PLANNING DIVISION STAFF REPORT

March 15, 2023

PREPARED FOR THE URBAN DESIGN COMMISSION

Project Address: **415 N Lake Street**

Application Type: Planned Development (PD) and Public Project for the New Lake Street Public Parking Ramp and Mixed-Use Building
Final Approval is Requested

Legistar File ID #: 73342

Prepared By: Jessica Vaughn, AICP, UDC Secretary

Background Information

Applicant | Contact: Michael Oates, Eppstein Uhen Architects | Matthew Wachter, City of Madison

Project Description: The applicant proposes the construction of a new mixed-use development containing a public parking garage and bus terminal, as well as private residential housing units on the upper floors. Following the Urban Design Commission's November 30, 2022 review, development plans have been revised to address the UDC's Initial Approval conditions. The applicant is seeking a Final Approval on the public building portion of the development and landscape plans.

> Staff Note: As a result of finalizing the Existing Conditions Survey, the adjacent building to the north (USPS Building, 441 N Lake Street) was discovered to extend two feet over the property line, into the project site. In an effort to maximize the interior space of the public building podium, especially in the ground floor bus terminal waiting area, and to not impact the existing adjacent building, a roughly two-foot jog has been incorporated into the building footprint. The jog starts roughly midway along the northern elevation and extends east to Hawthorne Court.

Project Schedule:

- The UDC received an Informational Presentation on September 7, 2022.
- At their October 10, 2022 meeting, the Landmarks Commission recommended to the Plan Commission and Urban Design Commission that the proposed new structure is not so large or visually intrusive as to adversely affect the historic character or integrity of the adjacent landmark at 626 University Avenue.
- The UDC reviewed this proposal at their November 9, 2022 meeting. The Commission provided an Initial Approval for the public building with conditions, as well as an advisory recommendation to the Plan Commission on the Planned Development.
- The UDC reviewed the proposed phasing plan at their November 30, 2022 meeting. The Commission provided an Initial Approval for the public building with conditions, as well as an advisory recommendation on the phasing plan for the Planned Development.
- The Plan Commission approved this proposal on December 12, 2022. As part of the Plan Commission's review, the Urban Design Commission's advisory recommendation conditions related to landscape were adopted.
- The Common Council approved this proposal on January 3, 2023.
- Hawthorne Court design coordination efforts, including artwork and finalizing the street section, are anticipated to begin spring 2023.

Approval Standards: The UDC is an **advisory body** on the Planned Development request. For Planned Developments the Urban Design Commission is required to provide a recommendation to the Plan Commission with specific findings on the design objectives listed in Zoning Code sections 28.098(1), Statement of Purpose, and (2), Standards for Approval.

For public projects, the UDC is an **approving body** on the proposed building, Pursuant to MGO Section 33.24(4)(d), "*The UDC shall approve plans **for all buildings proposed to be built or expanded** in the City by the State of Wisconsin, the University of Wisconsin, **the City of Madison**, Dane County, the Federal Government or any other local governmental entity which has the power to levy taxes on property located within the City.*"

Since the UDC recommended Initial Approval on the public building portion of the project and conditions of approval to the Plan Commission on the PD portion related to landscaping, the application is returning to the Commission for final review and approval.

Per the Commission's adopted Policy and Procedures Manual, Initial Approval signals approval for general site plan layout and building massing, noting that architectural or material revisions are still found necessary prior to Final Approval. In this case, the motion for Initial Approval specified that the considerations noted below needed to be addressed in order to reach Final Approval. Staff advises that the Commission base this review on those previously-specified elements.

Adopted Plans: The project site is located within the Downtown Plan planning area in the State Street Neighborhood and is home to the State Street Campus Garage public parking ramp.

> "*Maintain and enhance the State Street district as Madison's premier shipping, dining, entertainment and cultural destination, with a unique sense of place characterized by a vibrant and dynamic mix of uses, a distinctive pedestrian-oriented streetscape, and human-scale developments that actively engage the street and promote synergy and interaction."*

In addition, the Downtown Plan also recognizes the availability of parking as playing a crucial role in the viability of both State Street and the downtown core, as well as the importance of pursing strategies that allow drivers and residents to park once and use other modes to circulate within downtown. More specifically with regard to design, the Plan notes that "…*above ground parking facilities should be screened from street view with liner buildings. Upper stories of parking structure may be permitted at the street if designed to a level of interest and quality to a building façade.*"

Summary of Design Considerations and Recommendation

Staff requests that the UDC review the revised development plans for consistency with the conditions that were part of the Commission's Initial Approval motion and final Plan Commission conditions of approval as noted below:

- Provide more detail of the pedestrian level both along Hawthorne Court and Lake Street with regard to building design, materials and renderings,
- Refine the finish treatment of the columns, including materials selection,
- Refine the level of design/articulation at the building corners and north/south elevations along Hawthorne Court and the exposed garage walls, and
- Incorporate more substantial plantings along Lake Street.

Summary of UDC Discussion and Action from November 30, 2022 Meeting

As a reference, the Commission's comments from the November 30, 2022, meeting are provided below:

- We talked about precedent with the elevator overrun. Has precedent already been set, have similar situations in the past been approved?

- Yes, numerous precedents have been set. We need to focus on the overall height and scale of the tower, site plan and amenities. The Plan Commission will grapple with the Capital Height Preservation Limit and building height. They are looking to us for recommendations on the building design.
- (Secretary) If the Commission identifies the elevator overrun as a key issue, the recommendation should be tied back to the review and approval criteria for conditional use and Planned Developments.
- In reading the CANA memo, it references emergency exits and also normal exits. I'm confused about what exits are emergency and what are regular. Is the City threatening to change your occupancy if this plan were to go forward as proposed?
    - The plans are still being developed, the concern is that we have a decent capacity that allows us to book national acts that otherwise might pass over Madison. We have 700 people in a basement level, rather than going all the way up the stairs to the main entry and exit on University Avenue, three of our four fire exits are located at basement level directly adjacent to Hawthorne Court. The idea of increased traffic is very disconcerting. The area between our building and Lake Street is a trash and parking area for buildings on University, that exit also is critical again to avoid people having to go from the main floor all the way up to the main entry and exit on University Avenue.
- But your capacity isn't being directly threatened by this per se.
    - The occupancy is clearly one issue, but the issue of allowing our guests a safe exit in an emergency is very much equal priority to us. It's already a threatening environment for pedestrians on Hawthorne Court. It's a long-established pedestrian thoroughfare, you're not going to change those traffic patterns without blocking them. The number of times we've seen pedestrian vs. vehicles on our cameras, there's nothing about using Hawthorne Court for vehicular traffic that's consistent with Vision Zero.
- (Chair) Our authority is to make a motion on the design of the public building. We're not involved in Hawthorne Court, we could weigh in on the design of the bridges that connect over Hawthorne Court to the Frances Street ramp. Although these issues may be valid and require and deserve more concern and attention, it's really not this Commission's purview to go there.
- (Secretary) The design of Hawthorne Court is not part of the Commission's purview. We do have Tom Lynch from Traffic Engineering with us this evening. He could speak to traffic counts or design questions related to Hawthorne Court.
- Does this fall under UDC's purview if the alternative is trying to find a solution of using the Lake Street entrance, would that impact the design of the building and the building aesthetic?
- Yes it would. We had that discussion when we discussed Traffic Engineering's letter that talked about the amount of garage door entrances and openings being 40% on Lake Street, where we consider street activation and the presence of the building. We're being asked to reformulate our motion from last time so that the Plan Commission and staff can say it was approved in two phases. We did have the conversation prior to the motion being made a few weeks ago.
- Has staff considered moving the bus terminal entrances to Lake Street, which may decrease the amount of street presence, even if the private parking entrance is still using Hawthorne Court, would that decrease the amount of entrances on Lake Street?
- (Tom Lynch) It depends on how the underground parking is served. This photo of Hawthorne Court illustrates the issues: it's narrow, all the emergency doors will remain as they are, we don't have the authority to take away that access. Right now it's about a two-foot sidewalk, on weekend evenings patrons use that area to wait for events. The width of Hawthorne Court is about sixteen-feet, typically a two-way street is 20-24 feet, it shouldn't be a two-way now. We are proposing to make this a one-way, somewhat of a woonerf, and the protected space would become seven-feet. This is a challenging situation, of the two alternatives it's probably better to reduce the entrances on Lake Street. The chosen proposal is a simpler flow.
- Has staff considered even just using Lake Street for just the buses?

- We haven't, that would mean three entrances on Lake Street and one on Hawthorne Court. It's not an ideal width for two-way traffic on Hawthorne. We want to provide a legal way for people to park and load/unload. We will be providing loading zones on University Avenue for those businesses. As far as the emergency exits, we don't have any plans on taking that access away. As far as traffic volumes, we project between one quarter and one third of the traffic volumes on a neighborhood street. They won't be so excessive and coming from one-way only.
- I would be interested to see keeping one-way on Hawthorne and moving the buses to Lake Street, that way they're not crossing two lanes.
- A bus on Lake Street also crosses crosswalks and bike lanes, and the sidewalks there have twelve times more pedestrian activity.
- I agree this is an unsolvable problem with such constraints to all issues. I'd like to shift to the motion from last time, we won't be able to solve all the technical issues tonight.
- We don't have the authority to make those solutions. We're trying to reiterate our motion from three weeks ago that would supersede that motion, it was for initial approval with a number of conditions including the façade design of Hawthorne Court, column covers, some landscaping, confirmation that the number of stories is appropriate.

A motion was made by Bennett for Initial Approval, asking that the Plan Commission study the bus entrance on Lake Street.

(Secretary): In wording a motion on approving vs. advisory, the approval motion is limited to the public building portion of the development, Phase 1 construction only. The advisory recommendation is another bucket with a recommendation to the Plan Commission based on the Planned Development criteria. Part of that is the elevator overrun, open spaces, criteria for building design.

The motion was withdrawn.

- The advisory recommendation should also include the phasing plan, in addition to the other items the Commission discussed, to be reaffirmed from November 9th.
- A motion to approve the public portion of the building as Phase 1, with the following conditions, and advisory to the Plan Commission that the Plan Commission shall approve the project as Phase 2 with the following conditions to come back to the UDC.

A motion was made by Braun-Oddo for Initial Approval of the public building portion of the development. The motion is for approval of the phasing plan as presented and Initial Approval of the public building portion of the development. The Commission would like to see more detail at a pedestrian level (both streets), including the materials at the columns, the material selection, more augmentation of plantings at the front of the building, and the review of the Hawthorne Court traffic study to verify that is the best traffic flow for buses. The UDC recommends the Plan Commission approve the private portion of the development and accept the phasing as presented.

The motion was seconded by Arnold.

Discussion on the motion:

- (Secretary) To clarify, is the motion to carry forward everything or just the items you outlined?
- Just the items outlined. I purposely left out the overrun, not approving it because there's enough precedent there to accept that.
- The Hawthorne Court traffic piece related to building design and the pedestrian environment?

- I'm not sure if more information is coming. I agree and think that all of the scenarios investigated, the one chosen seems to be the most rational as far as traffic, pedestrian and bike safety.
- (Secretary) There is a motion on the table, review of any Hawthorne Court design is outside the Commission's purview. We would put that under advisory rather than the Initial Approval portion of the motion.
- The original motion also had mention or requirement of the Hawthorne Court building elevation information.
- I want to make sure that in that Initial Approval of the Phase 1 project we are addressing the materiality and articulation of the Hawthorne Court elevation. In the previous comments we had notes about the northeast and southeast corners specifically. Do you feel that was covered in your motion?
- If it wasn't readily clear let's add yours as a friendly amendment to clarify that.
- Sounds great.
- North and south relative to the garage walls?
- Yes, it applies to the level of design articulation in the building along Hawthorne Court, specifically at the corners and the walls that are at the corners.
- The previous motion was also related to the blank walls of the garage that were exposed. Include that as well?
- Yes, I'm seeing those as one and the same since they're tied together.
- To clarify, we included with the advisory recommendation to study the bus entrances on Lake Street?
- Yes, the recommendation to the Plan Commission is to request review of Hawthorne Court traffic counts relative to pedestrian and traffic circulation and safety.
- I'm confused as to why as advisory on a Planned Development, that more substantial plantings be incorporated along Lake Street, and the Initial Approval for the public building has references to treatments of the concrete columns, is there a reason why for the same general area and aesthetic concerns, one is in one part of the motion and one is in the other? Both should be in the public part.
- I corrected that as Phase 1 for the City.
- (Secretary) The directive in the code with regard to public buildings specifically outlines the Commission's purview, noting we are approving on the building portion and advisory on the landscape.
- As far as the advisory, we all agree and knew the last time around that the Plan Commission will have the final say on the elevator overrun. I would like them to know in some form or fashion that as a group, we are not pleased with these types of overruns. It was very clear last time around that the majority of this group was not happy with it, and that should be passed on to them. Our displeasure with approving those exceptions should be noted.
- In order to get that roof access under the Capital Preservation Limit, the building would have to come down a story and lose units. If we think the overall mass, scale and roof amenities are acceptable, the Plan Commission will grapple with whether or not they think it's worth having an overrun going above. We have to understand the ramifications of not recommending approval of the overrun.
- I understand all the ramifications. Are you saying that we should just suck it up and let it go?
- We have recommended approval of a number of projects where the overrun and mechanical rooms have gone above the Capital limit. If we're making a stand in this case we should be very clear what it is in the design of the building that should prevent the overrun from exceeding that limit.
- (Firchow) The motion on the floor right now did not include that provision. It could be proposed to add that as an amendment to the main motion.
- I won't drag this out any further, I find it disappointing that it seems that without trying to force the hand of the Plan Commission, there are objections to these, forget changing the existing design, I'm talking about getting ahead of the developers that are doing these to take this into account from the get-go. But they all know they're going to get the approval so they keep asking for it. I'm not interested in advancing a separate amendment.

- I could see a scenario without a designed open space where they wanted to bring it up without any open space or amenities. The Commission could say whereas this project has provided some usable open space, the UDC is not inclined to recommend approval for elevator overruns or mechanical rooms into the preservation limit where there isn't something given back. In this case something was given back.
- Providing something that relates back to the criteria, making sure things are the minimal necessary for that access.
- As a friendly amendment: the Commission is not uniformly on board with these routine exceptions for mechanical overruns in excess of the Capital View Preservation Height Limit and would prefer to see these minimized to the greatest extent possible, but will go along with exceptions in exceptional circumstances, including improved amenities and open spaces that are of value to the residents of the development.
- No objections to friendly amendment.

ACTION:
On a motion by Braun-Oddo, seconded by Arnold, the Urban Design Commission **GRANTED INITIAL APPROVAL** of the public building with the following conditions:

- That more detail be provided at the pedestrian level both along Hawthorne Court and Lake Street with regard to building design, materials and renderings, refinement of the finish treatment of the columns, including materials selection. An amendment to the motion by Bernau to add refinement of the level of design/articulation at the built corners and north/south elevations along Hawthorne Court and the exposed garage walls was accepted.

The UDC **RECOMMENDS** that the Plan Commission approve the private portion of the development and phasing as presented. The UDC further recommends the following:

- To incorporate more substantial plantings along Lake Street.
- Review the Hawthorne Court traffic counts relative to traffic circulation and pedestrian safety, and bus entrances and exits.

An amendment to the recommendation was made by Harper, noting that the UDC is not uniformly on board with routine exceptions for overruns and would prefer to see them minimized to the greatest extent possible. Exceptions in special circumstances, including where amenities that add value to the development, would be acceptable.

The motion and recommendation both passed on a unanimous vote of (5-0).

ATTACHMENT
PD Zoning Statement of Purpose and Standards

28.098 (1) Statement of Purpose.

The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials. In addition, the Planned Development District is intended to achieve one or more of the following objectives:

(a) Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.

(b) Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas, with enhanced pedestrian, bicycle and transit connections and amenities.

(c) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.

(d) Preservation of historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land.

(e) Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.

(f) Facilitation of high-quality development that is consistent with the goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

28.098(2) Approval Standards for Project

The standards for approval of a zoning map amendment to the PD District, or any major alteration to an approved General Development Plan, are as follows:

(a) The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above. Conditions under which planned development may be appropriate include:
   1. Site conditions such as steep topography or other unusual physical features; or
   2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.

(b) The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(c) The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.

(d) The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.

(e) The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.

(f) The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.

(g) The PD district shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.

(h) When applying the above standards to an application for height in excess of that allowed in Section 28.071(2)(a) Downtown Height Map, except as provided for in Section 28.071(2)(a)1. and Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

1. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.
2. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.
3. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the project and create a pleasing visual relationship with them.
4. For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant.

(i) When applying the above standards to an application to reduce or eliminate stepbacks required by Section 28.071(2)(c) Downtown Stepback Map, the Plan Commission shall consider the recommendations in adopted plans, including the downtown plan. No application to reduce or eliminate stepbacks may be granted unless it finds that all of the following conditions are present:

1. The lot is a corner parcel.
2. The lot is not part of a larger assemblage of properties.
3. The entire lot is vacant or improved with only a surface parking lot.
4. No principal buildings on the lot have been demolished or removed since the effective date of this ordinance.