

To: Plan Commission

From: Bay Creek Neighborhood Association (BCNA)

Date: January 14, 2019

Re: Proposed Conditions on Approval (CoA) on the Peloton's Revised Plans for the Peloton development

This letter represents the views of 100+ Bay Creek neighbors who have called for solutions to widely-held concerns about the impact of the Peloton development on Bay Creek that have existed since 2015. It also reflects the position of BCNA, as well as the opinion of our alder. Our past alder worked with the City Attorney's Office to formulate the Conditions on Approval that we urge you to include again as part of the current CoAs for T. Wall's development. Nothing in the plans for the Peloton before you today argues against the rationale for their inclusion; in fact, they are more needed now than ever.

The Planning staff report (not dated, but posted January 10, 2018) eliminates a number of CoAs required in the September 2017 authorization for the Peloton. Our primary concern regarding these omissions focuses on: 1) Former CoA 55, which required CUP approval for any late-night establishment that might wish to occupy the sixth-floor space in the Peloton; and 2) Former CoA 61, which required including a parking spot in the building in each tenants' rent with opt-out option for tenants without cars. We ask, however, that you take the time before approving the staff report to carefully review and weigh each of the other eliminated CoAs.

1) Former CoA 55 (2017): Any late-night (defined as open past 8:00 p.m.) restaurant, nightclub, brewpub, restaurant-tavern, restaurant-catering or restaurant-nightclub proposed to occupy the commercial areas of the building shall be reviewed by the Plan Commission as a conditional use.

This CoA needs to be stipulated fully in the current CoAs. Staff's rationale for eliminating it is that it focuses on zoning; however, other zoning CoAs from 2017 are reinstated in the current staff report. This one should be clearly identified there as well. We further request adding "restaurant-catering" among the potential conditional uses for the 6th floor that require permitting review since temporary rental of this space for weddings, graduations, etc. would also cause the influx of visitors that can not be accommodated by the Peloton's parking arrangements that led to its adoption in 2015 and 2017. We would like to see the zoning language changed to read "open after 8:00 pm nightly" to avoid the loophole of allowing the building's owner to rent the sixth floor (or other space) to a restaurant (or catering establishment closed weeknights but open late on weekends).

2) Former CoA 61 (2017): That one parking space be included in the price of rent for each dwelling unit in the project (i.e. no separate rent shall be charged for the first parking space leased by the tenant of a unit), with the ability for a residential tenant to opt-out of this requirement.

There are only 159 parking stalls in the Peloton. The developer has confirmed that he can use extra parking in Wingra Point I to fulfill his parking requirement for the Peloton's proposed 173 units (this number includes the additional 16 units that led to today's Plan review). He has indicated that he can meet the requirement of this CoA by using the 159 stalls in the Peloton plus 16 additional stalls in Wingra Point I. He has also proposed to reassess parking need after occupancy, which allows tenants to take their chances on the street is precisely the situation this CoA was designed to head off at the pass.

The inclusion of this CoA remains important—all the more now, with the possible addition of 16 units, so as not to exacerbate the street-parking congestion of the immediately surrounding neighborhood. The designated Wingra Point I stalls should be expressly dedicated to Peloton residents. (They may be part of the building's flex-parking arrangement for day-time guests and business visitors. Their lease by Peloton ownership should be stipulated within the CoAs to avoid any future confusion about or termination of the arrangement. The CoA should state that, should the ownership of either building change, the dedicated use of these parking stalls will be transferred by legal requirement to the new owner of the property, akin to the transfer of an easement.

We want to be clear that we do not believe that either of these CoAs resolves the issues that have plagued the conception of the Peloton from the start, and we stand by the opinions and requests that we expressed in our December 26, 2018 letter. "Solving" the Peloton's parking problem by pushing it onto Wingra Point I may meet the requirement for additional parking provoked by the increased number of Peloton units, but it only exacerbates the existing on-street parking problem caused by the fact the Wingra Point I tenants opt to park their cars on nearby streets rather than pay Mr. Wall's parking rental fee since parking in Wingra Point I is not rolled into the lease for tenants.

In addition, we urge that residential permits for parking should be instituted for surrounding streets (West Olin, Emerson, West Lakeside, Lake, Brooks, Midland, etc.), bypassing the usual appeal process to establish RP3 zones, thus saving time for city staff and neighbors and discouraging Peloton tenants from owning second cars. We have been assured already that Madison residents with a Peloton address will not be allowed to purchase RP3 permit.

Please see our letter dated December 26, 2018 for a full explanation of the importance of readopting these CoAs, both of which aim to lessen the impact on/better integrate Peloton into the surrounding Bay Creek neighborhood.