



**Project Address:** 402-414 E Washington Avenue, 8-12 N Franklin Street, and 9 N Hancock Street

**Application Type:** Demolition Permit and Conditional Use

**Legistar File ID #** [60173](#)

**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**Reviewed By:** Kevin Firchow, Planning Division

**Summary**

**Applicant:** John Leja, LZ Ventures; 8301 Machine Drive; Madison.

**Property Owner(s):** Wash Haus Development, LLC; 8301 Machine Drive; Madison, except 414 E Washington, which is owned by Klinke Capital, LLC; 4518 Monona Drive; Madison.

**Contact Person:** Duane Johnson, Knothe & Bruce Architects; 7601 University Avenue, Suite 201; Middleton.

**Requested Actions:** Approval of a demolition permit and conditional uses to allow seven buildings to be demolished; consideration of a conditional use in the Urban Mixed-Use (UMX) District for a multi-family dwelling with more than eight (8) dwelling units; consideration of a conditional use in the UMX District for outdoor recreation; consideration of a conditional use in the UMX District for a new building greater than 20,000 square feet and more than four stories; and consideration of a conditional use to construct two additional stories in Area H of the "Additional Heights Area Map" in MGO Section 28.071(2)(b), all to allow construction of a ten-story, mixed-use building containing 3,300 square feet of commercial space and 156 apartments.

**Proposal Summary:** The applicant wishes to demolish five residential structures, a mixed-use building, and a commercial building to construct a ten-story, mixed-use building containing 3,300 square feet of commercial space and 156 apartments. Indoor parking for 146 autos and 156 bicycles is proposed to serve the development. The project is scheduled to commence construction in November 2020, with completion anticipated in May 2022.

**Applicable Regulations & Standards:** Table E-2 in Section 28.072(1) identifies multi-family dwellings with greater than eight (8) units and outdoor recreation as conditional uses in the UMX district. Per Section 28.076(4)(c), all new buildings and additions greater than 20,000 square feet or that have more than four stories in UMX zoning shall obtain conditional use approval with a recommendation by the Urban Design Commission for conformity to the design standards in Section 28.071(3), if applicable, and the Downtown Urban Design Guidelines. The Downtown Height Map in Section 28.071(2)(a) establishes a maximum allowable height of eight (8) stories for the subject properties; however, the site is located in Area H of the "Additional Heights Area Map" in Section 28.071(2)(b), which allows two additional stories when approved as a conditional use. 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 site is also located in Urban Design District 4, which requires Urban Design Commission approval using the standards and guidelines in Section 33.24(11).

**Review Required By:** Urban Design Commission and Plan Commission

**Summary Recommendation:** If the Plan Commission can find the standards for demolition permit and conditional use approval met, the Planning Division recommends that it **approve** the demolition of five residential structures and a commercial building at 402-414 E Washington Avenue, 8-12 N Franklin Street, and 9 N Hancock Street to

allow construction of a ten-story, mixed-use building subject to input at the public hearing, the conditions of the Urban Design Commission approval, and the conditions from reviewing agencies beginning on page 12 of this report.

## Background Information

**Parcel Location:** A 26,329 square-foot (0.6-acre) parcel that extends along the northerly side of E Washington Avenue from N Hancock Street to N Franklin Street; Aldermanic District 2 (Heck); Urban Design District 4; Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is developed with five (5) two-family or multi-family residences on four parcels, a mixed-use building on the corner of E Washington Avenue and N Hancock Street, and a tall one-story commercial building at the corner of E Washington and N Franklin Street. The entire site is zoned UMX (Urban Mixed-Use District).

### Surrounding Land Uses and Zoning:

**North:** Three-story, 32-unit apartment building and two-story multi-family residences along N Hancock Street, three-story, 12-unit apartment building, Avalon Cooperative, and two-story, three-family residence along N Franklin Street, all zoned DR1 (Downtown Residential 1 District);

**South:** Former church and restaurant, single-family residence, and mixed-use building, zoned UMX (Urban Mixed-Use District); single-family residences, zoned DR1 (Downtown Residential 1 District);

**West:** St. John's Lutheran Church, zoned UMX; Hancock Center for Dance and Movement Therapy and three-story, 24-unit apartment building across N Hancock, zoned DR1;

**East:** Single-, two-, and multi-family residences across N Franklin, zoned PD and UMX.

**Adopted Land Use Plans:** The 2018 Comprehensive Plan identifies the subject site and nearby properties along the E Washington Avenue frontage in the Downtown Core district. The residential properties to the north along N Hancock and N Franklin streets are recommended for Medium Residential.

The 2012 Downtown Plan includes the subject site and nearby properties along the E Washington Avenue frontage in the Downtown Core Neighborhood/ District and recommends that the subject site and nearby properties be developed with Downtown Core Mixed-Uses. The plan identifies the Downtown Core Neighborhood/ District as "the center of Downtown, and should generally possess the highest intensity of development. A mix of office, employment, retail, government, residential, cultural, entertainment, and other uses should be pursued to retain the area's vibrancy, including beyond normal business hours." (Objective 4.1). The site is recommended for new buildings up to eight stories in height, with the potential for two additional stories to be approved using specific recommendations in Appendix C. The Parcel Analysis in the Plan also identifies the subject site as underutilized site with an obsolete building or buildings.

**Zoning Summary:** The site is zoned UMX (Urban Mixed-Use District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	26,329 sq. ft.
Lot Width	30'	132'
Front Yard Setback	Nonresidential or mixed-use buildings: 0'	7.6' from N Hancock Street
Maximum Front Yard	10'	
Side Yards	None required	10' from E Washington Avenue   2.9' along northwest side yard
Rear Yard	10'	10.1' from N Franklin St
Require Stepbacks	None	---
Maximum Lot Coverage	90%	86%
Useable Open Space	10 sq. ft. per bedroom (2,000 sq. ft.)	16,167 sq. ft.
Minimum Building Height	2 stories	10 stories w/ conditional use approval (See Zoning conditions)
Maximum Building Height	8 stories per Sec. 28.071(2)(b)1.	
Auto Parking	Central Area: No minimum required	146 underground
Accessible Stalls	Yes	Yes
Bike Parking	<b>Multi-family dwelling:</b> 1 per unit up to two-bedrooms, half-space per additional bedroom (156); 1 guest space per 10 units (16) <b>General retail; service business; office:</b> 1 per 2,000 sq. ft. floor area (2) (174 total)	156 underground, 18 surface: 174 total (See Zoning conditions)
Loading	None required	0
Building Forms	Flex Building	(See Zoning conditions)
<b>Other Critical Zoning Items</b>		
Yes:	Urban Design (Urban Design Dist. 4 and UMX zoning), Barrier Free, Utility Easements	
No:	Floodplain, Wellhead Protection, Landmarks/ Historic Dist., 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 Metro Transit, which operates seven-day service along E Washington Avenue on multiple lines.

## Project Description

The applicant, LZ Ventures, is requesting approval of a demolition permit and various conditional uses to raze five residential structures located at 410 E Washington Avenue, 8-12 N Franklin Street, and 9 Hancock Street, a mixed-use building at 402-408 E Washington, and a commercial building at 414 E Washington to construct a ten-story, mixed-use building containing 3,300 square feet of commercial space and 156 apartments.

The buildings to be demolished include:

- A two-story mixed-use building at 402-408 E Washington Avenue, built in sections beginning in 1866 according to the applicant and 1890 according to City records. The mostly brick Greek Revival-style building includes two first floor commercial spaces along E Washington Avenue with 1,100 square feet of floor area and four apartments in the remainder of the building.
- A three-story multi-family residence at 410 E Washington constructed in 1907, which contains seven apartments.
- A two-story cottage with two apartments in the rear of 410, addressed as 410 ½ E Washington, which was built in 1900 and relocated to the rear of the parcel to accommodate construction of 410.
- A one-story, 5,366 square-foot commercial/ warehouse building at 414 E Washington recently occupied by a Klinker's Dry Cleaners location. The building was constructed in 1924 and includes a full basement exposed along the N Franklin Street side. A small vehicular drop-off area is located at the corner of the building adjacent to the E Washington-N Franklin intersection.
- A 2.5-story wood-framed residence at 8 N Franklin Street, which was constructed in 1900 and includes three units, including in an occupied attic.
- A two-story, two-family residence at 12 N Franklin, which was constructed in 1879.
- A 2.5-story wood-framed residence at 9 N Hancock Street, which was constructed in 1894 and includes seven units, including in an occupied attic.

Photos of the interior and exterior of the buildings are included in the Plan Commission materials for this project, as is an assessment of their history and condition.

Following demolitions, the ten-story apartment building will be constructed to parallel the E Washington frontage of the property. A 10-foot setback is proposed along the E Washington and N Franklin frontages, while a 7.6-foot setback is proposed along N Hancock Street. The first floor of the U-shaped building will be set back 2.9 feet from the properties to the northwest developed with a three-story apartment building along N Hancock and 2.5-story three-unit dwelling along N Franklin. Above the first floor, the northerly wall of the proposed building will be stepped back 10.4 feet from the northerly lot line for floors 2-6, with a further stepback proposed for floors 7-10.

The first floor of the building will be set at the grade of N Hancock Street, which is approximately 10-14 feet above the grade of the site adjacent to N Franklin Street. As a result, the building will stand 10 stories above N Hancock Street but 11 stories above N Franklin Street. Plans for the first floor call for the residential entrance to the building to be centered on the E Washington frontage and accessed from a plaza elevated above the sidewalk grade. A 2,133 square-foot commercial space will be located west of the residential entrance at the corner of N Hancock, with the primary entrance to the space shown on the building corner. Two apartments on the N Hancock side of the first floor will have direct access from the public sidewalk, as shown on Sheet A-1.1. The remaining 1,226 square feet of commercial space proposed will be located at the southeasterly corner of the building at the grade of N Franklin Street on the uppermost of three levels of parking proposed below the building.

Resident terraces are proposed along the northerly side of the building at the first and seventh floors, and on the northerly side of the roof. A seating area will occupy the center of "U" on the northerly side of the first floor, while a pool deck is proposed at the northwesterly corner of the seventh floor and a grilling patio at the northeasterly

corner. The two seventh floor terraces above the sixth floor dwellings will be connected by a walkway that also connects to the building's community and exercise rooms (see Sheet A-1.7 for more details of the seventh floor). Finally, a rooftop terrace is proposed above the tenth floor, which will face to the northwest but not be visible from E Washington Avenue (see Sheet A-1.12).

The 156 apartments will consist of 39 efficiencies, 77 one-bedroom units, and 40 two-bedroom units. Parking for 146 automobiles and 156 bicycles is proposed below the building. Access to the parking garage will be from a one-way driveway in from N Franklin Street, with the exit proposed by a ramp up to N Hancock Street (the entry/exit configuration may be mislabeled on Sheet A-1.0).

The proposed building will be clad in two shades of brick located above a simulated stone base. The main ten-story mass oriented to E Washington Avenue will be clad in a buff- or cream-colored brick, while the two six-story wings that will project northerly from the ten-story mass along the side streets will be a slightly darker brown or rust color, as shown on the elevations and renderings submitted with the plans. Large windows are shown on all sides of the building.

## Supplemental Regulations

Outdoor recreation is defined as "a facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures..." including but not limited to swimming pools and similar such uses, which are subject to the following supplemental regulations in Section 28.151:

- (a) A minimum 25-foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- (b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- (c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

## Analysis

In addition to the demolition permits required, the proposed mixed-use building requires that a series of conditional use approvals be granted by the Plan Commission. Multi-family dwellings with more than eight (8) units and outdoor recreation are conditional uses in the existing UMX district. Per Section 28.076(4)(c), all new buildings and additions greater than 20,000 square feet or that have more than four stories in UMX zoning shall obtain conditional use approval with a recommendation by the Urban Design Commission for conformity to the design standards in Section 28.071(3) of the Zoning Code, if applicable, and the Downtown Urban Design Guidelines. Finally, the Downtown Height Map in Section 28.071(2)(a) establishes a maximum allowable height of

eight (8) stories for the subject properties; however, the site is located in Area H of the "Additional Heights Area Map" in Section 28.071(2) (b), which allows two additional stories when approved as a conditional use.

The site is also located in Urban Design District 4, which requires Urban Design Commission (UDC) approval using the standards and guidelines in Section 33.24(11). The UDC granted final approval of the project on a 5-2 vote at its July 1, 2020 meeting.

In order to approve the demolition of the existing buildings, the Plan Commission shall 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. In part, the purpose of Section 28.185 include aiding in the implementation of adopted City plans, protecting neighborhood character, preserving historic buildings, encouraging the reuse and/or relocation of existing buildings, and discouraging buildings falling into a state of severe disrepair. 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, impacts on street trees, 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]."

Both the 2018 Comprehensive Plan and 2012 Downtown Plan identify the subject site in their respective Downtown Core (DC) districts. The DC recommendations in both plans also apply to all of the E Washington Avenue block frontages between the Capitol Square and the beginning of the Capitol Gateway/ Capitol East district at Blair Street with the exception of the southerly side between S Hancock and S Franklin streets in the First Settlement Historic District.

In the Comprehensive Plan, the DC district is recognized as "the nucleus of downtown," which accommodates a wide variety of uses in large-scale buildings in what is seen as "the most intensely developed part of the city." The Comprehensive Plan recommendation otherwise defers to the Downtown Plan for details on buildings heights, uses, and design for development within the district. The area north of the DC district in the Comprehensive Plan, including adjacent to the subject site, is identified in the Medium Residential (MR) district, which generally recommends development between 20-90 units per acre in up to five-story buildings. MR districts are generally located close to major streets, mixed-use areas, or commercial/employment areas across the City to provide convenient, walkable access to transit, shopping, restaurants, and other amenities.

The DC district in the Comprehensive Plan is closely patterned off the DC district in the Downtown Plan, which recognizes the district as "the center of Downtown," which "should generally possess the highest intensity of

development. A mix of office, employment, retail, government, residential, cultural, entertainment, and other uses should be pursued to retain the area's vibrancy, including beyond normal business hours." (Objective 4.1). Recommendation 63 also recommends the development of more active uses in the DC district "where opportunities exist," including along E Washington Avenue between the Capitol Square and the Capitol East District. The subject site and nearby properties are recommended for development with Downtown Core Mixed-Uses per the Generalized Future Land Uses map on page 35. The site is recommended for new buildings up to eight stories in height, with the potential for two additional stories to be approved using specific recommendations in Appendix C. The Parcel Analysis on page 25 also identifies the subject site as underutilized site with an obsolete building or buildings.

Immediately north of the subject site, the remainder of the first blocks of N Hancock Street and N Franklin Street are included in the "James Madison Park" residential sub-district of the Downtown Plan. The James Madison Park sub-district is recognized for its mostly intact blocks of two- and three-story houses, which the plan encourages be preserved, with opportunities for selective redevelopment in up to six-story buildings on the rest of the first block north of the E Washington frontage. Along N Franklin and N Hancock Streets, the plan recommends that any infill and redevelopment be compatible in scale with the "house-like" character along those streets, although that recommendation may apply more to the 100- and 200-blocks of N Franklin and N Hancock, where a four-story maximum height is recommended.

Beyond the recommendations in the Downtown Plan, there is no detailed special area or neighborhood plan for the James Madison Park district.

The Downtown Plan notes 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. The Maximum Building Heights Map recommends a pattern of maximum building heights that reflects these considerations and the land use and other recommendations contained in this plan. The plan emphasizes that the height limitations are not intended to perpetuate the status quo or restrict redevelopment potential in many parts of the downtown, and that the proposed height limits are significantly higher than most existing development in most parts of downtown. However, while the Maximum Building Heights Map illustrates the maximum height of the tallest building within each height area, it does not illustrate more subtle height limits that may result from the protection of specific view corridors, building street setbacks, upper story building stepbacks, desired variety in building heights, or landmark or historic district designations.

Both in the Downtown Plan and for the purposes of determining the height of the building for zoning purposes, height is measured from the highest point along a building setback line paralleling any street adjacent to the site, so that the downhill side building facades could be taller than shown on the building heights maps. Also, Section 28.134(d) allows accessible roofs, including the minimum structure necessary to provide access, to not be counted as a story in the DC zoning district. However, this provision shall not be applied in violation of the Capitol View Preservation required by Section 28.134(3).

The Downtown Plan also identifies E Washington Avenue as a "premier corridor" and viewshed due to its iconic approach to the State Capitol from the east. However, the plan nor the Downtown and Urban Districts in the Zoning Code specify any building setbacks or stepbacks to prevent new buildings from encroaching into this

important view. The plan, however, recognizes the value that building setbacks and upper-story stepbacks can provide to ensure that the scale of new buildings is compatible with its context.

Many elements of the proposal are consistent with the above plan recommendations. The proposed development intensively redevelops a site identified in the Downtown Plan as “underutilized” with a mixed-use building where mixed-use development is recommended. The proposed building includes ground floor commercial space that will replace the commercial spaces at 402, 408, and 414 E Washington Avenue and activate the street frontage consistent with the plan recommendations, while significantly increasing the amount of residential on the site consistent with many of the growth objectives in the Downtown Plan.

However, staff is aware of concerns by nearby residents and property owners in the James Madison Park neighborhood and environs regarding the proposed mass of the building and its relationship to the adjacent lower-scaled, wood-framed two-story residential buildings to the north. The proposed building is considerably greater in scale and mass compared to the existing site condition and with nearby properties. Public comments, a report by a steering committee of the James Madison Park district of Capitol Neighborhoods, and a resident survey organized by a nearby cooperative are attached to the legislative file for the Plan Commission’s consideration.

Staff believes that the Plan Commission may find that the proposed mixed-use building is consistent with the plan recommendations and that the proposed development meets the standards for demolition permit and conditional use approval. However, in order to find those standards met, the Plan Commission shall specifically consider the following aspects of the applicant’s requests:

Demolition of Existing Structures

The applicant has submitted an architectural assessment of the existing buildings as well as a series of photos of all of the buildings, which are attached. The photos and assessment suggest that the buildings are in average or below average condition consistent with their age, and that many of the architectural elements of the historic buildings have been removed or replaced.

As it does with most demolition requests across the City, the Landmarks Commission informally reviewed the proposed demolitions, and on May 4, 2020 recommended that all of the buildings have historic value related to the vernacular context of Madison’s built environment, but the buildings themselves are not historically, architecturally, or culturally significant (criterion “B”). In the Landmarks Commission report, members of the Commission noted their disappointment over the proposed demolitions. However, while the buildings contribute to the historic and cultural context of Madison, they are not historically, architecturally, or culturally significant due to their condition and the changes to them that have occurred over time.

While the Planning Division regrets the loss of the existing buildings, it believes that the Plan Commission may find the standards met to allow their demolition.

Conditional Use for Height in Excess of the Downtown Height Map

In the UMX zoning district, any new building with greater than 20,000 square feet or that has more than four stories requires conditional use approval. As noted above, an eight-story building is allowed on the subject site, with the potential for two additional stories to be granted by conditional use. While an area like the subject site may be planned for taller buildings, the need to obtain conditional use approval for taller and/or



denser development allows for the consideration of the potential impacts from that development on surrounding properties, the City's ability to provide municipal services, and the transportation network.

Staff believes that the Plan Commission may find the conditional use standards met to allow construction of a building taller than four stories and with greater than 20,000 square feet of area. As previously noted, there is considerable public comment regarding the appropriateness of the proposed development and its potential impacts on surrounding properties, which the Plan Commission should carefully consider when determining whether the standards are met to redevelop the site. However, notwithstanding the need for the applicant to provide the City Engineer with sanitary sewer flow calculations, Planning staff is unaware of any concerns expressed about the City's ability to provide services to the new development. The City Traffic Engineer has not provided comments to suggest that the project will create an undue impact on transportation network. Based on early staff feedback, automobile access to the development was redesigned to prevent traffic from the development from using N Hancock and N Franklin streets beyond the building envelope to limit traffic impacts on the neighborhood to the north or the E Mifflin Street bike boulevard.

In regards to the requested bonus stories, the Plan Commission shall not grant the two additional stories requested without finding conditional use standard #14 met, which states:

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

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

During the Downtown Plan process, eight areas were identified with special characteristics that make it reasonable to allow the potential to consider buildings slightly taller than the recommended base height under certain circumstances. The eight areas identified on page 37 of the plan are transition areas located between areas with different development character, recommended building height and scale; or which include existing older structures whose long-term preservation should be encouraged, but may be threatened by the potential for high-density redevelopment. To recognize and accommodate these situations, the Maximum Building Heights Map in the Downtown Plan identifies the eight areas where buildings may be allowed up to two additional stories if they meet specific criteria that reflect the unique context of the site and its surroundings, and help to advance the planning recommendations for that area.

Appendix C of the Downtown Plan identifies the specific standards that apply to the eight areas of the downtown area identified for two additional stories beyond the limits established on the Downtown Height Map, which are subject to conditional use approval. The plan recommends that the potential impacts of the additional building height and mass on nearby properties and public ways be considered, as should consistency with the recommendations in the Downtown Plan and other adopted City plans. Area H is comprised of the five block faces located on the north side of E Washington Avenue between the Capitol Square and the Capitol Gateway Corridor, including the subject site. In order to encourage taller buildings that provide continuity with the Capitol Gateway Corridor and further enhance this important approach to downtown, up to two bonus stories may be considered in Area H. The maximum building height in the areas adjacent to Area H ranges from three stories to the Capitol View height limit, “so while tall buildings are appropriate here, the area also functions as a transition area to some extent” according to the plan.

With regard to standard 14a., the Plan Commission is given a choice effectively between whether the two additional stories are consistent with the *existing* or the *planned* character of the surrounding area given consideration of the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces. The proposed building, with or without bonus stories, is clearly not consistent with the existing character of the surrounding area, which is predominated by smaller scale two- and three-story buildings on small parcels. However, the Plan Commission may find that the building is consistent with the *planned* character of the area as informed by the site’s UMX Zoning, Downtown Height Map, and recommendations of the Downtown Plan, which allows for the consideration of much taller and denser development for the subject site and adjacent block frontages on the northerly side of E Washington Avenue compared to the existing.

Additionally, the Commission may consider the planned character of the remainder of the residential block north of the site when considering whether the proposed ten-story building can meet this standard. The remainder of the first blocks of N Hancock and N Franklin streets north to E Mifflin Street are recommended for Medium Residential by the Comprehensive Plan and are shown for up to six (6) stories on the Downtown Height Map in the Zoning Code. While the plan recommendations and zoning for the remainder of those blocks do not ordain that other parcels nearby will be developed to a scale more in line with the scale of the proposed building (which would require Plan Commission approval), the permissiveness of the plan recommendations and Zoning Code at least suggest that the proposed building may be consistent with the scale, mass, etc. of other development that may be proposed nearby in the future. The applicant indicates that the transition in mass from the ten stories proposed closest to E Washington Avenue to six stories for the portion of the U-shaped building closest to the area recommended for up to six-story buildings is a nod to the planned development scale for the rest of the block. While it should not be assumed that this or any other property may be developed to the maximums recommended in a plan or by zoning, it is a reasonable premise compared to if a lesser scale was planned for the rest of the block, for example, three or four stories.

Regarding standard 14b., the applicant’s letter of intent states that the two bonus stories allows for the height transition proposed to the north as well as greater building setbacks compared to what could be allowed under the existing UMX zoning. The applicant also indicates that the taller building allows for “high-quality materials throughout the exterior of the building and an extensive amenity package for residents.” Although detailed site plans and floorplans have not been provided for the eight-story building, the applicant indicates that the residential density and commercial first floor of the shorter building would be similar to the program in the taller building, which suggests that the eight-story building would be as consistent with adopted plan recommendations

and goals as the ten-story version. Likewise, staff believes that the conditional use standards could be met for the eight-story building similar to its recommendation that the ten-story building meets those standards lest the consideration of the bonus stories.

In reviewing the project as proposed, as well as the images of an eight-story building provided for comparative purposes, Planning staff believe that both the eight- and ten-story buildings appear to be handsome and well designed, with high-quality materials shown on both. The top of the ten-story building is somewhat more dramatic than the less-ornamented eight-story building. The setbacks at the seventh floor of the ten-story building reduce the mass of the building at the seventh and eighth stories by approximately 34 feet, adjacent to the smaller-scale buildings to the north. In staff's opinion, additional setbacks depicted with the 10-story project are arguably the most important differentiating factor that is currently presented, as staff believes that the aesthetic design of both facades while different, are both well designed.

Staff believes that other considerations regarding "a demonstrated higher quality building" have not been sufficiently substantiated beyond the three images of the eight-story building, which appear to show less greenspace between the building and abutting sidewalks. Further, based on the information provided, staff does not believe that it has been clearly demonstrated that the ten-story building allows for higher-quality materials to be used throughout the exterior, and staff question how enhancements to the resident amenity package relate to this standard.

In reviewing standard 14b., the Plan Commission will need to determine if the information provided by the applicant has sufficiently demonstrated that this standard is met, which remains a question to staff. If the Plan Commission finds that the ten-story building meets standard 14b., it should specify how the ten-story building is a demonstrated higher quality building compared to the eight-story alternative.

[Standard 14c. does not apply in this case, as there are no landmark buildings within or adjacent to the project.]

In regards to standard 14d., the ten-story building is not anticipated to impact Capitol views or other viewsheds and views and vistas as identified in the Downtown Plan based on the setback and setbacks proposed.

### Outdoor Recreation

As noted in the Project Description section above, the applicant proposes outdoor tenant amenities on the first and seventh floors, and on the roof above the tenth floor. All of the outdoor recreation areas will face to the residential neighborhood to the north, including the pool and hot tub located on the seventh floor. Consistent with staff recommendations for other outdoor recreation amenities included in other residential downtown developments, the Planning Division believes that management of the outdoor spaces is critical to ensure that the uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner (standard 3). Staff recommends that a management plan for the proposed outdoor recreation areas be approved by staff as part of final sign-off, which addresses the hours of operation for the areas, noise and light controls, security, and disciplinary actions for inappropriate tenant behavior. The management plan will be enforced by the Zoning Administrator and will be subject to the Plan Commission's continuing jurisdiction authority in Section 28.183 of the Zoning Code.

## Conclusion

The applicant is requesting approval of a demolition permit to raze seven (7) one-, two-, or three-story buildings, all but one of which are 100 years old or older, and conditional uses to allow construction of a ten-story mixed-use building on the blockface of E Washington Avenue between N Hancock Street and N Franklin Street. While staff regrets the loss of the existing buildings, it has carefully considered the overall development and believes that the various standards for approval can be met.

As noted in this report, concerns have been raised by nearby residents and property owners in the James Madison Park neighborhood and environs regarding the proposed mass of the building and its relationship to the adjacent lower-scaled, wood-framed two-story residential buildings to the north, which the Plan Commission should carefully consider in determining whether or not the standards for approval can be met. However, staff believes that the proposed development is generally consistent with the Downtown Core recommendations in the Comprehensive Plan and Downtown Plan, which recommend development of mixed-use projects along the north side of E Washington Avenue to provide more active uses between the Capitol Square and Capital East corridor east of Blair Street. Staff believes that the conditional use standards can be met to allow at least an eight-story building to be built on the site, which is consistent with the height recommended in the Downtown Plan and allowed on the Downtown Height Map in the Zoning Code without bonus stories.

In order to approve the ten-story building requested by the applicant, the Plan Commission shall make specific findings regarding conditional use standard #14. Staff believes that the proposed ten-story building, which will transition to six stories adjacent to the northerly property line, can be found to be consistent with the planned character for the site and the adjacent parcels to the north, which are planned for development in up to six-story buildings. If the Plan Commission finds that the ten-story building meets standard 14b., it should specify how the ten-story building is a demonstrated higher quality building compared to the eight-story alternative.

## Recommendation

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

If the Plan Commission can find the standards for demolition permit and conditional use approval met, the Planning Division recommends that it **approve** the demolition of five residential structures and a commercial building at 402-414 E Washington Avenue, 8-12 N Franklin Street, and 9 N Hancock Street to allow construction of a ten-story, mixed-use building subject to input at the public hearing, the conditions of the Urban Design Commission approval, and the following conditions from reviewing agencies:

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

#### Planning Division

1. Revise Sheet A-1.0 to correctly label the garage entrance from N Franklin Street and exist to N Hancock Street and show the location of the entrances to the N Franklin Street commercial space.
2. The applicant shall submit a detailed management plan for the outdoor recreation areas to be approved by the Planning Division prior to final approval of the conditional use and issuance of building permits. The

management plan shall address the hours of the outdoor recreation areas, noise and light controls, security, camera and video policies, and disciplinary actions for inappropriate tenant behavior. Staff recommends that the outdoor recreation areas be closed and emptied by 10:00 p.m. nightly.

**Urban Design Commission** (Contact Janine Glaeser, 267-8740)

The Urban Design Commission granted final approval of the proposed development at its July 1, 2020 meeting subject to the following condition:

3. That the final plans show a rectilinear base instead of a curved base.

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

4. The applicant shall provide projected wastewater calculations for the proposed development. Off-site sewer improvements may be required.

5. Enter into a City / Developer agreement for required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.
6. Construct sidewalk according to a plan as approved by the City Engineer.
7. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering Division signoff.
8. Provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
9. Obtain a permanent sewer plug permit for each existing sanitary sewer and storm sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.
10. A Storm Water Management Report and Storm Water Management Permit is required for this project.
11. A Storm Water Maintenance Agreement (SWMA) is required for this project.
12. 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. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

13. Provide the City Engineer with a survey indicating the grade of the existing sidewalk and street and hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. Building entrance grades must be approved by the City Engineer prior to signing off on this development.
14. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
15. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation.
16. This project will disturb 4,000 square feet or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
17. This project will disturb 20,000 square feet or more of land area and requires an Erosion Control Plan. Please submit an 11" x 17-inch copy of an erosion control plan (PDF electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.
18. Demonstrate compliance with MGO Sections 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
19. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
20. 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 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
21. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of the Madison General Ordinances.
22. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan and Report shall include compliance with the following:

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

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering.

This site is required to reduce the peak discharge from the site by 15% during a 10-year storm event compared to existing conditions and to reduce the peak volumetric discharge by 5% compared to existing conditions during a 10-year storm event.

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

23. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the City Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
24. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the City Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

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

25. The applicant/owner/developer shall be responsible to obtain any required temporary easement or right of entry within the adjacent private lands for construction or earth retention that may be necessary that will encumber those adjacent properties.
26. The base address for the apartments is 410 E Washington Avenue. The west commercial space is 402 E Washington Avenue. The east commercial space is 418 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.
27. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to Zoning and Building Inspection staff prior to issuance of building permits for new construction.
28. Submit a floorplan in PDF format to Lori Zenchenko ([lzenchenko@cityofmadison.com](mailto: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 Addressing 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)

29. 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 Section 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. This site plan currently does not meet vision triangle requirements, the applicant may have to make substantial site changes, possibly including structural, to satisfy this requirement.
  30. 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.
  31. The applicant shall dedicate right of way or grant a public sidewalk easement and be responsible for the construction of a five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1)-foot for maintenance along E Washington Avenue.
  32. The applicant shall be financially responsible for the installation of pedestrian level lighting on N Franklin Street. Estimated deposit is \$20,000
33. 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.
  34. 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.
  35. 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.
  36. All parking facility design shall conform to the standards in MGO Section 10.08(6).
  37. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.



38. Per MGO Section 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
39. The applicant shall provide a clearly defined 5-foot 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
40. 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.
41. 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 staff to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4768, [ascheib@cityofmadison.com](mailto:ascheib@cityofmadison.com)), Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering main office with final plans for sign off.
42. The driveway slope to the underground parking is not identified in the plan set. Traffic Engineering recommends a driveway slope under 10 percent; if the slope is to exceed 10 percent, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.
43. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all Class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
44. 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.
45. The applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
46. 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 staff for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.
47. All existing driveway approaches which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

48. 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 (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.
49. Per 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 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 845.6 feet above sea level as established by the United States Coast and Geodetic Survey.
50. Bicycle parking for the commercial tenant spaces shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). The bicycle parking requirements for the commercial tenant spaces will be reviewed prior to obtaining zoning approval for each use. Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance.
51. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
52. Provide details showing that all the street-facing façades meet the door and window opening requirements of Section 28.071(3)(e). For street-facing facades with ground story non-residential uses, the ground story door and window openings shall comprise a minimum of 50% of the facade area. For street-facing facades with ground story residential uses, ground story openings shall comprise a minimum of fifteen percent (15%) of the façade area. Upper story openings shall comprise a minimum of 15% of the façade area per story.
53. Exterior lighting provided shall be in accordance with Section 10.085. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.
54. 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.
55. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes and MGO Chapter 33 Urban Design Commission 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)

56. 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 the Madison Fire Department prior to site plan approval. The proposed aerial access lane is in conflict with the public street trees with the public's right of way. Relocate or explore other means to achieve an equivalent level of safety.

57. Provide fire service access elevators in accordance with IBC 3007.

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

58. 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.

59. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days' notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin 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 Madison Water Utility at 266-4646.

60. The utility plan indicates tapping into a 12-inch existing water main for the water service. The water main on N Hancock St. is 16-inch ductile iron. Update the utility plan to show correct tapping sleeve and connection to the 16-inch water main.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency reviewed this request and has recommended no conditions or approval.

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

61. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Section 20.08(2)), and Park-Land Impact Fees, per MGO Sections 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 20012 when contacting Parks Division staff about this project.

**City Forestry Section** (Brad Hofmann, 267-4908)

62. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
63. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within whose district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
64. As defined by the Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
65. The contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or belowground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
66. Section 107.13(g) of *City of Madison Standard Specifications for Public Works Construction* addresses soil compaction near street trees and shall be followed by the contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
67. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
68. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
69. City Forestry will issue a street tree removal permit for one tree 5-inch diameter Hackberry tree due to driveway installation at along N Franklin Street.

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