

**Notes from 8 August 2017 TLNA Steering Committee Meeting for Houden  
Development Proposal for 700 block (south-side) E. Johnson  
Festival Foods Conference Room**

**Attendees**

Elected Officials:

Ledell Zellers (District 2 Alder)

Development Team:

Melissa Huggins and Katie Fadelli (Urban Assets), Tom Miller (Kahler Slater, architect), Chris Houden, Pat McCabe (Palisades Property)

TLNA Council Members:

Patrick Heck, Bob Klebba, Patty Prime, Richard Linster, Karla Handel, Elena Satut Duncan, Keith Wessel

Neighbors and Interested Parties:

Tim Meisenheimer, Ross Kelley, Beth Kubly, David Waugh, Joey Hoey, Lori Wessel, Liz Avenius, Doug Peterson, Pat Kelly, Brian Schildroth

TLNA Development Committee Chair Patrick Heck brought the meeting to order and attendees introduced themselves.

**Presentation of Updated Proposal:**

Proposal architect Tom Miller presented slides ([available on TLNA Development website](#)) for the newly updated proposal. He said that the changes were building on the momentum they had from the steering committee meetings. They are incorporating feedback from the many comments they have received and want to present this version to the committee before going to TLNA Council. He presented a list of recent changes (see slides). Changes included reducing the number of new buildings from 3 to 2 (the smallest of the 3 buildings has been eliminated). The removal of that building allows 2 more existing houses to be saved onsite for a total of 4 homes saved on their current sites, 1 moved to a different parcel on the site, and 3 moved offsite. All will be restored. Other changes include more green/open space and more setback in the rear of the 2 newly saved homes and reducing density to 55 dwelling units per acre from the last proposal version (63 du/acre). The proposed density is lower than what they see as nearby comparables, e.g., Norris Court, City Row, etc.

The proposed connectors between the 3 saved/moved homes closest to N. Livingston are no longer being considered as they were not popular with the committee. They have kept the front reductions of the front-most sections of the new buildings' mezzanine levels so that the mezzanines aren't visible from the sidewalk on the southside of E. Johnson. They are keeping their commitment to have 10% of the units "affordable" at 80% Dane County Median Income (CMI). There will be 7 affordable units, down from 8 in the last proposal version that had 80 total units; this is still 10% of the total.

Tom noted that the increased rear open space due to the removal of the third new building provides a larger buffer and benefit to the existing homes on N. Livingston. (see old and new overhead site plans in slides).

The “program” was also presented, detailing the distribution of the 69 units (see slides). There would be one 4-bedroom unit as in the last proposal versions which is one of the saved homes. There would be nine 3-bedroom units, twenty-two 2-bedroom, nineteen 1-bedroom, and 18 studios with 69 parking stalls underneath. There would be 2 retail suites in the new buildings.

**Questions/Discussion:**

Pat Kelly asked what “underground” meant in the upper left of the site plan slide. Tom said that was just a reference to the fact that they will be undergrounding the utilities for the proposal site.

Tim Meisenheimer asked how many bedrooms each of the affordable units would have. Tom said he doesn’t know for sure yet, but they will be in the older homes. There are no studios in the older homes, hence no affordable studios. He added that the one 4-bedroom unit home would be affordable.

Richard Linster asked if they could provide a breakout of the number of bedrooms in the older and newer components. Tom said yes, no problem. (Some of that info is contained at the end of these notes).

Tom showed the front view of the proposal site with the new buildings. They have added a revised gable design feature at the top of the 3rd floor units rather than just having the tops flat as in the last version. He added that the mezzanine levels can’t be seen from the sidewalk below, but also can’t be seen from the center line of E. Johnson so cars won’t see the mezzanine either. He thinks that the setbacks and newly slanted front roofs add to the perception of scale of the building. The projecting bays also have rhythm and read as independent sections – not as a singular mass. He discussed the color and material palette too (see slides). They are using cream city brick, wood inserts, color added in awnings and in lights, metal panel awnings, and some inset color areas to give character.

Patty Prime asked about the earlier mention of two 1400 square feet retail spaces – does the image of the front reflect that? Tom said yes, the site plan slide shows where they are. The two spaces could be sub-divided. In the front view slide, they show 3 suites but there could be more if further subdivided.

Tom said that they are still talking to City about setbacks in the front to accommodate tables and chairs for any café component, but they don't see any problems with coming to an agreement. He thinks about 10’ from curb back being City-owned would be appropriate. They would give an easement to the City for that to work but it is not fixed yet. Regardless of where the property line is, there should be room for tables.

Patty asked if the new buildings were at street level all the way across. Tom clarified that there is some residential on the 1<sup>st</sup> floor of each new building and those would be elevated like the other residential components of the new buildings. There would be steps up to the residential sections in front.

Patrick Heck asked about the retail space previously proposed for the first floor of 751 N. Livingston - has that been removed? Tom said yes, that will remain an apartment. As the

proposal evolved, they determined that the small rooms of the apartment and the need to walk up didn't lend themselves to conversion to a commercial space. Also, now that there was more open space behind the newly saved 2 homes, they didn't need to have a mixed-use building and its accompanying smaller open space requirements. They can keep the saved buildings as residential and meet open space requirements in the zoning code, unlike earlier proposal versions. They feel that this end of the block is more residential and they will be paying respect to what is there today.

Patty asked about the homes being moved offsite. She thinks moving 2 to the lot at 827 E. Gorham will make that lot look better than what is there today (nothing). She wonders if the homes will really fit there though and will they face the street like typical houses? Melissa Huggins said Matt Tucker (City Zoning Administrator) has told them that they will fit and they will face Gorham. They haven't considered having them face other directions.

Tim Meisenheimer asked if they would need to extend their proposed zoning change to NMX all the way to Livingston now that it is all residential at that end of the block. Tom said that they plan to ask for the entire site to be changed to NMX. Tim asked if they could later turn any space in an older home, e.g., 751, into retail, could they do that? Melissa said that they would need to go through a new city approval process to do that at a later date, but the impact on useable open space requirements and such would have to be taken into consideration. In terms of usage, it would be okay.

Richard Linster said that he likes the new useable open space that was created by the removal of one new building. He asked if the decks depicted in the rear are on top of the second floor or on the ground. Tom said they are on top of the apartments below. Tom Miller said that they need the units in the rear and that zoning code requires that there can be no buildings within 20' of the rear property line, plus there is a 45-degree angle requirement above the 2<sup>nd</sup> story, so they have to step back on the upper stories. This allowed them to add the decks as open space.

Patty asked if the parking is underneath, like the past versions. Tom said yes, there is still a sloped downward driveway off N. Livingston, but the parking level is smaller since more homes are being saved. He added that the parking level plinth will have a slight slope towards the rear too. They didn't want the area between the plinth and the rear property line to slope drastically, so the plinth will be a bit lower in the rear.

Patrick asked about the newly created open space – will it be on top of the parking plinth or at grade level? Tom said that the driveway enters the parking level behind the saved homes (see overhead site plan slide), so that area must be up on the parking plinth.

Brian Schildroth asked how the new green space will be accessed. Tom said that there will be a walkway behind the homes to give access to the green space. Depending on actual plinth height and slopes, they may need a few stairs or a ramp since the saved houses are at different levels, but there will be access.

Ross Kelly said that he likes how the proposal has developed and he also like the new articulation of the front roofs/façade. He likes that there is more open space – he supports

the plan that has been developed. One concern he has is that there should be a mix of low income in both new and old units.

Pat Kelly asked how many of the units will be accessible for wheelchairs. Tom Miller said that both of new buildings will have elevators and each will be considered independently for meeting accessibility requirements. He noted that WI accessibility requirements go above and beyond international code. He said that very unit will meet that Type B option of ADA accessibility, e.g., greater clearance in kitchens and increased wheelchair maneuverability. He added that 2 units in each building will be Type A accessible that meet stricter standards. Pat asked about exterior stairs that could be a barrier – Tom said that the open spaces will be accessible by wheelchair, as will the units.

Richard Linster asked how many units will be below the decks atop the 2<sup>nd</sup> floor in the rear – Tom said he thinks 4 units will be underneath, but wasn't 100% certain, so will need to double check.

Patty Prime said she likes that they are restoring and saving more houses – kudos to them. Overall though, she is still not crazy about the rear view – she has the most trouble with that and it looks like a big institutional looking thing. Tom responded that he hasn't worked much on the rear and he is excited to figure out the rear green spaces and how they relate to nearby structures. He will work on this. Patty wishes they could lop off the 4 extra units behind each new building that are under the 3<sup>rd</sup> level decks. Melissa Huggins added that you don't get the warmth and impact of the materials in these slides; the blocks look institutional in the slides, but they also get softened by landscaping, etc.

Joey Hoey asked about the retail components. Do they want it or do they need it? Tom answered that it has been a suggestion from the neighborhood all along and makes it a better product. He also said it fits in the Neighborhood Plan and is a better solution that will activate the streetscape. Joey noted that he walks from the 1300 east block to the Capitol every day - there is already too much unused retail space – some finished and some unfinished that sit vacant. Could their proposed retail space be used rather than sit empty? Could it be residential? A coffeehouse/restaurant/bar is about all it is likely to be – you have created 2 more spaces that will be vacant is his concern. He also agrees with Patty about saving houses. Tom answered that the development team will do whatever they can to rent these spaces and they will be uniquely designed for a residential neighborhood. Joey asked if they could be live/work units or something more likely to rent. He thinks the current retail stores come and go on in the existing Johnson Street area and probably have cheaper rents than these retail units will have. More and more people are not shopping at retail – it will only be a bar or restaurant.

Elena Duncan said that it was hard to visualize a before and after image of the block – which houses are going where? Tom showed the slide that shows which houses are being moved/retained and where they are going.

Beth Kubly asked about parking for retail. Street parking is already very difficult, especially in evening if parkers are going to dinner at a restaurant in the neighborhood; it is already a negative situation. Tom said that like the previous proposal, there is no provision for retail customer parking. Melissa added that the Neighborhood Plan has discussed a

centrally located parking lot/ramp that could help. Beth said that her friend owns a duplex on E. Gorham and came to last committee meeting; she had to park a couple blocks away on Dayton and was nervous about walking on dark streets as a woman –this could be an issue too.

Keith Wessel asked if they had an option to purchase the vacant lot at 827 E. Gorham where they want to move 2 houses. Is that secured? Yes, Chris Houden now owns that lot. What about 943 E. Dayton? That is not secure – the owners are interested though. Keith asked what if the 943 owners opt out – what then? Patrick Heck also asked if they had explored Josh Day’s offer to site a house on the 700 block of E. Dayton. Melissa said that they haven’t explored Josh’s offer or contingencies – they need to get through this process first, getting neighborhood approval.

Tim Meisenheimer said that he likes the progress – it looks even better than before. What sort of renovations will be done for the older homes and what renovations will be done to the affordable units? Will they be restored to what they once were or renovated to modern standards? Tom said that the units will be similar to other older properties that developer has. Patrick Heck described the Houden-owned older units that Patty Prime and he toured near Houden’s Waterfront off Langdon. They were not fancy, but were functional and decent. No granite countertops or fancy features – sort of a mish-mash of renovated and original features. Chris Houden said that they do replace things as they can, some with the original style, when possible as they renovate.

Richard Linster said he agrees with much of what Patty Prime said. The development team has come quite a distance, but they aren’t there yet – he likes Patty’s suggestion of eliminating the southern-facing units in the rear under the 3<sup>rd</sup> floor deck. He also thinks they are not where they need to be on the number of affordable units (he wants more affordable units).

Pat Kelly said the existing homes were relatively affordable when you started -is this change an improvement in affordability? What about the CMI levels for the affordable units? Tom said that they will 80% CMI and that 10% of the units will be affordable and will be in existing homes. He added that all of the existing unites will have some restoration and modernization. Pat asked if we are losing affordable units or are we gaining? Tom says we are losing substandard units and are gaining higher quality units. Pat asked if fewer people would have affordable units. Tom said he can’t say for sure. Patty Prime asked if they were still considering deed restrictions on the affordable units to keep them affordable. Melissa said yes, but they haven’t pursued that yet. Melissa reiterated that they had explored subsidies for affordable units, but it wasn’t feasible. Pat said that she thinks the proposal is better and was never really opposed to it, but reducing affordability is a problem for her. Melissa said that Tom’s earlier point is that we as a community want to have quality affordable housing, not just more affordable housing. Pat ended by saying she wants more affordable units in the proposal.

Evelyn Atkinson said she really appreciates what they’ve done. They are taking the committee’s concerns into account, including reducing the number of units/buildings, adding green space, and saving more homes. She echoed that some affordable should be in new development and not just in the older houses – that is more equitable. She is

concerned about the rear units that Richard brought up – will there be shadowing on other properties in the rear? What will the rear look like from the vantage point of the rear neighbors? Also, she doesn't care for the yellow brick color in the pallet – it looks like a bathroom stall to her. Tom showed the site plan and explained that shadows will likely never fall on the rear neighbors because that face of the new buildings is to the south. He said that the colors in the slides were not as nice as the actual materials.

Patrick asked about the driveway of the nearest neighbor on N. Livingston. Earlier, there was an indication that that home's driveway might be partially on the proposal property, so they could lose their driveway. Tom said that was a drafting error – their driveway is fine and won't be lost.

Liz Avenius said she really appreciates the steps they've taken in the process – they are listening. They are saving more houses, she likes the materials and thinks the new sloped roofs in front are better and connect well to surrounding houses. She's okay with the rear design too – there is now more area for neighbors to come together and the new open space also brings down the scale in back.

Beth Kubly asked about the grey-colored areas in the back on the site plan – are those pavement? Tom indicated that the color changes in the drawing indicate changes in material, e.g., from concrete to pavers, etc. Fire pits and water features are included. It will all be on top of the parking plinth that will have a green roof system for drainage. He noted that water takes longer to drain through a green roof system than a hard surface, so it will get to the storm sewers later, perhaps helping with any flooding problems.

Elena asked about their plan for HVAC and exhaust noise. Would they keep the loud noise sources on the roof, e.g., a/c condensers and fans? Tom said they don't plan on having anything mounted on the ground or building sides, plus they are aware of the need to be sensitive about the placement of the garage exhaust fans. He noted that Ledell has good ideas for precedent for that. Patrick asked about wall packs for individual units' HVAC. Tom said they would not be using wall packs.

Patrick asked if they had considered placing saved older homes between the proposed new buildings, thereby decreasing the perception of a large mass/scale. If the problem is that the foundations of the new are problematic for the parking level, could the older homes be put atop the plinth on a new foundation, eliminating their basements? Melissa said that if they did this, it would break up the retail strength. It is better to have a critical mass of retail to attract customers rather than spreading it out. She thinks that the older E. Johnson retail is spread out and intermixed with residential, which is not ideal. Liz Avenius said that she does not want the retail component taken out or jeopardized. Evelyn Atkinson agreed and said that anecdotally she has heard that neighbors want more retail. Joey Hoey disagreed, saying he thinks the retail will struggle. The problem that he sees is that there isn't a customer base. We've had some great business entrepreneurs, but there is not parking for out-of-neighborhood customers – people will have trouble getting customers if neighbors only are the base. Patty Prime said she thinks the situation is actually somewhere in between – there are more successful businesses now than there used to be and that is partly because of people moving into the neighborhood. Melissa added that those people being within walking distance helps too. Joey mentioned that he sees all the empty commercial

spaces at the Galaxie and that is an indicator that new spaces could struggle. Bob Klebba said that he salutes Patty on her enthusiasm for the existing commercial businesses, but he thinks parking will always be an issue. Restaurants might make it, but true retail will be difficult. He thinks breaking up the proposed masses is necessary. The neighborhood is already allowing 2 houses of the 13 on the block to be torn down (the RPG proposal) and this proposal will add 3 more demolitions and 3 moved. The massing is still disproportionate and does not fit with what we consider to be the Tenney-Lapham neighborhood. Keith Wessel agreed with Bob.

Liz disagreed and said they have broken up the façade. The new buildings have some distinguishing factors and you could tell which unit is yours if you lived there. Touring the existing houses (the earlier committee tour) was great and some of those will be a home to some in the future, but some were past their lifetime and are substandard living. The proposal is a good path. Bob Klebba said he'd rather that residents be able to find their house than find their unit.

Tim Meisenheimer asked why some prioritize apartments in houses rather than in buildings? Aren't apartments in buildings just as good? Bob said that the average build date of the 11 homes is 1885. We will never have the character of what the existing housing stock contributes to the neighborhood if they are demolished. There are some that are beyond saving, perhaps two, but the majority are contributors to what makes Tenney-Lapham. What we would be replacing those with could be found in Sun Prairie, Cottage Grove, etc.

Evelyn Atkinson remarked on the diversity of opinion in the committee. There are those who would like to stay in the hood to hang out rather than having to go elsewhere. Others think the neighborhood looks a certain way and don't want to change it. She thinks the process has evolved and addressed some of this and compromise has worked. She suggests we keep trying to compromise.

David Waugh asked attendees how much shopping they do in the neighborhood. He goes to the liquor store and now and again to restaurants. He says that you are right – we want retail – but they (referring to non-restaurants/bars) have mostly failed. He appreciates that we need more retail, but we need to be specific about what we want. He doesn't think we need more restaurants or coffee shops. He still thinks the proposal is too big. He's an historical preservationist and we've tried to do preservation in the Neighborhood Plan. If we are going to change the Plan, it should be a larger change. He's into compromise – for example, he likes the idea of one of big buildings – but he doesn't think moving homes is going to achieve the affordable housing goal.

Beth Kubly mentions that the proposed color palette is like the Constellation – brown/grey/metal. She wants more warmth and creativity and not just yellow/orange to warm it up. Beth and Tom discuss there being appropriate oranges that are possibly more appropriate.

### **Summarizing/More Discussion/Next Steps:**

Patrick Heck tries to summarize what he's heard so far – he says he hears that everyone agrees that the new proposal is an improvement over the last version and that it is going in

the right direction. He thinks though that the opinion camps that were established over the last few committee meetings haven't shifted much. There are those who remain generally opposed to the proposal because of the scale/mass, tear downs and some because of the lack of a larger affordability component, but there are also those that remain mostly in favor of the proposal, liking the addition of commercial space, increased density and are okay with losing the houses in the worst shape. He doesn't hear that anyone has shifted camps.

Linster says that he recommends that the proposal not come before TLNA Council at the earliest moment – there is still more evaluation to do. He too would like to see compromise. Joey Hoey says that we are losing between 25 and 40 affordable apartments and getting 7. He says it doesn't matter if some of the current units are substandard or not - there have been times in his life he would have like to have called any of those home. They are asking permission to tear down existing affordable units. Melissa Huggins says that only 3 will be demolished and the other existing units will be improved and rented at what the market will bare. Pat Kelly asks how long they will commit to keeping those 7 units affordable. Will they be for terms similar to a WHEDA-funded project? In perpetuity? Chris Houden says that all the saved homes will be affordable housing that is staying - he's keeping the affordable housing. Pat K asks again are they all going to be affordable and for how long. Chris says it will be for more than one year.

Bob Klebba says that he likes to know his neighbors who are working in the restaurants and the grocery. With the loss of affordable units, we will see fewer and fewer neighbors who also work in the neighborhood at neighborhood establishments.

More discussion of the affordability component ensued. Tim Meisenheimer agrees that affordability is key, but he thinks some are not being honest. Previously affordable Ray Peterson houses have been purchased and replaced – there is now a replacement of a Ray Peterson house that rents for \$4,000 for a-5 bedroom apartment and 2 others were demolished/renovated and sold at high prices. If these houses on E. Johnson are purchased and turned into single-family homes, the prices will not be affordable. Either you want affordable or you don't and owner occupants would be a permanent loss of affordability. Linster said that the developer knowingly purchased bought these properties that were degraded for demolition and now is willing to fix some up, for which he deserves kudos. However, there is an expectation by TLNA that every new project will include affordable housing – the restored units are not enough.

Patty says she is fuzzy on the zoning change request – would the entire proposal be one change? Melissa says yes, they would pursue it as one parcel and one zoning category (NMX). It was asked if they would be able to later sell individual buildings. Yes, they could, but it would take consideration of all the open space requirements, setbacks, etc., as well as a parcel separation process that would be complex. Could it be a Planned Development (PD) analogous to the RPG project at Blount and Dayton? Melissa said she believes the City will not do PDs except in extraordinary circumstances – they want the entire parcel to be NMX. Keith Wessel asked if the whole area goes to NMX could they eventually knock down those 5 older buildings? Melissa says they would have to get a demolition permit, but technically they could. Keith asked if it was open space and setbacks that doesn't allow them to keep current zoning for the 5 houses. Yes.

David Waugh said for the Blount Street component of the RPG project, we faced the same thing. In order to prevent potential later demolition from happening with the old houses, we did a PD. The only way to guarantee keeping them was to have a PD, so the make-your-own zoning text of a PD said they must remain.

Bob reiterated what David said. He has seen how easy it is to get a demolition permit for these properties. How many demolitions have already been approved? He knows the Landmarks Commission has seen them and already approved demolition of several. Melissa said that Landmarks has no authority to approve or disapprove demolitions. The development team has not initiated that process. Bob said he has been at a Landmarks Commission meeting where the demolition of some of these houses was approved. Melissa said no, they can't approve/disapprove – they only advise. Bob said that Landmarks said that the houses proposed for demolition contribute to the vernacular part of the neighborhood. Melissa said that Plan Commission does the actual approval of demolitions and PC hasn't considered that yet. Melissa said that they had not filed for Plan Commission demolition consideration. Bob added that he would like different zoning to somehow protect the saved homes.

Ledell said that Melissa is correct. Plan Commission approves/denies demolition permits, but Landmarks is advisory only.

Liz Avenius asked about the mix of units in the new buildings. Tom did not have that info. Richard Linster suggested that this be posted on line (some info is appended to these notes).

Patty Prime said that if we go beyond this point with the proposal, and she assumes they want to go beyond this point, she has a lot of picky things to discuss. One is that the amendment to the Neighborhood Plan still has to be worked out with staff and the neighborhood. The specifics of the proposed change need to be carefully evaluated by TLNA Council. Melissa says they won't be able to spend a lot of time on the amendment until they know the proposal can move forward. Patrick suggests that TLNA can work with City staff to get an idea of how complicated the amendment might be and consider approving it before the exact language is known if all are comfortable. There was hesitation expressed about TLNA Council considering a change unless the change is fully developed and vetted.

Tom said that a significant amount of comments have been made that haven't been part of the discussions of the past. They will continue to consider those comments.

Joey Hoey said that we need to look at the big picture in how we evaluate this. He understands the urge to change the neighborhood, but precedence is key for him. He's worried about other developers continuing to ask for exceptions. Liz Avenius said that if precedence is the problem, she agrees. She likes that they aren't asking to change the other side of E. Johnson and are asking for leeway only in the proposal area. Otherwise, does it mean that this whole neighborhood isn't ever going to change? Joey says that retail meant something different when the Plan was written than it does now – the Plan was expecting retail shops, not just restaurants/bars. He added that year after year there are exceptions to rules and the next proposal will always want more.

After more discussion, Patrick proposed that he draft a supplement to the Committee's already-issued Summary Report. He would include the sentiments of the evening's discussions, including that everyone agreed that the proposal was improved and that the opinion camps hadn't much changed in relative size. He also said he would email those who were not on the committee to encourage them to weigh in via email before he writes a draft supplement. The entire committee will be free to comment on the slides, notes and eventually on the draft supplement.

All were thanked for their attendance and input.

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From Tom Miller via email after the meeting:

Number of new buildings: 2

Number of units in new buildings: 56 (28 per)

Number of bedrooms in new buildings: 84 (42 per)

Number of restored buildings: 8

Number of units in restored buildings: 13

Number of bedrooms in restored buildings: 28

Total units: 69 (56 new/13 restored)

Total bedrooms: 112 (84 new/28 restored)