

City of Madison Plan Commission

October 1, 2012, Meeting

Agenda Item 13: Legistar Identification Number: 27248

1 **NAN FEY:** We are moving on to Item Number 13 on our agenda. This is Legistar 27248,
2 consideration of an alteration to an approved conditional use planned residential development to
3 allow an existing apartment complex to be renovated and a new clubhouse and multi-space
4 garage to be constructed at 1108 Moorland Road in the 14th Aldermanic District. You will recall
5 that we did open up the public hearing on this at our meeting on September 12th. So we will be
6 resuming the recessed public hearing this evening.

7 Some of you were probably here when I made an announcement at the very beginning of
8 the meeting back at 6:00 that, and we did talk about this at the meeting on the 12th, that folks
9 who spoke at that meeting would not be speaking again this evening unless there was something
10 new and significantly different that required comment. There are some changes being proposed
11 by the, there's some new information from the applicant that we will be hearing about this
12 evening.

13 But I will ask folks who, members of the public who spoke last time not to speak again
14 this evening. Also I would just remind folks that I will be calling people up to speak. But when
15 your name is called, you're certainly welcome to speak, but you're also free to decline to speak if
16 your concerns have already been expressed by other individual speakers here this evening or if
17 you no longer feel that you need to speak because of something you've learned at the meeting.
18 We have over 20 people registered to speak, which at 3 minutes each is at least an hour of
19 testimony before we can begin discussion. That's the reason that I mention this.

1 But obviously anyone who wishes to speak certainly can. Whether you do or not, your
2 name and your, the position that you registered on your green sheet will go into the record of this
3 meeting. I also remind everybody that Commission members can ask questions of any speaker
4 but that speakers don't ask questions of each other and also that the elder who represents the
5 district has the opportunity according to the City ordinances to speak to the issues during
6 discussion and ask questions, but he or she is not a member of the Commission and will not be
7 voting this evening.

8 So with that introduction, I will open the public hearing, remind everybody that they have
9 three minutes. And we will begin with Jonathan Brinkley, 100 Camelot Drive. He'll be
10 followed by Sheri Carter.

11

12 **JONATHAN BRINKLEY:** Good evening. My name is Jonathan Brinkley, and I'm the
13 architect for the redevelopment of these existing buildings. At the last meeting, I provided a
14 pretty good rundown of all the different features that we're providing in this project, how we're,
15 you know, how we're spending the \$10 million in improvements. Tonight, in the interest of
16 time, I'm going to be just a little bit more brief. But please, happy to answer any questions. On
17 the site, we're going to have all new asphalt paving, additional landscaping, 79 garages,
18 community garden plots, and a soccer field.

19 At a recent meeting with City staff and with the police captain, we also, it was decided
20 that we will also be adding a community garden storage building for residents' tools and
21 equipment. We're also providing a free-standing community center building to sit with a
22 nonfunctioning in-ground pool as currently located. This community center will house the

1 following amenities for residents, a community room with warming kitchen, a fitness center, and
2 a business center with computers.

3 Directly adjacent to the community center will be a children’s playground and a
4 basketball court. After meeting with residents in August and last week with City staff, I’m
5 pleased to announce that we will also be adding two covered pavilions with six grills adjacent to
6 this area. What you see before you is our updated building exteriors. When we went to the
7 UDC, we heard them loud and clear. They said they wanted these buildings to have more of an
8 identity. We’ve done that, we feel. And I’d be happy to answer any questions specifically
9 related to that that you might have.

10 More building-wide improvements include replacing all the single-pane windows,
11 upgrading the building insulation, and upgrading the boiler system and replacing the air
12 conditioners. Inside the building, we’re doing the following, replacing all floor covering in both
13 the common areas and the dwelling units. We’re replacing appliances. We’re painting every
14 dwelling unit. We’re replacing cabinetry. We’re replacing every plumbing fixture. We’re also
15 making big strides in the advancement of accessibility for those with disabilities.

16 Five percent of our units will be completely accessible. We’re accomplishing this with a
17 new elevator where one does not exist. And then in addition to that, we’re going to have 15%
18 more of our units that have some accessible features. Over the last two months, we have listened
19 to the comments of the UDC and the planning staff. We’ve met with residents. We’ve gone
20 door to door to speak with neighbors. We’ve contacted the school district. We’ve talked to the
21 fire department. We’ve met with the police department. And we’ve interacted with the CDA.

22 What I would like to convey to you tonight is that our entire design team has heard what
23 the community needs are. And what you will see tonight from the rest of our presenters is a truly

1 collaborative effort. As architect, I believe our proposal is a very viable solution to a
2 deteriorating set of buildings that can be changed to become a thriving community that is truly an
3 asset to Madison. Thank you.

4
5 **NAN FEY:** Any questions for Mr. Brinkley at this time? Thank you. The next speaker is Sheri
6 Carter, 3009 Ashford Lane. She'll be followed by Kim Ford. And I would ask folks, when I let
7 you know that you're next in the queue, if you would make your way toward the microphone,
8 that would be helpful. So go ahead, Sheri.

9
10 **SHERI CARTER:** Thank you. Thank you, Madam Chairperson, Planning Commission,
11 Committee members. Nob Hill Apartments is not an isolated problem that risen up
12 unexpectedly. This is a problem that was orchestrated years ago when the land use was changed
13 from low density to higher density to accommodate a developer. As a result of this decision, the
14 chase begins to rectify the past. I say this, because the issue does not only affect the apartment
15 complex but the neighborhood surrounding the complex.

16 Arbor Hills, my neighborhood, was in a similar situation in 2009 with the infamous
17 Alhambra apartment complex. This 200-plus unit apartment complex had minimum screening
18 procedures, evicted tenants, and then re-leased the same tenants to a different unit. Arbor Hills
19 felt the harsh impact of these decisions by the property owner and property management. Arbor
20 Hills had a surge of vehicle thefts . . . home burglaries, drug transaction. And in addition, we
21 had pit bulls running through the Arboretum Grady Tract as if it was a dog park.

22 In order to save our neighborhood from a mass exodus, Arbor Hills had to take an
23 assertive effort to collaborate with the Police Department South District, Alder Kevin

1 McSweeney, who was the executive director at the time of the Arboretum, to come up with a
2 plan to stop the deterioration of this complex and not to have Arbor Hills to go down with them.
3 In addition, we started, as a result of working with all this, we ended up with a neighborhood
4 officer. We ended up with a campaign that says, see something, say something, make the call,
5 that has been successful for the last four years.

6 In recent years, we developed the South Madison Housing Provider Group, which
7 involves income property owners. By this, we could go out, and we talk to them to make them
8 aware that their building, their tenants are a part of our community and need to abide by such.
9 Working with our neighborhood officers proved to be very beneficial for us. And I think it
10 would be beneficial for Nob Hill Apartments to become part of the neighborhood surrounding
11 them and not continue to be the island that they have enjoyed.

12 No neighbor should have to, neighborhood should have to live through what Arbor Hills
13 did for two years. We must hold on to the land use standards that are outlined and make property
14 owners and developers accountable for, accountable to these standards. And it's essential to
15 have the high level of screening procedures take place.

16

17 **NAN FEY:** One more minute.

18

19 **SHERI CARTER:** And it's also essential to work with the Madison Police Department South
20 District in order to move troubled tenants onward and not continue to recycle them over the
21 years. It's essential to reduce high-density complexes located to neighborhoods and to make
22 them a manageable number of tenants. Indian Springs and Highland Manor neighborhoods
23 should not have to fight to keep their neighborhoods safe, viable, and sustainable. We cannot

1 continue to make concessions, to further weaken the land-use standards, for we cannot afford to
2 compound this error of the past by granting this request. Thank you.

3

4 **NAN FEY:** Thank you. Questions for Ms. Carter? Thank you. The next speaker is Kim Ford,
5 710 Plankinton, Milwaukee. He will be followed by Charles Onsum.

6

7 **KIM FORD:** Hi. Good evening. My name is Kim Ford, and I'm with the Zilber development
8 team. I'd like to take just a moment and talk about the light safety issues for this project. First
9 and foremost, let me say this, we are committed to making improvements that provide the safe,
10 clean, and friendly environment of the residents of Nob Hill. Further, we're committed to
11 working directly with City agencies and the local law enforcement personnel to reevaluate our
12 needs on an ongoing basis and adapt programs if necessary.

13 At your direction, we were able to meet this last week with Captain Balles and members
14 of the planning staff out on site. With over a 50-foot elevation change from Moorland Road
15 down to the soccer field, it was really important to get a true shoe-level perspective. After that,
16 we reconvened here at the Planning Department with other member of planning staff and sat
17 down and talked about many of these issues. A few of them we discussed, site lighting. Site
18 lighting is very important. And when we walked the site, we added a few lights.

19 Now the current lighting planning you see does meet the standards for the City of
20 Madison. But we added some additional mushroom lights in those off-the-beaten-path areas. In
21 addition to that, we talked about the apartment call system. Captain Balles pointed out to us that
22 one of the biggest security challenges they have with entrance lobbies like we have is the ability

1 for the resident to buzz until someone lets them in. So we proposed a change there to put in an
2 intercom system that's voice only.

3 The residents will need to walk down and welcome their guests at the security door. In
4 addition to that, we heard clearly that one of the best deterrents to crime is a good security and
5 surveillance camera system. With that, we're proposing the installation of 28 mini-dome
6 cameras, one in each lobby, 11 pole-mounted 360 degrees day and night vision cameras, and in
7 addition to that then 2 fixed high-definition cameras to be able to record license plates as they go
8 in and out. This will all be digital. It will be on the Internet for view by the law enforcement
9 personnel and our management team, and there will be a seven-day archival storage capability.

10 The other item we talked about was the garages, and that's been brought up. We
11 originally had located some more garages in the center, but we heard clearly that you said, let's
12 try to move those out to the perimeter, okay, and let's also try to get more garage units here by
13 the Moorland Road. So we've done so. We've had some very creative discussions. I think what
14 we have proposed is very workable.

15 Yes, we'll need to work out those details with staff, but incorporating that along with
16 some sidewalks that were proposed, the garden tool shed, okay, and then two small covered
17 pavilions at the center area for families to use are going to be very viable to this project. In
18 closing, we can work with the staff, and we are committed to do so. This is a good project. We
19 want to see it happen. Thank you.

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21 **NAN FEY:** Questions for Mr. Ford? Alder Rummel.

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23 **KIM FORD:** Yes?

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MARSHA RUMMEL: Do you have a board that shows the previous proposal or the existing condition of the garages?

KIM FORD: This particular board, you've got to help me, shows in color the existing garages, which are the lighter color. The board that, the previous proposal board, I don't think we brought the previous proposal board.

JONATHAN BRINKLEY: We don't have the previous one.

JONATHAN BRINKLEY: I don't.

JONATHAN BRINKLEY: They describe where the garages were located. Did that help?

KIM FORD: Does that answer your question?

MARSHA RUMMEL: Yes. Yeah, I would, I'm just interested to see how you changed and where they . . .

JONATHAN BRINKLEY: Sure. We were proposing originally a garage here in the center . . .

JONATHAN BRINKLEY: Additional garages here.

1 **JONATHAN BRINKLY:** . . . additional garages here and here. And I think what became
2 evident was that the line of sight to the clubhouse is very important not only for the community
3 but for law enforcement. And the suggestion was made to relocate some of these proposed
4 garages to this location and then some additional ones to this higher end of Moorland Road.

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6 **MARSHA RUMMEL:** And can you just remind us why all these garages are so key to your
7 proposal?

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9 **KIM FORD:** The requirement for WHEDA is 50% of the units garages, so we're, we have an
10 existing 47, and we're adding 79 additional units for 127 total.

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12 **MARSHA RUMMEL:** Thank you.

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14 **NAN FEY:** Any other questions for Mr. Ford? Okay. Thank you.

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16 **KIM FORD:** Thank you.

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18 **NAN FEY:** The next speaker is Charles Onsum, 44 Bel Aire Drive. And I should let folks
19 know, as you're coming up to, getting ready to speak, you're able, it's, you can use this, either
20 microphone. Either of these mikes is fine, but go ahead. You'll be followed by Terrell Walter.
21 Go ahead.

22

1 **CHARLES ONSUM:** I'm a little bit concerned. I didn't hear about this project until I read it in
2 the newspaper. Our area cannot handle any more density, and the land use is out of whack
3 anyway. And it's not what it was originally designed for. I talk about density. We have people
4 that, where we live, and I'm in Highland Manor Mobile Home Park, and we have people coming
5 down from Nob Hill. They walk down. They've tagged our mobile homes down there. They
6 have done destruction down there.

7 There is a neighborhood garden across the street. The residents from there, from Nob
8 Hill, go over to this residence, this garden and help themselves to everybody's hard labor. The
9 school district, I don't believe the school district can handle anymore either. I just got done
10 raising two special needs grandchildren and got them out of school. One is finishing school this
11 year. But the, they talk about their security cameras. The security cameras are fine, but what's it
12 going to do when they get away from their property? It's not going to help any.

13 They have a very, very bad lease problem. People walk in and just rent an apartment.
14 They don't even bother to check you out. They don't CCAP you. They don't security check, I
15 mean, financially check their people. They keep them on a 30-day lease. That way they can
16 throw them out any time they want if they just don't want to do anything more. I've lived in
17 Highland Manor for 24 years. I started our homeowners association there. And right now I'm
18 on the, I'm the legislative liaison for our association.

19 I'm on the National Manufactured Home Owners Association Midwest District board of
20 directors. I'm on the National Manufactured Home Owners Association legislative committee.
21 And I'm on the Wisconsin Manufactured Home Owners Association board of directors. And we
22 need some, more than what they've got. They just, these people are just overcrowding buildings.

1 They're overcrowding the area that's supposed to be residential area to begin with. And so that's
2 not proper land use for this, this project isn't for the area.

3

4 **NAN FEY:** Questions for Mr. Onsum? Okay. Thank you, sir. Next speaker is Terrell Walter,
5 710 North Plankinton, Milwaukee. He will be followed by Cora White. Go ahead.

6

7 **TERRELL WALTER:** Thank you. Good evening. My name is Terrell Walter, and I'm a
8 project coordinator for Royal Capital Group. As you've seen, the proposed redevelopment of
9 Nob Hill includes the construction of a new community center. A community coordinator will
10 be hired for the purpose of creating and implementing enrichment activities that will enhance the
11 lives of Nob Hill residents. After discussing this position with the City this past week, we have
12 mutually tried to determine who this person would be.

13 This person will be an experienced social worker with an advanced degree. Additionally,
14 the candidate will be required to work on site for at least 20 hours per week. The community
15 coordinator will be an employee of the management company ACC Management Group. This
16 person will conduct a needs assessment annually and as frequent, and more frequently, excuse
17 me, if needed, in order to determine the type of activities that will have the most benefit to Nob
18 Hill residents.

19 Furthermore, the candidate will work with residents and the community manager to
20 decide the best way to deliver the offerings identified while being receptive to the changing
21 needs of the community. Through careful consideration, we have drafted a few enrichment
22 activities that we believe are relevant as it pertains to the residents of Nob Hill. These activities

1 are subject to change based on the results of the needs assessment but include the following.
2 First is English as a second language.

3 We're aware that Nob Hill has a population of residents that do not speak English or
4 would like to enhance their ability to do so. We want to cater to these residents by offering
5 English-as-a-second-language software on all the computers available within the community
6 center. That way, these residents can learn when it's most convenient for them. Additionally,
7 we're going to offer tutoring to students ages 5 to 18. These tutoring sessions will take place on
8 Tuesdays and Thursdays from 4:30 to 7:30 p.m. throughout the school year.

9 To date, we have a commitment from Alpha Phi Alpha Fraternity, Incorporated, Gamma
10 Epsilon Chapter, on the campus of University of Wisconsin-Madison, to designate at least two of
11 their members per tutoring session to tend to the academic needs of these students. We're also
12 going to have a financial awareness component through a non-exclusive commitment from UW
13 Credit Union to provide on-site seminars for Nob Hill residents.

14 These seminars are going to be very beneficial and will include a host of different topics
15 such as building personal budgets and how to manage your money more effectively, how to
16 improve or repair your credit, financial aid, and finding resources for those interested in higher
17 education. In addition to these components, Nob Hill will also offer fitness classes, arts and
18 crafts sessions, and Nob Hill will also host local organizations within the community center that
19 have an interest in developing the educational, health, and social activities of Nob Hill residents.

20 Thank you.

21

22 **NAN FEY:** Thank you. Questions for Mr. Walter? Thanks.

23

1 **TERRELL WALTER:** Thank you.

2

3 **NAN FEY:** The next speaker is Cora White, 2706 Badger Lane. She will be followed by
4 Dewayne Pohl.

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6 **CORA WHITE:** Good evening, Madam Chair. Thank you.

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8 **NAN FEY:** Good evening. You're welcome.

9

10 **CORA WHITE:** I moved into my home on Badger Lane almost 40 years ago. I started our
11 association, the neighborhood association, and have been a neighborhood leader ever since. I
12 have worked at a number of neighborhood centers, and now I am working at the Resilience
13 Research Center, which is across from Badger Bowl. We're doing a, also we have Badger Rock
14 Charter Middle School in that building on the second floor. We're doing some of everything that
15 is being proposed here.

16 This is for our neighborhood, and we've always included this complex into our
17 neighborhood. We have surveyed the neighborhood. We asked them to tell us what they
18 wanted. We built the building without any government funding. We have a lot of people
19 working as volunteers, and they're doing a lot of the things that is being proposed. We work
20 with Summit Credit Union and ITT Technical Institute, which are both located across the street
21 from us.

22 There are a lot of other things that I could say that the gentleman from Highland Manor
23 and Sheri Cater have said, and I won't get into that, but I just think that our neighborhood is one

1 neighborhood. It is not just segments of apartment complexes, and that's what I'd like to see it
2 continue being, one neighborhood. Thank you.

3

4 **NAN FEY:** Thank you. Any questions for Ms. White? Alder Bruer.

5

6 **TIM BRUER:** In your 20-years-plus experience working exclusively with community-based
7 services and now your role at Badger Rock as the leader of that community center, do you feel,
8 based on your long, vast experience, that the proposal that is before us that speaks to a 20-hour
9 staffer is sufficient enough to meet the existing density question mark and then second of all the
10 increased density brought on by the three-bedroom units?

11

12 **CORA WHITE:** No, no. Twenty hours a week does not cut it. I started working as a
13 volunteer, and now I'm putting in 40, 50 hours a week mainly as a volunteer. We even have
14 programs on Saturday. It's what the students and the parents want, not what we think you may
15 want, and we'll give you two days, and these are the two days, and you choose. I don't know
16 where the children are going to go. I just don't know. You're going to get more children
17 coming in with three-bedroom apartments, and I just don't want to envision it.

18

19 **TIM BRUER:** Could you speak to the existing challenges of providing services to this isolated
20 area of not only the city but particularly of your neighborhood? I'm particularly concerned about
21 the discussion and calls I've had of an issue that while the neighborhood has improved
22 significantly in recent years, there still is, because of the overconcentration of CBRF tax credits
23 and Section 8, a population, I think some speakers alluded to the challenges that the school

1 district are facing that the current, is the current, to be more specific, is the current situation just
2 in terms of the existing density in number of kids below the poverty level in that area? Are you
3 able to serve what you currently have with the resources that you folks have? We all, everybody
4 would like to have more, but my question to you is . . .

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6 **CORA WHITE:** We'd be happy to serve those kids. And, correction, not 20 years, Mr. Bruer,
7 30 years.

8
9 **TIM BRUER:** I was five years old when I first got involved with the neighborhood, but . . .

10

11 **CORA WHITE:** That's all right.

12

13 **TIM BRUER:** But could you speak to the need to, of the, or the need that exists of the current
14 residents in terms of many of the latchkey kids and others who I've been told are living on a
15 services island, and those needs are going unmet?

16

17 **CORA WHITE:** That's true, they are going unmet and not only from that complex but from all
18 over. And we, when we decided that we were going to meet the needs of the families, we
19 wanted to have the children at our Resilience Research Center and Resilience Neighborhood
20 Center until 7:00 p.m., because we know most of the parents aren't home by the time kids get out
21 of school or by the time the MSCR program ends. So we wanted to reach out to those children.
22 We're never going to get all of them, but we're still trying. And I think if money was put into

1 our center, and we could serve those children, we could even get a bus or a van to bring them to
2 and from.

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4 **TIM BRUER:** Kennedy Heights is a similar size project on the north side.

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6 **CORA WHITE:** True.

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8 **TIM BRUER:** And while this body deals with the planning and the standards that they have
9 before them, community services and CDBG, I think, is the primary entities of the City that
10 really deals with services support. But I'm told that Kennedy Heights is, and since you were the
11 director or in a leadership role at Vera Court where . . .

12

13 **CORA WHITE:** Vera Court and Bridge/Lake Point.

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15 **TIM BRUER:** . . . and Bridge/Lake Point as well, it's my understanding that Kennedy Heights,
16 which has a very similar population and one could argue less fragile but still has the same
17 concerns about density, have three or more staff, and have a full-time and weekends program, is
18 that, from your experience, what would be on par with the needs of this facility . . .

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20 **CORA WHITE:** . . . facility.

21

22 **TIM BRUER:** . . . going to your earlier comments that half-time and even providing a,
23 basically a community room for people on site is inadequate, is that what you would imagine that

1 you would need, is that type of capacity in terms of staffing, not half-time but three or four
2 positions?

3
4 **CORA WHITE:** Three, four, or five and also volunteers to work with the staff people. When I
5 started at Vera Court some years ago, I started with seven girls. When I left the, I was told that I
6 had to recruit girls for the program. When I ended my job there and went to Vera Court, I had 85
7 kids. Not only did I work with the kids at Vera Court but Mendota Elementary School,
8 Black Hawk Middle School, and kids at East. We had a six-day program. There's no such thing
9 as a 20-hour a week, 2 days a week or however you want to do it. You work when you need,
10 when those kids need you.

11
12 **TIM BRUER:** Last question, and this goes to your role, your lifelong commitment to young
13 people and your advocacy in your neighborhood. Years ago, it was suggested that only tax
14 credits could save Kensington Manor, the relatively large complex probably on part of this in
15 terms of density at Moorland and Rimrock. And if you recall, under your leadership and
16 leadership of others in the community, we were able to discourage WHEDA from actually
17 allocating tax credits to that project.

18 It was suggested that that project would only be a low-income or special needs complex.
19 It would not see any degree of diversity or promise. Could you talk about that project today,
20 because it's my understanding that that project is extremely successful, diverse, that you were,
21 with your leadership, able to bring in sound management and with the assistance of the police
22 department building inspection and working with their bank that we actually got a project that
23 today is very economically and racially diverse. Is that true?

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CORA WHITE: That's true.

TIM BRUER: And do you see that from your experience, your vast experience in this neighborhood that given the opportunity to take a page out of that play book that this project, Nob Hill, from your experience, could accomplish some of those same outcomes if we all come together without tax credits in the near future to provide a better quality of life for the residents?

CORA WHITE: Definitely.

TIM BRUER: Thank you.

CORA WHITE: Thank you.

NAN FEY: Any other questions for . . .

CORA WHITE: Cora.

NAN FEY: . . . Ms. White? Okay. Thanks very much.

CORA WHITE: Thank you.

1 **NAN FEY:** Okay. The next speaker is Dewayne Pohl, 5218 Ridge Oak Drive, Madison. He'll
2 be followed by Dan Kerkman.

3
4 **DEWAYNE POHL:** Good evening. My name is Dewayne Pohl. I'm the portfolio manager for
5 ACC Management Group, which would be the management agent for Nob Hill. I'd like to thank
6 Captain Balles, Natalie Erdman, and all the staff that met with us on the 24th, because it was
7 really important for me and beneficial to hear their concerns and their expectations for Nob Hill.
8 I feel that ACC has developed comprehensive policies, procedures, and forms to effectively
9 address those concerns and meet the expectations for successful management at Nob Hill.

10 As noted, this starts with strict resident screening criteria. ACC checks credit, criminal,
11 and landlord history on all applicants for housing. In addition, we have a zero tolerance for
12 criminal activity. Part of our criteria is to actually check criminal background history annually at
13 renewal. And at that point, if any member of that household does not pass that criteria, that lease
14 will be renewed, or be non-renewed, and that household will have to vacate the property. We
15 work very closely with local law enforcement so we can be proactive instead of reactive to any
16 criminal or unwanted behavior.

17 This would include weekly meetings with the neighborhood liaison officer. In addition to
18 strict screening criteria, we establish community guidelines which are an addendum to the lease
19 and therefore are very, very enforceable. ACC provides 24 hour emergency services for both the
20 residents and emergency personnel. We will provide all the necessary contact information to the
21 residents. In addition, we will provide up-to-date contact lists for the police department and the
22 fire department. This list will include on-site staff contact information.

1 In addition, it will include the regional manager’s contact information, and it will include
2 my contact information. Another key component of the management is having quality, well-
3 trained, professional on-site staff to ensure that all policies and procedures are enforced. ACC
4 closely monitors all building and property management performance. We do this through strict
5 reporting, close supervision of on-site staff, and frequent visits by both the regional manager and
6 myself.

7 Again, I think I’d like to reiterate, in my opinion, there are certain people that have a
8 misconception when rental community is restructured with Section 42 tax credits that somehow
9 the demographic of the property suffers. ACC has been through 13 of these rehabs, acquisition
10 rehabs, very similar to the Nob Hill proposal. In every one of them, the demographic has
11 improved greatly.

12 Several of these acquisitions were actually in inner city Milwaukee in far more troubled
13 areas than Nob Hill. And they’ve been very successful. I really feel that this project would be
14 beneficial not only to the property, but it would benefit the neighborhood, and it would benefit
15 the city of Madison. Thank you.

16

17 **NAN FEY:** Questions for Mr. Pohl? There are two. I’ll begin with Ms. Hamilton-Nisbet
18 followed by Mr. Sundquist.

19

20 **TONYA HAMILTON-NISBET:** Hi.

21

22 **DEWAYNE POHL:** Hi.

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1 **TONYA HAMILTON-NISBET:** I've got a couple questions about the size of the units that
2 you guys have had. I know that in your site list information it appears that the unit with the
3 largest number or the complex with the most number of units is one that's in Appleton at
4 84 units. Is that correct?

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6 **DEWAYNE POHL:** That is correct currently, yes.

7
8 **TONYA HAMILTON-NISBET:** So this, what you're talking about here in terms of this
9 specific project is three times that size.

10

11 **DEWAYNE POHL:** Absolutely.

12

13 **TONYA HAMILTON-NISBET:** And how many managers do you have on staff at the
14 Appleton location, for example?

15

16 **DEWAYNE POHL:** We have only one manager on site. We have two maintenance people.
17 We have one on-site manager. My background is actually, the smallest, I used to work for a
18 national management property, and my smallest apartment community that I ever saw was 286
19 units. My largest apartment community was 1,175 in Alexandria, Virginia. So I'm familiar with
20 the large concept so not an issue.

21

22 **TONYA HAMILTON-NISBET:** So in terms of some of those sizes, how many people were
23 actually residents of those? We talk about this in terms of units, but this is a mix of, you know,

1 studio, one-, two-, three-bedroom, and we're talking about, you know, you can have six people
2 living in one unit. So do you have any sense of what some of the population densities are in
3 some of these complexes?

4

5 **DEWAYNE POHL:** I really, I, you know, I couldn't answer that. You know, in a lot of cases,
6 we used to manage a property in Fitchburg, which was a 48-unit, 3-bedroom property. All the
7 units were three-bedrooms. That development, we were required by the owner to keep track of
8 that particular scenario. That property averaged two children per unit, and this was 48, all
9 3-bedroom units.

10

11 **TONYA HAMILTON-NISBET:** So in terms of, and it looks to me like, just to confirm, I read
12 through all of your management material on the screening and all of the things that you had, is
13 that kind of your boilerplate for what you do for all of the various properties that you manage
14 currently?

15

16 **DEWAYNE POHL:** The screening criteria is to some degree boilerplate. It is specific to
17 properties. There are certain properties that I have to make different changes to that based on
18 ordinances, based on different codes. As a whole, that's very consistent. It's a developed
19 procedure. Over the last 25 years, things have evolved, and that's become a very, very good,
20 workable criteria for us, yes.

21

22 **TONYA HAMILTON-NISBET:** And so now just to understand more about your relationship
23 with the applicant, you are a separate management company. You are . . .

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DEWAYNE POHL: Correct. We are a third-party fee management company, correct.

TONYA HAMILTON-NISBET: And so the, okay, I think I'm getting into some areas that were of question for others, but I think that's it. Thank you.

DEWAYNE POHL: You bet.

TONYA HAMILTON-NISBET: Mr. Sundquist.

ERIC SUNDQUIST: So I have a question. Setting aside the merits of the site plan and what goes on in the site and the lighting and all the things that you guys have been talking about . . .

DEWAYNE POHL: Sure.

ERIC SUNDQUIST: . . . the place itself has been described as isolated by some people who've called it into question. And so today I was looking at the bus headways and sort of the distance to employment centers and shopping and other destinations, and that's probably not a bad description.

I mean, if you're going to, you mentioned you did this in Milwaukee, and I don't know what the setting was like, but I'm imagining a denser, you know, set in an area where you could, you know, if you were a person of limited means, you could walk someplace or have transit

1 service where this is going to be pretty limited. So why is this a good place for what you're
2 proposing, you know, for lower income residents to live?

3
4 **DEWAYNE POHL:** Well, number one, I would call them moderate income. Depending on the
5 number of people, the income limits change. So I wouldn't necessarily call them lower income.
6 I would say it's affordable housing for the working, you know, moderate income people. I don't
7 see this as being real removed. It's on a bus line. It's not far from, you know, it's a short
8 distance to the beltline. So I don't see it as a removed property with limited services.

9
10 **ERIC SUNDQUIST:** Okay. Okay. Thanks.

11
12 **NAN FEY:** Other questions for Mr. Pohl? Mr. Cantrell.

13
14 **BRAD CANTRELL:** Will the social worker, part-time social worker, be under your direction?

15
16 **DEWAYNE POHL:** They, it will be under our, yes, it will be an employee of ACC
17 Management Group, correct.

18
19 **BRAD CANTRELL:** You heard testimony tonight that a 20-hour position will not likely
20 provide the level of service that your facility will need. I guess in your other facilities that you
21 manage and have been successful, I guess, do you provide similar services, I guess, and how do
22 you address the testimony that, you know, 20 hours is just not going to cut it?

23

1 **DEWAYNE POHL:** I'll answer the second part first. Yes, we do have service coordinators at
2 several of our other properties. And while they are smaller properties, they are part-time
3 positions for the most part, but they do similar things. I think the service coordinator position is
4 going to be an ever-evolving scenario. I think that we'll evaluate that, as Terrell said, at least
5 annually. I think it may be more often than that. And we'll have to evaluate the need for
6 additional services, at which point, you know, again, the ownership and myself would discuss
7 that and possibly make changes to that.

8

9 **BRAD CANTRELL:** Thank you.

10

11 **NAN FEY:** Other questions for Mr. Pohl? Okay. Thank you.

12

13 **DEWAYNE POHL:** Thank you.

14

15 **NAN FEY:** The next speaker is Dan Kerkman, 29 Geronimo Circle, on behalf of the Indian
16 Springs Neighborhood Association. He will be followed by Kevin Newell.

17

18 **DAN KERKMAN:** Good evening. I'd like to say thanks for letting me talk. I've lived in
19 Indian Springs for over 20 years. I built my house there. I live in that area. So I'm just giving
20 you a testimony of what I see since I live there. I've been an on-and-off president for Indian
21 Springs for 8 to 10 years out of the 20. I have volunteered numerous hours in the park working
22 with land management with the city and county parks. And I also am a board member of the
23 Capital Springs State Park. So I have a lot invested in this area.

1 And it does alarm me of this type of development, so I oppose this development. The
2 reason I oppose it is it's not, I didn't hear anything about the neighborhood. The first time I
3 heard about this was in the newspaper. They didn't contact our neighborhood association. I
4 don't think they contacted the Hunt Club or the Kensington or the neighbors surrounding it.
5 They have to do that, because I've been to Noose(?) and other neighborhood associations, and he
6 says to cure a problem area, you've got to reach out.

7 If you don't reach out, you can throw buckets of money, and it ain't going to happen. It
8 will not happen. It has to develop within the neighborhoods. So, and also I just pulled up on
9 there, because my daughter went to school, and did you guys know that Frank Allis, 76% of the
10 students that go there are low income? Sennett is 78%, and La Follette is 52%. How much can
11 our schools deal with special needs kids? To me, when you've got those high percentages,
12 you're taxing the school system.

13 We're three to four miles away from the schools, so what, it's a very long-distance-type,
14 you know, transportation. And also the special needs, Frank Allis has 16%, Sennett has 19%,
15 and La Follette has 22%. So what you're looking at is you're going to be stretching the school
16 system by themselves. Number two, you're going to be stretching transportation. Right now, I
17 feel the roads in that area are pretty much maxed out. You're going to add higher density. I
18 thought we had that, that's supposed to be, you know, R1 or R2. Now we're increasing the
19 density? It doesn't work. It does not work.

20 I've been around a long time. I've seen along Badger corridor. I've seen, the Kensington
21 is the latest development that working with the management, the banks, and all the entities, we
22 do not need extra dollars outside to be thrown into it. It's not necessary. So due to the density,
23 they're ignoring the standards. I found out there's at least five violations to the standards,

1 because . . . they're almost an example to each one of them. So I don't know how this can
2 happen, because they have not included the people around.

3 They have not followed the standards. It looks good on paper. To me, it's cosmetic.
4 They're not dealing with the issues, and that is so important to get to the bottom of it, not the
5 cosmetic. It's beautiful. I think it's wonderful, but they have not addressed the density, because
6 when there's high density, problems go up. So thank you.

7
8 **NAN FEY:** Questions for Mr. Kerkman? Okay. Thank you. The next speaker is Kevin
9 Newell, 500 West Silver Spring Drive, Glendale. He'll be followed by Mike Mervis.

10
11 **KEVIN NEWELL:** Thank you, Plan Commission. I wanted to take a little bit of time to go
12 over a couple items in our proposal that's been discussed already. Before we applied for the
13 federal tax credits to WHEDA, we solicited a third-party independent market study. The market
14 study, and this was done by Baker and Tilly out of Madison, the market study showed a high
15 demand for three-bedroom units in the Madison area consistent with many communities across
16 the state. We saw this as an opportunity to respond to local market demand by electing to
17 combine 2 one-bedroom units into 1 three-bedroom unit.

18 By doing so, we introduce a total of 26 three-bedroom units to the market, to the Madison
19 market. The introduction of these 26 three-bedroom units does not satisfy the overall demand for
20 the Madison area whereby the CDA itself shows over 500 families on a waiting list for a
21 3-bedroom unit. But our proposal does contribute to a solution. We also realize that we are in
22 Wisconsin, and in Wisconsin, there is a growing demand for garages and other secure parking.

1 Currently at Nob Hill, there are only 48 garage stalls for the 272 unit apartments with a waiting
2 list well over two years.

3 We responded to the demand and elected to incorporate an additional 79 garage stalls for
4 a total of 127 for the proposed 254 units. In February 2012, after a third-party physical needs
5 assessment, a third-party market study, a third-party appraisal, consultation with the mayor's
6 office, and other state and local officials, we submitted Nob Hill's application for federal tax
7 credits to WHEDA and the state administrator. Shortly after submitting, we were told by
8 WHEDA that our Nob Hill application would be 1 of 74 applications competing for the limited
9 resources developed in Wisconsin.

10 In April of 2012, our federal tax credit application was approved as 1 of only 21 projects
11 across the state. WHEDA supported our level of commitment to rehab, our response to the
12 demand of three-bedroom units and garages while providing safer, higher quality, affordable
13 housing. These improvements that Zilber Limited and Royal Capital collectively are proposing
14 are in many ways an investment into the future. It's an investment to sustainable higher quality
15 housing. It's an investment to safer, affordable housing. And it's an investment into the many a
16 families who over the next 30 years will call Nob Hill their home. We ask for your support.

17

18 **NAN FEY:** Thank you. Questions for Mr. Newell? Actually, there are some questions. Would
19 you mind coming back? Alder Schmidt and Ms. Hamilton-Nisbet, oh, actually, Alder Bruer. Go
20 ahead.

21

22 **CHRIS SCHMIDT:** Mr. Newell, you said that you contacted the mayor's office. Do you
23 remember when that was?

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KEVIN NEWELL: We got, I went back through some communication, because the way the whole process works, WHEDA has an annual round of applications, and it's in February that the applications are due. So what we have to do is we have to first evaluate, you know, if this project is going to be something we want to be involved with. And so once we were presented with it, we did our research, as you would say. You know, we found out where the closest grocery store was. For instance, a Wal-Mart Supercenter is less than a mile away at the most.

You've got Kohl's and a whole shopping center over there to the immediate northeast. And we, you know, we looked at Badger Rock School and all those kind of things we evaluated, so we solicited these third-party studies, and we also got in contact with the mayor's office. We got into contact with the mayor's office in January. That's the earliest email thread that we have going back and forth where we got in contact with the mayor's office. The mayor's office told us to speak with the CDA about the proposal, because they typically handle the proposals.

Again, it's all part of the WHEDA application as well. And then we traded back a whole bunch of emails, a whole bunch of phone calls with Natalie Erdman. Natalie had good questions about, you know, so where's the nearest school district, nearest elementary school, and nearest high school? She also asked us questions about how many kids at Nob Hill currently are attending grade school and what schools and so forth? And this was all in January, and then we submitted it in February. We stayed in contact with Natalie Erdman and the other members throughout the process as well.

CHRIS SCHMIDT: Okay. Thanks.

1 **NAN FEY:** Alder Bruer, then Ms. Hamilton-Nisbet.

2

3 **TIM BRUER:** Did you have an opportunity to do an environmental impact study at all?

4

5 **KEVIN NEWELL:** Yes.

6

7 **TIM BRUER:** So you did have the opportunity to meet with CDBG or community services
8 staff or planning staff specific to the City's fair share and housing diversity plan?

9

10 **KEVIN NEWELL:** Yes. Well, we met, we had, you said phase one is what you're asking
11 about, environmental?

12

13 **TIM BRUER:** No, I'm not talking about environmental in the ground. I am talking about,
14 which is something you said that sort of caught my attention. You said you had an opportunity
15 to talk to or look at Wal-Mart and a number of others of community assets. I'm asking if you,
16 which is something that the alder requested that you do, did you have an opportunity to sit down
17 with a community development block grant or community services staff and planning staff that
18 had been actively involved in the City's fair share and housing diversity plan? And my question
19 is, did you meet with those people?

20

21 **KEVIN NEWELL:** No, I did not meet with those folks. I don't remember, I don't recall the
22 request.

23

1 **TIM BRUER:** Did, after our discussion about the sensitivity towards the uniqueness of the
2 isolation of this property and the lack of support services and the overconcentration of special
3 needs households in this particular corridor in spite of what we talked about, a lot of the success
4 that your team referred to for the single-family housing, the entry-level housing adjacent, did you
5 have an opportunity to follow up or follow through and gain that environmental data about the
6 area around your project?

7
8 **KEVIN NEWELL:** To answer your question in a more direct manner, I guess you would say,
9 is we went door to door, talked to our neighbors.

10
11 **TIM BRUER:** When you talk about your neighbors, are we talking about within the project, or
12 are we talking about outside the project, because the information that was presented this evening
13 and has been for the last two weeks particularly to the alder has been that there has been little or
14 no contact with the adjacent property owners literally immediately adjacent to you in terms of
15 the residential or the mobile home park or Indian Springs. And then we heard from Cora White,
16 who reinforced that, as one of the most visible leaders in the community, that she has had zero,
17 zilch, none contact with, are you suggesting that you met within your project in terms of
18 residents?

19
20 **KEVIN NEWELL:** No, I stand corrected. We went door to door throughout the neighborhood
21 talking to residents on numerous occasions. We actually have a resident who was able to stand
22 behind, and she can speak about that regards, and we responded to some of her requests as well,
23 incorporated some of her ideas into our development.

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TIM BRUER: Did you, again, did you look at the statistical data that the City planning staff, CDBG, or community services has compiled on this area reinforcing concerns about the existing fragility of the area and the impact that the higher density would have on an already teetering environment?

KEVIN NEWELL: We understand the concern, and we met with City staff on several levels to discuss that and to find out a way that we can make this a development that will be sustained . . .

TIM BRUER: But you did not meet with community services or CDBG staff?

KEVIN NEWELL: No, sir, uh-uh.

TIM BRUER: Do you recall having discussions with Natalie Erdman where she expressed her serious concerns about the isolation of this property and the lack of services, support services and the questions and concerns they had about even the best of circumstances that these three-bedroom units would have on an already overtaxed environment?

KEVIN NEWELL: I met with her. We heard her concerns before and after the mayor's office signed a letter of support in February, in January of 2012, actually.

1 **TIM BRUER:** Is it not, in fact, true that that letter of support, your request came almost on the
2 day that you needed to submit, according to City staff, your application, so there was not the
3 adequate time to fully vet your proposal?

4

5 **KEVIN NEWELL:** That's not accurate.

6

7 **TIM BRUER:** Is it not accurate that City Planning and Development staff thought that, in fact,
8 that you were maintaining the additional density, that this was just a rehab project that was going
9 to give a facelift to a tired development?

10

11 **KEVIN NEWELL:** Let me fully answer the question before . . .

12

13 **TIM BRUER:** Because I'll be more than happy to ask City staff that question if you'd like me
14 to later.

15

16 **KEVIN NEWELL:** Can I fully answer the question for you?

17

18 **TIM BRUER:** Please.

19

20 **KEVIN NEWELL:** Thank you, sir. We have a letter of notification that's due to, I mean, it's
21 part of the requirements of the WHEDA application. And on this letter of notification, it's a
22 two-page document, big, bold letters, it tells you exactly how many units you are proposing.
23 And this letter basically needs to be signed by the mayor's office and letter in support. On there,

1 it had the number of three-bedroom units we had. It also had the number of garages we are
2 proposing. At the same time, it had the amount of low-income units that we're proposing.

3

4 **TIM BRUER:** Once the Planning and Development staff brought to the mayor's attention their
5 concerns about this project and its adverse impact on an already dense situation and concerns
6 associated with the impact, adverse impact, did you have an opportunity to speak with the mayor
7 or planning staff?

8

9 **KEVIN NEWELL:** Yes.

10

11 **TIM BRUER:** And did they indicate their concerns about, or did the mayor indicate his
12 opposition to this project once he learned that you were increasing the density to the three-
13 bedrooms?

14

15 **KEVIN NEWELL:** I don't know if that's fairly accurate to say. He's never voiced his direct
16 opposition to the development, but he has raised some concern. We've worked collaboratively
17 with planning staff as well as the mayor's office and the CDA to come up with some of the
18 designs proposed that you guys see today. And so we've been more responsive. You know, we
19 understand we're not perfect. We're not trying to come in and portray that at all. What we want
20 to try to do is come into the community and make sure that we're being collaborative with
21 everybody that's at the desk.

22

1 **TIM BRUER:** So what I think I hear you telling me is, and this body, is that you weren't aware
2 of the mayor's opposition. You weren't aware of the surrounding property owner's
3 opposition . . .

4
5 **KEVIN NEWELL:** Uh-uh.

6
7 **TIM BRUER:** . . . that you went door to door immediately adjacent in spite of the testimony
8 we've seen this evening. Okay. Let's move over to tax credits. Is it not, in fact, true, and I say
9 this respectfully, that the reason why you're going for the three-bedrooms and to this particular
10 project is because it scores extraordinarily high and while planning staff has informed other City
11 staff that, you know, when we get to some of those environmental impact concerns, that we can't
12 address that per se.

13 But isn't it, in fact, true that, as I recall what you and your team told me that the reason
14 why you're going after the three-bedrooms and the garages are, in fact, that that led to your high
15 scoring of your project with the selection of your team for the tax credits and without the three-
16 bedrooms and without the garages that your project would not be eligible for financing through
17 WHEDA. Is that correct?

18
19 **KEVIN NEWELL:** That is incorrect. Can I explain that in more detail . . .

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21 **TIM BRUER:** Please.

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23 **KEVIN NEWELL:** . . . for you so you can understand it a little bit better?

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TIM BRUER: Please.

KEVIN NEWELL: WHEDA has this scoring matrix. Inside the scoring matrix is a possible score of like 400 and some points. Nob Hill scored, I believe, 312 out of the 400-and-something-odd points that were available. And these points can be achieved in several different capacities, because it really is a matrix. What we did, again, was we responded not to what WHEDA's requirements were directly, we responded to what the market demands were. As you can see again, I'll state it again for the record, the CDA alone has over 500 families on a waiting list for 3-bedroom units.

We wanted to respond to that demand by introducing 26 three-bedroom units, which is why we're here today in relationship to the garages that, again, we live in Wisconsin. I know we had a very fair winter the past couple years, but we have a waiting list of over two years at Nob Hill for folks wanting garages. Again, we wanted to respond to the residents' demands, and we thought that was what we, that's, we thought it was the best thing to do. So let me finish, Mr. Alderman, with all due respect.

TIM BRUER: Mm-hmm.

KEVIN NEWELL: So what happened was we submitted our application. And once you submit your application to WHEDA, WHEDA says, I don't know what you're going to, I don't know how you're going to get there, but you make this commitment, you better do it. Right? And so what happened is if we had not had the three-bedroom units, if we had not had the

1 garages, there'd be, if you look at the scoring guidelines of last year's last in, last out, we still
2 possibly would have made it.

3 But our response to the demand had us score well but not, that wasn't what got us over
4 the top. It was other characteristics that got us over the top. And also I want to make it clear that
5 we were not obligated to put in the three-bedroom units. We chose to do three-bedroom units at
6 the response to the market demand. And so that's why you see it in there today. And the reason
7 why we had to keep them in there now is because we made the commitment to WHEDA, and,
8 again, it's part of the matrix that we committed to.

9

10 **TIM BRUER:** Okay. That conflicts with what your development team told me with others
11 present. But, so are you saying that if this body, and ultimately the council, denies your request
12 that WHEDA will entertain favorably a project proposal that limits density to the existing one-
13 and two-bedrooms, a handful of two-bedrooms, and the studio apartments?

14

15 **KEVIN NEWELL:** Again, WHEDA scoring matrix changes every two years, so what
16 happened last year is in the past. But also you've got to understand that we had numbers of ways
17 to kind of get us a particular, or get us a score we thought was competitive. We responded to the
18 market demand, not chasing points.

19

20 **TIM BRUER:** But do you, are you . . .

21

22 **KEVIN NEWELL:** And the only reason WHEDA is holding us, you know, not to say hostage,
23 making us do these three-bedroom units now is because we made the commitment. And if we

1 had not made that commitment, we had not selected those points, then it's a possibility from
2 WHEDA's standpoint that somebody else could have got in. So they're holding us to our
3 commitment that we made.

4

5 **TIM BRUER:** So there's nothing though that prohibits . . .

6

7 **KEVIN NEWELL:** . . . statewide process, not just Madison or Milwaukee or . . .

8

9 **TIM BRUER:** Sure, sure. Given that the first of the year is right around the corner, there's
10 nothing that would prohibit your firm from resubmitting to WHEDA for one, maintaining the
11 existing composition of the properties.

12

13 **KEVIN NEWELL:** I strongly disagree, Alderman, with all due respect, and I only say that
14 because . . .

15

16 **TIM BRUER:** That's a question.

17

18 **KEVIN NEWELL:** Let me answer your question for you with a little bit of narrative for you.
19 What happened is, we, WHEDA's process changes every two years. WHEDA's process is
20 called a qualified allocation plan, right, and it's very similar to what you would say is this RFP
21 for the entire state. WHEDA says, we want to see these kinds of things, because we are
22 responding to what the market is. You know, we know that there is a lot of three-bedroom, I
23 mean, a lack of three-bedroom units.

1 We know that garages are a hot topic. They're marketable, and they're, they make your
2 development sustainable for many years. But WHEDA has to be a part of it for 30 years
3 themselves. And so what happens is their, that cycle has since shifted. Now WHEDA's focus is
4 on the acquisition and rehab of single-family, foreclosed homes and distressed neighborhoods.
5 So what they did was they manipulated the scoring in a very, very creative manner that limits
6 large developments from Nob Hill to compete, because it's no, it's not a part of the focus for this
7 upcoming two years.

8 And so they limit the amount of credit that a development can get so large developments
9 can't get in and do this for this coming year. And also they take away the points for acquisition
10 rehab on large developments. And WHEDA wanted to see these large developments that would
11 never have the chance to get done. They wanted to see it get done, so they told developers,
12 you've got a couple years to get it done, go ahead and respond, and we'll evaluate from there,
13 and that's what we wanted to do.

14

15 **TIM BRUER:** So you're not suggesting that WHEDA has now, in the past, as you're well
16 aware, WHEDA actually did environmental impact studies, and we know that because in the
17 Burr Oaks/Park Street corridor, we know that in terms of the Lake Point corridor in terms of the
18 old Simpson Street that WHEDA was extraordinarily sensitive, in fact made it a condition of
19 financing and special to CDA that we had a much more global study in assessment impact,
20 neighborhood specific or region specific.

21 They seemed to have abandoned that with the new management that came in with the
22 Walker Administration. I say that respectfully. And my understanding is that the WHEDA has
23 seen that the, statewide a number of issues with the large density three-bedroom units along with

1 their garage requirements, because according to them, the reason why your property scored so
2 highly, and what I was told by your team was that without the three-bedrooms, without the
3 garages, you know, you would not be able to satisfy not only WHEDA, but you would not have
4 scored, hence why this project was particularly chosen.

5 So isn't that, in fact, that WHEDA themselves are going in a different direction from
6 January 1, which is part of your concern about moving under the, right under the stop clock to
7 get this one approved?

8

9 **KEVIN NEWELL:** I don't even understand the question . . . I'm sorry.

10

11 **TIM BRUER:** The question . . .

12

13 **NAN FEY:** Alder Bruer, it might be helpful if your questions are a little more open ended to
14 this gentleman. It's a little hard to, he doesn't get a chance to explain where he's coming from.

15

16 **TIM BRUER:** Okay. Let me be more succinct. The question is, is it not, in fact, true that
17 WHEDA is changing, I think I heard you say they're changing their priorities and their direction
18 from January 1, and this type of high-density development with three-bedrooms would not likely
19 score high or be qualified?

20

21 **KEVIN NEWELL:** You know, I'm not, I can't predict with 100% degree of accuracy, but
22 because of the scoring guidelines, and this, which we understand also is a competitive process, so
23 I can submit a development, last year, for instance, a lot of developers thought that, you know,

1 new construction had no place because of the way the scoring process was catered towards
2 acquisition rehab deals of these troubled developments like Nob Hill. But the development, let
3 me finish, the development committee was wrong.

4 You know, new construction got in. And so, and what limits us next year though is the
5 amount of rehab that this large development, i.e., Nob Hill, needs. That available, those
6 available resources are not being provided at the WHEDA level. And also the last administration
7 created the most, I mean, that QAP under Executive Director Antonio Riley in Jim Doyle's
8 Administration, and that's the one that Nob Hill was approved under. I mean, the one that's
9 being operated by Governor Scott Walker and Executive Director Wyman Winston, that's the
10 one that's catering towards the foreclosed homes and that whole process.

11 So we're more so responding to the most recent demand, and we haven't had the chance
12 to kind of, you know, focus in on what, how can we best fit into the new process? And quite
13 frankly, because of the challenges that come along with new process, we're not, in all the
14 requirements that come along with Nob Hill such as labor hours and man hours from our side,
15 we're not even sure we're going to submit this year for any deal, period.

16

17 **TIM BRUER:** Last quick question. I appreciate the patience of the body as well. When you
18 looked at your environmental impact study or your review, I forgot how you termed it, did you
19 recognize that, if you look at the islands of the town in North Fitchburg, that a two-mile radius,
20 I'm trying to think, what it is, what two-mile radius, from Bridge to Moorland where this
21 property is just to Seminole Highway, that you have one of the largest concentration of three-
22 bedrooms, two- and three-bedrooms in the entire county? Do you know, or do you discover that

1 you have literally thousands, like several thousand, two in particularly, large concentration,
2 probably the greatest concentration of three-bedrooms . . .

3

4 **KEVIN NEWELL:** Three-bedrooms?

5

6 **TIM BRUER:** . . . three-bedrooms in this geographic track?

7

8 **KEVIN NEWELL:** I don't really want to debate the accuracy of what you're saying, but I
9 know we submitted a, we solicited a third-party market study. The third-party . . .

10

11 **TIM BRUER:** I wasn't talking about the City. I was talking about this very geographic track.

12

13 **KEVIN NEWELL:** Yes, we have a third-, to answer your question, yes, we evaluate it through
14 our third-party market studies.

15

16 **TIM BRUER:** So you're well aware of the disproportionate number of high-density apartment
17 units of two- and also particularly three-bedrooms in the region of a two-mile radius?

18

19 **KEVIN NEWELL:** I can't account for every three-bedroom unit in the area, but I know that
20 when our market study was provided back to us, it showed a high occupancy level for those
21 three-bedroom units. In many cases, developments may have had three-bedroom units available,
22 but they had zero vacancies.

1 And so an introduction of our 26 three-bedroom units again, it does not solve the
2 problem, it does not solve all the world's cares, but it does help to the solution where the CDA
3 itself has 500 three-bedroom, 500 families on a waiting list for 3-bedroom units. So I don't
4 know how you bridge the gap between what you're saying and what the CDA is producing on
5 the waiting list, but I'm just trying to tell you we're trying to respond.

6

7 **TIM BRUER:** Last thing, but you just raised another, a pointed question. Are, do you recall a
8 discussion with our CDA director . . .

9

10 **KEVIN NEWELL:** Yes.

11

12 **TIM BRUER:** . . . where she was very clear about the CDA's own inventory of three-bedrooms
13 and two- where she expressed her concern to you, the ramification and impact of having that
14 large a concentration of three-bedrooms and particularly in a project that I think staff will tell
15 you this is one of the apartment complexes or density of apartments that have come before them
16 in a long time? Are you aware or do you recall their concern and the concern of the mayor's
17 office which brought on their opposition to your proposal that this density of three-bedrooms on
18 top of an already fragile and over-concentrated area could tilt an already fragile situation into
19 crisis?

20

21 **KEVIN NEWALL:** Well, let me answer. Since this is your last question, I'll try to give you
22 the best thing I can give you. Madison is an outstanding community. And I come from this
23 inner city of Milwaukee, very challenged areas. The Madison opportunity that's before you guys

1 today is, like you said, it has its challenges. Are they challenges that we are not confident we can
2 respond to? No. We're very, very confident that we can manage this thing, own this thing, and
3 make it sustainable for 30 years, which is our commitment.

4 We honestly believe that coming into a community with this kind of investment, with this
5 kind of a management team, with this kind of personnel and ownership that actually has the
6 tools, necessities, and commitment that we're going to make this better, it's not going to be
7 teetering anymore. So you're right, it may be teetering, but we want to push it over the edge and
8 let's say call it a tipping point. We're going to tip it in the right direction.

9 We've been working and hearing you guys, I mean, I'm hearing different responses from
10 the CDA, the mayor's office, speaking with the school district who has no opposition to this
11 development, working with Captain Balles on an ongoing basis, going to site, and quite frankly,
12 Mr. Alderman, with all due respect, we've been reaching out to you for quite a long time, and
13 we've gotten no response, certified mail, emails, and everything else. We want to work with you
14 guys.

15 We want to work with you, Mr. Alderman, if you allow us to as we try to, again, take this
16 thing from where it's teetering right now to putting it over the point where it can be something
17 you're proud of. We can all champion in this room that we got this thing done in 2012 rather
18 than let it go and be bulldozed in the year 2020, which may or may not ever happen. So that's
19 my response to the state of Madison on the south side and what it actually exists today and what
20 we're trying to do with it.

21

22 **NAN FEY:** Thank you.

23

1 **TIM BRUER:** Anything beyond this would be debate, and it's not appropriate, so thank you.

2

3 **KEVIN NEWELL:** Thank you.

4

5 **TIM BRUER:** I respectfully appreciate your comments.

6

7 **KEVIN NEWELL:** Thank you.

8

9 **NAN FEY:** Ms. Hamilton-Nisbet.

10

11 **TONYA HAMILTON-NISBET:** I've almost forgotten what my questions are. Mr. Newell,
12 can you talk about, I looked in the packet and noticed your resume. Your, Royal is your
13 company, correct?

14

15 **KEVIN NEWELL:** Correct.

16

17 **TONYA HAMILTON-NISBET:** And it's been around for only a couple of years, right?

18

19 **KEVIN NEWELL:** Couple years.

20

21 **TONYA HAMILTON-NISBET:** And so can you describe to us the relationship that you have
22 between Zilber and also ACC?

23

1 **KEVIN NEWELL:** I'm glad you asked that. Again, I don't want to go make this a personal
2 story, but I'll give you guys the history lesson on how we became united. In 2006 going into
3 2007, so September 2006 and then graduating in 2007, I was a senior at UW-Whitewater. And
4 what happened was there was a program at Marquette back in Milwaukee called the Associates
5 Commercial Real Estate Program. This program was designed to increase the minority
6 participation in the commercial real estate industry, which at that point and time, and probably
7 still does, has a less than 1% participation rate.

8 And so this program I was afforded the opportunity to take part in. So I commuted down
9 from Whitewater to Marquette on a weekly basis to participate in this class. The way this class
10 was set up, it had six industry sponsors. Excuse me. Zilber Limited was one of the industry
11 sponsors. WHEDA was one of the industry sponsors, M&I Bank, Associated Bank, Mortenson
12 Construction Group, and another development group called Cross Management out of
13 Milwaukee.

14 And the way the program was set up is each sponsor basically taught the class for six to
15 eight weeks or something of that nature. And Zilber happened to teach this class from six to
16 eight weeks. A guy by the name of John Kersey, who's executive vice president for Zilber
17 Limited, along with Dan McCarthy, who is the director of the Brewery Project under the Zilber
18 Limited brand, they took a liking to me. I took a liking to them.

19 Well, what happened was, again, I'm approaching, the way the program was set up, if
20 you finish as one of the top six students in the program, you have one of six job opportunities
21 waiting on you when you graduate. It's a one-year internship that you can finagle and make it
22 whatever you want to do after that. I liked Zilber. Zilber liked me. I'll let them tell the story.
23 They liked me more than I liked them, because I had to make a decision at that point in time

1 because of the economy and because of what makes sense to me and what I want to be a part of
2 as an inner city product of Milwaukee who comes from dilapidated housing and, you know,
3 struggling neighborhoods.

4 I thought working at WHEDA would be a great opportunity to get my career started in
5 the commercial real estate industry. So I began my career at WHEDA rather than Zilber
6 Limited, and I stayed there for three and a half years. I moved up from an intern to an asset
7 manager to risk-based portfolio, so I know exactly what it is when you're talking about troubled
8 development, because I spent over a year and a half doing my best to save the risk-based
9 portfolio from being a really, a real headache for the State of Wisconsin.

10 I was successful at it before moving on to a senior underwriter, the youngest senior
11 underwriter at that point in time in WHEDA's history. I obtained my master's degree, my MBA,
12 and then moved on to the private industry and started Royal Capital. My first year in business, I
13 did 84 units of affordable housing out in Kenosha and Silver Lake, Wisconsin. Zilber Limited,
14 in their transition from, in their company, had a, we had synergies.

15 They were going from a company that was, you know, totally, I'd not say totally for
16 profit, because they've always done, you know, foundation work and donated \$50 million here
17 and \$25 million there, but they saw some interest in the affordable housing business. And so
18 what we decided to do was create a joint venture that would allow both entities, Royal Capital
19 and Zilber Limited, to proactively get into the affordable housing business together.

20 With their years of experience, my minimal, I guess you would say, expertise in the
21 market, and desire to want to come together to do something that would be exceptional for the
22 community, we saw that as an opportunity, and we locked arms, I mean, we marched forward.

1 So here we stand before you guys today with a partnership that's very strong and very well
2 capitalized and is ready and committed to make Nob Hill a success.

3

4 **TONYA HAMILTON-NISBET:** So then what is your relationship to ACC Management
5 Company? Is that one of your companies, or is that just a third-party vendor, essentially?

6

7 **KEVIN NEWELL:** A-, and I wish Dewayne wasn't in the room, because I don't want to make
8 him feel too good, but ACC is by far the best management firm in the state of Wisconsin and by
9 far probably close to one of the best in the Midwest, and you can ask WHEDA that, because they
10 score them every year.

11

12 **TONYA HAMILTON-NISBET:** So have you worked with ACC before?

13

14 **KEVIN NEWELL:** I've worked with ACC at my time at WHEDA. I've also worked with
15 ACC. They're the management firm from our two developments out in Silver Lake and Kenosha
16 where I'm the majority owner. And we selected them for their hard-nosed attitude, their
17 commitment to making sure that our vision is executed on a day-to-day basis, and their overall
18 execution on their other developments.

19

20 **TONYA HAMILTON-NISBET:** However, they, it's, isn't it possible that over the lifespan of
21 this 30 years, you can choose another management company? I mean, part of what I have
22 struggled with is I'm, I've read through the ACC Management, I've looked at their website. You

1 know, I believe also that they're a very strong management company. But they are a supplier of
2 yours.

3

4 **KEVIN NEWELL:** Yes.

5

6 **TONYA HAMILTON-NISBET:** And part of what we're doing is we're looking at this, and
7 we're talking about, you know, the education center and the programs, and is 20 hours a week
8 enough, and all of these things that are in the control of a group that isn't necessarily within your
9 control. At some point you could say, you know, they're too expensive, and so we're going to
10 go with a different management company or, I mean, can you, could you address that concern?

11 I mean, we are, you know, we're talking about screening and things that are endemic to
12 ACC specifically. And so I'm curious how you plan on transitioning any management company
13 or continuing the management plan that ACC has proposed as a part of this entire proposal.

14

15 **KEVIN NEWELL:** Well, it's two-part. If you look at the City of Madison, the CDA, you
16 know, they submit tax credit applications every year as well. They don't manage them
17 themselves. The Meridian Group manages the majority of their portfolio. The Meridian Group
18 does an outstanding job as well. That's the nature of the business. We operate as development
19 owner and visionary for the development. And we hire appropriately to have the day-to-day
20 management, somebody who honestly probably has a better expertise, because they're tunnel
21 vision on that than what we would necessarily provide.

22 But the second part is, Zilber Limited, and I know we're in Madison, so we . . . in order
23 to brand this much, but Zilber Limited, over the past 50 years, they've owned a management

1 firm and had employees of 100-plus, and they managed developments all across the country.
2 They divested their multifamily portfolio in the early part 2000 towards the middle of 2000. And
3 now they don't, it was a business decision at that point in time, so they had multifamily that they
4 managed and owned themselves.

5 They still manage and own Euclid Arms and a few other developments on the south side
6 of Milwaukee that are Section 8. And Section 8 is a lot more tough to manage than what we
7 have going on. So they have the infrastructure as well that we'll lean on as a partnership. But I
8 also want to make this a global concept for you guys to understand. ACC is not the only fish in
9 the fish bowl. There are lots of different management groups that are in the fish bowl.

10 For instance, if ACC jumps ship, and somebody wins the lottery and goes out to play, we
11 can also hire Meridian Group, which currently manages the City of Madison's properties on an
12 ongoing basis.

13

14 **TONYA HAMILTON-NISBET:** So, for example, if we were to say that we wanted to have a
15 condition placed, just as example, that would require you to get back to the City or provide a new
16 management plan if you change management companies, have you discussed that with staff, or is
17 there, would there be any . . .

18

19 **KEVIN NEWELL:** I will be, we would be more than willing to handle that at the staff level.
20 And I think that that is an excellent point. And then going back to your question of how does,
21 how do you manage the whole piece with the community coordinator being a part of the ACC
22 group, we had some debate, and honestly we took the recommendation from the CDA. Before

1 we have that person as a part of the Zilber Family Foundation, we hired . . . by that person, and
2 that way we can just have tunnel vision on that person.

3 But then we had the recommendation from the CDA, Plan Commission staff, and Captain
4 Balles that maybe we should have that person be a part of ACC Management Group. So we
5 made that shift on the 24th of September. I think it was the 24th, yeah, the 24th of September,
6 again, trying to be responsible to find out what's the best, you know, formula to make Nob Hill a
7 success? So we can all, we're definitely open to having a debate, and we're definitely open to
8 making sure that in an event that we change management companies that we will have to run it
9 by the City of Madison and staff in order to have their approval.

10

11 **TONYA HAMILTON-NISBET:** So then what is your involvement? I mean, you're in
12 Milwaukee. I mean, are, how are you involved, would you be involved, day to day, week to
13 week, month to month? I mean, where do you see yourself fitting into this in terms of an
14 ongoing management scenario?

15

16 **KEVIN NEWELL:** Inside of our management agreement, you have a couple things in there
17 that kind of hold myself binding as well as the Zilber Limited guys binding. And we've been
18 working on this with Captain Balles as well. For one, we're going to meet, outside of the typical,
19 hey, send me the weekly operating report, send me the recent, the most recent vacancy report on
20 a weekly basis, tell me who's been evicted and all that kind of good stuff, we've been working
21 with Captain Balles.

22 And Captain Balles has basically put us in the position where, and he's great for us, he's
23 definitely helped us out a whole lot where we're going to have a weekly meeting, somebody

1 from my executive team, i.e., myself and the Zilber Limited guys would have somebody from
2 our owner meet on a weekly basis . . .

3

4 **TONYA HAMILTON-NISBET:** So you would be involved, or somebody from that team
5 would, I know ACC would be involved in that . . .

6

7 **KEVIN NEWELL:** Oh, yeah, yeah, yeah.

8

9 **TONYA HAMILTON-NISBET:** . . . but somebody from your group would be involved in that
10 as well?

11

12 **KEVIN NEWELL:** Yeah. We're there, ACC works for us.

13

14 **TONYA HAMILTON-NISBET:** Right.

15

16 **KEVIN NEWELL:** And we have to hold them accountable. And by us being the owner, we're
17 already accountable.

18

19 **TONYA HAMILTON-NISBET:** You are, but it's just, it, you know, different . . .

20

21 **KEVIN NEWELL:** Yeah, we will definitely be involved, yes.

22

1 **TONYA HAMILTON-NISBET:** . . . people have different management styles in terms of how
2 close and/or how far out they are with management companies, and so . . .

3

4 **KEVIN NEWELL:** I promise you Nob Hill has been all-hands-on-deck. You've got Zilber
5 Limited's CEO here today. You've got the president of my company, myself, here today. This
6 is just not the Plan Commission. We meet on, about Nob Hill on an ongoing basis. We meet
7 about our Fitchburg development on an ongoing basis. It's not about the numbers. It's not about
8 the figures. I can't tell you when the last time we've had a collective meeting about the pro
9 forma, because some of those meetings are just designated with our lender and so forth. But I
10 can tell you that every day we meet about Nob Hill and the needs of Nob Hill and make sure
11 we're responding accordingly.

12

13 **TONYA HAMILTON-NISBET:** So my last question is, you know, we get into all of these
14 discussions about, and there's such a disconnect I hear between the woman who talked about the
15 number of kids that she serves in the community and the things she does and the, when there's
16 talk about density in terms of development. So how many people would be at Nob Hill under
17 your proposal? How many additional people do you see being under this development under
18 your proposed development? I'm curious, because I ran some numbers, so I'm curious if our
19 numbers are in alignment.

20

21 **KEVIN NEWELL:** You know, it's really, really, really tough for me to speculate, but let me
22 try to give my best shot at it without having to give you a number that you probably don't want
23 to hear.

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TONYA HAMILTON-NISBET: Whatever it is. I mean . . .

KEVIN NEWELL: You know, and ACC has a maximum requirement that says no more than two kids per bedroom and so forth. Three-bedroom, that's the maximum of six kids. And then is it two people per bedroom? Two people per bedroom. And so if you calculate the 26 three-bedrooms that we're adding on, and you say, hey, 1 parent in 1 room and then 4 kids, and this is for a family that will make less than \$44,000 or \$49,000 depending on the income level that we're working with at that time, that person, if you multiply that 4 times 26, that would be the number of folks that you'll have available to you at that point in time.

But that's also not even subtracting the amount of folks that would have already been living there in the one-bedroom units. Again, we're not proposing new units. We're actually, the development is 272 units right now. We're bringing it down to 254 units. What we're doing, again, is taking out the middle wall on a one-bedroom unit and expanding it and changing the landscape and maneuvering it around to make sure it's a two-bedroom, I mean, a three-bedroom, two-bath apartment. And, again, that's our way of responding.

The maximum, I mean, some families may have, for instance, three-bedroom units are not just popular because of families. Oftentimes folks want to have that at-home office, and so if you've got a couple and one child, and they want to have the third bedroom, which is pretty, pretty popular over at Nob Hill as far as the folks who are on a waiting list right now, that can be one child, and that can be an extra office.

1 **TONYA HAMILTON-NISBET:** It can be, but, you know, my frustration has been that there's
2 all this discussion about the number of units and the number of units decreasing. But there's the
3 units, and then there's the bedroom count.

4

5 **KEVIN NEWELL:** Yeah.

6

7 **TONYA HAMILTON-NISBET:** And the bedroom count says that you're going to have more
8 three-bedroom units. There will be less of the studio. There will be the same number of two-
9 bedroom units.

10

11 **KEVIN NEWELL:** No, they'll be the same on the studios. The report is inaccurate on that
12 regard. I believe it's the same amount of studios. We're decreasing the amount of one-bedroom
13 units though. Correct.

14

15 **TONYA HAMILTON-NISBET:** Okay. So have you calculated how much that means in
16 terms of bodies? Because that, to me, is density. It's not just units. It's how many people are
17 living there, how many extra people would be living there tomorrow versus today, and that is the
18 element of it to me that drives public safety, because when you have more density, we all know
19 we can have problems. And I think management can manage around that. Good
20 management . . .

21

22 **KEVIN NEWELL:** Yeah.

23

1 **TONYA HAMILTON-NISBET:** . . . can trump density. I believe that, but how much more
2 density are we talking about in terms of people?

3
4 **KEVIN NEWELL:** I think it's really, I wish I had an answer for you, a direct number. I've just
5 got a philosophy on it. And, again, we've, we thought that, and we met with Plan Commission
6 staff, probably June or July or something, and they told us what would be, what they would see
7 as a concern would be some of the agencies, police, fire, school district, blah, blah, blah, you
8 know, a lot of different agencies they thought would be, that are density, because if you say high
9 density, and let's say we agree whether it's going to be high density, and then they want to know,
10 okay, high density means what, a stress on services?

11
12 **TONYA HAMILTON-NISBET:** Right.

13
14 **KEVIN NEWELL:** And so what we, we held our breath, and we got the response from the
15 services, and we met with the fire chief, we met with Captain Ballas on an ongoing basis and
16 responded to his concerns and his needs, we met with, we contacted the school district, we
17 contacted the different agencies, and nobody came back with any concern or opposition. And so
18 we took that as, okay, we can breathe. Let's try to make sure we handled this the right way.
19 Let's try to make sure that we meet with Captain Balles on an ongoing basis.

20 I can't speak for Captain Balles, but I can say, I would like to say that I believe he's very
21 pleased with the changes that we've made and tried to make this a collaborative effort
22 throughout the process. I don't think that density just, should just stand alone. I believe you
23 should say density means something, but what does it mean? And our response was they didn't

1 have any real, not that they didn't have any concern, but they saw the good in the development, I
2 will say, and the opportunity.

3

4 **TONYA HAMILTON-NISBET:** And I'll just leave with, I'm going to give you the density
5 number that, the increase in population that I calculated based on two people per bedroom.

6

7 **KEVIN NEWELL:** Okay.

8

9 **TONYA HAMILTON-NISBET:** So what I calculated is that the additional number of people
10 at Nob Hill would be 68 people, 68 more people at Nob Hill tomorrow than today under the
11 proposal. Likely, those would be families, those would be kids, you know, just as a side, and
12 I'm . . .

13

14 **KEVIN NEWELL:** . . . accurate with that.

15

16 **TONYA HAMILTON-NISBET:** Frankly, I'm a little surprised that nobody has talked about
17 density in terms of population. And maybe it's my simple brain that just needs to look, and it's
18 my marketing, you know, I think about things in terms of people, but people are the ones that
19 make the phone calls to 911, or people are the ones who are doing it. And the talk about number
20 of units is helpful to a point. But when you're talking about density, it really is people. And so
21 that was the number I calculated and, for whatever it's worth.

22

1 **KEVIN NEWELL:** I think your concerns are completely genuine. I think they're completely
2 well-founded as well. I think it's our job to make sure we manage it with the assumption though
3 with the 68 units that every 3-bedroom unit will have 2-bedroom units. I mean, that is the
4 debatable piece, I guess you would say, that I don't know right now. You know, we definitely
5 are going to try to monitor Nob Hill and make sure that we are in constant contact with
6 everybody at every level to make sure that, and even our friend, Alderman Bruer, to make sure
7 this is going to be a development that, again, Zilber has a brand, I have a very young brand that I
8 want to protect.

9 I would not want to risk my young career on a development that I wasn't confident in.
10 And it's not naïve, because although I may be young in years in terms of age and development
11 experience, but I've been trusted to manage multi-million dollar portfolios for WHEDA. I've
12 been involved with multi-million dollar transactions and multiple, and I'm also very well
13 involved at every, in a lot of different community aspects. And I'm very, very well connected.
14 I'm very confident in our effort.

15

16 **TONYA HAMILTON-NISBET:** Okay. Thank you.

17

18 **KEVIN NEWELL:** Mm-hmm.

19

20 **NAN FEY:** All right. Thank you. The next speaker, oh, I'm sorry. Just a minute, Mr. Newell.

21 I'm not used to this new board, and actually the Alder Rummel's light was on. Go ahead.

22

23 **MARSHA RUMMEL:** Hi.

1

2 **KEVIN NEWELL:** How are you doing, Alder?

3

4 **MARSHA RUMMEL:** Kind of following up on the last questions, do you have a sense of how
5 many kids live in the facility now and, with the increase in three-bedrooms, how many more you
6 would project that would be these new people that Tonya mentions that she projects?

7

8 **KEVIN NEWELL:** You know what? We, I guess we call it an invalid study. We have, we
9 sent actually Terrell Walter up there, who's a member of Royal Capital, to go through every file.

10

11 **MARSHA RUMMEL:** I'm sorry, could you speak up?

12

13 **KEVIN NEWELL:** We had Terrell Walter, who's a member of our, my team, he went up there,
14 and he went through every file to find out everybody that moved in and how many kids they had
15 at that point in time. And it came back with 34. We treated that as a very invalid study at that
16 point in time. But we also, when we were doing our analysis, we also reached out to the
17 management firm, the current management firm, to find out if they can help us out. They came
18 back with very, very inconclusive data, because some folks don't want to tell, I mean, people are
19 living at the development right now for whatever reason.

20 But when we submitted our application to WHEDA, our assumption was that 75% of the
21 people at Nob Hill were, indeed had children. And that was based off of our question and
22 questionnaire that we had for the management firm. And we submitted that to Natalie Erdman,

1 because that was one of her questions at that time. This was in January of this year. So our
2 analysis is that when we submit an application, we assume 75% of the residents had . . .

3

4 **MARSHA RUMMEL:** Could you just say a number, I didn't hear a number, if you have one,
5 even a best guess?

6

7 **BARB BOUSLUGH:** . . .

8

9 **KEVIN NEWELL:** Say it again.

10

11 **BARB BOUSLUGH:** You have 8 . . . with 20 units we have 8 children in our particular 20
12 units.

13

14 **KEVIN NEWELL:** I guess you would say, I don't want to use the study of 34, but I would say
15 somewhere, if you wanted to make a good pitch, 80.

16

17 **MARSHA RUMMEL:** Eighty kids. Okay. So presumably, three-bedrooms are attractive,
18 because people with kids want to be there. So what I'm leading you towards is back to this
19 question of your after-school programming . . .

20

21 **KEVIN NEWELL:** Okay.

22

23 **MARSHA RUMMEL:** . . . because if, in fact, you increase the number of three-bedrooms,
24 you'll go from 80, you know, generally speaking, 80 kids to 75% more or some, you know,

1 factor. And I'm wondering if you're willing to increase your investment in this after-school
2 programming to more of a full-time thing, because giving those kids something to do might
3 really be, you know, a way forward.

4

5 **KEVIN NEWELL:** You know, I think that one thing that we got out of the meeting with the
6 CDA and the captain and the Plan Commission staff last week was, you know, us doing all of
7 this assumptions right now with what I understand what the true need is, we're really, and they
8 brought us back. They say, guys, I know you guys want to respond, I know you guys want to do
9 all this tutoring, you want to do this, you want to do that. How about you guys take some time
10 and make sure that you, this, that when you hire this community coordinator, that this person
11 who has the expertise can appropriately respond?

12 In regards to the tutoring aspect itself though, I think that, and, again, we, not all kids,
13 you know, for whatever reason want to be helped. I've just come to understand that when we're
14 trying to work in a community myself. But I think that I, as an executive of the partnership,
15 would be, definitely be open to exploring how we can make this an ongoing tutoring process,
16 rather it be three days a week or four days a week but evaluated on a need basis based on a
17 resident, because we have the tutors come in, and, again, these are UW-Madison students who
18 have engineering degrees, I mean, engineering expertise and math teachers and everything else.

19 You know, they have, I don't want to waste these guys' time either if there is nobody
20 showing up. And so at that point in time, I think we have the gist. But we have kids coming
21 back, and they're saying, you know what, I want to, I need this four days a week. I think it's our
22 responsibility as responsible owners and committed owners to respond accordingly. So if I can,
23 and if I may, I would ask that you please allow us to move forward with the assumption that

1 we'll do this needs assessment and based on a needs assessment will appropriately respond to the
2 ongoing needs of the Nob Hill children.

3

4 **MARSHA RUMMEL:** But you're willing to see that you could do more if it, professional
5 advice was that there's plenty of need here.

6

7 **KEVIN NEWELL:** Yes, yes, ma'am.

8

9 **MARSHA RUMMEL:** And my second set of questions is if you propose to reduce the number
10 of units, are, you're not reducing the number of parking stalls, or are you?

11

12 **KEVIN NEWELL:** No. We're actually going to be increasing the parking stalls and some
13 minor faces, but I don't have the exact figures. But it's, proportionately, it's less than 3%
14 probably.

15

16 **MARSHA RUMMEL:** I mean, if this were a different kind of project without its issues of, you
17 know, zoning and, or up-zoning or down-zoning, and you were just, I'm going to put on my
18 UDC hat. And you probably already heard it from UDC a little bit about so much parking, so
19 much surface parking that could, in fact, be used for open space, especially in the center of that
20 project where I count, you know, that one lot in the middle adjacent to the basketball court is just
21 17 stalls. I mean, are those stalls like so urgent that you couldn't convert that to more space for
22 your community center and outdoor activities?

23

1 **KEVIN NEWELL:** You know what, Alder? I think we're, you know, overall, the theories of
2 why, what we want to do and what you're probably, you're thinking like, hey, you know, I see
3 an opportunity there, the biggest challenge that we have with Captain Balles and the CDA is we
4 was comparing 2D to 3D. And so when Captain Balles and the other CDA, Natalie Erdman, and
5 the, and Kevin Firchow, who was there as well, they actually came to the site. And I think Kevin
6 can attest to the amount of green space that is available at Nob Hill right now.

7 Nob Hill is by far one of the most beautiful developments if, outside of the lack of
8 upkeep on the infrastructure to the buildings. The green space is enormous, and it's great.
9 We're also going to be adding in, as they talked about before, the community pavilions that
10 would be in addition to the garages at that time, that peak area and where you'll have a
11 community outdoor pavilion to have a community grill.

12 And also you've got to take into account that Nob Hill has elevations that are very, quite
13 un-normal, I guess you would say, for a typical development. It has like I think they said
14 between street level in the back and the last tipping point of the last building is 50 feet. It has a
15 lot of different slopes. I will truly invite you out to Nob Hill if you would take the . . .

16

17 **MARSHA RUMMEL:** I actually drove around, as I believe half the Plan Commission did.

18

19 **KEVIN NEWELL:** Okay. And if you stand in the middle, and you see the green space
20 opportunity that's there right now, we're not encroaching on it too much. We're just trying to
21 make sure that we're also responding to the needs of the residents where, you know, they
22 requested, you know, garages. And we've also attempted to maneuver a lot of those garages to
23 the outskirts of the property.

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MARSHA RUMMEL: Maybe I should reframe it, and then I'll give up the floor.

KEVIN NEWELL: I'm going to reframe it then.

MARSHA RUMMEL: It's not so much green space but social and public space. So now it's like a car that, the land use is for a car as opposed to just hanging out with, and the, just the site lines of all this sort of semicircle of residentials looking into a central core where, you know, if your kids are out, you're like, oh, they're out, that's okay, they'll be in for dinner when I yell for dinner.

KEVIN NEWELL: Right, right.

MARSHA RUMMEL: So, I mean, I just, I'm wondering if you're willing to look at more like the site plan or, and the way that you use the land.

MAN: Yes.

KEVIN NEWELL: Yes. I've been told yes, so . . .

MARSHA RUMMEL: Thank you.

KEVIN NEWELL: Thank you, Alder. I appreciate it.

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NAN FEY: Other questions for Mr. Newell? Wait, there is another one. They keep sneaking in on me. Alder Schmidt.

CHRIS SCHMIDT: Well, we shouldn't be sneaking in. I know it pops up on there.

NAN FEY: It does. I just didn't look for a second.

CHRIS SCHMIDT: Regarding the issue of number of children, etc., have you, how much have you worked with the school district and communicated with them specifically regarding their knowledge of how many kids are there now versus what they would expect given your new layout?

KEVIN NEWELL: You know, we've reached out, and I think we've even talked to some staff. It wasn't me personally, but somebody on our staff talked to one of their statisticians and tried to get a general feedback on how he perceived the introduction of our three-bedroom units to the market. From what I've, so it was immaterial. He didn't see anything that would be abnormal for any other new development in the city of Madison overall. And he did not discourage the opportunity, I guess you would say. We've also, you know, again, we tried to, we listened to the response. They didn't come back with any negative response when they responded back to the Plan Commission staff, so . . .

CHRIS SCHMIDT: Yeah, they generally wouldn't. They don't tend to take positions . . .

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KEVIN NEWELL: Okay.

CHRIS SCHMIDT: . . . but they do tend to run numbers, which is why I was asking.

KEVIN NEWELL: All right.

CHRIS SCHMIDT: So thanks.

NAN FEY: Okay. Any other questions? All right. Thank you. So next is Mike Mervis, 710 North Plankinton. And then he'll be followed by Nathan Wautier. I'll just tell everybody we've got 11 more speakers, so . . .

MIKE MERVIS: Thank you. And first of all, let me apologize. We'll try not to have the full 11, but we did have a lot of tenants who were here who wanted to speak who live in the facility as opposed to living outside the facility. I also want to apologize. We obviously have not done as good a job at being as forceful with our story as perhaps we should have been. And so I'm going to try to clarify a few things, and then I'm going to hope that Alderman Bruer will work his interrogation magic on me like he has on others, and maybe we can get a few things clarified.

And I know I can be brief in the response if he can be brief in his questions. So what were we trying to do at Nob Hill, and what do we think we've succeeded? We were trying to take a property that's old and tired and bring it back to life. That's one. That's easy. We've been in the construction business and the development business for 60 years. Second thing we're

1 trying to do is, what makes sense for the tenants to improve their quality of life? I'm on the
2 board of the Zilber Family Foundation as well as on the corporate board.

3 We've committed \$50 million to improving challenged neighborhoods in Milwaukee. I
4 think we've got an awful lot of expertise on what it takes to improve the neighborhood. And one
5 of the things it takes to improve the neighborhood is opportunity. And we're talking to you
6 tonight about a unique once-in-a-lifetime opportunity to fix up a facility but more importantly to
7 provide programming. And to the questions that have been raised about garages and parking and
8 open space, we've tried to take into account all of that.

9 To the alderman's question about Nancy Erdman and CDA and the mayor's office, we
10 met with them. Their comments are included in the staff report where they say that the
11 documents that have been provided by the management company are ones that they would
12 seriously consider emulating in many ways. That's how good and tough they are. Are we
13 committed to doing things right? You don't succeed for 60 years unless you do things right.
14 Can you count on us to be there? Yeah. Why wouldn't you count on us to be there? We've
15 been around for 60 years.

16 Our founder left it so a younger generation, much younger than me, I was only, I've only
17 been there for 40 years, will be able to carry on. You saw a young Kevin Newell. You'll see a
18 not quite as young Jim Borris, who's our chief executive officer. We do what we say we're
19 going to do. This is a unique opportunity for the City of Madison to do something at an, in an
20 area that has problems that are not going to get solved without somebody willing to take some
21 risk. We are the risk takers.

22 As Joe Zilber used to say all the time, take a risk but understand the risk you're taking.
23 Your staff has helped us. We've made improvements. There were a ton of people here that

1 wanted to testify and tell you what they really feel, the alderman's constituents that
2 unfortunately, because they have kids, had to go home. We're going to take care of the kids, and
3 why should we be afraid that there might be more kids to take care of if we're doing the job
4 right? The captain took us around and said, you know, the key in security is lighting and
5 cameras.

6 You've got lighting and cameras. The key in taking care of a neighborhood is providing
7 programs and being responsive and giving people a chance to do better. That's what we're
8 doing. You've got an easy call. Either that's what you want to do for the citizens of Madison or
9 not. And if the answer is not, okay, but then you're saying it to an awful lot of people in a lot of
10 places. And I'm out of time. I'll be glad to answer any of your questions, aldermen, if you've
11 got any.

12

13 **TIM BRUER:** I appreciate my favorite lobbyist. Thank you.

14

15 **MIKE MERVIS:** And I resent being called a lobbyist, but thank you.

16

17 **NAN FEY:** Just a moment. Are there any other questions for, are there any real questions for
18 Mr. Mervis? Okay. Thank you. The next speaker is Nathan Wautier, 22 East Mifflin Street.
19 He'll be followed by Jim Borris.

20

21 **NATHAN WAUTIER:** My name is Nathan Wautier. I'm land use counsel for the applicant.
22 And that's the issues that I'm going to address tonight, land use and land use policy here in
23 Madison. The City has some adopted plans. Specifically in regards to this site, we have our

1 zoning code and our comprehensive plan. Under the current zoning code, the City of Madison
2 has designated this area R3. R3 allows low density, multifamily dwellings, and planned
3 residential developments pursuant to a conditional use.

4 The zoning code does not define low density, however, the City of Madison's
5 comprehensive plan is used to identify the density standards that we follow with the code. The
6 City's comprehensive plan defines low density as having an average of less than 16 units per net
7 acre. The existing development is at 13 dwelling units per acre, and the proposed development
8 will actually reduce the density to 12.1 dwelling units per acre. So both the current and the
9 proposed easily meet the City's definition of low density despite the discussions we've heard
10 tonight about high density.

11 So I just want to clarify that, because we've heard many people talking about this is a
12 high density development pursuant to City's adopted plans and codes. It is not. I'm more than
13 happy to discuss other ways to define density and talk about occupancy. But as far as our
14 adopted plans, that's how it's defined. As staff noted in their original staff memorandum, they
15 had concerns in regards to two of the standards of conditional uses that you need to find are met
16 tonight.

17 In the addendum to that original staff report, the staff seems to have removed their
18 questions in regards to that, and I've left it to you to decide whether or not those standards are
19 met. The last couple weeks we have met extensively with Captain Balles as well as with Natalie
20 Erdman to address her concerns. A lot of her concerns are related to the additional bedrooms
21 being added. And Natalie had identified 1.5 children per unit or per bedroom as the number that
22 she was looking at, so she was looking at 51 additional children.

1 Based on those meetings, we believe we've addressed the concerns that they have had.
2 Finally, as noted in the staff report, the current development has been operating under an
3 improved conditional use in the R3 district since 1972. Additionally, staff has noted that the
4 existing development would continue to be legally conforming under the proposed new zoning
5 district, SRV2. I don't really have a point here other than to highlight the fact that this
6 development has complied with its zoning and its conditional use permit for more than 40 years.

7 And earlier tonight, you adopted a new proposed zoning district that would continue to
8 allow it to operate under its current conditional use. And as far as I'm aware, and I've been
9 following the zoning code pretty closely over the last four years, there's been nobody appearing
10 over that time and arguing that this zoning was incorrect for this area. Those are arguments that
11 have been raised tonight. Happy to answer any questions.

12

13 **NAN FEY:** Any questions for Mr. Wautier? Thank you for pronouncing your name so
14 carefully. I've been getting it a little bit wrong. Any questions? Okay. Thanks. Next speaker is
15 Jim Borris, 710 North Plankinton Avenue. He'll be followed by Teresa Burkeland. Is she still
16 here? Is Ms. Burkeland here? If not, let me just see if there's, I just want to give people some
17 warning. Is Lisa Freitag here?

18

19 **LISA FREITAG:** Yep.

20

21 **NAN FEY:** Okay. Then you can follow Mr. Borris.

22

23 **LISA FREITAG:** Thank you.

1 **JIM BORRIS:** Okay. Thank you. My name is Jim Borris, and I'm president of Zilber Limited,
2 so we're partners with Kevin. There's not a lot I can add to what's already been said tonight,
3 just maybe a couple of gratuitous comments. I, when I hear the discussion, you know, and some
4 of the objections that we're hearing tonight, it seems like there is a perspective that this is a new
5 project. This is, I think you all know this is not a new project. There are 272 units out there
6 today. When we're done with it, there'll be 254, but there will be 34 additional bedrooms
7 because of the three-bedroom units, which we feel are desperately needed.

8 We've talked to some of the residents at Nob Hill, so we think some of the current
9 residents who have no children are interested in those three-bedroom units. So it's really
10 difficult to say that there'll be 68 additional children. I happen to think there probably will be a
11 few extra kids. But we took a look at the census data for this service area, because there's lots of
12 discussion about can we serve this project? Well, we would say the project is already being
13 served. The area consists of 6,300 bedrooms by census data. That's our statistic.

14 So there's police, fire, schools. There are 6,300 bedrooms in this service area. We're
15 adding 34 bedrooms. I think it's really hard to say that our 34 bedrooms are going to bring more
16 population into the 6,300 bedroom service area. So population, if it's two per bedroom, what,
17 12,600 people, maybe 30, 40, 50 extra people would be living at Nob Hill but not necessarily in
18 the service area. So I hope you know that the residents are here tonight. They were here. We
19 talked to the residents. We had a resident meeting, several of them.

20 We think we have unanimous support from the residents. We did knock on our
21 neighbors' doors. Every neighbor that we talked to, every single one, supported the project. Did
22 we miss a neighbor? It's possible. But the people we talked to supported the project. So, yes, I
23 have just a couple of questions I'd like you to consider. Is there a better alternative to what we

1 want to do? You know, we want to put \$10 million into the property. We want to bring in
2 professional management.

3 We want to have, you know, state-of-the-art screening and enforcement procedures. We
4 want to have safety. We want to have resident programs. We have a great proposal and
5 opportunity for the city of Madison. What is the alternative? What is the alternative to our
6 proposal? To let it become more run down? That's not going to happen. This is never going to
7 be bulldozed. This is a viable project today. The current owner is not going to turn over the
8 keys and let this project be bulldozed.

9 It's never going to be single family notwithstanding whether this should have been
10 approved as an apartment project 40 years ago. I can't speak to that. But it is an apartment
11 project. And I guess I would just ask you what are the alternatives? I guess a couple other quick
12 questions. Are we concerned about the quality of life for those working people that make
13 \$40,000 or \$50,000 a year? That's who's going to live here, and we're going to provide a better
14 living opportunity for them.

15 Does our proposal set a precedence for what other developers can and should accomplish
16 in challenged neighborhoods in Madison? I think the answer to that is yes, so we respectfully
17 ask for your vote tonight, and thank you very much.

18

19 **NAN FEY:** Questions for Mr. Borris? Okay. Thank you. So the next speaker will be Lisa
20 Freitag. Let me just see, is Nina Bell here? Okay. How about Jennifer Blaser? Veronica
21 Franklin? Folks who are here, I hope you filled out one. Vandy Pryor? Kathy Konicek?

22

23 **WOMAN:** Oop, Vandy Pryor . . .

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NAN FEY: Oh, Vandy is here? Okay. Vandy, you can go next after her. Okay?

VANDY PRYOR: Okay.

NAN FEY: All right. Lisa Freitag, go ahead.

LISA FREITAG: Thank you for the opportunity to speak tonight. As I sat here and waited for my opportunity to speak to you tonight, and I listened to the four people who oppose this project, and I listened to where they live, not one of those people live in this complex, not one person. There are 165 people that support this that have signed a petition that support this project. So now I'm going to go into what I prepared tonight.

As a single mom who chose Nob Hill as an area where my child could attend school, oh, and let me clarify, my child is not a special needs child, I signed a lease of only six months, because I was unsure whether or not I would stay in this complex, because I was unsure of the property. I re-signed that six month lease into another six month lease. I am now coming up to signing yet another lease, and I intend to sign a one-year lease. I have had one opportunity to call the police, and I have had one opportunity to witness police action on my property, two actions in one year.

So I don't see the ramping crime that is portrayed to be all about our property. What I do look at is there are no promises in life. I happen to know a Dane County sheriff's deputy who had a meth lab in his backyard as a neighbor. There's no guarantees. He lived in single-family

1 housing. There are absolutely zero guarantees. The three-bedroom density issue that you
2 propose, one-third of these bedrooms are already spoken for by current residents.

3 Eight of those units are already taken if this project goes through with current residents,
4 which means we're not going to get two kids in each one of those bedrooms most likely, because
5 it's most likely a boy and a girl that currently share a bedroom and are going to each get their
6 own rooms. Safety issues. Garages, I've waited seven months for a garage. I get a garage this
7 month, and I am so excited. Lights, 39 light poles, lights, cameras. Not every one of those poles
8 is going to have one light on it. Some of them are going to be multiple.

9 So there is going to be ample light. Increased rent was a very huge concern when all of
10 us started hearing about the new improvements. There isn't going to be an increase in rent,
11 which means I can afford to stay. Efficiency. How efficient is it that I have to leave my patio
12 door open this far every day of all winter long, and my bedroom windows this far open so that
13 it's 72 degrees in my apartment instead of 92 if I close them all, because I live on the third floor?
14 Not efficient.

15 I believe that the changes proposed by the Zilber Group would not only help with these
16 problems but probably other problems that I do not even begin to realize are there. So when I
17 talked to my son about this, and I talked to him about do we want to move, do we want to find
18 someplace else to live, my son's exact words to me were, Mom, I like it here, but do you think
19 we could move the poo plant away? I doubt it. The one thing I really enjoy is when my son
20 comes to me and says, hey, Mom, did you look out the window?

21 There are six turkeys out there today. The next day there might be eight deer out there.
22 This is out my patio door. I get to enjoy nature in my apartment. Wait, I live in the city. I post
23 these pictures on Facebook. People are amazed. Oh, my God, where were you at? I was at

1 home looking off my deck. This is what I want to continue living in. And with these proposed
2 changes, it can only be better. So I do support this, and I do ask that you as well support this
3 project.

4

5 **NAN FEY:** Thank you. Questions for Ms. Freitag? Okay. Thanks very much.

6

7 **LISA FREITAG:** Oop, she has a question.

8

9 **NAN FEY:** Oop, sorry. Alder Rummel.

10

11 **MARSHA RUMMEL:** You mentioned a petition. Maybe we saw it last time. I wasn't here at
12 the last meeting, but did we receive a petition?

13

14 **LISA FREITAG:** Do you know where the petition is, Jim? I know there was a petition that we
15 signed.

16

17 **TERREL WALTER:** . . .

18

19 **TERREL WALTER:** We have it. We can definitely have it forwarded . . .

20

21 **LISA FREITAG:** But there was a petition that we as residents were asked when we were
22 presented all of this in the beginning, and they said, you know, if you support this, you're
23 welcome to sign this. It wasn't a forced issue. Nobody was forced to sign it. It was a choice,

1 165 people. And if I remember correctly, and correct me if I'm wrong, but there are people that
2 are non-residents that live right around us that have signed it, if I remember hearing correctly.

3

4 **WOMAN:** Neighbors.

5

6 **LISA FREITAG:** Neighbors? Correct.

7

8 **MARSHA RUMMEL:** It's not part of the record, just so . . .

9

10 **LISA FREITAG:** It's not part of the records, but it is something, as they've said, they would be
11 happy to forward to you.

12

13 **NAN FEY:** Thank you. Next speaker is Vandy Pryor, 1122 Moorland Road. He'll be followed
14 by, let's see, Kathy Konicek.

15

16 **KATHY KONICEK:** Right here.

17

18 **NAN FEY:** Yes, good. Go ahead.

19

20 **VANDY PRYOR:** Good evening, everyone. My name is Vandy Pryor. I've lived at Nob Hill
21 for 30 years. Okay? I'm a retired City of Madison employee. What I like, I set there all night
22 and listened to a lot of the comments that went down mainly to people that complained about

1 Nob Hill. First of all, if there was a lot of issues with Nob Hill, I never heard one of them say
2 that they came to the office to complain.

3 Now keep in mind I've been there 30 years. And since those 30 years I've been there,
4 we've had 4 police officers living at Nob Hill. I have yet to hear of any of them complaining
5 that they had problems when they were there. And I think this is a great project, because it's
6 well do. It's people needs this. And that's all I have to say. That's my little two cents.

7

8 **NAN FEY:** Questions for Mr. Pryor? Okay. Thank you. Next speaker is Kathy Konicek,
9 1013 Ocean Road. Let me just ask, is Jill Hermann here? Okay. Jill will be next. Go ahead.

10

11 **KATHY KONICEK:** I'm Kathy. I live directly behind Nob Hill. And I received a postcard,
12 one of the lucky few who received a postcard, that said also talk to your neighbors. And my
13 neighbors are Hmong, Hispanic. They cannot read English. So I talked to my neighbors. Five
14 of them have signed a letter, because I wanted a fence in the backyard, but I'm in support of this
15 proposal. I also am lucky to have almost an acre of land and some of my neighbors as well. And
16 that green space and those turkeys, they're great. So are the deer.

17 Nob Hill is also great. Okay? Some of the tagging that you see on Moorland Road have
18 probably nothing to do with Nob Hill. It's just probably Mexican tagging, and it probably came
19 from elsewhere, called the neighboring gang. I'm in support, because I started talking to my
20 neighbors before the development company came to me, because, if you've read Malcolm
21 Gladwell's books, once you clean up a place, this place needs a facelift, it needs some work,
22 once you clean it up, these people deserve a wonderful, nice place to live, not bad but could use a
23 good facelift. They will keep it that way, and it could use that.

1 You clean up the subway station, you keep it clean, they'll keep it that way. It could use
2 that. And I think that's what we could use here. The density issue is not a concern to me. As
3 long as there's good management, that will trump the density issue. They're cramming the kids
4 in anyways. Okay? I've seen kids. Kids are great. Okay? Kids aren't a problem. Yeah, I want
5 the fence, because I've got an acre, and occasionally they cut through, you know, a little privacy.
6 Okay? And a fence will keep them out. Okay? And we just happen to be a shortcut to
7 someplace. That's all.

8

9 **NAN FEY:** Questions for Ms. Konicek? Thank you. So the next speaker is Jill Hermann,
10 1032 Moorland Road. And then I have to check the other pile. Where did she go? There you
11 are.

12

13 **JILL HERMANN:** I am a very new tenant to Nob Hill. I'm a survivor of domestic violence, so
14 I've gone through a lot. I have been physically and mentally abused. I feel very comfortable at
15 Nob Hill and enjoy living there. I've lived in the inner city of Milwaukee. I've also lived on
16 Allied Drive. I know that I went through a screening to get to become a tenant at Nob Hill. I
17 know what I went through. It's not just fly by night. There's been a lot of finger pointing, I feel,
18 tonight here.

19 People from other parts of the area have said the tenants of Nob Hill have done this. Do
20 they have proof? How do they know the tenants of Nob Hill have done it? It could be a tenant
21 from anywhere. It could be a person from anywhere. We don't live in the middle of nowhere. I
22 work at Catholic Multicultural Center, which is a very, very amazing resource in Madison that

1 works with a multitude of people, many of them homeless, many of them that are alcoholics or
2 drug addicts. I have learned a lot by working there.

3 Nob Hill is trying to make a positive difference. I think it needs the chance to make a
4 positive difference. The screening process I went through was fair. The children in the complex
5 deserve a play area. Right now, I've got a neighbor that has a flatbed pickup truck. He feels the
6 need to floor it as he goes up the hill around the corner to get to Moorland Road. I am fearful for
7 some of our children. They need a designated play area. I feel very safe living at Nob Hill. I
8 haven't seen one dog running around loose, chawing on people, causing a raucous.

9 Yes, I have neighbors that have dogs. I've heard the dogs outside. They're monitored
10 just like anybody would here. I am also a continuing education student. I'm going to college.
11 I'm going to open a shelter for battered women, so I know what needs to be done to make
12 progress. It's being done at Nob Hill right now. I want to understand how some of these people
13 have come up with the statistics that they spouted tonight, where they came up with their figures.
14 I don't know that they've actually talked to people.

15 I've never been questioned about my needs, my neighbors' needs, what's going to
16 happen. I know that we need to stop pointing fingers. Anybody that's perfect in this room can
17 gladly talk to me and tell me what I need to do to change myself. But before you point fingers,
18 go look in the mirror. And I was deeply offended by the insinuation that special needs children
19 only come from low-income families. My brother is a veteran from the Iraqi War. He served in
20 Desert Storm. I have a nephew who is special needs. He is definitely not low income. The
21 stereotypes need to stop. They need to stop here and now. Thank you.

22

23 **NAN FEY:** Questions for Ms. Hermann?

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JILL HERMANN: I'm also willing to volunteer at our new community center that will be built.

NAN FEY: Thank you. Okay. So we have one person registered, it looks like it may have started out as an opposition not wishing to speak, Luis Xique. And then there are 11 registered in support not speaking, Vanessa Gonzalez, Jennifer Gonzalez, Cloris McClinton, Ivan Cyars, Lissa Fezzeriza, Barb Bouslugh, Shannon Sorenson, Ally Ugalde, Dawn Vyse, Debra Cox, and Zabrina Straine. So I don't know what the total numbers are, but . . .

MAN: . . .

NAN FEY: Excuse me? Those lists were all in support not wishing to speak, 13 of those.

MAN: The question I had, the people who do not speak, are they for or against . . .

NAN FEY: The last 13 were in favor.

MAN: . . . registered to speak that . . .

NAN FEY: They were all registered to speak in support, the ones who had gone home that I was asking about.

1 **MAN:** . . .

2

3 **NAN FEY:** So that brings us to Alder Bruer. You wish to speak?

4

5 **TIM BRUER:** I thought it was interesting that one of the things that we all can agree on here
6 this evening is that this is about improving the quality of life of the current residents who live
7 there. What we don't agree about is how we approach it. I think you heard from people who
8 have put a lot of time and energy into this community speak to their concerns that this body
9 uphold the existing land use plan conditions and in particular expressing concerns of an area that
10 staff did not cover, and that is the impact of the area.

11 You know, I've grown to, and I'm being serious, not facetious here, I've grown to really
12 enjoy the developers who are associated with this. But it is particularly disturbing that we heard
13 testimony from a number of the neighborhood leaders who vested not hundreds but thousands of
14 hours into this neighborhood. And they have done so tirelessly.

15 They have promoted services and programs to those who are the most in need and
16 disadvantaged. And you heard from them that while, in the 11th hour, it was, quote, an improved
17 plan, it was far, far short than the need that exists in terms of the actual increased number of
18 people that are going to come into this development should you ignore their plea to uphold the
19 current land use plan and recognize there's a number of violations or areas that could not be met.
20 Now we heard, also heard comments about, from residents talking about cramming people in.

21 We heard folks talk about public participation process, the developer. You know, we
22 didn't take issue. We could have. If any other developer would have come forward and
23 organized a food fest and then asked for residents to sign petitions, we'd be outraged. We'd be

1 really outraged. I had a, you know, I had an email that was sent which was part of a series that
2 I've gotten recently that I've landed on your desk. It also raises some serious questions about a
3 groundswell of opposition that currently exists within the project.

4 And repeatedly, since the last Planning Commission meeting, I've received calls, it
5 wasn't just one or two or five or ten, but they all had a common theme that we felt that we'd be
6 endangering our safety, or we would lose our housing if we came forward with the existing
7 management or the new management and raised issues. There are serious concerns about what is
8 being proposed. And I think one of your Commission members had suggested, well, I think we
9 should have them all here.

10 Well, interestingly enough, we found out why people weren't coming forward, because it
11 was fear and intimidation. That's real. And as an alder, you've got to take that seriously. This
12 area is isolated. We went through the, we went through memory lane, and I was glad that my
13 institutional memory hadn't failed me. I know a Commission member particularly had asked
14 about, you know, the history of this, of these parcels. It was R1. It was low density. It was
15 intended to be low density.

16 Why? Because this area and particularly this project is an island within an island. If this
17 would have been further to the neighborhood or closer to Moorland/Rimrock, we would never
18 have allowed even the volume of calls and the deterioration that goes forward. You heard from
19 speakers after speakers who have decades of experience rolling up their sleeves and dedicating
20 themselves to again countless hours of volunteerism to make their community a better place.
21 What were they asking you? Uphold the standards, the land use standards and the conditions
22 that are set forth in the ordinance.

1 You heard that, from experience that past bodies that attempted to go out and allow for
2 almost identical density, identical projects, one was a project that was very similar to the size of
3 the one that you have before you. And what happened was this body, your predecessors,
4 understanding that we took decades to reverse poor social policy or manipulation of the early
5 land use, it did, in fact, get zoned back to R1, R2. It did, in fact, allow us the ability to focus our
6 resources in terms of police and community services and CDBG and other resources that turned
7 a property that was significantly more challenged than this.

8 Somebody alluded to earlier about drug stacks and methadone clinics or methadone
9 factories out of apartment buildings. It was right in this very neighborhood, you know. I did not
10 bring the captain up to discuss that in greater detail, but this body fought against, it supported the
11 overall interests of the neighborhood by rejecting the idea, whether it be the mayor's office, this
12 body, planning staff, the idea of allowing for additional tax credits or other financing tools into
13 this neighborhood.

14 And that project you heard tonight time and time again is one of the most diverse
15 successful projects in this neighborhood. We're asking, the neighborhood is asking, and those
16 who did not feel safe or comfortable or secure with coming before you this evening for fear that
17 if they circulated a petition, it was made very clear that this may not be healthy. This is just not
18 one person who sent me an email. This was a common theme that I received in terms of calls
19 over the last week to ten days.

20 Their voice could not be heard that this was a railroad, and to get in front of it, you're
21 going to get ran over. Repeatedly, those were the words. So I'm hopeful that when you look at
22 what was presented to you this evening in terms of the service side alone that we heard a lot
23 about, you know, we're going to basically experiment. We're going to like play it by ear when

1 pressed in terms of staffing. That staffing of service support only came about after fear that this
2 Commission was going to take action that was going to turn down their project.

3 The three-bedrooms issue, the density issues, the garages, clearly, there was absolutely no
4 doubt that the reason why that has not been removed is because of financing issues. Well, if
5 that's not the issue, this body could adapt a recommendation and send it on that removes the
6 three-bedrooms, removes the garage provisions. I think that there, clearly, are questions and
7 concerns that you folks need to look at in terms of the garages. They were not approved in the
8 past for a reason. There was environmental safety concerns that are legitimate.

9 The fact that they are actually, you know, increasing the number of actual parking stalls,
10 you know, something that Alder Rummel zeroed in on, is because they're anticipating greater
11 capacity. They're anticipating greater capacity. They don't have the skill level in terms of
12 management support. You know, I came in having a lot greater confidence in this development
13 group until I sat down with them and realized that this was about the financing tools. This had
14 very little to do with, you know, actually providing the housing opportunities for three-
15 bedrooms.

16 I was very specific, members of the Plan Commission, you needed to look at the number
17 of units in this area. You needed to look at the impact of the school district. You needed to look
18 at the number of three-bedrooms that are in this area. You needed to look at the fact that we
19 have a fair share and housing diversity plan and strategy that has really gotten legs in this very
20 neighborhood.

21 And this neighborhood, which could have been 2,000 to 3,000 apartment units that we,
22 you know, I don't want to use the term downzoning, but the fact is that we brought the density
23 back to what was originally proposed until this project came rolling along, and we allowed for

1 the high density development that is really creating the problems and issues. This is the last
2 project that we have in this neighborhood, folks, the last project of concern. Now nobody
3 brought Captain Balles up, and repeatedly people argued that staff were or inferred that staff
4 didn't have problems, issues, or even suggested that possibly they were in support.

5 That's far from the truth. If you ask Captain Balles to come up here and ask him if his
6 department and his organization supports the current proposal with the density that's associated
7 with it, I have reason to believe that it's a definite no. If you ask him if, in, since this project has
8 been under the microscope of a cross-section of our community, are we seeing significant
9 improvements brought on by management that are resolving a number of the issues that have
10 been brought forth, I'm sure that he's going to say yes.

11 If you ask the question that's can we move forward based on the history we've had with
12 other projects in this area and in the corridor where we have not allowed a compromise of land
13 use or zoning using financial tools to accomplish what people are trying to suggest is public good
14 but in reality let's not make any mistake about it, there's a tremendous amount of dollars to be
15 made with tax credits. If this foundation that was coming forth was so committed to providing
16 affordable housing, they would be able to use their mass resources to in essence rehab and
17 reconstruct this particular project.

18 We have seen this in other projects, again, where we have asked this body not to
19 compromise land use, zoning, or density in this particular corridor and other areas and other
20 regions along the southern tier of the city. And you folks have upheld the neighborhood. And
21 what has occurred out of that? You saw Simpson/Broadway with Monona Shores. It was
22 alluded to in the last public hearing where almost an identical project came forward that did not
23 deal with the density. And what occurred?

1 In a very short period of time, in a couple years, HUD foreclosed. There was a number
2 of issues associated with it. And interestingly enough, WHEDA demanded of the city, if you
3 wanted tax credits, you needed to look at your standards and assure that you had a global
4 reaction or approach. You could not just look at this project. You needed to reduce density.
5 You needed to reverse social policy in terms of encouraging or allowing additional special needs
6 housing to occur. And you needed a greater mix of homeownership opportunity in that corridor.

7 And we reduced the density, the same thing that you saw over in the Burr Oaks corridor,
8 and I can go through my laundry list. But I am telling you all this, because there has been a lot
9 of passion displayed, particularly from those who have spent a considerable amount of time,
10 energy, and effort and dedication and commitment to this very neighborhood. And my hope is
11 that you realize that what we've got here is a 30-year commitment, 30-year commitment. As one
12 suggested earlier, a lot can happen within that 30 years.

13 We were told, you know, and as a young person, I remember it, because my father and
14 grandfather, as a number of people heard me say last time, live a matter of a few blocks from
15 here. So this is kind of personal. What we were told that, at that time was that only people who
16 live in mobile homes and people who want to live in apartments would move into this
17 neighborhood, because you've got a poor quality of life brought on by the sewage district, the
18 fact that this area is so isolated, and that in reality, as one of the residents told me yesterday, you
19 know, right now we're kind of like on an island unto our own.

20 We're kind of like trapped rats in this particular corridor. Why would the City want to go
21 out and build on the mistakes of the past? All the fears that came forth years ago when we
22 compromised zoning in this corridor have all come true, unfortunately. Is this project, as Captain
23 Ballas indicated at the last . . . in crisis? Is this not in crisis? And, in fact, we're already seeing a

1 number of positive movements to bring this project towards health. Do we think that we're
2 going to be able in time to get another development opportunity? The answer is yes.

3 We've got a track record, folks. The people sitting over here have a track record of
4 success. They have turned it around. Whether it be Alhambra, whether it be Kensington Manor,
5 I can go through a laundry list of projects that their fast answer always was to increase density
6 and provide for tax credits or tax subsidy in order for these areas to survive, because they will
7 always, always be low-income poverty pockets. We have proved that that is not correct.

8 We have turned these projects around, and what we're asking you all in closing this
9 evening is to appreciate the fact that we cannot gamble on a management company that may not
10 be here today or tomorrow. Captain Joe and I were, and . . . said, you know, maybe the existing
11 management, the existing owners and everybody knows that that particular owner who's
12 90-some years old and near death will not own this property likely in the next 6 months to a year
13 if these people go away.

14 We also know by working with their financial institutions and banks we have been able
15 to see radical investment in properties that people had said was a lost cause. If that property
16 management company would come into this, if they're half as good as people are saying, and this
17 is a much larger development than what they're accustomed to managing in Wisconsin, we
18 won't be here in six months being concerned about the future quality of this project, because like
19 Kensington Manor, it is an economically and racially diverse project that has a waiting list today.

20 It's open market, and it does not have the same level of density that this project not only
21 has currently but what is being proposed. You cannot afford to allow additional density in this
22 isolated area that does not have services. You cannot ignore the peripheral impact that this has
23 had already on the adjacent properties. So I would argue that there are additional conditions that

1 are not being met. And last but not least in all of this, you know, it goes to public participation.
2 I'm appalled by what I have seen in terms of bringing in the community, is, you know, as one
3 speaker said again, they were lucky. They got one, they were one of the lucky ones. They got a
4 card.

5 I can tell you that anybody who alleges to be as bright, smart, and sharp and as well-
6 managed and well-organized as this proposed developer is who did not look not only at the
7 statistical data and all the other information that shows why this area could not absorb any more
8 three-bedrooms or density, who wants to go out and argue that, well, just our units on its own is
9 not going to be the straw that broke the camel's back, well, the camel's back has already been
10 broken.

11 But they really are committed. They really are committed. They not only would have
12 gone out and had their barbeque there, they would have sat down, as they suggested, and met
13 with the leadership, and their neighborhood associations had all showed up all the way around
14 here, and this is a neighborhood that, don't forget, is anything but NIMBYs. These are the
15 people who have supported detox centers. They've supported facilities for those with
16 alcohol/drug issues.

17 Currently, this area is housing the Occupy Homeless not very far from here. They have
18 done more than their fair share. So this is not about NIMBY. What they're asking for is good,
19 responsible not only public policy, but they're also asking for land use, and they're asking for a
20 process that would fairly involve all the community, not pit neighbors against neighbors and
21 particularly within a project.

22 You know, I've already made it very clear, and I'll say this publicly, as I continue to get
23 emails of concern about how people are being approached or being allegedly threatened, I will

1 publicly indicate those referrals are going over to the police department for investigation. So if it
2 is happening, it better stop, because it makes a mockery of our process.

3

4 **MIKE MERVIS:** . . .

5

6 **NAN FEY:** Excuse me.

7

8 **MIKE MERVIS:** I'm sorry. We're being accused . . .

9

10 **NAN FEY:** No, excuse me.

11

12 **MIKE MERVIS:** . . . of something in a public setting.

13

14 **CHRIS SCHMIDT:** You're out of order, sir.

15

16 **NAN FEY:** Excuse me.

17

18 **MIKE MERVIS:** I believe that.

19

20 **CHRIS SCHMIDT:** Sit.

21

22 **MIKE MERVIS:** I will after he . . .

23

1 **NAN FEY:** Let's try to keep this a little more civil and wrap it up. It's getting late.

2

3 **TIM BRUER:** So, again, I would hope that you would seriously look at the density, the
4 concentration, look at the provisions that are set forth that, nobody can argue that it's not going
5 to have an adverse impact. I think even the developer and the promoter indicate that they would
6 be coming forth with 20 hours a week, maybe possibly more, to abate some of the increased
7 needs or services that are going to be necessary. But, you know, that's treating the symptoms,
8 folks. It's not dealing with the cause.

9 Let me plead with you to uphold the neighborhood, the collective of neighborhood
10 leaders that you saw here this evening, allow us to work with building inspection, allow us to
11 continue with now neighborhood policing, not in terms of enforcement, but let's bring in
12 community services, the community development block grant folks. We've already heard from
13 CDA that, they were very clear. Natalie was very clear that the density that's being suggested
14 here is alarming.

15 It's much greater than what she felt that could be supported in terms of services for this
16 project and that on provisions of land use that it should be rejected. So, again, thank you for
17 letting me express my passion. I've been at this, as you know, for many years. And there's
18 probably no area that we feel prouder about overall in terms of reversing decades, again, of say,
19 alluded to earlier, decades of poor land use and social policy. We have fair share and housing
20 diversity plans. Again, you have to take that into consideration.

21 Brad Murphy was sitting up there this evening, was a principle research and architect of
22 much of that fair share and housing diversity that really exposed the aftermath and concerns of
23 over-concentrating these various programs into certain areas, bringing in the density, creating

1 long-term poverty pockets. Thirty years ago, they, or so ago, they said this would never be a
2 problem. And today, you know, it's a problem that I believe that we are going to be able to
3 resolve if you give us the opportunity.

4 My money is on give the community six months to work with the various agencies and
5 the residents there, and we will have a much better project, and we will continue as we did
6 elsewhere in this neighborhood to turn it to a healthy free market, open market complex that
7 offers a quality of life and living for all. Thank you, again.

8

9 **NAN FEY:** Thank you. I should note, if you haven't turned around to look already, Captain
10 Balles is here. He's been here all evening. And if people have questions for him, I'm sure he'd
11 be available. So Alder Rummel then Ms. Hamilton-Nisbet.

12

13 **MARSHA RUMMEL:** Madam Chair, may I ask a question of Alder Bruer?

14

15 **NAN FEY:** You may.

16

17 **MARSHA RUMMEL:** Alder, did you have a neighborhood meeting with the residents of this
18 facility and/or any other neighbors in the area?

19

20 **TIM BRUER:** It's interesting you ask that question, because when this . . .

21

22 **MAN:** No.

23

1 **TIM BRUER:** . . . this project was going in razor-fast speed, and one of the things that we were
2 concerned about was that . . .
3
4 **NAN FEY:** Mr. Bruer?
5
6 **TIM BRUER:** I'm going to answer your question.
7
8 **NAN FEY:** Yeah, it's a yes or no question.
9
10 **MARSHA RUMMEL:** It is actually . . .
11
12 **TIM BRUER:** Well, it, well, it's not . . .
13
14 **MARSHA RUMMEL:** . . .
15
16 **TIM BRUER:** . . . actually yes and no.
17
18 **MAN:** Yeah, it is.
19
20 **TIM BRUER:** We were told, we were . . .
21
22 **NAN FEY:** Try to make it a yes or no question.
23

1 **TIM BRUER:** Okay. Thank you. We were told that the development group was going to have
2 that meeting, and it was going to be inclusive of all the area residents and associations, which I
3 was very clear in my discussion with them that I'd be happy to co-host with them. They did not
4 do that. They limited their meetings specifically to the project itself.

5
6 **MARSHA RUMMEL:** But you, in fact, didn't take the initiative to organize a meeting that you
7 were leader of?

8
9 **TIM BRUER:** Did not.

10

11 **MARSHA RUMMEL:** Thank you.

12

13 **NAN FEY:** Ms. Hamilton-Nisbet then Mr. Rewey.

14

15 **TONYA HAMILTON-NISBET:** My question . . .

16

17 **NAN FEY:** Whoops. Hold on.

18

19 **TONYA HAMILTON-NISBET:** My question is actually of Captain Balles, not Alder Bruer,
20 so if this isn't the appropriate time, then I will hold off.

21

22 **NAN FEY:** I think it's fine. Well, you can stay there if you choose. Go ahead.

23

1 **MAN:** Sure.

2

3 **TONYA HAMILTON-NISBET:** My question is, Captain, thank you for staying here all night,
4 by the way. I'm sure you have other things to do, but the issue, you know, the big issue in terms
5 of public safety, which is a standard that we are supposed to be looking at here, is the one of
6 density. And we talked about density, and you know that I have, I mentioned that I did some
7 calculations on density, just the 34 units even, you know, times 2, you're talking 68 extra people
8 at this site. The density though, it would be weighted toward the two- and three-bedroom units.

9 The other number that I just crunched was there were, 80% of the population of Nob Hill
10 would be in the two-plus bedroom units. I don't know if that impacts public safety or not. I'm
11 curious to know from you, does that give you any level of comfort to know that there are more
12 people in more bedroom units, or does that give you a level of concern, or could you just address
13 how you believe that the increased population in the more bedroom units would actually impact
14 public safety?

15

16 **JOE BALLE:** Sure, Tonya. The police department, Madison Police Department, has been
17 involved in a lot of different neighborhoods over the years that have gone through different ups
18 and downs. And I think from Chief Wray on down, those of us who've been around the city for
19 the last three decades will say that we have seen neighborhoods that, where trouble has
20 happened. There is the presence of three-bedroom dwellings in those. Just in the larger issue of
21 density, I was actually looking for some more, actually, scholarly research to bring here tonight
22 for you in what time I had to prepare for this.

1 But the best I can tell you, I'm holding a book here, it's from the U.S. Department of
2 Justice. It's a publication that the COPS office puts together to help guide police, the local
3 police departments in dealing with different public safety issues in their community. And this
4 particular problem-solving guide is called *Using Crime Prevention through Environmental*
5 *Design*. And on page 33 here, they speak specifically to land use and development patterns, and
6 they speak to land use and neighborhood stability are very much related indicators of stability.

7 And specifically they cite in here fewer vacant lots, more dwelling units and commercial
8 spaces are things that they tend to see in places that are characteristic of areas that have
9 developed into problems that local police end up having to deal with. So the specifics here is the
10 issue of the three-bedrooms. It's the big really fat rabbit in the room, so to speak. But I like the
11 way you present when you look at the overall population. Eighty percent of Nob Hill and the
12 new Nob Hill would be living in these two- and three-bedroom apartments.

13 I think it does change the dynamics, to some extent, of what the property is. And I think
14 that even the, those here tonight, the developers, even acknowledge that they do see more,
15 there'll be more kids and families on the property. And obviously, that's what WHEDA is trying
16 to deal with here. That's like no surprise. In regards to my own involvement and City staff's
17 involvement in working with Mr. Murphy and his great staff on this, you know, it's not our job
18 to decide what the public policy is here. That decision tonight is in your hands.

19 But we have worked diligently, as you would expect your City staff to work with the
20 developers to whatever project that is on the table, and this is the one that's on the table right
21 now. What can we best do in light of the existing conditional use on this particular acreage?
22 What can we do to make this as safe as possible? And that has been, you've heard a lot of
23 different things I've supposedly said tonight from numerous different people. I think I stand by

1 most of what's said, but we have tried to contribute a staff to really bring forward the best
2 possible plan that we can have tonight given what the decision is before you. But I hope, Tonya,
3 that I answered your question here.

4

5 **TONYA HAMILTON-NISBET:** You did. So just in terms of if you've got six people, and so
6 are you saying it's better to have six people, one each in a one-bedroom unit than it is six people
7 in a three-bedroom unit in terms of the problems that you would anticipate? You know what I'm
8 saying?

9

10 **JOE BALLE:** I believe I do. I mean, just quite frankly, six people in any, rather it be a three-
11 bedroom or a two-bedroom apartment, that's a lot of people. And I think most of the units at
12 Nob Hill, I believe they're like, I think there's like eight kind of in a section. I mean, you're
13 talking upwards of 40-plus people in a particular segment of the building down there. It's a lot
14 of wear and tear. It's a lot of kids. And that's what you're going to see the new Nob Hill be like.
15 But right now today, I mean, that property is in definite need of a shot in the arm. There's just
16 absolutely no question about that. It's literally at a crossroads.

17

18 **TONYA HAMILTON-NISBET:** So then on the flipside of this, you, I know that there are
19 comments that I'd read that said that you've been on site and done a lot of things and have made
20 comments that the management plan has gone above and beyond what you've seen other
21 management plans do in other areas. So can you speak to how you feel the management plan,
22 would it help to counteract, I guess, the increase in density? Would it trump the density card?

23

1 **JOE BALLE:** It's hard for me to answer that. I mean, we do see, I mean, we see
2 mismanagement on two-bedroom properties. In fact, if you look at most of the nuisance
3 abatement actions that the City has been directly involved in, they generally are smaller four-
4 unit-type buildings with a mom-and-pop-type owner. Nob Hill is a radically different animal,
5 this many housing units there on site. Generally, we don't end up getting that far down the path
6 when we deal with nuisance abatement issues with the larger properties in town.

7
8 **TONYA HAMILTON-NISBET:** Thank you.

9
10 **NAN FEY:** Other questions? I think we have Mr. Rewey first and then Mr. Cantrell.

11
12 **MICHAEL REWEY:** Thank you. I've been hearing about increased density in the area, not
13 just on this particular parcel, and I was looking at the zoning map, and I see a bunch of areas that
14 are zoned agricultural right now. And I'm asking of staff, is that privately owned? Does that
15 have potential to be developed?

16
17 **NAN FEY:** We could maybe hold that question when we get to questions for staff.

18
19 **MICHAEL REWEY:** . . .

20
21 **NAN FEY:** We're still sort of in the public hearing section where people should be thinking
22 about questions for speakers. But we can come back to that one. So I believe next is
23 Mr. Cantrell then Alder Rummel.

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BRAD CANTRELL: My question is for Captain Balles again. There's been at least some discussion tonight about WHEDA projects and the concern of tax credit projects and having potentially more police presence at those projects and others. Could you speak to that? Do you have even anecdotal information about other WHEDA projects within the city of similar . . .

JOE BALLE: The only one I can speak of that I know that we did have some issues when it first got started was years ago the Elver Park Apartments I believe was built under the same WHEDA tax structure back in the late '80s. And initially when that was built out there, I know that there were some problems that we had at Marine View. But that has significantly improved up there. It's not near the problems it was for us a number of years ago. But other properties that I've personally been involved in, I was involved with Alder Bruer in Monona Shores many years ago in the late 1980s, early 1990s.

But we know what we ended up ultimately doing there and significantly reducing the density at Monona Shores. And for the record, you know, I spoke before this group a few weeks ago, and I opposed the project just based on the sheer number of apartments. When we came out of that meeting, I went back to Mr. Murphy and staff and said, man, is there any way we can get this, because I really liked working with the developers. I thought ACC is a top-notch management company. But what can we do to get this thing down below the number of apartments being posed? But I, you know, I was told it was simply not possible given the WHEDA constraints on the particular application.

1 **BRAD CANTRELL:** But the project as presented, I guess from what I've picked up from what
2 you've been saying, that the measures that they have presented in their project you feel are good,
3 but you probably would not go out on a limb to say that you support the project.

4
5 **JOE BALLEs:** No, and I can't, because we are concerned about the overall density here. I
6 mean, from, Chief Wray spoke to me personally about this, and he's got concerns about the
7 density opposed to the project. And he's my boss, and I have to relay those sentiments here.

8
9 **BRAD CANTRELL:** Okay.

10
11 **NAN FEY:** Okay. Alder Rummel then Alder King.

12
13 **MARSHA RUMMEL:** Thank you, Captain Balles. Could you walk us through this site that
14 you talked about doing with the applicant? In the staff report dated today, there was some point
15 about the, that it's, the garage locations and the site plan is improved, but staff believes it would
16 still be desirable to remove or relocate some additional garages from the center of the site.

17 Could you walk us through the site and then also, I mean, I tried to look at the map, and
18 there's not really a grade map, you know, with the changes. But I understand that, you know, we
19 heard that there's a big grade change, but could you help us sort of see the grade changes and
20 then talk through what you think, how it improved and what you still see as concerns?

21
22 **BRAD MURPHY:** I think there is a contour map in your . . .

23

1 **MARSHA RUMMEL:** Is there?

2

3 **BRAD MURPHY:** . . . in your packet. But there is a significant grade change across the site.

4 And Kevin might be able to better talk a little bit about that. And in terms of the garage

5 placement, you asked specifically about garage locations. And what we had done was when we

6 met with the applicant, and Kevin and Captain Balles went out and met with the applicant on

7 site, was to look at the site, the topography, the site lines across the site from the apartments

8 through the open space and to where the community building is going to be built, and thought

9 about the placement of the garages.

10 And you'll recall that on the original plans, there was a garage through here. And there

11 was another one through here. And we had recommended that those be removed. And to the

12 extent that this area could be opened up even further, we believe that that would still be

13 desirable. But we recognize that there are limited places where you can build additional garages

14 on the property where it wouldn't have other, you know, other effects. For example, you could

15 line the backs of garages up along Moorland Road.

16 And, yeah, and we thought, well, don't know that we want to do that. But because of the

17 existing grade change in this area and the existing vegetation, we thought that at least a garage in

18 this location would be fine. We also felt that placing garages back here where they weren't

19 currently, weren't previously proposed would also have less impact than essentially bringing the

20 community center with the backs of garages.

21 So while it would still be desirable, I think, to try to find another location for a few of

22 these, I think that the changes that have been made have addressed a lot of the concerns that we

23 had originally had with garage placement. Now ideally, in a new project, you'd see parking

1 under the buildings. And, you know, that's not going to be possible with a project like this.
2 Topography, it falls off, well, Kevin, why don't you come up?

3

4 **KEVIN FIRCHOW:** Okay.

5

6 **BRAD MURPHY:** Or you can, do you want to point at the map?

7

8 **KEVIN FIRCHOW:** Maybe you can be my pointing finger and just . . .

9

10 **BRAD MURPHY:** Okay.

11

12 **KEVIN FIRCHOW:** Generally, the high point of this site, at least as I recall, the community
13 center, well, I guess I'm going to speak from the center of the site. And the center of the site is
14 actually on a hill, and it crests down in basically all directions. And if you look, I think the, as
15 Brad did point out, the highest point of the site is probably in the, I guess, north right-hand
16 corner of the map and kind of falls across the site downwards along Moorland Road. So it's high
17 compared to the street up in the far upper right-hand corner and then falls as it gets down to the, I
18 guess I would say to the south or to the, or just say to the west.

19 There's a lot of grade change at the back of the site. Basically, the area behind the
20 buildings it falls off away from the site, and there's quite a bit of grade change where the
21 community gardens are shown and in the area behind the building that's to the south of that. So,
22 and there's even quite a bit of grading that's going to have to occur to move, to tuck those new,
23 relocated garages that Brad had pointed to at the back of the site. There's actually quite a bit of

1 fill that's going to have to occur to make that happen, because it also falls off in the direction. So
2 it's certainly not a flat site that we are dealing with right now.

3
4 **BRAD MURPHY:** We also talked about connecting some of the garages where you end up
5 with the backs of garages facing each other in this area, this area. And one possible option
6 would be to connect that with a solid fence or in some way so that you didn't have this narrow of
7 corridor through here.

8
9 **MARSHA RUMMEL:** Now that you're still up there, Brad, could you talk a little bit about the
10 Plan Residential Development Standards number V where it talks about the intensity of land
11 utilization, that such a development shall result in something no larger than or at least as high as
12 permitted or otherwise specified? What, can you translate that for that's what was, and that can
13 be the same in the future, or is there more numbers that are attached to that standard?

14
15 **BRAD MURPHY:** Well, maybe Kevin can help me with this as well, but to me, it indicates that
16 the open space standards within the district that the property is zoned need to be met. And it
17 talks about sites that are in two or more districts, which I don't think applies to this site. This is
18 all under one zoning district. So the, I think it's just a recognition that the resulting intensity of
19 land utilization can't be any higher than would otherwise be allowed as a permitted use or a
20 regular conditional use that wasn't necessarily a planned residential development. Is that the
21 way you read it, Mr. Firchow?

22

1 **KEVIN FIRCHOW:** Yes, my understanding of this one is that it relates back, in this case, to
2 the base district, the R3 district and that the open spaced standards would need to comply with
3 the underlying R3 standards.

4

5 **MARSHA RUMMEL:** So would it be fair to say that, then that adding the new garages would
6 add to the land intensity?

7

8 **BRAD MURPHY:** Yes.

9

10 **MARSHA RUMMEL:** And then secondly that while there are no new buildings being
11 constructed, the change in bedroom counts is another way that we've increased the intensity of
12 the land use?

13

14 **BRAD MURPHY:** That would be correct as well.

15

16 **NAN FEY:** Okay. Thank you.

17

18 **BRAD MURPHY:** Mm-hmm.

19

20 **NAN FEY:** I believe it's . . .

21

22 **BRAD MURPHY:** Well, yeah, I guess we haven't defined the word intensity. And so
23 depending on how it's defined, the answer to your second question about the additional, the

1 addition of bedrooms, if you're talking about occupancy and the total population that will be
2 residing on the property, then if that's the way intensity is measured then I would say, yes, it's
3 being increased, potentially. But there aren't any additions to the exterior of the apartment
4 buildings being proposed. So this work is occurring within the footprint of the existing buildings
5 aside from the addition of the garages.

6

7 **MARSHA RUMMEL:** You may recall that we had that intensity discussion with our . . . plan
8 that we never really resolved, but it still remains. Thanks.

9

10 **KEVIN FIRCHOW:** Oh, if I could just, just one quick point. I wanted to just point to the
11 original staff report. And as I look at the standard, it does talk about intensity of land utilization
12 no higher than the standard, or in standards of open spaces at least as high as permitted or
13 otherwise specified in the ordinance for this district. Just going to the comments from the zoning
14 administrator, they didn't flag any major nonstandard comments that the proposed development
15 was not in keeping with the R3 standards.

16

17 **NAN FEY:** Okay. I believe Alder King is next.

18

19 **STEVE KING:** I just have a quick question for staff, or maybe it's the development team, and
20 it's actually not a question, it's a request. Does someone have the letter that we signed on the
21 City's behalf to WHEDA supporting this project?

22

23 **BRAD MURPHY:** I think it's in the packet, although there's . . .

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STEVE KING: . . . packet?

BRAD MURPHY: There's lots of information in the packet.

STEVE KING: And it has density, the density information that we've been bitching about actually specified in the letter?

BRAD MURPHY: Well, I can, we can find it, and we can tell you what's in the letter.

BRAD MURPHY: Do you have it?

KEVIN FIRCHOW: I have a copy here, and it was provided at our last meeting. I've got a note that it was provided as agenda Item Number 11. I can give you the file copy if you want to take a look at it.

STEVE KING: Well, I just, really quickly, does it have in there specified the kind of units and the number of units of each type of bedroom on that letter?

BRAD MURPHY: Well, it identifies, yeah. I would say, yes, it identifies the number of units.

STEVE KING: All right. I got a copy. Thank you. That's all.

1 **BRAD MURPHY:** And, okay, one point though. There is a difference between the application
2 that was sent to WHEDA and the application that was submitted to the City. There is the
3 addition of, I think, five units. Is that right? The application submitted to WHEDA had, what is
4 it, 249 units, as I understand it?

5
6 **STEVE KING:** Right.

7
8 **BRAD MURPHY:** And the application submitted to the City that you're considering, the
9 conditional use request this evening I think has 254, I believe.

10

11 **NAN FEY:** Fifty-four?

12

13 **STEVE KING:** So the five units caused the mayor to change his mind? His signature is on the
14 back of the letter. And presumably, if we supported this project, and it went into the pile of the
15 WHEDA applications, that means potentially some other project didn't get funded, and now
16 we're bitching about one that is getting funded.

17

18 **BRAD MURPHY:** Well, I can't speak for the mayor. And the mayor . . .

19

20 **STEVE KING:** Well, he apparently called most of us today and . . .

21

22 **BRAD MURPHY:** . . . can speak for himself.

23

1 **STEVE KING:** . . . lobbied us, which I find quite inappropriate since if he wanted to come and
2 testify in front of us, he could have done that instead of planning Obama's seating chart on
3 Thursday.

4
5 **MAN:** . . .

6
7 **NAN FEY:** So everybody can find it, it's the last page of this big packet that was handed out to
8 us at the last meeting. It's that, it looks like this on the back. It's the very last page. It's got a
9 big, fat staple in it. So the public hearing is still open. Are there questions for any of the
10 registrants? Alder Rummel.

11
12 **MARSHA RUMMEL:** Mr. Newell, I, or one of the team members, I thought I heard something
13 you said that I would appreciate clarifying. And I believe you said that you didn't have to apply
14 for three-bedroom units, and it was a choice. And could you please say if that's, I heard you
15 correctly?

16
17 **NAN FEY:** It'll be Mr. Newell.

18
19 **KEVIN NEWELL:** To kind of give you guys a scenario of how it played out, you know, we
20 met with the staff, the mayor's staff. I mean, the letter you see right there, that was before we
21 submitted our application. That was a part of the application. And so at that point in time, you
22 know, we met with the CDA and other folks, and they talked about, you know, their demand as

1 well. And we had a market study. And, again, the market study showed a demand for three-
2 bedroom units.

3 And so we saw ourselves trying to be responsible developers by responding to the
4 development, not making the whole Nob Hill, you know, all three-bedroom units. But, again, it
5 was our proactive choice to try to include three-bedroom units. And since we made that choice,
6 we are, we, that is commitment. If you take the three-bedroom units away, this still does not
7 move forward, because WHEDA would have to take the funds away from us, because we didn't
8 do what we said we was going to do.

9
10 **MARSHA RUMMEL:** So it wasn't, it isn't so much that they only want to see a certain type of
11 housing mix. It's just that you like assessed the market, which you passed around that market
12 study and then went forward, and then since that's what you asked for, you don't think maybe
13 necessarily it would require it, but since you asked for it, that's kind of the deal.

14
15 **KEVIN NEWELL:** Yes.

16
17 **MARSHA RUMMEL:** Okay. Thank you.

18
19 **NAN FEY:** Mr. Heifetz.

20
21 **MICHAEL HEIFETZ:** Thank you. This could be for Mr. Newell or Nate, whose last name
22 I'm not going to do.

23

1 **NATHAN WAUTIER:** . . . I'm not as good at waiving it as Ron Trachtenberg, but I wanted to
2 address the three-bedroom issue that Marsha, Alder Rummel, just raised. I'm finding it curious
3 that the three-bedroom issue is being raised here. Our comprehensive plan and our recent
4 downtown plan talks and advocates for a mix of units in our developments. Because this
5 development is being considered low income, the three units is being discouraged.

6 In regards to the low-income aspect, the WHEDA requirement is that you make 50% of
7 the median income for the area, which is actually just over \$100 more than the median income of
8 this entire census tract. So this project, by default right now, is a low-income development. It's
9 very likely that the improvements being made and the WHEDA standards are actually going to
10 raise the income level at this project. That's all I wanted to say on that.

11

12 **NAN FEY:** So, Mr. Heifetz, your question . . .

13

14 **MICHAEL HEIFETZ:** Actually, those comments clarified it for me. Thank you.

15

16 **NAN FEY:** Okay. Fine. Good. Mr. Cantrell.

17

18 **BRAD CANTRELL:** I have a question for, let's see, that gentleman that's walking that, in that
19 direction.

20

21 **NAN FEY:** Mr. Newell.

22

1 **BRAD CANTRELL:** Mr. Newell. It appears to me that the application that you sent to the
2 mayor's office, and, again, I'd like for you to explain the difference between the number of units.
3 The total units, if I read this correctly, was 249, and you have 254. But it looks like the five
4 different additional units were in three-bedroom units. Is that correct?

5
6 **KEVIN NEWELL:** What happened was, and I will, again, try to give you guys a narrative as
7 best I could. Once we got the development, and we was able to go through every single unit, our
8 general contractor, who was, Kim probably can highlight this a little bit better, we found some
9 units that were, so Nob Hill was really 280 units, correct, because they have some units that, one
10 unit, let's say a one-bedroom unit right now is serving as a den to another unit.

11 And so once we got into the actual, all actual units, and we seen this, what we did was we
12 responded by proposing a 254-unit development, which is before you guys today and which is
13 before WHEDA. And so the minor deviation from 249 to 254 occurred because of that. Now if
14 you guys are asking us, I guess so the debate is should we move forward 249 and 23
15 three-bedroom units or 254 and 26 three-bedroom units. I mean, that's a separate debate that I
16 guess we can have and be willing to respond to.

17
18 **BRAD CANTRELL:** Well, I guess the question is, and the large objections from, you know,
19 police and CDA and many others, are the three-bedroom units. And it appears that in the
20 application that those were the units that you've increased from again what the City . . .

21
22 **BRAD MURPHY:** Let me jump in . . .

23

1 **BRAD CANTRELL:** Okay.

2

3 **BRAD MURPHY:** . . . just because there are, the bottom of that sheet you're looking at . . .

4

5 **BRAD CANTRELL:** Okay.

6

7 **BRAD MURPHY:** . . . has, one section has 21 three-bedroom units.

8

9 **BRAD CANTRELL:** Yes.

10

11 **BRAD MURPHY:** And then just below that under market rate units, there are two more.

12

13 **BRAD CANTRELL:** Okay.

14

15 **BRAD MURPHY:** So there's a total of 23 three-bedroom units in that . . .

16

17 **BRAD CANTRELL:** Rather than 26.

18

19 **BRAD MURPHY:** . . . rather, that's correct, rather than 26, which are being proposed . . . so

20 there's another couple of units . . .

21

22 **BRAD CANTRELL:** Three units.

23

1 **BRAD MURPHY:** . . . somewhere that are in ones and twos.

2

3 **KEVIN NEWELL:** So I think my response, if I can add this piece in, Madam Chair, it'd be,
4 you know, if the intent of the mayor's signature, well, he ran it by his appropriate staff at that
5 point in time, if the intent and the merit of what he wanted to do was to keep it at 249 and
6 nothing above and to keep 20 three-bedroom units versus 26, and maybe 26 is what's causing all
7 this hoopla, tell us that clearly though, because we don't necessarily agree that that's what the
8 intent and the merit is. But if it is, tell us that in black and white so that we don't have to keep
9 playing, you know, this back and forth game, and we can actually get this thing going before,
10 you know, we're just not available anymore.

11

12 **BRAD CANTRELL:** Well, again, I guess, not to debate you, but when you submit an
13 application, and then you revise it, you know, there should be some notification of that. And I
14 guess, and maybe in your opinion it's just a minor adjustment, but I think that it is an adjustment
15 which should be noted.

16

17 **KEVIN NEWELL:** I agree. But they've seen plans since January that said 254 as well, so we
18 tried to note it as best we could.

19

20 **NAN FEY:** Okay. Other questions? Alder Bruer.

21

22 **TIM BRUER:** This is for Brad Murphy. And this goes to Alder King's comments, and I find
23 myself, I find the only time this term defending the mayor, but Mr. Murphy, do you recall the

1 conversation we had early on about this particular project where there seemed to be some
2 confusion, particularly in your shop, and I say that respectfully, that this project wasn't about
3 three-bedrooms or the adding of the three-bedrooms? But was there the impression or thought
4 process that this was coming forth to WHEDA as a project that was simply going to improve and
5 enhance the existing housing stock there?

6

7 **BRAD MURPHY:** I don't, the planning division was not involved in discussions about the
8 WHEDA application. I don't know that the police department was involved at that point as well.
9 So, you know, I can't, we simply weren't involved prior to the tax credit application. Well, we
10 didn't know what was being submitted. Actually, we didn't know that there was a tax credit
11 application for some time. And we did hear about the project, and it was first presented to
12 planning staff as the addition of garages on the site.

13 And I think there was discussions between the architect and, or some representative of
14 the developer and zoning staff. But at that point, we were not aware of the interior changes to
15 the building and the reconfiguration of the units reducing the number of one-bedrooms and
16 studios and the addition of three-bedroom units. It wasn't until the application, the land use
17 application was actually submitted that we became aware of that. And actually I found out about
18 it as a result of a telephone call from you where you made me aware of the tax credit application.

19 And then we went back and looked at the conditional use application that was submitted.
20 We had thought that it was just the addition of the garages to the site and quickly just took the
21 application in. When we looked at the letter of intent, looked more closely at the application,
22 certainly it was, the proposal was much more than that.

23

1 **TIM BRUER:** Could you share then the communication and intervention or involvement of the
2 mayor's office with other staff members once you learned of the three-bedrooms?

3

4 **BRAD MURPHY:** Well, there was an evaluation of the application as staff started to look into
5 the application that was submitted. And there were discussions with the mayor's office
6 concerning the application. And as a result of the reports that we've drafted and written with the
7 assistance of other agencies, that certainly may have influenced the mayor's position on the
8 project. But, again, I, you know, the mayor can, I'm sure can speak for himself.

9

10 **TIM BRUER:** Sure. The reason why I'm asking that question is in response to, Alder King,
11 your comments, is that I share your frustration. I have never seen in my one or two years on the
12 council a more classic example, and I'm not going to single out a comment, Brad, that you made
13 earlier, and I say that respectfully but that one hand of city government, to quote a City
14 department head, had no idea what the other city department was communicating on. Part of the
15 explanation, Brad, as you know, was that there was literally little or no time that the applicant
16 gave the City in which to respond.

17 And then when the, and this was, then they actually filed, and I remember the developer
18 just a few minutes ago talking about the timeframe. And that was when there was due diligence,
19 and this became pretty visible. And, but Alder Rummel's comments is that by the time this got
20 to, more recently to the neighborhood, it had gotten incredibly toxic. You know, you had
21 neighbors pitted against neighbors, and, you know, it was very clear with the developer who had
22 indicated that they were, it was the three-bedroom units, it was the first time until this evening I
23 ever heard in all my dialogue with them that that was based on a market study.

1 It was three-bedrooms and the garages that was a deal breaker with WHEDA. And I say
2 that, because, you know, given that there was absolutely no room for negotiation and no room
3 for compromise, and trust me when I tell you this has actually been a polite environment
4 compared to what could have occurred in the last two or three weeks, that simply until the last
5 two or three weeks, again, in fairness to the mayor, they did not have all the data and
6 information.

7 And you could argue, well, why would you go ahead and sign the letter, you know, as its
8 chief executive not, I think there was the assumption that, and I'm not throwing anybody under
9 the bus, but I think there was an assumption that planning and zoning, police, all of them had the
10 opportunity to vet and respond. Do I think we, this will ever occur again in my lifetime on this
11 body or thereafter? Probably not, because I think it just really demonstrated how our line of
12 communication, I don't want to say it's broken, but, you know, could have some serious
13 improvements.

14

15 **NAN FEY:** Well, I'd like to bring us back to our formal process. It's 11:30. We're still,
16 technically speaking, in the public hearing portion of our meeting. There's no motion on the
17 floor yet. So let me ask, are there any questions from commissioners for anyone who registered
18 to speak this evening? If there are not, oop, there is one. Mr. Cantrell.

19

20 **BRAD CANTRELL:** I have a question for Mr. Borris. Thank you. You've heard the
21 testimony tonight that the social worker, the 20-hour-a-week position is probably inadequate and
22 that the testimony indicated that additional staffing there is needed, even volunteers. And tonight

1 we had a lady that potentially would volunteer. What is your commitment to have that position
2 at least a full-time position?

3

4 **JIM BORRIS:** We can do that.

5

6 **BRAD CANTRELL:** Just . . .

7

8 **JIM BORRIS:** Actually, I would say we can do that, plus I believe as we develop these
9 programs there will be additional volunteers who are going to want to participate in this, and I
10 think it's going to grow from what we propose tonight. I mean, I don't think it's going to end up
11 being a part-time position. I think this is something that the community is going to grasp, and I
12 think it's going to grow into something much more than what we're discussing tonight. That's
13 going to be based upon how we evaluate the needs and what the resident input is. So we're
14 going to be very focused on that, and as Mike said, you know, we have the Zilber Family
15 Foundation that does a lot of that, so we're going to have resources to fall back on.

16

17 **BRAD CANTRELL:** But the Zilber Group would be funding that, I'm assuming?

18

19 **JIM BORRIS:** Yes. It'll be part of our operating budget, so it will become a cost still with the
20 project, yes. And we actually have that in our budgets right now.

21

22 **BRAD CANTRELL:** Okay. Thank you.

23

1 **NAN FEY:** Any other questions for other folks who registered either to speak or is available to
2 answer questions this evening? Okay. If there are no further questions in that category, we'll
3 close the public hearing. Questions for staff? Are there none? Alder Rummel then Mr. Cantrell.

4
5 **MARSHA RUMMEL:** So following up on the disparity between the WHEDA application and
6 the City application, what, I mean, do we assume what is before us is the proposal, and the
7 numbers that were WHEDA which were approved are not?

8
9 **JIM BORRIS:** The application that's before you is the conditional use application.

10
11 **MARSHA RUMMEL:** And is there a way to go through the proposed unit mix and see the
12 differences? Could somebody kind of do that for us, if maybe . . .

13
14 **MAN:** . . .

15
16 **MARSHA RUMMEL:** And I . . .

17
18 **BRAD MURPHY:** Sure. I think we just need to compare the WHEDA, that one-page summary
19 to the unit mix that's in the conditional use application. We know that there's a difference of 3
20 three-bedroom units, and we just need to find the other two units.

21
22 **NAN FEY:** Mr. Cantrell may know where they are.

23

1 **BRAD CANTRELL:** In doing that, it appears that there are three additional three-bedroom
2 units and two additional one-bedroom units . . .

3

4 **NAN FEY:** Okay.

5

6 **BRAD CANTRELL:** . . . if my math is correct.

7

8 **NAN FEY:** Any other questions for staff? Ms. Andrzejewski.

9

10 **ANNA ANDRZEJEWSKI:** I guess one of the things I'm struggling with, Brad, that maybe you
11 can clarify is that we have a conditional use application before us.

12

13 **BRAD MURPHY:** Mm-hmm.

14

15 **ANNA ANDRZEJEWSKI:** We have an existing conditional use, and I understand sort of how
16 that works. But we have to look at the standards, and so I'd like a little bit of clarification about
17 precisely, and I'm not going to word this well, but precisely what we're voting on, because if we
18 don't approve this conditional use, the other conditional use remains in, the existing conditional
19 use remains in effect, yes?

20

21 **BRAD MURPHY:** That's correct.

22

1 **ANNA ANDRZEJEWSKI:** Okay. Do you have any guidance for us, I guess, on, beyond what
2 you've already given us in terms of looking at these standards, because I think one of the things
3 that struck me was something one of the registrants said about this is not a new project, and we
4 might look at it differently if it was, you know, a sort of brand new project. So I guess I'm
5 wondering if there's anything different given that we're applying for a conditional, a separate
6 conditional use on an existing conditional use. I don't know if that makes sense, but it's
7 something I'm sitting here as I'm going through looking at.

8

9 **BRAD MURPHY:** I think that what's different is that you're not starting with a vacant,
10 undeveloped lot, and you're essentially looking at the renovation of existing buildings, the, you
11 know, investment in an existing property, exteriors and interiors. And in terms of the site plan,
12 the biggest change is the addition of amenities on the site and the garages. So the tot-lot, the
13 basketball court, the soccer fields, the gardens, the pavilions, and garages, so the physical layout,
14 those are some of the primary changes.

15 And then the interior to the buildings you've got the consolidation of, you know, the,
16 several one-bedrooms becoming three-bedroom units as was described by the applicant and those
17 changes, so the standards are the standards. I mean, they don't, they're not, they don't change
18 because of the type of changes that are being proposed.

19

20 **ANNA ANDRZEJEWSKI:** So it really is the change that we're evaluating so the difference
21 between, okay. That's what I'm trying to . . .

22

1 **BRAD MURPHY:** It's an existing conditional use, but what you're reviewing is not the
2 existing conditional use. You're reviewing the proposal that's before you and the proposed
3 changes that are part of the application.

4

5 **ANNA ANDRZEJEWSKI:** And I guess that's something occasionally I felt is kind of getting
6 muddled a little bit here, and so I just, I kind of wanted that spelled out a little bit, so thank you.

7

8 **NAN FEY:** Other questions for staff? It looks like Mr. Rewey then Alder Rummel.

9

10 **MICHAEL REWEY:** Thank you. You brought up a point. If there are no exterior changes,
11 and they're just doing interior changes, would that require a conditional use permit?

12

13 **BRAD MURPHY:** Yes, because of the reconfiguration of the units, and they're changing the
14 unit mix.

15

16 **MICHAEL REWEY:** Okay.

17

18 **BRAD MURPHY:** And they're going from, you know, they're adding three-bedroom units
19 where none currently exist. So, yes, that . . .

20

21 **MICHAEL REWEY:** . . .

22

1 **BRAD MURPHY:** . . . would require, it would require an alteration to an existing conditional
2 use to have those types of changes . . .

3

4 **MICHAEL REWEY:** . . . the original conditional use specified number of units and number of
5 bedrooms and so forth?

6

7 **BRAD MURPHY:** I'm assuming that it did, yes . . .

8

9 **MICHAEL REWEY:** Yep.

10

11 **BRAD MURPHY:** . . . when it was originally approved.

12

13 **NAN FEY:** Alder Rummel.

14

15 **MARSHA RUMMEL:** Following on Ms. Andrzejewski's question about like what's before us,
16 so not only is it the conditional use standards that are, and we're familiar with, but it's also this
17 plan residential development condition. So they're kind of two sets of conditions, or you're
18 frowning, so maybe I'm, maybe that's not correct.

19

20 **BRAD MURPHY:** There are the standard conditional use standards that apply to all conditional
21 uses, and then because this is a planned residential development, there are the additional set of
22 standards that are included in the first addendum to the staff report that apply to planned
23 residential developments.

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MARSHA RUMMEL: And so when you did your staff report, did you call out this planned residential development? I mean, remind me what you all said about it in your staff report. Did you, or did you not mention it?

BRAD MURPHY: Yes, we did mention that it was a planned residential development, and it was just before the Plan Commission meeting that we provided the additional standards that are, that specifically relate to planned residential developments that are in addition to the other conditional use standards. And essentially the ordinance says that the Plan Commission needs to find that all of the standards are met, the conditional use standards and then the additional standards related to planned residential developments.

MARSHAL RUMMEL: And I guess I'm maybe repeating myself, but in either your September 12th or your October 1st memo, did you talk about how this project proposal may meet those standards that I just need to be refreshed on?

BRAD MURPHY: I don't believe there was a, because we had provided the planned residential development standards to you just prior to the Plan Commission meeting, I don't believe there was an evaluation of the project against those standards. But we talked a little bit about those tonight. And just to, you know, go through them, the first one, that such development shall provide adequate recreation areas to serve the needs of the anticipated population. And then so you're being asked to determine whether or not you believe that the proposal will do that. That

1 such development shall provide adequate off-street parking facilities and adequate screening and
2 landscaping. We have a landscaping plan.

3 We've got a parking plan, and we know that actually the parking being provided is in
4 excess of the minimum requirement. That such development shall constitute an environment of
5 sustained desirability and stability. You're being asked to determine based on all of the input
6 from those who testified, the application that's before you, the staff reports, whether you believe
7 that once the development is completed, it will be an environment of sustained desirability and
8 stability. And, you know, that's, I would say, one of the key standards that you need to address.

9 The next one, that such exception for any side yard other than a street side yard shall,
10 well, I think we're okay with this one. We're not requesting any exceptions to the side yards, I
11 don't believe. And then the last one we already talked about, which was the intensity of land
12 utilizations no higher than the standards for open spaces or at least as high as what's otherwise
13 provided for in the ordinance. We've already talked about that and have determined that it meets
14 that standard. And that is, it's those five additional standards.

15

16 **MARSHA RUMMEL:** Thank you.

17

18 **NAN FEY:** Mr. Cantrell.

19

20 **BRAD CANTRELL:** Brad, you included in our material the fair share information that your
21 staff prepared or . . .

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23 **BRAD MURPHY:** Mm-hmm.

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BRAD CANTRELL: Can, and it discusses the distribution of low- and moderate-income housing throughout the city. There's been testimony that there's concentrations within this area or this corridor. Could you speak to that and . . .

BRAD MURPHY: Well, without presenting a comprehensive analysis of the distribution of assisted housing both, you know, all assisted housing, it's a difficult question to just answer briefly.

BRAD CANTRELL: Okay.

BRAD MURPHY: And I can also say that if you look at the distribution of assisted housing by census tract, by plan district, or by these cluster areas that were developed in 1981 as part of the original fair share plan, whether you conclude that there's a, over, whether one area has more assisted units than the citywide average or another area, the conclusion might be different depending on the geography that you . . .

BRAD CANTRELL: Sure.

BRAD MURPHY: . . . how, you know, how large the area is. The area that is south of the beltline, I think, has fewer assisted units than the area just north of the beltline. So, and they're in two different census tracts. But are they, you know, is that one area, and if you include both

1 areas together, you might come to a different conclusion than you would if you just looked at the
2 one census tract south of the beltline.

3

4 **BRAD CANTRELL:** And that's what I was trying to do. And I looked at the Badger,
5 W30 Badger, and it actually is not one of the high areas. You know, obviously, there are some
6 other areas along Broadway, you know, the Harbor(?) McKee area, that are very, very high after
7 the . . .

8

9 **BRAD MURPHY:** Right. And that data is from 19- . . .

10

11 **BRAD CANTRELL:** '99, '98.

12

13 **NAN FEY:** '99, yeah.

14

15 **BRAD MURPHY:** 1998 . . .

16

17 **BRAD CANTRELL:** Yeah.

18

19 **BRAD MURPHY:** . . . was the, is, at least the date on that. And then it indicates that the
20 WHEDA data in that table is from 1997. And since then, we have done periodic updates of the
21 distribution of assisted housing by census tract and aldermanic district, and things have changed
22 a bit over time, as you would expect. And in that census tract, there, at least in 2008 when we
23 last did this, and we're in the process of updating these numbers again, so we don't have the

1 2012 data, but in 2008, we showed 17 Section 8 vouchers within that census tract, 1502, the one
2 you just referred to.

3

4 **BRAD CANTRELL:** Okay.

5

6 **BRAD MURPHY:** The census tract just north of the beltline, 1501, had 43 vouchers, 12 units
7 of public housing, and 105 tax credit units. So it really, you know, it really depends on the area
8 that you're looking at and how broad the geography is that you're . . .

9

10 **BRAD CANTRELL:** Yep. I understand. Thank you.

11

12 **BRAD MURPHY:** . . .

13

14 **NAN FEY:** Are there questions for staff? If there are none, the motion is in order. Alder
15 Schmidt.

16

17 **CHRIS SCHMIDT:** I'm going to dive ahead and move to place on file.

18

19 **NAN FEY:** Is there a second?

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21 **CHRIS SCHMIDT:** Obviously, that's not a popular . . .

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23 **NAN FEY:** Ms. Hamilton-Nisbet will second.

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CHRIS SCHMIDT: Okay. Given the late hour, I don't know if I want to dig into all sorts of details, but the standard that is compelling me at this point is standard two, City be able to provide municipal services to the property where the conditional use is proposed given due consideration of cost. The isolation of the location ends up being the driving factor for that. While it may be relatively close to say something like Wal-Mart, it is relatively isolated and is next to a sewage plant.

And, you know, I can't speak to why the decision was made in the past to build this place or grant its conditional use, but if this were a new project, and we're using the same standards, would we be allowing it based on that consideration? And I couldn't say that I would. Depending on how the debate goes, I may wish to delve into some other aspects of it, but at this point, to drill down to standards that we can point to and say this is why, that's certainly a, my going concern at the moment.

NAN FEY: Anyone else want to speak to the motion? Ms. Hamilton-Nisbet and Mr. Sundquist.

TONYA HAMILTON-NISBET: This is an extremely difficult, there are so many reasons why I would love for this to meet all of the standards. The standard that I believe isn't met is actually standard one, the impact of public health and safety. I believe very strongly in good management, and I'm, that is what my background is in. And I think that all of the bells and whistles are, at least for the short term, that the management would be very solid, and I think that the team that has been put together has been good and has been strong.

1 I just, I'm very concerned about how this project, how the health and safety is impacted
2 with this project. When we have people in the police force in particular who know these areas,
3 know how density impacts public safety, and they're concerned about public safety, quite
4 candidly, that's when I become even more concerned. And as I said, I would, I, there are so
5 many things about this project that I would really love, but I just simply don't believe that it
6 meets that standard.

7
8 **NAN FEY:** Mr. Sundquist.

9
10 **ERIC SUNDQUIST:** Yeah, just a few quick remarks, and then I'll listen to the rest of the
11 debate and figure out what, how it develops. But I'm glad that Alder Schmidt brought it back to
12 the standards, because we've talked about a lot of different things tonight, and a couple things
13 that are not standards that may have occupied some time are what was in the WHEDA
14 application versus what's in the current application, not very relevant as a planning decision to
15 me, and whether the current proposal is better or worse than the present, what's presently on the
16 ground.

17 That's pretty, a low, pretty low bar for approval, and this is not written out in the
18 standards either, standards of the standards. And if it weren't better than the present, we
19 shouldn't even consider it. I wanted to make just a quick remark about the lengthy discussion
20 about density and whether it is, you know, it's, the issue is with density in general. I think the
21 application team made a good point, that this is still a pretty low-density proposal. Density is
22 really, I'm kind of, I don't know.

1 I don't quite understand why the word density keeps getting thrown around here. For one
2 thing, I don't think density is bad. Increases in density are good. It's a, it indicates success.
3 People want to be there, you know. This is, compared to the isthmus or other parts of town, this
4 is very low density. And if density were an issue, maybe they could buy the extra acre from the
5 woman who has the fence issue, and then they'd have another acre, and you'd divide it out, and
6 you'd have lower density. So it's not really density.

7 Then there were all discussions about, that may be more germane about the bedroom mix
8 and so forth, and I won't, actually don't have a lot to say about that. But in terms of density, to
9 the issue that Alder Schmidt raised, the place matters. And I really am troubled about the
10 location of this. I didn't, I don't know that I agree with or followed all of Alder Bruer's history,
11 because I haven't been around here as long as he has, and I don't have all the connections to all
12 the places.

13 But in general, these sorts of developments that grew up in the '60s and '70s were created
14 because there was cheap land on the outside of town. The tax code advantaged rapid
15 depreciation, so you could build these things pretty cheaply, flip them, depreciate them, and walk
16 away. At the same time, we were disinvesting in older areas through either explicit redlining or
17 other, you know, zoning and other factors. So it's not, these, there, I, if Alder Bruer's point was
18 that this was sort of, these things were borne of bad policy, then I think that is correct.

19 And one reason that garden apartments, and this is not in any way to denigrate people
20 who live there. Please let me be clear about that. I've lived in places like this. But as a
21 planning, as we try to plan going forward for a better environment for all of us to live in, it's
22 probably useful just to think about how that we got there. It's, you know, it's not clear that these

1 would have ever been built were it not for some of these not, you know, these financial and tax
2 factors that weren't really developed to do good planning.

3 And now we have another proposal that is a heavily subsidized WHEDA proposal that
4 would keep this one going just as the market seems to be moving away from this sort of
5 development. You know, around the nation the strongest property values are in places that are
6 walkable. And some of the developments that have been discussed that the applicant team has
7 worked on were in inner city Milwaukee. Well, those, that's a place that has good bones.

8 That's a place where if you turn something like, that was struggling around, you would
9 have, people would have access to jobs, access to shopping, access to schools, whereas here, if
10 you're a 14-year-old who can't drive yet, or if you're a family that can't afford the \$8,000 a year
11 for, to maintain a car or two cars per household or whatever it would take to get around, you're
12 kind of, you're, this is where you're going to be. You're kind of stuck. You have low access to
13 the job market, low access to other destinations that you would want to go to.

14 I did look into the bus system today. It has, there is a bus line. The 16 runs along
15 Moorland Road. It's reasonably good, so it's better. We've had worse sort of transit situations
16 involving apartments before. It's a half-hour headway, and it takes you to the south or the east
17 transfer point. So then you're faced with then transferring if you want to get downtown to
18 another bus. It's, you know, it's not the worst thing in the world. It's certainly better than
19 nothing, but it's not anything like really good. I don't think any of us would call that really great
20 access to job shopping and so forth.

21 So it's, the whole place is really problematic to me, the isolation of it. It's almost like
22 we're going to improve it somewhat for lower middle income people who, and then saddle them
23 with the time and dollar cost of the transportation and the City with the dollar and personnel cost

1 of dealing with it whereas, you know, if it were in a better place, it would, we wouldn't have
2 those problems. Just some musings on it. And, again, now I will desist and hear what others
3 have to say.

4

5 **NAN FEY:** Anyone else wish to be heard? Alder Rummel then Mr. Cantrell.

6

7 **MARSHA RUMMEL:** What struck me about this proposal, and I saw it at Urban Design, is the
8 really poor site plan. And it seems to me that what drives the improvement is WHEDA tax
9 credits, not what's the best site plan, because if it were, you would, and I like to joke that at
10 Urban Design we fix parking lots. We're not fixing this parking lot. We're not making this
11 more of a place that's its own sense of place. We're adding garages to, in ways that were really
12 kind of environmentally unsound as far as safety. And so that was my first like objection to it.

13 And I guess the question of density, it's interesting, because, you know, the earlier ideals,
14 on Park Street, we all talked about how density is good there, and we like density. But, you
15 know, density isn't just this thing that it's the same everywhere. Some places, as planners and as
16 policymakers, we have to downzone. And some places we need to add more density. So, you
17 know, I don't think it's just a uniformity that we like density. I think we need to look at the land
18 use and the form.

19 And in the staff report, it talked about, yes, it's not that high of a land use, but if you like
20 started from scratch, you wouldn't allow this to be built. You would have a different set of
21 building forms in this area. And so I think that is a key factor. But, you know, aside from all
22 that, it seems to me that we had potentially a good start here. It seemed like there was, the

1 applicant seemed, you know, to have capacity to do something in sincerity. So I want to thank
2 them.

3 And I just, you know, it seems like maybe it could have worked, but I think that the
4 whole thing about how you can reinvest in this project is because of the need to subsidize it with
5 WHEDA tax credits. And otherwise, it doesn't seem to really get invested. And so I think that's
6 a dilemma that is still unresolved if we put this on file, that this place still needs our attention,
7 and it needs reinvestment, and it needs services for kids and young people and whoever else lives
8 there. So I guess I will support it, but I, you know, it's one of those bittersweet things where you
9 could see potential but so many drawbacks too. Thank you.

10

11 **NAN FEY:** Mr. Cantrell then Mr. Heifetz.

12

13 **BRAD CANTRELL:** Well, this project has been a real tough one for me. I've, I guess in one
14 hand, on the one hand we have a developer that's wanting to invest and make this project better.
15 And I guess I think that's great. You know, the density question, I'm not as concerned, but the
16 density that they're adding are families and kids. And I guess the concern that I guess I had
17 initially was the remoteness of this from the types of services that families with kids need. And I
18 think that this is kind of at the end of the balloon.

19 I mean, it's kind of a, it's out there by itself. The sidewalk network is not very rich. It's
20 people. There is a bus line, but that's about all I could say for this remote site. And so I guess,
21 you know, when I look at the standards, and when I balance the pros against the cons, I think that
22 there may be a better answer for this. But I do think that this project needs a lot of City attention.

1 And whatever action we take here, the City is going to have to address this project, and I think
2 that all hands on deck to do that. Thanks.

3

4 **NAN FEY:** Mr. Heifetz.

5

6 **MICHAEL HEIFETZ:** Thank you, Madam Chair. It's midnight. Just noting that for the
7 record. That's the end of my comments. Just kidding. Yeah, this has been, I won't say
8 fascinating, because it's beyond that. It's more theater of the absurd. We have someone wanting
9 to invest \$10 million in a neighborhood that needs it. We have neighbors, people that live there,
10 staying here until ridiculous hours to tell us how much they want this and how they're signing
11 leases to stay there with or without this project moving forward.

12 We have a density discussion that I don't even know is relevant given the marginal
13 increase in density that would take place under this proposal. We have an intensity discussion
14 but no definition of such a term. We have standards that until the last 20 minutes no one really
15 has been addressing. At the same time, we have this three-bedroom issue, which, again, is the
16 density issue that some are talking about. But in other developments that we discuss or other
17 applications that we discuss here, we're always asking for more three-bedroom apartments or
18 residence, etc.

19 Apparently, we don't like that in this neighborhood, because, well, I'm not entirely sure
20 of the motivations. There's an isolation factor, and I get that. But there are facts on the ground
21 here. There may have been mistakes made years ago. I'm not even going to agree or disagree
22 with that. We have a proposal before us. More importantly, there's a neighborhood before us

1 that does exist today. And based on some of this discussion amongst my colleagues, it almost
2 sounds as if we're not discussing an application for a change in the conditional use.

3 It almost sounds as if this neighborhood is deteriorating to the point where we have to
4 address its existing conditional use. And I don't think that's the case based on the testimony
5 from residents and neighbors. So I am torn on that issue. And I also think there is a patronizing
6 attitude towards this neighborhood that I don't see towards other applications that come before
7 us. And that bothers me a lot. It just bothers me a lot.

8 And I hate being holier than thou, because, you know, I'm just as guilty of whatever as
9 anybody else, but this one just doesn't feel good. And no one is convincing me yet that this
10 doesn't meet the standards given that some people think this place is deteriorating already, that
11 we better close the whole neighborhood down now. Or do we close it down in ten years? I don't
12 know. But we have someone who's willing to invest in it, and it sounds like we're going to
13 chase that away. And that also makes me pretty uncomfortable.

14 So, you know, I have great respect for the folks who don't support this application. But,
15 you know, sometimes friends disagree, and somebody's going to be right, and somebody's going
16 to be wrong. There isn't, you know, there's a lot of gray area here, but I'm just struggling with
17 how this application is being treated. And I think the heart of it is because of the kind of
18 neighborhood it is. And, again, that just troubles me significantly. The standards, yeah, we can
19 debate them, and, frankly, I don't know if it passes the standards, because, you know, number
20 two under conditional use is an issue.

21 But the intensity factor, and I'm going to use my own definition in my head, the intensity
22 factor just, to me, doesn't make this unworkable. And you have folks who want to live here.
23 They're lining up to live here. And they want a garage, and we're making that sound like it's an

1 absurd request. I have a two-car garage. I wish I had a four-car garage. Okay? I'm not getting
2 one. That's fine. But then we have the whole WHEDA discussion, and I would think that some
3 of my colleagues would concur that this is the kind of place where government should step in
4 and help. And instead, that's being criticized.

5 So I don't know if up is down anymore or down is up or whatever analogy you want to
6 use after midnight. But I'm struggling with where various folks are on this one. And I haven't
7 certainly decided where I'm coming down on the motion, and I'm clearly leaning a way. You
8 can tell from my tone and edge on this one, and, you know, maybe I go down in the minority.
9 I'm used to that.

10 But there'll be consequences if this thing does die for the neighborhood but also for the
11 city as a whole and other applications where folks will try hard to either under someone's
12 characterization save a challenged neighborhood or just simply make a neighborhood better.
13 Thank you, Madam Chair.

14

15 **NAN FEY:** Any other commissioners wish to be heard? Alder Schmidt.

16

17 **CHRIS SCHMIDT:** Just to add to my earlier comments and to clarify it for the benefit of those
18 in the audience too, it's pretty clear that the site needs some reinvestment, you know, just based
19 on its age, irregardless of any other considerations. It needs reinvestment. We're being asked to
20 grant a privilege based on this request of changing the unit mix and whatnot, and that comes at a
21 cost to us with the City. And as, at least speaking as an alder, I feel particularly sensitive to that
22 and don't feel we can simply brush it off.

1 Now I'm not saying anyone is, but it's definitely a consideration we have to take
2 seriously and especially in light of, again, to beat that drum, the isolation. If this doesn't, if this
3 conditional use is not approved, you know, I would hope that, you know, the current owner or
4 some other purchaser would want to actually do the updates. And the fact that the current owner
5 has perhaps not kept up with them is a concern in and of itself. And we've established here
6 before that neglect is not necessarily a reason to approve a new project. Thank you.

7

8 **NAN FEY:** Alder King.

9

10 **STEVE KING:** All right. I'll ditto most of what Commissioner Heifetz said. And I think
11 there's a lot of good stuff on both sides of this. And this is one of the most disappointing debates
12 and policy arguments that I've had since I've been an alder. Again, the amount of
13 disinformation and the amount of misinformation and everything else that's gone on, I'm very
14 depressed by our whole process right along the line.

15 And having conflicting evidence, conflicting points of view on all of the sensing-type
16 things and objective things in this, I'm going to be guided by the primacy of my conscience.
17 And my conscience will not allow me to go home and not support this project, period. So that's
18 how I'm going to be voting. I will vote to support this project. I will not vote in support of
19 killing the project by placing it on file.

20

21 **NAN FEY:** Any other commissioners wish to speak to the motion? Ms. Andrzejewski.

22

1 **ANNA ANDRZEJEWSKI:** I just want to echo a few things that have been said that this is
2 incredibly tough. And I think, like some of my fellow commissioners, my vote will be coming at
3 the very last minute as I weigh all these concerns. So I guess I would, you know, to reiterate, we
4 follow standards. We're looking at these standards, but there is a lot of gray here. And those of
5 us that are on the fence that have spoken here are staring at these standards, and a lot of the
6 information we've gotten has been conflicting. So, I mean, I think it's difficult, and I would ask
7 those of you that have spoken and have strong feelings on one side or another, if you have
8 anything else to say at this point, even though it's 12:08, to please do so. Thanks.

9

10 **NAN FEY:** Does anyone else wish to be heard? Alder Schmidt.

11

12 **CHRIS SCHMIDT:** I'm violating a rule here . . .

13

14 **NAN FEY:** I was going to say, this isn't the last time.

15

16 **CHRIS SCHMIDT:** . . . so I suppose I should ask for a suspension for third, speaking for a
17 third time. Is there any objection to that?

18

19 **MAN:** Objection . . .

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21 **CHRIS SCHMIDT:** Thank you.

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23 **NAN FEY:** But point made.

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MAN: Exactly.

NAN FEY: Be quick.

CHRIS SCHMIDT: I, well, and I'm not going to go into it too much, but much of what I, research I was doing while we were talking about this was just looking at the WHEDA scoring to understand how this was put together. And the project model is pretty well targeted for WHEDA's application. I'm not trying to insinuate that there was any chicanery there, because there really wasn't. They knew what they were trying to do. But that, you know, get questions like why 23 versus 26?

Well, 26 gets you the 10 points for having 3-bedrooms, for example, stuff like that. It's acceptable, but I hope everybody understands that when we talk about those details of this project that those things were in their mix. Now it doesn't come back to our standards, which is why I didn't bring it up in the first place but since we're talking about how much gray there is, at least understanding the basis that it's not just improving the site that's at hand here. It's also targeting that application, which is fine, but we have to understand that's what drove a lot of their decisions, it would appear. Thank you.

NAN FEY: Mr. Firchow wishes to be heard.

KEVIN FIRCHOW: Oh, no, I, just a quick clarification. Is the motion to place on file or place on file without prejudice, just a clarification?

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NAN FEY: It was made . . .

MAN: Generally, those were . . . without prejudice.

NAN FEY: Okay. Your intention was to place on file without prejudice? Okay. Any further discussion? Alder Rummel.

MARSHA RUMMEL: I just want to remind us that, you know, the staff report, the first one opposed it, and the second one said, yes, the, some of the management planning was really necessary and good, and the work with the applicant was good. And so to me the question is, is that enough to offset what I think is not improving the community that's here on the ground? I mean, the people itself, or the people itself, but I mean the buildings, the site plan, and will that make, will that be a sustained and desirable kind of situation?

And the adding, I think a lot, I just presume, I'm not opposed to three-bedrooms. My neighborhood always wants it, but the developers always say, oh, no, no one wants it downtown. So the question is who wants it, and it's usually either students downtown or families. So, okay, so that means more kids. And I just, I don't see enough stuff for the kids. And I think that's the focus for me, like, I mean, if we're going to have this here, and it's going to be this thing, how are we going to ensure that the kids are, and the needs of the families are met?

And I just don't see that it gets us there. And the question is, yes, there's people who like it there, but there's also the question of the more intensive use of, could also lead to the detriment

1 of more police calls. So I guess it's not necessarily, you know, it is sort of a gray area, and it's
2 your best judgment, so I appreciate the debate. Thank you.

3

4 **NAN FEY:** Any further discussion? If not, the motion is to . . .

5

6 **BRAD MURPHY:** Oh, wait, wait, wait.

7

8 **NAN FEY:** Oop, oop.

9

10 **BRAD MURPHY:** Quick question.

11

12 **NAN FEY:** Staff wants to check on something.

13

14 **BRAD MURPHY:** Yeah, we're just checking on the maker and seconder of the motion to, I
15 always forget who are alternates and have the ability to make motions, and I believe that . . .

16

17 **NAN FEY:** . . . the first or second alternate.

18

19 **BRAD MURPHY:** . . . first alternate is Anna.

20

21 **ANNA ANDRZEJEWSKI:** I'm full.

22

23 **BRAD MURPHY:** Oh, you're full. Okay.

1

2 **NAN FEY:** She's full now, mm-hmm.

3

4 **BRAD MURPHY:** Okay. Okay.

5

6 **WOMAN:** Melissa's first . . .

7

8 **NAN FEY:** Melissa is first alternate, and she's absent.

9

10 **MAN:** Okay. And Melissa's absent. Okay.

11

12 **WOMAN:** . . .

13

14 **BRAD MURPHY:** So two, four, six, eight, nine.

15

16 **NAN FEY:** . . . the tenth one, and then we'll . . .

17

18 **MAN:** Yeah, we've got two, four, six, eight, nine without Tonya, so she should not have made
19 the motion, because we have nine full members without Tonya.

20

21 **NAN FEY:** But she shouldn't vote thought.

22

23 **MAN:** . . .

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NAN FEY: Okay.

BRAD MURPHY: She's an alternate.

NAN FEY: That's what I thought.

BRAD MURPHY: Yeah, no, yeah, we have nine members, and you would be the tenth tonight.
So we need a motion and someone to second the motion. Who seconded?

NAN FEY: Alder Rummel did.

BRAD MURPHY: So we're same motion with Alder Rummel seconding. And then my
question would be the standards that were cited, Alder Schmidt cited standard two, and
Commission Member Hamilton-Nisbet cited standard one. Is that . . .

MARSHA RUMMEL: And then the PRD 3.

BRAD MURPHY: Okay. The standard 1A3.

MARSHA RUMMEL: A3.

1 **BRAD MURPHY:** Okay. Now that one reads, that such development shall constitute an
2 environment of sustained desirability and stability. Okay.

3

4 **NAN FEY:** Okay. Everyone clear on the motion?

5

6 **NAN FEY:** The motion is to place on file without prejudice, and the standards that have been
7 cited as not being met are the conditional use standard number two about, the concern about
8 providing City services. And the second standard is in the planned residential development
9 standard section, subsection three, concerning sustained desirability and stability.

10

11 **BRAD MURPHY:** So you've mentioned three standards . . .

12

13 **NAN FEY:** We took out number one, Tonya.

14

15 **BRAD MURPHY:** So Alder Rummel, did you include standard one as well?

16

17 **MARSHA RUMMEL:** G1, G2, and PRD 1A3.

18

19 **BRAD MURPHY:** That's what I had thought.

20

21 **NAN FEY:** Okay. I'm sorry. My mistake.

22

23 **BRAD MURPHY:** I just wanted to make sure.

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NAN FEY: I heard Ms. Hamilton-Nisbet mention that standard one, so, but if you have standards one and two, Mr. Rewey.

MICHAEL REWEY: Because it's being placed on file without prejudice, why are we putting conditions for doing that? I don't know if I did that when you'd deny it.

BRAD MURPHY: Well, let me read the section of the ordinance unless, Kevin, you have it in, your page open to it.

BRAD MURPHY: What's that?

KEVIN FIRCHOW: I don't have that.

NAN FEY: In general, stating the grounds on which your action is being made is always better than not doing it.

BRAD MURPHY: . . . oh. Okay. Okay. Sorry.

BRAD MURPHY: Oh, I gave it to you? Okay.

BRAD MURPHY: Yeah, you did.

1 **BRAD MURPHY:** All right. Let me just read the section. Effective denial of application. No
2 application for a conditional use which has been denied wholly or in part by the City Plan
3 Commission shall be resubmitted for a period of one year from the date of said denial unless
4 placed on file without prejudice except on the grounds of substantial new evidence or proof of
5 substantial change of conditions that could lead the City Plan Commission to conclude that the
6 conditional use standards would be met upon consideration of a new application. So the way I
7 read this, they would be able to resubmit the application.

8

9 **NAN FEY:** Mm-hmm.

10

11 **MAN:** How soon?

12

13 **BRAD MURPHY:** Anytime.

14

15 **NAN FEY:** Anytime. Everybody clear? Mr. Heifetz.

16

17 **MICHAEL HEIFETZ:** Well, it's fine to follow our procedures and cite the standards that
18 aren't met, but if you're doing this without prejudice under some sort of guise that perhaps it can
19 be fixed, you may want to indicate to the applicants how to fix it at least in concept. Under
20 consideration of the comments of the last half hour, I am with Alder King.

21

22 **NAN FEY:** Okay. Any further comment? Alder Schmidt.

23

1 **CHRIS SCHMIDT:** I, again, beg the indulgence so I can explain why I said without prejudice.

2

3 **NAN FEY:** Mm-hmm.

4

5 **CHRIS SCHMIDT:** As I mentioned before, I just generally assume when you place something
6 on file just do it without prejudice unless there is a good reason to do it with. I wasn't aware
7 actually that there was a slightly different rule for that with conditional use than there is with a
8 standard item. However, I'm not going to change the motion at this point. But to make it clear, I
9 wasn't thinking in terms of they could resubmit, so . . .

10

11 **NAN FEY:** Any further discussion on the motion? Motion is to place on file without prejudice,
12 and three standards have been cited, two conditional uses, one plan residential development. All
13 those in favor of placing on file signify by saying aye.

14

15 **MAN:** Aye.

16

17 **MAN:** Aye.

18

19 **NAN FEY:** Those opposed, no.

20

21 **MAN:** No.

22

23 **WOMAN:** No.

1

2 **BRAD MURPHY:** Okay. We need to see . . .

3

4 **NAN FEY:** Better see the hands.

5

6 **BRAD MURPHY:** We need to see the noes.

7

8 **BRAD MURPHY:** The noes?

9

10 **BRAD MURPHY:** Yes, let's see the, well, the motion was to place on file without prejudice.

11 And, well, you asked. Which one do you want to see?

12

13 **NAN FEY:** Who voted aye? Raise your hand if you voted aye. One, two, three, four. Okay.

14 And now raise your hand if you voted no. One, two, three, four, five.

15

16 **BRAD MURPHY:** Wait a minute. Did Tonya raise her hand?

17

18 **NAN FEY:** Oh.

19

20 **BRAD MURPHY:** She can't vote.

21

22 **NAN FEY:** You can't vote.

23

1 **BRAD MURPHY:** Can't vote.

2

3 **TONYA HAMILTON-NISBET:** Oh, sorry.

4

5 **BRAD MURPHY:** Let's do this again. Aye . . .

6

7 **NAN FEY:** The ayes were? One, two, three. The noes were one, two, three, four, five.

8

9 **BRAD MURPHY:** So the motion fails.

10

11 **NAN FEY:** So the motion fails. You got them all?

12

13 **BRAD MURPHY:** Yeah.

14

15 **NAN FEY:** Okay.

16

17 **BRAD MURPHY:** Chris, Marsha, and . . .

18

19 **NAN FEY:** Steve. Is that right?

20

21 **BRAD MURPHY:** Voted aye?

22

23 **NAN FEY:** No. Sorry, we have to get, we really do have to get this right.

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BRAD MURPHY: Okay. We had Chris, Marsha, and who else voted aye? Brad. Okay.

NAN FEY: Okay. Okay. Is there another motion?

STEVE KING: Move approval.

MICHAEL HEIFETZ: Seconded.

NAN FEY: By Alder King, seconded by Mr. Heifetz to approve. You wish to speak to the motion? Does anyone wish to speak to the motion? Alder Rummel.

MARSHA RUMMEL: If this is going to go forward, I think we need to look at the placement of the garages. And although at this moment I don't have anything to amend the motion, I would like us to address that as at least one of the points to address.

NAN FEY: Did you want that to be part of the motion, or you just want us to discuss it?

MARSHA RUMMEL: The staff report talks about it would be desirable to remove or relocate some additional garages from the center of the site, and I would add that as part of the motion.

BRAD MURPHY: Would you like to have the condition be subject to staff approval?

1 **MARSHA RUMMEL:** Yes, I would think that would be . . .

2

3 **BRAD MURPHY:** Okay.

4

5 **STEVE KING:** No offense . . .

6

7 **MARSHA RUMMEL:** Fine.

8

9 **NAN FEY:** Any objection?

10

11 **MAN:** No . . .

12

13 **NAN FEY:** Okay. No? Mr. Cantrell.

14

15 **BRAD CANTRELL:** I just have a suggestion on garages if, the westernmost area of the

16 parking lot near those duplexes along the, it looks like the bottom of this map, that would be a

17 great place for the garages. I don't know if that dash line is a property line though. But anyway,

18 it is. Okay.

19

20 **BRAD MURPHY:** We, we're . . .

21

22 **BRAD CANTRELL:** That's too bad, because that would have been a great location.

23

1 **NAN FEY:** Other guidance going forward? Let's see. Who's first? Alder King and then
2 Ms. Hamilton-Nisbet.

3

4 **CHRIS SCHMIDT:** I think you meant me.

5

6 **NAN FEY:** I did. I was looking, sorry, yes, I did. Alder Schmidt.

7

8 **CHRIS SCHMIDT:** Well, I . . . his normal, or next to his normal seat anyway.

9

10 **NAN FEY:** It's getting late.

11

12 **CHRIS SCHMIDT:** It is. And I'm suddenly losing my train of thought, not surprisingly at this
13 hour. I want to reiterate that we don't, we shouldn't be, and I'm not saying anyone is, but I
14 definitely want to say it on the record again, we shouldn't be approving a conditional use
15 because it makes us feel better, because we think it's the right thing to do per se on our
16 conscience, to address my colleague from the seventh. Really, we do need to look at the
17 standards, and I realize people disagree, but given the amount of grey in this case, I certainly was
18 hoping it would come out a different way.

19 I am having a bit of trouble too, and, again, this is outside of our standards, with the way
20 this has all been set up. And I do hope that everything works out very well and exceptionally
21 well, in fact. But we did just, we are on the verge of approving a conditional use, granting a
22 privilege for a project we wouldn't approve now in another circumstance in a location that we
23 certainly wouldn't find desirable. Thank you.

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NAN FEY: Other comments? All right. So next is Ms. Hamilton-Nisbet, and she will be followed by Mr. Heifetz.

TONYA HAMILTON-NISBET: Sorry for all the procedural confusion, first of all, especially to my fellow commissioners. If this is moving forward, I'd like to suggest the possibility of adding a condition that would require that if there is a change in management company and/or management procedures that staff be notified of that change . . .

MAN: And that a new one has to be . . .

TONYA HAMILTON-NISBET: . . . and that, yes, thank you, and that a new plan, it's so late, a new management plan would need to be submitted to staff.

NAN FEY: Okay. You can't make motions, but you can make suggestions.

TONYA HAMILTON-NISBET: That was a suggestion, and recall that that was something discussed and something that Mr. Newell said would be agreeable.

STEVE KING: Consider that friendly.

NAN FEY: Any objections to adding that suggestion? No? Next then is Mr. Heifetz. He will be followed by Mr. Cantrell.

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MICHAEL HEIFETZ: Thank you, Madam Chair and members. First, a small but significant point. If it's friendly to the body, I'd like to add in the full-time social worker, because I do know that the gentleman did say that was agreeable. We haven't done that yet. I'm sure that's not helping me make friends amongst some, but it is something that can help this work better. To my colleague referencing doing this because we feel better, that's really just a, I guess that's a positive externality in economic terms. I don't really feel good about the debate, but frankly, no one has convinced me that these standards aren't being met here.

We have different interpretations of them. And as Alder King said, you know, when it's a tie, how do you decide? I'm willing to give the benefit of the doubt to the neighborhood and to the applicant. And I'm sure Mr. Bruer in 10, 20, 30, 40, and 50 years will tell me how wrong I am. And if that's the case, then I will be very unhappy about it but not for myself but just for the city and the neighborhood. But with no convincing evidence that this does not meet the standards, that's where I'm at. Thank you.

NAN FEY: And the suggestion that the full-time social worker be incorporated in the motion, is there any objection to that? Okay. Mr. Cantrell.

BRAD CANTRELL: And that's the recommendation which I was going to suggest as well, because the applicant indicated that they would be supportive of that.

NAN FEY: Okay.

1

2 **NAN FEY:** Okay. All right. Well, then there are no more buttons pushed right now, so at the
3 moment we have a motion to approve the areas to address our garages, management plans,
4 should there be a change in ownership, and full-time social worker.

5

6 **WOMAN:** . . .

7

8 **NAN FEY:** Yes.

9

10 **WOMAN:** . . .

11

12 **NAN FEY:** Did I say ownership?

13

14 **BRAD MURPHY:** Mm-hmm.

15

16 **NAN FEY:** All right, so change in owner, in management. Okay.

17

18 **BRAD MURPHY:** Change in management.

19

20 **NAN FEY:** Yeah. Any further discussion on the motion? Seeing none, all those in favor, say
21 aye.

22

23 **MAN:** Aye.

1

2 **MAN:** Aye.

3

4 **NAN FEY:** Those opposed, no.

5

6 **MAN:** No.

7

8 **WOMAN:** No.

9

10 **NAN FEY:** Could the noes raise their hand, please?

11

12 **MAN:** . . .

13

14 **NAN FEY:** Okay.

15

16 **BRAD MURPHY:** Yeah.

17

18 **NAN FEY:** Schmidt, Rummel, and Cantrell.

19

20 **BRAD MURPHY:** Hmm?

21

22 **NAN FEY:** Schmidt, Rummel, and Cantrell. Okay. Then Item 13 is approved, and I believe all
23 we need now is a motion to adjourn . . . by Mr. Rewey.

1

2 **ERIC SUNDQUIST:** Second.

3

4 **NAN FEY:** Oh, that was Mr. Sundquist. All those in favor say aye.

5

6 **MAN:** Aye.

7

8 **MAN:** Aye.

9

10 **NAN FEY:** Any opposed, no. Thanks, everyone, for your patience and endurance.