



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 416-446 W Washington Avenue and 413-417 W Mifflin Street  
**Application Type:** Demolition Permit, Conditional Use, and Certified Survey Map Referral  
**Legistar File ID #** [85416](#), [85418](#), and [85420](#)  
**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner  
Meagan Tuttle, AICP, Planning Division Director

**Summary**

**Applicant:** Christopher McKee; CRG Acquisition, LLC; 35 E Wacker Drive, Suite 1300; Chicago, IL 60601  
**Contact:** Michael Hanley; The Lamar Johnson Collaborative; 35 E Wacker Drive, Suite 1300; Chicago, IL 60601  
**Property Owners:** For the 416-438 W Washington Avenue and 413-417 W Mifflin Street properties: RA2-416 W Mifflin St Owner, LLC; 416 E Washington Avenue; Madison, WI 53703  
For the 440-446 W Washington Avenue properties: CJK, Inc; 448 W Washington Avenue; Madison, WI 53703

**Requested Actions:** There are four requests before the Plan Commission:

- ID [85416](#) – Consideration of a demolition permit to demolish three (3) single-family residences, four (4) two-family residences, three (3) three-family apartment buildings, and one four-unit apartment building at 418, 420, 422, 426, 430, 432, 436, 440, and 444 W Washington Avenue and 413 and 417 W Mifflin Street.
- ID [85418](#) – Consideration of a conditional use in the Downtown Residential 2 (DR2) District for a multi-family dwelling with greater than eight (8) units; and Consideration of a conditional use for two stories of additional building height as allowed in MGO Section 28.071(2)(b), all to allow construction of a six-story, 162-unit apartment building at 416-446 W Washington Avenue and 413-417 W Mifflin Street.
- ID [85420](#) – Consideration of a Certified Survey Map of property located at 416-446 W Washington Avenue and 413-417 W Mifflin Street, which is owned by CRG Acquisition, LLC.

**Proposal Summary:** The applicant is requesting the approvals to allow construction of a six-story, 162-unit apartment building. The applicant proposes to commence demolition of the existing structures and begin construction of the development in November 2025, with completion anticipated in mid-2027.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition Permits [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 Downtown Residential 2 (DR2) District, a conditional use is required for a multi-family dwelling with greater than eight (8) dwelling units. The Supplemental Regulations [MGO §28.151] contain further applicable regulations for *Multi-family Dwellings*; however, none of these standards are applicable to this site and therefore have not been reviewed in this report. Furthermore, the subject site falls in one of the Additional Height Areas (MGO Section 28.071(2)(b)) for which it states that buildings “*may be allowed up to two (2) additional stories above the maximum building height if approved as a conditional use under Section [28.183](#)*”

provided that height is the only bulk requirement sought to be modified and the conditional use standards for additional height are met.” Specific to the subject site, MGO Section 28.071(2)(b) also states, “Buildings along the frontage of the 400 and 500 blocks of West Washington Avenue may be allowed two (2) additional stories above the four- (4) story building height limit provided there is a thirty- (30) foot setback.” Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for certified survey maps.

**Review Required By:** Urban Design Commission (Alder Referral), Plan Commission, and Common Council (CSM only).

**Summary Recommendations:**

- That if the Plan Commission can find that the standards for demolition permits are met, the Planning Division recommends it **approve** the demolition of the 11 residential buildings. However, if the Plan Commission cannot find the approval standards met then the related applications cannot move forward as proposed. Based on the findings of the Plan Commission, these applications should be either referred or placed on file;
- That if the Plan Commission can find that standards for conditional uses are met, the Planning Division recommends it **approve** a request for a multi-family dwelling with greater than eight (8) units in the Downtown Residential 2 (DR2) District and a request for two stories of additional building height as allowed in MGO Section 28.071(2)(b), to allow construction of a six-story, 162-unit apartment building at 416-446 W Washington Avenue and 413-417 W Mifflin Street; and
- 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 13** of this report for the land use requests, and on **page 23** for the CSM.

**Background Information**

**Parcel Location:** The development site is 65,816 square-feet (1.51 acres) in area and is located centrally on the block bound by W Washington Avenue and N Broom, W Mifflin and N Bassett Streets. Considered a ‘through lot’ by the Zoning Code, the site has roughly 330 feet of frontage along W Washington and roughly 65 feet along W Mifflin. (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:** The table below is a summary of the City Assessor’s Office records of the 11 structures on the 12 parcels which are proposed to be combined to make up the development site. All are in the DR2 (Downtown Residential 2) District.

Address	Stories	Dwelling Units	Bedrooms	Year Constructed
413 W Mifflin Street	2	1	4	1900
417 W Mifflin Street	2	1	5	1906
416 W Washington Avenue	Vacant			
418 W Washington Avenue	2	2	5	1895
420 W Washington Avenue	2	2	3	1865

422 W Washington Avenue	2	2	6	1925
426 W Washington Avenue	1.5	2	4	1890
430 W Washington Avenue	1.5	2	4	1900
432 W Washington Avenue	2.5	3	8	1909
436 W Washington Avenue	2.5	3	11	1912
440 W Washington Avenue	2.5	3	11	1911
444 W Washington Avenue	3	4	9	1913
Totals		25	70	

**Surrounding Land Uses and Zoning:**

Northwest: Across W Mifflin Street is a 4-story, 40-unit apartment building in the PD (Planned Development District) and 3- and 6-unit apartment buildings in the DR2 (Downtown Residential 2) District;

Northeast: 2-, 3- and 4-unit apartment buildings in the DR2 District and 6- and 8-unit apartment buildings in the PD District;

Southeast: Across W Washington Avenue is a 5-story, mixed-use apartment building with roughly 7,700 square-feet of commercial space and 50 units, zoned UMX (Urban Mixed-Use) District; a 2-story, 5-unit apartment building and a 2-story office building, both zoned PD; and a 5-story office building zoned DR2; and

Southwest: Along the W Mifflin Street frontage is a site in the DR2 District (413-423 W Mifflin Street) on which the Plan Commission approved the demolition of the three existing structures and construction of a 4-story, 40-unit development at their November 18, 2024 meeting (Legistar File IDs [85410](#) and [85411](#)). Along the W Washington Avenue frontage is a 2-story office building in the DR2 District.

**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 DR2 (Downtown Residential 2) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	>3,000 sq. ft.
Lot Width	Residential buildings: 30' Non-residential and mixed-use buildings: 40'	330.89'
Front Yard Setback: Through lot	10'	20.3' W Washington Ave 17.1' W Mifflin St
Side Yard Setback	5' Lot width <40': 10%	6.0' northeast side 5.6' southwest side
Rear Yard Setback	Lesser of 20% lot depth or 20'	20'
Usable Open Space	20 sq. ft. per bedroom (10,260 sq. ft.)	17,005 sq. ft.
Maximum Lot Coverage	80%	81.0% <i>(See Comment #44)</i>
Minimum Building Height	2 stories	6 stories
Maximum Building Height: See Downtown Height Map	6 stories/88' Section 28.071(2)(b)2.	6 stories/ 75'6"
Stepbacks: See Downtown Stepback Map	30' Section 28.071(2)(b)2.	30' stepback at 5 <sup>th</sup> floor on W Washington Ave façade Stepback at 5 <sup>th</sup> floor on W Mifflin St facade

Site Design	Required	Proposed
Number Parking Stalls	No minimum required (Central Area)	88 garage (See Comment #48)
Electric Vehicle Stalls	EV Ready: 10% (9)	9 EV ready 2 EV installed (See Comment #49)
Accessible Stalls	Yes	4
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (248) 1 guest space per 10 units (16) (264 total)	226 indoor 52 outdoor (278 total) (See Comments #45, #48 & #50)
Landscaping and Screening	Yes	Yes (See Comments #51 & #52)
Lighting	Yes	None
Building Form and Design	Yes	Large multi-family building (See Comments #46, #53 & #54)

Other Critical Zoning Items	
Yes:	Barrier Free (ILHR 69), Utility Easements
No:	Historic District; Floodplain, Wetlands, Wellhead Protection, Adjacent to Park, TOD Overlay, Urban Design

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

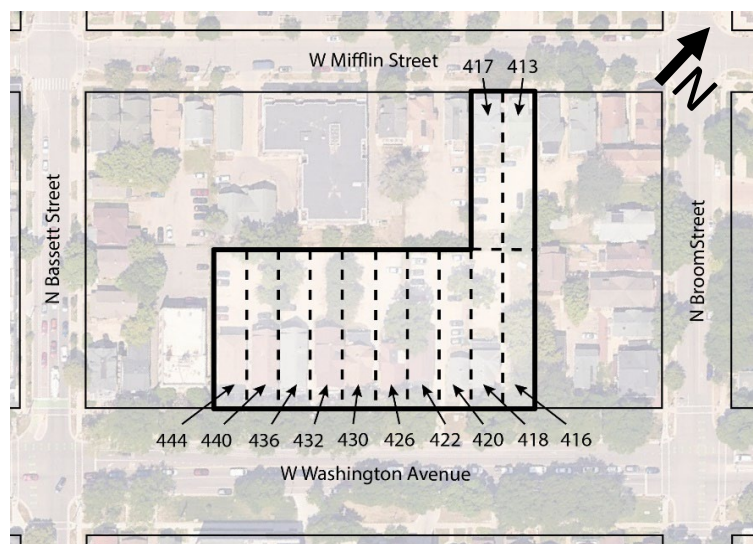
**Public Utilities and Services:** The site is served by a full range of urban services, including Metro Transit which operates daily all-day transit service along Broom & Bassett Street near this property – with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays). Metro Transit operates additional daily all-day rapid transit service along State Street near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).

## Project Description

The applicant is requesting approval of a demolition permit to raze eleven residential buildings, two conditional uses (for the number of units and for two stories of additional building height as allowed in MGO Section 28.071(2)(b)), and a one-lot certified survey map to combine the various lots into one development site – all to allow the construction of a six-story, 162-unit apartment building.

The 1.51-acre subject site is located centrally on the block bound by W Washington Avenue and N Broom, W Mifflin and N Bassett Streets. (See Image 1.)

Information on the buildings proposed for demolition is summarized on pages 2 and 3 of this report and [photos](#) of the interior and exterior of each of the eleven buildings has been included in the applicant’s materials.



**Image 1: The parcels proposed to be combined via Certified Survey Map (CSM) to form the subject parcel**

Generally speaking, the building's massing is organized around three courtyards which are intended to break down the visual mass and presence along the W Washington Avenue frontage. The eastern courtyard, roughly 30 feet wide, extends roughly 85 feet back into the building. The central courtyard is similarly sized but, on the ground level, contains a walkway which continues beneath the building, before jogging to the northeast, running along the building and eventually reaching the W Mifflin Street sidewalk (Note: the applicant plans to make this walkway accessible to the general public.) The route of this walkway is shown in Image 2, located in the Analysis Section of this report. The western courtyard is the smallest of the three as it is an internally facing courtyard meaning that it will not be visible from W Washington Avenue. At the fifth floor level, the building's mass steps back 30 feet along the W Washington Avenue façade and 20 feet along the W Mifflin Street façade. While these rooftop area will be primarily occupied by green roofs and private balconies, the Mifflin Street rooftop will also contain a 430-square-foot courtyard which will be available for use by all tenants.

The building has two main pedestrian entrances for the residents. The entrance providing access to/from the W Washington Avenue sidewalk is located near the east corner of the building. This entry provides access to the lobby which extends nearly to the W Mifflin Street frontage where it is labelled 'lounge' on the plans. It is this lounge space which contains the other primary pedestrian entry providing access to the W Mifflin Street sidewalk. Off this linear lobby/lounge space are the various support elements such as leasing office, bike storage room, trash room and fitness room. The remainder of the ground floor is occupied by residential units – 14 in total, with seven of these also having walk-up access. The entirety of the upper five stories is residential. In total, there are 162 residential units – 19 efficiencies, 11 one-bedroom units, 33 two-bedroom units, 75 four-bedroom units and 24 five-bedroom units with a total of 516 bedrooms.

Regarding external materials, the building will be clad with a combination of brick and fiber cement. The ground floor will be clad with a nearly black-colored brick while the two upper floors will be clad with an off-white horizontal lap fiber cement siding. The rest of the building will get one of two treatments. For the building's eastern 'spine' (i.e. the mass which extends from W Washington Avenue to W Mifflin Street) the middle three floors will be clad with a red brick (though for the less-visible areas like the central portion of the east façade, a colored matched horizontal lap fiber cement siding version will be used). The other treatment, used for the middle three floors of the building's western half, is a slate-colored horizontal lap fiber cement siding. Vertical bands of this slate-colored fiber cement siding will also be used at various locations – like on the rear (south-facing) façades at the rear of the courtyards and at the midpoint of the east and west façades – to help break down the mass.

Regarding on-site parking, 88 structured automobile stalls and roughly half the building's 242 long-term bicycle stalls will be located on the lower level and accessed from Mifflin Street. The balance of the long-term bicycle stalls will be located near the east corner of the ground floor level and have direct access from the exterior via a door located along the east façade. The 48 short-term bicycle stalls will be located both in the central courtyard (along the walkway) and near the W Washington Avenue pedestrian entrance.

While there are presently no loading zones on the plans, Staff note that the applicant has been in communication with various City Agencies regarding the addition of a roughly 55-foot-long loading zone located along West Washington Avenue, near the east corner of the building. Updating drawings showing the design of the loading zone were not completed by the time this report was finalized. Regardless, Staff note that as a potential public right-of-way approval, such a request isn't approved by the Plan Commission.

## Analysis

This proposal is subject to the standards for Demolition Permits [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 Downtown Residential 2 (DR2) District, a conditional use is required for a multi-family dwelling with greater than eight (8) dwelling units. The Supplemental Regulations [MGO §28.151] contain further applicable regulations for *Multi-family Dwellings*; however, none of these standards are applicable to this site.

Furthermore, the subject site falls in one of the Additional Height Areas (MGO Section 28.071(2)(b)) for which it states that buildings “*may be allowed up to two (2) additional stories above the maximum building height if approved as a conditional use under Section 28.183 provided that height is the only bulk requirement sought to be modified and the conditional use standards for additional height are met.*” Specific to the subject site, MGO Section 28.071(2)(b) also states, “*Buildings along the frontage of the 400 and 500 blocks of West Washington Avenue may be allowed two (2) additional stories above the four- (4) story building height limit provided there is a thirty- (30) foot setback.*” Lastly, MGO Section 16.23(5)(g) provides the process and standards of approval for Certified Survey Maps.

### Conformance with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends Downtown Mixed-Use (DMU) development for the half of the block fronting W Washington Avenue and Medium Residential (MR) development for the half of the block fronting W Mifflin Street. The Plan notes that DMU 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.*” For MR, the Plan notes it is generally 20-90 dwelling units per acre and 2-5 stories. 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*”, it 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. The plan provides different recommendations for the two halves of the block. For the half of the block fronting W Mifflin Street, the plan recommends redevelopment with a dynamic mix of employment and residential uses at relatively high densities, as well as specialized retail and service activities that can add interest and vitality to the district and serve its residents and workers. Specific recommendations include 1) establishing a minimum two-story and maximum six-story building height for new construction in the Mifflin district; and 2) encouraging cooperative solutions to vehicle access and parking, including underground and shared parking, to reduce driveway cuts and facilitate development of larger footprint buildings.

For the half of the block fronting W Washington Avenue, the Plan recommends 1) Maintaining predominantly residential uses along West Washington Avenue, with neighborhood serving mixed-use development located primarily at the ends of blocks; and 2) Restricting vehicle pull outs, wide driveways and street facing garages or parking areas on the West Washington frontage, and encourage cooperative solutions to vehicle access and parking, including underground parking and shared parking, to reduce driveway cuts and facilitate development of larger footprint buildings. Regarding building height, it recommends four stories but notes that this half block is in within one of the eight areas “*where buildings may be allowed up to two additional stories if they meet specific criteria that reflect the unique context of the site and its surroundings, and help advance the planning*”

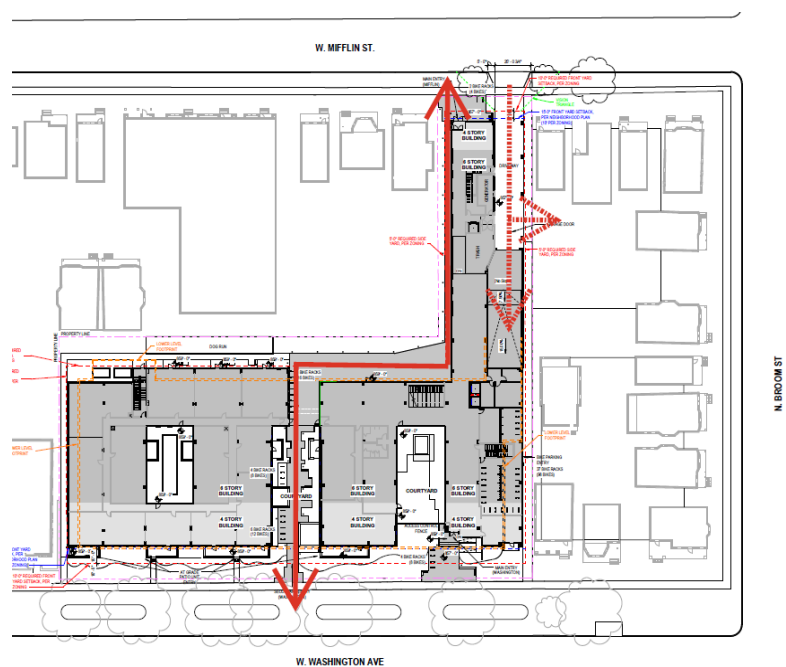
*recommendations for the area.*” It points to Appendix C (Pages 121-122) which recommends Conditional Use standards that allow for up to two additional stories when potential impacts of the additional building height and mass on nearby properties and public ways, as well as consistency with the recommendations in the Downtown Plan and other adopted City plans can be considered. The Plan’s proposed criteria are consistent with Conditional Use Approval Standard #13, which is covered under the Conditional Use Standards section later in this report.

The [Mifflandia Neighborhood Plan](#) (2019) recommends residential and/or mixed-use development for the subject site. As for building height, it recommends four stories for the subject parcel, with an allowance of two additional stories “*provided that they meet the required setbacks.*” As for setbacks and setbacks, it recommends a building setback of 20 feet and a 30 foot stepback (above the fourth floor) for the W Washington Avenue façade. For the W Mifflin Street façade, it recommends a building setback of 15 feet and a stepback (above the fourth floor) of 15 feet. On Page 16, under Urban Design District Proposed General Guidelines, for the bulk design of buildings, it recommends “*any mass above 4 stories shall have a minimum stepback of 10 feet on all non-street facing sides.*” The Plan also makes a number of other design-related recommendations related to building articulation, porches and balconies, and materials.

The proposed building complies with the primary recommended setbacks and setbacks – specifically those from W Washington Avenue (20-foot setback and 30-foot stepback) and W Mifflin Street (15-foot setback and 15-foot stepback) – of the plan. However, it does not comply with the recommendation in the Urban Design District Proposed General Guidelines section, stating that “*any mass above 4 stories shall have a minimum stepback of 10 feet on all non-street facing sides.*” While this inconsistency was raised by Staff in early meetings, the applicant noted that a loss of 20 feet to accommodate the 10-foot setbacks on either side of the roughly 52-foot-wide wing that extends to W Mifflin Street would result in a building wing too narrow for an efficient layout of units.

Additionally, the [Mifflandia Plan](#) includes a recommendation to “consider” the construction of an east-west “Interblock Lane” within the subject block. Such a lane could function as a rear-lot alley, paralleling W Washington Avenue through the entirety of this block. The concept was further described as an opportunity to facilitate additional rear-yard development, limit driveways onto W Washington Avenue, and reduce potential vehicle bike conflicts.

Compared to some other design recommendations in the plan, staff believes this particular recommendation is less binding, phrased only as an item to be considered. Nevertheless, the proposed development does not account for this feature. Staff note that there are multiple challenges in establishing such a connection at this time, including a number of existing structures outside of the project site that would also make the creation of such a lane



**Image 2: Path of the Proposed Publicly Accessible Walkway through the Project Site and Shared Cross-Access that must be maintained with the Residence to the 2-Unit at 409 W Mifflin Street**

impossible until these structures are removed and/or the sites redeveloped. Staff also note that while a much smaller development, the adjacent site at 423-427 W Mifflin Street was approved at the November 18, 2024 Plan Commission without any recommendations or conditions to accommodate such a connection.

While not achieving many of the east-west connection goals, the applicant has proposed a north-south pedestrian connection between W Washington Avenue and W Mifflin Street.

### **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...”*

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. Along with the [photos](#) of the buildings submitted by the applicant are notes on the condition of the structures. Visible cracks in the foundations and dry rot are noted for each structure. For more information, please see the [document](#) containing the photos. Relocation was considered for each but the applicant notes for each, *“Infeasible to relocate - property would disintegrate.”*

Standard 6 states:

*“The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal. In order to find this standard met, the Plan Commission may consider a report of the Madison Fire Department, Police Department, and/or Building Inspection Division regarding the proposed demolition, including whether any evidence of a potential fire hazard, unlawful use of the property, public nuisance, or other public health and safety concern supports demolition or removal.”*

The Planning Division staff have not received any comments from City Building Inspection, Fire, or Police and only have the interior and exterior photos and condition notes from the applicant listed in Table 1. 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.”*

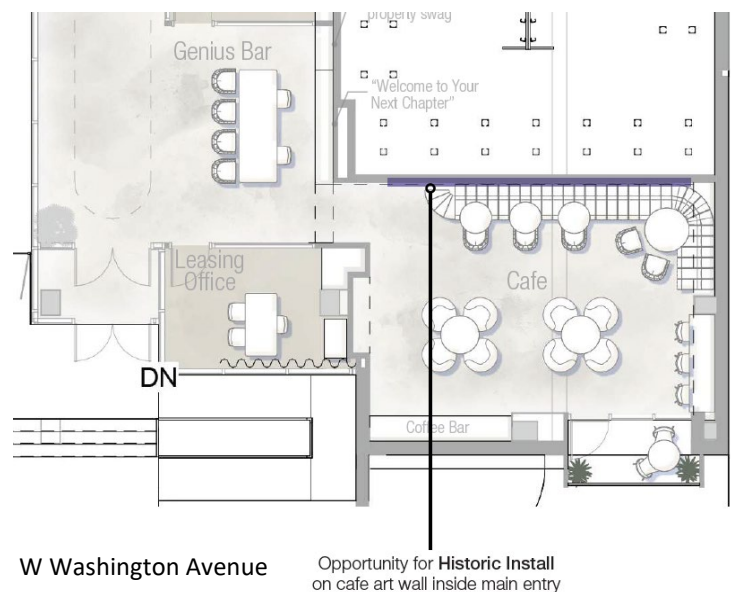


The Landmarks Commission reviewed the demolition of the eleven buildings at its October 7, 2024 meeting and recommended to the Plan Commission the following three findings:

- That the building at 420 W Washington Avenue has no historic value;
- That the buildings at 422-424 W Washington Avenue, 426 W Washington Avenue, 430 W Washington Avenue, 432-434 W Washington Avenue, 436-438 W Washington Avenue, 440-442 W Washington Avenue, 444-446 W Washington Avenue, 413 W Mifflin Street, and 417 W Mifflin Street *“have historic value related to the vernacular context of Madison’s built environment, but the buildings themselves are not historically, architecturally, or culturally significant.”* The motion notes that the Commission lamented the significant loss of affordable housing and change to this gateway into downtown, noting that this is not the first collection of buildings in this area to be proposed for demolition; and
- That the building at 418 W Washington Avenue *“has historic value for its association with Edward Schildhauer, chief mechanical and electrical engineer for the Panama Canal, and has potential to be a designated landmark.”*

Materials related to that review from the October 7, 2029 meeting can be found here: the [Staff Report to the Landmarks Commission](#) and the [Meeting Report](#). Additional information regarding the significance of 418 W Washington Avenue can be found in the Staff Report.

In response to the historic significance of the structure at 418 W Washington Avenue, the applicant has a proposed mitigation to identify an area by the front door / resident café area in the lobby of the new building to include some information and imagery of Edward Schildhauer and the house to tell the history. Please see Image 3 for the proposed location of the information/imagery, which is near the footprint of the subject building today. The applicant notes that they did something similar at their recent development at S Park Street and Regent Street (Legistar File IDs [71244](#) and [71245](#)) which involved the demolition of several buildings related to the City’s Italian community’s history as well as that of the Greenbush neighborhood.



**Image 3: Potential location of historic information/imagery regarding Edward Schildhauer near the east corner of the proposed building’s ground floor**

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 Commission which are noted above.

## 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 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 8 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.”*

Regarding Standard 8, Staff note that this application went before the UDC for an advisory recommendation at the request of Alder Verveer, who specifically requested the UDC’s feedback on the overall design, composition, and consistency with those recommendations in the [Mifflandia Plan](#).

At their meeting on November 6, 2024, the Urban Design Commission (UDC) made an advisory recommendation to the Plan Commission to **APPROVE** with the following finding and conditions:

- Overall, the UDC found that the development proposal is generally consistent with the intent of the recommendations in the Mifflandia Plan.
- The landscape plan shall be refined to incorporate additional plantings along the through-site pedestrian pathway and to adjust the pathway to be as wide as it can be.
- The landscape plan shall be refined to incorporate a more intermediate scale of landscape, including ornamental trees along the W Washington Avenue side of the building to bring the scale down.

Additional Information regarding the UDC’s advisory recommendation is found under [Legislative File 84628](#) which includes the [UDC Staff Report](#) and the [UDC Meeting Summary](#). Among Planning staff’s primary concerns that were raised with the UDC and the development team throughout this process is the establishment of a “through-lot” building that runs through the entirety of the block, with frontages on both W Washington Avenue and W Mifflin Street. Staff has previously communicated that a two-building solution that better reflected the surrounding context and mass and scale was preferable as it would be more consistent with the surrounding development pattern and the other larger buildings that have recently been approved in the surrounding blocks. Among staff’s

other noted concern is the lack of the Mifflandia Plan-recommended 10-stepback on non-street facing elevations above the fourth story, which the applicant has noted concerns with implementing.

Standard 13 is also of relevance to this proposal as MGO Section 28.071(2)(b) states that *up to two (2) additional stories above the maximum building height may be allowed provided that height is the only bulk requirement sought to be modified and the conditional use standards for additional height are met.*"

Standard 13 states:

*"When applying the above standards to an application for height in excess of that allowed by Section [28.071\(2\)\(a\)](#) Downtown Height Map for a development located within the Additional Height Areas identified in Section [28.071\(2\)\(b\)](#), the Plan Commission shall consider the recommendations in adopted plans, and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:*

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

Regarding A, as noted previously in this staff report, the proposed building meets the Mifflandia Plan's primary recommendations for setbacks and stepbacks – namely those along the two street frontages. Staff's comments related to a through lot building are noted above. As discussed above, the proposal also does not meet the recommendation for a 10-foot stepback along all non-street-facing sides or include space to allow for a possible inter-block Mifflin Lane connection.

Regarding the project's height, mass, rhythm, scale and setbacks along W Washington Avenue, the applicant notes that these elements of the proposal are also consistent with other recently-approved projects that front W Washington Avenue (i.e., the 6-story, 103-unit mixed-use Avenir at 510 W Washington Avenue which is completed (Legistar File IDs [60915](#) and [60100](#)), and the 6-story, 140-unit development at 519-547 W Washington Avenue which is under construction (Legistar File ID [70540](#))).

Regarding B, in submitted materials, the applicant notes that these additional two stories allow the project "to eliminate all existing driveways along West Washington Avenue and provide additional public and a "sort of civic open space" not only within the wide West Washington Avenue terrace but within the project itself." They also note that the stories allow the project "to get creative with the modulation of the massing and stepbacks, which preserve the neighborhood character while also creating more welcoming semi-public spaces for the neighborhood not only within the large terrace but also within the project itself. For example, the project is able to provide a fully

*complete and connected, interblock path between West Mifflin and West Washington by creating a pedestrian and bicycle path through the building. Without the additional bonus stories, the interblock path and other public connectivity and spaces within and around the project would not be feasible or achievable.”* They also argue that the additional stories allows for a *“high quality of finish throughout the building”* and a *“more detailed articulation of the façade, creating both asymmetry and rhythm within and across the façade.”*

Regarding C, Staff note that there are no Designated Madison Landmarks adjacent to the development site.

Regarding D, with the six-story building height coupled with the proposed building setback and stepbacks proposed along the W Washington Avenue frontage, Staff do not believe the proposed development will negatively impact the views of the capitol as seen inbound on W Washington Avenue.

While staff believes it may ultimately be possible that the conditional use standards can be found met, especially considering the recommendation from the Urban Design Commission, staff believe careful consideration should be given to the applicable standards.

### **Land Division**

The applicant has submitted a certified survey map to combine the 416-446 W Washington Avenue and 413-417 W Mifflin 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, public comment from one resident has been received. These comments note concern for the proposal not accommodating the interblock Mifflin Lane. They also raise the issue of a lack of a loading zone along W Washington Avenue.

## **Conclusion**

The applicant requests approval of a demolition permit to raze eleven residential buildings, two conditional uses (for the number of units and for two stories of additional building height as allowed in MGO Section 28.071(2)(b)), and a one-lot certified survey map to combine the various lots into one development site – all to allow the construction of a six-story, 162-unit apartment building. From a bulk standpoint, the building creates a “through-lot” building mass that extends the width of the block between West Washington and West Mifflin Streets.

Related to adopted plans, the proposed development is consistent with underlying land use recommendations and would meet with the Mifflandia Plan’s primary recommendations for setbacks and stepbacks – specifically those along the two street frontages. This includes the 30-foot building setback above the fourth floor. However, the building does not meet other recommendations including a recommendation to provide a 10-stepback above the fourth floor along non-street facing elevations.

Careful consideration should be given to the approval standards for Demolitions and Conditional Uses. The Landmarks Commission found that the structure at 418 W Washington Avenue has historic value and has the potential to be a designated landmark due to its association with an engineer related to the Panama Canal. In

response, the applicant has proposed incorporating on-site documentation as they have done on another Madison development. In regards to the Conditional Use Standards, staff have provided discussion related to Standards 8 and 13 which relate to the design character and requested bonus stories. In addition to the Plan Consistency considerations, staff have previously raised some concerns regarding the proposed building mass extending through the entire block, with no rear yard, which is a condition that does currently exist in the surrounding blocks. However, the Urban Design Commission has reviewed the project and recommended approval. Should the other aspects of the proposal be approved, the Planning Division believes the technical standards for land divisions can be found met.

## Recommendation

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

- That if the Plan Commission can find that the standards for demolition permits are met, the Planning Division recommends it **approve** the demolition of the 11 residential buildings. However, if the Plan Commission cannot find the approval standards met then the related applications cannot move forward as proposed. Based on the findings of the Plan Commission, these applications should be either referred or placed on file;
- That if the Plan Commission can find that standards for conditional uses are met, the Planning Division recommends it **approve** a request for a multi-family dwelling with greater than eight (8) units in the Downtown Residential 2 (DR2) District and a request for two stories of additional building height as allowed in MGO Section 28.071(2)(b), to allow construction of a six-story, 162-unit apartment building at 416-446 W Washington Avenue and 413-417 W Mifflin Street; and
- 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 the following page** for the land use requests, and on **page 23** for the CSM.

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

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

1. Before any permits, including demolition permits, are issued for this project, the plans shall receive approval from the Urban Design Commission Secretary, addressing the following conditions:
  - The landscape plan shall be refined to incorporate additional plantings along the through-site pedestrian pathway and to adjust the pathway to be as wide as it can be.
  - The landscape plan shall be refined to incorporate a more intermediate scale of landscape, including ornamental trees along the W Washington Avenue side of the building to bring the scale down.

**The following conditions have been submitted by reviewing agencies:**

**Land Use Request – Conditional Uses and Demolition Permit**

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

2. Applicant shall provide project wastewater flow calculations and the location where flow rates will be directory. Offsite City sewer improvements may be required with a developer agreement as a condition for plan approval. The City sewer capacity is very limited on W. Mifflin Street.
3. All discharge from this site shall be discharged to the storm sewer in the pubic ROW, no discharge shall be allowed to private property. Further this site appears to accept water from adjacent property. Plans shall be revised to show how that water shall be accommodated.
4. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
5. Construct sidewalk, terrace, curb and gutter and pavement to a plan as approved by City Engineer
6. 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))
7. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
8. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the City/County Health Department shall also be required. 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 issuance of the connection and non-storm discharge permits.
9. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
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. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPA) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
12. 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)

13. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
14. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.
15. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
16. The applicant shall show storm water "overflow" paths that will safely route runoff during the 100-year 24-hour design storm when the storm sewer is at capacity. Public Stormwater shall be contained to public right of way, easements or public lands for the 100-year 24-hr design storm for new development. (POLICY)
17. 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.
18. 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](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto: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.

19. 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.

100-year Overflow: The applicant shall demonstrate that water can leave the site and reach the public ROW without impacting structures during a 100-year event storm. This analysis shall include reviewing overflow elevations and unintended storage occurring on site when the storm system has reached capacity.

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.

20. 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

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

21. Coordinate and request from the utility companies serving this area the easements required to serve this development.
22. Release the Joint Driveway easement per document no. 686653 in Lot 16 to allow for new building across easement. This shall happen prior to final Building Permit issuance.
23. Release the 4' Wide Electric Easement per document no. 2178598 to allow for new building across easement. This shall happen prior to final Building Permit issuance.



24. The proposed new building crosses an underlying platted lot line. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building permit.
25. The address of the proposed building is 414 W Washington Ave. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
26. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto: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 buildings.

The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the verification submittal stage of this LNDUSE with Zoning. The final approved 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 Luke Peters, (608) 266-6543)

27. 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.
28. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
29. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
30. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
31. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

32. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
33. 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.
34. 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.
35. All parking ramps as they 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.
36. 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.
37. 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.
38. The applicant shall provide a clearly defined 5' walkway, from the front door to the public sidewalk, 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.
39. "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.
40. 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.
41. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
42. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.

**Parking Review** (Contact Trent W Schultz)

43. The applicant shall submit a Transportation Demand Management (TDM) Plan to [tdm@cityofmadison.com](mailto: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 Jenny Kirchgatter, (608) 266-4429))

44. Reduce the amount of lot coverage to a maximum of 80%. Provide a calculation and plan detail for lot coverage with the final submittal. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
  45. A bicycle parking adjustment will be required per MGO Sections 28.141(5) and 28.141(11) for the percentage of structured, vertical or wall mount parking exceeding 25%. Submit a request for a bicycle parking adjustment with the final plan submittal including information to support the adjustment.
  46. Update the north elevation to reduce the amount of fiber cement siding at the ground floor story. Wood or fiber cement panels shall not be used on the ground story except between the sidewalk and the bottom of storefront windows or as an accent material.
47. 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](mailto: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.
  48. Update the plan set and information tables to present consistent information regarding the project, including dwelling unit and bedroom counts, vehicle parking counts, and bicycle parking counts. Note that Zoning requirements may be revised based on updated information.
  49. Provide electric vehicle ready stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the parking stalls (9 stalls) must be electric vehicle ready. Identify the locations of the electric vehicle ready stalls on the plans.
  50. Bicycle parking for the residential dwelling units shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 248 resident bicycle stalls are required plus a minimum of 16 short-term guest stalls. 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. Show the dimensions of the bicycle stalls and the access aisles on the plans. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. The access aisle must not be obstructed by vehicles, columns or other structures. Provide details of the proposed bike racks including any structured or wall mount bike racks.

51. 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.
52. Provide details of the courtyards and green roof areas.
53. Provide details showing that the building façades meet the door and window opening requirements of Section 28.071(3)(e). For street-facing facades with ground story non-residential uses, the ground story door and window openings shall comprise a minimum of fifty percent (50%) of the facade area. For street-facing facades with ground story residential uses, ground story openings shall comprise a minimum of fifteen percent (15%) of the façade area. Upper story openings shall comprise a minimum of fifteen percent (15%) of the facade area per story.
54. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. All glass on enclosed building connections shall be treated up to sixty (60) feet above-grade. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.
55. Verify whether new exterior building or site lighting will be installed. New lighting must comply with City of Madison General Ordinances Section 29.36 outdoor lighting standards. If site lighting is provided, submit a lighting photometric plan and fixture cut sheets with the final plan submittal.
56. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
57. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Madison Fire Department** (Contact Matt Hamilton, (608) 266-4457)

58. Provide fire access plan documenting fire access

59. Stairways should have access from the building interior to facilitate fire and EMS response and provide interior building access for occupants to upper floors.

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

60. 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# 24052 when contacting Parks about this project.

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

61. 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.
62. 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.
63. 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.
64. 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.
65. 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.
66. 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.
67. 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.

68. 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.
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. Metro Transit operates daily all-day transit service along Broom & Bassett Street near this property – with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays). Metro Transit operates additional daily all-day rapid transit service along State Street near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).
  74. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 304 Weekday & 147 Weekend. Please contact Metro Transit if additional analysis would be of interest.
- 

***Certified Survey Map***

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

75. 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)
76. Construct sidewalk, terrace, curb and gutter and pavement to a plan as approved by City Engineer
77. 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))
78. 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](mailto:ttroester@cityofmadison.com)) or Brenda Stanley (East) at 608-261-9127 ([bstanley@cityofmadison.com](mailto: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)

79. Release the Joint Driveway easement per document no. 686653 in Lot 16 not shown on the CSM
80. Release the 4' Wide Electric Easement per document no. 2178598
81. 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.
82. Note that the 8' Wide driveway easement per Document No. 1205346 is also per Documents 452257 and 1192488

83. Provide 60 year title search as required per the CSM application and the MGO and all of the supporting Documents that were missing in this submittal. As noted in the application a Title Commitment will not be accepted in place of the required report, also not all of the supporting documents were available for review. Further comments may be forthcoming when a complete report and all documents have been provided.
84. 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 any required U.S. public land survey monument record provided to the County Surveyor's Office, or, in instances where a public the monuments and witness ties area recovered under A-E 7.08(1g), the Surveyor shall provide to the City of Madison monument condition reports (with current tie sheet attached) for all Public Land Survey monuments, including center of sections of record, used in this survey, to Julius Smith ([JSmith4@cityofmadison.com](mailto:JSmith4@cityofmadison.com)) of City Engineering, Land Information.
85. 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.
86. 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](mailto: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.
87. Show the recorded as bearings per the Prichette Plat the Capital of Wisconsin ( Original Plat ) along Mifflin Street, Washington Ave, along lots 7, 12 and 16, also show the record as bearing of CSM 14281.
88. Note the Datum and Adjustment used for the County Coordinates shown Per AE-7.05(11) IE NAD 83 (91), (97) or (2011)
89. Note the Document no. 109 in the header caption for the Pritchette Plat the Capital of Wisconsin ( Original Plat ) and also note both the Document No. and the Volume and Page in the legal description of the lands on sheet 4
90. While the 3 of monuments found along Southeasterly side of Mifflin street beyond the limits of this parcel seem to indicate the 3 found monuments on the parcel are not in line with the remainder, however the monument found on the opposite site of the street seems to indicate they may be correct. There is a concurrent application for the parcels located over Lot 6 and Lot 3 of CSM 14281 that shows a found monument opposite the common line of lot 6 and 7 that was not shown or verified with this survey. confirm the distance with this monument and work with the adjacent development to confirm the existing Mifflin Street ROW width.
91. Label all street names using the predirectional abbreviation. W. Mifflin Street and W. Washington Avenue.



92. 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.

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

93. 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# 24052 when contacting Parks about this project.
94. The following note should be included on the CSM: "LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED."
95. The Parks Division shall be required to sign off on this CSM.

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

96. 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.

97. 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).

98. 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.

99. As of November 22, 2024, the 2023 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

100. As of November 22, 2024, 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.

101. Pursuant to Madison City Ordinance Section 16.23(5)(g)(4), the owner shall furnish a title report to ORES via email to Lance Vest ([lvest@cityofmadison.com](mailto:lvest@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall include all associated documents referenced in the title report.

A title commitment has been provided, but will be considered only as supplementary information to the title report. Surveyor shall update the CSM with the most recent information reported in the title report. ORES reserves the right to impose additional conditions of approval in the event the title report contains changes that warrant revisions to the CSM.

102. Depict, name, and identify by document number all existing easements cited in record title and the title report.

103. If all parties of interest agree that certain easements from prior plats or CSM's of record are no longer necessary, the release documents for said easements shall be recorded prior to CSM approval sign-off, with the recording information for the release included as a Note on the proposed CSM.

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

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