



City of Madison Fire Department

30 West Mifflin Street, 8th & 9th Floors, Madison, WI 53703-2579
Phone: 608-266-4420 • Fax: 608-267-1100 • E-mail: fire@cityofmadison.com

DATE: January 22, 2014
TO: Plan Commission
FROM: Ed Ruckriegel, Fire Marshal
SUBJECT: 149 E. Wilson St – McGrath Project and Marina Condominiums Fire Lane

Over the last ten days to two weeks, myself and other members of the Madison Fire Department have met with developers of the 149 site and Marina Condos to discuss the proposed project impact on the existing fire lane. As stated in the January 13 Plan Commission meeting, the new project design meets the fire access requirements of the applicable fire codes. Once the fire lane is reconstructed with an approved unobstructed width of 18 feet, the Marina site will comply with the approvals in-place at the time of construction.

Several email communications associated with the project and fire lane are attached.

cc Tim Parks

Parks, Timothy

Subject: RE: Fire safety concern

From: Ruckriegel, Ed
Sent: Monday, January 20, 2014 10:29 AM
To: Zellers, Ledell; Verveer, Mike; Davis, Steven
Subject: RE: Fire safety concern

Alder Zellers:

The fire lane on the east side of the Marina Condominium building was approved in 2005. The approval permitted an unobstructed width of 18 feet. When we approve infrastructure such as fire lanes, the approval is forever, or until the building is demolished. Further, this was a specific, rather than implied or assumed approval.

Each day our firefighters encounter some condition making it more difficult to do their jobs. Conditions range from parked trucks to water main breaks or community events in the street. These conditions necessitate the need for redundancy and overlap in fire protection and fire services. The Marina building is built of non-combustible materials and include life safety systems such as fire sprinklers, fire standpipes, two means of egress and access for each floor, fire alarms and detection, stairwell smoke control and emergency power to back-up these systems. Buildings with these safety attributes are some of the safest in our community. In addition to the built in fire protection systems, the building and occupants have the full resources of the Madison Fire Department available to respond to and mitigate hazards.

In most, if not all, cases firefighters can find someone to move vehicles blocking access or obstructing fire operations. In this case, I see room for us to set-up a ladder truck on both Wilson Street corners of the building. With the base of the ladders (rear of the truck) near the front and rear of the moving van, we could reach most of three sides of the building.

Thank you.

Ed Ruckriegel
Fire Marshal

From: Ruckriegel, Ed
Sent: Friday, January 17, 2014 10:28 AM
To: Zellers, Ledell
Subject: RE: Fire safety concern

Alder Zellers:

Certainly. It may be Monday. Is that OK?

Ed

From: Zellers, Ledell
Sent: Thursday, January 16, 2014 7:36 PM
To: Davis, Steven; Ruckriegel, Ed
Subject: FW: Fire safety concern

Hello,

Could you please get back to me on the issues raised in the email below?

Thanks.
Ledell

Alder Ledell Zellers
608 417 9521

To subscribe to District 2 updates go to: <http://www.cityofmadison.com/council/district2/>

From: Francisco Scarano [REDACTED]
Sent: Thursday, January 16, 2014 10:56 AM
To: Zellers, Ledell
Subject: Fire safety concern

Dear Alder Zellers,

In reviewing the recording of Monday's Plan Commission meeting, I noticed for the first time that you had addressed a question to Fire Marshal Rucklieger about the safety of the fire lane for the proposed adjacent buildings of 149 E. Wilson St. and the Marina. I was out of the room at that moment and did not witness the exchange.

With all due respect to the fire marshal, Madison ordinances and the International Fire Code require that fire lanes be 20 feet in width at a minimum. Marina's current fire lane is 18 feet per an order of 8/18/2005 to the developers, apparently because it was not feasible to build one to code without running into the existing Department of Corrections building (email from Ed Rucklieger to James Brannan and Joseph Llamas, copy enclosed).

Because Lance McGrath would need to rebuild the fire lane, it seems obvious that he should have to comply with code and build one that is at least 20 feet wide. Mr. Rucklieger's statement to you that "as long as the fire lane is reconstructed as the proposal states we're fine with it" skirts the issue of the legality of such a plan, because the reconstructed fire lane would still only be 18 feet wide.

In addition, it is common knowledge among fire safety experts that the 20-foot width is just a minimum. Whenever the density of occupation in nearby buildings is high, as it would be in this case (55 + 127 units= 182 units), it is sensible to require that the fire lane be wider.

It is true that in case of a fire emergency E. Wilson St. would be one of Marina's fire access roads, as is envisioned in the codes. But as you can see from the enclosed photo taken yesterday (1/15/2014), large trucks and semis would effectively block one axis of the two that are required for fire apparatus to access a building the size of the Marina.

I apologize for taking so much of your time, Ms. Zellers but this is a matter that upsets me and pushes me out of my comfort zone as an eminently calm person. Despite Mr. Rucklieger's somewhat cavalier response to your **QUESTION**, some of us are worried about the Fire Department's response capability in case of an emergency. We live in a high-rise building. It has multiple systems of fire protection, such as high-capacity sprinklers. But, as a friend of mine who owns a sprinkler installation company said to me in an email earlier this week: "on the matter of fire protection we have to adhere to Murphy's Law--'anything that could go wrong, will go wrong!'"

As a community hoping to "grow up" into a denser city (but hopefully a *smartly densifying* city as well), we deserve better from City staff and from our elected representatives.

--
Francisco A. Scarano
137 E. Wilson St., [REDACTED]
Madison, WI 53703

Parks, Timothy

From: Francisco Scarano [redacted]
Sent: Saturday, January 18, 2014 11:00 AM
To: Parks, Timothy
Subject: Fwd: Fire code implementation
Attachments: Fire Marshal to Marina developers memo 18aug05.jpg; 20140115_143408.jpg; MCO 34.503.pdf; "RE- Monday morning re- Meeting at Marina about 149 E Wilson Firelane".pdf; IFC (2012) Section 503.pdf

Copy of a message to Fire Marshal Ruckriegel.

----- Forwarded message -----

From: Francisco Scarano <[redacted]>
Date: Fri, Jan 17, 2014 at 3:20 PM
Subject: Fire code implementation
To: ERuckriegel@cityofmadison.com
Cc: Mary Waitrovich <[redacted]>, Lee Christensen <[redacted]>, psogliin@cityofmadison.com, sdavis@cityofmadison.com

Dear Mr. Ruckriegel:

This email is to follow up on the letter I personally handed to you on 13 January, to which you responded the same day in an email addressed to Mary Waitrovich. In that message you state that "the [McGrath] project [at 149 East Wilson St.] complies with the 2012 International Fire Code and MGO 34." That evening at the Plan Commission you added that "as long as the fire lane is reconstructed as the proposal states we're fine with it"-- a statement that skirts the compliance issue.

The 18-foot fire lane McMcGrath would reconstruct does not comply with code. I write to respectfully ask that you require the applicant to build at least a 20-foot wide fire lane at the proposed site.

As you know, when the Marina condominium was being built in 2005 you emailed the developers requiring them to provide an 18-foot fire access road (Ruckriegel to James Brennan and Joseph Llamas, 8-18-2005). Bullet point no. 8 of that memo said that "This approval is limited to the Marina condominiums and is not applicable to future or adjacent developments."

In looking at the fire lane then authorized it is clear why you did not ask them to comply with the 20-foot minimum width for such a lane (according to 2005 applicable IFC and Madison Code of Ordinances): the adjoining building would not have permitted it.

McGrath now intends to demolish the building, rip the fire lane, and reconstruct it. According to current MCO 34.503 and the 2012 IFC 503.2.1 (copies attached), that fire lane should be no less than 20 feet wide.

1. MCO 34.503 (1) states that "the following requirements are in addition to the requirements found in IFC section 503."
2. IFC (2012) section 503.2.1 states that "Fire apparatus access roads shall have an unobstructed width of no less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

The 20 feet is a minimum. In cities like New York that have a long experience with dense development, codes are much stricter. Currently, a fire lane of less than 30 feet is not allowed in New York. The reason is, obviously, that they understand the need for high-density developments to possess wider fire access roads. These lanes or roads are used for building evacuation as well as for staging fire equipment.

The three buildings that would exist at 137 East Wilson St., 149 East Wilson St., and 155 East Wilson St. will make up one of the densest, if not the densest, acre in Madison outside of the UW campus area. It stands to reason that the Fire Department should execute the MCO and the IFC to its strictest minimum width of 20 feet, and perhaps significantly more. Because of traffic congestion along E. Wilson St. and the dozens of obstructions that are expected for move-in and move-outs of two buildings so close together with an excess of 180 units (see photo of a moving trailer in front of the Marina, taken by me on 1/14/14), arguably the Fire Department should require a fire lane wider than the minimum.

Thank you for your attention to this matter.

Sincerely,
Francisco A. Scarano
137 E. Wilson St., Unit 1212
Madison, WI 53703

cc. Mayor Paul Soglin
Fire Chief Steven A. Davis
Lee Christiansen
Mary Waitrovich
Tim Parks

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Francisco A. Scarano

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Francisco A. Scarano



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Parks, Timothy

From: Ruckriegel, Ed
Sent: Tuesday, January 21, 2014 1:12 PM
To: Parks, Timothy
Subject: FW: Fire code implementation

FYI

From: Ruckriegel, Ed
Sent: Monday, January 20, 2014 10:24 AM
To: 'Francisco Scarano'
Cc: Mary Waitrovich; Lee Christensen; psogliin@cityofmadison.com; Davis, Steven; Verveer, Mike; Zellers, Ledell
Subject: RE: Fire code implementation

Dear Mr. Scarano:

The fire lane on the east side of the Marina Condominium building was approved in 2005. The approval permitted an unobstructed width of 18 feet. When we approve infrastructure such as fire lanes, the approval is forever, or until the building is demolished. Further, this was a specific, rather than implied or assumed approval.

The code states fire lanes shall not be less than 20 feet wide. The intent of this width is to allow fire apparatus to pass in the fire lane. Since this is a dead end fire lane, there would be no reason for one fire apparatus to maneuver around another. At 18 feet wide, the fire lane will accommodate set-up of our largest fire apparatus (ladder truck with stabilizers deployed is 16 feet wide). In practice, the minimum width is also the maximum width. The fire department does not require property owners to exceed the minimums established in the code. To do so, may be perceived as arbitrary.

The proposed development and reconfigured fire lane will not have a negative impact on fire safety of the residents living in the Marina condominiums. Keep in mind, the fire lane must be re-constructed without the stairs infringing upon the minimum approved 18 feet width. The stairs are an unpermitted obstruction and must be addressed by the property owners of the Marina Condominiums. Please confer with the board to develop a plan and schedule for compliance.

Thank you.

Ed Ruckriegel
Fire Marshal

From: Francisco Scarano [mailto:franco_scarano@gmail.com]
Sent: Friday, January 17, 2014 3:20 PM
To: Ruckriegel, Ed
Cc: Mary Waitrovich; Lee Christensen; psogliin@cityofmadison.com; Davis, Steven
Subject: Fire code implementation

Dear Mr. Ruckriegel:

This email is to follow up on the letter I personally handed to you on 13 January, to which you responded the same day in an email addressed to Mary Waitrovich. In that message you state that "the [McGrath] project [at 149 East Wilson St.] complies with the 2012 International Fire Code and MGO 34." That evening at the Plan Commission you added that "as long as the fire lane is reconstructed as the proposal states we're fine with it"-- a statement that skirts the compliance issue.

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The 20 feet is a minimum. In cities like New York that have a long experience with dense development, codes are much stricter. Currently, a fire lane of less than 30 feet is not allowed in New York. The reason is, obviously, that they understand the need for high-density developments to possess wider fire access roads. These lanes or roads are used for building evacuation as well as for staging fire equipment.

The three buildings that would exist at 137 East Wilson St., 149 East Wilson St., and 155 East Wilson St. will make up one of the densest, if not the densest, acre in Madison outside of the UW campus area. It stands to reason that the Fire Department should execute the MCO and the IFC to its strictest minimum width of 20 feet, and perhaps significantly more. Because of traffic congestion along E. Wilson St. and the dozens of obstructions that are expected for move-in and move-outs of two buildings so close together with an excess of 180 units (see photo of a moving trailer in front of the Marina, taken by me on 1/14/14), arguably the Fire Department should require a fire lane wider than the minimum.

Thank you for your attention to this matter.

Sincerely,
Francisco A. Scarano
137 E. Wilson St., [REDACTED]
Madison, WI 53703

cc. Mayor Paul Soglin
Fire Chief Steven A. Davis
Lee Christiansen
Mary Waitrovich
Tim Parks

--
Francisco A. Scarano

Subject: RE: Monday morning re: Meeting at Marina about 149 E Wilson Firelane
From: "Ruckriegel, Ed" <ERuckriegel@cityofmadison.com>
Date: 1/13/14 1:01 PM
To: 'Mary Waitrovich' <[REDACTED]>
CC: "Francisco A. Scarano" <[REDACTED]>, lee christiansen <[REDACTED]>, "Verveer, Mike" <district4@cityofmadison.com>, "Sullivan, William" <WSullivan@cityofmadison.com>

Mary:

The fire lane between buildings is not required for the 149 E Wilson development. The project complies with the 2012 International Fire Code and MGO 34. East Wilson Street serves as the required aerial fire apparatus access and meets the requirement to have fire lanes within 150 (no fire sprinkler protection) or 250 (with fire sprinkler protection) feet of all portions of the exterior walls. Since the 149 E Wilson Street project proposal complies with the applicable codes, the fire department does not have any concerns or objections.

As we discussed, the exit stairs on the east side of the Marina Condominium building conflicts with the approvals of 2005. I welcome the opportunity to discuss a plan and schedule for modifications to resolve the compliance issue.

Ed Ruckriegel, Fire Marshal
30 W Mifflin Street, 9th Floor
Madison, WI 53703
(608) 266-4457
eruckriegel@cityofmadison.com

From: Mary Waitrovich <[REDACTED]>
Sent: Monday, January 13, 2014 10:07 AM
To: Ruckriegel, Ed
Cc: Francisco A. Scarano; lee christiansen
Subject: Re: Monday morning re: Meeting at Marina about 149 E Wilson Firelane

FM Ruckriegel,

Thanks again for meeting with us. I looked at the approval document you gave us for the original firelane that allowed it to be 18 feet instead of 20 feet. Why are you extending the 18 feet exception to the McGrath project when the approval document explicitly excludes "future or adjacent" development from the terms of the approval?

Thank you,
Mary Waitrovich

On 1/13/14 7:53 AM, Mary Waitrovich wrote:

RE: Monday morning re: Meeting at Marina about 149 E Wilso...

Fire Marshall Ruckriegel,

Not sure if you get your email at home but I wanted to let you know I am home, up and eagerly awaiting your call about when you can meet today here at the Marina. This meeting is extremely critical because, as I am sure you know, the Planning Commission meeting on approval of the McGrath proposed project at 149 E Wilson is tonight at 6 PM.

One other person from our building will participate in our meeting and we have reduced some of our concerns to writing for your reference.

I look forward to hearing from you. My phone: 225-1626

Thank you,
Mary Waitrovich for The Marina Condo Association Board

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Mary Waitrovich
Media Plus You, LCC
www.mediaplusyou.com

MEDIA PLUS YOU

Parks, Timothy

From: Melissa Berger [mailto:melissaberger2@gmail.com]
Sent: Tuesday, January 21, 2014 8:54 PM
To: Parks, Timothy
Subject: Fwd: Making downtown Madison a desirable place to live

I hope I'm not the only one getting these... Please pass on, thanks!

Sent from my iPhone

Melissa Berger ([mailto:melissaberger2@gmail.com])

Begin forwarded message:

From: Lori Bondura [mailto:loribondura@earthlink.net]
Date: January 21, 2014, 8:32:50 PM CST
To: [mailto:melissaberger2@gmail.com]
Subject: Making downtown Madison a desirable place to live

Dear Melissa,

As a homeowner I believe you can understand our apprehension over the 149 E Wilson St apartment proposal. If there was a massive building going into your back yard that looked directly into your bedroom and your children's bedrooms you too would be upset.

There has been a lot of talk about the "rich " people of the Marina not getting their way. While there may be some wealthy people in residence here, I guarantee not all of us come close to being in that category.

My husband and I are from blue collar working class stock from the coal towns of Pennsylvania. We have lived all over the United States from Atlanta to Seattle and many places in between. We put our daughters through college without loans and paid our bills. When the market crash of 2008 occurred, we were upset and angry. Angry at our government, and angry that the greed of a few people could cause such widespread economic damage. Unless you were lucky or one of the very rich the economic impact was significant. A career opportunity brought us to Madison in 2009 and we rented after owning homes for 30 years. Renting was a hardship, but we were not certain if we were willing to invest in the purchase of a home again. We finally did decide to buy a condo in Madison instead of a house in the suburbs. Although a comparably priced house would have offered us much more room a yard, storage and a garage. Instead we chose to trade some of those amenities for the vibrancy of living in a downtown condo. Were we foolish to trust the city plan adopted by the Common Council in July of 2012? Is it too much to expect the following recommendations quoted from the report, "build middle and upper segments of the housing market", " encourage high value projects that enhance property values, with innovative high quality architecture," to be followed?

While this apartment building at 149 E Wilson St. is exactly the type of project Madison wants to attract, I ask you to please look closely at that inferior design of this building for the size of the lot at 149 E Wilson St. What will the consequences of having two massive building this close together and what effects will it have on the property values of the Marina and the continued lack of safe and easy access to the Capitol City Trail? The difficult street parking and a confusing intersection with bicyclist and pedestrians dogging cars from driveways and garages? Last week

I witnessed a bicyclist going the wrong way on Wilson Street, fall over trying to avoid colliding with a car. This isn't an infrequent occurrence and adding so many more people can only make it worse. I also ask you, what is the long term value of this style building as a century building in a prominent position on the skyline of Madison. Do we really think it will be a well maintained apartment building 20 years from now when McGrath and his investors have resold it and moved on.

As someone who is very familiar with the real estate market, I know you can also appreciate our very real concern on the impact to the value of our homes. It is undeniable it will be diminished if it is approved without greater setbacks. Lance McGrath has been adamant that he and his investors can only make money if this project is built his way, with few apartments having any view except the equivalent of a tenement air shaft between the apartments and the Marina Condos. While I appreciate his desire to make money, I don't appreciate the thought of us loosing up to \$100000 dollars to pay for his investment. Nor can we afford it being so close to retirement. Tim Parks was asked by the Common Council if there where any other residential projects of this magnitude this close together anywhere else in Madison and he was hard pressed to think of any project big or small, eventually he said , "no there were not." Let's all take our time and come up with a mutually agreeable building or other project suitable for the lot and not create a financial loss for the people who have already made a commitment to live downtown.

Thank you for taking the time to read my protest against this development.

Sincerely,

Lori Bondura
137 E Wilson [REDACTED]