

Stouder, Heather

From: Lindsey Lee [REDACTED]
Sent: Monday, July 07, 2014 12:27 PM
To: Stouder, Heather; Rummel, Marsha
Subject: 706 Williamson St. Project

Dear Heather Stouder,

Please forward this e-mail to members of the Plan Commission.

Thank you,

Lindsey Lee

Dear Members of the Plan Commission,

I am writing you to express my support for the project being proposed for the corner of Williamson Street and Blount Street. I live with my wife Beth and three children in a house we built at 731 Williamson Street. I have owned and operated Ground Zero Coffee, located at 744 Williamson Street, since 1998.

The project being proposed by Marty Rifken will be an exciting change for the corridor, one that is long over-due. I have read the staff report and I strongly encourage you to support the main recommendations found within it.

Thank you for your service,

Lindsey Lee
[REDACTED] Williamson Street

Stouder, Heather

From: David Lohrentz [REDACTED]
Sent: Monday, July 07, 2014 3:21 PM
To: Stouder, Heather; mrifken@outlook.com; Rummel, Marsha
Subject: Support for 706 Williamson St Project

Plan Commission Members,

I would like to express my support for Marty Rifken's proposal to redevelop the property at 706 Williamson St, and to construct a six story mixed use property.

I feel that six stories is an appropriate height for this block, and the increase in density will have many economic benefits for the neighborhood. Building only four or five stories would be a mistake in this case, because the city needs more density downtown to prevent urban sprawl, and because this is a good location for density.

Adding underground parking will be a much better use of downtown real estate over the surface parking that is currently in use on this block.

If feasible, I would like to see more bicycle parking added to the project to encourage residents to ride bikes when going out in the neighborhood.

I encourage the Plan Commission to approve of the Conditional Use for this project.

David Lohrentz
Madison Sourdough, Co-owner
[REDACTED] Williamson St.
Madison WI

To: Madison Plan Commission
From:
Gary Tipler
Jenifer Street, Madison
Date: July 7, 2014

Re: 706 Williamson Street, Proposed Building

I am opposed to the six-story building proposed to be built at 706 Williamson Street.

As one who headed up the Research committee to support the original Third Lake Ridge Historic District years before it became a reality, I believe that the proposed building poses a threat to the retention of historic buildings within a couple blocks of its location.

As one who's invested time and money in a house nearby, I believe that exceeding the BUILD II plan would excite those who'd start a new wave of speculation in the neighborhood, based on the potential to exceed zoning and planning guidelines. Other property owners within two blocks along Williamson are already paying attention so potentially take advantage of an acquiescent Planning Department.

Speculation in land values for development will be the death knell to the fairly recent and significant increase in young family occupancy in the vicinity. Owners of 19th Century frame houses can't compete with feckless speculative development and the increases in land taxes associated with it.

As a member of the Marquette Neighborhood Association's Preservation and Development Committee we reviewed the development proposal and were disappointed when at the second meeting, the design hadn't been visibly changed from the earlier concept. Few of the design considerations and recommendations offered at the meetings were taken seriously, nor employed in the design. A stepped back top floor at any height was dismissed as being low class. A stepped back corner to effect a smaller mass facing the street fronts and improve the retention of a Capitol view was not considered.

I am not opposed to a five-story building with a design sensitive to the location. It would meet the BUILD II plan for height. However, more thought should be given to design details to not simply dress the skin, rather to modify the form.

Thank you for your consideration.

Gary Tipler

Plan Commission
Monday July 7, 2014
Agenda Item #16, Legistar #34335

I appreciate the opportunity to provide comments with respect to the proposed new construction at 706 Williamson. I have divided my comments into four sections: (1) noncompliance with the Comprehensive Plan and neighborhood plans; (2) noncompliance with the zoning code; (3) noncompliance with the conditions that must be met for approval of a conditional use application; and (4) the proposal's impact on the general welfare and interest of the public.

Comprehensive Plan and Neighborhood Plans

The Plan Commission must give due consideration to the recommendations in the (1) Comprehensive Plan and (2) any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. MGO 28.183(6)(a).

Comprehensive Plan, Volume II, Chapter 2

1. In a Community Mixed-Use district the maximum building height needs to be “compatible with the size of the district, surrounding structures and land uses. Specific height standards may be recommended in an adopted neighborhood or special area plan. ... Specific height standards should be established in neighborhood or special area plans and should be compatible with the scale and intensity of the district as a whole and the context of the surrounding neighborhood.”
 - The building height is not compatible with surrounding structures and land uses. (It would be the tallest building, and the densest, in the Third Lake Ridge Historic District.)
 - The building height exceeds the neighborhood plan limits. (Limit is 54 feet)
 - The stairwells on the roof will add further height. Unlike the elevator shaft, which is located in what is likely the most unobtrusive spot, the east stairwell is right at the edge of the building and will clearly be visible (and inconsistent with a historic building). The west stairwell appears to be about 15 feet from the west edge of the building, and is also likely to be visible.
2. “Housing types generally similar to Medium-Density Residential districts, provided the building scale is appropriate to the district and the adjacent neighborhood.” (The MDR section provides that apartment buildings have “no specific size limitation if compatible in scale and character with other neighborhood buildings.”)
 - Scale is not compatible with other neighborhood buildings. (Taller than the largest historic Williamson Street building.)
3. In Mixed-Use districts developments “should be consistent with an adopted neighborhood plan or special area plan, which may also provide detailed land use or design standards.”
 - The proposed building does not meet the neighborhood plan or TSS design standards.

4. “Community Mixed-Use districts are the recommended locations for a relatively high-density mix of residential, retail, office, institutional and civic uses in a compact urban setting.” “Net residential densities within a Community Mixed-Use district generally should not exceed 60 dwelling units per acre, but a neighborhood or special area plan may recommend small areas within the district for a higher maximum density if the development is compatible with the scale and character of the neighborhood.
 - The proposed building is more than a relatively dense building. At 153 dwelling units/acre, it exceeds the density of 60 dwelling units/acre.
 - The neighborhood plan does not provide for higher densities.

Marquette-Schenk-Atwood Neighborhood Plan

1. The recommendations for this “Downtown Commercial District” require new and rehabilitated buildings to reflect the character, aesthetics and scale of the surrounding historic buildings.
 - The proposed building does not reflect the character, aesthetics and scale of the surrounding historic buildings.
2. “The vision of the neighborhood is to continue to maintain a neighborhood with a diverse population. To attract a diverse population, a variety of housing options for the would-be buyer and renter must be available. Price, quality, style, and location are some housing factors that attract, as well as retain, a population to live and to continue to live in a neighborhood.” To achieve this, one of the top five housing recommendations is to “require new residential developments to provide an income mix of units (with units dispersed throughout the development) by targeting at least 25% of the units to low and moderate income elderly, families, or individuals. To meet the special needs of the diverse low and moderate population, apartment units with three or more bedrooms for larger families and barrier free design for elderly and/or handicapped population should be part of the development.
 - There is no targeting of apartments to people with low or moderate income.
 - There are no 3 bedroom apartments.
 - It does not appear that there are any accessible apartments with barrier free design.
3. Another recommendation under housing is that “new construction should be compatible with the surrounding environment in terms of bulk, scale, and style of nearby buildings to ensure that the architectural and historical character of the neighborhood is retained.”
 - The bulk and scale of the proposed building are greater than the largest building on Williamson.

Design Guidelines & Criteria for Preservation, Williamson Street, 600 - 1100 Blocks (“BUILD”)

1. BUILD encompasses principles of neighborhood design, design guidelines and criteria for alterations/repair/construction of buildings.
 - The Staff reports only lists the major principle headings.
 - The Staff report views this building as strengthening the connection between Williamson and the Capitol East District. Yet this is not a goal of the Third Lake Historic District plan – the goal is preservation.

2. The details of Principle #6 include: “vary or modulate the configuration and size of new development to conform to established (single-lot) development patterns.”
 - The proposed building covers 2 lots, lots 17 and 18 of the original plat.
 - Staff claims this relates more to the south side of Williamson. However, this principle is listed under “Principles & Patterns for Overall Neighborhood Design.”

3. BUILD criteria are the “more detailed standards and regulatory criteria *by which all restoration and preservation work in the district shall be actually evaluated.*” (emphasis added) These criteria “are intended to promote construction that does not detract from the historic appearance of the neighborhood.”
 - BUILD, through its adoption by the Common Council, has already determined what is required to meet the overall BUILD principles. If BUILD criteria are not met, then the principles cannot be met.
 - BUILD criteria that are not met, or that the plans do not clearly address, include:
 - “New construction should reference the historic pattern of the neighborhood through “the overall scale of construction as well as through the sensitive use of massing, articulation, materials, and structural forms.”
 - New construction should “incorporate design features that promote neighborhood interaction and connectivity.”
 - Height in Zone III is the *lesser of* 5 stories or 54 feet.
 - “The massing of larger buildings should be compartmentalized or broken up, to preserve the spacing and “rhythm” of existing building groups. Such devices as piers, pilasters, bays and other interruptions (e.g. protrusions and recessions) in the façade plane should be used to help break-down the horizontal expanse of larger footprint buildings.” (Approximately 85 feet of the Williamson frontage for this proposed building is the same element. In contrast, the Olds Building next door has more Williamson frontage but is broken up into 6 elements through use of pilasters.)
 - “Building entrances should be emphasized with such features as recessed doorways, window signs and transoms.”
 - “Open space requirements—all zones. Seventy (70) square feet of open space is required for each bedroom in the new development. Balconies built to a minimum size of four (4) feet by eight (8) feet, common outdoor roof top space and half of any interior community space can be included as part of the open space requirement. Configuration of such are recommended to take on traditional urban forms such as courtyards, gardens, and interior-block passageways.”
 - “Façades on Mixed-Use Buildings. ... First floor storefronts shall be broken into bays of a similar width to those on existing pre-1945 commercial buildings. The general historic pattern of large storefront windows, low kick panels, transom windows, side pilasters and a cornice shall be used on new construction. ... First floor window patterns should reflect the typical proportions in the district. ... The first floor window sill height shall be 18” to 36” above grade. ... Primary entranceways should be easily identifiable as a focal point of the building. Recessed entrances are encouraged.”

Zoning Code

Zoning Code, Traditional Shopping Street:

1. Dwelling units in mixed-use buildings is limited to 24. MGO 28.151 (“In the TSS and CC-T Districts, more than twenty-four (24) dwelling units requires conditional use approval.”)
 - The proposed building more than doubles the maximum number of dwelling units.
2. A TSS purpose is to “facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.”
 - The proposed building will not facilitate preservation (a historic building, though extensively remodeled, is being demolished).
 - The proposed building will not facilitate development consistent with established parameters.
3. Buildings cannot exceed 25,000 square feet gross floor area for a mixed-use or multi-tenant building.
 - The proposed building is more than double the recommended maximum.

Zoning Code, Mixed Use and Non-residential Building Forms (MGO 28.173)

1. If this proposed building is a “commercial block building” (a multi-story building that is designed to support a mix of commercial or office uses on the ground floor with office, studio, lodging and/or residential units above), the following criteria are not met:
 - Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet. The Williamson frontage of the building is approximately 125 feet. The corner element is approximately 25-30 feet of the frontage. The inset element is approximately 10 feet. Thus, about 85 feet of the frontage is the same unarticulated element (unless insertion of balconies counts as articulation).
 - Entrances shall be provided at least every forty (40) feet along the primary abutting street. There is not any entrance along Williamson, much less three entrances. The only entrance is from the alley between the proposed building and the Olds Building.
2. If this building is a “podium building” the articulation every 40 feet is absent. (Though it is unlikely a step back of 3 feet from the main façade of the building counts as a step back, particularly when ¼ of the main façade is not stepped back, nor are the balconies which account for about another ¼ of the Williamson façade.)
3. If this building is a “flex building”, such a building is not allowed in the TSS district. MGO 28.062, Table 28D-3.

Conditions for Approval of a Conditional Use

To grant a conditional use application, the PC must find that all of the following conditions are present:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

- City Engineering Division states that this “proposal appears to require both construction site dewatering and permanent dewatering.” This site is in BREWD (Brownfield Remediation/Elimination and Workforce Development) Corridor, an area where contamination conditions are suspected, but unknown. What are the risks that the soil is contaminated and digging for the underground parking will disrupt contaminants, causing pollution of the groundwater? (The northwest corner of the proposed building, near 301 S Blount, is 851 feet above sea level. In an assessment of 800 E. Washington, which is 850 feet above sea level, the groundwater level was expected to be approximately 10 feet below the ground surface.)
- The Blount-Williamson intersection is already a difficult intersection due to the curve in Williamson.
 - Adding vehicles for approximately another 55 people (the number of units) who will use this intersection as their primary means of ingress and egress will create additional safety risks.
 - The line of sight on Blount to east Williamson could be further impeded by the proposed tables (though applicants were informed in the Staff report that any future outdoor eating would require a separate conditional use approval).
 - This line of sight could also be impeded by loading and unloading on Williamson. As stated by Traffic Engineering: “[The lack of an off-street loading zone] will place a heavy load on Blount Street for loading and unloading purposes and may result in vehicles loading and unloading from travel lanes on Williamson Street and Blount Street.”
- The parking garage door appears to be inches from the sidewalk. This could create risk to pedestrians and bicyclists as exiting drivers will not be able to see them approaching.
- The retail/restaurant space has only one entrance/exit. This could put patrons at risk in case of a fire.
- A ramp on the east side of the building appears to have a slope of 6 feet over the course of 14 feet, or a drop of about 3.5 inches per foot. ADA compliance often requires a slope of 1 inch per foot. (Since few dimensions are provided on the plans, the slope cannot be accurately calculated. However, the person reflected at the bottom of the ramp is at 851 feet above sea level.) Disabled people will not find this slope accessible, and even the fully able bodied are likely to find it treacherous in icy weather.

2. The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services.
- It appears that trash and recycling will be removed from the building through a set of double doors that are approximately 5 feet wide. This seems to indicate the possibility of wheeling carts to the curb for City trash pickup.
3. The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.
- The neighborhood does face development pressures. Permitting this conditional use, which is beyond the scope of BUILD and beyond the recommended density for TSS, will allow other developers to use this approval to also exceed BUILD and exceed the recommended density.
 - In fact, the Staff report recognizes this when it states that the proposed development “would fit in well with redevelopment scenarios planned for the surrounding area.”
 - There are companies (such as Orton park LLC who has 9 properties in the Third Lake District) that appear to be awaiting a development boom.
 - There are other blocks on Williamson with sites of a size suitable for large developments. Continuing down Williamson to the east, on the north side of the 800 block there is approximately 2.3 acres held by two owners, with 1.8 acres being the Struck & Irwin property. In the 900 block, Chvala Ventures LLC owns .71 acres.
 - No building since BUILD passed has violated BUILD.
 - 1051 and 1053 Williamson (Tellurian, 2005)
<http://legistar.cityofmadison.com/attachments/603.pdf>
 “The design guidelines and criteria contained in that plan for this block indicates a maximum height of new buildings to be no more than 2 ½ stories. Among the principles in the plan is the preservation of traditional neighborhood scale. Staff feels that this building addition is compatible with the provisions of the Williamson Street BUILD plan.”
 - Corner of Ingersoll and East Wilson (2006)
<https://madison.legistar.com/View.ashx?M=F&ID=1749382&GUID=C66A2730-B9D0-43BE-8DF6-ACDB192A9620>
 This letter of intent states that the development is consistent with both the East Rail Corridor Plan and BUILD.
 - 802-824 Willy: Planning Unit recommended indefinite referral pending completion of the Williamson Street design guidelines. The developer’s original proposal (per a Wisconsin State Journal article) was for a “... four-story building facing Williamson Street and perhaps an eight-story building at the back of the lot with a courtyard and underground parking.”
 - 301 S Livingston (2006)
<https://madison.legistar.com/View.ashx?M=F&ID=1749573&GUID=F4453471-DC77-431D-8652-A0169D4EA6F4>

Largely consistent with BUILD, but also was required to comply with the East Rail Corridor Plan.

- 306 S Livingston (2011)

<https://madison.legistar.com/View.ashx?M=F&ID=1776271&GUID=21D892A1-8788-4FE2-9582-7A14C06A1394>

The staff report considered BUILD and decided that proposed building is largely consistent with BUILD though 60 feet rather than 54. (This is a district where 7 stories could be built if criteria for the two bonus floors were met.)

- One established purpose is ensuring that the neighborhood will have a mix of housing, including housing opportunities for lower income residents. This building, and the precedent it sets, will make affordable housing increasingly unlikely. Further, though increasing development pressure, it will increase property values and taxes, making it harder for long term residents to continue to live in the neighborhood.
- The capitol view would be impaired by the 6th story. The downtown plan and the East Washington Corridor plan both provide for the protection of the capitol view. BUILD also provides for protection of the capitol view from Jenifer Street, thus the 3 story requirement for the Williamson portion of the 600 block. (Since the 700 block was capped at 54 feet, there was not a need to specify the capitol view for this block.) The 6th story, at a minimum, will appear to bump against the dome – the dome will no longer be outlined in the sky from the north side of Jenifer Street.
- Williamson is known as a “funky” street. The applicant has proposed a single retail/restaurant space of 7,500 square feet with only a single entrance/exit. Thus, it seems that there will be a single commercial tenant. Williamson does not have (and probably could not support) a single retail business of this size. Nor does Williamson have restaurants of this size. The most likely restaurant is a chain restaurant, something this neighborhood has fought in the past. To give some comparisons of restaurant size:
 - Red Lobster at East Towne is 7,416 square feet.
 - Old Fashioned is 6,870
 - Outback Steakhouse on Junction Road is 6,425.
 - Applebee’s at East Towne is 5,916.
 - Bellini 3,208 (seating 150)
 - Many existing Williamson restaurants are in a building with other uses, so the size is not easily determined.

4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- As discussed above, the violation of the BUILD criteria and the increased density will be used by other developers as a precedent.
- Various Planning staff reports have cited other examples of residential buildings with a density higher than the recommended density as justification for allowing a higher than recommended density.
 - Staff comments re 211 S Bedford (2012)

<https://madison.legistar.com/View.ashx?M=F&ID=2012811&GUID=2A21F81E-0384-4ABF-9E91-2F51F0C92C23>

The Comprehensive Plan includes the subject site within the Mifflin-Basset Sub District. This recommendation includes multi-unit high-density residential development up (up to 60 or more dwelling units per acre) with a general height recommendation of two to four stories. The Bassett Neighborhood Master Plan, adopted in 1997, includes this area within the “Bassett Residential District” which recommends residential rehabilitation and new infill development in scale with the existing neighborhood. That plan recommends densities up to 40 units an acre. Staff acknowledge that this proposal exceeds this general density recommendation, but note that other projects within the Bassett Neighborhood have been approved with higher densities including the Lake Park Apartments at 451 W Wilson (114 dwelling units per acre), City Place Apartments at 432 W. Main Street (72.2 du/ac), the apartments in the Tuscan Place at 450 W. Main Street (92.3 du/ac), and the Bel Mora Apartments at 544 W. Main Street (80.5 du/ac).

- Staff comments re 617 N. Segoe
<https://madison.legistar.com/View.ashx?M=F&ID=3064957&GUID=7BCDE245-D1F6-4E40-A556-C6B74D568F83>

“Net residential densities within community mixed use districts are generally recommended to not exceed 60 du/ac (dwelling units per acre). ... More specific height and density recommendations may be established in neighborhood plans and should be compatible with the height, scale and intensity of the district as a whole and the context of the surrounding neighborhood.”

Staff comments provide a table comparing densities of surrounding residential development, note that higher densities had been approved but not implemented, provide a table of densities for non-student developments of 80+ units, and provide a table of student-oriented developments.

Interestingly, staff comments also note that there is not a neighborhood plan for Hill Farms.

- The staff report for this project states that this development will not “impede the normal and orderly development since it “sets a strong precedent for future redevelopment opportunities.” As already discussed, it does set a strong precedent for development that is not in conformance with the Comprehensive Plan, the Marquette-Schenk-Atwood Plan, or with BUILD.

5. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.

- The parking supply is not adequate. In the TSS district there should be one parking space per dwelling unit. The staff report suggests a dedicated place for a shared car in lieu of adequate parking. One shared car is not adequate to account for an approximate 24% reduction in required parking for residents. Further,

though the Plan Commission is being asked to approve a large retail/restaurant space, the applicant makes no mention of where patrons will park.

- Per the City Engineering Division (point #36), there is not enough shown about drainage.
- The ramp on the east side, as discussed above, does not provide for good pedestrian circulation movements.

6. Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.

7. The conditional use conforms to all applicable regulations of the district in which it is located.

- The first item addressed in this letter are examples of the proposal's non-compliance with the Comprehensive Plan, the Marquette-Schenk-Atwood Plan and with BUILD.

8. [NA]

9. When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation. (Am. by ORD-14-00030, 2-18-14)

- The project is not compatible with the existing or intended character of the area and the statement of purpose for the zoning district.
- TSS:
 - There is not a transition, other than the street, between this high intensity use and single family homes.
 - Viability and appeal of this block, which is viewed by many as the entry to Williamson Street, will be diminished: this large building will be out of context with the size of existing historical buildings. The Olds Building and the Harvester Building -- these magnificent examples of early 20th century industry -- will be dwarfed by the scale of this proposed building.
- BUILD: Staff believes that 1 story is not a big deal since the building "will be in scale with future redevelopment."
 - Future development, that may or may occur, and that may or may not occur at the intensities anticipated by the Planning unit, is not a factor to be considered by the Commission. The factor is how well the proposal fits objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor, or special area plans.
 - If the Plan Commission could consider future development, the ordinance would have addressed the issue as the ordinance does for Downtown Plan heights: "The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan

call for changes) 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.” It is worth noting that only future development consistent with the Downtown Plan could be considered, not future developments required zoning changes or conditional use approval.

- Though 20 feet may not sound like much, when the criteria is 54 feet, 20 feet is an increase of 37% over the maximum height allowed by BUILD (or, using a height of 72 feet, 33%).
- The height of the proposed building exceeds that which would be allowed immediately to the west on Williamson, which is 3 stories. The 600 block is roughly divided into a triangle, with the Williamson side (Zone Ia) at (1) three stories for the easterly 165 feet and (2) four stories for the remainder of Zone Ia. The bike path side (Zone IV) is 54 feet or five stories, with up to an additional two stories if a mix of bonus criteria is met, not to exceed a total height of 85 feet.



“NEW CONSTRUCTION: HEIGHT ZONES FOR THE 600 TO 1100 BLOCKS OF WILLIAMSON AND WILSON STREET” (page 31 of BUILD)

Thus, this proposal would not “result in a step down to the proposed six-story building moving east.” Rather the proposal would result in a step up: the proposal provides for a building double in height that would be permitted immediately to the west along Williamson Street.

- No building in Zones Ia can be wider than 60 feet. (Page 34 of BUILD.) Thus, this proposed building would be 3 times as wide as to buildings fronting Williamson in the 600 block.
- With regard to Staff’s comment on the issuance of a Certificate of Appropriateness by the Landmarks Commission, one item is of particular note:
Landmarks does not consider itself bound by the provisions of BUILD. A neighborhood plan like BUILD can provide guidance on how to interpret

the ordinance, but the plan is not an ordinance and does not need to be followed.

Landmarks takes this position even though BUILD was adopted by the Common Council in January 2005. The Council resolution adopting BUILD also directed Planning Unit staff “to prepare the necessary ordinance amendments to update the Third Lake Ridge Historic District Ordinance.” Over 9 ½ years later, such ordinance has not been drafted. The Plan Commission, in contrast, is required to consider BUILD. Thus, deference to Landmark’s decision on historical appropriateness is not warranted due to different criteria used by both Commissions.

10. When applying the above standards to an application for a reduction in off-street parking requirements, the Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to, the availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.141. The characteristics of the use, including hours of operation and peak parking demand times design and maintenance of off-street parking that will be provided; and whether the proposed use is now or a small addition to an existing use.

- Availability and accessibility of alternative parking is very limited (residents will not be given resident permits).
- No provision is made in the proposal for where the customers of the retail/restaurant will park.
- There are only 42 parking places for 54 or 55 (depending on the version) dwelling units that have a total of 75 bedrooms. This is almost a 25% reduction from the required one parking space per dwelling unit.

11. [NA]

12. When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.

- The Staff report concluded that to “develop the site with a three-story building and its related residential density would represent an underutilization of the property” and that the “additional height and related residential density is in the public interest”.
- The site is likely underutilized at one story. But would it be underutilized at 3 stories? That depends upon the use to which this property is put. A 3 story employment center may be an excellent use of the property.
- The Staff report offers no explanation for why a 5 story building in compliance with BUILD would be an underutilization of the property.

- The Staff report also believes that “new opportunities for activity will be provided at this important corner.” It is hard to see what opportunities will be provided for a primarily residential building that has its only entrance to the retail/restaurant space in an alley.
- When the last development on this block was before the Plan Commission, the staff report stated: “Planning Division believes that it may be appropriate to introduce residential uses into this portion of the planning area on a limited basis, such as the proposed development’s inclusion of 39 dwelling units in a mixed-use building.” That was for a 5 story building with 39 apartments on .47 acres, with a density of 83 du/acre. This proposal for a 6 story building with 55 apartments on .36 acres with a density of 153 du/acre is hardly residential housing on “a limited basis.” Staff has not offered an explanation for the change in opinion – and it is only an opinion since the provisions applicable to this project in the underlying documents have not substantially changed.

13. [NA]

14. [NA]

15. [NA]

General Welfare and Public Interest

One conditional use approval standard states a development cannot be detrimental to the general welfare. Another states that the Plan Commission, when reviewing an increase in height, shall consider the public interest in exceeding the height recommendations.

“General welfare” and “public interest” are often concepts hard to define. Fortunately, the State of Wisconsin has already determined that it is in the public interest to promote and conserve property representative of Wisconsin’s urban heritage.¹ This includes the preservation of historical properties. (*Sills v. Walworth County Land Mgmt.*, 2002 WI App 111, ¶14.)

Wisconsin statutes specifically authorize city zoning authorities to consider sites of historic preservation “for the purpose of promoting the health, safety and general welfare of the community” and expressly authorize cities to regulate historic districts “to preserve the historic ... landmarks and property within the district and the character of the district.” Wis. Stats. 62.23(7)(em).

The character of the district is important. The “Third Lake Ridge Historic District Plan” specifically recognized that “the intent of the district legislation to preserve those buildings which best symbolize the district and can be used imaginatively and economically, and to insure that new construction in the area is designed to enhance and be compatible with old.”

¹ Wis. Stat. 44.30: Public policy. The legislature finds that the historic, architectural, archaeological and cultural heritage of the state is among the most important assets of the state and furthermore that the social, economic and physical development of contemporary society threatens to destroy the remaining vestiges of this heritage. It is therefore declared to be the public policy and in the public interest of this state to engage in a comprehensive program of historic preservation to promote the use and conservation of such property representative of both the rural and urban heritage of the state for education, inspiration, pleasure and enrichment of the citizens of this state.

The “Third Lake Ridge Historic District Plan” discusses the historic context of Williamson Street.

“In this early period Williamson Street began to take on the function of being the edge of the neighborhood since there was a rail line and marshland to the north. Additionally it served as an important corridor to the river and points east. Finally the variety of residential and commercial developments which dotted the street and which served both the neighborhood and the wider community pointed to its functions as a mixed use street and as a seam between the neighborhood and high intensity commercial and industrial uses which developed around the turn of the century.”

BUILD balanced the need for more intensive use with retaining the historic context of Williamson. Thus, the lower heights along the 600 and 700 block street fronts of Williamson, with higher intensity uses possible of the back half of these blocks.

The public interest, as defined by state law, is to promote and conserve property representative of Wisconsin’s urban heritage. The urban heritage for Williamson is that of being a transition between the neighborhood and higher intensity uses. In the past, that higher intensity use was industrial and commercial. Now, the higher intensity use is large residential developments.

Granting a conditional use permit for the proposed building would bring that high intensity use directly to Williamson Street and eradicate its historical context and status as a transitional street.

True, this one development may not do such. However, Staff reports to the Plan Commission on other high-intensity proposals have often cited to prior approvals of excess height or excess density as a reason to support an application. Staff clearly considers this proposed building as the first of many higher intensity uses (“The proposal sets a strong precedent for future redevelopment opportunities just west of Blount Street, such as the Red Caboose and Gateway Mall sites, as well as development of the parking lot just to the northeast of the subject site, where a significant mixed-use development has been proposed.”)

In general, whether a development proposal adversely affects a historic district is viewed as the province of the Landmarks Commission. However, City ordinances also assign this determination to the Plan Commission. When the Landmarks Commission refuses to use the criteria of BUILD as anything more than an aide in interpreting the ordinance, and when the Plan Commission is required to take neighborhood plans into consideration, the Plan Commission should consider the ramifications of a proposal on a historic district. ²

No evidence has been offered that this proposed building is not detrimental to the general welfare or against public interest. The only statement addressing this issue in the Staff report is that this corner is underutilized, so the additional height and related residential density is in the

² Landmarks has not always taken this interpretation of BUILD. In the past there is a documented instance of where Staff clearly applied BUILD to a proposal: for the Tellurian proposal, Staff stated that “Staff feels that this building addition is compatible with the provisions of the Williamson Street BUILD Plan.” <http://legistar.cityofmadison.com/attachments/603.pdf>

public interest. Yet, that purported public interest is directly contrary to the public interest as defined by the State of Wisconsin.

Finally, to put this location in historical context:



1974, State Historical Society, Architecture and History Inventory

Respectfully Submitted,

Linda Lehnertz

Linda Lehnertz

July 7, 2014

Ken Opin, Chair
City of Madison Plan Commission

Dear Mr. Opin and Members of the Plan Commission

I live at Jenifer Street—in the heart of the Third Lake Ridge Historic District and the Williamson-Marquette neighborhood, which was recently named as one of the ten best neighborhoods in the country in which to live. This honor, bestowed by the American Planning Association in 2013, highlighted the vigor and diversity of the neighborhood and the central role that the Marquette Neighborhood Association has played in its rebirth and renewal over the past 45 years: “During the 45 years since Marquette’s turnaround began, locally owned shops, restaurants, and live music venues have occupied previously vacant spaces on Williamson Street. Startup incubators now occupy former factories, and a home-grown entrepreneurial energy prevails. Placemaking efforts, from neighborhood fairs, to music festivals, to Little Free Libraries, express the spirit of an engaged community.” The upbeat report concluded with an ominous warning: “With renewal have come new challenges: ***pressure to redevelop, gentrify, and accommodate national chains.***”

I come before you today because I am deeply concerned that these pressures are upon us as a series of new developments are being proposed for our neighborhood, indeed for the very block of Willy Street that sits below where I live. Today, I want to focus on the conditional use and demolition permit application for 706 Williamson Street submitted by Marty Rifkin. I am not opposed to the demolition, although I am opposed to the conditional use application for a number of reasons, three of which I want to highlight here:

(1) The complete disregard for the guidelines for new buildings in the neighborhood outlined in the Build II plan. In his letter to the Plan Commission, Michael Jacob, President of the Marquette Neighborhood Association detailed a key basis for MNA’s unanimous opposition to the application by Marty Rifken for a Conditional Use permit for his project—he ignores the first principal of the BUILD II plan, which is to preserve transitional neighborhood scale through: (1) *stepping down development density and building heights into the neighborhood from the edge of Blair Street eastward:* (In this neighborhood, the BUILD plan recommends a maximum height of 54 feet or 5 stories for new construction; Marty is proposing a 6 story building that is 75 feet tall from grade to the top of the parapet, excluding any rooftop mechanical equipment or elevator overrides.); (2) *avoiding drastic changes of scale between buildings on the same block:* (The proposed building is substantially higher by at least 20 feet than the tallest building in the block--the Olds Building, which sits next to it at 722 Williamson Street. Moreover, it has a gross square footage of 75,770, compared to the Olds Building, a four-story office building, which

is 60,000 square feet. The Harvester Building at 301 Blount Street, which sits behind the proposed structure, is even smaller—a 31,000 square foot three-story office building, (3) *stepping back taller buildings (and the upper stories of street-front buildings) away from the street edge:* (Although members of the MNA Building and Planning Committee have met several times with Marty to suggest stepping back the building in several ways, particularly at the corner, his only compromise before submitting his proposal was a portion of the sixth story facing Williamson Street.)

(2) A failure to appreciate the importance of protecting the view of the Capitol down Jenifer Street. As noted in the most recent version of the Downtown Plan (2012), “the dramatic views of Downtown’s skyline and the Capitol building...are among Madison’s most engaging attributes.” To help enhance and preserve these views, the plan recommends: (1) *Incorporate building height, setback and stepback requirements as provided for in this plan into the Zoning Ordinance that will preserve and enhance the identified priority viewsheds and corridors. Viewshed studies should be prepared for projects proposed in priority viewsheds to demonstrate that there are no negative impacts on the viewshed;* (2) *Establish building design standards that result in taller buildings having interesting and varied upper stories and tops.* Although members of the MNA Building and Planning Committee have met several times with Marty and his architect to show that his proposed building, in the absence of setbacks or stepbacks, will disrupt the view of the Capitol from the north side of the 700 block of Jenifer Street, they have not been responsive to this request. (We refer the committee to page 32 of the Downtown Plan, which shows Jenifer Street, which ends in front of Marty’s building, as a key “to be protected” view of the Capitol.)

(3) A disregard for the culture and character of the neighborhood and for the dangers of gentrification. Most people who live in the Williamson-Marquette neighborhood welcome developments that renovate older housing or offer new housing that fits the scale and style of the neighborhood. However, there is a deep and growing concern about newer developments that adversely affect our neighborhood, either through omission or commission. I want to conclude my comments with 4 concerns about this proposal, that, contrary to the staff review and conclusions, can adversely affect the quality of life in our neighborhood: (1) the lack of any effort to procure or include affordable housing units in the building; (2) the insufficient supply of off-street parking or a safe and legal place to drop off or pick up passengers; (3) no discussion of the environmental impact of a building of this size and density on a street that has had growing congestion in the past decade, and (4) virtually no attention to the negative impact of jobs lost by changing from a commercial site to a mixed use site. One of the major goals of the MNA, and of the BUILD II plan, is to insure that our neighborhood does not lose affordable housing. Marty informed us from the outset that he did not intend to seek funds for affordable housing units and none would be included in the proposed building. Indeed, we have no way of knowing what the costs of these rentals will be, or how these pricing effects will reverberate through the neighborhood. My fear is that it is the tip of the iceberg in gentrifying our neighborhood.

The American Planning Association concluded its comments about the Williamson-Marquette neighborhood with an upbeat and optimistic assessment of our neighborhood's future, largely because our residents care about the neighborhood and want to protect its traditional character and diverse population. I feel lucky to be a part of this neighborhood, which is why I am making an effort to write this letter and appear before you today. I look forward to the discussion.

Sincerely,

Joy Newmann
Jenifer Street
Madison, WI