



PREPARED FOR THE URBAN DESIGN COMMISSION AND PLAN COMMISSION

**Project Address:** 802-854 East Washington Avenue  
**Application Type:** Conditional Use  
**Legistar File ID #** [32521](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Otto Gebhardt III; Gebhardt Development; 222 North St., Madison, WI 53704

**Project Contact:** Christopher Gosch, AIA; Bark Design; 222 North St., Madison, WI 53704

**Property Owner:** City of Madison

**Requested Action:** The applicant requests conditional use approval for construction of a mixed-use building with 246 residential units and 132,500 square feet of commercial space in the Traditional Employment (TE) District. Conditional use review is required for the following items at this time:

- Food and related goods sales (full-service grocery at corner of East Washington and Livingston Streets)
- Outdoor Display (related to the Food and related goods sales)
- Outdoor eating establishment (related to the Food and related goods sales)
- Market Garden (related to the Food and related goods sales)
- General retail establishments (two spaces)
- Dwelling units in a mixed-use building (246 total residential units in two mixed-use buildings)
- Live/work units
- Private parking facility
- Height exceeding five stories or 68 feet in the TE District
- Development within 200 feet of a City-owned park (Breese Stevens Field and Reynolds Field)

**Proposal Summary:** The applicant proposes to construct a 670,000 square foot building on the 4.5-acre site, which is an entire City block. The proposal includes a 55,000 square foot grocery store, 77,500 square feet of additional commercial space, and 246 residential units distributed within a 14-story residential tower and in four-story elements along East Mifflin Street. Nearly half of the building size is dedicated to a five-level structured parking area with 661 automobile parking stalls.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses (MGO Section 28.183), and to the design standards in Urban Design District 8 (MGO Section 33.24(15)).

**Review Required By:** Urban Design Commission (UDC), Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 802-854 East Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

**Background Information**

**Parcel Location:** 802-854 East Washington Avenue is an entire city block bounded by North Livingston Street, East Mifflin Street, North Paterson Street, and East Washington Avenue; Wellhead Protection District 24; Tax Increment Financing District 36; Urban Design District 8; Aldermanic District 2 (Zellers); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is currently vacant greenspace, following the demolition of auto dealership buildings in 2012 and site remediation in 2013.

**Surrounding Land Use and Zoning:**

Northwest: Across East Mifflin Street to the northwest, Reynolds Field, a City of Madison park, and Well # 24, in the Parks and Recreation (PR) District.

Northeast: Across North Paterson Street to the northeast, Breese Stevens Field, a City of Madison park operating as a stadium for sports and other events in the Parks and Recreation (PR) District.

Southeast: Across East Washington Avenue to the southeast, a two-acre city-owned vacant property and office and warehouse spaces in the Traditional Employment (TE) District.

Southwest: Across North Livingston Street to the southwest, The Constellation, a twelve-story mixed use building with first-floor restaurants and a tavern, second and third-floor office and medical clinic spaces, and 217 residential units.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends community mixed use development for this block. The East Washington Avenue Capitol Gateway Corridor Plan (2008) recommends community mixed-use land uses for the East Washington Avenue side of the block, and Medium-Density Residential land uses on the East Mifflin Street side of the block. The Plan includes specific recommendations for height, building placement, and design which have been codified in MGO 33.24(15) for Urban Design District 8. The Tenney-Lapham Neighborhood Plan (2008) has land use recommendations consistent with the Capitol Gateway Plan, and also recommends that vehicle and loading traffic be minimized along East Mifflin Street.

**Zoning Summary:** The properties are in the Traditional Employment (TE) District.

Dimensional Requirements	Required	Proposed
Lot Area		
Lot Width		
Front Yard Setback		
Side Yard Setback		
Rear Yard		
Minimum Height		
Maximum Lot Coverage		

<b>Site Design</b>		
Number parking stalls		
Bike parking		
Landscaping		
Lighting		
Building Forms		
Other Critical Zoning Items: Barrier free (ILHR 69)		

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

**Public Utilities and Services:** This property is served by a full range of urban services, including several transit routes running along East Washington Avenue.

## Related Approvals

**Agreement to Sell Property to Applicant** – On June 18, 2013, the Common Council accepted a selection committee’s recommendation of the Gebhardt Development, LLC proposal for the purchase and redevelopment of this City-owned property, and authorized the execution of a Purchase and Sale Agreement with Gebhardt Development, LLC. See Legistar Item #[30450](#).

**Consistency with Requirements in Urban Design District 8** - Informational presentations were provided to the Urban Design Commission on November 13, 2013 and January 8, 2014 (see enclosed UDC reports and Legistar Items [32089](#) and [32712](#)). The UDC will begin formal review of the proposal on March 5, 2014 for its consistency with requirements and guidelines in Urban Design District 8 (MGO 33.24(15)).

**Revisions to MGO 33.24(15)** – The UDC, Plan Commission, and Common Council are concurrently reviewing two requested ordinance amendments as follows: First, in order to allow for additional height within the residential tower the applicant requests that the maximum allowable height on the East Washington Avenue side of the block (Block 3b) be increased from ten stories to up to fourteen stories in an area not to exceed 15% of Block 3b. See Legislative ID #[32844](#). Second, in order to allow for rooftop terraces above the first and second floor of the building, the applicant requests more flexibility in the minimum building height requirements along East Washington Avenue. With this in mind, the proposed amendment to allow for the UDC to consider providing flexibility for this requirement, as well as the setback requirements from East Washington Avenue throughout Urban Design District 8. See Legislative ID #[33150](#).

**Developers Agreement** – The Board of Public Works and Common Council will review an agreement between the City and the applicant for the design and implementation of changes to surrounding public infrastructure, including a widening of North Paterson Street to allow for a left-turn lane onto East Washington Avenue.

**Tax Increment Financing** – The Board of Estimates and Common Council will review a TIF request submitted by the applicant to support the proposed mixed-use development.

## Project Description

The applicant proposes to construct a 672,300 square foot mixed-use building on this 4.5-acre site, which comprises an entire city block bounded by East Washington Avenue, North Paterson Street, East Mifflin Street, and North Livingston Street.

**Land Use** - The building includes a 55,000 square foot grocery store (8.2% of the building) on the ground floor at the corner of North Livingston Street and East Washington Avenue. (Based on the Tax Increment Financing agreement with the applicant, the grocery would need to remain on the site for a minimum of 10 years.) 77,500 square feet of additional commercial space (11.5% of the building) is located on the on the first through third floors, to be used as offices, retail, and restaurant spaces. With a total of 246 residential units, the building includes 247,200 square feet of residential space (36.8% of the building) within a residential tower and four story elements along East Mifflin Street. The core of the site includes above-ground, structured parking with a total of 661 automobile stalls on five levels, which are largely hidden from view by usable commercial space. The parking area accounts for 292,600 square feet (43.5%) of the building.

Residential density is 55 units per acre for the entire site (20 units per acre on the Mifflin Street half of the site, and 89 units per acre on the East Washington Avenue half). Unit types range widely to meet the needs of a variety of households as shown in the table below:

Unit Type	Residential Tower	Condominium	Live-Work	Total Units
Efficiency	35 units 525 sf	8 units	20 units	<b>63 (26%)</b>
1 BR	64 units 800-1,300 sf	8 units		<b>72 (29%)</b>
2 BR	67 units 1,070-1,500 sf	6 units		<b>73 (30%)</b>
3 BR	34 units 1,438-2,700 sf	3 units		<b>37 (15%)</b>
4 BR	1 unit, 2,500 sf			<b>1 (0.4%)</b>
<b>Total</b>	<b>201 units</b>	<b>25 units</b>	<b>20 units</b>	<b>246</b>

Also included in the proposal are several other uses requiring conditional use review. First, permission for the outdoor display of goods is requested in the area in front of the grocery store. Second, an outdoor eating area is proposed above the first floor roof, at the corner of Livingston and East Washington Avenue. Third, an 8,000 expandable market garden is proposed on the third floor rooftop. Fourth, a 20-unit building along East Mifflin Street is proposed as Live-Work units, with first floor workspaces with living spaces above and behind them. Finally, a portion of the parking will be occasionally utilized as a private parking facility for off-site events, which also requires conditional use review.

Although details are not included in this proposal, the applicant has indicated that it is likely that additional conditional uses will be requested in the future such as an internal vehicle access sales and service window, additional outdoor eating areas, and additional retail uses along Paterson Street.

**Building Placement and Massing** – The proposed development is essentially a full-block development with two buildings as defined by the building code (the main mixed-use building, which is physically connected to the condominiums at the corner of Paterson and Mifflin, and the building at the corner of Mifflin and Livingston containing the live-work units). An at-grade mid-block crossing for pedestrians and bicyclists bisects the site. This multimodal crossing is open to the air on the northern half of the site, and covered by upper levels of the building on the southern half of the site, where it is also utilized as an entryway for automobiles.

Building setbacks, height, and stepbacks are carefully regulated by Urban Design District 8. Setback requirements are met in this proposal, as shown on Sheet C-100Z. Along East Washington Avenue, a majority of the building is set back exactly 15 feet from the right-of way, although small portions of the building have a deeper setback of up to 28 feet, in order to provide space for pedestrians to gather or for outdoor seating areas. The public sidewalk will be removed and reconstructed by the applicant a few feet north of its current location, in order to allow for a 10-foot wide terrace with adequate space for canopy trees. Much of the sidewalk will run through a new public easement on the subject property, such that the building setback from the back of the sidewalk ranges from 9 to 14 feet.

At its base along East Washington Avenue, the building ranges from two tall stories in the grocery area (39 feet) to three stories in the commercial portion near Paterson Street (45 feet). A residential tower rises up ten stories

in the south central portion of the site, with a smaller portion continuing up to fourteen stories (158 feet at the highest point). The tower is modular, stepping back from the front façade of the building by at least 15 feet, and up to 72 feet at its deepest setback. The building will require an amendment to MGO Section 33.24(15) to increase the Urban Design District 8 height limit for a portion of the block (see Project Analysis section below).

Along North Livingston Street, the building is set back between 9 and 10 feet from the sidewalk, and then rises to a tall two-story element, with the first floor grocery and second floor commercial space, before stepping back another 110 feet to the base of the residential tower.

Along North Paterson Street, the applicant will be dedicating an approximately 12 foot by 200 foot strip of property to the City as an expansion of Paterson Street to make room for a new left turn lane. In this area, the three-story commercial facade is as close as 4-6 feet from the back of the sidewalk, then steps back 128 feet to the base of the residential tower.

Finally, Along East Mifflin Street, the setback ranges from 6 to 20 feet, with inset areas created as front yards for some of the three and four-story residential condominium and live-work units.

**Access, Parking and Circulation** - As proposed, bicycle and pedestrian access from East Washington to East Mifflin is provided through the site in the middle of the block. Exterior bicycle parking is distributed throughout the site between the building and the street. There are 12 pedestrian entrances along the East Washington and Paterson facades of the building, none on Livingston Street, and individual entrances to most of the residential units along East Mifflin Street.

The site will have three automobile access points for residents, employees, and customers; a right-in, right-out on East Washington Avenue, and two-way access on both North Livingston and North Paterson Streets. Loading vehicles serving the grocery and other commercial spaces will enter from North Livingston and exit to North Paterson. Employees and customers who are driving will be able to enter and exit on three sides of the building. A majority of automobile traffic to and from the site will likely avoid crossing East Mifflin Street and other neighborhood streets, with two notable exceptions: A portion of visitors coming from the UW Campus area or further west will likely utilize East Johnson and East Gorham Streets, cross East Mifflin Street, and access the site via Livingston Street. Similarly, a portion of visitors heading toward the north side of Madison may leave the site via Paterson Street, cross East Mifflin and East Dayton, and turn on East Johnson Street.

A five-story structured parking area in the core of the block has 661 automobile parking stalls. 183 stalls on the first and second levels are dedicated to serve the grocery at a ratio of 3.3 stalls per 1,000 square feet. 210 stalls on second and third levels serve retail, restaurant, and office spaces on the site at a ratio of 2.7 stalls per square feet. 268 stalls on the fourth and fifth levels are dedicated to residential use at a ratio of 1.1 stalls per unit.

Approximately 100 stalls on the second and third levels (likely those typically utilized by office employees) will occasionally be available for public use in conjunction with events at Breese Stevens Field. Details have not yet been finalized with Parks Division staff, but the applicant has indicated that the stalls will be available at a small fee, and that they will continue to work with Parks Division staff as the 2015 calendar of events for Breese Stevens Field is developed. As of now, there are no shared car stalls (Community Car, etc.) shown in submitted plans.

A total of 360 bicycle-parking stalls are provided. 124 are outdoor stalls largely for short-term use by customers, employees, and visitors. 236 stalls are distributed throughout the structured parking area for long-term use by residents and employees. Once particular uses are determined for the commercial spaces, additional bicycle parking may be needed to fully meet zoning requirements. No moped parking is proposed on the site.

**Building Exterior**- Primary building materials on the main building include a brick base on Livingston, East Washington, and Paterson, with a large proportion of glass. Upper levels include glass, metal paneling and vertical limestone bands distributed on all sides of the main building. Much of the three-story commercial base of the building has a horizontal orientation with the window proportions and horizontal banding of metal and brick.

As shown on Sheet C 300 Z, the commercial base of the building includes three low rooftop terrace areas: the first is a 42-foot wide outdoor seating area for the grocery store atop the tall first floor roof at the corner of Livingston and East Washington; the second is a 40-foot wide outdoor space for use by commercial tenants (perhaps an area for a future outdoor seating area associated with a restaurant); and the third is a 30-foot wide outdoor space atop the second floor roof for use by commercial tenants at the corner of Paterson and East Washington. Together, these voids in the base of the building amount to 112 feet, or 20% of the total building length. These relate to a proposed change to the requirements in Urban Design District 8, which would allow for flexibility in minimum building heights at the street facade (see p. 12 of this report).

While the residential tower element is contiguous, it is effectively broken up into three separate masses: a deep 10-12 story mass stepped back 67 feet from the front facade on the Livingston Street side; a 140-foot wide, 14 story mass in the center stepped back 15 feet from the front facade and oriented to East Washington Avenue, and a much smaller 14-story mass on the Paterson Street, stepped back deeply from the front facade. Between the central tower element and the element closer to Livingston Street, the building is deeply stepped back, and glass is utilized to make this area read as more of a separation between buildings. The massing of the tower is further broken up with areas of vertical undulation, with portions of the building projecting out roughly five feet from the main building face (e.g. on Floors 6, 9, and 10, three of the units have more square footage than the units directly below or above them due to an additional five-foot strip of interior space).

Staff understands that the applicant is continuing to work on architectural detailing for the building elements along Mifflin Street, and that these elements will be constructed in the final phase of the project. In the plans submitted for approval, the four-story condominiums along East Mifflin Street have a cedar base, metal paneling, and glass, with a strong horizontal element at the top of this portion of the building, clad in metal coping. The four-story live-work building at the corner of Livingston and East Mifflin is primarily clad in brick, with cedar lap siding on the third level and metal paneling on the fourth floor. Large glass overhead doors are featured on the first floor of each unit, which could be opened to allow easy access to studio and work spaces.

## Project Analysis

### Consistency with Adopted Plans

The proposed development is generally consistent with the Comprehensive Plan (2006), the East Washington Avenue Capitol Gateway Corridor Plan (2008), (referred to as the corridor plan) and the Tenney-Lapham Neighborhood Plan (2008), (referred to as the neighborhood plan), with the exception of the proposed height of the residential tower, which exceeds the ten stories recommended as a maximum. Plans recommend Community-Mixed-Use for the half of the block nearest East Washington Avenue, and Medium Density Residential land uses for the half of the block nearest East Mifflin Street.

East Washington Avenue Capitol Gateway Corridor Plan (2008) - The corridor plan, from which many design elements have been codified in Urban Design District 8, recommends that buildings be placed 15 feet from East Washington Avenue. Façade heights are recommended to be three to five stories at that location, and up to eight stories above a building stepback (the Corridor Plan allows an opportunity for up to ten stories on the East Washington half of the block, if certain criteria are met. On the East Mifflin side of the block, medium-density residential uses are recommended at a maximum of three stories along East Mifflin Street, stepping up toward the middle of the block at a 30-degree angle.

Tenney-Lapham Neighborhood Plan (2008) - The neighborhood plan is consistent with the corridor plan, with less detail with regard to building design, and greater detail regarding land use. Regarding the design of upper stories, it recommends that larger buildings be articulated with varied rooflines and stepbacks, a rhythm of

visual breaks and openings should be provided to prevent the appearance of a solid wall along East Washington, and that architecture should be consistent on all sides of upper stories.

The plan recommends residential development along East Mifflin Street appropriate for families with children. The plan mentions row houses with street-level access, which is what is being proposed. Staff believes that at least a portion of the units proposed along East Mifflin Street – especially the two and three-bedroom condominiums - could be targeted to families with children.

The neighborhood plan also recommends minimizing vehicular travel along East Mifflin Street, and that alleys be incorporated within development proposals to accommodate loading and delivery trucks, so that they will not need to travel on East Mifflin Street. The proposal achieves this, with an internal loading connection between North Livingston and North Paterson Streets, behind the residential uses facing East Mifflin Street. With regard to parking, the neighborhood plan recommends that all redevelopment on the block be transit-oriented, and that parking ratios for residential units be limited to 1 to 1.5 spaces per unit (the proposed residential parking ratio is 1.1 stalls per unit).

With regard to commercial uses on the East Washington Avenue side of the block, the neighborhood plan recommends a variety of businesses, including affordable space for new businesses. It notes that typical “big box” scaled retail sites are not acceptable. Staff believes that while the new grocery is of adequate size to be considered a “big box” retailer if paired with a large surface parking lot, its inclusion in this proposal is still consistent with plan recommendations, since it is incorporated within a large mixed-use development with structured parking not seen from surrounding streets.

The proposal generally meets plan recommendations. From a massing standpoint, it meets the 30-degree angle from the East Mifflin facade, but exceeds the maximum height recommended in the neighborhood and corridor plans by four stories for a small portion of the East Washington side of the block. This inconsistency can be addressed with an ordinance change to allow for additional height on this portion of the site, which is being considered concurrently with the conditional use request.

It is worth noting that the live-work units proposed on the west side of the Mifflin Street block face may include light commercial elements in an area not envisioned in the neighborhood or corridor plans. However, staff believes that these uses are predominantly residential in nature, and that the commercial aspects, if utilized, could complement surrounding residential development and Reynolds Park immediately across the street. Further, these spaces can provide alternative, affordable, and low-impact commercial space for entrepreneurs (or artists), which was mentioned in the neighborhood plan as a desired use for the East Washington Avenue side of the block.

### **Conditional Use Standards**

As mentioned in the summary, the following conditional uses are being considered at this time.

Food and Related Goods Sales - 55,000 square foot full-service grocery at corner of East Washington and Livingston Streets. A full-service grocery store approximately 50,000 square feet in size was required by the City for the sale of this property to the developer.

Outdoor Display - 1,300 square foot area at the corner of N. Livingston and E. Washington for seasonal display of perishable products as an accessory use to the grocery store related to the Food and related goods sales.

Outdoor Eating Establishment – A 1,000 square foot space on the rooftop of the grocery store at the corner of N. Livingston and E. Washington, with seating for customers to eat prepared foods sold at the grocery.

Market Garden – As indicated in the submitted operations plan, the market garden would be located on the third or fourth floor rooftop, and would be between 8,000 and 25,000 square feet. It would include production

of vegetables, fruits, herbs, and flowers for direct sale to adjacent restaurants, the grocery store, and perhaps at area Farmers' Markets. No direct sale to the public will take place at the garden itself, but the space will be available for occasional tours and educational events. Chemical herbicides, pesticides, and fertilizers will not be utilized, and the growing medium can be refreshed annually with compost produced on site. No powered equipment use is foreseen, but if it is needed, it will take place between the hours of 8:00 AM and 5:00 PM. Aside from a small accessory structure for storage which would be built immediately, the plan notes that accessory structures such as greenhouses, hoop houses, and similar structures may be pursued at some point in the future under separate review.

General Retail Establishments - A 2,000 square foot space along East Washington Avenue, which will likely be a pharmacy use, and a 1,000 square foot space along North Paterson Street with an unknown specific use.

Dwelling Units in a Mixed-use Building – There are 246 total residential units located in two mixed-use buildings. The main building has 25 owner occupied condominiums and 201 apartment units in the residential tower, and a smaller secondary building has 20 Live/Work units.

Live/Work Units – There are 20 Live/Work units located along East Mifflin Street near North Livingston Street. These units are each designed as “loft” living spaces behind and above a street-level commercial space. Supplemental Regulations in Section 28.151 of the code require that the commercial spaces be on the first floor or in a basement, that the commercial spaces not exceed 50% of the total space of the unit, and that entrances to both the commercial and residential portions of each unit face the street. Further, the business types are limited to offices, small service establishments, homecrafts, limited retailing associated with fine arts, crafts, or personal services. No wholesale, manufacturing, commercial food service, or automobile related uses are allowable.

Private Parking Facility – Approximately 100 parking stalls will be made available for occasional evening and weekend use for events close by. The applicant has indicated that these will be monitored and available at a small fee. Timing will be coordinated with the City of Madison Parks Division to correlate with events at Breese Stevens Field.

Height Exceeding Five Stories or 68 Feet in the TE District- The proposed building includes a tower component reaching a maximum of 14 stories and 158 feet.

Development Within 200 feet of a City-Owned Park – The proposed development is within 200 feet of both Breese Stevens Field and Reynolds Field. It will have no impact on the drainage or vegetation on these sites (shadows). With 246 new households, the development will likely increase the recreational use of Reynolds Field. Further, it will positively complement public investment in Breese Stevens Field by providing retail (and likely future restaurant) activity along Paterson Street, as well as 100 parking stalls available for special events at Breese Stevens Field.

For all of the conditional uses requested, staff believes that the proposal can meet the conditional use standards as summarized below:

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

Staff believes that this standard can be met for all conditional uses being requested.

2. *The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard can be met for all conditional uses being requested. The proposed redevelopment is in an area very well-served by multi-modal transportation infrastructure, public utilities, and public safety infrastructure.



3. *The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

Staff believes that this standard can be met for all conditional uses being requested. This proposal will have a dramatic impact on the surrounding neighborhood and beyond with new retail and employment opportunities and the addition of 246 new diverse households. Its placement on a major transportation corridor helps to buffer the Tenney-Lapham Neighborhood from East Washington Avenue, and will provide a full-service grocery and other opportunities within walking distance of area residents.

The design of the proposed development is the product of careful consideration of recommendations in adopted plans, traffic generation and distribution, and other factors. Even with a massive redevelopment as proposed, the shadow impacts will be minimal when compared with possible alternative ways of redeveloping the site with a much lesser amount of total development, since the taller portions of the proposed building are located in the center of the site.

The applicant has attempted through the site design to minimize automobile and truck traffic impacts on East Mifflin Street and other residential streets to the north. While recognizing that traffic and on-street parking in the surrounding neighborhood are likely to increase with this development, the benefits of the development to surrounding properties and to the City as a whole will likely far outweigh any negative impacts.

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Staff believes that this standard can be met for all conditional uses requested. Staff notes that the proposal will complement the recently built Constellation across Livingston Street. Further, the private parking facility and retail space on Paterson Street (as well as a future restaurant tenant at the corner of Paterson and East Washington) will complement the City's investment in improvements and increased programming for Breese Stevens Field. On the whole, the proposal should continue to catalyze further transit-oriented mixed-use and employment development in this area.

5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

Staff believes that this standard can be met, so long as all conditions of approval are addressed in final plans submitted for staff review. The applicant has worked very closely with staff from various agencies on site plan and circulation details. Within the submitted management plan, the applicant has provided an overview of parking management for the property. Parking ratios seem generally appropriate for this urban setting, which is so well-served by transit and bicycle infrastructure. As the project is occupied, parking management details may need to be refined.

There are 360 bicycle stalls proposed on the site, and this may need to be increased in order to meet zoning requirements, once specific use for commercial spaces are determined. Staff believes that there is adequate space to accomplish this if and when it is needed.

6. *Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Staff believes that this standard can be met, so long as all conditions of approval are addressed in final plans submitted for staff review. First, trip generation modeling for the project has demonstrated a

strong need for a left turn lane from Paterson Street to East Washington Avenue, which is shown in the most recent plan set.

The site itself is well located as a “naturally occurring” TDM site, with excellent access to transit and bicycle routes, and within walking distance of a growing residential population Downtown and on the near-East side of the City.

The TDM Plan for the site’s largest employer, Festival Foods, with 170 employees, is included for review by the Plan Commission. Staff believes that it could be improved by making it more economical and convenient for employees to choose alternative modes of transportation. Currently, staff understands that it is not the intent of the grocer to charge employees for parking, which is one of the most effective measures to discourage people from driving alone to work. Staff appreciates that the grocer is willing to provide well-located employee parking for those who carpool, but believes that the grocer should commit further to the provision of subsidies for Metro bus passes, and/or to consider providing incentives for employees to bicycle or walk. Staff believes that it would be in the best interest of the grocer to examine this carefully, since each employee vehicle parked on-site removes an available customer parking space.

Finally, once other commercial spaces begin to be assigned to specific tenants, staff encourages the applicant to work with office tenants on TDM plans for their employees as well. Finally, staff recommends that the project include two or more parking stalls for shared cars (Community Car or similar) within the residential parking area. Staff understands that it is the intent of the applicant to provide this.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard can be met, so long as Zoning conditions of approval are addressed. Staff notes that future conditional use submittals for restaurant and tavern spaces and related outdoor eating areas are anticipated at such time as details on tenant needs become available.

9. *When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendations:*

Staff believes that this standard can be met, subject to Urban Design Commission approval for the design of the building, following their review of its consistency with Urban Design District 8 requirements and guidelines (MGO 33.24(15)). Staff recommends that the applicant continue to work with the UDC and staff on two important elements: the articulation of the building along North Livingston Street; and the architectural detailing at the corner of East Washington and North Paterson Streets.

12. *When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows, and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys and public rights of ways; and the public interest in exceeding the district height limits.*

Staff believes that this standard can be met. Based on adopted plans and Urban Design District 8 requirements, it is certainly acceptable to exceed the five-story height allowed as a permitted use in the TE District. The only area where the proposal is exceeding height recommended in adopted plans is on a portion of the residential tower.

While the proposed 14-story height of this area exceeds the 10 story maximum recommended for this block in the East Washington Avenue Capital Gateway BUILD Plan, the footprint of the upper floors comprises only a small percentage of the site. Further, it is deeply stepped back from Livingston and Paterson Streets, with a variable stepback from East Washington Avenue. Staff believes that the additional height is well-located on the site, and that it will not have a detrimental impact on surrounding properties (Breese Stevens Field, Reynolds Field, and the Constellation).

[Standards 8, 10, 11, and 13-15 do not apply to this request]

### **UDD 8 Ordinance Changes**

Increase in Maximum Allowable Height – The allowable height on Block 3b, the half of the subject property closest to East Washington Avenue, is currently 8 stories, with an opportunity for 2 additional bonus stories if criteria are met.

The proposed amendment would increase the base allowable height to 10 stories on Block 3b, and allow for an additional 4 stories, so long as bonus story criteria are met and so long as the additional floor area does not comprise more than 15% of Block 3b. As proposed, the footprint of the 11<sup>th</sup> and 12<sup>th</sup> floors comprises approximately 13.3%, and the 13<sup>th</sup> and 14<sup>th</sup> floors comprise about 10.6% of the area of Block 3b.

The applicant indicated early on a strong preference to utilize uppermost portions of the building for residential units, and has enclosed building mechanicals typically found in rooftop penthouses on a lower level of the building. While maintaining a relatively consistent number of residential units throughout design iterations, the applicant suggests that the current layout optimizes the use of upper levels without negatively impacting the surrounding properties or overall building design. Staff supports the proposed amendment, and believes that in this particular case, heights above ten stories can be appropriate when limited to a small portion of the site.

Flexibility in Minimum Height Requirements along East Washington Avenue- The ordinance currently requires that buildings along East Washington Avenue maintain a minimum height of three stories at the street façade, with very little room for flexibility. In this full-block development, the applicant has proposed a series of usable outdoor spaces above the first and second floors of the building which exist in spaces where additional building height is technically required.

The proposed amendment would allow for the UDC to consider relaxing the minimum height requirement along East Washington Avenue for up to 20% of the length of any building, if the UDC determines that this change can help facilitate an exceptional design. Further, the amendment would provide more flexibility in the required maximum setbacks (“build-to lines”) from all streets, in that setbacks could be increased not only for the provision of plaza and usable open spaces, but also for improved articulation of buildings. These changes would apply to all future development along East Washington Avenue within Urban Design District 8.

Staff recognizes that while the minimum height and maximum setback requirements are very important to hold for a majority of new construction along East Washington Avenue, some variation may be acceptable to achieve specific design or functionality goals. Particularly for large or full-block developments such as this one, the flexibility afforded by these changes could lead to an improved and more interesting pedestrian experience along East Washington Avenue and the secondary streets within Urban Design District 8. Staff supports these changes.

### **Design Requirements in UDD 8**

Staff analyzed the proposal against design requirements and guidelines in MGO Section 33.24(15)(e) as follows:

1. Building Height – With a change to the allowable height for Block 3b, the proposal meets this requirement. The building stepback from East Mifflin Street on the north side of the block maintains the 30 degree angle

from the Mifflin Street facade, and upper levels have a variety of stepback depths along East Washington Avenue, all meeting the minimum 15' stepback required.

2. Building Location and Orientation – Staff believes that the proposed development meets these requirements on all sides, noting that setbacks of greater than 15 feet have been provided in some areas along East Washington Avenue to allow for outdoor seating areas and gathering places.
3. Building Height, Location, and Stepback – Already addressed above in #1 and #2.
4. Parking and Service Areas –With its structured parking area and hidden mechanicals and trash, the proposal meets the requirements in this section. More information is needed to ensure that guidelines (and basic zoning requirements) for bicycle parking are met.
5. Landscaping and Open Space- Details in the public rights-of-way will be reliant on what City Forestry can accomplish in the terraces subject to spacing needs for fire safety, light poles, etc. However, the landscape plan provided appears to meet the requirements in this section. Notably, the applicant has agreed to remove and reconstruct sidewalks along East Washington, Livingston, and Paterson in order to widen the public terraces along these streets to provide sufficient space for planting canopy trees.

Further, the landscape plan on the private property is well thought out and designed. It includes dyed pavement markings, raised planters, and a mix of trees, shrubs and perennials that to unify the many components of the development.

6. Site Lighting and Furnishings- A detailed lighting plan will need to be provided in order for the UDC to evaluate the proposal. Furnishings shown on Sheet L201 such as trash receptacles, benches, and bollard lighting seem to complement the character of the building, as is suggested in the guidelines.
7. Building Massing and Articulation – This is a full-block development, and each side of the building is very important as it relates to the surrounding streets and neighborhood. Staff believes that the proposed development is generally well-articulated at the street, with inset areas for usable open space along East Mifflin Street, and for outdoor seating and other amenities along much of the East Washington Avenue facade. Staff believes that there is room for improvement and more architectural variation along both sides of the grocery store, as well as along Paterson Street. Staff recommends that the applicant continue to work on architectural solutions for these areas, utilizing feedback from the UDC.

Articulation of the tower elements is also important, as views of three sides of the tower this building will be prominent along East Washington Avenue, and the back side will be so visible from the residential neighborhood to the north. The tower has effectively been divided into three masses along East Washington, with significantly varied stepbacks from the front facade. The significantly recessed area near the center of the building helps the tower read as two separate masses, and the use of cantilevered masses on paired levels moving up the building helps to add interest to the East Washington and Paterson sides of the tower.

8. Materials and Colors – Staff believes that the materials proposed are durable and of high-quality. The full-block development seems to strike a good balance between maintaining a consistent, simple palette of materials and providing architectural variety on different components. The applicant has taken into careful consideration past input from the UDC and staff to ensure that this building is sufficiently differentiated from the Constellation. While the shape and the prevalence of glass and metal are similar, it does include vertical limestone banding on the tower element and cedar utilized along East Mifflin, which results in a warmer color palette.

Staff would like to see an increased use of masonry on the base of the building, and requests that the UDC look carefully at the proportions of brick versus metal on lower floors of the building to make sure that the mix is appropriate.

9. Windows and Entrances – Staff believes that the requirements for the percentage of window openings are likely met on all sides of the building, but has asked the applicant to provide calculations to confirm this.

Throughout the review process, staff has encouraged the applicant to provide several entrances along the base of the building to activate and break up the nearly 600-foot long facade along East Washington Avenue, and to activate Livingston and Paterson Streets. Staff believes that the rhythm of entries is generally successful along the eastern half of the East Washington facade, and along Paterson Street. However, with only one grocery store entrance from the street (at the corner of Livingston and East Washington), there are a few hundred feet without entrances along Livingston and the western half of the East Washington façade. The applicant should continue to work with the UDC on articulation of the building in these areas, especially if no additional entrances can be added. Further, staff suggests that the applicant continue to work with the UDC and staff on the details of the Paterson Street corner. Existing grades do not allow for an accessible entrance to this part of the building, and absent a corner entrance feature, detailing at this corner will be important.

10. Signage – Signage will be subject to a future submittal and review by the UDC.
11. Restoration / Preservation Activities – This is not applicable to this site.
12. Upper Level Development Standards – Staff believes that these requirements can be met. The applicant appears to have met all requirements regarding the breaking up of the building mass above the fifth story. The residential tower is a series of elements with varying stepbacks from the base of the building, based on these requirements.

Also, upon approval of an ordinance amendment to allow up to 14 stories on a portion of this site, the proposal will meet the standards for upper level development (often referred to as “bonus stories”). Specifically, the proposal includes the following items:

- LEED Gold equivalency likely (at least LEED Silver equivalent)
- Inclusion of 20% of dwelling units at 50-60 AMI for a minimum of 15 years
- Structured parking with 100 stalls that will be available at a small cost for occasional off-site events during evenings and weekends (Breese Stevens Field)
- Mid-block public pedestrian and bicycle connection linking East Mifflin St. with East Washington Ave.
- Over 10% of the units have 3 or more bedrooms
- Community Room on the second floor
- 1300 square foot terrace on 10<sup>th</sup> floor rooftop facing Breese Stevens Field, which will be available for tenant use, and will occasionally be available for public use if coordinated with the property manager.

## Conclusion

The proposed full-block mixed-use redevelopment will dramatically impact the Capital East District. The 670,000 square foot development will provide new residential opportunities for a wide range of household types and a variety of employment, dining, and shopping opportunities, including a full-service grocery store that will serve surrounding neighborhoods, as well as Downtown residents and employees, generally. Together with the Constellation building next door, this project will begin to generate the increased population to support continued growth of employment and commercial opportunities in the East Washington Avenue corridor.

Aside from a requested amendment to allow for additional height, which staff supports, the proposal is generally consistent with the adopted plan recommendations for land use, bulk, and massing. The site has been carefully designed to minimize the impacts of truck and automobile traffic on the Tenney-Lapham

Neighborhood. Many benefits to the larger community have been included in the proposal. The development is very well-located in an area well-served by transit, future Bus Rapid Transit, and bicycling infrastructure. Further, the site and building have incorporated many innovative elements of sustainable design including stormwater collection and reuse, and a rooftop farm and biodigester to help “close the loop” with regard to on-site food production and food waste. Shared parking opportunities will help to serve Breese Stevens Field during evenings and weekends. Importantly, the site includes realistic opportunities for affordable living, with 20% of the residential units, distributed by unit type, targeted to households at 50% of the Area Median Income.

After a careful evaluation of the design and each conditional use request, staff believes that the proposal can meet the necessary standards for approval, so long as conditions of approval from reviewing agencies are addressed. Staff looks forward to continued work with the applicant on a few architectural details, and on the details for specific uses as tenant spaces lease up and the land use mix evolves over time.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the requested conditional use for construction of a mixed-use development at 802-854 East Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. All components of the final plan set submitted to staff for review and approval shall be internally consistent.
2. The applicant is encouraged to include two or more stalls for shared cars in the structured parking area.
3. The applicant is encouraged to strengthen the Transportation Demand Management Plan provided for the grocer on the site by providing economic incentives to choose alternative modes of transportation. This may either be accomplished by charging employees for parking, or by other methods.
4. Signage and Lighting plans will require future submittal and review by the Urban Design Commission.
5. Prior to submittal of the final plan set for staff review and approval, the applicant shall work with staff and the UDC on the articulation of the building along North Livingston Street, the architectural detailing at the corner of East Washington and North Paterson Streets, and any changes to architectural detailing of the condominiums and live-work units along East Mifflin Street.

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

6. The most recent ALTA survey of the site shall be provided in the plan set. Several easements have been amended or released and an updated survey is being completed.
7. Coordinate any sidewalk easements and right of way for a turn lane on Patterson Street with City Engineering and Traffic Engineering for inclusion on the pending CSM.
8. The future condominium documents in conjunction with this project are required to be submitted to the City Planning Unit for review and approval.

9. The pending CSM shall be recorded prior to sign off of the site plans.
  10. The Applicant shall construct new sidewalk within the proposed sidewalk easement along E. Washington Avenue.
  11. The Applicant shall construct a turn late on Patterson Street to serve the development, as approved by the City Engineer and City Traffic Engineer.
  12. A maintenance agreement shall be required for any non-standard improvements in the right of way.
  13. The mainline sidewalk adjacent to the site shall be ADA compliant and shall be minimum 5 ft wide standard concrete, per the City's Standard Specifications for Public Works Construction.
  14. This site shall be subject to stringent erosion control requirements as a result of being in the Rock River TMDL Zone.
  15. Additional information is required for entrance elevations to the parking garage as this area is subject to flooding.
  16. The storm sewer structure at Paterson Street and E. Washington Avenue is mislabeled as a sanitary sewer manhole. Modify the plans appropriately.
17. 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).
  18. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
  19. Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto: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.
  20. The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:
    - a) The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
    - b) No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (**Optional:** with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
    - c) Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
    - d) The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division

e) The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest

(MGO 16.23)(3)(a)(2)(c) (plats) & 16.23(5)(g)1 (CSM)Sdfsd

21. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
22. The approval of this Conditional Use or 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)).
23. 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).
24. 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).
25. 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 (POLICY).
26. 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).
27. 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](mailto: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).
28. All damage to the pavement on E. Mifflin Street, N. Patterson Street, N. Livingston Street and E. Washington Avenue, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
29. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer (POLICY and MGO OVER 10,000 SF OF IMPERVIOUS AREA 10.29 and 37.05(7)(b)).
30. 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).
31. 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.

32. 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).

33. 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) 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.

34. 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](mailto: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 (POLICY and MGO 37.09(2) & 37.05(4)).

35. 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)

36. 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).

37. 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>.

38. 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> (MGO CH 37.05(7)).

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

40. 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 (608-267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for further review (MGO 16.23(5)(g)(2)).

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

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

**Water Utility** (Contact Dennis Cawley, 266-4651)

42. This property is in wellhead protection district WP-24. All proposed uses on this property shall be approved by the Water Utility General Manager or his designee.

43. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off on the final plans, and will not need a copy of the approved plans.

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

44. In coordination with public works improvements, the applicant shall maintain or replace the concrete passenger boarding pad at the existing Metro bus stop on the north side of East Washington Avenue, west of Paterson Street (#1660). The concrete pad shall occupy the full distance of the terrace, measure a minimum of 10 feet in width parallel to the street, and lie flush between the sidewalk and the top of curb. A continuous concrete terrace would also be suitable.

45. The applicant shall install and maintain a bench or other seating amenity in the adjacent property landscape plan, ideally taking advantage of any building overhang or canopy to provide the seating amenity some shelter from the elements.

46. The applicant shall maintain and protect access to the existing bus stop one for both pedestrians and transit vehicles at all times during the project construction.

47. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

48. Metro Transit operates daily transit service along East Washington Avenue through the North Paterson Street intersection. Bus stop ID #1660 is adjacent the proposed project site along the north side of East Washington Avenue, with the bus stop zone encompassing the area from the existing bus stop sign pole and concrete boarding pad surface east back to the intersection at North Paterson Street.

49. Conceptual Bus Rapid Transit (BRT) design studies have identified the existing bus stop zone area as a potential BRT station location. Sample BRT station design guidelines indicate at least 12 feet of available right-of-way being typical for the dimension measured from the face of curb across the station platform to the back of a public sidewalk. A minimum of eight feet is shown for just the BRT station infrastructure, measured from the face of curb to the rear point of a passenger shelter structure. City Engineering staff may coordinate right-of-way alignments in this area to accommodate any potential future need for BRT infrastructure.

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

Comments will be integrated when received.

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

Comments will be integrated when received.

**Parks Division** (Kay Rutledge, 266-4816)

Comments will be integrated when received.