

## AGENDA # 3

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION

**PRESENTED:** January 8, 2014

TITLE: 149 East Wilson Street – Mixed-Use,  
Fourteen-Story Building Containing 127  
Apartment Units in the UMX District. 4<sup>th</sup>  
Ald. Dist. (31917)

**REFERRED:**

**REREFERRED:**

**REPORTED BACK:**

AUTHOR: Alan J. Martin, Secretary

**ADOPTED:**

**POF:**

DATED: January 8, 2014

**ID NUMBER:**

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Members present were: Richard Wagner, Chair; Dawn O’Kroley, Melissa Huggins, Cliff Goodhart, Richard Slayton and Lauren Cnare.

### **SUMMARY:**

At its meeting of January 8, 2014, the Urban Design Commission **GRANTED FINAL APPROVAL** of a mixed-use, fourteen-story building containing 127 apartment units in the UMX District located at 149 East Wilson Street.

Appearing on behalf of the project were Paul Cuta and Marc Schellpfeffer, both representing McGrath Property Group; and Patrick Hannon, representing SAA Design Group. Registered in support but not wishing to speak were Michael Metzger, representing McGrath Property Group; and Mike Thorson.

Registered and speaking in opposition were Steve Lesgold, Francisco Scaraco, Tim Yarnall, Lee Christensen, Kenton Peters, Abbie Hill, Anita Peters, Mike Peters and Marg Waitrovich. Registered in opposition but not wishing to speak were Maria Antoinette Cannerella, Gayle Golsher, Linda Greene, Lauren Costello, Julie Van Cleave, Jennifer Brown, Patrick Heavey, Neil E. Brown, Deb Calder, Robert Whitlock, Herb Frank, Laura Richards, Austin Schultz, David Lee, Janet Lesgold, Florence DeLaca, Steve Pagelow, Lori Pagelow, John M. Bondura and Lori Bondura. Registered neither in support nor opposition was John Wiley.

Schellpfeffer noted that all parking is accessed on one level with a more active dynamic streetscape. They pulled back the rear facing elevation facing the lake by 3.5-feet to open up the view angle. The western elevation

Grade level programming has changed from a coffee shop type use to a 7,000 square foot co-working office suite due to noise concerns. The remaining part of the grade level space on East Wilson Street would be a coffee shop or other type of retail use as an amenity to the building and neighborhood as a whole. He further detailed the changes to the rear facing parking structure.

McGrath remarked on the Planning Department leadership's comments taking issue with the chosen HVAC system. This has a huge impact on the financial feasibility of the project. McGrath asked that the Commission specifically exclude condition # 3 which requires the internalized HVAC system.

Schellpfeffer continued with detailing of the components of the design that have changed since the informational presentation enhance the architecture. All of the parking now comes in off the 18-foot existing fire lane to 127-stalls under the building. Internal bicycle parking will contain 96 spots within the garage itself, and an additional 16 on grade level. That allowed them to get the main floor at Wilson Street all commercial space. The units vary from a 497 square foot studio to a 1,977 square foot four-bedroom unit. At the third level the stacking of the units begin where the main living spaces are on the lakeside which allows the balconies to spill out onto those elevations. Past the fifth floor the building steps back in relation to the massing and how it starts to meet Union Transfer. Building materials include brick and a composite metal panel, with a highlight of colored green metal panel in the same composite that will highlight certain portions of the building. Images were shown depicting the layers of architectural materials and the grid like pattern they intend to portray. The recessive black creates a shadow line as you address and touch the Union Transfer building to the east. A bit of color is being introduced to take the vertical element and creating a break in scale. That piece then wraps up the building and creates a cap or crown to the building along the east and south sides of the building. Architectural louvers will be utilized to hide the wall penetrations and integrate the mechanical systems. The scale and proportion of those louvers starts to fit into the overall module of the metal panel, which is 32" wide. The primary signage being proposed includes the building addresses above the entrance on a recessive black; built into the wall near the ramp and steps would be signage for whatever is in the commercial space.

Mary Waitrovich spoke in opposition, noting her concerns with design problems which she thinks could be solved by requiring a smaller footprint for the building, further setback from The Marina, and a setback for the upper floors. A smaller building might cut into his profits but it would be a much better design for this extremely tiny lot. The proposed driveway is also our fire lane. The Marina has a concrete emergency access stairway which jumps out into this driveway. The developer must remove that but The Marina board position is that the easement agreement between the two properties prohibit him from moving the stairway without our permission and we don't plan to give permission unless he redesigns the building. This design is unarticulated, it's a monolithic cube which is crammed into every possible square inch of the tiny 1/3 acre lot. The only evident design intention is to provide maximum possible financial benefit to the developer. The footprint and size of the building create a cramped, claustrophobic atmosphere in this area when some setbacks or true breaks in the massing of the building would go a long way to relieving that, and relieving the feelings of animosity that The Marina neighbors now have for this building. We've asked and asked Mr. McGrath to avoid creating an eternal grudge match between neighbors here by tapering the amount of light and use from both buildings. Why is it good design to have a lakefront building where only a few of the residents get the view? Why is it good design to have residents in both buildings with nothing to look out at except each other's living spaces less than 10 years away, or a brick wall 10-feet away? Approximately 40% of the units in this building will have no view but a brick wall 10-feet away on the Union Transfer side or a view of The Marina windows. This building walls off the City from the lake.

Mike Peters spoke in opposition. None of the changes that we've asked for have been incorporated. The only changes have come as a result of staff request and a parking/drive issue. From our standpoint as neighbors, we had five meetings and nothing happened. This building compromises the views. We recognized when we bought our condominium in The Marina that there would be a building in this location, but we've never contemplated this type of a building sitting right on top of our building where 75% of our windows that now look out over the lake of the Isthmus will be blocked and I'll be looking into the living quarters of others.

Anita Peters spoke in opposition. They were shown a shadow study at one of the neighborhood meetings, it was difficult to understand. The first hour of the day they studied was 9:00 a.m.; sunrise is one of her favorite parts of living where she does but the study doesn't show the effect the building would have on that time frame. Under the current design her unit and all of the units facing east (approximately half of the building) would face this new building. Her current views would be almost eradicated. Their requests for redesign have been refused. This design would place windows within 10 yards of ours, so in addition to loss of views and sunlight we would be facing an extreme loss of privacy. There has been no documentation shown to prove that redesigning the building to give The Marina neighbors more space and light would be financially detrimental to the project. The financial benefit to the developer should not be the only consideration.

Kenton Peters spoke in opposition. He hasn't seen the drawings even after asking three times. The developer has overlooked the entire comprehensive aspect of downtown. He raised an observation: why is this group considering this project while there's a City Committee working on the whole south Capitol Square and have not even finished their work (Judge Doyle Square Committee). This site is an integral part of downtown and it has been overlooked. Talking about the architecture here is superficial, it doesn't have anything to do with the context and comprehensive nature of downtown. He suggested that there is an alternative that could cut this building in half, but they've ignored that and despite Peters' attempts for contact, they have not been returned. He supports development on this site, and recommended that as a condition of this body's approval, they insist this developer must negotiate with the City to provide a 50' x 160' open space on East Wilson Street to the lakeside right away, and starting at the far lane on the west side, and that the City would lease/buy or have an easement on that and would not have any commercial building in that at all. He hasn't heard once that this extensive City plan that was approved in 2013 has ever been referred to. The whole City deserves access to the lake.

Lee Christensen spoke in opposition. He echoed the comments stated already.

Tim Yarnell spoke in opposition. His issues include the safety of Wilson Street for pedestrians. He feels he cannot take his daughter for a walk without worrying about getting run down by a cyclist. He looks at this population density as being similar to downtown Manhattan. The request for smaller units and higher quality of life is very important. As a community we need to respect the risk that buyers took when they purchased in The Marina. He is an advocate of Madison and travels all over the country for his work, but if this building as proposed is constructed he would not be able to speak so highly of Madison as he does now.

Francisco Scarano spoke in opposition. The design's failure to ensure neighborhood safety when handling move-ins and move-outs as well as residential and commercial deliveries. For a building with 127 apartment units plus commercial space on a street intersection already busy with vehicular, pedestrian and bicycle traffic, this is a serious deficiency that needs to be addressed through a fundamental redesign. The developer's hope is that moving and delivery vehicles will use the fire lane/parking entry. Asked specifically about this at a steering committee meeting, Mr. McGrath stated "that's where we hope they'll go." Traffic Engineering disagrees, calling this spot unlikely and claiming that "it may result in moving vehicles and garbage trucks staging within the Butler/King/Wilson Street intersection." This is not a trivial matter or something to be left to chance. Traffic Engineering knows there are no parking spaces in front of the proposed building. Commercial vehicles could park in metered stalls 100-feet west across the commercial space in The Marina, or 300-feet east in front of the Summit Credit Union. The first option would force cargo to be moved across the busy Marina garage entrance, the second across one of the Union Transfer entryways. Workers and their haul will face significant pedestrian and bicycle traffic along the way. An intolerable and dangerous congestion of workers, cargo, pedestrian, cyclists and vehicles is the likely result. The current design increases street/sidewalk/garage congestion in a way that may endanger walkability along an increasingly busy pedestrian and vehicular artery, one that as you know, City planners hope will be the main access to a future Law Park better integrated with the downtown core. This

is a case where the new Zoning Code and peoples' well being are at odds. This building will not make Madison a more livable city. I urge you to tell him to slow down, redesign and get it right.

Steve Lesgold spoke in opposition. He emphasized three specific problems. There's never been a building in the history of Madison that will have as severe an impact on this many residences. It's akin to building a 187-foot wall less than 10 yards from 27 homes. You wouldn't let that happen anywhere else. About 75% of the view from the 27-units will be replaced with peering eyes 28-feet away, and all light, as well as access to passive solar energy will be eliminated from that side. The drawings submitted always show The Marina as having now windows, that's not the case, but to reinforce that I have a picture that shows the side that will be completely obscured by the proposed building. Every window on that side will lose all light, privacy and passive solar energy access. I further urge you to visit a unit before you make a decision to truly understand the severity of the impact. I passed out a picture showing the panoramic view from my unit. The entire view in that picture will be eliminated and it will be constantly dark for 75% of our windows. This design also fails to accommodate move-ins and move-outs. This will reduce parking on East Wilson Street, which already has too few parking spots. Parking will be even more scarce after the demolition of the ramp at Wilson and Pinckney Streets. There could easily be 6-12 weeks or up to two moves every single day during peak periods. There is no way to accommodate two, let alone one moving van anywhere near the proposed building. Lastly, adding another flattop building of the exact same height to our skyline will promote the already lowering skyline that the Capitol View Preservation has fostered. Rather, since the City has been trying to find locations for pedestrian bicycle bridges from Wilson Street to the bike path on Lake Monona, this property would be ideal for that use and such a bridge would greatly improve the Madison skyline as viewed from John Nolen Drive or across the lake.

Comments and questions from the Commission were as follows:

- A number of the letters received from neighbors alluded to the fact that there's no place to take your dog outside. Are there any City oriented concerns about where people take their pets out in a dense urban environment like that?
  - It's really not an issue that we would be involved in. Some projects allow dogs, some don't. Some allow only certain sizes of dogs.
  - Staff noted that Metropolitan Place I and II have dog walking areas.
- (Question directed at Tim Parks, Planning staff in reference to the Planning Division report) Can you talk about the louvers and HVAC elements?
  - The overarching goal of City staff is that whatever gets approved here, every facet of the project represent the strongest and most enduring project possible for the site because this is a potentially "century" building and will become part of the skyline. Every last detail should be of the utmost quality. There have been concerns expressed among staff about the utility and HVAC penetrations, however, that's a bit of a moving target across the City. We have a number of projects where it hasn't come up, other projects where it's come up in differing degrees. There was a project on Packers Avenue recently referred to this body in large part because of HVAC penetrations that had been added to the face of that building that weren't previously reviewed by the Plan Commission and it was felt that it was a very important feature or change to the exterior that this body should weigh in on. So the overarching goal here continues to be that every element of the project be of the utmost quality to create the strongest most durable building.
- Can you expand on the building materials palette comment?
  - (Parks) It goes back to the inclusion of the picture in the Downtown Plan of the skyline as you come across Lake Monona, which was put in for a reason. The emphasis included identifying this site and where it sits along the skyline. Taking a look at this building and being very, very confident that every aspect of this façade of the building is something that we feel comfortable

with, not only now but for generations to come, being on the skyline of our downtown. So is the Urban Design Commission as a body comfortable with the material palette, the colors, the number of articulations that are proposed, including the green metal panels at the top, the application of cream city brick, does the building frankly need two treatments with the cream city brick here and a separate clear anodized panel over here with almost a different treatment so that it treats the building that's approximately 70-feet wide very distinctly. Is this something that we feel not only comfortable with now but comfortable with for many decades to come being an integral part of our skyline?

- There have been efforts to reach out and have some connectivity from the City to Law Park. Can I safely say that construction on this site does not preclude that opportunity in the future along Wilson?
  - (Parks) Absolutely. The City desires to provide better access to Law Park east of Monona Terrace. It was referenced in the Downtown Plan and basically what that recommendation talks about is improving that access and doing that as part of the short-term future review of the Blair/Williamson/John Nolen intersection which will be a fairly significant undertaking by the City probably in the next five years. As part of that effort, taking a look at including access to Law Park from basically Martin Luther King, Jr. Boulevard east to that intersection, nowhere in the Downtown Plan in fact does it say that this or any other site on East Wilson Street is where any sort of architectural element or bridge or what-have-you should be placed, it's basically a follow-up to the Downtown Plan as part of that intersection study to look at improving access. The likelier location is near Hancock Street. But again, none of those sites have been specifically targeted, including this site.
- One of our speakers mentioned the relationship of this building and the whole block to Judge Doyle Square. When you folks looked at this as staff members, did you think about what's happening here in terms of what should/could/might happen with Judge Doyle Square?
  - (Parks) I wouldn't say that it's unrelated but first of all the South Capitol Area Plan, which is larger than Judge Doyle Square, as well as the Judge Doyle Square planning, there's nothing that's proposed here that would negatively impact what's being anticipated in both of those planning efforts. It's more likely that what would occur on this site would likely be complementary to the things being discussed in those two plans.
- The staff report also mentions the shadow studies. Are they typical of the kind of shadow studies staff reviews for these projects?
  - (Parks) I saw them at a November 12 neighborhood meeting, the same that many of these folks saw them. I would characterize our concern of the shadow studies similar to the concerns about the general height and mass of the building, as you're hearing from folks. It's reasonable to conclude that properties, for example, west of The Marina have been shadowed in the morning, or perhaps this site and the Union Transfer property shadowed in the afternoon that's much different than before The Marina condominiums were built. This is probably a continuation of that theme moving east along Wilson Street. But I would defer to the applicants and encourage them to review these details with the Commission.

My question was that we occasionally see massing shadow studies and they take several hours during the day. I'm just wondering if this study was comparable to other shadow studies you've seen.

(Parks) I would defer to the applicant to show their work on that and follow-up to answer that question.

- Talk to me about the green and how you might update that over time when that color green becomes a less fashionable color.
  - (Cuta) We're not afraid of color. We feel it's a nice accent to the building. It is something that could be changed. It's used in a limited amount and we feel it gives a subtle amount of punch to it and adds vitality to it. I would argue that if you look at some of the recent buildings that don't

have color, if you look at them on gray days they look bleak. We think it's enduring, part of the character of the building and it's a measure in time.

- Could you speak to the concern about the loading, move-ins and move-outs.
  - A loading zone is not required by this building. We understood that there would be people coming and going for the building. The fire lane stops without going all the way to the back of the building. After this zone directly across from the garage doors we've created an area where you can park a panel van, and it does meet the City criteria for a "loading zone." As with most major cities, you can bag the meters. That's the character of an urban setting. We actually think that we are providing something contrary to the comments you heard. It can't take care of everything but we think it actually helps mitigate some of the problems.
- Where are the lines, where are the elements that are the HVAC system, where are there similar features that look like that but are not HVAC?
  - On the lakeside of the building there is nothing that is exposed to the elevation. If we come to the east elevation, this is the black panel, parts of those have something behind them, and there's a shadow box behind it. The dryer vents, the heat vents, they're all behind there. It's just part of the architecture of the space. When you move to the west elevation, this cut in the aluminum that's a continuous louver.

How does it work on the inside of the apartment?

It's a unit that sits on a 3' x 2' closet. Everybody gets their own furnace. The make-up air comes directly from the outside wall instead of having to duct it down through the building. There's an efficiency in the floor plate of not having to create vertical duct chases and give up floor area and drive that all the way to big fans.

Are there any energy efficiencies to using this?

They're combined heating and cooling units, the challenge is the a/c condenser is built in to those as opposed to a standard furnace where you have to find a spot for the condenser. I don't think these are as efficient as some you can buy, but just the nature of a stacked building, an individually controlled system is better than having a central plant.

- The building we approved for Bedford Square uses magic-paks. The building still hangs together fine. I really struggle with hanging this on this particular project. If this is something that's really important to the City, from a policy standpoint, then I think that we have to take it out of this context and talk about it. I would like to separate that requirement from the staff report so that we can then address some of the other design issues. I would like to hear what other Commission members think (Huggins).
  - The team had spoke about the integrated design and having a project that they thought through and thought through where those openings and louvers would be. This building is absolutely integrated, to the point where they've included an architectural louver in addition to the various mechanical pieces needed to penetrate a building. The other thing we don't see on this building, because of their mechanical solution, is a mechanical penthouse. That's another one of the trade-offs. In that aspect, regardless of what the system itself is, architecturally the solution is integrated.
  - To me that's the judgment the Commission should make. Is the architecture resolved on all issues, and that's one of the issues, rather than what kind of a heating system they should use. \
  - But if there is a condition of approval in here that they change the HVAC system, then if we approve this with that condition then we're saying we agree with that condition.
  - The Plan Commission is the one that sets those conditions. Our recommendation can be otherwise.
  - In all fairness the Plan Commission will be looking to this body for that. (Parks)
  - My request is that it excludes that condition. (McGrath)

- I agree with Dawn. If they're showing louvers there, who cares what's behind that? Whether it's a wall panel or a dryer vent or a furnace. You won't really know that it's a unit that is there to save money, it's integrated. It's really part of the design issue.
- On the rezoning, from my reading of this, the primary reason to go from UMX to DC is simply because of that 10-foot setback. Under UMX the process wouldn't be any different but what about the size of the building?
  - It would be 10-feet further away from the John Nolen railroad.

In terms of the effect on the adjacent property owners.

The yards and the other bulk and massing requirements would ostensibly be the same. UMX and DC are very similar districts, except for that 10-foot setback.

I read your report. I felt a pretty strong support from staff, generally for this building. Particularly from a height and massing standpoint. If not this building then another is going to come and take its place. As far as the design and articulation of materials, feeling good about them?

Largely. Again to reiterate the materials on the building need to be of the highest quality so that they endure. I think that all of us have different opinions on what comprises good architecture, what their favorite colors are, whether or not they feel the Hotel Red will stand the test of time, or not. Notwithstanding personal preferences, the whole composition has to be something that we feel today in 2014 we'll be comfortable with in 2017 as well as 2070.

- The issue of stairway and the fire access, how does that really effect the functional access to the loading zone and parking ramp. What's the interplay here? (Staff)
  - There's a small stair that exits out right at this point. The issue is when they did Marina they created a fire easement on the 149 property. Our position is that the fire lane is for a fire lane, it's not for a staircase. The easement itself, in our opinion, is not a permitted use. They have a different opinion and we're going to solve that one way or the other. In my mind it doesn't impact our ability to go forward. First of all, while we're under construction we have to provide a temporary access point for them, so there will be some sort of connection bridge. We've offered at every meeting we'll pay for the solution for this, either recess the staircase or some other solution. We don't want that to be a cost burden to our neighbors. Worst case scenario and it doesn't go away, we would probably come back and ask for an alteration for a driveway to go around and we'll lose part of our lobby for that. That's a wild guess at this point. We have to talk to Traffic Engineering to a specific comment in their report, but it wouldn't be the end of the world if there's a 3-foot stair in the fire access/driveway.
- We've got an 800 pound gorilla in the room: the views. The Marina building. Every city deals with first building up, the next building causes a problem, as does the next, etc. The only way we can avoid something like this is tall building-short building, tall building-short building, but that's not how the Zoning Code is written. Ten yards between the two buildings is what I'm hearing, where there are windows.
  - A similar example is the two towers in Milwaukee on Lake Drive, right next to the University Club. Those are 28-feet apart.

The distance between the two masses on this building is probably about 10 yards.

It's substantially more than 10 yards. It's about 40-feet.

The point I'm trying to make is that there's a condition that exists where people are looking into peoples' windows, that's kind of urban living. You've done what you're allowed to do. If there are concessions that can be made to indent this, to give greater views out, I think you've done what you're required to do, now it's making a gesture. If this building were built first and this one came in, I can imagine the problems that people living here would have. That's just urban living. I'm trying to start a dialogue with what seems to be the biggest problem: you're blocking the views of these people in The Marina. I don't have a solution but I am saying that that easement does give them some distance between the buildings, greater than the 10-feet from the property line that their building is.

If the fire lane access was not included on this property, in theory we could the building to the property line. That's the reality of the zoning.

There's a second deed restriction on the property that limits the height of any improvement on the 149 property, so the first 10-foot limits the height to 37.5. That was imposed by the developer of this property. My read on that is their restricting 10-feet so they were anticipating having a building 10-feet away.

Is there a way that the top 3-4 floors of your building could be setback along the north-south side so you'd move it more to the east, and then give you greater stories on the eastern portion of your building to allow sun in there.

The reason we looked at 9:30 a.m. is that on January 1<sup>st</sup> the sun location at 9:30 is basically parallel to the void between the two buildings. From 9:30 on anything west of 149 is casting a shadow back towards our building. At a worse case scenario of how long a shadow was cast from our building to the west is 10:30 before it becomes parallel with that lane. From that point on the sun begins to move and casts a shadow back east.

- Mr. Martin could you please go over what approvals and what decisions we'll be making tonight.
  - We are making a recommendation on the new building's consistency with the Downtown Design Guidelines, design only. And we're making a recommendation that they are either being met or not being met. Tim's report pretty much spells out item-by-item, according to the design guidelines. Pretty thorough.

Like any project that we see, often times the HVAC and utilities are sort of omitted, until they get around to the design/build stage, and all of the sudden we have these penetrations that are all over the place that weren't dealt with or talked about as part of the approval process (as was the case with The Marina). Then I have to basically look at "what do we do?" These were all directed to that central rib, and that design feature I basically encouraged them to do it in order to screen what was there. But there are a couple of penetrations on the west elevation where, because of floor plans and floor plates, they're unable to provide for additional HVAC or a/c on the west elevation due to heat gain. So you do see penetrations on the other side, three of them.

- You were talking about mitigating those corners, can you talk about that and how it might affect those units.
  - If it were feasible, we wouldn't put ourselves through this, we would have done that. The reality is it's an urban site, there's not a lot of room to play with and economics, there's always a fine balance. We need to maintain a certain amount of rentable square footage, once we stepback and start losing that space we lose our ability for investors and financing.
  - It was deliberate at these corner units as far as the idea of putting occupiable livable space at the corner, because that is the most desirable place to hang out and have the view out.
- Just by the City becoming more dense, it speaks volumes to the City's need to address having adequate greenspace and pushing that connection to Law Park. That needs to be stated as we become more dense.

### **ACTION:**

On a motion by O'Kroley, seconded by Cnare, the Urban Design Commission **GRANTED FINAL APPROVAL**. The motion was passed on a vote of (5-0). The motion provided for the following:

- That the UDC found that the architecture of the proposed building integrates the mechanical system and therefore recommended the elimination of #3 of the Planning Division staff report. This proposed building accomplishes that goal.