



Department of Planning & Community & Economic Development

Planning Division

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November 11, 2014

John W. Sutton
Sutton Architecture
104 King Street
Madison, WI 53703

RE: Approval of demolition permits to raise three buildings and a conditional use for the purpose of constructing a 160-unit mixed-use building at 425-435 **West Johnson Street**

Dear Mr. Sutton:

At its November, 10 2014 meeting the Plan Commission, meeting in regular session, approved your client's requests for demolition permits to raze three buildings and for a conditional use to construct a 160-unit mixed use building at 425-435 West Johnson Street. In order to receive final approval of the demolitions and conditional use and for permits to be issued, the following conditions must be met:

Please contact Janet Schmidt, Engineering Division at 261-9688 if you have questions regarding the following twenty-nine (29) items:

1. The apartment addresses on the plans are not approved due to out of sequence numbering. Submit PDF per Engineering General comment 1.6. (Comment 9, this letter).
2. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits. 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 permit issuance made available for this new land record.
3. The floor plans shall show all balconies to confirm that none of the balconies encroach into the adjacent public street right of way or over adjacent properties.
4. Drainage plans showing how stormwater shall be prevented from entering the underground parking shall be provided including any pumping plans.
5. A construction pumping plan shall be reviewed and approved as part of the erosion control permit. If this project requires construction and/or permanent dewatering and is in an area with potential groundwater contamination, the applicant shall be required to obtain approval of Public Health and Dane County for this discharge. Contact Kirsti Sorsa for more information at 608.243.0356 or ksorsa@publichealthmdc.com).

6. Proposed sanitary connection 8x8 tee is not a legal connection. Applicant shall revise plan to connect to an existing manhole or install a new 4' diameter manhole if lateral is to remain 8" diameter. If lateral is reduced to 6" diameter, no manhole structure will be required.
7. Dedicate a 3ft wide public sidewalk easement along W. Johnson Street for a widened public sidewalk similar to the development at the corner of W. Johnson Street and Broom Street.
8. 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)
9. Submit a PDF of all floor plans to lzenchenko@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.
10. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
11. 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))
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. (POLICY)
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. (POLICY)
14. 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)

15. 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)
16. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
17. All damage to the pavement on West Johnson 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> (POLICY)
18. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
19. 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))
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. POLICY AND MGO 10.29
21. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
22. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
23. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances 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 and 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 Chapter 37 of the Madison General Ordinances.
24. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building

footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).

25. 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... and d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided. (POLICY and MGO 37.09(2))
26. 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)
27. 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>.
28. 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>. (MGO CH 35.02(14))
29. 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)

Please contact Eric Halvorson, Traffic Engineering at 266-6527 if you have questions regarding the following eight (8) items:

30. If the project is approved, Traffic Engineering recommends the following conditions be added to the development to mitigate the safety impacts to the public as much as possible.
 - a. To ensure the public's safety West Johnson Street along this curvilinear frontage is currently posted No Stopping Standing or Parking. As a result there is no space or opportunity for the building to load from West Johnson Street. Vehicles loading from West Johnson Street or picking up and dropping off of residents are likely to reduce their own safety and that of the general public. Applicant shall provide an off-street loading zone for deliveries to the commercial site, and Move in and Move out of the residential building. In addition, at least one off street vehicular loading zones shall be provided for the residents of the building and smaller deliveries. Provide a turning movement template to ensure vehicles using the loading zones will not be required to use a backing movement onto or off of West Johnson Street.
 - b. Applicant, upon final sign off shall, provide a move in and move out plan for approval by the City Traffic Engineering division. The plan shall require tenants to use the off-street loading zone as listed above. In addition a staging plan will be provided to ensure availability of the loading zone. The plan shall include prohibited times of moving during which times the loading zone would be

reserved for deliveries to the commercial component of the building. Applicant shall make the move in and move out plan a condition of the residential tenants lease.

- c. Applicant, upon final sign off, shall include a waste management plan that allows removal of waste on site without using West Johnson Street.
 - d. Applicant upon final signoff shall provide a commercial delivery plan for approval by the Traffic Engineering division. The delivery plan shall include a requirement to use the off-street loading zone for all deliveries to the commercial component of the building. The delivery plan shall prohibit deliveries using vehicles that cannot fit into the off-street loading zone. Applicant shall make the commercial delivery plan a condition of the commercial tenants lease.
 - e. Bicycle racks adjacent the drive aisle and parking structure entrance is not wide enough to accommodate two-way traffic (20' minimum). An insufficient drive aisle will negatively impact internal circulation resulting in vehicles queuing onto W Johnson St. This creates an operational failure detrimental to public safety.
31. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks will be constructed and maintained as soon as possible and little to no access to the Public Right Away on West Johnson Street will be granted for construction purposes.
 32. The development is expected to increase the number of pedestrians necessitating use of the public sidewalk along Johnson Street. Applicant shall submit a Certified Survey Map dedicating a 3' permanent sidewalk easement along the Johnson Street frontage of the property to mitigate the impacts to the public sidewalk from this development. This easement shall be a continuation of the easement provided to the City from the property located at 415 Johnson Street.
 33. The development has less than a 1:1 ratio of parking stalls to residential units. A condition of approval shall be that no residential parking permits shall be issued for 425 West Johnson Street; this would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility requirement in their apartment leases. In addition, the applicant shall submit for 425 West Johnson Street a copy of the lease noting the above condition.
 34. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
 35. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

36. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
37. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

Please contact Patrick Anderson, Assistant Zoning Administrator at 266-5978 if you have questions regarding the following nine (9) items:

38. The elevator and stair level designed to provide rooftop access exceeds the “minimum necessary” to gain access to the roof, so it must be downsized to not be counted as an additional story.
39. Provide additional detail for the rooftop mechanical equipment meeting the provisions of section 28.060(2)(f) where as not to counted as an additional story.
40. The nonresidential space that qualifies this building as a mixed-use building shall not be used as an accessory use to the residential component of the project. These spaces shall be a separate use, leased and occupied by a separate tenant, to be established at the time of issuance of the Certificate of Occupancy for the space. The space shall comply with all applicable building codes as a separate occupancy space.
41. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances prior to sign installations.
42. Sec. 28.185 (7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Mr. George Dreckmann. (608-267-2626).
43. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
44. Section 28.185(9) (a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission approval.
45. Provide plan detail on the West Johnson Street -facing façade, showing compliance with section 28.071(3) (c) & (e) on the final plan sets.
46. Provide a detail plan page with final plans showing the qualifying useable open space areas.
47. Provide detail on final plans showing parking door/opening is no wider than 22’ per sec. 28.071(3)(a)4.
48. Pursuant to Sec. 28.142(3)&(6) Landscape Plan and Design Standards: Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

49. Required screening along district boundaries is not being provided, however can be waived or modified by the Plan Commission as part of the Conditional Use approval pursuant to Section 28.142 (8).
50. Provide screening details of loading area pursuant to 28.142 (9)(c).
51. Provide a minimum of 178 bike parking spaces distributed as both Short Term and Long Term bicycle parking, as required per sec. 28.141(4) and 28.141(11). Provide a detail of the bike rack design including wall mounts. NOTE: current code requires a maximum of 25% (37 spaces) of the bike parking spaces may be structured bike parking (wall-mount or stacked). Call out design types and dimension required stalls on the final plan. There are various locations in the submitted plans where the dimensional requirements are not apparently being met.

Please contact George Hank, Building Inspection at 266-4551 if you have questions regarding the following item:

52. The supervising professional for the construction phase of the project shall report to the Building Inspection Division Director on the status of construction of the project, on a schedule to be determined by the Director. The report shall particularly note the status of ongoing construction relative to the approved plans and building permits.

Please contact Bill Sullivan, Madison Fire Department at 261-9658 if you have questions regarding the following three (3) items:

53. MFD does not support the fire pit on top of the building.
54. Other than the fire pit on the roof, the Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
55. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.

Please contact Kay Rutledge, Parks Division, at 261-9658 if you have questions regarding the following three (3) items:

56. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the conditional use and demolition. This development is within the Vilas-Brittingham park impact fee district (SI27). Please reference ID# 14120 when contacting Parks about this project.
57. 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.

58. 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>

Please contact my office at 267-1150 if you have questions regarding the following nine (9) comments. Comments 64-67 were added by the Plan Commission at their November 10 meeting.

59. That the bicycle parking in the patio be relocated and the plaza space be expanded to the extent feasible. Final details shall be approved by the Planning Division.
60. Wall-pack penetrations shall be as shown on the submitted plans.
61. Agency comments provided to the Plan Commission based on the original submittal and the revised plans were not provided to staff received in time to be reviewed by other City Agencies. If approved, the alternative site plan that relocates the plaza towards the street frontage is subject to additional agency comments related to the proposed changes.
62. That in addition to receiving final approval by the Urban Design Commission, the final details of the plaza including layout, materials, and planting plans shall be approved by the Planning Division.
63. That the residential units along the deepest portion of the “curve” on floors two and above be reconfigured to allow for additional natural light to reach the windows.
64. That the applicant provides a rooftop management plan for staff approval.
65. That the applicant provides a parking management plan for staff approval.
66. That the applicant funds and installs a pedestrian-scale street lights consistent with those approved on the adjacent development ("The Domain") with the details to be approved by staff.
67. That the applicant provides an automated door and ramp providing access to the bike parking in the mezzanine level.

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

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

Please now follow the procedures listed below for obtaining your conditional use:

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 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.
2. The Madison Water Utility shall be notified to remove the water meters prior to demolition. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.
3. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.
4. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
5. A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of a wrecking permit. The reuse and recycling plan shall be submitted along with the resubmittal of site plans for forwarding to the Recycling Coordinator.
6. The approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
7. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the conditional use approval standards.
8. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding obtaining your conditional use, demolition, or building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 267-1150.

Sincerely,

Kevin Firchow, AICP
Planner

cc: Janet Schmidt, City Engineering Division
Eric Halvorson, Traffic Engineering Division
Bill Sullivan, Fire Department
Patrick Anderson, Zoning
George Hank, Building Inspection

I hereby acknowledge that I understand and will comply with the above conditions of approval for the demolition permit and conditional use.

Signature of Applicant

Signature of Property Owner (if not the applicant)

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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: