

MEMORANDUM

To: ZCRAC
c/o Craig Stanley and Carol Schaeffer (committee members)

From: Paul Muench / Urban Land Interests

CC: Matt Tucker

Date: 5/17/2011

Re: Suggestions for Improvements to Subchapter 28E: Downtown Districts

We believe that the following suggested changes to the proposed Downtown and Urban Districts will produce a better downtown.

Statement of Purpose The proposed statement of purpose is dreary and says “keep Downtown as it now is”. Madison vision for downtown should be the “premiere employment center of the City and region”. Urban centers attract employers and their employees together into a critical mass which in turn creates a natural foundation for urban life, including diverse retailing and services, viable public transit, active cultural organizations, quality entertainment, walkable destinations, and a magnetic environment for mobile talent and investment that is choosing from a world of options.

The existing street grid and Capitol Height limitation is sufficient to “protect important views”. Do not additionally pursue the ill advised stepback scheme that this Code (and the Downtown plan) calls for. Detailed critique below.

Note: the Downtown Plan targets “4-5million sf of new commercial space” downtown. (This is 12-15 buildings the size of US Bank Plaza). Will the proposed Downtown Zones achieve this goal?

Downtown Map The proposed downtown maps (zones, heights, and stepbacks) should be released now so that the proposed districts can be assessed transparently. All cards should now be on the table. Depending upon the zoning map, our suggestions may change.

Design Standards - Parking We suggest stronger commitment to underground “below building” parking, with a firm public commitment to support the cost of that preferred parking resource (with tax incremental financing) so that a) the parking supply and cost is competitive with suburban resources and therefore attractive to employers, and b) the ground floor of downtown parcels have occupied retail, office, service, entertainment and lobby spaces facing the sidewalk.

Note: The City Parking Utility should transition its above grade ramps (Govt East, McCormick, MATC, Overture, etc) to below grade facilities with active private air rights development above.

Items i – iv are not problematic from a development perspective.

**Design Standards –
Entrance Orientation.**

Items i – iv are not problematic from a development perspective.

**Design Standards –
Façade Articulation**

The spirit of the requirement is appropriate; however 40' is not particularly wide. In other words, this requirement will likely result in an excessively and unnecessarily "striped" downtown. Larger buildings need to be composed of appropriately sized modules. The intent of the requirement can be met with materials, fenestration, transparency, and fine grained manipulations of façade, even though those compositional elements continue for 40', 80' or more.

**Design Standards – Story
Heights**

What does "For all buildings," mean in this section?

Clarity is required here: "maximum ground story height is 22 feet, measured from the sidewalk to the second story floor". Madison isthmus has significant changes in sidewalk grades. For example: Francescas Restaurant (MLK). Perhaps indicate "measured *from the average sidewalk elevation along the relevant façade* to the second story floor".

Clarity is required here: "minimum ground floor story height is 12 feet". See suggestion above. Note that this minimum may be structurally problematic for the ground floor level of residential apartment buildings constructed in wood.

This requirement is confusing: "the average ground story floor elevation" (what does that mean?) "shall be not lower than the front sidewalk elevation" (is 'front' a defined term in this context?) "and not higher than 18" above that sidewalk" (at what sidewalk location should the measurement be taken if the sidewalk elevation is changing at this location?) Note that the Tenney Building would be non-compliant because the ground floor is more than 18" above the East Main Street sidewalk. We suggest that there be allowable exceptions for ground floor areas that a) are not proximate to the sidewalk to allow for flexibility within the core of buildings, say for truck dock receiving elevations and other functional building requirements, or b) are served by other grade level entrances (such as Tenney Building's ground floor retail space which is at grade at its South Pinckney Street entrance but more than 18" above sidewalk along East Main Street.)

**Design Standards –
Building Materials**

As a general rule, there should not be material requirements for downtown buildings that are not also required of suburban buildings. There has not been a new office building built in downtown in 8 years. Regulatory focus on only downtown property creates disincentives that add up to and result in unsustainable sprawl because users can find cheaper buildings outside of downtown.

Note that the building materials grid defines buildings as having "top", "middle", and "base". This implies that new downtown architecture should have a classical Beaux-Arts compositional pattern.

Clarification required: "Reflective Glass / Spandrel". Reflectivity ranges from crystal clear (such as expensive low iron glass on Overture Center) to mirror like reflectivity. Most modern glasses have some level of reflectivity for energy efficiency and solar gain purposes. What level of reflectivity is not permissible? Is dark or opaque (but non reflective) glass acceptable? Is the purpose to require "some level daytime transparency in all vision glass"?

Note that the 12-24" of base material on most urban buildings is subject to punishing erosion by sidewalk salt. Even dimensional granite along a city sidewalk will appear worn in 10 years.

**Compatibility with
Traditional Buildings**

Is this also a requirement of suburban zoned buildings? What is the definition of a "traditional" building? Is that the same as "landmarked"? What if the "traditional buildings adjacent to the site" are butt ugly, of no architectural value, functionally obsolete, or will likely be demolished? Why obligate new construction to "relate to the design of traditional buildings" which may be adjacent, but are certainly loathsome.

**Screening of rooftop
equipment**

Minor item. Not all screening is an aesthetic improvement. Often, modern antennas are very slender and inconspicuous. Surrounding such innocuous devices with screening is counterproductive. Note that some cellphone antennae on USBank Plaza are intentional unscreened because they allow better views of Capitol dome when allowed to be minimal.

Major item. Eliminate "exterior mechanical equipment such as ductwork shall not be located on primary building facades". Such a requirement would have undermined the viability of Francescas al Lago, Johnny Delminicos, and Ocean Grill Restaurants. At these establishments, fresh air intake and kitchen hood exhaust is located on the primary building façades (although it is concealed behind architectural grillwork). Building code allows such mechanical connection to facades, provided that HVAC outlets are more than 10' above sidewalk. Restaurants in multistory downtown buildings often need access to the building façade. Also, residential construction often requires grillwork or powervent penetrations (water heaters, dryer exhaust, etc.) on the primary façade.

Stepback

The proposed downtown districts refer to a Downtown Stepback Map. (The proposed Downtown Plan also encourages stepbacks.) We presume that this initiative is an attempt to increase sunlight into Madison's downtown streets. We encourage the elimination of Stepbacks and references to a Downtown Stepback Map.

There's no shortage of sunlight in Madison's downtown. Madison has a generous right of way width in downtown streets, many parks, many low historic buildings, Capitol Square and height limit. We are not wanting for sunlight downtown.

Stepbacks are bad architecture. Louis Sullivan, Mies van der Rohe, and Cesar Pelli never designed stepbacks as envisioned by the City of Madison, because large building should come down to the sidewalk. The Madison Mark may have complied with city requirements, but would have been a better building without the setback on King Street. Stepbacks are cartoonish and imply that the community is ashamed of anything that happens above a third floor.

Stepbacks remove tax base and downtown employment needlessly and permanently. Stepbacks simply carve away valuable buildable air rights, when responsible use of land is our goal for sustainability. If 1,000 lineal feet of new building façade is subject to setback, the City will forego \$16 million in assessed tax base, and approximately \$292,500 in annual property tax revenue. Here's the math:

- (1,000 lf x 15' setback x 6 floors above setback) = 90,000 sf of lost development potential.
- 90,000 sf x \$180/sf is \$16,000,000 in lost assessable value.
- 90,000 sf x \$3.25/sf in annual property taxes is \$292,500 in lost annual tax revenue.
- Assuming each employee requires 175 sf, a 90,000 sf in lost building potential means that 514 people will NOT be working downtown, just because the setback ordinance has impacted 1,000 lineal feet of buildings.
- Stepbacks create sprawl, undermine future revenue for services and public schools, and create a disincentive to build or locate downtown.

Stepbacks require additional, redundant column line. Conventionally, a larger structure would be building on a column grid of 26'- 32' feet. Columns are generally required at the perimeter of a building in order to support the load of the façade and slab edge. With a setback, a second redundant column line is required to support the façade above the setback. Because all columns must travel to foundations, the ground floor (retail spaces) now has excessive forest of columns near the critical window display area. Office/residential space on the second and third floors have extra columns that reduce efficient layout of offices and apartment rooms. The columns in lower level parking ramps can be troublesome in maximizing convenient parking stalls that do not scrape-up cars. Stepbacks create an additional cost burden for developing downtown.

Stepbacks impact the efficiency of floorplates and confuse the best location of major vertical penetrations (elevators, firestairs, fresh air risers etc.) Laying out function office and residential space demands certain dimensions. It is already challenging for downtown to assemble sites large enough for acceptable floorplates for modern businesses; further requiring stepbacks will erode the likelihood that future downtown buildings will have competitive, efficient floorplates that compete with unregulated floorplates in the suburbs.

Buildings with setbacks have difficulty leasing the floors immediately above the setback. Office buildings will need to dramatically discount rent on the floor immediately above the setback because tenants will not prefer the view of a gravel roof and the back of a parapet wall. Even if the roof on the lower element is enhanced with walkable pavers and the façade punctuated with doors, most office tenants will not pay the same rate as floors with proper views of the street.

If setbacks are such a great idea, why aren't suburban buildings burdened with the same requirement?

Downtown Core District No comments.

Urban Office-Residential (UOR) District Intended for medium density, but requires 15' setback and 15' setback, or 30' back from sidewalk on upper floors, plus minimum 30' setback on rear yard. If a minimal double loaded corridor multifamily building is 60' deep, how many UOR sites will accommodate residential development if so zoned?

UOR requires "usable open space accessible by all residents shall be provided on the property". Urban Office-Residential District requires "20 sf open space per bedroom" on premises. Please consider the following context.

- The new Depot Apartments (at Bedford and West Washington) was precluded from offering a shared rooftop space for tenants, because condo owners at 4th Ward Lofts objected, citing the possibility of noise. (Note that all condo units at 4th Ward Lofts enjoy balconies or terraces.) Policy is in conflict with practice.
- Currently, City of Madison requires "Parks Dedication" based upon the number of units proposed. The developer must either gift park land to the City or pay a fee in lieu of dedication. For example, Tobacco Lofts paid \$91,500 (\$1,500/unit) in fees to the Parks Department. Presumably this money is intended to create and maintain urban public parks that can be shared by all city dwellers.

15' front yard setback may be excessive in many locations downtown.

Recommend elimination of Stepback requirement (see above).

Urban Mixed-Use (UMX) District Recommend elimination of Stepback requirement (see above).

**Downtown Residential 1
District – Residential
Point System**

We understand that the City believes that if 3 bedroom units are constructed downtown, families with children will occupy these units. We disagree that the City will get this result.

Developers will gladly build units to address any market. There's nothing problematic from a developer's perspective about 3 bedrooms units or families with children as tenants. If developers experience unmet demand for 3 bedroom units, they will be motivated to provide them. However, downtown apartment managers know that there are very, very few families with kids looking to rent, new (i.e. more expensive) apartments DOWNTOWN. Most occupants of 3 bedroom units in downtown are roommate situations. Excessive 3-bedroom requirements in the zoning code will result in vacant larger units, and managers seeking to fill units by encouraging college roommates. There is no shortage of desirable family housing on or near Madison's downtown, because most families (with kids) don't prefer downtown.

Young Professionals. The preponderance of the downtown marketplace of apartment renters is younger, employed professionals with little desire to own at this point in their careers. Renters are mobile and anticipate multiple job changes. Apartments provide flexibility, services and urban lifestyle. We perceive that successful new apartments in downtown Madison will have more efficiencies and 1-bedrooms than 2-bedrooms. While somewhat more costly to build (many kitchens and baths) and more costly to manage (more tenants / sf), informed developers and lenders accommodate the ACTUAL market of users seeking housing. Current renters want smaller well designed and nicely finished units that they can afford without a roommate.

Who risks? Who benefits? Because developers and their lenders are taking the financial risk in venturing new construction, it should be they who determine the unit mix that will lead to full occupancy. The City can use its Community Development Authority to develop property as it chooses.

Urban Land Interests will be proposing a second phase of the Tobacco Lofts with 20% studios, 60% 1 bedrooms, and 20% 2 bedrooms, resulting in a Residential Point System of 1.15.

Thank you for the opportunity to comment on the text portion of the proposed downtown and urban districts. Please call me or write if we can offer any information to help you make decisions about the right zoning for downtown.

-PM