

PLANNING DIVISION STAFF REPORT

June 8, 2015



PREPARED FOR THE PLAN COMMISSION

Project Address: 510 University Avenue and 435 W. Gilman Street

Application Type: Demolition Permit and Conditional Use

Legistar File ID # [37589](#)

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

Reviewed By: Katherine Cornwell, Planning Division Director, Jay Wendt, Principal Planner, and Bill Fruhling, Principal Planner

Summary

Applicant: Marc Lifshin, Core Campus, LLC; 2234 W. North Avenue; Chicago, Illinois.

Agent: Brian Munson, Vandewalle & Associates; 120 E. Lakeside Street; Madison.

Property Owner: Mullins Group; 401 N. Carroll Street; Madison.

Requested Action: Approval of a demolition permit and conditional use to allow demolition of an existing two-story mixed-use building and construction of a new mixed-use building containing approximately 8,740 square feet of commercial space, 3,000 square feet of flex space, and 367 apartments at 510 University Avenue and 435 W. Gilman Street.

Proposal Summary: The applicant wishes to construct a twelve-story mixed-use building that includes 8,740 square feet of commercial space, 3,000 square feet of flex space, and 367 apartments and 3 levels of parking for 136 automobiles and 410 bicycles. As part of the construction of the proposed building, the applicant wishes to demolish all but the two-story façade of a mixed-use building at 435 W. Gilman Street. The applicant wishes to begin demolition and construction of the new building in summer 2015, with completion anticipated in summer 2017.

Applicable Regulations & Standards: Section 28.076(4)c of the Zoning Code states that any new building or additions over 20,000 square feet or that have more than 4 stories in the UMX (Urban Mixed-Use) zoning district require approval of 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.

Review Required By: Urban Design Commission and Plan Commission. Additionally, on May 4, 2015, the Plan Commission referred the project to the Landmarks Commission for an advisory recommendation at the request of Ald, Mike Verveer.

Summary Recommendation: If the Plan Commission can find that the demolition permit and conditional use to allow an existing mixed-use building to be demolished and a new mixed-use building to be constructed at 510 University Avenue and 435 W. Gilman Street meet the standards for approval in consideration of the recommendations for the subject site in the Comprehensive Plan and Downtown Plan, it should approve the project subject to input at the public hearing and the conditions from reviewing agencies can be found on page 10 of this report.

Background Information

Parcel Location: The subject site is an approximately 0.97-acre (42,196 square-foot) parcel primarily located on the northerly side of W. Gorham Street as it curves to become University Avenue opposite N. Bassett Street. The subject site also includes approximately 100 feet of frontage on the southeasterly side of W. Gilman Street near the center of the block bounded by N. Frances Street and N. Broom Street. The site is located in Aldermanic District 4 (Verveer); Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with a two-story, approximately 16,000 square-foot mixed-use building addressed as 435 W. Gilman Street that includes commercial space on the first floor and 4-8 apartments above (City records and the applicant differ in their unit counts). The building was constructed in 1929. A driveway and small parking lot abut the westerly side wall of the building, which lead to a larger surface parking lot in the center of the site that parallels W. Gorham Street. The southeasterly edge of the site adjacent to Gorham is a grass field. The entire site is zoned UMX (Urban Mixed-Use District).

Surrounding Land Use and Zoning:

North: The Hub at Madison I mixed-use development (under construction), Blue Velvet Lounge, Rainbow Bookstore Cooperative, zoned DC (Downtown Core District); (rear of) Café Portabella and apartments, zoned UMX (Urban Mixed-Use District);

South: Equinox, La Ville, Aberdeen, Embassy and La Ciel apartment towers; Hampton Inn & Suites Hotel, zoned PD (Planned Development District);

East: Four-story, 20-unit apartment building on W. Gilman Street, zoned UMX; six-story, 80-unit apartment building on W. Gorham Street ("420 West");

West: Four-story, 14-unit apartments and one- and two-story multi-tenant commercial buildings, zoned UMX.

Adopted Land Use Plans: The W. Gorham Street-University Avenue frontage of the site is identified in the Student High-Rise residential sub-district of the 2006 Comprehensive Plan, while the rear portion of the site along W. Gilman Street is included in the State Street mixed-use sub-district. Development in the State Street sub-district is recommended to include mixed-use buildings containing a mix of office, service, dining, entertainment, etc. uses on the lower floors and residential uses on upper floors as well as government, cultural and institutional uses, and lodging. Design standards in the State Street sub-district seek to maintain the historic mid-rise character and retail continuity of the street. Recommendations for the Student High-Rise sub-district call for the development of mixed-use high-rise buildings with first floor commercial uses and higher-density housing above or in standalone buildings, with 8-12-story buildings possible.

The 2012 Downtown Plan includes the subject site and adjacent properties located on the northerly side of W. Gorham Street and University Avenue extending north of State Street in the "State Street" District. The Plan recommends that the subject site and nearby properties on both side of Gorham-University be developed with Downtown Mixed-Uses. The Plan seeks to maintain and enhance the "unique," "vibrant," "special," and "intimate" character of the State Street District as the City's "premier" destination for shopping, dining, culture and entertainment by reinforcing the pedestrian-scale of the district and "human-scale" developments that promote synergy and interaction (Objective 4.2). Away from State Street, the recommendations for the district allows for some development of a larger scale to be considered along W. Gorham Street and University Avenue. The Parcel Analysis in the Plan also identifies the portion of the subject site adjacent to W. Gorham Street as a potential infill/ redevelopment site due to its surface parking lot and vacant land along the street.

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

Requirements		Required	Proposed
Minimum/ Maximum Front Yard		0'	Adequate
Side Yards		0'	Adequate
Rear Yard		10'	*The site has no rear yard*
Usable Open Space		10 sq. ft. per bedroom (8,500 sq. ft.)	Will exceed, as shown on plans
Floor Area Ratio		N/A	8.19
Maximum Building Height		12 stories	To be verified by Zoning Administrator
No. of Auto Parking Stalls		0 (Central Area)	152
No. of Accessible Parking Stalls		To Be Determined by Zoning	(See Zoning conditions)
Maximum Lot Coverage		N/A	---
No. Bike Parking Stalls		To Be Determined by Zoning	408 (See Zoning conditions)
Building Form		Podium Building	Complies with requirements
Other Critical Zoning Items			
Yes:	Urban Design (UMX zoning), Utility Easements, Barrier Free		
No:	Wellhead Protection, Floodplain, Landmarks, Waterfront Development		
Prepared by: Matt Tucker, Zoning Administrator & Tim Parks, Planning Division			

Environmental Corridor Status: The property is not located within a mapped environmental corridor (Map E8).

Public Utilities and Services: The site is served by a full range of urban services, including seven-day Metro Transit service. Metro Transit operates daily transit service along W. Gorham Street and University Avenue through the N. Bassett Street intersection. Bus stop ID #0428 is adjacent the proposed project site along the north side of W. Gorham Street, with the bus stop zone encompassing the area from the existing bus stop sign pole and concrete boarding pad surface east back towards the adjacent property line at 414 W. Gorham Street.

Previous Approval

On May 7, 1991, the Common Council approved a request to rezone 510 University Avenue and 435 W. Gilman Street from R6 (General Residence District) and C2 (General Commercial District) to PUD-GDP-SIP [1966 Zoning Code] to allow construction of a mixed-use development containing 10,042 square feet of commercial space and 246 apartments to be located in two buildings, including a 16-story building to be constructed along the W. Gorham Street-University Avenue frontage. The mixed-use development would be constructed following the demolition of 5 buildings. Demolition of the 5 buildings occurred; however, construction of the approved Planned [Unit] Development did not commence within the timeframe allowed by the Zoning Code, and the approval lapsed and became null and void.

Project Description

The applicant is seeking approval of a demolition permit and conditional use to allow the construction of a twelve-story mixed-use building that includes 8,740 square feet of commercial space, 3,000 square feet of flex space, and 367 apartments. The project includes three levels of parking for 152 automobiles, 66 mopeds and 408 bicycle stalls, with additional bike parking to be provided in the proposed dwelling units. The project includes preservation of the street-facing façade of a two-story, approximately 16,000 gross square-foot mixed-

use building at 435 W. Gilman Street, which was constructed in 1929. The remainder of the site is undeveloped and includes parking adjacent to the 435 W. Gilman building, a larger surface parking with approximately 50 stalls that extends through the center of the site parallel to Gilman and Gorham streets, and a grassy area in the southeasterly corner of the site adjacent to W. Gorham Street.

The proposed building will largely be constructed to the property lines of the T-shaped site, including on the interior lot lines and side lot lines perpendicular to W. Gilman Street. Along University Avenue, the building will extend to the right of way line, with entrances to 3 of the 4 storefronts that will comprise the 8,740 square feet of commercial space to be recessed along that portion of the first floor façade. Moving east along that façade, the building will be set back from the W. Gorham Street right of way line to create additional pedestrian space adjacent to the easternmost commercial entrance, leasing office and residential lobbies. Portions of the second through fourth floors of the building will cantilever over the recessed first floor façade along W. Gorham Street. On W. Gilman Street, the façade of the 1929 building will remain along the northerly property line, but the first floor wall of the flex townhouse units will be recessed away from the original outside wall to create space for private entrances into those units. (On the second level of those units, the floor area extends to the original wall at the street.) The building will also cantilever over the vehicular access to the development, which is proposed at the southeasterly corner of the site from W. Gorham Street.

Of the 367 dwelling units proposed, 116 will be market-rate units marketed to young professionals, which will be located in the northeasterly portion of the building overlooking W. Gorham Street. The 116 young professional units will be primarily comprised of 27 one-bedroom units and 54 two-bedroom units, with 7 studio units, and 28 “micro” studio units. A total of 170 bedrooms are proposed in this portion of the building. The remaining 251 units will be marketed to students and will include a greater variety of unit sizes and layouts ranging from micro and regular studio units up to five-bedroom units, including 3 two-level townhouse “flex” units to be constructed along the W. Gilman Street frontage using the preserved façade of the existing two-story building. The applicant indicates that these townhouses, which total approximately 3,000 square feet of floor area, could revert to commercial spaces, although details of how that conversion would occur were not provided. The student portion of the building will contain 680 bedrooms including the 15 beds in the “flex” townhouses. The proposed density of the overall 367-unit project will be approximately 376.4 units an acre on the 0.97-acre site, with a bedroom per acre density of 876.3 based on the 850 bedrooms proposed throughout the project. The developer proposes separate lobbies for the two residential target markets, which will be located along the W. Gorham Street façade, as well as separate elevator banks. The residential units will share a common rooftop terrace overlooking W. Gorham Street and University Avenue, which will include a pool, 2 hot tubs, and a volleyball court, and a spa, fitness center and lounge on the second floor.

The parking to serve the development will be located internal to the site on two levels of above-grade structured parking as well as one full level of parking below grade, all of which will be accessed from W. Gorham Street by a shared driveway that extends along the easternmost side property line through an adjacent property to W. Gilman. A single loading area is proposed via a separate, narrower garage door entry at the northwestern corner of the building off of W. Gilman Street.

The height of the building will vary between 2 and 4 stories along the W. Gorham Street-University Avenue frontage of the site, with a 15-foot stepback proposed above those floors. The southerly façade will be curved to parallel the street. Along the W. Gilman Street side of the building, the mass of the building will be stepped back twice. Beginning above the townhouse façade, floors 2-7 of the building will be set back 15 feet before an additional 5-foot stepback is provided for floors 8-12, to create a 20-foot stepback at the top. The proposed stepbacks, recesses and cantilevers are illustrated on sheet 31 of the plans dated May 14, 2015, including the

demising of the townhouses along W. Gilman Street compared to the story heights and structured parking through the rest of the project.

Analysis

The construction of a new building over 20,000 square feet or that has more than 4 stories in the UMX zoning district requires Plan Commission approval of a conditional use following a recommendation by the Urban Design Commission. Additionally, the Plan Commission must grant a demolition permit to allow more than 50% of the exterior walls of the two-story building at 435 W. Gilman Street to be removed despite the proposal to retain the street-facing facade as part of the project.

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 also 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."

The Planning Division believes that the Plan Commission can find many of the conditional use standards met for the proposed development. The comments and recommended conditions of approval received from reviewing departments and included in the last section of this report, including conditions from the City Engineering Division, Traffic Engineering Division, and Madison Fire Department, suggest nothing out of the ordinary in providing municipal services to this property as a result of the proposed building. The development should also not create traffic impacts disproportionate with the amount of traffic already present in this portion of the Downtown or from other potential reuses of the site generally recommended in adopted plans. However, the Traffic Engineering Division has submitted a series of operational conditions for the Plan Commission to consider in reviewing the proposed development, including the need for a short-term loading zone and plans for waste removal, deliveries and resident move-in and move-out. A plan to limit impact on the adjacent streets during construction of the project is also requested.

However, in order to approve the proposed development, Planning staff recommends that the Plan Commission give careful consideration to conditional use standard #9, which states:

"When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation."
[Submittal to the Urban Design Commission is already required for this project.]

The Downtown and Urban zoning districts were created to, among other purposes, recognize and enhance the unique characteristics of Downtown neighborhoods; recognize the architectural heritage and cultural resources of Downtown neighborhoods; facilitate context-sensitive development; and foster development with high-quality architecture and urban design. The "intended character" of the site and surrounding property is informed in this case by the Comprehensive Plan and Downtown Plan.

The W. Gorham Street-University Avenue frontage of the site is identified in the Student High-Rise residential sub-district in the Comprehensive Plan, which calls for the development of mixed-use high-rise buildings with first floor commercial uses and higher-density housing above or in standalone buildings in a corridor centered on W. Johnson Street between N. Frances and N. Broom streets. Over the last 20 years, this area has seen considerable development activity featuring primarily high-density student-oriented housing projects in up to 12-story buildings. The 12-story curved tower proposed along the southerly frontage of the subject site is consistent with the recent development pattern and with the recommendation that new buildings in this district be developed up to 8-12-stories in height.

The 2012 Downtown Plan includes the entire site and adjacent properties located on the northerly side of W. Gorham Street and University Avenue extending to north of State Street in the "State Street" District. The Plan seeks to maintain and enhance the "unique," "vibrant," "special," and "intimate" character of the State Street District as the City's "premier" destination for shopping, dining, culture and entertainment by reinforcing the pedestrian-scale of the district and "human-scale" developments that promote synergy and interaction (Objective 4.2). Away from State Street, the recommendations for the district allows for some development of a larger scale to be considered along W. Gorham Street and University Avenue. The recommended height map (page 37) allows up to 12-story buildings to be built on this site, as well as on both sides of University Avenue moving west from the site, including across the street in the Johnson Street Bend District, which is recommended to continue as a higher-density student-oriented residential district that reflects the development pattern in this area over the last 20 years.

The northern portion of the subject site along W. Gilman Street, however, is included in the State Street mixed-use sub-district of the Comprehensive Plan. Development in the State Street sub-district is recommended to include mixed-use buildings containing a mix of office, service, dining, entertainment, etc. uses on the lower floors and residential uses on upper floors as well as government, cultural and institutional uses, and lodging. Design standards in the State Street sub-district seek to maintain the historic mid-rise character and retail continuity of the street and generally recommend building heights of 2-4 stories primarily along State Street, with the potential for up to 6 stories if stepped back from the street.

These height recommendations are primarily targeted toward State Street and its historic development pattern. However, the intent of the Plan was to create a cohesive "district" that extends one block off of State Street, and the height and character recommendations are relevant in the 400-block of W. Gilman Street, which features a building pattern similar to State Street. A majority of the buildings in the 400-block of Gilman are 2-4 stories in height and were constructed prior to World War II, including the two-story building on the subject site. This development pattern creates a unique pedestrian-scale environment, which is among the longest and most historically intact mixed-use blocks off of State Street in the Downtown. While newer buildings have been introduced in this block, including the Hub at Madison I project being constructed by the applicant and a 1960's era apartment building closer to State Street, and a handful of other original buildings have been demolished for surface parking, many of the buildings in this block remain in largely their original condition. While neither a local or national historic district, staff feels that the proposed development should be responsive to the established character and building pattern present in this block.

The Downtown Plan elaborates on the importance of creating appropriately scaled buildings compatible with their surroundings. While the Plan established a Maximum Building Heights Map to create a more predictable development review process for new buildings scaled consistent with their surroundings, it also asserted the importance of topography, view corridors, the presence of historic resources, variety in building heights, and the scale of existing buildings in the vicinity in determining whether a new building may be constructed to the maximum height identified for a specific site or area. In other words, what makes the scale and mass of the

building appropriate along W. Gorham Street and University Avenue given the scale and mass of other buildings to the south and southwest also invites discussion of the need to ensure that the W. Gilman Street side of the building is responsive to the historic character of that street.

The way the proposed mixed-use building relates to the context of W. Gilman Street is also relevant in the determination of whether the project meets the standards for approval for the demolition of 435 W. Gorham Street. In order for the demolition of the existing building to be approved, the Plan Commission is required to find that both the requested demolition 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, and to consider the effects the demolition and proposed use would have on the normal and orderly development and improvement of surrounding properties. The proposed use of the property following the demolition should also be consistent with the Comprehensive Plan and any adopted neighborhood plans, in this case the Downtown Plan. The Plan Commission shall also consider any report submitted by the Landmarks Commission and preservation planner.

The Landmarks Commission informally reviewed the demolition of the building on February 16, 2015 and moved to convey to the Plan Commission that it opposes the demolition of the building at 435 W. Gilman Street due to its historic value as an example of the Art Deco style and its original use as an auto garage and tire store serving the Mansion Hill area in the 1930s. This included concerns with the proposal to retain the façade of the building as part of the proposed redevelopment. Also, as noted earlier, the demolition permit was referred to the Landmarks Commission for a more formal advisory recommendation at the request of 4th District alder Mike Verveer. The Landmarks Commission reviewed the project at its May 11 meeting, where it recommended the following to the Plan Commission:

“The Landmarks Commission regrets the demolition of 435 W Gilman Street, but welcomes the preservation of the facade in an historically relevant manner. The Commission also finds that the proposed step backs are appreciated and allow the continuation of a varied streetscape character, but that an increase in the step back depth should be encouraged to preserve the character of the street; that the low brick sill and storefront with a non-residential use would be most appropriate for the existing facade; that the new upper portion of the “Art Deco” building has materials that are deferential to the historic portion of the facade; that the loading dock building design should be revised to better integrate the loading dock/parking garage door so that it is more appropriate in the pedestrian experience; and that the Plan Commission should review the Height Map for this area to align it with the character of the Gilman Street and the State Street District.”

The project is also required to satisfy the design standards and guidelines developed to implement many of the design tenets of the Downtown Plan. The design of buildings in the Downtown is informed by two sets of criteria, the Downtown Design Standards in Section 28.071 of the Zoning Code, and the Downtown Urban Design Guidelines. The design standards in the Zoning Code apply to most new projects and large additions in the Downtown and include requirements for parking, entrance orientation, façade articulation, story heights and treatment, door and window openings, building materials, and equipment and service area screening. Additionally, buildings within the Downtown Core and Urban Mixed-Use zoning districts are required to satisfy the Downtown Urban Design Guidelines, which were adopted by the Common Council to provide additional guidance on the desired design qualities of buildings in those zoning districts and to complement the design standards in the Zoning Code. The guidelines represent design expectations that must be addressed but may be achieved in numerous ways to ensure that new buildings, and additions and alterations to existing buildings are

compatible on a city, neighborhood, and block level, have an engaging pedestrian orientation, and are designed to reflect the use of the structure.

The Planning Division believes that the proposed development will meet the zoning design standards applicable to the project, and that it satisfies most of the urban design guidelines that apply. In particular, the placement of the proposed building along both street facades that frame the site and activation of those streets with a combination of commercial spaces, residential lobbies and private residential entries satisfy the Site Design and Building Placement objectives. Staff also feels that the vehicular entrance to the building and loading dock have been thoughtfully located to limit impacts on the flow of pedestrians past the site.

However, certain aspects of the building's architecture require careful consideration in order for the project to be approved. The Downtown Urban Design Guidelines emphasize the role that the mass of buildings plays in the creation of a quality urban environment. Preservation of natural light, sunlight and ventilation to the street; preventing the feeling that large buildings are looming over the street or the creation of a "canyon" effect; and encouraging human-scaled development are all important components of how the mass of a building is perceived. Massing guideline 1a states that:

"The proportions and relationships of the various architectural components of the building should consider the scale of other buildings in the vicinity. In areas where the Downtown Plan recommends significantly taller or larger buildings than currently exist, this guideline should consider the evolving context."

Massing guideline 1b states that:

"Larger buildings should solve any problems that their scale may create to ensure a pedestrian-friendly quality. Articulation of buildings in both plan and profile may help break up the mass of large buildings. Stepping back the upper floors from lower floors may be appropriate to minimize overall scale and minimize shadow effects."

The design guidelines related to architecture recommend that all sides of a building should have a similar design composition and quality of materials that make a positive contribution to the built urban environment, and that buildings in the Downtown Core and Urban Mixed-Use zoning districts generally have a high degree of visual interest with an integrated palette of high quality, durable building materials on all sides.

The Planning Division has worked very closely with the developer over the last two months to vary the scale and mass of the northerly half of the building to address concerns about its potential impacts along W. Gilman Street and to bring the project into greater conformance with the Downtown Urban Design Guidelines in particular. In those discussions, staff has suggested that the W. Gilman Street facade be varied in height, width and setback to create "a collection of buildings" instead of a singular mass above the second level as originally proposed, and proposed that additional height be added above the loading dock adjacent to the 1929 building to create the appearance of an infill building at the street to correspond to the finer grain of W. Gilman Street. Above the preserved façade, staff recommended that a setback greater than 20 feet be considered to allow the 1929 façade to be emphasized and to prevent the tower behind it from looming over the lower building. Staff and the applicant also discussed the potential reduction in the height of the building through the center of the site and block to create an orderly transition in the mass of the building from south to north, and to allow distinction between the Gorham-University and Gilman sections of the building.

Staff has also discussed the need for the new construction to create a strong relationship to the 1929 building. This portion of the “collection of buildings” should give the appearance of a unified standalone building that takes its design cues from the existing structure, with a brick color that matches the existing brick and uses the pilasters of the existing building to create building modules in the new construction above. The mass would be further broken down into a cohesive base, middle, and top, with some of the design embellishments of the original two-story building carried through distinct middle and top sections, and modulation of the middle and additional stepback at the top would further resolve massing issues. Staff suggested that two-story base, eight-story middle, and two-story top be considered, and that such modulation be presented to the Urban Design Commission prior to final approval of the project. A contrasting architectural style was also discussed for the portion of the building above the loading dock to differentiate that section of the W. Gilman Street façade from the portion including the 1929 building.

The plans provided with the Plan Commission materials reflect the project team’s efforts to address this staff feedback along W. Gilman Street. However, the applicant has indicated to staff that any reduction in the volume of the building is infeasible economically.

The project was reviewed by the Urban Design Commission at its May 6 and May 20, 2015 meetings; separate Planning staff memos regarding the design of the project were provided to guide the discussions at those UDC meetings, which are attached. At the May 20 meeting, the UDC recommended initial approval of the project on a 3-2 vote. The draft report from that meeting is attached for review by the Plan Commission. In it, the UDC makes specific findings based on the areas of concern identified in the staff memos related to the project’s conformance with the Downtown Urban Design Guidelines, including the modulation, articulation, and stepback of the W. Gilman Street facade.

Conclusion

Although the subject site is identified for up to a 12-story building on the site on the Downtown Height Map, there is no right or guarantee that a project may construct to that height. Rather, while a building up to 4 stories and 20,000 square feet in floor area may be permitted by right, any building exceeding those thresholds requires conditional use approval.

In reviewing the proposed development for 510 University Avenue and 435 W. Gilman Street, Planning staff identified concerns about the potential impact the project may have on the unique, historic character of the 400-block of W. Gilman. In order for the development to be approved, the Plan Commission shall find that the project meets the standards of approval for conditional uses and demolition permits in consideration of the statement of purpose of the Downtown and Urban zoning districts in the Zoning Code and the recommendations applicable to the site in the Comprehensive Plan and Downtown Plan. In particular, the Plan Commission shall find that the proposed twelve-story mixed-use building creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area in consideration of the aforementioned plan recommendations. The project is also required to comply with the design standards in the Zoning Code and the Downtown Urban Design Guidelines, which were developed to implement the many design recommendation in the Downtown Plan. In making its findings on the project, the Plan Commission should give careful consideration to the recommendations made by the Landmarks Commission and Urban Design Commission at their respective May 11 and May 20 meetings.

Recommendation

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

If the Plan Commission can find that the demolition permit and conditional use to allow an existing mixed-use building to be demolished and a new mixed-use building to be constructed at 510 University Avenue and 435 W. Gilman Street meet the standards for approval in consideration of the recommendations for the subject site in the Comprehensive Plan and Downtown Plan, it should approve the project subject to input at the public hearing, the following Planning Division conditions, and the conditions submitted by reviewing agencies:

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

1. The percent of glass shall be clearly defined on all elevations. Per Section 28.071(3)(e) of the Zoning Code, upper story openings on all building shall comprise a minimum of 15% of the facade area per story. Glass on all windows and doors shall be clear or slightly tinted, allowing views into and out of the interior; spandrel glass may only be used on service areas on the building.
2. The final plans shall note the height of the project in City datum. All portions of the building shall observe the Capitol View Preservation limits of 187.2 feet, City datum, including the rooftop mechanical enclosure, elevator towers and stair towers.
3. A site plan prepared by a civil engineer shall be submitted for final approval prior to issuance of building permits for the project. The scaled site plan required shall clearly identify the boundaries of the property; depict and dimension existing improvements in the right of way from the centerline of the abutting streets (pavement, curb, sidewalks, terraces, utility poles, etc.); provide the dimensions of the project from the property lines to the first floor walls (upper floors that project above may be dashed); and identify adjacent buildings and dimension shared driveways, fences, etc. that will remain.
4. No utility or HVAC pedestals or penetrations, including HVAC wall packs for units, and gas meters or electric meters for buildings/ units shall be permitted without specific approval by the Urban Design Commission and Plan Commission.
5. The rooftop volleyball court shall be removed. Staff does not believe that the court can be enclosed to ensure that balls or participants will remain safely on the roof without the use of structural elements that will exceed what may be placed on the roof of the maximum 12-story tall building.
6. The plans for the new development shall be revised prior to final approval and issuance of building permits as follows:
 - a.) The project data in the letter of intent and project table (page 32) shall be revised to be consistent with the approved plans, including the number of auto, bike and moped stalls proposed.
 - b.) The section drawings shall be labeled directionally.
7. That the applicant submit a detailed management plan for the property for approval by the Planning Division that includes the following:
 - a.) Move-in/move-out plan, including the details on any furnishings to be provided in each unit. This plan shall provide assurances that the usability of public streets surrounding the property will be maintained.

- b.) Parking management plan, including an example lease with language pertaining to the amount of automobile and moped parking on the site, and any fees involved to lease a parking stall. This information shall be provided to all tenants, and shall include notice to all tenants that mopeds may not be stored in areas on the property except for in designated moped stalls.
- c.) Trash and snow management.
- d.) Management of and access to common spaces, including indoor amenities, outdoor terraces and pools.
- e.) Security plan, to be reviewed by Planning Division staff in coordination with staff from the Madison Police Department.
- f.) The days and hours of operation when building management staff will be on-site.
- g.) The guest policy for the residential portions of the building, including policies for overnight stays and use of building amenities (pools, fitness facility, etc.).

The following conditions of approval have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Schmidt, 261-9688)

- 8. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits. When the recorded CSM image is available from the ROD, the City Assessor's Office can then create the new Address-Parcel-Owner data in the property database on which the permits will be issued.
- 9. The proposed site plan for the redevelopment of this property modifies the joint driveway configuration between this property and the property located at 420 W. Gorham Street. The proposed plan also provides for a proposed common access aisle to the property to the northwest of this property located at 425 W. Gilman Street. New access agreements and/or modifications to existing access easement/agreements of record shall be drafted, executed and recorded prior to building permit issuance.
- 10. The base address for the apartments is 434 W Gorham Street. There will be additional street addresses for the retail spaces and for the townhomes to be determined with the creation of the addressing plan.
- 11. The applicant shall be required to connect to the City sanitary sewer located at the intersection of W. Gorham Street and N. Bassett Street. The majority of the sanitary wastewater flow will need to be directed to this structure. The W. Gilman Street sanitary sewer is a local sewer main that is 8-inch in diameter versus the 12-inch diameter sewer on University Avenue and the 12-inch diameter main on N. Bassett Street.
- 12. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 13. 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.

14. In accordance with 10.34 MGO – Street Numbers: Submit a PDF of each floor plan to Lori Zenchenko in Engineering Mapping (Lzenchenko@cityofmadison.com) so that an interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
15. The approval of this development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
16. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
17. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
18. The applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
19. The applicant shall 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.
20. The applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
21. All work in the public right of way shall be performed by a City-licensed contractor.
22. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department dkahl@cityofmadison.com or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan
23. All damage to the pavement on W. Gorham Street, University Avenue and W. Gilman Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.

24. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).
25. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
26. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office
27. This site appears to disturb over 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 NR216 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 Water Resources Application for Project Permits (WRAPP) or Notice of Intent Permit (NOI) permit process.
28. Prior to approval, this project shall comply with MGO Section 37 regarding stormwater management. Specifically, this development is required to: Reduce TSS by 80% (control the 5 micron particle) off of newly developed areas compared to no controls, and; complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 MGO.
29. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right of way. It may be necessary to provide information off the site to fully meet this requirement.
30. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Mapping Section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; and street names. All other levels (contours, elevations, etc) are not to be included with this file submittal. The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. E-mail CAD file transmissions are preferred to izenchenko@cityofmadison.com. The party responsible for the CAD file email transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.

31. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the City Engineering Division (Storm/Sanitary Section). The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). The CAD file will only be required prior to final plan review so that multiple files do not need to be supplied or reviewed. E-mail CAD file transmissions are preferred to: jbendict@cityofmadison.com or ttroester@cityofmadison.com . The party responsible for the CAD file e-mail transmission shall include the project site address in the email subject line. Any changes or additions to the location of the building, private utilities, sidewalks, parking/pavement during construction will require a new CAD file transmittal.
32. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
33. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit.
34. 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 City/County Health Department shall be required.
35. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior City Engineering Division sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff.
36. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.
37. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing lateral that serves a building which is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. Note: New plugging procedures and permit fees are in effect as of January 1, 2013.

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

38. The City of Madison Traffic Engineering Division has fiber optic communications in the right of way at this location. These facilities are crucial to City of Madison Operations and methods above and beyond normal construction methods shall be used to protect this infrastructure from damage.
39. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by the Traffic Engineer Division to accommodate the microwave sight and building. The applicant shall submit grading plans and elevations if the building exceeds four stories prior to sign-off to be reviewed and approved by Dave Nachreiner, (266-4899) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
40. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks will be constructed and maintained as soon as possible and little to no access to the public right of way on University Avenue or W. Gorham Street will be granted for construction purposes.
41. The applicant shall provide a short-term loading zone on the ground level parking to be signed and noted on the plan. This stall shall be so located as to make deliveries intuitive and convenient.
42. The applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
43. The applicant shall submit for review a residential moving plan. This plan will include all parking regulations near the site as well as how a new resident may apply to receive city issued "No Parking" signs and meter hoods.
44. The applicant shall submit for review a commercial delivery plan. This shall include vehicular turning movements, estimated size of delivery vehicles and on-site location of loading zone of appropriate size (generally 10' x 35').
45. Per MGO Section 10.08, drive aisles are required to be a minimum of 20 feet wide. Modify the drive aisle off W. Gorham Street to be in compliance.
46. The submitted plan does not show the dimensions for the underground parking. Typically parking stall are 9' x 18' with a 24-foot backup free of all obstructions, including but not limited to structural columns. Parking lot dimension are per MGO and must be met before sign off on the final plans.
47. The applicant shall build a 16-foot wide terrace (8 feet) and sidewalk (8 feet) along the University Avenue and W. Gorham Street. They may be granted an exception to this width where the terrace may be narrowed through the radius of the curve to be reviewed by the City Traffic Engineer. The applicant shall dedicate the required right of way to accommodate the new terrace and sidewalk dimension prior to final project sign-off.
48. The project proposes 162 off-street auto parking spaces to be provided for the development, which has 348 residential units. A condition of approval shall be that no residential parking permits shall be issued for 510 University Avenue and 435 W. Gilman Street. In addition, the applicant shall inform all tenants of this

requirement in their apartment leases. In addition, the applicant shall submit for 510 University Avenue and 435 W. Gilman Street a copy of the lease noting the above condition with the final plans for this project.

49. The applicant shall submit one contiguous plan 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.
50. 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.
51. 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.
52. All parking facility design shall conform to standards in MGO Section 10.08(6).

Zoning Administrator (Contact Matt Tucker, 266-4569)

→ **Comments from the Zoning Administrator will be provided separately once available.**

Fire Department (Contact Bill Sullivan, 261-9658)

53. The plan currently proposes openings in walls located less than 3 feet from property lines, which is prohibited by the state building code, IBC 705.8. The Madison Fire Department opposes this project moving forward with these known building code issues.
54. The proposed fire lanes do not comply with the following:
- a.) The site plans shall clearly identify the location of all fire lanes.
 - b.) Fire lanes shall be unobstructed; there are obstructions shown on the fire lane, remove all obstructions. Examples of obstructions, including but not limited to: parking stalls, loading zones, changes in elevation, power poles, trees, bushes, fences or posts.

Water Utility (Contact Dennis Cawley, 261-9243)

55. Per MGO Section 13.21, all wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

Parks Division (Contact Kay Rutledge, 266-4714)

56. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development. The developer must select a method for payment of park fees before signoff on the development. This development is within the Vilas-Brittingham park impact fee district (SI27). Please

reference ID# 15108 when contacting Parks Division staff about this project. [Note: 2015 Park Impact Fees are now in effect.

57. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a site plan (in PDF format) to Dean Kahl – dkahl@cityofmadison.com or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in Section 209 of *City of Madison Standard Specifications for Public Works Construction*.

58. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

Metro Transit (Contact Tim Sobota, 261-4289)

59. In coordination with public works improvements, the applicant shall maintain or replace the concrete passenger boarding pad at the existing Metro bus stop on the north side of W. Gorham Street, east of N. Bassett Street (#0428). The concrete pad shall occupy the full distance of the terrace, measure a minimum of 10 feet in width parallel to the street, and lie flush between the sidewalk and the top of curb. A continuous concrete terrace would also be suitable.

60. The applicant shall install and maintain a bench or other seating amenity in the adjacent property landscape plan, ideally taking advantage of any building overhang or canopy to provide the seating amenity some shelter from the elements.

61. The applicant shall maintain and protect access to the existing bus stop zone for both pedestrians and transit vehicles at all times during project construction.

62. 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 and approve the design.

63. Conceptual Bus Rapid Transit (BRT) design studies have identified the existing bus stop zone area as a potential BRT station location. Sample BRT station design guidelines indicate at least 12 feet of available right-of-way being typical for the dimension measured from the face of curb across the station platform to the back of a public sidewalk. A minimum of eight feet is shown for just the BRT station infrastructure, measured from the face of curb to the rear point of a passenger shelter structure. City Engineering staff may coordinate right of way alignments in this area to accommodate any potential future need for BRT infrastructure.