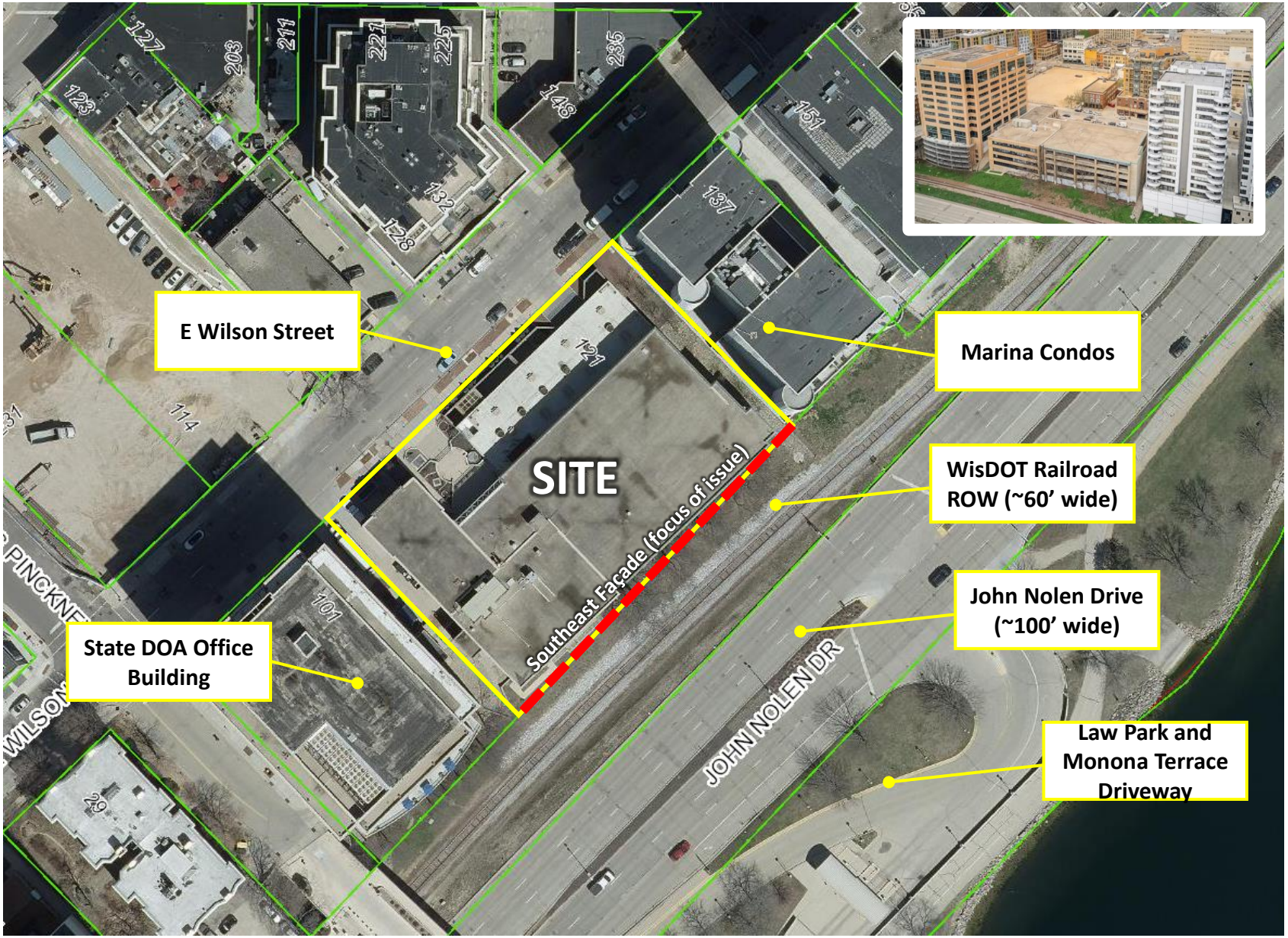
QUAD
CAPITAL PARTNERS

CITY OF MADISON BOARD OF BUILDING CODE, FIRE CODE, CONVEYANCE CODE AND LICENSING APPEALS

121 E. Wilson Street Proposed Variance

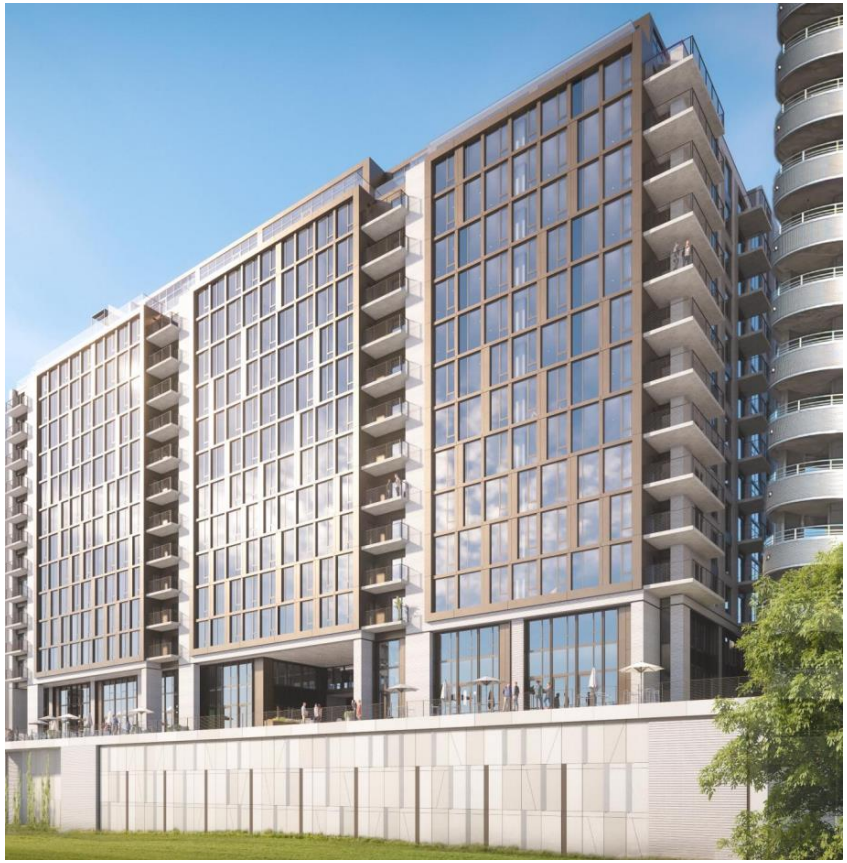
July 25, 2023

121 E Wilson Street - Project Site



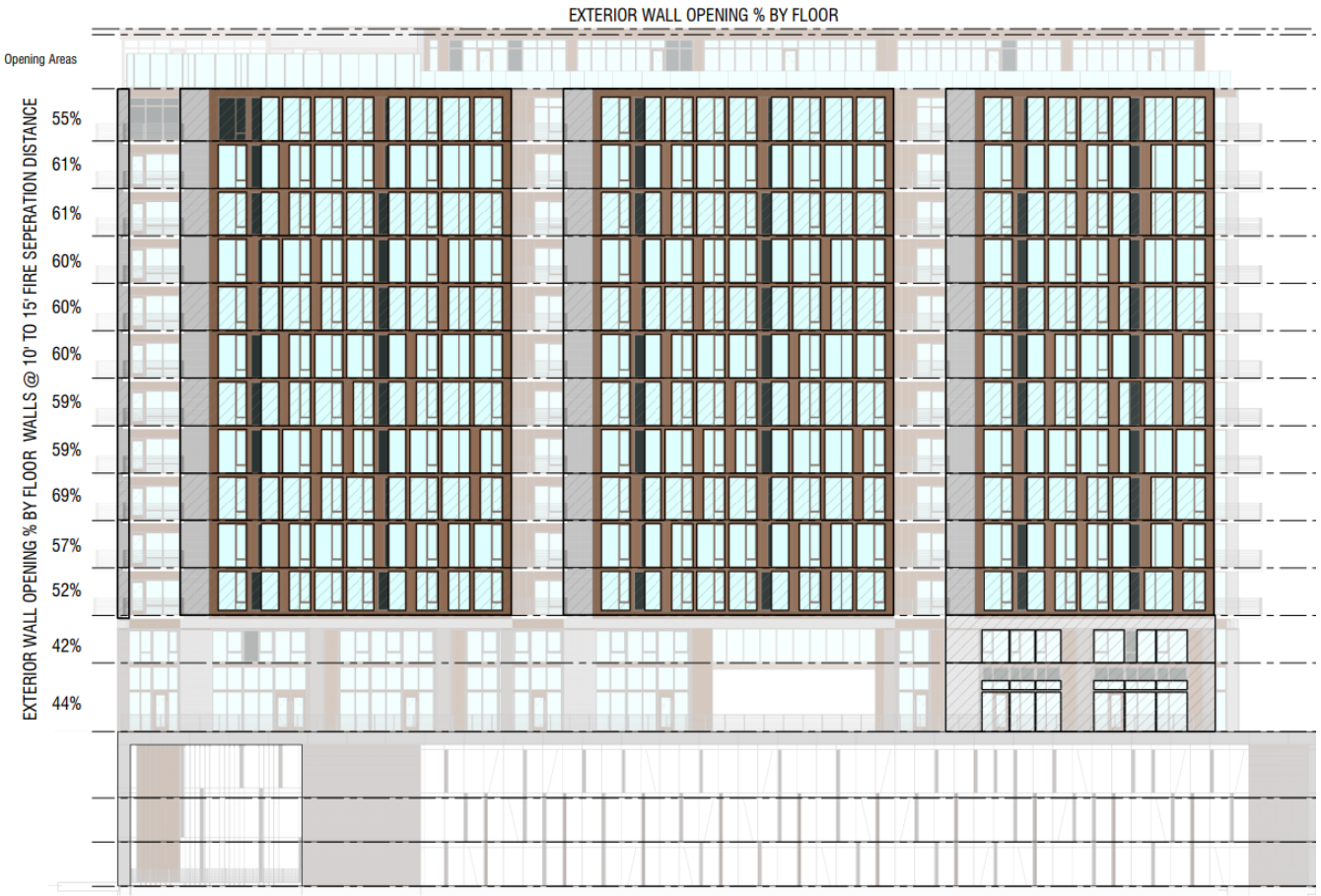
121 E Wilson Street – Planned Development Project

- Demolish the existing office building
- Construct 14-story mixed-use building
- 340 Apts, 19,000 SF retail, 3 levels of parking
- Promenade through building to terraces overlooking Lake, and potential connection to new waterfront park.



Summary of the Issue

Floors 3-13 are set back between 10’ and 15’ from the property line and have 52% to 61% openings. If, in the future, a vertical structure were built over the adjacent railroad right-of-way, taller than three stories above the 40’ base and with no setback, the two buildings would be within 15 feet of each other, limiting glazing per floor to 45%. **Seeking a variance to the 45% openings requirement and proposing an alternative means of compliance that meets the intent of the code.**



Floors 14
set back more than 15’

Floors 3-13
set back 10-15’ and 52%-61% openings

Floors 1 & 2
set back more than 15’ and less than 45% openings

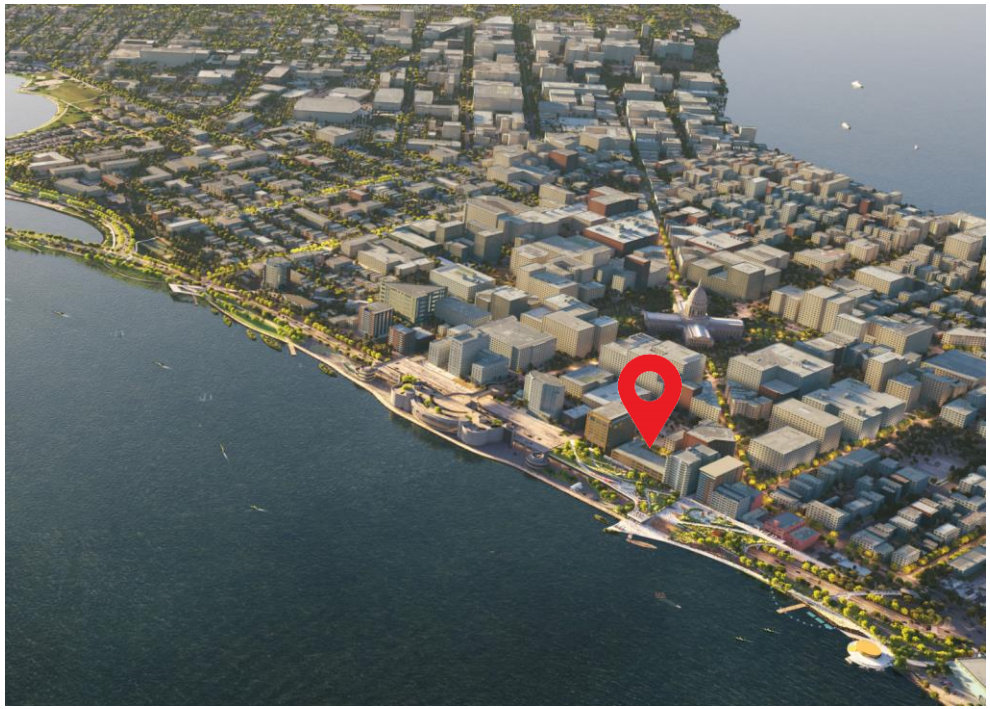
Base 40’
Precast panel with no openings

Why the variance is necessary and appropriate

- Downtown Plan and Urban Design Guidelines emphasize **maximizing lake view opportunities** and having a **higher degree of architecture** at visual focal points
- Design has been **approved by Urban Design Commission and Plan Commission**
- The Southeast Façade of the building faces a **WisDOT public right-of-way, not private property**
- It is **extremely unlikely** that any structure would being built over the DOT ROW that would extend vertically above the third story of the proposed building
- The City's plan for the **Monona Waterfront** calls for a park space adjacent to this building

Monona Waterfront Park Plan

- City recently selected a plan by Sasaki Design to transform the Monona Waterfront.
- The Plan calls for **new park over railroad and John Nolen**.
- No **vertical structures planned** within this park
- We are working with Sasaki and the City to **align our building's "promenade" with the park**
- The Monona Waterfront is being described as a **"9 Generation Project"**



Proposed Means of Compliance

Two-part solution to address this issue, meet the intent of the code, and ensure the safety of the community now and into the future:

- **Initial Approach** – Our initial understanding was that this **code provision does not apply** because the southeast façade of the building is facing WisDOT public right-of-way not private property.

- **Solution Part 1** – Based on City staff's input and direction, we agreed to install a fire protection system that is sized to handle a window deluge system. **The piping runs and sprinklers can then be installed if they become necessary** due to a building over the railroad *(more details on the scope to come)*

- **Solution Part 2** – In addition, to ensure that this system is installed if needed, we will record a **deed restriction against the property in favor of the City** (and adjacent property owners) requiring us (or any future owner) to complete the fire piping runs and deluge window sprinklers for the required units in each individual floor if there is a need for such a system. This deed restriction is a legal contract that obligates us or a future owner to implement the system if required.

We feel this is a reasonable compromise to ensure safety and meet the intent of the code, but not require the day 1 installation of a likely unnecessary system.

Addressing Previously Expressed Concerns/Questions

- **Will this create an unsafe condition?** There is no safety concern with not installing the extended deluge system on Day 1. It only becomes an issue if something is constructed on the adjacent railroad property.

- **Does this create an unwanted precedent for future projects?** This is a unique circumstance with a property next to railroad ROW and State Highway, with a proposal for an elevated waterfront park. This variance would not set a precedent for other projects.

- **How is the compliance with the deed restriction monitored?** Legal contract recorded with the register of deeds. It will come up in the title review with any sale, refinancing, or other transactions. It will be recorded in favor of the city and adjacent property owners. If a development were proposed over the railroad ROW, City would conduct a review of public records and title to identify any mortgages, liens, judgments, and other encumbrances. The deed restriction would be indexed with the railroad property, so the City would be notified of the need to enforce this requirement.

- **How is the deed restriction enforced?** If a new building over the railroad triggered the need for compliance and the owner did not install the system, the building would in violation. The city could issue fines, revoke the building's certificate of occupancy, and place liens on the property to compel compliance.

- **What if the future owner lacks the financial capacity to install the system** – If a building were to be proposed over the railroad and John Nolen Drive, there would be a long/contentious approval process, complex permitting involving multiple layers of government, and likely a legal challenge by adjacent property owners. If such a project were proposed, it would be years before it would be approved for construction. Then, the construction process itself would require first building a structural podium over an active railroad and state highway before starting the vertical construction that would trigger the need for the extended sprinkler system.

- **Will it be realistically feasible to install this system post construction? –** Yes, we have a plan that would allow for this piping runs and addition sprinklers to be installed as a renovation project with minimum disruption to the apartments if it is needed

Why not install the deluge system as part of the initial construction

- **It is very unlikely that it will be needed –** Rather than installing an unnecessary system now, a preferred approach is to guarantee that it will be installed if needed if needed in the future.

- **Sustainability and waste** – The extended system would require additional soffit, sprinkler runs, and sprinklers. This is a significant amount of metal, drywall, and plastic, as well as cost and added construction time. Preferred approach is to only install the system if/when needed.

- **Resident experience –** The extended system would require lower ceilings and additional unneeded sprinklers in the units, reducing natural light and requiring an alternate approach to window treatments.

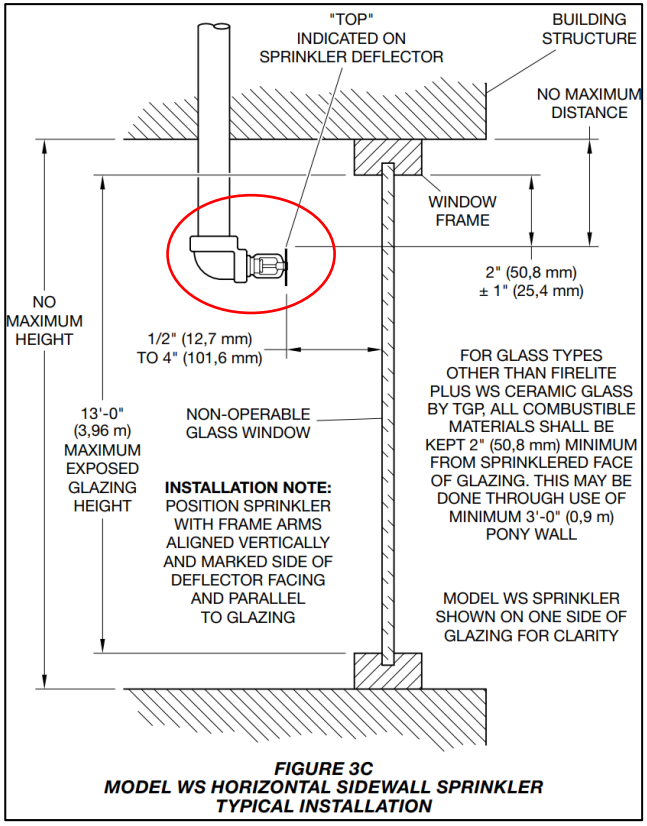


FIGURE 3C
MODEL WS HORIZONTAL SIDEWALL SPRINKLER
TYPICAL INSTALLATION

How would the system be installed if needed

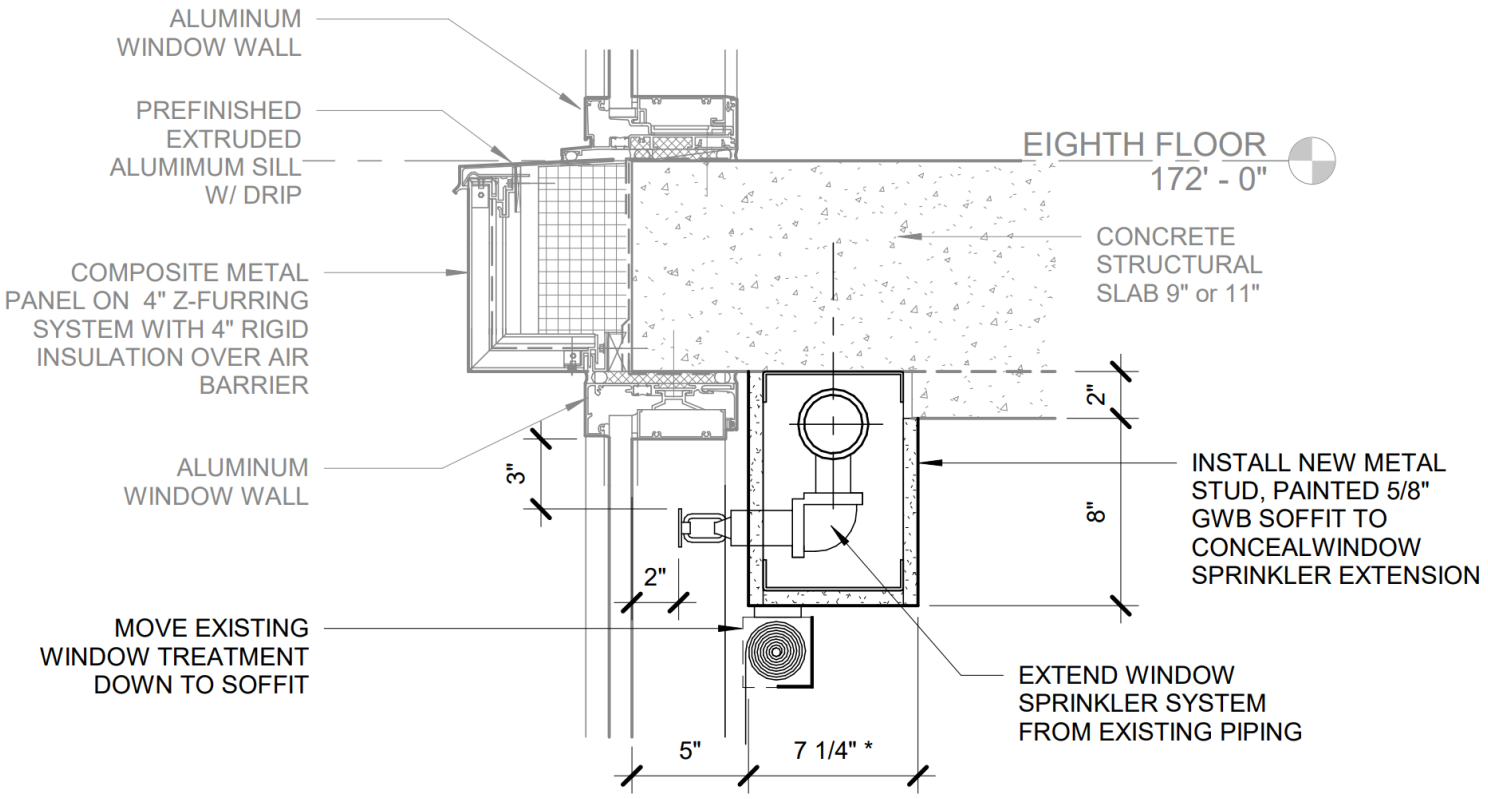
Installed as part of initial construction

- Fire suppression system for entire building including sprinkler protection for all residential and commercial floors, each residential room, parking levels, common areas, elevator shafts, elevator equipment rooms, etc.
- All elements of the fire protection system, including building service, equipment and risers shall be sized to handle the required water capacity of the additional deluge system if it is needed.

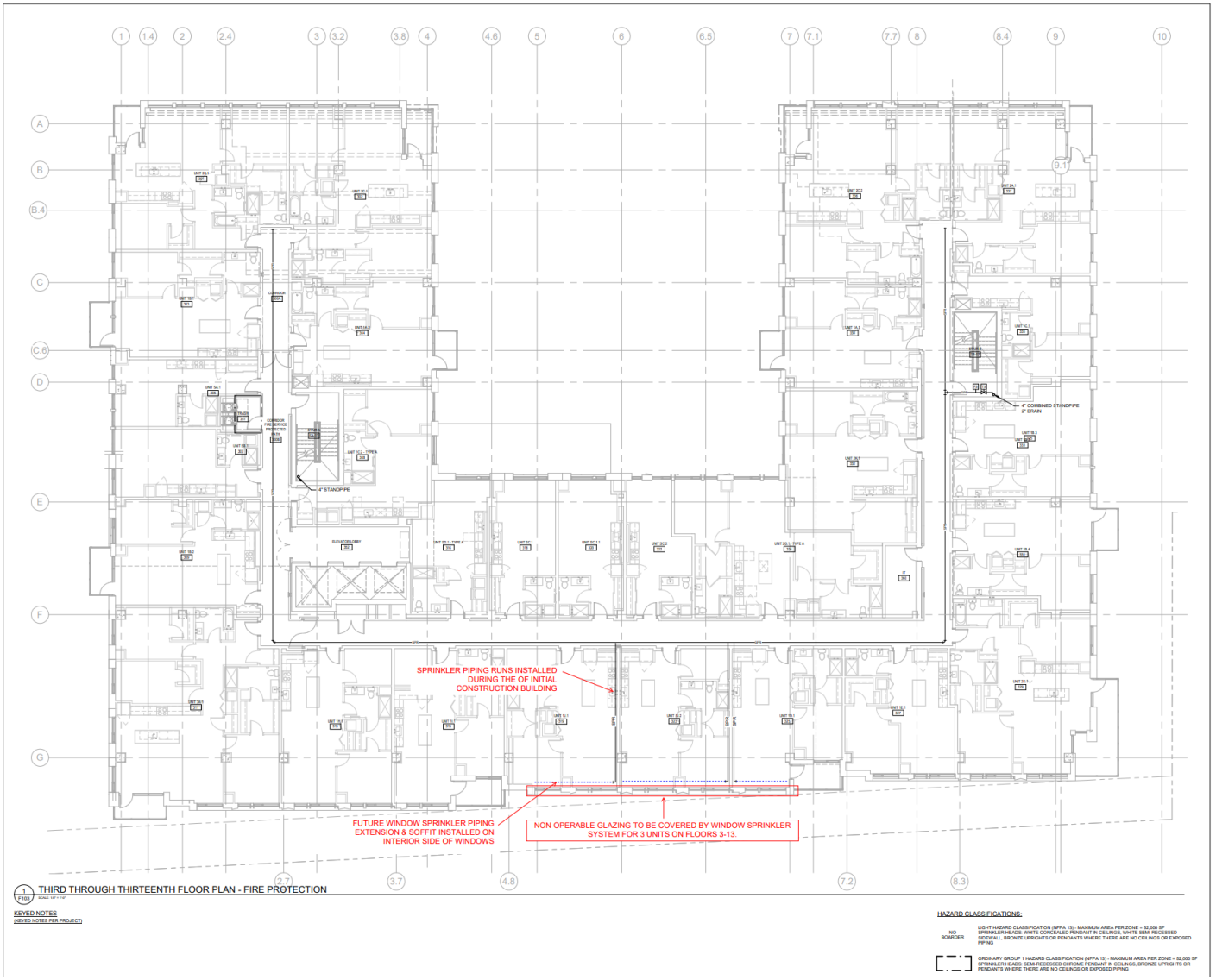
Scope of Work if Extension of System is Required

- Install a deluge window sprinkler system on the interior side of non-operable windows to achieve an equivalent 1hr rated exterior wall rating for the % of openings greater than the allowed 45%.
- The window sprinkler system would be installed in three units per floor on floors 3-13 (33 units total).
- Work required includes:
    1. Install & finish GWB soffit.
    2. Extend fire sprinkler runs to cover the glazing with window sprinkler heads.
    3. Remove and reinstall window treatments at soffit.
    4. Paint, cleanup, repairs to existing surfaces, etc.
- 6-8 weeks total time to complete project, cost of approximately $100K

Sprinkler Install Detail



Location in the Building



Potter Lawson
Success by Design

JDR ENGINEERING, INC.
5525 NOBEL DRIVE
SUITE 80
MADISON, WI 5378
PH: 608.277.1728 FAX: 608.271.7046
JDR PROJECT NO: 22.0029

Notes:

PRELIMINARY
NOT FOR CONSTRUCTION

121 E. Wilson Street
Quad Capital Partners
Madison, WI

2021.27.00

DATE	ISSUANCE/REVISIONS
04/06/23	CONSTRUCTION DOCUMENTS - PRICING REVIEW

THIRD THROUGH THIRTEENTH FLOOR PLAN - FIRE PROTECTION