

PLANNING DIVISION STAFF REPORT

June 30, 2021

PREPARED FOR THE URBAN DESIGN COMMISSION



Project Address: 849 E. Washington Avenue & 14 S. Paterson Street

Application Type: New Development in Urban Design District (UDD) 8
Initial/Final Approval is Requested

Legistar File ID # [64507](#)

Prepared By: Kevin Firchow, Acting UDC Secretary

Background Information

Applicant | Contact: Jeff Davis, Angus-Young | Matt Brink, Matt Brink Consulting/Bakers Place, LLC

Project Description: The applicant is seeking initial/final approval for a new mixed-use development in UDD 8. The request includes partial preservation of the existing Gardner Baking Company building along East Washington Avenue and the construction of a new 8-15-story multi-family residential development with up to 20,000 square feet of possible commercial space.

Project History/Schedule:

- The UDC received an informational presentation on March 31, 2021.
- The Plan Commission is scheduled to review the related requests on July 12, 2021.
- The Common Council is scheduled to review the related CSM on July 20, 2021.

Approval Standards:

The UDC is an **approving body** on this request. The development site is within Blocks 12 a and b of Urban Design District 8 (UDD 8) and is subject to the design requirements and guidelines of [Section 33.24\(15\)](#). In applying the standards, the code states that the Urban Design Commission shall apply the UDD 8 district requirements and guidelines as may be appropriate in order to implement the Core Development Principles of the [East Washington Avenue Capitol Gateway Corridor Plan](#). In order to approve, ordinance requires that the development is found to meet the requirements and conform as much as possible to the guidelines.

Summary of Design Considerations and Recommendation

Planning Division staff recommends that the UDC review the project, provide findings, and base their decision on the aforementioned standards for UDD 8. This includes specific findings related to requested bonus stories, as noted below. Please note, many of the design-related considerations noted in the March 31, 2021 staff report have been resolved. Staff comments on current considerations are noted below.

Design Considerations

- **Setback and Stepback Regulations.** Various concerns were raised during staff's review of the previous informational submittal. At this time, staff believes that the current proposal can be found to comply with the applicable setback and stepback requirements for UDD 8. Previously noted concerns regarding South Paterson Street have been resolved through design modifications.

In regards to previously noted concerns regarding the Main Street setback, UDD 8 requires a maximum setback of 15 feet, though a conflicting standard in the Zoning Ordinance requires a minimum setback of 20 feet along the same frontage. Staff advises that UDD 8 states that if this ordinance conflicts with other City regulations, the regulations which are more restrictive or which impose higher standards or requirements shall govern. Using an interpretation that a 20 foot zoning setback is more restrictive than a 15 foot setback UDD Setback, staff believes the UDC can find that standard met.

- **Bonus Story – Upper Level Development Standards MGO 33.24 (15)(e)(12).**

As noted in the letter of intent, bonus stories are requested. In Block 12a (along the East Washington half of the block) the code allows for up to three (3) bonus stories beyond the existing 12-story maximum. Calculated in feet, this would allow a maximum height up to 183 feet. In Block 12b (along the Main Street half of the block) the code allows for up to two (2) bonus stories beyond the existing 8-story maximum. Calculated in feet, this would allow a maximum height up to 123 feet.

As noted in the applicant's materials, the applicant is citing the equivalency of LEED Gold Certification as the justification for the requested bonus stories. Considering the possible precedential nature of the decision, staff request that the UDC gives careful consideration to the information provided. In an effort to demonstrate LEED Gold equivalent certification, the application materials include a LEED "scorecard" demonstrating the applicant's evaluation of their development against these standards. They applicants have also cited their own "Neutral Standard" as their company policy regarding sustainability efforts and have also stated that they are designing the building to Passive House Certification.

In order to approve bonus stories, the UDC must find that the provisions of at least (1) element from "Group i" or a combination of elements from "Group ii" *provides sufficient public benefit to warrant the additional height*. As noted below, LEED Gold Certification or Equivalency is a "Group i" element.

Group " i "

- LEED Gold certification, or equivalent
- Inclusion of at least fifteen percent (15%) of dwelling units for families with incomes not greater than sixty (60%) Area Median Income (AMI) for rental units and/or an income not greater than eighty percent (80%) AMI for owner-occupied units. Area Median Income is the median annual income calculated by the U.S. Department of Housing and Urban Development for the metropolitan area that includes the City of Madison.
- Structured parking that includes space shared by multiple users from multiple lots and that accommodates a substantial space for public use by patrons of both on- and off-site uses.
- On-site, publicly accessible plazas and/or pocket parks that are visible from the street and provide seating, landscaping, public art and/or other public amenities. For each one (1) square foot of plaza or park that is provided, five (5) square feet of bonus area is available.

Group " ii "

- Mid-block and through-block public pedestrian, bike, and/or vehicular connections.
- Substantial amount of family-supporting housing, including at least ten percent (10%) of dwelling units with three (3) or more bedrooms, outdoor recreation spaces, and/or other family-related amenities.
- On sites with designated historic structures and/or structures eligible for designation, the incorporation, preservation, or rehabilitation of such structures in the development.
- Adequately sized community meeting rooms available free of charge for neighborhood, public, or other community meetings or on-site daycare facilities in conjunction with family-supportive housing or employment uses.
- Minimum of fifty percent (50%) vegetative roof cover.
- LEED Silver certification or equivalent.
- On-site, publicly accessible plazas and/or pocket parks that are visible from the street and provide seating, landscaping, public art and/or other public amenities. For each one (1) square foot of plaza or park that is provided, ten (10) square feet of bonus area is available.

- **Roof Top Mechanicals and Elevator Penthouses.** Staff requests that the UDC provide comments related to the related to the depicted or anticipated roof top mechanical projections.

Summary of Previously Provided UDC Commissioner Comments

As a reference, staff refers the Commission to their comments from the March 31, 2021 informational presentation:

- I'm really excited about this project and followed with a lot of interest the building going up in Milwaukee as a mass timber building that will be the tallest of its kind in the entire world if I'm not mistaken.
- I know the notion of mass timber is largely a structural concept, but in some of these projects around the world they pull a lot of the exposure of the wood out into the surfaces. Do you have any thoughts about that?
- They are asking for relief in the setback and stepback requirements for more dwelling units when it's called for employment in this area. Does the plan really need to be amended before we go too much further into reviewing design?
- Seems like a huge ask for relief on all these well considered stepbacks and setbacks in order to accommodate a use that's not even in the adopted plan on the East Main block.
- It does say on one of the plans that the existing building is going to be used for offices, so that's job oriented.
- Changing it from employment, didn't we do that up the block at the back of the Archipelago, are we doing this project by project or block by block?
- Yes the WHEDA building and the other half was an apartment building. There was a considerable amount of employment included in that development. We continue to see lots and lots of residential, we have to think about the long view of what the City wants to do along Main Street. I'm not advocating to deny this but before we get all excited about timber frames and green roofs we really needs to think about the core uses and adopted plans and the zoning implications in terms of stepbacks and setbacks.
- Your parking ratio is a concern to me because there's not a lot of parking. I don't know if you'll get that many people forgoing the owning of a vehicle. People that work downtown will often park this far down so it's often congested.
- I'm excited about the ambition of the project. Focusing on the asks, can you tell us why the larger bedroom units are a must be on Paterson Street? On the chopping block to achieve the bonus stories.
- Overall share the sentiment that your goals of doing heavy timber framing definitely pull on our heart strings, its core to what we believe in for sustainability. Forest Green is here in Madison, where a lot of your technology comes from. Trees, carbon dioxide, also the alternative of concrete, specifically cement is one of the worst thing we do to the environment. Choosing a building system for a project that is sustainable doesn't relieve the design team of staying within ordinances and codes we go through, specifically for equity for future sites. While some exceptions are made there has to be significant justification given to show why exceptions have to be made. To the design team, I would say if you're looking for relief from certain elements, there has to be real plausible justification for that so we can see what it is and why this project has to give into some of those reliefs.
- UDD 8 gives us guidance on the bonus stories but not so much on the setbacks and stepbacks or amending the Capitol Gateway Corridor Plan. It's more than just a building design right now, it's this three-headed monster we have to tackle and ultimately make a recommendation to the Plan Commission.
- The City Council ultimately will decide the land use. The physical design of the building is ultimately UDD No. 8 which is what the Commission would be approving.

- I'd like to ask the design team to speak the reason for the order of the stepping in the massing, why 15-stories on the E. Washington Avenue side and 8-stories on the Main Street side?
- To comply with the setback on the E. Main side you'd need to find a way to put that volume somewhere else, it seems the likely place is in the 10-story middle section. I asked because I wondered if the courtyard is driving that, I'd encourage an hourly annual analysis on that. I'm skeptical that having the shorter 8-story does a whole lot to improve the solar gain in that courtyard. I've been proven wrong.
- This project is talking about sustainable in a way most of the projects we've seen have not talked about. I would hope that as a Commission we're encouraging and welcoming to this project because that's exciting for Madison to get. Stepbacks vs. setbacks, I'm struggling to understand how an increase in setback could be bad, it means more greenspace and shade trees along this street.
- We need all the answers and justifications in order to make an overall recommendation one way or the other.
- If we're looking at shying away from some of the UDD guidelines for the stepbacks and setbacks, specifically on the Paterson elevation, what's shown on the massing is one big flat façade, so as far as bonus stories those are typically given to those projects that include some pretty significant architectural façade design, specifically this corridor as an entry point into Madison. Having one whole vertical facade when we're looking at the design, I understand you have maybe some green areas in there, urban activation, how are you activating the street front if the residential? You're losing that vertical articulation so we'd want to see pretty detailed design elements to give it some character.
- If we gain a little in setback but the setback is not its full depth, it could affect the amount of sun that hits the street and sidewalk. Comparative sections for us to make a more educated recommendation.
- I'm not opposed to the added setback on Paterson. My caution or concern would be that right now to the southwest is a parking lot and as we've experienced you're counting on that clear sunlight coming through, what if the next site is developed with a tall building, now you don't have that sun in the courtyard or that heat gain. Your eggs are all in one basket, I'd caution that dependency on the parking lot next to you.
- The setback with this massing model seems weird because it's a blank wall. If you look at the Constellation and some of the other buildings, there's a required setback of sorts from E. Washington down into the surrounding neighborhood, why it goes from 15-8-10 to mix with the context of Main Street.
- The courtyard, it's fine until somebody else goes right up onto the property line and you have a canyon.
- The mews is a super cool concept that should stay no matter what.
- Why can't that courtyard be used to gain the setback requirements on Paterson?
- It's important that we ask the tough questions now and hopefully the proposal will be the better for it. You'll need to involve the new alder and the neighborhood, and that will go a long way for us to put together a recommendation as well.