

Mr. Kevin Firchow
City of Madison Planning Department
215 Martin Luther King Blvd.
Madison, WI 53703

RE: 400 W. Washington - Review of the April 14, 2016 submittal to City

Dear Mr. Firchow,

The Miffland District of Capitol Neighborhoods has established a steering committee of residents and property owners to consider this proposal. Over the course of the last few months we have met with the developer and city administrators in an effort to give constructive input on this project at 400 W. Washington.

From the beginning one of our main concerns was this proposal was going to be the first on the north side of W. Washington Avenue to be considered under the Downtown Plan as it related to the West Washington corridor and our neighborhood. As such, we wanted to be as sure as possible that the proposal met the standards of the plan, the zoning code and would be a model for future proposals on West Washington.

The neighborhood committee believes that the developer has made a good faith effort to meet with our committee. In addition, the developer has made some major improvements to the plans over the course of our meetings.

While the proposal has evolved the neighborhood committee still has several areas of concern. There are a range of opinions within the neighborhood regarding this proposal. Overall, there is significant concern that the current proposal does not meet the criteria for approval, as noted below, and could have a serious detrimental effect on the West Washington District if this type of proposal became the norm.

This section of comments is formatted to follow the Letter Of Intent submitted by Up Urban Properties dated April 14, 2016, and reflects the views of individual committee members.

Existing Conditions

The proposal indicates that financial assistance would be provided to assist an interested party in moving 10-12 Broom to another site. To be effective this will require proactive steps by the developer to contact potential parties and/or those with an available site.

One building is noted for potential moving. Other buildings may also be suitable. 410 W. Washington was moved to this site in 2000 from W. Doty St. At the time it was a solid and nicely detailed structure and may also be a candidate for reuse. It is unclear if any attempt has been made to accomplish relocation of any of the homes.

Mapping Setbacks / Required Step Back and Zoning in general

Under the zoning code owners of properties which abut 'more than one street may choose any street lot line as the front lot line, with the consent of the Zoning Administrator, based on the effects of such choice on development of the lot itself or on adjacent properties.'

This proposal has chosen the property line along Broom St. as the front lot line. DR-2 zoning requires a minimum 10' front yard setback which is provided. W. Washington becomes a side yard requiring only a 5' setback. The proposal; provides a 12' setback to the face of the building along W. Washington at the 2nd thru 4th floors. The 1st floor is set back slightly from the floors above. The fact that the frontage along W. Washington could be considered a side yard seems to be an unintended anomaly in the zoning code that should be corrected, but that's an issue for a different venue. A 12' setback is inappropriate. It needs to be 20 feet to accomplish the "Grand Boulevard" feel of W Washington Ave. This becomes even more important if the developer is successful in 4 plus 2 stories. The mass is overwhelming on this corner and block, thus the 20 foot setback is needed to offset this.

The driver for Broom to be selected as the front is that it allows the far western property line to become the rear lot line. DR-2 requires a minimum 20' rear yard setback. This is provided where the large 1st floor patio spaces are situated. The rear yard setback only applies to the most distant lot line from the front lot line so the balance of the lot lines become side yards with a 5' setback requirement.

The result is a 5' setback at the north end of the building to the adjacent property on Broom St. The properties at the corner of Broom and Mifflin could be redeveloped as a six story building. If the two corner properties along Broom St. chose W. Washington and W. Mifflin as front lot lines it would result in a 40' space between the buildings on Broom St. which might be a larger break in the building frontage along the street than would be desirable. A more continuous building front along downtown streets seems more in keeping with an urban form. A 10' separation between two 6 story building elements may be closer than most residents would prefer.

Buildings in the 400 & 500 blocks of W. Washington may have 6 stories dependent of several factors. One is that the additional stories have a 30' step back. The proposal provides a 30' step back from the face of the 4th floor of the building along W. Washington which is setback from the property line only 12'.

The one prior project in these blocks that could be used as an example is 425 W. Washington. This building was initially proposed with a 10' front yard setback along W. Washington. The final version of the building has a 20.5' front yard setback along W. Washington. The 5th floor of the building at 425 steps back 30' from the face of the 4th floor. From the front lot line the step back is 50.5'. By comparison this proposal has the 5th and 6th floors setback 42' from the W. Washington property line.

The Steering Committee was informed this past week that city planner Natalie Erdman indicated a 15" setback would be approved for this development. I am not sure why this would be granted. When the 425 W Washington Ave property was mentioned, we were told that building only needed to be considered to adjacent properties, not others on both sides of the block

Lot Coverage and Open Space

The proposal indicates it provides 5025 sf of useable open space. Of this 16% is dedicated to the two 1st floor units at the NW corner. The balance is shared by all 86 units. As the proposal notes the balconies that are provided do not count as useable open space because they do not meet the minimum size requirements.

When the city and/or developer state “useable open space”, the public immediately believes this space is open to all in the building. The current use of the terminology is misleading at best. As the space is only available to those in the particular rental units.

Sustainability

The items listed in this section as providing sustainability are all essentially common practice or code requirements for new residential construction. The one exception would be the on demand water heating system. The type of system is not identified.

The Letter of Intent states that there will be an increase in the amount of pervious surface compared to the current conditions however, the data provided on plan sheet C7.0 demonstrates that the pervious area will actually be **reduced** by 28%.

Downtown Design Guidelines

With regard to the cladding materials the guidelines state that fiber cement panels shall not be used on the ground story except at the bottom of storefront windows or as an accent material. Large portions of the ground floor have fiber cement panels as the main cladding. Only the Broom St. elevation would appear to meet the requirement regarding materials.

The use of wood at the ground story has similar restrictions. The wood used on the ground story would appear to meet the intent of the guidelines as an accent.

Rooftop equipment is required to be screened from view from adjacent streets. This equipment is also required to be screened from view from adjacent buildings to the extent possible. While the roof parapet wall will provide screening of the rooftop equipment from street level no attempt has been made to provide any screening of the equipment from adjacent buildings visually or audibly.

Conditional Use

Two of the four standards are applicable to this proposal:

Criteria A – The excess height is compatible with the existing or planned character of the surrounding area, including but not limited to the scale, mass, rhythm and **setbacks of buildings and relationships to street frontages and public spaces.**

The application does not provide any information to suggest how the mass or rhythm of the building is compatible with the surrounding area nor is there compelling information to suggest that the proposal is compatible with the setbacks of buildings and relationships to street frontages and public spaces.

West Washington District - Plan Recommendation 85 – maintain and enhance ‘Grand Boulevard’ with wide terraces, large canopy trees, **consistent building setbacks**

As the developer’s application shows 2/3 (9 of 13) of the other buildings along north side of the 400 block have building setbacks significantly greater than the 12’ provided for this proposal. In fact for both sides of the 400 & 500 block of W. Washington the building setbacks are around 20’. The 12’ setback proposed along W. Washington will significantly degrade the important aspect of consistent setbacks called for under the Downtown Plan.

The only other building approved under the Downtown Plan and new zoning at 425 W. Washington initially requested a 10’ setback. This was not deemed appropriate. The approval for this building included a 20.5’ setback.

The Downtown Plan and zoning code also require that for any additional stories above 4 that there be a minimum 30’ step back of the additional stories from the face of the 4th floor along W. Washington. In their most recent iteration the development team has now met this requirement.

Criteria B – The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.

Responses to the case provided in the Letter of Intent are provided here:
(Paragraph numbers refer to the same numbered item in the Letter of Intent.)

1. Adding two stories provides 18,000 addition leasable square feet yet the face of the building is setback on 12’ from the W. Washington property line. The real intent of providing the possibility of additional height is to enhance public amenities such as the setback along W. Washington which is noted in the Downtown Plan to be one of three components that should be maintained and enhanced for the Grand Boulevard sense of the W. Washington District.
2. With the exception of the limestone used at the base of the building there is nothing in the materials that is different from or of a demonstrable higher quality that what is standard on recent downtown residential buildings.
3. The suggestion that the two additional stories give the building a ‘stronger more elegant appearance’ might be true if the comparison is simply to the same building with the two upper floors cut off. Clearly a strong elegant 4 story building can be designed. The suggestion that the additional stories make a more seamless transition to the Mifflin District has no basis. The extra stories simply move the point at which the transition occurs closer to W. Washington.
4. The suggestion is that the additional stories allow for more common areas. Again recent proposals have included similar common areas. Given the number of studio apartments at 350

sf or less it is clear that the residents would benefit from any additional space. The suggestion that the 500 sf communal porch has a public benefit seems a stretch in comparison to the additional 18,000 sf of additional space on the additional two floors.

5. Of the total 86 apartments 11 do not have a balcony. Of the remaining units it appears that 60 have balconies that do not meet the minimum dimensions to be considered useable open space. So 71 of 86, or 82%, of the apartments have no balcony or substandard balconies. Any suggestion that these balconies somehow demonstrate that this is a higher quality building is absurd.
6. This is simply nonsense. The same HVAC systems are used for this 6 story building as are used on 4 story buildings. There is nothing about 6 stories that changes the equipment or allows for more efficient equipment.
7. The proposal exceeds the minimum glazing requirements as do virtually all recent residential proposals downtown. (Examples include Seven27 and 9 Line along Northshore or Bedford Walk at Main and Bassett.) Many of the buildings have large glass areas surround the main entries. It's unclear what 'makes this a more dynamic façade' means.

Additional factors to consider regarding 'demonstrated higher quality'.

The fact that only a 12' setback is provided along the W. Washington frontage is the most dramatic indication that a higher quality building has not been achieved. The entire rationale for creating the West Washington District in the Downtown Plan is that these blocks are a special part of Madison and maintaining the Grand Boulevard feel of these blocks is what makes them special. The 'consistent building setbacks' is one of three features noted in the plan as critical to maintaining the sense of these blocks.

In the drawings the applicant tries to make the case that the extra stories on the building are in exchange for space in the setback along W. Washington which is not built in. This is based on the disingenuous premise that a building could or would be approved with a 5' setback along W. Washington Ave. The whole idea is preposterous.

The proposal fails to meet the standard City zoning requirement of a minimum of 1 bike parking stall per apartment. For the 86 apartments the zoning code requires 91 stalls for tenants and 9 for visitors. The proposal provides only 66 of the 91 required bike stalls for tenants, 28% below the minimum requirement. (59 in the parking garage and 7 of the 16 at grade stalls.) There are many apartments constructed in the downtown in recent years where the bike parking provided is much closer to 1 per bedroom. (This proposal has 123 bedrooms) This proposal is suggesting that it is trying to encourage less use of cars yet does not provide even the bare minimum of bike parking.

The permeable area on the site is reduced by 28% with this proposal from the existing conditions.

The case for a demonstrated higher quality building has not been made.

Downtown Plan, Appendix C (Additional Building Height)

The proposal references a sentence in the appendix that indicates that the possible additional stories are intended to be used as a tool to effectuate exceptional design and accomplish the objectives of the plan. A portion of the paragraph that precedes the cited statement is presented below:

Where additional stories are available, it is not intended that they be earned merely by complying with standards and criteria that would be required and expected in any case, such as underlying zoning, good design ... The intent is not simply to allow a taller buildings and additional stories should not be considered “by right” heights. Rather ...

The appendix also states:

The additional stories are intended to provide additional design flexibility to address the unique circumstances in these areas, and to create an incentive for projects that go beyond what is otherwise required to help achieve other objectives of this plan.

All of the Downtown Plan Objectives and Recommendations cited in this proposal as benefiting from the ability to incorporate additional stories into the proposal are actually aspects that would be expected of any residential proposal in the Downtown.

Suggesting that proposing a building that meets the recommended height and scale for the area, or preserves the terraces is a result of the additional stories insults the intelligence of the reader. Likewise suggesting that the proposal is increasing the supply of work force or executive housing is unsubstantiated. (Work force housing as discussed during the creation of the downtown plan would not include ‘high tech jobs’.) Many residents who live and work downtown indicated during this review that the proposed rents for this proposal would not be affordable for them.

Two Plan recommendations regarding restricting driveways onto W. Washington are cited yet the proposal does not remove any driveways. Rather the shared drive with the adjacent property to the west is ensured to be permanent as it would become the only access for trash removal from this proposal and has been referenced as a loading area for moving.

Terrace Tree Protection

There is a note that the trees in the W. Washington terrace will be carefully protected during construction. On other projects tree protection has required ongoing vigilance from the neighborhood to ensure maintenance of the tree protection. Inclusion of the specific details for tree protection should be incorporated directly into the plans which are approved by the city. The trees along Broom St. that will remain should be included in the tree protection plan.

City Forestry only requires protection (i.e. fencing) out 5’ from the base of the tree. This provides minimal protection and the fencing is often inadequate to survive the duration of the project. Given the

proximity of the bus stop and the needs for tree protection; prohibiting the use of any of the terrace along W. Washington during construction should be a condition of any approval. The only exception would be required underground utility work.

Should the Plan Commission grant approval of this proposal the following condition should be included in the approval:

The street terrace along W. Washington shall not be used for any construction staging or activity with the exception of underground utility work which may be required. The area shall be effectively enclosed with a durable fence which precludes construction activities but maintains access to the bus stop on the street terrace.

Errors in Letter of Intent

Page 3, Required Step Back

The setback dimensions stated do not match those shown on the drawings. On the drawings the 1st floor is setback from the property line 13' and the 2nd – 4th floors extend outward with a setback of 12'.

Page 4, Sustainability 1.e

The letter states that the “Project increases the amount of permeable surface on the site.” The plans suggest that quite the opposite is true. The Drainage Plan Sheet C7.0 shows that the permeable area is reduced from 5708 sf to 4111 sf. This is a 28% **reduction** in the permeable surface on the site.

Page 5, Downtown Design Guidelines 10.

The letter states that all rooftop equipment will be screened in compliance with the design guidelines. The design guidelines call for rooftop equipment to be screened from adjacent buildings to the extent possible. No effort has been made to provide screen of equipment from adjacent buildings, current or future.

Page 5, Conditional Use 1.

The reference to a 5 story building on W. Washington would appear to be the building located at 425 W. Washington.

Page 6, paragraph 2

The Landscape Plan Sheet L100 shows 3 ornamental trees along the W. Washington face of the building not the 4 trees noted in the letter.

In conclusion, the mass of a building of a four story and certainly of a six story size removes the atmosphere and intent of the neighborhood buildings along the 400 and 500 blocks of W Washington Ave that will remain into the distance future. It is immense when you look at it. The corner of W

Washington Ave. and Broom St. is the key and unique corner leading to the important State St area and other key downtown streets

When the developer was asked about how they were going to manage the construction site, no plan has been established. This is a very busy vehicle intersection and foot traffic residential area It is hard to see how the construction site will be set up that will not cause a great disruption to residents and vehicle traffic. A plan should be established in conjunction with the neighborhood that will be most impacted.

Thank you for your consideration,

Miffland District Steering Committee