



PREPARED FOR THE PLAN COMMISSION

Project Address: 118-126 State Street
Application Type: Zoning Map Amendment and Demolition Permit
Legistar File ID # [52535](#) and [52218](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Heather Stouder, Bill Fruhling and Kevin Firchow, Planning Division

Summary

Applicant & Property Owner: Eric Nordeen, 122 State Street Group, LLC; 2001 W. Beltline Highway, Suite 200; Madison.

Contact Person: Jeff Vercauteren, Husch Blackwell, LLP; 33 E. Main Street, Suite 300; Madison.

Requested Actions: Approval of a request to rezone 118-126 State Street from DC (Downtown Core District) to PD (Planned Development District) and approval of a General Development Plan and Specific Implementation Plan and demolition permit to demolish four commercial buildings and construct a nine-story, 133-room hotel with first floor restaurant-tavern and rooftop lounge.

Proposal Summary: The applicant is requesting approval to demolish most of the two-story commercial building at 118 State Street, all of the six-story retail/office building at 122 State and two-story mixed-use building at 124 State, and most of a three-story mixed-use building at 126 State (also 117 W. Dayton Street) to allow construction of a nine-story, 133-room hotel with first floor restaurant-tavern and rooftop lounge. As part of the demolition, the pedestrian bridge across W. Dayton Street with the City's State Street Capitol Garage will also be removed. The applicant proposes to commence demolition of the existing structure and construction of the hotel in March 2019, with completion scheduled for September 2020.

Applicable Regulations & Standards: The approval process and standards for the Planned Development district is outlined in Section 28.098 of the Zoning Code. Section 28.182 of the Zoning Code provides the process for zoning map amendments. Section 28.185 provides the process and standards for the approval of demolition and removal permits

Review Required By: Urban Design Commission, Plan Commission and Common Council. In addition, the proposed rezoning ordinance was referred to the Downtown Coordinating Committee and Transportation Commission to allow those bodies to provide recommendations to the Plan Commission. The Landmarks Commission also reviewed the project for potential impacts on the adjacent landmark Lamb Building at 114 State Street and commented on the demolitions proposed with the project.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00338 and 28.022-00339, rezoning 118-126 State Street from DC to PD and approving a General Development Plan and Specific Implementation Plan to construct a nine-story hotel, to the Common Council with a recommendation of **place on file without prejudice**. The Planning Division recommends that the Plan Commission also find the standards not met and **place on file without prejudice** the related demolition permit for the subject site.

However, should the Plan Commission find the standards for approval met, staff recommends that the project be approved subject to input at the public hearing, the recommendations of the Urban Design Commission, Transportation Commission and Downtown Coordinating Committee, and the conditions from reviewing agencies beginning on page 13 of this report.

Background Information

Parcel Location: The development site is 13,197 square feet (0.3 acres) in area and occupies most of the flatiron block bounded by State Street, N. Carroll Street, and W. Dayton Street, with frontage along all three streets; Aldermanic District 4 (Verveer); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is zoned DC (Downtown Core District). According to City records, the two-story commercial building at 118 State Street was constructed in 1886 and expanded in 1938, and contains 5,626 square feet of floor area, which has been used most recently as a restaurant. The six-story retail/office building at 122 State was constructed in 1917 and contains 41,070 square feet of floor area that includes first floor restaurant spaces and offices on the upper floors. The two-story mixed-use building at 124 State was constructed in 1904 and includes 2,330 square feet of floor area; three three-story mixed-use building at 126 State (also 117 W. Dayton Street) was built in 1908 and includes 2,575 square feet of first floor commercial space and four apartments on the upper two floors.

Surrounding Land Uses and Zoning: The subject site is bounded on the west by two two-story commercial buildings at 128 and 130 State Street, and on the east by a three-story commercial and residential building at 114 State Street and a four-story commercial building at 100 State Street. The blockface across State Street from the subject site is comprised of two- and four-story commercial and mixed-use buildings. The land opposite the W. Dayton Street frontage is developed with the City's State Street-Capitol Parking Ramp, while the blockface across the N. Carroll Street frontage is developed with the thirteen-story, 373-room Concourse Hotel and the ten-story 30 West Mifflin building, which houses the State of Wisconsin Veteran's Museum on the lower two floors and offices above. The adjacent and opposing buildings fronting onto State Street are zoned DC (Downtown Core District), as are the Concourse Hotel and Capitol Square buildings. Buildings across W. Dayton Street are zoned UMX (Urban Mixed-Use District).

Adopted Land Use Plan: The subject site and 100-blocks of State, N. Carroll, and W. Dayton Streets are identified in the State Street mixed-use sub-district of the 2006 Comprehensive Plan. Development in the State Street sub-district is recommended to include mixed-use buildings containing a mix of office, service, dining, entertainment, etc. uses on the lower floors and residential uses on upper floors as well as government, cultural and institutional uses, and lodging. Design standards in the State Street sub-district seek to maintain the historic mid-rise character and retail continuity of the street. Buildings in the sub-district are recommended to be a minimum of two stories in height, a maximum of four stories at the street, and a maximum of six stories if stepped back. [Note: The project was submitted for review prior to the recent adoption of the 2018 *Imagine Madison Comprehensive Plan*.

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

buildings along State Street be two- to four-stories tall to create “a sense of enclosure while also providing openness and access to sunlight.” The height map in the plan recommends a maximum building height of four stories along State Street, with a maximum of six stories possible on the rest of the block beyond a 30-foot setback from State Street.

Zoning Summary: The site will be zoned PD, which will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Urban Design (PD zoning), Adjacent to Landmark, Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection, Waterfront Development, Adjacent to Park
<i>Prepared by: Jenny Kirchgatter, Asst. Zoning Administrator</i>	

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 seven-day Metro Transit service along State Street and the Capitol Square. Metro Transit operates daily bus service along the 100-block of the State Street transit mall, with the frequency of service varying from roughly 200 daily trips on Sundays to over 600 trips each weekday.

Project Description

The applicant, Ascendant Properties, is seeking approval to demolish most of the two-story building at 118 State Street, all of the six-story retail/office building at 122 State and two-story mixed-use building at 124 State, and most of a three-story mixed-use building at 126 State (also 117 W. Dayton Street) to allow construction of a nine-story, 133-room hotel with first floor restaurant-tavern and rooftop lounge on the approximately 0.3-acre site. The pedestrian bridge across W. Dayton Street that connects 122 State Street to the City’s State Street Capitol Garage will be removed as part of the project. The applicant is seeking approval of a Planned Development zoning district to allow the height of the proposed hotel to exceed the six-story, 88-foot maximum height allowed for most of the site and surrounding block on the Downtown Height Map in Section 28.071(2)(a) of the Zoning Code.

The development site occupies most of the flatiron block bounded by State Street, N. Carroll Street, and W. Dayton Street, and includes frontage along all three of those streets. Plans for the proposed hotel call for the building to be constructed to the property lines on all three street frontages. The floor plans are not fully detailed, but based on discussions with the applicant, the first floor of the hotel will contain the lobby adjacent to the Carroll and Dayton corner and a bar and restaurant that will open onto State Street. A loading dock/service area is proposed at the southernmost end of the N. Carroll Street façade. The applicant proposes to use N. Carroll Street for guest arrival and for its auto and bike valet parking operation; no auto parking will be provided on-site, while bikes will be stored in the building.

The second through fourth floors of the hotel will feature guest rooms, with those floors built mostly to the three property lines with the exception of a portion of the fourth floor, which will be slightly set back above the cornice of the buildings at 118 and 126 State Street to emphasize the preservation of those façades with the project. At the fifth floor, the State Street façade of the hotel will be set back 30 feet in observance of the four-story height maximum at State Street on the Downtown Height Map. A terrace is proposed at the fifth floor adjacent to three meeting rooms on the State Street side. The remainder of the fifth floor and all of the sixth through eighth floors will be comprised of guest rooms. The ninth floor will feature a bar/lounge and related spaces, with the rest of the floor to be an open outdoor terrace. As shown on sheet A-206, the ninth floor will be recessed from the eighth

floor below and contain less floor area than the floors below (3,542 square feet compared to 10,131 on the eighth floor). A recessed mechanical penthouse is proposed above the ninth floor.

The first floor of the building will have a floor-to-ceiling height of 14 feet, with 11-foot floor heights on floors two through eight. The rooftop mechanical penthouse will be approximately 115 feet above the grade of N. Carroll Street, with the ninth floor roof approximately 107 feet above N. Carroll Street (104 feet above State Street). [A modest grade change exists along N. Carroll Street from Dayton down to State, which results in slightly different height measurements on the State and Carroll elevations.] The massing of the hotel, including the recessed ninth floor and mechanical penthouse, are depicted on the elevations and renderings included with the application materials.

The design of the hotel has evolved over the roughly two-year period since the proposal was first made public, both in terms of the exterior expression of the hotel and the footprint of the building, which has grown from a parcel and building comprised of 118 and 122 State Street to one that includes 124 and 126 State with the current proposal. Throughout, the development has principally called for an eight-story mass centered on the Carroll-Dayton intersection, with a four-story mass at State Street and a lounge on a ninth floor stepped in from the parapet of the eighth floor below.

The current hotel proposal has been articulated to create a rhythm that is similar to the storefront bay widths typically found along State Street. The front facades of 118 and 126 State Street have been incorporated into the proposed building to serve as bookends to the new construction at street level, with additional stories added above but stepped back. A deep step back occurs above the fourth story as the building increases in height to eight stories, then to nine stories after an additional stepback. The eight-story mass of the hotel features a distinct limestone exterior on the lower four floors, and a contrasting metal and glass expression on the four floors above. The base is capped by a cornice line that relates to the height of the four-story building at 100 State Street.

Analysis

Hotels and restaurant-taverns are permitted uses in the Downtown Core zoning district. However, as noted earlier in this report, the full eight-story mass of the proposed building with its modestly recessed ninth floor exceeds the six-story maximum height allowed for most of the site and surrounding block on the Downtown Height Map in Section 28.071(2)(a) of the Zoning Code. Per Section 28.071(3)(d), the first floor of a building shall not exceed 18 feet floor to floor, while upper floors shall not exceed 14 feet floor to floor, which corresponds to an 88-foot maximum height above grade for a six-story building. The allowed zoning heights are consistent with and implement the detailed height recommendations in the adopted 2012 Downtown Plan. The proposed building will be 107 feet tall. Heights exceeding those allowed by zoning require approval of a Planned Development (PD) zoning district.

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City's Comprehensive Plan as required by Chapter 66.1001(3) of Wisconsin Statutes. "Consistent with" is defined as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan."

Consistency with the Standards and Process for the Planned Development District (MGO Section 28.098)

The Statement of Purpose for the PD district states that the district is "established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative

fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials.” In addition, the Planned Development District is intended to promote green building technologies and encourage sustainable development; promote integrated land uses; preserve historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land; provision of more adequate, usable, and suitably located open space, and recreational amenities than would otherwise be provided under conventional land development techniques; and to facilitate high-quality development that is consistent with the goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

The PD district is intended only for use in situations where none of the base zoning districts address the type of development or site planning proposed. Examples include redevelopment, large-scale master planned developments, projects that create exceptional employment or economic development opportunities, or developments that include a variety of residential, commercial, and employment uses in a functionally integrated mixed-use setting. Each PD district is a site-specific zoning district, with specific requirements that are unique to that Planned Development. In the Planned Development District, there shall be no predetermined requirements for lot area, lot width, height, floor area ratio, yards, usable open space, signage, or off-street parking and loading, but such requirements may be made a part of a planned development during its approval and recorded against the PD-zoned property as regulations to be enforced as a part of this ordinance.

The applicable standards for approval of a zoning map amendment to the PD district and staff analysis for this project follow.

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

Analysis: As noted earlier in the ‘Analysis’ section, the Planned Development zoning district provides the only mechanism for considering a building taller than otherwise allowed on the Downtown Height Map, which requires this criteria to be met by default. The applicant also cites the subject site’s configuration and frontage on three streets as “unique” conditions that support the additional height sought through the PD zoning district.

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

Analysis: Notwithstanding the height of the proposed building, many aspects of the hotel are consistent with the recommendations of both the 2006 Comprehensive Plan and 2012 Downtown Plan with regard to the emphasis in both plans on creating a vibrant, engaging, mixed-use 24-hour regional activity center. [The project was submitted for review prior to the August 7, 2018 adoption of the 2018 *Imagine Madison Comprehensive Plan* and therefore will be reviewed against the recommendations of the 2006 plan.]

The subject site and 100-blocks of State, N. Carroll, and W. Dayton Streets are identified in the “State Street mixed-use sub-district” of the 2006 Comprehensive Plan, which recommends that development in the sub-district include mixed-use buildings with a mix of office, service, dining, entertainment, etc. uses on the lower floors and residential uses on upper floors, as well as government, cultural and institutional uses, and lodging. Design standards in the State Street sub-district seek to maintain the historic mid-rise character and retail continuity of the street, with new buildings recommended to be a minimum of two stories in height, a maximum of four stories at the street, and a maximum of six stories if stepped back.

The 2012 Downtown Plan includes the subject site and 100-block of State Street in the “State Street” District. The plan recommends that the subject site and properties west of N. Carroll Street be developed with Downtown Mixed-Uses and seeks to maintain and enhance the “unique,” “vibrant,” “special,” and “intimate” character of the State Street District as the City’s “premier” destination for shopping, dining, culture and entertainment by reinforcing the pedestrian-scale of the district and “human-scale” developments that promote synergy and interaction (Objective 4.2).

The plan suggests that the appropriate height for new buildings is influenced by numerous factors, including topography, 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. Buildings along State Street are recommended to be two- to four-stories in height to create “a sense of enclosure while also providing openness and access to sunlight,” with a maximum of six stories possible on the rest of the block beyond a 30-foot setback from State Street. The plan notes that the “vibrancy and intimacy of State Street is largely attributable to the rhythm of its buildings, with their typically narrow, small first floor commercial spaces that accommodate a wide variety of small businesses; and it is essential that both the scale and rhythm of the buildings and the diversity of uses be retained.” The plan supports the limited development of some larger commercial spaces in the State Street district if the buildings are carefully designed to maintain the predominant small-scale rhythm of the street frontage, including through limiting the amount of block frontage devoted to a single use, providing multiple street entrances for larger establishments, and articulating both the ground and upper story façade of larger buildings to reflect the narrower width characteristics of the street (pages 44-45). However, the Downtown Plan recommends that the maximum building heights may be exceeded through the planned development process (Recommendation 49, page 36).

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

Analysis: Planning staff is not aware of any significant concerns expressed by City agencies about the capacity of municipal services needed to serve the proposed development. The City Engineering Division does not have specific concerns about the project but has submitted a comment that requires the applicant to provide estimated sanitary sewer flow calculations to verify that the existing City sanitary sewer has adequate capacity to serve this hotel redevelopment (condition #6). A comment from the Police Department dated July 9, 2018 also expresses no specific concern with the project (see attached).

- d) *The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and*

actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.

Analysis: The Plan Commission shall note the memo dated September 17, 2018, from Yang Tao, Interim City Traffic Engineer and Parking Manager, which includes three proposed options for guest drop-off and loading to serve the proposed hotel. Throughout the process leading up to the formal submittal of the hotel for Plan Commission and Common Council review, the project team has worked with Traffic Engineering and Parking Utility staff to address concerns about guest drop-off and loading, including submittal of a traffic impact analysis (TIA), which is attached to legislative file [52535](#).

As noted in the preceding section, no on-site parking is proposed to serve the hotel. Instead, valet parking located on the N. Carroll Street side of the hotel will be used to park autos off-site and to manage the storage of bicycles on-site. Secondary/ backup drop-off will use W. Dayton Street. A draft Transportation Demand Management Plan (TDMP) was provided for staff review on September 7, 2018, which outlines the proposed valet and delivery strategies for the hotel. As of September 11, the project team indicates that it has had discussions with the owners/operators of five parking facilities in the downtown area and is working to secure 80 automobile stalls to serve the hotel valet, although no letters of intent or leases for those spaces are currently available. The locations of those stalls and possible routing from the hotel are included in the meeting materials for this project.

In order to accommodate the valet parking and loading for the hotel, Traffic Engineering and Parking Utility staff developed three options for the use of N. Carroll Street with input from the development team. N. Carroll Street is currently a half-block long street that ends in a cul-de-sac before intersecting State Street. The block includes public art and a raised stage at the State Street end, with seven perpendicular public parking stalls and one parking stall for the disabled/veterans at the W. Dayton Street end. In addition to the public parking stalls, N. Carroll Street is used for short-term parking/standing by delivery vehicles for Ian's Pizza, loading for the Concourse Hotel, and as alley access for buildings that front onto the Capitol Square.

At the time of introduction, the proposed Planned Development zoning map amendment ordinance was referred to the Transportation Commission for a recommendation, particularly with regard to how the project met standard d). The project team presented the project to the Transportation Commission at its August 8, 2018 meeting, and the commission voted unanimously to recommend approval of the PD zoning to the Plan Commission at its August 22 meeting using the Option 1 parking scenario developed by Traffic Engineering and Parking Utility staff and subject to the conditions in the August 21, 2018 memo from Yang Tao. The Transportation Commission recommendation included a condition that a Parking Management Plan for the hotel be collaboratively developed with existing adjacent businesses (the TDMP was not available during the Transportation Commission discussion).

The September 17 memo, earlier August 21, 2018 memo to the Transportation Commission by Yang Tao and related attachments (options, photos, etc.) and conditions of approval contained therein, the Transportation Commission recommendation, and the additional conditions of approval included in the 'Recommendation' section at the end of this report should all be considered an integral part of this report and its recommendations and conditions.

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

Analysis: The Planning Division does not believe that the proposed planned development meets this standard for approval. The nine-story building is fundamentally inconsistent with both the existing and intended character of the flatiron block bounded by State Street, W. Dayton Street and N. Carroll Street and the majority of buildings in the immediate context, and is three stories taller than the maximum recommended by the Downtown Plan.

However, staff believes that the Plan Commission and Common Council could find this standard met if they can find that the massing of the proposed nine-story building does not unduly impact surrounding streets and properties, and if specific changes are made to increase the openings on highly visible upper facades (see below). On balance, the design of the hotel has many merits. Despite the nine-story portion of the building that would now set the backdrop for State Street and substantially increase the building mass along W. Dayton and N. Carroll Streets, the applicant has made sincere efforts to improve the compatibility of the building with the existing rhythm of narrow buildings along State Street at street level. Further, the building entrances, materials and architectural details proposed would significantly improve and activate the Dayton and Carroll Street sides of the subject property.

In order for a building of the height proposed to be approved, staff believes that the upper levels of the building need to be better articulated along the interior side walls, which will be visible from vantage points on the Capitol Square and from the Overture Center at the intersection of State Street-Fairchild Street-Dayton Street. As designed, those elevations include walls designed to mimic the rest of the building using metal panels patterned to match glass, but which will otherwise be impervious and lack the window openings present on the street-facing walls due to limits on the percentage of window openings allowed along property lines by the Building Code. Should the proposed nine-story building be approved, the interior side walls should be pervious and include full glass windows along those facades to the greatest extent possible, which will require the developer to obtain easements or air rights from the adjoining properties and/or use fire-resistant glass on those sides of the building.

The Urban Design Commission (UDC) reviewed the proposed development on August 8, 2018 and found the standards for approval met to recommended initial approval without conditions. In making its recommendation to the Plan Commission, the UDC stipulated that the change in height is allowed due to the unique challenges of this site, location, and relationship to the [Capitol S]quare, and the project was “not setting a precedent.” The full report of the August 8 UDC discussion of the hotel follows this staff report.

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

Analysis: Staff feels that the proposed hotel meets this standard.

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

Analysis: This is proposed as a single-phased project. However, in general, there are few areas of the City where the inability to successfully complete an approved development in a timely manner would be more concerning than the 100-block of State Street within eyesight of the Capitol Square. Accordingly, staff recommends that the applicant provide proof of financing capability and executed contracts with construction firms for the entire scope of the project in a form acceptable to the Director of Planning and Community and Economic Development as a condition of approval. No permits to commence the project should be issued until this condition has been met.

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

1. *The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.*

Analysis: Staff acknowledges that the excess height proposed may be compatible with some of the existing and planned building heights in this part of the downtown, particularly the Concourse Hotel across Carroll Street to the northeast, and the recommended eight- to ten-story building height for portions of the Madison College property to the north across the Dayton-Carroll intersection. However, staff does not believe that the excess height proposed is compatible with the existing or planned character of the properties immediately surrounding the subject property, all of which front onto State Street. Both the ten-story building at 30 W. Mifflin Street (“Thirty on the Square”, constructed in 1964) and thirteen-story Concourse Hotel (1973) were considered when the recommendations in the Downtown Plan were developed and adopted, including the recommended heights for the 100-block of State Street. The intent at that time was for new buildings to step down in height closer to State Street.

The proposed hotel will adhere to the four-story maximum building height at State Street and the 30-foot stepback for building mass above four stories recommended by the Downtown Plan, which the June 20, 2018 letter of intent asserts is a positive attribute of the development compared to the existing six-story former YWCA building at 122 State Street, which is effectively built to the property line at the street.

However, staff does not feel that stepping the proposed mass back in accordance with the Downtown Plan and Zoning Code justifies the additional height proposed. The building at 122 State dates to 1917 according to City records, which makes it a contemporary of the current State Capitol (1917). Staff disagrees with 122 State being characterized as “non-conforming” by the applicant, as asserted in their June 20 letter of intent. On the contrary, staff does not feel that creating a bulk condition consistent with more recently adopted planning recommendations is reason to grant approval of a new building at the same, or in this case, greater height than the current six-story mass. Further, the massing recommendations in the Downtown Plan are intended to guide how **new buildings** fit into the fabric of the downtown, not to portray existing buildings as out of character, especially when considering that buildings like the six-story building at 122 State Street are part of that historic downtown fabric.

2. *The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.*

Analysis: While this standard can be difficult to quantify, it is perhaps the most consequential for determining whether any height above the allowed maximum on the height map should be approved, and if so, how much. Planning staff also does not believe that the applicant has demonstrated that the proposed building results in a higher quality building than could be achieved without the additional stories.

The letter of intent indicates that the additional three stories of height allows “the utilization of higher quality building materials, cladding components, glazing assemblies and crafted design components” and asserts that the economics of hotel construction “constrain projects into utilizing building materials” such as metal panels, applied plaster, EIFS, pre-painted fiber cement panels or similar products that are “often less permanent in nature and prone to premature failure or high long-term maintenance costs.” By comparison, “the project will utilize lifetime finishes such as stone and masonry afforded in a higher service, specialty independent hotel that could not be sustained with a lower height and density.” The letter of intent also suggests that the additional height “allows for rooftop views providing downtown residents and visitors with views of Lake Mendota, thereby furthering one goal of the Downtown Plan to increase access to the lakes.”

This creates a false equivalence in staff’s opinion, which suggests that a nine-story building that employs real or perceived higher-quality materials should be of equal or greater value as a six-story building that complies with the Downtown Height Map but that might employ what the applicant suggests are lesser quality materials. However, this hypothesis assumes that the perceived lesser quality building would be approved without providing any analysis to objectively support the claim. The applicant has not shown a comparison of the proposed nine-story building with a six-story building, making it difficult to conclude that the nine-story building would be of higher quality than a building of lesser height. Financial considerations alone should not factor in this finding, as any subsequent proposal to exceed the allowed height here or elsewhere downtown is unlikely to cost less to construct or be less valuable than the current proposal. The Plan Commission and Common Council should not approve such a significant land use entitlement based on a perception of building quality or class of hotel, as the metrics for especially the latter may evolve over the course of time, while the building is likely to stand for decades to come.

Further, any height beyond that recommended in the Downtown Plan and codified in the Zoning Code could create a precedent for future buildings proposed along State Street and elsewhere in the Downtown area. The Plan Commission and Common Council should carefully consider the rationale for additional height, if any, and make specific findings why the additional height is acceptable.

3. *The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the project and create a pleasing visual relationship with them.*

In order to approve a taller building than allowed by the Downtown Height Map, the scale, massing and design of the new building shall complement and positively contribute to the setting of any landmark buildings within or adjacent to the project and create a pleasing visual relationship with them. In this case, the proposed hotel is adjacent to the landmark three-story Lamb Building at 114 State Street, another “through-block” building, which, like the buildings at 118 and 122 State, has frontage on both State and N. Carroll streets.

Per Section 28.144 of the Zoning Code: *“Any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission.”*

On July 9, 2018, the Landmarks Commission voted to recommend to the Urban Design Commission and Plan Commission that the plans for the proposed hotel are not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark. As such, staff believes that the Plan Commission may find that the project meets this standard for additional height.

4. *For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant*

Analysis: The applicant has provided views of the proposed hotel from Bascom Hill looking toward the State Capitol down State Street, and from two points along Carroll Street north and south of the site. The viewshed study included with the plans for the hotel also include images that reiterate the applicant’s assertion that long views along State Street will be improved following demolition of the 122 State building.

Views up and down State Street from the Capitol to the University of Wisconsin campus are considered among some of the most important to preserve in the Downtown Plan. The view of both lakes from the ends of Carroll Street are also highlighted in the plan. Staff believes that the massing of the proposed hotel would not negatively impact the State Street view corridor, although it disagrees that the mass of the historic 122 State Street building negatively impacts this corridor now. Further, the additional mass proposed along Carroll Street should not negatively impact the views of the lakes along that corridor. Additionally, the removal of the pedestrian bridge that connects 122 State to the State Street-Capitol Parking Ramp with the project would significantly improve the terminal view of the Overture Center along W. Dayton Street.

Consistency with the Demolition and Removal Permits Standards (MGO Section 28.185)

Photos of the interior and exterior of the existing buildings are included in the application materials for the project, as are detailed historic analyses prepared by local preservation architect Charles Quagliana in April 2017 (118 and 122 State) and July 2018 (126 State).

In order for the requested demolition permit to be approved, the Plan Commission shall find that both the requested demolition and the proposed use are compatible with the purpose of Demolition or Removal section of the Zoning Code, Section 28.185, and with the intent and purpose for the zoning district in which the property is located. The proposed use following demolition or removal should be compatible with adopted neighborhood plans and the Comprehensive Plan. The Commission shall consider and may give decisive weight to any relevant facts, including but not limited to the effects the proposed demolition and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties; and the reasonableness of efforts to relocate the building, including but not limited to the costs of relocation and the structural soundness of the building.

If the Plan Commission can find that the proposed Planned Development zoning meets the standards for approval, it may also find that the full demolition of two of the buildings on the site and partial demolition of two others meets the standards for approval in Section 28.185 of the Zoning Code.

The Landmarks Commission informally reviewed the demolition of the four buildings at its July 9, 2018 meeting and recommended to the Plan Commission that the buildings at 118 and 126 State Street have historic value related to the vernacular context of Madison's built environment, but the buildings are not historically, architecturally, or culturally significant and the buildings at 122 and 124 State Street have no known historic value.

Other Considerations

In addition to the zoning map amendment ordinance being referred to the Transportation Commission, the matter was referred to the Downtown Coordinating Committee, which reviewed the hotel project at its August 16, 2018 meeting. The Committee recommended approval of the development to the Plan Commission with a condition that the project return "for input and discussion on the details of the project as related to the mission of the Downtown Coordinating Committee, specifically regarding their role as stewards of the public space in the downtown area, regarding operation, design, safety, maintenance and use of the high-quality urban space for pedestrians in an environment that promotes healthy businesses." The full discussion at DCC is included in the legislative file for the rezoning (ID [52535](#)).

Finally, the June 20, 2018 letter of intent includes a formal request to amend the Downtown Height Map to allow 19 feet of additional height for 118-126 State Street. The applicant is not clear whether they are requesting an amendment to the Zoning Code to change the map in Section 28.071(2)(a), the map shown in the Downtown Plan, or both. Regardless, an amendment to the plan and Zoning Code would require Common Council approval of a separate resolution and ordinance, respectively, with those legislative questions to be sponsored by a member of the Council. In the case of the zoning text amendment to change the map in the code, a public hearing would also be required. No such legislative requests are pending at this time, and staff recommends that rather than entertaining an amendment to the Downtown Plan or to the Downtown Height Map in the Zoning Code, the Plan Commission and Common Council should instead continue to weigh this request using the Planned Development standards.

Conclusion

The proposed hotel redevelopment of 118-126 State Street requires approval of a Planned Development rezoning of the 0.3-acre site to exceed the maximum allowed height on the Downtown Height Map in Section 28.071(2)(a) of the Zoning Code by three stories, as well as approval of a demolition permit to allow the full demolition of two of the existing buildings on the site and partial demolition of two others. In order to approve the proposed PD zoning district for the project, the standards in Section 28.098(2) of the Zoning Code shall be met, with particular emphasis on the standards in subsection (2)(h) for an application for height in excess of that allowed on the Downtown Height Map.

The Planning Division does not believe that the applicant has demonstrated that the project meets the criteria for additional height in order to allow the three additional stories of height above the maximum of six allowed on the Downtown Height Map in the Zoning Code. While staff acknowledges that the design of the proposed hotel has architectural merit, staff believes that the proposed scale and mass of the building does not comport to the existing or intended character of the flatiron block bounded by State Street, W. Dayton Street and N. Carroll Street

as recommended by the 2006 Comprehensive Plan and 2012 Downtown Plan. Specifically, staff cannot find that the standards for height in excess of that recommended in the Downtown Height Map are clearly met, and believes that the many positive aspects of the proposal could likely be achieved with a six-story building consistent with plan recommendations.

However, should the Plan Commission and Common Council find the standards for approval met, staff recommends that specific findings be made why the proposed nine-story building should be approved. While no two development proposals are alike and each must be considered based on their individual merits, staff would assert that how one project is determined to meet the standards could set a precedent for future discussions about other proposals for this or other sites in the downtown. The Commission and Council should make clear findings why this project is exceptional in order to preserve the integrity of the Downtown Plan and its recommendations.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00338 and 28.022–00339, rezoning 118-126 State Street from DC to PD and approving a General Development Plan and Specific Implementation Plan to construct a nine-story hotel, to the Common Council with a recommendation to **place on file without prejudice**. The Planning Division recommends that the Plan Commission also find the standards not met and **place on file without prejudice** the related demolition permit for the subject site.

However, should the Plan Commission find the standards for approval met, staff recommends that the Commission make clear findings on how the proposed hotel meets the standards for approval, particularly the standards for height in excess of that allowed on the Downtown Height Map in Section 28.071(2)(a) of the Zoning Code. Approval of the project should be subject to input at the public hearing, the recommendations of the Urban Design Commission, Transportation Commission, and Downtown Coordinating Committee, and the following conditions:

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

1. Prior to final sign-off and issuance of demolition or building permits for the hotel, proof of financing and executed contracts with construction firms for the entire scope of the project shall be provided for review and approval by the Director of Planning and Community and Economic Development, which shall indicate that the project, once started, can be completed consistent with the approved plans.
2. Revise the plans prior to final approval and issuance of permits to label the spaces on all of the floorplans and provide detailed elevation graphics for all walls of the building. The first floor plan shall include detailed information on the location and furnishing of the valet station.
3. Provide detailed site plans and landscaping plans for the site and adjacent rights of way for review and comment by the Planning Division prior to incorporation of those plans into the public improvement plans and specifications approved by the Board of Public Works and Common Council.

Urban Design Commission

The Urban Design Commission recommended initial approval of the Planned Development on August 8, 2018 with no conditions. Final approval by the Urban Design Commission is required prior to final sign-off of the planned development and the issuance of demolition or building permits. The August 8 UDC report follows this report.

The following conditions have been submitted by reviewing agencies:

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

4. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
5. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Please 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.
6. 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.
7. Plans show eight-inch lateral connection to eight-inch main. Connection of laterals eight-inch in diameter or larger require a manhole over the City sewer main.
8. The applicant shall provide projected wastewater flows as a condition of plan approval. The City sanitary sewer on State Street may have capacity limitations. The applicant shall submit projected wastewater flows to Mark Moder, mmoder@cityofmadison.com, 261-9250 as a condition of plan approval.
9. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
10. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). All other levels (contours, elevations, etc) are not to be included with this file submittal. E-mail CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the

building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

11. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or tstroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: 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) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
12. This project appears to require construction dewatering. A dewatering plan shall be submitted to the City Engineering Division as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project additional Wisconsin Department of Natural Resources (WDNR), Public Health Madison-Dane County, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
13. 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.
14. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of 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 5.0 tons per acre per year.
15. For commercial sites less than one (1)-acre in disturbance, the City of Madison is an approved agent of the Department of Commerce and Wisconsin Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than one acre, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
16. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office.
17. 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 Madison General Ordinances.
18. Proposed storm laterals shall be connected to the public storm sewer at an existing SAS or will require a proposed structure at the connection point. Plans shall be revised accordingly. Any unused storm sewer laterals shall be plugged and the owner or owner's representative shall obtain a permit to plug each existing storm sewer lateral that is unused.

19. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering 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. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
20. This zoning approval 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.
21. 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.
22. The applicant shall construct pavement, curb and gutter, and sidewalk on the abutting streets to a plan approved by the City.
23. The applicant shall abandon all underground vaults in the right of way.
24. The applicant shall remove street overpass structure. Restoration to the [State Street-Capitol Parking Ramp] shall be constructed by the developer as required by City Engineer.

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

25. The site plans included in the packet are deficient. They are from the previous application in August of 2017. They do not show the current building as proposed and they do not include the additional lands added to the project from 124-126 State Street. Additional comments and conditions are reserved pending the submittal of fully developed site plans for this proposed building.
26. The plans for this redevelopment require the removal of the skywalk over W. Dayton Street, demolition of the existing buildings and the removal of underground vault areas under W. Dayton Street and N. Carroll Street. Applicant shall coordinate a Real Estate project with Jeff Quamme (jrquamme@cityofmadison.com - 266-4097) for the termination of the Encroachment agreement and amendment per Document Nos. 2024487 and 4825670, Real Estate Project No. 527. Also, the Air Space Lease per Document No. 3931894, existing Real Estate Project No. 499 for the skywalk improvements shall be terminated.
27. The Site Plan indicates fixed canopies and cornices that will encroach into the N. Carroll, W. Dayton and State Street rights of way. The applicant shall confirm all other portions of the proposed building and/or any private site improvements that will encroach into the adjacent right of ways. This includes (not limited to) balconies, roof overhangs and underground vaults. For all private improvements encroaching into the rights of way, the applicant shall make an application with City of Madison for a privilege in streets administered by the City of Madison Office of Real Estate Services. An approval of the development does not constitute or guarantee approval of any encroachments within a public right of way.

28. Since the new application site plans are incomplete, the project addresses are pending. 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.

29. The applicant shall coordinate a Real Estate project with Jeff Quamme (jrquamme@cityofmadison.com - 266-4097) for the termination of the Encroachment agreement for 126 State Street per Document No. 4758109, Real Estate Project No. 9539.

30. The underground vault areas shall be shown and noted to be removed on the existing conditions and demolition plan.

31. The pending Certified Survey Map application for this property shall be updated with the additional lands, resubmitted, completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. 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 the property database so that the permitting system can upload this data and permit issuance made available for this new land record.

32. Submit a floorplan for each separate building in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floorplan for each floor on a separate sheet for the development of a complete building and interior addressing plan. 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 submittal of the final Site Plan Approval application with Zoning. The approved Addressing Plan shall be included in the final application. 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. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

33. The Parking Utility supports removal of the existing skywalk.

34. The Letter of Intent states, "The hotel will be served by off-site valet parking at existing parking structures with excess capacity." State where these existing parking structures are that have excess capacity, and show documentation that the owners of these parking structures will commit to providing parking for the proposed hotel.

35. The Parking Utility has concerns with the removal of on-street metered stalls in this area. If the Common Council ultimately decides that public parking is to be removed, the loss of metered parking stalls represents a substantial revenue loss to the Parking Utility. In addition to the seven metered stalls on the block, the space reserved for persons with disabilities would need to be relocated to a location as near to the existing stall as possible. The applicant shall be required to compensate the Parking Utility for the net present value of the revenue stream for the next twenty years for each parking stall removed as a result of this project.

36. The applicant shall prepare a Transportation Demand Management Plan (TDMP) to be reviewed and approved by the City Traffic Engineer per MGO Section 28.098(2)(d). Specifically, the applicant shall include a section

discussing valet service and operation, this shall include expected peak times, staffing levels, areas for vehicular storage, times for drop-off and retrieval, how many vehicles they expect to see queued on N. Carroll Street at one time, and what is done when access to such locations is not available. The applicant shall ensure that valet activities will have no negative impacts, which includes but is not limited to double parking, to N. Carroll Street and W. Dayton Street. Note: The applicant has made it known that they do not intend to use a shuttle bus for hotel occupants and language expressing as such should be included in their plan.

37. The applicant shall work with Traffic Engineering to create a Traffic Management Association (TMA).
38. The applicant has proposed, and the Transportation Commission has approved a recommendation for, valet operations on N. Carroll Street. The applicant has also implied the address may be other than N. Carroll Street upon final approval, as this is determined by factors that may ultimately be out of their control. Let it be known, if the valet operation is on N. Carroll Street, that addressing for the building on any alternative street frontage is wholly unacceptable and in this circumstance, the Traffic Engineering Division would rescind a recommendation of approval. This is due to the reasonable understanding of how modern navigation devices will ultimately direct users to the address of the building and not the valet location as is intended by the applicant. This will result in preventable and unacceptable negative impacts to the surrounding public rights of way.
39. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
40. 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.
41. 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.
42. All parking facility design shall conform to the standards in MGO Section 10.08(6).
43. The applicant shall adhere to all vision triangle requirements as set in MGO Section 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.). Alterations 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. On Sheet C301, the applicant has mistakenly inverted their vision triangle to be in the public right-of-way as opposed to being appropriately shown on private property as intended by the ordinance.

44. 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 four stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4768, ascheib@cityofmadison.com) at the Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

45. The applicant is proposing a building height of four stories at the State Street property line with a 30-foot stepback to a height of nine stories which exceeds the maximum height allowed per the Downtown Height Map. Section 28.071(2)(a) Downtown Height Map allows a maximum building height of four stories extending 30 feet back from the State Street right-of-way line with a maximum height of six stories beyond. When applying the standards for approval of a Zoning Map Amendment to an application for height in excess of that allowed in Section 28.071(2). Downtown Height Map, except as provided for in Section 28.071(2)(a)1. and Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the conditions listed in Section 28.098(2)(h) are present.

46. A Planned Development shall comply with all standards, procedures, and regulations of Chapter 28 Madison General Ordinances that are applicable to the individual uses within the development, including the General Regulations of Subchapter 28I and the Supplemental Regulations of Subchapter 28J. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of thirteen (13) bicycle parking stalls for the hotel use. A minimum amount of bicycle parking equal to 5% of capacity of persons is required for the restaurant-tavern. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. Provide a detail of the proposed bike rack.

47. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682). Section 28.185(10) requires that every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

48. Work with Planning and Zoning staff to finalize the zoning text.

49. Submit a fully dimensioned site plan. Identify and label the property line. Show the building setbacks as measured to the property lines on the site plan. Identify and provide the distance of the stepback line on the fifth and ninth floor plan.

50. Provide fully detailed floor plans and elevations. Label and dimension the floor plans. Identify and label the building materials and colors on the elevations.

51. Per Section 28.134(3) Capitol View Preservation, show the height of the building on the building elevations per City Datum. For the purpose of this subsection, City datum zero (0.00) feet shall be established as eight hundred forty-five and six-tenths (845.6) feet above sea level as established by the United States Coast and Geodetic Survey.

52. Provide details of the fifth floor and ninth floor rooftop terrace areas, including the layout of tables and seating areas, planters, and amenities.
53. Provide the layout of the tables and chairs for the rooftop terrace outdoor eating areas. The capacity shall be established for the outdoor eating areas. Occupancy is established by the Building Inspection Division. Contact Building Inspection staff at 266-4559 to help facilitate this process.
54. If exterior lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
55. 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.
56. 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.

Fire Department (Contact Bill Sullivan, 261-9658)

57. The Madison Fire Department (MFD) has concerns regarding compliance with the IBC based on the submitted floor plans. The ninth floor is missing the second exit stair, exit stairs are not discharging occupants to the exterior, and the fire command center location has not been identified and agreed upon with MFD.

58. Provide fire apparatus access as required by IFC 503 2015 edition, MGO Section 34.503, as follows:
 - a.) The site plans shall clearly identify the location of all fire lanes.
 - b.) MGO Section 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26 feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
 - c.) Provide a fire lane that extends to within 150 feet of all exterior portions of the structure, or it can be extended to within 250 feet if the building has a fire sprinkler system.
 - d.) Aerial fire lanes shall be free from overhead obstructions. Obstructions shall not be located between the building and an aerial fire lane. Alternative measures to allow obstructions may include specific tree selection and placement; increased fire protection systems; and/or increased building fire resistance. Alternatives must be approved by MFD prior to site plan approval.
 - e.) Where there is a change in the direction of a fire lane, the minimum inside turning radius shall be at least 28 feet.
 - f.) Provide a fire lane with the minimum clear unobstructed width of 20 feet.
 - g.) Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal; the form is available at www.madisonfire.org.

- h.) Where mountable sidewalk/curbs are used as part of the fire lane those sidewalk/curbs shall be constructed of concrete or asphalt only, and designed to support a minimum load of 85,000 lbs. Provide a cross-section detail of the proposed mountable sidewalk/curbs. Clearly identify the locations of all proposed mountable sidewalk/curbs.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

59. 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 un-abandoned 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 MGO Section 13.21 prior to the demolition of the property. Please contact water utility staff at 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. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development

60. Regarding the proposed water service lateral: 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/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact the Madison Water Utility at (608) 266-4646.

61. If the applicant intends to re-connect the existing six-inch fire service lateral at west corner of site: A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days' notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact the Madison Water Utility at (608) 266-4646.

62. 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 266-4765 to schedule the meter removal appointment.

Parks Division (Contact Kathleen Kane, 261-9671)

63. Existing street trees shall be protected. Please include the following note on the site plan: "The contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet

from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.”

64. Additional street trees are needed for this project. All street tree planting locations and trees species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in Section 209 of the *City of Madison Standard Specifications for Public Works Construction*.

Metro Transit (Contact Tim Sobota, 261-4289)

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

66. Any closure of the travel lanes along State Street, that may be approved by City Traffic Engineering to facilitate construction of this project, may require that the applicant post a deposit or otherwise reimburse Metro Transit and the City of Madison for the potential loss of Federal funding for any period of time where scheduled transit trips might be required to detour off the State Street transit mall facility.

67. Any detour of scheduled transit trips to alternate downtown streets, that may be implemented by Metro Transit in response to such an approved closure of State Street, may additionally require that the applicant reimburse the Madison Parking Utility for the loss of any parking meter revenue (where implementing alternate bus stop zones may eliminate existing parking stalls).

68. Metro Transit currently operates weekend and holiday bus service on the parcels contained in this GDP application - in accordance with the conditions of approval originally required of the applicants by the City Council in 1995 and 1996. These transit operations include bus service operating past two existing passenger waiting shelters that area maintained by the applicant, and dedicated layover bays on the property for buses that do park at these internal stop locations for varying amounts of time between scheduled arrivals and departures.

69. Metro Transit would support possible revisions to the current transit operations and amenities on these properties - in coordination with the applicant - in order that the City might operate a more efficient pattern of bus traffic through the site, than what was originally required and approved. Such alterations to the underlying bus access easements, amenity locations, and bus layover sites could proceed on a similar timeline with the construction and occupancy of the proposed alterations to the GDP, if adopted as updates/revisions to what the original GDP had required. The applicant shall include the location of these transit amenities, and

recorded easement document numbers, on the final plans filed with their permit application so that Metro Transit may review and approve the design.