

**From:** Black, Angela

**Sent:** Monday, October 16, 2017 2:48 PM

**To:** Rummel, Marsha <district6@cityofmadison.com>

**Cc:** Brad Hinkfuss; 'Michael Thorson'; 'Adam Fredendall'; Vercauteren, Jeff; Eagon, Bryon; Parks, Timothy <TParks@cityofmadison.com>; Stouder, Heather <HStouder@cityofmadison.com>; ken opin; Zellers, Ledell

**Subject:** RE: 131 South Fair Oaks Environmental

**Importance:** High

Good afternoon Marsha, thanks again for your email. We have confirmed that the developer is amenable to referring the project to the next plan commission meeting so that we can follow up further with you and the neighborhood on the items raised in your email. Tim, please consider this email our request for referral consistent with the alder Rummel's request.

The Phase 2 environmental site assessment and the air modeling study that Jeff circulated are consistent with information provided by the developer to the neighborhood over the past several months but I wanted to provide some additional thoughts and information given the ongoing discussion.

First, to summarize the Phase 2 environmental site assessment Jeff shared, please note that the contamination on the site to be remediated in connection with redevelopment is no different than what we see on the majority of redevelopment sites within the Isthmus area in Madison. Some of the multi-family and mixed use (with housing) projects I've worked on over the years in fact have been built on sites with more or worse types of contaminants. The developer has spent considerable time, effort and money to identify, quantify and assess the costs of remediating this contamination and is prepared to absorb those costs within the project budget. He has been upfront in discussing that contamination with the neighborhood and nothing in these reports is inconsistent with those previous communications. The project will proceed with the full oversight of WDNR just as we do on other redevelopments of contaminated sites in Madison.

Second, regarding the air emissions from Madison-Kipp, this issue was thoroughly reviewed and analyzed in connection with the proposed Stone House Development project at 134 S. Fair Oaks Ave. The Environmental Health Division of Public Health – Madison and Dane County (PHMDC) released a letter dated December 8, 2016 addressing questions raised “regarding the environmental quality of the site and how the industrial and commercial activities of the neighboring properties might affect the living conditions at the new development.” After analyzing Madison-Kipp's industrial emissions and consulting with the Wisconsin Department of Natural Resources, PHMDC determined that “air pollution emissions do not create a human health hazard or exceed existing air quality standards.” PHMDC also noted that Madison-Kipp has made changes to reduce air emissions and improve air quality since its evaluations. PHMDC concluded, “Current industrial and commercial activities in this community are not creating a human health hazard for the current residents and we do not expect this to change with the addition of the proposed housing development.” This project is approximately 20' further from the nearest MKC stack than the Stonehouse project, and is approximately 8' taller at 58'-0" (compared to an MKC stack height of 75'). The air quality study indicates that the peak 1 hour emission impacts occur at or near ground level, not at higher building elevations. They are also

both extremely low and infrequent - occurring on 6 out of 1,826 days, or approximately 0.35% of the time.

Link to PHMDC letter:

<https://madison.legistar.com/View.ashx?M=F&ID=4832144&GUID=D7AB9383-4112-44A1-B30E-3B90F0EBD11B>.

Finally, please note at its December 12, 2016 meeting, the Plan Commission found the conditional use standards met and approved Stone House Development's conditional use request for dwelling units to be constructed at 134 S. Fair Oaks Ave. The staff report asked the Plan Commission to give particular consideration to Conditional Use Standard #1 ("The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.") The Plan Commission concluded that standard had been met. That previous finding by the Plan Commission supports a similar finding for the Inventure proposal.

As I'm sure you can guess, timing is critical at this point and Inventure needs to ensure it can meet its contractual timing for the site. We would appreciate if you could send us a few dates and times that you and Brad and/or other representatives of the neighborhood could meet in the next week or so to go through the above information in more detail along with discussing the additional items and questions raised in your email, so that we may stay on track for the next PC meeting. Inventure remains very excited about this redevelopment which will remediate a contaminated site, may include a significant solar component under a new MG&E program, will be geared toward the biking community and will feature attractive rents (both in comparison to HUD standards as well as market rents for similar, high quality buildings in the downtown and Isthmus areas).

Thanks much,

Angie

Angela Black  
Partner

[REDACTED]

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**From:** Vercauteren, Jeff

**Sent:** Sunday, October 15, 2017 3:08 PM

**To:** Rummel, Marsha; Parks, Timothy; Stouder, Heather; ken opin; Zellers, Ledell

**Cc:** Brad Hinkfuss; Black, Angela; 'Michael Thorson'

**Subject:** RE: 131 South Fair Oaks Environmental

Marsha,

Thanks for forwarding the Phase II report. The conclusions are consistent with our discussions at the neighborhood meetings—there is existing soil contamination from prior uses on the site (including petroleum and solvents) that will be remediated and capped as part of the redevelopment. Therefore, the proposed redevelopment will significantly improve the existing environmental conditions on the site.

We have also obtained an air modeling study to analyze the output from the existing MKC stacks relative to the proposed redevelopment. I will send that report in a subsequent email due to the file size. The study concludes that based on average wind direction, temperature and the proposed height of the new building, the maximum peak 1 hour emissions reaching the project site are equivalent to approximately half the emissions from a light duty vehicle driving down the road at 30 mph. Therefore, the output from the MKC stacks has a negligible effect on the project site relative to emissions from other sources such as automobiles.

Accordingly, we believe conditional use standard #1 has been met. We are happy to discuss further.

Thanks,

**Jeff Vercauteren**  
Attorney

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