

October 28, 2020

Ms. Heather Stouder
Director, Planning Division
City of Madison Department of Planning & Community & Economic Development
215 Martin Luther King Jr. Blvd., Ste 017
Madison, Wisconsin 53703



cc: Kevin Firchow, Matthew Tucker, Colin Punt, Janine Glaeser

Re: American Exchange Development Proposal

Dear Heather,

We'd like to thank you and your staff for taking the time to discuss the American Exchange Development (AED) Project as submitted to the City of Madison by Urban Land Interest (ULI) with the representative from Eno Vino Restaurant.

This letter is intended to replace our previous letter dated October 19, 2020. We have only recently become aware that Urban Land Interest (ULI) has submitted an application to have the American Exchange Development (AED) Project property rezoned to a Planned Development District.

Understanding the need to discuss our concerns regarding the project relative to the standards being decided before the City of Madison public approval bodies, we've structured our concerns relative to the ordinances and design standards under review that your forthcoming staff memos will address.

We believe that it is important to provide a full accounting of our concerns. At the behest of Alders Verveer and Heck, we are also sharing with you our concerns relative to the project's public engagement process to date, and have included an outline of our ongoing efforts to engage in meaningful actions to have our concerns with the project addressed.

Given the conflicts we believe the project currently presents to City of Madison ordinances and land use standards, in addition to the deficiencies regarding community stakeholder engagement, the representatives of Eno Vino do not believe that the American Exchange project meets the City of Madison ordinance standards for approval recommendation, and would like to see the project referred by the Urban Design Commissioners on November 4th to encourage the development team to further revise their project design.

We do believe there is a path to success for all parties that can be achieved with project design and massing adjustments. The team from the North Central Group (NCG) has studied and is presenting an achievable and feasible design adjustment that could create a "win-win" for the project developers and the people that use the public amenities on the ninth and tenth floor of the adjacent AC Hotel. The City of Madison would also see an improved outcome, relative to tax revenue and property valuation should the developer adjust their concepts, and "flip" the tower component to make better use of the mid-block area of the development, and push the project's tower massing off of the E Washington Avenue side of the development.

During the UDC presentational meeting of May 27th, 2020, ULI principal Brad Binkowski testified that ULI's goal in this development was to create a downtown commercial space stronger and better for everyone. That is our goal as well. As the ULI project is currently proposed, it affects the health and vitality of the neighboring property and existing uses, and we believe the project currently does not meet the standards for approval under Madison ordinances.

This project is a significant \$130 million addition to Madison's most iconic downtown commercial district. The building mass, location, and commercial impact are significant, and we look forward to a detailed public review process to ensure the best outcome for all that balances the need for redevelopment amongst existing user groups. We believe that the project design can be adjusted with time and guidance to a mutually beneficial project.

PUBLIC AMENITIES – AC HOTEL & ENO VINO LAND USE BACKGROUND

Within the City of Madison Downtown Plan, the detailed height map for the site of the AC Hotel recommends a maximum of eight (8) stories along East Washington Avenue, with the possibility for up to two (2) bonus stories to encourage and reward buildings of "truly exceptional" design. These height recommendations were codified in the Zoning Ordinance.

The bonus stories are intended to encourage and reward buildings of "truly exceptional" design:
"... Rather additional stories are to be used as a tool to encourage and reward buildings of truly exceptional design that respond to the specific context of their location and accomplish specific objectives defined for the area."
(Downtown Plan, Appendix C: Additional Building Height)

When the AC Hotel was approved for construction in 2015, the City of Madison approval bodies found that the building's design of 8 stories and proposed use met these standards for "truly exceptional" design. The top two floors of the AC Hotel that encompass the Eno Vino space have been explicitly built as public amenities and the inclusion of the restaurant was designed to explicitly respond to the exceptional design standards proscribed in the Downtown Plan. The Eno Vino space directly responds to the specific context of its location by using its height and vantage point to the Capitol Square as a public access asset. Now, five years later, approving the AED Project as-is would significantly block the public's penthouse view from the public amenity that the City so desired just five years ago. Moreover, it would cause significant hardship for the viability of Eno Vino's restaurant due to its impact to the restaurant's environment and the community impact to the landscape of the Capitol Square from the property's public amenity spaces.

The interrelation of the AC Hotel's underlying building approvals from 2015, the creation of a public amenity with a penthouse view of downtown Madison, and Eno Vino's continued financial stability as a tenant, and the adverse impacts the AED Project would have on the built environment of the existing AC Hotel and Eno Vino space is in conflict with City of Madison ordinances as they relate to zoning, land use, and design approval standards by the project as currently designed.

URBAN DESIGN COMMISSION OVERSIGHT

Conflicts with UDC Standards of Urban Design District #4

Sec. 33.02(11)(a) Statement of Purpose Conflicts

The underlying jurisdiction of the AED Project before the Urban Design Commission falls under the standards as outlined in Urban Design District #4 (UDD-4). The standards must be demonstrated to have been met for the project to be granted initial or final design approval. Opening the ordinance, the Statement of Purpose to UDD-4 reads; “Urban Design District No. 4 is hereby established to improve the appearance of those major transportation corridors east of the Capitol Square which constitute a major entrance to the City of Madison, to preserve and enhance the property values in the district, and to avoid a substantial depreciation of the property values in the district.” [emphasis added]

The Madison General Ordinance standards of urban design for UDD-4 are written to explicitly allow economic considerations of the effect of design choices in land use approvals relative to the current and future property valuations of existing properties.

For the AC Hotel property, the AED Project as currently submitted would violate that statement of purpose, as the project would not enhance the property value, relative to its existing condition, and would lead to a substantial depreciation to the property value of the AC Hotel property.

Having approved the AC Hotel space in 2015, and explicitly agreeing that the building met the exceptional design standards by placing public amenities at its highest levels, the City of Madison tacitly codified the AC Hotel’s public amenity asset through its top-floor restaurant space. The City of Madison annually sees a return on this asset through the building’s property taxes. The City of Madison Assessor uses an income-based approach to commercial property valuation. Eno Vino’s rent within the AC Hotel is directly structured relative to restaurant revenues, and the City of Madison Assessor uses that rent as a basis for their property value assessment and property tax calculations. Hotel room occupancy rates and average daily room rates also are a component of this calculation, however, for the purposes of Eno Vino Restaurant, we will not include the negative financial and operational impacts to the AC Hotel operations. Suffice it to say, a material decrease in restaurant revenues due to the significant negative design and massing impact of the AED Project is directly linked to a depreciation of taxable resources to the City of Madison.

Until and unless the AED Project adjusts its building massing to minimize the impact to the Eno Vino public amenity space, the project as currently proposed will cause a material depreciation of the AC Hotel property, in violation of *Sec. 33.02(11)(a)*.

Conflict with Sec. 33.02(11)(4)(a)– Building Design

ii. “Mechanical elements mounted on the roof or on ground pads shall be screened from views from adjacent properties and roadways in a manner consistent with requirements of public utilities.”

The placement and height of the mechanical tower is a trigger for one of the project’s Conditional Use (CU) standards, as the building height would exceed the Capitol View Preservation. M.G.O. Sec. 28.134(3). Accordingly, if the mechanicals or elevator penthouse etc. exceed 187.2 feet, then they need to be approved as a separate conditional use.

At this time, the project is not ready to meet UDC final or initial approvals given the lack of available details for the rooftop mechanicals and affiliated screening. Given the height and massing position of the proposed building, relative to its immediate neighbors at the AC Hotel, the availability of details for this information is necessary to fully understand the community impact to the existing built environment.

Additionally, please see Appendix A for examples of recently constructed rooftop mechanical elements by Urban Land Interest on the Capitol Square that demonstrate examples of unattractive and obstructive mechanical towers that would be detrimental to those visiting and using the Eno Vino space if such mechanical elements are built as currently proposed within the AED Project.

Based upon the analysis conducted by NCG, we believe that the mechanical tower can be shifted to a central, mid-block position, allowing for minimal impact to the public amenity spaces of Eno Vino's restaurant and a marginal impact to the AED Project's functionality, use, and overall building massing.

Conflict with Sec. 33.02(11)(4)(b)– Guidelines

The ordinance guidelines of *Sec. 33.02(11)(4)(b)* are poorly met by the applicant relative to the existing properties on N Webster Street. Areas where the AED Project does not meet the *Sec. 33.02(11)(4)(b)* ordinance standards:

(i.) Structures should be designed to be compatible with the structures that are adjacent to them.

- The AED structure for N Webster Street as proposed is not compatible with the adjacent structure and use of the AC Hotel, relative to window placements and placement of building massing of its 8th and 9th floors. The “glass box” office space that abuts the East Washington Street façade is also a concern.
- The covering up of two floors of residential tenant windows of 23 N Webster Street is not compatible with the existing structures that are adjacent to the project.

(ii.) Large unbroken exterior facades should be avoided.

- Large unbroken exterior facades are not being avoided on the proposed North Webster Street facade. More streetscape engaging architecture and uses should be pursued to break up the unbroken, dead streetscape of the N Webster Street facade

(iii.) All building elevations are of importance and should be carefully designed. When visible from roadways or adjoining properties, roof surfaces should be considered as part of the overall design.

- Given the visibility from the Eno Vino space, the AED Project roof surface designs are underdeveloped, and screening material details and renderings are non-existent. Plans cannot meet threshold for initial design approval due to inability to consider roof surfaces as part of the overall design.
- Telecommunication equipment placement capacity is undefined/unknown
- In the UDC informational testimony from May 27th, Mr. Binkowski stated that one of their goals was to utilize the proposed rooftop green space for Concerts on the Square. Relative to the positioning of that event between King Street and East Washington Avenue, the roof surface design currently sunk within the middle of the block is not carefully designed to meet that objective.

Further refinement is needed before initial design approvals are granted, as there is a compatible design option available to the project team by more efficiently utilizing the mid-block massing of the project design, with

increased massing potential regarding massing mid-block, explicitly at 15 and 19 North Pinckney Street, and shifting the rooftop green space to the East Washington Avenue side of the building. It is our understanding from the analysis performed by NCG that it is possible to shift the building massing without disturbing the structural elements of the building design, the amount of commercial space available for rent, and the internal parking circulation of their parking proposal.

PLANNED DEVELOPMENT (PD) STANDARDS

ULI is asking that its property be rezoned from its existing zoning district to a Planned Development District. The request to rezone the property to PD District is fundamentally different than reviewing an application for a permitted use under the existing zoning and for a conditional use permit. Under the existing zoning, ULI's proposed AED is a permitted use. The City's review is considered administrative as to permitted use and quasi-judicial as to conditional uses. This means that the City's actions are limited.

A zoning map amendment is completely different. A zoning map amendment is a "legislative decision", and the City has broad discretion when deciding whether to approve, deny, or approve with conditions a zoning map amendment. Accordingly, even if ULI's proposal meets all of the standards of the PD District Ordinance, the City may take into account other factors that relate to the impact on the community and other properties when deciding to approve, deny or approve with conditions.

The Statement of Purpose for PD Districts (M.G.O. 28.098(1)) states that the purpose of allowing for such PD districts to be used is "to encourage development that is sensitive to environmental, cultural, and economic considerations." Relative to the significant environmental, cultural, and economic considerations of the Eno Vino space within the A.C. Hotel, we do not believe that the AED project is conforming with the underlying mission of using a PD zoning framework, and that it explicitly fails in meeting PD objective (c) "Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities."

The most applicable PD ordinance standards that we believe the project fails to meet:

- *(a) No Other Base Zoning District Can Be Used to Achieve a Substantially Similar Pattern of Development. Sec. 28.098(2)(a)*

The PD District Ordinance specifically states "[A] PD option should rarely be used. It is intended that applicants use the PD option only for situations where none of the base zoning districts address the type of development or site planning proposed."

ULI states in its letter of intent that a PD District is necessary because the existing base zoning limits the maximum width of parking garage openings to twenty-two feet, which is too small for three traffic lanes and associated equipment. It is dubious that the entire AED project is dependent on having three traffic lanes at each parking garage opening so that no other design possibility will work to allow for the planned parking structure.

- *(c) The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal*

services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area. Sec. 28.098(2)(c)

In addition to the detailed analysis of the negative impact to city tax revenue generated from the AV Hotel property presented by North Central Group, and as detailed above in this memo regarding the UDD-4 standards and financial impacts, the project as proposed has an additional outsized impact to the economic health of the City of Madison most explicitly through the Parking Utility and its capacity to support the Capitol North parking ramp. The AED project has proposed more than 820 underground parking stalls for office tenants on a first-shift, weekday schedule. The Capitol North parking ramp, with 613 parking spots is situated less than 100 feet from the proposed development's parking ramp entrance. The developer states that their intention is to allow the public to park in their ramp on nights and weekends, directly competing with city-owned parking assets. The project and its proposed parking supply would decrease existing weekday demand from the project parcels that currently utilize parking within the City of Madison owned Capitol North ramp. Additionally, if the AED project is approved and the project is structured physically and financially to depend on weekend and nighttime public use of their parking structure, it would directly and adversely affect the City of Madison Parking Utility through a decrease in revenues for hourly parking and monthly permits. The documents that ULI has presented to the City that are available to public review fail to address the impact to the City of Madison Parking Utility and its revenues that these 800+ stalls would create.

- *(e) The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District. Sec. 28.098(2)(e)*

ULI's proposed design dramatically fails this standard. ULI's project site includes ample space to minimize the negative impact on the surrounding land use such as Eno Vino while still accomplishing ULI's desired size of the project. ULI's proposed design in its current form – having its tower and massing on the corner of East Washington and South Pinckney does not coordinate the building forms to achieve greater compatibility with the surrounding land uses because it blocks the public amenity space located on the 9th and 10th floors of AC Hotel Building.

ULI's proposed use in its current form – having its tower and massing on the corner of East Washington and South Pinckney will substantially impair and diminish the use, value and enjoyment of the public amenity space located on the 9th and 10th floors of AC Hotel Building. During the approval process of the AC Hotel Building, the AC Hotel development group agreed to move the public amenity areas (i.e., the restaurant and bar) from the 1st to the 9th and 10th floor so that the public space was at the top level. This is unique on the capitol square as all other public spaces such as restaurant and bars are located generally on the ground level. There is no other daily public access on the square that allows view of the capitol building and surrounding areas similar to Eno Vino.

The proper design is not an either-or issue in this case. ULI can accomplish both its project and minimizing the negative impact on the public's view of the Capitol Building from Eno Vino. Until and unless the AED Project adjusts its building massing to minimize the impact to the Eno Vino public amenity space, the project as currently proposed will cause a material depreciation of the AC Hotel property, in violation of *Sec. 28.098(2)(e)*.

CONDITIONAL USE STANDARDS

The AED Project mechanicals pushes the building above the Capitol View Height, which requires an additional Conditional Use approval and the project is in conflict with the standard created by ORD-19-00090 (Appendix B) 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. The AC Hotel is located on the E Washington Avenue view corridor included in the long views of the State Capitol building. We believe that there is a public interest in ensuring that the view of the Wisconsin State Capitol building is maintained, and we believe that shifting the office tower mass away from the E Washington Avenue streetscape and into the mid-block of the project design will significantly improve this encroachment.

COMMUNITY ENGAGEMENT PROCESS CONCERNS

In addition to the AED Project's design deficiencies identified, we have been encouraged by Alders Michael Verveer and Patrick Heck to provide to staff and commission members an accounting of community engagement efforts and concerns in the process of this project's evolution.

The AED Project developers have not engaged the Eno Vino stakeholders in a meaningful way during their design process. We were especially frustrated by the non-notification of the developer's conversations with the Capitol Neighborhoods, Inc. Steering Committee and were not notified of any public engagement meetings by the applicant, the representatives of Capitol Neighborhoods, Inc. (CNI) or elected officials until after those meetings were underway or had concluded.

CNI subsequently formed a development steering committee in the spring and summer of 2020 and unfortunately did not engage or inform any representatives from Eno Vino or the AC Hotel during this process, and they were not included. The AC Hotel is within the James Madison Park Neighborhood Association boundaries and between the elected official, the developer, and the CNI process should have been actively consulted, invited, and engaged in these community engagement efforts as an immediately impacted entity.

The unsigned CNI Steering Committee letter submitted to the City of Madison (Appendix C) stated that "While some members of the group did indicate that they were sympathetic to the possible loss of view from Eno Vino, the vast majority of the SC felt that recent efforts by ULI to adjust their proposal to preserve more of Eno Vino's view (by curving the E. Washington side of the building and stepping back part of the top few floors) was sufficient to address remaining concerns. It is the SC's opinion that the proposed plan has sufficiently been adjusted to reasonably accommodate Eno Vino and the AC Hotel and the project does not need to have its height lowered or massing changed for that reason."

Considering that the organization, project developer, or elected officials actively did not include or attempt to engage the Eno Vino stakeholders in any community conversation on these impacts, we are completely dismayed at any evidence or reasoning the steering committee members employed to arrive at these conclusions.

At the encouragement of Alder Verveer after our meeting with him on Thursday, October 1, we worked with CNI President Eli Judge to schedule a forthcoming meeting with members of the CNI Steering Committee and Eno Vino & AC Hotel stakeholders to show them the impact analysis from the Eno Vino space from NCG for the first time. This meeting is scheduled for Wednesday, October 27th.

Additional concerns regarding the American Exchange Project that were not commented on within the CNI Engagement process:

- Effects of traffic, pedestrian, bicycling conflicts especially within the E Washington/N Webster/E Mifflin Street bike boulevard
- Eno Vino public access long views of the State Capitol Building
- Consideration of proposed retail parking relative to the usage impacts and circulation of the Capitol East Parking ramp owned by the City of Madison located within the JMP neighborhood and adjacent to the block the AED Project is being built
- Sound and lighting impacts to residential and commercial tenants of N Webster Street from traffic circulation and loading bay impacts

This project will establish a 100-year design choice for a vital intersection of Madison's downtown. It will bring up to 2,000 employees to the site and more than that 2,255 net new automobile trips daily (per information provided in ULI's traffic study). A project referral would be warranted to have an engaged and comprehensive neutral, alder-led engagement process between District 4 and District 2 stakeholders to ensure that significant daily impacts to pedestrians, bicyclists, residents and tenants of N Webster Street and the James Madison Park neighborhood are thoroughly vetted before the project proceeds any further.

COVID-19 has created a limited and unusual environment for stakeholder engagement in community land use decisions. Before making a 100-year decision, on a \$135 million project, City Staff and committee members should seek to have a detailed and accommodating public conversation and engagement process between the developer and many diverse stakeholders who engage with this space. As of today, such community-wide engagement has not satisfactorily occurred.

Eno Vino is a neighborhood stakeholder and a custodian of a notable public amenity to the downtown community that was granted by the City of Madison in 2015. Pre-COVID, in 2019 the restaurant and bar space served at least 166,426 individuals over the course of normal daily operations, and 5,362 guests from private and community events held in the space, for a total of 171,788 annual users. The AC Hotel was explicitly built and Eno Vino is providing direct public amenities to residents and visitors to the City of Madison, making the impact of the AED Project a significant public concern for City of Madison staff and commission members in their review of the project.

We believe there is a better design solution available to the project team that allows their desired use to move forward while not impeding the welfare and existing assets from immediately affected properties and stakeholders.

Thank you for your diligent review and attention to our concerns.

Sincerely,

Jose & Sara Granados, Owners of Eno Vino Downtown

John Smithe, Owner of Eno Vino Downtown

Craig Spaulding, Bartender at Eno Vino Downtown

Bridget Maniaci, Principal at UX Community Consulting, LLC

Robert Procter, Partner at Axley Brynelson, LLP

APPENDIX A

Examples of Existing ULI Rooftop Mechanicals

33 E Main Street



25 West Main Street



25 West Main Street (cont.)



APPENDIX B

Ordinance No. ORD-19-00090

Approval Date 12/6/2019



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 58010

File ID: 58010

File Type: Ordinance

Status: Passed

Version: 1

Reference:

Controlling Body: Attorney's
Office/Approval
Group

Lead Referral: PLAN COMMISSION

File Created Date : 10/29/2019

File Name: Creating a conditional use standard for projections into
the capitol view

Final Action: 12/03/2019

Title: Creating Section 28.183(6)(a)17. of the Madison General Ordinances to create a
conditional use standard for projections into the capitol view height area.

Notes: 6288capitol.view
MAYOR APPROVAL DATE 12/6/2019

CC Agenda Date: 11/05/2019

Agenda Number: 21.

Sponsors: Patrick W. Heck, Lindsay Lemmer, Marsha A.
Rummel and Michael E. Verveer

Effective Date: 12/13/2019

Attachments: Zoning_Text_Memo_11-25-19.pdf

Enactment Number: ORD-19-00090

Author: John Strange

Hearing Date:

Entered by: dalthaus@cityofmadison.com

Published Date: 12/12/2019

Approval History

Version	Date	Approver	Action
1		Michael May	Approved as to Form
1		Brent Sloat	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	10/29/2019	Referred for Introduction				
	Action Text:		This Ordinance was Referred for Introduction				
	Notes:	Plan Commission; Public Hearings: Plan Commission (11/25/19), Common Council (12/3/19)					
1	COMMON COUNCIL	11/05/2019	Referred for Public Hearing	PLAN COMMISSION		11/25/2019	
	Action Text:	This Ordinance was Referred for Public Hearing to the PLAN COMMISSION					

Notes:

1 PLAN COMMISSION 11/25/2019 RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING Pass

Action Text: A motion was made by Cantrell, seconded by Rummel, to RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING. The motion passed by voice vote/other.

Notes: On a motion by Cantrell, seconded by Alder Rummel, the Plan Commission recommended to Common Council to adopt. The motion passed by voice vote/other.

1 COMMON COUNCIL 12/03/2019 Adopt and Close the Public Hearing Pass

Action Text: A motion was made by Bidar, seconded by Verveer, to Adopt and Close the Public Hearing. The motion passed by voice vote/other.

Notes:

Text of Legislative File 58010

Fiscal Note

No City appropriation required.

Title

Creating Section 28.183(6)(a)17. of the Madison General Ordinances to create a conditional use standard for projections into the capitol view height area.

Body

DRAFTER'S ANALYSIS: Sec. 28.134(3) of the Madison General Ordinances, entitled "Capitol View Preservation," allows the Plan Commission to allow certain projections into the capitol view height area as a conditional use. Until now, the zoning code has not had a separate conditional use standard for this conditional use. This ordinance therefore creates a new conditional use standard for allowing projections into the capitol view height area.

The Common Council of the City of Madison do hereby ordain as follows:

Paragraph 17. of Subdivision (a) of Subsection (6) entitled "Approval Standards" of Section 28.183 entitled "Conditional Uses" of the Madison General Ordinances is created to read as follows:

"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."

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

November 5, 2019
PC, Public
Hearings: PC 11/25/19
CC 12/03/19

Creating Section 28.183(6)(a)17. of the Madison General Ordinances to create a conditional use standard for projections into the capitol view height area.

Drafted by: John Strange

Date: October 29, 2019

SPONSOR: Alders Heck, Lemmer, Rummel & Verveer

DRAFTER'S ANALYSIS: Sec. 28.134(3) of the Madison General Ordinances, entitled "Capitol View Preservation," allows the Plan Commission to allow certain projections into the capitol view height area as a conditional use. Until now, the zoning code has not had a separate conditional use standard for this conditional use. This ordinance therefore creates a new conditional use standard for allowing projections into the capitol view height area.

The Common Council of the City of Madison do hereby ordain as follows:

Paragraph 17. of Subdivision (a) of Subsection (6) entitled "Approval Standards" of Section 28.183 entitled "Conditional Uses" of the Madison General Ordinances is created to read as follows:

- "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."

Approved as to form:

APPENDIX C

Capitol Neighborhoods Inc.
Steering Committee Letter



Capitol Neighborhoods is the neighborhood association that represents most of the downtown core of Madison. When a development of any significance is proposed in our neighborhood, we will typically form a steering committee to help provide neighborhood feedback to both the developers and, ultimately, members of city commissions and the Common Council. The Capitol Neighborhoods steering committee for the proposed ULI project on the capitol square (“SC”) has met multiple times in addition to the public neighborhood meeting held by Ald. Mike Verveer in August. The SC is composed of downtown neighbors and other interested Madison residents from other parts of the city. Given the impact, size, and location of this project, Capitol Neighborhoods was happy to allow input from all Madisonians that signaled interest in the steering committee process.

To summarize the conclusion of the SC, our group has unanimously held that ULI’s proposal for the American Exchange Bank project is an attractive, appropriate, and well-designed submission to the important capitol square architectural tapestry. The SC agrees that the scale of the project is appropriate in relation to the surrounding buildings and, from an urban design perspective, fulfills the requirements of the adopted Downtown Plan, downtown urban design guidelines, and the specific urban design district at play for this proposal. The SC also indicated its approval of the materials used from an aesthetic standpoint and applauded ULI’s efforts to maintain the variety in building heights on the Pinckney side of the project, holding that it is in line with the historic variety seen on that portion of the square. The SC indicated its approval of the dramatic improvement the project will bring to one of the most important, and underdeveloped, gateways to the capitol square.

The SC did discuss the proposed height of the project and the possibility that it may impede on the view of the neighboring AC Hotel and its rooftop restaurant and bar, Eno Vino. While some members of the group did indicate that they were sympathetic to the possible loss of view from Eno Vino, the vast majority of the SC felt that recent efforts by ULI to adjust their proposal to preserve more of Eno Vino’s view (by curving the E. Washington side of the building and stepping back part of the top few floors) was sufficient to address remaining concerns. It is the SC’s opinion that the proposed plan has sufficiently been adjusted to reasonably accommodate Eno Vino and the AC Hotel and the project does not need to have its height lowered or massing changed for that reason.

The SC would like to publicly applaud the neighborhood outreach efforts of ULI. ULI has been a true partner in the feedback process, has swiftly and comprehensively addressed issues raised

by neighbors, and has frequently anticipated issues before they would have otherwise caused concerns. The SC has agreed that ULI's neighborhood outreach efforts are a demonstration of a "gold standard" that the SC hopes other developers with development proposals in Madison emulate in the future.

Finally, the SC would also like to take the opportunity to indicate that the environmental elements of the project were a significant point of discussion during our meetings. We understand that conservation and energy efficiency efforts that a project might take are not necessarily in the direct purview of the UDC if not related to the visual qualities of the structure. However, the SC did want to express that it requested and received details of the energy efficiency efforts that ULI will be making for this project which the SC appreciated. Some SC members wished to express that, because sustainable urban design is becoming a mainstream expectation across the United States, it is their hope that all future developers follow ULI's lead in providing a list of environmental preservation efforts that their projects are expected to employ. The SC intends to express this same sentiment to the Plan Commission and Common Council when this project is before those bodies.

Respectfully submitted,

The Capitol Neighborhoods Steering Committee