

City of Madison

Plan Commission Meeting

March 22, 2010

Edgewater Hotel Project

1 **NAN FEY:** And if you did turn on your cell phone or a pager during the break, I ask you to  
2 please turn it back off or put it in a silent mode while you're in the hearing room. Thank you.

3 We'll begin with, I'll read these agenda items into the record, and we'll need to begin  
4 with a Motion to Close the previous public hearing that was recessed on February 8<sup>th</sup>, and open a  
5 new one.

6  
7 **MAN:** So moved.

8  
9 **WOMAN:** Second.

10

11 **NAN FEY:** Well, they're not on the floor yet. Item #10 is Legistar 15955. This is the rezoning  
12 to redevelopment and expand the existing Edgewater Hotel and construction of a parking  
13 structure at 666 Wisconsin Avenue, and a portion of 2 East Gilman Street. Agenda Item #11 is  
14 Legistar 17311, Consideration of a conditional use for waterfront development to allow  
15 redevelopment and expansion of the Edgewater Hotel at 666 Wisconsin Avenue. And Item #12  
16 is Legistar 17101 amending Ordinance 1761 adopted on January 28, 1965, which provided for  
17 the vacation of a portion of Wisconsin Avenue.

18 As I mentioned, we had recessed the public hearing on these items, but given the changes  
19 that have occurred between then and now, we've been advised that the proper procedure is to  
20 close that recessed public hearing.

21

22 **MAN:** I move to close the recessed public hearing.

23

24 **WOMAN:** I second.

25

26 **NAN FEY:** Moved and seconded to close the public hearing that was open on February 8<sup>th</sup>. All  
27 those in favor, say aye.

28

29 **PLAN COMMISSION MEMBERS:** Aye.

30

31 **NAN FEY:** Those opposed, no. We'll consider that closed. And I will open the public hearing  
32 for this evening. We will begin the testimony this evening with Bob Dunn, 22 East Mifflin  
33 Street, then Amy Supple, Allen Arntsen, and Ken Saiki. Each will have four minutes.

34

1 **BOB DUNN:** Good evening. I'm Bob Dunn with the Hammes Company. You've received a  
2 small packet of information that's before you. For those of you that didn't receive a copy, we do  
3 have copies that we'll be happy to make available.

4 What I wanted to do is quickly recap some of the major changes that have occurred since  
5 we were last here in February. And to do that, I'll quickly work through the packet of  
6 information that you have in front of you.

7 If you go to Section 1, Page 1, we really felt that the Staff Report did an outstanding job  
8 of capturing the essence of the issues that are before you this evening. And on Page 1, it talks  
9 about the proposed rezoning being in the interest of the public and not solely for the interest of  
10 the applicant, and most importantly, being consistent with the City's comprehensive plan in  
11 order to support a PUD.

12 It goes, in staff comment, to say staff believes that the Plan Commission could make a  
13 finding that the proposed Planned Unit Development is consistent with the comprehensive plan.  
14 And I'll explain as I go through this where that comes into play on the second page, Page 2.  
15 There's an analysis in the Staff Report that talks about existing zoning.

16 There's been a lot of discussion about existing zoning, R6H 50-foot height limits, but this  
17 summary by staff really captures the essence of the zoning. And it says, unlike conventional  
18 zoning districts elsewhere in the zoning ordinance, there are no predetermined use, lot area, lot  
19 width, height, floor area ratio, yard, useable open space, sign, or off-street parking and loading  
20 requirements in the PUD. You know this simply based on the fact that nearly every project  
21 that's been developed downtown for a decade has been done under a PUD.

22 Page 3 gets at the essence of the comprehensive plan. And you'll note on the map that's  
23 provided here, we straddle two sub-districts as identified in the comprehensive plan. And what  
24 the maps speak to is what's highlighted here. That the maps represent recommended pattern-of-  
25 use for land use at a large scale, and it's not intended to be for the application on a parcel-by-  
26 parcel basis. These are broad planning criteria.

27 If you look at the next page, it talks specifically in the Staff Report about the Langdon  
28 sub-district and the Mansion Hill sub-district. And there are bullet points here that capture many  
29 of the criteria that are spoken to in each of those sub-districts. For instance, it talks about multi-  
30 unit, high-density residential. It talks about densities up to 60 units or more per acre. Some of  
31 the highest densities we have in our downtown. It talks about height. It talks about a number of  
32 planning criteria in each of those sub-districts. And at the bottom, referencing Page 14,  
33 Paragraph 1 of the Staff Report, it says in the report, there is no specific height limit except as  
34 determined through the PUD approval.

35 And quickly, what I'd like to draw your attention to, if you look at Section 1, Page 5, this  
36 gets at the criteria established for approval of the PUD. And the next three pages give you a  
37 series of illustrations that help explain the changes that have occurred specifically in reference to  
38 height and mass.

39 Page 6 shows the current, what's now called the nine-story building that is only an  
40 alteration from the previous eight-story building, to do what the UDC had requested, which is to  
41 try and better screen the penthouses at the top of the building.

42 The next page, Page 7, highlights where we've gone to a setback, as requested in the  
43 Staff Report, of between 13 and 21.67 feet, specifically to address the mass and height of the  
44 building as outlined in the Staff Report.

45 And the last point I'll make is on Page 8 referencing the UDC approval that we received  
46 last week. And highlighting the fact that, while there's been a lot of discussion about a 50-foot

1 height limit in this district, the PUD zoning defines the height criteria, and this map shows you  
2 where there are numerous buildings in this neighborhood that are in excess of 50 feet and zoned  
3 R6H. Thank you.

4  
5 **NAN FEY:** Thank you. The next speaker is Amy Supple, 22 East Mifflin Street, to be followed  
6 by Allen Arntsen.

7  
8 **AMY SUPPLE:** I wanted to talk briefly.

9  
10 **NAN FEY:** Whoa, whoa, don't talk until you're at a microphone.

11  
12 **AMY SUPPLE:** I just wanted to recap briefly some of the discussion that we had the last time,  
13 about the 1965 ordinance and some of the changes that we're requesting in that ordinance. The  
14 first change that we're requesting would allow us to put condominium units in the project. The  
15 second change we're requesting would allow us to use TIF funding to build some of the  
16 improvements.

17 The third change, and I think what's gotten a lot of discussion is relative to a setback  
18 provision that was in the ordinance. And I'm sure tonight that what, part of what we'll discuss is  
19 how this setback still may come into effect. Even though the building is set back between 13  
20 feet at the future entry element here and 21 feet at the corner, there is still a portion of the  
21 building right here that requires that setback provision to be, to remain intact. I would note  
22 though that, although there's a small area here that requires that setback, all of this area, and all  
23 of that structure, is removed to open the view corridor.

24 From the 1965 ordinance, again, we went through this the last time, but the 1965  
25 ordinance of, the plans were approved, and then re-affirmed by the Council in 1972 that the  
26 public space and the access rights that were granted with the development of the '70s building  
27 were, in fact, what was bargained for in the development. And these pictures demonstrate the  
28 highly improved public access and public amenities that will be granted through this space.

29 Stairway and public access to the waterfront, a pedestrian easement at the waterfront, and  
30 improvements in new green space put into the waterfront, pathway and entryway, better pathway  
31 access entryways onto the site, highly improved view quarters, both down to the water and back  
32 from the water to the Capitol. And the most important of which is the access and use of the  
33 rooftop, which today is truly just a rooftop and tomorrow will be this great terrace area.

34 In your packets, we provided a copy of term sheet that we've been working on with the  
35 City Attorney's Office relative to the operations of the, and Management Agreement for the  
36 public spaces. I'd be happy to address any of those questions and comments. Our goal with that  
37 space was really to provide, and our goal with creating this space we really to provide a great  
38 urban public area that people could enjoy on a year-round basis.

39 We've done a lot in the planning of the spaces to create great pedestrian areas, cafes,  
40 terraces, seating areas along the lakefront, and improvements along the waterfront that the public  
41 can enjoy on a year-round basis.

42 We have limited the event spaces.

43  
44 **NAN FEY:** One minute.

1 **AMY SUPPLE:** And you'll note in Appendix B of your packets, the event spaces are limited to  
2 specific areas on the terrace. We have maintained through those rights, the right for the public to  
3 use the best spaces, which are along the waterfront here, and then along the waterfront down in  
4 these areas. That those will not be event spaces with the exception of during special events,  
5 which are outlined in the packets. We can go into more detail, and I'm sure we will as the night  
6 progresses, but I thank you for your time.

7  
8 **NAN FEY:** Thank you. The next speaker is Allen Arntsen, 2817 Milwaukee Street,  
9 representing Hammes, to be followed by Ken Saiki.

10  
11 **ALLEN ARNTSEN:** I almost feel like I'm part of one of those comedy sports sketches where  
12 you've got to go really fast and with humor.

13  
14 **NAN FEY:** Sorry.

15  
16 **ALLEN ARNTSEN:** But I've got a couple points here. There's been a lot of comment that the  
17 City has been changing its rules for this project, and bending the rules, that kind of thing. It's not  
18 true. I mean, you look at the Staff Report, and what the Staff Report shows is how this project  
19 complies with the rules.

20 It's a PUD, but you look at any significant project downtown in the last, forever, and  
21 they've been PUDs. And the Staff Report shows how this project complies with the PUD  
22 requirements, and then similarly, for the reasons that it needs the conditional use permit, why it,  
23 how it complies with the conditional use permit requirements.

24 On the CUP standards, that's Section 2.0 of the packet that was handed out here. There  
25 are two specific ones, waterfront development and outdoor eating and drinking, that it needs a,  
26 that are the reasons for the conditional use permit. Water development, it's, we're behind the  
27 setback of the existing principal building. If you look at Page 22 and 23 of the Staff Report, it  
28 talks about how the waterfront development CUP standards are met, and how lake, water quality  
29 will be improved by the project.

30 Outdoor eating, that's at Page 24 of the Staff Report. It's addressed in the conditions, it's  
31 addressed in the Management Agreement. Then there are the general CUP standards that, once  
32 you need a conditional use permit, the general standards apply. That's Section 3.0 of the packet  
33 that came out.

34 And really the only I think substantial issue is how this affects the other property in the  
35 neighborhood. The Staff Report talks about traffic, traffic issues, which I would submit were  
36 traffic delivery, parking, really have been mitigated by the revised plan, the setback, the new  
37 parking structure, the underground loading.

38 The other one is view. I mean, again, that's I suppose the big issue here with it, but  
39 again, it's been moved back, and that's, you're going, the Staff Report talks about how, that's a  
40 big issue for this Commission. I think if you look at the renderings, fundamentally looked at the  
41 entirety of this project, you're improving the viewshed. You're not hurting it. The setback  
42 essentially respects the existing setback along Wisconsin Avenue on that side. And again, the  
43 change with regard to dropping down the '40s building I submit is dramatic.

44 PUD standards, that's Section 1.0 of your packet, Pages 15 to 21 of the Staff Report, I  
45 mean, I think a fair summary is that criteria 2 to 4 are met. There's really not a lot of

1 controversy on that. Criteria 1, C and D, again, I think those are pretty well fine, you know,  
2 traffic engineering, transportation, demand management.

3 The big ones, again, and this relates back to the CUP view condition, you know, is it  
4 compatible with the nature of the site and is it an attractive, practical, and economically stable  
5 environment. Again, we would submit, take a look at the Staff Report, Page 16, talking about  
6 the view. You look at the massing, UDC passed it, after I think a mere seven meetings on it for  
7 initial approval. I don't know how much is left, but they, the Staff Report says, mass, scale,  
8 height, site plan, landscaping concept, and relationship of project to its development context is  
9 appropriate. That's what the UDC standard meets.

10 So I'd submit that as far as, you look at what the rules are, and the Staff Report lays them  
11 out, and they're summarized in the packet you got here, we meet them. We're not bending any  
12 rules. We're, and I submit that you look at each of these criteria, and this project complies with  
13 them. One area, I'm done. The process worked. Thanks.

14  
15 **NAN FEY:** Thank you. The next speaker is Ken Saiki, 309 S. Paterson Street, to be followed  
16 by Adam Plotkin, then Ledell Zellers.

17  
18 **KEN SAIKI:** Good evening. Let's see if I can do this in three minutes. When Bob and Amy  
19 asked us to help with the project in mid-January, we were very, very happy to have a chance to  
20 work on the great outdoor spaces, and I'll maybe downplay this a little bit, but one of the great  
21 outdoor lakefront spaces in the country. I really think that this space could be one of these great  
22 spaces, and really complete the John Nolen Plan for Madison, or complete part of it, by putting  
23 this great open space down on the lakefront.

24 We've been on the project for just over two months. In that time, we've been to the  
25 Urban Design Commission and participated in presentation and debate and testimony of  
26 probably over ten hours in that time. And in the modifications to the plan that have occurred in  
27 that time, really changed the plan dramatically, and really very much for the better.

28 A couple of things that have happened since the last time you saw this. All of the  
29 parking, the parking entrance has moved out of the center of the auto court, and this space, which  
30 currently is a surface parking lot now, will become part of this underground garage. The surface  
31 of that will be improved to a landscape condition.

32 We've talked about the tower setback being different, so this is sort of the illustration of  
33 moving that tower to the east 15 feet or more. And then the garage entrance, coming out of the  
34 auto court area really allows us to do a heavily landscaped terrace treatment coming into the auto  
35 court. You know, all of these things are very much great improvements I think to the plan.

36 At Urban Design last week, one of the Commissioners suggested that an analogy for this  
37 project is somebody occupying space at a theater and saying that they would be standing in the  
38 front row. I didn't think of it at the time, but I think what it really is more like is, yes, indeed, the  
39 Edgewater Hotel is standing, but perhaps not in the first row, maybe in the second or third row.  
40 They've bought all of the front row tickets, and gave them away to the public for access, and  
41 then took what would have been maybe a huge sound mixing board out of the middle of the  
42 audience space, taken that away so that everybody could see the lake.

43 I think that this is a great opportunity for the City of Madison. I think this is something  
44 that you just don't walk away from, and hopefully, you'll support us in that. Thank you.

45

1 **NAN FEY:** Perfect. The next speaker is Adam Plotkin, 304 N. Pinckney Street, to be followed  
2 by Ledell Zellers.

3  
4 **ADAM PLOTKIN:** Thank you. As a resident of the Mansion Hill District, I serve on the  
5 Mansion Hill Steering Committee, an extraordinarily dedicated group of neighbors who have  
6 met at least once a week since the first neighborhood meeting in October, 2008.

7 Since then, they have met with the developers, city officials, other interested parties, and  
8 other residents of Madison and beyond to understand and respond to the scope of the plans for  
9 the Edgewater. They all have day jobs, and have donated countless hours, nights, and weekends  
10 to try and keep pace with the full-time development team.

11 The major focus continues to be the height, volume, and street setback of the tower on the  
12 east side of the property. To understand the scope of the proposal, the Urban Design  
13 Commission requested a model of the neighborhood from the developer, one which was  
14 ultimately paid for and provided by the neighborhood.

15 The following is a list of additional concerns from the Steering Committee, just briefly.  
16 The historic district. The Mansion Hill Historic District is the City's first and most important  
17 historic district containing one-half of Madison's registered landmarks. Any development within  
18 the District should meet the visually related test and enhance the historic district. This newest  
19 version of the proposal has not been vetted by the Landmarks Commission.

20 Traffic in urban context. This proposed large new hotel tower is surrounded by 12  
21 residential blocks with the only significant commercial incursions being the National Guardian  
22 Life Building and the Verex Building. Neither of these generate the level of traffic that a hotel  
23 would.

24 Jobs and need for hotel on the Isthmus. If the city tourist economy needs more hotel  
25 rooms, a significantly superior location is on the other side of the Isthmus within 1,200 feet of  
26 the Monona Terrace, which would support larger conventions and provide as many, if not more,  
27 jobs.

28 Finally, the process. Alder Schumacher recently stated that the Plan Commission is a  
29 very deliberate body asking, does it make sense, does it comply, what kind of exceptions does it  
30 need? As you review the plans in the Staff Report, please note the number of exceptions to  
31 current zoning code and ordinances that are required for this project to move forward. Consider  
32 whether a development in Madison should be required to fit within existing law or if existing law  
33 should be changed to fit one specific project. Thank you.

34  
35 **NAN FEY:** The next speaker is Ledell Zellers, 510 N. Carroll Street, representing the Mansion  
36 Hill Steering Committee, to be followed by John Martens.

37  
38 **LEDELL ZELLERS:** Good evening. I'm going to be speaking to the conditional use permit.  
39 As the Staff Report notes, all of the conditional use standards must be met before an approval  
40 can be granted. Criteria 3, 4, and 9 are the most relevant. Standard 3 says that the use's values  
41 and enjoyment of other property in the neighborhood for purposes of already established shall be  
42 in no foreseeable manner substantially impaired or diminished by the establishment,  
43 maintenance, or operation of the conditional use.

44 This proposal would absolutely impact the surrounding properties. The proposal is  
45 located within an historic district, which provides property owners with certain expectations  
46 regarding the scale and mass of buildings that might be constructed within the district. The use

1 and the enjoyment of their properties will be substantially affected by the inappropriate scale and  
2 mass of the proposed hotel tower. This is clearly reflected in the Landmarks Commission refusal  
3 to grant a Certificate of Appropriateness.

4 Also, negatively impacting uses, values, and enjoyment will inevitably be the noise and  
5 light from the significant commercial use being advertised for this development in the midst of  
6 this residential district. Unlike NGL, which does not produce noise or light pollution, this  
7 entertainment center proposes to be a 365-day-a-year negative impact on the livability of the  
8 neighborhood.

9 Number 4 under the conditional use standards says that the establishment of the  
10 conditional use will not impede the normal and orderly development and improvement of the  
11 surrounding property for uses permitted in the district. All of the adjacent properties, both  
12 developed and undeveloped, are concurrently zoned residential.

13 These properties are all bound by the waterfront setback requirements as well as the R6H  
14 zoning requirements. Allowing one exception in the middle of this district will impact the visual  
15 enjoyment of the lake view for the neighbors. It will impede the orderly development of a  
16 relatively consistent setback for new construction, particularly on the adjacent undeveloped land.

17 Construction on the adjacent residentially zoned land would require a setback from the  
18 water, around 120 feet, at a maximum height of 50 feet. Compare this to the 35-foot setback and  
19 107 height of the new construction in its current proposal.

20 If approved, this proposal will serve as a precedent, which will be cited by proponents of  
21 future developments in the area, just as the current applicant focuses on the few other out-sized  
22 buildings as justification for this proposal.

23 I disagree with the staff conclusion that you might find the Criteria #4 can be met. Staff  
24 suggests that other properties are protected, because they are already developed or are within the  
25 historic district. Clearly, this proposal is within the historic district, but the blatant disregard for  
26 the criteria the district is doing little to protect the orderly development of the area.

27 Just as clearly, properties are often re-developed. Langdon Street has seen much of this  
28 type of activity recently with the approval to demolish a home contributing to the character of the  
29 National Registry District.

30 To suggest that a proposal such as this, which requires so many exceptions to the rules  
31 and changes of existing ordinances will not affect the normal and orderly development and  
32 improvement of surrounding properties is really preposterous.

33 Moving on to #9 in the conditional use standards, which is that when applying standards  
34 to development, the Plan Commission shall bear in mind the statement of purpose of the zoning  
35 district such that the purpose, proposed building, or addition at its location does not defeat the  
36 purposes and objective of its zoning district.

37 The statement of purpose of the R6H District says that it established for the same  
38 purposes of the R6H General Residential District except that in addition its purpose is to limit the  
39 height of structures and provide side yards and areas to preserve the historic and architectural  
40 character of a neighborhood. The statement of purpose of the R6H District could not be clearer  
41 in saying it is intended to restrict the height of buildings to insure compatibility with the historic  
42 character of the district.

43 Please uphold the conditional use standards, and reject this proposal. Thank you.

44  
45 **NAN FEY:** Thank you. The next speaker is John Martens, 4118 Hegg Avenue, also from the  
46 Mansion Hill Steering Committee, to be followed by Fred Mohs.

1  
2 **JOHN MARTENS:** I submitted a handout, and it would be handy if you refer to it as I speak.  
3 The critical issue here for granting PUD is the height, mass, and setback of this proposal. I quote  
4 from the current Staff Report, Page 16. Staff acknowledges that the new tower is of a  
5 considerably greater scale than most of the other buildings in this corridor. Page 17, despite the  
6 significant revisions, the Plan Commission will still need to give serious consideration to the  
7 physical compatibility of the new hotel tower.

8 Page 25, in reference to the Comprehensive Plan, infill development must be compatible  
9 with the architectural character and scale of existing development. And it goes on to say the  
10 eastern portion of the site will be considerably greater in scale to most other buildings in the  
11 surrounding neighborhood.

12 Also, at Landmarks, the Staff Report for Landmarks Commission, November 30<sup>th</sup>, 2009,  
13 quote, staff would find it very difficult to conclude that the proposal can meet Criterion 1 for new  
14 construction. That Criterion is, quote, the gross volume of any new structure shall be visually  
15 compatible with the buildings and environment in which it is visually related.

16 Now in Landmarks, the visual environment was a small number of buildings surrounding  
17 the proposed development. In the Comprehensive Plan, we refer to the entire historical district,  
18 the zoning district. And in this case, because it straddles two of them, we have the Langdon and  
19 the Mansion Hill Districts. The question is is it compatible with the environment.

20 As you can see here, the entire environment is, nearly the entire environment is composed  
21 of small buildings. These are 100, 150,000-cubic foot, two stories, maybe three stories. If you  
22 look carefully, this doesn't include the proposal. This is the existing Edgewater, has the largest  
23 footprint of any site in both districts. We're planning on adding almost two million cubic feet to  
24 that site. There is now way one can imagine that to be compatible with the scale of that  
25 neighborhood.

26 Some changes have been made since Landmarks rejected this. Let's look at what some  
27 of those are. First of all, the building's taller, it's closer to the lake, it's more massive, it has  
28 more restaurant space, it has doubled the size of the spa, the function space has increased from  
29 9,500 square feet to 12,200, there's new prominence of a corner café on Langdon Street.

30 All of these are going to have not just space implications, but activity implications on that  
31 neighborhood, impositions. Oh, we do have some more parking, but frankly, the parking is still  
32 at least a hundred stalls short of what the City requirements are for the functions that are going to  
33 be contained in that building.

34 There's been a lot of talk about the setback. The second last page in the handout shows a  
35 study I did showing the building in three forms. One, on the top, is if it were directly on  
36 Wisconsin Avenue. The next one shows it as it is being proposed, which is set back 11 feet. At  
37 the bottom, I've moved it over to the end of the podium, which sets it back 26 feet.

38 For my money, setback is lipstick on pig. You're not hiding the mass of this building.  
39 To me, there's very little difference from one to the end.

40  
41 **NAN FEY:** Thank you.

42  
43 **JOHN MERTENS:** Last page shows a height reduction.

44  
45 **NAN FEY:** The next speaker is Fred Mohs, 512 Wisconsin Avenue, to be followed to Peter  
46 Ostlind.



1  
2 **FRED MOHS:** What I'm showing here is a rendering that we had completed. The original  
3 rendering had, that you've seen many times in *Wisconsin State Journal*. I think they're going to  
4 substitute the State Capitol for this little piece of this building at their masthead. It also is taken  
5 from a ladder about 20 feet tall so that there isn't that much water, but just for the sake of being  
6 consistent and not arguing about it, we used their model and continued this. So you can see what  
7 it really looks like, which is huge.

8 I'm here to talk about the '65 ordinance. As you already know, I was there when the, and  
9 participated as a proponent of the vacation of the street in 1965, regrettably, although maybe it  
10 can be made right. And then in the early '70s, I participated in the group with our alder, Alder  
11 McCullough, and others in negotiating what would be built on the land that we had vacated.

12 And to our shock, because we had talked about the view all along, the first proposal was  
13 building right up in front of the view. So eventually, we were able to reduce it and agree upon  
14 this, what now is the '70s addition, which should have been nine feet shorter, but that was poorly  
15 handled on our part. We were too gullible.

16 But that building really is the embodiment of what was intended at the time. And I know  
17 full well that one council control another, but in many ways, how people felt about this way  
18 back, more than 35 years ago, in this neighborhood, and I think throughout the city, is very, very  
19 much the same. People still value the view just as much as if John Nolen was right here with us  
20 today. They still, there was no historic district back then. Later they wanted an historic district.  
21 There was great support for that, very little opposition.

22 And so, if anything, public sentiment is more and more in favor keeping out last  
23 remaining lake views and our historic district. Now the reason I keep harping on this '70s  
24 addition is because that view, looking out over the '70s addition, is what people thought they  
25 were getting back then. And I am sure most people would still love to have it so that this is not  
26 an antique concept.

27 This can be done. If the building was moved eastward about 15 feet, less than 20, it goes  
28 off of the '70s addition. There are two stories of condominiums. Those could be eliminated.  
29 They are a wash financially for the developer, as he has testified. And through re-design of the  
30 building itself, the hotel rooms, another floor could be eliminated. That would be a three-floor  
31 addition and move the building over. That would do a lot. That would bring it basically into a  
32 position where I think we would have the visual compatibility that Landmarks is seeking. I  
33 believe this is all doable. Someone might not want to do it, but it can be done. And that is  
34 where, and sometime, we've had very little communication with the developer, probably less  
35 than any development of this type. But we would welcome having some.

36  
37 **NAN FEY:** Thank you. The next speaker is Peter Ostlind, 533 W. Main Street, also on behalf  
38 of the Mansion Hill Steering Committee. And then we'll hear from Judy Karofsky.

39  
40 **PETER OSTLIND:** Good evening. Criteria 1 of the PUD standards speaks to the character and  
41 intensity of the land use, noting that use's intensity and appearance of the proposal shall be  
42 compatible with the physical nature of the area. For months, this debate has been over the height  
43 and mass of the hotel tower. The current proposal is taller, wider, and longer than the proposal  
44 you saw last month. In fact, there's an additional 15,000 square feet of floor space excluding the  
45 parking garage in the current proposal.

1 This includes 5,400 square feet of new hotel room space. The 15,000 square feet is equal  
2 to or greater than one whole floor of the hotel, and the 5,400 square feet is equal to about half of  
3 a floor of hotel rooms. The number of rooms has not gone up between the two different  
4 proposals.

5 With all the concern that's been expressed over height and mass, the proposal is actually  
6 getting bigger. The tower is too tall to be compatible. The building will be 112 feet tall at the  
7 entrance to the hotel, and 123 feet above the plaza, and a towering 15 stories above Lake  
8 Mendota. The height of the proposed tower at the front entrance will be three times as tall as  
9 three of the four surrounding buildings and twice as tall as the fourth, Kennedy Manor.

10 In addition, the mass of the tower is out of scale with its surroundings. It's 3 to 16 times  
11 the size of the adjacent buildings, as noted in the Staff Reports to Landmarks. And in fact, you  
12 could put all these structures within the proposed hotel and only use up 60% of the volume.

13 These two measures, the height and mass, are the crux of the issue. Landmarks found  
14 that smaller proposal to be incompatible and half of the UDC Commissioners felt that the current  
15 proposal was also too large.

16 The current proposal includes 355 parking stalls. The times with the largest numbers of  
17 guests will also be the times with the largest number of employees. And unlike other downtown  
18 hotels, there's no public parking ramp to help take care of the overflow. The applicant has  
19 suggested that during large events, employees will be directed to park at the parking ramps. This  
20 is an unmanageable concept and will, in fact, with the lack of employee parking, will adversely  
21 impact the neighborhood. With NGL using 120 of the parking stalls during the daytime, any sort  
22 of daytime event will quickly strain the parking that's available.

23 Provisions of adequate facilities for deliveries and buses is particularly important for a  
24 hotel in this residential neighborhood. There is no space in the street for loading, loading zones,  
25 and double parking is not only illegal, but impractical on these streets. The proposal should be  
26 designed to function because of the design, and not rely on full-time management of deliveries  
27 and buses to succeed.

28 The Comprehensive Plan, like any plan, has many broad and generalized statements, and  
29 it's certainly possible to pick and choose a few of these that support or oppose the proposal. As  
30 you work you're way down to more detailed statements with the plan, the specifics are more  
31 straightforward. As noted in my written comments, this proposal far exceeds the height  
32 recommendations of both the Mansion Hill and the Langdon sub-districts.

33 The Staff Report includes some discussion that the portions of the Comprehensive Plan  
34 relating to the downtown were considered preliminary pending completion of the downtown  
35 plan. There may or may not be changes. The Comprehensive Plan we have today is the law of  
36 the land today. Speculating on future changes is irrelevant.

37 And finally, while there are aspects of the proposal, which have merit and would be an  
38 improvement to the existing facility, the proposal simply fails to meet or comply with too many  
39 of our land use conditions. If this were as great a proposal as many of the proponents argue for,  
40 it would not be this difficult and it would not take so many modifications of existing land use  
41 ordinances to get it through. A good proposal would have broad support and would be easy, and  
42 you would not be anguishing over this decision. Thank you.

43  
44 **NAN FEY:** Thank you. The next speaker is Judy Karofsky, to be followed by Gene Devitt.  
45 Judy lives at 317 N. Pinckney Street.

1 **JUDY KAROFSKY:** I do. I live at 317 N. Pinckney. I've also lived at 519 N. Pinckney. I  
2 think, I wish I was appearing after Gene, because I have a feeling you're going to hear some of  
3 the sounds of living in this neighborhood. But I want to tell you that I know a lot about the  
4 sights and the sounds of living in Mansion Hill.

5 To some people, these are amenities. To other people, they're detriments. I've come to  
6 live with the homecoming parade, gridlock for UW athletic events, Halloween at my very front  
7 door, the sights and sounds of Rush Week, the Art Fair on the Square, the Taste of Madison, the  
8 sights, sounds, and smells of Taste of Madison, and also August 15<sup>th</sup>. So while you're talking  
9 about a development in this neighborhood, you are not talking about Nakoma or Hawks Landing  
10 or Middleton Hills.

11 Also, in the 17 years that I have been a property owner in this neighborhood, 5 in one  
12 home, almost 12 in another, property values in that neighborhood have not improved. Now  
13 maybe that's good, no boom, no bust, but I think that development has been held back by the  
14 lack of investment initiative. Instead of having investment in the highest and best uses, the only  
15 use, and the only investment seems to be made by absentee landlords in deferred maintenance.

16 Now I've done all I can to keep up a pretty historic home designed by Frank Riley, but,  
17 and I've learned about tuck pointing and mud jacking. But as I walk out, I still see falling  
18 porches, scary staircases. I see historic homes that are depleted of historic artifacts, original  
19 wood railings, stained glass, parquet floors, wood-burning fireplaces, all have gone. Any of you  
20 want to be my neighbor?

21 Now what we have for Mansion Hill is the offer of a large-scale project that does comply  
22 with the Comprehensive Plan. This will increase safety, access, historic interest, even tourism  
23 dollars. And what you're being asked to do is to match an otherwise acceptable large-scale  
24 development with a topographic configuration that's unyielding and unwielding.

25 And we've all seen lots of modifications to the original plan. It's unfair, totally unfair for  
26 anyone to stand here and say that there's been no response to the neighbors' wishes over the past  
27 year.

28 We can't change the topographic configuration, and that's why we're talking about  
29 developing on a waterfront, and we're talking about changing or amending the vacation of part  
30 of Wisconsin Avenue. If you want to change the topographic configuration, you have to talk to  
31 James Duane Doty who proposed a capitol on an Isthmus, which doesn't make any sense, but  
32 here we are.

33 Over the past year, over this year, in response to the neighbors' concerns, the building  
34 style has changed, the scale has changed, the location of the top floors of the new building have  
35 changed, ingress, egress, parking, loading, these have all been modified by the developers in  
36 response to the neighborhood and citywide concerns.

37 Now you can decide to move this project forward. A PUD is a contract zoning. It's a  
38 White Paper tonight. There's nothing there. But in the guidelines of PUDs are words like  
39 freedom, imagination, flexibility, diversification, variation in bulk and relationship of sizes. You  
40 can deal with all that in the SIP.

41 Now you have the chance to say that the project generally, generally works, and that you  
42 can work creatively to match an otherwise desirable, economically feasible project with a very  
43 challenging site. Thank you.

44  
45 **NAN FEY:** Thank you. The next speaker is Gene Devitt, 28 E. Gilman Street. He'll be  
46 followed by Dick Baker.

1  
2 **GENE DEVITT:** Hi. I'm Gene Devitt. I live at 28 E. Gilman Street. I've lived downtown for  
3 30 years. The reason I'm here is that 20 years ago, over 20 years ago, the City of Madison asked  
4 people to move downtown again to a safe, quiet environment, reclaim the homes. Even if they  
5 reclaimed the homes, they could be flats for people to live in. New apartment buildings went up,  
6 etc. to protect the neighborhoods downtown.

7 Imagine that you're out on your home balcony and you're having your cup of coffee,  
8 maybe it's at night, you're having dinner, you're close to the Edgewater. Right now, is that the  
9 Edgewater, what they're proposing for the staircase is 12 feet away from 2 Langdon, which is  
10 apartment buildings.

11 So your music comes on. I don't mean to be corny about this. You've probably heard it  
12 before. Oops. Well, shit.

13  
14 **NAN FEY:** If it's not going to work, why don't you just.

15  
16 **GENE DEVITT:** Okay, polka music starts to play. And what happens is that, as you heard at  
17 the last meeting, is that this music is very loud. They're only 12 feet away, like I said. What  
18 happens with that is that this echoes throughout the neighborhood. Right now, we can hear at the  
19 Memorial Union, we can hear their music playing. It's far enough away, it doesn't disturb us.  
20 But imagining being right in the heart of Mansion Hill, that there are weddings going on. The  
21 weddings will participate. Fall, spring, summer, they'll have outdoor events during the  
22 wintertime.

23 The other thing that will happen is this. We'll have over 1,300 new cars coming into the  
24 neighborhood. As you know, is that with cars, it produced headlights. You have a circle down  
25 there. Imagine this, if you have headlights going around into your windows, hitting your  
26 window. This may be funny too. But imagine, this is right, 12 feet away from 2 Langdon, right  
27 across the street from the Kennedy Manor, right in a residential neighborhood.

28 Lighting has not been discussed yet, by the way, on the outside of the building, how  
29 bright this building will be. But imagine having those headlights coming in through your  
30 windows.

31 I used to live in Nakoma. Judy's right about Nakoma. It is different. The difference is  
32 this. Is that the Country Club used to have outdoor parties when I grew up in the '60s. The  
33 neighbors complained. I lived a quarter mile away from the Country Club right on Manitou  
34 Way. They stopped the outdoor parties because of the disturbances that happened.

35 Mansion Hill is a peaceful, quiet historic neighborhood. Please keep it this way. Part of  
36 your job here is to protect the residents in a neighborhood when they're proposing a project, and  
37 that it fits in exactly with the neighborhood, or is better than the neighborhood. Is that we've had  
38 a number of projects that have come up. The questions that comes up is this. PUDs, originally  
39 the Quisling was going to be a PUD. The neighborhood said, no, it's in a R6H district.

40 Everything that's been built in Mansion Hill has been a R6H project since the Verex  
41 project went up. That would include Quisling, that would include over on Dayton Street, a  
42 number of projects. Please keep this project peaceful and fits in the neighborhood. The 50-foot  
43 height should be kept within 50 feet. It is on R6H land. Originally, this came up because of  
44 National Guardian Life and the Verex that the historical was added.

45 The Committee for Sound is interesting. Or they're talking about the agreement with the  
46 Plaza. One of the members, our alderperson, was on the newspaper the other day about having

1 permits for large, loud parties. I don't understand why the neighborhood hasn't been invited to  
2 work on this project with the Hammes Group, with the City Attorney, and with our alderperson.

3 Thank you. Please keep this in consideration, especially where you live. Think of it as  
4 having a hotel right next door. This project can work if it stays in with the current codes and  
5 regulations. We're not saying no to a hotel expansion, we're saying please keep it in the same  
6 rules that the rest of the neighbors have to abide by. I'm sorry there was no polka music.

7  
8 **NAN FEY:** Thank you. The next speaker is Dick Baker, 1 Langdon Street, Apartment 510, to  
9 be followed by David Waugh.

10  
11 **DICK BAKER:** Hello, back again. Speaking rather briefly on the behalf of fellow residents at  
12 Kennedy Manor, myself, Professor Gail Besard, Chaplain Liz Allen, listen, we have no problem  
13 with the size of this hotel and its renovations. We have no problem with its mass.

14 The Edgewater Hotel is our community center. Myself, Liz Allen, and others, we're in  
15 and out of there all the time to meet our friends, to go sailing, etc. The Edgewater Hotel has  
16 been a great community, neighborhood asset to us for the last 20 years. I'm intrigued about the  
17 new view we're going to get, the new access to the lake for my sailboat, for members of the  
18 public, and I can hardly wait to try out some of the amenities like the new restaurant to entertain  
19 my friends.

20 One last aside, I'm a wedding photographer. I've shot 471 weddings. I've listened to the  
21 Chicken Dance so much, I want to scream. Okay. Look, I've seen it all at weddings. When  
22 they get kind of loud, they call the cops, worst case. Most of the time, the dancing is inside at  
23 night, because you've got the bridal toss, the bouquet, things like that. Lighten up.

24 This is a great project and a great partnership, okay, for the city of Madison. All you  
25 have to do as the City of Madison is hold the developer to his commitments for public access,  
26 make a good contract, and that \$93 million coming into the community, thank you. Oh, you  
27 want a picture.

28  
29 **NAN FEY:** One photographer to another. Thank you. The next speaker is David Waugh, 1215  
30 E. Mifflin Street, to be followed by Steven Brown, 120 W., I'm not sure, Gorham. Go ahead.

31  
32 **DAVID WAUGH:** Hi. I'm, my name is David Waugh, and I've lived in Madison for many  
33 decades. And I've been in the District 2 for over 20 years. And one of the things that attracts me  
34 about Madison is the historic architecture. I think this particular district needs protection. What  
35 greatly upsets me about this process is when certain people in power denigrate the process and  
36 say, committees should create policy.

37 Well, the committees are not creating policy. You're not creating policy, you're trying to  
38 counsel the council on the laws. And this historic district was preserved and protections were  
39 put in place because of exactly why we're here tonight, which is a development that puts the  
40 historic district at risk.

41 The developer for this proposal tonight handed out a document that clearly shows a  
42 number of buildings that exceed the height limit of the historic district. Why, because precedent  
43 has been set. And this is a dangerous, dangerous slope to get on. And so I urge of you to please  
44 consider the historic preservations, the city of Madison, all of the residents, put in place through  
45 our policymakers back when the historic district was put in place.

1 My other comment is I'm also very concerned about the so-called public access of this  
2 project. I personally cannot afford the price of the drinks they charge at the Edgewater Hotel.  
3 And I do not feel that my tax dollars should go to subsidize what essentially is a luxury hotel on  
4 the lake. It is not a Memorial Union. It is for relatively wealthy people, and I would rather our  
5 school district, which is in, heavily in a hole right now, use our tax dollars for things that really  
6 matter, which is the education of our children. Thank you.

7  
8 **NAN FEY:** Thank you. The next speaker is Steven Brown, 20 W. Gorham Street, to be  
9 followed by Bob Klebba.

10  
11 **STEVEN BROWN:** Thank you. I'm Steve Brown. I'm here to support the Edgewater  
12 development. I've been a property owner in the neighborhood since 1982, that's 28 years. My  
13 office has been in this neighborhood since 1985, that's 25 years.

14 The neighborhood as a fact is dominated, 93%, by rental property. I own two buildings  
15 that are taller than this proposed development, that were grandfathered into this neighborhood.  
16 And as one of the largest property owners and taxpayers in this neighborhood, I see tremendous  
17 benefits from this project.

18 In addition to all of the arguments that we all know about, increasing the tax base,  
19 providing good jobs, improving public access to, and views and uses of the lake, parking,  
20 amenities, improving the façade of an existing building that is in bad shape, I think what the  
21 Edgewater project, if developed, will improve our neighborhood's ability to attract more  
22 permanent long-term residents. That's a big plus for this project.

23 It also strengthens the property values in this neighborhood, which sorely need  
24 strengthening. I have spoken with many of my residents on this, because I maintain a pretty  
25 close relationship, my office being there. I've spoken to probably in excess of 50 of my  
26 residents who live in the neighborhood. And although it's not a scientific study, of course, and  
27 students by and large are passive when it comes to city things, most of the people, the kids I've  
28 talked to, when they know what this project is about, are very excited about it, particularly  
29 because of the views where they walk down the street, and it will improve their views of the  
30 lake, but also because of the public spaces. They would have another place to go other than the  
31 Memorial Union to enjoy Lake Mendota.

32 The most important thing about this project I believe is it presents a dramatic new vision  
33 for the north end of Wisconsin Avenue, at the intersection between the Capitol and Lake  
34 Mendota and the eastern edge of Campus. And I think it's a tremendous benefit to the  
35 neighborhood.

36 In sum, we're fortunate to have someone who wants to spend money making an  
37 investment in this property, which is deteriorating. And our business and our residents welcome  
38 this wonderful improvement to the neighborhood. Thank you.

39  
40 **NAN FEY:** Thank you. The next speaker is Bob Klebba, 1213 E. Mifflin Street, to be followed  
41 by Mark Schmitz.

42  
43 **BOB KLEBBA:** Thank you. This is not the first time I've been in front of this committee, and  
44 I've been to a few other committees testifying about my concerns about the Edgewater  
45 redevelopment. And every meeting, we see something new from the Hammes Company, and

1 where the developer has ostensibly responded to concerns from critics. And that's great. I  
2 mean, we're seeing some progress moving forward on the project.

3 I also hear a lot of great testimony about public space, and how important that is for the  
4 city of Madison. And I would like to say we already have that public space. It is available.  
5 We've heard people testifying tonight that they already do enjoy using the Edgewater as public  
6 space, and that issue will not change.

7 What hasn't changed in this process is we're looking at an immense development in a  
8 R6H neighborhood. This is not a commercial district, it is a neighborhood. This project has  
9 never met any of the main development criteria for the Mansion Hill Historic District. It is not  
10 appropriate for R6H zoning. Hence, the PUD.

11 When I was last here in front of this committee, I spoke about how my husband and I,  
12 who are small business owners, had required zoning issues and setbacks for the business that we  
13 developed. And I didn't ask for an exception to the environmental issues that we had to take into  
14 consideration or the issues with respect to neighboring properties. We worked with Zoning to  
15 conform to those issues. And the business is working out well, thank you.

16 Now at the last meeting, the February 8<sup>th</sup> meeting, the Committee was looking at the  
17 waterfront setback. And I was, testified against that, however, the Committee decided to go  
18 forward with what I consider to be spot zoning.

19 And I think that this PUD, although its common for development downtown, is basically  
20 spot zoning in the Mansion Hill Historic District R6H zoning. We are trying to make a huge  
21 rectangular project fit into a small round hole.

22 I bring this up as a citizen of District 2. I live on 1213 E. Mifflin. That's the south side  
23 of East Mifflin. In our backyard, we have commercially zoned property that faces, or that fronts  
24 on East Washington. At some point, if we ever get done with the Edgewater redevelopment, we  
25 might consider the East Washington corridor again. And I don't want the precedent for  
26 Edgewater set where we could allow something like a 10- or 13-story building on East  
27 Washington in my backyard. That could happen.

28 And allowing the Edgewater project to go forward in the enormity that it is currently  
29 proposed is basically setting that kind of precedent. And I would like you to consider that  
30 strongly when you're reviewing the proposal in front of you tonight. Thank you very much.

31  
32 **NAN FEY:** Thank you. The next speaker is Mark Schmitz, 5705 Dartmoor Drive, to be  
33 followed by Carol Weidel.

34  
35 **MARK SCHMITZ:** Hello. Good morning. Up, up, up, everybody, wake up, Mark, wake up.  
36 I'm a third generation, raising a fourth generation native Madisonian. My grandfathers both  
37 started their businesses on the Capitol Square in the late 19-teens. Dr. William Schmitz, above  
38 the Badger Candy Kitchen, was as dentist, and my grandfather, Loudon Webster, started a small  
39 insurance company called Farmers Mutual, which later became American Family Insurance.

40 I started my business 20 years ago on the Capitol Square, in the historic Jackman  
41 Building, right across from Genna's, which I know you all are very aware of. It's on the  
42 National Register of Historic Places.

43 I'm a resident of the historically renovated Loraine Hotel. I'm on the steering committee  
44 for the Congress of New Urbanism, and keynote speaker for the Governors Conference on  
45 Downtown Revitalization. And I'm a card-carrying, dues-paying member of the Madison Trust  
46 for Historic Preservation.

1 I'm in the business of creating and preserving great public environments. I do it all over  
2 the country for universities and cities. My experience has taught me that great cities have  
3 destinations. These destinations are hubbed around great physical assets of great cities.

4 It's time for us to stop a 1960s behavior. It's time for us to begin to think about those  
5 that will follow us. It's time for us to begin a process of moving forward, understanding that we  
6 are just a simple, small part of the history of this great city.

7 I've been very involved in the re-design of State Street, the renovation of Camp Randall,  
8 the new East Campus Corridor, the Porter Boathouse. I'm re-developing the rebirth of Union  
9 South, the renovation of Memorial Union, Monona Terrace, Vilas Park Zoo, the Capital Square.  
10 And I am in ownership of the old cornus from Rennebohm's on University Avenue. And we are  
11 putting that inside of the Wisconsin Institutes of Discovery, which I am sort of the visual  
12 experience designer for new Wisconsin Institutes of Discovery. So I work with cities and  
13 universities around the country to re-develop experiential destinations that are uniquely tied to  
14 authentic community events.

15 The Edgewater project is now. It's not going to be ten years from now. It's now. This is  
16 it. There will not be another developer that will come forward and make this happen. He is a  
17 compassionate, caring man, somebody that I've known for many years, and cares deeply about  
18 this city, the city that he was born in. I care deeply about this project. My grandparents met on  
19 the Edgewater pier.

20 It's arguably one of the most iconic places in the state of Wisconsin. It must be  
21 renovated and re-developed in order to live up to the promise that John Nolen had for this city.  
22 The character and sensitivity of the design is clearly, clearly in place with what we all want to  
23 have happen in Madison.

24 I don't live across the street from the Edgewater. I did for five years when I was in  
25 college here. I don't live across the street, but I am across the street. We are all across the street  
26 from the Edgewater. We are all apart of this amazing city, its future, and we are obligated to  
27 make it a future for our children and for public access to this lake that we currently do not share.  
28 Thank you very much.

29  
30 **NAN FEY:** Thank you. The next speaker is Carol Weidel, 1237 E. Dayton Street.

31  
32 **WOMAN:** She's not, she left.

33  
34 **NAN FEY:** Okay. Let's see. Then we'll go to Jason Tish. Is he still here? Yes. 2714 La  
35 Follette Avenue, to be followed by James Tye.

36  
37 **JASON TISH:** Hi. I'm Jason Tish. I represent the Madison Trust for Historic Preservation and  
38 also the National Trust for Historic Preservation. Many people have serious reservations about  
39 this proposal, and about the ordinances that need to be pushed aside in order to legitimize it.

40 A majority of the Landmarks Commissioners decided that the tower, which hasn't  
41 changed substantially, the tower addition is not visually compatible with the surroundings in  
42 terms of mass and scale. The Committee on the Environment unanimously decided that the  
43 amendment to the waterfront setback ordinance was not appropriate. Half of the UDC  
44 Commissioners decided last week that this proposal was not right, primarily because of the scale  
45 of the tower addition.



1 Several alders have expressed serious reservations about the proposal and how it is being  
2 ushered toward approval. And many neighbors of the proposed project, people who have  
3 invested in the Mansion Hill District, and people who would be directly affected by this  
4 proposal, and serious enough concerns that they've devoted many hours of personal time to try to  
5 influence the outcome of this process.

6 The Marquette Neighborhood Association, which encompasses two of our other historic  
7 districts, has serious concerns about the ripple effect of the ordinances you're considering  
8 amending for this proposal.

9 The Madison Trust, and also the National Trust, are still also not supportive of this  
10 proposal. But it's not about a tall building per se. Tall is fine in appropriate areas. This is not  
11 really even about Edgewater anymore. This project represents a new way of doing business in  
12 historic districts.

13 What happens with this proposal will indicate how we collectively view the protection  
14 and evolution of our historic districts. Are we going to make concessions for out-scale proposals  
15 in Third Lake Ridge or University Heights if they provide jobs and tax revenue? Or are we  
16 going to value our historic districts for the irreplaceable contributions they make to our sense of  
17 place and our sense of identity? How we respond to this proposal will set the tone for those  
18 future decisions.

19 Tonight you're asked to take a few steps necessary to legitimize this proposal. In and of  
20 themselves, they may seem appropriate and legitimate, but they are incremental steps toward a  
21 larger goal. They are legislative actions intended to benefit a single project. They're irreversible  
22 and send a clear message to property developers that we are willing to entertain any project you  
23 propose in any location you propose. And to property owners in historic districts, you'd be  
24 saying that these regulations, that the regulations that maintain the scale and the charm and the  
25 value of your property are up for negotiation.

26 As I've said before, there are some positive aspects to this proposal. And we've all heard  
27 what those are. And I've repeated those at other meetings. But those benefits are not worth the  
28 compromises we're making to the protections we have in place for our lakes, our neighborhoods,  
29 and especially our irreplaceable historic districts.

30 If you have any reservations about what you're doing tonight, do the right thing, vote no,  
31 and hold out for a better project here that respects our regulations, respects the design guidelines  
32 or the Mansion Hill District, and actually enhances the Mansion Hill District. Thank you.

33  
34 **NAN FEY:** Thank you. The next speaker is James Tye, 410 N. Baldwin Street, to be followed  
35 by James Steakley.

36  
37 **JAMES TYE:** Good evening. I've been a downtown resident for over 12 years. I currently live  
38 13 blocks away from the State Capitol, and am a former resident of the Kennedy Manor. I have  
39 chosen to live downtown because of the vibrancy of living in an urban neighborhood and all of  
40 the unique opportunities that it provides for those residents.

41 The question is does this project benefit the neighborhood and the city. The answer is  
42 yes. But let's first look at the neighborhood and what is going on right now, because I have lived  
43 there. And, as Judy said, August 15<sup>th</sup>, chaos, lots of different things going on downtown. It's  
44 great. Rush happens on State Street. Lots of activity. Homecoming, there's lots of activity.  
45 Striking down Langdon Street every spring. Backyard parties of students. Rhythm and

1 Booms. Halloween. We could go on. That's why people move downtown. That's why I moved  
2 downtown to the Kennedy Manor, and that's why I still live downtown.

3 But let's also look at this. Will the hotel create more noise and more activity that's a  
4 detriment to the neighborhood? No. It's simple. Why do you build a hotel? You build a hotel  
5 to rent rooms for people to sleep, right? If the idea that the hotel is going to create an  
6 environment that's not conducive to sleeping or resting for people when they're going on touring  
7 or in town is ridiculous. It doesn't go with the business plan.

8 But let's look at the positive additions that the hotel will bring to the neighborhood. It's  
9 going to expand the view corridor, better lake access. It's going to create a community terrace  
10 on top and also the spaces at the bottom, which is really, Ken Saiki has created some great urban  
11 spaces along the lake for people to sit and relax along the lake, and enjoy the lake. You don't  
12 have to go on the pier and have a gin and tonic. You can go in front of the hotel, sit down with  
13 your family and kids and enjoy the lake, and possibly even go into the lake, which you can't  
14 currently do. So that is a new park both down at the bottom and at the top.

15 Going further down the list, it creates a better waterfront. Also, as far as projects are, we  
16 try to create projects in Madison, we give all these different things that we want somebody to do.  
17 Would you do this, would you do that? This place has shared parking. The City has been  
18 talking about shared parking for a long time. Why can't it, when everybody leaves downtown,  
19 why can't we use those spaces for something else? This is doing that.

20 Rain and water controls. They're talking about doing green rooftops. The terrace in the  
21 park, which is now, all that water just goes right down to the lake. They're going to have water  
22 controls.

23 Think about some of these type of things. Also more people, what does that provide?  
24 More safety. There's a lot of people walking back and forth to the hotel, walking up and down  
25 Langdon Street, less crime will happen, because there's people on the street to stop it.

26 And the last item, about the height. And I have lived at the Kennedy Manor, lived across  
27 the hall from Dick Baker, it is a great building. Fred does the best job in the entire city of  
28 maintaining the buildings. And I think personally that is going to be a better place to live  
29 because of all the things that happens.

30 But when you're walking out in front of the Kennedy Manor, or anything like that, do  
31 you really realize the height of a building. For example, when you walk in front of the Hilton  
32 Hotel, is the Hilton 8 stories, 11, 9, 12, 13? Who knows? Do you care? No. It's about the street  
33 activation. When you walk in front of a building, what's going on with the building? Are people  
34 coming in and coming out? Can you sit in front of the building? Are there nice bushes? That's  
35 the important thing. Does it make a difference, 8, 9, 10, 12, 13, at that point, no.

36 In conclusion, I ask this body to approve these items before you. And I have talked to  
37 many people in the city, and what they are asking is, why is this taking so long? It's very simple.  
38 It brings economic good to the city, it brings new tax dollars to the city, better lake access, new  
39 lake parks and areas, it brings new tourism, and it completes an historical plan for Madison and  
40 part of the downtown Comprehensive Plan. Thank you very much.

41  
42 **NAN FEY:** Thank you. The next speaker is James Steakley, 111 N. Franklin Street,  
43 representing the James Madison Park District Neighborhood Association, to be followed by  
44 George Austin.

1 **JAMES STEAKLEY:** Thank you. My name is James Steakley, and I live on, you've heard it,  
2 on North Franklin Street in an historic house. It was built in 1850, a one-story laborer's cottage  
3 as they put it. I guess it's one of the oldest houses in the downtown area. I've lived there for 33  
4 years now. That's been my career at the University of Wisconsin where I teach in Van Hise  
5 Hall. Of course, that's the tallest building in Madison. My office is on the 8<sup>th</sup> story. And I guess  
6 I know what eight stories looks like, and it's mighty high.

7 I'm here to voice opposition to the project, in particular to the height and mass of the  
8 tower. I think you've heard the arguments from all of the other groups, and I simply wanted to  
9 weigh in on behalf of the James Madison Park District Neighborhood Association. We, Jason  
10 Tish, from Madison Historic Preservation, referred to it earlier as the ripple effect.

11 And, of course, since we're right down the lake from the Edgewater, and since we have  
12 the James Madison Park, I'm frankly concerned about what it would look to have a building of  
13 this height go up next to, say, the Gates of Heaven synagogue or a building that we're very  
14 concerned about right now in my neighborhood association, the Frank Lloyd Wright Lamp  
15 House where there's also the notion of putting a big high-rise up around that, kind of enclosing it  
16 in some kind of a box of high-rises.

17 So my principle concern, I'm delighted at the prospect of improving the Edgewater  
18 Hotel, and I really endorse every aspect of the project involving the renovation of the older  
19 buildings. The only problem is with the height, the floors, and the massing of the tower. And at  
20 earlier meetings concerning this, we've seen alternative architectural plans that show how this  
21 whole project could be made smaller.

22 This evening, we heard from Fred Mohs how just removing these condos, which are  
23 economically a wash, could also reduce the height by two floors. And these are, you know,  
24 proposals that the Hammes Corporation has not been willing to talk about seriously with the  
25 neighbors involved and with the neighborhood associations.

26 So in conclusion, I'd like you to consider what it would like for, not just the people in my  
27 neighborhood, but like for anyone who attends the Farmers' Market on a Saturday and looks  
28 down, and looks north from the Capitol Square toward where the Edgewater is located. And  
29 you'll have this high-rise located there, blocking the view. It's going to affect the view-scape for  
30 all of us. Thank you.

31  
32 **NAN FEY:** Thank you. The next speaker is George Austin, 2316 Chamberlain Avenue, to be  
33 followed by Michael Bridgeman.

34  
35 **GEORGE AUSTIN:** Thank you, Madam Chair, and good evening. I'm a resident of the 5<sup>th</sup>  
36 District, and I've been following these deliberations the past year. And I was here at your public  
37 hearing on February 8<sup>th</sup> and offered testimony at that time. And I've continued to watch the  
38 project the past month as it's proceeded into new areas.

39 And I'm here tonight as an interested city of Madison resident. And I'm speaking solely  
40 on my own interest as a Madison resident. As I stated last month, I support the redevelopment of  
41 the Edgewater property, and I hope that your deliberations will lead you to this same conclusion,  
42 that the proposed redevelopment meets the goals of the City's Comprehensive Plan and the  
43 standards of the plan for the development-zoning district.

44 The Edgewater project will renew a tired, but important property, add to the tax base,  
45 support the important meetings and convention industry, which is a vital element of our economy  
46 and our downtown. And last, but not least, re-enforce the viability of the historic district

1 adjacent to the hotel by adding to the vitality of this important neighborhood, making it a more  
2 attractive place to own and restore the historic residences and properties, and accomplish I think  
3 what everybody wants. And that is a strengthening of this area of our city.

4 It is this broad view, through the balancing of all these important and sometimes  
5 competing interests that the Plan Commission, through your deliberations, is helping to shape  
6 what I believe is a truly remarkable project, and one that I believe has earned your support.

7 There's one item I'd like to address this evening. It is the issue of whether the proposed  
8 development meets the standards for approval for zoning map amendments, and more  
9 particularly, is the proposed Edgewater Hotel re-development compatible with the physical  
10 nature of the site and area, and will it produce an attractive environment of sustained aesthetic  
11 desirability, economic stability, and functional practicality compatible with the City's general  
12 development plan.

13 For me, this is the lynchpin issue. If yes, it should be approved. If no, it should be  
14 rejected. The Plan Commission has received extensive testimony from the developer, from  
15 committed neighborhood residents, and other citizens. However, in the end, this finding needs to  
16 be made only by you and the Common Council.

17 In my opinion, this project is in the public interest and consistent with the Comprehensive  
18 Plan, as I testified to last month. Further, the proposal, through the diligent work of this  
19 Commission, and the other City Committees, will improve the environmental and aesthetic  
20 design of this existing property while insuring the substantial compliance with the basic intent of  
21 the zoning code. The Staff Report you have received re-enforced this conclusion.

22 The give and take that has been an element of the review process has improved the  
23 project. You have achieved a greater building setback from the Wisconsin Avenue right-of-way  
24 as well as other important design considerations. But in the end, the project must still work as an  
25 economically viable land use. A building of lower Madison height isn't economically viable,  
26 and therefore, is unsustainable as a land use.

27 The modifications made to the proposal re-enforce that it's compatible with the physical  
28 nature of the site and the area that will produce an attractive environment of sustained aesthetic  
29 desirability, economic stability, and functional practicality, all being compatible with the City's  
30 general development plan.

31 The Edgewater meets the Comprehensive Plan vision statement which states that, not  
32 only this project, but projects within this area should re-enforce an urban environment,  
33 characterized by a sensitive blending of carefully preserved older structures, high-quality new  
34 construction, architectural gems, and engaging public spaces.

35 To conclude, you sifted through the inherent contradictions within a complex set of  
36 policies and standards, have then carefully weighed them in your deliberations on a complicated  
37 land use proposal. I know that, under such circumstances, reasonable people can disagree. But  
38 in the end, I believe this project clearly passes the many tests that have been put before it. If  
39 approved, the Edgewater will prove to be an asset to the neighborhood, contribute to the  
40 economic health of the city, and be a source of pride for its citizens. Thank you.

41  
42 **NAN FEY:** Thank you. The next speaker is Michael Bridgeman, 106 S. Franklin Street, to be  
43 followed by Trey Sprinklman.  
44

1 **MICHAEL BRIDGEMAN:** Hello. I'm a downtown resident. I live in First Settlement. I'm  
2 on the board of the Madison Trust for Historic Preservation, and a docent. I devised the Mansion  
3 Hill tours for the Trust several years ago. But I'm speaking on my own behalf.

4 When reviewing the Staff Report, I was taken by a particular point, one that hasn't been  
5 mentioned, maybe not the most important point, but a point nonetheless. When one focuses on  
6 the criteria, Criteria 1, Sub-point A, says that PUD projects are to be, quote, compatible with the  
7 physical nature of the site or area. Consider the physical nature of the site. It's along a glacial  
8 ridge that extends along the southeast shore of Lake Mendota. There's a dramatic slope to the  
9 lake. At its highest point, roughly where the National Guardian Life building is, we're about 80  
10 feet above lake level.

11 The point is that the terrain is dramatic and, for the most part, has been left alone as the  
12 model quite eloquently shows. The 1946 apartment building, and it was at first an apartment  
13 building, did some damage to the shoreline. That is, until the 1970s addition, which did  
14 significant damage to the site. So let's not continue this.

15 I do continue to be disappointed that the plan doesn't really respond to the specialness of  
16 this particular site. I think it's an unimaginative approach, dare I say generic, for a unique site.

17 The most visible parts of this plan, the tower, could be in any small- to medium-size city  
18 in the United States. The plan flattens the site. It neutralizes the site. It destroys the site. It  
19 further obliterates the terrain, a terrain that is unique to this place, to this Isthmus between the  
20 two lakes. And frankly, the site deserves better than this.

21 I'd like to believe that a plan could be developed that enhances the site. And I encourage  
22 the Commission to consider Criterion 1A, the physical nature of the site. I think the reasonable  
23 conclusion is that the proposal fails to meet this standard, and that sets a dangerous precedent for  
24 the rest of the lakefront. Thank you.

25  
26 **NAN FEY:** Thank you. The next speaker is Trey Sprinklman, 11 Cambridge Road, to be  
27 followed by Kitty Rankin.

28  
29 **TREY SPRINKLMAN:** Thank you for your time. I graduated from the University of  
30 Wisconsin in 1996, and the sole reason I actually stayed in Madison, Wisconsin was for the  
31 lakes. I don't hear a lot of people talking about the use of the lakes. I'm an avid boater, sailor, I  
32 like to water ski. I have three children who live in Madison, and I can honestly tell you that, as  
33 an avid boater, I'm very limited to where I can go on the lake to actually enjoy a meal.

34 Other than the Von Rutenberg family, my boat is not allowed to park at the University of  
35 Wisconsin-Madison, even though I'm an alum. I can't stop with my boat to actually use a  
36 restroom, grab a burger or a brat with my children and my wife and my friends. And so, I really  
37 stand up here and ask you as a Commission to consider the people who use the lake, the  
38 fisherman, the sailors, the boaters, because there's very little business on the lake.

39 And I'm on the east side. I'm on this side of the Isthmus. And so for me to go over to  
40 the Mariner's up in the west port, over to Captain Bill's over in Middleton, it's a long trek. So I  
41 really enjoy going to the Edgewater, but I can tell you that it's underutilized, it's a dangerous  
42 approach from the lakeside, you can only fit two to three boats at the pier. I can honestly tell you  
43 that the food is marginal at best, service is marginal. The place is blighted.

44 I also do business at the Edgewater, and the reason I do it is because I like to support  
45 local business. But I can honestly tell you that the people I bring there do not appreciate the  
46 aesthetics of the hotel, the food at the hotel, the service at the hotel, so I really look at the

1 Edgewater Hotel re-development, and obviously, I'm in support of it, not for the rooms, but  
2 really for the future for my children and the quality of life that I decided to stay for.

3 And so, as a lake user, I hope this Commission considers the fact that there's other people  
4 that look at this project, not from the street side, but from the lake side. And every picture I ever  
5 see in any publication, whether it's the University or Better Business Bureau, is sail boats, boats,  
6 people swimming in our lakes. So really look at it from that aspect when you're making your  
7 decision. Thank you.

8  
9 **NAN FEY:** Thank you. The next speaker is Kitty Rankin, 2818 Ridge Road, to be followed by  
10 Susan Schmitz.

11  
12 **KITTY RANKIN:** My name is Kitty Rankin, and I'm here tonight representing myself. A year  
13 ago, I retired after serving as the Preservation Planner for the City of Madison for 30 years. In  
14 the interests of brevity, I will concentrate my remarks on one issue. I believe that the building is  
15 simply too large for its site and too large for the neighborhood.

16 The most important element in determining if a new building will fit into an existing  
17 neighborhood is its mass or scale. The Landmarks Commission's criterion of gross volume is  
18 one way of addressing this. Although typically the Plan Commission reviews the report from the  
19 Landmarks Commission on a large project, the Landmarks Commission has not yet seen the  
20 revised plans.

21 But we know that the Landmarks Commission, in reviewing the original proposal,  
22 determined that it would violate the Landmarks ordinance, which requires that the gross volume  
23 of a new building be visually compatible with the surrounding buildings. In fact, the gross  
24 volume of all of the surrounding buildings combined, including the National Guardian Life  
25 building, is, would be greater, I'm sorry, the gross volume of this new building would be greater  
26 than all of the surrounding buildings including the National Guardian Life building. The revised  
27 design that is now before you is even larger. And I have a strong hunch that the Landmarks  
28 Commission will not approve it when the design is brought before them.

29 And then there is the issue of height. The Staff Report states that in Mansion Hills sub-  
30 district of the Comprehensive Plan, the maximum building height should be, quote, unquote,  
31 established by underlying zoning. That in the R6H zoning district equals 50 feet. The proposed  
32 building would over twice that height.

33 For the benefit of the citizens watching, the height of the proposed project is a valid  
34 discussion point. The Plan Commission must consider the existing zoning requirements to  
35 determine the benefit to the city of overlooking those rules for a PUD.

36 Second, the underlying zoning rules of 50 feet were adopted to insure compatibility of  
37 new development. Compatibility is an important criterion in the PUD standards, the conditional  
38 use standards, and in the Comprehensive Plan requirements.

39 As you know, a building can appear smaller if it is set back from the street. The  
40 developer acknowledges concern in their revised plan. However, a 0-foot setback for the first  
41 two stories, with a portion of the front corner in the city right-of-way, and a 15-foot setback of  
42 the upper stories are not sufficient to adequately reduce the apparent size of such a large  
43 building.

44 From the crest on the hill of Wisconsin Avenue, nearly the entirety of the south-facing  
45 side will be in the direct line of sight, because the National Guardian Life building next door is

1 set so far back. Not only will it be visible, but it will become the focal point for the entire  
2 neighborhood, and a looming presence for the public enjoyment of our view of Lake Mendota.

3 In my opinion, the only way to mitigate the massive scale and height of the proposed  
4 building would be to line up the plaza façade of the hotel at or close to the 70-foot setback of the  
5 adjacent National Guardian Life building. This would also have the benefit of moving the drop-  
6 off parking out of the city right-of-way, thus preserving the original intention of James Duane  
7 Doty who drew up the original plat to emphasize the use of our lakes by retaining public right-  
8 of-way to the lakeshore.

9 Mansion Hill is a unique local historic district, a National Register of Historic Places  
10 Historic District, and a valuable downtown residential area. Please follow the Comprehensive  
11 Plan's objectives by rejecting this project. All of us who live and visit Madison, and especially  
12 the residents of Mansion Hill, deserve no less. Thank you.

13  
14 **NAN FEY:** Thank you. The next speaker is Susan Schmitz, 210 Marinette Trail, representing  
15 Downtown Madison, to be followed by Gene Rankin.

16  
17 **SUSAN SCHMITZ:** Thank you, and in respect to what you laid out, Ms. Fey, I will be very  
18 brief, because a lot of what I was going to say has already been said, and it has been said very  
19 well.

20 But I am representing Downtown Madison Incorporated, and I do, this evening, and I do  
21 want to read something to you, a quote, DMI supports the concept of expansion, re-development  
22 of the Edgewater property for its economic development benefit. And we endorse the concept  
23 relative to enhancing public access to Lake Mendota and possible TIF benefits such as for  
24 historic preservation in Mansion Hill. We expect further city and neighborhood processes to  
25 review design issues. Unquote. This statement was approved by the DMI Board of Directors on  
26 March 17<sup>th</sup>, 2009.

27 Much has been said about this proposed project, and tonight I would like to briefly talk  
28 about it from your perspective as Plan Commissioners. Over the years, the city has supported  
29 many projects in the urban core. The city has also supported many big urban design projects.  
30 What I mean about this is allowing our current institutions and businesses to re-invest and grow  
31 in a way that keeps them our urban core and provides needed density. Good examples are St.  
32 Mary's and Meriter. These are institutions that were encouraged to expand on their existing  
33 sites.

34 The proposed Edgewater project is in the same category. It is a site that is sorely in need  
35 of re-development and expansion. With the demand for more access to our lakes, this proposed  
36 expansion can do what is called for in the city's Comprehensive Plan, building and supporting a  
37 downtown that is a destination for not only people from the surrounding area, but also for people  
38 from around the globe. The Edgewater site is the ideal location to accomplish this.

39 And, in addition, there are obvious jobs that can be created, not only to our downtown,  
40 but also to our city as a whole. I would encourage you to support this wholeheartedly. Thank  
41 you.

42  
43 **NAN FEY:** Thank you. The next speaker is Gene Rankin, 2818 Ridge Road, to be followed by  
44 Attorney Michael Christopher.

1 **GENE RANKIN:** My name is Gene Rankin, and I appear on my own behalf. I was born in  
2 Madison, I have lived here most of my life, and I've practiced land use law for over 30 years. I  
3 appear in opposition to the Edgewater proposal.

4 Perhaps the most important issue before you is the sanctity of the rule of law. The law  
5 must be consistent and predictable to be fair. Thus far, the law has not been applied in a  
6 consistent nor in a predictable fashion. To serve this project, and this project only, the city has  
7 changed the setback requirements, the right-of-way requirements, the shore-land requirements,  
8 and seeks to eliminate the landmarks requirements, and to violate its own Comprehensive Plan.

9 The proposed PUD will violate both of the existing zoning district requirements, both the  
10 R6H and the Mansion Hill historic district. It will exceed the gross area of either by over 50%, it  
11 will have none of the required side yards, none of the required setbacks, and will exceed the  
12 height standards set by both and by the City's Comprehensive Plan.

13 While it is true that a PUD effectively trumps the existing codes to a certain extent, it's  
14 also true that the existing codes set the context into which the PUD must fit. The context is that  
15 of a residential neighborhood, for the overwhelming majority of structures and uses in the  
16 Edgewater's neighborhood are residential in nature.

17 The Edgewater project is also a conditional use. Conditional uses have, obviously,  
18 conditions. And the City's ordinance absolutely requires that, among other things, the proposed  
19 use must not be detrimental to the public welfare, must in no foreseeable manner substantially  
20 impair nor diminish the uses, values, nor enjoyment of the other established uses in the  
21 neighborhood.

22 It must also conform to all applicable regulations of the district in which it is located.  
23 Now you can't just wish away the regulations in the present zoning districts, just because a PUD  
24 can allow you to do so. Those regulations are there for an express purpose to preserve the  
25 neighborhood that is already there. By brushing them aside with a PUD, you inevitably violate  
26 Conditions #1 and #3, the mandatory standards of conditional use ordinance, by enabling an out-  
27 of-scale intrusion.

28 It has been said that the developer will sue if he doesn't get what he asks for. I can tell  
29 you with confidence that such a lawsuit hasn't much of a chance. You do not have the duty to  
30 exceed to his demands. You do, however, have the duty to the residents of the neighborhood and  
31 to the city of Madison who rely on even application and enforcement of the law.

32 If you fail in that duty, and approve this project, I can tell you with equal confidence that  
33 you will invite a lawsuit from the citizens adversely affected by your decision. This statement  
34 should by no means be seen as a threat rather it is a warning. Bend the law to serve influential  
35 and moneyed interests, violate the standards that have protected neighborhoods for over 40  
36 years, and one question will be raised. If you can do this to the oldest historic district in town,  
37 what remains to protect the rest? Thank you.

38  
39 **NAN FEY:** Thank you. The next speaker is Attorney Michael Christopher, 2 E. Mifflin Street,  
40 representing the Hammes Corporation, to be followed by Patricia Sheldon.

41  
42 **MICHAEL CHRISTOPHER:** Thank you, Madam Chair. I guess I'm representing the  
43 moneyed interests, but no, I represent the Hammes Company, which I think, I think there's a lot  
44 more at stake in this project than this particular project for you. And I think the development  
45 community in general, in Madison, is looking very, very carefully at this project, because they  
46 are absolutely amazed that this project has not been approved at this point.



1 Mr. Dunn has provided every single piece of paper that the City and the neighborhood  
2 wants, he has negotiated in good faith from the very beginning. And a lot of people are saying,  
3 boy, if he can't get this through, you know, I don't know what we're going to do in terms of  
4 development in this city.

5 I know there's been a lot of words, both oral and written, about this whole project, but if  
6 there were two things that I really think are the most important is number one, your planning unit  
7 Staff Report, which I think is an outstanding report, and second of all, the minutes of the Urban  
8 Design Commission.

9 Now let's talk about the Staff Report first. It's very interesting to notice that the word  
10 landmarks, or what the Landmarks Commission did, is not referred to in this report at all. And  
11 there's a very simple reason. The Landmarks ordinance and the Landmarks Commission is on a  
12 totally different track. It has, it's not like the Urban Design Commission, which is to make  
13 recommendations to you. The Landmarks Commission is on a totally different track. And their  
14 track is to decide whether a Certificate of Appropriateness should be granted or not, for a  
15 particular project. Well, there is no project at this point. So the Landmarks issue is completely  
16 off the table and should not be considered by you at this point.

17 Second of all, I want to bring up what some people may seem to be, may think is a  
18 technical legal issue, but I don't think it is. And that is this. Standard 1A, okay, everyone has  
19 been talking about this standard and the PUD ordinance. And it talks about that the  
20 improvements are compatible with the physical nature of the site or area. It doesn't say site and  
21 area. And obviously, I'm not talking legalize here, if something says A or B, that means either A  
22 is complied or B is complied with, not both. And so it seems to me that you should really  
23 consider this in terms of the compatibility with this ordinance.

24 In terms of the comments from the Urban Design Commission, I've often said that if  
25 Madison had a Thomas Jefferson, Dick Wagner would be on the short list. And Dick Wagner's  
26 comments before the Urban Design Commission, I urge you to review those comments. And  
27 basically, what he has, what he said in his comments is that decisions have to be balanced, okay.  
28 On, there's no perfect solution, there's no perfect project here. We have a project that has  
29 overwhelming advantages, and yes, maybe some issues. But you have to balance those two  
30 issues, those, the pluses and the minuses. And that's, and I think that if you do that, the result  
31 will be clear to me. So I urge you to support this tonight.

32  
33 **NAN FEY:** Thank you. The next speaker is Patricia Sheldon, 504 Wisconsin Avenue, to be  
34 followed by Jim Carly.

35  
36 **PAT SHELDON:** My name is Pat Sheldon, and I live at 504 Wisconsin Avenue. I grew up in  
37 Wisconsin, but lived all over the United States. Let me give you a bit of a background, from  
38 New York to California to Chicago to Houston to Dallas to Boston, and then back to Wisconsin.  
39 I've lived in big cities, small towns, and suburbs, old, new, in between, good and bad.

40 In 2001, I took a job in downtown Madison. I commuted from Stevens Point daily for  
41 over a year while I looked for a place to live. I was looking for a place to live near downtown so  
42 that I could be close to work, shops, library, concerts, and I guess people in general, and yet have  
43 a neighborhood setting.

44 The winter commute became a real issue, as you might know, and, for me, and someone  
45 that I worked with told me about the Kennedy Manor, and that I didn't need to sign a long lease.

1 If I went there, I could do it monthly. I could stay in Madison during the week, and to back to  
2 Stevens Point on the weekends while at the same time looking for a permanent residence.

3 When I asked where it was located, not knowing much about Madison, I was told about  
4 the Mansion Hill area, and that it was close to the University. This surprised me because the one  
5 thing I was told was that I shouldn't live near the University, all that noise, students, mopeds,  
6 bikes, parked all over, etc. I decided that, as long as it was just temporary, I'd go to the area and  
7 see what it looked like.

8 I drove up Wisconsin Avenue expecting the worst. It just wasn't there. What I found  
9 was just what I was looking for, a really nice neighborhood, trees, green grass, wonderful old  
10 homes, a beautiful lake, people walking around, quiet, except for Thursday nights, but nothing's  
11 perfect, reminding me of one of my favorite places, which is Boston. What I didn't see was what  
12 I've since been told was life as it existed before the ordinances and protections were put in place  
13 for what is now known as the Mansion Hill Historic District. I made up my mind, then and  
14 there, that I would make this place my home. And luckily, I found the perfect spot where I've  
15 lived now for six years.

16 When I hear that I lived downtown, and it's really not a cohesive neighborhood, but  
17 rather a collection of buildings merely housing students and those of us who could possibly lose  
18 protections because, after all, we chose to live in the city, I think to myself, have you ever spent  
19 any time in my neighborhood. And I don't mean just a few minutes or to go to a restaurant for  
20 an hour. I mean some real quality time. This isn't downtown, it's minutes from downtown, but  
21 it isn't downtown.

22 I see the Edgewater every day, and I do realize that it's need of rehabilitation and  
23 renovation. What I don't see is a larger-than-life structure that will diminish all the wonderful  
24 homes, whether single-family, condos, or apartments, that make up this neighborhood. I don't  
25 see these two things, that we have these choices. Leave it as it is or buy into a proposal grossly  
26 out of proportion to what surrounds it in both height and mass. I believe that with some creative  
27 thinking and planning, two things could be accomplished.

28 The City can continue to uphold the zoning laws and ordinances that now protect this  
29 historic neighborhood and those who have invested in making it what it is today. Do you know  
30 what a gem you have? And at the same time, invest in a hotel that provides to visitors that same  
31 unique setting and compatibility while being minutes away from downtown.

32 Your decision on this proposal, your decisions are far reaching. Once built, there is no  
33 turning back. Thank you.

34  
35 **NAN FEY:** Thank you. The next speaker is Jim Carly, 8501 Old Sauk Road, to be followed by  
36 Joe Lusson.

37  
38 **JIM CARLY:** Thank you. Hello, I'm Jim Carly, as has been said. I've lived in Madison for  
39 40-some years, and I have a lot of experience in this type of project. I've built some 25 hotels  
40 across the country, major hotels, and a lot housing, and a lot of other types of projects as well,  
41 housing some 10,000 units around the country, and have dealt with hundreds of cities, both in  
42 my development experience as well consulting with cities, planning departments, individuals in  
43 other developing companies. And therefore, I've got a little experience in having done that type  
44 of thing.

45 This is an outstanding project. And I'm a hundred percent in favor of it. It's a project  
46 that will enhance not only the site, which needs a lot of enhancement, but also the neighborhood

1 and the city. It obviously will bring great benefits to the city in many ways such as tax benefits,  
2 not as one person has suggested earlier that it might be draining the taxpayers to put money into  
3 it. They won't be. They'll be getting a lot of money back. The City will be getting tremendous  
4 benefits from taxes, and of course, employment.

5 Anyway, I developed a project in the neighborhood, so I have a fair amount of experience  
6 in the neighborhood, on the end of Pinckney Street on the lake. I developed the condominium  
7 there. Some call it Pinckney Place. I just visited it last week again. I lived there for a number of  
8 years on the top floor. And I visited it just last week again to take advantage, to take a look at  
9 that wonderful view again, and I understand they have a hundred percent of the residents of that  
10 building in favor of this project. These are your neighbors, and they want to benefit from it as  
11 you will benefit from it. And you will be greatly enhanced.

12 The project itself has been improved greatly. There are setbacks both on the top floor  
13 and on the floor of the low-rise building on the edge, on the west edge of the project of the site  
14 itself. Excuse me. And that enhances the building greatly. People will be on the balconies on  
15 those off-set areas and will be able to take in the appearance of the lake and the activities on the  
16 public spaces and so on, as well as on the lake. And it greatly improves the building itself. And  
17 I think it's a marvelous building.

18 But there's no other way to get, an important point, to get that, the old tower enhanced or  
19 improved again unless you put enough money into the project to be able to justify doing that  
20 development, that improvement of the old building. I've done a number of projects, not only  
21 new development, but many, many buildings that I've had, that are historic buildings across the  
22 country, about 20% of my business was historic, were in older buildings being re-done. And  
23 many were historic projects, and many of them were, won awards architectural awards as well as  
24 historic awards.

25 Anyway, based on my experience, I think that it's a wonderful project and would be a  
26 great enhancement to the city. Thank you.

27  
28 **NAN FEY:** Thank you. The next speaker is Joe Lusson, 627 E. Gorham Street, to be followed  
29 by Gary Peterson.

30  
31 **JOE LUSSON:** Thank you. I don't envy you guys. Your decision, it must be feeling like the  
32 Twilight Zone about now with, I think, respected people, articulate people on both sides of the  
33 issue. I think it may come down to whether you think government is here to represent the have-  
34 nots, the have-somes, or the really have-a-lots.

35 I'm speaking as an individual restoring an 1856 home and the loosely regulated Wild  
36 West end of the Tenney/Lapham Neighborhood. My wife and I, perhaps foolishly, feel that the  
37 historic homes in the central city still have a future other than tear-downs or shadows.

38 I don't live in Mansion Hill, but my wife and I, as I mentioned, love to walk through it  
39 when we go to the Edgewater pier, to the Union, or to State Street. In the past, we may have  
40 aspired to one day own a home in Mansion Hill, but now given the way things are looking and  
41 the attitude of the current city administration, we no longer aspire to that. And I'm sad about  
42 that.

43 We care about the scale and historic character in Mansion Hill for the same reasons we  
44 care about it in Madison's other historic neighborhoods. We believe that history is worth  
45 protecting, and that the mass and scale of new buildings in historic districts is critical. If you  
46 vastly increase the size of the buildings and the intensity of the land use in a residential area, you

1 are doing a huge disservice to those who have invested money and sweat equity in restoring the  
2 historic fabric of the neighborhood.

3 By allowing an eight-story tower in a designated historic district, you would be eroding  
4 the city's land use protections when you should be strengthening them. There are so many  
5 things wrong with the proposal that a few minor tweaks to driveways, etc. and laughably  
6 inconsequential. That the developer would have the gall to try to break all the rules is one thing,  
7 but that the mayor and the Council leadership would take an active hand in making it happen is  
8 unfathomable. I ask that you not follow that lead.

9 From historic protections to lakefront and water quality protection to public right-of-way  
10 to lake views to public funds to school tax based, the dedication of volunteer City Commission,  
11 such as yourself, and blowing the once-in-a-lifetime library plan, it's hard to know where to  
12 begin by spending so much time on this Edgewater proposal instead. I encourage you tonight to  
13 begin by saying no this blatant misuse of public resources. Thank you.

14  
15 **NAN FEY:** Thank you. The next speaker is Gary Peterson, 210 Marinette Trail, to be followed  
16 by James McFadden.

17  
18 **GARY PETERSON:** Excuse me. Good evening. I am Gary Peterson. I am President of the  
19 Wisconsin Chapter of the American Planning Association, but I am here to speak for myself.  
20 This is not a project of minutiae, this is a project of vision, extremely visionary project. And I  
21 mentioned before, you know, we have Monona Terrace moving to the Capitol, and now we go to  
22 a great project at the Edgewater.

23 As President of the Wisconsin Chapter of the American Planning Association, we just  
24 had our conference in March right here at Monona Terrace. And we had, one of our speakers  
25 was the President of the American Planning Association. And without requesting that he say  
26 anything when he got to the podium, he thanked us for inviting him to Madison, and to Monona  
27 Terrace. He loves the facility. He always cherishes the opportunity to come here.

28 He was followed by the President of the American Society of Landscape Architects, who  
29 said the same thing, wonderful facility. I love Madison. The Edgewater is going to be that same  
30 kind of facility. It's going to attract people from all over. It's going to be recognized by the  
31 presidents of design professions here in the United States.

32 I'm also a member of the DMI Design Professionals Group that is assisting the City with  
33 the downtown plan. And when we started on it, we were given in to the findings that the City  
34 had discovered when they did their first public or citizen participation programs on the  
35 downtown plan. And one of the major aspects that the citizens had come up with is they want an  
36 expanded lake access. And this project meets that criteria. It's certainly a very big plus.

37 You know, you got a blighted building, you got a blighted environment, it's not only  
38 going to make its standard, but it's going to make it an attraction. It's going to take what's now a  
39 negative and turn it into truly a plus. And again, it's a place where, when it's done, you can take  
40 your children and grandchildren, and you can go there and say, I had a positive role in making  
41 this fantastic facility happen.

42 Just one comment on some other people's comments, remember, this is in conformance  
43 with the Comprehensive Plan. That's a very major element, and kind of under the consistency  
44 law that we now have in Wisconsin, if you're going to propose something in conformance with  
45 the Comprehensive Plan, hopefully, you will approve it. Thank you.

1 **NAN FEY:** Thank you. The next speaker is James McFadden 5 N. Broom Street, to be  
2 followed by Alan Fish.

3  
4 **JAMES MCFADDEN:** So far, I'm in agreement with everybody. I think it's very important to  
5 realize that it is totally possible to fully realize all the hopes brought up by the supporters. It's  
6 fully, more importantly, it's fully possible to fully, to accommodate every, any and all spaces  
7 identified as crucial and critical by the developer in a building considerably smaller than what is  
8 proposed.

9 Specifically, we could eliminate, we could have a building that is three stories shorter, as  
10 importantly, that does not intrude into the 15-foot setback, and does not basically require a  
11 retaining wall. These last two effectively block to a considerable degree the view gained by the  
12 removal of the '72 addition of the lake, and as importantly, of the Edgewater.

13 How do we do this? I put in your, I sent something and put it in the packet of, I went  
14 through this space by space, floor by floor. What I would like to do, rather than go through all  
15 that, is just illustrate a couple of, two areas in particular.

16 Typical floor, as proposed, you know, as re-considered. What I have done is by, again, it  
17 was an issue raised in Urban Design. It was never answered. But by marginally increasing the  
18 size of the floor, increasing its depth by eight feet, increasing its length by seven feet, more  
19 importantly, by re-aligning, intelligently and coherently, the services necessary to support the  
20 floor, therefore, clearing up the perimeter for rooms, just like this building, we increase the floor  
21 plate by 25%, but we increase the number of rooms by 46%, from 22 to 32. As importantly,  
22 where height is of crucial importance, we're able to accomplish in two floors what it takes three  
23 floors in the floor plan as proposed.

24 Again, another, just as illustration, again, the parking, there's still not sufficient parking  
25 to take care of, regardless of whether it's a PUD or not, there's not sufficient parking to take care  
26 of the businesses proposed on this site. Parking was added, but it was added to convenience the  
27 National Guardian Life employees. Again, it's forcing guests and patrons of the hotel to  
28 basically traverse, long, vehicular and pedestrian tunnels under the ground.

29 Simply by re-orienting the building, or the parking 90 degrees, extending it under the  
30 building, we do two things. We increase the parking from 350 to 450 stalls, about what is  
31 necessary. We convenience both the employees of the National Guardian and of the building,  
32 reduce the travel times necessary that we're forcing patrons to traverse dramatically.

33 The big thing is we have, we can accomplish everything everyone here is speaking about  
34 by simply re-looking at the plan. Again, again, I agree with everybody. This is impossible, but  
35 we need a forum other than the forum, argumentative forums that we have here, to really  
36 seriously sit down and subject this plan that is submitted to some serious value engineering. And  
37 again, the controversy disappears.

38  
39 **NAN FEY:** Thank you. The next speaker is Alan Fish, 1533 Morrison Street, to be followed by  
40 Cedric Price.

41  
42 **ALAN FISH:** Thank you. Ten thousand years ago, the glaciers left us this great gift, the glacial  
43 drumlin, where we put the Capitol, the glacial drumlin where Bascom Hall is, and these four  
44 lakes.

45 We didn't develop with our, around the lakes, as the town developed, we had our backs  
46 to the lakes because the lakes were full of sewage, and they were unattractive and they were a

1 mess. So when you look at how we have developed as a city, we've had our backs to the lakes  
2 for a hundred years. And now, as we're spending time trying to clean up our lakes, we need to  
3 re-focus our development to embrace the lakes as well so that more people can enjoy them.

4 So I'm not here to argue finances or ordinances, although I would point out that the  
5 Charter Street heating plant is also zoned R5. So if you could work on that, perhaps at a  
6 different meeting, that would be appreciated.

7 Developing next to the lake, like we do on campus, and like you're trying to do here as  
8 well, is not only important, it's expensive. At \$185 a square foot, to build a property in the  
9 downtown area, you need to have density, and need to have height, and you need to have  
10 infrastructure to support that kind of investment. And that means that your job is hard because  
11 you have to balance what a developer needs to have a viable business project with the legitimate  
12 concerns that people have about density and how it fits in with the neighborhood. So that  
13 balancing is critical.

14 But there are very limited opportunities for lakefront development in downtown. Where  
15 are the marinas, and the restaurants, and the places to walk, and have stores and have amenities  
16 on our lakes? They hardly exist. And it is a missed opportunity that gradually over time we'll  
17 probably have to invest in. Monona Terrace was a great step forward, but even that really  
18 doesn't embrace the lake because it had to go over it.

19 This is a project, similarly, that is on very challenging topography and site. They  
20 managed to figure out a way to put a business plan together that works. And they have their job.  
21 In fact, everyone has done their job. The developer has tried to put together a proposal and  
22 adjust, the neighbors and the Historic Preservation have pressured them to improve the project,  
23 and in your process, you're the fulcrum, you have to decide, you have to make that balancing  
24 point.

25 And the point I make tonight is that we don't get very many opportunities to make a great  
26 statement that embraces the lake and brings people opportunities to be there, rich and poor alike  
27 in a variety of different ways. This is a signature opportunity for the city. Let's not lose it. Let's  
28 make that investment. Do your balancing job. Push them to do as good a development as they  
29 can, that makes sense, but approve this project. Thank you.

30  
31 **NAN FEY:** Thank you. The next speaker is Cedric Price, 380 W. Washington Avenue, to be  
32 followed by Delora Newton.

33  
34 **CEDRIC PRICE:** Good evening. My name's Cedric Price. I have a Bachelor of Science and  
35 Architectural Studies, and my thesis for my master of architecture degree was written about the  
36 phenomenology of architecture and its application in assisted living facilities. I'm also a veteran,  
37 and more importantly, a concerned member of this community. My primary concerns with this  
38 proposal deal with the way ADA guidelines and accessibility issues are handled by this proposal.

39 While the minimum requirements for ADA accessibility is met, it certainly isn't very  
40 nice. To get to the water or the original hotel, a person with mobility problems is forced to use  
41 the equivalent of the servant's entrance with none of the views and or considerations that have  
42 been provided for those that are able ascend or descend stairs. The entire experience that a  
43 disabled person visiting this site seems designed after the fact and treats these people as a thorn  
44 in the side to be dealt with rather than an inclusive experience that can be shared by all. Disabled  
45 people would be on the outside looking in, or quite literally on the inside looking out. And that's  
46 only if there are windows along the way.

1 I've prepared these boards to illustrate the paths that disabled persons, or people with  
2 children in strollers, or with bicycles, or people that don't want to take that amount of stairs need  
3 to navigate this site. The first orange path on this board is the path that one would have to take if  
4 one wanted from the garage into the water, a total of 930 feet. The green path is the path  
5 required if a disabled person would be staying in the Lower Level Six and wanted to go to the  
6 restaurant, which is a total of 778 feet and two trips in the elevator.

7 This next board shows the path that one would have to travel from Langdon to get to the  
8 water if you have mobility issues, a total of 715 feet. The second green path is what would be  
9 required if there would be a ramp to a public elevation similar to the one at Monona Terrace,  
10 traveling only 160 feet. Actually, it could be done in 130 feet, that's with 2 stops along the way.  
11 So it's very doable.

12 The drawing to the right shows how exclusive, or non-inclusive rather, this design is.  
13 The red areas are the areas that disabled people simply cannot go. There is no way. The orange  
14 areas are the areas that a disabled person can only access by entering and exiting the hotel.

15 I don't think this design is considerate of a large part of our community, and it goes in the  
16 opposite direction that Madison is known for. So I oppose this proposal on behalf of the  
17 disabled, disabled veterans, our elders, and our children. Thank you.

18  
19 **NAN FEY:** Thank you. The next speaker is Delora Newton, 615 E. Washington Avenue on  
20 behalf of the Greater Madison Chamber of Commerce, to be followed by Fae Dremock.

21  
22 **DELORA NEWTON:** Hi. Re-investment and growth is very important to the economic  
23 vitality of this community, and any community for that matter. The Edgewater project is a great  
24 example of something that will both re-invest, revitalize, and improve the economy in the city of  
25 Madison.

26 My husband and I moved here over 20 years ago. And one of the things that really struck  
27 us was the limited public access to the lakes. We couldn't believe it, because we were excited to  
28 move here, read all about the lakes, heard about the lakes. And then we were driving around  
29 trying to find out, you know, about the community that we now lived in. And we were like, well,  
30 how do we get to the lake? There's very limited public access.

31 The Edgewater project, the revitalization can add a lot of public access. I've heard some  
32 people say, well, why do we need more public access? We have James Madison Park. And you  
33 do. It's a great site. It's a wonderful opportunity to families to go in a more casual atmosphere.  
34 But it's not appropriate for the experience that everybody wants to have.

35 You can go to Union Terrace. Again, a really nice place to go and hang out, but you have  
36 to pay to be a member, and not everybody wants to do that or is in the position to do that. And  
37 again, it's one kind of experience.

38 The Edgewater Hotel would provide a different kind of experience for the public, and a  
39 couple different kinds with their public space on their park-like terrace, also their restaurants, and  
40 their pier. You already heard from people who can, you know, looking forward to being able to  
41 pull their boat up, dock at the pier, go have dinner, you know, drinks at the restaurant, whatever.  
42 It's different kinds of experiences. They're going to add to the vitality of this community, which  
43 is an important thing.

44 But it's also going to improve the economic vitality of the community at large, because  
45 it's going to add to the tax base. And that's an important thing as well, especially in this tight  
46 economic time.

1 But I also want to augment a little bit about what Michael Christopher said in terms of  
2 what this project means to the business community at large. There's a lot of people who, you  
3 know, want to invest in a community. And they look at Madison as an option for investment.  
4 They're looking at projects like this to see what it takes to get a project that's innovative and  
5 creative, and what it takes to get it through. And there has been a lot of work on this project by a  
6 lot of people, and a lot of committees, and you guys have heard all these testimonies more than  
7 once. And so I applaud you all.

8 The neighborhoods have been heard. The developer has made a lot of concessions to  
9 accommodate those concerns. It's time to make a decision, and it's time to look at the balances  
10 other speakers said. And I think this project is a great example of balance that can bring a lot of  
11 economic vitality to this community. And our Board of Directors would encourage you to  
12 support it. Thank you.

13  
14 **NAN FEY:** Thank you. The next speaker is Fae Dremock, 1211 Rutledge Street, to be followed  
15 by Erica Fox Gehrig.

16  
17 **FAE DREMOCK:** This project is huge. It's a three-ton elephant at the base of Mansion Hill.  
18 There will be noise, there will be light pollution. The developer did us a favor by cutting off one  
19 of the legs to that elephant, but that's still a three-legged elephant sitting there.

20 Another speaker noticed that there would be, this is a hotel, it's where people sleep.  
21 There won't be any noise, there won't be all that light. But this is a convention hotel, a  
22 conference hotel, a convention hotel, a wedding destination hotel. It's a hotel where people  
23 don't sleep very much, they celebrate.

24 It's going to have an impact on the neighborhood. It's going to have an impact on the  
25 largest, a major historic district we have in this city.

26 I want to mention also waterfront development. That does mean a difference in water  
27 quality. I know at the last meeting you heard that previous water development, there hasn't been  
28 much water development before, and that means we can predict there won't be much water  
29 development in the future. If past development predicted accurately future development, I don't  
30 think we would be worried about Union Corners.

31 What affects future development is present development. And this present development  
32 will set a precedent. But more importantly tonight, I think we need to pay attention to  
33 inaccuracies, and to promises, and to the incomplete details before you. At the UDC meeting,  
34 when the Chair cast the deciding vote, he reluctantly, and hesitantly, and explicitly, said that this  
35 project still needed to go a very long distance. It would be very hard, and very difficult, and very  
36 long for this project to meet final approval.

37 I also know that a Commissioner on UDC sent you a very long detailed e-mail about the  
38 many things that this project will need to look at and make more explicit before it can reach final  
39 approval. I know that she asked you to refer the project.

40 I am joining her in asking you to refer this project. I'm asking you not to grant a PUD for  
41 a project for which you do not have complete details, not on a public space, not on the details of  
42 the building, not on so many issues that are important to the criteria for granting a PUD.

43 I know you're tired of this project. We are, probably all of us in this room tired of talking  
44 about this project. But fatigue is no reason to rush to judgment. We have a good city process. It  
45 makes projects better. Please wait, refer this project. You don't have enough material. You  
46 don't have enough information. What you have is promises and inaccuracies. Thank you.



1  
2 **NAN FEY:** Thank you. The next speaker is Erica Fox Gehrig, 1811 Vilas Avenue, to be  
3 followed by Steve Brietlow.

4  
5 **ERICA FOX GEHRIG:** Hi. I'm Erica Fox Gehrig, and I've been writing and re-writing my  
6 testimony over in the corner there, and I just decided to abandon it. First, my disclosures though.  
7 I am on the Landmarks Commission and I'm also a board member on the Madison Trust for  
8 Historic Preservation.

9 These are entities that I'm involved in because historic buildings and neighborhoods have  
10 driven me, personally and professionally, for as long as I can remember, especially those in my  
11 hometown. Oh, that's my other disclosure. I come from a long line of Madisonians who  
12 actually lived in Mansion Hill. The house that they lived in is now the Verex parking lot, but  
13 that happened before it was an historic district. I'm not holding a grudge.

14 The reason I abandoned my testimony. I had originally checked neither support nor  
15 oppose because I wanted to talk to you about process and remind you, as many others have  
16 before me, that the Landmarks Commission has not had the chance to review this project.  
17 Changes have been made. I actually came here tonight myself to see the changes, to see what  
18 was going on. We had a Landmarks Commission meeting five hours ago where we asked, once  
19 again, if we were going to get to see it again. There's not been a decision on that. But anyway,  
20 people have talked about that. They've talked very eloquently about all the points.

21 I'm coming actually, instead of representing historic stuff, as a citizen of Madison to say  
22 I spend time downtown, I go to the Central Library, my kids are in public schools, I have a lot  
23 invested in this city. And frankly, no one has convinced me yet that this privately owned,  
24 enormous hotel is going to save our city. That's all.

25  
26 **NAN FEY:** Thank you. The next speaker is Steve Brietlow, 1602 S. Park Street, representing  
27 the Building and Construction Trades Council of South Central Wisconsin, to be followed by  
28 Mary DeNiro.

29  
30 **STEVE BRIETLOW:** Good evening, and thank you for letting me have this opportunity. My  
31 name is Steve Brietlow from the Building Trades in Madison here. I represent 17 different  
32 crafts. We currently have about 25 to 40% unemployed members. We're pretty used to process,  
33 like apprenticeship and cycles in construction. This isn't the best one.

34 And we're used to training and performing at high standards to meet our customers'  
35 expectations. And with respect to time and process, we have been silent for the last of the  
36 several meetings I have attended, and we haven't belabored the issues over and over again. And  
37 I'll try not to repeat again today.

38 We originally thought, as trades people, renovating a hotel like this with a developer that  
39 has some capital and some ideas would be a fairly simple process, more of a line than a circle.  
40 And we've attended several meetings, and it seems like many of the opposition keeps bringing  
41 up the same old issues, and the project just keeps kind of staying in orbit. And it would be nice  
42 if we can, you know, I think the developer, and the City, and the responses, and all of the input  
43 that everybody's put, this project has evolved, it's moved ahead, it's made incredible changes.

44 I've been in the construction business for over 30 years. I've worked in everything from  
45 a manhole to a hospital. I'm a plumber by trade, but when you start moving buildings over 15  
46 feet, and burying parking lots, and doing all the things that they're doing, and moving that public

1 space around, that's not window-shade dressing or anything. These are major changes, and  
2 they've been done at the request of the City and everybody else that's put effort and time into  
3 this project. And I think that, you know, there's been a tremendous amount of effort. This is no  
4 small thing.

5 There's people out there that are giving ideas that, you know, talk about volume and  
6 mass. There's a volume of words and ideas out there, but they're lacking the mass of the capital  
7 and the ability to provide a project like this. I think we have to have respect for the people that  
8 can build the project. They got the capital, they got the ideas, they put in unbelievable time and  
9 effort to make changes at the request of the City and the citizens of the city of Madison.

10 And certainly, we want our guys to work, but this is bigger than our jobs. This is a  
11 beautiful spot on Lake Mendota. I don't live here in the city, but it's a great place to come. And  
12 I look forward to having cool places. We got an historical district. Why don't we want people to  
13 go to it and enjoy a beautiful public space as a bonus to renovating a project that is in much need  
14 of it. It seems to be a pretty simple process to me.

15 I mean, I got four daughters, and I always tell them, make your decisions and your  
16 actions based on risk versus reward. I think the rewards far outweigh the risk of not doing  
17 anything by fixing up that project and leaving it decay slowly over time. And we may never get  
18 another developer with the mass to be able to put that project up and make it something that this  
19 city can be proud of for several decades to come in the future. Thank you.

20  
21 **NAN FEY:** Thank you. The next speaker is Mary DeNiro, 155 E. Wilson Street, to be followed  
22 by Maurice Davenport.

23  
24 **MARY DENIRO:** Good evening, and thank you all for staying up so late so that all of us can  
25 have a chance to voice our opinion. My name is Mary DeNiro. I live in the heart of downtown  
26 Madison. I came to Madison from Connecticut when I was working for local media in town.  
27 And everybody had said, live in the suburbs, live in the suburbs.

28 And on my first day I went, while I was in Madison, I went to the Downtown Living  
29 Tour, and I found myself falling in love with the Union Transfer building. And that's where I've  
30 lived for the last ten years. So I am a citizen of downtown Madison. I work right on the shores  
31 of Lake Mendota at the Wisconsin Alumni Association. And I'm just here to share with you a  
32 little bit about some of the things I hear from alumni and friends at the University.

33 As Vice President of Marketing and Communications for the Alumni Association, I have  
34 lots of contact with people who are coming back to the University, who are coming back to our  
35 city, and they're always asking us what's new. And many of them talk about their fond  
36 memories that they had, well, in their most transformative years at the University. They talk  
37 about how they went to the Edgewater Hotel, they talk about how their parents went there for  
38 Parents Weekend, how they had brunch there, etc. Many of them ask us, when they come back,  
39 what happened to the Edgewater Hotel? What happened to it?

40 And when we share with them that there is an opportunity now for it to be re-developed  
41 and for it to be restored to its own glory, they are excited, they are thrilled, and they say, how  
42 come it's not happening. And I don't have a good answer for them.

43 So tonight, I ask you to think about what a jewel this hotel has been to the citizens of this  
44 city, and for all the people who have passed through Madison. I ask you to think about how it  
45 can be restored to its glory, and how it really can be a wonderful destination for the people who

1 love this city, for the people like me who live in the city, and who are looking forward to having  
2 the Dunns and others be my new neighbors. So thank you.

3  
4 **NAN FEY:** Thank you. And the last speaker who is not an alder is Maurice Davenport, 2948  
5 Traceway Drive.

6  
7 **MAURICE DAVENPORT:** Hi. My name is Maurice Davenport. I am also a tradesman. I'm  
8 here to speak on behalf of, I'm in support for the Edgewater project, but I hear people speak of  
9 precedents and views. And I'm here to say basically I'm temporarily homeless. I don't have a  
10 job, because I lost it, because of last year after everything went south. I don't have a job, so I'm  
11 temporarily homeless.

12 I can't eat a view. I can't eat a precedent. Okay. If anybody's here willing to give me a  
13 hand and let me live with them, hey, I'm all for it. But I'm all for the Edgewater project too,  
14 because I'd rather work. Everything I got, I worked for. I lost my home just last month. So all  
15 I'm asking for is, hey, just let this Edgewater project go through. I'm tired of all the debating  
16 and everything, okay. And I apologize if I'm blunt. Have a nice day.

17  
18 **NAN FEY:** Thank you. There are several individuals who filled out registrations that did not  
19 indicate whether or not they wished to speak. I'd like to read their names, and if they're still  
20 here, they should let us know. The first is Alice Mobrey, 7326 Southern Oak Road, in support.  
21 Is that individual here? Okay. Laura Langer, 5652 Nature Street.

22  
23 **LAURA LANGER:** Nutone.

24  
25 **NAN FEY:** Nutone. I'm sorry. Oh, yeah, certainly. And then let me ask while you're coming  
26 up, let me ask you this. Is Trish Loy here? 1618 Rutledge Street?

27  
28 **WOMAN:** No, she's not.

29  
30 **NAN FEY:** No, she's not. Okay. She was registered in support also. How about Bruce Pites,  
31 Bryce Pites? Not, there's no address. Okay. Thank you very much. Go ahead, Ms. Langer.

32  
33 **LAURA LANGER:** I just wanted to come to support the re-development of the Edgewater  
34 Hotel, mostly as a disabled person, and the decreased accessibility of the current Edgewater  
35 Hotel.

36 On a recent visit, I was there, we found the elevators were extremely small. There were  
37 three of us in the elevator. If there was someone with a wheelchair with us, they probably could  
38 not have fit with us.

39 We went to use the restrooms. The restrooms are at angles. In order to get in to use  
40 them, it was very inaccessible, even for someone with crutches.

41 Hallways are narrow. We tried to hit the, we tried to get access to the pier. There were  
42 two sets of stairs in which to go up to the Rigadoon Room, and then there was also five or six  
43 stairs to get down to go out to the access to the pier. In addition, there were no electric doors in  
44 order to get through to those areas.

1 The day we were there, there was someone that had used a scooter to get to the Rigadoon  
2 Room, and that area was blocked off, the hand railings, so that even if you wanted to use the  
3 stairway to get up, you were unable to even get that access as well.

4 The new development would increase the building's accessibility. It would have re-  
5 designed restrooms, larger elevators, wider doorways, and the parking would have additional  
6 accessibility for everyone, both to the pier and to the terrace areas.

7 I know it's been mentioned that there's been some concerns about the accessibility would  
8 have to be through the hotel and through the elevator to get to these areas. As someone who is  
9 disabled, I would rather use the disabled elevator or an elevator that's accessible for the disabled  
10 versus the ramps. The ramps tend to be much longer, the grade can be more exhausting. So  
11 there are different areas there that would be, make it much more accessible.

12 I've been in other projects that the Hammes Corporation has worked on. It's increased  
13 my own accessibility at places like Camp Randall, Lambeau Field, and even the Kohl Center. So  
14 I support this project. Thank you.

15  
16 **NAN FEY:** Thank you. Before we turn to the Alder, who I know wishes to speak, is there  
17 anyone who filled out a green sheet, maybe indicated that they did not wish to speak who has  
18 changed their mind and wishes to speak at this time?

19  
20 **BILL WELLMAN:** [inaudible]

21  
22 **NAN FEY:** Well, if you wish to speak, why don't you do that now? I'm trying to, I'm trying to  
23 give the group a break, so I'd like to finish up with the speakers quickly if we can.

24  
25 **BILL WELLMAN:** [inaudible]

26  
27 **NAN FEY:** Well, no. If you wish to speak, now would be the time to do it. And you can fill  
28 out a new green sheet, if that's necessary.

29  
30 **BILL WELLMAN:** Yeah, I don't know what happened to it.

31  
32 **MAN:** There's about 90 of them.

33  
34 **BILL WELLMAN:** I can see that.

35  
36 **MAN:** I may have lost it.

37  
38 **BILL WELLMAN:** Fair enough.

39  
40 **NAN FEY:** There are about 90.

41  
42 **BILL WELLMAN:** All right. Thank you. I appreciate it.

43  
44 **NAN FEY:** Go ahead.

45

1 **BILL WELLMAN:** And thank you all. You've seen me here before. I certainly appreciate  
2 you giving me the opportunity to address this issue again. For those of you who haven't met me  
3 or seen me, I'm Bill Wellman. I'm the General Manager of the Dahlmann Campus Inn. I've  
4 been a hotel general manager for over eight years. I've managed hotel operations in many other  
5 capacities for White Lodging Services, Intercontinental Hotel Groups, and Walt Disney World  
6 Resorts for nearly 25 years.

7 This evening, you're being asked to review a re-zoning decision, and a conditional use  
8 pertaining to the re-development of the Edgewater. More importantly, of course, is the impact  
9 these decisions have on the potential economic development that is prevalent in the developer's  
10 proposals.

11 I'm hoping you will consider a few thoughts this evening that are shared by many of my  
12 peers regarding the developer's proposals pertaining to the economic development pieces. I  
13 understand the desire to support an exciting project that promises to deliver more jobs, an  
14 increase in tourism, more occupancy tax revenue, and improved public access to our lakes. I  
15 don't think anyone is looking at this and saying those are things that we don't want. However, it  
16 feels the developers are promising some things that just seem unrealistic, and are therefore,  
17 asking for zoning changes and conditional use under arguable pretenses.

18 The hotel operations jobs are substantially overstated. A hotel of the size and scope of  
19 this renovation would require no more than 200 to 250 employees, not 400 as projected. The  
20 largest hotel in the state, the Hilton Milwaukee City Center, a 750-room hotel, employs 450  
21 employees. This includes staffing for 35,000 square feet of meeting space, an indoor water park,  
22 and three restaurants. In addition, many of these hotel employees will be existing, or hopefully  
23 returning Edgewater employees, netting the true total even lower.

24 The construction jobs are also overstated by about 300 to 400 workers. According to a  
25 large local general contractor, a project of this nature, a 200-room hotel project of this nature  
26 needs, at the peak of construction activity, approximately 200 workers and approximately 350 to  
27 400 start to finish, not 1,000 as previously stated.

28 We also have concerns that too many people involved with this decision are listening to  
29 questionable statements regarding the need for more hotel rooms. The Madison hotel market is  
30 currently running in the mid-50% occupancy range. Downtown hotels are running in the high-  
31 50% range. But over the last three years, neither has run higher than the mid-60%. Even during  
32 peak times, citywide sold-out situations utilizing 100% of downtown hotel inventory are very,  
33 very rare, and occur only during special events such as UW graduation and Parents Weekend.

34 Finally, it's difficult for us to look at this proposal and make a clear connection to its  
35 ability to induce a significant amount of additional demand and incremental revenue for  
36 Madison. Most of the hoteliers I've spoken with can't do this either. Therefore, the case for  
37 significant additional occupancy tax coming from a project like this is difficult to see. The  
38 occupancy could likely also come at the expense of other hotels' occupancies and create a wash  
39 in terms of the overall occupancy tax.

40 In considering the issues on the table this evening, I think it's important for you to not  
41 only consider that this project may be promising some unrealistic economic impacts, but that the  
42 developer's request are based on a number of disputable assumptions. Thank you very much for  
43 your time.

44  
45 **NAN FEY:** Thank you. Let me just ask again, is there anyone else here who filled out a green  
46 sheet, but whose name hasn't been called to speak who wished to? Okay. There are about 90 of

1 those to read into the record. Sixty-seven in the supporting pile, and 11 in the opposing pile. But  
2 in the interests of giving everybody a little opportunity to stretch their legs.

3  
4 **WOMAN:** Recess.

5  
6 **NAN FEY:** Yup. That we find, we'll reconvene at 10:00 p.m. I'll let you know that Starbucks  
7 is open until then.

8 Ten minutes after 10:00. People can take their seats again. I'd like to call the meeting  
9 back to order, and ask everyone to take their seats. And if you used your phone in the interval,  
10 please turn it back off or silence it as we get back underway. And I'll remind Commissioners  
11 that we will begin with questions after we've heard from Alder Maniaci and read the other  
12 speakers into the record. So if you're collecting your, assembling your questions, that would be  
13 good. Alder Maniaci had registered to speak, so we will turn to the floor over to her.

14  
15 **ALDER BRIDGET MANIACI:** All right. I'll wait just a moment here. All right. Well, good  
16 evening. The end of the public testimony is here. All right. I guess I'd like to start off, first of  
17 all, and really thank the people who have worked on both sides of this issue. There's been a lot  
18 of vigorous debate on the project, many, many meetings. It started in the city process, as all of  
19 you know, in April or, in April, in August, so it's been going for eight months now. A lot of  
20 meetings.

21 I really appreciate the work that Urban Design and its Commissioners has put forward. I  
22 think especially a lot of the work that was done there with the design has really made this is a  
23 very strong proposal. I would really like to thank my colleague, Alder Marsha Rummel, for her  
24 work on the setback and on really working to say, and give good reasons of why we should go  
25 back and look at the parking arrangement. I'm very happy with the parking arrangement. I think  
26 that it really does help the neighborhood in a number of ways. I'll get into those.

27 Okay. So I passed around a couple handouts. I hope you guys got them. Perhaps, I  
28 think, Mr. Schumacher, you might have not gotten one, and I apologize. I'll get you my copy  
29 when I'm done here.

30 All right. So I thought it might be interesting for you guys to take a look. I passed out a  
31 map with the zoning and with the historic district overlay, and then I also passed out the  
32 ordinances as they stood in 1965, because there's been some question about how, you know, how  
33 could you build those things with Verex and NGL, so I thought, for this body, that might be  
34 interesting as a reference point to take a look at.

35 It did, so the original was in Residential D District, and hotels and lodging houses are  
36 definitely included. There's stories that are listed, up to eight feet. So that might be interesting  
37 just in terms of the historical context, especially since right now we're working on a zoning code  
38 re-write as well.

39 The other thing I guess I wanted to talk about was, you know, this is the only place in the  
40 city where you have a zoning code that has a height restriction as sort of an overlay to a historic  
41 district. There's no other historic district that has a comparable height restriction within the  
42 zoning code, not Marquette Bungalows, not University Heights.

43 And you know, Dick Wagner at UDC really spoke about Mansion Hill and the  
44 neighborhood when that historic district was created, and how they wanted to really work to  
45 preserve the 19<sup>th</sup> century structures, but that it was not a 19<sup>th</sup> century neighborhood. It was a  
46 very modern neighborhood.

1 And so I think that that's kind of important, because here you have a zoning district  
2 overlay in a neighborhood that's not congruent and not identical across the board where you  
3 might have in Marquette or you might have in University Heights. So that was something I just  
4 kind of wanted to bring up, and I thought you guys could debate vigorously about that.

5 I think there is a bit of a debate that's been running through here, through all the  
6 discussions about what are the intents of historic districts, and people come down on two very  
7 different sides on that. For me, I want to see the historic structures in my neighborhood  
8 preserved, but that doesn't mean that the entire neighborhood is precluded from new  
9 development.

10 And none of my really great old mansions are threatened by this development, in my  
11 opinion. They will continue on in their existence. And there's a number of reasons that I really  
12 think that you should support the motions before you this evening.

13 There was a map earlier shown talking about the density, well, showing the structures,  
14 and that there were two-story and three-story buildings. But one thing that you'll notice,  
15 especially if you've taken five minutes to go through the neighborhood, is how very dense that  
16 neighborhood is.

17 And one of the reasons why I think this is an important development for the City to invest  
18 in is because of the usable open space that it will bring to this neighborhood. There, for a  
19 neighborhood that is situated on the lake, that its character is defined by its proximity to the lake,  
20 there is really no public usable open space to access the lake. And so that for me is a very  
21 important amenity that's coming forward.

22 I also am very happy by just the usable open space and the plaza space, because this  
23 neighborhood, the residents really don't have much space at all at their disposal. I think Steve  
24 Brown said it was 97% rental properties. And so if you think about that, these are folks that  
25 have, and a number of the properties up there are either fraternities, sorority kind of rooming  
26 house or one-bedrooms, efficiencies, there's not a lot of yards. There's not a lot of space at all.  
27 So I think that this project will really give that to the neighborhood. And there's really no other  
28 place in the neighborhood that you could try to build something to reach those ends.

29 I guess I'll keep going on there. But one thing that has been worked on quite a bit is the  
30 traffic plan, and really looking at how are we going to do cars in this neighborhood. And this is a  
31 facility that has specific traffic demands, and that it will bring things into the neighborhood. I  
32 passed out a letter that I got from the fraternity directly next door to the Edgewater. And I  
33 thought, you know, this is, of all the letters I've gotten, this is a good one to print off and hand to  
34 you, because this is an immediate stakeholder to the neighborhood. And you can see that they're  
35 in support of this.

36 The letter reads, furthermore, we are not in agreement with the critics of the project who  
37 have stated that the current design of the new structure will not integrate well into the Mansion  
38 Hill neighborhood. And you'll see though that they did say, our only concern is that sufficient  
39 parking is incorporated into the project so the already scarce parking available for the  
40 neighborhood property owners is not further diminished.

41 And so I was really happy to see the parking that came out of Urban Design, and with  
42 Marsha, and working to say, what can we do, let's be creative. Let's see what's possible. And  
43 so this is going to be a parking ramp with 200 parking spots.

44 And it's really a win-win for everyone, because National Guardian will have parking for  
45 their future clients in that building, the hotel will have parking, and because they need to have  
46 people parking in those stalls at all hours of the day, in 24 hours out of the day, it behooves the

1 developer to open the parking up to the neighborhood at night when there's the most demand in  
2 the neighborhood for parking overnight when people are coming home from work and need  
3 somewhere to park their car.

4 So I think that this has really great potential for this neighborhood. It's a very tight  
5 limited neighborhood. So that point, I guess I would encourage you to look favorably upon,  
6 because I think there's been a lot of work done. And also by putting the parking off sort of the  
7 private drive extension of Langdon Street, I think that that will do a lot to really get that traffic  
8 out of sort of the neighborhood, and a lot of the concerns that UDC Commissioners had about  
9 putting it in the middle of that parking, the parking loop.

10 And by pushing it over onto that private drive, I think it will really keep a lot of that  
11 traffic out of the rest of the neighborhood. And you have Wisconsin Avenue, which is a very  
12 large, wide boulevard that is readily available towards your main city thoroughfare. So I think  
13 the traffic plan is a good one.

14 On kind of points of economic development, I mean, there's so much of why, you know,  
15 from jobs to, I guess I'll say, for the services in this neighborhood, this was a question I got at  
16 Urban Design, that a Commissioner asked me about, you know, why this here. And this  
17 neighborhood really lacks for services.

18 There is, you know, if you go farther down my district, you have the Marquette Basket,  
19 or you have Pinkus McBride, or you have other little places worked in. You have Bradbury's.  
20 And if you look at this neighborhood, you really have a hike up to the Capitol Square or all the  
21 way over the State Street before you hit a single coffee shop or convenience store. I think, you  
22 know, there's McTaggart's, which is on Lakelawn, and that's a small hole in the wall. And  
23 that's it. That's it for the neighborhood.

24 So in terms of bringing something into the neighborhood and trying to get people to  
25 invest in this neighborhood, you need to build those services in. We've done a very good job,  
26 you know, mid-century of pulling all that out of our downtown. And now we have to work to  
27 build that back in. And it's more difficult now, because of everything that's been already built  
28 up around there. And we have to take that effort to do this.

29 So I like the idea of having a corner coffee shop. And it's something small. And it's  
30 something really simple. But you wouldn't believe how far those little things go. And if it's a  
31 matter of, you know, getting people to invest in this neighborhood, I mean, one thing too to  
32 really recognize is that this neighborhood is very, very large structures. They're not like the  
33 houses where you find further down by James Madison Park that were smaller, working class,  
34 single-family homes. These are very large mansions that were built with a number of servant  
35 quarters, that are, you know, if we're going to be using our downtown efficiently, these really  
36 shouldn't be turned into single family homes. They're very, very large. They can accommodate  
37 a lot of people.

38 And so this neighborhood is going to transition, and I definitely see it transitioning to  
39 more stakeholders, but it's going to be more on the condo model, coming forward with their re-  
40 write. There's going to be discussions about co-ops and community housing in those old sort of  
41 houses, and converting them.

42 So think we need to be looking at how this neighborhood is moving forward. It has a  
43 really rich past, but it's right in the downtown. And it has to compete with the other downtown  
44 neighborhoods. And it can't stay stagnant.

45 And I thought it was interesting to see and hear Steve Brown chat and talk about what  
46 his, you know, when he was kind of talking with constituents. And I will say that that's been



1 largely the response I've gotten. That a lot of young people are kind, you know, kind of checked  
2 out. It's like, oh, yeah, I kind of heard about it. But for the ones who do, who have been  
3 following it, and I will say that the student papers have been doing a good job of keeping them  
4 informed, and giving a platform for young individuals to be informed on this, I'm hearing a lot  
5 of support. And there's, so I don't know, I mean, I can't help but sit here as the young alder and  
6 see a little bit of a generational divide to how some of the comments and how the future of this  
7 neighborhood is viewed.

8 And a lot of young people really feel that this is a vibrant neighborhood, but it has a lot of  
9 concerns about it. And I think when it comes to safety, when it comes to parking, when it comes  
10 to, that you have to walk 15 minutes to get to anything, so this project has the potential of  
11 bringing back into the neighborhood and wanting people to invest and be those long-term  
12 renters, perhaps go and invest as some of these old mansions start turning into condos.

13 All right. So then, I guess I shall move on. I was, I don't know if I really want to go in  
14 about the PUD standards, and go one by one. I had sort of outlined some, but perhaps I will  
15 leave that for you all to debate, unless you have questions or you want me to talk about that.  
16 Someone can ask me a question.

17 The other thing I guess I'd just like to talk about though is the '65 ordinance change.  
18 And I guess I figured this was a relatively straightforward ordinance change. It was an ordinance  
19 that was a very site-specific ordinance, and there's a proposal coming forward for this site and  
20 for its usage. And I think that that warrants re-visiting the ordinance.

21 I can't help but help but think that having, that opening it up for residential is a good  
22 thing. For some of the comments that others have outlined, it will only help to insure that this is  
23 a well-run facility. Because if someone's dropping all that money on a very nice condo, you  
24 better believe they want their sleep.

25 And so some of the usage concerns about noise, I think that one of the reasons why you  
26 should support opening up the, and changing the '65 ordinance to allow residential is to really  
27 sort of help insure that you'll have stakeholders on site that will care about what's happening on  
28 the premise.

29 And for the TIF allowance, you know, this is something that the Council will really need  
30 to take a look at and decide. And we're not to the point yet of having the TIF paperwork at hand.  
31 But this is something that I guess I would ask you to open up so that the Council can have that  
32 debate.

33 And for the 1965 vacation ordinance, last time I had that little book thing that I pointed  
34 out. And so in your packet materials, it's C106, and it outlines how it's really, the part that's in,  
35 kind of in violation is the exterior dining terrace outlined at the top of the vacated Wisconsin  
36 Avenue. It's Parcel 2.

37 I guess I just want to stress that I think that moving the building and changing the parking  
38 configuration was a major, major step forward. I think that there's been a lot of thoughtful,  
39 thoughtful work gone into how the public space will be used.

40 Oh, and the other thing I wanted to touch on was the, because this was something that  
41 Commissioners asked me about, which was for the Management Agreement and the terms of the  
42 Management Agreement. And this is something, the document that you have is the result of the  
43 developer coming forward, and the City Attorney's Office and I sitting down and going over it,  
44 and making comments and changes and edits. And so then this is the version that's come back.  
45 So I have seen this. The City Attorney's Office has seen this.

1 And if you guys have any questions about that. I know one Commissioner asked me,  
2 prior to me getting on the microphone, about the 15 days per year. That, you know, to me, you  
3 know, partially I wanted to know is that enough, you know, because I didn't want the developer  
4 to be boxed in. But then for some Commissioners is was, well, but then that, if you think about it  
5 seasonally in the winter months where there's kind of not going to be anybody outside, 15 days  
6 out of the year in a summer period is kind of, kind of constrained.

7 So that might be a point to consider. I'm, I was happy with it because it, for me, it  
8 averaged out to slightly more than one day per month, which I thought was reasonable. And that  
9 I think will be something for you guys to kind of talk about.

10 There's been a lot of discussion, as this has gone on, about what is public, what is not  
11 public, what gets closed down. The document should, I hope, satisfactorily outline that for you.  
12 Exhibit C, Page 10 is good to really show that the really great view at the front of the terrace,  
13 looking out over the lake, is always open, minus, say, those 15 days out of the year.

14 And so I think that that was a very important consideration, that people wanted to know,  
15 what is actually always open. So I guess I'll leave it there. And if anyone has questions, I'd love  
16 to chat.

17  
18 **NAN FEY:** Well, before we go to questions, we need to read into the record the folks who  
19 registered, not wishing to speak. As I said, I think there are about 67 in support and 11 in  
20 opposition. And Mr. Murphy has offered to read them into the record. While he does, if folks  
21 can get their questions ready, we'll begin with questions of registrants as soon as he's finished  
22 reading these names into the record.

23  
24 **BRAD MURPHY:** I'll start with those in support and, unless I indicate otherwise, they are all  
25 from Madison. Dan Murray, 601 Clemmons Avenue, Joel Kapusta, 219 Division Street, Paul  
26 Zimmer, 2025 Atwood Avenue, Nick Henke, 2025 Atwood Avenue, Jason Thompson, 500 Nikki  
27 Lane, Ft. Atkinson, Brian Donley, 9201 Bear Claw Way, Kelly Starr-King, 2401 Berkley Drive,  
28 Diane Ballweg, 350 S. Hamilton Street, #701, Chris Houden, 5417 Normandy Lane, Gary  
29 Presentin, 406 Laurel Lane, excuse me, Sharon Zelanka, 18 High Point Woods, Becky Mueller,  
30 Maple Bluff, Richard Tatman and Ellen Seufferer, 155 E. Wilson Street, Tim DeMinter, 1602 S.  
31 Park Street, Mark D. Hoffmann, 1602 S. Park Street, Victor Rodriguez, no address, Tom Terra,  
32 125 N. Hamilton Street, #401, Timothy Crummy, 2509 Middleton Beach Road, Carol Krug,  
33 4626 Odana Road, Julie Brill, 4202 Heffeman Drive, Jim Lynch, 4202 Heffeman Drive, Tom  
34 Bergamini, 402 N. Baldwin Street, Dennis Davidsaver, 624 West Shore Drive, Marle Reihl, 111  
35 W. Main Street, Scott Watson, 6217 Piedmont Road, duplicate, Jim Shaver, 121 W. Gilman  
36 Street, Sarah Carpenter, 1023 River Birch Road, Middleton, Maurice Davenport, 2948 Trades  
37 Way Drive, Todd Hoffman, 368 N. Bergamont Blvd., Tom Benish, 5202 Monument Lane, Mark  
38 Schemmel, 3717 Busse Street, David Knoch, 5806 Old Sauk Road, Rosemary Lee, 111 W.  
39 Wilson Street, John Elinger, 2720 Fitchrona Road, Craig Argall, 1146 E. Dayton Street, Tim  
40 Hausmann, 4728 Sumac Road, Rico Sabatini, 3923 Claire Street, Corey Griesen, 924  
41 Williamson Street, Todd Blair, 1602 S. Park Street, Gary Stebnitz, 915 Waban Hill, John Merritt,  
42 5202 Monument Lane, Ron Hanko, 5202 Monument Lane, James Meicher, 2025 Atwood  
43 Avenue, Dan Bork, 2025 Atwood Avenue, Tina Kurt, 1251 Fieldcrest Drive, Edgerton, Terry  
44 Nelson, 2025 Atwood Avenue, Judd Schemmel, 7614 Sawmill Road, Christopher Culver, 411  
45 Wisconsin Avenue, Lynn M. Faulkner, 205 Delmar Drive, Scott Faulkner, 205 Delmar Drive,  
46 Mark Huber, 6402 Renford Road, representing BT Squared, Ruth Shelley, 1133 Sunridge Drive,

1 Terry Whalen, 4601 Tonyawatha, Monona, Tim Valentin, 2052 Cross Country Road, Robert A.  
2 Dunn, 103 Kettle Court, Stu Zadra, representing the Hammes Company, no address, Harold  
3 Stafford, 8202 Starr Grass Drive, Tyler Wright, 16 E. Gorham Street, Tony Arneson, 704  
4 Butternut Road, Dennis Lynch, 2962 Waubesa Avenue, Robert H. Keller, 448 W. Washington  
5 Avenue.

6 Registered in opposition, and not speaking, Carol Wydell, 1237 E. Dayton Street, Mary  
7 Carle, 417 Shepard Terrace, Michelle Martin, 2217 Superior Street, Stephanie Moritz, 533 W.  
8 Main Street, Vince Jenkins, 533 W. Main Street, Doreen Adamany, 504 W. Wisconsin Avenue,  
9 Daniel O'Brien, 110 S. Franklin, Peter Fialla, 225 E. Lakelawn Place, Iise Hecht, 141 N.  
10 Hancock Street, Carol Crossan, 512 E. Main Street, Joe Bonardi, 1 E. Gilman Street, Sharon  
11 Kilfoy, 1020 Williamson Street. And I apologize for all of those names that I mispronounced.

12  
13 **NAN FEY:** Thank you for reading them all. It's time for questions of registrants. And if, I'd  
14 just like to sort of move through the Commission and have people, you know, ask their  
15 questions, and then we'll move on to the next Commissioner, and then circle round as we need  
16 to. But hopefully, not too many times. Somebody ready to go? Ms. Bowser, and then Mr.  
17 Gruber.

18  
19 **JUDY BOWSER:** Yes.

20  
21 **NAN FEY:** Say it again.

22  
23 **JUDY BOWSER:** Mr. Dunn.

24  
25 **NAN FEY:** Mr. Dunn.

26  
27 **JUDY BOWSER:** Hi.

28  
29 **BOB DUNN:** Hello.

30  
31 **JUDY BOWSER:** Some of the proposed suites and rooms in the existing building seem to be  
32 quite large. Have you considered maybe making those smaller and increasing the number in the  
33 existing building?

34  
35 **BOB DUNN:** We have looked at that a number of times. And part of the problem with the  
36 existing building.

37  
38 **NAN FEY:** Oh, sorry. Go ahead. I'm sorry.

39  
40 **BOB DUNN:** Is that better? The answer to your question is yes, we have looked at it. There's  
41 two issues that I would focus on, primarily in the '40 building. The '70s addition, we're not  
42 changing the room configuration there really at all.

43 The challenge with the '40s building is dimensional. Any hotel that's built today, in  
44 almost every case, is a width about 60 to 65 feet across the floor plate. The 1940s, if I remember  
45 correctly, gets down in its most narrow point at 40-some, 46 feet across. So what ends up

1 happening is you have to re-configure and turn the rooms, and then it's sort of a barbell-shaped  
2 building. So you end up with sort of unusual corners that you can't easily position a room into.

3 So, as we've looked at that, we also have to be compliant with Code ADA, and other  
4 codes that we have to adhere to. So there's a dimensional issue. And if I had the plan, I could  
5 show you. We did a study on that, that we gave you in one of our earlier submissions, and it's  
6 really a dimensional problem.

7 The other challenge with the '40s building is the lowest levels really are not well suited  
8 for rooms, as you drop down from, you know, about street level down toward the lake. So what  
9 we've looked to do with that portion of the '40s building is take all of the ancillary and back-of-  
10 house spaces that you need to support like this and put those in those locations, things like a  
11 fitness room and the type of thing that isn't necessarily as constrained by the dimension of the  
12 floor plate.

13  
14 **JUDY BOWSER:** You've sort of answered a couple more questions, but I'd like to address the  
15 floor that has the fitness room.

16  
17 **BOB DUNN:** Yes.

18  
19 **JUDY BOWSER:** That has, probably half the floor area is spa. Is that right?

20  
21 **BOB DUNN:** Yes.

22  
23 **JUDY BOWSER:** And then you've got another floor that has, maybe a third of the area is  
24 designated as spa. And I was wondering if that area couldn't be made into guest rooms. I  
25 wondered why you needed a spa area on both floors.

26  
27 **BOB DUNN:** Well, bear in mind, those floor plates are not particularly large on their own.

28  
29 **JUDY BOWSER:** Okay.

30  
31 **BOB DUNN:** You know, you've got about 6,000 square feet that you have to deal with. And  
32 any time you have a small floor plate like that that you have to deal with, and you have to run  
33 circulation through it to get to elevators, the two stair towers that we need to meet code, you lose  
34 a lot of the usable area on a floor plate. So you quickly you net out a fair amount portion of what  
35 you see on those sort of barbell-shaped floors.

36 And we've looked pretty carefully at what we think is the right amount of programmatic  
37 area to support fitness, spa, some of the other ancillary elements. And we think we're right at the  
38 appropriate amount of square footage once we've netted out the gross to net that we lose because  
39 of circulation code and the other factors that we have to consider.

40  
41 **JUDY BOWSER:** Okay. I just have one last question then. You have hotel administration in  
42 both buildings. And I wondered if it wouldn't be more efficient to consolidate that in one or the  
43 other of the buildings.

44  
45 **BOB DUNN:** Well, there's various aspects of hotel administration. And they don't necessarily  
46 have to be co-located. The administration that you see in the new addition is really your front

1 desk and the space that you need, that you need to have immediately abutting your front desk.  
2 The balance of the hotel administration, your accounting staff, your sales and marketing staff,  
3 your events staff, professional staff, could go really anywhere in the building.

4 We took, the area that we identified in the plan for that staff because it was not the most  
5 desirable space for rooms. Again, it's in the lower floors where you drop down to the lower  
6 levels that just aren't as well suited for hotel rooms.

7  
8 **JUDY BOWSER:** Okay. And the only reason I bring that up is because you seem to have, you  
9 have rooms on those levels in the '70s building, or am I misinformed?

10  
11 **BOB DUNN:** Well, the difference with the '70s building is you're fronting out toward the water  
12 on a single-loaded corridor. The '40s building, bear in mind, you wrap around three sides of that  
13 building when you get down below the street, on the westerly wall, you're facing a fraternity, on  
14 the lakeside, you're facing the lake, but on that interior wall, where we're cutting the stair, we  
15 frankly don't want to put rooms on that interior stair wall, because you'll have people passing up  
16 and down the stair. We need space for the back-of-house functions.

17 So again, the factors that we have to consider, and what we think of as a window wall,  
18 are are you putting those rooms abutting a public space, whether it's the terrace or the stair. So  
19 we'd prefer to put things there that don't involve rooms, that are less susceptible to people  
20 walking by, looking in windows, and that type of thing whereas when you're out on the lake, you  
21 know, you don't have that same condition.

22  
23 **JUDY BOWSER:** Thank you.

24  
25 **NAN FEY:** Thank you. And Ms. Bowser just provided a good example of well-focused  
26 questions, and Mr. Dunn's answers were precise and to the point. And if we can stick to that  
27 model, that would great. Mr. Gruber is next, and then Mr. Sundquist.

28  
29 **TIM GRUBER:** Thank you. I think for the applicants first, first of all, what storm level event  
30 will be protected from erosion during the construction? Is it 2-year, 10-year, 100-year, do you  
31 have a goal for that?

32  
33 **BOB DUNN:** During construction, is Mark still with us? I'll let our expert speak to those  
34 issues.

35  
36 **MARK HUBER:** We will be preparing an erosion control plan that meets City of Madison  
37 codes and Wisconsin Department of Natural Resources codes. Top of my head, I can't think of  
38 what the storm event will be, but we will meet that event, and probably exceed it.

39  
40 **TIM GRUBER:** Uh-huh. There was a couple of years ago we had two 100-year storms in one  
41 summer, if you recall, and the construction site near my house, there was a lot of groundwater  
42 running off it. It was, I guess the thing is, you know, hopefully, you won't have a storm like that.  
43 But are you prepared, obviously meeting the ordinances is one thing, but to go beyond it.

44  
45 **MARK HUBER:** We'll be meeting with the contractor to discuss the best ways to protect the  
46 site. With it being right on the lake, that will definitely be a high, high priority.

1  
2 **TIM GRUBER:** Thank you. Thanks for taking that into consideration. The next question, it  
3 was also for the applicant. I think it might be for Ken Saiki or, if there's any architects here. It  
4 has to do with stairways, and the pedestrian access.  
5 In looking at this latest version of the plans, coming from Wisconsin Avenue on the east  
6 side of Wisconsin Avenue as you're walking across Langdon, walking down to the main  
7 entrance of the hotel, those stairs and that walkways look a little maze-like. In other words, you  
8 have to go back and forth. And where the February version had, really just a clear, straight shot  
9 from the Langdon Street, Wisconsin Avenue, by the café, right down to the front entrance of the  
10 hotel. And I'm wondering if there's a reason for that or?  
11  
12 **KEN SAIKI:** Sure. And you are correct. What we did on this section of the site was really to  
13 provide a series of sort of cascading terrace spaces, all with, you know, that would be more use  
14 areas, seating, and all with views of the lake, really trying to actually take away that straight shot  
15 stair. In this location.  
16  
17 **TIM GRUBER:** So it was purposeful.  
18  
19 **KEN SAIKI:** Indeed. And if you were coming off of Langdon, there's the main terrace into the  
20 café space but also a handicapped accessible ramp up to the main hallway into the building there.  
21 So that's sort of the primary route into the building to the elevator core that gets you up and  
22 down throughout the whole development.  
23  
24 **TIM GRUBER:** And just to me, I understand now their intent, but it almost seems like it's a  
25 little bit too much there. I also wonder about on, towards the grand staircase on the other side, it  
26 seemed, it also has changed from the February version, was that the, kind of the same thinking,  
27 that it's not a straight down?  
28  
29 **KEN SAIKI:** Yeah. There are a couple of things that we did here that were different from the  
30 February version. One is, exactly as you had mentioned, trying to do more of a sort of terraced  
31 approach to that vertical circulation, but also, in doing so, we've pulled that, you know, this  
32 would be sort of the primary public walkway, all the way down to the lakefront. And we've  
33 pulled it away from the two Langdon buildings to give that a little, you know, this is a different  
34 owner and a different use. So trying to give that a little bit more buffer. The landings respond  
35 specifically to entrances to the two Langdon buildings.  
36  
37 **TIM GRUBER:** Okay. Thank you.  
38  
39 **BOB DUNN:** Could I just.  
40  
41 **TIM GRUBER:** Sure.  
42  
43 **BOB DUNN:** On that point, just amplify what Ken said. This came about, the changes that Ken  
44 was describing, largely when we moved the parking structure offsite. And the driving idea  
45 behind that was how can we make that whole experience, from Wisconsin Avenue, the corner of  
46 Langdon and Wisconsin, all the way down the terrace, more pedestrian oriented.

1 We took away, we believe, better than 95% of the traffic that will circulate on the  
2 turnaround. And what we wanted to come up with was something that was more of a social  
3 space, more like the balance of the plaza. Without all that car movement on there, we wanted to  
4 create that terracing effect so you have, you know, sort of an overlook sense toward the water,  
5 and back toward the Capitol. So it was really to create more of a plaza-type atmosphere once we  
6 got the car traffic off the turnaround.

7  
8 **TIM GRUBER:** Okay. Thank you. And then, one other question about stairs here, and you  
9 may want to stay there, Bob. But the plans show a stairway that goes about half the length of the  
10 new tower on the east side. Yes, that stair. Any consideration of extending that all of the way to  
11 Langdon Street? And this was I think a suggestion from one of our previous public hearings.  
12 Someone said, that's a nice side of the site, and wondering if that might be something that could  
13 be paid for with TIF in addition?

14  
15 **BOB DUNN:** The primary purpose of that stair is emergency egress. Frankly, I don't know that  
16 we've ever looked at taking that all the way up, you know, to the south, on the east wall of the  
17 building. It's certainly something that we could look at.

18  
19 **TIM GRUBER:** Okay. Thank you. Do you want me to continue with?

20  
21 **NAN FEY:** Uh-huh.

22  
23 **TIM GRUBER:** Okay. I have some questions. I think Jason Tish and Michael Bridgeman are  
24 gone. Maybe I can ask Ledell Zellers a historic question with the understanding that it's been  
25 asserted by one of the speakers that the historic preservation issues aren't a part of our approval,  
26 but we are re-zoning from R, the historic district to the PUD.

27 And my question has to do with the, this compatibility issue. I can understand, you  
28 know, demolishing an old, one of those beautiful old stone houses. I'd be absolutely opposed to  
29 that. But in this case, it's not taking anything away. It's the issue of the new building. And I'm  
30 just looking for how does this new development and the new tower detract from the existing  
31 historic buildings there?

32  
33 **LEDELL ZELLERS:** It's the sheer size and mass of that, and the fact that it would be in  
34 conflict with the historic district requirements. So when we bought our 1850s home there, we  
35 bought it with the understanding that, that historic district requirements and the R6H actually  
36 meant something. And one of the requirements is that the size be compatible. This is not. And  
37 it's a visual intrusion. I mean, it would be really an assault to the eyes compared to the small-  
38 scale historic homes that are there.

39 So that's why I think that it's so important that the historic district be honored, and the  
40 historic district requirements be followed. People rely on that. That's why we committed to this  
41 area, and that's why I feel so strongly about this. I would feel really betrayed if that historic  
42 district strictures are not followed.

43  
44 **TIM GRUBER:** Thank you. That brings me to the next question about height. I think, to me,  
45 tall buildings, height of buildings is something reasonable people can disagree on, and we've  
46 seen that tonight. I'm just trying to give you a chance to maybe persuade me. You said it's too

1 tall. Are there other reasons besides the compatibility with the historic structures that it's too tall  
2 or is it simply that?

3  
4 **LEDELL ZELLERS:** No. It's primarily the compatibility and the context, the urban context of  
5 that historic district. It's not just individual buildings that make up, you know, the historic  
6 buildings, or the historic district, or the feel of the district, it's how everything works together.  
7 And to have something that enormous in comparison to the rest of the buildings just does not  
8 provide that same feel of the district.

9  
10 **TIM GRUBER:** What about when you compare it to the larger downtown buildings that have  
11 been there for quite awhile, like the Churchill building on Carroll Street, or the Tenney building,  
12 or even the newer buildings like the Hilton Hotel? I wasn't part of that debate, but I understand  
13 that that may have been opposed as well on the same grounds, the Hilton Hotel and the Monona  
14 Terrace. So.

15  
16 **LEDELL ZELLERS:** That's not in a historic district. And I do feel that historic districts  
17 should be special places that, again, the context is what's looked at, not just individual new  
18 buildings. There's no objection at all to the backyard of NGL being developed. I mean, some  
19 people say that people are against anything new being built there at all. And I haven't heard  
20 anybody say that. So that's not the issue. It's just what is right there, what would follow the  
21 historic district requirements. It's fine to build new things that are within that, those  
22 requirements and the context.

23 And the Quisling Clinic, you know, really that was done very nicely and in a scale. The  
24 development that Scott Lewis did in association with the Methodist Church was in a scale that is,  
25 fits in, it's really quite nice. It's new, it fits.

26  
27 **TIM GRUBER:** Thank you. Finally, you brought up conditional use standards, the uses,  
28 values, and enjoyment of other property. Frankly, I'm not convinced that the uses, for example,  
29 or the values, I mean, I don't see how this would diminish the use, the residential uses, or any of  
30 the other uses in the area. There was one speaker who spoke to the property values increasing  
31 because of this.

32 And the enjoyment, I understand maybe some of the music or the activity playing for  
33 some people could be enjoyable, or for other people may not enjoy it, but that's pretty subjective.  
34 Could you be more specific, or I guess I'm giving you another chance to convince me, because  
35 I'm not convinced.

36  
37 **LEDELL ZELLERS:** Well, I'll use 2 Langdon. Mr. Dunn was just talking about why there are  
38 not hotel rooms on the stair side of the hotel, because of the people walking by. Two Langdon  
39 has people living there, and the stair is being built right next to 2 Langdon, so it will have people  
40 walking by. The very reasons that Mr. Dunn is saying that it's not conceivable to use that for  
41 hotel rooms is the same reason that it would make it a very unpleasant place to live on 2  
42 Langdon.

43 And in terms of the noise, I think that that is an issue for the residences that are just, that  
44 are right particularly in that area, particularly if it's amplified sound.

45  
46 **TIM GRUBER:** Thank you.



1  
2 **NAN FEY:** Next is Mr. Sundquist, to be followed by Ms. Olson.  
3

4 **ERIC SUNDQUIST:** I think this is, I have questions in two areas. I think it's all for the  
5 applicant. So the first one is about the public spaces, and the second is transportation. And I  
6 think this is the first public meeting where this access Management Agreement has been. And so  
7 I don't know if people are all that familiar with it.

8         And I'm not a hundred percent sure I'm reading it right. The way I see it, the way I'm  
9 reading it, and maybe tell me if I'm wrong, but in 15 days out of the year the hotel could close  
10 down all the public spaces for its, for whatever event it wanted to hold. And then on the other  
11 350 days a year, it looks like it could close down up to about 75% of the space, spaces A, B, and  
12 C if it wanted to. Is that, am I reading that right?  
13

14 **BOB DUNN:** Generally, I think you are. And let me just provide a brief explanation. The 15  
15 events, what are defined as special events in the draft that you've been given, is something that's  
16 been a discussion between ourselves and City staff over a period of time, the thought being, there  
17 will be certain times a year when we need to be able to control occupancy. And I think in the  
18 give-and-take that we've had with City staff, we've estimated that could be 15 times a year.

19         The purpose for that is think of the fourth of July as an example. There could be a  
20 tendency where many people want to come down and access the public terrace and enjoy the  
21 view and the social space, you know, in the atmosphere that becomes part of that terrace.

22         Well, we have to be mindful of the fact that's an area that can support a certain use and a  
23 certain volume of people. So that's what we think of when we say a special event. It could be  
24 Taste of Madison, it could be Art Fair on the Square. It could be any number of instances where  
25 there are activities that are occurring downtown where people might be encouraged to want to  
26 come down to that space and socialize.

27         So our feeling has been, and this has not just our thought, this has been, in working with  
28 City staff, that we need to have the ability to control that at those points in time so that we don't  
29 have too many people trying to access that space at a particular point in time.  
30

31 **ERIC SUNDQUIST:** So it's not about closing it down for an event that the hotel would be  
32 holding, it's a crowd management sort of provision? So you're still going to let the public come  
33 in, you're just going to cut it off at a certain point, is that what it is?  
34

35 **BOB DUNN:** That's part of it. There could be an event, I couldn't think of a particular  
36 example, but there could be an event with a university function, where same type of thing. They  
37 may, we may get to a point of occupancy where we have to deal with controlling the number of  
38 people that can access that space. And that's where we came to the notion of trying to establish a  
39 limit to the number of events that would occur like that.

40         One of the other things that's been discussed as recently as last Friday is the idea that we  
41 may have a paralleling number of events, to special events, that could be community events. So  
42 that if there was a special event like that that was a scheduled event for a special purpose, that  
43 there would be a paralleling community event, it could be any number of examples, that would  
44 be open to the public a certain number of times a year as sort of a provision to make up for  
45 closing the terrace for a certain period of time.

1 The other point that you raised in the draft is the idea of event space. And Amy, if you  
2 can just highlight. The areas that are identified, and let me clarify one thing. In the original  
3 proposal that was made to the City, the public space was defined by the boundaries of the  
4 easement, by the right-of-way that exists today. We have changed that to take in space that is  
5 currently private space that will be open and accessible to the public 365 days a year.

6 What we've talked about, again, working with City staff is we want to have the ability to  
7 use the terrace for events. So we identified three separate areas that could be used for events that  
8 are hosted at the hotel. And Amy identified those three areas. At any point in time that events  
9 are occurring on the terrace, we have always maintained, Alder Maniaci mentioned this earlier,  
10 we have always maintained the prime lakefront real estate, if you will, as space that is accessible  
11 to the public. And I could cite many, many instances of waterfront public/private areas that  
12 function just that way. In Milwaukee, there are many.

13 And that's been our notion here, that even if we have an event, let's say a wedding in that  
14 oval area on the terrace, the public would still be able to access the outer, I don't know, 25% of  
15 that space where you've got the prime view of the waterfront.

16  
17 **ERIC SUNDQUIST:** And would you envision using all three at once? Wouldn't it be feasible  
18 to have A, B, or C going on and, so that you didn't, you precluded the possibility of just using up  
19 almost all the public space for these private events?

20  
21 **BOB DUNN:** I think it's probably, it would be uncommon that you would have all three of  
22 those spaces being held out for events at a particular point in time. I don't want to say it would  
23 never happen, but I think the norm would be, you'd probably have one of those spaces that might  
24 be scheduled for events at any particular point in time. But the majority of time, you only do so  
25 many events in a building in a year's time, the majority of the time all of that space is going to be  
26 open and accessible to the public.

27  
28 **ERIC SUNDQUIST:** Okay. Let me ask you about the public space on the lower level. What  
29 happened to, I know this isn't the formal public space, but it adjoins it, what happened to the  
30 pier? The extension of the pier is no longer shown in the plans. You just show the current pier.

31  
32 **BOB DUNN:** Well, that was my decision to remove that from the plan. And the reason for that  
33 is simply it felt to me as though we're sort of getting the cart before the horse. We've got a \$100  
34 million project here that we're trying to move through an approval process, and it seemed as  
35 though we were spending a greater amount of time discussing the pier than what seemed prudent  
36 given that we have a very substantial project that we're trying to get approved.

37 I myself have met with the DNR. I can tell you what I've been told very directly. Amy  
38 Supple met with the DNR as recently as last week. I'll let her explain the most recent  
39 conversation that we've had with the DNR. But really all we were trying to do here was to  
40 simplify the number of issues that we have on the table before us and stay focused on the  
41 primary objective, which is trying to address the dominant land use issues that relate to a \$100  
42 million project. If you want to talk.

43  
44 **AMY SUPPLE:** I met with the DNR and discussed the notion of taking the pier off the plan to  
45 which they thought that was a fine idea. The ability to have a pier and to have boats come and  
46 dock here, there's no question that we have that ability. It's really a question of configuration.

1 We believe that, given the amount of shoreline here, we can probably have somewhere north of  
2 the 12 stalls to dock boats in that would not require a permit, given the amount of shoreline that  
3 we have.

4  
5 **BOB DUNN:** Under existing.

6  
7 **AMY SUPPLE:** Under existing regulations. What I talked with the DNR about was the idea  
8 that we would like to come back with a configuration that reflects the historic pier that was at the  
9 Edgewater, that you've all seen in a lot of documents. And that is what was similar to what was  
10 on the previous plans. And they said, you know, when you have a project, come back, and we  
11 can, we'll talk to you about that. But there's no question that some, you know, that there is boat  
12 docking here, and that we can have it without having to go get a permit.

13  
14 **ERIC SUNDQUIST:** I'm just curious why you just, I mean, you've spent a lot of time on  
15 design and these meetings, but why not just apply for it and have it so we see everything all  
16 together?

17  
18 **AMY SUPPLE:** Well, I actually.

19  
20 **ERIC SUNDQUIST:** People apply for piers all the time at the DNR.

21  
22 **AMY SUPPLE:** Yeah, and I discussed that. The fact of the matter is we don't have a project. I  
23 don't have something that I can take to them and say, you know, this is the project at hand, and  
24 here's the pier we want, and you know, here's the configuration we want. And we talked about  
25 it, we agreed it just didn't make sense until there was a project to move forward with. You  
26 know, there's not point in going forward with that.

27  
28 **ERIC SUNDQUIST:** Not to be belabor this, but the DNR cares about how tall the tower is  
29 going to be and so forth? I didn't think that that had much bearing on their decision.

30  
31 **AMY SUPPLE:** I wouldn't say that they care about how tall the tower is, but I think they do  
32 care if there's a project here or not. And that will make a difference as to who the applicant is  
33 and where, how the pier is applied for.

34  
35 **ERIC SUNDQUIST:** Okay.

36  
37 **AMY SUPPLE:** And so until that happens.

38  
39 **ERIC SUNDQUIST:** Okay. So then the existing pier is shown as private space in the public  
40 access document, and that's because you'll be serving, it won't be open to the public. There's  
41 bar service or something there, and so people can come and go, but you got to, yeah, can you  
42 explain what's going on, how the two go together?

43  
44 **AMY SUPPLE:** The existing pier is configured as a, it's a dining terrace.

45  
46 **ERIC SUNDQUIST:** Yeah.

1  
2 **AMY SUPPLE:** And so that's why it's shown that way. It's not, you know, a private space to  
3 the extent that the public can't access it, it just that the public access is for dining. The Rigadoon  
4 Room is planned, today, the Rigadoon Room is a meeting and function space, and tomorrow, it's  
5 planned to be a full service restaurant.

6  
7 **ERIC SUNDQUIST:** Okay. And so then the public, the formal public space on the lower level  
8 is really a narrow strip that looks like it's about six feet wide, except at the east end where it's, is  
9 there any place to even sit there or is it just a walkway.

10  
11 **AMY SUPPLE:** We probably should have Ken respond to this, but we've a couple of things at  
12 the waterfront, and Alder Maniaci was actually very helpful in planning this. But we've planned  
13 a series of seating areas along the lakefront, and in the, adjacent to the six-foot easement that  
14 runs here. So that there are seating areas down on the waterfront that you can access.

15 And then in addition to that, Ken has done a nice job of planning the green space at the  
16 waterfront. And he's created a small council circle here, which would also provide a seating area  
17 as well as lawn space that people can enjoy at the waterfront.

18  
19 **ERIC SUNDQUIST:** So about many people can sit in those spaces? It doesn't sound like a, are  
20 they, they don't look very big.

21  
22 **KEN SAIKI:** The small semi-circular spaces off of the lakefront are, you know, four-ish people  
23 could occupy that space. The council circle, so to speak, could be as many 20 folks, I imagine.  
24 It would be pretty crowded, but you could have, like a family reunion kind of event there. That  
25 sort of quantity of people.

26  
27 **ERIC SUNDQUIST:** Okay. Good. Thanks. And then the last question about the public access  
28 and the formal public parts of the project. What, I guess, the hotel will be responsible for the  
29 maintenance of the whole thing. And so, but that's the case now, and it didn't work out very  
30 well. The public part didn't get maintained and, you know, it was never well designed, but it  
31 didn't get maintained very well. So what assurance is there that this will always be, the plantings  
32 will be, you know, watered and everything is as it is designed here?

33  
34 **KEN SAIKI:** Well, it's, hopefully, a rather large part of why anyone would come to this place  
35 in the first place. I think it's a place that would be occupied by hotel guests, a place that supports  
36 the ballroom activities, and as such would, you know, would certainly be in the interests of the  
37 hotel to maintain it to a high degree of finish and cleanliness, shall we say.

38  
39 **AMY SUPPLE:** If I could add to that, Ken. There's a provision on Page 4 of the Management  
40 Agreement that speaks to maintenance of the space. And as part of the term sheet, one thing that  
41 we've worked with the City Attorney's Office on is to identify some of those critical areas that  
42 people are concerned about, with the long-term maintenance of the space.

43 I would also say that it's important to note that we're also making a major investment in  
44 this space, not only in the upfront costs of developing this space, but also committing to a long-  
45 term investment of maintaining the space. And so our interests in aligned in keeping the space a  
46 very active, enjoyable, well maintained, clean, orderly, all of those good things that come with it.

1 But those provisions, to specifically answer your question, have and will be addressed in the  
2 maintenance section of the agreement.

3  
4 **ERIC SUNDQUIST:** And what's the City's remedy if this didn't happen?

5  
6 **MAN:** A better question for the City Attorney's Office.

7  
8 **ERIC SUNDQUIST:** Okay. Well, that's my last question on the public space. So maybe I  
9 could direct that to Attorney Noonan.

10  
11 **KITTY NOONAN:** It will be a condition of the TIF Development Agreement that the  
12 developer continue to assure the maintenance of this property. So the worst of all possible  
13 worlds would be the City would issue a Notice to Cure. If the developer failed to cure such a  
14 default, then the City would have its normal remedies, one of which would be to perhaps  
15 foreclose on any portion of the project if it wished or file some sort of injunctive action to force  
16 the developer to maintain the property in the manner in which the Development Agreement  
17 required.

18  
19 **ERIC SUNDQUIST:** And does that end when the TIF ends or is that indefinite?

20  
21 **KITTY NOONAN:** This agreement, meaning the public use access component, we anticipate is  
22 going to be existing in perpetuity. The Development Agreement would terminate when the TIF,  
23 when the TIF loan is satisfied.

24  
25 **ERIC SUNDQUIST:** So what would be the remedy after the TIF is over for failure to comply  
26 with this?

27  
28 **KITTY NOONAN:** Injunctive relief certainly would be the most, the one that would be most  
29 efficient, because the City's interest would be in getting the property maintained as quickly as  
30 possible.

31  
32 **ERIC SUNDQUIST:** Okay. Thank you. And then my other couple of questions have to do  
33 with the TDM, and so I'm not sure if Amy would be the right person. Okay. So I have to say  
34 that when I looked at the TDM, I was a little surprised because typically a TDM is designed to  
35 manage transportation demand, and it's actually a plan to do that.

36 And this has a lot of material in it about transportation, but there's not a whole lot in it  
37 about how you're going to reduce the number of motor vehicle trips coming and going from the  
38 facility. I mean, there's some justification that it's not going to be all that many trips and you  
39 won't reduce the level of service on the streets, which maybe, maybe not, but that's not a, I  
40 mean, that doesn't address some of the other issues of traffic, the noise, the conflicts with  
41 pedestrians, and some other things.

42 So, I mean, a TDM is supposed to say, well, if we did nothing, we'd get a thousand trips  
43 a day. Here we're going to do this, this, and this, and we're going to cut it down to 800 or 600 or  
44 something like that. So I throw that to you just for response. And then I had some suggestions  
45 on, since I don't think that this really constitutes much of a TDM plan, what you might do. But  
46 let me see what you have to say first.

1  
2 **AMY SUPPLE:** Well, the TDM plan really grew out of discussions with City Engineering,  
3 Traffic and Engineering. And we were asked to provide a lot of detail related not only strategies  
4 of how to mitigate traffic on the site, but also how do people get into the site, how does the  
5 parking work, how do we resolve conflicts with pedestrians, as you just said, knowing that we  
6 were going to have more pedestrian coming down and through those spaces.

7 So the notion of how do you deal with events in a manner that makes sense. How do you  
8 get trucks in and out of the site? How do you get buses in and out of the site? How do you  
9 mitigate the impacts, both on the neighborhood and on Wisconsin Avenue and Langdon Street,  
10 which I think today is, you know, frankly, there's a lot of conflict at that corner, not only because  
11 of the Edgewater, but because of, you know, the Kennedy Manor restaurant, and that sort of  
12 thing.

13 So part of the TDM plan, as I discussed it with Traffic and Engineering, was really to talk  
14 at length about what existed today and how traffic would move through the site in the future.  
15 Then we looked at things like events, and what happens when you have larger events that might  
16 need shuttle parking, and where could you coordinate that sort of parking with city ramps, and  
17 how do you deal with employees, and what's bike parking, and what's ADA access, and all of  
18 those issues which are included in here.

19 We have tried hard to look at strategies like shared ride systems and keeping that sort of  
20 thing, encouraging on our websites. And that guests to the hotel use alternative modes of  
21 transportation, providing and encouraging bike and pet traffic to the site. Frankly, a lot of the  
22 Edgewater employees walk to the site, particularly the summer and seasonal employees who are  
23 coming from the University.

24 So we thought a lot about those strategies and did things like identified a transportation  
25 coordinator, said that when we have major events, we'll coordinate through websites and Twitter  
26 and that sort of thing. Events promoters will really work to find different solutions to get people  
27 to the site in a responsible manner.

28  
29 **MAN:** [unintelligible]

30  
31 **WOMAN:** Oh.

32  
33 **AMY SUPPLE:** That's a, I love this idea. One thing that we've been talking about is  
34 potentially looking at a water taxi. And it's unfortunate that Al Fish has left, because we've been  
35 talking about the notion of having a water taxi as an alternative mode of transportation that  
36 would go from the Union to the Edgewater, and where you could shuttle people for a single  
37 wedding or other events, have them park remotely, and then come in via water taxi, which would  
38 be a really, I think a tremendous add to this project and a really wonderful thing.

39  
40 **ERIC SUNDQUIST:** Well, let me, so one background question is the NGL parking that's  
41 going to be in there, is that replacing surface parking or some parking they already have or is that  
42 additive to their total parking?

43  
44 **AMY SUPPLE:** You know, it's actually meant to provide parking for people who today park  
45 throughout the neighborhood. They have a number of employees who park in various lots, and

1 I'm sure park on the street in the neighborhood and that sort of thing. It's meant to consolidate  
2 the NGL.  
3

4 **ERIC SUNDQUIST:** So you know what they have now and what the net will be, the net effect  
5 of adding the 120? Does it replace any spots or is it just all new?  
6

7 **AMY SUPPLE:** There are about 26, if you recall in previous plans, there was a small lot that  
8 was adjacent to the building. That is, as I recall, I think it's 26 stalls today. And then they have  
9 an underground parking structure that they park today, but that will remain as it is. And then the  
10 balance of the parking that they will utilize, which is a significant amount, they have people  
11 parked remotely all over the downtown and the neighborhood.  
12

13 **ERIC SUNDQUIST:** So the 26 go away, and you add 120 basically?  
14

15 **AMY SUPPLE:** Correct, correct.  
16

17 **ERIC SUNDQUIST:** What are you going to charge to park?  
18

19 **AMY SUPPLE:** You know, that's still being worked out, I'm not, I couldn't.  
20

21 **ERIC SUNDQUIST:** That's one of the critical questions in a TDM plan is the pricing. And if  
22 we don't know the pricing, it's really hard to evaluate the effect of the TDM plan. I mean, the  
23 stuff about encouraging people by Twitter and stuff is nice, but when it comes right down to it,  
24 the things that matter are how much it costs.  
25

26 **AMY SUPPLE:** Well, and in speaking with the City, one thing that they've asked is that, or not  
27 asked actually, this will be part of the TIF Agreement, is that we not charge less than the City  
28 rates. And that's going to be written into the TIF Agreement, and that's can be done from.  
29

30 **ERIC SUNDQUIST:** So that would be all right as a condition of approval for the conditional  
31 use or the PUD?  
32

33 **AMY SUPPLE:** Tim, I don't know if it's actually written in. I did get a letter on it, but I don't  
34 know if it's written into the plan.  
35

36 **ERIC SUNDQUIST:** But does that apply to employees or just to people who might want to  
37 park there for an hour?  
38

39 **AMY SUPPLE:** I believe it applies monthly. I don't want to misstate. Maybe it does.  
40

41 **MAN:** Page 33 of the Staff Report.  
42

43 **ERIC SUNDQUIST:** Thirty-three or 29?  
44

45 **MAN:** [unintelligible]  
46

1 **ERIC SUNDQUIST:** Oh, 50. Right, that's for the general public, right? That doesn't apply to,  
2 I'm asking about employees.

3  
4 **AMY SUPPLE:** You're asking about.

5  
6 **ERIC SUNDQUIST:** The operation of the hotel and NGL, what will people be, you, not just  
7 the people who come to do a picnic or whatever.

8  
9 **AMY SUPPLE:** You know, I think that for, I think there will be different rates frankly applied  
10 to the parking garage. And depending on the uses, I think, hotel guests and overnight guests may  
11 get, may have one rate that applies to them, monthly parkers may have a different rate. We are  
12 looking at the notion of overnight parking that might serve the neighborhood, as Alder Maniaci  
13 talked about, and that might have a different rate applied to it. I don't have.

14  
15 **ERIC SUNDQUIST:** How about employees?

16  
17 **AMY SUPPLE:** Employees of the hotel or employees of, I'm, there might be, there may be a  
18 certain number of spaces that go to the hotel, there may be, there will certainly be spaces that go  
19 to NGL employees. And I don't have a specific rate structure.

20  
21 **ERIC SUNDQUIST:** Well, okay. If you're trying to get, encourage employees not to drive,  
22 then this is a crucial question. And if you can't answer it, it's almost like we don't have a TDM  
23 plan here.

24 So, the other major strategy, and you're not able to do some of the TDM strategies like  
25 telework. That wouldn't work for a hotel. So there are some things that are off the board. So  
26 you really have, what are you going to charge to park and what sort of encouragement are you  
27 going to give to take alternative modes. And you do have the provision for bike parking and so  
28 forth, so that's in there. We require that, so that's sort of business as usual.

29 How about transit passes? Do you have any, you talked about a coordinator who would  
30 have information on transit and so forth, but what about subsidizing transit passes or using pretax  
31 dollars for transit passes for employees?

32  
33 **AMY SUPPLE:** You know, and I think we did mention that we're certainly open to studying  
34 those sorts of, transit passes and those sorts of things. I know, for instance, that there's a bill  
35 being passed, or being considered, in the next month, I believe it is, about a transit savings plan  
36 that's similar to a healthcare savings plan, you know, those sorts of things. We're looking into  
37 those kind of options, and are certainly open to exploring them.

38  
39 **ERIC SUNDQUIST:** Okay. Thank you.

40  
41 **NAN FEY:** Next is Ms. Olson, and then Mr. Basford.

42  
43 **JUDY OLSON:** Let's see, this is a question about efficient use of space in the hotel. Mr. Dunn.  
44 Ms. Bowser asked some questions earlier about use of space, and I'd kind of like to add some  
45 questions to the same, partly related to Mr. McFadden's alternative re-design of your project and  
46 suggesting that there might be efficiencies in engineering the floor plates that could result in



1 reducing the amount of stories or mass of the building. I wonder if you could respond to that,  
2 and essentially the entire issue of how efficiently you've used space in the current design.

3  
4 **BOB DUNN:** Well, I think if you look at almost any hotel that's been developed, you know, in  
5 Madison or elsewhere, as I said earlier, almost any hotel design standard is to a 60- to a 65-foot  
6 dimension across the floor plate. I can't speak to the absolute detail of Mr. McFadden's plan.  
7 We've seen several versions of this plan.

8 Frankly, I don't think it comes anywhere close to responding to the program that we've  
9 set with this building. For instance, if I'm not mistaken, they've just eliminated two floors of  
10 residential condominiums. And a suggestion was made that that's a zero sum gain in the  
11 economics of the project. I've heard a lot of comments on this project from those that oppose,  
12 that is one that just makes absolutely no sense whatsoever.

13 Why would be looking at building those two floors in this plan is there was no economic  
14 reason to do so? We need those floors frankly to support the public space that we're building.  
15 So to just eliminate those two floors is just a radical change to the program of the building.

16 Beyond that, once you go from a 64-foot floor plate dimension to something in the  
17 neighborhood of 80 feet or more, you have to do one of two things. You either have to pull the  
18 building back over against the Wisconsin right-of-way and eliminate the setback that we've just  
19 created or you have to encroach on National Guardian's property an additional 15 feet.

20 You can't get an 80-foot dimension and not change the width of the building by 15 feet.  
21 And Mr. Arntsen, who represents National Guardian, I'm sure would be willing to offer  
22 comment as to the likelihood of encroaching on National Guardian's property another 15 feet  
23 after we move 60 feet onto their property, and we've been able to get them to allow us to go an  
24 additional 15 feet so we could create the offset of the tower.

25 Beyond that, in looking at McFadden's plan, some of the other things that are just totally  
26 inconsistent with any hotel standard. They've changed the room dimension. They've made the  
27 room dimensions more narrow and longer. Well, there are certain hotel standards that we have  
28 to adhere to.

29 Taking two, two-and-a-half feet out of the room dimension does not hold consistent with  
30 the program that we set for this building. And that carries through all the way down through the  
31 building. They've just eliminated area of banquet space and restaurant space, revenue-  
32 generating program areas in the building. They've just changed.

33 So to say, to make a suggestion that you can decrease the area of the building and not  
34 change it programmatically is just flat out untrue. Now, if you, I mean, I can go on, and I'd be  
35 happy to have Amy Supple elaborate on some of the other not-so-subtle details. The floor  
36 plate's not ADA compliant.

37 The width of the corridors is greater than any hotel I've ever stayed in. Now you can't  
38 create a wider hotel corridor, and reduce area, and create greater efficiency. But find me one  
39 hotel that's been designed with a floor plate dimension of 80 feet. I'm sure there's one out there  
40 somewhere, but generally when that's done, it's done in historic buildings that are renovated that  
41 have a massive floor plate, and you cut an atrium down through the center of it.

42 Well, that doesn't generate any revenue, it doesn't create any efficiency. That's not  
43 what's being done here though. We're just adding area to the building. They've extended the  
44 length of the building further toward the water. I can, if you want me to add rooms that way, I  
45 can continue to add out toward the water, but it's a complete reversal of all of the hotel operating

1 standards that we've set with this project from the very beginning. I don't know if there's  
2 anything else you want to add to that.

3  
4 **AMY SUPPLE:** Well, I think the most impactful things of the plan are the fact that the rooms  
5 were narrowed up to a point where you have a lot of inefficient space that can't be used.  
6 Because when you think about hotel rooms, and you walk in and they're long and skinny and  
7 narrow, you can't really use that space at the beginning of the rooms. It's not revenue-generating  
8 space. It doesn't give you anything else. And, as Bob said, it's not, it's not industry compliant.

9 So when you fix that and you fix the fact that the bathrooms aren't ADA compliant, and  
10 there isn't the right access, and there's not the right vertical transportation shown in the plan, and  
11 they've cut the program away significantly as compared to what's in our program. And if the  
12 parking doesn't work, it's not, the parking, most of the parking in the, below the new tower dead  
13 ends. There's not turnaround for the parking there. You don't have the turn radiuses you need.  
14 The loading dock doesn't work in its current configuration. There's not, you can't get a truck in  
15 there. Not only that, if you did the loading that way, and you had the ballroom above it, the  
16 volume of the space at those levels would need to increase, and so you'd actually, the building  
17 would actually go like this.

18 And then by the time you added back all the program that's been lost and you true all this  
19 up, you add another two or three floors at the top of the building, the building's actually gone  
20 like this, and it's gone a little bit like this. So the buy-in gets larger.

21 And I think one of the more impactful things about it, is part of what we're talking about  
22 is the building going like this at the lower levels. So in terms of volume and impact of mass, the  
23 impact of the mass at the pedestrian level goes like this and becomes greater in the way you  
24 interact with it. Instead of looking at adding floors at the top level, which are set back I think off  
25 Langdon Street, the top two floors of the building are set back 11 feet off Langdon Street.

26 So when you think of the impact of these setback floors at the top of the building versus  
27 the building going like this, in terms of mass, it's a much, it's more impactful.

28  
29 **JUDY OLSON:** Okay. You don't need to continue. But I do have another design question.  
30 And that has to do with the ADA issues that were raised by one of the people who testified  
31 earlier related to how lengthy the path to the lakeshore and other areas would be if you were even  
32 in facility. How, did you, do you have a response to that?

33  
34 **BOB DUNN:** That's a very good question. And something we have a lot of experience with.  
35 And the fact is, from the street, the corner of Wisconsin and Langdon to the waterfront, we've  
36 got something that's almost an 80-foot elevation that we have to deal with. There's one of two  
37 ways we can do it.

38 We can bring someone into a building somewhere from the street. There was a  
39 suggestion made earlier that you're coming in the back door. That is totally untrue. You're  
40 coming into the main level of the building into the primary lobby area to an elevator core. And  
41 you're coming straight down, then there's a connecting corridor that brings you out to the  
42 waterfront with a fairly short ramp down to the actual terrace on the water. It's the most efficient  
43 path you can create.

44 The alternative would be to ramp it. Well, if I remember correctly from our ramping  
45 study, you would need something, I believe it was almost 1,700 feet of ramp to get from the

1 street to the water. Well, imagine how many times you'd have to switch back the entire length of  
2 the site to get that ramp from the street to the water. It's just not feasible.

3 I could figure out a way to build it, but the fact is no one is going to use a ramp that is  
4 1,700 feet in length. The most efficient way to get from street to water, for ADA purposes, is to  
5 come in at a great entrance to an elevator core that frankly we moved back toward the street,  
6 partly to create a better situation for ADA purposes, bring them directly down, and then out to  
7 the waterfront. There is no more efficient path to move to the waterfront than in that manner.

8 The other thing that I will say though, that's important to understand from an ADA  
9 standpoint, is when you come in this building with the new configuration of the parking, we have  
10 direct access off every, all but one level of parking, directly into the floor plates of the building.  
11 So, for instance, if I'm coming into the restaurant, I can come across vertically. If I'm coming  
12 into the banquet level, I can come in an enclosed space directly through a corridor into the  
13 banquet level. If I want to get to the lower floors of the building, and ultimately to the  
14 waterfront, I can come through the new garage, across into the existing garage, down multiple  
15 levels to where I'm almost at the waterfront. I can then come into the building and take one  
16 elevator stop down to the waterfront.

17 It's as efficient a means of moving for ADA purposes as you could possibly create where  
18 you've got an elevation difference of 80 feet.

19  
20 **JUDY OLSON:** Then I have one other question for, well, maybe I don't. I was going to ask  
21 Ledell Zellers, but she seems to have gone.

22  
23 **BOB DUNN:** I can speak on her behalf.

24  
25 **JUDY OLSON:** If she comes back, I'll ask her.

26  
27 **MAN:** Nice try.

28  
29 **NAN FEY:** Mr. Basford, and then Mr. Heifetz.

30  
31 **MICHAEL BASFORD:** Thank you. I only have one unasked question left for the applicant,  
32 and it has to do with the shadow study. So I don't know who gets to speak to that. Anyway, the  
33 last time you were here, I had.

34  
35 **BOB DUNN:** Looks like a volunteer.

36  
37 **WOMAN:** No, no.

38  
39 **MICHAEL BASFORD:** Anyway, the last time you were here, I asked for some more  
40 information in addition to the shadow study that you provided for the last packet. And for the  
41 most part, you have provided that and I thank you for it. I have a question regarding the panels  
42 on Page A306. And I'll let you turn to that. Okay. So am I, it appears as though the Panel 3,  
43 3:00 p.m., September 22<sup>nd</sup>, is exactly identical to Panel 4, 5:00 p.m., September 22<sup>nd</sup> or am I just  
44 mistaken?

45  
46 **MAN:** I believe you are correct.

1  
2 **MICHAEL BASFORD:** Okay. All right.

3  
4 **MAN:** Which would lend, which would suggest that one of them is not correct.

5  
6 **MICHAEL BASFORD:** Okay. And I really don't have a followup to that. I just wanted that  
7 verified. Thank you. I have a question next for John Martens, if he's still here. Hi. Taking a  
8 look at your packet that you provided us, on Page 2, you've provided a Visually Related Area  
9 map. I assume that was from the December, or was it now November.

10  
11 **JOHN MARTENS:** That came straight from the November 30 Staff Report for Landmarks.

12  
13 **MICHAEL BASFORD:** Thank you. That's really all I needed to know from you. And I have  
14 a couple of questions for Fred Mohs. Thank you. When you testified earlier, you were talking,  
15 you spoke almost exclusively of the 1965 ordinance. And so what I wanted to talk about was, or  
16 get your opinion of, was the effects of the conditional use standards as it relates to you as a  
17 homeowner on Wisconsin Avenue. Are you familiar with the conditional use standards?

18  
19 **FRED MOHS:** Do you want to brief me on what?

20  
21 **MICHAEL BASFORD:** Oh, okay. I'm specifically talking about Conditional Use Standard 3  
22 that states, and I'll read it in full, that the uses, values, and enjoyment of other property in the  
23 neighborhood for purposes already established shall be in no foreseeable manner substantially  
24 impaired or diminished by the establishment, maintenance, or operation of the conditional use.

25       Would you state whether or not the application as it currently stands, as it is currently  
26 before us, substantially impacts, or impairs, or diminishes your, the enjoyment of your property  
27 where you live?

28  
29 **FRED MOHS:** Well, there's a number of aspects to that. Going back to the historic district for  
30 a minute, I mean, that's, this would be one of them. People, Ledell Zellers, me, Gene Devitt,  
31 others now, have purchased houses in the district, I mean, in my case, I was almost, well, 50  
32 years, but have taken the historic district seriously, have treated their properties as though they  
33 are going to be there permanently. Everything we do, we do so that it will last forever.

34       My wife Mary was chairman of the Landmarks Commission for quite a few years, been  
35 to probably almost every historic district in the country just checking them out and seeing what's  
36 going on. And one thing we know is that if you have intrusions, and it doesn't mean tearing  
37 down a building. It can be building in a vacant lot or an extra big lawn that someone had. And if  
38 those buildings are out of scale with the district, the district is damaged, without a doubt. I mean,  
39 every, this is fundamental to historic districts.

40       If you're going to have a historic district, and you don't handle the scale of infill, you  
41 might as well not even get started, because you will screw it up, and it will be a joke, and it  
42 won't be worth the investment and commitment that people will make to restoring the houses.  
43 Period. That's one.

44       Another one. I was surprised tonight. I thought we had established with the developer  
45 that parking in the garage would be free. Parking in the current Edgewater garage is free. As a  
46 matter of fact, it's, they're very generous with it. But you can drive down there, park in the

1 garage, go in and buy a Sunday paper. You can go in there, park in the garage, and sit on the  
2 pier.

3 If they start charging, all that's going to change. This is not like downtown.  
4

5 **NAN FEY:** Mr. Mohs, would you address your remarks to answering his question more  
6 directly.  
7

8 **FRED MOHS:** This is, oh.  
9

10 **NAN FEY:** Just a little more directly.  
11

12 **MICHAEL BASFORD:** Yeah, actually.  
13

14 **FRED MOHS:** Let me just, let me, because this is very, very, very key.  
15

16 **MICHAEL BASFORD:** Okay.  
17

18 **FRED MOHS:** If parking is not free in our area where we have free on-street parking, it's two-  
19 hour, but a lot of people have street permits, people in Madison will do everything not to pay for  
20 parking. So that means employees, guests, people will try to park on the street. That will be  
21 chaos. That will be an awful thing. That will be tremendously disruptive to the neighborhood.  
22 That is an example of how the use could change and harm us. So that's, there's two.

23 Obviously, use of the plaza. I'm distressed to hear people talking about the use  
24 agreement. It's very peculiar. Here we are in the historic district, the neighbors, and a use  
25 agreement is being concocted, and we have had, we just found out about it. Like but this is  
26 going on with the City Attorney and Bridget, and I mean, they're all doing this, and we're not  
27 part of it. And we know a lot about this neighborhood. We know what works and what doesn't  
28 work.

29 So Gene's Polka, that's real to us. We want to know how that's going to work out,  
30 because, I'm sorry, people who live down, who moved downtown, do not move downtown  
31 because they don't want to sleep. If we have a nurse who is, works at night and sleeps in the  
32 day, she or he needs to sleep. And if people are old and need to take a nap, they're entitled. I  
33 mean, we didn't sign up for chaos. And so all these things are very important.  
34

35 **MICHAEL BASFORD:** Okay. So you're saying that in all of those ways, in all of those ways  
36 that the value and enjoyment of your property will be substantially impaired or diminished. Now  
37 you had said during your testimony that there was a way that the 1965 ordinance could be, the  
38 issues regarding the 1965 ordinance before us could be mitigated by moving the building back  
39 and lowering the two stories. Would doing those things also mitigate the impact on your  
40 property, or are you saying, because of all the other issues, such as the public space and the  
41 parking, that that condition, that standard cannot be met for the conditional use permit?  
42

43 **FRED MOHS:** No, I think, I think a standard can be met that will work. I mean, I don't think  
44 this is impossible, but I think, for instance, free parking, moving, a reasonable setback, 71 feet  
45 isn't National Guardian Life. We're talking about half of it. That is not unreasonable for a  
46 building that's a lot bigger.

1 I mean, the, and so, and reducing the height is very important. I mean, it doesn't, this is  
2 not ideal, but it would be, we could get to a place that's okay. That, you know, nothing's perfect.  
3 And we don't demand or require perfection, but this is, this is just way, Bob didn't buy enough  
4 land to build the big building he wants. I mean, that's kind of the fundamental problem here.  
5

6 **MICHAEL BASFORD:** Okay. All right. Thank you very much.  
7

8 **NAN FEY:** Mr. Heifetz, to be followed by Alder Kerr.  
9

10 **MICHAEL HEIFETZ:** Most of my questions of any of the various perspectives have been  
11 asked and answered. I'm going to hold for now. Thank you.  
12

13 **NAN FEY:** Alder Kerr, and then Alder Cnare.  
14

15 **ALDER KERR:** Madam Chair, I have questions for the applicant and questions for staff as  
16 well. Are we doing public testimony, and then I'm assuming, we're flipping over to staff  
17 questions as we typically do?  
18

19 **NAN FEY:** Yes, with that one quick exception for the transportation thing.  
20

21 **ALDER KERR:** Okay. Thanks. For the developer, please. And I'll let you, Mr. Dunn, parcel  
22 these out to however you'd like.  
23

24 **BOB DUNN:** Fair enough.  
25

26 **ALDER KERR:** I, and there's quite a list, and I apologize if it gets a little late. But, and I can't  
27 remember, can you explain the rationale for adding rooftop access to the new building. In the  
28 Staff Report, and I know, I'm sure you read it very closely, on Page 13, it indicates that then  
29 kicks this project, the height, to the upper limit, or perhaps beyond the upper limit, of the  
30 Comprehensive Plan.  
31

32 **BOB DUNN:** I'm glad you asked that question.  
33

34 **ALDER KERR:** So am I.  
35

36 **BOB DUNN:** It was hard to cover that in four minutes. But let me give you a little background.  
37 In our previous plan.  
38

39 **ALDER KERR:** And I just, I just really want a very straightforward kind of recitation.  
40

41 **NAN FEY:** Four-minute answer?  
42

43 **BOB DUNN:** In our previous plan, do you have the other elevation, we had the building  
44 designed at eight stories. One of the comments that came to us consistently from Urban Design  
45 was, can we do something to better screen the penthouse? And in doing so, if you can see this  
46 elevation.

1  
2 **ALDER KERR:** Right, we have that. Uh-huh.

3  
4 **BOB DUNN:** And in the old plan, the penthouse was prominent, and most penthouses are, and a  
5 discussion came about, could we use this central feature, this entry feature that goes all the way  
6 up to the building, could we somehow use that to screen the penthouses, which we thought was a  
7 great idea.

8  
9 **ALDER KERR:** Okay.

10  
11 **BOB DUNN:** So the concept became, as you see in the lower plan, taking that elevation up  
12 higher and basically creating an L-shaped penthouse, if you will, and wrapping the penthouse  
13 with some of the façade that we're using on that entry feature. In doing that, there was some  
14 discussion also about could we create a green roof structure, which again, is a novel and  
15 interesting idea that we were willing to consider. And what we proposed to UDC was, we can do  
16 it either way. We did anticipate that that would take us to a nine-story building, and take us  
17 beyond the height limit.

18  
19 **ALDER KERR:** Okay. So to summarize then, you changed the configuration of the penthouse,  
20 or how it appears, and your intent here was to show the potential for a green roof, but not  
21 necessarily to have people on it, to have it accessible? The Plan Commission report says that,  
22 you know, the people being up there creates another level, which creates this issue of non-  
23 compliance or sketchy compliance with the Comp Plan.

24  
25 **BOB DUNN:** Yeah, I mean, the idea with the green roof was it would be accessible, you know,  
26 to patrons. And in all honesty, we would have no problem stepping back to the eight-story  
27 configuration if we're now deemed to be a nine-story building. Frankly, it's far less expensive.  
28 We can easily get back to the old elevation study.

29  
30 **ALDER KERR:** Thank you. Could you accommodate the green roof without having public  
31 access?

32  
33 **BOB DUNN:** There's certain elements that we could look at to, you know, have less impervious  
34 surface on the roof of the building.

35  
36 **ALDER KERR:** Okay, because, all right, all right. So, okay, fine, thanks. Can you give us the  
37 details of the shared parking arrangement for NGL? Have you come to an agreement with them,  
38 sir?

39  
40 **BOB DUNN:** We have generally laid that out. Basically the way that we have scoped that out is  
41 we're building slightly more than 200 new parking stalls. The proposal is that during daytime  
42 hours, 8:00 to 5:00 during the week, business hours, National Guardian would use somewhere  
43 between 100 and maybe 125 of those stalls, basically to replace, as Amy said earlier, parking  
44 that's occurring throughout the neighborhoods today.

1           They would use those stalls during daytime hours. The remaining stalls we would have  
2 available to the hotel during weekdays, which would give us a total staff count in excess of 200  
3 stalls, in excess of the city code requirement.

4           Then in the evenings, weekends, the balance of the time, we would have the right to use  
5 all of the stalls in the new parking structure to support the hotel.

6  
7 **ALDER KERR:** Got it. Thanks. And then how many spaces are you deleting from the NGL?  
8 I understand that there was a surface lot on the NGL that you're deleting because you shifted  
9 over.

10  
11 **BOB DUNN:** Twenty-six.

12  
13 **ALDER KERR:** I was going to say 25. Okay, good. I guess a question for Ken maybe or  
14 Amy. Ken, can you walk us through the, UDC, with a lot of credit to Alder Rummel, my good  
15 friend, did do a lot of work with the car access onto the plaza. Ken, could you walk us through  
16 those changes, please?

17  
18 **KEN SAIKI:** The main thing is.

19  
20 **ALDER KERR:** Actually, not just necessarily the changes. If I'm driving up, excuse me, I  
21 don't mean to cut you off, if I'm driving up, and I'm going to the hotel, and I got my rental car  
22 from the airport, what do I do?

23  
24 **KEN SAIKI:** Okay. So if you're a seasoned business traveler.

25  
26 **ALDER KERR:** Yes, seasoned and savvy.

27  
28 **KEN SAIKI:** You would come up Wisconsin, take a right on the extension of Langdon, and  
29 drive into the garage.

30  
31 **ALDER KERR:** Okay.

32  
33 **KEN SAIKI:** And then you'd circulate down through the garage. What we talked about was,  
34 there's a parking resource here that's connected at a lower level to the existing parking of the  
35 existing Edgewater Hotel. And to the extent that this can be managed, the goal would be for  
36 hotel guests to be parking here.

37  
38 **ALDER KERR:** Right.

39  
40 **KEN SAIKI:** So a seasoned business traveler would circulate down through the garage, find a  
41 parking spot in the hotel, go to the elevator core, come up to reception.

42  
43 **ALDER KERR:** Okay. And then that sort of circular piece there on the plaza level, that's a car,  
44 limo, cab, turnaround?  
45



1 **KEN SAIKI:** Exactly. This is, you drop off your father or whatever. And that also provides  
2 fired protection to this building and also this . . .  
3  
4 **ALDER KERR:** Oh, because the fire department wants to get in there.  
5  
6 **KEN SAIKI:** Yes.  
7  
8 **ALDER KERR:** Okay. Great. Thank you. Mr. Dunn and Ms. Supple, would there be an  
9 objection on the part of your team, and if you want to think about this, you could, to carrying out  
10 the rehab of the existing tower consistent with the standards for the Secretary of Interior for  
11 Historic Rehab and subjecting those to the review and approval by the State Historical  
12 Preservation Officer? And again, if you'd rather think about it, I'm happy, I understand that.  
13  
14 **BOB DUNN:** It's something that we're studying very closely right now. And I don't know that  
15 I can give you a definitive answer today, but it is something that we're looking at carefully.  
16 We're also looking at the potential of historic tax credits.  
17  
18 **ALDER KERR:** Great. And have you met with the State Historic Preservation Officer?  
19  
20 **BOB DUNN:** We have not at this point.  
21  
22 **ALDER KERR:** Okay. Thank you. And can you explain, Mr. Ostlind noted, and I didn't  
23 independently verify this, if there's an additional 15,000 square foot added to the project, I think  
24 I said pointed out by Mr. Ostlind from I think Version 2. Can you explain that?  
25  
26 **BOB DUNN:** I can give you I think a good explanation of that. There are maybe a half a dozen  
27 areas of the building where we have square footage that was not included in the previous plan.  
28 And it comes in a number of small areas. Probably the easiest one to identify is, in the previous  
29 plan, we did not have the area on top of the 1940s building included in the area calculation. So  
30 that's some portion of it.  
31 Secondly, there's an area down here below the terrace where we have public restrooms  
32 and other services to support the terrace, that previously we had in the parking structure area.  
33 When we moved that parking structure over to the National Guardian property.  
34  
35 **ALDER KERR:** I got it.  
36  
37 **BOB DUNN:** We have to account for that area. There's a slight increase in the dimension of  
38 the building toward the water. I think it's just under four feet. That was brought about because  
39 we have to build a structural bridge within the confines of the hotel expansion. So that we can  
40 take columns out to the outside wall, we have to eliminate the interior columns that would  
41 otherwise drop down in the middle of our banquet space.  
42  
43 **ALDER KERR:** Got it.  
44  
45 **BOB DUNN:** When we did that, we had to meet the demising partitions, and it forced the wall,  
46 the dimension of the building out slightly.

1  
2 **ALDER KERR:** Okay. So just to summarize then, the additional square footage is attributable  
3 to moving the building out four feet and the addition on top of the '40s building or that new  
4 space up there. Is that right?  
5  
6 **BOB DUNN:** I also includes some area that's apart of the theoretical ninth floor.  
7  
8 **ALDER KERR:** Okay, that we discussed previously. Okay. All right. Great.  
9  
10 **BOB DUNN:** There's also some additional area that relates to parking and moving the elevator  
11 towers.  
12  
13 **ALDER KERR:** Okay. And then this question is for Ms. Supple, please. Amy, Ms. Supple,  
14 did I hear you in saying that the pier access would be public to the extent that you're dining out  
15 there.  
16  
17 **AMY SUPPLE:** Yes. I mean, it's a restaurant space. It's not marked as an event space, for  
18 instance. It's a functioning restaurant.  
19  
20 **ALDER KERR:** Okay. So a lot of supporters have referenced, you know, wanting to stroll  
21 along down on the pier as an important reason to support your project, and I think many people,  
22 that's evocative for many people. But does that mean then I have to eat dinner there?  
23  
24 **AMY SUPPLE:** No, no.  
25  
26 **ALDER KERR:** So I can just go and, all right, Ken Saiki in the house. I'll let you get back  
27 pulled back together there.  
28  
29 **AMY SUPPLE:** No, we wouldn't have a restriction on people walking out on the pier and that  
30 sort of thing. That's not.  
31  
32 **ALDER KERR:** And that wouldn't be included in the.  
33  
34 **AMY SUPPLE:** I'm sorry?  
35  
36 **ALDER KERR:** That wouldn't be included in the event space that would be, that I'll talk about  
37 in a second, that's referenced in the Public Access Agreement?  
38  
39 **AMY SUPPLE:** No, no, it wouldn't.  
40  
41 **ALDER KERR:** Okay. Thanks. And then what, going to the Public Access Agreement, well,  
42 actually, maybe for Mr. Dunn, and I think Ms. Olson kind of referenced this, and I'll get, and  
43 then I'll save all my public access questions for later. And you spoke about this, but it bears  
44 some discussion here.  
45 That there have been comments in the newspaper, and I think perhaps even our own city  
46 TIF coordinator has indicated that the condos aren't, are a financial wash. You've quite

1 vigorously said here that they're not. I just wanted to see if you could, and several speakers, as  
2 the way these things happen, several people have mentioned that tonight. Can you explain just  
3 very concisely what perhaps you meant or what you interpret Mr. Gromacki's statements as  
4 referring to?

5  
6 **BOB DUNN:** I've not heard that from Mr. Gromacki.

7  
8 **ALDER KERR:** I could have misremembered it.

9  
10 **BOB DUNN:** I've only heard that from Mr. Mohs. And it's absolutely untrue. There's a profit  
11 associated with the sale of those condominiums that we need to support the overall economic  
12 viability of the project.

13  
14 **ALDER KERR:** Okay. And that will be shown in your TIF loan application?

15  
16 **BOB DUNN:** Yes.

17  
18 **ALDER KERR:** Okay. Great. And then perhaps for the public access, what's the amount of  
19 time, I guess starting sort of from the top, what's the distinction between a special event.

20  
21 **BRAD MURPHY:** General event.

22  
23 **ALDER KERR:** And a general event, excuse me. Thank you, Mr. Murphy.

24  
25 **BOB DUNN:** The key difference, as it's defined in the Management Agreement that you were  
26 given is an event is something that is a scheduled event, managed by the hotel in one of those  
27 three areas on the plan.

28  
29 **ALDER KERR:** Okay.

30  
31 **BOB DUNN:** A special event is something where we would basically secure the entire public  
32 area so that we can control the volume of people that come and go.

33  
34 **ALDER KERR:** Okay. Thank you. And then, what percentage of the time, let me just, I think  
35 I gave my, oh, no, here it is. What percentage of the time could spaces A, B, and C, which  
36 would be the general events, those are the hotel, and I'm referring to your Exhibit C, what  
37 percentage of the time would those be closed? I say that because you have, for the special  
38 events, you have 15 days, you stipulated 15 days, but there was no stipulation for these.

39  
40 **BOB DUNN:** No, we never talked about a specific designated timeframe for hosting events in  
41 those three areas. I suppose we could. It's just not something that we looked at.

42  
43 **ALDER KERR:** Okay. And then.

44  
45 **BOB DUNN:** The other point on events is those are not necessarily non-public events. Events  
46 are just areas that would be designated to host certain types of functions at certain times. So for

1 instance, if the Art Fair is happening, and we had an arts event in Area B, that may be open to the  
2 public.

3  
4 **ALDER KERR:** Okay. Thank you.

5  
6 **BOB DUNN:** It's not necessarily closed to the public.

7  
8 **ALDER KERR:** Okay. Great. Thanks for clarifying. And then several of the speakers had  
9 questions, or have expressed concerns, about amplified sound on the plaza. And I didn't see  
10 much reference in that agreement to that. Can you speak to that?

11  
12 **BOB DUNN:** We can. There are, obviously, city ordinance that we'll have to adhere to. I do  
13 expect that that is something that will get further developed in the Management Agreement. And  
14 there was a comment made earlier that I think is just a practical reality. If we're putting  
15 residential units in this building, and we're hosting guests, north of 180 hotel guests, hopefully  
16 most evenings of the year, it would seem odd to me that we would just completely disregard  
17 noise.

18  
19 **ALDER KERR:** I guess I'm not trying to be argumentative. I was just trying to get the answer  
20 to my question. It wasn't referenced in your Management Agreement and several speakers  
21 mentioned it, so.

22 And then finally, my last question was, the plan has separate sites or parcels for hotel and  
23 city, and this may be a question for Ms. Zellhoefer, but who retains the actually underlying  
24 ownership of the hotel site and the city site?

25  
26 **BOB DUNN:** The hotel would continue to be privately owned, and the city property would  
27 continue to be owned by the City, subject to a lease agreement.

28  
29 **ALDER KERR:** Okay. Thank you.

30  
31 **NAN FEY:** Alder Cnare.

32  
33 **ALDER CNARE:** Feel free to stay. Let's, we were talking about public space, maybe we can  
34 keep talking about that. Can I bring my dog there?

35  
36 **BOB DUNN:** That's a good question, I don't know that we've, I don't know that we've solved  
37 that one.

38  
39 **ALDER CNARE:** Okay. And the reason I bring it up is because I think you've got a great start  
40 on the Public Access Management Agreement, but I think it needs to be just a little more  
41 ironclad. And one of those is, can I walk my dog by or not? And I actually don't care what you  
42 do, but I think we should have that kind of thing noted.

43  
44 **AMY SUPPLE:** What's kind of interesting is in the research that we found too you can't, for  
45 instance, you're not supposed to bring your dog to the terrace.

1 **ALDER CNARE:** Right, but people do, and we like that. But anyway. Tell me a little bit more  
2 about the kind of events that you're going to plan, because that kind of gets me into what  
3 happens with parking, which has been kind of an issue. And, you know, if you have events that  
4 are kind of like there are weddings and there are family reunions, somebody mentioned, or there  
5 are those kind of events, how many people might you be able to hold in your ballroom, for  
6 example? And then what kind of conference business do you expect to do? Is it 50 people from  
7 a small association or is this International Society of Microphone Engineers? What, can you  
8 give me some scale on event types?  
9

10 **AMY SUPPLE:** Sure. I think the space is designed to be fairly flexible, but it is not, as it's  
11 been characterized, a large convention center hotel. It's not that type of hotel.  
12

13 **ALDER CNARE:** Okay.  
14

15 **AMY SUPPLE:** But the space has been designed to be flexible. The ballrooms break down  
16 into smaller component part. There's, I think, if I recall correctly, there's three meeting rooms.  
17 And I'm embarrassed that I don't know the answer to that, but I think there's three meeting  
18 rooms of a fairly decent size.  
19

20 **ALDER CNARE:** Like 50 people or?  
21

22 **AMY SUPPLE:** Oh, no, it's probably somewhere between, I want to say anywhere from 10.  
23

24 **ALDER CNARE:** Okay.  
25

26 **AMY SUPPLE:** There's one that's really small, and then probably up to 20.  
27

28 **ALDER CNARE:** Okay. And wedding, you could accommodate a 200-guest wedding? And  
29 would you intend to have outdoor weddings also?  
30

31 **AMY SUPPLE:** We could. We could have outdoor weddings, yeah.  
32

33 **ALDER CNARE:** Okay. About how many bodies would you think?  
34

35 **AMY SUPPLE:** Ken, you looked at that at one point.  
36

37 **KEN SAIKI:** We just did a rough fit of what would potentially be out there. So we thought we  
38 could get about 160 guests for a wedding outdoors. The caveat to that is, if you plan an outdoor,  
39 you always have to have an indoor facility just in case.  
40

41 **ALDER CNARE:** It does rain here. Okay. Okay. Which leads me to the parking, is the  
42 parking gated with an attendant there or would it be metered parking or a blend of both? How  
43 would you kind of control how people pay and how long they get to stay?  
44

45 **AMY SUPPLE:** It would be gated.  
46

1 **ALDER CNARE:** Gated. Okay. Would you consider having those public spaces in the plaza  
2 be smoke-free? You'd consider anything, right?

3  
4 **AMY SUPPLE:** Yes.

5  
6 **ALDER CNARE:** I'd really like to advocate for that. I mean, so many of our outdoor spaces,  
7 unfortunately, in this city now have become the de facto smoking areas. And I'd really  
8 encourage to do that. You know, it could be a little bit of a hassle, but I imagine many, most of,  
9 your rooms are smoke-free, so.

10  
11 **BOB DUNN:** Most of our work involves these public/private type spaces, and it's pretty rare  
12 today that those aren't either currently smoke-free or moving rapidly in that direction.

13  
14 **ALDER CNARE:** Okay. I hope you can move rapidly with the best of them. There's a couple  
15 different parcels that are indicated. You're sharing with NGL, etc. Have you closed those land  
16 deals yet or do you need to do all that legal paperwork we get to some stage of finality or are  
17 those underlying?

18  
19 **BOB DUNN:** We have not closed, but all the legal work is done. If we had an approved  
20 project, we could get to a closing very quickly.

21  
22 **ALDER CNARE:** Oh, okay. Well, it's only midnight. We're working here. Tell me a little bit  
23 about some of the business functions. I know you've got a fitness center and the spa. Are those  
24 primarily for hotel guests, or if I lived in the neighborhood, could I purchase a pass to your  
25 fitness center? And what kinds of hours are you looking at, if those did have public access?

26  
27 **BOB DUNN:** That's a great question. All of the services in the hotel, we would expect to be  
28 available for neighborhood residents, their guests, downtown business people. And something  
29 like a spa is for people throughout the community. It obviously wouldn't be limited just to hotel  
30 guests or neighborhood residents. But in most instances like this, we would find those amenities  
31 to be, you know, very positively received by a neighborhood, everything from the café to the  
32 public terrace to a spa to a fitness facility that has a pool.

33 So we expect, we'll probably get use. I know in our business model, we probably  
34 allocate about a third of that use to the hotel guests, about a third to a resident population that I  
35 would define as, you know, a walkable resident, and a third would come from the community at  
36 large.

37  
38 **ALDER CNARE:** Okay. I know it's got a library in there too, kind of a good idea these days.  
39 Then my last question has to do with one of the concerns for neighbors, of course, is how the  
40 building kind of fits the neighborhood and its impact. Is there a site, a lighting plan that we, that  
41 I didn't see, or do you have some thoughts about will, for example, the public space and the  
42 terrace be lit like a tennis court all night long or until 11:00 o'clock, or will it be more, you  
43 know, kind of low key? Are there safety issues you're concerned with, and how will you keep  
44 from being a glowing beacon in the night, but still have people know that the facility is there?

45

1 **BOB DUNN:** Sure. We are working on a lighting plan. We're also working on the signage  
2 plan. I can give you my own personal bias on those two issues. I do not favor bright lights and  
3 strong lighting nor do I favor signage that is, that is, I'll say, not tasteful with the architecture of  
4 the building. I tend to prefer signage that is in keeping with the architecture and much more  
5 subdued. So I don't know that I can answer your question specifically, but that's clearly the  
6 direction that our design will go on those two issues.

7  
8 **ALDER CNARE:** Okay. And can I assume that the path along the lake would be lighted so  
9 that people can kind of wander down there during those dark hours?

10  
11 **BOB DUNN:** It will be. In lighting, there are certain code issues that we have to adhere to, and  
12 then there's safety, and there's just the ability to properly use the public spaces. We have to have  
13 sufficient light that in the evening we can, we can maintain the use of those spaces. But the last  
14 thing that I want to see is a glowing beacon at the end of the street.

15  
16 **ALDER CNARE:** Okay. I imagine you'll have agreement on that. All right. Those are all the  
17 questions I had for you. Thank you very much. And then I just had a question. Mr. McFadden,  
18 I want to offer you the opportunity, are you still here? Come on down. I wanted to offer you the  
19 opportunity, the current development team had a chance to react to some of the work that you  
20 have done here. And I'm just curious if you could talk to us about your hotel design experience  
21 and why you suggested this particular configuration, he's left the room. Oh, okay. Do you have  
22 boards to show?

23  
24 **JAMES MCFADDEN:** Again, I don't have extensive, I'm doing a hotel at the moment, but  
25 again, I don't have. I've had, early in my career, I've worked in hotels, but that's not the focus  
26 of my work. A couple of things I could speak to.

27 Eighty-foot wide hotels, all we have to do is look out the back window, and we could see  
28 a hotel with rooms, elevators in the center rooms. Eight feet, we have 105 feet plus a depth of  
29 property, we need 10 feet on the National Guardian Life were set back to allow the appropriate  
30 window openings, we have 80 feet for the feet, leaves us 15 feet for the setback. It works  
31 perfectly. The math is perfect.

32 We look at the rooms. The rooms are 14 feet rather than 14 foot 6, not a big difference.  
33 Even if we changed the rooms to 14 feet 6, and made them exactly the same, we would still  
34 increase the number of rooms from 22 to 30 by simply organizing the central service cores as  
35 every other building is done. You know, so that is, you know, taken care of.

36 ADA is brought up again and again and again and again. Right now, these hotel rooms I  
37 am showing are not ADA compliant. Neither are the applicants. ADA applies in situations, in  
38 lodging facilities for the public spaces. In a hotel of this size, the grand total of six rooms have  
39 to be handicapped accessible, and what is preventing both of our designs from being accessible is  
40 basically the door clearances around the bathroom, etc., etc. So again, again, on the tap(?), but a  
41 complete non-issue.

42 Again, if we are talking about ADA compliance, right now it is absolutely impossible to  
43 gain entry if you're mobility impaired into the original Edgewater building. Right now, you  
44 can't get to the thing. And even from the plaza, you have to, there's a step up to the existing  
45 Edgewater building, the original Edgewater building.

1           Again, I will compare ADA back and forth. There are ways to actually provide a ramp,  
2 and I'll have to go over and get something. But there are ways. Again, this is, again, this is  
3 small line, but right now, by changing the sidewalk and bringing access down to this, this is  
4 actually a fully compliant sidewalk. We can't bring a fully compliant ramp down to the lower  
5 level, but we certainly can, and it's very easy to, to provide a fully compliant ramp down to the  
6 public plaza, you know, reducing that area, you know, entirely.

7           So ADA, this is considerably more, because it's done with that in mind. Most of my  
8 work has to do with very ADA compliant things, and it's second nature. You know, so again,  
9 those are certain of the things. And I could speak to others, you know, as we speak, you know.

10  
11 **ALDER CNARE:** Okay. Just a quick question for you. There's the drawing that I think you  
12 had provided to us indicates that the current Edgewater floor plate width is 71 feet, 4 inches.  
13 And yours is 80.

14  
15 **JAMES MCFADDEN:** Eighty. Correct.

16  
17 **ALDER CNARE:** Mr. Dunn, I think I heard you say.

18  
19 **JAMES MCFADDEN:** I mean, that's, it's his drawing, so again, I'm just, all I've done is taken  
20 his drawing and made a copy.

21  
22 **ALDER CNARE:** Okay. I'm just worried about your 80 right now. The 80 feet he indicated is  
23 not a typical size that one would work with. So where did you get your 80 feet idea?

24  
25 **JAMES MCFADDEN:** The typical size relates to the depth of the hotel room, not the width of  
26 the building. As I say, look at the Edgewater, look at, right out the back window at the Hilton.  
27 There's a standard room, there's the services in the center, there's a standard room. We have a  
28 building that is actually an excess of 80 feet in the center. Again, what is typical is the room  
29 dimension, not the building dimension.

30  
31 **ALDER CNARE:** Okay. And yours are all plain old guest rooms. There's no guest suite, and  
32 that was intentional on your part?

33  
34 **JAMES MCFADDEN:** This is just a typical floor.

35  
36 **ALDER CNARE:** Okay.

37  
38 **JAMES MCFADDEN:** The guest suites, by the way, the condominiums, we spoke, the  
39 applicant spoke, the difficulty, the dimensional difficulty of developing the original Edgewater  
40 building, for hotels, he's 100% correct, because the building was originally designed as  
41 apartments, as residences, we, the applicant is saying there are going to be 9 condominiums, he's  
42 showing 14. We have provided for 11 large suites in the original building, again, reverting that  
43 back to its original use, and again, separating that use completely so they have a separate lobby,  
44 separate elevators, and it makes for a more operationally efficient hotel.

45  
46 **ALDER CNARE:** Okay. Thank you for the incident(?) you plan. I appreciate it.



1  
2 **JAMES MCFADDEN:** Thank you.

3  
4 **ALDER CNARE:** I'm done.

5  
6 **NAN FEY:** You're done. Other, any other burning questions out there for any of the residents  
7 that haven't already been asked and answered? Registrants is what I meant to say. It is after  
8 midnight.

9       Okay. Then if there are no further questions for any of the registrants, we'll close the  
10 public hearing and go to questions for staff. Mr. Basford, and then Mr. Gruber.

11  
12 **MICHAEL BASFORD:** Thank you. I would first of all like to just start out by acknowledging  
13 that the work that was done by staff on our behalfs throughout this several-month process,  
14 especially with the work that was in our packets, you've managed to take an incredibly difficult  
15 situation and boil down all the myriad issues surrounding it to the point where that even a gnat  
16 with a lobotomy could probably get this right. So I would just like to extend my appreciation to  
17 you, Mr. Murphy, and Mr. Parks, and Mr. Tucker, and the rest of the Planning staff that have  
18 been involved in that. Thank you very much.

19       My first question is if we were to make a motion to approve, would it be in order for us to  
20 also make a recommendation to the Common Council that this, that this application in its current  
21 form be referred back to Landmarks?

22  
23 **PLANNING STAFF :** You're asking if it would be appropriate make a motion to approve the  
24 project and also as part of that to refer it back to the Landmarks Commission?

25  
26 **MICHAEL BASFORD:** To recommend it. I mean, we don't have the power to refer it back to  
27 Landmarks, of course.

28  
29 **BRAD MURPHY:** Right. And are you thinking that the referral to Landmarks Commission  
30 would result, let's say that recommendation went to the Common Council and the Common  
31 Council then decided to refer it to the Landmarks Commission, are you thinking that it would  
32 then go to the Landmarks Commission prior to the Common Council taking action on the  
33 project? Is that what you're, what the recommendation would be as your envision it?

34  
35 **MICHAEL BASFORD:** Wow, I never even considered how they would do it. I was just  
36 thinking about just asking them to do it.

37  
38 **BRAD MURPHY:** I think the answer to the question, and the City Attorney's Office is here, is  
39 that the Common Council could refer it to the, well, I'm not going to, I'm getting this from  
40 Assistant City Attorney Noonan. So I'll let her answer the question.

41  
42 **NAN FEY:** Ms. Noonan.

43  
44 **KITTY NOONAN:** I guess my question, first of all, would be what would be the purpose of  
45 your recommendation to the Council to refer it to Landmarks? What would you want  
46 Landmarks to do?

1  
2 **MICHAEL BASFORD:** Well, there's been discussion that the application, in its current form,  
3 has been substantially changed from what was previously before Landmarks last year. And as a  
4 result of those changes, that it's so different that Landmarks has to make a decision on it. I also  
5 am a little interested in, and this goes to my question to Mr. Martens earlier, earlier this evening,  
6 where the visibly related area that was shown in what he provided us came from something that  
7 was prepared for Landmarks for something that was substantially different than this. And if that  
8 changes, then maybe the visually related area changes. You see where I'm getting with that?  
9

10 **KITTY NOONAN:** Yeah. And I guess the reason I wanted to know is because the requirement  
11 to get a Certificate of Appropriateness from the Landmarks Commission derives from the  
12 ordinance, not from a referral from the Council. And so you need, the Council doesn't act as the  
13 one that tells a project whether they should or should not get a Certificate of Appropriateness.  
14 That's dependent on whether it meets the requirement under the ordinance to go and get a  
15 Certificate of Appropriateness.

16 So the Council doesn't, you know, wouldn't be in a position to tell them that they need to  
17 refer it back per se. They would be required to do that due to some other reason.  
18

19 **MICHAEL BASFORD:** Okay. All right. Then I'll move on to another area. We noticed that  
20 in this version of the application that there is no pier. In the event that, and there was  
21 questioning between Mr. Sundquist and the applicant about this, and about how there maybe  
22 piers in some form or another coming up in the future. If that were to happen, would that have to  
23 come back here or is the pier area out of, or any pier area, out of our jurisdiction?  
24

25 **BRAD MURPHY:** Well, it's, it is not part of the zoning lot. And we would normally leave the  
26 approval of the pier, and anything else that's under the jurisdiction of the DNR, to the DNR.  
27

28 **MICHAEL BASFORD:** Okay. All right. And lastly, I want to talk a little about building  
29 height. First of all, in your explanation in the Comprehensive, about consistency with the  
30 Comprehensive Plan, you note the building height recommendations for the different sub-  
31 districts, the Langdon sub-district and the Mansion Hills sub-district. Is Wisconsin Avenue the  
32 barrier between both of those sub-districts?  
33

34 **BRAD MURPHY:** No. The sub-districts are, it isn't exactly Wisconsin Avenue. For part of  
35 the area, it is, and part of the area it isn't. I can get a larger scale map that might be a little bit  
36 easier to see, if you would like.

37 Essentially, the area of the planned unit development is split between the Langdon sub-  
38 district and the Mansion Hill district in the Comprehensive Plan. And the tower itself is partially  
39 in the Mansion Hill district. In fact, I would say, I'm estimating about two-thirds of the tower  
40 building is in the Mansion Hill district and, you know, a third or so in the Langdon district. So  
41 it's kind of right on the edge as I look at the map.

42 And it looks like the boundary in this area was drawn based on the boundary, where the  
43 existing Edgewater Hotel was located, with the existing Edgewater Hotel being located in the  
44 Langdon district and the area to the east, including the National Guardian Life property being  
45 located in Mansion Hill.  
46

1 **MICHAEL BASFORD:** Okay. So let's talk about buildings that exceed 50 feet in the Mansion  
2 Hill district, Mansion Hill sub-district. The applicant, in their materials that they gave us this  
3 evening, and I'm referring to the pictures on Section 1.0, Page 8, if you happen to have that  
4 handout. Okay. So, first of all, those three buildings to the west are not in the Mansion Hill sub-  
5 district, and so they are not, the 50-foot rule does not apply to them, correct?  
6

7 **BRAD MURPHY:** I believe that's correct.  
8

9 **MICHAEL BASFORD:** Okay. And that leaves us these other five, the NGL, the Ambassador,  
10 the Verex building, and a couple of apartment buildings. I'm going to make an assumption that  
11 all of those, all five of those buildings, were developed previously to the 50-foot rule.  
12

13 **BRAD MURPHY:** I didn't hear your entire question. I'm sorry.  
14

15 **MICHAEL BASFORD:** I'm sorry. That leaves us then with the five remaining buildings that  
16 are most definitely in the Mansion Hill sub-district. That would be the NGL building, Verex  
17 building, the Ambassador, and a couple of apartment buildings. Is it right to assume that all five  
18 of those buildings were developed prior to the establishment of the 50-foot rule?  
19

20 **BRAD MURPHY:** I'm assuming that they, that they were, although I'm not absolutely sure of.  
21 Mr. Parks is indicating that at least four of them were. And Mr. Tucker is saying not Verex.  
22 Verex was, well, Verex is zoned OR. And so one thing to keep in mind.  
23

24 **MICHAEL BASFORD:** Right, the 50-foot rule only applies to R6H.  
25

26 **BRAD MURPHY:** Right. So the Comprehensive Plan talks about in the Mansion Hill district  
27 the heights being established by the underlying zoning.  
28

29 **MICHAEL BASFORD:** Okay.  
30

31 **BRAD MURPHY:** Not all of the property in the Mansion Hill district is zoned R6H.  
32

33 **MICHAEL BASFORD:** Gotcha.  
34

35 **BRAD MURPHY:** It's a combination of OR, and there are several planned unit developments  
36 that basically are the underlying zoning, in addition to the R6H district that covers most of  
37 what's in the Mansion Hill district identified in the Comprehensive Plan, which is, you know, of  
38 course, different than the Mansion Hill historic district, which has different boundaries.  
39

40 **MICHAEL BASFORD:** Right. Have any of the buildings, has there been any development in  
41 the Mansion Hill sub-district that has exceeded 50 feet since the enactment of the 50-foot rule?  
42

43 **BRAD MURPHY:** I'm not aware of, has there been any building built in the R6H district, since  
44 the enactment of the R6H district that's exceeded 50 feet. I'm not aware of one. And that  
45 question was also asked by the Urban Design Commission and the people, staff at that meeting  
46 also were not aware of an example.

1  
2 **MICHAEL BASFORD:** Okay. You then go on to mention also, as the new tower is straddling  
3 two sub-districts here, that the other sub-district recommended range of height from two to eight  
4 stories with the tallest buildings recommended to be closest to the State Street corridor. This, of  
5 course, is the furthest from the State Street corridor as you can be and still be in the Langdon  
6 sub-district.

7 Also, it is, what is being proposed is three times the height of the 50-foot rule for the  
8 Langdon, for the Mansion Hill sub-district. And so my guess is, so my question is, and wouldn't  
9 you know it, and maybe it's because my brain is turning to tapioca, that I can't find where I  
10 thought I had marked the Staff Report saying that the, that we could find that the heights were  
11 consistent with the Comprehensive Plan. And maybe I'm just missing it.

12 Would you then say that, considering those two things, that this is, that the height is not  
13 consistent with the guidelines in the Comprehensive Plan?  
14

15 **BRAD MURPHY:** Well, I think you have to read all of the Comprehensive Plan  
16 recommendations that apply to this situation. And that's what we tried to do in the Staff Report.  
17 And in looking at all of those recommendations, including how the Comprehensive Plan, kind of  
18 the instructions on what the lines mean and how they were drawn, and the statements that  
19 indicate that they're not zoning district boundaries, and that, I should try to be careful to get the  
20 language correct, but you know, the quote from the plan indicates that the maps are a  
21 representation of the recommended pattern of future land uses that are large-scale. And it's not  
22 intended for application on a parcel-by-parcel basis nor should it be interpreted as similar to a  
23 zoning district map.

24 The recommended land uses are generalized in that the exact boundaries between one  
25 land use category and another are often only approximate. The range of different land uses and  
26 development densities encompassed within the use district definitions is relatively large and all  
27 of the districts may include a variety of land uses in addition to the primary use.

28 When we read that and we look at this site being right on the edge of two districts, and  
29 read basically the uses that are indicated in both districts, and the one district referring to the  
30 heights being those as provided for in the underlying zoning, you know, there's, you've got an  
31 edge situation here. And I think we go back to looking at all of the collective recommendations  
32 in the Comprehensive Plan and applying those to this edge situation, and asking ourselves  
33 collectively if what's before us can be determined to be consistent with the Plan.

34 What we've indicated is that we believe that findings could be made, that the project is  
35 consistent with the Plan, but what we've asked is if there are additional changes that the Plan  
36 Commission would find needed in order to make that finding. So while we think that the  
37 findings of that type could be made, I think the critical question for the Commission is, are there  
38 additional changes that you believe would be needed in order for you as a body to come to that  
39 decision, that determination.  
40

41 **MICHAEL BASFORD:** And perhaps one of those being an amendment to the Comprehensive  
42 Plan. I mean, that was a question. I'm sorry.  
43

44 **BRAD MURPHY:** Could you repeat it?  
45

1 **MICHAEL BASFORD:** I'm sorry. And one of those recommendations would be an  
2 amendment to the Comprehensive Plan to allow buildings of this height?  
3

4 **BRAD MURPHY:** Well, I, you know, we didn't suggest that that would be needed. If the Plan  
5 Commission believes that the project is absolutely not consistent with the Comprehensive Plan,  
6 then yes, the next step might be to decide whether an amendment would be needed in order to  
7 accommodate a project of this type. But we didn't, our Staff Report certainly wasn't heading in  
8 that direction.  
9

10 **MICHAEL BASFORD:** Okay. All right. Thank you.  
11

12 **NAN FEY:** Mr. Gruber, then Ms. Olson.  
13

14 **TIM GRUBER:** Thank you. And I'd just like to repeat some of what Mr. Basford said about  
15 the great work staff has done, and the reports are very helpful. But I do have a question about  
16 the report on Page 13 and how the, because of the, using the rooftop for hotel functions now  
17 we're considering this to be a nine-story rather than eight-story building. I fail to understand  
18 how that, we got to that conclusion.  
19

20 **BRAD MURPHY:** Well, I'd like to ask Matt Tucker to basically address how the number of  
21 stories are defined under the zoning code and what change basically contributed to this now  
22 being a nine-story building as measured from Langdon and Wisconsin versus an eight-story  
23 building, which was the previous plan.  
24

25 **TIM GRUBER:** A matter of definition then.  
26

27 **NAN FEY:** Mr. Tucker.  
28

29 **MATT TUCKER:** Yes, it's, it is a matter of definition. You take a look at the zoning code  
30 definition of a story, it talks about floors to ceilings and further up to the point where there is no  
31 ceiling. With the top story area, where the elevator opens up to the, what is I guess now the  
32 ninth story, it basically creates a room, a story, a floor-to-a-ceiling relationship that was  
33 previously not on the plans. And so then it counts as basically an elevator story, but it is a story  
34 with the floor being basically the roof deck-top of the building and up to the sky.  
35

36 **TIM GRUBER:** So essentially it's the elevator access to the roof that created that situation?  
37

38 **MATT TUCKER:** Yeah, if it just had typical elevator over-run mechanicals up there and didn't  
39 create an accessible space for people to ride the elevator up, step off and out onto the rooftop,  
40 that is what puts it over as a story.  
41

42 **TIM GRUBER:** So this would be for the purposes of zoning, but for the purposes of the  
43 Comprehensive Plan, would we need to consider that a story or is that simply a matter of  
44 definition?  
45

1 **BRAD MURPHY:** Well, I, if I think again, if you believe that that is, that's critical in your  
2 determination of whether or not you can find that the proposed project is consistent with the  
3 Comprehensive Plan, then you may want to deal with it. I think, when I heard the applicant  
4 speak, they indicated that if that was an issue, they would eliminate it, at least I believe that's  
5 what I heard them say. And you might want to confirm that's.

6  
7 **TIM GRUBER:** No, that's, I think that's correct, what I heard them say too. It's an interesting  
8 dilemma we're in here. And in a way, it's, we want to promote use of rooftop spaces like we did  
9 at the Children's Museum, because it's a good use of space that's there. But on the other hand,  
10 it's pushing them above the limit. Well, I'll leave it there, and we'll, I guess it's more for  
11 discussion. Thank you.

12  
13 **NAN FEY:** Ms. Olson, then Alder Kerr.

14  
15 **JUDY OLSON:** I'm contemplating my options here, and considering what probably would be a  
16 very unpopular concept of referring, and I'm asking you if my purpose in doing so were to  
17 request that the applicant explore further the concept of reducing the size of the tower, would the  
18 referral be appropriate to Urban Design Commission or simply refer and come back to us?

19  
20 **BRAD MURPHY:** Well, I think that you could certainly refer the project and request the  
21 applicant to consider making additional changes to the project, and have it come back to the Plan  
22 Commission. And that would be a recommendation that would be essentially made to the  
23 Common Council, and then the Common Council would, in most cases, the Common Council  
24 typically re-refers the project back to the Plan Commission.

25 But your recommendation essentially for re-referral, when you make it, the Commission  
26 says, we're going to recommend referral of the project, and you assume it's going to come back  
27 here for further consideration. And it always does. The Common Council then typically refers it  
28 back to the Plan Commission.

29 So if you want to refer the project, and you could also recommend that it be re-referred  
30 back to the Urban Design Commission. I mean, I don't know that, I mean, I don't know that at  
31 this point that would need to be done, depending on the types of changes that would be  
32 contemplated. It would need to go back to the Urban Design Commission for final approval.  
33 That's a, at least if you were to eventually adopt this and keep the conditions of approval that  
34 staff have recommended.

35  
36 **JUDY OLSON:** And from a timing standpoint, there's an April 12<sup>th</sup> Plan Commission meeting,  
37 I believe.

38  
39 **BRAD MURPHY:** There is.

40  
41 **JUDY OLSON:** Is there a meeting of the Common Council between now and then?

42  
43 **BRAD MURPHY:** No. The next Council meeting is April 13<sup>th</sup>?

44  
45 **MAN:** Yes.

1 **JUDY OLSON:** Okay. Thank you.  
2  
3 **NAN FEY:** Alder Kerr, then Alder Cnare.  
4  
5 **ALDER KERR:** I think you've gone over this, Mr. Murphy, but it may have been lost to me.  
6 Can you explain the Plan Commission's relationship with the Landmarks Commission,  
7 specifically I have two, I had two, I'm sorry, I lost my reference in my many cards here. So is it,  
8 did I hear you correctly when you said that the Plan Commission could not directly refer  
9 something back to the Landmarks Commission for, if this were the will of the body, we can't just  
10 say we want Landmarks to re-look at this? The route is refer it, re-refer it to a subsequent Plan  
11 Commission meeting with the recommendation that the City Council refer it to Landmarks  
12 before it then comes back the Plan Commission.  
13  
14 **BRAD MURPHY:** Well, again, I would the City Attorney's Office, Kitty Noonan, to answer  
15 this question as she did previously.  
16  
17 **ALDER KERR:** Okay. Let me state this a different way, very straightforwardly. What would  
18 be the proper procedure if the Commission wanted input from the Landmarks, from Landmarks,  
19 on the revised plan vis-à-vis the Certificate of Appropriateness?  
20  
21 **MAN:** Kitty should answer that.  
22  
23 **NAN FEY:** Attorney Noonan.  
24  
25 **KITTY NOONAN:** I think about the only thing you could do is to ask the applicant to return,  
26 because the requirement is determined by the ordinance, not be a referral either by this body or  
27 the Common Council. The requirement to get a Certificate of Appropriateness comes from the  
28 ordinance requirement, not any referral.  
29  
30 **ALDER KERR:** I think you said that. So we would ask the applicant if he would be willing  
31 then to go to Landmarks directly, and then agree, and then refer, I mean, what would be the  
32 motion?  
33  
34 **KITTY NOONAN:** I don't know that there would be a motion. It may be something that you  
35 just would have to have a discussion with, I mean, with the applicant. I mean, I believe in other  
36 cases, you ask applicants whether they're willing to do X, Y, or Z. But I don't really see any  
37 other option.  
38  
39 **ALDER KERR:** Okay. Thank you. Continuing on to other staff members. What was, and this  
40 might, this is sort of theoretical or convoluted I guess. What was the theory in the Comp Plan, I  
41 realize when the Comp Plan was passed, that the Downtown Plan was not yet underway and was  
42 being contemplated. What was the rationale for the in the Mansion Hill sub-district limiting  
43 heights to the underlying zoning? And given that zoning is informed by the preparation of a  
44 plan, an adopted plan, and the Downtown Plan being that adopted plan, doesn't this just sort of  
45 get to be then a circular reference here?  
46

1 **BRAD MURPHY:** Well, all I can tell you is that, is what the Plan says. And I'm not sure if the  
2 staff at the time were assuming that much of the land in this area was zoned R6H so the R6H  
3 district has a height limit, and the height limit would apply. But it's clear that not all of the  
4 property within this district in the Comprehensive Plan is zoned R6H. And there are, there's  
5 R6H-zoned property that are included in other districts in the Comprehensive Plan as well. So  
6 all I can tell you is what the Comprehensive Plan says. I can't tell you what all of the thinking  
7 was that went into that recommendation.

8  
9 **ALDER KERR:** It does sort of leave us in a circular reference kind of point, at this point. I  
10 mean, given that you're supposed to have a plan that informs zoning, and then that hasn't been  
11 done, and then, so, so now we have a project that proceeds that, at least that sort of seems to be  
12 where we're at.

13  
14 **BRAD MURPHY:** Well, I think that you have a Comprehensive Plan, and you have  
15 recommendations that apply to this geography, I mean, that's clear. And you also have the  
16 language in the Comprehensive Plan that indicates that the recommendations for the downtown  
17 were to be considered preliminary and their recommendation to prepare a more detailed  
18 Downtown Plan was included.

19 And you've got this situation where you've got a project that's on the edge between two  
20 of the districts.

21  
22 **ALDER KERR:** Right.

23  
24 **BRAD MURPHY:** So all I can tell you is all of what the Comprehensive Plan says, and there.

25  
26 **ALDER KERR:** I appreciate that. Okay. I won't leave you hanging out there anymore, Mr.  
27 Murphy. I understand that it's the Comp Plan, and you're sticking to it. I got it.

28  
29 **BRAD MURPHY:** And it's ultimately, you know, this consistency determination is ultimately  
30 one that the Plan Commission and the Common Council get to make.

31  
32 **ALDER KERR:** Okay. I appreciate that. Thank you. I didn't mean to put you on the spot with  
33 my circular reference.

34  
35 **BRAD MURPHY:** That's okay.

36  
37 **ALDER KERR:** Snide comment. But the other questions are for Mr. Tucker, and then for Mr.  
38 McCormick. You had mentioned in the Zoning Administrator's Report that you, that bike stalls,  
39 the number of bike stall parkings for the plaza may be in inadequate. I think there were five  
40 provided. I may have that wrong. Do you have a suggestion on how, what would be the  
41 appropriate number or, given that this is something we don't, we haven't seen before, I know  
42 that's a little hard.

43  
44 **MATT TUCKER:** I don't. I just, I think.

45  
46 **ALDER KERR:** Okay, given that, then how, I appreciate that.



1  
2 **MATT TUCKER:** I see this maybe as something that kind of goes along the lines of, I think of  
3 how the University went to look at putting sidewalks in. They recognized where pedestrian  
4 paths kind of were, then they put sidewalks in. I could see somebody coming back to us and  
5 saying, we would like to add some more bicycle parking, because we're not meeting the demand.  
6 And we want to put it where it fits best.

7       So we could try and grab a number, we can just recognize that there isn't a lot that's right  
8 there on the intersection. There is some that's directly nearby at the entrance to the parking  
9 ramp, which, as soon as people find it, that's probably the most desirable, one might argue, if not  
10 the stuff inside the parking ramp too. I just thought it was worth pointing out that, that seems not  
11 too much.

12  
13 **ALDER KERR:** Okay, but short of let's build it and then kind of figure out how many spots we  
14 need, what would be a good rationale to figure out what kind of parking for bikes? Is there a rule  
15 of thumb for public plazas in mid-sized Midwestern cities that get a lot of snow?

16  
17 **MATT TUCKER:** I could talk to the bicycle coordinator in Traffic Engineering, and get a feel  
18 from him, when he was dealing with some of the State Street open spaces, how they programmed  
19 bike parking.

20  
21 **ALDER KERR:** Okay. So that could be kind of a rule of thumb.

22  
23 **MATT TUCKER:** Yeah, we could use that advice.

24  
25 **ALDER KERR:** Okay. And then you mentioned in your report, or it was referenced, that the  
26 rooftop access would need approval as a separate item. Could you explain that, please?

27  
28 **MATT TUCKER:** Sure. What I was getting at there was if they wanted, it doesn't appear at  
29 this point in time, they're asking for access out there, they want to do anything out there. We  
30 just note that there's this elevator over-run, that this floor that opens. So when they want to  
31 come back and maybe do something out there to establish a land use approval for some kind of  
32 activity up there, we would want to document that in the.

33  
34 **ALDER KERR:** Okay. So this is sort of, it's not related to necessarily the whole Comp Plan  
35 issue, it's just sort of a standard, what you would consider a standard Zoning Administration  
36 comment.

37  
38 **MATT TUCKER:** Yeah, I want to feel confident that the use of the property is, how they  
39 intend to use the property is consistent with what we have in our files when questions come up.  
40 And we don't believe there's a request at this point in time to use that space. So when it comes  
41 up, we can.

42  
43 **ALDER KERR:** Got it. Okay. Thank you, Mr. Tucker, and thank you for all your, for your  
44 good report. And then one follow-up final question for Mr. McCormick who is patiently sitting.

45  
46 **DAN MCCORMICK:** I'm just enjoying myself.

1  
2 **ALDER KERR:** What are you, you're getting a lot of work done.

3  
4 **DAN MCCORMICK:** Yes.

5  
6 **ALDER KERR:** Mr. McCormick, just, I was wondering if you obviously probably reviewed  
7 the plans, I wanted to see what, if you had any comments on the parking configuration or entry  
8 or the loading dock.

9  
10 **DAN MCCORMICK:** I mean, we think it's reasonable. It goes a fair ways to provide off-  
11 street facilities as much as possible. And I think they do have an overall good framework.  
12 They're looking to meet the loading zones required, or suggested by Zoning, even though there's  
13 not exactly a set standard. And they seem to have a reasonable flexible design. We do want to  
14 make sure the roadway width right there at the Langdon extended is designed accordingly so we  
15 can have it flexible with the different operations on it with, in and out of the parking ramp and  
16 the truck loading. So that's one more detail we're going to look at with them on the site, so the  
17 site plans.

18  
19 **ALDER KERR:** So, in looking at that detail, would that change anything major in the building?

20  
21 **DAN MCCORMICK:** No, no, it wouldn't.

22  
23 **ALDER KERR:** Okay. So this is truly detail.

24  
25 **DAN MCCORMICK:** Yes.

26  
27 **ALDER KERR:** Okay. Thank you.

28  
29 **BRAD MURPHY:** Could I, I'd like to follow up on the answer to one of your earlier questions  
30 about the consistency with the Comprehensive Plan and its relationship to the recommendations  
31 in the Plan and the Mansion Hill sub-district.

32 The height recommendation is basically two stories minimum with a maximum to be  
33 established by underlying zoning. If this project were to be re-zoned to a Planned Unit  
34 Development, to approve this project as proposed, or as modified by the Commission, that  
35 essentially becomes the underlying zoning. And I just wanted to make sure that everyone was  
36 clear on that. And there are other PUDs in this same district.

37  
38 **NAN FEY:** Alder Cnare.

39  
40 **ALDER CNARE:** Thank you. These questions are for the City Attorney. And these are the  
41 conditions that are in our Plan Staff Report, Page 27. It's Condition #4. And it says that the  
42 property owners execute all easements deemed necessary by the Common Council to insure the  
43 public's access as included in the approved development.

44 Just thinking ahead, I'm wondering how the Common Council will know which easement  
45 to deem necessary. And I ask that because it seems related to #5, which is the Use and  
46 Maintenance Agreement. And if could just continue for a moment. I don't think we're really

1 quite there with the Use and Maintenance Agreement, and I'm looking for some suggestions on  
2 how we can get there short of all of us just saying, oh, I wish my dog could go there, whatever  
3 goofy thing we want to put in.

4 So are #4 and #5 related, and is there a way that we can get guidance on what we should  
5 be doing with #4, and then a process for improving #5?  
6

7 **ANNE ZELLHOEFER:** There's already an existing recorded easement for the six feet along  
8 the shoreline. If that changes at all, then we would need to come back to the Common Council  
9 to authorize execution of an amended Easement Agreement.

10  
11 **ALDER CNARE:** Okay.

12  
13 **ANNE ZELLHOEFER:** Also there will likely be an amendment of the existing easement for  
14 the four parking spaces that are out on the surface portion. Those are going to be re-installed  
15 within the parking ramp. So we will have an easement for those also. All those things will have  
16 to come back to the Council for authorization.

17  
18 **ALDER CNARE:** Okay. And you'll have some way of identifying what all those are in terms  
19 of re-doing them?  
20

21 **ANNE ZELLHOEFER:** Yes, both in terms of maps, and then also meets and bounds  
22 descriptions.  
23

24 **ALDER CNARE:** Okay. Good. Thank you, because I was going to be lost on that way. And  
25 then #5, what is the best way to get this, I don't want to do this tonight on the floor, I think that  
26 would be inappropriate, but what's a good way to let everyone kind of absorb the Public Access  
27 Management Agreement? I think it was a really valid point that neighbors have not yet seen this,  
28 and everyone should have at least some opportunity to comment on it. So what would be a good  
29 process from your perspective?  
30

31 **ANNE ZELLHOEFER:** This is also an agreement that will require Common Council  
32 authorization because the Mayor and the Clerk will have to execute it. So there will be a  
33 resolution that will come before the Common Council for introduction with referral to this body.  
34 And that will be a resolution authorizing the execution and it will set forth in material terms, and  
35 at that point, as usual, the public can come and speak and let us know or Alder Maniaci, who I'm  
36 presuming would be the sponsor, they can advise her of their desires.  
37

38 **ALDER CNARE:** So whatever we do with it tonight is just really interim because it's not for  
39 the Plan Commission to make those decisions at this point?  
40

41 **ANNE ZELLHOEFER:** It will be coming back to you.

42  
43 **ALDER CNARE:** Good. Thank you very much.

44  
45 **ANNE ZELLHOEFER:** You're welcome.  
46

1 **ALDER CNARE:** That's all I had.  
2  
3 **NAN FEY:** That's all you had. Okay. Alder Rummel, you have a light on back there.  
4  
5 **ALDER RUMMEL:** I guess I would like to follow up with Attorney Noonan. I guess I didn't  
6 really hear you answer the question. So I'll ask it again. You've said twice now that the  
7 Certificate of Appropriateness is only needed if it's required under the ordinance. Does, can you  
8 explain whether this project, as it has changed, will trigger that?  
9  
10 **KITTY NOONAN:** That's, I was not asked that question. I was asked whether the Council can  
11 refer it back. And I said that the requirement to obtain a Certificate of Appropriateness is based  
12 in the ordinance. It's not something that when a project starts, that the first time, for instance, the  
13 PUD is introduced at Council, when the referral bodies get put on, that it gets, the Council,  
14 somebody decides, well, let's send this one to Landmarks. Whether or not it goes to Landmarks  
15 is not by referral, it's by the ordinance. And so I think that's where you have to look for it to go  
16 to Landmarks.  
17  
18 **ALDER RUMMEL:** So this PUD is being amended.  
19  
20 **KITTY NOONAN:** Correct.  
21  
22 **ALDER RUMMEL:** And we, I asked, and I'm sure other alders have asked, for a formal  
23 opinion.  
24  
25 **KITTY NOONAN:** And there is a formal opinion that will be coming out by the end of the  
26 week.  
27  
28 **ALDER RUMMEL:** Can you give us a hint?  
29  
30 **KITTY NOONAN:** It's not an issue of whether the Council can send it back.  
31  
32 **ALDER RUMMEL:** I was asking whether the changes of the amendment will trigger, that this  
33 particular project would be back to Landmarks?  
34  
35 **KITTY NOONAN:** I, well it's in draft form, so I think we better wait until, the City Attorney is  
36 working on finishing it up right now. I mean, I've seen drafts. Brad has seen drafts. But I  
37 would prefer to wait until it, it will be a day or two, and you'll, it will be out.  
38  
39 **ALDER RUMMEL:** Okay. Thank you.  
40  
41 **NAN FEY:** Mr. Olinger. No, okay. Alder Kerr, then Mr. Sundquist.  
42  
43 **ALDER KERR:** Thank you again for following up on Alder Rummel's question to Kitty  
44 Noonan. Given that we don't have this opinion from the City Attorney, is it your estimation, is  
45 your estimation that we can properly make a decision? I mean, what would happen if we made a

1 decision and it was countervailing to whatever came up with the City, whatever the City  
2 Attorney determined?

3  
4 **KITTY NOONAN:** I'm unclear about what the connection is between your decision and it  
5 going back to Landmarks. If the City Attorney determines that it should go back, then it would  
6 go back regardless of, you know, if you, for instance, if you passed it on tonight, it wouldn't, and  
7 then the City Attorney opined that it should go back to the Landmarks Commission, then that's  
8 where it would go. It really is, it's unconnected to what you do tonight. I'm not sure if I, maybe  
9 I'm misunderstanding what you're asking, but.

10  
11 **BRAD MURPHY:** Well, in order for the project to get back to the Landmarks Commission  
12 without some type of Council referral to the Landmarks Commission, which I'm hearing is  
13 maybe not appropriate, the applicant would need to apply to go back to the Landmarks  
14 Commission. And, depending on what the City Attorney's opinion says, I think that's going to  
15 point the applicant in one direction or the other.

16 The Plan Commission can make a recommendation on the conditional use, the Planned  
17 Unit Development, and the 1965 ordinance. And you know, you can approve the conditional use  
18 if you can find the standards are met. You can make a recommendation on the PUD and the  
19 1965 ordinance, if you choose to. Those recommendations will go to the Common Council.

20 When this project gets to the Common Council, the Common Council can do what it  
21 believes is necessary to deal with the project, which includes re-referring it if that's what they  
22 determine is appropriate.

23 So I think the issue before the Plan Commission is whether or not you believe that the  
24 standards for approving a zoning map amendment and a conditional use permit can be met are  
25 the essential questions.

26  
27 **ALDER KERR:** Right. I appreciate that. I appreciate that. I think what I'm struggling with,  
28 and maybe what other Commission members, and maybe Alder Rummel's question prompted, is  
29 that the Plan Commission by maybe it's an informal or not in the ordinance, but the Plan  
30 Commission has typically relied on the Landmarks Commission, as we do on the UDC, for some  
31 input and advice on Landmark issues. What you're saying is by ordinance, and what I'm  
32 understanding from Ms. Noonan is, that's really kind of been our informal practice, but that's not  
33 really how the law is written.

34  
35 **BRAD MURPHY:** It, the ordinances don't require projects to go to the Landmarks  
36 Commission first for projects that need these multiple approvals.

37  
38 **ALDER KERR:** Right.

39  
40 **BRAD MURPHY:** But almost always, in my recollection, projects have, we have advised  
41 applicants and we have set up the process so that they would go to the Landmarks Commission  
42 and the Urban Design Commission prior to coming to the Plan Commission.

43  
44 **ALDER KERR:** Right.

1 **BRAD MURPHY:** And it's just, we were just in this weird situation where we've got a process  
2 that's been going on since August.

3  
4 **ALDER KERR:** Right. I understand, I understand. Okay.

5  
6 **BRAD MURPHY:** And an appeal hanging out there.

7  
8 **ALDER KERR:** Okay. I that was maybe, gave rise to Alder Rummel and my questions here is  
9 because that's the way we've often done it, and it's generally worked out okay. Okay. Thanks.

10  
11 **NAN FEY:** Attorney Noonan.

12  
13 **KITTY NOONAN:** I just wanted to make a couple points. One is that the order in which you,  
14 the bodies take up an item is also not related to, you know, one of them referring it to another.  
15 The second thing is I just want the Commission to remember that it's true that the project  
16 has changed, but the reason that it's, the Landmarks appeal is sitting in front of the Council now,  
17 and the Council referred it to Urban Design and to Plan Commission to get some feedback so  
18 that they could look at the appeal. And so I think we're getting now tied up in wanting to hear  
19 again, when in fact, the Council referred the appeal to a later date so that they could get feedback  
20 from the other two, Urban Design Commission and this Commission.

21  
22 **BRAD MURPHY:** That's true, that is true.

23  
24 **ALDER KERR:** Thank you.

25  
26 **NAN FEY:** Helpful, thank you. Mr. Sundquist.

27  
28 **ERIC SUNDQUIST:** I don't know if this is for Planning or for Traffic Engineering, but I  
29 wanted to ask. Mr. Mohs referred to in his, when he was answering a question, referred to  
30 parking restrictions on the streets near the corner of Langdon and Wisconsin. Could you say, is  
31 it residential parking permit, or is it parking meters, or is it a mix, or neither or both?

32  
33 **NAN FEY:** Mr. McCormick.

34  
35 **DAN MCCORMICK:** Sure, it's mostly residential parking permits, but it is a mix. And the  
36 point is, one, you did need to be very careful about balancing the amount of parking provided by  
37 a private project and the impacts on the neighborhood in terms of parking demand.

38 So you can create a new situation, which would negatively impact the neighborhood by,  
39 you know, making a project have less parking or doing different measures. There's a balancing  
40 act there of trying to make it multi-modal and alternative mode oriented and still providing  
41 enough parking. There's kind of a touchy balancing act there.

42 At the same time, you can create some additional traffic congestion because just cannot  
43 find a parking stall, because there's inherent demand that you cannot otherwise solve with  
44 alternative strategies.

1           So the point was taken about that, but in addition, this area is fairly oversold for permits  
2 to parking available. So it is a very kind of like, say, more fragile area than most of the districts  
3 around the city.

4  
5 **ERIC SUNDQUIST:** That was more than I was asking, but thanks. So if this were approved  
6 and some new residents came into these condos or whatever, would they be eligible for the  
7 parking permits.

8  
9 **DAN MCCORMICK:** They would be under our policy.

10  
11 **ERIC SUNDQUIST:** They would be. Because some of our projects where there's been limited  
12 parking, we have excluded them from.

13  
14 **DAN MCCORMICK:** We have excluded them where a project has not provided, in our  
15 opinion, a reasonable amount of parking, because then they are creating, in our opinion, a  
16 disproportionate situation on the system. If they provide a reasonable amount, they're doing  
17 their part. And so, therefore, we do accommodate them under our policy currently.

18  
19 **ERIC SUNDQUIST:** Okay. And let's just say we get it wrong somehow, and there is, I don't  
20 know what problem it would be exactly, too much driving around looking for parking, or double-  
21 parking, or what have you, what would be the remedy, to put more parking meters in? And what  
22 would be the process for that?

23  
24 **DAN MCCORMICK:** Typically, you would look at multiple strategies. One would be  
25 potentially, you know, stronger, there are stronger residential parking permit programs that are,  
26 than currently, they can be a stronger remedy there. This would be done around like, say, West  
27 High School or University-related areas. So there's higher orders of residential parking permits.

28           In addition, they could go to meters, which isn't really, it's more of a higher turnover for  
29 retail. It's not residential oriented in that case. So meters are more of a commercial area thing.

30           We'd be looking at trying to increase the multi-mode. We'd try to increase services to  
31 the area, you know, for bicycling, the airport shuttle connections, and things like that, taxi  
32 service, etc. to increase more modal shares than relying on the automobile. So those kind of  
33 measures.

34           So it would be a combination of different things, but that's, some things we have in mind  
35 we try to do that, but we really haven't done that yet to this stage in the city development  
36 process.

37  
38 **ERIC SUNDQUIST:** Okay. Great. Thank you very much.

39  
40 **NAN FEY:** Alder Maniaci.

41  
42 **ALDER MANIACI:** To follow up with that, because I had a constituent e-mail me today, if  
43 you're curious to know, within Area #3, there are 205 parking spaces in the '08/'09 year. There  
44 were 443 permits sold. The year before that, there were 487, and the year before that, there were  
45 461. So that will give you an idea.

1 **NAN FEY:** Other questions for staff? Okay. If there are no further questions for staff, the time  
2 has come for motions, discussion, and decision. I'm going to be pretty specific about what we're  
3 being asked to do. It's complicated. The actions are being requested of the Plan Commission  
4 tonight are, and for Item #10, approval of the re-zoning to Planned Unit Development, Agenda  
5 Item #11, approval of the waterfront setback conditional use, and Item #12, the recommendation  
6 to the Council regarding the Wisconsin Avenue ordinance.

7 The Commission should take decisions up one at a time in the order in which they appear  
8 on the agenda, and make its decisions based on specific standards that apply to each. These  
9 standards are different than those that have been applied to this project by other Commissions,  
10 for example, Landmarks and Urban Design. Those pertaining to our decisions tonight, most of  
11 them mentioned, but I'll just read them again. Zoning map amendments, Planned Unit  
12 Developments, waterfront setbacks, and conditional use permits. References to these standards  
13 and where they can be found are all set forth in the Staff Report to the Plan Commission for  
14 tonight's meeting.

15 The Plan Commission has several paths it might take this evening. These were laid out in  
16 the Staff Report. I'm going over them again now to remind everyone and to educate our  
17 viewers. If the Plan Commission can approve the re-zoning and conditional use, subject to  
18 Planning Division conditions, and the conditions from reviewing agencies, it should specify any  
19 additional conditions placed upon that approval to address other concerns and state findings of  
20 the ways in which the project meets the applicable standards.

21 Alternatively, if the Plan Commission cannot approve the project, it should state the  
22 standards that have not been met and either refer the project, with directions to the applicant,  
23 regarding the specific changes the Commission believes are needed in order for the standards to  
24 be met or recommend that the applications be placed on file.

25 Finally, the Commission should make a recommendation on amending the ordinance,  
26 vacating Wisconsin Avenue, that corresponds with its determinations concerning the re-zoning  
27 and the conditional use.

28 And in order to avoid the potential confusion of double negatives, and to make possible a  
29 full discussion of conditions that might be placed upon the project, the Chair would like to  
30 suggest that motions made for purposes of discussion be made, Items #10 and #11, be made in  
31 the affirmative, that is, a motion to approve. Then the Commission can then propose, consider,  
32 and vote on possible conditions on that approval as amendments to the motions. And when there  
33 are no further conditions or amendments, the motion will either pass or fail based on the votes  
34 that are cast.

35 And I'd also like to take a moment to clarify the role of the Chair during the voting  
36 portion of a meeting, because this has come up before. The Chair's primary obligation  
37 throughout a meeting is to insure a fair process. And as a result, the Chair does not express  
38 opinions or engage in a discussion. But the Chair is a full member of the Commission, and has  
39 the right to vote.

40 According to *Robert's Rules*, which are followed by the Plan Commission, the Chair only  
41 casts a vote when it would be consequential, which means either to make or break a tie. A tie  
42 vote means that a motion fails.

43 So with those clarifications and reminders about what we have before us, I would like to  
44 suggest that we take a five-minute stretch, and then come back for the last bit. I think we can, so  
45 if there's no objection, we'll recess for five minutes. And I really mean five. It's getting late.



1 To call the meeting back to order, please, ask folks to take their seats. I don't know if  
2 you're making phone calls at this hour of the night, but if you did turn on your cell phones, turn  
3 them back off or into a silent mode. Everybody at home is sound asleep.

4 Okay. Beginning with Agenda Item #10, this is the request for approval of a re-zoning to  
5 Planned Unit Development. Does someone have a motion? Ms. Olson.

6  
7 **JUDY OLSON:** I would move approval of Item #10, with the conditions that are laid out by  
8 staff. And in addition, an additional condition requiring the developer to remove two full stories  
9 of the tower.

10  
11 **JUDY BOWSER:** Second.

12  
13 **JUDY OLSON:** And if you'd like me to speak to that briefly.

14  
15 **NAN FEY:** Yes, please do.

16  
17 **JUDY OLSON:** I'd just say it is my belief that the tower, as presented, is out of compliance  
18 with PUD Standard 1A. It's not compatible with the context in which the project is situated,  
19 proposed project.

20  
21 **NAN FEY:** And Ms. Bowser.

22  
23 **JUDY BOWSER:** I agree with the motion. And in fact, I have not been talking with Mr.  
24 McFadden, but ever since we received the first round of plans, I've been playing with moving  
25 the building over, taking off the top two floors, and this is what I came up with, which I think  
26 looks to be in compliance with the Comprehensive Plan, as I understand it. Therefore, I'll  
27 support the motion.

28  
29 **NAN FEY:** Mr. Gruber, then Alder Cnare.

30  
31 **TIM GRUBER:** Thank you. I think I'll limit my remarks just to the issue of the height. As  
32 many of you know, I've consistently been in favor of taller buildings because I do feel that  
33 they're a better use of our land. And this building in particular, it's a very prominent place at the  
34 end of, you know, one of the most important streets in Madison. And I believe that both, with  
35 the Comprehensive Plan and the PUD standards, that the height is appropriate.

36 We've heard from the applicant that, and I have no reason to doubt them, that this project  
37 would not, will not be built without those two floors. So, in other words, we should, my  
38 suggestion is if we want to make this motion to take the two floors off, then we should make a  
39 motion to place it on file, that there's no point in going through this exercise at this point.

40 And I'd like to read something. This is from the Downtown Design Professionals that  
41 really talks about the scale of buildings and the height. And it says it better than I think I could.  
42 So, it is often asserted that buildings should match each other in terms of scale. The charge of  
43 incompatible scale is difficult to dispute because the claim is so subjective. Maybe it is just as  
44 valid to think in terms of contrasting scales, some things larger than others, so we can experience  
45 a difference rather than the sameness. Cities are full of buildings large and small, standing side  
46 by side successfully. It is the skill of the designer that makes the difference. Thank you.

1  
2 **NAN FEY:** Alder Cnare, then Alder Schumacher.

3  
4 **ALDER CNARE:** Thank you. First, I have a question for the maker of the motion, if I might,  
5 for clarification. Ms. Olson, we talked a lot about the elevator that just goes to the top of the  
6 roof, and they called that one story. So when you say remove two stories, do you mean the  
7 rooftop and just the story below or do you mean two full what you and I would call stories?  
8

9 **JUDY OLSON:** Okay. Thank you.

10  
11 **MAN:** What was the?

12  
13 **ALDER CNARE:** Two full, like we'd have.

14  
15 **NAN FEY:** Floors with rooms in them.

16  
17 **ALDER CNARE:** Not the imaginary story, Mr. Tucker. Anyway, I do want to address that  
18 then, and I think this characteristic, or this Criteria 1A is an interesting thing, because I think  
19 there's a very literal way to look at that particular area of the city, and then there's kind of a  
20 more philosophic or maybe a figurative way. And when I think of Mansion Hill and the homes  
21 that are there and the topography, I think of it as a big place. It holds a big place in our city. It is  
22 a dramatic place, because so much of it is surrounded by the lake. It is dramatic in that we have  
23 had people that wanted to keep the historic nature and character of some of the, you know, the  
24 very founding days of our city.

25 And when I think about compatibility, I want another project up there that is big and bold  
26 and memorable, and helps to create kind of a secondary downtown, or an important downtown  
27 node, not just the Capitol Square, not just the University at the end of State Street, but another  
28 big piece of our city.

29 And for that reason, I actually do think that the project, as it stands in its full eight, nine,  
30 ten stories, whatever we want to count it as, it does do that. And it is saved by its architectural  
31 design. If this were a project that either I personally didn't care for the architecture or generally  
32 UDC thought it was nasty and uninspired, I could probably say that it did not meet Criterion  
33 #1A.

34 But I think because of the architecture and the uniqueness and special big presence of that  
35 particular piece of our city, it is indeed compatible. So I won't be able it with its two stories  
36 removed.

37  
38 **NAN FEY:** Alder Schumacher.

39  
40 **ALDER SCHUMACHER:** Thank you, Ms. Chair. I also won't be able to support this motion.  
41 I think Mr. Gruber hit the nail on the head. First of all, I'm not a developer nor am I an expert in  
42 hotel management, and making the financial package work. And to sit here and decide on a  
43 project, whether it should be two floors higher or lower, for me, is almost borderline absurd.  
44 Either we place it on file, we put, we do not approve it in its entirety, but I think going into the  
45 financial decision-making of a project, whether it becomes viable or not, I'm not even sure it's  
46 really in the domain of this Plan Commission's expertise.

1 And, quite frankly, I was just reading in the last few weeks when the Eiffel Tower was  
2 being built. And it was remarkable the doom and gloom statements that were being made. It  
3 was the worst thing ever to be created. People thought it was even going to create associations  
4 for suicides. I mean, there were some funny statements that I highly recommend looking up.  
5 And of course, the Eiffel Tower has become one of the most attractive places for Paris.

6 And I believe the Edgewater has perhaps, I hope will have such potential for our  
7 community. But I cannot support this motion simply on the fact that I'd be merely speculating  
8 whether two floors will work in this project or not.

9  
10 **NAN FEY:** Ms. Olson.

11  
12 **JUDY OLSON:** Well, it's not my intent to kill the project. Actually, I was fairly interested and  
13 intrigued by Mr. McFadden's discussion of efficiencies in design and the possibility of re-  
14 designing the building to make, to use up space, to use less space, and accomplish the same  
15 economic goals. And that is actually the motive behind my motion.

16  
17 **NAN FEY:** Any further discussion on the motion? Mr. Boll.

18  
19 **JAMES BOLL:** I appreciate the motion by Ms. Olson. I think she's just trying to put it in the  
20 affirmative and put this in a direction that we can discuss it. So I understand her motivation  
21 behind the way the motion was framed. The problem that I have, and the reason I won't be able  
22 to support it is because, based upon what the applicant has indicated, if you remove those two  
23 floors, it's just simply not economically viable from his standpoint.

24 And so I'm afraid that if we were to pass this particular motion, we would not actually be  
25 achieving anything. And my fear is is that at 1:20 that may seem to be an appropriate method,  
26 but I don't think it's necessarily going to be beneficial in the long run for this project or whatever  
27 subsequent projects come after this.

28 I also think when it comes to compatibility, I'm a standards person, and I'm afraid that  
29 when it comes to that particular aspect of the standards, there is a certain subjectivity to it. And I  
30 think we see that based upon the numerous individuals who testified. Some say they are, and  
31 some say that it's not. And so I think if you're going to use the standards in this particular area  
32 to try to support you, you got to understand that others may have a different view, both of them  
33 perfectly reasonable, but it's just not a bright light standard.

34  
35 **NAN FEY:** Mr. Heifetz.

36  
37 **MICHAEL HEIFETZ:** I'm not voting this evening unless, of course, one of my colleagues  
38 drops from fatigue, repetition, etc. And that also assumes that I also don't drop in that case. And  
39 then Mr. Gruber can step into that place.

40 But again, I won't repeat all of my colleagues' comments, but I do agree with Mr. Boll,  
41 particularly on the subjective issue. Mr. Austin testified regarding inherent contradictions in a  
42 lot of this, of what we're seeing tonight. This thing falls through the cracks of our normal  
43 process mostly because of many of the issues we've discussed tonight. It's in between two  
44 historic districts, it's sort of in one, not the other, maybe both, I don't really know, but it clearly  
45 doesn't fit in the boxes that we are used to fitting things in here.

1           And Mr. Murphy's staff have outlined the Comp Plan and how this does, this proposal  
2 does align with the Comp Plan. And I concur with that.

3           Back to Mr. Boll's comments about subjective, Ledell Zellers said, when asked about this  
4 issue, and she referred to the height of the building, she said it was an assault to the eyes. That's  
5 pretty subjective from where I come from, and respectfully disagree with that. And that's not  
6 enough for me to say, chop it down, or it's not hitting the standards. Now I can give a larger  
7 soliloquy on the broader project, depending on the outcome of this motion. Thank you.

8  
9 **NAN FEY:** Any further discussion on the motion? If not, then the motion is to approve with the  
10 staff conditions and the further requirement of removing two full stories of guest rooms on the  
11 new tower. All those in favor, say aye.

12  
13 **COMMISSIONERS:** Aye.

14  
15 **NAN FEY:** Those opposed, no.

16  
17 **COMMISSIONERS:** No.

18  
19 **NAN FEY:** The Chair believes the no's.

20  
21 **BRAD MURPHY:** Could we see the no's just so we can record them accurately? Tim, you got  
22 them?

23  
24 **TIM PARKS:** Cnare, Schumacher, Boll, Kerr, Sundquist, Basford . . .

25  
26 **NAN FEY:** He got them.

27  
28 **BRAD MURPHY:** Okay.

29  
30 **NAN FEY:** Mr. Basford.

31  
32 **MICHAEL BASFORD:** I would then like to make a motion then to refer to this to the April  
33 12<sup>th</sup> meeting.

34  
35 **ALDER KERR:** Second.

36  
37 **MICHAEL BASFORD:** And I'll speak to it briefly. I couldn't vote for the previous motion  
38 despite the fact that I do agree that the project as we see it right now, in my opinion, does not  
39 meet Standard 1A. But I certainly didn't think that this would be the proper time to say, okay,  
40 well, do X, and then it meets Standard 1A. I think that we need a little more time to chew on  
41 this.

42           I think the, you know, I think that the applicant has heard about what a lot of our  
43 concerns are, in particular with the height. And it might give him a chance to come back with,  
44 come back with something that would meet the standards more for my taste. I mean, I want to  
45 see something. I mean, I am not, I don't get up in the morning, and I don't come here for an  
46 eight-hour meeting so that I can impeded progress. That's not why I signed up for this gig.

1 So hopefully, this will give us an opportunity to chew on this a little while longer and  
2 also perhaps see if we can get closer to yes. Thank you.

3  
4 **NAN FEY:** Alder Kerr, and then Mr. Gruber.

5  
6 **ALDER KERR:** Thank you. I too, I didn't chime in the last one, but I too appreciate Ms.  
7 Olson's motion. While I voted against it, I understand what she was trying to do, and I certainly  
8 wouldn't characterize it as absurd.

9 I would support this motion, and I'll give you a couple of reasons. One, I would like to  
10 see the benefit of the City Attorney's opinion relative to Landmarks. I feel, and I think many  
11 people, do feel badly about the way Landmarks has been characterized in this debate. And I, for  
12 one, have a little bit of trouble just sort of putting blinders on.

13 And I understand Ms. Noonan's legal rationale, but the fact remains is that we as a  
14 Commission, as long as I've been here for a few years, and Ms. Bowser maybe feels differently,  
15 have relied on the Landmarks Commission for some input on projects that are in historic districts  
16 coupled with the fact that I think what Landmarks did and the conclusion that they came to has  
17 been maybe unfortunately characterized. I'll just leave it at that. That makes me very  
18 uncomfortable.

19 The second thing is I would like to know, and I understand, Mr. Dunn, this is a lot  
20 moving pieces here, but I would like to know to what standard the existing tower is going to be  
21 rehabbed. Many of the speakers in favor of this have said, the restoration of this historic  
22 landmark, which is a beacon for the city of Madison and is important to us, I would like to  
23 understand if that's going to be a historic renovation or rehab.

24 And the measure by which that is accomplished is looking at the Secretary of the Interior  
25 Standards for historic rehab, and having the State Historic Preservation Officer look at it. I  
26 would have felt much more comfortable had the State Historic Preservation Officer taken an  
27 initial look at this, and just given a sense of it. But I think that's an important part of this project.  
28 And I think that's information that the Plan Commission still needs.

29 Finally, second, or third, excuse me, I believe that the, and this gets to, sorry, I believe  
30 that the Maintenance and Use Agreement really is an important factor in this, and really speaks  
31 to, on the PUD standards, Criteria 1B. A lot of the folks who have concerns about this project  
32 have spoken about, you know, potential disruption to the plaza. Those may have been overstated  
33 or not, I don't know, but I think they're legitimate concerns. I've had legitimate concerns like  
34 that in my own district. I realize that they actually exist and are important. I also would like to  
35 have had Alder Verveer, whose district abuts this, have had a chance to chime in on that. And I  
36 don't believe he's had that yet. His district is right across the street.

37 And finally, I'll bring it up, and Mr. Sundquist probably will too. I think, I rely very  
38 much on Mr. Sundquist's analysis of traffic demand management. I think he's pointed out  
39 maybe some elements in that that need a little bit more work, and I would want to see that as  
40 well.

41 Finally, I too, like Mr. Basford, didn't join this Commission to impede progress. And  
42 I'm disappointed with some of the characterizations of some of the speakers who have spoken in  
43 favor of this project as, I think several people said, essentially, the business community is  
44 watching what you do here.

45 And I really feel that that's setting this project up to be a bellwether for Madison's  
46 economic viability is really a, not tactically a smart thing to do, but b, it really is, it's troubling to

1 those of us who do work on economic development in our districts and throughout the city in  
2 various capacities, but who may or may not support, who may not support the Edgewater for  
3 various good reasons.

4 And so I'm really disappointed to hear that talk. And I've heard it consistently, and it's  
5 disturbing to me. And I think you can, reasonable people can disagree about this project and not  
6 point fingers and call each other names.

7 Finally, I have really thought a lot about the project and height and the mass. And I think  
8 there's two separate issues here. There's the height issue, which some people object to, but  
9 there's also a mass issue here. And I have concluded, based on the discussion here today, and  
10 the testimony, and the Staff Report, that I do think the standards can be met with respect to those  
11 issues.

12  
13 **NAN FEY:** Mr. Gruber, and then Ms. Bowser.

14  
15 **TIM GRUBER:** Thank you. I would just like to point out that it's not the role of this  
16 Commission to design this project or is it the role of the public, although certainly comments and  
17 design suggestions are welcome. But it's ultimately up to the applicant to provide a design and  
18 us to vote it up or down, and whether that's tonight or in the future.

19 But I do think it's important that we get a vote on the basic perimeters of the projects, the  
20 GDP, the scale and the mass, and whether we want to even move this forward or not. We have  
21 to have a vote on that one way or another.

22 And then, and that's the way that some of the other approvals we've done, we've  
23 approved the GDP first, and then they've gone ahead with some of the more, the details for the  
24 SIP.

25 And then, but if we do end up referring it, I'd like to have some very concrete reasons  
26 and things that they can work on. To me, I'm not seeing, you know, things suggested or much. I  
27 think in general the landscape architecture, the grounds, the plaza, are excellent. I did have some  
28 concerns about the sidewalk access from Langdon down to the main entrance of the new hotel.  
29 And if there is a referral, to take a look at those things. Thank you.

30  
31 **NAN FEY:** Ms. Bowser.

32  
33 **JUDY BOWSER:** I'll support referral. I'm very excited about the prospect of the Edgewater,  
34 the existing Edgewater being renovated, but I'd also like to see a compatible companion building  
35 built. I think it's necessary to expand the capacity there, but I really do think, as presented, it's  
36 just too tall.

37  
38 **NAN FEY:** Are there any other Commissioners who would wish to provide direction to the  
39 developer in the event that this item is referred? Mr. Sundquist, and then Alder Cnare.

40  
41 **ERIC SUNDQUIST:** Alder Kerr said many of the things I would have said. I would add on the  
42 TDM, that you really need to address the employees. And this document didn't do that. And so  
43 that is a good reason, I guess, to refer on that issue, although I would also be open to Mr.  
44 Gruber's suggestion of doing the GDP, and coming back to issues like in the SIP. But I'm not  
45 sure it makes that much difference.

1           You know, if this weren't the Edgewater referring, this is our first crack at it, so it's not  
2 unusual to push a project off for two weeks for questions like this, so. I probably am okay with it  
3 either way.

4  
5 **NAN FEY:** Alder Cnare.

6  
7 **ALDER CNARE:** I have a question and a comment. The first question would be, so if we did  
8 refer this successfully, would we do this all over again on the 12<sup>th</sup>, the public hearing and  
9 everything would be?

10  
11 **BRAD MURPHY:** Well, the public hearing was closed, so we'd probably put it on under  
12 unfinished business.

13  
14 **ALDER CNARE:** Okay, in which case, the developer might present some new things, the  
15 Transportation Demand Management Plan.

16  
17 **BRAD MURPHY:** Mr. Parks is shaking his head, so I would like to just get his opinion on the  
18 matter as well.

19  
20 **TIM PARKS:** I think if we closed the public hearing, if our intention is to re-open it, we need  
21 to re-advertise it, don't we?

22  
23 **BRAD MURPHY:** I was assuming that it wouldn't be re-opened if it had been closed.

24  
25 **TIM PARKS:** But I believe that that puts some strictures on what testimony can occur, if any.

26  
27 **BRAD MURPHY:** Right. So I think the Chair and the Chair's advisors will need to consult  
28 and decide how to list this on the agenda. But, I mean, they did close the hearing tonight. So we  
29 would need to decide whether or not we're going to schedule a new hearing on the item or just  
30 proceed with consideration of the project at your next meeting.

31  
32 **ALDER CNARE:** Which means we would receive new materials potentially, a more robust  
33 TDM, some information about working the State Historical guru, and standards to which the  
34 building would be renovated, and a picture that has a lesser height or not.

35  
36 **BRAD MURPHY:** We would provide whatever additional materials are provided to us by the  
37 applicant.

38  
39 **ALDER CNARE:** And we would decide just based on that alone, no testimony possibly?

40  
41 **BRAD MURPHY:** We'll need to discuss how we would handle additional comments from, you  
42 know, from the public.

43  
44 **ALDER CNARE:** Did you want to take five and do that now? And here's why. I think that  
45 some of the concerns that my colleagues have raised are valid. I do think this thing about  
46 making it truly an historic renovation, or whatever the proper terminology is, is an interesting

1 one. I think we did find some holes or some unfilled spaces in the Transportation Demand  
2 Management Plan that also need to be filled.

3 I think the likelihood of the developer offering a shorter building is like zero. We've  
4 been told it a couple of times, and we can hold that out there, but I don't think that's going to  
5 change.

6 I'm not sure I'm going to support referral yet, because I think perhaps one way to do this  
7 might be to move forward with an approval that had conditions in it, that had a Transportation  
8 Demand Management Plan, that specifically outlined how employee parking and transportation  
9 issues would be addressed, and maybe the condition is also that the State Historic Preservation  
10 Officer, you know, must provide the guidance and must direct the rehabilitation of the 1940s  
11 building.

12 So that might be a way around it. I'll see if my colleagues have any other comments.  
13 But I don't want to put anyone through this again. You know, all the folks who were still sitting  
14 here with us now, people who have traveled other cities, but the same token, I don't want us to  
15 make a decision with new information without public input because that's why we have public is  
16 so they can put in on the decisions for us.

17 So I'll just leave that out there that I'm hopeful that perhaps if we vote this down, we  
18 could find some ways that craft conditions that answer people's concerns.

19  
20 **BRAD MURPHY:** Let me follow up on how this could be listed on the next agenda, if it did  
21 get referred. The public hearing was closed. For those items, they could be listed under  
22 unfinished business. And it's the practice of the Plan Commission to allow anybody to comment  
23 on items on the agenda for approximately three minutes. And I would agree that if there are new  
24 materials that are submitted, that people should have the ability to review those and to comment  
25 on them. And that's the normal practice of the Commission. So maybe that would be the way it  
26 could be listed and handled, if the referral occurs.

27  
28 **NAN FEY:** I'm going to go to people who haven't spoken first before I come back to Alder  
29 Kerr. Mr. Heifetz, then Mr. Gruber.

30  
31 **MICHAEL HEIFETZ:** Thank you, Madam Chair.

32  
33 **NAN FEY:** Mr. Boll.

34  
35 **MICHAEL HEIFETZ:** This is, do you want to defer to Mr. Boll?

36  
37 **NAN FEY:** No. Mr. Gruber has spoken also, I just realized as I spoke his name. So we'll go to  
38 Mr. Boll after you.

39  
40 **MICHAEL HEIFETZ:** Okay. Thank you. This sounds a lot like the healthcare debate at the  
41 federal level to me. We have some of the proponents saying it's time for the vote, the bill may  
42 not be perfect, but overall, on balance, as people like to say, it's a good proposal. And we've  
43 already seen it in some instances pass on a very close vote. I'm sure if you asked those in the  
44 majority in Congress today, I don't think they really care that it had 216 or 219 votes versus 300,  
45 the bill passed.



1 Then you have the opponents who, of course, are criticizing the process and saying it's  
2 being rushed and we need to slow this down, and also citing precedent. So my professional  
3 background just makes me see those similarities. But if I were voting this evening, I would not  
4 be supporting referral.

5 And again, I go back to my earlier comments that this doesn't fit into a box that we're all  
6 going to be happy with whatever result we come out with. There are a lot of uncertainties on this  
7 one.

8 And then we go into historic preservation. To me, that doesn't mean that there are no  
9 changes ever in a neighborhood. And while I've heard opponents say, we're not against  
10 everything. Frankly, what I've heard them say, through their testimony, is that they may very  
11 well be against a proposal of this size or even close to it, with two floors chopped off of it or not.

12 And, even if come back here in two weeks or a month, the fact that this still won't fit in a  
13 box that works for our process smoothly, or more smoothly than it is right now, will still be  
14 there. And we've already heard the applicant give their reasons for the building shape, etc.  
15 versus Mr. McFadden's comments. And I'm not taking, I'm not making a judgment call on  
16 either or, it's just I think we've heard where everyone stands on it. So, like Alder Cnare, I don't  
17 think they're going to reduce the building by a couple of stories, if they have to come back here,  
18 but I could be proven wrong if the body goes in that direction.

19 But, and to Alder Kerr's comments regarding the business climate, and this being a  
20 bellwether, I share your concerns in that regard. The problem we have is that we're here  
21 anyways, whether fair or not. And people are watching this one more closely, whether or not  
22 they should is another question, because we've seen many other large proposals go through here  
23 rather quickly with a different type of process. So, while I do share your concerns, again, we do  
24 have a problem now, because this is the one that everybody is watching so quickly, watching so  
25 closely, excuse me.

26 So I would, if I were voting, I would not support this at this time, and think it's time, up  
27 or down. Thanks very much.

28  
29 **NAN FEY:** Mr. Boll.

30  
31 **JAMES BOLL:** Well, Alder Kerr has articulated a couple of things that, traffic report that Mr.  
32 Sundquist talked about, the historical aspect of it as well as the City Attorney's report on  
33 Landmarks. And I would just ask that people consider when they're voting on the motion to  
34 refer whether any of those particular issues are going to change your mind about how you're  
35 ultimately going to vote, because we have had roughly seven hours of public testimony. I'm not  
36 sure that those were the three significant issues. And I'm in no way downgrading them, I'm just  
37 saying that they were not significant issues amongst the public.

38 And so I would ask that when you take a look at this motion, I would ask the Chair, that  
39 when it's read, that the additional information requested be articulated within the motion so that  
40 people can really decide whether those are issues, whichever they go, would sway your vote.  
41 Because, based upon my six years with the Plan Commission, which will end next month, I can  
42 tell you that we don't reduce or limit people's ability to give public testimony.

43 And if we refer this matter, there will be robust public testimony at our next meeting.  
44 And that may be another issue that people want to have more public testimony to decide, but  
45 don't make this decision based upon the fact that we believe that we can just come back and  
46 discuss it, because I don't believe that's going to happen. So I ask you to take a look at your idea

1 about referral, and it's whether those issues that are articulated are issues that do sway your  
2 opinion, so that it's a referral with some productivity.

3  
4 **NAN FEY:** Let's see. Alder Clear.

5  
6 **ALDER CLEAR:** Just want to point out, and I know you guys all know this, but at quarter of  
7 two, I'm not sure anybody can remember right. But on two of the three items before you this  
8 evening, Plan Commission is not the final vote, and so there is another opportunity for  
9 potentially other conditions to be added, and that when those two items come to the Council,  
10 there will again be, as Mr. Boll put it, robust public testimony. And I suspect that the Council  
11 will beat the Plan Commission in terms of the lateness of the hour. And so, keep that in mind as  
12 you consider this motion.

13  
14 **NAN FEY:** Alder Kerr, then Mr. Gruber.

15  
16 **ALDER KERR:** Thanks. Just a, procedurally, I had four issues. One was the TDM, the other  
17 was the City Attorney's opinion or memo, the fourth was an idea of the level of historic  
18 rehabilitation of the existing tower, and that. Pardon? Oh, yeah, and the Access and  
19 Management Agreement. Mr. Boll only mentioned three, so I just wanted to make sure you had  
20 all three.

21 And just, and I appreciate him, you know, urging us to be productive in our referrals,  
22 because oftentimes, you're kind of are like, well, you know, it's 2:00 o'clock, and you kind of  
23 want to move things along. But, for me, and I mean this genuinely. I've given this project a lot  
24 of thought. These four issues are determinative for me. They are really important.

25 I could also live potentially with a motion that would perhaps approve the GDP, and then  
26 ask these issues to come to the SIP stage, but they are determinative to me. And I think the  
27 Management and Access Agreement is an important decision, and an important consideration,  
28 and many members of the public brought this up, how this plaza will be used and it directly  
29 relates to Condition 1B.

30 So I would urge you to support referral with the hope that it can be productive, because I  
31 think Mr. Boll makes a good point. Don't just refer because, for whatever, refer it because you  
32 need additional information or additional work needs to be done. Thank you.

33  
34 **NAN FEY:** Mr. Gruber, then Mr. Basford.

35  
36 **TIM GRUBER:** Thank you. I just wanted to point out that Condition 14 states that a revised  
37 TDM, Transportation Demand Management Plan, be submitted. I feel like we could trust the  
38 Director of Planning and the City Traffic Engineering to make sure that that's adequate.

39 And then Condition 13, they have to come back before Urban Design Commission for  
40 final approval. I think, at that point, they can deal with that item I brought up about the stairway.

41 And I could be wrong about this, but I'm pretty sure I heard the City Attorney that the  
42 Access and Management Agreement will come back to us either way, that it will be introduced at  
43 the Council and will come to us as a separate document. So either way, that comes back to us.

44 I think we have enough information to make a decision tonight, but it's not for me to vote  
45 on in any case. But, oh, and there's also Condition 5 that says the Use and Management  
46 Agreement. Thank you.

1  
2 **NAN FEY:** Mr. Basford.  
3  
4 **MICHAEL BASFORD:** Further along Mr. Heifetz’s healthcare reform progress analogy, I  
5 mean, that was something that took a year of very serious wrangling, with a lot of acrimony, and  
6 in the end, success. We should be so lucky, I suppose.  
7 And, in addition to what Alder Kerr already had asked for, and what has also been asked  
8 for, I would also like to see the corrected shadow study. And may I also remind everybody that  
9 referring this to the April 12<sup>th</sup> meeting doesn’t slow anything, doesn’t slow this down one wit. I  
10 mean, the Common Council, which we are reminded, gets the final crack at this. It doesn’t meet  
11 again until the 13<sup>th</sup>. So we could surely afford to do this. And I would urge that we do vote for  
12 this. Thank you.  
13  
14 **NAN FEY:** Mr. Murphy just said actually the public hearing of the Council is scheduled for  
15 April 20<sup>th</sup>. Ms. Olson.  
16  
17 **JUDY OLSON:** Mr. Boll did a good job of clarifying for me why we should or shouldn’t vote  
18 for referral. And I’m inclined to think that none of the things that’s been mentioned so far is  
19 something that is critical to come back here. It sounds to me like it’s going to be taken care of  
20 either because it will come back to us or the Common Council will deal with it. And so I  
21 probably am going to vote against referral.  
22  
23 **NAN FEY:** Any further discussion on the motion or issues that Commissioners would like to  
24 identify prior to our reading all of them back? We both have lists.  
25  
26 **BRAD MURPHY:** Yes. Additional information on the contents of Traffic Demand  
27 Management Plan, the City Attorney’s opinion on the Landmarks issue, the standards that will  
28 guide the historic rehabilitation of the 1940s building, the Management, Maintenance, and Use  
29 Agreement, and the corrected shadow study.  
30  
31 **NAN FEY:** Okay. With those directions to come back, the motion is to refer to our meeting of  
32 April 12<sup>th</sup>. All those in favor, say aye.  
33  
34 **COMMISSIONERS:** Aye.  
35  
36 **NAN FEY:** Those opposed, no.  
37  
38 **COMMISSIONERS:** No.  
39  
40 **NAN FEY:** It sounds to the Chair like the no’s have it.  
41  
42 **BRAD MURPHY:** Could we just see the aye’s.  
43  
44 **NAN FEY:** See the aye’s.  
45  
46 **BRAD MURPHY:** Okay. Thank you.

1  
2 **NAN FEY:** All right. We're back on the playing field. Alder Cnare.  
3  
4 **ALDER CNARE:** I'd like a motion that we approve #10 with all of the conditions listed,  
5 including an additional one. I'm going to ask my colleague, Alder Kerr, to help with this,  
6 because it has intrigued me. A description of the level or standards to which the renovation of  
7 the 1940s building will be conducted, with a recommendation that they also contact the State  
8 Historic Preservation Planner for ideas, tips, and standards.  
9  
10 **NAN FEY:** Alder Kerr.  
11  
12 **ALDER KERR:** That was close, kind of.  
13  
14 **NAN FEY:** Did someone second that motion.  
15  
16 **ALDER SCHUMACHER:** I did.  
17  
18 **NAN FEY:** Yes, thank you.  
19  
20 **ALDER KERR:** I would have preferred the motion to be, or the condition to be that the rehab  
21 of the 1940s structure be reviewed and approved by the State Historic Preservation Officer.  
22  
23 **NAN FEY:** Any objection to that condition? Seeing none. Discussion on the motion. Alder  
24 Maniaci.  
25  
26 **ALDER MANIACI:** Thank you. Serving on Landmarks, I guess I'd like Attorney Noonan to  
27 weigh in on the role of the State Preservation individual. This is a, yes, it's in a national district,  
28 but this is also in a local district. And it's my understanding, I thought, that the City is the body  
29 that approves and not the State.  
30  
31 **NAN FEY:** Ms. Noonan.  
32  
33 **KITTY NOONAN:** I have no idea. I'm sorry, I just, I don't know anything about the.  
34  
35 **NAN FEY:** Mr. Olinger may be able to help us out here.  
36  
37 **KITTY NOONAN:** Yeah, he may know.  
38  
39 **MARK OLINGER:** My understanding, for tax credit purposes, that it's the State Historic  
40 Preservation Office and the National Park Service that make the determination.  
41  
42 **ALDER MANIACI:** But for the design standards?  
43  
44 **MARK OLINGER:** Those are the Secretary of Interior standards, Alder, and they are  
45 enumerated through the National Parks Service.  
46

1 **ALDER MANIACI:** Thank you.  
2  
3 **NAN FEY:** Well done. Thank you, sir. Mr. Sundquist.  
4  
5 **ERIC SUNDQUIST:** So I would like to move additional language on Condition 14, and  
6 hopefully this is friendly as well, but I would like to just make it a little bit more specific, what  
7 we're expecting in the TDM since we have really no standard, except for big boxes. And so I  
8 would strike the word in the final sentence, hotel, so that it's all employees. This is directed at  
9 all employees' parking in the facility. And another sentence that says, the TDM should include  
10 measures to set price signals and to provide support for transit. And if price signals, if you  
11 wanted parentheses after that, which could include parking cash-out or direct charges to  
12 employees. Thanks.  
13  
14 **NAN FEY:** Any objection to those revisions to Condition 14? Is there any objection to the  
15 addition of that language to Condition 14 and the striking of the word hotel? Seeing none. Alder  
16 Kerr.  
17  
18 **ALDER KERR:** The question may be for the City Attorney or Mr. Murphy. Maybe I missed  
19 something in that the Management and Operation Plan for the plaza is coming back no matter  
20 what? Can somebody explain that, please?  
21  
22 **NAN FEY:** Attorney Zellhoefer.  
23  
24 **ANNE ZELLHOEFER:** That's right, Alder Kerr. There will have to be a resolution that set  
25 forth the material terms of the Management Agreement, and that will be introduced at Council,  
26 and then referred to this body for its recommendation.  
27  
28 **ALDER KERR:** Okay. Thank you.  
29  
30 **NAN FEY:** Any further discussion on the motion or additional conditions? Seeing none, then  
31 the motion is to approve with all of the staff conditions plus the one about the historic  
32 rehabilitation of the 1940s building, and the changes to Condition 14 regarding the TDM. All  
33 those in favor say, aye.  
34  
35 **COMMISSIONERS:** Aye.  
36  
37 **NAN FEY:** Those opposed, no.  
38  
39 **COMMISSIONERS:** No.  
40  
41 **BRAD MURPHY:** May I see the no's. Thank you.  
42  
43 **NAN FEY:** Okay. That brings us to Item #11. This is a request for conditional use permit for  
44 waterfront development to allow the re-development and expansion of the hotel.  
45  
46 **ALDER KERR:** Move.

1  
2 **ALDER SCHUMACHER:** Second.  
3  
4 **NAN FEY:** . . . in the back, Boll. Okay. Moved and seconded for approval of a motion, of the  
5 conditional use, Item #11. Is there any discussion? Seeing none, all those in favor say, aye.  
6  
7 **COMMISSIONERS:** Aye.  
8  
9 **NAN FEY:** Those opposed, no.  
10  
11 **COMMISSIONER:** No.  
12  
13 **NAN FEY:** And the last action's that requested of the Plan Commission is a recommendation to  
14 the Council regarding the amendment of the ordinance in Item #12 concerning the vacation of a  
15 portion of Wisconsin Avenue.  
16  
17 **ERIC SUNDQUIST:** So move.  
18  
19 **ALDER SCHUMACHER:** Second.  
20  
21 **NAN FEY:** Moved and seconded for recommendation of approval of Item #11. All those in  
22 favor say, not Item #12, pardon me, all those in favor say, aye.  
23  
24 **COMMISSIONERS:** Aye.  
25  
26 **NAN FEY:** And the opposed, no.  
27  
28 **COMMISSIONERS:** No.  
29  
30 **NAN FEY:** Okay. Item #12 is approved, that recommendation. And then I believe that brings  
31 us to adjournment.  
32  
33 **MAN:** [unintelligible]  
34  
35 **NAN FEY:** You got about, you got three minutes.  
36  
37 **JAMES BOLL:** Motion to adjourn.  
38  
39 **NAN FEY:** All those in favor say, aye. We're adjourned. Thank you, everyone.  
40