PLANNING DIVISION STAFF REPORT

November 13, 2023

PREPARED FOR THE PLAN COMMISSION

Project Address: **405-407 & 431 W Gorham Street, 408-430 W Johnson Street, and 304-318 N Broom Street** (District 3 – Alder Verveer)

Application Type: Demolition Permit, Land Use Restriction Agreement, Zoning Text Amendment, Zoning Map Amendment, Conditional Use, and Certified Survey Map Referral

Legistar File ID # 79966, 80423, 80308, 80329, 79967, and 79992

Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Doug Tichenor; Core Madison Broom, LLC; 1643 North Milwaukee Street; Chicago, IL 60647

Contact: Brian Munson; Vandewalle & Associates; 120 East Lakeside Street; Madison, WI 53715

Property Owners: 431 W Gorham Street and 430 W Johnson Street -- Johnson Associates, LLP; 826 North Star Drive; Madison, WI 53718

407 W Gorham Street and 308-318 N Broom Street -- Madfish on Broom, LLC; 1202 Regent Street; Madison, WI 53715

304 N Broom Street and 408-414 W Johnson Street -- JDM Properties, LLC; 101 N Mills Street; Madison, WI 53715

416 and 422 W Johnson Street -- Mullins Apartments, LLP; 401 N Carroll Street, Madison, WI 53703

405 W Gorham Street -- City of Madison Engineering Division; 210 Martin Luther King, Jr. Boulevard, Room 115; Madison, WI 53703

Requested Actions: There are six requests before the Plan Commission:

- 79966 - 407 and 431 W Gorham Street, 408-430 W Johnson Street, and 304-318 N Broom Street; District 4: Consideration of a demolition permit to demolition of 13 residential buildings for a proposed residential redevelopment.
- 80423 - Authorizing the inclusion of a Land Use Restriction Agreement as an exhibit to the Purchase and Sale Agreement between Core Spaces, LLC ("Purchaser") and the City of Madison for the Purchaser's acquisition of the property located at 405 W. Gorham Street (District 4)
- 80308 - Amending the map in Section 28.071(2)(a) related to downtown height limits of the Madison General Ordinances to update the Downtown Height Map in the North Broom Street area. (District 4)
- 80329 - Creating Section 28.022-00646 of the Madison General Ordinances to change the zoning of property located at 405-407 & 311 West Gorham Street, 408-430 West Johnson Street, 304-318 North Broom Street, 4th Alder District, from PD (Planned Development), CN (Conservancy), and UMX (Urban Mixed-Use) District to UMX (Urban Mixed-Use) District. (District 4)

- 79967 - 405-407 and 431 W Gorham Street, 408-430 W Johnson Street, and 304-318 N Broom Street (District 4): Consideration of a conditional use in the [Proposed] Urban Mixed-Use (UMX) District for a multi-family dwelling with greater than eight (8) dwelling units; consideration of a conditional use in the UMX District for a new building greater than 20,000 square feet and more than four stories; and consideration of a conditional use in the UMX District for outdoor recreation, all to allow construction of an eight- to fifteen-story apartment building with approximately 465 units.
- 79992 - Approving a Certified Survey Map of property owned by Core Spaces, LLC located at 405-407 and 431 W Gorham Street, 408-430 W Johnson Street, and 304-318 N Broom Street; District 4.

Proposal Summary: The applicant is requesting the approvals to allow construction of an 8- to 15-story apartment building with approximately 465 units of housing intended for students. The applicant proposes to commence demolition of the 13 existing structures and begin construction of the development in Summer 2024, with completion anticipated in Fall 2026.

Applicable Regulations & Standards: This proposal is subject to the standards for zoning map amendments [MGO Section 28.182(6)] and Demolitions [MGO Section 28.185(7)]. It is also subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28E-2 in MGO Section 28.072 states that in the [Proposed] Urban Mixed-Use (UMX) District, a conditional use is required for a multi-family dwelling with greater than eight (8) dwelling units; and for outdoor recreation. Additionally, MGO Section 28.076(4)(c) states, "*All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines and shall report its findings to the Plan Commission.*" Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps. The Supplemental Regulations [MGO §28.151] contain further applicable regulations for *Outdoor Recreation*.

Review Required By: Urban Design Commission, Plan Commission, and Common Council.

Summary Recommendation:

- That the Plan Commission find that the standards for demolition permits are met and **approve** the demolition of the 13 residential buildings;
- That the Plan Commission forward the inclusion of a Land Use Restriction Agreement (as an exhibit to the Purchase and Sale Agreement between Core Spaces, LLC ("Purchaser") and the City of Madison for the Purchaser's acquisition of the property located at 405 W. Gorham Street) to the Common Council with a recommendation of **approval**.
- That the Plan Commission forward the amendment of the map in Section 28.071(2)(a) related to downtown height limits of the Madison General Ordinances to update the Downtown Height Map in the North Broom Street area to the Common Council with a recommendation of **approval**.
- That the Plan Commission find that the Zoning Map Amendment Standards are met and forward Zoning Map Amendment ID 28.022-00646, rezoning 405-407 & 311 West Gorham Street, 408-430 West Johnson Street, 304-318 North Broom Street, 4th Alder District, from PD (Planned Development), CN (Conservancy), and UMX (Urban Mixed-Use) District to UMX (Urban Mixed-Use) District to the Common Council with a recommendation of **approval**.

- That the Plan Commission find that the standards for conditional uses are met and **approve** a request for a multi-family dwelling with greater than eight (8) dwelling units in the [Proposed] Urban Mixed-Use (UMX) District; for a new building greater than 20,000 square feet and more than four stories in the UMX District; and for outdoor recreation in the UMX District - all to allow construction of an 8- to 15-story apartment building with approximately 465 units.
- Finally, should the other aspects of the proposal be approved, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions beginning on **page 15** of this report for the land use requests, and on **page 25** for the CSM.

Background Information

Parcel Location: The development site is 73,127 square-feet (1.68 acres) in area and is located at the east end of the block bound by W Johnson Street, N Broom Street, W Gorham Street and N Bassett Street. The site has frontage along W Johnson and N Broom Streets, and again on W Gorham Street (see Image 1 in the Project Description section.) It is located within Alder District 4 (Ald. Verveer) and the Madison Metropolitan School District.

Existing Conditions and Land Use:

- According to City records, La Ville, the 10-story, 60-unit apartment building at 431 W Gorham Street, was originally constructed in 1990. It is zoned PD (Planned Development District);
- The 2-story, 2-unit at 407 W Gorham Street was originally constructed in 1894. It is zoned UMX (Urban Mixed-Use District);
- The parcel at 405 W Gorham St is vacant. It is zoned CN (Conservancy District);
- The 2-story, 2-unit at 318 N Broom Street was originally constructed in 1875. It is zoned UMX;
- The 2½-story, 4-unit at 314 N Broom Street was originally constructed in 1904. It is zoned UMX;
- The 2½-story, 3-unit at 312 N Broom Street was originally constructed in 1898. It is zoned UMX;
- The 2-story single-family residence at 308 N Broom Street was originally constructed in 1885. It is zoned UMX;
- The 2-story, 2-unit at 304 N Broom Street was originally constructed in 1870. It is zoned UMX;
- The 2-story, 2-unit at 408 W Johnson Street was originally constructed in 1899. It is zoned UMX;
- The 3-story, 9-unit apartment building at 412 W Johnson Street was originally constructed in 1990. It is zoned PD;
- The 2½-story, 3-unit at 414 W Johnson Street was originally constructed in 1899. It is zoned PD;
- The 3-story, 3-unit at 416 W Johnson Street was originally constructed in 1914. It is zoned UMX;
- The 4-story, 28-unit apartment building at 422 W Johnson Street was originally constructed in 1973. It is zoned UMX;
- The 8-story, 42-unit apartment building at 430 W Johnson Street was originally constructed in 1969.

Surrounding Land Uses and Zoning:

Northwest: The Equinox, a 12-story, 115-unit apartment building. Across W Johnson Street are two-story and three-story buildings with ground floor commercial and The James, a 12-story mixed-use building with ground floor commercial and 348 units, all zoned UMX (Urban Mixed-Use District), and 420 West, a six-story, 80-unit apartment building, zoned PD (Planned Development District);

Northeast: Across N Broom Street is a 2-story office building (the former city fire station) occupying the southern corner of the block and zoned UMX (Urban Mixed-Use District), and The Oliv – a 10-story, mixed-use building containing 386 units of student housing, retail, and business incubator space. It is zoned PD;

Southeast: Across W Johnson Street is the 12-story, 160-unit Lux apartment building and the 12-story, 326-unit Domain apartment building. Both are zoned UMX;

Southwest: An 11-story, 194-room Hampton Inn & Suites (which contains a restaurant on the ground floor) and the Aberdeen, a 12-story, 77-unit apartment building. Both are zoned PD.

Adopted Land Use Plan: Information regarding plan recommendations and consistency is located in the body of this report.

Zoning Summary: The site is proposed to be zoned to the UMX (Urban Mixed-Use) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000	73,127
Lot Width	30 ft	230 ft
Front Yard Setback	5 ft	5 ft
Max. Front Yard Setback	10 ft	5 ft
Side Yard Setback	5 ft	10 ft, 5 ft
Rear Yard Setback	10 ft	10 ft
Usable Open Space	10 sq ft/bedroom = 16,240	27,726 sq ft
Maximum Lot Coverage	90%	88%
Minimum Building Height	2 stories	8-14 stories
Maximum Building Height	8-14 stories	8-14 stories

Site Design	Required	Proposed
Number Parking Stalls	No minimum	124
Electric Vehicle Stalls	EV Ready: 12 EV Installed: 2	EV Ready: 124 (*See Comment #53*) EV Installed: 3
Accessible Stalls	5	5
Loading	No	No
Number Bike Parking Stalls	1 per d.u up to 2 br (465) + ½ space per add'l br (236) + 1 guest space/10 d.u. (47) + 1 per 2,000 sq ft retail (2) = 750	761 (*See Comment #54*)
Landscaping and Screening	Yes	Yes (*See Comment #55*)
Lighting	Yes	Yes
Building Form and Design	Yes	Commercial Block Building

Other Critical Zoning Items	
Yes:	Urban Design (UMX Zoning District), Utility Easements
No:	Historic District; Floodplain, Wetlands, Wellhead Protection, Adjacent to Park, TOD Overlay

Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services, including Metro Transit service which operates daily all-day (eastbound) transit service along the priority W Johnson Street corridor, adjacent this property. Additional (southbound) trips operate along Bassett Street, opposite this property. Trips in the opposing one-way direction (westbound) operate along Broom Street and/or the priority W Gorham Street corridor.

Project Description

The applicant is requesting multiple approvals to allow construction of an 8- to 15-story apartment building with approximately 465 units. These approvals include the following:

- Demolition permits to raze thirteen residential buildings;
- A voluntary Land Use Restriction Agreement (LURA) to provide affordable units;
- A Zoning Text Amendment to make minor adjustments to the Downtown Height Map in the North Broom Street area;
- Three (3) Conditional Uses (for the number of units, for the size and height, and for outdoor recreation);

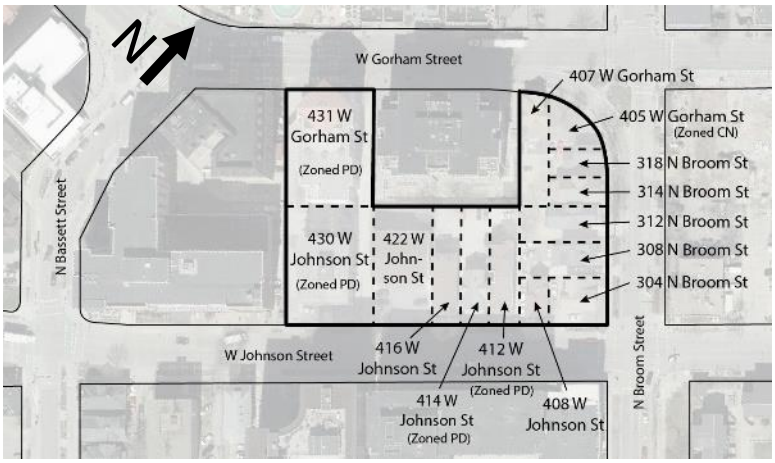

Image 1: The parcels proposed to be combined via Certified Survey Map (CSM) to form the subject parcel. Note: All parcels involved are zoned UMX (Urban Mixed-Use District) until noted otherwise.

- A Zoning Map Amendment to rezone five of the parcels from the PD (Planned Development) and CN (Conservancy) Districts to UMX (Urban Mixed-Use) District to provide UMX zoning across the entire project site; and
- A one-lot certified survey map to combine the various lots into one development site.

The 1.68-acre subject site is located at the east end of the block bound by W Johnson Street, N Broom Street, W Dayton Street and N Bassett Street. (See Image 1.) There is roughly 12 feet of grade drop north to south across the site.

Information on the buildings proposed for demolition is summarized on page 3 of this report and photos of the interior and exterior of each of the thirteen buildings has been included in the applicant's materials.

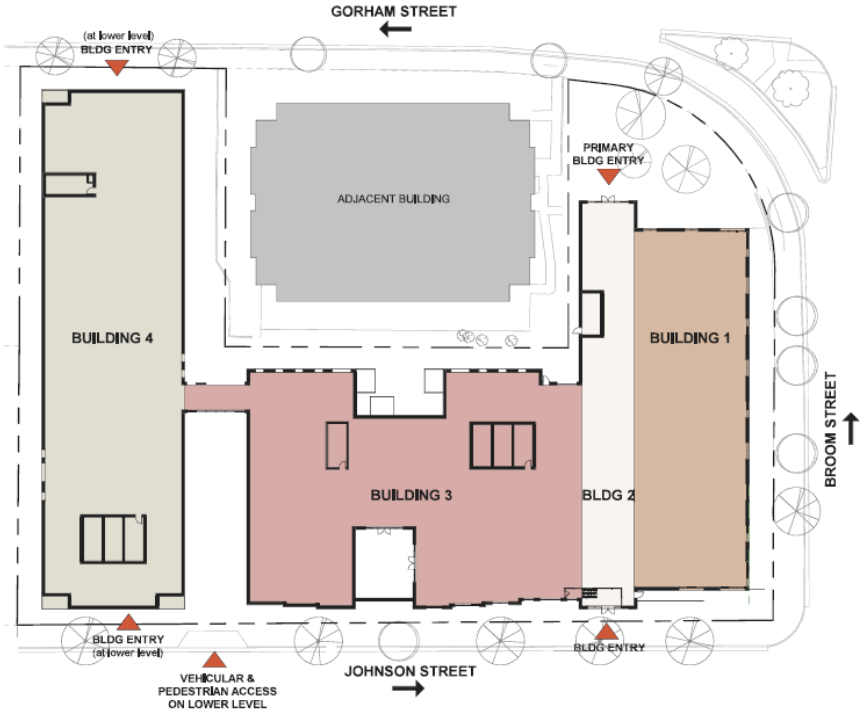

Image 2: The development's four building 'expressions' (masses)

As noted in the submitted materials, the proposed development is broken into four building 'expressions' (masses). (See Image 2). 'Building 1' is eight stories in height and is clad with a charcoal-colored brick on the ground floor. The façade of the upper floors is broken up into thirds, with sections clad with a medium brown brick bookending a center section which is clad with a charcoal-colored metal paneling.

'Building 2' is a slender 14-story mass clad with white metal paneling. It has an occupiable rooftop/amenity deck.

'Building 3' is a large 14-story mass. The exterior cladding accompanies the modulation of the façade along W Johnson Street with reddish brick cladding the portions of the façade located closest to the sidewalk and a charcoal-colored metal paneling cladding the recessed portions. It also has an occupiable rooftop/amenity deck.

'Building 4', offset from Buildings 1-3 (yet connected via a glass skyway at the second floor level), is 15 stories in height. It sits along the southwest property line, at the lowest point of the site, low enough to get an 'extra' floor. The first floor (the base) is clad with a charcoal-colored brick, floors 2-12 are clad with a whitish brick, and floors 13-14 are clad with a charcoal-colored metal paneling.

The Zoning Administrator has determined that the amenity deck (with pool and hot tub/spa) and enclosed amenity space located atop Buildings 2 and 3 constitute a 15th story.

Automobiles will enter off W Johnson Street near the southern end of the development. A circular turn around provides access to two levels of underbuilding parking. One, located on Lower Level 1 of Buildings 1-3, contains 53 automobile stalls and 318 bicycle stalls (and six stalls for deliveries and car-share pickup located just off the round-about). The other, located on Lower Level 2, beneath Building 3 and 4, contains 71 automobile stalls and 320 bicycle stalls. Additional rooms containing bicycle parking are located on the Lower Level 1 of Building 4.

As for the building's program, a roughly 4,000-square-foot retail space is located on Lower Level 1 (as labelled in the submitted materials), along Building 4's W Gorham Street frontage. A small lobby space is located at the south end of Building 4, along W Johnson Street, and provides access to elevators, stairs, and an indoor bicycle storage room. A lobby/leasing/amenity space covers nearly the entire eastern half of Level 1 - from the main entrance located at the northern corner of the development facing W Gorham Street, all along the N Broom Street façade, and halfway down the W Johnson Street façade. Residential units occupy the remainder of Level 1 and the entirety of the floors above. In total, there are a 465 units: 13 'micro' units, 35 'studio' units, 55 one-bedroom units, 168 two-bedroom units, 2 three-bedroom units, 101 four-bedroom units, 85 five-bedroom units, and 6 townhome units (3 four-bedroom units and 3 five-bedroom units). While there are a total of 1301 bedrooms, since a number of the units have two beds in a bedroom, there are 1,624 beds.

The applicant has voluntarily agreed to provide 10 percent of the beds (165 in all) at a rate that is 40-percent below the market rate. They are proposing to enter into a Land Use Restriction Agreement (LURA) with the City (Legistar File ID 80423) and a Memorandum of Understanding (MOU) with the University of Wisconsin's Office of Student Financial Aid. (The current version of the LURA can be found here.) The agreement would require that for a term of least 40 years, the applicant will provide 165 beds in two (2) bedroom dwelling units being leased to four (4) individuals at a rate at least 40-percent less than the market rate charged for a bed in a comparable bed in the building. These beds would be leased to qualified University of Wisconsin-Madison applicants as determined to be eligible by the University's Office of Financial Aid (UOFA). The terms of that agreement are voluntarily being agreed to by both the developer and City. Staff notes that as part of this review, the Plan Commission or Common Council do not have the ability to require affordable units or alter the terms of that agreement.

Since the proposed development would have a voluntary LURA to provide affordable beds, MGO Section 28.071(2)(a)2.a. states that it may exceed the maximum number of stories (i.e. 6 along N Broom Street and 12 for the rest of the site), "*provided the building remains at or below the maximum height in feet in Table 28E-3."* (i.e. 88 feet for a six-story building and 172 feet for a 12-story building). To exceed the maximum number of stories, the code states that one requirement was if the development or redevelopment receives City of Madison funding to support affordable units. To this end, on September 19. 2023, the Council approved the sale of the 405 W. Gorham Street parcel between the City and Core Spaces, LLC for $1.00. As $1.00 is well below the appraised value, it is considered a form of financial contribution to support affordable units.

Regarding the impact to existing street trees, there are only two trees, both located along W Johnson Street, which proposed for removal (and Forestry is supportive of (see Condition #62)). The first is the 16" Elm (proposed to be removed for the proposed driveway apron) and the 19" Elm (proposed for removal due to construction conflicts).

Finally Staff note that Traffic Engineering is currently studying the possibility of removing the left-turn 'slip lane' northbound on N Broom Street onto W Johnson Street. Given the number of students that will reside in and visit the proposed development, safe pedestrian movement across N Broom and W Johnson Streets to and from the development is a concern. As Traffic Engineering noted in their submitted condition (#33), required improvements may include but are not limited to: signing and marking improvements, lighting improvements, constructing a raised crossing, reducing the width of the crossing and/or removal of the left turn lane from N. Broom Street to W. Gorham Street.

Analysis

This proposal is subject to the standards for zoning map amendments [MGO Section 28.182(6)] and Demolitions [MGO Section 28.185(7)]. It is also subject to the standards for Conditional Uses [MGO §28.183(6)] as Table 28E-2 in MGO Section 28.072 states that in the [Proposed] Urban Mixed-Use (UMX) District, a conditional use is required for a multi-family dwelling with greater than eight (8) dwelling units; as well as for outdoor recreation. Additionally, MGO Section 28.076(4)(c) states, "*All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines and shall report its findings to the Plan Commission.*" Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps. The Supplemental Regulations [MGO §28.151] contain further applicable regulations for *Outdoor Recreation*.

Conformance with Adopted Plans

The 2018 Comprehensive Plan recommends Downtown Mixed-Use (DMU) development for the subject site's entire block. The Plan notes that this includes "*intensive mixed-use development*" which is "*generally more* focused *on residential, retail, and service uses than Downtown Core (DC) areas, but may also include some government and employment uses."* The Plan also notes that, while subject to the Downtown Plan height map, some DMU areas "*are appropriate for mixed-use development that can rival development intensities within DC areas (e.g., Ovation 309, The James, and The Hub developments*)." (Page 24) For details on heights, mix of uses, ground floor uses, pedestrian friendly design, and other considerations which the Plan notes "must be addressed for development within this category", the Plan defers to the Downtown Plan.

The 2012 Downtown Plan notes that the appropriate height for new buildings is influenced by numerous factors such as topography, important view corridors and viewsheds, the presence of historic buildings, the use and scale recommendations for an area, and the existing scale of buildings in the vicinity. For the subject site, it recommends a maximum of 12 stories for the western half and six stories for the eastern. (See Image 3).

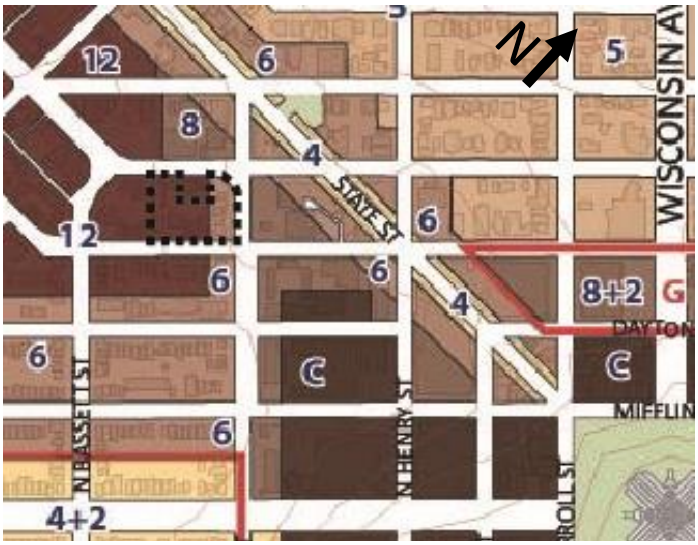

Image 3: Maximum Building Heights as Recommended by the Downtown Plan.

It also does identify the subject site within the "Johnson Street Bend" neighborhood/district for which it recommends, "*should continue as a primarily higher density student residential area mixed with some new neighborhood-serving retail uses. Underutilized parcels should transition to more intense development with a particular emphasis on creating active and engaging street frontages and quasi-public areas. Linkages to adjacent areas, including parks and open spaces, should be enhanced.*"

Relatedly, a zoning text amendment (Legistar File ID 80308) is working its way through the City's committees and commissions which would amend the Downtown Height Map in MGO Section 28.071(2)(a) related to in the North Broom Street area. (See Image 4 on the following page) It would straighten the dividing line along N Broom Street between allowable six (6) stories and twelve (12) stories on the downtown height map. The previously mapped building height lines jogged to follow lot lines that existed when the map was created. The proposed development will combine the adjacent lots making the jogged line unnecessary. This would bring the Zoning Code's building height map in line with the height recommendations of the Downtown Plan.

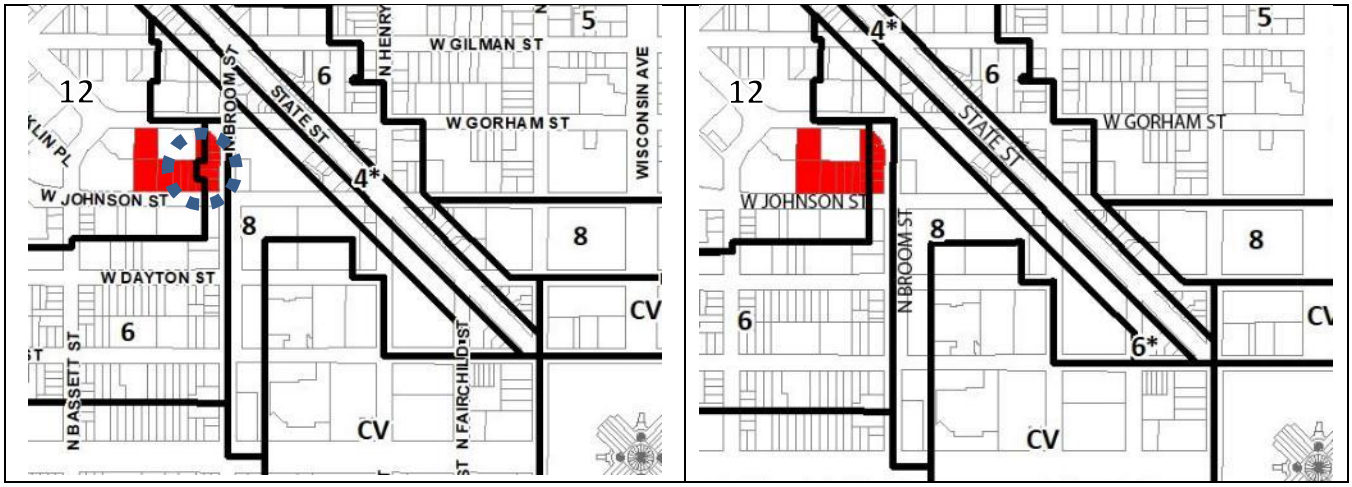

Image 4: Downtown Height Map in MGO Section 28.071(2)(a). Left: the current version (with the area proposed to be changes indicated with a dashed circle). Right: the proposed version with the change made.

As explained in the previous section, the proposed development exceeds the maximum number of stories allowed by the Zoning Code due to the fact that the City of Madison has granted funding in the form of a below-market value land sale to support the affordable units. That said, Staff believe the 8/15 stories to be consistent with MGO Section 28.071(2)(a)2.a. as the proposed building remains at or below the maximum height in feet in Table 28E-3. (i.e. 88 feet for a six-story building and 172 feet for a 12-story building). With the proposal, the eight-story mass is roughly 85 feet in height and the 15-story masses, even with the rooftop mechanical projections, is roughly 160 feet tall. (Staff note that the buildings, at its tallest, lies just below the Capital Height Projection Limit.)

Demolition Permit Standards

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID 67074) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. The Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests and find them met in order to approve. The factors include a finding 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 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…"*

Information on the buildings proposed for demolition is summarized on page 3 of this report and photos of the interior and exterior of each of the thirteen buildings has been included in the applicant's materials.

On balance, staff believes that standards can be found met and provides the following additional information.

In regards to Standard 1 related to the possible building relocation efforts, the Plan Commission is required to consider any information provided related to possible relocation activities. In submitted materials, the applicant states, "*The existing smaller scale buildings (SF, 2 unit, and 4 unit buildings) are not eligible for relocation due to the age of structures, impact on existing street trees and financial ramifications caused by the distance to any eligible relocation sites. The larger scale apartment buildings cannot be relocated due to the size of the structures.*"

In regards to Standard 6, Planning Division staff have not received any comments from City Building Inspection, Fire, or Police and have no further condition information other than the interior and exterior photos and a statement by the applicant that the structures are being proposed for demolition due to "*functional obsolescence, and inability for reuse/retention due to lot configuration impacts on the overall project site limiting the potential to incorporate City planning goals for the site*" (e.g. it would prevent the construction of a 6- to 12-story building as recommended by the Comprehensive Plan.) From the submitted information, staff is not aware of significant structural issues. While the code notes condition must be considered, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition.

Related to the historic value of the structures, staff notes 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.*"

The Landmarks Commission reviewed the demolition of the thirteen buildings at its May 15, 2023 meeting and recommended to the Plan Commission that the buildings at 408 W Johnson Street, 412 W Johnson Street, 414 W Johnson Street, 416 W Johnson Street, 422 W Johnson Street, 430 W Johnson Street, 407 W Gorham Street, and 431 W Gorham Street "*have no known historic value.*"

Regarding the buildings at 304 N Broom Street, 308 N Broom Street, 312 N Broom Street, 314 N Broom Street, and 318 N Broom Street, the Landmarks Commission found that the buildings "*have historic value related to the vernacular context of Madison's built environment, but the buildings themselves are not historically, architecturally, or culturally significant.*" (Materials related to that review from the May 15, 2029 meeting can be found here: the Staff Report to the Landmarks Commission and the Meeting Report.)

Of note, in the Staff Report to the Landmarks Commission referenced above, for the building at 304 N Broom Street, Staff note: "*The preservation file names this Italianate structure the Frank Zehnpfenning house, a German immigrant shoemaker who lived in the house until 1881, after which, it was occupied for generations by the Cnare family. The Wisconsin Historical Society site file contains similar information*." For the building at 312 N Broom Street, Staff note: "*The preservation file for this property has limited information and names it the James Engelberger House, a vernacular Queen Anne structure. There is no site file with the Wisconsin Historical Society.*"

For the building at 318 N Broom Street, Staff note: "*The preservation file notes this building was constructed by James Livesey for Nicholaus Behrand, a German immigrant who initially operated a blacksmith shop on State and Gorham, and later became the bailiff for the U.S. Circuit Court. The Behrand family lived in this Italianate brick building until at least 1950 (except for a 12-year interval when they lived next-door). A 1950 article in the presentation files provides history on the importance of the family to the development of Madison. The Wisconsin Historical Society site file contains similar information.*"

For the structures at 308 and 314 N Broom Street, neither City preservation files nor site files with the Wisconsin Historical Society for these properties.

Standard 7, which includes references the standards 1-6 states that *"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 Plan Commission should give careful consideration to the findings of the Landmarks Condition, including that the five buildings have value have historic value related to the vernacular context of Madison's built environment. Considering, however, that the buildings themselves were not found to be of historical, cultural, or architectural significance, on-balance, the Staff believes that the demolition permit standards can be found met.

Zoning Map Amendment Standards

Limited Zoning Map Amendments are proposed in order to provide consistent UMX (Urban Mixed-Use District) zoning across the proposed project site. The standards for Zoning Map Amendments state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "*consistent with" as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan*."

Staff believe the proposed rezonings are consistent with adopted plans and that the Zoning Map Amendment standards can be found met.

Conditional Use Standards

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]."

Staff provide the following discussion:

Standard 2 states:

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

City Engineering has submitted several conditions related to necessary infrastructure-related considerations. Planning staff believes upon meeting these conditions, this standard could be found met.

Standard 3 states:

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

The applicant has submitted a Management Plan which can be reviewed in the Legistar File for the conditional use and is linked here.

Standard 6 states:

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

The applicant will need to complete and submit a Transportation Demand Management Plan to be reviewed and approved by Parking prior to final sign off and issuance of permits.

Standard 9 states, in part:

> *"When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district."*

Staff have a few concerns related to the building's design. The first, which was raised at the Urban Design Commission meeting on November 1, is the lack of ground-floor entrances along the entire 185-foot N Broom Street façade as well as roughly 230 feet of the W Johnson Street frontage. Staff note that the UDC at their aforementioned meeting on November 1, added a condition that an additional connection to the street be incorporated along the W Johnson Street frontage. Staff however still believe that an additional entrance is needed along the N Broom Street frontage noting that, if the Building 1 were a stand-alone building, that a primary entrance oriented to the primary abutting street would be required. (Staff acknowledge that an entrance facing W Gorham could meet this requirement if it were located at or wrapped the north corner).

The second concern is the significant blank wall expanse located on the upper floors of the southwest façade of Building 2 (see Sheet 36 "Elevation Promenade Bldg 3" in the submitted materials). The units on the first eight floors of that façade have multiple windows while the units on Floors 9-14 have none, despite the fact that the upper floors would actually afford a view and be less obscured by the adjacent 12-story Equinox building. When brought up to the applicant, they responded with the following, "*As presented to and approved by UDC, this area on the back side of building 2 is predominately bathrooms on the floors 9-14. This is in the narrow section of the building 2 and the design pushes the living room/kitchen/bedrooms to the Broom- and Gorham-facing facades to maximize views. This section of the building is also effectively screened from view by the Equinox as the building is pulled back from the street frontage and the two buildings are closest together along this property line.*" To this end, Staff note that the northwest façade of Building 2 is set approximately 50 feet further back from W Gorham Street than the same façade of the adjacent 12-story Equinox building meaning the views of the section of blank façade from the public right-of-way will be extremely limited.

Urban Design Commission Review

As the proposed building is located within the UMX (Urban Mixed-Use) District, the UDC is an **advisory** body on this request. Section 28.076(4)(c) states that: "All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories 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."

At their meeting on November 1, 2023, the Urban Design Commission made an **ADVISORY RECOMMENDATION to the Plan Commission to grant Initial Approval with the project returning to the UDC for Final Approval**. (The Legistar File ID for the UDC's review of this project is 76205). A copy of the report of the UDC has been included at the end of this staff report). The motion, which passed with a unanimous vote, included the following condition:

- That a connection to the street be incorporated along the W Johnson Street frontage.

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for Outdoor Recreation:

a) A minimum 25-foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.

b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.

c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.

d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Regarding Regulation (c), the applicant's submitted management plan includes the hours of operation of the outdoor patios (9:00 am to 10:00 am on weekdays and 9:00 am to 11 pm on weekends) and a description of how the management team will help alleviate concerns:

> "*On-call team members will be available to visit the pool deck during these closing hours and escort customers off the rooftop. All access points to the pool deck will include a lock or fob reader to restrict customer access after pool hours. CCTV systems are also in place throughout the deck to ensure all activities are captured both during the day and evening should a trespass occur. To control resident and guest occupancy of the deck during popular periods random walks and checks are conducted by team members throughout the day and cameras can be viewed remotely to be sure these items are within normal operating standards. Each customer is only allowed one guest at a time on the deck and management has certain protections outlined in the rules and regulations section of the lease with wristbands or other guest and customer identifying measures to help control overcrowding and other noise concerns.*"

With the restrictions listed above, Staff believe the Supplemental Regulations can be found met.

Land Division

The applicant has submitted a certified survey map to combine the 405-407 & 431 W Gorham Street, 408-430 W Johnson Street, and 304-318 N Broom Street parcels in order to create one parcel. M.G.O. Section 16.23(5)(g) provides the process for certified survey maps. Staff believe that all applicable standards for land divisions can be found met, subject to the comments recommended by reviewing agencies.

Public Input

At time of writing, Staff have not received any public comments.

Conclusion

The applicant is requesting approval of a demolition permit to raze thirteen residential buildings, a Land Use Restriction Agreement related to the acquisition of the property located at 405 W Gorham Street, a zoning text amendment to update the Downtown Height Map in the North Broom Street area, three conditional uses (for the number of units, for the size and height, and for outdoor recreation), and a zoning map amendment to rezone five of the parcels from the PD (Planned Development) and CN (Conservancy) Districts to the UMX (Urban Mixed-Use) District to match the rest – all to allow construction of an 8- to 15-story apartment building with approximately 465 units. This applicant is also requesting approval of a one-lot certified survey map to combine the various lots into one development site.

While Staff believe the demolition, zoning map amendment, and land division standards can be found met, Staff have concern regarding Conditional Use Standard 9. As summarized in the report, Staff are concerned with the lack of entrances along large stretches of the building frontage and a large blank façade expanse.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

- That the Plan Commission find that the standards for demolition permits are met and **approve** the demolition of the 13 residential buildings;
- That the Plan Commission forward the inclusion of a Land Use Restriction Agreement (as an exhibit to the Purchase and Sale Agreement between Core Spaces, LLC ("Purchaser") and the City of Madison for the Purchaser's acquisition of the property located at 405 W. Gorham Street) to the Common Council with a recommendation of **approval**.
- That the Plan Commission forward the amendment of the map in Section 28.071(2)(a) related to downtown height limits of the Madison General Ordinances to update the Downtown Height Map in the North Broom Street area to the Common Council with a recommendation of **approval**.
- That the Plan Commission find that the Zoning Map Amendment Standards are met and forward Zoning Map Amendment ID 28.022-00646, rezoning 405-407 & 311 West Gorham Street, 408-430 West Johnson Street, 304-318 North Broom Street, 4th Alder District, from PD (Planned Development), CN (Conservancy), and UMX (Urban Mixed-Use) District to UMX (Urban Mixed-Use) District to the Common Council with a recommendation of **approval**.
- That the Plan Commission find that the standards for conditional uses are met and **approve** a request for a multi-family dwelling with greater than eight (8) dwelling units in the [Proposed] Urban Mixed-Use (UMX) District; for a new building greater than 20,000 square feet and more than four stories in the UMX District; and for outdoor recreation in the UMX District - all to allow construction of an 8- to 15-story apartment building with approximately 465 units.

- Finally, should the other aspects of the proposal be approved, the Planning Division believes the technical standards for land divisions can be found met and recommends the Plan Commission should forward the Certified Survey Map to the Common Council with a recommendation of **approval**.

Approval of the project should be subject to input at the public hearing, and the recommended conditions beginning **below** for the land use requests, and on **page 25** for the CSM.

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

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

1. That in order for the development to meet Conditional Use Standard 9 in Section 28.183(6) of the Zoning Code, the Plan Commission finds, based on the recommendations and comments of the Urban Design Commission on November 1, 2023, that the following modifications and additional information are necessary as specified under condition 2, below. Prior to final sign-off and the issuance of building permits, a complete plan set with the following modifications and supplemental information shall be presented to the Urban Design Commission for their final review. The Urban Design Commission shall confirm that the modifications satisfy the intent of their initial recommendation and meet the applicable approval standards of Section 28.183(6)(9) and 28.076. The Urban Design Commission final review shall be limited to these specified items and any modifications to the previously reviewed plans falling under Urban Design Commission's purview.

Urban Design Commission (Contact Jessica Vaughn, UDC Secretary, (608) 267-8740)

2. Before any permits, including demolition permits, are issued for this project, the plans shall receive final approval from the Urban Design Commission, addressing the following consideration:

   a) That a connection to the street be incorporated along the W Johnson Street frontage.

The following conditions have been submitted by reviewing agencies:

Land Use Request – Demolition Permit, Zoning Map Amendment and Conditional Uses

Engineering Division (Main Office) (Contact Timothy Troester, (608) 267-1995)

3. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.

4. Applicant shall provide projected wastewater flow calculations for the proposed development. Offsite sanitary sewer improvements may be required by the developer through a developer agreement as a condition for plan approval. Applicant shall provide project wastewater flow calculation to Mark Moder at mmoder@cityofmadison.com.

5. 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. (MGO 16.23(9)c)

6. Construct sidewalk, terrace, curb and gutter and pavement along Broom/Johnson/Gorham to a plan as approved by City Engineer

7. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering 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. (MGO 16.23(9)(d)(4)

8. 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)

9. 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. The procedures and fee schedule is available online at http://www.cityofmadison.com/engineering/permits.cfm. (MGO CH 35.02(14))

10. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.

11. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.

12. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

13. 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. (POLICY)

14. Revise plan to show the location of all rain gutter down spout discharge locations. Downspouts shall be directed to drain to public Right of Way (ROW). (POLICY)

15. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.

16. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at https://dnr.wi.gov/topic/stormwater/publications.html

    This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

    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.

    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.

17. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at http://www.cityofmadison.com/engineering/Permits.cfm.

    The Storm Water Management Plan & Report shall include compliance with the following:

    Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

    Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))

    Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10- year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.

    TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

    Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

18. 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 – Mapping (Contact Julius Smith, (608) 264-9276)

19. Grant a Public Sidewalk and Bike Path Easement(s) to the City on the face of this Certified Survey Map to be approved by Engineering and Traffic Engineering

20. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Jule Smith of Engineering Mapping (jsmith4@cityofmadison.com, 608-264-9276) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat. A release for the existing Public Easement for a Fire Hydrant appears to be required for proposed improvements. Assuming approval from the other appropriate agencies, Fire, Engineering and Water Department. Provide the fee, exhibit and legal description for the release of the easement.

21. Work with City Real Estate on the purchase of 405 W Gorham Street - ORES 12863.

22. The floor plans submitted do not show the updated layouts per the revised letter of intent. The original LOI indicates 453 units. The revised LOI increased it to 465 units.

23. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.

24. Owner/Developer/Contractor are responsible for any rights that may be present for providing both communication and electrical utilities across the proposed development's parcel onto the adjacent 409 Gorham street parcel. There is an existing Utility Vault that is proposed to be removed and replaced. The proposed vault appears to serve both the developments parcel and the adjacent parcel. Owner/Developer/Contractor shall coordinate any required work to maintain existing connections and any required or necessary agreements/easements/rights to move and reestablish new connections with the adjacent parcel.

25. Multiple on-site easements will conflict with the proposed building. these will need to be released and recorded prior to permits for construction.

    Underground electric easement Doc 2238592.

    7 Joint Driveway Doc 398414 & 444810

    Ingress Egress Doc 2195181

    3' Wide Ingress Egress Doc 2195181

    8' Wide Easement Doc 481801 and 2195179

    24' Wide Easement Doc 2195180.

26. Update all sheets to show the official full street names. W Gorham Street, N Broom Street & W Johnson Street.

27. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), 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.

28. Submit a site plan and a complete building Floor Plan 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 a complete interior addressing plan. Also, include a unit matrix for apartment building that shows the number of units per floor.

    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 34.505 MGO, 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 (Contact Sean Malloy, (608) 266-5987)

29. Parking deck is insufficiently labeled/dimensioned for a proper review. If the parking does not meet MGO 10.08 the applicant can expect to be required to make major alteration which may or may not impact structural elements of this site.

30. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Gorham Street.

31. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Johnson Street.

32. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along N. Broom Street.

33. Due to the increased intensity of pedestrian activity at N. Broom Street and W. Gorham Street resulting from the increased density of this development, City Traffic Engineering intends to study the feasibility of making alterations to the existing left turn lane from N. Broom Street onto W. Gorham Street. Pending the results of the study, the applicant shall work with Traffic Engineering and Engineering Divisions on improving the existing pedestrian crossing of W. Gorham Street adjacent their proposed project. Improvements may include but are not limited to: signing and marking improvements, lighting improvements, constructing a raised crossing, reducing the width of the crossing and/or removal of the left turn lane from N. Broom Street to W. Gorham Street.

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 to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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).

38. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

39. Per Section MGO 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.

40. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) – Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

41. All parking ramps as the approach the public Right-of-Way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the Right-of-Way. If applicant believes public safety can be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.

42. 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 Andrew Oliver, (267-1979, aoliver@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.

43. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.

44. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair 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.

45. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

46. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.

47. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

48. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.

49. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.

50. 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 W. Johnson Street, W. Gorham Street, and N. Broom 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 signoff.

Parking Review (Contact Trent W Schultz, (608) 246-5806)

51. The applicant shall submit a Transportation Demand Management (TDM) Plan to tdm@cityofmadison.com. The TDM Plan is required per MGO 16.03. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

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

52. The calculations and comments below are based on the unit count and bedroom mix described in the letter of intent (465 units). However, the submitted plans show 453 units. Clarify on final plans the unit mix and submit revised floor plans.

53. Label the EV ready stalls, or clarify on the plans that all stalls are EV ready.

54. Provide the minimum required number of bicycle parking spaces distributed as both Short Term and Long Term bicycle parking for the residential and commercial uses, as required per Sections 28.141(4) and 28.141(11). A minimum of 702 resident bicycle parking spaces are required plus 47 guest stalls. A minimum of 90% of the resident stalls shall be designed as long-term parking, and the guest stalls shall be short-term parking. Up to twenty-five percent (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. A minimum of 2 short-term bicycle stalls shall be required for the commercial uses. Identify and dimension the bicycle stalls, including the access aisles, on the final plans. Provide a detail of the bicycle rack design.

55. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) 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.

56. Section 28.185(9)(b) 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)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.

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

57. MFD has safety concerns with the location of the primary entrance along the left hand turning lane from Broom Street onto Gorham Street. We anticipate vehicles stopped for emergency services, deliveries and/or pick-ups will result a greater risk of traffic collisions.

58. The complexity of the proposed building will result in multiple fire protection features such as but not limited to FDCs, FAAP, & key boxes. Additional conversations regarding fire & life safety systems will be required prior to construction.

Parks Division (Contact Kathleen Kane, (608) 261-9671)

59. 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# 23036 when contacting Parks about this project.

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

60. 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 (diameter 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.

61. 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.

62. City Forestry will issue a street tree removal permit for two trees: 16" Elm for driveway apron & 19" Elm for construction conflicts along W Johnson Street. The Contractor shall contact City Forestry at (608) 266-4816 to obtain permit. Add as a note on both the demolition and street tree plan set.

63. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. 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.

64. 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.

65. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: https://www.cityofmadison.com/business/pw/specs.cfm) 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.

66. 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.

67. 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.

68. 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.

69. The Developer shall post a security deposit prior to the start of the development to be collected by City Engineering 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.

70. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: https://www.cityofmadison.com/business/pw/specs.cfm) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on both the landscape and street tree plan sets: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

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

71. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential unabandoned private wells prior to proceeding with demolition. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266- 4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs. 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.

72. 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 Ave. 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.

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

73. The City of Madison will designate a vehicle travel lane on the south side of West Johnson Street as a fixed guideway facility for transit operations with the Federal Transit Administration. This official designation, and the associated 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.

74. Any operational impacts to the designated transit travel lane along West Johnson Street, that may be approved by City Traffic Engineering to facilitate construction of this project, may require that the applicant post a deposit or otherwise reimburse Metro Transit and the City of Madison for the potential loss of Federal funding - for any period of time where scheduled transit trips might be operationally impacted from having exclusive access to this fixed guideway facility.

75. The applicant shall include the location of these facilities on the final documents filed with their permit application, so that Metro Transit may review and effectively plan for City transit access adjacent this property.

76. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 366 Weekday & 165 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

Certified Survey Map

Engineering Division (Main Office) (Contact Timothy Troester, (608) 267-1995)

77. Drainage comes to this site from offsite locations. The site design shall accommodate existing off site drainage that enters this property.

78. 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. (MGO 16.23(9)c)

79. Construct sidewalk, terrace, curb and gutter and pavement along Broom/Johnson/Gorham to a plan as approved by City Engineer

80. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering 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.(MGO 16.23(9)(d)(4)

81. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 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). (POLICY)

City Engineering – Mapping (Contact Julius Smith, (608) 264-9276)

82. Contact Grant a Public Sidewalk (s) to the City on the face of this Certified Survey Map. Easement to provide a 8' terrace, a 6' sidewalk and 1' maintenance area final location to be approved by Engineering and Traffic Engineering. Contact Jule Smith with Engineering Mapping (jsmith4@cityofmadison.com, 608-264-9276) for the final easement language to be included on the face of the CSM.

83. Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Jule Smith of Engineering Mapping (jsmith4@cityofmadison.com, 608-264-9276) to coordinate the Real Estate project, and associated information and fees required. If any release is required prior to recording of the plat, acknowledgement of the release and document number shall be noted on the face of the plat. A release for the existing Public Easement for a Fire Hydrant appears to be required for proposed improvements on the associated concurrent development plans. Assuming approval from the other appropriate agencies, Fire, Engineering and Water Department. Provide the fee, exhibit and legal description for the release of the easement.

84. Work with City Real Estate as needed on the purchase of 405 Gorham St - ORES 12863

85. Show the "Recorded as" information for the segment adjacent to C1 from Document 1243394 and show and the no access areas acquired in Document 1243394 and cite them acquired as such.

86. Various easement exist on site for cross access, ingress egress, and electric utility the structure in the proposed development conflicts with easements as currently shown on the CSM. Currently title is not even held to clear some of these up with the act merger. Release these easements provide the recorded documents and remove them from the CSM.

87. Fully detail the 8’ Wide Joint Driveway Easement Doc. No 592654 that appears to be remaining

88. 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 Jule Smith, City Engineering (jsmith4@cityofmadison.com)

89. 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 Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office (web address https://www.countyofdane.com/PLANDEV/records/surveyor.aspx) for current tie sheets and control data that has been provided by the City of Madison.

90. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jule Smith (jsmith4@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.

91. Per 236.20(2)(h) show the center line of all streets.

92. Show the "Recorded As" Bearings for Johnson Broom and Gorham Street per the Pritchette Plat... 45° in all directions. Also show the "Recorded As" Lot distances where applicable of 66' x 132' such as the common line between lot 5 and lot 6 should be shown as (132')

93. List the adjustment use for the coordinate system i.e. NAD 83(2011)

94. There are currently multiple owners and mortgagees for the property. make sure any and all are property listed at the time of final review that may pertain to the property

95. Further explain, revise or find further evidence against the 64.85' Right-of-Way width of W. Johnson Street. No found monuments have been shown in this area and this does not seem to be the case when comparing to CSM 13892

96. Submit to Jule Smith, prior to Engineering sign-off of the subject plat, 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, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:

    a) Right-of-Way lines (public and private)

    b) Lot lines

    c) Lot numbers

    d) Lot/Plat dimensions

    e) Street names

    f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

    NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

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

97. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along N. Broom Street.

98. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Gorham Street.

99. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a six (6)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance along W. Johnson Street.

100. Due to the increased intensity of pedestrian activity at N. Broom Street and W. Gorham Street resulting from the increased density of this development, City Traffic Engineering intends to study the feasibility of making alterations to the existing left turn lane from N. Broom Street onto W. Gorham Street. Pending the results of the study, the applicant shall work with Traffic Engineering and Engineering Divisions on improving the existing pedestrian crossing of W. Gorham Street adjacent their proposed project. Improvements may include but are not limited to: signing and marking improvements, lighting improvements, constructing a raised crossing, reducing the width of the crossing and/or removal of the left turn lane from N. Broom Street to W. Gorham Street.

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

101. LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.

102. Park impact fees are due and payable prior to issuance of building permits.

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

103. 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 approval sign-off.

104. 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).

105. 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.

106. 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….

107. As of October 20, 2023, the 2022 real estate taxes are paid for the subject property.

    Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to:

    City of Madison Treasurer
    210 Martin Luther King, Jr. Blvd.
    Madison, WI 53701

108. As of October 20, 2023, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.

109. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish an updated title report to ORES via email 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 (May 18, 2023) submitted with the CSM application and include all associated documents that have been recorded since the initial title report.

    A title commitment may be provided, but will be considered only as supplementary information to the title report update. 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.

The following agencies have reviewed this request and has recommended no conditions of approval:

Planning, Zoning, Assessor's Office, Fire, Forestry, Water Utility, Metro, Parking

URBAN DESIGN COMMISSION MEETING REPORT **November 1, 2023**

Agenda Item #:	**9**
Project Title:	304-318 N Broom St/408-430 W Johnson St/407 & 431 W Gorham St – New Student Housing Building in UMX Zoning
Legistar File ID #:	76205
Members Present:	Cliff Goodhart, Chair; Jessica Klehr, Shane Bernau, Rafeeq Asad, Marsha Rummel, Wendy Von Below, Christian Harper and Russell Knudson
Prepared By:	Jessica Vaughn, AICP, UDC Secretary

Summary

At its meeting of November 1, 2023, the Urban Design Commission made an advisory recommendation to the Plan Commission for **INITIAL APPROVAL** of a new student housing project located at 304-318 N Broom Street/408-430 W Johnson Street/407 & 431 W Gorham Street in UMX Zoning. Registered and speaking in support were Brian Munson, and Jeff Zeliesko. Registered in support and available to answer questions were Suzanne Vincent, Austin Pagnotta, and Doug Tichenor.

Zeliesko commented that he has been reflecting over the last two informational meetings, this project is a great example of government and the private sector working together to elevate a project from where it started to where it has evolved. He is very excited about where the project now, and feels that with staff and the Commission, they have made a really big and important project way better by working together. Thank you for that.

Zeliesko provided an overview of the Commission's comments, including those pertaining to color, green roofs, landscape around the front of the building, and refining the design of the masonry. They have continued to refine the entry court with entry points and will continue to do so. The bridge is something that activates and connects Buildings 3 and 4. On Building 1, there was discussion on making this a U shaped element, but the E shape is very important. The top of the building is really activated with landscape and uses. Building 1 was really squat before, and they updated it to add metal panels between each floor, which added a vertical element. A much lighter color has been used at the ground level to lighten up the base of the building. More color variation has been incorporated into the material palette across materials. Lots of landscape material has been added up against the building along W Johnson Street. They worked on the bridge quite a bit, it is much more elegant than what was shown previously. The buildings really do seem like they have been built at different times, like a collection of buildings.

The Commission had the following questions for staff and the development team:

- This is like the most improved thing that I have seen in a very long time. For where it was and where it is now, the way materials are starting to overlap, intersect, transition, I love the details. Very good improvements. Do you only have two very small MEP penthouses – is that all you need?
    - They are not small. They are 10,000 square feet, they are significant. As we continue with that, if there are any adjustments we would come back to you with those.
- I don't think the penthouse has to match the façade. Lighter would blend into the sky, but darker could work. Very good job of improving the design.
- Was there an intent to light those mass elements in some way?
    - No that was not a part of what we were focusing on.
- Can you describe why the second level is so important for the bridge?

    - There are amenities that can be accessed by the residents without having to go outside. We like the bridge idea, it's dynamic, the buildings are separated but still tied together.
- We've seen a clearer vision for the rooftops and I'm thinking about the people in Building 4 getting there. Wondering if a higher bridge would be a better benefit.
    - The rooftop is all within Buildings 2 and 3 intentionally. We were trying to build off of staff's recommendation to separate these into two masses as much as possible. This reinforces that expression for the upper floors as completely detached buildings.
- There are a lot of changes and some of them are quite attractive. With regard to the staff report looking at the residential units located on the auto court and whether they should be on Johnson Street at all, as opposed to somewhere else, Broom Street?
    - The grade transition across Johnson creates both opportunities and challenges. It becomes a full exposed lobby space on Building 4. As you go into Building 3 and move up towards Broom Street, it eventually comes down to the amenities at grade with Broom Street. We looked at how we both activate and transition across that. On the Broom Street corner where we're flush it's mostly a landscape treatment that comes down the hill. He Transition from Building 2 down to the western edge of Building 3 where we have a half floor, we have a combination of landscape treatment but also opportunities for public art panels. The maintenance room is where we start to transition from a partial exposed floor to a full floor exposure. Those are townhome units so you would enter from the second floor and come down into this living room level. We felt it was important to continue that activity down to the sidewalk.
- Could you show the rendering?
    - We had townhomes with residential along this whole stretch, there was discomfort with that. When we brought the residential down we didn't want two units with direct access from the street. There is activity because there are recessed terraces behind the face of the building. Good for activity without adding two small entrances that didn't seem to be enough.
- I think that one of the difficulties is that this development is broken into four buildings. 1, 2 and 4 do a really nice job of expressing themselves as buildings because they have entries or retail, or big amenity spaces. This expresses itself certainly as its own building, but it defies entry. You look at that and think that could be a separate building, but without the retail, you can't get in there anymore. This is the urban design problem of the whole project, it probably has a lot to do with the grade. You look at this and say "this can't be its own building, you can't even get in there." There's this screen on top of the maintenance room, and I think it's the one element that's giving me the biggest heartache and concern, this rendering. I'm also a bit confused about the metal panel over the brick and being the same color, but that's not really an urban design issue. That may have something to do with the staff report about blank walls, street orientation and entry.
- I'm having a hard time understanding the space between the south side of the existing building, the U-shape, what happens in there? It's hard to tell. I wish there were some sections through there, I'm curious what it feels like. Over on the east side coming around, is that the Equinox building? Curious about the safety in there, if it's dark at night what it feels like.
    - There are a bunch of things going on back here. Coming off the plaza on our side we have a sidewalk and exiting path for the building. This area through here is lawn, but it tips down. There is a retaining wall that spans that grade, this area of the Equinox is up a floor. They have some sidewalks through here but not a lot of activated space on that side of the building. We do have some lighting along there for the exiting path, but there's not a lot of back and forth. This side is the driveway entry to their underground parking. At street level we're roughly at grade, this sidewalk will be higher in sections than the driveway down to the Equinox. Then as you come to the south it begins to transition back down to grade. This is designed here for people to go through, all the combinations of lighting in there to make that inviting. This zone here is not an activated zone, it's a transition in grade adjacent to some of the utility rooms within our building, and the retaining wall on the Equinox side.
- The exiting path on the east side, is that high building on one side and retaining wall on the other?

    - No, it might be a little bit higher than sidewalk grade is for the Equinox. It's not a hidden zone along that east side.
  - Can you clarify again where you said the blank façade is on the upper floors?
    - This is the wall. The higher units have bathrooms in those locations. That's where we end up not having windows there, that's where plumbing walls are located. Its better that there aren't windows there in relation to the Equinox building.
  - On that elevation, there are windows on the first five floors or so?
    - Right.
  - Those aren't looking directly into the Equinox?
    - There's glass that does wrap around on those lower floors. Those are bedroom windows from 9 down. There's a living room window here, totally different planning from the floors above.
  - I'm confused why on the upper floors it would be a concern that you're looking into the Equinox, but it's not a concern on the lower floors where you do have windows.
    - We have almost a single-sided hallway. We wanted to move as much of the glazing out to the exterior viewpoint, which by default, we've got this narrow expression here above floor 9. We wanted to keep windows out which means the bathrooms are clustered in that corner.
- One questions for staff; on Johnson Street, the narrow white building, it has a very cool canopy, but it looks like it is coming out over the sidewalk. Is that allowed?
- (Secretary) Yes, a Privilege in Streets Permit would be required, depending on the encroachment.
    - We are anticipating obtaining a Privilege in Streets Permit.
- Are you planning on a restaurant amenity for that second floor of Building 2 or 1? I am asking about kitchen exhaust. Thinking about the conditions of that alley.
    - Yes, we are planning for it, and it is a good use for that space, but we cannot guarantee that. That is what we envision there and would set aside the provisions for putting in ducting and proper exhaust for a restaurant space.
- I would recommend you try to avoid putting kitchen exhaust into that area [the promenade] and take it out to the street where air and wind can take it away. I am also thinking about that generator. No one wants that running. It needs to be tested, it will add emissions, noise, etc. into that tight area.
    - Similar to what we have done at the Oliv, James and The HUB, the design of that front façade retail is going to be set-up to address venting points to give us flexibility because we don't know. As far as the generator there is a retaining wall right here that will help shelter some of that noise, but the thought is to vent towards the side yards and not the promenade.
- I want to point out some things I like: the art panels going up Johnson, that is really exciting and a cool splash of color, and the landscape, that will be a nice addition to that foundation. I like the healthy sized green roofs. Architecturally, I like the material palettes are how they are limited – it strengthens the identity of each building and mass without endlessly changing between materials like we often see. It really reinforces the mass which is great. Bike parking, I trust that you have all that you need, is there any at grade bike parking along Johnson?
    - We tried to scatter it throughout the site, clustered it around entrances. We have bike rooms at grade at Building 4 accessible from the exterior. We have bike parking components in the middle, left of the entry of Building 3. We have bike parking clustered in the plaza space. We do not have bike parking on the Johnson frontage but do in the auto court, which is visible from the street, outside the building.
- The corner of Gorham and Broom – that plaza is nice. The tapestry of paving and protecting edge with low raised planters that you can see over is very successful.
- Can you elaborate on the planting scheme for the green roofs? Profiles, intensive, extensive?
    - With regard to the Broom Street plaza I will just note that we are working with staff, entertaining the idea that the slip lane goes away, but hopefully one day that plaza could be expanded, but that is outside of our scope.
    - The lower roof deck on level 9, this is our most intensive green roof treatment; a 12-inch system with lots of perennials, color, texture, plants that would provide a benefit for pollinators.
- What is defining those edges of the pattern – is that planting to planting or is it a pavement band?

    - There will be a maintenance edge along the perimeter but the interior line work is the division of planting areas. We are not thinking there will be anything exposed there.
    - On this level, on top of Building 2, there is more of a traditional green roof 6-inch profile with sedums, within that there will be some strategic areas with taller plantings mixed in, but generally it is more of what you think of when you think green roof. On the top of Building 3, there is a range of depths, some we can do small trees and large shrubs, definitely perennials too. Kind of a little bit of everything.
- Going back down to grade, am I right that most of the street terrace is lawn where all the street trees are?
    - Yes.
- It looks like you are protecting a lot of trees? Curious what if anything is changing?
    - These are all the existing that are going to remain. Two on this frontage and one here. We are keeping the rhythm but filling in the gaps where driveways are being removed. To clarify, there are two removals on W Johnson, there is a root condition and the other will be removed due to the new driveway.

The Commission discussed the following:

- The staff memo talks about the height, materials, long views; I am ok with all of those things. I like the simplified forms, and the attention to details. I am not uncomfortable as it relates to those items.
- I agree, I know staff asked us to look at height, mass, and scale and note the tallest capital view height limit, but I do not have issues with those. In general the refinements that were made to the materials and detailing are much improved; it is looking to be quite handsome. The concern about the massive urban design problem – the building that has no entry, also remains my only concern. I do not have issues with the detailing of the bridge connection, the design detailing along the promenade and building. It is a bit odd and problematic and I am not sure how it gets solved. In some sense that screening makes it worse, not only is it not an entry but it is actually blocked. That is for me problematic and it is also enhanced by the linearity of the landscape that runs straight through. There is not an entry, there was never going to be an entry, and you are cut off from the street. It is the one thing that I am really stuck on. Most buildings have an entry and so it is odd; I understand that they are doing form follows function, but this is truly an urban design problem and the biggest hang up to getting an approval.
- This is half the block, Building 3. When we are all talking about hitting it out of the park 99 percent of the time, I don't necessarily feel like we can't criticize a focused area and ask for improvement there. This is on paper and there are certainly other ways to look at it. I'm not suggesting we completely redesign the building, but I especially, what you mentioned about this wall here. I could see a set of cascading stairs coming down, this is a little courtyard I think and it probably doesn't even need to be accessible because there are other accessible paths to that area. It is not up to us to design it, but if this is to give us the illusion of a separate building, it is a little fortress like.
- The staff report did talk about not having any entrances along Broom Street, but Broom Street is so open and glassy it doesn't given the illusion that you cannot get in there. And Building 4 is really successful because you have these two entrances here on the north and south sides. You can see the difficulty in the slope there and it makes it really tough because you have parking on side and apartments on the other. It's not an easy problem to fix, but it is an urban design problem.
- If this was one building and it looked like one building, this would not be a concern, right? I'm trying to think out loud and play this through. If there were two entries on Johnson Street, this wouldn't be a problem?
- We don't know. They are trying to make them look like separate buildings, so therefore this looks like a separate building with no entrance.
- I understand that. I personally have no issue with it. Would it be better with an entry, yes, but to me it's not a deal breaker. They could turn the maintenance room and put an entry in there, they could come up with a solution. If we require an entry, they will make an entry.
- I don't know that we dictate entry, but here's an outdoor open space. If there was a connection to the sidewalk, it doesn't necessarily have to be an entrance to the building.
- I agree, to me it is the last little problem, that street connection. Otherwise I have no other comments or critiques. They will figure it out.

- Are we speaking mainly to the access or lack thereof of the two five-bedroom units, or just the building in general? The functionality of having a Johnson Street entry to those, they're the only two residences on that floor, the rest is retail and amenity space.
- There's no entrance along here but certainly street activation. It's not something that is a prescriptive solution, it's a concern that staff raised and since it's half a block of Johnson Street, a main thoroughfare, that's something to be addressed. And the continuous landscaping makes it more of a barrier.
- It's a straight arrow that is preventing the connection from the building to the sidewalk. We don't need to design it but there needs to be at some point that urban connection.
- I'm open to any kind of elegant solution to your concerns, but personally it's not rubbing me the wrong way.
- I think the townhouses there are awkward. I understand the concern from that perspective. I wonder if there is an easy solution, a way to empower pedestrians to go into the vehicle space/promenade, and a stronger way to connect all the way through for a pedestrian that also activates that lobby. I wonder if there is a way to activate internally so people know that's how you get into this building, you go in and under, it's well lit and there's a purpose towards that elevator. Any similar thoughts?
- I'm trying to grapple with this façade because it is so monumental. It reminds me of downtown Chicago retail with these enormous three-story glass walls. But that's not what it is, it doesn't feel like it's accomplishing…I want to make sure we're all keeping in mind the height, the bonus stories.
- (Secretary) The model we're using to evaluate height is afforded to them under the UMX zoning district. We won't be looking at the PD standards, they are in the process of negotiating a voluntary land use agreement for the bonus stories. That is something the Plan Commission and Common Council will be evaluating. The UDC is looking at the building in terms of the Downtown Design Guidelines.
- You all taught me as the citizen member to look at a building as four-sided. This is a six-sided building, this side doesn't work as part of a four-sided building to me. It looks pretty but doesn't feel pedestrian friendly, it's too monumental.
- Are we dying on the hill that this needs to have an entrance?
- I don't want to die on a hill, and I don't know that it needs an entry. I think it needs a connection to the street somehow.

A motion was made by Asad, seconded by Von Below, to make a recommendation for Initial Approval with the condition that they incorporate a connection to the street along the W Johnson Street elevation.

Discussion on the motion:

- I do agree that it can be a little bit better. Seeing how much it improved from the last time, I know when it comes back it will be ready for Final Approval. The other side on Broom Street is not an entry, but it's classy, it's active, there are things you can easily do. Look at it one more time, there are so many options to solve that problem.

Action

On a motion by Asad, seconded by Von Below, the Urban Design Commission made an advisory recommendation to the Plan Commission for **INITIAL APPROVAL**. The motion passed with the following condition:

- That a connection to the street be incorporated along the W Johnson Street frontage.

The motion was passed on a unanimous vote of (7-0).