



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1858-1890 E Washington Avenue (District 12 – Abbas)

**Application Type:** Demolition Permit, Conditional Uses, and Certified Survey Map Referral

**Requested Actions:** ID [66983](#)– Consideration of a demolition permit to demolish a multi-tenant commercial building and an auto repair station; consideration of a conditional use to construct a mixed-use building with greater than 60 dwelling units in the Commercial Corridor-Transitional (CC-T) District; and consideration of a conditional use in the CC-T District for a building exceeding five stories and 78 feet in height, all to construct a six-story mixed-use building with approximately 15,000 square feet of commercial space and 290 apartments at 1858-1890 E Washington Avenue.

ID [66560](#) – Revising conditions of approval for a Certified Survey Map of property owned by TDW Hartford, LLC located at 1858-1890 E Washington Avenue to create one lot for the mixed-use development.

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

## **Addendum**

### Background

On July 26, 2021, the Plan Commission found the standards for approval met and conditionally approved a demolition permit and various conditional uses to allow demolition of a multi-tenant commercial building and an auto repair station and construction of a six-story mixed-use building with approximately 15,000 square feet of commercial space and 290 apartments at 1858-1890 E Washington Avenue at the corner of N First Street (see Legislative File ID [65650](#)). A Certified Survey Map to create one lot for the proposed mixed-use development was also conditionally approved by the Plan Commission at the July 26 meeting, with a resolution approving the CSM adopted by the Common Council at its August 3 meeting (see ID [65658](#)).

Following the July 26 Plan Commission decisions, the developer of the project, Steve Doran of Galway Companies, Inc. contacted City staff to express concerns about his ability to meet some of the conditions of approval, most notably conditions from the City Engineering Division and Traffic Engineering Division requiring that the developer construct a 10-foot multi-use path/sidewalk, eight (8)-foot terrace, and one (1)-foot buffer along the E Washington Avenue and N First Street frontages of the 3.45-acre site. The sidewalk and terrace improvements were also a focal point of a July 30 meeting between the project team and City staff to coordinate public improvements for the project. Following the July 30 meeting, the developer formally requested to be placed on an upcoming Plan Commission agenda to seek relief from some of the July 26 conditions of approval.

In order to consider the developer’s request at the August 23 Plan Commission hearing, a new Class 2 notice has been published in the Wisconsin State Journal and new postcards sent to the owners and occupants of properties within 200 feet of the subject site.

### Proposed Site Plan

In order to maintain the approved placement of the six-story mixed-use building, the developer is requesting that the width of the multi-use path/sidewalk and terrace along the E Washington Avenue and N First Street frontages

be reduced. As shown on the plan dated August 18, 2021, the developer is proposing multi-use path/sidewalk that will vary in width from 8 to 10 feet, while the terrace will vary in width from 5 to 8 feet. Additionally, the terrace for most of the project will be concrete, with the exception of between the N First Street driveways, where it will be grass. The plans show that street trees for the project will be located in tree grates where the terrace is concrete, with silva cells to be installed to support the growth and long-term maintenance of the trees. The specific revisions to the project plans to address the proposed changes in the right of way are attached to ID [66983](#) as 'Updated A101 and A360\_08-18-21,' which are the revised first floor plan and sections along E Washington Avenue, respectively. A full set of the plans for the project, which includes these two sheets as well as detailed plans for the building, are also attached to ID 66983 with an August 23, 2021 date.

The first floor of the proposed six-story mixed-use building will continue to include approximately 15,000 square feet of commercial space along the E Washington Avenue frontage, with entrances to the first floor commercial spaces will be provided on the E Washington façade as well as from an indoor parking area that will occupy most of the first floor. Due to the grades present across the site, which fall from the southeasterly corner of the site to the north and west, most of the first floor along E Washington will be elevated above the public sidewalk, with an elevated plaza proposed between the building and E Washington property line. A 15-foot setback is required per Urban Design Dist. 8, which the new building will continue to meet. The plans given initial approval by the Urban Design Commission on July 14 and approved by the Plan Commission on July 26 show a combination of terraced planting beds and stairs between the upper pedestrian walk and the public sidewalk within the 15-foot required setback. The August 18 plans generally maintain this terracing approach, but with a revised layout for the western stairs to account for the reduced horizontal space between the top and bottom of the retaining wall along E Washington Avenue to accommodate the five-foot minimum terrace deemed acceptable by City staff during discussions with the project team since the July 26 approval.

In addition to the changes proposed in the right of way along E Washington Avenue and N First Street, the developer indicates that the landscaping shown on the plans approved in July will be removed in order to satisfy the requirements of an easement that governs the northerly property line and provides shared access between the subject property and the City of Madison's former Fleet Services garage and future public market property and a Madison Metropolitan Sewerage District (MMSD) lift station, which border the site on the north. In particular, the easement requires that the northern edge of the subject site be kept clear so that the access to the MMSD lift station can be maintained. Another condition of the July 26 approval, which requires that the developer to coordinate a potential future connection to the City parcel within the limits of the current easement or through a modification of the access easement, will remain a condition despite the site and landscaping plan changes proposed.

### Analysis & Conclusion

The developer is proposing to build the same building as was granted initial approval by the Urban Design Commission on July 14 and approved by the Plan Commission on July 26 but with less multi-purpose path/sidewalk and terrace than previously required as conditions to serve the development, as well as with no landscaping along the northern property line. Despite the modifications requested by the developer, staff believes that the Plan Commission may find that the standards for demolition permit and conditional use approval are met to allow the project to proceed with a minimum eight-foot multi-purpose path/sidewalk and five-foot terrace along E Washington Avenue and N First Street.

The Planning Division believes that the proposed development continues to reflect the character recommended for the site in adopted plans, as outlined in the July 26 staff report, while managing the constraints imposed on

the site by Urban Design Dist. 8. – particularly the 15-foot setback along E Washington Avenue. Staff believes that the applicant has worked diligently to address staff’s ongoing concerns about the relationship between the grade of the first floor and the E Washington Avenue sidewalk, which while revised to maximize the space in the right of way to the greatest extent possible, still includes an attractive terraced wall and prominent stair connections between elevated walk and public sidewalk.

While the larger multi-purpose path/sidewalk and terrace widths previously required would be more preferable, staff believes that the dimensions proposed are acceptable and will provide adequate space for pedestrians and bikes adjacent to the development. The proposed eight-foot path/sidewalk will also be consistent with the width of sidewalk required along N First Street for the City’s public market project north of the subject site at the corner of E Johnson Street, which was approved in March 2020 to include an eight-foot future sidewalk and minimum five-foot terrace. Staff also feels that the proposed terrace treatment will provide an adequate buffer between the sidewalk and traffic on both abutting streets as well as the minimum amount of room needed for street trees to be installed. The proposed use of silva cells (or similar) for the trees to be planted in concrete terraces should also ensure the future longevity of those trees. Staff will note, however, that the updated plan sheets likely show more street trees than may ultimately be approved by the City Forester. Rather, 3-4 trees will likely be planted along E Washington Avenue and 4-5 trees along N First Street according to Brad Hofmann from the Forestry section.

## Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** demolition permit and conditional uses to construct a six-story mixed-use building at 1858-1890 E Washington Avenue (ID 66983), and recommend **approval** of the one-lot Certified Survey Map (ID 66560) to the Common Council, all subject to input at the public hearing, the conditions of the Urban Design Commission approval, and the conditions that follow. [CSM conditions begin on page 14 of the addendum, below.]

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

1. Revise the project plans to include detailed floorplans for the townhouse units.
2. Revise/reconcile the remaining sheets in the plan set for the project to reflect the right of way condition proposed with the revised plans and conditions, including but not limited to, the landscaping and grading plans for the development.

### Urban Design Commission

The Urban Design Commission granted **initial approval** of the project on July 14, 2021 subject to the following conditions (included for reference):

- a) Relook at the design of the back entrance.
- b) Relook at the townhouse elevation.

**[The applicant has submitted an application for final approval of the project for the September 1, 2021 Urban Design Commission meeting.]**

**The following conditions have been submitted by reviewing agencies:**

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

3. **Construct a minimum 8-foot multi-use path and 5-foot terrace along the E Washington Avenue frontage to the westernmost property line and a minimum 8-foot multi-use path and 5-foot terrace along the N First Street frontage to the northernmost property line and construct spot curb and gutter and pavement replacement according to a plan approved by the City Engineer.**
4. The southern N First Street driveway and E Washington Avenue driveway shall be driveway-type entrances.
5. The applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement.
6. 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 sign-off.
7. 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.
8. Obtain a permanent sewer plug permit for each existing sanitary 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.
9. This project appears to require permanent dewatering. A permit to connect to the public stormwater system shall be required from City Engineering. Additionally, a permit for non-storm discharge to the storm sewer system from the Public Health-Madison/Dane County shall also be required. If contaminated soil or groundwater conditions exist on or adjacent to this project additional Wisconsin Department of Natural Resources (WDNR), Public Health, and/or City Engineering Division approvals may be required prior to issuance of the connection and non-storm discharge permits.
10. An Erosion Control Permit is required for this project.
11. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
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 Wisconsin Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.

13. The approval of this zoning approval does not include the approval of the changes to roadways, sidewalks or utilities. 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.
14. 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.
15. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used.
16. The area adjacent to this development is subject to backwater flooding from Lake Monona. Minimum entrance elevations for ramps to underground parking and to entrances shall be set at elevation 852.00. Structure exposed below this elevation shall be constructed of water resistant materials such as concrete or brick.
17. 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 100-year design storm that is current in MGO Chapter 37. 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.
18. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
19. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11- by 17-inch copy of an erosion control plan (PDF electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval.
20. 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.
21. 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.

22. 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 the City Engineering Division at 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
23. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.
24. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances 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:
  - Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
  - 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.
  - Reduce peak discharge from the site by 15% during a 10-year storm event compared to existing conditions.
  - Reduce TSS by 80% off of the proposed development when compared with the existing site.
  - Treat the first half-inch of runoff over the proposed parking facility and/or drive up window.
  - Provide onsite volumetric control reducing the post construction volumetric discharge by 5% during a 10-year storm event compared to existing conditions.
  - Provide substantial thermal control to reduce runoff temperature in cold water community or trout stream watersheds.
  - 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.
25. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
26. 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).

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

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| <p>27. <b>The proposed common driveway along the northwesterly side of this site has been proposed with a change in grade and a retaining wall that increases in height as the driveway extends to the southwest beyond the end of the current common access easement. The final configuration of the access drive shall provide a</b></p> |
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**connection to the Madison Metropolitan Sewerage District (MMSD) parcel at 104 N First Street as approved by MMSD. It shall also accommodate a future City of Madison connection with the final location of the City to be determined at a later date and at the City's cost. Both the City of Madison and MMSD properties currently have a right-of-way and easement for the use the driveway area per Document No. 1022200. To ensure that the existing easement rights are protected and future needs accommodated, the applicant shall coordinate with City Engineering and MMSD a modification of the access easement having a width of approximately 34 feet and extending the common access westerly to the railroad right of way. A retaining wall shall be allowed within a portion of the easement adjacent to the City parcel upon final review of its configuration by the City Engineer. The easement may be reduced in width at the west end of the new easement to accommodate the proposed cooling tower for this development as shown on the plan.**

28. The site shall be revised as necessary to accommodate the **required 8-foot wide minimum public multi-use path/sidewalk along N First Street and E Washington Avenue**. After coordinating the geometrics for the path with City Engineering Staff, provide a public bike and pedestrian path easement as necessary on the pending Certified Survey Map. Contact Jeff Quamme (jrquamme@cityofmadison.com) for the easement text to be placed on the CSM.
29. The underground storm water retention facility along the northwesterly side of this site encroaches into the Madison Metropolitan Sewerage District 16-foot wide 30-inch Reinforced Concrete Force Main Easement No. 2 per Document No. 1080501 that is to remain in force. The applicant shall provide MMSD approval of these facilities within the easement area, preferably with a recorded document.
30. A 20-foot wide sanitary sewer easement shall be granted on the pending Certified Survey Map extending beyond the end of the existing Sanitary Sewer Easement per Document No. 3209080 at the southerly corner of the site. The new easement area shall extend 15 feet southerly beyond the existing manhole. Also, an access easement adequate to provide access for maintenance and repair of the public sewer shall also be granted on the pending CSM.
31. The applicant shall coordinate with Madison Metropolitan Sewerage District for the release of the Burke Outfall Easement No. 1 and the By Pass Easement No. 3 of Document No. 1080501. Provide the recorded copies prior to final site plan sign off. Please note that MMSD will require as a condition of the release that the developer assume all costs, liability and responsibility for the removal of any abandoned pipe within this site.
32. The applicant is responsible for the coordination with the Wisconsin Department of Transportation and Wisconsin Southern Railroad for the removal of improvements and any required permits within the leased area inside of the adjacent railroad right of way. Also, upon the termination of the lease, the applicant is responsible to provide the lease termination information to Engineering Mapping for our records update and to the Assessor's Office for associated tax parcel changes.
33. The base address of the apartments is 1874 E Washington Avenue. Additional addresses for the townhouses and the commercial tenant spaces will be determined when the addressing plan is created and approved. 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.

34. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, 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.
35. 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)

36. Note: The applicant has submitted the requested Traffic Impact Analysis study; the study has been reviewed and accepted by the Traffic Engineering Division.
  37. The applicant shall prepare a Traffic Demand Management Plan (TDMP) to be reviewed and approved by the City Traffic Engineer.
  38. The applicant shall submit a deposit of \$30,000 for the installation of a Rapid Rectangular Flashing Beacon (RRFB) crossing on N First Street.
  39. **Construct a minimum 8-foot multi-use path and 5-foot terrace along the E Washington Avenue frontage to the westernmost property line and a minimum 8-foot multi-use path and 5-foot terrace along the N First Street frontage to the northernmost property line and construct spot curb and gutter and pavement replacement according to a plan approved by the City Engineer.**
  40. The southern N First Street driveway and E Washington Avenue driveway shall be driveway-type entrances.
  41. 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.
  42. 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.
43. 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.

44. 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.
45. 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.
46. All parking facility design shall conform to the standards in MGO Section 10.08(6).
47. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
48. Per Section 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.
49. 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.
50. The applicant shall provide a clearly defined five-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.
51. 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 Phillip Nehmer, (266-4769, pnehmer@cityofmadison.com) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the main City of Madison Traffic Engineering office with final plans for sign off.
52. All parking ramps as the 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.
53. 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.

54. "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.
55. 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.
56. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.
57. 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 or N First Street will be granted for construction purposes. Provide a detailed construction plan to the Traffic Engineering Division for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

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

58. Staff is anticipating that future conditional uses, including an outdoor eating area associated with a food and beverage establishment, may be sought as tenants are identified for spaces within the mixed-use building. These conditional uses will require additional approvals from the Plan Commission.
59. 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 at streets@cityofmadison.com. 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 60 days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
  60. Provide calculations for the required useable open space areas, and clearly show the useable open space areas on the final plans. A minimum of 11,600 square feet of useable open space is required. Identify each qualifying at-grade useable open space area, and show the structured useable open space areas located on roof decks, porches, and balconies. Roof decks, porches, and balconies may be used to meet up to 75% of the minimum open space requirement, provided that minimum dimensional requirements are satisfied.
  61. Provide electric vehicle stalls per Section 28.141(8)(e) *Electric Vehicle Charging Station Requirements*. A minimum of 10% of the residential parking stalls must be electric vehicle ready, and a minimum of 2% of the stalls must be electric vehicle installed. One (1) of the electric vehicle installed stalls must be an accessible stall.
  62. Bicycle parking for the commercial tenant spaces shall comply with the requirements of MGO 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 eight (8) 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 one hundred (100) feet of a principal entrance.

63. Bicycle parking for the multi-family dwelling units shall comply with City of Madison General Ordinances Sections 28.141(4)(g) Table 28I-3 and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 290 resident bicycle stalls are required plus a minimum of 29 short-term guest stalls. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5)-foot access aisle for wall mount parking. Show the dimensions of the bicycle stalls and the access aisles within the bicycle parking storage room on the mezzanine floor plan. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. Submit a detail showing the model of bike rack to be installed.
64. Required loading facilities shall comply with MGO Section 28.141(13). Provide one (10- by 50-foot) loading area with 14 feet of vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space. The required number of loading spaces may be reduced through conditional use approval.
65. 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 10,000 square feet in size must be prepared by a registered landscape architect.
66. Provide details of the rooftop terrace areas, including the pool, planters, landscaped areas, pergolas, and other resident amenities.
67. Provide details showing that the E Washington Avenue primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For non-residential uses at ground floor level, windows and doors or other openings shall comprise at least 60% of the length and at least 40% of the area of the ground floor of the primary street facade. At least 50% of windows on the primary street facade shall have the lower sill within three (3) feet of grade. For residential uses at ground level, a minimum of 15% of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of 15% of the upper-story wall area.
68. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. Identify which glass areas will be treated, and provide a detail of the specific treatment that will be used.
69. 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.
70. 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 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)

71. The proposed Rooftop Clubroom & Rooftop Bar is required to have access to (2) egress stairs which will give them access to the residential corridors. The elevator lobbies will not be permitted to be locked as currently designed.
72. The Fire Access Plan shall also indicate the location of all fire access lanes in addition to the aerial access lanes currently shown.
73. The hose distance from the fire hydrants to points along the fire lanes shall follow the drivable path along the fire lanes. Hose shall not be shown crossing parking stalls.
74. Ensure the tree species selected along the aerial access lane does not have a canopy that would infringe on the aerial access lanes at mature size.
75. Stair #4 shall discharge to the exterior.
76. Provide roof access from an exit stair enclosure.

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

77. The utility plan indicates connecting to an existing 6-inch water main. This existing water main is in fact a 4-inch water service. The existing 6-inch water service that currently serves this lot is located further south along N First Street closer to E. Washington Avenue.
78. 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/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. If you have questions regarding water service applications, please contact Madison Water Utility at 266-4646.

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

79. As identified on the plans submitted for review and in coordination with public works improvements, the applicant shall maintain or replace the accessible bus stop boarding pad as shown in the public right of way at the Metro bus stop zone that is on the north side of E Washington Avenue, west of N First Street.
80. As identified on the plans submitted for review, the applicant shall install and maintain the private seating amenity - as shown in the landscape plan area behind this bus stop zone located in the public right of way. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

**Parks Division** (Contact Kathleen Kane, 261-9671)

81. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 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# 21017 when contacting Parks Division staff about this project.

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

**82. The contractor shall contact City Forestry at 266-4816 to have a street tree removal permit issued for three trees: the five-inch pear along N First Street for new driveway installation; the four-inch hackberry and three-inch pear along E Washington Avenue for grade changes. Add as a note on the plan set.**

**83. On this project, the installation of a pavement support system (Silva Cell, GreenBlue or equivalent as approved by city) surrounding tree grate locations is required. The contractor shall contact City Forestry at 266-4816 to identify and locate underground conflicts (utilities, vaults, conduit) or other underground obstructions and determine grate locations before support system installation. Add as a note on the plan set.**

**84. No later than five business days prior to forming concrete and constructing tree grate sites, the contractor shall contact City Forestry at 266-4816 to identify and locate underground conflicts (utilities, vaults, conduit) or other underground obstructions and determine grate locations. Tree grate type: Neenah 4x8 (R-8815-A). Tree guard Neenah (R-8501-4818). Add as a note on the plan set.**

85. 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.

86. 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.

87. As defined by the Section 107.13 of the *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 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.

88. The contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. The 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.

89. Section 107.13(g) of the *City of Madison Standard Specifications for Public Works Construction* addresses soil compaction near street trees and shall be followed by 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.
90. 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.
91. 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.
92. Additional street trees are needed for this project. Tree planting specifications can be found in Section 209 of the *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, the 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."

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**Certified Survey Map – Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

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

1. The applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The agreement shall be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement.
2. **Construct a minimum 8-foot multi-use path and 5-foot terrace along the E Washington Avenue frontage to the westernmost property line and a minimum 8-foot multi-use path and 5-foot terrace along the N First Street frontage to the northernmost property line and construct spot curb and gutter and pavement replacement according to a plan approved by the City Engineer.**
3. 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 sign-off.

4. A minimum of two (2) working days prior to requesting City Engineering Division signoff on the CSM contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
5. Per the WDNR closure letters, this property was closed with residual soil and/or groundwater contamination (BRRTS #03-13-532116, #03-13-001486). Written approval from the Wisconsin Department of Natural Resources (WDNR) is required prior to disturbing the existing barrier cap. Submit copy of WDNR approval letter to Brynn Bemis (608.267.1986, bbemis@cityofmadison.com).

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

6. Grant a Public Sidewalk and Bike Path Easement(s) along N First Street and E Washington Avenue to the City of Madison on the face of this Certified Survey Map. The Easement shall be to **accommodate a 8-foot Public Sidewalk and Bike Path with an 5-foot terrace** as required by the City Engineering and Traffic Engineering Divisions. Contact Jeff Quamme (jrquamme@cityofmadison.com) for the easement text to be placed on the CSM.
7. Remove the proposed dedication of the public right of way from the CSM; the existing Public Limited Easements (PLE) for Public Road Purposes shall remain in place.
8. A 20-foot wide sanitary sewer easement shall be granted on the pending Certified Survey Map extending beyond the end of the existing Sanitary Sewer Easement per Document No. 3209080 at the southerly corner of the site. The new easement area shall extend 15 feet southerly beyond the existing manhole. Also, an access easement adequate to provide access for maintenance and repair of the public sewer shall also be granted on the pending CSM. Contact Jeff Quamme for the required easement language.
9. The applicant shall coordinate with Madison Metropolitan Sewerage District for the release of the Burke Outfall Easement No. 1 and the By Pass Easement No. 3 of Document No. 1080501. Provide the recorded copies prior to final CSM sign off. Please note that MMSD will require as a condition of the release that the developer assume all costs, liability and responsibility for the removal of any abandoned pipe within the released areas. Also add the future document number releasing the two easement areas within the note for the 30-inch force main easement to remain in force. Also add to the label for the easement to remain that it is Easement No. 2.
10. Move the Southwesterly end of the 43-foot wide access easement per Document No. 1022200 24 feet further southeast as the document states that the length of the easement is from the then future right of way that would be 24 feet further southwest.
11. Show, label and dimension the easement for electric power transmission over the adjacent MMSD parcel that benefits this parcel per Document No. 1085411.
12. Modify the documents listed for Easement A of the 20-foot public sanitary sewer easement at the west corner of the CSM. Remove Document Nos. 3209080 and 3209081 from the label as those documents are grants from the adjacent parcels to the northwest.

13. Add a note that lands within this CSM may be subject to a telecommunications easement per Document No. 4965434 for any telecommunication facilities that may lie within the exterior boundary of this Certified Survey Map.
14. Provide "recorded as" data along the exterior boundary of this Certified Survey Map as required by statute.
15. Change the label of the adjacent railroad to "Wisconsin DOT Railroad - Operated by Wisconsin & Southern Railroad."
16. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jeff Quamme, City Engineering ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)).
17. Prior to Engineering final sign-off by main office for Certified Survey Maps, the final CSM shall be submitted in PDF format by email transmittal to Engineering Land Records Coordinator Jeff Quamme ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.
18. Revise the Surveyor's Certificate legal description to commence at the SW corner of Section 6, not the West Quarter Corner.
19. Provide adjacent right of way and railroad right of way widths.
20. Provide an area of the total lot and a net area excluding the PLE for Street purposes.
21. The surveyor shall contact Jeff Quamme ([jrquamme@cityofmadison.com](mailto:jrquamme@cityofmadison.com)) to coordinate the location of the PLE for street purposes at the northerly corner of the CSM.
22. This Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds, 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 or early start permits.
23. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject CSM, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work shall be void of gaps and overlaps and match the final recorded CSM: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (including wetland and floodplain boundaries).

\*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any submittal.

**Traffic Engineering Division** (Contact Sean Malloy, 266-5987)

24. Construct a minimum 8-foot multi-use path and 5-foot terrace along the E Washington Avenue frontage to the westernmost property line and a minimum 8-foot multi-use path and 5-foot terrace along the N First Street frontage to the northernmost property line and construct spot curb and gutter and pavement replacement according to a plan approved by the City Engineer.

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

This agency reviewed the request and has recommended no conditions of approval.

**Fire Department** (Contact Bill Sullivan, 261-9658)

This agency reviewed the request and has recommended no conditions of approval.

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

This agency reviewed the request and has recommended no conditions of approval.

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

This agency reviewed the request and has recommended no conditions of approval specific to the CSM.

**Parks Division** (Contact Kathleen Kane, 261-9671)

25. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 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# 21017 when contacting Parks Division staff about this project.

26. The following note should be included on the CSM: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued." The Parks Division shall be required to sign off on this CSM.

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

This agency reviewed the request and has recommended no conditions of approval for the CSM.

**Office of Real Estate Services** (Heidi Radlinger, 266-6558)

27. Prior to final approval sign-off by the Office of Real Estate Services ("ORES"), the Owner's Certificate(s) on the CSM shall be executed by all parties of interest having the legal authority to do so, pursuant to Wis. Stats. 236.21(2)(a). Said parties shall provide documentation of legal signing authority to the notary or authentication attorney at the time of execution. The title of each certificate shall be consistent with the ownership interest(s) reported in the most recent title report. When possible, the executed original hard stock recordable CSM shall be presented at the time of Office of Real Estate Services (ORES) approval sign-off. If not, the City and the Register of Deeds are now accepting electronic signatures. A PDF of the CSM containing electronic signatures shall be provided to ORES to obtain approval sign-off.

28. If any portion of the lands within the CSM boundary are subject to an Option to Purchase or other Option interest please include a Certificate of Consent for the option holder and executed prior to CSM sign-off.
29. A Consent of Lessee certificate shall be included on the CSM for all tenant interests in excess of one year, recorded or unrecorded, and executed prior to CSM sign-off.
30. The lands within the CSM boundary are located within TID 36, a Tax Incremental Financing District. Discussions with Joe Gromacki, the City of Madison's tax increment financing coordinator, may be necessary before recording the CSM if a TIF application is required. Mr. Gromacki can be reached at 267-8724 or [jgromacki@cityofmadison.com](mailto:jgromacki@cityofmadison.com).
31. As of July 6, 2021, the 2020 real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year. Receipts from the City of Madison Treasurer are to be provided before or at the time of sign-off. Payment is made to: City of Madison Treasurer; 210 Martin Luther King, Jr. Blvd.; Madison, WI 53701.
32. As of July 6, 2021, there are no special assessments reported. All known special assessments are due and payable prior to CSM approval sign-off. If special assessments are levied against the property during the review period and prior to CSM approval sign-off, they shall be paid in full pursuant to Madison General Ordinance Section 16.23(5)(g)1.
33. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services ([hradlinger@cityofmadison.com](mailto:hradlinger@cityofmadison.com)), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (March 5, 2021) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. A title commitment may be provided, but will be considered only as supplementary information to the title report update. The surveyor shall update the CSM with the most recent information reported in the title update.
34. The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.