



PREPARED FOR THE PLAN COMMISSION

Project Address: 901-929 E. Washington Avenue
Application Type: Demolition Permit, Conditional Use and Conditional Use Alteration
Legistar File ID # [54482](#) and [55078](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Curtis V. Brink, Archipelago Village, LLC; 701 E. Washington Avenue, Suite 105; Madison.

Contact Person: Doug Hursh, Potter Lawson, Inc.; 749 University Row, Suite 300; Madison.

Property Owner: Archipelago Village, LLC; PO Box 512; 505 N. Carroll Street; Madison.

Requested Actions:

- ID 55482 – Approval of a demolition permit and conditional use to demolish commercial buildings at 945 E. Washington Avenue and 924 E. Main Street to construct an eleven-story, 257,200 square-foot office building and 693-stall parking garage along the E. Washington Avenue frontage in Urban Design Dist. 8.; and approval of an alteration to an approved conditional use for the approved hotel at 901 E. Washington Avenue to provide an amended parking plan.
- ID 55078 – Authorizing the Mayor and City Clerk to execute a parking lease agreement with Archipelago Village, LLC, for 50 parking stalls at the South Livingston Street parking garage.

Proposal Summary: The applicant is seeking two related land use approvals from the Plan Commission. First, the applicant is requesting approval to demolish the remaining commercial buildings on the site at 945 E. Washington Avenue, as well as the commercial building at 924 E. Main Street. Following demolition, the applicant proposes to construct an eleven-story office building along the E. Washington Avenue frontage with an attached 693-stall parking structure to be located in the center of the block.

The applicant is also seeking approval of an alteration to the conditional use approved for the hotel in 2017. At the time, the hotel was planned as a 144-room facility with first floor restaurant-tavern and outdoor eating area, which was approved to be served by a 138-stall surface parking lot located on the east and south sides of the hotel building. However, a portion of the approved surface parking lot will instead be developed with the proposed office building and garage, which requires that a revised parking plan be approved for the hotel. The applicant proposes to provide parking for the hotel and restaurant tenant space on the subject site in a 75-stall valet parking lot located south of the hotel, with additional valet parking to be located off-site in the City’s nearby South Livingston Street Garage in the 800-block of E. Main Street. Resolution ID 55078 will authorize the lease of 50 stalls in the City garage from 6:00 PM to 7:00 AM seven nights a week; the Plan Commission is asked to recommend adoption of the lease resolution to the Transportation Commission and Common Council.

The applicant wishes to begin demolition and construction of the office building and parking structure as soon as all regulatory approvals have been granted, with completion anticipated on July 1, 2021. Construction of the Hotel Indigo is nearing completion; resolution of the parking for the hotel is required in order for a Certificate of Occupancy to be granted prior to opening.

Applicable Regulations & Standards Table 28F-1 in Section 28.082(1) of the Zoning Code identifies professional and general offices are permitted uses in the TE district, and hotels, inns and motels, restaurant-taverns and accessory outdoor eating areas, and general retail as conditional uses. Section 28.084(3)(c) requires that building exceeding five (5) stories and 68 feet in height in the TE district may be allowed with conditional use approval. Section 28.183 provides the process and standards for the approval of conditional use permits. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The criteria for new development in Urban Design District 8 are found in Section 33.24(15) of the Urban Design Commission ordinance.

Review Required By: Urban Design Commission and Plan Commission.

Summary Recommendations: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional use to demolish commercial buildings at 945 E. Washington Avenue and 924 E. Main Street to construct an eleven-story, 257,200 square-foot office building and 693-stall parking garage along the E. Washington Avenue frontage; and **approve** an alteration to an approved conditional use for the approved hotel at 901 E. Washington Avenue to provide an amended parking plan, subject to input at the public hearing, the conditions of the Urban Design Commission's approval, and the conditions from reviewing agencies beginning on page 9 of this report.

Staff also recommends that the Plan Commission recommend **approval** of the resolution authorizing the lease agreement with Archipelago Village, LLC, for 50 parking stalls at the South Livingston Street parking garage.

Background Information

Parcel Location: An approximately 4.27-acre parcel generally located at the southeasterly corner of E. Washington Avenue and S. Paterson Street; Aldermanic District 6 (Rummel); Urban Design District 8; Madison Metropolitan School District. The site does not include the City Employees Credit Union at 949 E. Washington Avenue.

Existing Conditions and Land Use: The site is developed with the converted five-story Kleuter Wholesale Grocery Warehouse and addition, which is being redeveloped as Hotel Indigo (901 E. Washington Avenue), at the southeasterly corner of E. Washington Avenue and S. Paterson Street; a one-story warehouse at 945 E. Washington; a one-story brick warehouse at 924 E. Main Street; and a one-story brick commercial building at 946 E. Main. The site is zoned TE (Traditional Employment District).

Surrounding Land Uses and Zoning:

North: Breese Stevens Field, zoned PR (Parks and Recreation District);

South: Madison Water Utility storage facility and garage, and Common Wealth Development's Main Street Industries multi-tenant industrial facility, zoned TE (Traditional Employment District);

West: One- and two-story multi-tenant commercial building (Dorschner Associates, Bos Meadery, etc.), Madison Moving & Storage, zoned TE;

East: City Employees Credit Union and multi-tenant commercial buildings along E. Washington Avenue, zoned TE.

Adopted Land Use Plans: The 2018 Comprehensive Plan recommends the subject site and the E. Washington Avenue frontage for Employment uses.

The [East Rail Corridor Plan](#) identifies the site for commercial and industrial uses consistent with the historic use of the property as part of a larger employment corridor that is centered along E. Main Street and generally extends from E. Washington Avenue to E. Wilson Street.

The [East Washington Avenue Capitol Gateway Corridor Plan](#) recommends the subject block for employment, with opportunities for commercial along the entire E. Washington Avenue frontage. The Plan includes specific recommendations for height, building placement, and design which have been codified in MGO 33.24(15) as Urban Design District 8.

Zoning Summary: The site is zoned TE (Traditional Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	186,035 sq. ft.
Lot Width	50'	528.51'
Front Yard	15' Minimum per UDD 8	16.42'
Side Yards (Per UDD 8)	0-10' along Paterson, 0' on interior	Adequate
Rear Yard	Lesser of 20% lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Less than 85% (See Zoning conditions)
Minimum Building Height	22' measured to building cornice	11 stories/ 155.5' (See Zoning conditions)
Maximum Building Height	5 stories / 68' per zoning; 12 stories along E. Washington Ave.; 8 stories on E Main St. per UDD 8	
Auto Parking	Office; general retail; service business: 1 per 400 sq. ft. floor area (643) Restaurant, etc.: 15% of capacity (Total to be determined)	693 (See Zoning conditions)
Bike Parking	Office; general retail; service business: 1 per 2,000 sq. ft. floor area (129); Restaurant, etc.: 5% of capacity of persons (TBD)	133 (See Zoning conditions)
Loading	3 (10' x 50')	2 (10' x 50') and 2 (10' x 35')
Building Forms	Podium Building	(See Zoning conditions)
Other Critical Zoning Items		
Yes:	Urban Design (Urban Design Dist. 8), Barrier Free, Utility Easements, Wellhead Protection (WP 24)	
No:	Floodplain, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

Environmental Corridor Status: The property is not located in 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 E. Washington Avenue, with stops in the Paterson Street intersection (Stop ID 1565). In addition, Metro submitted the following comment:

“Metro Transit staff, as well as our passengers and other stakeholders in the Capitol East District, have identified that the existing hourly bus service frequency that operates on Route 6 along East Washington Avenue on weekends and holidays is inadequate for the densities and uses that are being proposed, and have been previously approved.

As part of the 2019 budget process, Metro Transit again submitted an operating budget request that includes an investment proposal that would afford an increase to the bus service frequency in the East Washington Avenue corridor on weekends and holidays, to more frequent trips running every 30 minutes. The supplemental budget request for an approximate annual operating cost of \$450,000 that would be necessary to implement this service frequency increase, by using four additional buses on weekends and holidays was not adopted in either the 2018 or 2019 operating budgets.”

Previous Related Requests

On September 18, 2017, the Plan Commission approved a demolition permit and conditional use to demolish three commercial buildings and an existing building addition to construct a new five-story addition to the historic five-story Kleuter Wholesale Grocery Warehouse at 901 E. Washington Avenue into a 144-room “Hotel Indigo,” on land addressed as 901-939 E. Washington Avenue and 910 E. Main Street.

On August 20, 2018, the Plan Commission did not find the standards met and placed on file without prejudice a demolition permit for 924 E. Main Street and an alteration to an approved conditional use for a hotel at 901 E. Washington Avenue, which would have created a revised parking layout following demolition of the commercial building along E. Main Street.

Project Description

The applicant, Archipelago Village, LLC, is requesting approval of two related requests for its 4.27-acre properties in the 900-block of E. Washington Avenue and 900-block of E. Main Street.

Proposed Demolitions and “929 E. Washington Avenue” Office Building

First, the applicant is requesting approval to demolish the two remaining commercial buildings on the site at 945 E. Washington Avenue and 924 E. Main Street to enable construction of an eleven-story office building along the E. Washington frontage, with an attached 693-stall parking structure to be located in the center of the block.

The buildings to be razed at 924 E. Main Street is a one-story, 7,200 square-foot brick building, which was constructed in 1928 as a warehouse. This building was part of the original demolition permit and conditional use request for the hotel in 2017. However, the applicant withdrew the request to demolish that building following community feedback and due to the building being leased at the time. A subsequent request to demolish the building in August 2018 was denied due to the timeliness and perceived lack of need. The second building to be razed is a one-story, approximately 7,730 square-foot brick building at 945 E. Washington. Unlike the building at 924 E. Main, demolition of 945 E. Washington has not been previously been formally proposed since interest in redeveloping the block was rekindled in 2017. The 945 building was also planned to remain with an earlier redevelopment proposal approved in 2014, which did not proceed. The one-story “Wisconsin Telephone Building” at 946 E. Main Street is part of the subject site and will remain following construction of the current development proposal.

The proposed office building will extend 290 feet across the E. Washington Avenue frontage and occupy most of remaining land between the eastern wall of the new hotel nearing completion at 901 E. Washington and the City Employees Credit Union site at 949 E. Washington, which is not part of the site or proposed redevelopment. The proposed 257,200 square-foot building will stand three stories in height at E. Washington Avenue and be set back 16.8 feet from the front property line. The primary use of the building will be office; however, the applicant indicates that approximately 11,000 square feet of floor area on the first floor may be leased to unspecified commercial uses (retail, restaurant, etc.). Above the third floor, the building steps back into an eight-story tower.

Plans for the new office building call for one level of parking to extend under the footprint of the overall building, which will extend approximately 240 feet in depth perpendicular to the E. Washington Avenue frontage, with three floors of structured parking proposed behind the occupied floor area of floors 1-3 of the base of the podium building. A green roof and terrace are proposed above the top level of the parking structure, which will be located in the center of the block but be visible from E. Main Street. Access to the 693-stall parking garage will be from full-access driveways from S. Brearly Street and from a private drive that will extend through the block from E. Washington Avenue to E. Main Street in the space between the new hotel and office buildings. Loading and trash service for the office building is proposed to occur along the private drive along the west side of the parking structure.

The green roof and terrace will wrap the entire building at the fourth floor, including in the step back adjacent to E. Washington Avenue, with active outdoor areas proposed along the terrace above E. Washington and along the southerly wall extending out over the parking garage. An additional terrace is proposed off the southern wall of the eleventh floor on a portion of the tenth floor roof. An extensive landscaping plan for the perimeter of the building and green roof features is included in the application materials.

The exterior of the building will primarily be comprised of glass and metal, including a prominent glass curtain wall system on most of the upper eight stories. The visible portions of the parking structure will be clad with a combination of metal and precast concrete wall panels, with decorative stainless steel frame sections, which are planned as vegetative screens. A portion of the garage will also be visible from S. Brearly Street. The eleven-story building will stand 155.5 feet in height above E. Washington Avenue, with the three-story portion closest to the street to be 50 feet in height.

"Hotel Indigo" Parking Alteration

The applicant is also seeking approval of an alteration to the conditional use approved in 2017 for the hotel in the renovated and expanded Kleuter Building. Hotels, restaurant-taverns, and outdoor eating areas associated with food and beverage establishments are all conditional uses in the TE zoning district.

Hotel Indigo will be a 144-room hotel with first floor restaurant-tavern and outdoor eating area. Parking for the hotel was approved in a 138-stall surface parking lot to be located on the east and south sides of the hotel, with guest drop-off to be provided under a porte cochere at the southeastern corner of the building. However, a portion of the approved surface parking lot will instead be developed with the proposed office building and parking structure described above, which requires that a revised parking plan be approved for the hotel. To address the lost parking area, the applicant proposes to provide valet parking for the hotel and restaurant tenant space in a 75-stall tandem parking lot to be located south of the hotel and west of the north-south private drive that will serve the block. The 75-stall valet lot will occupy the same space that was previously approved for a conventional 53-stall lot. Per the letter of intent, all valet parking operations will take place on-site at the main entrance to the hotel lobby, and no valet operations will take place on-street.

In order to bring the amount of parking for the hotel closer to the 138 stalls approved in 2017, the applicant is proposing additional valet parking to be located off-site in the City's nearby South Livingston Street Garage in the 800-block of E. Main Street. Resolution ID 55078 authorizes the lease of 50 stalls in the City garage from 6:00 PM to 7:00 AM seven nights a week. The term of the proposed lease will be two years, with the option for two one-year extensions by mutual agreement. The lease will begin upon execution of the contract with the Parking Utility, which is estimated to be in April 2019. The Plan Commission is asked to recommend adoption of the lease resolution to the Transportation Commission and Common Council, which, if approved, would result in 125 valet stalls to serve the hotel portion of the redevelopment site until the 693 stalls to be constructed with the office building are complete. Following completion of those stalls, the developer plans to accommodate parking for the hotel in the on-site garage, while maintaining the 75-stall tandem valet lot.

Construction of the hotel is nearing completion, and a Certificate of Occupancy has been requested. However, occupancy of the hotel may not occur until the parking to serve it has been addressed through approval of this alteration request and any conditions.

Analysis

Proposed Demolitions and "929 E. Washington Avenue" Office Building

Demolitions of the two buildings requires Plan Commission approval of a demolition permit. Professional and general office uses are permitted in the TE zoning district. However, any building taller than five (5) stories and 68 feet in height in TE zoning requires conditional use approval, in part to assess any impacts that may be created by a taller, denser development above five stories (traffic, parking and circulation; aesthetics; etc.). Additionally, any future food and beverage uses on the first floor will require subsequent conditional use approval by the Plan Commission once specific tenants have been identified.

In order for the demolition of the existing buildings to be approved, the Plan Commission is required to find that both the requested demolitions and the proposed use are compatible with the purpose of Section 28.185 of the Zoning Code and the intent and purpose for the zoning district in which the property is located. The proposed use of the property following the demolitions should also be consistent with the Comprehensive Plan and any adopted neighborhood plans. When making its decision, the Commission may consider and give decisive weight to any relevant facts including but not limited to the effects the demolition and proposed use of the subject property following demolition would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building, including the costs of relocation and the structural soundness of the building, and the limits that the location of the building would place on relocation efforts.

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

When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall also consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.

The Planning Division believes that the demolition permit can meet the standards for approval. Staff has no information to indicate that the existing buildings at 945 E. Washington Avenue and 924 E. Main Street cannot meet the standards for demolition at this time, and believes that the demolitions may be supported because the redevelopment proposed to follow is significantly more economically productive than the existing buildings. On July 9, 2018, the Landmarks Commission informally reviewed the proposed demolition at 924 E. Main Street and recommended to the Plan Commission that the building has historic value related to the vernacular context of Madison's built environment as the work of a known architect, but that the building itself is not historically, architecturally or culturally significant. The preservation file for the building indicates that it was constructed as the National Biscuit Company Warehouse and was designed by Edward Tough and built by George Cnare and Sons.

On August 26, 2013, the Landmarks Commission reviewed several requests for demolition in the 900-block of E. Washington Avenue, which included 945 E. Washington. The Commission opposed the proposed demolitions of the various buildings in the 900-block of E. Washington until there was a comprehensive proposal for future use of the site. As there is now a more comprehensive plan for the property, the current redevelopment proposal addresses those earlier concerns.

Staff also believes that the conditional use request to construct the eleven-story office building in excess of the five story and 68-foot height limit in the TE zoning district can meet the standards for approval. The uses, values and enjoyment and normal and orderly development of surrounding properties should not be substantially impaired or diminished in any foreseeable manner by the establishment of the building. However, approval of the project will be conditioned upon the applicant adding a turn lane from northbound S. Paterson Street onto E. Washington Avenue, and signalization of the Brearly Street/E. Washington Avenue intersection, for which the applicant shall be financially responsible. The Traffic Engineering Division is also recommending that a Transportation Demand Management Plan (TDMP) be submitted for the project, with its recommendations to be approved by the Traffic Engineer prior to the issuance of permits for the office building.

The Planning Division believes that the high-density, predominantly office use and eleven-story building proposed are consistent with the recommendations for employment-oriented development on the south side of E. Washington Avenue in various adopted plans:

- The 2018 Comprehensive Plan recommends the subject site and E. Washington Avenue frontage for Employment uses. Employment areas include predominantly corporate and business offices, research facilities, laboratories, hospitals, medical clinics, and other similar uses. They generally do not include retail and consumer service uses for the wider community, but may include limited retail and service establishments that primarily serve employees and users of the area.
- The 2008 East Washington Avenue Capitol Gateway Corridor Plan recommends the subject block for employment, with opportunities for commercial along the entire E. Washington Avenue frontage. The corridor plan makes specific recommendations for height, building placement, and design for the corridor, which have been codified in MGO 33.24(15) for Urban Design District 8. The corridor plan "permits a mix of integrated uses within areas designated as employment to support the needs of employees and

employers (such as small-scale retail, personal and business services, and, possibly, limited residential or live-work spaces) but discourages free-standing commercial and residential development.” The corridor plan also identifies the Wisconsin Telephone Building and Kleuter Wholesale Grocery Warehouse (now part of Hotel Indigo) as eligible for local landmark designation. The plan and UDD 8 generally allow up to a twelve-story building along E. Washington Avenue and eight-story building along E. Main Street.

- Lastly, the 2004 East Rail Corridor Plan recommends that the south side of E. Washington Avenue primarily be developed with office or industrial employment uses as part of a larger employment corridor centered on E. Main Street and generally extending from E. Washington Avenue to E. Wilson Street. The East Rail corridor plan supports a limited amount of small-scale retail and service uses to serve the planned employment corridor.

The site is located in Urban Design District 8, which requires that the Urban Design Commission to approve the project using the design standards and guidelines for that district. The Urban Design Commission found that the project is consistent with the standards and guidelines in Urban Design Dist. 8 and granted **final approval** of the office building and parking structure on a vote of 6-2 at its March 13, 2019 meeting. The conditions of the UDC approval are included in the Recommendations section of this report.

Finally, the proposed office building will benefit from a pending zoning text amendment to change the massing and articulation requirements in Section 28.173(6) for podium buildings to apply only to lower-base facades instead of the entire building as now written. Under the revised language in Ordinance ID [54783](#) on the March 25, 2019 Plan Commission agenda, the maximum building length for the base of a podium building along the primary abutting public street may not 160 feet without a significant articulation of the façade, and shall have vertical articulation at a minimum interval of 40 feet. The proposed building, as granted final approval by the Urban Design Commission, meets the requirements in the proposed text amendment.

“Hotel Indigo” Parking Alteration

Staff also believes that the Plan Commission may find the standards met to approve the conditional use alteration for the Hotel Indigo. The combination of 125 valet parking stalls that will be available for the hotel and restaurant on and off the subject site should be adequate during construction of the office building and 693-stall parking garage. Traffic Engineering and Planning staff foresee limited impact on surrounding streets and properties from the revised parking plan for the hotel despite the fewer available spaces, and anticipate that the parking for the hotel on-site will be adequate once the adjacent parking structure is completed. Final approval of the alteration for the hotel shall be conditioned upon Traffic Engineering Division approval of a valet operations plan prior to sign off, which shall include the anticipated valet routes.

Conclusion

In general, the Planning Divisions believes that the demolitions and proposed office building and parking can meet the standards for demolition permit and conditional use approval. The proposed building is well designed, and the project substantially complies with the recommendations for the subject site in the East Rail Corridor Plan, East Washington Avenue Capitol Gateway Corridor Plan, and Comprehensive Plan, specifically the creation of new high-density office space in fulfillment of plan recommendations for the corridor dating over the last fifteen years. Approval of the conditional use for the eleven-story building is recommended with conditions requiring approval of a TDMP prior to construction and implementation of turn lane and signal improvements to adequately integrate the building and its anticipated traffic volumes into the transportation network.

Staff also believes that the Plan Commission may find the standards met to approve the conditional use alteration for the Hotel Indigo parking plan subject to final staff approval of a valet operations plan by the Traffic Engineer prior to issuance of a Certificate of Occupancy.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional use to demolish commercial buildings at 945 E. Washington Avenue and 924 E. Main Street to construct an eleven-story, 257,200 square-foot office building and 693-stall parking garage along the E. Washington Avenue frontage; and **approve** an alteration to an approved conditional use for the approved hotel at 901 E. Washington Avenue to provide an amended parking plan, subject to input at the public hearing, the conditions of the Urban Design Commission's approval, and the conditions from reviewing agencies that follow.

Staff also recommends that the Plan Commission recommend **approval** to the Transportation Commission and Common Council of Resolution ID 55078, authorizing the lease agreement with Archipelago Village, LLC, for 50 parking stalls at the South Livingston Street parking garage.

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

1. For the hotel at 901 E. Washington Avenue, final approval of Resolution ID 55078 by the Common Council (scheduled for April 16, 2019) shall be required prior to occupancy of the hotel and restaurant-tenant space.
2. Failure to abide by the off-site parking lease (for the South Livingston Street garage) during the effective period (two years, plus two one-year mutual options) may be considered a zoning violation for the 901 conditional use approval subject to continuing jurisdiction by the Plan Commission unless the applicant can secure an equal or greater number of off-site stalls in the same relative proximity to the hotel within 30 days of a violation or termination of the current lease, with proof of a new lease and a revised valet operations plan submitted to the Director of the Planning Division and Zoning Administrator for approval. Once the office building and garage are constructed at 929 and parking for the hotel is incorporated therein, this condition shall be satisfied/ addressed.
3. That construction of the eleven-story office building and parking garage addressed as 929 E. Washington Avenue shall commence within two (2) years of this Plan Commission approval. If construction does not commence within the two years, the applicant shall obtain re-approval by the Plan Commission of the zoning approvals for the block (i.e. no administrative extension of the conditional use approval) so that an update may be provided on the sufficiency of the hotel parking plan. In the event that the office building should not move forward, the applicant may be required to construct an on-site parking solution to serve the hotel similar to the plans approved in 2017.
4. Note: Approval of the revised hotel parking plan for 901 E. Washington Avenue and office and parking building at 929 E. Washington Avenue shall not constitute approval of nor support for any additional construction on the block as conceptually shown in some of the exhibits and referenced in the letter of intent with the current

application materials. Approval of any additional development on the subject block shall require future approvals by the Urban Design Commission and Plan Commission.

5. Prior to the issuance of any permits for a retail or food and beverage use in the first floor commercial space of the eleven-story building (and any accessory outdoor eating areas), the applicant shall obtain approval of a conditional use from the Plan Commission. Any exterior aspects of those uses shall also require approval by the Urban Design Commission or its Secretary prior to permit issuance.

Urban Design Commission

The following conditions were approved as part of the **final approval** of the project on March 13, 2019:

6. Identify the tree species on the fourth floor green roof plan.
7. If synthetic turf is used it shall be limited to the small rectangular area near the shaded area.
8. The planting beds above the site walls are too narrow to be effective. Replace with more substantial species or widen the planting bed to allow a double row of the current species.
9. The Burning Bush and Juniper species do not seem appropriate for this type of development and are not the right fit (E. Washington, E. Main and the fire lanes). Consider replacing those species.
10. The approval is conditioned on approval of the zoning text amendment for the articulation of the upper floors.
11. Recommend that any existing façades not be salvaged, as it will impact and limit the design possibilities to develop the site. [Author’s Note: No existing facades are shown to be preserved in the Plan Commission plan sets.]
12. Recommend that a building (glass) reflection study be done and presented to the Plan Commission (i.e. glare impact on adjacent buildings and soccer field).
13. Consider adding a texture (i.e. board form) to add interest to the concrete planter bed walls.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Brenda Stanley, 261-9127)

14. The area adjacent to this proposed development has a known flooding risk. All entrances shall be at a minimum elevation of 852.0. This includes garage entrances.
15. 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.
16. 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.

17. Sanitary sewer service for this development needs to be taken off of E. Washington Avenue or E. Main Street.
18. The City sanitary sewer on Paterson Street is undersized. A condition of the future development (Unit 2 located S. Paterson Street/ E. Main Street will be to replace the sewer in the 100-block of South Paterson St.
19. The property is an open contaminant site with the Wisconsin Department of Natural Resources (WDNR) (BRRTS #03-13-001608). A digital copy of the site investigation report and material management plan shall be submitted to Brynn Bemis (267.1986, bbemis@cityofmadison.com). The applicant shall submit proof of coordination with the WDNR to remediate the site and address residual contaminant concerns associated with the proposed site plan (i.e. vapor mitigation, dewatering).
20. 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.
21. The site plans shall be revised to show the location of all rain gutter down spout discharges.
22. 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 ttroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. The 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; and k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
23. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc; d) Sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
24. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit application and plan. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
25. Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14-inch paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at ttroester@cityofmadison.com, or Daniel Olivares at DAOLivares@cityofmadison.com final document and fee should be submitted to City Engineering.

26. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 24-hr, 100-yr design storm. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
27. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151, however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.
28. 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.
29. The applicant shall demonstrate compliance with Sections 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.
30. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to: reduce TSS by 80% (TMDL) off of the proposed development when compared with the existing site; and 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.
31. Provide additional information on the grading plan, specifically drainage plans for Unit 1 and Unit 2 and elevations and contours of the adjacent properties and elevations of the street and terrace adjacent to the development. Label all contours.
32. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
33. The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall be satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.
34. The applicant shall enter into a City/ Developer agreement for the improvements required for this development. 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. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.

35. The approval of 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.
36. 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.
37. The applicant shall construct sidewalk, terrace, drive aprons, curb and gutter, and pavement as necessary to a plan approved by the City.

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

38. An Amendment to Archipelago Village Condominium Declaration and plat shall be recorded prior to final sign off. The amendment shall address the change in unit boundaries and all easements necessary between the units for utilities, access and any other common or reciprocal uses between the units.
39. The base address of the building is 929 E. Washington Avenue. 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.
40. Addresses for any commercial or retail tenant spaces will be determined when tenant space configurations are known and floor plans are submitted.
41. Submit a Floor Plan 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 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 application submittal for the final Site Plan Approval 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 Sean Malloy, 266-5987)

42. Note: The applicant has submitted the requested Traffic Impact Analysis study; the study has been reviewed and accepted by Traffic Engineering.
43. The applicant shall prepare a TDM to be reviewed and approved by the City Traffic Engineer prior to final sign-off and issuance of building permits for the new office building.
44. The Traffic Impact Analysis (TIA) submitted by the applicant recommends the signalization of the Brearly Street/E. Washington Avenue intersection, for which the applicant shall be financially responsible.

45. The applicant shall be financially responsible for the construction of a northbound turn lane at the intersection of S. Paterson Street and E. Washington Avenue as required by the City Traffic Engineer.
 46. A deposit of \$50,000 payable to City Treasurer will be required for the installation of pedestrian level lighting on E. Main Street and S. Paterson Street.
 47. The applicant shall submit a valet operations plan to be approved by the City Traffic Engineer prior to sign off. Plan shall include the anticipated valet routes.
48. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
 49. 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.
 50. 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.
 51. All parking facility design shall conform to the standards in MGO Section 10.08(6).
 52. The applicant(s) shall maintain a 5-foot wide, Americans with Disabilities Act (ADA)-compliant, pedestrian walkway for the duration of the project on all street frontages classified as a collector or higher. The applicant shall also maintain a 5-foot wide bicycle lane for the duration of the project on all street frontages with existing bicycle facilities. Exceptions to this requirement may be granted by Traffic Engineering on a limited term basis if and when the applicant can show a public safety concern and they also provide a clear date when the pedestrian/bicycle facilities are to be restored. All closures shall be designed by the applicant, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), to be submitted and approved by Traffic Engineering.
 53. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
 54. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
 55. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet–25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to

transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

56. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
57. All parking ramps as they approach the public right of way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the right of way. If applicant believes public safety can be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.
58. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the public right of way on E. Washington Avenue will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.
59. 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, (266-4766) 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.
60. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
61. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
62. One-way operation of the site shall be secured by placing a "One Way" sign at the entrance and a "Do Not Enter" sign at the exit.
63. The applicant shall show the dimensions for the proposed Class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
64. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

65. Include a parking plan demonstrating how specific stalls, to be used by the commercial site, will be reserved. Include any signage to be used to achieve this goal in the submitted plans.
66. Secure parking facility. This is usually done with continuous six-inch curb, timbers, preformed wheel stops, guardrail erected at a height of 18 inches or fencing of sufficient strength to act as a vehicle bumper.
67. Provide pedestrian access to all building entrances from the public right-of-way.
68. The applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements. The applicant shall demonstrate use of loading zone with turning template.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

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| <ol style="list-style-type: none">69. The proposed mixed-use commercial and office building utilizes an area approved for a parking lot for the hotel at 901 E. Washington Avenue. The hotel at 901 E. Washington Avenue must obtain an Alteration to the existing Conditional Use for the reduction in the amount of required parking that will be provided.70. The proposed building must comply with the building form requirements Section 28.173(6)(c) for Podium Building massing and articulation. A Zoning Text Amendment has been introduced to address articulation of the Podium Building form.71. Staff anticipates that future Conditional Uses will be sought as tenants are identified for spaces in the first floor commercial portion of the mixed-use building. These Conditional Uses will require additional approvals from the Plan Commission.72. The site lies within Wellhead Protection District 24. Per Section 28.102(3), all uses in Zones A and B of any Wellhead Protection District shall be approved by the Water Utility General Manger or his/her designee. A use may be approved with conditions. Approval by the Water Utility General Manager or his/her designee is in addition to all other approvals required for the proposed use. |
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73. 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) requites 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.
74. Provide a calculation and plan detail for lot coverage with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
75. Show the height of the proposed building on the elevations. Per MGO Section 28.134(3) Capitol View Preservation, show the height of the building per City Datum. No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or 187.2 feet, City datum. Provided, however, this prohibition shall not apply

to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment on existing buildings and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as eight hundred 845.6 feet above sea level as established by the United States Coast and Geodetic Survey.

76. As each tenant space is leased, the entire development must reflect compliance in the required number of automobile parking spaces, to be reviewed prior to obtaining zoning approval for each use.
77. Bicycle parking for this project shall be provided per Section 28.141(4) and Table 28I-3 as uses are established for the various spaces in the development. A minimum of 129 bicycle stalls are required for office, retail, and commercial uses. Show the dimensions of the bicycle stalls and the access aisles on the plans. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. The access aisle must not be obstructed by vehicles, columns or other structures. Provide a detail of the proposed bike rack including any structured or wall mount bike racks.
78. 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.
79. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of MGO and Chapter 33 Urban Design District 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)

80. The Madison Fire Department does not object to Phase 1, but additional discussions and coordination will be required to ensure all building and fire codes are met as the project design documents are developed. Future phases do not include any information relating to fire and life safety for MFD to comment on.
81. Aerial access is required and shall be located a minimum of 15 feet from the face of the building to the near edge of the fire lane. Use of public streets may be allowed provided all needs and requirements of the public are met and/or accommodated.

Water Utility (Contact Adam Wiederhoeft, 261-9121)

82. This property is in a Wellhead Protection District–Zone (WP-24). The owner/applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Adam Wiederhoeft at awiederhoeft@madisonwater.org for additional information, including a summary of the submittal requirements.

83. All operating private wells shall be identified and permitted by the Water Utility, and all unused private wells shall be abandoned in accordance with MGO Section 13.21.

84. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
85. The Utility Site Plan does not depict how water service is proposed for the development. Existing water lateral stubs exist and may be able to serve this development, subject to any outstanding water lateral connection charges. Connection charges for existing laterals shall be paid by the developer prior to connecting to the water distribution system—contact Adam Wiederhoeft of Madison Water Utility (awiederhoeft@madisonwater.org or 266-9121) to determine if outstanding fees exist for the subject parcels.
86. 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 Madison Water Utility at 266-4646. The 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.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency has reviewed the project and did not submit any conditional of approval.

Forestry Section (Contact Brad Hofmann, 266-4816)

87. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann—bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
88. Existing street trees shall be protected. Please include the following note on the site plan: 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. 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.
89. Additional street trees are needed for this project. All street tree planting locations and tree 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 *City of Madison Standard Specifications for Public Works Construction*.