infrastructure, staff believes that the proposed amount of parking in the building should adequately serve the needs of commercial and residential tenants. The circulation of vehicles through the potential drive-through facility could be strong during peak hours, but should not impact traffic flow outside of the building. As mentioned, staff is requesting a management plan to include more detail on the intended use of parking stalls within the structured parking area.

b) Economic Impact- The proposed redevelopment would replace a tax-exempt, City-owned property and quickly add millions of dollars to the tax base on a relatively small site, and hopefully help to catalyze continued redevelopment of the East Washington Avenue corridor. Assuming an extension of TID 36 is approved to include this property, the tax base increment gained from the redevelopment will assist greatly in the timely closure of the TID. The City and the applicant have agreed that the proposal will be supported by \$3.4 Million dollars in tax-increment financing.

c) Preservation and Maintenance of Open Space- The proposal replaces a fully impervious 1.5-acre site with a vacant building and surface parking with a dense mixed-use redevelopment, while significantly increasing the usable open space at-grade, on shared rooftop spaces, and within private residential balconies. As a side note, the development should be complementary to nearby public usable open spaces such as Reynolds Park as it exists today, a revitalized Breese Stevens Field, and the future Central Park.

d) Implementation Schedule- Since this is a proposed PUD-SIP for one project, rather than one of multiple phases, this standard is less applicable.

Conclusion

As the first major proposal on City-owned property in the heavily-planned East Washington Avenue corridor, staff believes that this proposal has the potential to be a catalytic project in an otherwise challenging market for redevelopment. This mix of commercial and residential uses should be well-supported by the internal structured parking area and usable open spaces proposed, and is generally consistent with adopted plans for the area. Despite exceeding the allowable height in Urban Design District 8, which will require an ordinance amendment, the scale of the building respects the relationship of this property with existing and planned uses along East Washington Avenue and within the Tenney-Lapham neighborhood to the north with deep setbacks as the building rises to twelve stories. The height of the building has not been a significant issue of concern to the Tenney-Lapham Neighborhood Association or others who have participated in the review process, and the Urban Design Commission recommended approval for the additional height on February 1, 2012.

After a thorough review and several improvements throughout the design process, staff believes that the proposed redevelopment is consistent with adopted plans, and that it meets the criteria for demolition, rezoning, and planned unit development zoning. Subject to input received at the public hearing and the conditions from reviewing agencies, the Planning Division recommends that the Plan Commission find that the criteria for demolition, rezoning, and Planned Unit Development zoning can be met and support this proposal with the following actions:

- First, the Plan Commission should forward to the April 17 meeting of the Common Council a recommendation for **approval** of an ordinance change to UDD 8 (MGO Sec. 33.24(15)) in order to accommodate the requested twelve-story building height.
- Next, staff recommends that the Plan Commission find that the rezoning and Planned Unit Development standards can be met, and forward this request to the April 17 meeting of the Common Council with a recommendation for **approval** of the rezoning of the property from C3 to PUD-SIP
- Finally the Plan Commission should **approve** the demolition of the existing building, contingent on the recording of the PUD-SIP.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation

The Planning Division recommends that the Plan Commission forward a recommendation of **approval** to the Common Council regarding the proposed amendment to Urban Design District 8 (MGO Sec. 33.24(15)).

The Planning Division recommends that the Plan Commission find that the criteria for demolition, rezoning, and Planned Unit Development zoning can be met, and forward this request to the April 17 meeting of the Common Council with a recommendation for **approval** to demolish the existing building and rezone property at 741 East Mifflin Street and 754 East Washington Avenue from C3 to PUD-SIP, subject to input received at the public hearing and the conditions from reviewing agencies.

Planning Division (Contact Heather Stouder, 266-5974)

1. The height of the building to the top of the twelfth floor rooftop shall be less than or equal to 147 feet, as per requirements in Urban Design District 8 for average floor to floor heights. Nothing shall exceed 159 feet, as per Federal Aviation Administration requirements.
2. On the floor plans submitted for staff review and sign-off, each bedroom shall have at least one window to the outside.
3. At least ten percent (10%) of the units shall have three or more bedrooms, in order to meet the criteria for two bonus stories in Urban Design District 8.
4. The community room shall be available for use by the public, in order to meet the criteria for two bonus stories in Urban Design District 8.
5. A pedestrian and bicycle entrance shall be provided from East Washington Avenue to the underground parking area. The applicant shall coordinate with Traffic Engineering staff to ensure the safety and adequacy of the proposed pedestrian and bicycle entrance "lane" adjacent to the East Washington Avenue vehicle exit lane.
6. As per the requirement in UDD 8, ground floor windows shall be transparent, unobstructed, and not darkly tinted or mirrored. The type of glass proposed shall be noted on final plans submitted for staff review and sign-off.
7. For review and approval by staff, a management plan shall be prepared which addresses the following:
 - a) intended use of parking stalls, including the allotment between residential, employee, customer, and visitor stalls (the plan shall clarify whether specific stalls will be assigned, available for a fee, or subsidized to support free use by the public),
 - b) use of common spaces (community room and rooftop terrace) by tenants and the public,
 - c) trash and recycling removal plan,
 - d) move-in / move-out plan, and
 - e) maintenance of landscaped areas, including the garden space on the north side of the property, the climbing vines ("living wall") proposed along the west side of the structured parking area, and the green roof tray systems.

8. Recommended conditions regarding bicycle parking are as follows:
 - a) Final plans submitted for staff review and signoff shall include at least one standard two foot by six foot bicycle parking stall per residential unit, and a sufficient number of standard stalls to meet basic zoning requirements for the commercial uses,
 - b) Additional bicycle parking shall be provided at a ratio of one stall per bedroom, and may be designed in stacked or vertical wall-mounted rack systems for review and approval by staff,
 - c) A majority of the residential bicycle parking stalls shall be in the structured parking area or in an enclosed space, and
 - d) Elevators leading to floors within the structured parking area shall be designed to accommodate bicycles. Final plans submitted for staff review and approval shall include detail on the dimensions and floor covering for elevators to ensure that this condition is met.
9. For review and approval by Planning and Urban Design staff, the final landscape plan shall include detail on the proposed green roof tray systems and a detailed planting plan for canopy trees, including the dimensions of planting beds and types of soils to be used.
10. The zoning text shall be updated and amended to reflect the following:
 - a) a revised legal description to reflect the Certified Survey Map associated with this proposal, which combines the two existing properties into a single lot,
 - b) revised numbers for dwelling units and square footage of commercial space,
 - c) inclusion of a single drive-through facility among accessory uses permitted, and a limitation on hours of operation for the drive-through facility to the hours of 5:00 am to 7:00 pm daily, and
 - d) a revised family definition to allow for occupancy in two and three-bedroom units to exceed three persons when a household meets the family definition for the R1 district.
11. Prior to final staff approval of the PUD, the Urban Design Commission shall grant final design approval for the proposal and all conditions of final approval by the UDC shall be met.
12. Final plans submitted for staff review and approval shall be internally consistent and drawn to a standard scale. All building materials shall be labeled, and dimensions shall be provided for building setbacks, building width, depth, and height.
13. Demolition of the existing building shall not occur until the PUD-SIP has been approved by staff and recorded.

Zoning Administrator (Contact Pat Anderson, 266-5978)

14. Show addresses of tenant spaces of the building on the final site plan pursuant to MGO Section 10.34(2). Place addresses of the buildings and number of units in each building on the final plan sets. Address information can be obtained from Lori Zenchenko of City Engineering at (608) 266-5952.
15. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
16. MGO Section 28.12(12)(e) 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.

17. The final plans shall show the setback dimensions from the nearest portion of the building. Any deck/canopy/balcony/porch, if projecting from the principal building, shall show the dimension to the property line.
18. Lighting is required and shall be in accordance with MGO Section 10.085. Provide a lighting photometric plan, including cut sheets for fixtures, with the final plan submittal.
19. Provide a detailed landscape plan. Show species and sizes of landscape elements. Within 10' from a driveway crossing of a street lot line, any landscaping/screening shall not exceed 2' in height for vision clearance. No landscape elements shall be maintained between the heights of 30 inches and 10 feet above the curb level within the 25' vision triangle of a street corner.
20. Bike parking shall comply with MGO Section 28.11. Provide a minimum of 217 bike parking stalls for the residential use and an additional 8 bike parking stalls for the commercial space, placed in a safe and convenient location on an impervious surface, to be shown on the final plans. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area, with 5' of vertical clearance. Provide a detail of bike racks to be installed.
21. Meet all applicable State accessibility requirements, including but not limited to:
 - a) Provide the minimum required number of accessible stalls per ADA, striped per State requirements. One of these stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side.
 - b) Show signage at the head of the stalls.
22. Regarding loading spaces, the submitted plans show two 10' x 35' loading zone in the parking structure, but it is not clear that these zones meet the minimum clearance height of 14'. Given the delivery and move in/out needs for the development, these loading zones shall be required to meet minimum vertical clearance height.

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

23. This proposed development shall have the concurrent CSM application complete and recorded to eliminate underlying platted lot lines. The CSM shall also provide for the dedication of right-of-way on East Washington Avenue to facilitate a median opening on East Washington Avenue at North Livingston Street. The CSM shall be recorded with the Register of Deeds and new property Address-Parcel-Owner land record data shall be made available in appropriate city databases prior to the issuance of any foundation or building permits for the new proposed building. State building codes do not allow new buildings to be constructed over existing platted lot lines unless fire walls are put in place.
24. The Developer shall enter into a maintenance agreement for any non-standard right-of-way improvements, which require approval by the Board of Public Works. All mainline sidewalk shall be standard width and clearly defined with joints and will not be permitted with any pavers or textural detailing. Any improvements must meet the sight triangle requirements.
25. The Developer shall coordinate the proposed 2013 East Washington Avenue median and roadway improvements with City Engineering and Traffic Engineering.
26. The Developer may be required to dedicate right-of-way or provide a permanent limited easement for sidewalk along E. Washington Avenue, as determined by the City Engineer.
27. Show locations of existing street trees and indicate if they are to remain or be removed.
28. Show a standard cross walk with detectable warning fields at the corner of East Washington and North Livingston.
29. Lowest entrance openings to this building shall be kept a minimum of 6-inches higher than the existing building's first floor elevation. Documentation of that approach shall be provided to City Engineering.

30. Prior to demo permit, obtain permit to plug existing storm connections.
31. Review proposed storm connections with City Engineer. Some may require construction of storm structures.
32. The apartment building situs address will be a N. Livingston St. address. Coordinate site addresses early on in the project phases with Engineering Mapping. Contact Lori Zenchenko at 266-5952 or lzenchenko@cityofmadison.com
33. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project (MGO 16.23(9)c).
34. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
35. The approval of this PUD does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester (MGO 16.23(9)(d)(6)).
36. 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 (POLICY).
37. 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).
38. The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments (INFORMATIONAL).
39. 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).
40. 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 (POLICY).
41. All damage to the pavement on E. Washington, N. Livingston, and E. Mifflin, 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).

42. The site plans shall be revised to show the location of all rain gutter down spout discharges (POLICY).
43. 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).
44. 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.
45. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.

Information on this permit application is available on line:
<http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION).

46. If the lots within this site plan are inter-dependent 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 (POLICY).
47. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
 - a) Control 40% TSS (20 micron particle) off of new paved surfaces
 - b) Provide oil & grease control from the first 1/2" of runoff from parking areas.
 - c) 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.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

48. 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 Misc. 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

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred 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)).

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

PDF submittals shall contain the following information:

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

50. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:

- a) SLAMM DAT files
- b) RECARGA files
- c) TR-55/HYDROCAD/etc
- d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided (POLICY and MGO 37.09(2)).

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

52. 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>

53. Prior to approval of the conditional use application, the owner 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>.

54. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).

Traffic Engineering Division (Contact Bryan Walker, 267-8754)

55. A condition of approval shall be that no residential parking permits shall be issued for *754 East Washington Avenue*, which would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement in their apartment leases and record in zoning text. The applicant shall note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit for 754 East Washington Avenue a copy of the lease noting the above condition in the lease when submitting plans for City approval.
56. All on street loading and parking restrictions shall be reviewed and approved by Traffic Engineering after the project is completed.
57. The intersection modifications at East Washington Avenue and Livingston Street will need to be reviewed and approved by City Engineering and Traffic Engineering. The bump-outs on Livingston Street may need to be removed in order to accommodate turning vehicles from East Washington Ave.
58. The driveway on East Washington Avenue shall be clearly shown as an exit only, and allow for one lane of egress by merging the drive-thru lane into the exit lane before the public sidewalk.
59. To address potential traffic impacts on the surrounding neighborhood streets, the applicant shall provide a deposit of \$20,000 for traffic calming. Said monies shall be used at locations to be determined by the City and implemented under the City's traffic calming program, policies and procedures.
60. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be review by Traffic Engineer to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
61. Custom sidewalk patterns shall not run through any driveway areas in order to keep pedestrians aware of an ingress/egress facility. Colored concrete may be allowed in the driveway area after review by Traffic Engineering staff.
62. When the applicant submits final plans of one contiguous plan 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 property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
63. 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.
64. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Water Utility (Contact Dennis Cawley, 261-9243)

65. The Madison Water Utility shall be notified to remove the water meters prior to demolition.
66. This property is in City of Madison Wellhead Protection District WP-24. All proposed land uses in this district shall be reviewed by the Madison Water Utility General Manager or his/her designee in accordance with MGO 13.22 and 28.107.
67. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Parks Divison (Contact Kay Rutledge, 266-4714)

68. The developer shall pay approximately \$490,402.64 for park dedication and development fees from the 217 new multifamily units (see below). The property is within the Tenney, Law, and James Madison impact fee district (SI26)

Fees in lieu of dedication = (217 MF @ \$1,631) =	\$353,927.00
<u>Park development fees = (217 MF @ \$628.92) =</u>	<u>\$136,475.64</u>
total fees =	\$490,402.64

69. The development must select a method for payment of park fees before signoff on the PUD-SIP.

70. 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.

Fire Department (Contact Bill Sullivan, 266-4420)

71. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.