

July 7, 2014

Greetings Plan Commissioners-

Here are my comments about the proposal for 706 Williamson St, legistar item 34335, on your agenda today. I have several outstanding concerns about the proposed height and proposed land uses for this block. I would request that you refer approval to address my concerns or deny based on lack of conformance to all relevant adopted plans. As you know there is another proposal for this block that also exceeds the recommended height that will come before you later this month. I urge you to take a comprehensive view of the entire block and review the BUILD II plan for lower Willy St to inform your decision.

The proposal seeks to approve new construction in the TSS zoning district, I've copied the statement of purpose: 28.065 (1)(e) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans. -Traditional Shopping Street District Statement of Purpose

In the staff report, the plans identified are the Comp Plan, the Marquette plan (1994) and the Williamson St BUILD II Plan (2004) to inform your discussion about the proposed application for demolition and conditional use for new construction of a 6 story mixed use building at 706 Williamson.

But there are two plans that were not explicitly mentioned that you must weigh to make a determination that the proposal meets the conditional use standards. I will share copies of the relevant plans and other info you should consider.

While the staff report references general design guidelines in the BUILD and includes the specific Criteria for Review of New Construction for the block in question –Zone III (5 stories)- the staff report is silent on the policy statement about land use embedded in the side bar on p 31.

“The Plan Commission and Landmarks Commission addressed the differences between the Williamson Street 600-1100 Block Plan and the East Rail Corridor plan. In essence the final resolution calls for the land use recommendations in the East Rail corridor plan to prevail and the recommendations regarding design guidelines and criteria in the Williamson Street 600-1100 Block Plan to prevail. (Adopting resolution is located on page 49.)” -BUILD II plan p 31

The East Rail Corridor Plan is totally absent from your report. It was adopted concurrently with the Williamson St BUILD II plan. The relevant section is called the “E. Wilson St Employment District” and states: “The south frontage of E Wilson St west of Paterson St is less appropriate for residential development due to its proximity to the coal-fired electric generating plant. These blocks could be developed for non-residential uses either as separate sites or as part of projects that would also front on Williamson St.” –ERC plan p12.

While MGE has switched from coal burning to a gas-fired plant which has significantly reduced environmental hazards for adjacent residents, the other fundamental policy issue is that both the BUILD

and ERC plan studied a contiguous area and one created standards for bulk standards and the other established land use standards. Your report only addresses the bulk standards.

The staff report is silent on this key fact. While the Willy St half of the parcel which fronts E Wilson St block is excluded from the overlying Traditional Employment that includes much of what we call the Capital East District, all of the area from Blair St to Paterson St along E Wilson was recommended to be primarily for employment uses. See map 2-6 of the ERC Plan.

The larger question this raises for me is do we affirm the goals we established in 2004 to make the Capital East district the location for 22,000 new jobs that were identified as needed for the city to grow? Because the development pressure is very strong right now to build primarily residential units in an area experiencing very low rental vacancy rates and perceived as very attractive. While the corner location at Williamson and Blount may well be a good location for mixed use residential development, my concern is that expectation will spread to the 600 block and is embedded in the proposal for 722-734 Williamson.

The staff report acknowledges the demand but not the proposed uses: "The proposal sets a strong precedent for future redevelopment opportunities just west of Blount Street, such as the Red Caboose and Gateway Mall sites, as well as development of the parking lot just to the northeast of the subject site, where a significant mixed-use development has been proposed".

Will the Red Caboose/Gateway Mall site be a location for residential or employment and at what densities? Our adopted plans call for employment. So the precedent that staff acknowledges will be created could create more demand to change uses on Willy St and throughout the south side of the Cap East District to residential. How the report is framed adds to my concern. Regarding 706 the report states "The building is one-story taller than the five-story maximum height recommended in the 2004 Design Guidelines, with its highest point at approximately 75 feet from grade. As mentioned earlier, heights of up to seven stories and 85 feet could be supported in Zone 4 to the west and to the northeast, which would still allow this building to step down to the neighborhood to the east and south. The proposed building maintains a 10-foot setback on the north and east sides. "

But the report neglects to mention that heights for the 600 block to the west have a street façade recommended height of 3 stories (Zone 1A) to preserve the Capitol view from the sidewalk at "mid-700 block of Jenifer St". I've enclosed the Downtown Plan Views and Vistas map (p32) to show that Jenifer St sight line is considered as one of the premier corridors. The subject parcel is approximately 30' from the 600 block but there have been no serious studies to see if a 6 story building would restrict/diminish views of the Capitol dome. Can you be sure that a 6 story building won't impede the view corridor?

My interest in a larger planning review for this block and adjacent area is driven by several factors. One is the proposal for 722-734 Williamson that will be on your July 28 agenda. It proposes 209 units. 709 Williamson proposes 55 units. Both projects if approved and built would rely on Blount St for 500+ additional residents to use for egress, in addition to the use by MGE for circulation. Currently this is a substandard street and will need city investment to improve and it is currently not in the CIP or the TIP. At neighborhood meetings, this unsignalized intersection was called out as dangerous for Fauerbach residents who reside on the south side of Williamson St. In 2013, Elks Club members petitioned the

Mayor to address and asked for safety improvements. Secondly, the City has authorized funds to close Livingston at the RR tracks per the ruling by the Hearing Examiner and RR Commissioner. The City is awaiting resolution of Judge Sumi's remand of the OCR decision but we are prepared to close the street if required. If you approve these projects piecemeal, you will miss the opportunity to improve this key intersection.

One of the ideas in the East Rail Corridor Plan was for a mid block urban lanes between Blount and Paterson, see map 2-13. This idea could be worth further study.

The Conditional Use Standards – The Planning Division staff evaluation of the proposed project's ability to meet the standards for conditional use approval is summarized below. As stated in MGO Section 28.183(6)(a), "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable neighborhood, neighborhood development, or special area plan, including design guidelines as adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

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

I recommend that the redevelopment of this block be reviewed to insure there will not be cumulative detriments to public safety.

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 these services.

The provision of adequate roads to serve this development have not been planned for. The PC should ask Planning and TE to evaluate the circulation in the area with the proposed closing of Livingston and study the value of mid block urban lanes, see Map 2-13

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 proposal for 706 Williamson does not supply needed affordable housing, there would be a community benefit to consider if AH units were part of the plan. We are in the midst of a housing boom that is driving assembly of parcels along Williamson St and increasing property values for residents who are increasingly priced out of both rental and owner occupied units in the Marquette neighborhood.

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.

The precedent of allowing heights to exceed recommendations in the BUILD II plan will spill over and affect the entire area both in terms of bulk standards and abandonment of employment uses for more short term profitable opportunities to provide rental market rate housing.

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.

I agree with staff comments to increase bike parking and the addition of a “community car” if the project is approved.

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.

As noted above, the traffic congestion at Blount St, shared by Fauerbach, Elks Club and MGE, which is not signalized, is a hazard but the solution is complicated by a nearby lighted intersection at Willy and Jenifer to support Metro (the cul de sac). Subpar condition of Blount heading to E Wash will require significant improvement.

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 recommendations.

Statement of Purpose for Traditional Shopping Street (TSS) District

The TSS District is established to encourage and sustain the viability of Madison’s mixed-use corridors, which sustain many of the City’s traditional neighborhoods. The district is also intended to:

- a) Encourage pedestrian, bicycle and transit use as a means of accessing and moving through these corridors.
- b) Encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.
- c) Maintain the viability of existing residential buildings located within or adjacent to these corridors.
- d) Encourage appropriate transitions between higher-intensity uses within TSS districts and adjacent lower-density residential districts.
- e) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor, or special area plans.

“Staff believes that the proposed project would create an environment of sustained aesthetic desirability in this area, and that nearly all components of the statement of purpose for the TSS District are addressed with the proposal. The proposal furthers a vast majority of recommendations in adopted

plans for this site. However, while it addresses nearly all of the principles, design guidelines, and criteria for new construction detailed in the Williamson Street Design Guidelines and Criteria for Preservation (2004), the proposed building is one story (approximately 20 feet) higher than the recommended maximum height of 5 stories and 54 feet. On balance, staff believes that since the proposed 6-story building generally complements surrounding properties, and since it is still not as tall as the heights that could be supported to the west of Blount Street and to the northeast of the subject site, it will be in scale with future redevelopment, and can serve the function of stepping down toward the neighborhood to the east and south.”

The addition of one story here is an increase of over 20%, and sets a precedent for future developers to ignore the height recommendations. I believe staff neglects to review the adopted East Rail Corridor Plan land use for majority of area, it is an adopted plan that is reflected in the zoning code, and a key economic development strategy I have been abiding by for a decade. Staff also neglects to address the DT plan map that show important view corridors from Jenifer St to Capital and whether proposed development will impede these views.

12. When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows, and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits. The TSS District would allow for only three stories by right in this location, and staff believes that allowing for the additional height and related residential density is in the public interest at this underutilized corner site, where new opportunities for activity will be provided at this important corner. To develop the site with a three-story building and its related residential density would represent an underutilization of the property, which is just a few blocks from Downtown and the Capitol East District. The additional height generally complements surrounding buildings that exist today, and would fit in well with redevelopment scenarios planned for the surrounding area. Staff notes again that the proposed building is one story and 20 feet higher than the maximum height recommended in the Williamson Street Design Guidelines and Criteria for Preservation. However, the building generally complements the surrounding area, and would not result in shadow impacts on nearby residential properties. Staff does not believe that the additional story is significantly different from the design guidelines for the property, nor that the incremental difference between a five- and six-story building would have noticeable impacts on the adjoining streets or properties.

No one is suggesting that the site be underutilized but that recognition that it is part of the Third Lake Ridge Historic District. See my other comments about unintended consequences. The only future redevelopment scenario also exceeds the height recommendation whereas 4 previous projects managed to meet the bulk standards.

