



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
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P.O. Box 2985
Madison, Wisconsin 53701-2985
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September 4 ~~August 12~~, 2013

Brian Munson
Vandewalle and Associates, LLC
120 East Lakeside St.
Madison, WI 53715

RE: Revised approval for the demolition of three buildings, rezoning of property from UMX (Urban Mixed-Use) to DC (Downtown Core), and a conditional use to construct a twelve-story mixed-use building with 329 residential units and ground floor commercial space.

Dear Mr. Munson:

At its August 6, 2013 meeting, the Common Council **approved** your client's request for the demolition of the existing buildings, rezoning of property at 431 North Frances Street from UMX to DC, and a conditional use at 529-557 State Street and 431-441 North Frances Street, subject to the conditions of approval from reviewing agencies below:

Note: Please see changes in Conditions No. 32 and 33, as per the approved minutes of the August 6 Common Council meeting and the new address for the property.

Please contact my office at 266-5974 with questions about the following 4 items:

1. The plans submitted for staff review and approval shall include all proposed entrances to the building. The applicant is encouraged to incorporate an additional entrance to a corridor leading to the residential portion of the building.
2. In final plans submitted for staff review and approval, the applicant shall include the following items related to parking and circulation:
 - a) A revised plan which includes clearly delineated space in the structured parking area and other interior common spaces easily accessible for tenants for the bicycle parking required by the zoning code to serve the residential uses. At least 50% of this bicycle parking shall be placed on the lower level.
 - b) If the in-unit bicycle storage areas are being utilized as support for a reduction in standard bicycle parking stalls provided, the applicant shall include a detailed drawing of the proposed in-unit storage system to make sure that it is tailored toward bicycles, rather than as a general storage area.
 - c) If bicycles are intended to be stored in areas requiring use of elevators, hallways, and exterior and interior doors, the applicant shall include details demonstrating the capacity and design of elevators, hallways, and exterior and interior doors to handle bicycles.
 - d) A revised site plan to include additional bicycle parking for guests and visitors outside of the building. The applicant may coordinate with Traffic Engineering and Planning staff to explore possibilities to locate a portion of this parking in the public rights of way.
 - e) A revised plan for the parking area which shows adequate space and a layout for moped parking to accommodate a ratio of one stall per seven bedrooms. A portion of this area may be utilized as automobile parking in the future following a minor alteration to the conditional use, if the applicant can

demonstrate that the demand for moped parking is below that which is being provided. The applicant shall include a detailed management plan to ensure that mopeds are not parked outside of the building.

- f) The applicant is encouraged to dedicate two or more automobile parking stalls for a shared car, which the Madison-based "Community Car" program may be able to help facilitate.
3. Final elevation drawings submitted for staff review and approval shall include the following:
 - a) Fire-rated true windows along the sides of all three of the proposed twelve-story shear walls, as shown in the revisions submitted by the applicant on June 26, 2013. As an alternative to this, the applicant is encouraged to explore pushing at least the upper portion of these walls away from the property lines to allow for additional window openings.
 - b) Operable window systems and varied knee wall heights along the State Street and Frances Street commercial facades, as shown in the revisions submitted by the applicant on June 26, 2013 and further refined with input from the Urban Design Commission.
 - c) A linear window pattern on all facades of the tower elements, as shown on the State Street facade in "Option B" submitted by the applicant on June 26, 2013. The applicant is encouraged to provide additional windows on this façade, similar to the proportion and pattern on the Frances Street façade, or to enlarge the windows so that the overall proportion of glass is greater.
 - d) Labels and a detailed schedule for all building materials to include a light/white brick on the eastern portion of the 4-6 story portion of the building facing State Street, as shown in revisions dated July 17, 2013.
 4. Final plans submitted for staff review and approval shall include a trash and recycling management plan, and adequate dedicated space within the lower level of the parking area to accommodate trash and recycling generated by the residents. Detail on the intended dumpsters, frequency of pick-up, and the intended pathway from the trash area to the street shall be indicated in final plans. The applicant is encouraged to coordinate with staff from the Streets and Recycling Division on the possibility of integrating a composting program for the project (best initial contact is George Dreckmann, gdreckmann@cityofmadison.com, 608-267-2626).
 5. Final plans shall include a barrier preventing access from the courtyard area to the rooftop of the adjacent restaurant at 425 North Frances Street (Porta Bella Restaurant). *(Note: This condition was added by the Plan Commission on July 22, 2013).*
 6. Lighting and signage shall be reviewed by the Urban Design Commission in the future in the context of the recommendations in the Downtown Plan for State Street. *(Note: This condition was added by the Plan Commission on July 22, 2013)*

Please contact Janet Dailey, City Engineering at 261-9688 with questions about the following 25 items:

7. The base address for the apartments will be 437 N Frances St. The addresses for the commercial spaces will be assigned when detailed plans are available.
8. The pending Certified Survey Map for this property shall be completed and recorded with the Register of Deeds (ROD) prior to issuance of BUILDING permits. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and OCCUPANCY permit issuance made available for this new land record.
9. 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.

10. Submit a PDF of all floor plans to izenchenko@cityofmadison.com so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
11. The approval of this Conditional Use 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.
12. 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.
13. 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.
14. 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.
15. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
16. The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
17. All work in the public right-of-way shall be performed by a City licensed contractor.
18. 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.
19. All damage to the pavement on Frances Street, State Street and Gilman Street, 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>.
20. 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.
21. 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.
22. 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>.

23. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
- a) Reduce TSS off of the proposed development by 80% when compared with the existing site.
 - 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.
24. 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

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

NOTE: Email file transmissions preferred lzenchenko@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.

25. 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.

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).

26. 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.

- 27. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 28. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing storm sewer lateral which must be permanently or temporarily disconnected from the public storm sewer system as part of the proposed work. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 29. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 30. 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.
- 31. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA will be required of the applicant. The applicant shall provide one (1) digital and two (2) hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (bbemis@cityofmadison.com).

Please contact Eric Halvorson, Traffic Engineering, at 266-6527 with questions about the following 5 items:

- 32. The applicant shall post a deposit in the amount of \$50,000, prior to final signoff of plans to mitigate impacts on the N. Broom, W. Gilman, and State Streets intersection. The necessity of modifications and timeframe for installation are to be determined at the discretion of the City Engineer and Traffic Engineer. However, the deposit should be utilized within 24 months of the issuance of the certificate of occupancy. *(Note: This condition was modified by the Common Council on August 6, 2013)*
- 33. A condition of approval shall be that no residential parking permits will be issued for ~~437 Frances Street~~ ~~529 State Street~~, which would be consistent with other projects in the area. In addition, the applicant shall inform all tenants in the apartment leases. The applicant shall submit for 529 State Street a copy of the lease noting the above condition in the lease when submitting plans for City approval.
- 34. The applicant shall provide a 10 foot clear visibility triangle from all driveway exits on Gilman Street to insure adequate sight distance of pedestrians on the sidewalk. These vision triangles shall be shown on the final plans.
- 35. Developer shall be responsible for any cost relating to moving/removal of and city owned electrical infrastructure (street lights, handhole, and so on.)
- 36. When the applicant submits plans for approval, the applicant shall show the following on one contiguous plan: existing items in the terrace (e.g., signs and street light poles), type of surfaces, percent of slope, existing and proposed property lines, addresses, all easements, all pavement markings, building placement,

adjacent driveway approaches to lots on either side and across the street, signage, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, parking stall dimensions including the two (2) feet overhang on a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

Please contact Bill Sullivan, Fire Department, at 266-4420 with questions about the following item:

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

Please contact Kay Rutledge, Parks Division, at 266-4714 with questions about the following 6 items:

38. The developer shall pay approximately \$760,148.20 for park dedication and development fees for the new 329 MF unit building after a credit is given for the existing 6 MF units currently located on the five properties.

New Development:

Fees in lieu of dedication = (329 MF @ \$1,708) =	\$561,932.00
Park development fees = (329 MF @ \$645.40) =	\$212,336.60
Total fees =	\$774,268.60

Credit for Existing Development:

Fees in lieu of dedication = (6 MF @ \$1,708) =	\$10,248.00
Park development fees = (6 MF @ \$645.40) =	\$3,872.40
Total fees =	\$14,120.40

39. There is a need for public open space in this area; fees in lieu of dedication from this project and other projects in this area will be utilized to pursue acquisitions (via purchase and dedication) of land to help accomplish this goal.
40. The developer must select a method for payment of park fees before signoff on the rezoning. This development is within the Vilas-Brittingham park impact fee district (SI27). Please reference ID 13139 when contacting Parks about this project.
41. 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 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.
42. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of *City of Madison Standard Specifications for Public Works Construction* - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.
43. Existing street trees and tree grates shall be protected. Please include the following note on the site plan: Contractor shall contact City Forestry prior to construction to determine tree protection fencing needs. 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>.

Please contact Dennis Cawley, Water Utility, at 261-9243 with questions about the following 2 items:

44. The Madison Water Utility shall be notified to remove the water meters prior to demolition.

45. 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.

Please contact Matt Tucker, Zoning Administrator, at 266-4569 with questions about the following 12 items:

46. As submitted, the proposed bike parking solution appears to address the bike parking needs for the development. This cannot be confirmed until the building is built and fully occupied. Thus, the bike parking shall be studied by Zoning and Traffic Engineering staff when the development is fully occupied, and if additional bike parking areas are determined necessary, automobile parking spaces shall be substituted with surface, structured, or wall-mount bicycle parking facilities.
47. 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.
48. MGO Section 28.185(7)(a)5 requires approval of a reuse and recycling plan by the Recycling Coordinator, Mr. George Dreckmann (608-267-2626), prior to the issuance of the demolition permit.
49. MGO Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
50. Pursuant to Section 28.141(4)(e), Parking Requirements for Persons with Disabilities, the provisions contained in Wis. Stat 101.12, 346.503, and 346.56 and any related Wisconsin Administrative Code sections are applicable to parking facilities in this building. Final submitted plans shall represent compliance with these requirements.
51. Bike parking shall comply with MGO Table 28I-3 (General Regulations). Bicycle parking design and location shall comply with MGO Section 28.141(11). Provide bike rack details with the final plan set, both ground and wall-mount.
52. Parking garage opening from Gilman Street is shown as 30' wide, where MGO Section 28.071(3)(a)3 requires a maximum width of 22'. Revise width in final plan set.
53. If the ground flex space on Gilman Street is to be used as residential, a ground floor courtyard/landscape space must be provided between the front wall and the sidewalk, per MGO Section 28.071(3)(d)5.
54. The overall height of the building, including all mechanical equipment projections, shall not exceed the Capitol View Preservation limitation, 187.2' City Datum, per MGO Section 28.134(3). Provide overall height of building and mechanical equipment relative to the capitol view height limitation.
55. Provide detail drawings of the windows on all facades to reflect compliance with MGO Section 28.071(3)(e).
56. Provide design detail on mechanical equipment penthouse screening, to show compliance with MGO Sec. 28.071(3)(h).
57. Clearly show each bike and moped parking space on the floor plans, including required 5' access aisle. Identify wall mount, structured, and surface bike parking spaces, and include a bike rack detail showing compliance with MGO Section 28.141(11).

Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency. No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.

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

1. Please revise your plans per the above conditions and submit **eleven (11) copies** of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to

include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by the appropriate site plan review application and fee pursuant to Section 28.12(13)(a)10 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.

2. This letter shall be signed by the applicant and property owner to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/ or building permit approval.
3. This rezoning approval shall become null and void eighteen (18) months after the date of the Common Council action unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit. This approval shall be null and void if the conditions in this letter are not met within twenty-four (24) months of the Council action, after which time the zoning of the property shall revert to what it was prior to this approval.
4. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. The conditional use approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding recording this plan or obtaining permits, please call the Zoning Administrator at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 266-5974.

Sincerely,

Heather Stouder, AICP
 Planner

- cc: Janet Dailey, City Engineering
 Pat Anderson, Zoning
 Eric Halvorson, Traffic Engineering
 George Dreckmann, Recycling Coordinator
 Eric Pederson, Engineering Mapping
 Bill Sullivan, Fire Department
 Kay Rutledge, Parks Division
 Al Martin, Urban Design Commission

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

Signature of Applicant

Signature of Property Owner (if not Applicant)

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