

**From:** [annewalker@homelandgarden.com](mailto:annewalker@homelandgarden.com) <[annewalker@homelandgarden.com](mailto:annewalker@homelandgarden.com)>

**Sent:** Thursday, March 24, 2022 8:23 AM

**To:** Plan Commission Comments <[pccomments@cityofmadison.com](mailto:pccomments@cityofmadison.com)>

**Cc:** Stouder, Heather <[HStouder@cityofmadison.com](mailto:HStouder@cityofmadison.com)>; Benford, Brian <[district6@cityofmadison.com](mailto:district6@cityofmadison.com)>

**Subject:** Special Meeting, Build to Line

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Dear Plan Commission Members

My understanding is that you are considering a 'build to line' option tonight. If this is referring to new buildings being built lot line to lot line, I would ask you to consider language from the *City of Madison Downtown Plan*, Adopted in 2012.

"Urban Forest--A healthy urban forest comprised of all the trees within the public right-of-way and on private property can contribute greatly to perceptions of community. Recent development has generally occupied more lot area and left less room for existing or new trees. This has put a premium on having healthy and sustainable trees along streets and sidewalks. Trees with larger canopies in particular can greatly enhance a streetscape. Trees provide shade, habitat, color and other aesthetic enhancements, reduce the urban heat island effect, and offer many other benefits. The importance of street trees in maximizing the goal of developing a tree canopy on Downtown streets cannot be overstated."(pg 40)

I would further comment that while floods are the #1 weather related issue that city dwellers will experience, heat waves are the leading weather related cause of death. The isthmus has an abundance of pavement, buildings, etc which absorb the heat from the day and re-radiate it at night, making the area prone to the urban heat island effect. Building a resilient city requires making and maintaining space for trees. Recommendation 59 from the *Downtown Plan*. "*Require new development to provide space and plant trees in side and/or rear yards, as well as in the front yard where there are required setbacks.*" I agree.

Respectfully,

Anne Walker

Plan Commission  
Special Meeting, March 24, 2022  
Agenda item #3, Legistar 70576

**Drive-thru windows**, page 14

Staff proposes implementing current TSS drive-thru regulations for all TOD areas\*

\*MGO 28.151, Vehicle Access Sales and Service Windows (aka drive-thru): "vehicle access sales and service windows shall be located under the building in which it is located, and the building shall have commercial or residential uses along the primary street frontage"

MGO 28.151 was amended in 2017 to add this TSS provision (prior to the amendment, drive-thru windows were not allowed). Associated Bank was moving to 1603 Monroe and wanted a drive-thru window in the parking area under the building.

However, the provision has been interpreted, and approved by Plan Commission, to include a drive-thru window that is visible and at street level.



Heartland Credit Union, 944 Williamson

This proposal would increase the infrastructure necessary for a drive-thru window. Rather than merely having an awning, a business would build a bigger building so that the drive-thru window would be "under the building."

**Traditional Residential - Urban District 2 (TR-U2)**, page 27

The table states for TR-U2 that the number of permitted units would increase for 60 to 100, and height would increase from 4 stories to 5 stories. The ordinance does reflect up to 60 dwelling units as a permitted use. However, this appears to be an error.

When the Council approved the upzoning ordinance, Legistar 63902, one amendment was adopted. The action details of the Legistar record state: "A motion was made by Evers, seconded by Figueroa Cole, to Adopt the Substitute as Amended and Close the Public Hearing. The amendment proposed by Alder Evers calls for changing the threshold in the TRU-2 district from >60 to >36." The motion passed.

The Council made this change after hearing from a number of residents of a relatively affordable housing building - 222 Merry Street – and their neighbors. 222 Merry and 230 Merry (currently a parking lot) are zoned TR-U2 in the midst of TR-C4 zoning (2 stories/35 feet). The Council specifically determined that 36 should be the maximum number of units.



In addition, this upzoning is not generally consistent with the Comprehensive Plan. The Comprehensive Plan has this area as Low Residential, including 222 and 230 Merry. The Comprehensive Plan states:

"While more intense forms of multifamily or mixed-use development may occur as mapped along major corridors adjacent to, or running through, LR areas, any infill or redevelopment that occurs within an LR area should be *compatible with established neighborhood scale*, and consistent with any relevant sub-area plan." (emphasis added)

**Traditional Employment District (TE)**, pages 27 and 62

The table on page 27 only shows a change regarding drive-thru windows. Page 62 shows a height increase from a permitted 5 stories to 8 stories. The table makes more sense – since the TOD overlay is intended to increase permitted density and since residential uses in TE all require conditional use approval, there is no need to increase height as part of the TOD overlay.

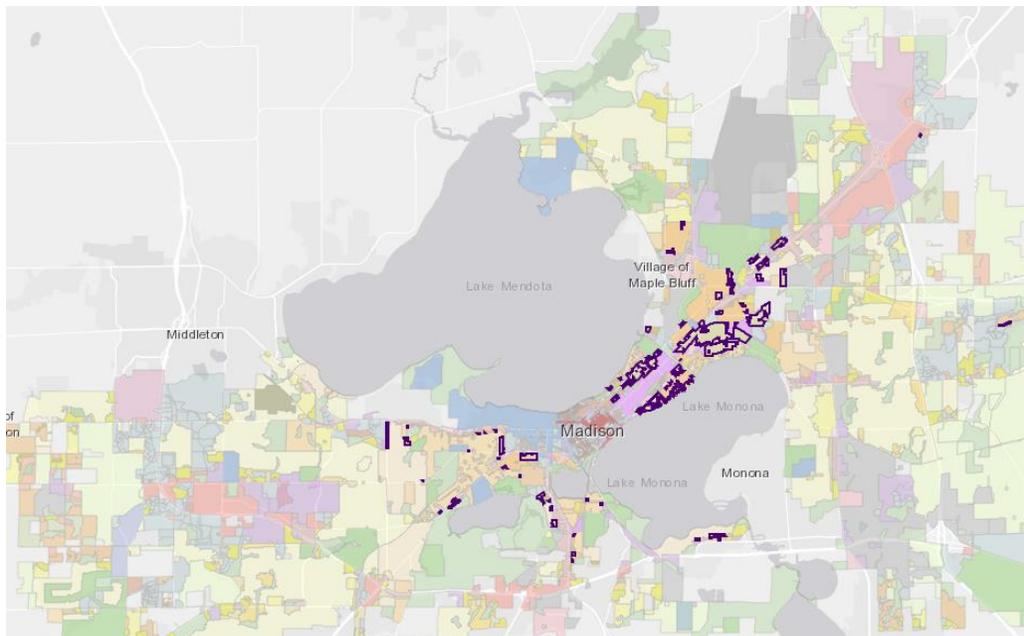
The same could be said for Suburban Employment (proposed to increase from 5 to 8 stories) and for Commercial Center (from 5 to 6 stories). In both SE and CC, residential uses, whether mixed-use or a purely residential building, require conditional use approval.

**Build-to line**, page 14

“Additionally, staff proposes considering a build-to line for multiuse sites and residential building complexes.” Does this mean build from lot line to lot line, eliminating setbacks? If so, that raises two concerns: (1) elimination of even more stormwater infiltration areas, particularly in the isthmus which has flooding issues; and, (2) large buildings not compatible with neighbors in terms of setback, or large buildings close to residential (in many areas, residential is within 6 feet or less of the property line). The Downtown Plan prioritizes the redevelopment of 1960s era “zero lot line” residential sites, yet it would appear that this same design may be being proposed.

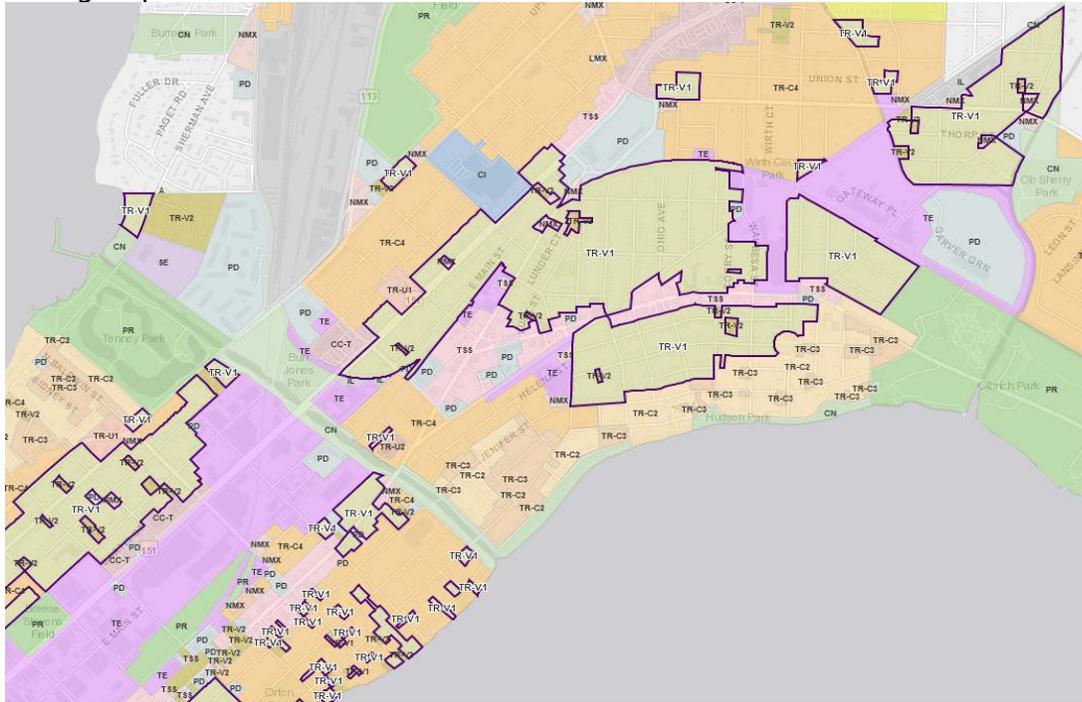
**Traditional Residential - Varied District 1 (TR-V1)**, page 27

TR-V1 would increase from 4 to 8 units. As can be seen from the map below, this zoning code is concentrated in the isthmus/Atwood area.

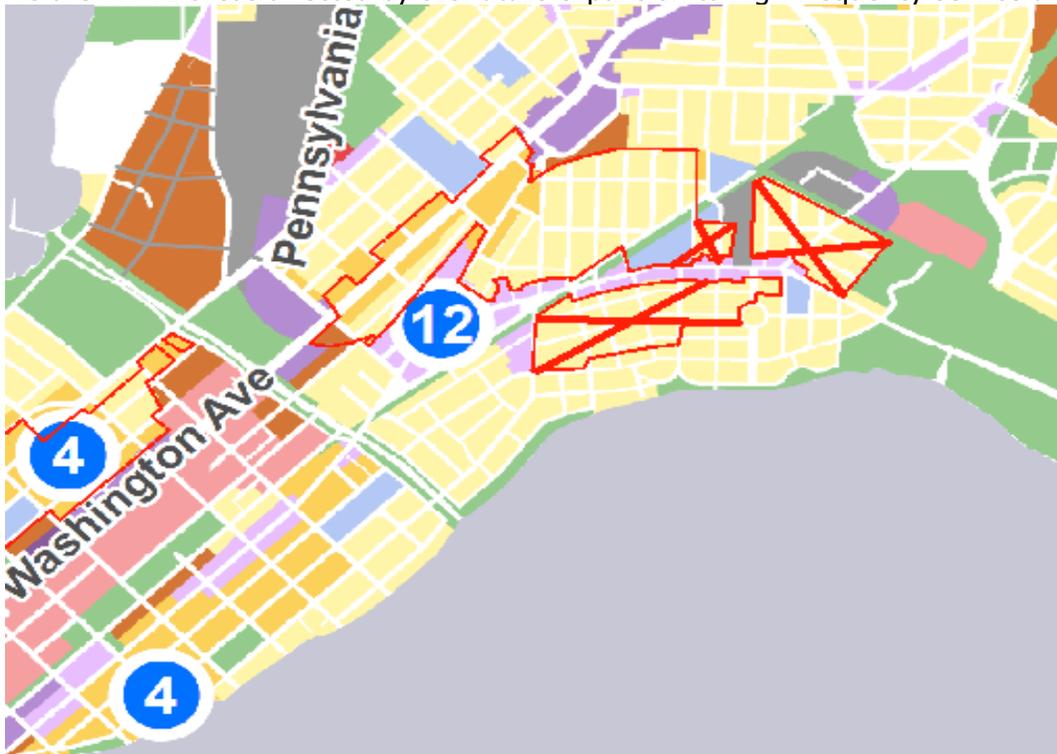


As can be seen from the maps below, much of this TR-V1 in the isthmus/Atwood area is in areas the GFLU map designates as Low Residential.

Zoning map



GFLU map (red outline approximates the TR-V1 locations in Atwood and Tenney-Lapham; red X's are TR-V1 areas affected by the future expansion to high-frequency service areas).



Most of the TR-V1 parcels in the Atwood area are Low Residential. An 8-unit building is not compatible with Low Residential.

The Comprehensive Plan provides:

- Low Residential can have 2-family dwellings with a general density range of 15 units/acre or less.
- 3-unit buildings, single-family attached buildings, and small multi-family buildings are "permitted in select conditions at up to 30 DU/ac and three stories, *generally along arterial streets* or where these types of buildings are already present or planned within an adopted sub-area plan as part of a pattern of mixed residential development."
- "Smaller two-, three-, and four-unit apartment buildings and rowhouses may be compatible with the LR designation, especially when specified within an adopted neighborhood or special area plan and *when constructed to fit within the general "house-like" context LR areas*. While more intense forms of multifamily or mixed-use development may occur as mapped along major corridors adjacent to, or running through, LR areas, *any infill or redevelopment that occurs within an LR area should be compatible with established neighborhood scale*, and consistent with any relevant sub-area plan." (emphasis added, Comprehensive Plan page 20)

In the Low-Medium Residential areas along Winnebago and East Washington, an 8-unit building would be generally consistent with the Comprehensive Plan.

In the Tenney-Lapham area, TR-V1 is generally parcels identified as Low-Medium Residential on the GFLU map. To the extent that Low Residential parcels are zoned TR-V1, the above points would apply. To the extent that TR-V1 parcels are designated Low-Medium Residential on the GFLU map, the Comprehensive Plan has a very specific footnote that applies to those parcels:

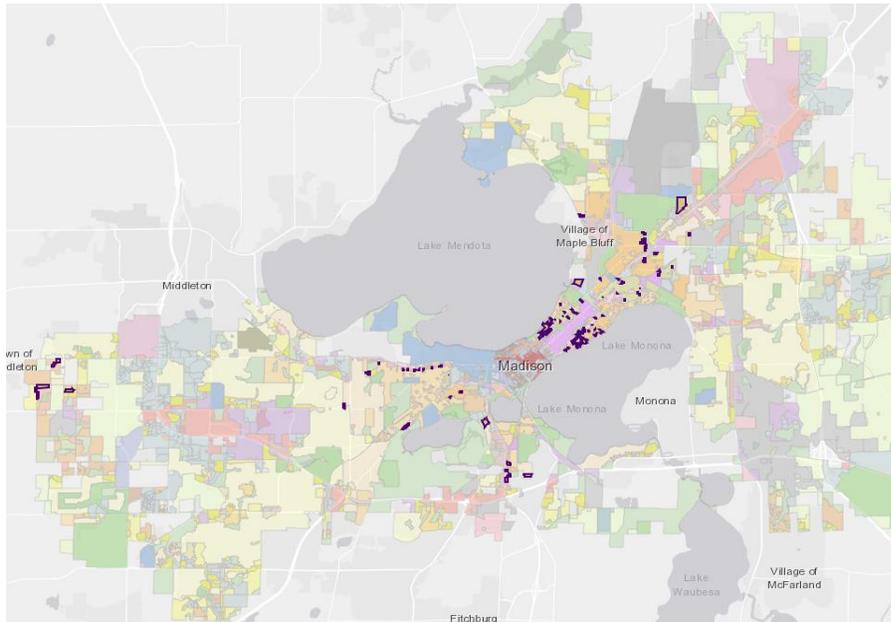
Map Note #4: The "house-like" residential character of this LMR area should be retained, and any limited redevelopment should generally maintain the current single-family/two-flat/three-flat development rhythm.

Thus, in the Tenney-Lapham area, no TR-V1 parcels are suitable for 8 units since that would not be generally consistent with the Comprehensive Plan.

**Traditional Residential - Varied District 2 (TR-V2)**, page 27 and 44

This proposal would increase the permitted number of units from 12 to 24, and increase height from 3 stories to 4 stories.

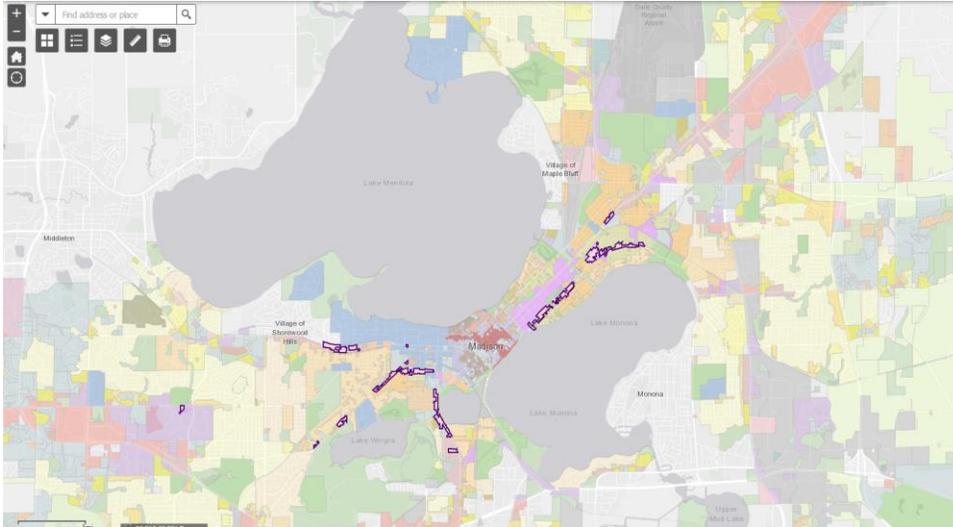
Almost all of TR-V2 is located along the BRT corridor. TR-V2 sites are often scattered properties rather than a district, often intermixed with single-family and 2-units.



Up until last June, TR-V2 permitted use maxed out at 4 units. The upzoning ordinance raised that to 12 units. Now this proposal would raise the permitted number of units to 24, plus increase height by one story to 4 stories. Thus, while surrounded by single family and 2-unit buildings with a height of 2 stories/35 feet or less, a 24-unit building could spring up at 4 stories and 52 feet (52 feet is allowed under TR-U1 for 4 story buildings).

**Traditional Shopping Street (TSS),** page 27

This proposal would increase permitted use from 48 to 60 units in mixed-use buildings and increase permitted height from 3 stories to 4 stories. TSS is located almost exclusively in the planned BRT corridors.



Like TR-V2, the upzoning ordinance approved last June significantly increased allowable density. The number of permitted residential units in a mixed-use building increased from 24 to 48, and purely residential buildings were permitted 5-24 units (up from 0). And now an additional 25% increase in density is proposed.

MGO 28.065 provides that the TSS district is intended, in part, to: maintain the viability of existing residential buildings located within or adjacent to these corridors; and, encourage appropriate transitions between higher-intensity uses within TSS districts and adjacent lower-density residential districts.

There are some TSS locations where a 48-unit, 4 story mixed-use building would not negatively impact the viability of residential buildings and also have an appropriate transition to residential uses - 1603 Monroe is an example. 1603 Monroe is 138' in length, 98' deep, about 51' in height, is stepped back at the 4<sup>th</sup> story, and has 44 units. But would this building work if it was sited between two single-family homes at 1½ -2 stories?



When the Comprehensive Plan was being drafted, the Atwood TSS area was initially proposed as Community Mixed-Use. The Atwood neighbors asked that it be changed to Neighborhood Mixed-Use, the Plan Commission discussed the request and agreed, and the Council approved. Neighborhood Mixed-Use has a general density range of 70 units/acre or less. Community Mixed-Use has a general density range of 130 units/acre or less. Almost certainly any 4-story TSS building will be well into the Community Mixed-Use density range (the density of 1603 Monroe is 113 dwelling units/acre).

Allowing a conditional use building with a density of 113 units/acre in an area that is designated Neighborhood Mixed-Use on the GFLU does not violate the Comprehensive Plan since the density ranges are general densities. However, when a 4-story mixed-use building with 60 dwelling units is a permitted use on any TSS zoned parcel, when demolition is not subject to restrictions, and when the maximum building size has been removed from the ordinance, that changes the calculation and the Comprehensive Plan could/will be violated.

The City has already decided that 4-story buildings are not compatible in all NMX and TSS areas. When the Zoning Code rewrite was being finalized, staff had this to say:

- Staff believe the maximum building height in the NMX district should be reduced. As staff “tested” these heights, a four-story height limit did not appear compatible in some of the areas that are otherwise believed to be appropriate for NMX zoning.
- Staff recommend the maximum permitted building height be reduced to 3 stories/40 feet, similar to the recommendation for the NMX district, with additional height allowed if approved as a Conditional Use.

<http://legistar.cityofmadison.com/attachments/64b74a53-9b8e-41ea-84d8-a098197fc0c8.pdf>

The Zoning Code, section 28.060(2)(h) provides: “New development shall relate to the design of traditional buildings adjacent to the site, where present, in scale and character.” Is it even possible for a 60-unit 4-story mixed-use building to be comparable in scale with most traditional buildings?

### **Neighborhood Mixed-Use (NMX), page 27**

This proposal would increase permitted use from 24 to 36 units in mixed-use buildings and increase permitted height to 4 stories from 3 stories.

Like TR-V2 and TSS, the upzoning ordinance approved last June significantly increased allowable density. The number of permitted residential units in a mixed-use building increased from 8 to 24, and purely residential buildings were permitted up to 12 units. This proposal would result in a 450% increase in permitted units for mixed-use properties as compared to last May.

Like TSS, NMX generally has a Neighborhood Mixed-Use designation on the GFLU, though NMX is a less intensive use than TSS – NMX is intended to serve the shopping needs of residents in adjacent neighborhoods (things like a gas station or a vet clinic). Though some locations may be suitable for this density and height, many will not be suitable.

Respectfully Submitted,  
Linda Lehnertz

**From:** [annewalker@homelandgarden.com](mailto:annewalker@homelandgarden.com) <[annewalker@homelandgarden.com](mailto:annewalker@homelandgarden.com)>

**Sent:** Tuesday, March 22, 2022 9:22 AM

**To:** Plan Commission Comments <[pccomments@cityofmadison.com](mailto:pccomments@cityofmadison.com)>

**Cc:** Benford, Brian <[district6@cityofmadison.com](mailto:district6@cityofmadison.com)>; Stouder, Heather <[HStouder@cityofmadison.com](mailto:HStouder@cityofmadison.com)>; Lynch, Thomas <[TLynch@cityofmadison.com](mailto:TLynch@cityofmadison.com)>; Fries, Gregory <[GFries@cityofmadison.com](mailto:GFries@cityofmadison.com)>

**Subject:** BRT overlay district, Yahara River and Merry

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Plan Commission Members

In my neighborhood for the past week or so, there has been a surveyor from the City of Madison eying up the neighborhood. There are flooding issues from about the Yahara River, up along Winnebago and Eastwood to about Amoth Court. Flooding is a chronic issue in the area...and an acute one. The flood of 2018 is still a very fresh memory for many of us.

Along the Yahara River is a parcel that is being considered for higher density for the BRT overlay district. I'll be honest and say that that particular location is a real head scratcher for me. In an area that floods, along a river that floods, you are considering higher density. According to the Wisconsin Department of Natural Resources (2000) publication AM-303-00, *Warming Trends: What global climate change could mean for Wisconsin*, "Precipitation could increase by as much as 10 percent on average, but much of the increased precipitation could come in the form of intense storms, leading to local flooding and more runoff."

The spot under consideration for more density floods now...has for years. It is below a lock that is opened when Lake Mendota gets too full. And the advice from many reputable resources is to plan for more flooding in our future. A future that seems to have arrived. I would ask that the BRT Overlay District arrive at a similar conclusion.

I do not support increased density in flood prone locations.

Respectfully,

Anne Walker

( I included the e-mail I sent earlier on the topic-below)

To: [pccomments@cityofmadison.com](mailto:pccomments@cityofmadison.com)  
Subject: TOD, item #2  
Copies to: [district6@cityofmadison.com](mailto:district6@cityofmadison.com)  
Date sent: Fri, 03 Dec 2021 09:59:54 -0600

Dear Plan Commission Members,

I am a strong supporter of BRT. Living in the isthmus, on a secondary arterial, Winnebago, I very much appreciate BRT's potential to help prevent congestion, improve the quality of life for isthmus residents and the population as a whole.

BRT is especially important in an isthmus. Not many capitals are built on an isthmus. I think there is wisdom in that, most especially one that is narrow, flat and a former wetland. My understanding is that the BRT's TOD focus is to increase building density within a quarter mile of BRT stops. There is certainly wisdom to that plan. My question is how is flooding potential, mitigating the urban heat island effect and climate change being considered in this formula?

Living in the isthmus, below the Tenney Locks, I have learned to have a great appreciation for flooding. I have experienced several of them starting in the early 90's. The most recent flooding event required the National Guards aid as well as city staff, scores of neighbors and many many sandbags to get us through. I question the wisdom of continuing to build in these flood prone areas.

Roger Bannerman worked for the DNR for many years and is the person the city of Madison has named our rain garden program after. He modeled the increase of urban run-off for Lake Mendota. By 2020, based on our patterns of development, the increase was modeled at 57%. I mention this study because flooding in the isthmus had felt like a freight train coming at us in my neighborhood. What happens when Lake Mendota is at its storage capacity is the locks are opened. As many of you know, opening the locks can be a flooding problem for those of us who live below them.

The tendency in the isthmus for newer developments is to build up. However, that can still leave roads and infrastructure in the flooding zone. This trend is also problematic for existing neighbors, With newer neighbors building higher, existing neighbors potentially become the low spot, and more likely to flood. And in an old neighborhood, that's quite a few of us.

I ask you to please, very carefully consider the implications of continuing to build in flood prone areas and in areas that are prone to urban heat issues. We are flood prone and canopy tree deficient

in the isthmus. Often rooftop gardens are heralded as the answer. While I absolutely support rooftop gardens and their beneficial effects, they are *not* a substitute for greenspace on the ground.

Respectfully,

Anne Walker

District 6

Professional Landscape Gardener/Rooftop Gardener

----- End of forwarded message -----

**From:** [Nicholas Davies](#)  
**To:** [Plan Commission Comments](#)  
**Cc:** [mawton@boardmanclark.com](mailto:mawton@boardmanclark.com)  
**Subject:** Yes on TOD overlay (with Hill Farms plz!)  
**Date:** Sunday, March 20, 2022 9:37:08 PM

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Dear Plan Commission members,

First and foremost, I want to voice my support for the transit overlay zoning plan. It makes sense that there will be demand for increased density along corridors that have fast, reliable transit service. And that it's in the public interest to allow that density:

- \* It will allow more people to live close enough to transit to use it, and reduce vehicle miles traveled--important for climate stability and mitigating congestion.

- \* It will help close the gap of Madison's housing shortage, in a way that doesn't require outward sprawl, allowing our city to keep its close relationship with nature and food production.

- \* More people living along these corridors and using them in a pedestrian/transit-heavy way will be conducive to small, local businesses. For instance, someone living along the transit corridor is more likely to use a neighborhood shop and less likely to drive to Walmart/Costco/etc. In the long run, this will make these neighborhoods more walkable for current residents as well as for the new arrivals.

The staff presentation asks: "Are the other draft TOD overlay boosts/restrictions doing enough?"

I don't believe so. In zones that are currently exclusively single-family like TR-C1, the transit overlay would only allow up to two housing units (ie. a duplex) plus an optional ADU. This is far too modest.

We want densification to actually happen don't we? I just don't think a homeowner will have much motivation to reimagine the use of their land, if the most they can get out of it is a second dwelling.

I would propose that TR-C1 - TR-C3 be effectively treated as TR-C4 along the transit corridor. Where I currently live in Eastmoreland, there's a mix of these (including TR-C4), and I can speak from experience that it is anything but character-killing.

Lastly, in the Legistar files, there was an attachment from a "Mike Lawton" from the Hill Farms Neighborhood Association. I lived in Hill Farms in 2016-2020, and so I can say two things with confidence:

- \* He does not represent the residents of Hill Farms, in any democratic sense. At most, he represents only the most leisurely and vocal minority of the landed gentry. Thus the unsurprising status quo bias.

- \* There is already dense housing in some of Hill Farms, because it's a good place to live. More

people would if they could.

It's a shame (and to the neighborhood's stifling detriment) that single-family zoning remains in effect in much of the area.

It's a further shame that, because of the historical accident that the area mostly got built up around the same time, it now has a historic district designation, obligating us to perpetuate the mistakes of the past into the future.

This designation just isn't a good reason to suppress density along our city's primary transit corridor. Madison is woefully overdue for mass transit, and we need it to succeed for Madison to continue to grow in a scalable, sustainable way. We should not be creating "dead zones" along its main route, ie. stops where the only destinations are single-family housing.

To be clear, I'm not asking for Mr. Lawton's house to be torn down and replaced with a corner store with apartments on top. That is his decision to make, not mine. But it certainly would make his immediate neighborhood that much more walkable.

Thank you,

Nick Davies  
3717 Richard St

**From:** [Michael J. Lawton](#)  
**To:** [Stouder, Heather](#)  
**Cc:** [Martin, Arvina](#)  
**Subject:** FW: Madison East-West BRT Project No. 21-0692/DA - Comments Letter of January 24, 2022 from Elizabeth Briesath and Response on behalf of Hill Farms Neighborhood Association  
**Date:** Thursday, March 10, 2022 3:30:37 PM  
**Attachments:** [SHPO Review 21-0692 DA - Madison East-West Bus Rapid Transit \(BRT\) Project.pdf](#)  
[RE Further Coordination 21-0692DA - Madison East-West Bus Rapid Transit \(BRT\) Project.msg](#)

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Heather,

Please put the exchange of emails below in the official file on the Transit Overlay District matter that has been considered by the Plan Commission. I trust that the Hill Farms Historic District will be excluded from any TOD ordinance per the report on which the determination of no adverse effects was based. Thanks.

Mike Lawton  
Chair, Hill Farms Planning Committee

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**From:** Breiseth, Elizabeth (FTA) <elizabeth.breiseth@dot.gov>  
**Sent:** Thursday, March 10, 2022 1:31 PM  
**To:** Michael J. Lawton <mlawton@boardmanclark.com>; compliance@wisconsinhistory.org; kimberly.cook@wisconsinhistory.org  
**Cc:** Keyes, Joe R. <joe.keyes@tdstelecom.com>; HBAiley@cityofmadison.com; Buechel, Mark T <mark\_buechel@nps.gov>; calfano@gmail.com; Sue Springman <sue@mullinsgroup.com>; Wheeler, William (FTA) <William.Wheeler@dot.gov>; Greg Rainka <grainka@chg-inc.com>; Carey, Graham <GCarey@cityofmadison.com>; Cechvala, Michael <MCechvala@cityofmadison.com>; Adele Hall <AHall@srfconsulting.com>; LaCombe, Sharyn (FTA) <sharyn.lacombe@dot.gov>  
**Subject:** RE: Madison East-West BRT Project No. 21-0692/DA - Comments Letter of January 24, 2022 from Elizabeth Briesath and Response on behalf of Hill Farms Neighborhood Association

Mr. Lawton,

Thank you for your comments submitted via email on February 23, 2022. I'm glad we were able to come to agreement and address the concerns your association raised. Attached to this email you will find WI SHPO's concurrence with FTA's determination that the Madison BRT project will not result in adverse effects to historic properties. Also attached is the 2/22/22 email between FTA and WI SHPO referenced in the concurrence letter.

Rest assured that the design details reviewed as part of the Section 106 review process and the NEPA Categorical Exclusion (CE) document being prepared by FTA and City of Madison are part of the administrative record for the project. FTA makes a decision to fund a project based on the results of the information contained in the CE. Any departure from the assumptions of the design described in the CE will require a re-evaluation of FTA's decision in accordance with 23 CFR §771.129

and the City of Madison would be required to coordinate with FTA to determine whether additional consultation with consulting parties under Section 106 would be required.

In addition to the CE, the City of Madison is required to sign and follow the terms of the FTA Master Agreement which is also a legally binding document. Section 26 specifically identifies the requirements for complying with all environmental regulations as a stipulation to receiving grant funding ([see Section 26 here](#)). Failure to adhere to this agreement would jeopardize the receipt of federal funds for the project.

We note your objection but understand that your objection does not fall under Section 106 as it is not with FTA's effects finding pursuant to 36 CFR 800.5(c)(2). The Advisory Council on Historic Preservation citizen's guide to Section 106 may answer any questions you may have about the process: [CitizenGuide2021\\_011321.pdf \(achp.gov\)](#).

Please reach out with any questions.

Thanks, Elizabeth

---

**From:** Michael J. Lawton <[mLawton@boardmanclark.com](mailto:mLawton@boardmanclark.com)>

**Sent:** Wednesday, February 23, 2022 3:36 PM

**To:** Breiseth, Elizabeth (FTA) <[elizabeth.breiseth@dot.gov](mailto:elizabeth.breiseth@dot.gov)>; [compliance@wisconsinhistory.org](mailto:compliance@wisconsinhistory.org); [kimberly.cook@wisconsinhistory.org](mailto:kimberly.cook@wisconsinhistory.org)

**Cc:** Keyes, Joe R. <[joe.keyes@tdstelecom.com](mailto:joe.keyes@tdstelecom.com)>; [HBailey@cityofmadison.com](mailto:HBailey@cityofmadison.com); Buechel, Mark T <[mark\\_buechel@nps.gov](mailto:mark_buechel@nps.gov)>; [calfano@gmail.com](mailto:calfano@gmail.com); Sue Springman <[sue@mullinsgroup.com](mailto:sue@mullinsgroup.com)>; Wheeler, William (FTA) <[William.Wheeler@dot.gov](mailto:William.Wheeler@dot.gov)>; Greg Rainka <[grainka@chg-inc.com](mailto:grainka@chg-inc.com)>; Carey, Graham <[GCarey@cityofmadison.com](mailto:GCarey@cityofmadison.com)>; Cechvala, Michael <[MCechvala@cityofmadison.com](mailto:MCechvala@cityofmadison.com)>; Adele Hall <[AHall@srfconsulting.com](mailto:AHall@srfconsulting.com)>

**Subject:** RE: Madison East-West BRT Project No. 21-0692/DA - Comments Letter of January 24, 2022 from Elizabeth Briesath and Response on behalf of Hill Farms Neighborhood Association

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Briesath and Ms. Cook:

Our Association accepts the concessions noted in the Determination of No Adverse Effects dated January 2022 on pages 13, 14, 15 and 18, regarding the reduced station footprint, structure size and profile at the Regent – Whitney Way station and regarding the continuing availability of the City 2-hour parking option for residents in the Hill Farms neighborhood affected by station parking at all stations in the neighborhood, and on page 19 concerning the exclusion of the Hill Farms Neighborhood from the TOD zoning district being considered by the City.

However, we must point out that putting commitments in a report written by City consultants is not a binding agreement under Wisconsin law that binds the City of Madison. The only way that these

commitments are legally binding is for them to be included in an agreement with the federal government approved by the City Council and signed by the Mayor, or to be included in legislation adopted by the City Council and signed by the Mayor. Given that we are not aware of any agreement having been entered into, nor any legislation being adopted by the City Council on these items, the Hill Farms Association must continue its objection to this project under section 106 until these concessions are put into a legally enforceable agreement adopted by the Mayor and City Council, which has not yet occurred. We will be happy to withdraw our objection when that occurs. We look forward to receiving the text of the proposed document to deal with our objections.

Thank you for working with us on this matter thus far.

Mike Lawton  
Chair, Hill Farms Planning Committee

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**From:** Breiseth, Elizabeth (FTA) <[elizabeth.breiseth@dot.gov](mailto:elizabeth.breiseth@dot.gov)>

**Sent:** Monday, January 24, 2022 2:20 PM

**To:** [compliance@wisconsinhistory.org](mailto:compliance@wisconsinhistory.org); [kimberly.cook@wisconsinhistory.org](mailto:kimberly.cook@wisconsinhistory.org)

**Cc:** Michael J. Lawton <[mlawton@boardmanclark.com](mailto:mlawton@boardmanclark.com)>; Keyes, Joe R.

<[joe.keyes@tdstelecom.com](mailto:joe.keyes@tdstelecom.com)>; [HBailey@cityofmadison.com](mailto:HBailey@cityofmadison.com); Buechel, Mark T

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Adele Hall <[AHall@srfconsulting.com](mailto:AHall@srfconsulting.com)>

**Subject:** Madison East-West BRT Project No. 21-0692/DA

Hi Kim and consulting parties –

Attached please find FTA's letter transmitting the identification of historic properties reports and the assessment of effects report for the Madison East-West BRT Project in Madison, WI. The state review form is also attached.

The three reports referenced in our transmittal letter are:

*Phase I Archaeology Survey Report*

*Architecture/History Report*

*Determination of No Adverse Effects Report*

Due to file size, the reports can be accessed and downloaded from this link:

[https://chgi.sharepoint.com/:f:/s/CHGMarketing/EgrHE-fBkF1DlpdpJadO\\_k0BfjubCMp1kYpCs5oLOjQcXA?e=heXhTH](https://chgi.sharepoint.com/:f:/s/CHGMarketing/EgrHE-fBkF1DlpdpJadO_k0BfjubCMp1kYpCs5oLOjQcXA?e=heXhTH)

Please let me know if you have any issues accessing the reports.

Thanks, Elizabeth

**Elizabeth Breiseth** (*She/Her/Hers*)  
Environmental Protection Specialist  
U.S. Department of Transportation  
Federal Transit Administration Region V  
200 West Adams Street, Suite 320  
Chicago, IL 60606  
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**From:** [kimberly.cook@wisconsinhistory.org](mailto:kimberly.cook@wisconsinhistory.org)  
**To:** [Breiseth, Elizabeth \(FTA\)](#)  
**Subject:** SHPO Review: 21-0692/DA - Madison East-West Bus Rapid Transit (BRT) Project  
**Date:** Thursday, March 3, 2022 8:50:32 AM

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**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Elizabeth Breiseth,

We have completed our review of WHS #21-0692, Madison East-West Bus Rapid Transit (BRT) Project and with the most recent modifications to the station located across from the Capitol (Breiseth email to Cook, Feb 22, 2022), find that no eligible properties will be adversely affected.

If your plans change or cultural materials/human remains are found during the project, please halt all work and contact our office. Please also remember that you are required to coordinate with our office prior to doing any work within the recorded boundaries of the four burial sites located within the project area. You can find that process here:  
<https://www.wisconsinhistory.org/Records/Article/CS3129>

Please use this email as your official SHPO concurrence for the project. If you require a hard copy signed form, please contact me and I will provide you a signed copy as soon as possible.

Thank you for your hard work and due diligence on this project. We greatly appreciated it.

Sincerely,

Kimberly Cook  
State Historic Preservation Office

Wisconsin Historical Society  
816 State Street, Madison, WI 53706

[kimberly.cook@wisconsinhistory.org](mailto:kimberly.cook@wisconsinhistory.org)

**Wisconsin Historical Society**  
[Collecting, Preserving, and Sharing Stories Since 1846](#)

**From:** [Breiseth, Elizabeth \(FTA\)](#)  
**To:** [KIMBERLY A COOK](#)  
**Subject:** RE: Further Coordination: 21-0692/DA - Madison East-West Bus Rapid Transit (BRT) Project

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Hi Kim,

I circled back with the project team and have the following responses to your questions:

- James Madison Memorial High School (AHI 107285) fields: The Project would widen the existing 5' sidewalk to 10'. It is proposed that the widening be made towards the high schools fields, to preserve the row of trees in the terrace area between the sidewalk and the road.
- Station nearest the front of the UW Central Heating Plant (AHI 114116): Correct. The station is located on the northern side of the intersection.
- Request for "low impact, more transparent stations" at the Capitol (Main and MLK) and East High (E Washington and 4th): Ridership at both stations is anticipated to be high, so the team would like to maintain the station size but is open to increasing the number of transparent panels at the two station locations.

Hope that helps, reach out with any additional questions.

Thanks, Elizabeth

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**From:** KIMBERLY A COOK <[kimberly.cook@wisconsinhistory.org](mailto:kimberly.cook@wisconsinhistory.org)>  
**Sent:** Thursday, February 17, 2022 12:26 PM  
**To:** Breiseth, Elizabeth (FTA) <[elizabeth.breiseth@dot.gov](mailto:elizabeth.breiseth@dot.gov)>  
**Subject:** Re: Further Coordination: 21-0692/DA - Madison East-West Bus Rapid Transit (BRT) Project

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Ok, I've pulled together everything I need between the two documents and need a little more information about project activities in front of two potentially eligible properties. Will the proposed shared used path be in the same location as the existing sidewalk in front of the James Madison Memorial High School (AHI 107285) fields? Second: the text says the station nearest the front of the UW Central Heating Plant (AHI 114116) will be on the north side of the intersection and I just wanted to confirm that. The spot on the map makes it look like it might be median - I understand they might not be exact, so I wanted to check.

Finally, we are wondering if there could be a low impact, more transparent stations at the Capitol (Main and MLK) and East High (E Washington and 4th), like the station on State and Gorham where that opaque panel is missing?

Thank you,

Kimberly Cook (she/her/hers)

State Historic Preservation Office

Wisconsin Historical Society

816 State Street, Madison, WI 53706

[Kimberly.cook@wisconsinhistory.org](mailto:Kimberly.cook@wisconsinhistory.org)

**Wisconsin Historical Society**

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**From:** Breiseth, Elizabeth (FTA) <[elizabeth.breiseth@dot.gov](mailto:elizabeth.breiseth@dot.gov)>  
**Sent:** Wednesday, February 9, 2022 12:52 PM  
**To:** KIMBERLY A COOK <[kimberly.cook@wisconsinhistory.org](mailto:kimberly.cook@wisconsinhistory.org)>  
**Subject:** RE: Further Coordination: 21-0692/DA - Madison East-West Bus Rapid Transit (BRT) Project

Hi Kim,

A discussion of the potentially eligible properties was included in the architectural history survey report, not the DNAE, to justify not needing to do DOEs for those properties. Section 5.2, pp. 16-17.

Please let me know if you need anything else.

Thanks, Elizabeth

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**From:** [kimberly.cook@wisconsinhistory.org](mailto:kimberly.cook@wisconsinhistory.org) <[kimberly.cook@wisconsinhistory.org](mailto:kimberly.cook@wisconsinhistory.org)>  
**Sent:** Wednesday, February 9, 2022 10:55 AM  
**To:** Breiseth, Elizabeth (FTA) <[elizabeth.breiseth@dot.gov](mailto:elizabeth.breiseth@dot.gov)>  
**Subject:** Further Coordination: 21-0692/DA - Madison East-West Bus Rapid Transit (BRT) Project

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Dear Ms. Elizabeth Breiseth,

We are in the process of reviewing WHS #21-0692, Madison East-West Bus Rapid Transit (BRT) Project, Determination of No Adverse Effect document and we cannot find any discussion of the

potentially eligible historic resources and the assessment of effects for them. If it was included in the document, please let me know which pages. If not, an addendum would be appreciate discussing the project activities in the vicinity of the potentially eligible properties. Even if it is just to discuss how there might not be an impact.

Thank you,

Kimberly Cook  
State Historic Preservation Office

Wisconsin Historical Society  
816 State Street, Madison, WI 53706

[kimberly.cook@wisconsinhistory.org](mailto:kimberly.cook@wisconsinhistory.org)

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