

## AGENDA # 5

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION

**PRESENTED:** July 12, 2017

**TITLE:** 200 South Pinckney Street (Block 88 & Block 105) – Judge Doyle. 4<sup>th</sup> Ald. Dist. (45612)

**REFERRED:**

**REREFERRED:**

**REPORTED BACK:**

**AUTHOR:** Chris Wells, Acting Secretary

**ADOPTED:**

**POF:**

**DATED:** July 12, 2017

**ID NUMBER:**

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Members present were: Richard Wagner, Chair; Dawn O’Kroley, Rafeeq Asad, Amanda Hall, Cliff Goodhart, John Harrington, Lois Braun-Oddo\*, Tom DeChant and Michael Rosenblum.

\*Braun-Oddo recused herself on this item.

### **SUMMARY:**

At its meeting of July 12, 2017, the Urban Design Commission **GRANTED FINAL APPROVAL** of the Judge Doyle development located at 200 South Pinckney Street (Block 88 and Block 105). Appearing on behalf of the project were George Austin, representing City of Madison; Chris Oddo, representing City of Madison and Beitler Real Estate; Sabrina Tolley, representing City of Madison Parking Utility; Stephen Mar-Pohl, representing Beitler Real Estate; and Peter Ostlind, representing Capitol Neighborhoods. Registered and speaking in opposition was Jon Jacobs.

Austin presented the team and additional information for the Commission to consider; recognizing that the information at the last meeting was not sufficient. This project will rebuild the functionally obsolete parking ramp and using that property as a catalyst as new tax producing development; retain and grow the business of Monona Terrace through a new hotel; significantly improve the walkability of the south side of the Capitol Square; transform the Pinckney Street linkage connecting Monona Terrace to the Capitol Square into a destination quality urban space; and promote and enhance the utilization of bicycles as a viable transportation mode through the creation of a bicycle center as a project element. Austin read through the conditions of the Common Council’s review of the project, including the elevation and building base detail along the wall facing the MMB (all screening walls, elevator penthouses and rooftop mechanicals clearly labeled), the door location on Block 105 retail space to be identified, the details of the garage doors on both blocks to be provided and approved by the UDC, the overhead doors and loading docks be brought to the building façade and that the garage door entries’ exterior finishes should be extended into the openings to effectively provide a finished and contiguous aesthetic sense. The overhead parking door on Block 105 was to be moved to the building façade; locations and details for the garage air intakes and louvers to be provided, locations of street trees and planters to be reviewed by appropriate City staff and identified consistently on submitted plans, and working with the UDC on the design elements along Doty Street on Block 105. In addition, at the June 28 meeting the UDC requested additional information on the design elements of the amenity deck on the 3<sup>rd</sup> floor of the apartments

on Block 88, as well as the green roofs for the project. There were also concerns expressed about the elevator cab locations for the public garage, as well as the proposed street trees primarily in the public right-of-way.

The 1 ½-story façade along the sidewalk edge helps create a “human scale experience” for pedestrians. The shorter base is respectful of the massing of adjacent existing buildings, particularly the Fess Hotel and the MMB. The shorter base helps obscure the view of the taller sections, which in turn reduces the scale experienced by the pedestrians. The goal of the relationship between the proposed building and MMB was for the new one and two-story stone wall facing MMB to provide a neutral backdrop which respects the existing architectural language of the MMB. To do this several materials are used with stone panels of a similar-sized scale with similar horizontal orientation and more articulation than was shown in April This treatment provides an overall appearance with enough visual interest and with an appropriate human scale; it also provides a surface for possible public art.

Chris Oddo went through revised plans starting with Block 88 with a side-by-side comparison. The opening at the exits along Wilson Street has been broken up for pedestrians that enter the building into the elevator lobby core and separated visually between the three drives that come in and out to this side of the public parking. They took a wider element and made them smaller and narrower to create a more human scale. They reworked some of the elements on the glass to help break down the elevation. On Pinckney Street the rhythm of the glass has been manipulated a little bit; but for the most part not much has changed on this side. On Block 88 (Doty Street) they broke up the three larger openings into four and separated the pedestrian entrance to the elevator lobby and bicycle area way from the vehicle entry. The side of the building that faces the MMB now has additional openings; the articulation for the vents have been raised up higher; the rest of the stone patterns are essentially the way they were before with stone panels that emulate the MMB. On Block 105 they have broken up the doors, made the loading dock wider to 13 feet as requested, separated the pedestrian openings, reduced the scale of windows along the street, and added an entry required by the Fire Department. The façade facing the Fess Hotel has remained the same except for adjustment of lines in the glass. The Doty Street two-story lobby space for the hotel now has narrower openings with integrated louvers above them.

Much of the discussion has been generated by the City’s engineering requirements for the underground parking ramp and what that impact is on the public rights-of-way, particularly the sidewalk width. Sabrina Tolley walked through those elements. Decisions previously made by policy makers limited the design choices for the public parking garage and other aspects of the development. These decisions include: emphasizing the pedestrian character of Pinckney Street, maximizing the land use densities on both blocks and undergrounding the Government East Parking Garage placement. The Block 88 site is constrained not only by depth due to the water table, but also because of the elevation differences between Doty and Wilson Streets. As designed the public garage meets only the minimum number of parking spaces required in the City’s RFP agreement to replace the 516 space garage and build forty fleet vehicle stalls. The need to accommodate an underground garage has limited the ability increase sidewalk widths and change other aspects of the design. In response to concerns expressed by neighborhood groups and the design review process, City staff worked with the design team to narrow the driveway widths to the public garage. The motorcycle lanes were eliminated near the entrance which reduced the width from 45 feet to 36 feet as was presented to the Commission at the April 5<sup>th</sup> meeting. Since that approval the lanes have been reduced to 10 feet each for a total width of 30-feet on the Wilson Street side. These changes were accepted by the Plan Commission and Common Council. Access to the garage from both Wilson and Doty Streets is needed for a functional public garage of this size, and it is included as a requirement in the development agreement as approved by the Council. The driveway widths of the public garage have been narrowed to the extent possibly to improve the pedestrian experience, but also meet the parking program requirements. The public parking garage elevators are primarily underground with just one level at grade; for that reason, it was decided to be more desirable to have the elevators on the exterior walls and

the vestibules on the interior, which gives you better sight vision across the garage. The floor plan layouts have been designed with safety in mind.

- Should this project not proceed and we lose the TIF money, you'll have to do an above ground parking ramp. Did you have any discussions with the neighborhood about their reaction to burying the parking ramp as a general design issue versus replacing it with an above ground ramp?
  - The Parking Utility did not specifically, this was a Council decision.

The green roof will not be built for another 2 years, until after the parking garage and the majority of the building is complete. The team is committed to constructing green roofs on the entirety of the project. The upper roof on Block 88 and all of the roofs on Block 105 are intended to be a tray type system or built-up system with sedum, similar to what is on the Central Library. They want to create a living roof that does what it's supposed to do. The roof membrane system and the green roof system are integrated in terms of their warranty; if leaks develop over time, the roofing manufacturer is responsible for removing the green roof and putting it back the way it was. There will be accommodations for watering and an automatic watering system at the lower levels. The commitment is there for a green roof; they know what works and what doesn't work and they will make sure it happens.

This is a zero lot line development with the exception of Pinckney Street. The developer is fond of the Chanticleer Pear with concerns expressed on the columnar nature versus the canopy nature of those trees and whether they can thrive in this environment. The developers responded by stating a clear case on why he likes that species, but also that he is prepared to enter into a development agreement with the City that includes these trees with installation, maintenance and replacement if needed into the future. There have been clear cases made by the UDC about this issue also; the team hopes the Commission would make its recommendation to City Forestry and the Board of Public Works for the determination of how to handle that situation.

Natalie Erdman, Director, Department of Planning and Community & Economic Development spoke. She provided some context in terms of the overall development and timelines, including what has been brought by policy makers, and what part has been put together by the City. This is a City application with the developer looking at the above-ground piece and the City applying for the below-ground piece. This development is integrated from a design standpoint as well as a construction standpoint, with the public and private pieces needing to move forward together. In thinking about design, it's important to consider how the development has gotten to where it is now. Beitler originally came to the City with a proposal for an above-ground parking structure on Block 88 and a private development on Block 105. After a lot of public engagement and discourse, the Council asked the Beitler team to come up with a design that they would be willing to promote pushing the parking below-grade, specifically citing that the Council was interested in getting the parking below-grade to improve the amount of residential that could be built in this project, to get more activity during the day and night, and to improve the pedestrian nature. When the decision was made to put the parking below ground on Block 88, the footprint was basically set for the first floor. Because of the height difference from Doty to Wilson, and on limitation of ramping in any more than 12% to get the cars to the edge of the site impedes the ability to pull the building in and get greenspaces on Block 88 at Doty and Wilson is limited by the fact that there is a below-grade structure and the engineering feat of moving those cars down into the below-grade structure. The team looked at the requests from this Commission as well as the Plan Commission to try to reduce the footprint of that Block 88 building. The other constraint was that the Council, through the RFP process, indicated that the hotel on Block 105 has to have a 250-room minimum and 20,000 square feet of meeting space. That came from studies done for Monona Terrace about the minimum needed to support the operation. The developer's constraints with getting 250-rooms in there with the height maximum and other ancillary uses was that they needed the full footprint. The program statement for the hotel limited their ability to pull in from Wilson and Doty Streets. City staff view this as an integrated development and felt that the design

needed to come through the approval process all together; the parking structure, what's above grade, and what's across the street. They didn't think commissions or policy makers could actually review these in pieces; the first question asked would be "how does this relate to what's across the street or what's above it?" They needed to push to take advantage of the TIF funds available, knowing this isn't the UDC's normal process and recognize that this is not the way this has always been done. A lot of it is because of the City; they are pushing to get this above-grade private development approved at the same time, but they aren't going to start construction for up to two years. The below-grade parking needs to be constructed so you can take people out of the existing Government East, move it below grade and then take down across the street, all of which delays the private piece out into the future. The presentation on June 28<sup>th</sup> did not go well; there has been a responsiveness to many design issues. Erdman apologized for the personality that keeps people from having an open discussion to come to a resolution. The Council ultimately made the decision to use \$24 Million of TIF from this district to pay for the incremental costs of getting the parking ramp below-grade, and that TIF money binds the City to be ready to go by the beginning of September to maintain access to that money. If they aren't in a position to pull a building permit and start construction on the ramp, the City will lose access to the \$24 Million worth of TIF. Parking Utility staff has said either they will replace Government East in place bay-by-bay because they can't wait any longer, or will advocate for building an above-ground structure on Block 88. Given the complexity and timing issues, she asked the Commission to keep in mind the significant movement being made on these two blocks when using their expertise to come to a decision. They haven't been able to meet the requirements of everybody through this process but they are trying to put those pieces together as best they can. Think about the need to get a hotel built to improve Monona Terrace and its marketability, the scheme of the design and what is critical in the design for the City to get this land use on two vacant sites after working on this for seven years.

Peter Ostlind spoke in support of the development on behalf of the Capitol Neighborhoods Steering Committee. As a neighborhood they appreciate attention to details and to the standards for approval. They found the development team to be quite receptive, and noted that they seemed to have a passion for quality in their projects, and seem quite credible. They are comfortable moving forward if their comments/concerns are addressed as conditions of approval. Some of the other concerns expressed could also be handled in a similar fashion as conditions of approval.

Jon Jacobs spoke in opposition. He talked about the energy efficiency of insulated glass. Thirty years ago he was a manager of research and development for a company called Interpane Coatings in Deerfield, a worldwide pioneer in the manufacturer of sputtered glass low coatings. The completely glass curtain walls of this project will waste much more energy than the relatively small amount of energy saved from the green roof. Much more carbon will be emitted into the atmosphere because of these glass curtain walls. He noted that he saw Alder Hall on the TV news stating that the green roof represents Madison's "commitment to reduce carbon emissions." This building will emit two to three times what it might if it was built to a modern code. Assuming the glass is dual glazed with a low coating on at least one pane, it has a typical R factor between 3 and 4. An R factor of 3-4 would be the equivalent of about an inch of fiberglass; that all the energy efficiency you'll get from those windows. An individual building a residence has to build with energy efficiency of 21 or 6-inches of fiberglass; the City is sponsoring a project with much less. Why is a full glass curtain wall with such poor energy efficiency even allowed? Is it because of Wisconsin building codes? It doesn't mean the Commission has to pass it. The City should adopt the newest 2015 codes that are much more energy efficient; eight states have adopted this new code.

Ald. Verveer spoke to the Commission. This project is almost a decade in the making from his perspective. He believes that where we sit today is in an excellent position and he urged the Commission to grant final approval. The City is so close to seeing the vision of these two blocks coming to fruition. He respects Dawn's previous comments about the pedestrian experience, and it was clear that the last presentation was lacking. The Commission deserves better than what they received from the developer at their last meeting. He thanked Peter

Ostlind for his work on Capitol Neighborhoods and noted that there is neighborhood support for this proposal, as well as widespread support in the community. He encouraged the Commission to add conditions to their motion for final approval.

Comments and questions from the Commission were as follows:

- I want to try to use this reconsideration in part as a discussion of understanding how this Commission interacts in the City process. I have always complained that we focus only on what the project is immediately before us and we sometimes don't take in the broader urban design issues as part of what we're weighing. You mentioned the 10 years that this has been going on. Assuming that this doesn't happen, the City still presumably wants to build a hotel to serve Monona Terrace. If you replace the ramp with an above-ground ramp the only place for that hotel is the parking lot of MMB so we'll lose the chance for a better land use experience and lose the ability to sink the ramp. One of my fellow Commissioners called us the "exterior designers of Madison." How we decide the value of a submerged ramp, and how we decide the use of that land is part of the decision that's here before us tonight, as well as the specifics of the design. I would like some feedback on whether the City will still pursue a hotel, but the Council has made those decisions and we're here to help the City, not to control it.
- (Ald. Verveer) You raised excellent points. Absolutely the policy makers made a very tough decision to replace the Government East parking garage with subterranean parking at an extremely heavy price tag, and the Parking Utility was an observer to the policy makers going back and forth. Luckily we were able to make it work where TIF can be utilized for parking structures. I would hope there's no question amongst any of us that by far the best urban design and from a planning perspective is to have subterranean parking and not surface parking lots or above-ground garages. We know Monona Terrace needs more adjacent rooms; the Hilton is not sufficient for their needs in terms of the room blocks. In addition, the agreement with Marcus to build the hotel has a provision, it's very difficult to build a hotel on Block 88 where MMB is, which is in part why the hotel is on Block 105. It's unfathomable what would happen if we lose the opportunity to use TIF money and replace Government East underground.
- The roof garden elevation looks really substantial with larger trees (amenity level).
- Don't we require a full landscape plan?
- That was my point last time. If we require every other project to provide some type of finalized plan where we can see and call out exactly what species are being used, why wouldn't this project do the same thing? I know it might be two years down the road, but you can't expect me to approve a building with "this" material when I don't see that material in front of me. I need to see it.
- It's a double standard.
- How deep are the trays?
  - About 4.5 inches.
- That'd be the least you'd want. I voted no last time because I got different answers. "Depending on in two years what the cost is, we may not build this thing." That's not something we can accept.
  - There is a commitment from the development team for the green system.
- We've heard one person commit that and one person not.
- Our approval can be with the firm commitment that it has to be.
  - (Erdman) This drawing was provided after your last meeting, so when we asked for the commitment this is what we got.
- We've had commitments before that have fallen through, and they've come back and said "oh well, it's already built, too late." That's a big concern of mine. And it's not the only thing there were different stories on.
  - From a design aspect, it's not that we didn't appreciate the importance of this, we were focused on getting the public portion of the building ready for bid.

- One thing that has been very clear to me in my time on the Commission is that I'm sitting here surrounded by very smart people who know quite a bit more than me about design. I feel like I can contribute on this professionally. I'm no longer practicing as an attorney, but when I see stuff like this my attorney hat goes right back on. If we have a memo that says one thing and we have drawings and renderings that say another thing, and we have vocal interpretations that say something else, this whole package together represents the totality of the agreement that we as a Commission are agreeing to. Now, if you go back in two years and try to enforce that, say Beitler tries to not put this or that in, and we go back and try to say no, they committed to this, any judge is going to laugh us right out of court. They'll say the totality of the agreement didn't say anything about that, show me in the agreement you made. I continue to have a fundamental problem with this. Motion for reconsideration was made last Friday, you could have colored in the green squares if you wanted to, this couldn't gotten done and it didn't, and I have no idea why, I'm frankly quite shocked that what we asked for, what we laid out, give us something to rely on, and it didn't happen. I'm so shocked and confused why that didn't happen and frankly more than a little disappointed. Nothing's changed.
  - This drawing has changed, we added notes and species identification. This portion of it just identified the tray systems and we are more than willing to be receptive to a condition that requires something beyond this in those zones, but this drawing was further detailed and identified, we heard what you said last time and we added that information to that drawing.
- So show me where, you mentioned in those boxes along the top portion of the top illustration, that's going to be green roofing, demonstrate to me where that is conceptualized visually.
  - It's on the original packet we submitted, which included the design changes to the street level, also included plans that have that green roof outlined and graphically show.
- Is that the application package or is what you're saying now the application package? What are we agreeing to, what's the totality of the agreement?
  - (Erdman) In your packet is what you had last time, and this was provided to you in that packet as additional information, so I believe you can rely on what's in your packet today, that whatever is in there in terms of landscaping, you can rely on the commitment of these green roof trays and the amenity deck with additional detail.
- It's just mind boggling to me that there's a question at this point. You guys got a second chance to come back and there's still questions; that's disappointing.
- I want to know, I'm still pushing back on one type of tree for the whole thing. That's a big concern to me regardless of them offering to replace them or not. We do require a certain amount of shade trees, and for this project we're trying to abandon that because they have a vision of pears. Can we get some clarification on why we should allow just this one type of tree on six different streets?
- Along our major streets it shouldn't be pears. They cite the John Hopkins building down in Chicago, but it has Honey Locusts along the street, it's not pears, they're sunken in in a sunken garden. Chicago does have a canopy along the street. Secondly the Missouri Botanical Gardens webpage, which is probably the number one in the top 10 gardens, in red letters they say "do not plant these." It's a beautiful tree by itself, but it's 1970s landscape treatment.
  - (Eric Knepp, Madison Parks Superintendent) Is the question about right-of-ways trees and the selection of those species?
- Typically this commission has strongly urged canopy trees and the motion we had last time specifically urged Forestry to consider canopy trees along Doty and Wilson.
  - I've heard that. The first thing I want to clarify is that the right-of-way trees is the City Forester's decision. She is our certified arborist with an immense amount of technical skills. We look at the situation to see the best tree in that location. You have utility conflicts, fire apparatus conflicts, soil volume conflicts, and design considerations. We do not want to create a monoculture around the City and we avoid problematic species. That said, there are examples where the City itself has set standards that kind of fly in the face of the things I just said. You will find Gingko, that is

a design choice. There is no exceptional circumstance here as far as a unique situation. We have not yet been able to determine what each individual site will be planted with in the right-of-way. We just in the last two weeks eliminated a planting area in consultation with the Fire Department, and this is that process and what Forestry works through. It's subject to change. In no case that I'm aware of, have we ever had multiple trees planned on the public right-of-way years or months in advance that that's what ended up happening. It just doesn't work that way, but we do have a commitment to species diversity and maximizing urban canopy wherever we can. Invasiveness is an issue that our Parks Commission disagrees with to some extent, at least some of them do. It's mostly moving towards don't plant it, I will say there are folks who disagree with that.

- Can somebody address the comments from Mr. Jacobs regarding energy efficiency?
  - Yes. We need to submit the final private portion to the State of Wisconsin for code review. Part of that analysis assesses the building envelope energy efficiency and we will very likely need to abide by the IBC 2015 version because it won't be submitted until after September, which is when we think Wisconsin will adopt that version. Just like every other building in the State it has a number of requirements for energy efficiency.
- I don't think this is a complete presentation, there are missing items. But I also don't think that should hold up the project. I am very much in favor of the project, I might not sound like it but I am. I want you guys to know that just because you're under crunch time doesn't let you skip some of the required documents. I don't think that's a reason to hold it up, but I want you to know there are some more things we would like to see to have full confidence in the project.
- There is potential that design could change based on the State's energy efficiency requirements, is that correct?
  - There is, yes.
- I agree with Rafeeq that this is an important project, a lot of work has gone into it, it's a very unique project as well. I'm wondering procedurally if there is a way to approve...
- I want Natalie to help address this because every project that we approve, and Al has tremendous experience with this too, when you get to designing, sometimes they change things as they get towards the final stages. These are preliminary stages of design, these are not construction documents. Projects' designs do adjust; Al has brought things back to us where the changes are major alterations. When it's minor alterations Natalie has director has some discretion in approving those.
  - A development of this size and complexity, I don't think we've ever seen one that would go through the process to their final pull of building permits without having some alterations or design progression, and it's up to Al, if he's here, or Kevin Firchow, who reports to Heather Stouder, who reports to me, and it's our job to make sure they deliver what has been the agreement to date. As you get more refinement and we feel it's outside of what would be considered a minor change, we'd bring it back through and get an approval of what would be a major alteration to the plans. There are definitions in our ordinances about what is considered minor, and if it's considered minor after consultation with the Alder, I can approve those changes.
- In representing this Commission as Secretary and reviewing hundreds and hundreds of plans after final approval, one of the duties is to make sure all the "I's" are dotted and the "T's" are crossed, and before building permits are issued, because oftentimes the level of plans whether they be more detailed than what you're looking at now with this project, are absolutely detailed when it's going through this Commission gets verified by staff whether it meets the intent of when it was given final approval. Changes do occur, we make judgments as to whether or not they're consistent with that, and if there are conditions that guide that judgment to make sure that the project is as envisioned by the Commission, meets those and those conditions shall be imposed. It's something that's really common, it's whether or not the Commission feels comfortable granting final approval based on what it sees, and if it determines

more needs to be done and trusts that staff will enforce that, to give staff guidance to bring that further along, then do so. If not, then staff has to use what's been approved as a guide to say what they can sign off on.

- We did grant this project initial approval, and I'm hearing all this doomsday talk about "if we don't approve this project what's going to happen, and we're going to be left with a surface lot and so forth," but initial approval does not guarantee final approval, and it's been noted and the one person who did not vote for initial approval has been named, and that's OK, but when the rest of us don't grant final approval or the majority of us don't, that's a big deal. So we're asked to reconsider this and vote on the same exact project because maybe we didn't understand what was before us, but maybe we did, and maybe with the initial approval, maybe there is room for improvement on what we've been given to grant final approval. But there's been no offer to change the design, these kind of "where's Waldo" comparisons, but it hasn't addressed any of the underlying issues that have been brought up by this Commission, and I'll list a few of them. The pedestrian experience, particularly along Doty Street. I see a bicycle center here, and where we went from on the elevation from March till now are openings that were probably wide enough to have a garage door and bring bikes in and out to these narrow little slits, and the same narrow slits that are on the other block and the same narrow slits that are on Wilson Street. It's not responsive, it's not celebrating, it's not even recognizing the fact that there might be some kind of specific use on that corner. That could change, and that doesn't hold up the project or change the structural system or the building envelop, other than the openings. But there's been no willingness to say "yea, that's right, let's take a look at that." This whole thing about the elevator shafts; why should we not insist that we have a public parking elevator lobby that opens up to the sidewalk? Maybe there's a compromise, maybe instead of flipping them 180° you flip them 90° so that the lobby is open to both the parking garage and the sidewalk, but no, this is it, we've got to approve it tonight or we're going to walk, that's it. I look at the other block here and I see all along Doty Street back of house for meeting rooms. And this is why I declined to give it final approval, because it can get better. These meeting rooms have a narrow wedge shaped back of house storage room all along Doty Street. Why can't meeting rooms have windows to the outside? The apartment, which is going to have either a Doty or Wilson Street address has its front door facing the alley. There's no public entrance for that apartment on either of the public streets. What I see when I look at the floor plan is back of house, this is all back of house, that's what we're going to be walking past. There are things in this design that could be improved to grant final approval, and I just think that they're fairly insignificant in the big picture of things, but I think they're very doable and that's what we should be insisting on for a reconsideration. The issue with the trees and having wider trees along Pinckney Street, the developer put themselves in a corner when they built this great huge median and decided to give more space to the cars than the pedestrians along there. That's not Urban Design saying it can't be done, it was a conscious decision of the developers and designers. Not granting final approval was not out of revenge or anger over the behavior of the applicants, it was for real concrete things that are the difference between initial and final approval. That's what we should be asking for and that's what we deserve.
- I had a sense that the emotion governed what happened at that point. I asked for public debate and I got no public debate from the members about the actual motion. The things that you suggested here could have been put in as conditions and were not. My challenge to you is can you come up with a motion that gives final approval with the conditions that you think need to be weighed and that could come back in a post-approval review? We've done that before for other projects.
- It's possible now but it was very clear to us then that there would be no movement.
- Emotion was ruling that room at that meeting.
- It was an ultimatum though.
- It was.
- Right, but one side does something and you react to it and you don't have to fall into the same trap if you can do it differently.



- Two different meetings we've asked for more detail on this, and two meetings ago we said that landscape along Pinckney is low, it doesn't merit quality, they haven't touched it, not just the trees. I don't know why it is like it is.
- If I may just offer something in the interest of diplomacy between the members and the Chair, because I think there's a lot of good valuable things being said here, I think when we suggest that folks are making decisions out of a place of emotion that we sort of automatically then degrade their decision-making skills, and I think to simply label the decision of the Commission as based on emotion is to degrade it, and I'm sure that's not what you're intending to do, so I'd like to invite you to maybe rephrase that a little bit because I don't think that's what you're intending to do.
- It was an observation. I heard comments about people reacting to what was said at the last meeting, and I try to be rational. I've been in public life for multiple decades, and I've always tried to get to rational discussions. If you're in public policy you deserve to try and get the reasons for what you're acting out on the public table, so the public and you can decide. What I was not hearing at the last meeting was getting those things on the public table, and to me it was a disappointment because I think better of our Commission members than what occurred. Tonight I'm trying to get folks to that point, is that we are part of the City and the City makes a very complicated decision process, and other actors in the City, the Council, the Plan Commission, are trying to make a reality that will give the City a better design. A better design with a submerged parking ramp, a better design with a hotel, with land use. How can we participate in that? One of the key things unfortunately is timing, I wish it wasn't but it is a reality. There's a way we can use our best minds to try and say what we absolutely need as conditions for getting this approved, and can we fashion that as a motion here tonight.
- But I think I'm not sure we should take the timing of this under as much consideration as we've been asked to. The public process is not unpredictable. We have some of the most experienced people with it, who are before us asking for this approval. And because there's a groundbreaking and maybe an assumption that initial would lead to final, and you waited until June 28<sup>th</sup> or you were working on the parking ramp construction documents, any number of hundreds of reasons why it happened, but it should be no surprise that final approval is not necessarily a guarantee. We refer plenty of projects.
- That's absolutely true but it still doesn't take away the fact that the TIF money will go away, and if the TIF money goes away you do not bury the ramp. That's the reality.
- When does the TIF money go away? First week of September. Do I understand the parking garage is currently out to bid? You used an excellent term of readiness, so the bid documents are out...
  - (Erdman) Bids come in August 4<sup>th</sup> and need to be contract selected by the Council at the first Council meeting in September.
- So the contract will be issued in September?
  - Beginning of September.
- There is a process...
- If you want to skate on thin ice maybe, I guess I would ask Ald. Verveer in terms of what the Council...
  - We need to be able to pull a building permit the beginning of September.
- As someone who was not here last week, is there a way procedurally, most of us can agree we like the submerged parking, the building footprint, there are some details that we normally consider and we consider quite important, but we're not there yet. We know if we approve this now or a month from now, in two years something is going to change. Or to say in two years when this is built that it comes back to us then.
- Right now, the ramp as designed, there's a lot of laudable features people like. The issue we have with the hotel is the pedestrian interface. So what elements of the ramp can be improved to allow it to move forward that enhance the pedestrian experience, and what elements of the hotel are required to be adjusted to enhance that pedestrian experience, the ramp could go forward while telling the hotel exactly what needs to be done in that area, as well as all the other areas when they advance through design. One

of the issues is the fact that the hotel won't be built for another two years. All the stuff we see is being driven by the fact they'll be building that construction there. The problem is we've got two separate things working together here.

- I agree with everything Cliff said about back of the house, but I think those things can be addressed and not deny the project. But they need to be addressed because those are significant issues; the pedestrian experience, the incomplete finalized landscape plan that calls out every single detail that you would do for any other project, no matter how big or how small, you have to cull out everything with notes and species. That's not to say the project fails, but how do we address that and still approve the project? From the emotions of "we're not coming back, this is how it is, take it or leave it," then you put the Commission in a position of "you're not bullying me," nobody offered anything.
- Let's try and see the way out of that spot.
- While I applaud the Chair and my colleagues' desire and framework in thinking about this to move forward and to find a way to "yes," I also just want to offer a note of caution that it's not the job of the committee to fix the proposal so that we can find a way to ethically vote yes for it. It is the job of the proposers to come forward with something that agrees with itself, agrees with the memos written about it, and is a full and complete presentation. I applaud the desire to move forward, I think we should ask ourselves "if this were a \$30,000 development would we be doing this for the developer?" I think the answer is no, I think this never would have gotten reconsideration otherwise. We need to be mindful of what we're doing and the standards that we're setting for future development projects when we say "here, have another chance, here we'll just do it for you."
- This is a very unique project that the City has a stake in, along with a private developer, and I feel we need to hold them to the same standard, but at the same time there is a two-year lag in this project. No matter what we approve now it will change and change somewhat significantly. Can we grant approval with the caveat that final design comes back before UDC when the building is ready to go?
- I'd like to make the suggestion that maybe first if we can come to an agreement as to what we could accept, then we can worry about what procedurally can be done, if that's acceptable. Let's not go back and forth with is there a way, what do you like. If we had a general consensus or agreement of certain things we want to see, then we can let our expert Chair and staff suggest a way to get that done. I don't want to say no, I just don't want to approve what I'm seeing.
- I understand the need for the parking, I respect the people who are working on it, but this is a building that'll be here for 100, 150 years. I'm convinced about the parking but not the building. I want to ask the 3 architects about the energy efficiency.
- I know that the building will meet the energy code, it has to. And as much as I may not like its inefficiency, there's not an urban design standard that allows us to tell the applicant it has to perform a certain way. As much as we may like it, I don't think we should muddy the water with that criteria.
- As the City is a stakeholder in this, we should try to encourage owners to make good decisions maybe beyond building codes and requirements, but it has to be the owner that takes part of that. Is this really what the City wants? I understand the parking ramp but are we selling something off just to get the parking?
  - (Erdman) The City went through multiple RFP processes and the most recent one gave rise to multiple proposals, and it was vetted through the Plan Commission and Council, and policy makers said yes, this is what we want. They assigned staff, not just the parking structure, the list was extensive including the hotel to support Monona Terrace, activation of these two blocks with a pedestrian connection to the Square, a bike center to showcase biking in the City of Madison. There was a long list and our policy makers, after significant public discourse, said yes, this is the proposal that they wanted.
- If people can be specific about those kinds of things that we have normally tried to include.

Discussion focused on the conditions the Commission wishes to add to their motion, to include:

- Reconsider the back-of-house functions on Doty Street to have activity viewable (occupied spaces).
- Activate the street, clear glass, maybe a door.
- Detailed landscape plan, rethink the landscaping that doesn't do the building justice. Pinckney Street, the artscape, that space is supposed to be a viable pedestrian corridor, I don't get it. From a landscape perspective it isn't appealing. Pedestrian usage, make that landscaping stronger. This is what people were doing in the 60s and 70s.
- Exterior elevations properly reflect the landscape. When Chris explained where the green roof system was and where the actual visible plants were located, those need to be corrected. It's just not an accurate depiction.
- Encouragement to view greenspace from the street, which would imply revising the landscaping.
- The safety of art features in drive lanes.
- Consider openness of the bike center; it should reflect the use and function of that space.
- The safety of the apartment entrances; concealed or off the path entryways are an issue.
- Usable active space along Doty Street for the apartment building, instead of back of the house.
- The apartment entrances have been addressed a couple of times. Those were cosmetic things almost, it didn't affect the structure or redesign the building.
- In the final approval submittal, the building elevations lack scale and feature simplified details, which need to be more specific for a final approval application.
- Will the apartment units have private laundry facilities?
  - I believe they will.
- How do you get a dryer vent through a curtain wall? Typically in a brick building or metal panel we don't worry about that little level of detail, but if you end up having to put a metal panel in there in order to poke a dryer vent through, that changes the aesthetics of the taut glass skin. We need to see those details.

A motion was made by O'Kroy, to grant final approval of the parking portion of the building. The motion failed for lack of a second.

**ACTION:**

On a motion by Rosenblum, seconded by Hall, the Urban Design Commission **GRANTED FINAL APPROVAL**. The motion was passed on a vote of (6-1-1) with Hall, Goodhart, Harrington, Asad, DeChant and Rosenblum voting yes; O'Kroy voting no and Braun-Oddo recused.

The motion provided for the following conditions:

1. UDC urges City Forestry to select canopy trees for the Doty and Wilson Street frontages;
2. The City Planning Staff will work with the Parking Utility to revise the design of the street level access to public elevator(s) so that the lobbies open to the street, this does not mean abandoning visible lobbies on the auto side of parking levels;
3. The applicant will redesign the back-of-house hotel functions along Doty Street so as to have occupied spaces with openings to the street;
4. The applicant will consider additional apartment entrances along Doty and Wilson Streets and how views into the main lobby can be accessed from Doty and Wilson Streets;

5. The applicant will develop designs for the at-grade landscaping to fit the striking design of the building itself and to integrate with the sculpture to activate the pedestrian space on Pinckney Street;
6. The applicant will produce fully-detailed landscaping plans including plan views and elevations that are internally consistent and will develop the building elevations to show the true views of the actual rooftop green space (i.e. landscaping);
7. The applicant will consider adding more intensive plantings on the lower levels of the green roofs, as shown in some of their elevations that so they could be partially viewed from the street level;
8. City Traffic Engineering will evaluate use of art features in drive lanes for safety, considering how they have worked in other cities;
9. The applicant will redesign the elevations of the bike center so that it has more entrances for users and is more reflective of the interior function of the space;
10. The applicant will develop and submit detailed elevations which shall show the ultimate aesthetic of the building and provide additional detail on materials including how materials join, return, and/or terminate. All drawings shall be internally-consistent and not include illustrative features (e.g. landscaping) not included on other plans.
11. The applicant will develop and submit a lighting plan and photometrics; and
12. The applicant will submit building materials to staff for review.