

From: [Philip Cohen](#)
To: [Harrington-McKinney, Barbara](#); [Heck, Patrick](#); [Paulson, Erik](#); [Verveer, Michael](#); [Vidaver, Regina](#); [Benford, Brian](#); [Wehelie, Nasra H](#); [Bennett, Juliana](#); [Conklin, Nikki](#); [Figueroa Cole, Yvette](#); [Tishler, Bill](#); [District 12](#); [Evers, Tag](#); [Carter, Sheri](#); [Foster, Grant](#); [Currie, Jael](#); [Madison, Sabrina](#); [Myadze, Charles](#); [Furman, Keith](#); [Phair, Matt](#); [All Alders](#)
Subject: Undo zoning -- a foot in the door for real estate developers
Date: Thursday, January 12, 2023 10:19:17 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To: Alderpersons and anyone else involved

From: Philip "Pete" Cohen, 201 S. Kenosha Drive, cohenpt@earthlink.net

Re: Bus Rapid Transit (BRT) transportation plan to weaken the zoning in historic areas along the BRT corridor.

Date: January 12, 2023

SUMMARY

Damn the zoning regulations, full speed ahead for real estate developers!

It will not have the desired effect, and will have adverse effects

It is a wrong and backward approach

It is a horrible precedent for every neighborhood in Madison

It should scare voters in all Madison districts and won't look good in the press

COMMENT ON RATIONALE

The apparent goals of this plan are:

- Provide easier access to transportation to work, shopping, events, etc., for current and future Madison residents

- Provide housing for future residents near transportation access points

- Provide additional affordable housing

- Diminish automobile traffic

At the start, this is a backward approach – instead of focusing on improving transportation resources you focus on modifying neighborhoods. Be imaginative and innovative. Consider alternatives, e.g. some ideas:

- fleet of smaller, less obtrusive vehicles to supplement current buses. These could easily navigate neighborhood streets

- enhanced electronic two-way communication to schedule and request immediate or long term individual needs.

If you want more affordable housing, then establish rent control in Madison.

COMMENT ON WHY THIS WILL NOT HELP

The proposal to rezone to allow duplexes along Whitney Way, and probably elsewhere, will worsen, not improve the problem

Additional units will just be more unaffordable housing

Many new inhabitants will not use public transportation and will own motor vehicles (cars, pickup trucks, SUVs) and will have to park them on the street where there are already limits to parking access (saying “you can park in the driveways” is ignorant). Parking is already limited.

It will result in increased movement of vehicles onto and off of Whitney Way increasing congestion

COMMENT ON NEIGHBORHOOD QUALITY AFFECTS

Do a thought experiment and imagine, apart from any existing regulations, why you would not do this (i.e. cancel zoning and encourage duplexes) in Shorewood Hills, Maple Bluff, South University Heights. Hill Farms is a neighborhood, established, cohesive, and respected so apply the thoughts to Hill Farms. You are proposing to slice into and divide Hill Farms, and willing to do it at the expense of existing and established regulations.

COMMENT ON MOTIVATION HOW VOTERS PERCEIVE THIS PLAN

The perception of this plan is that it is:

1. a foot in the door, a slippery slope, to the idea that zoning regulations are meaningless.
2. a sop to real estate developers who I'm sure enthusiastically support this plan; this plan and the precedent it sets will only help real estate developers at the expense of respect for neighborhood preservation.

This is an example for voters throughout the city to consider since in the future un-zoning may be directed at them.

From: markbingcrosby@gmail.com
To: [All Alders](#)
Subject: [All Alders] Agenda Item 74703
Date: Saturday, January 14, 2023 8:21:46 PM

Recipient: All Alders

Name: Mark Crosby
Address: 4135 Barby Ln, Madison, WI 53704
Email: markbingcrosby@gmail.com

Would you like us to contact you? Yes, by email

Message:

Please support the second substitute to include historic districts in the Transit Oriented Development TOD Overlay District.

Our city was built on redlining. Excluding historic districts from development along BRT and in our housing crisis continues that legacy. Do not fall victim to thinly veiled racism like that featured in the Capital Times, in which an historic district resident refers to "desirable" homeowners.

"For instance, in a letter to the Plan Commission in December, local homeowner Brad Ricker said "while the intent of this legislation may be laudable, it seems likely — in its current form — to drive stable and desirable homeowners out of the city."

From: Dale.jane1@gmail.com
To: [All Alders](#)
Subject: [All Alders] TOD change to include historical districts
Date: Wednesday, January 11, 2023 2:04:12 PM

Recipient: All Alders

Name: Jane Dale
Address: 218 S Kenosha Dr, Madison , Wi 53705
Email: Dale.jane1@gmail.com

Would you like us to contact you? Yes, by email

Message:

Dear Council Members- I wish to express my great dissatisfaction with the manner in which TOD zoning changes are being pushed thru. In Dec, my HillFarms neighborhood was informed that the city's proposed zoning changes would not include historical districts. Then we learned that in mid Dec the the Council decided to change the proposal to include historical districts and extend 1/4 mile into them, and to vote on the revised proposal on Jan 3, leaving almost no time for educating the public, building consensus, gaining support, etc. I understand change is inevitable but this change feels very forced. One could make a case for changing zoning along the busy bus thoroughfares first and assessing that impact. This would allow time to collaboratively plan next steps. I hope Council members will take a step back and reconsider. Thank you.

From: [Jane L Doughty](#)
To: [All Alders](#)
Subject: agenda item #74703 - SECOND SUBSTITUTE: Amending Sections within Chapter 28 of the Madison General Ordinances to implement the new Transit Oriented Development ("TOD") Overlay District.
Date: Friday, January 13, 2023 7:48:14 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good evening,

I oppose the part of the TOD overlay district that would include local and national historic districts. The benefits of a TOD overlay district can be achieved without jeopardizing historic districts.

I urge you to oppose this provision.

Regards,

Jane Doughty

Madison, WI

Homeowner in University Heights for 33 years.

From: [Colleen R Duffie](#)
To: [All Alders](#)
Subject: TOD
Date: Sunday, January 15, 2023 7:29:14 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I live in Hill Farms and I support the proposal for override of zoning near the transit lines to allow increased density for multi family lots.

Sent from my iPhone

From: [Wendy Fearnside](#)
To: [All Alders](#)
Subject: Comment on TOD Zoning Impact on Historic and Other Stable Neighborhoods - Item #7 74703 for the 1-17-23 Council Meeting
Date: Sunday, January 15, 2023 10:57:44 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

The distinctive architecture and cohesive neighborhood character of Madison's historic districts help make our city an interesting and vibrant place. Many -- like University Hill Farms, Nakoma, University Heights, Wingra Park (Vilas), West Lawn Heights, Tenney Park/Yahara River Parkway -- are stable, largely owner-occupied, single family neighborhoods. Others are characterized by a mix 1-, 2- and 3-unit residences and small to medium sized apartments. Because of Madison's historic development pattern, many of these neighborhoods are located in part within the TOD Overlay District and could be adversely affected by its attendant upzoning.

Upzoning creates uncertainty about future development that could deter families from buying homes and moving into these neighborhoods. The risk of destabilizing established neighborhoods comes with only modest prospects for increasing the City's housing supply. Allowing an additional unit per lot in single family neighborhoods and small increments in the number of apartment units permitted in older mixed and multi-family neighborhoods is unlikely to substantially increase the number of dwelling units and people living within the TOD Overlay District. Most of the increase in housing will be in those areas with underutilized properties that are potentially available for redevelopment, are large enough or can be assembled to accommodate sizeable new apartment and mixed use developments, and are located along and near the City's major transit corridors. I am concerned that there appears to have been no rigorous analysis of the potential impact of TOD on historic districts and other stable, low density residential neighborhoods in our City. We don't have projections either of the impact of TOD on housing supply, affordability and character in the affected neighborhoods or of the related increase in transit ridership.

I suggest that Madison concentrate its efforts on developing those areas most likely to increase the housing supply and avoid the uncertain and potentially adverse impacts of upzoning by excluding our local and national historic districts (and potentially other stable residential neighborhoods not designated as historic districts as well) from the TOD Overlay District to under TOD.

Wendy Fearnside
912 Van Buren St.
Madison, WI 53711

From: pamortensen@uwalumni.com
To: [All Alders](#)
Subject: [All Alders] Transit-Oriented Development Zoning Overlay
Date: Sunday, January 15, 2023 4:26:56 PM

Recipient: All Alders

Name: Patricia Filas-Mortensen
Address: 209 Green Lake Pass, Madison, WI 53705-4756
Email: pamortensen@uwalumni.com

Would you like us to contact you? Yes, by email

Message:

Please do NOT include Historic Districts in the zoning overlay please do NOT change the zoning for the Hill Farms.

By your City Planners Ben own admission the city of Madison needs upper income housing, this is an important niche that much of the Hill Farms can fulfill rather than downgrading it to a few more middle income duplexes that are not as needed.

The Hill Farms is a cohesive, close knit neighborhood, what you do to the area proposed will affect the entire Hill Farms and it will be lost forever, including high income housing.

Many families are here because these are generational homes, I'm 72Y, my parents built this house and until now my son was planning to also settle here. Many others moved here because of the historic designation, a promise that it would NOT change. YOU are breaking that promise.

What's the hurry? You say it's for increasing density to support the BRT when the ridership in this area now doesn't even support the transit we have – look at the buses, they're almost empty except for rush hour. It seems that you're trying to move more people to the place you and the mayor have decided you want rapid transit rather than putting the rapid transit where it is needed NOW.

What's the hurry? Wait to see how all the other developments fill and are utilized – Madison Yards, Hilldale Apartment expansion, Westgate apartment expansion, apartment expansion along Old Middleton Road, University Ave, the blocks surrounded by Regent Street, Segoe and Midvale Blvd.

Noting all the development above the Hill Farms has done MORE THAN IT'S SHARE to increase density. This is not equitable expansion but expansion in one neighborhood – you want more density, do it in your neighborhood.

Lastly, the way this has been done is sneaky and underhanded. We wouldn't have even had notice to object if it had been passed the way you tried to push it through, over the holidays, keeping it quiet. What do YOU have to gain? Shame on you for deceiving us and changing your mind at the last minute and hoping no one would find out. I can expect that from the mayor, a New York transplant, but this is NOT mid-western nice, it's nasty.

From: pamortensen@uwalumni.com
To: [Fields, Debbie](#)
Subject: [Council Staff] Transit-Oriented Development Zoning Overlay
Date: Sunday, January 15, 2023 4:28:41 PM

Recipient: Council Staff

Name: Patricia Filas-Mortensen
Address: 209 Green Lake Pass, Madison, WI 53705-4756
Email: pamortensen@uwalumni.com

Would you like us to contact you? Yes, by email

Message:

Why do people who not Alders get to vote on City Council matters - it should only our elected officials.

From: [Lisa Flax](#)
To: [All Alders](#)
Subject: TOD Overlay Concerns
Date: Saturday, January 14, 2023 9:26:49 AM
Attachments: [2022-01-24_Madison_BRT_FTA_to_SHPO_Eligibility_and_Effects_Transmittal.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders

This memo shares concerns related to the upcoming City Council vote that could change zoning in TOD overlay neighborhoods- specifically NHPDs and the change from single family to multi unit zoning:

- If the intent of the TOD overlay comprehensive plan was to include NHPD's, why was the opposite offered as a project description to the 106 review? (see attached document)
- Why was the decision to add NHPD's communicated to neighborhood groups after the opportunity to contest had passed?

Timeline for the TOD Proposal 2018

- TOD Overlay included in [Comprehensive plan](#). ***National and Local Historic districts were excluded from the TOD***

2022

- May 11 & 16: [City Planning held public meetings](#) regarding TOD Overlay , the ***National and Local Historic Districts were excluded from the TOD***
- November 15: 90-day Public comment period ended
- November 16: Referred from City Attorney to Common Council
- [November 22](#): Introduction at Common Council (no discussion or debate), referral to the Transportation Policy and Planning Board and Plan Commission. ***University Hill Farms and Other National and Historic Districts were referred to City Planners to be included against previous suggestions from City Planning***
- [December 5](#): Transportation Policy and Planning Board discussion
- [December 12](#): Plan Commission public hearing and discussion

2023

- January 10 - City Planners presented TOD overlay and what it meant *for the first time* to neighborhood members via a public meeting
- **January 17 - Common Council to vote on proposed TOD legislation**

It appears that the change was intended to be passed without opportunity for neighborhoods impacted to comment. Although holding 2 public meetings is appreciated, it comes up short. Those who will be impacted by zoning changes on their single family homes deserve the chance to be informed and comment based on facts and a transparent process. If the council

proceeds with a vote to include NHPD's without allowing this to occur it appears the 106 process has been compromised. As things stand, it is at best disappointing and at worst appears to be an attempt to shove through a change and avoid having to deal with potential conflict. Unfortunately, the way this has unfolded has indeed caused many residents to question the process and has raised legitimate concerns. We deserve better.

To be clear, these comments do not suggest a lack of willingness to make changes and move forward to keep Madison a fantastic place to live. The Hillfarms neighborhood has supported and added more than 2,000 apartments, some of which are being built currently like the Madison Yards, which were part of the stated goals of the [2016 Neighborhood Plan](#). The creation of this plan included collaboration from members of the Neighborhood Association Board. There have been a number of stand alone multi unit housing options recently built and the site at Hilldale mall is well on its way to add and support the effort for additional housing units.

The BRT in and of itself is a major change for Madison.

Hopefully it will accomplish the intended goals it aims to achieve. As originally proposed and agreed upon, the TOD overlay does not need to include NHPDs. We urge you to take a serious look at this situation, especially the impact on existing single family zoned neighborhoods, before voting on this issue.

Respectfully,

Lisa and Marshall Flax

5141 Door Dr.

Madison 53705



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

January 24, 2022

Kimberly Cook
Historic Preservation Specialist
Wisconsin Historical Society
816 State Street
Madison, WI 53706

RE: Madison East-West Bus Rapid Transit Project, Madison, Wisconsin
Section 106 Eligibility and Effects Determinations, Project No. 21-0692/DA

Dear Ms. Cook,

As part of its responsibilities under 36 CFR Part 800 – Protection of Historic Properties and the National Historic Preservation Act (NHPA), the Federal Transit Administration (FTA) is writing to continue Section 106 consultation with your office for the Madison East-West Bus Rapid Transit (BRT) Project (the Project) in Madison, Wisconsin, proposed by Madison Metro Transit.

The East-West BRT is an approximately 15-mile east-west BRT route that will run along E. Washington Avenue, around Capitol Square, through the University of Wisconsin-Madison campus, and along University Avenue and Mineral Point Road to Junction Road. It will be an on-street system with buses operating in a combination of mixed traffic and both center running and side running bus lanes, with running way improvements such as limited stops, transit signal priority, and other various intersection improvements. The BRT route will have a total of between 30 and 32 station locations and terminate to the east near the intersection of E. Washington Avenue and East Springs Boulevard and to the west off Mineral Point Road near the Madison Beltline.

On May 6, 2021, FTA submitted our determination of the Area of Potential Effect (APE) for the undertaking. Your office agreed via email on May 24, 2021, that the APE was appropriate. Since that time, two consulting party meetings were held on September 14, 2021 and December 9, 2021. The project has been presented to the Madison Landmarks Commission twice on September 20, 2021, and December 13, 2021. Consulting party meeting minutes, comments and responses, and landmark commission reports are included in Appendix B of the *Determination of No Adverse Effect Report*. Additionally, a meeting was held on December 29, 2021, with consulting parties representing the University Hills Farms Historic District to discuss their concerns. As a result of that meeting, the project team has reduced the size and removed the green roof from the proposed station design at Whitney Way/Regent Street. A summary of the meeting is also included in Appendix B.

In compliance with Section 106 of the NHPA, and in accordance with the procedures related to the identification of historic properties described in the implementing regulations at 36 CFR Part 800, FTA has determined the following for the Project based on the enclosed materials:

1. Research was conducted to identify resources previously listed or eligible for inclusion in the National Register of Historic Places (NRHP) and field investigations were undertaken to identify any additional resources that may be eligible for inclusion in the NRHP. The results for archaeology and architectural history are documented in *Phase I Archaeology Survey Report* and the *Architecture/History Report* both of which are included as enclosures. Due to file size, a link is included below to download the reports.

The archaeology investigation identified six sites that are within, intersect with, or are adjacent to the Project APE. No further work is recommended for four of the sites as the Project does not have the potential to impact them. Monitoring by a qualified archaeologist is recommended for the remaining two sites (47DA0136/BDA0389 – Monona Avenue Park Mound Group and 47DA0177/BDA0586 – Capitol Park Effigy) pursuant to Wisconsin’s burial sites law, Wisconsin State Statute §157.70. However, if advanced design shows that ground disturbance will not occur within the reported site boundaries, no monitoring will be required. No archaeological sites were determined eligible for inclusion in the NRHP as part of this investigation.

The architecture/history investigations determined that the following NRHP-listed or previously determined eligible historic properties are within the Project APE:

- University Hills Farm Historic District
- Bascom Hill Historic District
- State Street Historic District
- Wisconsin State Capitol (National Historic Landmark)
- Dane County Courthouse/Madison City Hall
- St. Patrick’s Roman Catholic Church
- Breese Stevens Field
- Kleuter Wholesale Grocery Warehouse
- Gisholt Machine Company
- Madison East High School

The architecture/history investigations also recommended the following resources as eligible for inclusion in the NRHP:

- James Madison Memorial High School
- Garner Park Shelter
- UW-Madison Central Heating Station/Service Building Annex
- UW-Madison Vilas Hall

Therefore, based on the research, field investigations, and evaluations in the *Architecture/History Report*, FTA has determined that there are 14 historic properties within the APE.

2. The *Determination of No Adverse Effect Report* details the assessment of both the potential direct and indirect effects resulting from the Project. The assessment of effects did not identify any potential for physical destruction or damage, alterations, or relocations of historic properties resulting from the

Project. The Project will introduce new visual elements to the streetscape and may change the character or physical features within the setting of historic properties. In select cases, stations are located within the boundaries of the historic district. The new visual elements will not detract from the characteristics that qualify the individual properties or districts for NRHP eligibility. The project team identified potential indirect effects related to the City's Transit Oriented Development (TOD) zoning effort, which could impact historic properties in the vicinity of station areas. The Project team and city staff are recommending that any TOD zoning exclude local and NRHP-listed historic districts from the zoning overlay. If, however, the TOD overlay includes historic districts, FTA may need to reassess the Project APE and the assessment of effects if development in proximity to historic properties is identified. Further discussion is provided in the report. Based on the assessment of effects in the report, FTA has determined that the Project will result in **no adverse effect to historic properties**.

Thank you in advance for your assistance on this Project. We look forward to receiving your concurrence with FTA's Section 106 determinations within 30 days of receipt of this letter. Please contact Elizabeth Breiseth of the FTA Regional Office at (312) 353-4315 or elizabeth.breiseth@dot.gov with any questions.

Sincerely,

Jay Ciavarella,
Director, Office of Planning & Program Development

ecc: Elizabeth Breiseth, FTA
William Wheeler, FTA
Graham Carey, Madison Metro Transit
Mike Cechvala, Madison Metro Transit
Adele Hall, SRF Consulting
Greg Rainka, Commonwealth Heritage Group
Heather Bailey, City of Madison/Madison Landmarks Commission
Mike Lawton, Hills Farm Association
Joe Keyes, Hills Farm Association
Carmelo Alfano, Business Owner
Sue Springman, Mullins Group
Mark Buechel, NPS

Enclosures: *Phase I Archaeology Survey Report*
Architecture/History Report
Determination of No Adverse Effects Report

Due to file size, reports are available for download at the following link:
https://chgi.sharepoint.com/:f/s/CHGMarketing/EgrHE-fBkF1DlPdpJadO_k0BfjubCMp1kYpCs5oLOjQcXA?e=heXhTH

From: [James Ford II](#)
To: [All Alders](#)
Subject: Opposition to Transit-Oriented Development Overlay Zoning
Date: Friday, December 30, 2022 10:50:57 AM
Attachments: [City of Madison Letter Final.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

We are writing to express our opposition to amending Chapter 28 of the Madison General Ordinances to include historic districts in the Transit-Oriented Development rezoning and express concern over the potential misappropriation of federal funds related to the Rapid Transit system which were secured through promises to the Federal Transit Authority that it would not impact historic districts. Our opposition is further clarified in the attached document.

Sincerely

Amy and Jay Ford
5026 Marathon Drive
Madison, WI 53705

December 29, 2022

The Honorable Satya Rhodes-Conway
Mayor of Madison
210 Martin Luther King Jr Blvd, Room 403
Madison, WI 53703

Dear Mayor Rhodes-Conway:

The proposed changes to expand the Transit-Oriented Development (TOD) Overlay Zoning to include national historical districts such as the Hill Farms neighborhood is in direct violation of federal funding. Your plans to develop and construct the new Rapid Transit system were made possible by the inflow of federal transportation dollars. Specifically, the City of Madison assured the Federal Transit Authority that historic districts would not be included in the TOD.

The letter, dated 1/24/2022, from Jason Viavarella of the US Department of Transportation – Federal Transit Authority to Ms. Kimberly Cook confirms this determination. Paraphrasing language from the attached letter, the FTA, *in compliance with Section 106 of the NHPA, and in accordance with the procedures related to the identification of historic properties described in the implementing regulations at 36 CFR Part 800, FTA has determined that the Project will result in **no adverse effect to historic properties.***

We are writing to inform you that we oppose amending Chapter 28 of the Madison General Ordinances to include historic districts in the Transit-Oriented Development rezoning.

The proposed amendment would be contrary to the integrated neighborhood plan developed between the City of Madison and the Hill Farms Neighborhood Association. The amended rezoning neither integrates nor harmonizes the proposed additional housing into Hill Farms. It is a construct forced upon a vibrant, workable neighborhood which will erode that neighborhood's basic concept and livability. While City of Madison officials have a stated goal for strong, vibrant neighborhoods, the amendment is contrary to that goal. Furthermore, it would directly counter to language of the Hill Farms neighborhood covenants related to single family dwellings as agreed upon by the University of Wisconsin System Board of Regents when they sold Hill Farms to the city in the 1950s (see attached).

If approved, the proposed use of FTA funds for the Rapid Transit system would be jeopardized as such funds would have been obtained under false pretenses.

As such, we would like to know your position regarding the proposed zoning changes to allow multifamily dwellings within a quarter of a mile of the TOD and what steps you will take to protect the rights of property owners in the Hill Farms neighborhood and other nationally designate historic districts in Madison.

Sincerely



Amy and Jay Ford
5026 Marathon Dr.
Madison, WI 53705
608-469-2597
jhfordii@sbcglobal.net

Cc: U.S. Senator Tammy Baldwin

U.S. Representative Mark Pocan
State Senator Kelda Roys
State Representative Sheila Stubbs
City of Madison Alders

Attachments:

2022-01-24_Madison BRT_FTA to SHPO Eligibility and Effects Tansmital.pdf
Dane County Register of Deeds: Document #957656



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

January 24, 2022

Kimberly Cook
Historic Preservation Specialist
Wisconsin Historical Society
816 State Street
Madison, WI 53706

RE: Madison East-West Bus Rapid Transit Project, Madison, Wisconsin
Section 106 Eligibility and Effects Determinations, Project No. 21-0692/DA

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Thank you in advance for your assistance on this Project. We look forward to receiving your concurrence with FTA's Section 106 determinations within 30 days of receipt of this letter. Please contact Elizabeth Breiseth of the FTA Regional Office at (312) 353-4315 or elizabeth.breiseth@dot.gov with any questions.

Sincerely,

Jay Ciavarella,
Director, Office of Planning & Program Development

ecc: Elizabeth Breiseth, FTA
William Wheeler, FTA
Graham Carey, Madison Metro Transit
Mike Cechvala, Madison Metro Transit
Adele Hall, SRF Consulting
Greg Rainka, Commonwealth Heritage Group
Heather Bailey, City of Madison/Madison Landmarks Commission
Mike Lawton, Hills Farm Association
Joe Keyes, Hills Farm Association
Carmelo Alfano, Business Owner
Sue Springman, Mullins Group
Mark Buechel, NPS

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https://chgi.sharepoint.com/:f/s/CHGMarketing/EgrHE-fBkF1DlPdpJadO_k0BfjubCMp1kYpCs5oLOjQcXA?e=heXhTH

RESOLUTION ADOPTED BY THE EXECUTIVE COMMITTEE OF THE REGENTS OF THE UNIVERSITY OF WISCONSIN BY MAIL VOTE CIRCULATED ON APRIL 18, 1958

"RESOLVED: That the Declaration of Covenants, Restrictions and Easements, hereto annexed and filed with the minutes, is hereby approved, applicable to the Plat of University Hill Farms - South Hill Addition, which was approved by The Regents of The University of Wisconsin on February 1, 1958.

"RESOLVED FURTHER, That the President and Secretary shall execute the said Declaration on behalf of the Regents as owners and thereafter cause the same to be recorded."

I, Clarke Smith, do hereby certify that I am the duly elected, qualified and acting Secretary of The Regents of The University of Wisconsin, a body corporate duly organized and validly existing under the laws of the State of Wisconsin; that the above is a true and correct copy of a resolution duly adopted by the Executive Committee of The Regents of The University of Wisconsin, by mail vote circulated on April 18, 1958, by authority of The Regents of The University of Wisconsin; and that said resolution has not been altered or repealed and is in full force and effect on the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand in my official capacity and affixed the seal of The Regents of The University of Wisconsin on this 25th day of April, 1958.

Clarke Smith

Clarke Smith, Secretary
THE REGENTS OF THE UNIVERSITY OF WISCONSIN



DANE 5 7 6 5 6 MAY 1 3 58

3.50 RM

LICENSED TO DANIEL COUNTY AND NOT FOR RELEASE, REB LICENSE OR ANY OTHER TRANSFER.

Declaration of Covenants, Restrictions
and Easements for the Plat of

UNIVERSITY HILL FARMS -
SOUTH HILL ADDITION

A Subdivision of the
City of Madison, Dane County, Wisconsin

The Regents of The University of Wisconsin, hereinafter referred to as the Regents, owners of the property known as University Hill Farms - South Hill Addition, a subdivision in the City of Madison, Dane County, Wisconsin, on behalf of themselves, their successors, and assigns, for the purpose of preserving the value of the lots in said subdivision, do hereby covenant, grant, declare, and provide that all lots in said subdivision shall be used only for the purposes and in the manner set forth herein.

Land Use and Building Types

1. All lots, except those listed in "2" and "3" below, in the plat of University Hill Farms - South Hill Addition shall be used only for single-family, residential purposes, and no structures shall be erected, altered, placed, or permitted to remain upon any lot in said plat other than:

- A. One single-family dwelling not exceeding two stories in height.
- B. One private garage attached to the house for not more than two cars, unless the Architectural Control Committee approves a detached garage or a garage for more than two cars.

2. Two-family dwellings not exceeding one and one-half stories in height may be constructed on the following lots:

- Block 24 - Lots 12 through 19
- Block 26 - Lots 1 and 2
- Block 27 - Lots 1 through 9.

No structures shall be erected, altered, placed, or permitted to remain on said lots other than:

- A. Those authorized under "1" above, applicable to single-family dwellings.
- B. One two-family dwelling not exceeding one and one-half stories in height.
- C. One private garage for each family, attached to the house for not more than two cars, unless the Architectural Control Committee approves a detached garage or a garage for more than two cars.

3. Churches may be constructed on lots in this plat upon approval of the Architectural Control Committee.

LICENSE TO TAKE COUNTY AND CITY RECORDS, SUBJECT TO OTHER TRANSFER.

This clause is subject to the proviso that lands to which the Regents retain title, or for which they have the written consent of the owner, may continue to be used for present agricultural uses and purposes.

Architectural Control

No building shall be erected, placed, or altered upon any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of materials, harmony of external design with existing structures, and as to the location with respect to topography and finished grade elevations. A copy of such plans and specifications, together with a plat plan, shall be furnished by the owner for filing with the Committee.

No fence, wall, or hedge shall be erected, placed, or altered upon any lot nearer to the street than the minimum setback line unless similarly approved. All external construction and landscaping for a structure on any building site shall be completed within 18 months from the date of issuance of the city building permit unless a delay in completion is due to war, strikes, or an Act of God.

Dwelling Quality and Size

No residential structure shall be erected on any building site which has a ground floor area of the main structure, exclusive of one-story open porches and garages, of less than the following minima, as indicated below:

Minimum Ground Floor Area - Square Feet

Block 24 - Lots 12 through 19)	
Block 26 - Lots 1 and 2)	1,200
Block 27 - Lots 1 through 9)	

Minimum Ground Floor Area - Square Feet

<u>All Other Lots</u>	
For 1-story, 1-1/2 stories, and split-level dwellings	1,176
For 2-story dwellings	882.

The Architectural Control Committee may, whenever such action is rendered necessary by a change in the house-building art or a change in the public health standards for adequate housing or for other reasons consistent with the objectives of the control of size of structures, authorize a variance from the requirements from minimum ground floor area where the plans and specifications assure a high-quality house in harmony with the external designs of other houses in the neighborhood.

Building Location

No building shall be located on any lot nearer than 30 feet to the front lot line, and the Architectural Control Committee shall have the authority to require a setback between 30 and 38 feet from the front lot line. No part of any dwelling on a corner lot shall be located less than 25 feet from the right-of-way of the street. No dwelling shall be located on any interior lot nearer than 40 feet to the rear lot line. No part of any structure shall be located on any lot less than 10 feet from the side lot line, and the sum of the distances between any part of the structure and the two lot lines shall not be less than 25 feet. For two-story dwellings, no part of any structure shall be located on any lot less than 10 feet from the side lot line and the sum of the distances between any part of the structure and the two lot lines shall not be less than 35 feet.

Within the limitations of applicable zoning ordinances, the Architectural Control Committee or its designee may approve a variance from the sideyard and setback lines established herein when it finds that strict application thereof would result in peculiar and exceptional practical difficulties and undue hardship on the owner of the lot without commensurate benefit to the owners of neighboring lots.

No lot, as platted, shall be resubdivided without the consent of the Architectural Control Committee. This covenant shall not be construed to prevent the use of more than one lot as a building site subject to the approval of the Architectural Control Committee.

Lot Area and Width

No dwelling shall be erected or placed on any lot having a width of less than 50 feet at the building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 8,000 square feet.

Easements

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.

Nuisances

No profession or trade nor any noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

VOL 318 PAGE 378

RECORDED TO DANE COUNTY, WISCONSIN, SUBJECT TO SUPERSEDE

Temporary Structures

VOL 318 PAGE 379

No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently, nor shall any residence of a temporary character be used as a dwelling.

Architectural Control Committee Membership

The Regents or their successors shall establish by appointment a committee to be known as the Architectural Control Committee. The Committee may select an architect registered in the State of Wisconsin as its representative to act with full authority of the Committee, provided that such architect shall not have authority to vary the minimum ground-floor areas specified herein. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor and shall have full authority to act until the vacancy is filled. Action of the Committee shall be by majority vote.

The Regents may elect to surrender the selection of the Architectural Control Committee to any duly-organized community association governed by a majority vote of all lot owners in the University Hill Farms - South Hill Addition, or the majority vote of said lot owners.

I. Procedures

The Architectural Control Committee shall exercise its powers herein in accordance with the following purposes and standards:

- A. To assure the most appropriate development and improvement of the University Hill Farms - South Hill Addition.
- B. To protect each owner of a lot against improper uses by any other owner.
- C. To preserve so far as practicable the initial beauty of the subdivision.
- D. To guard against the erection thereon of poorly designed or poorly proportioned structures, or structures built of improper or unsuitable material.
- E. To encourage and secure the erection thereon of attractive, adequate-sized homes, which conform and harmonize in external design with other structures to be built in the subdivision which are properly located upon the lot in accordance with its topography and finished grade elevation.
- F. To provide for high-quality improvements which will protect the investments made by purchasers of such lots.

VOL 318 PAGE 380

General Provisions

Term

These restrictions shall be binding on all persons claiming under them for a period of 25 years from the date this Declaration is recorded, after which said Restrictions and Covenants shall automatically be extended for successive periods of five years, unless the owners of a majority of lots in the subdivision prior to the expiration of any term shall, by majority vote duly recorded, agree to amend or repeal said Restrictions.

These Covenants and Restrictions run with the land and shall be binding on all persons having an interest in said subdivision until terminated in accordance with the previous paragraph.

Enforcement

These Covenants and Restrictions may be enforced by any lot owner by proceedings at law or in equity against any person or persons violating or attempting to violate the same, either to restrain the violation or to recover damages.

Severability

Invalidation of any one of the covenants or restrictions herein, or any severable part thereof, by judgment or court order shall in no way affect any of the remaining provisions, which shall continue in full force and effect.

WITNESSES:

THE REGENTS OF THE UNIVERSITY OF WISCONSIN

Margaret Slightam
Margaret Slightam
Lucille A. Dietrich
Lucille A. Dietrich
Melvin F. O'Brien
Melvin F. O'Brien
Marcia Mahnke
Marcia Mahnke

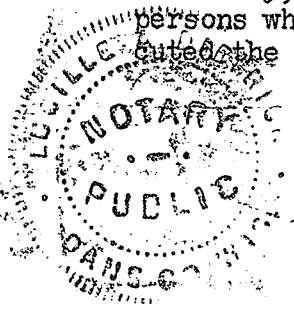
By Wilbur N. Renk
Wilbur N. Renk, President
Clarke Smith
Clarke Smith, Secretary

ACKNOWLEDGMENT

STATE OF WISCONSIN)
(SS
COUNTY OF DANE)

April 24, 1958

Personally before me today, came Wilbur N. Renk, President, and Clarke Smith, Secretary, of The Regents of The University of Wisconsin, to me known to be the persons who executed the foregoing instrument, and acknowledged that they executed the same.



RECORDED

MAY 13 1958

At 2:45 o'clock P.M.

Lucille A. Dietrich
Lucille A. Dietrich, Notary Public
Dane County, Wisconsin
My commission expires August 10, 1958.

From: james@jamesgillphotography.com
To: [All Alders](#)
Subject: [All Alders] Historic District Overlay
Date: Wednesday, January 11, 2023 9:17:34 AM

Recipient: All Alders

Name: James Gill
Address: 106 S. Kenosha, Madison, WI 53705
Email: james@jamesgillphotography.com

Would you like us to contact you? Yes, by email

Message:

I urge the council to vote NO on the addition of city historic districts to the BRT overlay. Please reject this over reach which was already rejected by city planning staff. The quarter mile width along with arbitrary boundaries along the Whitney corridor is unacceptable and will not add needed housing units to the city as neighborhood covenant's would override any possible development. Please stand with Alder Tishler and vote NO,

From: [Melinda .](#)
To: [Tishler, Bill](#)
Cc: [All Alders](#); [Mayor](#)
Subject: Support TOD Overlay
Date: Sunday, January 15, 2023 1:53:31 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello

I am writing in **support of the TOD Overlay** to allow greater density in housing along the rapid bus transit system. I own a home at 218 South Whitney Way, Madison, 53705. This change will directly impact our family, and **we are in favor of dense living**. The motto of our state is Forward, and that is what we must do to protect our precious resources for future generations. While I have lived in Madison for 47 of my 50 years, I did spend 3 years living in Washington, DC, where I enjoyed its robust public transit and diverse community. I am raising my children, ages 14 and 12, to get around the city via bike, foot, and bus 365 days a year.

Change can be scary for some, but change we must. Reducing human reliance on cars is the challenge of this generation. Allowing more people to live near public transit is one small step we can do today to reduce our need on cars in the future.

Please vote for this change. Move our society forward. Be on the side of change that looked 100 years down the road, and not the 10 that might feel clunky and awkward.

Thank you for taking the time to consider my thoughts as both a home owner and business owner situated on Madison's west side.

Regards,
Melinda

Melinda Gustafson Gervasi, Attorney
Gustafson Gervasi Law Office, LLC
5555 Odana Rd., Suite 205
Madison, WI 53719
608.274.7192
www.gustafsonlegal.com

From: [George Hall](#)
To: [All Alders](#)
Subject: Comments on Legistar 74703 (TOD overlay district proposal)
Date: Friday, January 13, 2023 12:44:12 PM
Attachments: [Comments on Legistar 74703 \(TOD overlay district proposal\) 1-13-23 .pdf](#)
[ATT00001.htm](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I appreciate that your decision on this proposal is not an easy one. Thank you for considering my comments.

To: allalders@cityofmadison.com

From: George Hall

RE: Legistar 74703, TOD Overlay District proposal

Date: 1/12/2023

This legislative packet is a complex assembly of proposed actions embodying several implementation strategies intended to assure enhanced usage of Madison's bus system investments, while expanding affordable housing availability and accommodating expected city population growth over the coming decades.

I reside in the Regent Neighborhood, in Madison Aldermanic District 5. While I support the overall intent of fostering increased housing accessibility and affordability, I do have some comments regarding how to achieve it. On behalf of my neighborhood I've been involved with activities such as the formation of the Joint West Campus Committee, triggering the R-2 zoning rewrite that preceded the adoption of the most recent city zoning code, and as a state employee responsible for the development and implementation of the state statute that led to wholesale land transfers to the City of Madison from the towns of Madison, Middleton, Burke, and Blooming Grove. In this instance, I am only speaking for myself, but like many city residents, I care about how the city looks, functions, and serves its residents.

Over time, how the transportation overlay district (TOD) proposal affects the existing TR-C2/C3 (traditional residential) zones ought to be a consideration.

But first, a technical suggestion: "Map 4: Transit-Oriented Development (TOD) Overlay Zoning" illustrates that in the Regent Neighborhood the overlay district mostly includes parcels facing one another across a street. To minimize spillover TOD overlay effects, particularly in the affected portions of the TR-C2/C3 zones that cover the bulk of the neighborhood, I would suggest removing from the overlay boundary those parcels facing the 2600 block of Mason, those facing the 2700 block of Van Hise, and those facing the 2200 block of Chadbourne. Map 4 omits the historic district (also a subject for inclusion as an amendment). The other city TOD maps exhibit the same issue, where parcels on one side of the street are sometimes included at the periphery of the TOD overlay boundary, while those opposite are not included.

Why ought this to be of concern? Within the TOD boundary, removal of required minimum parking and useable lot area open space requirements, coupled with allowing construction of additional dwelling units or duplexes by adding a story to existing single-story structures, and/or permitting a second structure on a lot, etc., are going to have considerable spillover effects across the street for parcels that are not included within the proposed TOD, but nevertheless have the same TR-C2/C3 zoning designation. In brief, the TOD overlay proposal, if implemented, would replace the thinking and aesthetic design currently embedded in the TR-C2/C3 zoning requirements. If adoption is contemplated, at least reduce the potential for spillover effects.

Another practical problem associated with these policy changes is the absence of guidance in the TOD overlay proposal addressing how limited street parking will be allocated for the residents residing, or expected to reside, at each parcel (especially if the "family" designation, currently up for amendment, is changed). This is an issue for all streets included within the TOD boundary, as well as those streets bordering it. But implementing the TOD boundary using front lot lines for the blocks mentioned in the preceding paragraph, where only one block face is within the overlay zone, effectively means that the zone of transition becomes the entire street scape, so that any externalities, such as increased on-street vehicle parking demand

coming from those parcels within the TOD zone will be felt by the occupants of the houses across the street, that are not legally part of the zone.

A better solution is to consistently locate the TOD overlay zone boundary at the rear lot line wherever possible, at least partially reducing the potential regulatory headache, while softening the visual zone of transition. This is one of the more obvious unexplained challenges involving the TOD corridor design.

Yet another issue is the need to adequately define and clarify the placement and size of the allowable building footprint for each parcel with the district, especially as an additional dwelling unit with its own permitted footprint may be built on the same parcel as the existing dwelling. I suspect the fire department may have something to contribute here about clearances and access.

Despite the presence of the underlying TR-C2/C3 zoning, what is the perceived allowable count of persons expected to reside on an up-zoned parcel within the TOD boundary? Examples of permitted additional dwellings, and the redevelopment/remodeling of existing dwelling units on small and large lots would be helpful, if residents and voters are to fully understand what is being proposed, especially as on-site parking and minimum open space requirements are removed.

Candidly this is tantamount to rezoning residential districts through the back door. Why not remove the TR-C2/C3 zones from the proposed TOD overlay until objectives and implementation details for increasing affordable housing city-wide can be sorted out? What is proposed for the TR-C2/C3 on its face realistically requires lots to be combined if necessary housing supply scale is to be achieved any time soon. Is this the ultimate intent? If so, the overlay is not really the way to achieve it.

But inclusion of TR-C2/C3 zones begs the question of whether, in order to truly affect housing supply, and afford choice across a broad range of housing type, tenure, and price options, why not treat all residential zones in the City of Madison equally? Rather than affect a few neighborhoods in their entirety or by slicing them in half, why not consider similar zoning and housing density changes for all residential zones within the city? As currently designed, the residential component will take decades to have any substantial effect due to individual owners' vision, tolerance for risk, availability of capital (currently at 6.6%), etc. If Minneapolis and other cities that exist within a larger metropolitan area can face up to challenges like this and remove restrictive residential zoning (regardless of what the surrounding jurisdictions allow), and do city-wide what is narrowly proposed by the current TOD corridor overlay proposal, why not Madison? Here in Wisconsin, the City of De Pere is but one example of a municipality that effectively accomplished city-wide what Madison is only purporting to do in the TOD overlay zone. This is a better, more inclusive, equitable, and effective way to address a housing crisis, if that is the intent.

Thank you for reading!

From: [James Ford II](#)
To: [All Alders](#)
Subject: Agenda Item 74703
Date: Saturday, January 14, 2023 10:29:40 AM
Attachments: [City of Madison Letter Final.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Efforts by the city to expand the zoning to include neighborhoods in the national historic districts are based on **Santos type fabrications**. Specifically, the city of Madison sought out funds from the Federal Transportation Authority with the promise that historic districts not be included in the TOD. At a recent Hill Farms neighborhood meeting, Tom Lynch attempts to gloss over the issue saying that the application to the FTA gave the city the right to change the process. The bottom line is that approval of agenda item 74703 would mean that the proposed use of FTA funds for the Rapid Transit system would be jeopardized as such funds would have been obtained under false pretenses.

As such, I am writing, a 2nd time, to inform you that we oppose amending Chapter 28 of the Madison General Ordinances to include historic districts in the Transit-Oriented Development rezoning.

Sincerely

Jay Ford
5026 Marathon Drive
Madison, WI 53705

December 29, 2022

The Honorable Satya Rhodes-Conway
Mayor of Madison
210 Martin Luther King Jr Blvd, Room 403
Madison, WI 53703

Dear Mayor Rhodes-Conway:

The proposed changes to expand the Transit-Oriented Development (TOD) Overlay Zoning to include national historical districts such as the Hill Farms neighborhood is in direct violation of federal funding. Your plans to develop and construct the new Rapid Transit system were made possible by the inflow of federal transportation dollars. Specifically, the City of Madison assured the Federal Transit Authority that historic districts would not be included in the TOD.

The letter, dated 1/24/2022, from Jason Viavarella of the US Department of Transportation – Federal Transit Authority to Ms. Kimberly Cook confirms this determination. Paraphrasing language from the attached letter, the FTA, *in compliance with Section 106 of the NHPA, and in accordance with the procedures related to the identification of historic properties described in the implementing regulations at 36 CFR Part 800, FTA has determined that the Project will result in **no adverse effect to historic properties.***

We are writing to inform you that we oppose amending Chapter 28 of the Madison General Ordinances to include historic districts in the Transit-Oriented Development rezoning.

The proposed amendment would be contrary to the integrated neighborhood plan developed between the City of Madison and the Hill Farms Neighborhood Association. The amended rezoning neither integrates nor harmonizes the proposed additional housing into Hill Farms. It is a construct forced upon a vibrant, workable neighborhood which will erode that neighborhood's basic concept and livability. While City of Madison officials have a stated goal for strong, vibrant neighborhoods, the amendment is contrary to that goal. Furthermore, it would directly counter to language of the Hill Farms neighborhood covenants related to single family dwellings as agreed upon by the University of Wisconsin System Board of Regents when they sold Hill Farms to the city in the 1950s (see attached).

If approved, the proposed use of FTA funds for the Rapid Transit system would be jeopardized as such funds would have been obtained under false pretenses.

As such, we would like to know your position regarding the proposed zoning changes to allow multifamily dwellings within a quarter of a mile of the TOD and what steps you will take to protect the rights of property owners in the Hill Farms neighborhood and other nationally designate historic districts in Madison.

Sincerely



Amy and Jay Ford
5026 Marathon Dr.
Madison, WI 53705
608-469-2597
jhfordii@sbcglobal.net

Cc: U.S. Senator Tammy Baldwin

U.S. Representative Mark Pocan
State Senator Kelda Roys
State Representative Sheila Stubbs
City of Madison Alders

Attachments:

2022-01-24_Madison BRT_FTA to SHPO Eligibility and Effects Tansmital.pdf
Dane County Register of Deeds: Document #957656



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION V
Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

200 West Adams Street
Suite 320
Chicago, IL 60606-5253
312-353-2789
312-886-0351 (fax)

January 24, 2022

Kimberly Cook
Historic Preservation Specialist
Wisconsin Historical Society
816 State Street
Madison, WI 53706

RE: Madison East-West Bus Rapid Transit Project, Madison, Wisconsin
Section 106 Eligibility and Effects Determinations, Project No. 21-0692/DA

Dear Ms. Cook,

As part of its responsibilities under 36 CFR Part 800 – Protection of Historic Properties and the National Historic Preservation Act (NHPA), the Federal Transit Administration (FTA) is writing to continue Section 106 consultation with your office for the Madison East-West Bus Rapid Transit (BRT) Project (the Project) in Madison, Wisconsin, proposed by Madison Metro Transit.

The East-West BRT is an approximately 15-mile east-west BRT route that will run along E. Washington Avenue, around Capitol Square, through the University of Wisconsin-Madison campus, and along University Avenue and Mineral Point Road to Junction Road. It will be an on-street system with buses operating in a combination of mixed traffic and both center running and side running bus lanes, with running way improvements such as limited stops, transit signal priority, and other various intersection improvements. The BRT route will have a total of between 30 and 32 station locations and terminate to the east near the intersection of E. Washington Avenue and East Springs Boulevard and to the west off Mineral Point Road near the Madison Beltline.

On May 6, 2021, FTA submitted our determination of the Area of Potential Effect (APE) for the undertaking. Your office agreed via email on May 24, 2021, that the APE was appropriate. Since that time, two consulting party meetings were held on September 14, 2021 and December 9, 2021. The project has been presented to the Madison Landmarks Commission twice on September 20, 2021, and December 13, 2021. Consulting party meeting minutes, comments and responses, and landmark commission reports are included in Appendix B of the *Determination of No Adverse Effect Report*. Additionally, a meeting was held on December 29, 2021, with consulting parties representing the University Hills Farms Historic District to discuss their concerns. As a result of that meeting, the project team has reduced the size and removed the green roof from the proposed station design at Whitney Way/Regent Street. A summary of the meeting is also included in Appendix B.

In compliance with Section 106 of the NHPA, and in accordance with the procedures related to the identification of historic properties described in the implementing regulations at 36 CFR Part 800, FTA has determined the following for the Project based on the enclosed materials:

1. Research was conducted to identify resources previously listed or eligible for inclusion in the National Register of Historic Places (NRHP) and field investigations were undertaken to identify any additional resources that may be eligible for inclusion in the NRHP. The results for archaeology and architectural history are documented in *Phase I Archaeology Survey Report* and the *Architecture/History Report* both of which are included as enclosures. Due to file size, a link is included below to download the reports.

The archaeology investigation identified six sites that are within, intersect with, or are adjacent to the Project APE. No further work is recommended for four of the sites as the Project does not have the potential to impact them. Monitoring by a qualified archaeologist is recommended for the remaining two sites (47DA0136/BDA0389 – Monona Avenue Park Mound Group and 47DA0177/BDA0586 – Capitol Park Effigy) pursuant to Wisconsin’s burial sites law, Wisconsin State Statute §157.70. However, if advanced design shows that ground disturbance will not occur within the reported site boundaries, no monitoring will be required. No archaeological sites were determined eligible for inclusion in the NRHP as part of this investigation.

The architecture/history investigations determined that the following NRHP-listed or previously determined eligible historic properties are within the Project APE:

- University Hills Farm Historic District
- Bascom Hill Historic District
- State Street Historic District
- Wisconsin State Capitol (National Historic Landmark)
- Dane County Courthouse/Madison City Hall
- St. Patrick’s Roman Catholic Church
- Breese Stevens Field
- Kleuter Wholesale Grocery Warehouse
- Gisholt Machine Company
- Madison East High School

The architecture/history investigations also recommended the following resources as eligible for inclusion in the NRHP:

- James Madison Memorial High School
- Garner Park Shelter
- UW-Madison Central Heating Station/Service Building Annex
- UW-Madison Vilas Hall

Therefore, based on the research, field investigations, and evaluations in the *Architecture/History Report*, FTA has determined that there are 14 historic properties within the APE.

2. The *Determination of No Adverse Effect Report* details the assessment of both the potential direct and indirect effects resulting from the Project. The assessment of effects did not identify any potential for physical destruction or damage, alterations, or relocations of historic properties resulting from the

Project. The Project will introduce new visual elements to the streetscape and may change the character or physical features within the setting of historic properties. In select cases, stations are located within the boundaries of the historic district. The new visual elements will not detract from the characteristics that qualify the individual properties or districts for NRHP eligibility. The project team identified potential indirect effects related to the City's Transit Oriented Development (TOD) zoning effort, which could impact historic properties in the vicinity of station areas. The Project team and city staff are recommending that any TOD zoning exclude local and NRHP-listed historic districts from the zoning overlay. If, however, the TOD overlay includes historic districts, FTA may need to reassess the Project APE and the assessment of effects if development in proximity to historic properties is identified. Further discussion is provided in the report. Based on the assessment of effects in the report, FTA has determined that the Project will result in **no adverse effect to historic properties**.

Thank you in advance for your assistance on this Project. We look forward to receiving your concurrence with FTA's Section 106 determinations within 30 days of receipt of this letter. Please contact Elizabeth Breiseth of the FTA Regional Office at (312) 353-4315 or elizabeth.breiseth@dot.gov with any questions.

Sincerely,

Jay Ciavarella,
Director, Office of Planning & Program Development

ecc: Elizabeth Breiseth, FTA
William Wheeler, FTA
Graham Carey, Madison Metro Transit
Mike Cechvala, Madison Metro Transit
Adele Hall, SRF Consulting
Greg Rainka, Commonwealth Heritage Group
Heather Bailey, City of Madison/Madison Landmarks Commission
Mike Lawton, Hills Farm Association
Joe Keyes, Hills Farm Association
Carmelo Alfano, Business Owner
Sue Springman, Mullins Group
Mark Buechel, NPS

Enclosures: *Phase I Archaeology Survey Report*
Architecture/History Report
Determination of No Adverse Effects Report

Due to file size, reports are available for download at the following link:
https://chgi.sharepoint.com/:f/s/CHGMarketing/EgrHE-fBkF1DlPdpJadO_k0BfjubCMp1kYpCs5oLOjQcXA?e=heXhTH

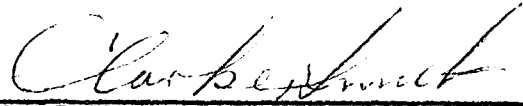
RESOLUTION ADOPTED BY THE EXECUTIVE COMMITTEE
OF THE REGENTS OF THE UNIVERSITY OF WISCONSIN
BY MAIL VOTE CIRCULATED ON APRIL 18, 1958

"RESOLVED: That the Declaration of Covenants, Restrictions
and Easements, hereto annexed and filed with the minutes, is hereby
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Hill Addition, which was approved by The Regents of The University
of Wisconsin on February 1, 1958.

"RESOLVED FURTHER, That the President and Secretary shall execute
the said Declaration on behalf of the Regents as owners and thereafter
cause the same to be recorded."

I, Clarke Smith, do hereby certify that I am the duly elected, qualified
and acting Secretary of The Regents of The University of Wisconsin, a body
corporate duly organized and validly existing under the laws of the State of
Wisconsin; that the above is a true and correct copy of a resolution duly
adopted by the Executive Committee of The Regents of The University of Wisconsin,
by mail vote circulated on April 18, 1958, by authority of The Regents of The
University of Wisconsin; and that said resolution has not been altered or
repealed and is in full force and effect on the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand in my official capacity
and affixed the seal of The Regents of The University of Wisconsin on this
25th day of April, 1958.



Clarke Smith, Secretary
THE REGENTS OF THE UNIVERSITY OF WISCONSIN



DANE 5 7 6 5 6 MAY 1 3 58

3.50 RM

LICENSED TO DANE COUNTY AND NOT FOR RELEASE, REBROADCAST, REUSE, OR ANY OTHER TRANSFER.

Declaration of Covenants, Restrictions
and Easements for the Plat of

UNIVERSITY HILL FARMS -
SOUTH HILL ADDITION

A Subdivision of the
City of Madison, Dane County, Wisconsin

The Regents of The University of Wisconsin, hereinafter referred to as the Regents, owners of the property known as University Hill Farms - South Hill Addition, a subdivision in the City of Madison, Dane County, Wisconsin, on behalf of themselves, their successors, and assigns, for the purpose of preserving the value of the lots in said subdivision, do hereby covenant, grant, declare, and provide that all lots in said subdivision shall be used only for the purposes and in the manner set forth herein.

Land Use and Building Types

1. All lots, except those listed in "2" and "3" below, in the plat of University Hill Farms - South Hill Addition shall be used only for single-family, residential purposes, and no structures shall be erected, altered, placed, or permitted to remain upon any lot in said plat other than:

- A. One single-family dwelling not exceeding two stories in height.
- B. One private garage attached to the house for not more than two cars, unless the Architectural Control Committee approves a detached garage or a garage for more than two cars.

2. Two-family dwellings not exceeding one and one-half stories in height may be constructed on the following lots:

- Block 24 - Lots 12 through 19
- Block 26 - Lots 1 and 2
- Block 27 - Lots 1 through 9.

No structures shall be erected, altered, placed, or permitted to remain on said lots other than:

- A. Those authorized under "1" above, applicable to single-family dwellings.
- B. One two-family dwelling not exceeding one and one-half stories in height.
- C. One private garage for each family, attached to the house for not more than two cars, unless the Architectural Control Committee approves a detached garage or a garage for more than two cars.

3. Churches may be constructed on lots in this plat upon approval of the Architectural Control Committee.

LICENSE TO TAKE COUNTY AND CITY RECORDS BY OTHER TRANSFER.

This clause is subject to the proviso that lands to which the Regents retain title, or for which they have the written consent of the owner, may continue to be used for present agricultural uses and purposes.

Architectural Control

No building shall be erected, placed, or altered upon any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of materials, harmony of external design with existing structures, and as to the location with respect to topography and finished grade elevations. A copy of such plans and specifications, together with a plat plan, shall be furnished by the owner for filing with the Committee.

No fence, wall, or hedge shall be erected, placed, or altered upon any lot nearer to the street than the minimum setback line unless similarly approved. All external construction and landscaping for a structure on any building site shall be completed within 18 months from the date of issuance of the city building permit unless a delay in completion is due to war, strikes, or an Act of God.

Dwelling Quality and Size

No residential structure shall be erected on any building site which has a ground floor area of the main structure, exclusive of one-story open porches and garages, of less than the following minima, as indicated below:

	<u>Minimum Ground Floor</u> <u>Area - Square Feet</u>
Block 24 - Lots 12 through 19)	
Block 26 - Lots 1 and 2)	1,200
Block 27 - Lots 1 through 9)	

Minimum Ground Floor
Area - Square Feet

<u>All Other Lots</u>	
For 1-story, 1-1/2 stories, and split-level dwellings	1,176
For 2-story dwellings	882.

The Architectural Control Committee may, whenever such action is rendered necessary by a change in the house-building art or a change in the public health standards for adequate housing or for other reasons consistent with the objectives of the control of size of structures, authorize a variance from the requirements from minimum ground floor area where the plans and specifications assure a high-quality house in harmony with the external designs of other houses in the neighborhood.

Building Location

No building shall be located on any lot nearer than 30 feet to the front lot line, and the Architectural Control Committee shall have the authority to require a setback between 30 and 38 feet from the front lot line. No part of any dwelling on a corner lot shall be located less than 25 feet from the right-of-way of the street. No dwelling shall be located on any interior lot nearer than 40 feet to the rear lot line. No part of any structure shall be located on any lot less than 10 feet from the side lot line, and the sum of the distances between any part of the structure and the two lot lines shall not be less than 25 feet. For two-story dwellings, no part of any structure shall be located on any lot less than 10 feet from the side lot line and the sum of the distances between any part of the structure and the two lot lines shall not be less than 35 feet.

Within the limitations of applicable zoning ordinances, the Architectural Control Committee or its designee may approve a variance from the sideyard and setback lines established herein when it finds that strict application thereof would result in peculiar and exceptional practical difficulties and undue hardship on the owner of the lot without commensurate benefit to the owners of neighboring lots.

No lot, as platted, shall be resubdivided without the consent of the Architectural Control Committee. This covenant shall not be construed to prevent the use of more than one lot as a building site subject to the approval of the Architectural Control Committee.

Lot Area and Width

No dwelling shall be erected or placed on any lot having a width of less than 50 feet at the building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 8,000 square feet.

Easements

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.

Nuisances

No profession or trade nor any noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

VOL 318 PAGE 378

NOT TO BE USED FOR ANY PURPOSE, SUBSTITUTION, OR TRANSFER.

Temporary Structures

VOL 318 PAGE 379

No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently, nor shall any residence of a temporary character be used as a dwelling.

Architectural Control Committee Membership

The Regents or their successors shall establish by appointment a committee to be known as the Architectural Control Committee. The Committee may select an architect registered in the State of Wisconsin as its representative to act with full authority of the Committee, provided that such architect shall not have authority to vary the minimum ground-floor areas specified herein. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor and shall have full authority to act until the vacancy is filled. Action of the Committee shall be by majority vote.

The Regents may elect to surrender the selection of the Architectural Control Committee to any duly-organized community association governed by a majority vote of all lot owners in the University Hill Farms - South Hill Addition, or the majority vote of said lot owners.

I. Procedures

The Architectural Control Committee shall exercise its powers herein in accordance with the following purposes and standards:

- A. To assure the most appropriate development and improvement of the University Hill Farms - South Hill Addition.
- B. To protect each owner of a lot against improper uses by any other owner.
- C. To preserve so far as practicable the initial beauty of the subdivision.
- D. To guard against the erection thereon of poorly designed or poorly proportioned structures, or structures built of improper or unsuitable material.
- E. To encourage and secure the erection thereon of attractive, adequate-sized homes, which conform and harmonize in external design with other structures to be built in the subdivision which are properly located upon the lot in accordance with its topography and finished grade elevation.
- F. To provide for high-quality improvements which will protect the investments made by purchasers of such lots.

VOL 318 PAGE 380

General Provisions

Term

These restrictions shall be binding on all persons claiming under them for a period of 25 years from the date this Declaration is recorded, after which said Restrictions and Covenants shall automatically be extended for successive periods of five years, unless the owners of a majority of lots in the subdivision prior to the expiration of any term shall, by majority vote duly recorded, agree to amend or repeal said Restrictions.

These Covenants and Restrictions run with the land and shall be binding on all persons having an interest in said subdivision until terminated in accordance with the previous paragraph.

Enforcement

These Covenants and Restrictions may be enforced by any lot owner by proceedings at law or in equity against any person or persons violating or attempting to violate the same, either to restrain the violation or to recover damages.

Severability

Invalidation of any one of the covenants or restrictions herein, or any severable part thereof, by judgment or court order shall in no way affect any of the remaining provisions, which shall continue in full force and effect.

WITNESSES:

THE REGENTS OF THE UNIVERSITY OF WISCONSIN

Margaret Slightam
Margaret Slightam
Lucille A. Dietrich
Lucille A. Dietrich
Melvin F. O'Brien
Melvin F. O'Brien
Marcia Mahnke
Marcia Mahnke

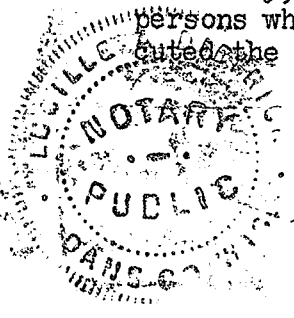
By Wilbur N. Renk
Wilbur N. Renk, President
Clarke Smith
Clarke Smith, Secretary

ACKNOWLEDGMENT

STATE OF WISCONSIN)
(SS
COUNTY OF DANE)

April 24, 1958

Personally before me today, came Wilbur N. Renk, President, and Clarke Smith, Secretary, of The Regents of The University of Wisconsin, to me known to be the persons who executed the foregoing instrument, and acknowledged that they executed the same.



RECORDED

MAY 13 1958

At 2:45 o'clock P.M.

Lucille A. Dietrich
Lucille A. Dietrich, Notary Public
Dane County, Wisconsin
My commission expires August 10, 1958.

From: [Ann Hardel](#)
To: [All Alders](#); [Mayor](#)
Subject: No to TOD overlay
Date: Saturday, January 14, 2023 10:59:09 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To All,

Please vote NO to the proposed TOD overlay at the common council meeting on January 17th. I am a home owner in the Hill Farms area at 5317 Burnett Drive within the proposed TOD overlay. I feel that we are not being recognized for the Historic district in which we live. Until December 5 we were excluded from the overlay because we are an Historic district. Why was this changed? I think we are at least deserving of an explanation.

I am not opposed to increases in density and diversity in our neighborhood and I support the rapid transit. We are seeing many apartment building being developed within the Hill Farms area. Rezoning to allow duplexes in our neighborhood does not make sense. I'm not sure how that would even be accomplished, since our neighborhood covenants do not allow duplexes.

Please reconsider including our historic district in the TOD overlay zoning.

Sincerely,
David and Ann Hardel
5317 Burnett Drive

From: [bill herman](#)
To: [All Alders](#)
Cc: [Mayor](#)
Subject: Regarding the BRT Zoning Overlay
Date: Saturday, January 14, 2023 2:26:42 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello: My name is Bill Herman. I reside in District 11 in the non-historical designated area of Hill Farms. I have lived here in a single family home since 1994. I am contacting you as I am vehemently opposed to the zoning overlay being considered.

My spouse and I have worked hard all of our lives to be successful and in a position to afford living in the Hill Farms area. We are good neighbors, we try to do the right things and give back in volunteering and community support.

The zoning overlay wrecks havoc in our wonderful neighborhood. My perception is there is a "valuing" of those who have yet to move here over those who have lived their lives here; doing the right things and being good citizens.

This seems so unjust and so unfair. Please do not pass the zoning overlay.

Bill Herman
217 Carillon Drive

From: neil.alan.howell@gmail.com
To: [All Alders](#)
Subject: [All Alders] Rezoning along the BRT Route
Date: Sunday, January 15, 2023 1:54:41 PM

Recipient: All Alders

Name: Neil Howell
Address: 4805 South Hill Drive, Madison, WI 53705
Phone: 608-231-1144
Email: neil.alan.howell@gmail.com

Would you like us to contact you? No, do not contact me

Message:

I am writing to oppose the rezoning proposal for the BRT route. In particular I oppose the last minute inclusion of the historical districts to the rezoning proposal. There is no good justification to destroy the character of established neighborhoods for an unproven need.

Trying to justify the chosen BRT route by re-engineering the population density is doing things backwards. IF the BRT is successful let the market adjust as the needs arise.

This action has the feeling that the city might change the rules again and again change the zoning for instance if the BRT doesn't meet projections.

From: Thundersnow9@gmail.com
To: [All Alders](#)
Subject: [All Alders] TOD
Date: Wednesday, January 11, 2023 8:32:29 AM

Recipient: All Alders

Name: Christine Javid
Address: 113 Green Lake Pass, Madison, WI 53705
Phone: 608-213-4574
Email: Thundersnow9@gmail.com

Would you like us to contact you? Yes, by email

Message:

Dear City of Madison Alders and Mayor Rhodes-Conway,

We are opposed to amending Chapter 28 of the Madison General Ordinances to include historic districts in the Transit-Oriented Development rezoning Legistar 74703. As longtime residents of University Hill Farms, we have seen and welcomed growth and change in our neighborhood, especially since 2016 when the addition of 2,000 carefully located and planned apartment units began to be constructed that were deliberately integrated into our residential neighborhood of single-family homes. We also supported the Bus Rapid Transit system for residents needing better transportation options and for reducing traffic congestion in the city. But rezoning in a patchwork pattern to allow duplexes and triplexes to replace single family homes is no guarantee for meeting the stated goal of matching housing with transportation needs. Instead, it will deteriorate the unique character of this neighborhood. It seems this TOD plan is trying to meet the BRT system ridership goals rather than meet the real needs of the neighborhood and the people who live here. We welcome people to our neighborhood from all backgrounds, but this proposal does not ensure anything. There are other ways to achieve equity that will not destroy a working and vibrant neighborhood. As many residents pointed out in the January 10 planning commission meeting, there is no data showing expected impacts on bus ridership, no data on its impact on local schools, no data on the impact on National Historic Registration homes. Since its beginning, the Hill Farms Neighborhood Association has closely monitored construction and renovations in the neighborhood, and this tradition will not just go away. More neighbors may be suing their neighbors as covenants are violated and the neighborhood slowly but surely loses its character and charm. We urge you to seriously consider the potentially negative impacts of this amendment. Please do not allow this amendment to pass. Thank you.

Respectfully,

Christine and Jeffrey Javid

From: [Dianne Jenkins](#)
To: [All Alders](#)
Subject: Item 74703 on 011723 agenda - oppose
Date: Sunday, January 15, 2023 7:00:02 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Members of the Common Council:

First, thank you for your service to the city - it is appreciated.

Second, I am writing in opposition to item 74703, implementing amendments to enact a Transit Overlay District.

I support BRT, and the benefits of increasing access to public transit for those who live further from the downtown area.

I do not support the TOD strategies to increase density in the near downtown neighborhoods, such as Dudgeon-Monroe. Based on the experiences of other communities that have tried to use similar tools to increase density and reduce inequities, this approach does not appear to be proven and, importantly, there is some evidence that inequities actually increased, as homes within the reach of first time buyers are made more unaffordable.

Members of the DMNA Zoning Committee have raised concerns as well, which I hope have been made available to you. The fact that there was dissent within the committee should itself be cause for a pause on this.

Thank you for your consideration.

Dianne Jenkins
1802 Monroe St., #408
Madison, WI 53711

From: [Liz Jesse](#)
To: [All Alders](#)
Subject: Support for Item 74703: Including Historic Districts in the TOD Overlay Zoning Changes
Date: Friday, January 13, 2023 1:16:41 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good Afternoon Aldermen,

I am both a bike and bus commuter in Madison and rarely use my car. When we were looking for houses in Madison, the Hill Farms neighborhood was a perfect choice. It was close enough to either bike or bus to most locations that we needed to get to in the city. I feel lucky to live in this neighborhood and I want other people (of all financial walks of life) to be able to live here as well.

Excluding Historic Districts, like Hill Farms, from the TOD overlay zoning changes would be a major step backwards in the city's plan to increase higher density housing along BRT lines. This is an equity issue - plain and simple. Madison is growing and we need to encourage - not discourage - people from purchasing all types of housing.

Here are some additional reasons why I support including historic districts:

- Landmarks and Plan Commission already review all demolition permits, which provides protections to historic districts;
- In Hill Farms, TOD only allows someone to build a duplex (or a three-plex). This is a very gentle change, and not one that is likely to affect the historic integrity of the neighborhood;
- Many of these historic districts had development that was enabled or accelerated by streetcar lines. TOD changes, like focusing on public transit and eliminating parking minimums, are more of a return to the historical conditions that created these districts than the current zoning;
- The pattern of single-family zoning that dominates many of the historic districts is also linked with a **history of exclusion**. Opening up lots in these districts to building types other than detached single-family homes will also give more people an opportunity to live in these areas, and can help address historic inequalities;
- BRT is a multi-million dollar investment that has the potential to change our city. It simply makes sense to make it easier to build housing near the BRT line; and
- The city needs more housing, and building housing near public transit is one of the most effective ways the city can combat climate change.

Historic preservation is about building community by linking people in Madison living today with our history. People living in Madison **today** need places to live, and ways to move around. Building housing near transit will make it possible for us to achieve abundant housing and a better city. Please vote to include historic districts in TOD.

Thank you,

-Liz Jesse
5126 South Hill Dr.
Madison, WI 53705

From: [Josh Olson](#)
To: [All Alders](#)
Subject: Fwd: Transit Oriented Development
Date: Sunday, January 15, 2023 5:34:10 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi Alders,

I'm passing along a note I sent to Alder Phair. I'll reiterate, I think the TOD is a great idea and it is best to include every district that will be within BRT range. I cannot wait for BRT to be available for use, I know many Madisonians are just as excited as I am, and to be the most successful version of itself we want a higher density of riders with easy access to the route.

Thank you,
Josh Olson

----- Forwarded message -----

From: Josh Olson <jo.olson03@gmail.com>
Date: Sun, Jan 15, 2023 at 5:20 PM
Subject: Transit Oriented Development
To: Phair, Matt <district20@cityofmadison.com>

Hi Alder Phair,

I'm voicing my support for the transit oriented development proposal that will be voted on at Tuesday's meeting. I think it makes a lot of sense to build housing near a large, frequent transportation network that we want to be successful. I think it would be best for all areas near BRT to be included, including the historical districts, because I don't want people who live in the historical district to be left behind when BRT takes off. I understand the concerns of density and not wanting to change the aesthetic in the neighborhood, and there's a way to build densely while maintaining the aesthetic that avoids forcing people in that neighborhood to rely on car only commuting.

I also think there's a ton of potential on East Washington for residential development. There are many, many, many abandoned parking lots that are just waiting for a heartbeat connection to the city. BRT is that connection and my hope is East Washington (all the way down!) can become an equal or potentially better version of what State Street currently is.

Josh Olson

From: [Tishler, Bill](#)
To: [Kapusta-Pofahl, Karen](#); [Fields, Debbie](#)
Subject: Fw: Transit Oriented Development concern
Date: Wednesday, January 11, 2023 4:31:10 PM
Attachments: [image001.png](#)

Bill Tishler
District 11 Alder, City of Madison
(608) 333-2745

Sign up for district 11 email list/blog:
<http://www.cityofmadison.com/council/district11/blog/>

From: Annie Jones
Sent: Wednesday, January 11, 2023 2:11:11 PM
To: Tishler, Bill
Subject: Transit Oriented Development concern

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alder Tishler,

I am writing to express concern about the Transit Oriented Development that will impact Hill Farms. I live at 206 Marinette Trail and am a relative newcomer to Madison (this January marks eight years) and I have lived in Hill Farms for six years. While I love Madison and love the neighborhood, I really dislike the tendency of this city and campus to tear down and destroy the character of the community and replace historically valuable homes, buildings and businesses with endless cookie cutters of apartment buildings and businesses.

As an enrolled member of the Menominee Nation and as a professional who dedicates her career to lifting up the voices of the Indigenous community here in Madison and throughout the state, I am especially concerned about the lack of care the community has for nurturing and caring for De Jope. We are on Native land and I feel strongly that we should listen to community voices that are concerned about protecting and conserving a sense of place and the environment. Decision-making should be informed by the feedback that was provided at last night's meeting. I know that you have voiced that you will oppose the proposed development – I urge you to use your strong leadership skills to help convince other alders to oppose the development and protect the future of Hill Farms. Let's please stop disrespecting Native land and the history of this place.

Thank you,

Annie

~~~~~

Annie Jones, PhD  
Professor, Organization Development and  
Tribal Nations Specialist  
UW-Madison, Division of Extension  
Affiliated Faculty, Departments of  
Community and Environmental Sociology and

American Indian Studies  
Agriculture Hall  
1450 Linden Dr. Room 346B  
Madison, WI 53706  
(608)262-9558



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*La University of Wisconsin-Extension es una institución que brinda igualdad de oportunidades en el empleo y acción afirmativa (EEO/AA, por sus siglas en inglés), y comprometida con la diversidad entre sus empleados y en sus programas.*

**From:** [Tishler, Bill](#)  
**To:** [Kapusta-Pofahl, Karen](#); [Fields, Debbie](#)  
**Subject:** Fw: TOD Overlay in Historic District  
**Date:** Wednesday, January 11, 2023 11:44:38 AM

---

**Bill Tishler**  
District 11 Alder, City of Madison  
(608) 333-2745  
Sign up for district 11 email list/blog:  
<http://www.cityofmadison.com/council/district11/blog/>

---

**From:** Jay Kemp  
**Sent:** Wednesday, January 11, 2023 10:24 AM  
**To:** Tishler, Bill  
**Subject:** TOD Overlay in Historic District

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello Alder Tishler: I attended the public meeting last night and appreciated the opportunity to ask questions and better understand the zoning changes. Dana and I are opposed to the TOD zoning changes in the Hill Farms National Historic Area and are very dismayed by the way this change in the plan is being put forward. We appreciate your help in working to stop this change. Should this come to a vote on Tuesday night please vote to reject this change to the plan.

Thank You,

Dana and Jay Kemp  
9 Calumet Circle

**From:** [jkohlbeck@wisc.edu](mailto:jkohlbeck@wisc.edu)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Support legistar item 74703 & the inclusion of historic districts in the TOD Ordinance  
**Date:** Tuesday, January 10, 2023 11:43:24 AM

---

**Recipient:** All Alders

**Name:** John Kohlbeck

**Address:** 6203 Williamsburg Way, Apt 301, DeForest, WI 53532

**Email:** [jkohlbeck@wisc.edu](mailto:jkohlbeck@wisc.edu)

**Would you like us to contact you?** Yes, by email

**Message:**

I support legistar item 74703 and the inclusion of historic districts in the Transit-Oriented Development ordinance and you all should too! It's a vital step towards addressing the growing transportation issues of the city and confronting the restraints of the isthmus. As our population continues to grow, we need to take a more wholistic, people-first approach to the design of our city and embrace ideas like the Bus Rapid Transit project with a "Yes In My Backyard" mentality. This TOD ordinance is a perfect example of that.

**From:** [Susan Latton](#)  
**To:** [All Alders](#)  
**Subject:** TOD Overlay & Historical Districts  
**Date:** Friday, January 13, 2023 8:50:52 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I ask you to either postpone or vote against the inclusion of historic districts in the TOD Overlay (74703) as currently proposed. I am very disappointed in the way this has been rushed to a vote when affected communities were informed directly by the Mayor and the Mayor's staff at a meeting in late October, that the Historic Districts would be excluded.

Each of you who voted for this to move forward, Committee Members, Alders and Mayor, have supported a process to mislead communities, preventing informed debate and opportunities for community input. You have a responsibility to work transparently and respectfully with all communities in this city. The Committees who advanced this revision appear to have no members who might directly represent the historic districts affected by this zoning change.

There are many goals and strategies in the TOD Overlay that I am supportive of and you could have had my support for a plan with a respectful process that might have included adaptations in historic districts. I am so discouraged by those of you who have spearheaded this underhanded process.

Thank you for reconsidering your vote in favor of a respectful and transparent process.

Susan Latton

--

Susan



**From:** [Becky Leidner](#)  
**To:** [All Alders](#)  
**Subject:** 1/17 item 27/75304  
**Date:** Sunday, January 15, 2023 3:47:54 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders,

It's not clear to me why only the immediate neighbors of this intersection should pay for the stoplight at Northport and School Rd. They probably aren't the ones doing the speeding. My impression is that most of the high-speed traffic on Northport originates from the Interstate, Hwy 30, and Packers Ave and is heading north and west towards Westport, Waunakee, and Middleton. If you drive these roads, as I do almost daily, you will be passed by cars barely slowing down between 90 and Northport. Our traffic planning has attracted them to this route and a stoplight more or less will be little deterrent. Drivers will just accelerate from it to make up for lost time. If there were adequate stoplights and enforcement (State Patrol? Madison?) upstream from Northport, this assessment might not be needed and neighborhood residents could drive on and cross Northport Dr without risking their lives.

Thanks,

Rebecca Leidner  
1915 Spohn Ave.  
Madison WI 53704

**From:** [kludke@wisc.edu](mailto:kludke@wisc.edu)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Rezoning of Historic District  
**Date:** Thursday, January 12, 2023 10:54:14 AM

---

**Recipient:** All Alders

**Name:** Kerry Ludke  
**Address:** 230 S Kenosha Drive, Madison, WI 53705  
**Phone:** 608-233-2776  
**Email:** [kludke@wisc.edu](mailto:kludke@wisc.edu)

**Would you like us to contact you?** Yes, by email

**Message:**

Please do not include the Historic District of Hill Farms in the rezoning plan for the BRT. The new zoning plan cut off between house. Please look at the map and see the zig zag through our neighborhood. My house is excluded an my neighbors house is included in this plan. Keith Anderson, historic homes, should not be rezoned. It is a beautiful history that would be lost. Please consider section 160 of the historic preservation act. It is also unclear why the swift change in zoning when City of Madison recommended NOT to include historic districts in this plan. DO NOT INCLUDE Hill Farms Historic District in this rezoning act!

**From:** [Gregg May](#)  
**To:** [All Alders](#)  
**Cc:** [council](#)  
**Subject:** Legistar Item: 74703 - Endorsement of TOD Overlay  
**Date:** Thursday, December 15, 2022 2:29:53 PM  
**Attachments:** [image001.png](#)  
[1000 Friends of WI - TOD endorsement - 12.15.2022.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

1000 Friends of Wisconsin supports the City of Madison's new Transit Oriented Development (TOD) overlay without a carve out for historic districts. The United Nation's Intergovernmental Panel on Climate Change (IPCC) estimates that in order to prevent irreversible and catastrophic climate change, we must keep warming to less than 1.5 degrees Celsius. Transportation is the [largest contributor of carbon emissions in the United States](#), accounting for about 27% of all emissions and since land use and transportation are so closely linked, a TOD overlay is one of the best policy tools available to meaningfully make Madison a more sustainable community.

Madison has a growing population and a desperate need to increase the amount of housing available in an equitable manner. If we are going to grow in a responsible and sustainable way, we need to increase development intensity in the areas of the city with quality transit access. The city's comprehensive plan already supports this strategy of infill development around transit-rich areas (Imagine Madison – Land Use and Transportation, Strategy 5 – Action A, amongst others).

As an organization that opposes sprawling, monolithic suburban development, 1000 Friends of Wisconsin is acutely aware of the need to preserve the spaces that make Wisconsin communities unique. However, a specific carve out for historic districts is unnecessary. The proposed TOD overlay is modest and not a threat to the character of our historic districts. The need to equitably address climate change and our existing housing challenges should be our top priority. The proposed TOD overlay will allow Madison to meaningfully address both. 1000 Friends of Wisconsin proudly supports the adoption of a TOD overlay, without a historic district carve out.

Sincerely,



Gregg May  
Transportation Policy Director  
1000 Friends of Wisconsin

**Gregg May, AICP**

Transportation Policy Director  
*1000 Friends of Wisconsin*  
820 W Wingra Dr, PO Box #259704  
Madison, WI 53703  
608-259-1000 | [www.1kfriends.org](http://www.1kfriends.org)  
Text 608-405-6977 to donate to 1000 Friends!





1000 Friends of Wisconsin supports the City of Madison's new Transit Oriented Development (TOD) overlay without a carve out for historic districts. The United Nation's Intergovernmental Panel on Climate Change (IPCC) estimates that in order to prevent irreversible and catastrophic climate change, we must keep warming to less than 1.5 degrees Celsius. Transportation is the [largest contributor of carbon emissions in the United States](#), accounting for about 27% of all emissions and since land use and transportation are so closely linked, a TOD overlay is one of the best policy tools available to meaningfully make Madison a more sustainable community.

Madison has a growing population and a desperate need to increase the amount of housing available in an equitable manner. If we are going to grow in a responsible and sustainable way, we need to increase development intensity in the areas of the city with quality transit access. The city's comprehensive plan already supports this strategy of infill development around transit-rich areas (Imagine Madison – Land Use and Transportation, Strategy 5 – Action A, amongst others).

As an organization that opposes sprawling, monolithic suburban development, 1000 Friends of Wisconsin is acutely aware of the need to preserve the spaces that make Wisconsin communities unique. However, a specific carve out for historic districts is unnecessary. The proposed TOD overlay is modest and not a threat to the character of our historic districts. The need to equitably address climate change and our existing housing challenges should be our top priority. The proposed TOD overlay will allow Madison to meaningfully address both. 1000 Friends of Wisconsin proudly supports the adoption of a TOD overlay, without a historic district carve out.

Sincerely,

Gregg May  
Transportation Policy Director  
1000 Friends of Wisconsin

**From:** [reporting@cityofmadison.com](mailto:reporting@cityofmadison.com)  
**To:** [Fields, Debbie](#)  
**Subject:** [Council Staff] In Support of Item 74703  
**Date:** Sunday, January 8, 2023 2:09:15 PM

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**Recipient:** Council Staff

**Name:** Matt McKillip

**Address:** 4610 Tokay Blvd, Madison, WI 53711

**Would you like us to contact you?** No, do not contact me

**Message:**

My reasons for wanting to include historic districts are simple and straightforward:

- In most of these districts, TOD allows someone to build a duplex. This is a very gentle change, and not one that is likely to affect the historic integrity of these neighborhoods
- BRT is a multi-million dollar investment that has the potential to change our city. It makes sense to make it easier to build housing near the BRT line
- The city needs more housing, and building housing near public transit is one of the most effective ways the city can combat climate change.

Historic preservation is about building community by linking people in Madison living today with our history. And people living in Madison today need places to live, and ways to move around. Building housing near transit will make it possible for us to achieve abundant housing and a better city. Please vote to include historic districts in TOD.

**From:** [Susan Millar](#)  
**To:** [All Alders](#)  
**Subject:** In strong support of the proposed TOD overlay plan  
**Date:** Thursday, January 12, 2023 6:45:14 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear members of the Common Council,

Based on all the excellent work city staff and committees have done, and the 1/12 zoom presentation by Ben Zellers, I write to ask you to approve the TOD Overlay Plan that is on your January 17 Common Council agenda.

I am aware that some people in our city will ask you to resist these proposed changes; many of these people want zoning and traffic regulations to remain unchanged. However, the proposed TOD Overlah changes are extremely important if this city is to move forward in a way that (1) supports the needs of **all** our citizens and (2) reduces threats to our environment due to CO2 emissions from increased single occupancy car use and single family homes. Good public policy must prevail over the concerns of a few citizens who resist change.

Thank you for considering my request that you approve the TOD Overlay Plan.  
Susan Millar  
Rowley Ave, Madison 53726

**From:** [ajmille2@uwalumni.com](mailto:ajmille2@uwalumni.com)  
**To:** [All Alders](#)  
**Subject:** [All Alders] development  
**Date:** Saturday, January 14, 2023 1:57:55 PM

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**Recipient:** All Alders

**Name:** Amy Miller  
**Address:** 1507 Rutledge St, Madison, WI 53703  
**Phone:** 608-354-7940  
**Email:** [ajmille2@uwalumni.com](mailto:ajmille2@uwalumni.com)

**Would you like us to contact you?** Yes, by email

**Message:**

I am writing about the Transit Oriented Development Overlay District that comes before you for a vote on Tuesday. I do support infill development and adding housing along the BRT to address the current housing issues. I have two major concerns about the proposed zoning changes.

In addressing housing, it's also important to consider sustainability. Look at the recently constructed apartment building on the corner of W. Washington and Bassett. It replaced a number of older homes that provided student housing. The backyards were large and most likely the landlords rented parking spaces to nonresidents. These areas were not paved and could absorb moisture. It's now been replaced with a building that has no usable open space to absorb water. That's a problem on the Isthmus. Not so long ago, a warning notice about the flooding risk was posted on our house. I hope all of you remember the flooding, the problems, and the stress that resulted. We cannot remove usable open space requirements on the Isthmus. We need areas to absorb water to help prevent flooding. Please keep this requirement at least in the Isthmus area, though I would argue it should be kept throughout Madison as we enter an era of severe weather.

Please preserve our historic districts and exclude them from the TOD. It is much of what makes Madison so appealing. One can just look at the Square for evidence of Madison's poor commitment to historic preservation. Please don't further jeopardize what we've preserved thus far.

Thank you for the work you do to represent us.

Amy Miller  
1507 Rutledge St

**From:** [William Ochowicz](#)  
**To:** [Plan Commission Comments](#); [All Alders](#)  
**Subject:** Please Include Historic Districts in TOD - Legistar 74703  
**Date:** Monday, December 12, 2022 3:03:28 PM  
**Attachments:** [image.png](#)

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Hello Alders and Commissioners,

I want to start off my letter by letting you know how excited I am for BRT. BRT has the potential to really change the city and how we move around. In time, especially if the north-south BRT line comes to fruition, we could see a revitalization of our public transit system. The Transit-Overlay District (TOD) is also a good ordinance. BRT will provide an unparalleled opportunity for people who don't own a car to access jobs and opportunities, and by passing TOD you can help give those people the opportunity to live near and use the line. My partner and I recently went from a 2-car household to a 1-car household, and so having access to BRT in the future is very important to us.

What I'm not excited about is the possible exclusion of historic districts. It *is* important that we protect our historic assets. But totally excluding historic districts is not the right way to protect those assets. In most of our city's national historic districts' area, the changes under TOD would allow someone to build a duplex where a single family home stands now. It is difficult to imagine a situation where building a duplex is such a dramatic change to a neighborhood that it requires multiple public meetings for either a rezoning or a conditional use, but building a detached single-family home on the same lot is OK by right without any input. There are also plenty of examples of duplexes in historic districts that fit in with the character of the neighborhood. Attached is a photo of a contributing duplex in the Sherman Avenue National Register Historic district that would be illegal to build today without a rezoning.





The reasons to include historic districts are not limited to increasing housing supply, or making housing more affordable, or addressing past racial injustice in housing policy, or any of the other myriad of good reasons that you may have already heard. It is also a matter of just letting people live car-free, whether inside or outside of a historic district. My generation is dealing with issues created by the built environment of the past, including auto-oriented sprawl and the climate change that sprawl helps drive. TOD and BRT, taken together, put us on the road to reversing the causes of some of these issues. Importantly, these issues do not stop at the boundaries of historic districts, and every part of our city should be expected to chip in to build housing near transit.

Thank you,  
Will Ochowicz

**From:** [Tishler, Bill](#)  
**To:** [Kapusta-Pofahl, Karen](#)  
**Cc:** [Fields, Debbie](#)  
**Subject:** Fw: BRT informational meeting  
**Date:** Wednesday, January 11, 2023 7:46:53 AM

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Hi Karen,

Can emails like these be entered into the public record showing opposition to the BRT?

Best,  
Bill

Bill Tishler  
District 11 Alder, City of Madison  
(608) 333-2745

Sign up for district 11 email list/blog:  
<http://www.cityofmadison.com/council/district11/blog/>

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From: Daniel Olson <dlolson@charter.net>  
Sent: Tuesday, January 10, 2023 10:17:47 PM  
To: Tishler, Bill  
Subject: BRT informational meeting

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi

I live in the area of Hill Farms that is affecting by the zoning change and attended tonight's BRT informational meeting with the Hill Farms Neighborhood Association and the Madison Planning Department. Thank you for being there and representing the district.

I like to go record that I oppose the purposed zoning change. I feel that the new zoning will eventually affect the fabric of the neighborhood and the value of our home. We moved here because the neighborhood was one family homes and had a strong Neighborhood Association and strong schools.

Again thank you for representing our district.

Dan Olson

**From:** [Daniel Olson](#)  
**To:** [All Alders](#)  
**Subject:** TOD zoning changes  
**Date:** Sunday, January 15, 2023 1:28:47 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello

First let me thank you for your service to the City of Madison.

I live in National Historic District of Hills Farm Neighborhood that will be affected by the purposed zoning change. I'm against the change for the following reasons;

- This is a rushed decision that was made without adequate notice to the neighborhood and its residents.
- The many neighborhoods are what makes the fabric of Madison. Changing these neighborhoods and you will be changing what makes Madison an unique and attractive place to live.
- The Hills Farm Neighborhood is already experiencing great change with the new DOT building and Madison Yards.
- This purposed change divides the neighborhood residential section into two zoning levels and could lead to inequities within the neighborhood.

I ask you to reconsider the purposed changes of these Nation Historic Districts.

Respectfully

Daniel Olson

**From:** [tradueg@yahoo.com](mailto:tradueg@yahoo.com)  
**To:** [All Alders](#)  
**Subject:** [All Alders] TOD Overlay in historic districts  
**Date:** Thursday, January 12, 2023 9:41:38 AM

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**Recipient:** All Alders

**Name:** Tammy Raduege  
**Address:** 5214 Pepin Pl, Madison, WI 53705  
**Phone:** 608-695-2983  
**Email:** tradueg@yahoo.com

**Would you like us to contact you?** Yes, by email

**Message:**

Dear alders,

I am writing to express my opposition to the proposed TOD overlay ordinance that we recently learned would include historic districts. I live in Hill Farms, which is on the National Register of Historic Places.

The Hill Farms neighborhood is a planned neighborhood that was designed to include multi-family residences. All of Sheboygan Avenue is apartments, including at least one tower. There are senior apartments along Segoe Road, and garden apartments on Regent Street. All of Manitowoc Parkway is populated with duplexes. In the last ten or fifteen years, these multi-family buildings were constructed in the neighborhood:

- Condos and an apartment building were built on Price Street near Segoe
- Apartments were built on Midvale in the Hilldale area.

More recently, other apartment buildings have been constructed in the neighborhood:

- A new apartment building on Mineral Point and Whitney Way
- A new apartment building on Whitney Way and Old Middleton Road
- A new apartment building on Segoe Road near Regent Street

Additionally, the following projects are underway:

- Three new apartment buildings on Whitney Way and Tokay Boulevard
- Apartments at The Element District on Whitney Way in Research Park
- Apartments at Madison Yards, at Segoe and Sheboygan

- Apartments on Midvale Boulevard in the Hilldale area

City staff who attended our neighborhood meeting on January 10 explained that the reason that the city changed course to include historic districts in the overlay was so that the overlay would apply “equitably.” In reality, the overlay is being applied equally, not equitably. We already have so many apartment buildings in the area, and we welcome them. It is not necessary change the zoning in our historic single-family neighborhood to allow two-family residences this would add a small number of potential bus riders at best. Our neighborhood is ideal for BRT as it is. I urge you to vote against the inclusion of historic districts in the overlay.

**From:** [rcravetta@att.net](mailto:rcravetta@att.net)  
**To:** [All Alders](#)  
**Subject:** 01/17/2023 Common Council Meeting - Agenda Item 74703 (TOD District)  
**Date:** Saturday, January 14, 2023 9:08:37 PM

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Good evening,

I am writing to provide input on the above-mentioned agenda item.

While I am generally in favor of the BRT and the establishment of the TOD District, I am very concerned about the recent change that includes historic districts in the TOD area. While it provides for very little additional housing, it risks degrading the very nature of these historic districts. Of particular concern are those that are designated as National Historic Districts, such as the Hill Farms neighborhood.

It's important to note that I do not live within any of the historic districts. But, I value the preservation of our historical buildings and neighborhoods. Please reconsider this recent change and exclude historic districts from the TOD overlay.

Renee Ravetta  
446 Togstad Glenn

**From:** [Janet Schuresko](#)  
**To:** [All Alders](#)  
**Cc:** [Bottari, Mary](#); [Baumel, Christie](#); [Vakunta, Linda](#)  
**Subject:** Please postpone vote, oppose stealth rezoning via BRT overlay, redefining 5 unrelated adults as family  
**Date:** Sunday, January 15, 2023 10:19:04 AM

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Please oppose the zoning changes outlined by planning staff last Thursday night (Jan. 12), The public presentation was made a mere two business days before the vote. I urgently request this vote be postponed to allow more risk benefit analysis, examination of alternative proposals, and more public input.

Last night's proposal would allow houses in single family districts within 1/4 mile of BRT routes to be converted to duplexes with an ADU without applying for special permitting, changing the character of neighborhoods, while driving up rents and housing prices, and driving single parent families, working families, middle class people, families with disabled members, and minorities out of the city, decreasing equity while increasing traffic and commuting which contribute to climate change. The changes would not significantly ameliorate the housing shortage predicted in the coming years, but would reduce the charm of older walkable neighborhoods that make the city so attractive to residents and visitors alike.

I also oppose the planning commission's attempt in December to redefine family for purposes of single family zoning to include up to five unrelated adults in all parts of the city. (Unfortunately, planning staff \*forgot\* to record the presentation at the start of the public meeting, so I am relying on notes about the justifications given. See my discussion of these justifications in my last paragraph. Please ask planning staff to present their justifications again, this time in a recorded public meeting.)

Together these proposals would potentially allow properties currently zoned as single family residences to be rented to 10-15 unrelated adults. This would make them attractive as student housing and a potential target for speculation and big absentee landlords. As you are aware, UW Madison has approximately 44,000 students but only 8000 dormitory beds (plus apartments housing an additional 2000 grad students and students with families). Planning staff reassured citizens in the December meeting that there would be no student pressure in single family neighborhoods because a few thousand new apartment units with amenities that might be attractive to students have been built lately. Can you help me understand these numbers?

Dorm rooms cost an average of \$740/ month. Students wanting single rooms might be prepared to pay more. Many of the houses located within the transportation corridor are actually closer to the UW campus than many dorms are. This means that a single family unit could potentially generate \$10,000-\$15,000/ month in rental income. Many well heeled parents have done the math and decide to buy a house for their student who then sublets to other students to cover mortgage costs, and sells at a profit after the student graduates, so even if the economics did not make sense for traditional slumlords, well heeled parents give their child a chance to practice being a property manager while avoiding dorm costs and becoming an absentee landlord after graduation. How could a single parent family, a minority family, an immigrant family, a family with dependent children, or a disabled dependent member, a family with a normal wage job, or a retired individual or couple compete in such a housing market?

This is not just an issue for officially designated historic districts. Less expensive housing areas to the west of the historic district near University Avenue will be especially attractive to students and hence to potential landlords. Most UW students living off campus have cars and drive them -- the bus routes will not solve traffic problems, but will contribute to parking problems and pressure to pave yards (or park on dirt if paving is regulated) Many of the houses being de facto rezoned as duplexes are over 70 years old. Maintaining these houses requires constant attention and care, something not likely to be supplied by a landlord. Given that the law favors landlords

over tenant rights, this is a dangerous situation since tenants who complain too loudly may not be allowed to renew their leases. In fact, many of the more modest houses west of the historic district had been used and abused as rentals before being rezoned as single family homes and being gradually restored by people of modest means who could not afford to buy in the official historic districts..

Rezoning single family homes as duplexes will not solve either the housing shortage or climate change, so citing these worthy goals as a way to cut off discussion is reprehensible.

One of the planning staff justified increasing family definition from 2 to 5 unrelated individuals by saying people were weaponizing zoning by only complaining about zoning violations when the violators caused noise or trash problems. Increasing the allowable number of residents would not solve this problem. For example, if five unrelated people rented a single family house and then several of them acquired live-in romantic partners, they would be violating zoning, and still subject to the theoretical 'weaponizing' if they created noise or trash problems. Generally neighbors mind their own business unless the house creates a problem with excessive late night noise, trash, cars blocking driveways, or similar common effects of overcrowded housing--this is not 'weaponizing' zoning, as zoning staff stated. A planning staff member said that the proper remedy was calling police, rather than relying on zoning I beg to differ: police have other priorities than trash in yards or loud parties, and repeatedly calling police would make for a hostile neighborhood atmosphere, and a potentially dangerous situation if neighbors first spoke directly to the problem renters before calling the police when the situation did not improve.

The purported justification for this change was that that defining family as people not related by blood or marriage would help single parent families afford housing (how? these families are already related to each other), help low income families (how when they would have to compete for rental housing with groups potentially having five to fifteen incomes) and increase racial diversity (how, when these properties would likely be rented by UW students, whose demographics are even less diverse than the city as a whole), and is needed because we are not living in the 1950's (obviously true--marriage equality laws are now in place now, making the change from 2 to 5 less needed than ever ). All of this seems disingenuous. Whenever the stated reasons for a change appear to have little relation to the facts, it is time to pull back and gather more information.

Sincerely,  
Janet Schuresko



**From:** [Nathaniel Sharp](#)  
**To:** [All Alders](#)  
**Subject:** TOD legislation  
**Date:** Friday, January 13, 2023 11:09:44 AM

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Dear Alders,

I write in support of the proposed TOD legislation, as a resident of one of the affected areas, Hill Farms. Having reviewed the details of the proposal carefully, I think it strikes an excellent balance between the need for housing development and the need to preserve the character of our communities.

Responsible and equitable increases in density are necessary and desirable for our city. I urge you to support this legislation.

Sincerely,  
N Sharp

**From:** [Lsmith3@charter.net](mailto:Lsmith3@charter.net)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Rezoning for BRT  
**Date:** Saturday, January 14, 2023 11:45:18 AM

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**Recipient:** All Alders

**Name:** Lanny & Margaret SMITH  
**Address:** 5109 REGENT ST., Madison, WI 53705  
**Email:** [Lsmith3@charter.net](mailto:Lsmith3@charter.net)

**Would you like us to contact you?** Yes, by email

**Message:**

We oppose the proposed rezoning of the Hill Farms Whitney Way for the BRT. Primarily, it would split a planned integrated single-family development Hill Farms and established neighborhood which is recognized and approved as a national preservation area. For other reasons, ask Alder Tishler, who attended the 1/10 neighborhood meeting where many expressed opposition and concerns about the proposed rezoning.

**From:** [randystoecker@yahoo.com](mailto:randystoecker@yahoo.com)  
**To:** [All Alders](#)  
**Subject:** [All Alders] Bus Rapid Transit Zoning Overlay  
**Date:** Friday, January 13, 2023 10:16:15 AM

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**Recipient:** All Alders

**Name:** Randy Stoecker  
**Address:** 5214 Pepin Place, Madison, WI 53705  
**Phone:** 608-239-1057  
**Email:** [randystoecker@yahoo.com](mailto:randystoecker@yahoo.com)

**Would you like us to contact you?** Yes, by email

**Message:**

I am writing to express my opposition to the Transit-Oriented Development Zoning Overlay Plan and the Bus Rapid Transit Plan. Aside from simply being poor policy, the process used to create these plans was not participatory and the misuse of the principle of equity to justify them leaves me shaking my head.

As someone who has researched, taught, and practiced community development for nearly 40 years with experience in multiple cities in multiple countries, I am ashamed at how backwards this entire process has been, the culmination of which I witnessed at the Hill Farms neighborhood meeting this week where we were subjected to the typical 1950s "here's the plan and here's why you should like it" top-down planning ideology. Sherry Arnstein, the author of the famous "A Ladder of Citizen Participation" if you don't know it, look it up on the internet would be rolling in her grave to learn how this entire process has been conducted. Creating a plan in barely accessible government offices and then pushing it out at public hearings is at best a form of tokenism and is not becoming of a city that pretends to be progressive.

Having a Plan Commission that makes dramatic last-minute changes to the plan shifts us even further down the rungs of Arnstein's ladder. The inclusion of historic districts into the Zoning Overlay, coming from a tiny group of people acting without any accountability to the public, is anti-democratic. And justifying it in the name of "equity" is an embarrassing corruption of the concept. Using the concept of equity to impose a one-size-fits-all policy on the diverse communities of the city is the opposite of equity. Equity is about recognizing, supporting, resourcing, and promoting diversity, not sameness. It's no wonder we are known far and wide as one of the most racist cities in the country, if that is the definition of equity being put forth in official city policy. I have worked with groups led by Black and Brown people for much of my career and am appalled by such misuse of the term.

Then there is the question of my neighborhood Hill Farms. Hill Farms was designed by urban planners from the start to include a balanced mix of housing types, with walkable access to a commercial core. Allowing approximately half the neighborhood to double in population will render meaningless the original concepts that created this neighborhood, and gut its historic character. And, as I understand it, inclusion of the neighborhood in the zoning overlay will nullify assurances given to the federal government in exchange for funding.

There is already a lot of anger across the city about the plan for the city bus system that appears to be designed to serve neoliberal fiscal ideology rather than to serve actual people's needs which makes it inequitable, by the way. This latest Plan Commission zoning overlay insult to good planning process only fuels that anger. You can't hold a few "public hearings," shrug when people don't show, and ignore them when they later complain if you haven't knocked on every door and invited every resident to a co-design process from the start again, see Sherry Arnstein. How are we ever going to get to a place where people trust and respect government if government continues to act so distrustfully and disrespectfully?

I am also writing to Representative Pocan and Senator Baldwin in an attempt to learn how we can stop federal funding for the Bus Rapid Transit plan until a fully participatory process can be put in place to create an urban transportation system, and zoning, that fully serves the diverse interests of people in the city.

**From:** [Eric Suomi](#)  
**To:** [pocan@house.gov](mailto:pocan@house.gov)  
**Cc:** [All Alders](#); [Mayor](#)  
**Subject:** Reopening National Historic Preservation Act  
**Date:** Thursday, January 12, 2023 8:17:32 AM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

January 12, 2023

The Honorable Mark W. Pocan  
United States Congressman

Dear Congressman Pocan,

I am writing to you to request the reopening of National Historic Preservation Act (Public Law 89-665), section 106 process in the matter of "Madison East-West Bus rapid Transit Project, Madison Wisconsin Section 106 Eligibility and Effects Determination, Project No. 21-0692/DA." On January 24, 2022, the 106 process was mostly completed with a letter from Director Jay Ciavarella, Federal Transit Administration (FTA) Office of Planning and Program Development, to Kimberly Cook, Historic Preservation Specialist Wisconsin Historical Society. The letter noted that the project team had identified potential effects related to the City's Transit Oriented Development (TOD) zoning effort which could adversely impact historic properties around the station areas. The Project team along with the city staff, then recommended that TOD zoning exclude historic districts. In November 2022, an ordinance was introduced to the Madison City Council to adopt TOD zoning excluding historic districts. However, in December of 2022, that ordinance was revised by some Madison Plan Commission alders and commissioners who voted to now include historic districts in the TOD zoning contradicting the representation stated in the January 24, 2022, FTA letter. Why the sudden change? It seems very devious in nature. So, as a concerned resident of an affected historic district, I am asking for your help to reopen the Section 106 process in this matter.

Thank you for your valuable time,

Eric W. Suomi  
5117 Door Drive  
Historic University Hill Farms  
Madison, WI 53705-4752

**From:** [Hayley Tymeson](#)  
**To:** [All Alders](#)  
**Subject:** In support of TOD overlay  
**Date:** Thursday, January 12, 2023 9:01:45 PM

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Hi Common Council members,

Just wanted to send a quick message expressing my strong support for the TOD overlay proposal coming your way. I'm 29, and have lived in higher-density housing near public transportation (exactly the kind of housing the TOD overlay would support) for basically my entire 20s. **The availability of affordable places to live, with easy access to public transit, has made my professional and personal life possible** for the last 7 years. It also made it possible for me to live entirely car-free for some of the earlier years - which was pretty critical for my finances at that early stage in my career. Even now that I have a car, I share it with my partner to save money, and bike/bus to my job in downtown Madison.

I know changes related to zoning and housing can be difficult, as the abstract future benefit to new residents competes with the very non-abstract concerns of current residents and neighbors. I just wanted to offer myself up as a tangible example of how important these options can be for younger people. I'm sure it took fights, compromises, and challenges to create those spaces, and the public transit to go with it, 20 or 30 years ago. I'm so glad generations before me helped make this lifestyle possible. Today, I'm trying to keep it going for future generations. Please support TOD.

Thanks for all your work, and your time!

Best,  
Hayley Tymeson  
2308 Kendall Ave

**From:** [Ed Walker](#)  
**To:** [Mayor](#); [All Alders](#); [Plan Commission Comments](#)  
**Subject:** Objections to extending the TOD Overlay  
**Date:** Thursday, January 12, 2023 6:29:57 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the mayor, the alders, and the planning council:

I own the property at 4717 Regent Street in University Hill Farms, and I live there.

The house was built by my late aunt and uncle in 1962, and I bought it in 2021 to occupy as my home in retirement.

I oppose extending the proposed overlay for Transportation Oriented Development to include historic districts, for the following reasons.

1. The overlay does not have equal impact on properties within the Hill Farms neighborhood.
  - a. Since the overlay is determined by distance, it affects only some, rather than all, of the properties within Hill Farms.
  - b. Using a distance metric arbitrarily includes and excludes adjacent properties.
2. Extending the overlay does not materially increase the potential population density within the TOD area.
  - a. Dense developments already have been developed, are being developed, or are planned within the Hill Farms district.
  - b. Relatively few conversions of single family homes to duplexes are likely.
3. The TOD overlay conflicts with restrictive covenants on properties in Hill Farms and other restrictions in determining rights to develop.

Respectfully,

Ed Walker

The Hamptons (Flad) Regent St. & Segoe Rd. 59 Units  
Manchester (Flad) Midvale Blvd & Regent St. 72 Units  
Additional Redevelopment Vernon Blvd./Price Pl. 110 Units  
Senior Housing Sawyer-Segoe 90 Units (planned)  
American Red Cross Site Sheboygan Ave. 170 Units (planned)  
University Triangle N. Whitney Way/Sheboygan 480 Units (planned)

-----  
Ed Walker  
[edw@ectwalker.com](mailto:edw@ectwalker.com)  
+1 978.223.3564 (mobile)



**From:** [Ed Walker](#)  
**To:** [All Alders](#)  
**Subject:** Objection to draft TOD Overlay  
**Date:** Saturday, January 14, 2023 9:45:24 AM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the alders:

Please accept and consider my duly registered comment on item 7: 74073 of the agenda for the Common Council meeting to be held 17 January 2023.

I own and occupy the property at 4717 Regent Street in University Hill Farms.  
The house was built by my late aunt and uncle in 1962.  
I bought it in 2021 to occupy as my home in retirement.

I oppose extending the proposed overlay for Transportation Oriented Development to include historic districts.

The proposed extension fails the test of effectiveness:

It would not increase potential population density of the Hill Farms neighborhood.

- a. Several multi-unit developments already exist, are being developed, or are planned within the Hill Farms historic district.
- b. Property rights conveyed by extending the overlay conflict with restrictive covenants, zoning, etc. of properties in Hill Farms and other historic districts.
- c. Few additional conversions of single residences are likely.

The proposed extension fails the test of equity:

It would unfairly impact individual owners of single residence properties.

- a. The overlay would affect only some, not all, such properties within what is an otherwise coherent and uniform neighborhood.
- b. The simple distance metric used to draw boundaries would create conflicting rights for owners of adjacent properties.
- c. Disputes over the exercise or abuse of property rights are inevitable.

Respectfully,

Ed Walker

-----

Ed Walker

[edw@ectwalker.com](mailto:edw@ectwalker.com)

+1 978.223.3564 (mobile)

**From:** [Susan White](#)  
**To:** [All Alders](#)  
**Subject:** TOD vote on Jan 17  
**Date:** Saturday, January 14, 2023 1:09:23 PM

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Alders,

I would like to register my opposition to the TOD and urge you to vote against it for the following reasons:

1. The very small POSSIBLE incremental increase in density for POSSIBLE increased bus ridership does not warrant changing the nature of residential neighborhoods surrounding the proposed BRT routes. If the BRT routes cannot be justified by the development and density along them, the routes should be revisited.
2. The TOD includes city parks such as Garner Park for development. The city should not give up its neighborhood parks. These are necessary social and recreational areas for the welfare of Madison's citizens.
3. Neighborhood bus lines have been removed and long term bus riders now have to drive. This is counter to the stated BRT goals and the TOD does not overcome this deficit.
4. There are no park and rides in the BRT plan to enable enhanced bus ridership. Before the city changes the nature of residential neighborhoods for very incremental and questionable ridership increases, park and rides should be an integral part of the plan.

I see the TOD as poorly conceived with big residential impacts and minimal ridership ROI.

Please vote NO.

Susan White