

From: [Dave J. Bierman](#)
To: [Plan Commission Comments; All Alders](#)
Subject: City of Madison, Common Council and Plan Commission -12/12/2022 Letter Opposing Action on Legistar 74065, 74056, and 74721.
Date: Monday, December 12, 2022 3:37:00 PM
Attachments: [Legistar Items 74065-74056-74721 PlanComLetter12-12-2022-DJB.pdf](#)

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Plan Commission, Common Council and Staff

Attached above, please find Letter Opposing Action document, Legistar Items 74065-74056-74721_PlanComLetter12-12-2022-DJB

Please distribute this document to Common Council Members, Plan Commission Members, and post to Agenda Item 14 (Legistar 74065) Agenda Item 15 (Legistar 74056) and Agenda Item 16 (Legistar 74721) as testimony of record in opposition to approval of these items.

Thank You

David Bierman

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12/12/2022 Letter Opposing Action on Legistar 74065, 74056, and 74721.

To: City of Madison Plan Commission and City of Madison Common Council,

I urge the City of Madison Plan Commission and City of Madison Common Council to DENY approval of legistar items:

- 74065- Approving a Certified Survey Map of property owned by The Kraft Heinz Foods Company and Lincoln Avenue Capital addressed as 2007 Roth Street; 12th Ald. Dist.
- 74056 -2007 Roth Street; 12th Ald. Dist. (Lot 1 of proposed Certified Survey Map): Consideration of a conditional use in the Traditional Residential-Urban 2 (TR-U2) District for a multi-family dwelling with greater than 60 units to allow construction of a six-story, 250-unit apartment building.
- 74721 - 2007 Roth Street; 12th Ald. Dist. (Lot 2 of proposed Certified Survey Map): Consideration of a conditional use in the Traditional Residential-Urban 2 (TR-U2) District for a multi-family dwelling with greater than 60 units; consideration of a conditional use in the TR-U2 District for a building taller than six stories in height; and consideration of a conditional use in the TR-U2 District for outdoor recreation, all to allow construction of a seven-story, 303-unit apartment building.

These initiatives must be DENIED approval as all relate to development of property, and placement of extremely high density dwellings on property that have known environmental hazards that have not been adequately investigated to ensure the due diligence and public transparency with the City of Madison Environmental Justice Policy, and ethical public health and safety.

The 3 year joint effort by City constituents, Plan Commission in consensus plan development and Common Council enactment of the Oscar Meyer Special Area Plan (OMSAP), Special Area Neighborhood Plan and Sherman Neighborhood Association action and commitment in regard to density, building heights, and public health and measures agreed upon to ensure the known environmental hazardous wastes and contaminated soils and groundwater on these parcels is thoroughly investigated, identified, and thoroughly mitigated for environmental justice and equitable public health safety.

City of Madison consideration of these initiatives, willfully neglect due diligence required by City of Madison Environmental Justice Policy, as well as assurances and direct promises made by the City, to the public, constituents, adjacent Sherman Neighborhood, State of Wisconsin Department of Natural Resources (WDNR), and United States Environmental Protection Agency (USEPA) as part multiple City planning processes that, a phase 2 environmental study would be made to ensure of ALL of the hazardous toxins already known to exist (trichloroethylene, benzene, arsenic, vinyl chloride, and petroleum) and those yet to be determined to exist on these parcels and wetlands, are identified, and mitigated properly to ensure public health and safety. Only a limited phase 1 study has been performed to date, and it included only select samples at very shallow depths skewing the optics of what was to be a thorough environmental review and equitable mitigation. The City of Madison has been successful in application and execution of USEPA brownfield grants on the south side of the City to investigate and identify contamination to lead to proper mitigation measures to ensure public health is not jeopardized by guessing. Why is these measure not being employed on this known highly contaminated postindustrial area? Why indeed.

These initiatives need to be referred until a phase 2 environmental study can be completed, publicly reviewed and effective mitigation completed to ensure long term health and public safety and overall environmental health. Do not be deceived into moving these initiatives forward without lawful and

promised due diligence. DENY approval of legistar items 74065, 74056, and 74721 until all of the promised the environmental issues are fully investigated and properly mitigated for the public health, and environmental safety.

Many regulatory commitments have been omitted action item representative action items before you that need further investigation, clarity and stake holder consensus prior to approval.

Neglect of the enacted land use initiatives plan are serious, as so are many others. Inconsistent compliance or non-compliance with, Indigenous cultural resource investigation and protection, wetland and surface water protection plans, well head protection plans, and numerous Federal, State and local statutes, and regulations and indeed city ordinances and processes have been marginalized or omitted from the current parcel application.

Diligent compliance with all promised, cultural, toxic contamination, and environmental protection commitments is required to prevent costly mitigation, to the existing and future residents, property development, City of Madison to ensure public health, cultural and environmental safety.

DENY approval of legistar items 74065, 74056, and 74721 at this juncture until all of the commitments made in the planning, zoning and development process are fully, thoroughly, and lawfully investigated, and transparently shared with all stakeholders for safe course forward. Anything less is exposure to potential damage of adjacent properties, endangerment of public safety, and outright willful diminishment and neglect of the obligation to uphold consensus driven, legal public land use process.

Finally, I request that these agenda items be denied for approval as no person is currently in place to represent District 12 as Alder. Without Alder representation of the constituency, it is responsible and not in the best interest of the Sherman Neighborhood nor City of Madison constituents to have any action regarding these items take place without Alder representation at the meeting tonight or during any follow up discussions at the common council.

Thank You

David Bierman
514 Nova Way
Madison WI 53704

From: [Dorothy](#)
To: [Plan Commission Comments](#)
Cc: [All Alders](#)
Subject: Conditional Use - 2007 Roth St.
Date: Saturday, December 10, 2022 2:48:44 PM

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Re: Conditional Use - 2007 Roth St.

Plan Commissioners:

I'm a member of the Sherman Neighborhood Association. I'm very concerned about the possibility that the PC could approve the conditional use without having all the needed information. The Oscar Mayer property is very contaminated, there should be NO further development on any of the property until Phase II Assessments and a Material Management Plans are submitted. There is no way an informed decision can be made without this information.

I support housing for Madison residents and the BRT but not at the risk of putting any people at risk.

I'm asking you to not approve these proposals.

Thanks for your time and attention,

Dorothy Borchardt
1717 Elka Lane
Madison WI 53704

From: [chet hermansen](#)
To: [All Alders](#)
Subject: Items 14 - 15 - 16 of tonights agenda should not be passed.
Date: Monday, December 12, 2022 2:39:37 PM

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I would have our panning commission stop any and all development of the proposed property until the whole truth is known as far as the extreme contamination.

If you continue to move forward with building what is proposed would you let you children or Grandchildren live in the completed buildings?

Please vote no to these terrible agenda items.

Thank you . Chet Hermansen. S.N.A.

Member and 61year resident of the Northside.

From: [Jim Powell \(Madison Environmental Justice\)](#)
To: [Plan Commission Comments](#)
Cc: [All Alders](#)
Subject: Dec. 12 Plan Comm meeting agenda items #14-16 Cond Use - 2007 Roth St
Date: Friday, December 9, 2022 12:00:17 PM

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Re: Conditional Use - 2007 Roth St

Plan Commissioners:

Let's set the stage: you have before you a large housing project proposal with an institutional design next to an abandoned factory; in fact, it will be right at the factory entrance gate. There will large parking ramps for 731 cars. There will be a multimodal transportation hub, otherwise known as a bus depot, built there soon. And now we have learned that the mayor's apparent preferred site for an Amtrak Station is the very same spot. Other proposals will follow, completely the transformation of a quiet neighborhood into a major blocks-long cluster of large apartment buildings. So thousands of residents will be living in a highly-dense, ugly post-industrial, unhealthy environment with noise all the time. It's as if this city has learned nothing from the urban renewal a half century ago.

Add the additional layer of major environmental degradation: Oscar Mayer's food, pesticides and plastic manufacturing spilled past its factory wall and onto this site which was where animals were slaughtered, large piles of coal stored and heating oil spilled—all in a former wetland! [Some of the remaining wetland remnant will be preserved under current plans.] Owner Kraft Heinz and developer Lincoln Avenue Capital have worked assiduously to keep the state DNR from requiring testing for many of the known toxins on site. This is called the ""Green Team" approach today but used to be called "lack of regulatory oversight."

Taken together--the low-income housing for seniors and families next to an abandoned factory, parking ramps, bus depot and train station on a heavily polluted on a filled-in wetland (requiring perhaps hundreds of piling to build all these structures on) that will largely be left unremediated--and you have the textbook definition of environmental injustice.

We ask the Plan Commission to not be complicit in environmental injustice and repeating the community-destroying urban renewal and not approve these projects now, here in the 21st century, when the lessons of the last century still should be fresh in our minds. How in the world can this proposal be said to "*create an environment of sustained aesthetic desirability....*"? (Conditional use standard #9)

Some, such as the city's OMSAP community engagement consultant, say that people of color and low-income don't really care about the environment in which they live; and others, such as an elected official at the Urban Design Commission, say that residents won't care about the color of the buildings, they'll just be happy to have anywhere to live in Madison. This view of the less fortunate and privileged as unworthy of living in a decent neighborhood needs to be changed. Please do so and do not approve these proposals.

From: [Jim Powell \(Madison Environmental Justice\)](#)
To: [Plan Commission Comments](#)
Cc: [All Alders](#)
Subject: 2007 Roth Street: per OMSAP, needs a RESJI analysis before approval
Date: Sunday, December 11, 2022 2:33:30 PM

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Plan Commissioners:

The Oscar Mayer Special Area Plan calls for:

"Goal 4: Address racial justice and social equity during the OMSAP redevelopment process, which must include assessing and preventing human exposures to toxic chemicals at the site and/or released from the site among all people and particularly at-risk low income people and people of color."

There is no evidence that this was done for the 2007 Roth Street proposal before you. Owner Kraft Heinz did minimal testing for select toxins (not all the ones known and suspected to be present), there wasn't even complete a full Phase 1 Environmental Assessment (and no Phase II at all) and staff comments for this proposal do not mention environmental justice, only that the site has an open remediation case with the WDNR. How has the City actually assessed and prevented human exposure to toxic chemicals? It hasn't. Yet it is putting a major housing project before you.

I submit that OMSAP goals have not been addressed or met to date. Considering that this proposal places more than a thousand low-income people next to an abandoned, heavily-polluted factory where high levels of noise, congestion and pollution will be caused by the planned transportation hub (and perhaps train station), a Racial Equity and Social Justice Initiative (RESJI) analysis should have been done. Or does the City just pick and choose which major developments get one? Approving a flawed proposal first, then maybe addressing environmental justice and equity issues later, reverses a logical process and will simply make development inevitable, rather than considered.

In a 2018 draft RESJI analysis, "Oscar Mayer Strategic Assessment Report - Redevelopment Objectives for the Oscar Mayer Special Area Committee," environmental problems, pollution, contamination or justice were not addressed, nor did the later OMSAP process result in such an analysis. And neither has this 2007 Roth Street process.

Without meeting OMSAP goals and receiving a RESJI analysis, this proposal is not ready for approval. Please send this proposal back to staff to meet these requirements.

Thank you for your consideration.

JIM POWELL
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<`Only dead fish go with the flow;`<
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Laws change; people die; the land remains.