PLANNING DIVISION STAFF REPORT

June 26, 2023

Project Addresses:	**428-444 State Street**
Application Type:	Demolition Permit, Conditional Uses, and Certified Survey Map Referral
Legistar File ID #	69791, 69792, and 69800
Prepared By:	Timothy M. Parks, Planning Division Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Joe McCormick, JD McCormick Properties, LLC; 101 N Mills Street; Madison.

Contact Person: Kevin Burow, Knothe & Bruce Architects, LLC; 8401 Greenway Blvd Suite 900; Middleton

Surveyor: Mike Ziehr and Tim Schleeper, Vierbicher Associates; 999 Fourier Drive, Suite 201; Madison.

Requested Actions:

- ID 69791 – Consideration of a demolition permit to allow demolition of three mixed-use buildings at 428, 434 and 444 State Street;
- ID 69792– Consideration of a conditional use in the Downtown Core (DC) District for a new building; and consideration of a conditional use for non-residential development immediately adjacent to the boundary of a City-owned public park, to allow construction of a six-story tall mixed-use building containing 6,285 square feet of commercial space and 25 apartments adjacent to Lisa Link Peace Park; and
- ID 69800 – Approval of a Certified Survey Map (CSM) to create one lot for the proposed mixed-use development.

Proposal Summary: The project was originally submitted for Plan Commission review in early February 2022. The applicant is seeking approvals to demolish three (3) two-story mixed-use buildings located at 428, 434, and 444 State Street to allow construction of a mixed-use building on the 6,928 square-foot (0.16 acres) parcel. The proposed building will include 2,935 square feet of commercial space in the basement, 3,350 square feet of commercial space on the first/ground floor and 25 units on floors 2-5. The dwelling unit on the fifth floor will have a loft space above. No automobile parking is proposed; parking for 26 bicycles will be provided in the basement. The May 2023 application indicates that construction will commence as soon as all regulatory approvals have been granted, with completion anticipated in summer 2024.

Applicable Regulations & Standards: Section 28.074(4) requires that all new buildings and additions greater than 20,000 square feet or that have more than four stories in the DC (Downtown Core) District shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Section 28.071(3), if applicable, and the Downtown Urban Design Guidelines, and shall report its findings to the Plan Commission. Section 28.139(1) of the Zoning Code requires that non-residential development immediately adjacent to the boundary of a City-owned public park shall be reviewed as a conditional use Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Urban Design Commission, Plan Commission, and Common Council (of the CSM only).

Summary Recommendation: The Planning Division recommends that if the Plan Commission can find the applicable standards are met, the Planning Division recommends the following:

- That the Plan Commission find the standards for demolition permits are met to **approve** demolition of the buildings located at 428, 434 and 444 State Street;
- That the Plan Commission find the standards for conditional uses are met to **approve** the construction of a six-story tall mixed-use building containing 6,285 square feet of commercial space and 25 apartments in DC zoning and adjacent to Lisa Link Peace Park, subject to the May 18, 2023 plans, input at the public hearing, and the conditions from reviewing agencies beginning on **page 9**; and
- That the Plan Commission forward the Certified Survey Map to combine 428-444 State Street into one lot for the proposed mixed-use development to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 16**.

Background Information

Parcel Location: An approximately 6,928 square-foot (0.16-acre) parcel located on the north side of State Street between W Gilman and W Gorham Streets; Alder District 2 (Bennett); Madison Metropolitan School District.

Existing Conditions and Land Use: Three two-story mixed-used buildings, zoned DC (Downtown Core District).

Surrounding Land Uses and Zoning: The subject site is bordered on the north and west by Elizabeth "Lisa" Link Peace Park. Properties in the 400-block of State Street are developed with a variety of two- and three-story mixed-use buildings fronting State Street. The preceding uses are zoned DC (Downtown Core District. Properties to the northeast of the site along W Gilman Street are developed with two- and three-story residences in UMX (Urban Mixed-Use District) zoning; the north side of Gilman Street includes the three-plus-story tall Wisconsin Lutheran Chapel and six-story mixed-use building in PD zoning and the three-story Women's Building (Samba, Side Door Grill & Tap), zoned UMX.

Adopted Land Use Plans: The subject site, Lisa Link Peace Park, and neighboring State Street properties are identified in the Downtown Mixed-Use (DMU) district by the 2018 Comprehensive Plan, while the adjacent properties to the northeast along W Gilman Street are recommended for Medium Residential (MR).

The 2012 Downtown Plan includes the subject site and adjacent properties in the "State Street" District and recommends that these properties be developed with Downtown Mixed-Uses. The Plan seeks to maintain and enhance the "unique," "vibrant," "special," and "intimate" character of the State Street District as the City's "premier" destination for shopping, dining, culture and entertainment by reinforcing the pedestrian-scale of the district and "human-scale" developments that promote synergy and interaction (Objective 4.2). Heights along State Street are recommended not to exceed four stories at the street, with six stories possible following a 30-foot stepback above four stories.

Zoning Summary: The property is zoned DC (Downtown Core District).

Requirements	Required	Proposed
Lot Area	None	6,928 sq. ft.
Lot Width	None	95'
Minimum Front Yard Setback	None	1.5'

Requirements	Required	Proposed
Maximum Front Yard Setback	5’	1.5’
Side Yard Setback	None	0’ | 3.14’
Rear Yard	None	1.28’
Maximum Lot Coverage	None	91%
Usable Open Space	None	1,636 sq. ft.
Minimum Building Height	2 stories	Will Comply
Maximum Building Height	6 stories (4 stories within 30’ of State Street property line)	6 stories (4 within 30’ of State Street property line)
Auto Parking	None (Central Area)	None
Electric Vehicle (EV) Stalls	N/A	None
Accessible Stalls	N/A	None
Bike Parking	31	26 (See conditions)
Loading	None	None
Building Forms	Commercial Block Building	Will Comply
Other Critical Zoning Items		
Yes:	Urban Design (DC zoning), Barrier Free, Utility Easements, Adjacent to Park	
No:	Wellhead Protection, Waterfront Development, Wetlands, Floodplain, Landmarks	
Prepared by: Jacob Moskowitz, Assistant Zoning Administrator		

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor. Lisa Link Peace Park is not identified in a mapped corridor.

Public Utilities and Services: The site is currently served by a full range of urban services, including Metro Transit, which operates seven-day service nearby on 100-300 blocks of State Street and to the south on University Avenue and W Johnson Street.

Project Description

The applicant is requesting approval of a demolition permit to raze three two-story mixed-use buildings in the 400-block of State Street adjacent to Lisa Link Peace Park. The 6,928 square-foot site is zoned DC (Downtown Core). Following demolition, the applicant is proposing a six-story tall mixed-use building with 6,285 square feet of commercial space on the basement and ground floors and 25 apartments on the upper floors. The existing three lots will be combined into one by Certified Survey Map, which is also pending approval before the Plan Commission.

Moving from east to west, the site is developed as follows:

- 428 State Street is a two-story building principally constructed in 1893 with a small addition in 2009, which includes 2,358 square feet of finished space, including a first floor storefront and a three-bedroom apartment on the second floor. The building occupies a 2,810 square-foot parcel, that includes a 7.5-foot panhandle that extends northerly from the majority of the parcel to connect to W Gilman Street along the easterly side of Lisa Link Peace Park;

- 434 State Street is a two-story building constructed in 1899 and remodeled in 1996 per City records, which contains 1,560 square feet of ground floor commercial space and two apartments on the second floor; and
- 440-444 State Street is a two-story building constructed in 1962, which includes 1,661 square feet of commercial space in two ground floor storefronts and two apartments on the second floor.

Photos of the interior and exterior of the three buildings are included in the application materials. The letter of intent does not include information on the condition of the buildings and indicates that the applicant feels that relocation of the buildings is "not feasible."

Following demolition, the site will be redeveloped with a six-story tall mixed-use building that will include 2,935 square feet of commercial space in the basement, 3,350 square feet of commercial space on the first/ground floor and 25 units on floors 2-5. The 25 apartments will be comprised of 21 studio units, three (3) one-bedroom units, and one (1) five-bedroom unit on the fifth floor, which will have a loft space above containing two of the five bedrooms. No automobile parking is proposed; parking for 26 bicycles will be provided in the basement. As noted in the application materials, eight (8) bicycle stalls are proposed in the State Street right of way; however, those stalls cannot be counted towards the bike parking for the project as they are not located on the property.

The building will be setback 1.5 feet from the State Street property line, 3.2 feet from the western property line abutting the State Street frontage of the park, and between 1.28 and 5.3 feet from the northern property line abutting the main portion of the park, which fronts onto W Gilman Street. A stairwell serving the basement through the fifth floor will be located on the rear, northern wall of the building, which will egress from a door on the western façade. As part of the redevelopment, the applicant is proposed to remove a rock retaining wall and landscaping that forms the eastern edge of State Street approach to the park, which is currently built up adjacent to the western wall of 444 State. [Comments from the Parks Division dated March 22, 2023 are attached, and impacts from the development on the park will be discussed in the following sections of this report.] The primary residential entrance, access to the basement commercial space, and second stairway for the building will be accessed from the State Street sidewalk at the southeastern corner. The first floor commercial spaces will be accessed directly from the State Street sidewalk.

The proposed building will be primarily clad in a light-colored brick, with the exception of the portions of the upper floors, which will be clad with a gray horizontal composite siding. Consistent with the Downtown Height Map in Section 28.071(2), the building will be four stories tall at State Street before stepping back 30 feet at the fifth floor. The stepback area will be used as a common roof deck amenity and as a patio for the fifth floor unit. The loft space, which will appear as a sixth story at the rear of the building when viewed across the park, will be further stepped back on all sides from the parapet above the fifth floor. The building will include a substantial amount of window openings and balconies along the northern façade overlooking the main portion of Lisa Link Peace Park, as well as windows on the western façade overlooking the park adjacent to State Street.

Additional Regulations

Section 28.139 of the Zoning Code states that "non-residential development immediately adjacent to the boundary of a City-owned public park shall be reviewed as a conditional use. The purpose of this requirement is to assess the impact of proposed development on natural resources, drainage patterns, pedestrian traffic and recreational uses of the park. Conditional use applications shall include the following:

a) A complete inventory of vegetation in any area proposed for development within 100 feet of the park boundary.

b) Any proposed cutting of trees or removal of vegetation within 100 feet of the park boundary. Removal of vegetation may be limited within 35 feet of the park boundary.

c) Grading and drainage within 35 feet of the park shall be reviewed for its effect on drainage patterns and vegetation within the park."

Project History and Analysis

The applicant is requesting Plan Commission approval of a demolition permit to raze three buildings in the 400-block of State Street and conditional use approvals to construct a new mixed-use building in the DC zoning district. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Section 28.071(3) of the Zoning Code, if applicable, and the Downtown Urban Design Guidelines, and shall report its findings to the Plan Commission. Because the building is adjacent to Lisa Link Peace Park, conditional use approval per Section 28.139 of the Zoning Code is also required. Finally, approval of a CSM to combine the three underlying lots into one for the mixed-use development is also requested.

As noted on page 1 of this report, applications to redevelop the subject site were originally submitted for review in February 2022. Since the initial submittal, there have been three other versions of the proposed mixed-use building submitted for review by City agencies, the Urban Design Commission and the Plan Commission. However, the project has failed up until now to proceed past the Urban Design Commission review due to a combination of factors that included concerns by City agencies about the design of the earlier iterations of the mixed-use building, and referrals by the Urban Design Commission on June 29, 2022 and March 29, 2023 due to concerns that body had regarding the building's design. [For more information on the Urban Design Commission's review of the project, the Plan Commission should refer to the UDC file on the development, ID 69486, which includes the different plan versions, Planning Division staff memos, and Urban Design Commission reports.]

Additionally, some of the earlier versions of the development would have required the applicant to obtain "no build" easements from the City over the park to allow the new building to be constructed closer to the property lines than currently proposed, to which the Parks Division formally objected in writing to the developer on December 8, 2022. In rejecting the implication that easements would be granted for the project, Parks Division staff cited concerns that granting easements for the development could interfere with the public's enjoyment of the park, impair the City's title to the parkland, and potentially limit what the City could do with the park in the future with regard to additional structures, etc.

For informational purposes only, the three earlier versions of the plans for the subject site are attached at the end of the list of attachments in the conditional use file, ID 69792. However, the plans pending for approval are those attached to the file preceded and followed by "*****" and dated **05-18-23** in the attachment name.

Consistency with Adopted Plans

The 2012 Downtown Plan includes the subject site and adjacent properties in the "State Street" District and recommends that these properties be developed with Downtown Mixed-Uses. The Plan seeks to maintain and enhance the "unique," "vibrant," "special," and "intimate" character of the State Street District as the City's "premier" destination for shopping, dining, culture and entertainment by reinforcing the pedestrian-scale of the district and "human-scale" developments that promote synergy and interaction (Objective 4.2). Heights along

State Street are recommended not to exceed four stories at the street, with six stories possible following a 30-foot stepback above four stories. The heights recommended in the Downtown Plan have since been codified in the Downtown Height Map in Section 28.071(2) of the Zoning Code, which allows up to four stories along the State Street frontage and up to six stories beginning 30 feet north in the case of the subject site; the six-story height limit covers most of the rest of this block extending toward the corner of N Henry and W Gilman Streets, where it transitions down to five stories.

The Downtown Plan encourages that ground floor spaces be reserved for retail and services uses along State Street, including dining and entertainment, with employment and residential on upper floors. Retail spaces should be suitable for a wide variety of unique, relatively small businesses consistent with the existing character of State Street. However, the recommendations for State Street also "encourage the preservation, rehabilitation and adaptive reuse of sound older buildings that contribute to the district's character," and recommends that funding sources be used to support rehabilitation and remodeling of existing buildings.

The subject site, Lisa Link Peace Park, and neighboring State Street properties are also identified in the Downtown Mixed-Use (DMU) district by the 2018 Comprehensive Plan, while the adjacent properties to the northeast along W Gilman Street are recommended for Medium Residential (MR).

The Planning Division believes that the Plan Commission may find that the new building proposed is largely consistent with the above plan recommendations. The proposed building generally reflects the scale and intensity of development allowed in the State Street sub-district in the Downtown Plan, with a building that will meet the maximum four-story height at State Street before stepping back into a five-story building that meets the 30-foot stepback requirement but includes a loft space above the fifth floor, which will appear as a sixth floor when viewed across adjacent Lisa Link Peace Park from W Gilman Street. The project includes ground floor commercial spaces that should provide the sort of activation that the Downtown Plan encourages. However, the demolition of the three buildings may be inconsistent with the recommendation to preserve and reuse "sound older buildings," as will be discussed in the next sub-section.

Consideration of Demolition Permit Standards

In order to approve a demolition request, the Plan Commission shall consider the factors and information specified in Section 28.185(9)(c) and find that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison. The standards for demolition approval state that the Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission. The future use of the property following demolition or removal is no longer a consideration in determining whether the demolition standards are met.

In regards to demolition standard 1 related to the possible building relocation efforts, the Plan Commission is required to consider any information provided related to possible relocation activities. However, the applicant has indicated that relocation of the buildings is not feasible due to their inability to be transported along State Street or across the park due to impact on trees. In regards to standard 6 regarding the condition of the building proposed for demolition or removal, Planning Division staff has not received any comments from the Building Inspection, Fire, or Police departments/divisions on the existing building. As noted earlier in this report, photos of the existing buildings are included, but no report on the condition of the buildings has been provided for consideration. While the Zoning Code notes that condition shall be considered, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition.

At its January 31, 2022 meeting, the Landmarks Commission voted to recommend to the Plan Commission that the buildings at 428 and 434 State Street have historic value based on their status as contributing structures in a potential National Register Historic District, while the building at 444 State Street has historic value related to the vernacular context of Madison's built environment and its intact condition. The motion passed by voice vote/ other. A full report of the Landmarks Commission's discussion on the proposed demolition is attached to ID 69791.

Based on the findings of the Landmarks Commission on the demolitions, staff believes that the Plan Commission should give careful consideration to whether standards 4 and 7 can be met for the requested demolition. Standard 4 states:

> "*The Plan Commission has received and considered the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.*"

Standard 7 states:

> *"The Plan Commission shall consider the factors and information specified in items 1-6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison."*

The statement of purpose in Section 28.185 states, in part:

> *"The purpose of this section is therefore to ensure the preservation of historic buildings, encourage applicants to strongly consider relocating rather than demolishing existing buildings, aid in the implementation of adopted City plans, maximize the reuse or recycling of materials resulting from a demolition, protect the public from potentially unsafe structures and public nuisances…"*

Consideration of the Conditional Use Standards

Similarly, the Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met]."

As noted earlier in this report, conditional use approval is required for the proposed new mixed-use building in DC zoning and due to its adjacency to Lisa Link Peace Park.

The Planning Division believes that the Plan Commission may find that the conditional use standards are met for the proposed development. The uses, values and enjoyment of other property in the neighborhood for purposes already established should not be substantially impaired or diminished in any foreseeable manner by the project, nor should the establishment of the conditional uses impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Comments submitted by agencies do not suggest that the proposed mixed-use development will negatively impact the City's ability to provide services to the project subject to meeting the recommended conditions of approval in the final section of this report.

However, any approval of the project should include the conditions enumerated in the Parks Division's comments to the Urban Design Commission and Plan Commission dated March 22, 2023, which were submitted after the project plans were revised to no longer require permanent easements over the park. In the March 22 letter, Eric Knepp, City Parks Superintendent, is requiring a developer's agreement specifically governing restoration of Lisa Link Peace Park following construction of the building, approval of a construction staging plan, protection of the trees in the park, approval of the improvements to the park adjacent to the development site, and the developer acquiring a temporary construction easement from the City prior to the issuance of any permits for the project. For context purposes, the Plan Commission may refer to the attachment 'Park Photos' in the conditional use file, which include views of the development from the adjacent park, including the landscaping area that will be altered as part of the project.

Review by the Urban Design Commission

As noted earlier in this section, the Urban Design Commission formally reviewed the proposed development on June 29, 2022 and March 29, 2023, referring the project both times due to significant concerns about the design of the project. The Commission also received an informational presentation on February 8, 2022 concurrent with the original submittal to redevelop the site. Further, a December 14, 2022 review of the project was referred at the applicant's request in the wake of the Parks Division's rejection of permanent easements over the park for the benefit of the project.

The Urban Design Commission reviewed the current proposal for the mixed-use building (dated May 18, 2023) at its May 31 meeting. On a 5-3 vote, the Commission made an **advisory recommendation** to the Plan Commission to grant Final Approval subject to a condition related to the brick to be used, which Planning staff has included in its proposed conditions of approval. A full report of the Urban Design Commission's review of the development is attached to the conditional use file, which includes a link to the full UDC legislative file (ID 69486).

Criteria for Land Divisions

Finally, if the Plan Commission determines that the standards for approval for demolition permits and conditional uses are met, staff recommends that the Plan Commission find that the one-lot Certified Survey Map meets the criteria for approval.

Conclusion

The applicant proposes to demolish three two-story mixed-use buildings to allow the construction of a five-story mixed-use building with loft, which will contain 6,285 square feet of commercial space and 25 apartments. The requests are subject to the standards for approval for demolition permits, conditional uses, and land divisions.

The Planning Division believes that the Plan Commission may find that the proposed development is largely consistent with the recommendations for the site in the Downtown Plan, which generally support the development of a four- to six-story building on the site that includes ground floor commercial spaces oriented to State Street and upper floor employment or residential uses. The design of the proposed building has been controversial during the nearly 18 months that the project has been under formal consideration. However, staff feels that the building currently proposed can be a successful addition to the iconic State Street corridor, and that its potential impacts on Lisa Link Peace Park have largely been addressed. Any approval of the conditional uses for the redevelopment, however, must include the conditions submitted by the Parks Division, which are designed to protect the park during and following construction of the building.

Finally, as it considers whether the demolition standards are met, the Plan Commission should carefully consider the Landmarks Commission's findings of historic significance for all three existing buildings during its review of the demolitions, and also consider the recommendations in the Downtown Plan, which encourage that "sound older buildings" be preserved and rehabilitated.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

If the Plan Commission can find the applicable standards are met, the Planning Division recommends the following to the Plan Commission:

- That the Plan Commission find the standards for demolition permits are met to **approve** demolition of the buildings located at 428, 434 and 444 State Street;
- That the Plan Commission find the standards for conditional uses are met to **approve** the construction of a six-story tall mixed-use building containing up to 6,285 square feet of commercial space and 25 apartments in DC zoning and adjacent to Lisa Link Peace Park, subject to the May 18, 2023 plans, input at the public hearing, and the conditions from reviewing agencies that follow; and
- That the Plan Commission forward the Certified Survey Map to combine 428-444 State Street into one lot for the proposed mixed-use development to the Common Council with a recommendation of **approval** subject to the conditions from reviewing agencies beginning on **page 16.**

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division

1. Consistent with the advisory recommendation of the Urban Design Commission of May 31, 2023, that elevations for the proposed building be revised to use modular brick and not utility brick, which the Commission found is a scale issue that is very important on State Street.

2. Dimension the stepbacks of the fifth floor and the lofted space above the fifth floor on Sheet A-1.5.

City Engineering Division (Contact Tim Troester, (608) 267-1995)

3. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.

4. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement.

5. Construct sidewalk, terrace, and pavement to a plan approved by City Engineer. Note that the sidewalk is the City's exposed aggregate mix and the terrace is a structurally supported concrete slab.

6. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder

((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

7. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.

8. An Erosion Control Permit is required for this project.

9. This site appears to disturb less than one (1) acre of land. No submittal to the Wisconsin Department of Natural Resources (WDNR), Capital Area Regional Planning Commission (CARPC), or Department of Safety and Professional Services (DSPS) is required, as the City of Madison Building Inspection Division is an approved agent for DSPS.

10. Revise the site plan 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.

11. This site appears to have a land use that will result in their inclusion as a restaurant class sanitary sewer customer. This will charge commercial kitchen facilities a higher sanitary sewer fee per gallon than domestic users and is based on strengths of waste measured at representative similar customers throughout the City. If the applicant desires, a sampling structure may be installed, as part of the initial construction at their cost, to allow site-specific sampling of their waste to determine sanitary sewer charges specifically for this site. If no sampling structure is installed, this site will default to the restaurant class code in MGO Chapter 35. If you have questions on the restaurant class sewer charges, please contact Megan Eberhardt at Meberhardt@cityofmadison.com or (608) 266-6432.

12. Revise the plans to identify the location of the public storm sewer (proposed or existing) that will serve the development and show the connection of the private internal drainage system (roof drain) to the public storm sewer.

13. This project will disturb 4,000 square feet or more of land area and require an Erosion Control Permit. Submit an Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

14. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering (608) 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

15. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

16. The ground floor plans have been modified along the frontage moving the envelope nearer to the State Street right of way, which results in three sets of entrance doors opening and extending into the public right of way. The doors shall not open into the public right of way, unless, permitted by City of Madison Traffic Engineering Division.

17. Show the easement per Document No. 5054350 for the storm sewer owned by this site within the adjacent park. Note that the storm sewer maintenance is the responsibility of this site on the Utility and Existing conditions plans.

18. The building elevations show fixed canopies along the State Street most eastern entrances of the building, likely encroaching into the State Street right of way. The applicant shall confirm and note on the plans all encroachments, including, (but not limited to) balconies, roof overhangs and underground vaults. Make an application with the City of Madison Office of Real Estate Services for a privilege in streets agreement. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

19. The Site Plan indicates bike racks within the State Street right of way. The applicant shall also confirm any footings or fixed canopies that encroach into the right of way. Make an application with the City of Madison Office of Real Estate Services for a privilege in streets agreement. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

20. Provide the agreement/documentation with City of Madison Parks Division allowing for the reconstruction of the retaining wall and related improvements within the adjacent Lisa Link Peace Park. With the removal of the area way and associated improvements per the existing agreement with the City of Madison per Document No. 1685368, the release of this agreement should be considered.

21. The site plans shall provide setback distances to the front of the building. Most notable is the corner bay on the upper floors. Confirm and show the bays to not extend into the State Street right of way. Also, all floor plans shall show the property lines and canopies to assure the locations of all of the building in relation to the right of way of State Street.

22. The base address of the apartments is 446 State Street. The lower level commercial is 448 State Street. The address of the street level commercial is 450 State Street. The site plan shall reflect proper street addresses of the property as reflected by official City of Madison Assessor's and Engineering Division records.

23. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction or early start permits.

24. Submit a site plan and a complete set of building Floor Plans (for each individual building) in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of an interior and building addressing plan for the proposed multi-building complex. Each building page should include a key locator and north arrow. Also, include a unit matrix for the apartment buildings. The Addressing Plan for the entire project shall be finalized and approved by Engineering

(with consultation and consent from the Fire Marshal if needed) PRIOR to the Verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall provided for additional review and approval by Engineering. Per MGO Section 34.505, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

25. The applicant shall submit a waste removal plan for review, which shall include vehicular turning movements.

26. The applicant shall submit for review a commercial delivery plan, which shall include times, vehicle size, use of loading zones, and all related turning movements.

27. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing 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.

28. 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.

29. 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.

30. All parking facility design shall conform to the standards in MGO Section 10.08(6).

31. All bicycle parking adjacent pedestrian walkways shall have a two (2)-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

32. Per MGO Section 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.

33. The applicant shall provide a clearly defined five-foot walkway from the front door to the public right of way clear of all obstructions to assist citizens with disabilities, especially those who use a wheelchair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

34. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to

be reviewed and approved by DeAndre Newson, ((608) 266-4768, dnewson2@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign-off.

35. The developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

36. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the public right of way on State Street will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final sign-off.

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

37. There appears to be an architectural feature above the fourth story within 30 feet of the State Street right-of-way line. On the final plans, remove this feature or clarify that it is a permitted height limit exception under Sec. 28.134(2). Provide a measurement to the 30-foot line on final plans.

38. As each tenant space is leased, the entire development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use. Bicycle parking shall comply with MGO Sections 28.141(4)(g) Table 28I-3 and 28.141.11 and shall be designated as short-term or long-term bicycle parking. A minimum of 26 resident bicycle stalls are required plus a minimum of 5 short-term guest stalls. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. Submit a detail showing the model of bike rack to be installed. Bicycle parking within the adjacent right-of-way cannot be counted, except by a parking adjustment.

39. Section 28.185(9) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9) shall submit documents showing compliance with the plan within 60 days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission.

40. Exterior lighting provided shall be in accordance with MGO Section 29.36. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.

41. Provide details demonstrating compliance with the bird-safe glass requirements in Section 28.129. For building façades where the first 60 feet from grade are comprised of greater than or equal to 50% glass, at least 85% of the glass must be treated. All glass within 15 feet of a building corner must be treated when see through or fly through conditions exist. For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. All glass railings must be treated. Identify which glass areas will be treated, and provide a detail of the specific treatment product that will be used.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

42. Provide fire sprinkler protection in accordance with NFPA 13.

43. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Division Chief Jeff Larson of the MFD Training Division at jtlarson@cityofmadison.com or (608) 266-5946 to discuss possibilities.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

44. As noted in the letter dated March 22, 2023, from the Parks Division to the Urban Design Commission and Plan Commission and documenting the Parks Division conditions of approval, the developer shall: (1) enter into a Developer's Agreement with the City of Madison Parks Division; (2) provide a construction staging plan for the proposed development; (3) provide plans for all proposed improvements to the City of Madison property for approval by the Parks Division; (4) submit a Tree Protection Plan; and (5) acquire a limited term Construction Easement from the City of Madison Parks Division. Please refer to the letter for additional information and details.

45. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Central Park-Infrastructure Impact Fee district. Please reference ID# 22004 when contacting Parks Division staff about this project.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

46. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (http://www.cityofmadison.com/water/plumbers-contractors), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

47. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

Forestry Section (Contact Bradley Hofmann, (608) 267-4908)

48. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diamater at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

49. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the

Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.

50. The contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. The contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.

51. As defined by the Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: https://www.cityofmadison.com/business/pw/specs.cfm Add as a note on the site, grading, utility, demolition and street tree plan sets.

52. Section 107.13(g) of *City of Madison Standard Specifications for Public Works Construction* addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.

53. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.

54. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300–Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

55. The developer shall submit a Street Tree Report performed by International Society of Arboriculture Certified Arborist prior to the Plan Commission meeting for City Forestry's review of project. This report shall identify all street trees on proposed project site, species type, canopy spread, tree condition, proposed tree removals, the impacts of proposed construction, and any requested pruning.

56. The developer shall post a security deposit prior to the start of the development to be collected by the City Engineering Division as part of the Developers Agreement. In the event that street trees are damaged during the construction process, City Forestry will draw from this deposit for damages incurred.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

57. Note: The vehicle travel lanes on the State Street transit mall have been officially designated by the City of Madison as fixed guideway facilities for transit operations with the Federal Transit Administration. This official designation, and the associated travel restrictions against general traffic usage, allows the City of Madison to receive annual Federal funding that goes towards the operation and maintenance of these lane facilities for transit operations.

Certified Survey Map – Recommended Conditions of Approval | Major/Non-Standard Conditions are Shaded

City Engineering Division (Contact Tim Troester, (608) 267-1995)

1. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.

2. A minimum of two (2) working days prior to requesting City Engineering signoff on the CSM, contact either Tim Troester (West) at (608) 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at (608) 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

City Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

3. Add text to the 9-foot wide joint driveway easement per Document Nos. 222003 (corrected by Document Nos. 681240 and 681241) and 1276485.

4. Show and label the Existing landscaping and storm water agreement per Document No. 1685368. With the removal of the area way and associated improvements proposed with the redevelopment of lands within this CSM, the release of this agreement should be considered by the applicant.

5. Add text to the Access Easement per Document No. 1078389 also per Document No. 1104644 (location not defined in this document). Dimension the easement location based upon the description in 1078389.

6. The label for Document No. 4736792 shall be revised to read: “Existing 10' Wide Underground Telecommunications Easement to ATT per Document No. 4736792.” Also, fully dimension the easement limits within Lot 1 of this CSM.

7. Add a note that lands within this CSM are subject to Encroachment Agreement and Emergency Access Easement per Document No. 5053381.

8. Add text to the Private Storm Sewer Easement per Document No. 5054350 that it benefits lands within this Certified Survey Map. Also dimension the centerline of the easement.

9. Add a note that this CSM is subject to a Mutual Airspace Easement per Document No. 5232747.

10. The Owner's and Mortgagee Certificates shall be updated to correctly represent the parties per the most recent title report.

11. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering (jrquamme@cityofmadison.com).

12. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations.

13. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme (jrquamme@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.

14. This pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, the new parcel data created by the Assessor's Office, and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction or early start permits.

15. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

    *This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

16. The developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of CSM..

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

This agency has reviewed the request and recommended no conditions of approval.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

This agency has reviewed the request and recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

This agency has reviewed the request and recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency has reviewed the request and recommended no conditions of approval.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

17. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the Central Park-Infrastructure Impact Fee district. Please reference ID 22004 when contacting Parks Division staff about this project.

18. The following note should be included on the CSM: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued."

19. Prior to sign off on the CSM the applicant shall execute a declaration of conditions and covenants for impact fees. The Parks Division shall be required to sign off on this CSM.

Forestry Division (Contact Bradley Hofmann, (608) 267-4908)

This agency has reviewed the request and recommended no conditions of approval.

Office of Real Estate Services (Lance Vest, (608) 245-5794)

20. Prior to approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of ORES approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain final sign-off.

21. Prior to CSM approval sign-off, an executed and notarized or authenticated certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s).

22. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.

23. All ownership consents and certifications for the subject lands shall conform to Wis. Stats. 236.21(2) and 236.29 by including the language …surveyed, divided, mapped and dedicated…

24. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.

25. Per 236.21(3) Wis. Stats. and MGO Section 16.23(5)(g)(1), the property owner shall pay all real estate taxes and special assessments that may become due prior to CSM recording. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off.

26. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Lance Vest (lvest@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report submitted with the CSM application and include all associated documents that have been recorded since the initial title report (February 3, 2022). A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update. ORES reserves the right to impose additional conditions of approval in the event the title update contains changes that warrant revisions to the CSM.

27. Please revise the final CSM prior to final approval as follows:

    a. Include the document numbers for the 9-foot wide joint driveway easement. Document numbers are referenced in Note 3 of CSM 13653.

    b. Include a reference to the agreement recorded as Document No. 1685368.

    c. Include a reference to the encroachment agreement recorded as Document No. 5053381.