



Board of Directors

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March 20, 2016

To Madison Plan Commission Members:

On March 17th, the Marquette Neighborhood Association (MNA) voted unanimously to oppose any rezoning, changes to neighborhood plans or conditional uses for the proposed development at 1801 E Washington Ave.

Currently, the proposal does not meet a host of requirements for approval of Section 28, MGO, especially regarding conformity to a variety of existing neighborhood plans and special area plans, and does not promote the values or general welfare of the community.

We do not take this position lightly. Appropriate infill and density are development goals that MNA holds in common with the city. Access to amenities and creation of critical densities to prevent urban sprawl are important to us.

However, this development is proposed at such a unique location with respect to the city that it merits a closer inspection, given that it rests at the junction of the East Washington Gateway Corridor and our treasured Yahara River Parkway.

Before citing the Standards For Review in Section 28 MGO that this proposal does not meet, we would like to note that our city (and nation) is experiencing a housing crisis. More than a quarter of Americans are considered economically 'housing stressed'. This exacerbates our homelessness crisis.

The economic gentrification concerns we hold must also be viewed through a racial equity lens. We ask that the City Equity Liaison review this proposal and others of its size for its equity implications. The MNA neighborhood motto is "A Place For All People." That is a value that we take very seriously.

Despite repeated requests, the Campbell Capital Group (CCG) has refused to engage in even a cursory investigation to the availability of local, state, or federal affordable housing tax credits. Our own investigations have revealed that WHEDA has a variety of available financial instruments that are readily manageable, even for business models not typically geared towards seeking those credits.

The physical building of the proposal also encroaches on the lot line with the Landmark Yahara River Parkway. Established neighborhood and special area plans have identified this area for expanded green space because our corner of the city is green space deficient.

The Marquette Neighborhood Association is a public charity under section 501(c)(3) of the Internal Revenue Code.

www.marquette-neighborhood.org



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We share the desire for higher and better use for this site. However, you must understand that this site is highly sought. We hope the proposal can be amended by CCG to suit the needs of the community. But if it is not, surely market forces will entice another development team who is willing to meet those needs and soon. The site is unique in its attractiveness not just to Madison, but Dane County.

Please find the attached list of instances where this proposal does not meet the criteria of review for MGO Section 28.

Sincerely,
Lynn Lee

MNA President



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Potential Non-conformities to Zoning Code 28.183: (emphasis added for brevity)

(6) Approval Standards.

(a) **The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan,** including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

1. **The establishment, maintenance or operation of the conditional use will not be detrimental to** or endanger the public health, safety, or **general welfare.**

2. The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services.

3. **The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.**

4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

5. **Adequate** utilities, **access roads**, drainage, parking supply, internal circulation improvements, **including but not limited to vehicular, pedestrian, bicycle, public transit** and other necessary site improvements have been or are being provided.

6. Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to **provide adequate ingress and egress**, including all off-site improvements, so designed as to **minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.**

8. When applying the above standards to an application by a community living arrangement, the Plan Commission shall:

a. Bear in mind the City general intent to accommodate community living arrangements.



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b. Exercise care to avoid an over-concentration of community living arrangements, **which could create an institutional setting and seriously strain the existing social structure of a community.** Considerations relevant for this determination are the distance between the proposed facility and other such facilities, the capacity of the proposed facility and the percentage by which the facility will increase the population of the community, the total capacity of all community living arrangements in the community, the impact on the community of other community living arrangements, **the success or failure of integration into communities of other such facilities operated by the individual or group seeking approval,** and the ability of the community to meet the special needs, if any, of the applicant facility.

9. 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.

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

- a. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.
- b. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.

c. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the projects and create a pleasing visual relationship with them.



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Potential Non-conformities to Section 28.185:

(1) Statement of Purpose.

It is hereby declared a matter of public policy that the good maintenance and rehabilitation of existing buildings, the preservation of safe and sanitary housing available **at reasonable prices**, and the careful consideration and planning of changes in the urban landscape **are a public necessity and are required in the interest of the health, prosperity, safety, and welfare of the people.** The purpose of this section is to aid in the implementation of adopted City plans, **protect neighborhood character**, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving his or her existing building or buildings.

(7) Approval Standards. Applications for demolition or removal permits shall not be approved unless the following standards are met:

(a) Applications With a Proposed Future Use.

1. The Zoning Administrator issues a zoning certificate for the proposed use of the property. For the purpose of this subdivision, **a zoning certificate shall mean a certification in writing that the proposed use of the property would be in compliance with the provisions of the Zoning Code.**

2. The Plan Commission finds that both the requested demolition or removal and the proposed use are compatible with the purpose of this section and the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located. **Furthermore, the proposed use should be compatible with adopted neighborhood plans, the Comprehensive Plan or with any applicable neighborhood conservation district requirements.** When making this finding the Commission shall consider and may give decisive weight to any relevant facts, **including but not limited to:**

a. The effects the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties.



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- b. The reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building; and
- c. The limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing.

3. In the case of landmarks or improvements located in a local Historic District, consideration and approval of demolition or removal permits by the Plan Commission shall be contingent upon the **prior issuance of a certificate of appropriateness by the Landmarks Commission** pursuant to Sec. 33.01(5)(c), MGO.

4. The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

5. 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.

Potential Non-conformities to Section 28.098:

(1) Statement of Purpose. The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials. In addition, the Planned Development District is intended to achieve one or more of the following objectives:

- (a) **Promotion of green building technologies, low-impact development techniques** for stormwater management, and other innovative measures that encourage sustainable development.
- (b) Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas, with enhanced pedestrian, bicycle and transit connections and amenities.
- (c) Preservation and enhancement of important environmental features through **careful and sensitive placement of buildings and facilities.**
- (d) Preservation of historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land.
- (e) **Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.**



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(f) Facilitation of high-quality development that is **consistent with the goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.**

(2) Standards for Approval of Zoning Map Amendment. The standards for approval of a zoning map amendment to the PD District, or any major alteration to an approved General Development Plan, are as follows:

(a) The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. **Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above.**

Conditions under which planned development may be appropriate include:

1. Site conditions such as steep topography or other unusual physical features; or
2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.

(b) The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(c) The PD District plan **shall not adversely affect the economic health of the City or the area of the City where the development is proposed.** The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.

(d) The PD District plan **shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands.** A traffic demand management plan may be required as a way to resolve traffic and parking concerns. **The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day.** Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.

Potential Non-conformities with Marquette-Schenk-Atwood Neighborhood Plan
<https://www.cityofmadison.com/planning/ndp/marquette.pdf> (pg21):

2. Continue to promote scattered-site, low-to-moderate income housing throughout the neighborhood. The neighborhood goal is to have a geographic balance of quality, affordable housing without creating a high concentration of low and moderate income housing in a particular development or area (such as Williamson Street).



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3. Require new residential developments to provide an income mix of units (with units dispersed throughout the development) by targeting at least 25% of the units to low and moderate income elderly, families, or individuals. To meet the special needs of the diverse low and moderate population, apartment units with three or more bedrooms for larger families and barrier free design for elderly and/or handicapped population should be part of the development.

Potential Non-Conformities with the Madison Sustainability Plan:

<http://www.cityofmadison.com/sustainability/documents/sustainplan2011.pdf>

(pg 22)

1. Encourage sustainable private development.
6. Encourage mixed-income buildings.