STEERING COMMITTEE REPORT

June 29, 2022

RE: 400 State Street Demolition/Steering Committee Report

To Whom It May Concern:

The neighborhood steering committee met four times to review and discuss the proposed development for the 400 block of State Street. Discussions focused on the proposed design, preservation of the rhythm and flow of the State Street corridor, concern about affordable housing, and whether the current buildings merit destruction. The proposal did not garner a clear majority of support from the committee, although it is fair to say the committee was close to evenly divided on both the demolition and construction projects. Indeed, nearly every issue generated significant disagreement.

Of particular concern to the chair is one issue that merits initial attention at the outset: affordable housing. Capitol Neighborhoods ("CNI") is the downtown neighborhood association, and (along with the Campus Area Neighborhood Association, Marquette Neighborhood Association, and Tenney-Lapham Neighborhood Association) is a member for the Downtown Neighborhoods Coalition ("DNC"). In a stunning show of community-wide unanimity, all members of the DNC adopted a resolution calling for affordable housing throughout our neighborhoods, and certainly in the downtown reaches of the isthmus. This is a key priority for CNI and the DNC. In light of the adoption of this resolution, this particular issue was brought up in every steering committee meeting.

The developer offered no suggestion that it would consider affordable housing, instead consistently referring to "market rate" as the only option it would consider. To make a record of the issue, a copy of the aforementioned resolution was provided to the developer, and the committee requested a specific response to its major provisions. The developer was informed that a non-response would be deemed a denial of each of the resolutions' provisions. The developer provided no response, and as such the committee understands that the developer rejects all provisions of the affordable housing resolution. <u>This is a major disappointment</u>.

Below is a review of the major issues the committee discussed.

Demolition of the Existing Structures[1]

[1] One member of the committee objected to the format of the discussion of the demolition standards in this report. The objector contends that the committee did not reference the specific language of any

I. Demolition under City of Madison Ordinance § 28.185(9).

a. The proposed demolition site was designated as "historic."

The Landmarks Commission ("Landmarks") designated the existing structures as "historic." As a result, the criteria found in City of Madison Ordinance § 28.185(9) govern this application for demolition in light of the designation. As such, that criteria, to the extent it was discussed, is outlined below. Still, the "historic" designation by Landmarks was not unanimously supported by the steering committee.

These are the three existing structures slated for demolition:

Approximately half of the committee members find these buildings unremarkable, and even detrimental to the visual appeal of State Street. It was argued by other members in attendance (again, approximately half of the steering committee) that the buildings were designated as historic, in part, because it represents a style of unique architecture from decades past. In that portion of the committee's opinion, these structures contribute significantly to the rhythm and flow of, as well as the architectural history of, State St. For that portion of the committee, these structures help define State St as an eclectic mix of architecture and provide a pleasing pedestrian experience; they offer historic value related to the vernacular context of Madison's built

particular portion of § 28.185(9) when discussing demolition. Although this is true, the substance of the committee's discussion corresponds with these provisions, and is organized in this fashion simply to help the reader. It should not be construed as a representation that the committee specifically referenced any particular portion of the ordinance when discussion was held. Rather, committee discussion was more free-flowing and allowed for comment on both the demolition and construction project simultaneously. The chair believes that, this technicality notwithstanding, the report itself offers an accurate representation of the committee's discussion and views.

environment and its intact condition." It is undisputed that these offer architecture stylings from a bygone era.

This City of Madison's Downtown Plan ("The Plan") provides some insight about the current structures and their place in our community. The current buildings carry design elements reminiscent of a few City of Madison identified as ripe for destruction. The Plan identified certain out-of-context structures with parking lots adjacent to their front façade as appropriate for redevelopment. City of Madison, *Downtown Plan*, at 24-25 (July 17, 2012) (available here: https://www.cityofmadison.com/dpced/planning/documents/Downtown_Plan.pdf). Although no parking lots are at issue in this proposal, there are some design similarities between the buildings photographed in the Plan, and those presently under consideration for demolition.[2] The 440 State Street building, in particular, is aesthetically indistinguishable from those targeted by the Plan:

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Downtown Plan, at 25 (July 17, 2012).

Nevertheless, this is not the unanimous opinion of the steering committee. As some attendees (again, approximately half) described, some of the buildings possess unique characteristics that would be permanently lost if the structures were all destroyed. This opposing viewpoint argues that the three existing buildings (while unattractive to some) are completely in character with the

[2] It should be noted that these specific pictures were not discussed during the committee meetings, although they weighed upon opinions expressed by the Chair at these committee meetings.

"rhythm and scale" of State Street. They are "in-context" with the street, and the comparators identified above are taken out-of-context. At least one member of the committee who opposes demolition concedes that the 1960s-ish building at 444 State Street is somewhat similar to the pictures above. Regardless, even though it may not appeal to our current taste in architecture, it does accurately reflect the typical architecture for the decade in which it was built. It "belongs" with the rhythm and scale of all the other buildings on the block, even though it didn't win any contemporary awards for its architecture.

Ultimately, approximately half of the attendees to the steering committee meetings felt that the buildings slated for destruction were not historic in any fashion. The other half agreed with the decision of Landmarks.

b. The 28.185(9) Criteria:

1. *Public Hearing Required*

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This was not discussed during any steering committee meeting.

2. *The applicant has included information related to any efforts to relocate the building, including but not limited to assessing the costs of relocation, the impact of relocation on city terrace trees, and the structural soundness of the building.*

The applicant did not provide any information on this issue to the steering committee. It was never discussed.

3. *The applicant has received an approved reuse and recycling plan from the City Recycling Coordinator.*

This was not discussed during any steering committee meeting, and at least one committee member identified that this provision may actually be stricken from the current city code..

4. *The Plan Commission has received and considered the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.*

Again, the "historic" designation is discussed in more detail above.

5. *The Plan Commission has received and considered the report of the City Forester regarding the impact a proposed building relocation could have on City terrace trees, if applicable.*

The applicant represented that the project would not destroy any trees.

6. *The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal. In order to find this standard met, the Plan Commission may*

consider a report of the Madison Fire Department, Police Department, and/or Building Inspection Division regarding the proposed demolition, including whether any evidence of a potential fire hazard, unlawful use of the property, public nuisance, or other public health and safety concern supports demolition or removal.

The applicant represented that the building was facing structural issues. There was no evidence (other than the opinion of the applicant) offered to support this contention. Some committee members believed that the applicant (also the present owner of the property) should simply fix those issues rather than tear the building down.

7. *The Plan Commission shall consider the factors and information specified in items 1 – 6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison.*

The steering committee did not discuss the statement of purpose. However, like nearly every other issue, there were strong feelings on both sides of the overall demolition question. Those opposed to demolition perceive the present buildings as essential to the historical charm, rhythm and flow, and overall appeal of the State Street corridor. Those in favor of demolition see no strong reason to keep the outdated buildings. The steering committee was divided.

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Conditional Use Application

I. <u>The Proposal under 28.183(6).</u>

City Ordinance 28.183(6) governs the approval of the project slated to follow the demolition of the relevant buildings on the 400 block of State Street. To streamline the Steering Committee's reflections, those provisions the committee found irrelevant are struck through, while relevant criteria are substantively addressed below:

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

Although there was no discussion regarding threats to public health or safety, the general welfare (a vast topic to be sure) was certainly discussed. This discussion was mostly centered around how the new proposed structure, would or would not compromise the charm of State Street. The committee was equally divided on that question. Moreover, any public safety threats aside, it was acknowledged by the committee and the developer that "having more eyes" on Peace Park could be a benefit of the proposal.

~~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.~~

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 committee disagreed sharply on this question.

Approximately half of the committee members believe that the proposal, in particular the size of the proposal, will compromise the rhythm and flow of State Street and portend a noticeable reduction of the charm it currently espouses.

The other half believe that the design proposal is handsome, and will enhance the entire State Street corridor through obvious aesthetic appeal and attractive new residential and entertainment opportunities. This half of the committee believes the proposal would be a welcome addition to the 400 block of State Street.

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.*

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There was little to no discussion of the "orderly development and improvement" of surrounding properties. The discussion focused chiefly on the proposal itself, and its relationship to the future of State Street. Nevertheless, those committee members who oppose the project voiced some concern related to this issue. In their opinion, approving this project as currently designed would trigger dramatic changes to State Street in the near future, which may be construed as conflicting with State Street's "orderly development and improvement."

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.*

There was little discussion of this. Nevertheless, the Committee encourages the inclusion of appropriate storage options for the bicycles of residents and visitors to the first floor commercial space. One committee member argued that the absence of additional parking spaces was vexing giving the likelihood that new commercial space and new residents would attract additional vehicular traffic to the area. The chair disfavors incentives to additional vehicle traffic downtown.

~~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 proposal is sited within the City of Madison's Downtown Core District ("DC District."). This issue was not discussed in specificity.

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~~8. When applying the above standards to an application by a community living arrangement, the Plan Commission shall:~~

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).*

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The committee disagreed on this question.

For half of the committee, the aesthetic desirability of the proposal is compatible with the intended character of the area. "State Street is widely considered to be Madison's premier street." *Downtown Plan* at 44 (July 17, 2012)."The first priority for Downtown should be on retaining and expanding existing employers and growing local businesses." *Id*. at 22. For half of the committee, the project largely accomplishes this priority, the

The DC District "is intended to allow intensive development with high-quality architecture and urban design." City of Madison Ordinance § 28.074 (1).[3] For those members who appreciated the project's design, the project represents the precise "intensive development [and] high-quality architecture and urban design" that is encouraged by § 28.074(1)

In the view of approximately half of the committee members, the proposal represents neither high-quality architecture, nor urban design, nor the variety of "intensive development" that is appropriate for the State Street corridor as that area is described in the Plan.

The other half of the committee reached the opposite conclusion.

~~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…~~

~~11. When applying the above standards to telecommunication facilities, the Plan Commission shall consider the review of the application by a professional engineer required by Sec. 28.143.~~

[3] One of the relevant regulations for this proposal is review by the UDC. The questions pertinent to UDC are addressed *supra.*

~~12. When applying the above standards to an application for height in excess of that allowed in the district…~~

~~13. When applying the above standards to lakefront development under Sec. 28.138…~~

~~14. When applying the above standards to an application for height in excess of that allowed by Section 28.071(2)(a) Downtown Height Map for a development located within the Additional Height Areas identified in Section 28.071(2)(b)…~~

~~15. When applying the above standards to an application to redevelop a site that was occupied on January 1, 2013 by a building taller than the maximum building height allowed by Section 28.071(2)(a) Downtown Height Map...~~

~~16. When applying the above standards to an application for limited production and processing use, the Plan Commission shall consider the effect of such a use on the surrounding properties, including the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process. (Cr. by ORD-15-00124, 11-11-15)~~

~~17. When applying the above standards to an application for allowable projections into the capitol view height area, the Plan Commission shall only approve the projection if it determines the encroachment is the minimum necessary and does not significantly impact the long views of the State Capitol building. (Cr. by ORD-19-00090 , 12-12-19)~~

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Design

The original design for the proposed structure generated positive and negative feedback. Concerns ranged from the design's not matching the neighborhood to its being too large and out of scale. Undeniably, this proposal appears much larger in width than the neighboring buildings. Nevertheless, some members of the steering committee appreciated the design elements, specifically the white brick and dark iron accents. At our second meeting, the proposed façade was changed to lower the western corner of the building, reduce the volume of windows facing State Street, and to incorporate design elements that divided the front façade in tripartite fashion. However, the proposed façade was again changed by the fourth meeting. At this meeting, the tripartite division was scrapped in favor of the design pictured below:

At the final meeting, a point of near-unanimity was reached regarding the changing façade design: many (if not all) steering committee members were disappointed that the developers were continuing to change the design. The steering committee felt somewhat hamstrung without certainty that the renderings from the developer were final. In addition, a proposal to add LED lights to the western portion of the façade received near-unanimous disapproval.

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Approximately half of the committee members expressed complete dismay with the final design, and lamented that it did not reflect the architectural diversity and history of the neighborhood. Those members explicitly disfavor the height of the façade facing State Street. The proposal reviewed by the committee is four stories. Half of the committee would prefer if the façade were limited to three stories, similar to the building at 311 State Street.

Overall, committee members remained split on the aesthetic design of the project throughout its various design iterations.

Building Management Plan

All members of the committee encouraged the adoption of a building management plan that would ensure the safety and security of residents, as well as passerby on State Street. If the applications for the demolition and construction projects are approved, the steering committee requests that the Plan Commission and Staff work with the developer to define an appropriate building management plan compatible with the general welfare of the neighborhood.

A minority of the steering committee expressed concern that certain building amenities (French balconies and an accessible rooftop) would become hazards if the apartments were occupied by students. Such concerns, however, are prohibited by the City of Madison's equal opportunities ordinance (39.03), which specifically forbids discrimination against students. Still, the opponents of the project insist that residents and guests of residents, with access to elevations directly above numerous pedestrians on State Street, could trigger in more injuries to the pedestrians. In their opinion, "residents near the campus can do stupid and unsafe things. It is not a function of whether you have student status or not [nor is] there is a direct relationship to age."

Respectfully submitted,

Scott Thompson

Past-President, Capitol Neighborhoods Inc.

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