



Report to the Plan Commission

October 15, 2012

Legistar ID # 27649 & 27943

305-325 West Johnson Street

Demolition Permit & PUD Zoning Map Amendment

Report Prepared By:

Kevin Firchow, AICP

Planning Division

Requested Action: Approval of three demolition permits and a rezoning to the PUD-GDP-SIP (Planned Unit Development-General Development Plan- Specific Implementation Plan) district to allow the demolition of two commercial buildings and the Madison Fire Department Administration Building to allow the construction of a mixed-use building with approximately 255 apartments and 60,000 square feet of retail and office space.

Applicable Regulations & Standards: This project is subject to the standards for demolitions, zoning map amendments, and planned unit developments. Section 28.12 (12) provides the guidelines and regulations for the approval of demolition permits. Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) provides the requirements and framework for Planned Unit Developments.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the requested demolitions for 305, 309, 325 Johnson Street. Further, the Division recommends that the Plan Commission find that the applicable zoning map amendment and planned unit development standards are met and forward Zoning Map Amendment 3627, rezoning 305-325 West Johnson Street from C3 and C4 to the PUD-GDP-SIP (Planned Unit Development-General Development Plan-Specific Implementation Plan) to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Applicant: Mike Slavish; Hovde Properties; 122 W Washington Ave #101; Madison, WI 53703

Contact: Cliff Goodhart; Eppstein Uhen Architects; 222 W Washington Ave #650; Madison, WI, 53703

Property Owners: Hovde Building, LLC #101 and City of Madison

Proposal: The applicant proposes to demolish two commercial buildings and the Madison Fire Department Administration Building to allow for the construction of a mixed-use building with 255 apartments and approximately 60,000 square feet of retail and office space. The administrative offices for the Madison Fire Department would be moved into the proposed building.

Parcel Location: The subject property is located between West Johnson and Dayton Streets, just west of State Street. The project is within the limits of Aldermanic District 4 and the Madison Metropolitan School District.

Existing Conditions: Information regarding the existing conditions and buildings proposed for demolition is included within the body of this report.

Adopted Land Use Plan: The Comprehensive Plan includes this property within the State Street Sub-District of the Downtown area. Further information is included in the body of this report.

Surrounding Land Use and Zoning:

North: Commercial and mixed use buildings, including the rears of some State Street-fronting buildings, zoned C3 (Highway Commercial District) and C4 (Central Commercial District);

South: Fire Station #1 (Which would remain) zoned C3, the Federal Courthouse Building, zoned C2 (General Commercial District), City Parking Ramp, and the Capitol Center Mixed-Use development, zoned PUD-SIP (Planned Unit Development-Specific Implementation Plan);

East: Smaller mixed-use buildings, the Overture Center, and State Street, zoned C4 (Central Commercial District); and

West: Capitol Centre mixed-use development, zoned PUD-SIP (Planned Unit Development-Specific Implementation Plan).

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: The property is currently zoned C3 and C4. Since this project is being rezoned to the Planned Development (PUD) district, and there are no predetermined bulk requirements. A report was not available at the time of writing.

Project Review

The applicant requests approval of three demolition permits and a zoning map amendment to the PUD-SIP (Planned Unit Development-Specific Implementation Plan) District to allow for the development of a 14-story mixed-use building. This proposal is subject to the approval standards for demolitions, zoning map amendments, and planned unit developments.

Summary of the Proposal

The applicant proposes to demolish three structures for the purpose of constructing a 14-story, 255-unit building. The building will have approximately 60,000 square foot of retail and office space, including a new office space for the Madison Fire Department Administration office. Further information on the demolition is included in the analysis section of this report. The buildings proposed for demolition are:

- **305 West Johnson Street:** An 18,700 square foot two-story masonry building constructed in 1913, housing two commercial spaces and 6 apartment units.
- **309 West Johnson Street:** A 34,000 square foot two-story masonry building constructed in 1910. It is primarily used for indoor parking with 43 stalls and includes two commercial spaces that front on W. Johnson St. with a total square footage of 3,600 sf.
- **325 West Johnson Street:** A 14,000 square foot two-story steel framed building constructed in 1968. It is the current administrative headquarters for the Madison Fire Department.

The height of the proposed building varies. Along West Johnson Street, most of the building is six stories and roughly 72 feet in height at the street. Two stepped back floors rise above the western portion of this street-facing mass. The building's center tower element, recessed 12 feet from West Johnson Street, is thirteen stories and has a height of approximately 135 feet. The tallest portion of the building is along West Dayton Street and totals 14 stories. Elevation drawings depict the building and elevator penthouse just below the Capitol View Height limit. No building elements or structures are shown above this height limit in the submitted plans.

Two levels of underground parking are provided. The ground floor includes retail, office, space for the fire administration office, and additional structured parking at the site's interior. Floor two includes additional office space. Floors three through fourteen include residential units. Apartments on the thirteenth and fourteenth floors are two-level units. The thirteenth floor also includes community rooms. Roof-top patios are included adjacent to the seventh and thirteenth floors. The following programming information was included in the letter of intent:

TABLE 1: Building Programming Details

	Apartments		Commercial			Parking		Total GSF*
	GSF*	# Units	Retail GSF*	Office GSF*	Fire Dept GSF*	GSF*	# Stalls	
Lower Level 2						46,237	117	46,237
Lower Level 1						47,891	113	47,891
Ground Floor	2,669		11,059	1,036	2,863	28,878	65	46,505
Mezzanine	8,454				2,376	2,205	8	13,035
Floor 2	981			18,149	24,201			43,331
Floor 3	33,595	36						33,595
Floor 4	33,593	36						33,593
Floor 5	33,595	36						33,595
Floor 6	33,593	36						33,593
Floor 7	24,142	24						24,142
Floor 8	20,072	18						20,072
Floor 9	17,672	16						17,672
Floor 10	17,672	16						17,672
Floor 11	17,672	16						17,672
Floor 12	17,672	15						17,672
Floor 13	12,170	6						12,170
Floor 14	4,683							
Mechanical Penthouse								
TOTAL	278,236	255	11,059	19,185	29,440	125,211	303	463,131

*Gross Square Footage

Source: Hovde Properties Revised Letter of Intent

The residential units are all listed as rental apartments. Units include a mix of studios, one and two bedroom units. The letter of intent lists the average price would range from \$873 a month for a studio up to \$1,974 for a two bedroom unit with den.

TABLE 2: Summary of Unit and Bedroom Data

	Total Dwelling Units	Total # of Bedrooms	Average Unit Size (square Feet)
Studio	20	20	586
One-Bedroom	131	131	729
One-Bedroom w/ Den	40	40	853
Two-Bedroom	49	98	1,105
Two-Bedroom w/ Den	15	30	1,410
TOTAL	255	319	

Source: Madison Planning Division based on the Hovde Properties Revised Letter of Intent

There are two access points provided to the structured/underground parking. The Johnson Street access is provided along the far southwestern side of the building. A second access point is along Dayton Street, near the northeastern side of the building. In total there are 303 vehicular parking stalls proposed beneath and within the building. Of the total stalls, 48 will be reserved for the Madison Fire Department. The applicant indicates that they intend to make available one stall for each of the building's 255 dwelling units. There are 140 total ground-mounted bicycle parking stalls with another 26 wall mounted stalls provided. A total 45 moped parking stalls are provided within the building. Two loading zones are shown.

The building is primarily clad in aluminum framed windows and metal panels. The lower two floors are nearly completely transparent, with metal panels being used in floors three and above. The main body of the building above the second floor is depicted in a gray metal panel, with white metal panels used above. Brown accent panels are also included. Other colored phenolic panels (a heat-cured plastic) are found on the facades and line the inside of the exterior porches. Plans show these as green and yellow. The two-story Fire Administration façade on Dayton Street is made distinct from the rest of the building as it is clad in a different zinc panel down brought down to the street level.

Other Related Approvals and Future Ownership

As part of the agreement with the City, Hovde properties will be submitting two condominium applications. One application will separate the existing Fire Station #1 building from the proposed structure. The second condominium will create units within the new building. The City will obtain ownership of the Fire Station Condominium and then purchase a condominium unit in the new building for the re-located Fire Administrative facility.

Staff notes that there are other related approvals that are not before the Plan Commission. This includes a one-lot certified survey map (CSM) to combine the subject properties into one lot. Ultimately, this lot will be owned by Hovde Properties. This lot includes both the new 14-story building and the existing Fire Station #1, which will remain. As with many similar lot combination CSMs, this is being reviewed administratively.

Project Analysis and Conclusion

The proposed project could not be constructed under the existing C3 (Highway Commercial District) and C4 (Central Commercial District) zoning. As such, the applicant has requested rezoning to the Planned Unit Development (PUD) zoning district.

In making their recommendation to the Council, the Plan Commission will need to consider whether the proposal is consistent with the Comprehensive Plan, the general zoning map amendment standards, and the PUD approval standards. The Plan Commission would also need to find the demolition standards are met prior to granting the requested demolition permits.

Adopted Plan Recommendations

As with any zoning map amendment, the Plan Commission shall not recommend the adoption of a proposed rezoning without due recognition of the master plan of the City.” In addition, 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 believes such a finding can be made.

The Comprehensive Plan includes this property within the Downtown State Street Sub-District. That planning area includes State Street and limited segments of interesting streets. The proposal is consistent with the use list which includes mixed-use buildings and structured parking. No maximum density is recommended for this part of Downtown.

While that Plan provides a maximum height recommendation of six stories, the recently adopted Downtown Plan provides more detailed height recommendations. The Comprehensive Plan notes that “refinements of these sub-districts may occur as City-adopted detailed neighborhood development plans or special area plans are prepared for the Downtown Area.”

The Downtown Plan divides the subject property into three height zones. Most of the Johnson Street frontage is recommended for eight stories, with the portion closest to State Street recommended for six. The Dayton Street frontage is recommended for heights up to the Capitol View Preservation Limit. The proposed building is consistent with most of these height recommendations, with the tallest portions of the building situated along Dayton Street. Along the West Johnson Street frontage, the building is six and eight stories, as called for in the Plan. The only area of divergence is the center tower element, which creates a 13-story mass extending perpendicular to Johnson Street. The tower feature is recessed 12 feet from the Johnson Street sidewalk edge. The tower feature is approximately 56 feet in width, accounting for less than a quarter of the total building width of the West Johnson Street-facing facade. Staff doesn’t object to this mass, and believes it is an acceptable alternative to the prescribed height map. Staff note, the Urban Design Commission recommended final approval at its September 26 meeting.

Downtown Design Zone 1

A small portion of this property is also within Downtown Design Zone 1. A recent amendment to the existing Zoning Code allows Downtown Design Zone standards to be waived as part of Planned Unit Developments. Staff notes that the Downtown Design Zones are not included in the recommended

new Zoning Code, though are in place at this time. In this case, the Downtown Design zone would require a thirty foot step back for the fifth and sixth stories along the at the far eastern corner of the building (closest to State Street). As proposed, this setback is only 10 feet. The Urban Design Commission specifically considered this as part of their recommended approval and staff support the reduced setback, as proposed.

Planned Unit Development Standards

Planned unit developments are intended to promote improved environmental and aesthetic design by allowing for greater freedom, imagination, and flexibility compared to conventional zoning districts. The Planned Unit Development approval standards include the character and intensity of land use, economic impact, maintenance of open space, and the implementation schedule. In reviewing the submitted information, staff believes that these standards can be met.

Staff believes the building is well-designed and believes it has several positive attributes including its roof-top open spaces and highly transparent storefront that should help activate the ground-level block face. Throughout the process, the Planning Division raised some aesthetic questions on the use of the colored metal and plastic panels, both in terms of the amount of façade coverage and the intensity of the colors chosen. These comments were raised by staff and discussed by the Urban Design Commission. That body, which is charged through ordinance to review and report its findings to the Plan Commission and Council, recommended final approval with the panels as shown. Their report is attached.

Considering intensity, staff believes that the proposed uses are consistent with those recommended in the Comprehensive Plan. The project has a calculated density of about 156 du/ac (dwelling units per acre). As stated above, there is no maximum density recommended in this area. The site is less dense when compared to the nearby student-oriented towers west of this site that have densities well in excess of 200 du/ac. As a more qualitative measure of the appropriateness of the intensity, staff have considered whether the project has the internal “infrastructure” including parking and open space to support the development. In discussions with staff, the applicant stated their intent is to make an automobile parking stall available to occupants of the 255 dwelling units. After subtracting out the 48 stalls reserved for the Fire Department, there will be 20 stalls remaining. Staff notes that the zoning text does list the lease or sale of parking stalls as a permitted use. At the time of report writing, the applicant was still looking at the feasibility of adding one level of underground parking.

In regards to bike parking, there are 166 bike stalls provided. The Zoning ordinance would require 153 stalls. Stalls that count towards the ordinance-required count must be ground-mounted and meet the dimensional requirements. Based on the current application, 140 ground-mounted stalls are proposed. As such, at least 13 more ground-mounted stalls would be required. Moped parking is provided at roughly one per every seven bedrooms, consistent with many other downtown area projects which provide a moped parking stall for every five to 10 bedrooms.

In addition to the balconies provided for most of the units, there are also roof-top open spaces provided at the seventh and at the thirteenth floors. While exact dimensions are not specified, staff estimates that after subtracting green roof planting areas, there are roughly 1,800 and 5,000 square feet of outdoor space, respectively. In regards to the thirteenth floor, it is not clear how this area will be accessed. There appears to be other areas adjacent to the third floor green roof that could be accessed by tenants, though no access is shown. The applicant has also indicated that these areas may be rented out for events. The Zoning Administrator indicates that this can occur as an “outdoor recreation area” as listed in the zoning text.

In considering economic impact, the applicant's letter of intent estimates that the project will create up to 70 full time jobs a year for three years through the completion of construction. After construction, it is estimated that the project will result in five full time jobs in building operation, include approximately 40 jobs in the office and retail components of the building, and house roughly 60 jobs with the Madison Fire Department Administration office. Staff notes that a separate application for Tax Increment Financing has also been made.

Construction of the project would be completed in two phases, with the first phase completed in June 2014 and the second phase completed in October 2014. As a condition of approval, staff recommend that the applicant provide the ordinance-required proof-of-financing information as specified in the recommended conditions.

Demolition and Removal Standards

This proposal is also subject to the demolition and removal standards of the Zoning Ordinance and staff believes these standards can be met. In considering these standards, the Plan Commission must find that the proposed demolitions are both 1) consistent with the intent and purpose of the zoning district and 2) that the proposed future use is compatible with the purpose of the demolition section of the ordinance. Regarding the former, staff note that as this request is proposed in conjunction with a PUD zoning map amendment, and that portion of the standard can likely be met.

Regarding the latter, the Statement of Purpose of the demolition section states, in part, that the purpose of these standards are to aid in the implementation of adopted City Plans, protect neighborhood character, preserve historic buildings, and encourage the relocation of existing buildings. These standards also state the project should be consistent with adopted plans. The applicant provided the following information on the buildings:

- **305 West Johnson Street** is an 18,700 SF two-story masonry building constructed in 1913, housing two commercial spaces and 6 apartment units. There are two commercial spaces with a total of 5,726 square feet. The building is not fire sprinklered, accessible to the disabled nor expandable for the purposes of this project. There is an access easement on the W. Dayton side of the parcel sitting between 305 W. Johnson Street and 202 North Henry Street.
- **309 West Johnson Street** is a 34,000 SF two-story masonry building constructed in 1910. It is primarily used for indoor parking with 43 stalls and includes two outdated commercial spaces that front on W. Johnson St. with a total square footage of 3,600 sf. The building is not fire sprinklered, accessible to the disabled nor easily converted from its currently structure parking. There is also a 51 car surface parking lot behind the building which is accessed off of W. Dayton Street.
- **325 West Johnson Street** is a 14,000 SF two-story steel framed building constructed in 1968. It is the current administrative headquarters for the Madison Fire Department. While in good physical condition, the building cannot support the long-term needs of the fire department. Vertical expansion may be structurally feasible, however the cost of this construction combined with associated renovations

The Landmarks Commission was not required to make a formal recommendation on this proposal since none of the buildings are landmarks or adjacent to landmarks, nor is the site within a local historic district. As with all demolition requests, the Preservation Planner shares the proposed demolition requests with the Landmarks Commission. During this discussion, members of the Commission noted

that that this area of West Johnson was known as “automobile row” and while not certain how the building at 305 fits in with that, the Mautz building on the corner was a car dealership and 309 is a garage. The building at 305 West Johnson is Claude and Stark building and that there is a loss of historic buildings in relation to the State Street commercial district. There are also concerns on West Johnson Street and University Avenue concern for the loss of historical building stock. The Landmark Commission stated that buildings that replace them should serve to be future landmarks. Amy Scanlon, the City’s preservation planner noted that the preservation file for 305 shows the Madison Packing Company was located here and credits Claude and Stark and John Flad with later additions. The date of construction is before 1913. Preservation files for 309 and 325 West Johnson Street does not exist. No other formal action was taken.

Public Input

At the time of report writing, staff has not received any public comments on this project.

Zoning Text

Planning Division staff has reviewed the zoning text and recommend some technical corrections. That text (as well as some of the drawings) incorrectly list the building as 13 stories. As detailed in this report, portions of this building are 14 stories. Also, staff believes it would be helpful to provide an enumerated list of permitted uses, versus referencing those in the existing code, which is anticipated to be replaced in early 2013. The text also lists outdoor eating and recreation areas as shown on the plans. Staff notes that this text only applies to areas on the property and not in the right-of-way. A small amount of outdoor eating space may be available in the three-foot setback areas along Johnson Street, subject to meeting applicable codes. Outdoor eating in the right-of-way and other right-of-way improvements are not approved by the Plan Commission.

Conclusion

Staff believes the project can meet the applicable approval standards. At the time of report writing, staff was not aware of any public concerns on the project and staff notes the project has received a favorable recommendation from the Urban Design Commission.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the requested demolitions for 305, 309, 325 Johnson Street. Further, the Division recommends that the Plan Commission find that the applicable zoning map amendment and planned unit development standards are met and forward Zoning Map Amendment 3627, rezoning 305-325 West Johnson Street from C3 and C4 to the PUD-GDP-SIP (Planned Unit Development-General Development Plan-Specific Implementation Plan) to the Common Council with a recommendation of **approval**. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. This plan set shows no building elements or structures above the Capitol Height View Hieght Preservation limit. No element shall be permitted above this limit, except those allowed with conditional use approval as specified in the Zoning Ordinance. A separate conditional use application will be required for any such element.
2. That the applicant provide a minimum of 13 additional ground-mounted bike stalls, consistent with the requirements of the Zoning Ordinance.
3. That the plans be corrected to remove references to 13-story building.
4. That the applicant provides further detail on how the roof-top areas are accessed.
5. That the rooms on the thirteenth floor are clearly labeled, including mechanical and community room spaces as presented to staff. Staff understands that this patio will be used as an outdoor recreation area and should be labeled as such.
6. As required by the Zoning Code for Planned Unit Developments, the applicant shall provide proof of financing which provides assurances that the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community and Economic Development prior to the sign-off and recording of the PUD and any permits being issued. This information should include a letter of commitment from a bank or other lending institution and a letter from a construction company indicating their intent to proceed with the project or other commitments as required by the Director.
7. That the zoning text be revised as follows:
 - a. That the statement of purpose is revised to reflect the revised unit count of 255 dwelling units.
 - b. That the permitted uses are enumerated in a list, provided for staff approval.
 - c. That references to maximum building height of 13 stories be corrected.

The following conditions/comments have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

8. Prior to approval, provide projected daily sewerage demand including a count of total fixture limits. Fifty-Four (54) dwelling fixture units require approval of CARPC (Capital Area Regional Plan Commission) for Water Quality Certification.
9. Submit existing Phase 1 & 2 ESA Reports for 305 and 309 W. Johnson Street.
10. The construction will impact the adjacent building and will likely require agreements for grading and earth retention on those properties. Prior to the approval of the earth retention plan the Applicant shall provide copies of any necessary agreements for work on the neighboring properties. The earth retention plan shall be approved by City Engineering as a condition of the PUD sign off.
11. Depending on the final design of the earth retention plan, additional fees and conditions of approval may be required to relocate city owned utilities or to repair city owned infrastructure to accommodate the construction.

12. The Applicant shall meet with representatives from City Engineering, Traffic Engineering, City Real Estate, and City Information Technology to discuss the impact of the construction on the city owned fiber optic network that currently services the existing fire station. The City and the Applicant will need to determine how to either keep the fiber optic network in service or what impacts will occur due to the construction of the new building. The Applicant and city staff shall also detail the responsibilities of each party.
 13. Coordinate any proposed right of way use with City Engineering, Traffic Engineering and City Real Estate. The plans shall show a minimum walk width of 5ft for the mainline sidewalk with no obstructions. An encroachment agreement may be required depending on the proposed improvements.
 14. In accordance with 10.34 MGO – STREET NUMBERS - Submit a PDF of each floor plan to Engineering Mapping Lori Zenchenko (Lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
 15. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
16. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. (MGO 16.23(9)c)
 17. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace. (POLICY)
 18. The approval of this Conditional Use or PUD does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester. (MGO 16.23(9)(d)(6))
 19. The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development. (POLICY)

20. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
21. The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments. (INFORMATIONAL)
22. The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
23. The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced. (POLICY)
24. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
25. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. (POLICY)
26. All damage to the pavement on West Johnson and West Dayton Streets, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
27. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY)
28. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used. POLICY AND MGO 10.29
29. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
30. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances.

31. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, i) street names, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

32. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

33. Prior to approval of the application, the owner shall obtain a permit to plug each existing storm sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer. \$100 non-refundable deposit will cover for the cost of inspection of the plugging by City staff; and the remaining \$900 will cover the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

34. Prior to approval of the application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

35. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) 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))

36. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

37. City of Madison Environmental Projects Staff have reviewed the subject site and determined that a Phase I ESA will be required of the applicant. The applicant shall provide one (1) digital and two (2) hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if further investigative Phase II ESA is also required. Please submit

any relevant Phase I and Phase II ESAs to Brynn Bemis (608-267-1986, bbemis@cityofmadison.com) for further review. (MGO 16.23(5)(g)(2))

Traffic Engineering Division (Contact Dan McCormick, 267-1969)

38. The applicant shall provide a joint reciprocal driveway easement for the loading zone driveway on Johnson St for the Fire Dept and other entities.
39. The applicant shall demonstrate the truck maneuvers for the loading zone driveway on Johnson St.
40. The applicant shall enter in a developer's agreement and provide plans and specifications, easements, and a financial plan for the replacement City communications facilities currently in the Fire Admin Bldg to be rebuilt in the new building(s).
41. The applicant shall enter in a developer's agreement and provide plans and specifications, easements, and a financial plan for the replacement City fiber facilities currently in the Fire Admin Bldg to be rebuilt in the new building(s).
42. The plans and zoning text shall remove any reference to any plans or features planned or desired in the City public right, and include a note that any plans or changes to facilities in the public right of way are subject to approval by the City.
43. The zoning text shall include a section on how off-street parking is planned for each of the users of the building, including the Fire Dept.
44. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
45. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
46. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

Comments were not provided in time to be included within this report.

Fire Department (Contact Bill Sullivan, 261-9658)

47. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Parks Division (Contact Kay Rutledge, 266-4714)

48. The developer shall pay approximately \$562,719.48 for park dedication and development fees for 255 new multifamily units after a credit is given for the 6 existing multi-family units.
49. The developer must select a method for payment of park fees before signoff on the SIP.
50. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.
51. This development is within the Tenney, Law & James Madison impact fee district (SI26).

Metro Transit (Contact Tim Sobota, 261-4289)

52. Metro Transit does not support the letter of intent and plan documents that might suggest that approval of this project would create a permanent, non-revocable, vehicle loading zone in the southern lane of the City controlled right of way of West Johnson Street, west of the Henry/State intersection.
53. Metro Transit vehicles currently use the southern curb lane of West Johnson Street as they approach their access point onto the State Street transit mall, in part also bypassing congestion in the adjacent through lanes. Buses have regular access to this lane during peak periods when onstreet parking is prohibited and enforced with tow trucks – as well as during off-peak periods when vehicles are not occupying the designated parking lane. A safety hazard can present itself each time a bus operator must merge into and out of an adjacent travel lane, such as to avoid private vehicles occupying what is otherwise an operable lane.
54. The West Johnson Street corridor (as it approaches the State Street transit mall) has historically been identified as a location where future high-capacity transit modes might be introduced. An investment in such advanced transit operations could include permanently designating a curb lane for the vehicles used – dependent upon future City policy decisions related to on-street parking or other curb lanes uses like loading zones.
55. The applicant shall remove all references to loading zones that fall within City controlled public rights-of-way so that Metro Transit may review and approve the design. Any policy decision on loading zones in public rights-of-way (including time restrictions) should follow standard procedures governed by City Traffic Engineering.
56. Metro Transit operates daily transit service along West Johnson Street on the block between Broom Street and State Street. The existing bus stop is located on the west end of this block, just east of the Broom Street intersection. Metro Transit currently operates just under three hundred trips eastbound along West Johnson Street adjacent this block on a typical weekday, with close to thirty trips an hour during peak periods.

Water Utility (Contact Dennis Cawley, 261-9243)

57. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.